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|  **WEST AREA PLANNING COMMITTEE** | 11 December 2018 |

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| **Application number:** | 18/02540/FUL |
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| **Decision due by** | 28 November 2018 |
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| **Proposal** | Change of use of dwellinghouse (Use Class C3) to a House in Multiple Occupation (Use Class C4) |
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| **Site address** | 13 Dale Close, Oxford, OX1 1TU, – see **Appendix 1** for site plan |
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| **Ward** | Hinksey Park |
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| **Case officer** | Jeffrey Penfold |

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| **Agent:**  | Mr Kieron Roberts | **Applicant:**  | Miss Kirsti Brisk |

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| **Reason at Committee** | Called in by Councillors Tidbull, Tanner, Clarkson, Pressel and Curran because of concerns that the application property is situated on a small estate where there are already a number of HMOs and there is a perception that the area would be ill-suited to accommodating additional HMOs. |

1. RECOMMENDATION
	1. West Area Planning Committee is recommended to:
		1. **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.
		2. **agree to delegate authority** to the Acting Head of Planning Services to:
* finalise the recommended conditions as set out in this report including such refinements, amendments, additions and/or deletions as the Acting Head of Planning Services considers reasonably necessary.
1. EXECUTIVE SUMMARY
	1. This report considers an application for planning permission seeking to change the use of No. 13 Dale Close, Oxford from a dwellinghouse (Use Class C3) to a House in Multiple Occupation (HMO) (Use Class C4). The report considers the density of HMOs within the vicinity of the site with specific reference to the Council’s adopted planning policy HP7 of the Sites and Housing Plan. The report also considers the quality of accommodation proposed for the HMO, provision of refuse and recycling storage and the impact of the proposed development on car parking and neighbouring occupiers.
	2. It is considered that the proposed change of use would be acceptable having had regard to the relevant policies and the comments made in response to public consultation on this application. Officers recommend that the development would be acceptable in the context of Policy HP7 of the Sites and Housing Plan and Policies CP1 and CP10 of the Oxford Local Plan 2001-2016.
2. LEGAL AGREEMENT
	1. This application is not subject to a legal agreement.
3. COMMUNITY INFRASTRUCTURE LEVY (CIL)
	1. The proposal is not liable for CIL.
4. SITE AND SURROUNDINGS
	1. The application site is situated on the southern side of Dale Close, a residential cul-de-sac in the ‘St Ebbes New Development’ Area. Despite the central location of the area it has a strongly residential character and includes mostly smaller dwellings with some houses backing onto areas of public open space and the river. The entire development benefits from road access from Thames Street/Oxpens Road. The site measures approximately 0.0114ha with the entrance to the property via a shared forecourt area which is predominantly used for shared car parking between the immediate, neighbouring properties. The character of the area is residential comprising mostly three-storey properties with short gardens. The garden of subject property measures approximately 0.002ha. The property is characteristic of the area. The site is flat and is level with adjoining land. The property is not located in a Conservation Area. The property is not a Listed Building.
	2. See block plan below:



1. PROPOSAL
	1. The application proposes to change the use of No. 13 Dale Close, Oxford from Dwellinghouse (Use Class C3) to a House in Multiple Occupation (Use Class C4). No external changes are proposed.
2. RELEVANT PLANNING HISTORY
	1. The table below sets out the relevant planning history for the application site:

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| 77/00613/GO - Erection of 141 dwelling houses 29 flats and shop. Laying out of roads and recreation areas and alteration and construction of river bridges. PER 27th October 1977.79/00900/A\_H - Land adjoining Dale Close and Trinity Street - Erection of 102 houses, 17 flats, 1 shop, 14 garages associated roads and site works (deemed permission given 24/10/77). PER 7th November 1979.77/00613/GR - Erection of 141 houses, 29 flats and shop. Laying out of roads and recreation areas, and alterations and construction of river bridges (Reserved Matters fencing condition no. 8, landscaping (Public Part) condition no.15)). PER 20th October 1978.18/02540/FUL - Change of use of dwellinghouse (Use Class C3) to a House in Multiple Occupation (Use Class C4).. PDE . |

1. RELEVANT PLANNING POLICY
	1. The following policies are relevant to the application:

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| **Topic** | **National Planning Policy Framework** | **Local Plan** | **Core Strategy** | **Sites and Housing Plan** | **Other planning documents** |
| **Design** | s.12 | CP1CP6CP10  | CS18 |  |  |
| **Housing** | s.5 |  |  | HP7HP13 |  |
| **Transport** | s.9 |  |  | HP15 HP16  | Parking Standards SPD |
| **Miscellaneous** | s.2 |   |  | MP1 | HMO – Landlords - Amenities and Facilities Guide.  |

1. CONSULTATION RESPONSES
	1. Site notices were displayed around the application site on 17th October 2018.

Statutory and non-statutory consultees

Oxfordshire County Council (Highways)

9.2 The above proposals seek a change of use from a single dwelling to provide a House in Multiple Occupation (HMO) with 4 No. bedrooms. Cycle parking will be provided within an existing integral garage (which is not of sufficient size to park a vehicle) and a single car parking space provided on the adjacent driveway.

