

## WEST AREA PLANNING COMMITTEE

31<sup>st</sup> October 2017

**Application Number:** 17/02392/FUL

**Decision Due by:** 6<sup>th</sup> November 2017

**Extension of Time:** 10<sup>th</sup> November 2017

**Proposal:** Change of use from dwellinghouse (Use Class C3) to a large House in Multiple Occupation (Sui Generis) (amended plans)

**Site Address:** 8 West Street Oxford OX2 0BQ

**Ward:** Jericho And Osney Ward

**Agent:** **Applicant:** Mr John Yu

**Reason at Committee:** This application has been called in by Councillor's Susanna Pressel, John Tanner, Mike Rowley and James Fry on the grounds that a 7 occupant HMO is too many people for a small Osney property, with no front garden to store bicycles and bins for the property.

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## 1. RECOMMENDATION

1.1. West Area Planning Committee is recommended to:

- (a) Approve the application for the reasons given in the report and subject to the required planning conditions set out in section 10 of this report and grant planning permission.
- (b) Agree to delegate authority to the Head of Planning, Sustainable Development and Regulatory Services to finalise the recommended conditions as set out in this report including such refinements, amendments, additions and/or deletions as the Head of Planning, Sustainable Development and Regulatory Services considers reasonably necessary.

## 2. EXECUTIVE SUMMARY

2.1. This report considers the change of use from dwellinghouse (Use Class C3) to a large House in Multiple Occupation (Sui Generis).

2.2. The key matters for assessment set out in this report include the following:

- Proportion of HMOs
- Amenities and facilities
- Bin storage
- Car Parking

- Cycle Parking

2.3. The change of use to a 7-bed House in Multiple Occupation is considered acceptable in terms of policy and it is therefore recommended that planning permission is granted.

### 3. LEGAL AGREEMENT

3.1. This application is not subject to a legal agreement.

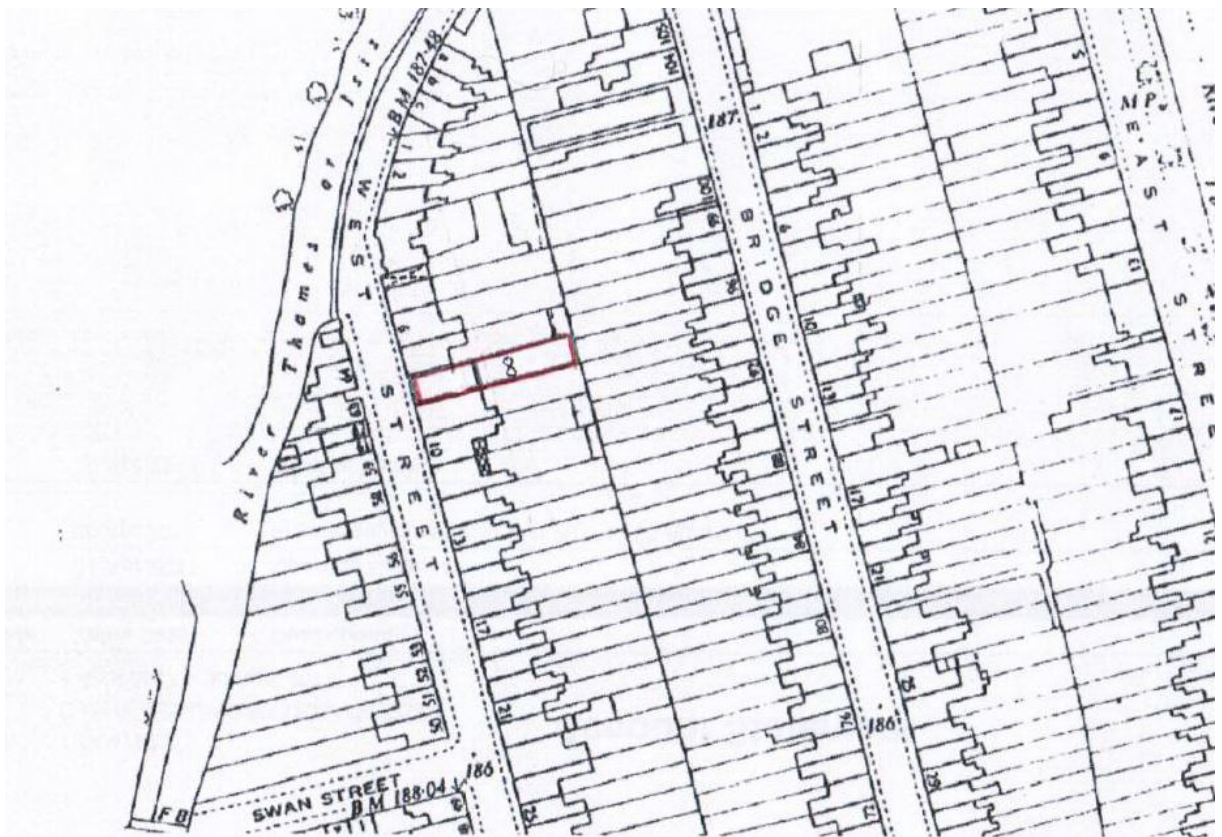
### 4. COMMUNITY INFRASTRUCTURE LEVY (CIL)

