

## West Area Planning Committee

|                            |   |                   |              |
|----------------------------|---|-------------------|--------------|
| <b>Application number:</b> | 21/00079/FUL  |                   |              |
| <b>Decision due by</b>     | 22nd March 2021   |                   |              |
| <b>Extension of time</b>   | 21 <sup>st</sup> April 2021   |                   |              |
| <b>Proposal</b>            | Change of use from dwellinghouse (Use Class C3) to House in Multiple Occupation (Use Class C4). Provision of bin and bike stores (Retrospective).             |                   |              |
| <b>Site address</b>        | 67 Argyle Street, Oxford, OX4 1ST, – see <b>Appendix 1</b> for site plan  |                   |              |
| <b>Ward</b>                | Iffley Fields Ward  |                   |              |
| <b>Case officer</b>        | Stacey Harris   |                   |              |
| <b>Agent:</b>              | Mr Jonathan Longden   | <b>Applicant:</b> | Barkat Ahmed |
| <b>Reason at Committee</b> | The application is before the committee because it was called in by Councillors Pressel, Turner, Clarkson, Fry, Tanner, Kennedy, Tarver, Rowley and Munkonge. |                   |              |

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## 1. RECOMMENDATION

1.1. West 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; and
- issue the planning permission.

## 2. EXECUTIVE SUMMARY

2.1. This report considers the retrospective change of use of the property from a dwellinghouse (Use Class C3) to a House in Multiple Occupation (HMO) (Use Class C4). The application also considers the installation of refuse, recycling

and cycle stores associated with the change of use. The application is retrospective as the use of the property as a HMO has commenced.

- 2.2. The development would be acceptable in principle having had regard to the concentration of HMOs within the area. Officers have had specific regard to the percentage of properties that are already in HMO use within 100m of the application site. As a result of this being below 20%, the development meets the requirement of Policy H6 of the Oxford Local Plan 2036.
- 2.3. The internal space and facilities provided within the HMO meet the Council's standards. Other functional requirements including refuse, recycling and cycle storage can be adequately addressed by condition.
- 2.4. The application site does not provide any on-site car parking but the application site can be excluded from eligibility for car parking to ensure that there is not an adverse impact on car parking provision within the locality. As a result, the development would comply with the requirements of Policy M3 of the Oxford Local Plan (2036).
- 2.5. Officers have had regard to the suitability of the change of use and have addressed all other material considerations in the report below, including issues raised in public consultation.

### **3. LEGAL AGREEMENT**

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

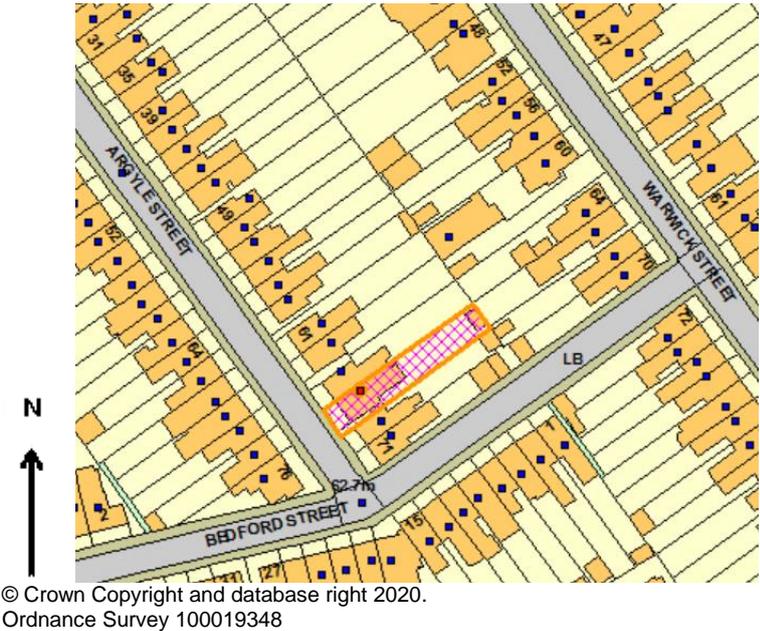
### **4. COMMUNITY INFRASTRUCTURE LEVY (CIL)**

- 4.1. The proposal is not liable for CIL.