When reviewing the development, it is noted that the site is located with the Transport Central Area as defined by the Oxford City Local Plan. Furthermore, there is no requirement to provide additional car or cycle parking facilities, in accordance with the council’s adopted parking standards. Therefore, based on the above, it is considered that the proposals would not have a material impact along the adjacent highway network and an objection in relation to the highway and transportation aspect of the development is not raised in this instance.

Oxford City Council – Internal (HMO Licensing)

9.3 Summary of Advice :

Overall there is sufficient bedroom area and plentiful bathroom facilities. The kitchen/diner space would limit any occupancy to no more than five.

Public representations

9.9 11 local people commented on this application from addresses in: Dale Close only.

* 1. In summary, the main points of objection (11 residents) were:
* Lack of Bin / Recycling Storage
* Effect on Adjoining Properties
* Effect on Character of Area
* Effect on Traffic
* Parking Provision
* General Dislike or support for proposal
* Access
* Noise and Disturbance
* Internal Arrangement Inadequate
* Previous HMO application refused
* Obstruction to Emergency Services
* Noise
* Effect on existing Community Facilities
* Effect on Pollution
* Effect on Privacy
* Local Plan Policies
* On-street Parking.

9.11 Officer’s Response: Officers note the above matters which are responded to in the report below.

1. PLANNING MATERIAL CONSIDERATIONS
	1. Officers consider the determining issues to be:
* Sustainability
* Concentration of HMOs
* Design and Visual Impacts
* Residential Amenity
* Cycle Parking, Bin Storage and Car Parking.

11 Sustainability

11.1 When considering development proposals the Council will take a positive

approach that reflects the presumption in favour of sustainable development

contained in the National Planning Policy Framework. It will work proactively

with applicants jointly to find solutions which mean that applications for

sustainable development can be approved where possible, and to secure

development that improves the economic, social and environmental conditions

in the area.

12 Concentration of HMOs

12.1 As of 24 February 2012 planning permission is required to change the use of any dwellinghouse (Use Class C3) in Oxford City to a House in Multiple Occupation (Use Class C4) due to the removal of permitted development rights under an Article 4 Direction.

12.2 Policy HP7 of the Sites and Housing Plan stipulates that changes of use to an HMO will only be granted where the proportion of buildings used in full or part as an HMO within 100m of street length either side of the application site does not exceed 20%. This includes side roads and footpaths.

12.3 Within 100m either side of 13 Dale Close, there is a total of 50 properties (including the host property). The proposal would result in two of these buildings being classed as HMOs. This results in a total of 4%, well within the allowed 20% threshold set out in Policy HP7 of the Sites and Housing Plan (2013).

12.4 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 retaining the objective of creating balanced and sustainable communities. The development proposed is therefore considered to comply with Policy HP7 of the Sites and Housing Plan 2011-2026.

13 Design and Visual Impacts

13.1 Policy HP7 also states that the applicant needs to demonstrate they have complied with the Council’s good practice guidance on HMO amenities and facilities.

13.2 The proposed plans confirm that no changes are proposed to the ground floor layout. At this level, a garage is accessible from the front elevation. When entering the property via the porch, the hallway leads to a WC followed by a kitchen / diner to the rear of the property. The garden is accessed via a single door to the rear of the dining room.

13.4 At first floor level, a large siting room with balcony forms the bulk of the rear of this floor. To the front elevation, bedrooms 3 & 4 are situated. At second floor level, bedroom one is located above the siting room, to the rear of the property and towards the front, bedroom two is located above bedrooms 3 & 4. A bathroom and cupboard is are also located at this level.

13.5 With regard to the two bedrooms on the first floor: bedroom three measures approximately 8.8m² and bedroom four measures approximately 6.5m². As such, bedrooms 3 and 4 would be of a satisfactory size to accommodate one occupant each.

13.6 The first floor sitting room has a floor area of 17.4m² and would be of a sufficient size to retain its use as a sitting room.

13.7 At second floor level, bedroom two located towards the front elevation has a useable floor area of 10.9m² - when ceiling height not below 150cm. As such, this bedroom falls just under the necessary 11m² required for a two person occupancy. However, the difference of this bedroom is considered negligible and officers are satisfied that bedroom two would prove a satisfactory floor area for a two person occupancy.

