

DELEGATED REPORT

Application Number: 21/00072/FUL

Decision Due by: 9th March 2021

Proposal: Change of use from dwellinghouse (Use Class C3) to a house in multiple occupation (Use Class C4). Provision of bin stores.

Site Address: 46 East Field Close Oxford OX3 7SH

Ward: Lye Valley Ward

Agent: Jim Driscoll

Applicant: Mrs Rashda Chaudri

Recommendation:

APPLICATION BE APPROVED

For the following reasons:

- 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.

subject to the following conditions, which have been imposed for the reasons stated:-

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Variation of road traffic order
- 4 Bin and bicycle storage

Main Local Plan Policies:

Oxford Local Plan 2036

S1: Sustainable development
DH1: High quality design and placemaking
DH7: External servicing features and stores
H6: Houses in Multiple Occupation (HMO)
H15: Internal space standards
H16: Outdoor amenity space standards
RE7: Managing the impact of development
M3: Motor vehicle parking
M5: Bicycle parking

Other Material Considerations:

National Planning Policy Framework

Planning Practice Guidance

Relevant Site History:

No relevant site history

Representations Received:

52 East Field Close: objects to the Planning Application

Comment Reasons:

- General dislike or support for proposal
- Parking provision

What defines Multiple Occupancy? Is there a proposed number of additional occupants? It appears that some of the premises on East Field Close already have "multiple occupancy or are running businesses. How will additional car parking be enforced?

Officer response: *A House in Multiple Occupation (HMO) is a shared house occupied by three or more unrelated individuals, as their only or main residence, who share basic amenities such as a kitchen or bathroom. A property benefitting from a C4 HMO use class can accommodate up to 6 occupants. Due to the property being located within a Controlled Parking Zone, a condition has been attached to the application to remove eligibility for parking permits, which will ensure that the proposal does not result in demand for on-street parking.*

Statutory and Internal Consultees:

Thames Valley Police Chief Constable (Operations): objection received – comments were made relating to security measures, 'designing out crime', and cycle storage.

Officer response: Security measures in the detail suggested are not material planning considerations which can be taken into account for this type of planning application. Revised plans were submitted for enclosed cycle stores to be provided in the rear garden away from the bin storage area. Also an informative can be attached drawing the applicant's attention to the comments to make them aware.

Bullington Community Association: objection received – comments were made relating to:

- Principle of HMOs
- Lack of affordable housing
- Lack of community engagement of those in private rental accommodation
- Properties not in adequate condition
- More HMOs for Oxford City Council to monitor
- On-street parking
- Bin/refuse
- Highways safety
- Overcrowding
- High cost housing detracting key workers
- Drainage/flooding
- Population increase due to sub-division, student accommodation, new houses
- Security
- Pressure on police resources
- Penalties on landlords

Officer response: These comments appear to be general comments about HMOs and housing within Oxford City and are not specific to this planning application directly. The majority of these comments are not material planning considerations for this application. Parking, bin/refuse, highways safety, drainage, and security are all considerations which have been addressed in this report.

Natural England: No comments

Highways Authority: made comments neither objecting to or supporting the Planning Application

Issues:

Concentration of HMOs
Internal and External Space
Car Parking
Cycle Storage
Bin Storage

Officers Assessment:

Site and Proposal

The application site is a two storey detached property located on the west side of East Field Close.

This application seeks planning permission for the change of use from a single dwellinghouse (Use Class C3) to a House in Multiple Occupation (Use Class C4).

Concentration of HMOs

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.

Policy H6 of the Oxford Local Plan states that the change of use of a dwelling 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.

Within 100m either side of 46 East Field Close, there is a total of 40 buildings, including the host property. The proposal would result in 1 of these buildings being classed as a HMO. The proposed HMO at 46 East Field Close would result in a total of 2.5%, within the allowed 20%.

The proposal would therefore comply with Policy H6 of the Oxford Local Plan.

Internal and External Space

Policy H6 states that the change of use of 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 accommodation for the intended use.

46 East Field Close is set over two storeys. The ground floor comprises of a kitchen, dining room, living room, utility room, bedroom, garage and a W.C. The first floor comprises of three bedrooms; one with an en-suite, a spare room and a bathroom. 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. All three of the bedrooms on the first floor measure over 11m² and are therefore large enough to accommodate two people, and the bedroom located on the ground floor can accommodate one person. The property has a bathroom and an en-suite and is therefore suitable for accommodating 6 people and this will be controlled through the nature of the C4 use for up to 6 occupants only as well as the licensing regime. The property also has a kitchen and living space large enough for 6 people. The property benefits from a private area of outdoor amenity space to the rear that would be adequate for clothes drying with reasonable circulation.

The development is considered to comply with Policy H6 of the Oxford Local Plan.

Car Parking

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.

46 East Field Close is located within the Hollow Way North Controlled Parking Zone. The property is not located within 800m of a shop and 400m of a frequent a bus service and therefore is not eligible to be a car-free development. Appendix 7.3 states that for HMOs the vehicular parking standards should be decided case by case on their merit.

The property benefits from a garage and a hardstanding located at the front of the property and has enough space to accommodate two vehicles. It is proposed to retain these two spaces. This is considered to be an acceptable level of parking provision for the proposed HMO. Furthermore, as the proposed parking arrangement would not be altered from the existing arrangement, it is not considered that the proposals would amount to any unacceptable impact upon the highway network in relation to highways safety or traffic flows. Comments were received in response to the application regarding on-street parking demand and highways safety. Due to the property benefitting from two existing parking spaces and being located in a CPZ, to ensure that the proposal does not result in demand for on-street parking, a condition has been attached to require the Road Traffic Order to be varied to remove any eligibility for future parking permits. This will ensure there is no further demand on on-street parking and the proposal would not be detrimental upon highways safety.

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

Cycle Storage

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.

The proposed plans originally submitted with the application did not include any bicycle storage. Revised plans were submitted for two bicycle stores to be located in the rear garden and accessed via the side of the property. These two stores would provide secure and covered parking for 6 bicycles. There would be level, unobstructed external access to the street, and overall is considered acceptable. A condition has been recommended that these stores are provided prior to the occupation of the dwelling and retained thereafter.

Subject to condition, Officers are satisfied that the proposal would comply with Policy M5 of the Oxford Local Plan.

Bin storage

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

The proposed plans originally submitted with the application included bin storage to be accommodated within the garage. Revised plans were submitted for a covered bin store to be located at the front of the property which would provide level and unobstructed access to the street, and would therefore be a more convenient location than the garage. The bin store would accommodate space for two bins and food waste, and overall the store is considered acceptable. A condition has been recommended that this store is provided prior to the occupation of the dwelling and retained thereafter.

Subject to condition, Officers are satisfied that the proposal would comply with Policy DH7 of the Oxford Local Plan.

Other comments

Comments were received in response to the consultation on this application regarding drainage from the loss of front gardens for parking. No changes are proposed to the existing parking situation at the application site, and no further hard surface is proposed.

Comments were also received in response to the consultation on this application regarding the security of cycle stores. Thames Valley Police have also commented on the application providing their advice on ensuring security through design. The proposed bicycle stores would be located in the rear garden and are enclosed, providing a secure cycle parking area. An informative has been attached drawing the applicant's attention to the police's comments to make them aware.

Conclusion: Approve with 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 approve, officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

Background Papers: 21/00072/FUL

Contact Officer: Nia George

Extension: 2511

Date: 26th February 2021