### **5. SITE AND SURROUNDINGS**

- 5.1. 67 Argyle Street is a two storey semi-detached property located close to the Iffley Road in the Iffley Fields area of the City. The property has a small front courtyard setting the property back from the street, and a modest sized rear garden with side access. The house has been extended at the ground floor at the rear. There is no provision for off-street carparking.
- 5.2. Iffley Fields is characterised by Victorian terrace properties with fairly narrow roads. The houses are set back from the road with smaller front gardens, mostly separated from the public realm by low brick walls. The houses themselves are largely constructed with red bricks but some are finished in buff bricks (including the application property). Whilst the area lies within East Oxford and is close to Iffley Road it has a quieter and more suburban character. As a result of being situated on higher ground above the river there are some views from the streets towards the historic core of Oxford and the meadows which contributes further to the unique character of the area.
- 5.3. Aside from the primary school and a public house, nearly all properties within the immediate context of the site and surrounding part of Iffley Fields are in residential use.

5.4. The site location plan is set out below:



**6. PROPOSAL**

6.1. The application concerns the retrospective change of use from a family dwellinghouse (Use Class C3) to a House in multiple Occupation (Use Class C4). Based on the number and size of bedrooms provided, this application has a restricted use for up to a maximum of 6 people. A courtyard that forms part of the rear access from the front of the house to the garden is proposed to provide space for covered, secure cycle storage and refuse and recycling provision. An HMO license was issued for this property in 2020 and it is currently occupied by up to six people.

**7. RELEVANT PLANNING HISTORY**

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

|   |
|---|
| <p>16/02001/H42 - Application for prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 6.0m, for which the maximum height would be 2.80m, and for which the height of the eaves would be 2.60m. Prior Approval Not Required. 23rd August 2016.</p> |
|---|

**8. RELEVANT PLANNING POLICY**

8.1. The following policies are relevant to the application:

| Topic | National Planning Policy Framework | Local Plan | Other planning documents | Neighbourhood Plans: |
|-------|------------------------------------|------------|--------------------------|----------------------|
|       |                                    |            |                          |                      |

|                      |                  |              |  |  |
|----------------------|------------------|--------------|--|--|
| <b>Design</b>        | 117-123, 124-132 | DH1, DH7     |  |  |
| <b>Housing</b>       | 59-76            | H6, H15, H16 |  |  |
| <b>Transport</b>     | 117-123          | M3, M5       |  |  |
| <b>Miscellaneous</b> | 7-12             | S1           |  |  |

## 9. CONSULTATION RESPONSES

- 9.1. Site notices were displayed around the application site on 17th February 2021.

### **Statutory and non-statutory consultees**

#### Oxfordshire County Council (Highways)

- 9.2. The proposals are in a highly sustainable location with good access to public transport and local amenities. The proposals are in a CPZ.

Cycle Parking - The property demonstrates provision for 6 cycle parking spaces for a 6 bed HMO. This provision is in line with 2036 local plan policy and is considered acceptable.

Car Parking - The proposals do not include any off-street parking. This can be mitigated against by excluding the property from obtaining residential parking permits. This will enforce the low car nature of the development and protect existing parking from the impact of the development.

The proposals are unlikely to have a detrimental impact on the local highway network in traffic and safety terms. Oxfordshire County Council do not object to the granting of planning permission, subject to a condition to exclude occupiers from eligibility for parking permits.

### **Public representations**

#### Iffley Fields Residents' Association

- 9.3. In summary, the main points of objection were:

- No communal space, insufficient in size
- Anti-social behaviour
- Noise
- Criminal damage

## **Officer response**

- 9.4. Issues relating to noise, anti-social behaviour and criminal damage would typically be addressed through the management of the property and through HMO licencing and environmental health teams. Officers have specifically addressed the concerns relating to the size of the property and therefore its suitability as a house in multiple occupation.

