

West Area Planning Committee

- 30<sup>th</sup> May 2012

**Application Number:** 12/00721/CT3

**Decision Due by:** 31st May 2012

**Proposal:** Change of use from sui generis HMO (House in Multiple Occupancy) to Class C4 HMO.

**Site Address:** 56 St Clement's Street Oxford **Appendix 1**

**Ward:** St Clement's Ward

**Agent:** N/A

**Applicant:** Oxford City Council

The City Council is the applicant and the Monitoring Officer has seen the officers report and file and confirms that the application has been assessed according to protocol.

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**Recommendation:** Application to be **approved**.

**Reasons for Approval:**

- 1 The principle of the property being used as a House in Multiple Occupation was established in 1991 when the original planning permission was granted to convert the property into a Sui Generis 11 person HMO. The proposal to change the property into a C4 HMO is therefore reasonable and not contrary to Local Plan policy HS15 or emerging Sites and Housing Development Plan Document policy HP7 as the HMO is extant. Details such as bin and cycle storage can be secured by condition.
- 2 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.

**Conditions:**

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Bin and cycle storage
- 4 Removal of permitted development rights
- 5 Removal of parking permit entitlement

## **Principal Planning Policies:**

### Oxford Local Plan 2001-2016 (OLP)

CP1 - Development Proposals  
CP10 - Siting Development to Meet Functional Needs  
HS15 - Housing in Multiple Occupation  
HS19 - Privacy & Amenity  
HS20 - Local Residential Environment  
HS21 - Private Open Space  
TR3 - Car Parking Standards  
TR4 - Pedestrian & Cycle Facilities

### Oxford Core Strategy 2026

CS23 - Mix of housing

### Site and Housing DPD – Proposed Submission

HP7 - Houses in Multiple Occupation

## **Other Material Considerations:**

- This application is in the St. Clement's And Iffley Road Conservation Area.
- National Planning Policy Framework
- St Clements and Iffley Road Conservation Area Appraisal

## **Relevant Site History:**

90/01147/GFH - Change of Use to a shared house with staff support – Approved  
91/00776/VFH - Variation of condition 6 of planning permission GFH/1147/90, to increase permitted occupants to eleven - Approved

**Representations Received:** No third party representations have been received.

## **Statutory and Internal Consultees:**

Highways And Traffic – No objection subject to the property being excluded entitlement for parking permits.

## **Officers Assessment:**

### **Site Description and Proposal**

1. The application site comprises No 56 St Clements Street, a three storey terrace property which is presently vacant. The authorised use of the building is as an 11 person House in Multiple Occupation (HMO)(use class Sui Generis).
2. The application proposes the change of use of the Sui Generis HMO into a Class C4 HMO (maximum of 6 persons).
3. Officers consider the determining issue in this case to be the change of use of the property.

### **Change of Use**

4. Adopted Local Plan policy HS15 and emerging Sites and Housing Development Plan Document policy HP7 resists the creation of new HMO's in areas where there is already a profusion of HMO's. The proposal would not result in a new HMO, rather it changes the type of HMO. To this end there is no conflict with adopted or emerging local planning policies. The proposal would improve the adaptability of the building, allowing it to be occupied as a C4 HMO or a C3 dwelling without the need for a further planning consent. Officers consider this to be a benefit of the change of use.

### **Future Residential Amenity**

5. The property is large, providing accommodation over three levels with access to a small private rear garden. It would therefore easily convert into a C4 HMO from a large 11 person Sui Generis HMO. Officers would however recommend a condition removing the permitted development rights of the C4 HMO to prevent any extensions being constructed without planning permission which could further reduce the size of the small garden. The property has no designated bin and cycle storage. Officers would therefore recommend a condition be imposed requiring provision of a bin and cycle storage area.

### **Other Matters**

6. Although no external are changes proposed, the property is presently vacant and therefore its windows and doors have security shutters on them while the front yard is overgrown. The granting of this application will allow the building to be brought back into use which would have a positive visual impact on this part of the street and the conservation area in accordance with Local Plan policy HE7.

### **Car Parking**

7. Currently the property has entitlement to residential parking permits, however the Highway Authority has requested that a condition be imposed to remove this entitlement. The reason for excluding the property is that the authorised use is a HMO for mothers and children and therefore it is not likely that the number to permits would directly relate to he number of persons (11). The proposed C4 HMO is likely to target individuals who may own a vehicle and as such the condition to exclude the property from residential permits would limit the likely pressure these vehicles would bring to the surrounding area.

**Conclusion:** The proposal would not conflict with any of the relevant planning polices and would bring a vacant building back into use which would be of benefit to the visual appearance of the street. Officers would therefore recommend that planning permission be granted subject to the conditions set out above.

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

**Background Papers:** 12/00721/CT3

**Contact Officer:** Steven Roberts

**Extension:** 2221

**Date:** 15th May 2012

Appendix 1



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