

EAST AREA PLANNING COMMITTEE

1st April 2020

Application number:	19/03050/FUL		
Decision due by	31st January 2020		
Extension of time	TBA		
Proposal	Change of use of dwellinghouse (Use Class C3) to a House in Multiple Occupation (Use Class C4). Provision of car parking, bin and bicycle storage.		
Site address	Karam House, 84A Crescent Road, Oxford, Oxfordshire – see Appendix 1 for site plan		
Ward	Cowley Marsh Ward		
Case officer	Alice Watkins		
Agent:	N/A	Applicant:	Mr Israr Hussain
Reason at Committee	Called in by Councillors Councillors Goddard, Harris, Wade, Landell Mills, Garden and Wolff due to concerns around location, parking, access and noise generation.		

1. RECOMMENDATION

1.1. East Area Planning Committee is recommended to:

1.1.1. **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.

1.1.2. **agree to delegate authority** to the 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 Head of Planning Services considers reasonably necessary

2. EXECUTIVE SUMMARY

2.1. This report considers the change of use from dwellinghouse (Use Class C3) to House in Multiple Occupation (Use Class C4) and associated facilities.

2.2. The proposal is considered acceptable in that it would not result in an over concentration of HMOs and would provide an appropriate level of car parking. The bin and cycle stores are acceptable. Overall, the proposal is acceptable, in accordance with the identified policies and approval is recommended.

3. LEGAL AGREEMENT

3.1. This application is not subject to a legal agreement.

4. COMMUNITY INFRASTRUCTURE LEVY (CIL)

4.1. The proposal is not liable for CIL.

5. SITE AND SURROUNDINGS

5.1. 84A Crescent Road comprises of a three storey detached dwelling located on the southern side of the road. The dwelling forms part of a development to the south of properties fronting Crescent Road and that development comprises of four dwellings with a flat above the access point.

5.2. See block plan below (noting that this is the site before it was developed):



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Ordnance Survey 100019348

6. PROPOSAL

6.1. The application seeks planning permission for the change of use from dwellinghouse (Use Class C3) to House in Multiple Occupation (Use Class C4). Car parking is provided within the courtyard area to the front and side of the dwelling whilst bin and cycle stores are provided at the rear. The dwelling is of relatively new construction having been granted planning permission in 2013.

7. RELEVANT PLANNING HISTORY

7.1. The table below sets out the relevant planning history for the application site:

13/00243/FUL - Demolition of existing dwelling and erection of 2 detached dwellings and 1 flat (all Use Class C3) with associated access and parking
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provision (Amended plans).. APPROVED 28th March 2013.

13/00243/NMA - Non-material amendment of planning permission 13/00243/FUL to reduce the areas of glazing, insert rooflights and reposition windows on south elevations.. APPROVED 9th July 2015.

16/01560/FUL - Erection of 1 x 1-bedroom dwelling (Use Class C3) and 1x 2-bedrooms dwelling (Use Class C3). Provision of car parking, private amenity space, and bin and cycle stores.. APPROVED 5th August 2016.

13/00243/NMA2 - Non-material amendment of planning permission 13/00243/FUL to allow relocation of kitchen and dining room to basement and divide the open place space on ground floor to separate sitting room, play room and study and reduction in basement to plot 1. To divide the open plan games room and cinema into separate rooms, erection of a bathroom for bedroom 2, relocation of internal door to make bedroom 1's ensuite a family room and to turn bathroom into a dressing room for plot 2.. APPROVED 21st August 2018.

8. RELEVANT PLANNING POLICY

8.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework	Local Plan	Core Strategy	Sites and Housing Plan	Other planning documents	Emerging Local Plan
Housing	5	CP1 Development Proposals CP6 Efficient Use of Land & Density CP10 Siting Development to Meet Functional Needs		HP7 Houses in Multiple Occupation HP13 Outdoor Space		H6 Houses in Multiple Occupation RE2 Efficient Use of Land DH7 External Servicing
Transport	9			HP15 Residential cycle parking HP16 Residential car parking	Parking Standards SPD	M3 Car Parking M5 Cycle Parking
Environmental			CS11 Flooding			RE3 Flooding
Miscellaneous				MP1		

9. CONSULTATION RESPONSES

9.1. Site notices were displayed around the application site on 23rd December 2019 and 20th January 2020. Notices were displayed in Crescent Road, St Christopher's Place and Temple Road.

