

## Oxford City Planning Committee

7th September 2021

<b>Application number:</b>	21/01989/FUL		
<b>Decision due by</b>	9th September 2021		
<b>Extension of time</b>	TBA		
<b>Proposal</b>	Change of use from dwellinghouse (Use Class C3) to a house in multiple occupation (Use Class C4). Provision of bin and bike stores.		
<b>Site address</b>	75 Langley Close, Oxford, OX3 7DB, – see <b>Appendix 1</b> for site plan		
<b>Ward</b>	Headington Ward		
<b>Case officer</b>	Nia George		
<b>Agent:</b>	Jim Driscoll	<b>Applicant:</b>	Mr A Rehman
<b>Reason at Committee</b>	The applicant Mr A Rehman is an elected Councillor for the Lye Valley Ward.		

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## 1. RECOMMENDATION

1.1. Oxford City 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 proposal to change the use of 75 Langley Close from a dwellinghouse (Use Class C3) to a house in multiple occupation (Use Class C4), and the associated provision of bin and bicycle storage.

2.2. This report considers the following material considerations:

- Concentration of HMOs
- Internal and External Space

- Car Parking
- Bicycle Storage
- Bin Storage

2.3 The development is considered acceptable in principle, complying with the concentration of HMOs allowed in the local area, and would not result in a change to the character of the area or the community becoming unbalanced. The proposal would provide a good standard of accommodation that would comply with the City Council's Landlord's Guide to Amenities and Facilities for Houses in Multiple Occupation. The development would be car free due to its sustainable location within a controlled parking zone and would provide good quality bin storage and bicycle parking. The development would not give rise to any unacceptable impacts in regards of public highways. The proposals are considered to comply with Policies S1, H6, H15, H16, DH7, RE7, M3 and M5 of the Oxford Local Plan and the NPPF.

2.4 Officers consider that the proposals would be acceptable and that the development would accord with the policies of the development plan when considered as a whole and the range of material considerations and support the grant of planning permission.

### **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. The application site is a two storey semi-detached property located on the south-western side of Langley Close. Langley Close is a cul-de-sac accessed from Windmill Road in the Headington area of Oxford City. The property is located on a corner plot at an opening in the close.

5.2. The site currently benefits from a single storey side extension and a garage sited within the rear garden.

5.3. See block plan below:



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Ordnance Survey 100019348

## 6. PROPOSAL

6.1. The application proposes to change the use of the property from a dwellinghouse (use class C3) to a house in multiple occupation (use class C4), and the associated provision of bin and bicycle storage.

6.2. It is proposed for the development to be car free. Bin and bicycle storage would be provided at the front of the property. No other external changes are proposed.

## 7. RELEVANT PLANNING HISTORY

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

55/04328/A_H - Private garage.. PERMITTED DEVELOPMENT 17th April 1955.
57/06311/A_H - Erection of porch.. PERMITTED DEVELOPMENT 10th September 1957.
06/02358/FUL - Single storey extension to side. APPROVED 24th January 2007.

## 8. RELEVANT PLANNING POLICY

8.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework	Local Plan

<b>Design</b>	117-123, 124-132	<b>DH7</b> – External servicing features and stores
<b>Housing</b>	59-76	<b>H6</b> – Houses in Multiple Occupation (HMO) <b>H15</b> – Internal space standards <b>H16</b> – Outdoor amenity space standards
<b>Transport</b>	117-123	<b>M3</b> – Motor vehicle parking <b>M5</b> – Bicycle parking
<b>Environmental</b>	117-121, 148-165, 170-183	<b>RE7</b> – Managing the impact of development
<b>Miscellaneous</b>	7-12	<b>S1</b> – Sustainable development

## 9. CONSULTATION RESPONSES

9.1. Site notices were displayed around the application site on 28th July 2021.

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

#### Oxfordshire County Council (Highways)

9.2. No objection subject to condition requiring the exclusion of the property from eligibility for parking permits.

#### Natural England

9.3. No objection

#### Internal – HMO Enforcement

9.4. No objection

### **Public representations**

9.5. 10no. people commented on this application from addresses in Langley Close and Hangar Drive.

