

-3rd August 2016

Application Number: 16/01026/FUL

Decision Due by: 10th June 2016

Proposal: Change of use from dwellinghouse (Use Class C3) to House in Multiple Occupation (Use class C4) for 5 persons

Site Address: 118 Southfield Road Oxford Oxfordshire OX4 1PA

Ward: St Clement's Ward

Agent: Mr J Webb

Applicant: Mrs J Strawson

Recommendation:

APPLICATION BE APPROVED

For the following reasons:

- 1 The application is not in an area subject to an overconcentration of Houses in Multiple Occupation and subject to the conditions proposed would provide an acceptable level and standard of amenities and facilities, capable of accommodating the likely number of occupants within the house. The application therefore complies with Policies CP1 and CP10 of the adopted Oxford Local Plan 2001 - 2016, CS11 of the Core Strategy and Policies HP7, HP12, HP13, HP15 and HP16 of the Sites and Housing Plan.
- 2 Officers have considered carefully all objections to these proposals. Officers have come to the view, for the detailed reasons set out in the officers report, that the objections do not amount, individually or cumulatively, to a reason for refusal and that all the issues that have been raised have been adequately addressed and the relevant bodies consulted.
- 3 The Council considers that the proposal accords with the policies of the development plan as summarised below. It has taken into consideration all other material matters, including matters raised in response to consultation and publicity. Any material harm that the development would otherwise give rise to can be offset by the conditions imposed.

subject to the following conditions, which have been imposed for the reasons stated:-

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Bin and bike stores

Main Local Plan Policies:

Oxford Local Plan 2001-2016

CP1 - Development Proposals
CP10 - Siting Development to Meet Functional Needs

Core Strategy

CS23_ - Mix of housing

Sites and Housing Plan

MP1 - Model Policy

HP7_ - Houses in Multiple Occupation

HP12_ - Indoor Space

HP13_ - Outdoor Space

HP15_ - Residential cycle parking

HP16_ - Residential car parking

Other Material Considerations:

National Planning Policy Framework

Planning Practice Guidance

Relevant Site History:

16/00486/CPU - Application to certify that the proposed formation of a dormer roof extension to rear roofslope and insertion of 1No. front rooflight in association with loft conversion is lawful development – refused 12.05.2016

Representations Received:

12 neighbour objections have been received including one objection from the Divinity Area Residents Association. 15 appear on the website however 2 of these are duplicates from Mr Jenkins and one is a duplicate from Kathryn Barrett.

The objections primarily raise concern that this proposal will result in additional pressures upon parking and result in the loss of a family dwelling (contrary to Policy HP7).

There is also concern over the additional refuse created by 5 individuals being an eyesore and also the potential impact upon swifts that may be roosting in the rafters.

Statutory Consultees:

Highways

The property is situated within the Divinity Road CPZ. Since parking permits within this CPZ are limited to two per property, it is not considered that the change of use to HMO would have a detrimental impact on parking. The site is also situated in a highly accessible location.

The provision of secure and covered cycle storage is not set out on the plans submitted. This provision is required under policy HP15 of the Sites and Housing Plan Therefore, the County Council would not object to the application, subject to the following condition:

Cycle Parking

Prior to use or occupation, covered and secure cycle parking for a minimum of 6 bicycles in accordance with Policy HP15 of the Sites and Housing Plan shall be provided within the curtilage of the dwelling.

Issues:

Principle

Density of HMOs

Facilities and amenities

Bin and bike storage

Parking

Officers Assessment:Application site

1. 118 Southfield Road is a semi-detached property located on the south east side of Southfield Road, toward of the end road where it meets Hill Top Road.

Proposal

2. Planning permission is sought for the change of use from a dwellinghouse (use class C3) to a house in multiple occupation (HMO) (use class C4)

Principle of development

3. Ordinarily, changes of use between use classes (C3 dwelling houses and C4 HMO's) benefit from permitted development rights and do not require a planning application to be submitted. However, the Government has given individual Councils the power, through the use of an Article 4 Direction, to introduce controls locally.
4. Oxford suffers from an acute shortage of housing and in order to ensure that an appropriate mix and quality of accommodation is provided across the City, Oxford City Council has made an Article 4 Direction allowing it to introduce local planning controls in terms of the change of use of a C3 dwelling to an HMO and as of 24 February 2012 planning permission is required to change the use of a C3 dwelling house to a shared rented house (C4 HMO).

Density of HMOs

5. Policy CS23 of the Core Strategy states that Planning permission will only be granted for residential development that delivers a balanced mix of housing both within each site and across Oxford as a whole. Oxford has a large number of HMOs and in some areas of the city, high concentrations of HMOs are resulting in changes to the character of the local area. The Sites and Housing Plan states that the Council will use its planning responsibilities to prevent any further over-concentration of HMOs in areas where there are already significant numbers. Policy HP7 of the Sites and Housing Plan states that permission for a change of use to an HMO will only be granted where the proportion of buildings used as an HMO within 100m of street length of the application site does not exceed 20%.
6. The records indicate 50 buildings within a 100m street length of 118 Southfield Road. There appears to be HMO licencing records for 4 of these buildings. The actual number of HMOs in the area may be higher, due to some HMOs not being licenced, but the records indicate that 8% of buildings in the relevant area will be HMOs, well below the 20% concentration defined in Policy HP7.