Statutory and non-statutory consultees

Oxfordshire County Council (Highways)

9.2. The application demonstrates 6 cycle parking spaces per dwelling – this conforms to policy requirements. The Sites and Housing Plan states that “applications will be decided on their merits, to reflect local context and existing parking capacity and safety issues”. In this instance, the proposals comply with the maximum parking standards set out in Policy HP16 of the Sites and Housing Plan. Oxfordshire County Council do not object to the granting of planning permission.

Public representations

9.3. 22 local people objected to this application from addresses in Crescent Road, Don Bosco Close, Leafield Road, Temple Road and St Christopher's Place.

9.4. In summary, the main points of objection were:

- Planning permission only given for two family homes in 2013.
- Two additional homes have been built which share the same access driveway.
- There are not enough parking spaces for residents currently. The proposal will increase the parking problems that we have at the moment and access to the properties is difficult and dangerous. Limited manoeuvring space.
- Insufficient on-site parking
- Increased pollution and noise.
- Over-development – could house over 30 individuals.
- Number of rooms and occupants has increased greatly from originally approved scheme.
- Increased noise, lights, car noise, traffic of people will change quality of all back gardens facing onto property.
- Insufficient access – limited visibility when entering or leaving the site.
- Inappropriate use of the planning system – it appears that it has always been the developers intention to change the dwellings to HMOs.

- Crescent Road has a large number of HMOs at present. There must be a balance between long-term residents and HMOs and the change of use will affect the character of the area.
- Houses were built originally as family dwellings. Development has increased significantly since permission for two family homes and one flat was granted in 2013.
- Further bedrooms have been added without planning scrutiny. Alterations to room layout under 13/00243/NMA2.
- Insufficient fire access- maximum length of fire hose is 45m which is inadequate to reach the furthest house.
- The houses are operating as a guest house on airbnb/booking.com. Guests regularly ask us walking past our house where the b&b is located.
- Development on site is much greater than original proposal for two family homes.
- The site has been developed by the submission of smaller applications. In 2013 permission was granted for 2 x 3-bed dwellings and 1no. flat. Permission was granted in 2015 for extension to these dwellings. 2016 permission was granted for two further dwellings. If the full development had been applied for as one, it would not have been approved.
- In wet weather the basement of at least one of the dwellings floods. The site is on a steep hill and underground springs permeate the ground, rising to the surface in wet weather. The basements of other houses in the area also have springs running through them when it rains. These rooms are not suitable for bedrooms.
- Permission has never been given for six-bed dwelling.

1no support comment from 84C Crescent Road. Summarised as follows:

- Application will provide many young people the opportunity to live centrally in Oxford, close to the hospitals and business parks.
- Proximity to bus routes and cycle paths means that these HMOs will attract young professionals without cars.
- There is very little noise or light pollution from cars. The plan indicates that there will be little change to parking.

Officer response

9.5. The concerns raised with regard to the timeline of development and submission of applications will be addressed below, together with concerns around car parking and access. Issues regarding neighbouring amenity and flooding will also be addressed below.

10. PLANNING MATERIAL CONSIDERATIONS

10.1. Officers consider the determining issues to be:

- Principle of development
- Concentration of HMOs
- Internal Space
- Bin and Cycle Stores
- Car Parking and Access
- Neighbouring Amenity
- Flooding