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

- Effect on adjoining properties
- Effect on character of area
- Effect on existing community facilities
- Effect on traffic
- Exclusion of resident and visitor parking permits
- General dislike or support for proposal
- Garden should provide vehicle parking

- Family orientated area
- HMO out of character
- Information missing from plans
- Langley Close a peaceful, safe, pleasant place to live
- Location and size of bicycle storage provision
- Location and size of bin storage provision
- Noise and disturbance
- Not enough information given on application
- Number of HMOs in the area
- On-street parking
- Parking provision
- Parking provision in rear garden
- Parking problems associated with visitors
- Preservation of front garden and boundary wall
- Profit making from multi-occupancy
- Site may become subject to further planning development
- Reduction of parking on Windmill Road to accommodate cycle lanes
- Reduction of family homes
- Removal of parking spaces on London Road

### **Officer response**

9.7. Comments were raised in relation to the existing front garden at the site, in particular the boundary wall and hedge and its potential removal which would alter the appearance of the street scene. The design and access statement submitted with this application highlights that with the exception of the provision of bin and bicycle storage, no changes are proposed to the existing landscaping arrangements.

9.8. Comments were raised noting that the grant of planning permission for the change of use to a HMO may lead to further development at the site, increasing the occupancy of the property. However, future speculative applications cannot be considered when determining an application.

9.9. All other material considerations raised in response to the consultation of this application are dealt with later in the report in the relevant sections.

## **10. PLANNING MATERIAL CONSIDERATIONS**

10.1. Officers consider the determining issues to be:

- Concentration of HMOs
- Internal and External Space
- Car Parking
- Bicycle storage
- Bin storage

**a. Concentration of HMOs**

10.2. As of 24<sup>th</sup> 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.

10.3. Policy H6 of the Oxford Local Plan states that the change of use of a dwellinghouse to an HMO will only be granted where the proportion of building used in full or in 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.

10.4. Within 100m either side of 75 Langley Close, there is a total of 44 buildings, including the host property. The proposal would result in 4 of these buildings being classed as a HMO. The proposed HMO at 75 Langley Close would result in a total of 9% of the total number of dwellings being in HMO use. This would be comfortably within the allowed 20% threshold.

10.5. In response to comments received, it is acknowledged that this is a cul-de-sac which is mainly used as family dwellinghouses, and concerns have been raised regarding the increased number of HMOs. In the Oxford Local Plan it is acknowledged that in some areas of Oxford high concentrations of HMOs are resulting in changes to the character of the local area, and can contribute to local parking problems and large numbers of transient households. As demonstrated in this section, only four buildings within 100m either side of the application site would be in use as a HMO as a result of this application, and therefore the proposal could not reasonably be considered to change the character of the local area.

10.6. The proposal is therefore considered to comply with Policy H6 of the Oxford Local Plan.

**b. Internal and External Space**

10.7. Policy H6 states that the change of use of a dwelling to an HMO will only be granted where the development complies with Policy H15 and the City Council's good practice guidance on HMO amenities and facilities. Policy H15 states that planning permission will only be granted for new dwellings that provide good quality living accommodate for the intended use.

10.8. Policy H16 states that planning permission will only be granted for dwellings that have direct and convenient access to an area of private open space. Private

outdoor areas should allow space for outside dining and/or clothes drying, with reasonable circulation.

10.9. 75 Langley Close is set over two storeys. The ground floor would comprise of a kitchen/diner, a conservatory, two bedrooms and a shower room. The first floor would comprise of two bedrooms, a study, a bathroom and a W.C. All of the rooms in the property meet the space requirements set out in Oxford City Council's Landlord's Guide to Amenities and Facilities for Houses in Multiple Occupation. Three of the bedrooms are large enough to accommodate two occupants per room, and one is large enough to accommodate one occupant. Although the bedrooms are large enough to accommodate up to 7 occupants, the Use Class applied for is a C4 HMO, which only permits up to 6 occupants. If the applicant intended more than 6 people to occupy the property, planning permission would need to be sought for a larger house in multiple occupation which is a sui generis use. The property has a shower room, bathroom and a W.C. and therefore would have enough washing facilities for 6 people. The property also has a kitchen/diner large enough for 6 people.