4.1. The proposal is not liable for CIL.

### 5. SITE AND SURROUNDINGS

1. 8 West Street is a mid-terraced property fronting West Street in Osney Town Conservation Area. The property is in a very accessible location to the city centre. The property benefits from a modest rear garden, a recently approved single storey extension to the rear. The application is seeking planning permission for a change of use from dwelling house to large house in multiple occupation (Sui Generis) for 7 people.

1.1. A site location plan is set out below:



## 2. PROPOSAL

2.1. The application proposes to change of use from a 2-bed dwellinghouse (Use Class C3) to a large House in Multiple Occupation (Sui Generis), which based on the number and size of bedrooms provided, has a restricted use for up to 7 people.

## 3. RELEVANT PLANNING HISTORY

3.1. The table below sets out the relevant planning history for the application site:

Application Reference	Description of Development	Decision
69/22269/A_H	Alterations to kitchen and lavatory.	PERMITTED DEVELOPMENT 9 <sup>th</sup> December 1969.
72/26002/A_H	Erection of rear porch.	PERMITTED DEVELOPMENT 26 <sup>th</sup> May 1972.
76/00372/A_H	Demolition of existing porch and erection of kitchen and toilet.	PERMITTED DEVELOPMENT 5 <sup>th</sup> May 1976.
17/00275/FUL	Erection of a single storey rear extension.	APPROVED 5 <sup>th</sup> April 2017
17/01287/FUL	Change of use from dwellinghouse (Use Class C3) to a large House in Multiple Occupation (Sui Generis).	WITHDRAWN 6 <sup>th</sup> July 2017.
17/01443/FUL	Change of use from dwellinghouse (Use Class C3) to a House in Multiple Occupation (Use Class C4) (Amended plan).	APPROVED 13 <sup>th</sup> August 2017.
17/01798/FUL	Change of use from dwellinghouse (Use Class C3) to a large Housing in Multiple Occupation (Sui Generis). (Amended plan)	WITHDRAWN 30 <sup>th</sup> August 2017.
17/01801/FUL	Insertion of boiler flue to front elevation.	REFUSED 13 <sup>th</sup> September 2017
17/01748/FUL	Replacement of 2no. first floor windows and enlargement of 1no. ground floor window to front elevation.	APPROVED 18 <sup>th</sup> September 2017

#### 4. RELEVANT PLANNING POLICY

4.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework (NPPF)	Local Plan	Core Strategy	Sites and Housing Plan	Other Planning Documents
Design	7	CP1, CP6			
Conservation/ Heritage		HE7			
Housing	6	CP10		HP7, HP12, HP13, HP14, HP15, HP16	
Misc	5,17			MP1	

#### 5. CONSULTATION RESPONSES

5.1. Site notices were displayed around the application site on 20th September 2017.

##### **Statutory and Non-Statutory Consultees**

5.2. Oxfordshire County Council (Highways) - No Objection:

*The proposed plans show cycle parking for 7 bikes is to be located within the dwelling. The dimensions of the cycle parking area, as shown in the plans, are 1.6m x 2.8 m. According to manufacturer's calculations this is of sufficient dimensions to store 7 bikes vertically. The provision of 7 bikes is in line with the recommended number of cycle parking spaces for a 7-bed HMO under Policy HP15 of the Sites and Housing Plan. It is noted that additional cycle parking will be provided to the rear of the property.*

*We note that there are no off-street car parking spaces available at the property. However, West Street is currently within a Controlled Parking Zone and within that particular Controlled Parking Zone all properties whether C3 or C4 are restricted to 2 parking permits each. Therefore demand for on-street parking would be restricted to that which could currently be generated.*

##### **Public representations**

5.3. 20 no. objections were received from residents.

