

East Area Planning Committee

4th November 2015

Application Number: 15/02578/FUL

Decision Due by: 22nd October 2015

Proposal: Change of use from dwelling house (C3) to House in Multiple Occupation (Use Class C4).

Site Address: 82 Normandy Crescent Oxford Oxfordshire OX4 2TN

Ward: Lye Valley Ward

Agent: Mr Jim Driscoll

Applicant: Mr Mohammed Saddiq

Application called in by Councillors Lloyd-Shogbesan, Price, Sinclair and Fry for the following reasons: Parking provision, environmental impact and overdevelopment

Recommendation:

The East Area Planning Committee is recommended to approve planning permission for the following reasons:

Reasons for Approval

- 1 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.
- 2 Officers have considered carefully all objections to these proposals. Officers have come to the view, for the detailed reasons set out in the officers report, that the objections do not amount, individually or cumulatively, to a reason for refusal and that all the issues that have been raised have been adequately addressed and the relevant bodies consulted.

Conditions

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Parking
- 4 Retention of low wall
- 5 SUDs
- 6 Refuse, recycling and cycle storage
- 7 Use of garage

Principal Local Plan Policies:

Oxford Local Plan 2001-2016

CP1 - Development Proposals

CP6 - Efficient Use of Land & Density

CP8 - Design Development to Relate to its Context

CP10 - Siting Development to Meet Functional Needs

Core Strategy

CS11_ - Flooding

CS18_ - Urban design, town character, historic environment

Sites and Housing Plan

HP7_ - Houses in Multiple Occupation

HP13_ - Outdoor Space

HP14_ - Privacy and Daylight

HP15_ - Residential cycle parking

HP16_ - Residential car parking

Other Material Considerations:

National Planning Policy Framework

Planning Practice Guidance

Relevant Site History:

15/01077/FUL - Change of use from dwelling house (Use Class C3) to large house in multiple occupation (Sue Generis). - WITHDRAWN

Representations Received:

Ms Lipson (92 Normandy Crescent), Mr Beesley (100 Normandy Crescent), Mrs Timbs (88 Normandy Crescent), Mrs Costar (90 Normandy Crescent), Mr Davis (96 Normandy Crescent), Mr Salih (86 Normandy Crescent), Mr Timbs (88 Normandy Crescent) Councillor Rowley, objections

- Access issues
- Effect on character of the area
- No enough information provided with application
- On street parking provision
- Parking provision on-site
- Effect on privacy
- Noise and disturbance
- Errors on application form
- Asbestos in property
- Concerns about waste and recycling
- Concerns about quality of living accommodation
- Poor quality of work (particularly relating to front garden)

NB. The application was subject to two public consultations as a result of the submission of amended plans. The responses listed above relate to the comments received in relation to both sets of consultations (with some of the residents listed

having responded on both occasions).

Statutory Consultees:

Oxford Civic Society: Objections, concerns about the provision of bathroom and WC facilities within the property being unacceptable for the number of occupiers. Concerns relating to the provision of car parking, being unsuitable for the number of occupiers.

Oxfordshire County Council Highways Authority: No objections subject to a condition requiring use of SUDs.

Issues:

- HMO
- Parking/access
- Impact on neighbours
- Surface water drainage and flooding

Site Description

1. 82 Normandy Crescent is a large four bedroom dwellinghouse that occupies a corner plot. This part of Normandy Crescent forms a cul-de-sac with the properties (82-157 Normandy Crescent) being situated around a central parking courtyard. The properties were developed in the late 1950s; each property benefits from a front garden of approximately 5m depth and a uniform appearance.
2. 82 Normandy Crescent was previously occupied as a family dwellinghouse (Use Class C3). Recently the property has been purchased by a new owner who has carried out some internal refurbishments as well as demolishing parts of the low stone wall at the front (that separates the front garden from the highway). None of the works that have currently been carried out at the property require planning permission. The application site is slightly wider than surrounding properties and there is an attached garage on the side elevation that faces onto the part of Normandy Crescent that forms the access into the cul-de-sac.

Proposals

3. It is proposed to change the use of the property from its current use as a dwellinghouse occupied by a single household (Use Class C3) to a House in Multiple Occupation (HMO). The property is to be occupied by five people (in five bedrooms). There is a communal kitchen and a separate communal living/dining area proposed.
4. Parking is to be provided at the front and side gardens. There would be on-site provision for three car parking spaces; all of the car parking would be accessed from the part of Normandy Crescent that forms the access into the cul-de-sac; egress onto the highway would be directed into the cul-de-sac (this 'route-in' and 'route-out' arrangement is shown the

submitted site plan). The proposed parking improvements would involve the partial removal of the low boundary wall; some demolition of this wall has already been demolished and removed. Part of the low boundary wall to be retained, this includes the area at the corner where the access into the cul-de-sac opens out which is also the location of a highway cabinet which is situated adjacent to the boundary wall.