a. Principle of development

10.1 Planning permission was granted under 13/00243/FUL for the demolition of 84 Crescent Road and erection of 2 x 3-bed dwellings, together with 1 x 1-bed flat. Planning permission was then granted in 2015 (15/02734/FUL) to allow the creation of a basement level to both dwellings. A non-material amendment to the original planning permission 13/00243/FUL was approved under 13/00243/NMA2 to allow re-location of the kitchen and dining room to the basement, to provide a sitting room, play room and study at ground floor level and to provide additional en-suite bathrooms. These dwellings, now known as 84A and 84B Crescent Road, have been completed on site and are occupied as C3 dwellinghouses. An objection has been raised which outlines that the existing floor plans show six bedrooms and that planning permission has never been granted for a 6-bed dwelling. Whilst it is noted that the original planning permission granted consent for a 3-bed dwelling, there is no requirement for planning permission for internal changes once a property has been completed and occupied. The internal layout was amended under 13/00243/NMA2 to allow for the creation of a play room, sitting room and study, however, since completion, these rooms have been occupied as bedrooms. These changes do not constitute development and as such, the applicant is not required to seek planning permission for the change in use of the rooms.

10.2 In addition to the above development, planning permission was also granted in 2016 under 16/01560/FUL for the erection of 1 x 1-bed and 1 x 2-bed dwellings. These dwellings sit directly opposite 84A and 84B Crescent Road and have now been completed on site and are occupied. Concerns have been raised that the site has been overdeveloped and that the development would have been rendered unacceptable had one application been submitted for all of the works to begin with. At the time that the previous applications were determined, Officers had regard to the amount of development on the site and it was concluded that the additional dwellings would not represent overdevelopment and as such, planning permission was granted. Officers had regard for the extant permission for the dwellings at 84A and 84B Crescent Road when granting planning permission for the additional dwellings in 2016.

10.3 An objection comment also sets out that the properties are in use for short-term lets. Officers investigated this alleged breach of planning control and found that towards the end of 2019, the properties were in use as short-term lets. This has been addressed with the owner and the unauthorised use has now ceased. A tenancy agreement dated 3rd January identifies that 84A Crescent Road is let as a single dwellinghouse. Officers undertook a site visit on 20th January 2020 and are satisfied that the property is now occupied for its lawful use as a C3 dwellinghouse. Furthermore, Officers have continued to monitor the use of the property and are satisfied that the current use remains as C3. On this basis, the current application seeks planning permission for a change of use from dwellinghouse (Use Class C3) to House in Multiple Occupation (Use Class C4).

b. Concentration of HMOs

10.4 As of 24th 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. Furthermore, Policy HP7 of the Sites and Housing Plan stipulates that change 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 road and footpaths.

10.5 Within 100m either side of 84A Crescent Road, there is a total of 36 buildings. The proposal would result in a total of 4 of these being classed as HMOs. This results in a total of 11.1%, well within the allowed 20%.

10.6 Officers have considered objection comments which raise concern around the number of HMOs in the area. However, the proposal would comply with HP7 and the concentration is below the 20% threshold. It is therefore considered that there would still be a balanced community and the development would not result in an overconcentration of HMOs within 100m either side of the property.

10.7 The proposal would comply with HP7 of the Sites and Housing Plan.

c. Internal Space

10.8 Policy HP7 of the Sites and Housing Plan sets out that internal space must comply with the standards set out in the Oxford City Council Landlord's Guide to Amenities and Facilities for HMOs.

10.9 The property is set over three storeys. The basement contains living and dining space together with a kitchen and shower room. The ground floor contains 3no. bedrooms, a shower room and WC and the first floor contains 3no. bedrooms, 1no. en-suite bathroom and 1no. shared bathroom. All of the rooms comply with the standards set out in the amenities and facilities guide and the property will provide a good standard of accommodation internally.

10.10 Policy HP13 sets out that private amenity space equivalent to the footprint of the dwellinghouse must be provided for family-sized dwellings. In this case,

the amenity space provided to serve the property is enclosed, private and of an appropriate size in accordance with HP13 of the Sites and Housing Plan.

10.11 The proposal is considered to comply with HP7 and HP13 of the Sites and Housing Plan.

d. Bin and Cycle Stores

10.12 The property benefits from existing bin and cycle stores on site. The cycle store has capacity for 6no. cycles which is in line with the requirements set out under HP15 of the Sites and Housing Plan. A condition has been recommended which requires the stores to be retained on site solely for the storage of refuse and cycles and shall not be removed without the prior written consent of the Local Planning Authority.

