

WEST AREA PLANNING COMMITTEE

13th March 2018

Application Number: 18/00095/FUL

Decision Due by: 12th March 2018

Extension of Time: 20th March 2018 (Agreed)

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

Site Address: 9 Union Street, Oxford, OX4 1JP,

Ward: St Clement's Ward

Case Officer Stacey Harris

Agent: NA **Applicant:** Nadia Robinson

Reason at Committee: This application is being determined by the committee as the applicant is an officer of the Council. The report has been cleared by the Council's monitoring officer.

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 three 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.

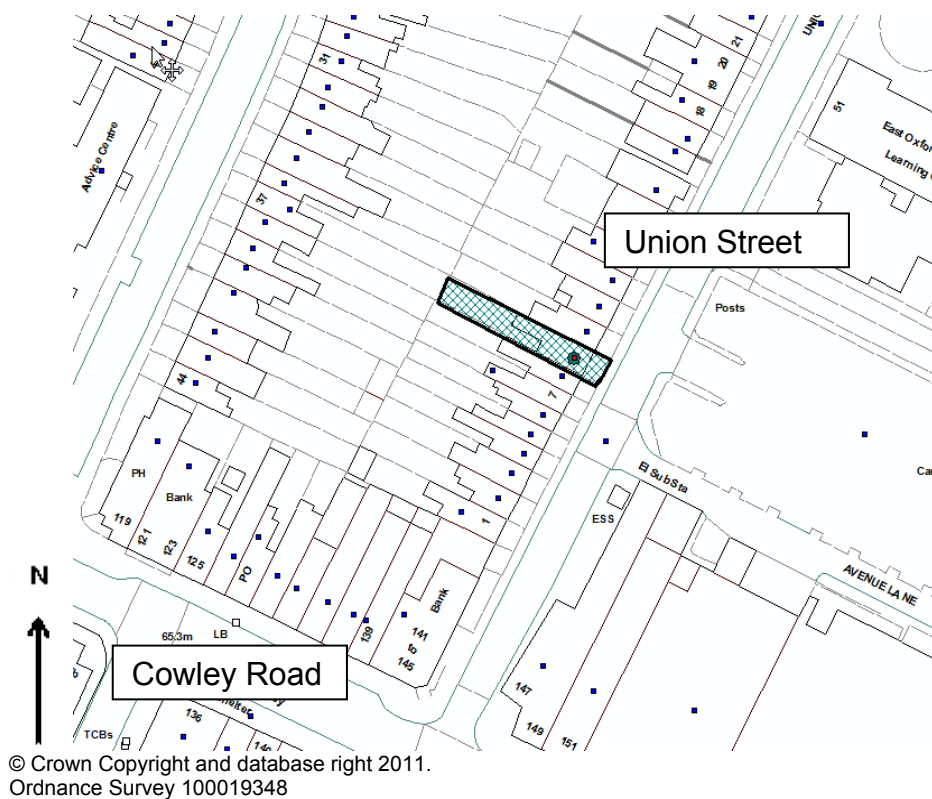
4. COMMUNITY INFRASTRUCTURE LEVY (CIL)

4.1. The proposal is not liable for CIL.

5. SITE AND SURROUNDINGS

5.1. 9 Union Street is a mid-terraced Victorian property located on the north-western side of Union Street just off the Cowley Road. The property is in a very accessible location to the city centre. The property benefits from a small courtyard area to the front and modest sized 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 4 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 of 4 people.

7. RELEVANT PLANNING HISTORY

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

58/06809/A_H- PERMITTED DEVELOPMENT CHECK - Extension to form bathroom 18 th March 1958
93/01232/NF - First floor rear extension. Installation of glazed roofing to existing ground floor extension. PER 26 th January 1994.
16/01511/FUL - Erection of single-storey rear extension. PER 25 th July 2016.
17/01860/FUL - Erection of a single storey rear extension. PER 19 th September 2017.

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					
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 22nd January 2018.