5. The proposed plans also show two on-street spaces within the shared parking area. One of these spaces is identified as being allocated to 82 Normandy Crescent and the other is shown as allocated to another property. It is noted that the application form states that there would be on-site provision for three spaces and this does not include any on-street parking. The on-site provision does not include use of the garage as a parking space.

Assessment

Principle of Development and HMO Use

6. The most relevant policy that relates to the use of family dwellinghouses as HMOs is set out in Policy HP7 of the Sites and Housing Plan. This includes a specific assessment of the concentration of HMOs within the locality of the site; defined as taking into account all properties within 100m of the application site. The Council does not normally support changes of use to HMOs where this concentration exceeds 20%. Within 100m of 82 Normandy Crescent there are currently no other HMOs. As a result, the change of use would meet this requirement of Policy HP7.
7. Policy HP7 also requires that developments meet the Council's standards in terms of the 'Good Practice Guide for HMOs'. This document requires that there is ample provision of shared amenity spaces, refuse and recycling stores and acceptable room sizes. All of the proposed five bedrooms that are shown on the submitted floor plans appear to be acceptable in the context of the Good Practice Guide; the rooms also have adequate natural light and ventilation. The provision of shared rooms for cooking, living and dining within the property would also appear to be acceptable for the purposes of the Good Practice Guide.
8. Other specific requirements in terms of layout, fire safety and means of escape would be requirements for an HMO license that would also need to be sought by the applicant prior to using the property as an HMO. Officers have recommended that if planning permission is granted then an informative is added that brings the requirement of an HMO license to the attention of the applicant.

Refuse, Recycling and Cycle Storage Provision

9. An amended site plan was sought from the applicant's agent that detailed the provision of covered secure cycle stores and refuse and recycling stores. These are shown on the submitted plans and Officers recommend

that the provision of these (as well as their retention) be secured by condition.

Access and Parking

10. As previously described in Paragraph 4 (above) it is proposed to provide three on-site car parking spaces. These would be accessed using the existing dropped kerb at the side of the property; while access out of this area would be to the front of the property. Officers consider that the provision of three on-site spaces is acceptable in terms of the Council's policies for car parking (set out in Policy HP16 of the Sites and Housing Plan). The provision of car parking and access arrangements at the property have been accepted by the Highway Authority who have raised no objections to the development.
11. A number of responses and objections have been received by local residents. Some of these concerns relate specifically to the identification of a car parking space within the shared parking area in the cul-de-sac by the occupiers of 82 Normandy Crescent. The status of the parking space, its ownership and allocation is not known to Officers; though it has been indicated by several residents that the spaces are only allocated to specific occupiers. For the purposes of this planning application, Officers have not included the on-street parking space within the provision of car parking for the HMO as there is acceptable on-site provision. This car parking space also lies outside of the application site and the applicant's ownership and it is not therefore possible to either require or preclude its use by the occupiers of 82 Normandy Crescent by condition.

Impact on Neighbours

12. Officers have been mindful of the impact of the proposed change of use on occupiers of surrounding residential properties; Officers have also had regard to the objections and comments made in relation to the proposals.
13. Some concerns have been expressed in relation to the noise and disturbance that would be generated from the proposed use. Officers suggest that the occupation of the proposed dwellinghouse by five people would not be excessive or necessarily give to a material increase in noise or disturbance above and beyond what could be generated by the occupation of the dwellinghouse by a single household. Adequate arrangements are proposed to be provided in relation to car parking, cycling parking, refuse and recycling stores as well as providing an acceptable quality of accommodation.

Use of Garage

14. There are no proposals that relate to the use of the garage (which is marked on the proposed plans as a garage). It is important that this space is not used as additional living accommodation without the prior consideration of the impacts of the increased occupation by the Local

Planning Authority. As a result, Officers have recommended that a condition be included that requires the garage to be maintained as a garage and for incidental uses (storage etc.) only and not for use as living or sleeping accommodation.

Asbestos

15. Concerns have been raised about the presence of asbestos in the property. This is a separate matter that is not normally dealt with in planning; there are specific requirements in terms of the removal and disposal of asbestos which are normally dealt with by Building Control and the Health and Safety Executive (HSE). Despite this, Officers have recommended an informative bringing this matter to the attention of the applicant in the interests of their safety, the safety of contractors and of future occupiers of the property.

Surface Water Drainage and Flooding

16. The site does not lie in area of high flood risk. It is proposed to make use of existing drainage on the site and use brick paviors for the proposed parking area. Officers have recommended including a condition that requires the use of the specified permeable brick paviors surface (which is also requested by the Highway Authority).

Conclusion

17. On the basis of the above, Officers recommend that the application be approved subject to conditions.

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:

15/02578/FUL

Contact Officer: Robert Fowler

Extension: 2104

Date: 21st October 2015

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