

EAST AREA PLANNING COMMITTEE

6th September 2012

Application Number: 12/01734/FUL

Decision Due by: 12th September 2012

Proposal: Change of use of single family dwelling (use class C3) to dwelling used as House in Multiple Occupation (use class C4).

Site Address: 7 Moody Road (Appendix 1)

Ward: Marston Ward

Agent: N/A

Applicant: Dr Ankur Gupta

Application called-in by Councillors Clarkson, Van Nooijen, Humblestone, Curran, Lygo, Price, Kennedy due to:

1. Concerns that Moody Road is a narrow road suffering existing parking pressure; and
2. On top of recent subdivisions to houses in Moody Road, an HMO may seriously affect the balance of housing within the street.

Recommendation:

APPLICATION BE APPROVED

For the following reasons:

- 1 The proposed change of use to an HMO would not result in an over-concentration of HMOs in the immediate area and the property would be able to be adequately served by bin and cycle storage as well as off-street car parking. The proposals therefore accord with policies CP1, HS15, TR3, TR4 and TR13 of the Oxford Local Plan 2001-2016 as well as policies HP7, HP15 and HP16 of the Sites and Housing Plan Submission Document.
- 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.

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 plans
- 3 Bin and Cycles details required prior to occupation
- 4 Removal of Eligibility for Parking Permits
- 5 Car parking to be laid out prior to occupation

Main Local Plan Policies:

Oxford Local Plan 2001-2016

CP1 - Development Proposals
HS15 - Housing in Multiple Occupation
TR3 - Car Parking Standards
TR4 - Pedestrian & Cycle Facilities
TR13 - Controlled Parking Zones

Sites and Housing Plan - Submission

HP7_ - Houses in Multiple Occupation
HP15_ - Residential cycle parking
HP16_ - Residential car parking

Other Material Considerations:

National Planning Policy Framework

Relevant Site History:

None

Representations Received:

None

Statutory and Internal Consultees:

Highway Authority – No objection subject to the property being removed from eligibility for parking permits.

Officers' Assessment:

Site Description

1. The application site relates to a linked 1950s semi-detached house located in a small residential cul-de-sac just off Marston Road. The house benefits from an attached single storey garage to the side and an area of hardstanding to the front which allows for the off-street parking of cars.

The Proposal

2. The application seeks consent for the conversion of the house from a dwelling (Use Class C3) to a small House in Multiple Occupation (HMO – Use Class C4) with five bedrooms.

3. Officers consider the principle determining issues in this case to be:

- Mix of Housing;
- Amenities; and
- Parking/Highway Implications

Mix of Housing

4. Since February 2012 all changes of use from houses to small HMOs (six or fewer occupants) in Oxford require planning permission. Policy HS15 of the Local Plan prevents the change of use of a house to an HMO in the designated HMO Registration Area which, in the main, covers East Oxford. The site is not within this designated area and thus, in terms of adopted policy, an application should be permitted where no more than 25% of the residential properties in the same road are in HMO use. An analysis of both the Council's planning and Environmental Development records show that there is only one other HMO in Moody Road. Consequently the proposal complies with the Council's adopted policy in this regard.

5. Policy HS15 of the Local Plan is proposed to be superseded by policy HP7 of the emerging Sites and Housing Plan. This emerging policy document is now, given its advanced stage, being given significant weight in decision making. Policy HP7 differs from the adopted policy in that it states that planning permission will not be granted if greater than 20% of residential properties within 100m of the application site are in HMO use. However, once again the Council's records show that this threshold is clearly not even close to being met as there is still only one property being used as an HMO within 100m of the application site. Consequently, when assessed against both adopted and emerging policy it is clear that the immediate area does not show a significant concentration of existing HMOs such that the proposals will not materially harm the overall mix of housing within the area.

Amenities

6. Both policies HS15 of the Local Plan and HP7 of the Sites and Housing Plan require HMOs to be served by appropriate provision of bin and cycle storage as well as car parking. The property is not proposed to be served by any purpose built and designated cycle or bin storage facilities, however, the existing side garage is available for the parking of cycles and storage of refuse bins. A condition is recommended to be imposed to ensure that the garage is made available at all times for this purpose. Consequently the amenities of future occupiers are considered to be satisfactorily met by the proposals.

Parking/Highway Implications

7. The proposals include provision of two off-street parking spaces. Whilst this complies with the Council's maximum standards as set out in policy TR3 of the

Local Plan and policy HP16 of the emerging Sites and Housing Plan, it should be noted that Moody Road is located within a controlled parking zone such that, prior to the change of use, the property can be excluded from eligibility for parking permits. In order for the proposals not to result in a potential and unacceptable increase in on-street parking, officers recommend the imposition of such a condition preventing occupiers from obtaining parking permits in line with the recommendations of the County Council as Highway Authority. Officers also recommend a condition be imposed that the proposed car parking area is laid out prior to the change of use occurring and that, thereafter, it be retained for such off-street parking.