10.10. The property benefits from a private area of outdoor amenity space to the rear that would be of an adequate size for a HMO and would allow occupants space for clothes drying with reasonable circulation.

10.11. The use of a property as a HMO is also dependent on a HMO licence being obtained from the Council. In obtaining a license from the Council, the internal and external space are assessed and therefore at the licensing stage any further controls can be imposed if necessary. Therefore whilst Officers consider the property would provide suitable accommodation for a small HMO for up to 6 people, the exact number may be further controlled under the HMO licensing regime.

10.12. The proposal would be considered to comply with Policies H6, H15 and H16 of the Oxford Local Plan.

### **c. Car Parking**

10.13. Policy M3 states that in CPZs 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, planning permission will only be granted where the relevant maximum standards set out in Appendix 7.3 are complied with.

10.14. 75 Langley Close is located within the Headington Central Controlled Parking Zone. The property is located within 800m of a shop and 400m of a frequent bus service and therefore is eligible to be a car-free development. No off-street parking is proposed which is therefore acceptable due to the property being located in a highly sustainable location, with good access to public transport and local amenities.

10.15. Due to the property being located within a CPZ, to ensure that the proposal does not result in demand for on-street parking, a condition has been

recommended to require the Road Traffic Order to be varied to remove any eligibility for future parking permits. The highways authority have concluded that the proposals are unlikely to have a detrimental impact on the local highways network in traffic and safety terms, subject to the condition recommended.

10.16. Comments were received in response to the public consultation for this application noting that there is off-street parking at the rear of the site in front of the existing garage. Officers note that the existing garage at the site measures 5.6m in length, and 2.8m in width, and therefore does not meet the 6.0m x 3.0m size requirements of a garage in current standards. Due to the garage not meeting this size requirement, Officers consider that this garage would not class as an existing parking space. In regards to the hardstanding in-front of this garage, a standard parking space must have a minimum length of 5.0m to meet the minimum size requirement. The hardstanding fails to meet this requirement being 4.8m in length. Therefore due to the hardstanding not meeting this size requirement, Officers consider that it would not class as an existing parking space.

10.17. Comments were also received in response to the application noting that Langley Close is already under pressure for on-street parking due to the Access to Headington Project and the number of on-street spaces lost to cycle lanes. Comments received also noted that visitors to the HMO would also add parking pressure. Officers note the existing parking pressures in the area however the removal of on-street parking permits would ensure the proposal would not give rise to any demand for on-street parking.

10.18. Suggestions have been received requesting that the change of use should only be permitted subject to the garden being altered to provide parking for 3 or 4 vehicles. As noted in this section, the property meets the requirements to be a car-free development and the recommended condition of removing eligibility for permits would ensure the proposal does not generate problems for parking provision.

10.19. Subject to the recommended condition, the proposal would be considered to comply with Policy M3 of the Oxford Local Plan.

#### **d. Bicycle storage**

10.20. Policy M5 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 7.3. Policy M5 also states bicycle parking should be well designed and well located, convenient, secure, covered (where possible enclosed) and provide level, unobstructed external access to the street.

10.21. Bicycle parking is proposed in a secure and covered store located to the front of the property on the hardstanding between the street and the property. It is considered that the siting of the store would be acceptable and would provide level and unobstructed access to the street. Appendix 7.3 states that for HMOs at least 1 bicycle parking space should be provided per occupant. The proposed plans show 4 bicycle parking spaces. As discussed previously in this report, the property is large enough to accommodate up to 6. Nevertheless, Officers

consider that there is enough space at the front of the property to accommodate enough bicycle parking for one space per occupant if the property were to be used by 6 occupants. A condition has therefore been recommended requiring the property to provide at least one space per occupant prior to occupation and retained thereafter.