Statutory and Non-Statutory Consultees

Oxfordshire County Council (Highways)

- 9.2. *The property is located within the East Oxford CPZ within which all properties are restricted to eligibility to two residents' parking permits. The potential for the change of use to generate an increase in on-street parking demand is therefore restricted to that which could be generated under the existing use.*

I note that cycle parking is to be provided for up to four bicycles. This is in line with the requirements of policy HP15. HP15 also sets out that cycle parking must be secure and undercover. We would recommend that details of the means of enclosure for the cycle parking provision be agreed by the Local Planning Authority.

The county council does not object to the application subject to the following condition:

Cycle Parking

Before the development permitted is commenced details of the cycle parking areas, including dimensions and means of enclosure, shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall not be brought into use until the cycle parking areas and means of enclosure have been provided within the site in accordance with the approved details and thereafter the areas shall be retained solely for the purpose of the parking of cycles.

Reason: To encourage the use of sustainable modes of transport in line with policy HP15.

Public representations

- 9.3 20 Warneford Road: Objection,

- Effect on character of area
- Noise and disturbance

Enough HMOs in the area already.

Oxford Civic Society: Objection,

We consider the provision for storage of bicycles and refuse bins in this application to be inadequate. The front garden of the property could not accommodate two bicycles and the necessary refuse bins without obstructing the entrance (exit) to the property. There is no rear access to the property thus any movement of bicycles or bins would be through the property via a narrow corridor and through the living room and kitchen. A further concern relates to the internal dimensions of the bedrooms which only just comply with minimum requirements – bedroom 2 = 7.5m; bedroom 1 (2 persons) = 12.5M. We urge refusal of this application.

Officer Response

- 9.4. Issues of increased noise and disturbance would typically be addressed through the management of the property and through the HMO licensing and environmental health teams. Officers have specifically addressed the concerns relating to the amount of HMO's already in the area, the provision of bin and cycle storage and compliance of bedroom sizes within the property.

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

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 change 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 at ground floor and 2 bedrooms at first floor. The three bedrooms all comply with the minimum space standard of 6.5m² for HMOs, with bedroom 1 at first floor measuring approximately 12.5m enabling this bedroom to accommodate 2 occupants, so the property could accommodate up to the maximum of four people. There is a separate kitchen/dining space and living room which all exceed the requirements for a HMO. A bathroom is provided at first floor level which meets the required ratio of one bath/shower to every five persons sharing, with the requirement of one toilet for four or fewer occupiers

which can be located within the bathroom. The bathroom is also considered to be of adequate size.

- 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 proposed to be located to the front courtyard of the property on paved hard standing concealed by the front boundary wall. This location provides good access to the street when required and is not considered to prevent access to and from the property, with adequate space considered to the front of the property to accommodate the bins.

- 10.8. The property has a private rear garden with direct and convenient access through the kitchen/dining space and through the living space to the rear, 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 preferably enclosed, and provide level, unobstructed external access to the street.
- 10.11 The proposal provides 2No. Sheffield hoops for 4No. bicycles to the front courtyard of the property. These stands shall be undercover and enclosed on three sides, with the stands enabling secure locking up of the bikes. The lean-to cycle store will have a height of no more than 1.2m along the boundary with No.8 Union Street and as such is not considered to impact on the neighbouring property or impact on access to the property. Oxfordshire County Council state a requirement for a condition to provide details of the cycle store, which have now been submitted prior to the determination of the application, in which the design is considered to be in accordance with the requirements of policy HP15 of the Sites and Housing Plan.

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 Union Street is located within the East Oxford 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 potential for the change of use to generate an increase in on-street parking demand will be restricted to that which could be generated under the existing use. 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.

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 the commencement of the approved use the covered cycle store shown on the approved plan, Drawing No. S_002 and in accordance with the design shown on (Drawing No. S_003) shall be provided and made available for the occupiers of the dwellinghouse and be so retained.

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

4. Prior to the commencement of the approved use, the proposed paved hard standing for storage of bins as shown on the approved plan (Drawing No. S_002 and S_003) shall be installed and made available for the occupiers of the dwellinghouse and be so retained.

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

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.