10.13 On the basis of the above, the proposal is considered to comply with HP13 and HP15 of the Sites and Housing Plan.

e. Car Parking

10.14 Policy HP16 of the Sites and Housing Plan sets out that the maximum parking standard for HMOs is two off-street parking spaces for each property.

10.15 The application form and site plan indicate that there are two parking spaces serving the property. This is in line with the standards set out under HP16 and is considered acceptable. The Highway Authority have reviewed the proposal and confirmed that the parking provision is acceptable. On the basis that the proposal complies with the maximum standards, it would not be reasonable or policy compliant to require any further off-street parking spaces to be provided.

10.16 A number of objections have been received on the basis that the access to the site is inadequate. This is an existing situation and the pedestrian and vehicular access into the site will be unaltered by the proposals. The access is of an appropriate width to provide vehicular access into the site. Furthermore, there is sufficient turning space to ensure that vehicles can enter and leave the site in forward gear. This access and parking arrangement is an existing layout and it would not be reasonable to object to the proposal on this basis when policy compliant parking spaces are provided.

10.17 Concerns have been raised in relation to fire access. The layout on site is an existing situation and the change of use would not result in an intensification of the use of the site. The existing dwelling is six-bed and the proposed change of use would allow for a total of six occupants in the property. It would not be reasonable to refuse the application on fire access grounds on the basis that the layout is an existing arrangement and the proposal will not result in an intensification of the use of the site.

10.18 On the basis of the above, the proposal is considered to comply with HP16 of the Sites and Housing Plan and the NPPF.

f. Neighbouring Amenity

10.19 Objection comments have been received with regard to noise and disturbance that would arise from the change of use. There is no evidence to suggest that the occupants of the HMO would create any noise or disturbance above that of the existing dwelling. In the event that any anti-social behaviour were to occur from the proposed use, there is separate legislation in place to deal with this and would be enforced by the Council's Environmental Health team.

10.20 On this basis, the proposal would comply with HP14 of the Sites and Housing Plan in that the proposal would not impact upon the amenity of neighbouring properties.

g. Flooding

10.21 Objection comments have been received with regard to flood risk. Specifically, the objection states that the basement of the dwellings floods and that dwellings have springs running through them when it rains. The objection states that the use of the basement for bedrooms is unacceptable.

10.22 The internal layout at the dwelling is an existing arrangement and will not be changed by the proposals. There are no external works proposed under this application. As such, the impact of flood risk upon the properties will be unchanged by these proposals and the proposal is acceptable in accordance with CS11 of the Core Strategy.

11 CONCLUSION

11.4 Having regards to the matters discussed in the report, officers would make members aware that the starting point for the determination of this application is in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004 which makes clear that proposals should be assessed in accordance with the development plan unless material considerations indicate otherwise.

11.5 Paragraph 11 of the NPPF requires that planning decisions apply a presumption in favour of sustainable development, this means approving development proposals which accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

11.6 The proposed change of use will not result in an overconcentration of HMOs within 100m street length of the property. The internal space is considered to comply with the standards set out in the Oxford City Landlord's Guide to Amenities and Facilities and the bin and cycle stores are acceptable. The off-street car parking is acceptable in compliance with the maximum parking standards. Overall, the development is considered acceptable in accordance with the identified planning policies and in accordance with the NPPF.

11.7 It is recommended that the Committee resolve to grant planning permission for the development proposed.

12 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 carried out 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 The bin and cycle stores provided on site and as indicated in the application shall be retained on site solely for the storage of cycles and bins and shall not be used for any other purpose or removed without the prior written consent of the Local Planning Authority.

Reason: To ensure satisfactory stores are provided in accordance with 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.
- 2 This permission relates only to the granting of planning permission. The use of the property as an HMO also requires a separate Houses in Multiple Occupation Licence.

13 APPENDICES

- **Appendix 1 – Site location plan**

14 HUMAN RIGHTS ACT 1998

14.4 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.

15 SECTION 17 OF THE CRIME AND DISORDER ACT 1998

15.4 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.

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