10.22. Subject to the recommended condition, the proposal would be considered to comply with Policy M5 of the Oxford Local Plan.

**e. Bin storage**

10.23. Policy DH7 states that planning permission will be granted where it can be demonstrated that bin and bicycle storage is provided in a way that does not detract from the overall design of the scheme or the surrounding area.

10.24. Bin storage is proposed in a covered store located at the front of the property on the hardstanding between the street and the house. It is considered that there would be enough space at the front of the property to accommodate the bin store proposed and it would be convenient and easily accessible for occupants to use. The bin store proposed would accommodate space for two wheeled bins and one food recycling bin, and meets the requirements outlined for a HMO of this size within Oxford City Council's Landlord's Guide to Amenities and Facilities for Houses in Multiple Occupation. A condition has been recommended that this store is provided prior to the occupation of the dwelling and retained thereafter.

10.25. Subject to the recommended condition, the proposal would be considered to comply with Policy DH7 of the Oxford Local Plan.

**11. CONCLUSION**

11.1. On the basis of 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 it clear that proposals should be assessed in accordance with the development plan unless material consideration indicate otherwise.

11.2. In the context of all proposals paragraph 11 of the NPPF requires that planning decisions apply a presumption in favour of sustainable development. This means approving development that accords 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 clear reasons 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.

11.3. Therefore it would be necessary to consider the degree to which the proposal complies with the policies of the development plan as a whole and whether there are any material considerations, such as the NPPF, which are inconsistent with the result of the application of the development plan as a whole.

### *Compliance with development plan policies*

11.4. In summary the proposed development would make efficient use of an existing site to deliver multi-occupancy housing and is supported by the overall objectives of the Oxford Local Plan 2026 and Policies S1 and H6. The development would not result in any harm to the character of the surrounding area and would be in accordance with Policy H6. The proposals would provide a good standard of accommodation in terms of internal space and outdoor amenity space and would comply with Policies H15 and H16. The development would not have any unacceptable impacts in terms of highway safety, including to pedestrians and cyclists, and would be car free, and is compliant with Policies M3, M5 and RE7.

11.5. Therefore officers consider that the proposal would accord with the development plan as a whole.

### *Material considerations*

11.6. The principal material considerations which arise are addressed above, and follow the analysis set out in earlier sections of this report.

11.7. Officers consider that the proposal would accord with the overall aims and objectives of the NPPF for the reasons set out in the report. Therefore in such circumstances, paragraph 11 is clear that planning permission should be approved without delay. This is a significant material consideration in favour of the proposal.

11.8. Officers would advise members that, having considered the application carefully, including all representations made with respect to the application, the proposal is considered to be acceptable in terms of the aims and objectives of the National Planning Policy Framework, and relevant policies of the Oxford Local Plan 2036, and that there are no material considerations that would outweigh these policies.

11.9. It is recommended that the Committee resolve to grant planning permission for the development proposed subject to the conditions set out in section 12 of this report.

## **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.

### **Development in accordance with approved plans**

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 and to comply with Policy DH1 of the Oxford Local Plan 2036.

#### **Variation to Road Traffic Order**

3. The development hereby permitted shall not be occupied until the Order governing parking at 75 Langley Close has been varied by the Oxfordshire County Council as highway authority to exclude the site, subject to this permission, from eligibility for resident's and visitor parking permits unless otherwise agreed in writing by the Local Planning Authority.

Reason: To secure the car free 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.

#### **Bicycle storage**

4. Prior to occupation of the dwelling as an HMO, bicycle storage for at least one space per occupant, shall be provided on site and retained thereafter for the storage of bicycles only.

Reason: To ensure that sufficient cycle storage is provided in accordance with Policy M5 of the Oxford Local Plan 2036.

#### **Bin storage**

5. Prior to occupation of the dwelling as an HMO, the bin storage shown on the approved plans, shall be provided on site and retained thereafter for the storage of bins only.

Reason: In the interests of the character and appearance of the site and promotion of sustainable modes of transport in accordance with Policy DH7 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.