

WEST AREA PLANNING COMMITTEE

Application Number: 17/02065/FUL

Decision Due by: 13th November 2017

Extension of Time: 22nd November 2017 (Agreed)

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

Site Address: 92 Kingston Road, Oxford, OX2 6RL,

Ward: St Margarets Ward

Case Officer Stacey Harris

Agent: Mr D Hansell **Applicant:** Mr J Walker

Reason at Committee: This application has been called in by Councillor's Elizabeth Wade, Tom Landell Mills and Steve Goddard on the grounds that:

- The HMO would not preserve or enhance the character of the area, largely consisting of family homes.
 - The properties prominent location near a busy junction at the hub of the local community would increase parking problems in an already congested area.
 - It would increase noise and decreased privacy at a corner where several town houses meet.
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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 12 of this report and grant planning permission

(b) Agree to delegate authority to the Head of Planning, Sustainable Development and Regulatory Services to:

1. 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 House in Multiple Occupation (Use Class C4).

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

- Proportion of HMOs
- Amenities & Facilities
- Bin Storage
- Car Parking
- Cycle Parking

2.3. The change of use to a five bedroom House in Multiple Occupation is considered acceptable in terms of policy and should therefore be approved.

3. LEGAL AGREEMENT

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

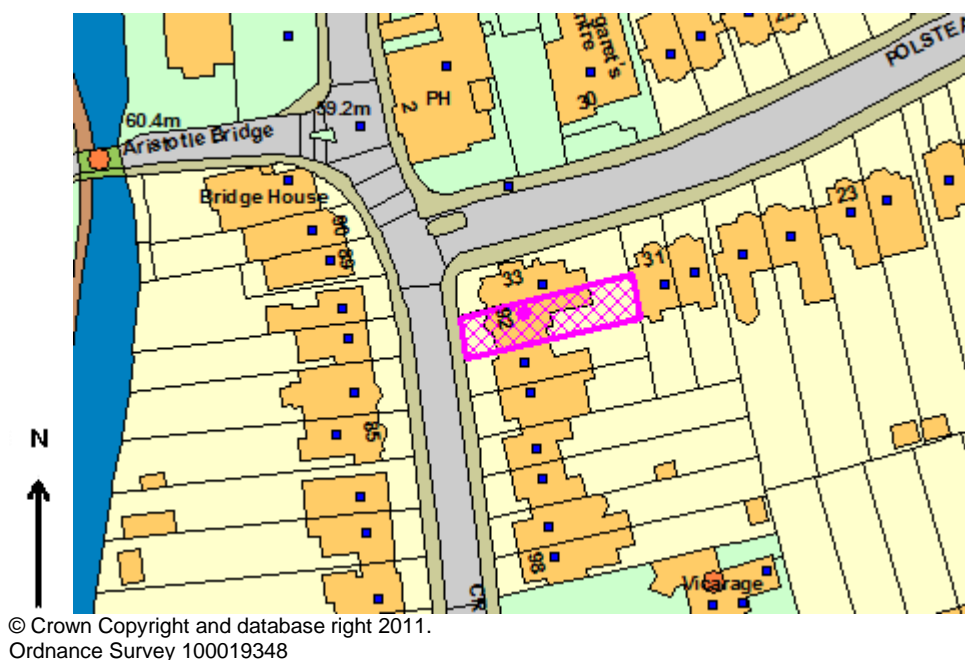
4. COMMUNITY INFRASTRUCTURE LEVY (CIL)

4.1. The proposal is not liable for CIL.

5. SITE AND SURROUNDINGS

5.1. 92 Kingston Road is a mid-terraced property to the east of Kingston Road in North Oxford Victorian Suburb Conservation Area. The property is in a very accessible location to the city centre. The site is close to the junction of Kingston Road and Polstead Road and lies to the South-East of the junctions of Aristotle Bridge, Hayfield Road and Kingston Road. The property benefits from a small courtyard area to the front and modest garden to the rear. The application is seeking planning permission for a change of use from a dwellinghouse (Use Class C3) to a house in multiple occupation (Use Class C4) for up to 6 people.