5.4. In summary, the main points of objection were:

- Detrimental to the occupants (cramped, overcrowded conditions)
- Amount of development- overdevelopment
- Effect on adjoining properties
- Effect on traffic
- Light- daylight/sunlight
- Noise & disturbance
- Parking provision
- Effect on character of the area
- Effect on privacy
- General dislike or support for the proposal
- Local Plan Policies
- Access
- Effect on existing community facilities
- Effect on pollution
- Flooding risk
- On-street parking
- Local ecology, biodiversity.
- Bicycle and refuse arrangements
- No. of HMO's already on West Street exceeds 20%.
- Room sizes too small
- Layout and density of design
- Deficiencies in social facilities

## 6. PLANNING MATERIAL CONSIDERATIONS

6.1. Officers consider the determining issues to be:

- i. Proportion of HMOs
- ii. Amenities and Facilities
- iii. Bin Storage/outdoor space
- iv. Cycle Parking
- v. Car Parking

i. **Proportion of HMOs**

6.2. Policy HP7 of the Sites and Housing Plan (2013) states that planning permission will only be granted for the change of use of a dwelling in Use Class C3 to a HMO where the proportion of buildings used in full or part as a HMO within 100 metres of the street length either side of the application site does not exceed 20%.

6.3. A calculation of the street length as set out in Appendix 5 of the Sites and Housing Plan has been undertaken and the percentage of HMOs within 100 metres of the application site is under 20%. The proposal would therefore not result in an over concentration of Houses in Multiple Occupation within the relevant 100m area, which would not have a detrimental impact upon the balance and mix of dwelling types within the surrounding area, and retains the objective of creating balanced and sustainable communities. The development is therefore considered to comply with Policy HP7 of the Sites and Housing Plan

2011-2026.

ii. **Amenities and Facilities**

- 6.4. Policy HP7 states that planning permission will only be granted for the changes of use of a dwelling house in Use Class C3 to a HMO where the applicant has demonstrated compliance with the City Council's good practice guide "Amenities and Facilities for Houses in Multiple Occupation", and that the development would not therefore have detrimental impact upon the living conditions for the future occupants.
- 6.5. The proposed floor plan shows seven bedrooms that all marginally meet the minimum space standard of 6.5m<sup>2</sup> for a bedroom for 1 occupant; this is with the exception of bedroom 3, which is 0.1m<sup>2</sup> short of this. It is considered that this shortfall is too minimal and that the application would be unreasonable to refuse on this basis. The property has a combined kitchen/dining space that would also be used as shared living space, which does comply with space standards. The property has a shower and separate toilet at ground floor and shower room at first floor which are readily accessible.
- 6.6. The property is therefore considered to provide adequate living accommodation in line with the Council's good practice guide.

iii. **Bin store/Outdoor Space**

- 6.7. Policy HP13 of the Sites and Housing Plan states that planning permission will only be granted for dwellings where adequate provision is made for appropriate storage for refuse and recycling and access to private open space. Also Policy CP10 of the Oxford Local Plan states that permission will only be granted where outdoor needs are properly accommodated, including refuse and recycling storage.
- 6.8. Due to the property facing on to West Street there is no space for a bin or cycle store to the front of the property and no side access to the rear garden. Bin storage is to be provided discretely to the rear of the property within undercover storage. The 360L proposed wheeled bins will have dimensions of height 1090 x width 625mm x depth 860mm. Access for the bins would be through the property and through the shared living accommodation to the front of the property, which although not ideal, is considered to satisfy policy.
- 6.9. The property has a rear garden with direct and convenient access through the ground floor lobby area, which would provide adequate outdoor amenity space for residents. It is therefore considered acceptable in terms of policy.

iv. **Cycle Parking**

- 6.10. Policy HP15 of the Sites and Housing Plan states planning permission will only be granted for residential development that complies with the following minimum cycle parking provision for HMOs at least 1 space per occupant. It also states all residential cycle storage must be secure, under cover

preferable enclosed, and provide level, unobstructed external access to the street.