Conclusion:

8. The proposed change of use would not materially harm the overall mix of housing within the immediate area and includes adequate provision for bin and cycle storage as well as car parking. Members are therefore recommended to approve the application subject to the conditions suggested.

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

Background Papers: 12/01734/FUL

Contact Officer: Matthew Parry

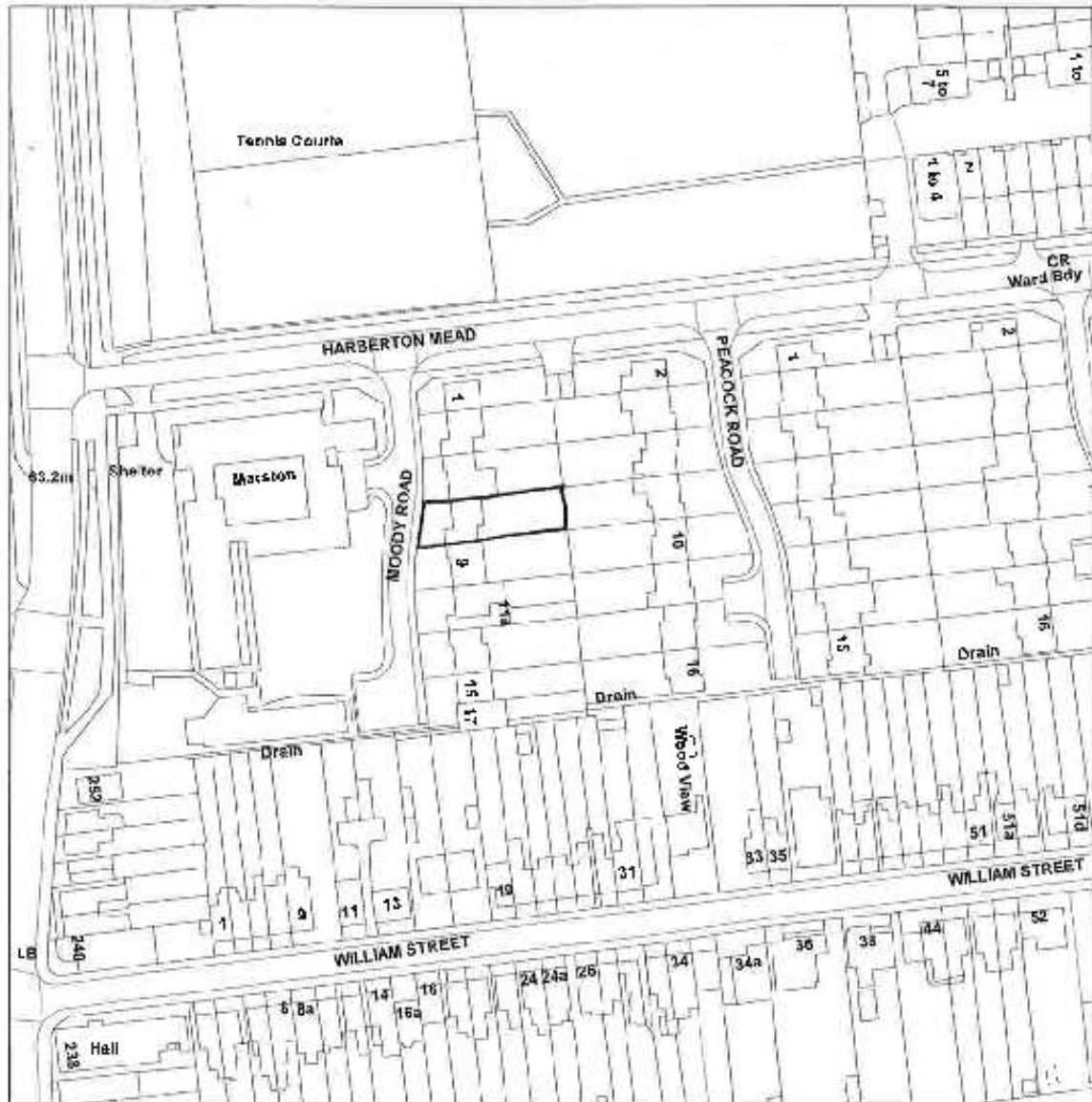
Extension: 2160

Appendix 1

7 Moody Road



OS by name (UK)



Scale : 1:1250

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