5.2. Site location plan is set out below:



6. PROPOSAL

- 6.1. The application proposes the change of use from a family dwelling (Use Class C3) to a House in Multiple Occupation (Use Class C4), which based on the number and size of bedrooms provided, has a restricted use for up to the maximum 6 people.

7. RELEVANT PLANNING HISTORY

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

07/00067/PDC - PERMITTED DEVELOPMENT CHECK - Proposed alterations to form a conservatory. PRQ 23rd February 2007.

8. RELEVANT PLANNING POLICY

- 8.1. 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	12	HE7			
Housing	6	CP10		HP7, HP13, HP16 HP12, HP15,	
Misc	5			MP1	

9. CONSULTATION RESPONSES

- 9.1. Site notices were displayed around the application site on 4th October 2017 and an advertisement was published in The Oxford Times newspaper on 28th September 2017.

Statutory and Non-Statutory Consultees

Oxfordshire County Council (Highways)

- 9.2. *There are no off-street car parking spaces proposed. However, Kingston Road 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.*

The application proposes 2 cycle racks to the front of the property. This will provide 4 cycle parking spaces. Under Policy HP15 of the Sites and Housing Plan, a HMO requires 1 cycle space per occupant. The application form states that there will be up to 6 occupants and therefore 6 cycle parking spaces should be provided. In addition cycle parking should undercover, secure and enclosed.

Therefore the County Council does 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.

Reason: To encourage the use of sustainable modes of transport.

We do not have any evidence to suggest that a HMO (C4) property requests more visitor parking permits than a C3 dwelling. Therefore it would be difficult to justify restricting the number of visitor parking permits. The property is already restricted to eligibility of 2 resident parking permits.

Public representations

- 9.3 Seven local people commented on this application from addresses in Kingston Road and Polstead Road.

The St Margaret's Area Society also commented.

In summary, the main points of objection were:

- Effect on Conservation Area
- Increase on noise pollution
- Increase in on-street car parking
- Effect on traffic- Location next to a school and pub already making the area busy.
- Effect on privacy
- Effect on adjoining properties
- May be rented as an address of convenience- school catchment area.
- Poor waste management
- Inappropriate increase in bin and cycle racks

- Against policy

Further comment was received from Councillor Howson:

- I have two concerns that I would be grateful if you would add as the local member. One is that there is no restriction on the issue of visitor permits to those living in HMOs. In this case potentially 5 residents can obtain 50 VP in the course of a year. It is doubtful whether the CPZ could handle such an increase in parking. Secondly, the house is situated close to an important road junction where Aristotle Lane meets Kingston Road and Polstead roads. Any increase in loading and unloading in this area would add to my concerns about traffic

Officer Response

- 9.4. Issues of noise, disturbance and increased waste from the proposed HMO would typically be addressed through the management of the property and through the HMO licensing and environmental health teams. Given the works are internal there are not considered to be any impacts on privacy to neighbouring properties. Officers have specifically addressed the concerns relating to access, parking and highway safety in the report.

10. PLANNING MATERIAL CONSIDERATIONS

10.1 Officers consider the determining issues to be:

- i. Proportion of HMOs
- ii. Amenities & Facilities
- iii. Bin Store/Outdoor Space
- iv. Cycle Parking
- v. Car Parking
- vi. Conservation Area

i. Proportion of HMOs

- 10.2. 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%.
- 10.3. 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

- 10.4. 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.
- 10.5. The proposed floor plan shows 1 bedroom in the basement, 2 bedrooms at first floor and 2 bedrooms at second floor. The 5 bedrooms all comply with the minimum space standard of 6.5m² for HMOs, with all bedrooms measured at being approximately 15m² or more so the property could accommodate up to the maximum of six people. There is a separate kitchen, dining room and living room which all exceed the requirements for a HMO to be shared for up to 6 people. A shower room is provided at basement level and bathroom at second floor level. Bedroom 2 and 3 also benefit from their own en-suite bathroom all meeting the requirements.
- 10.6. The property is therefore considered to provide good living accommodation in line with the Council's good practice guide.

iii. Bin Store/Outdoor Space

- 10.7. 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.

