

West Area Planning Committee

-7th February 2013

Application Number: 12/02829/FUL

Decision Due by: 10th January 2013

Proposal: Change of use from class C3 dwelling house to C4 House in Multiple Occupation (Additional information)
(Location Plan – Appendix 1)

Site Address: 36 Morrell Avenue Oxford OX4 1ND

Ward: St Clement's Ward

Agent: N/A

Applicant: Mr Leonardo Bocci

Application Called in – by Councillors Clack, Coulter, Fry and Seamons for the following reasons – Possible overconcentration of HMOs in the area.

Recommendation:

APPLICATION BE REFUSED

For the Following Reasons:-

- 1 The proposed development would result in an over concentration of Houses in Multiple Occupation within Morrell Avenue, the wider local area and the HMO Registration Area which would have a detrimental impact upon the balance and mix of dwelling types within the surrounding area failing to contribute to the objective of balanced and mixed communities. This would be contrary to Policy HS15 of the adopted Oxford Local Plan 2001-2016, Policy CS23 of the Core Strategy and Policy HP7 of the emerging Sites and Housing Plan.
- 2 The application fails to demonstrate that the development could provide good quality internal living environments capable of accommodating the likely number of occupants within the house (House in Multiple Occupation) and as a result would have a detrimental impact upon the living conditions for the future occupants. This would be contrary to Policy HS15 of the Oxford Local Plan 2001-2016 and Policy HP7 of the emerging Sites and Housing Plan.

Main Local Plan Policies:

Oxford Local Plan 2001-2016

CP1 - Development Proposals

CP10 - Siting Development to Meet Functional Needs

HS15 - Housing in Multiple Occupation

Core Strategy

CS23_ - Mix of housing

Sites and Housing Plan - Submission

HP7_ - Houses in Multiple Occupation

Other Material Considerations:

National Planning Policy Framework

Relevant Site History:

12/02226/CPU - Certificate of lawfulness for proposed formation of dormer, including Juliet balcony, to rear roofslope.. PER 11th October 2012.

12/02227/FUL - Erection of single storey rear extension.. PER 25th October 2012.

Representations Received:

12 London Place: Object – Contrary to Balance of Dwellings policy, no need for more C4s.

17 London Place: Object – Incorrect information supplied, no street survey included contrary to Policy H1, may lead to noise and disturbance.

20 Tawney Street: No specific objection, but hopes density regulations will be applied.

Statutory and Internal Consultees:

Local Highways Authority: No objection subject to conditions to ensure adequate bin and cycle storage.

Local Drainage Authority: No comment

Issues:

Concentration of HMOs
Amenities and Facilities

Officers Assessment:

Site description and proposal

1. 36 Morrell Avenue is a mid terrace house in the St Clements / East Oxford area with an undercroft giving access to the rear.

2. Permission is sought for a change of use from a single family dwelling (Use Class C3) to a small House in Multiple Occupation (HMO – Use Class C4).

Concentration of HMOs

3. Policy CS23 of the Core Strategy states that Planning permission will only be granted for residential development that delivers a balanced mix of housing both within each site and across Oxford as a whole. Oxford has a large number of HMOs and in some areas of the city, high concentrations of HMOs are resulting in changes to the character of the local area.
4. The application site is within the HMO Registration Area and Policy HS15 of the Local Plan states that permission will not be granted for the change of use of any building to an HMO where it falls within the HMO Registration Area as identified on the Proposals Map.
5. The emerging Sites and Housing Plan states that the Council will use its planning responsibilities to prevent any further over-concentration of HMOs in areas where there are already significant numbers. Policy HP7 of the Sites and Housing Plan states that permission for a change of use to an HMO will only be granted where the proportion of buildings used as an HMO within 100m of street length of the application site does not exceed 20%. The Sites and Housing Plan is expected to be adopted by the council on the 18th February 2013, at which point Policy HS15 of the Local plan will be superseded.
6. There are around 45 buildings within 100m street length of 36 Morrell Avenue, both along the road itself and along Union Street to a distance of 100m. Of these, licencing records indicate that 12 of these have, or have applied for an HMO licence. The actual number may be higher, due to some HMOs not being licenced, but the figures indicate that around 27% of buildings in the relevant area are HMOs, already in excess of the 20% concentration defined in Policy HP7. The proposal is therefore likely to result in a further over-concentration of HMOs in the area which would have a detrimental impact upon the balance and mix of dwelling types within the surrounding area, failing to contribute to the objective of balanced and mixed communities. This would be contrary to Policy HS15 of the adopted Oxford Local Plan 2001-2016, Policy CS23 of the Core Strategy and Policy HP7 of the Sites and Housing Plan.
7. In her Inspectors Report dated 23rd January 2013 (12/01325/FUL), the inspector noted that the examination of the Sites and Housing Development Plan Document found that the document was sound and that adoption was expected shortly. She therefore gave significant weight to the new document, specifically where it was in conflict with policies of the Local Plan that will be superseded upon adoption of the Sites and Housing Plan. The Sites and Housing Plan is therefore a material consideration in the determination to which substantial weight has been given.

Amenities and Facilities

8. Policy HP7 of the Sites and Housing Plan also states that permission for a change of use to an HMO will only be granted where the applicant has demonstrated compliance with the City Council's good practice guide on HMO amenities and facilities.
9. The application does not contain any evidence that the development would comply with the HMO good practice guidance. If this were to have been the only problem with the proposal it may have been possible for evidence to have been provided after submission, but as there is a problem with the principle of the development, addressing the issue would not have resulted in a recommendation to approve the application. Nevertheless, the proposal fails to comply with Policy HP7 in this regard.

Conclusion:

10. The proposed development would result in an over concentration of Houses in Multiple Occupation within Morrell Avenue, the wider local area and the HMO Registration Area which would have a detrimental impact upon the balance and mix of dwelling types within the surrounding area failing to contribute to the objective of balanced and mixed communities. The application fails to demonstrate that the development could provide good quality internal living environments capable of accommodating the likely number of occupants within the house (House in Multiple Occupation) and as a result would have a detrimental impact upon the living conditions for the future occupants of the units. The application would therefore be contrary to Policy HS15 of the adopted Oxford Local Plan 2001-2016, Policy CS23 of the Core Strategy and Policy HP7 of the emerging Sites and Housing Plan.

Human Rights Act 1998

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

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

Background Papers: 12/02829/FUL

Contact Officer: Tim Hunter
Extension: 2154
Date: 24th January 2013

This page is intentionally left blank