

East Area Planning Committee

2nd November 2016

Application Number: 16/01564/FUL

Decision Due by: 15th August 2016

Proposal: Change of use from dwellinghouse (Use Class C3) to House in Multiple Occupation (Use Class C4).

Site Address: 232 Marston Road Oxford Oxfordshire OX3 0EJ

Ward: Marston Ward

Agent: N/A

Applicant: Mr Matt Audinwood

Application Called in – by Councillors - Cllr Clarkson, supported by Cllrs Fry, Price and Anwar
for the following reasons – Scheme objections

Recommendation: that the application is 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.

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 plns
- 3 Bin and Cycle Stores
- 4 CPZ

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:

00/00605/P - Enlarge window. PNR 24th June 2000.

94/01536/P - Single storey rear extensions. PNR 6th January 1995.

99/00744/NF - Rear dormer extension (Amended plans).. PER 8th July 1999.

07/01852/FUL - Erection of 2 x single storey rear extensions.. PER 2nd October 2007.

Representations Received:

3 letters of objection received

- Access
- Amount of development on site
- Effect on adjoining properties
- Effect on character of area
- Effect on existing community facilities
- Effect on privacy
- Effect on traffic
- General dislike for proposal
- Noise and disturbance
- On-street parking

Oxford Civic Society – Would like to see details of refuse and cycle storage prior to approval.

Statutory Consultees:

Highways – No objection subject to conditions.

Issues:

Principle

Density of HMOs

Facilities and amenities

Bin and bike storage

Parking

Officers Assessment:

Application site

1. 232 Marston Road is an end of terrace property located on east side of Marston Road, near to the junction of William Street.

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 25 buildings within a 100m street length of 232 Marston Road. And there appears to be no HMO licencing records for any 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 0% of buildings in the relevant area are HMOs, below the 20% concentration defined in Policy HP7.
7. 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

8. 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.
9. The proposed plans show six bedrooms. All the bedrooms are of an appropriate size for occupancy and the shared living space is also up to standard.
10. 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 for six occupants.

Bin and cycle storage

11. 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.
12. 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

13. 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.

14. No off street parking is proposed as part of this application. Concern regarding the impact upon parking has been raised in representations from neighbours.
15. This site is located in the Marston Road South Controlled Parking Zone that restricts residents to parking permits. Oxfordshire County Council, as the Local Highway Authority, has not objected to the development on the basis that no permits are issued.
16. 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.

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 grant permission, officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

Background Papers:

Contact Officer: Graeme Felstead

Extension: 2160

Date: 12th October 2016

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