7. It is noted that a number of representations have been made referring to an overconcentration of HMO's within a 100m radius of the dwelling. For clarification, compliance with Policy HP7 is not calculated on radius it is calculated on a 100m street length either side of the dwelling in all directions.
8. The Divinity Road Residents Association have indicated that numbers 67, 75, 95, 117, 123 and 126 Southfield Road as well as 16 and 18 Hilltop are HMOs that Oxford City Council may not have record of.
9. For the avoidance of doubt and checking records the following is noted:
 - 67 Southfield Road – outwith 100m street length
 - 75 Southfield Road - included in calculations as a record is held for that property
 - 95 Southfield Road - no record held
 - 117 Southfield Road - included in calculations as a record is held for that property
 - 123 Southfield Road - no record held
 - 126 Southfield Road - included in calculations as a record is held for that property
 - 16 Hill Top Road - included in calculations as a record is held for that property
 - 18 Hill Top Road - included in calculations as a record is held for that property
10. Based on the above, potentially 2 additional properties could be considered as HMO's. If added to the calculations this would take the number of buildings used as an HMO within a 100m street length to 6 making a total of 12% of the buildings, still underneath the threshold set by Policy HP7.
11. The proposal is not therefore likely to result in a further over-concentration of HMOs in the immediate area and complies with Policy CS23 of the Core Strategy and Policy HP7 of the Sites and Housing Plan in this regard.

Facilities and amenities

12. Policy HP7 of the Sites and Housing Plan also states that permission for a change of use to an HMO will only be granted where the application complies with the City Council's good practice guide "Amenities and Facilities for Houses in Multiple Occupation" and that the development would not therefore have a detrimental impact upon the living conditions for the future occupants.
13. The proposed plan show five bedrooms. Whilst all bedrooms are of an appropriate size for double occupancy, the combined kitchen / living space at 18.3m² is only suitable for an HMO of up to 5 occupants.
14. Whilst the actual arrangement of rooms may be the subject of conditions of any HMO licence that might be granted, the building has the potential to provide a good level of internal facilities five occupants.

Bin and cycle storage

15. The accompanying text to Policy HP7 makes it clear that adequate provision should be made for refuse storage and collection, cycle and car parking. Policy HP13 of the SHP states that permission will not be granted for dwellings unless adequate provision is made for the safe, discrete and conveniently accessible storage of refuse and recycling. Policy HP15 requires an appropriate provision of covered cycle parking.

16. The plans show the specification of the proposed bike storage in the rear garden however no location is identified. The bin storage location is shown on the plans but no specification provided. As it is considered that as there is adequate, accessible space within the plot for appropriate bin and bicycle storage, the additional details can be secured by a condition of planning permission to ensure the development complies with Policies HP7, HP13 and HP15.

Parking

17. Policy CP1 of the OLP states that permission will only be granted for development that is acceptable in terms of access, parking and highway safety. The Sites and Housing Plan makes it clear that C4 HMOs should be subject to the same parking standards as for C3 dwelling houses and provide a maximum of two parking spaces.
18. No off street parking is proposed as part of this application. Concern regarding the impact upon parking has been raised in representations from neighbours.
19. This site is located in the Divinity Road Controlled Parking Zone that restricts residents to two permits per household. Oxfordshire County Council, as the Local Highway Authority, has not objected to the development as the restriction to two permits will not add additional pressure to on street parking provision.
20. Having the taken above into account it is considered that the proposal is in accordance with Policy CP1 of the oxford Local Plan and HP16 of the Sites and Housing Plan.

Other matters

1. Concern has been raised at the potential impact upon nesting swifts at the property. Swifts and their nests are fully protected by the Wildlife and Countryside Act 1981. This protection makes it an offence to intentionally kill, injure or take a swift; take, damage or destroy the eggs of a swift or a nest whilst it is being built or in use.
2. However, as no physical alterations that require planning permission are proposed as part of this application so it is not considered that there will be a detrimental impact upon nesting birds as a result of this proposal.

Conclusion: Officers recommend that Committee approves the application.

Human Rights Act 1998

Officers have considered the Human Rights Act 1998 in reaching a recommendation to grant planning permission, subject to conditions. Officers have considered the potential interference with the rights of the owners/occupiers of surrounding properties under Article 8 and/or Article 1 of the First Protocol of the Act and consider that it is proportionate.

Officers have also considered the interference with the human rights of the applicant under Article 8 and/or Article 1 of the First Protocol caused by imposing conditions. Officers consider that the conditions are necessary to protect the rights and freedoms of others and to control the use of property in accordance with the general interest. The interference is therefore justifiable and proportionate.

Section 17 of the Crime and Disorder Act 1998

Officers have considered, with due regard, the likely effect of the proposal on the need to reduce crime and disorder as part of the determination of this application, in accordance with section 17 of the Crime and Disorder Act 1998. In reaching a recommendation to approve, officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

Background Papers: 16/01026/FUL

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Date: 22nd July 2016