## **10. PLANNING MATERIAL CONSIDERATIONS**

- 10.1. Officers consider the determining issues to be:

- I. Proportion of HMOs
- II. Amenities & Facilities
- III. Cycle Parking
- IV. Bin Store/Outdoor space
- V. Car parking

### **I. Proportion of HMOs**

- 10.2. Policy H6 of the Oxford local Plan 2036 states that planning permission will only be granted for the change of use of a Use Class C3 dwellinghouse to a Use Class C4 House in Multiple Occupation (HMO), where the proportion of buildings used in full or part as a HMO within 100 metres of street length either side of the application site does not exceed 20%.
- 10.3. A calculation of the street length as set out in Appendix 3.6 of the Oxford Local Plan 2036 has been undertaken and the percentage of HMOs within 100 metres of the application site will remain below 20% at 12%. The proposal would therefore not result in an over concentration of houses in multiple occupation within the relevant 100m area, which would therefore not be considered to have a detrimental impact upon the balance and mix of dwelling types within the surrounding area, and retain the objective of creating balanced and sustainable communities. The development proposed is therefore considered to comply with policy H6 of the Oxford Local Plan 2036 and not be considered to impact on the character of the area.

### **II. Amenities & Facilities**

- 10.4. Policy H6 of the OLP 2036 further states that planning permission will only be granted for the change of use of a dwelling house in Use Class C3 to a Use Class C4 HMO, where the applicant has demonstrated compliance with the City Council's Good Practice Guide "Amenities and Facilities for House in Multiple Occupation", and that the development would not therefore have a detrimental impact upon the living conditions for the future occupants. The proposed HMO must also comply with the space standards set out in policy H15 of the Oxford Local Plan 2036.

- 10.5. The floor plans show a total of 6 bedrooms. The bedrooms all exceed the minimum space standard of 6.5m<sup>2</sup> for 1 occupant for HMOs. The property has a kitchen/living area that complies with the minimum requirements of 10m<sup>2</sup>, and in this case, given the property is only 2 storeys and all bedrooms exceed 8.5m<sup>2</sup>, no additional communal living space is required, with bedroom sizes sufficient to accommodate personal living space. The property has a shared bathroom at first floor, a separate toilet at ground floor and bedroom 6 has its own ensuite. The property is therefore considered to provide acceptable living accommodation in line with the Councils 'good practice guide'.

### **III. Cycle Parking**

- 10.6. Policy M5 of the Oxford Local Plan 2036 states that planning permission will only be granted for development that complies with or exceeds the minimum bicycle parking provision as set out in Appendix 7.4. Bicycle parking should be well designed, conveniently located, secure, covered (where possible enclosed) and provide level, unobstructed external access to the street. Bicycle parking should be designed to accommodate an appropriate amount of parking for the needs of disabled people, bicycle trailers and cargo bicycles, as well as facilities for electrical charging infrastructure.
- 10.7. The application proposes three Sheffield cycle stands to serve 6 bicycles, these are proposed to be secure and covered by a weather proof cover. These are to be located on the existing hardstanding to the rear of the property adjacent to the boundary with No.69 Argyle Street. They would have easy unobstructed access to the street via the side access to the property. The property is occupied by 6 people, as such this would be the appropriate amount of cycle parking for the property. No details of the weather proof cover have been submitted with the application, as such the proposal is acceptable subject to the condition of these details, and subject to compliance with the condition this would make the development acceptable for the purposes of Policy M5 of the Oxford Local Plan (2036).

### **IV. Bin Store/Outdoor Space**

- 10.8. Policy DH7 of the Oxford Local Plan states that permission will only be granted where outdoor needs are properly accommodated, including refuse and recycling storage. Bins should be provided in accordance with Oxford City Council's Technical Advice note on bin storage.
- 10.9. The storage of bins are to be located to the rear/side of the property accessed via the side passage, and located close to the access from the kitchen. These would not be visible to the street, but would be easily accessible when needed, as such their location is considered to satisfy policy.
- 10.10. Policy H16 of the Oxford Local Plan 2036 states that planning permission will only be granted for dwellings that have a direct and convenient access to an area of private open space.
- 10.11. The property has a modest sized rear garden with direct access out at ground floor from the kitchen and bedroom's 5 and 6. This space is sufficient for

outside dining and the main requirements of the occupiers. In addition to this the property is conveniently located close to public parks and recreation ground within the city. This space would be considered more than sufficient for the occupiers of the property and would be considered acceptable with regards to policy H16.