- 6.11. The proposal indicates that a covered cycle store will be located in the rear garden. This indicates 4 Sheffield bicycle stands that are of adequate size to store 8 bicycles. Due to the lack of external access from the rear garden, further provision for bikes has also been provided internally to the front lobby of the property. These will be stored vertically along the wall. Oxfordshire County Council Highways have noted that the dimensions on the plan accord to manufacturer's calculations, and this arrangement would allow sufficient space to store 7 bikes vertically side by side along the wall for easy, unobstructed access to the street. External bike storage is shown as undercover, and will be open fronted with bikes lockable to Sheffield stands. It is considered that cycle storage to the front lobby of the property would likely be used on a more frequent basis and this would therefore be considered acceptable. The provision of cycle parking is therefore considered acceptable in line with Policy HP15.

#### **v. Car parking**

- 6.12. In accordance with Policy HP16 of the Sites and Housing Plan planning permission will only be granted for residential development where the relevant maximum car parking standards set out in Appendix 8 are complied with. The maximum parking standards required by policy HP16 for this type of property is for 1 off-street car parking space per two habitable rooms.
- 6.13. There are no off-street car parking spaces serving the host property. However the proposed HMO is located within Osney Controlled Parking Zone, in which all properties in this area are restricted to two residents' parking permits per property, Oxfordshire County Council Highways Authority have noted therefore that any increase in on-street parking demand will be restricted, therefore, given the highly accessible location of the property (close to public facilities, public transport and city centre), the current car parking provision would be considered adequate. As a result the development complies with Policy HP16 of the Sites and Housing Plan.

### **7. Conservation Area**

- 7.1 Policy HE7 of the Oxford Local Plan 2001-2016 states that planning permission will only be granted for development that preserves or enhances the special character and appearance of the conservation areas or their setting. Planning permission will not be granted for proposals involving the substantial demolition of a building or structure that contributes to the special interest of the conservation area.
- 7.2 The impact of the proposal on the Osney Conservation Area has been considered in the determination of this planning application. There are no external building works proposed in this submission. It is therefore considered that with only internal alterations proposed, this is not considered to have a detrimental on the special character, appearance and significance

of the conservation area.

## **8. Other Matters**

- 8.1 Many objections have been received and noted. Issues relating to noise and disturbance from the HMO would typically be addressed through the management of the property. Any issues with regards to potential fire risks would be the responsibility of the developer, and they would be required to provide a fire risk assessment through the HMO licensing procedure. Flood risk has not been considered within this application as no ground works have been proposed these cannot be considered as part of this application.

## **9. CONCLUSION**

- 9.1. The development is considered acceptable, and as such is recommended for approval.
- 9.2. It is recommended that the West Area Planning Committee resolve to approve planning permission for the development.

## **10. CONDITIONS**

1. The development to which this permission relates must be begun not later than the expiration of three years from the date of this permission.

Reason: In accordance with Section 91(1) of the Town and Country Planning Act 1990 as amended by the Planning Compulsory Purchase Act 2004.

2. The development permitted shall be constructed in complete accordance with the specifications in the application and approved plans listed below, unless otherwise agreed in writing by the local planning authority.

Reason: To avoid doubt and to ensure an acceptable development as indicated on the submitted drawings in accordance with policy CP1 of the Oxford Local Plan 2001-2016.

- 3 Prior to the commencement of the approved use, the cycle store/bin store shown on approved plans shall be completed and made available for the occupiers of the dwellinghouse, and built in accordance with details submitted and correspondence received on 18<sup>th</sup> October 2017.

Reason: To ensure that there is adequate covered and secure cycle storage and refuse and recycling storage as required by Policy HP15 and HP13 of the Sites and Housing Plan (2013).

## **11. APPENDICES**

### **Appendix 1 – Site Plan**



## **1. HUMAN RIGHTS ACT 1998**

Officers have considered the implications of the Human Rights Act 1998 in reaching a recommendation to approve this application. They consider that the interference with the human rights of the applicant under Article 8/Article 1 of Protocol 1 is justifiable and proportionate for the protection of the rights and freedom of others or the control of his/her property in this way is in accordance with the general interest.

## **2. 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 planning permission, officers consider that the proposal will not undermine crime prevention or the promotion of community

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