The bins are currently located and will remain to the front courtyard of the property with good access to the front of the property when required. A condition is recommended that prior to the commencement of the approved development, details of a screened refuse and recycling store shall be submitted to and approved in writing by the local planning authority, in the interests of the amenities of future occupiers.

- 10.8. The property has a private rear garden with direct and convenient access through the kitchen to the rear or down the side of the property, which would provide adequate outdoor amenity space for residents. It is therefore considered acceptable in terms of Policy HP13 of the Sites and Housing Plan (2013).

iv. Cycle Parking

- 10.9. 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 of at least 1 space per occupant. It is also stated that all residential cycle storage must be secure, under cover preferable

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

- 10.11 The proposal indicates an existing 2No. cycle racks for 4No. bicycles to the front courtyard of the property. As the property will be able to accommodate up to 6 people it is required that at least six cycle storage spaces are required. In addition to this Oxfordshire County Council have stated that cycle parking should be undercover, secure and enclosed. A condition is included in the recommendation that prior to occupation details of covered, secure cycle parking should be provided for a minimum of 6 bicycles in accordance with Policy HP15 of the Sites and Housing Plan, and shall be provided within the curtilage of the dwelling.

v. Car Parking

- 10.12. 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.
- 10.13. There are no off-street car parking spaces serving the host property. However Kingston Road is located within 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. Highways have also noted that there is no evidence to suggest that a HMO (C4) property would request more visitor parking permits than a C3 dwellinghouse, therefore it would not be reasonable to restrict the number of visitor parking permits through condition for this property. Given the highly accessible location of the property (close to public facilities, public transport and the 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.
- 10.12. Specific comments and concerns have been received about the impact of the proposed development on highway safety, especially in the context of the junction of Polstead Road/Kingston Road/Hayfield Road and Aristotle Bridge. Whilst it is noted that this junction is heavily used by cyclists and pedestrians (including school children) the proposed development would not alter access arrangements and therefore would not impact upon highway safety. The number of cars associated with the site would not change as the number of car parking permits cannot increase as a result of the proposals (as set out above). The highway authority have not raised objections or concerns about the impact of the development on highway safety.

vi. Conservation Area

- 10.14. 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.

- 10.15. The impact of the proposal on the North Oxford Victorian Conservation Area has been considered in the determination of this planning application. There are no external building works proposed in this submission, and the impact on traffic and parking provision has been noted as acceptable by Oxfordshire County Council. 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. The proposals would also not result in an over-concentration of HMOs and the development complies with the requirements of Policy HP7 of the Sites and Housing Plan (2013).

11. CONCLUSION

- 11.1. The development is considered acceptable having had regard to the concentration of HMOs, quality of accommodation, cycle and refuse storage and impact on highway safety.
- 11.2. It is recommended that the West Area Planning Committee resolve to grant planning permission for the development proposed subject to the below conditions.

12. 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 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.

Reason: To encourage the use of sustainable modes of transport.

4. Prior to the commencement of the approved development, details of a screened refuse and recycling store shall be submitted to and approved in writing by the local planning authority. The approved use shall not commence

until the facilities have been provided as approved and shall thereafter be retained as agreed.

Reason: In the interests of the amenities of future occupiers in accordance with the requirements of policy HP13 of the Sites and Housing Plan 2011-2026 and CP10 of the Oxford Local Plan

13. APPENDICES

Appendix 1 – Site Location Plan

14. HUMAN RIGHTS ACT 1998

Officers have considered the implications of the Human Rights Act 1998 in reaching a recommendation to grant 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.

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

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