## **V. Car Parking**

- 10.12. Policy M3 of the Oxford Local Plan 2036 states that in Controlled Parking Zones or employer-linked housing areas where occupants do not have an operational need for a car, where development is located within a 400m walk to frequent public transport services and within 800m walk to a local supermarket or equivalent facilities, planning permission will only be granted for residential development that is car-free. In all other locations, M3 states that planning permission will only be granted where the relevant maximum standards set out in Appendix 7.3 are complied with.
- 10.13. There is no provision for off-street carparking, the property is however in a highly sustainable location with good access to public transport and local amenities. The property is also located within a controlled parking zone. Oxfordshire County Council have commented on the application and not raised objections. The County Council have recommended that to enforce the low-car nature of the development and protect existing on-street parking from the impact of the development, the proposal would be acceptable subject to excluding the property from eligibility for parking permits. As a result, officers have included a condition as part of the recommendation to exclude occupiers from permits. The development therefore complies with the requirements of Policy M3 of the Oxford Local Plan (2036).

## **VI. Other Matters**

- 10.14. Comments have been raised relating to the suitability of the use of the property. These concerns relate to the layout and size of the property having had regard to the number of occupiers. Officers consider that the proposals are acceptable having had regard to the layout and the development meets the prescribed requirements in terms of space provision and shared facilities required to meet Policy H6 of the Oxford Local Plan (2036).
- 10.15. Concerns have also been raised in public consultation relating to noise from the property and anti-social behaviour. The concerns raised are not matters that can be considered as a basis for refusing planning permission. Issues relating to noise and anti-social behaviour are most appropriately dealt with by the police, environmental health and HMO licensing.
- 10.16. The proposed development would not have a materially harmful impact on neighbours in terms of loss of light or privacy.
- 10.17. In reaching a recommendation to grant planning permission officers were mindful of the comments raised in public consultation.

## **11. CONCLUSION**

- 11.1. The development is considered acceptable having had regard to the concentration of HMOs, quality of accommodation, cycle and refuse storage and impact on highway safety.
- 11.2. It is recommended that the West Area Planning Committee resolve to grant planning permission for the development proposed subject to the conditions below.

## **12. CONDITIONS**

### **Time Limit**

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.

### **In accordance with approved plans**

2. The development permitted shall be carried 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 DH1 of the Oxford Local Plan 2036.

### **Removal of Parking Permits**

3. Within six months of the date of this decision the Order governing on-street parking at 67 Argyle Street shall be varied by the Oxfordshire County Council as highway authority to exclude the application site from eligibility for residents' parking permits unless otherwise agreed in writing by the Local Planning Authority.

Reason: To secure the low car nature of the development and to ensure that the development does not generate a level of vehicular parking which would be prejudicial to highway safety, or cause parking stress in the immediate locality, in accordance with policy M3 of the Oxford Local Plan 2036.

### **Cycle Storage**

4. Within 6 months of the decision, the secure cycle parking for a minimum of 6 bicycles as identified on drawing 'PLAN-003' shall be provided within the

curtilage of the dwelling and retained thereafter for the storage of bicycles. Details of the weatherproof cover to the cycle storage as indicated on drawing 'PLAN-003' 'Proposed Site Plan' shall be submitted to and approved in writing by the local planning authority. This should be retained for the covering of the cycle parking area thereafter.

Reason: To encourage the use of sustainable modes of transport in line with policy M5 of the Oxford Local Plan 2036.

### **13. APPENDICES**

- **Appendix 1** – Site location plan

### **14. HUMAN RIGHTS ACT 1998**

14.1. 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.

### **15. SECTION 17 OF THE CRIME AND DISORDER ACT 1998**

15.1. 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.

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