13.8 Bedroom one, located to the rear of the property at second floor level, has a floor area of 17.7m² (minus the balcony area) and is therefore suitable for a two person occupancy.

13.9 The combined kitchen / diner of 8.8m² and 11.66m² equalling 20.46m² complies with the guidance and is considered of a sufficient size for up to 5 occupants.

13.10 Overall, officers are satisfied that the proposed floor layouts would be in accordance with the council’s HMO guidance with sufficient bathroom facilities for up to 5 persons. The layout of the property is dealt with by a condition on the HMO license.

13.11 The proposal is therefore considered to comply with policies CP1 and CP10 and the Local Plan and HP7 of the Sites and Housing Plan.

14 Residential Amenity:

14.1 Policy HP14 of the Sites and Housing Plan states that planning permission will not be granted for development that has an overbearing effect on existing homes, and will only be granted for new residential development that provides reasonable privacy and daylight for the occupants of both existing and new homes. Policy HP14 of the Sites and Housing Plan sets out guidelines for assessing development in terms of whether it will allow adequate sunlight and daylight to habitable rooms of the neighbouring dwellings.

14.2 The application does not propose any external changes to the subject property and as such, no significant detrimental amenity impacts are considered likely.

14.3 The proposed size of the HMO may have negative impacts due to comings and goings, and nuisance, and could harm residential amenities of neighbouring property.

14.4 With regard to any nuisances that may arise as a result of the operation of the proposed HMO, officers recommend that where such instances occur, residents contact the relevant department of the Council for investigation.

14.5 It is always necessary for developments to take into account the residential amenity of neighbours and impact on the environment. In this case, the proposal complies with the principles of good neighbourliness and the protection of existing residential amenities.

14.6 As such, the proposal would not lead to any materially harmful impact on residential amenity by way of loss of light, loss of outlook, loss of privacy or overbearing impact. It would therefore accord with Policies CP10 of the Local Plan, HP14 and MP1 of the Sites and Housing Plan 2013.

15 Cycle Parking, Bin Storage and Car Parking:

15.1 With regard to cycle parking, the proposed HMO would seek to utilise the existing garage space to store bicycles. The garage would be secure and covered. It is considered that the existing garage is not large enough to park a modern car in.

15.2 A single car parking space is provided for the property on the front forecourt.

The subject property is located within the Transport Central Area as defined by the Oxford City Local Plan. In this location there is a reduced requirement for car parking because of the excellent access to services and public transport in the City Centre. The St Ebbes area has double yellow lines and it is not possible to park a car on street in most locations. Officers are therefore satisfied that the proposed development would not lead to an increase in parking stress in the locality or compromise highway safety

15.3 As such, based on the above, it is considered that the proposals would not have a material impact along the adjacent highway network. Oxfordshire County Council as the Local Highway Authority have not raised an objection to these proposals.

15.4 The accompanying plans do not identify a specific area for bin storage. However, it has been confirmed with the applicant that the existing internal garage would prove a suitable location to provide covered bin storage of a suitable distance from the adjacent pavement. As such, officers are satisfied that the proposal would accord with Policies HP13, HP15 and HP16 of the Sites and Housing Plan 2013.

1. CONCLUSION
	1. The application satisfies the criteria for changes of use from Dwellinghouses (Use Class C3) to HMO (Use Class C4) and specifically meets the requirements of Policy HP7 of the Sites and Housing Plan (2013). Officers have carefully considered the comments raised in the consultation and have concluded that the development would meet the requirements of the Council’s adopted policies. It is recommended that the Committee resolve to grant planning permission for the development proposed.
2. 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 occupation of the dwelling as an HMO the bin storage on the approved plans shall be provided on site and retained for these purposes thereafter.

 Reason: In the interests of the character and appearance of the area and promoting sustainable modes of transport in accordance with policies HP13 and HP15 of the Sites and Housing Plan.

INFORMATIVES :-

 1 In accordance with guidance set out in the National Planning Policy Framework, the Council tries to work positively and proactively with applicants towards achieving sustainable development that accords with the Development Plan and national planning policy objectives. This includes the offer of pre-application advice and, where reasonable and appropriate, the opportunity to submit amended proposals as well as time for constructive discussions during the course of the determination of an application. However, development that is not sustainable and that fails to accord with the requirements of the Development Plan and/or relevant national policy guidance will normally be refused. The Council expects applicants and their agents to adopt a similarly proactive approach in pursuit of sustainable development.

1. APPENDICES
* **Appendix 1 –** Site location plan.
1. HUMAN RIGHTS ACT 1998
	1. Officers have considered the implications of the Human Rights Act 1998 in reaching a recommendation to approve 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.
2. SECTION 17 OF THE CRIME AND DISORDER ACT 1998
	1. 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.