



CO-living. Refined.

Section 55 Town and Country Planning Act

Design and Access Statement

Change of use of the property from a dwellinghouse (class C3) to a 8 bedroom HMO (use class Sui Generis) and erection of bin and bike store

42 Kestrel Crescent, Oxford, Oxfordshire, OX4 6DY

Site Information:

Site Address	42 Kestrel Crescent, Oxford, OX4 6DY
LA	Oxford City Council
Description of development	Change of use of the property from a dwellinghouse (class C3) to a 8 bedroom HMO (class Sui Generis)
Pathway (PD/Application/Appeal)	Planning Application

Constraints Review:

Flood Risk Zone	1
Contaminated Land	No
Tree Preservation Order	No
Heritage Assets	No
Noise Abatement Areas	No
Explosive Hazard Areas	No
Area of Outstanding Natural Beauty	No
Special Protection Area	No
Site of Special Scientific Interest	No
RAMSAR Convention Site	No
Site of Importance to Nature Conservation	No
Article 4(2) Directions	No



Local Policy Requirements

Local Plan/Core Strategy

Oxford Local Plan 2036 (adopted 8th June
2020 Sites and housing Plan 2011-2026

Effective Policies in Development Control

Policy H6: Houses in Multiple Occupations
(HMO)

Policy RE7: Managing the Impact of
Development

Policy M1: Prioritising Walking, Cycling &
Public Transport

Policy M2: Assessing & Managing
Development

Policy M5: Bicycle Parking

SPG/SPD's

Landlord's Guide to Amenities and Facilities
for HMO 2019

Report Date

3rd November 2023



1. Introduction

- 1.1 The application site relates to a 2-storey semi-detached dwellinghouse (C3) situated on 42 Kestrel Crescent, Oxford.
- 1.2 The application seeks to convert the dwellinghouse (Class C3) into a 8 bed HMO (Class Sui Generis) and erection of bin & bicycle storage.

Executive Summary

The Adopted Local Plan and NPPF make clear that planning permission should be granted for the conversion of the property from C3 to Sui Generis. As this statement demonstrates, the proposal will enable the conversion in a manner that is acceptable and will not have a demonstrable impact on the characteristics or appearance of the area.

2. National and Local Development Frameworks.

National Planning Policy Framework

2.1. The Ministry of Housing, Communities and Local Government published the revised National Planning Policy Framework on 24 July 2018. This was the first revision of the National Planning Policy Framework since 2012. It implemented around 85 reforms announced previously through the Housing white paper, the planning for the right homes in the right places consultation and the draft revised National Planning Policy Framework consultation. Following a technical consultation on updates to national planning policy, we have made very minor changes to the text and published an updated Framework in July 2021. The National Planning Policy Framework is a vital tool in ensuring that we get planning for the right homes built in the right places of the right quality at the same time as protecting our environment.

2.2. The relevant sections of the NPPF are set out below:

Introduction

2. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise 3. The National



Planning Policy Framework must be taken into account in preparing the development plan, and is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements.

5. The Framework does not contain specific policies for nationally significant infrastructure projects. These are determined in accordance with the decision making framework in the Planning Act 2008 (as amended) and relevant national policy statements for major infrastructure, as well as any other matters that are relevant (which may include the National Planning Policy Framework). National policy statements form part of the overall framework of national planning policy, and may be a material consideration in preparing plans and making decisions on planning applications.

Achieving sustainable development

7. The purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.

8. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

- a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

- b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities'

health, social and cultural well-being; and

c) an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

9. These objectives should be delivered through the preparation and implementation of plans and the application of the policies in this Framework; they are not criteria against which every decision can or should be judged. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.

10. So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development (paragraph 11).

11. Plans and decisions should apply a presumption in favour of sustainable development. For plan-making this means that:

a) plans should positively seek opportunities to meet the development needs of their area, and be sufficiently flexible to adapt to rapid change;

b) strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas, unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

For decision-taking this means:

c) approving development proposals that accord with an up-to-date development plan without

delay; or

d) where there are no relevant development plan policies, or the policies which are most

important for determining the application are out-of-date 7, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Decision Making

38. Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

Determining Applications

47. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing.

48. Local planning authorities may give weight to relevant policies in emerging plans according to:

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

Making effective use of land

119. Planning policies and decisions should promote an effective use of land in meeting the

need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.

120. Planning policies and decisions should:

- a) encourage multiple benefits from both urban and rural land, including through mixed use schemes and taking opportunities to achieve net environmental gains – such as developments that would enable new habitat creation or improve public access to the countryside;
- b) recognise that some undeveloped land can perform many functions, such as for wildlife, recreation, flood risk mitigation, cooling/shading, carbon storage or food production;
- c) give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land;
- d) promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively (for example converting space above shops, and building on or above service yards, car parks, lock-ups and railway infrastructure); and
- e) support opportunities to use the airspace above existing residential and commercial premises for new homes. In particular, they should allow upward extensions where the development would be consistent with the prevailing height and form of neighbouring properties and the overall street scene, is well designed (including complying with any local design policies and standards), and can maintain safe access and egress for occupiers.

Achieving well-designed places

124. Planning policies and decisions should support development that makes efficient use of land, taking into account:

- a) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;
- b) local market conditions and viability;

- c) the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;
- d) the desirability of maintaining an area’s prevailing character and setting (including residential gardens), or of promoting regeneration and change; and
- e) the importance of securing well-designed, attractive and healthy places.

Local Policy

2.3. The relevant policies are located within the Adopted Local Plan of the Oxford City Council.

2.4. The applicant sets out below their reasons why this development complies with the relevant policies in full.

Policy	Compliance
Policy S1: Presumption in Favour of Sustainable Development	The proposal is within a residential settlement area.
Policy H1: The scale of new housing provision	Creation of accommodation which maintains a mixed and balanced community.
Policy H4: Mix of Dwelling Sizes	Creation of HMO with 5 bedrooms of different sizes.
Policy H6: Houses in Multiple Occupations (HMO)	The proposal is within 20% of the allowable number of HMOs in the area.
Policy H15: Internal Space Standards	The proposal exceeds the minimum standards in Nationally Described Space Standards and HMO Guidance.
Policy M1: Prioritising walking, cycling, and public transport	The property is in a sustainable location and walking and cycling are encouraged.
Policy M2: Assessing and Managing Development	The site is in a Controlled Parking Zones (CPZ).
Policy M3: Motor Vehicle Parking	Existing 1 parking space
Policy M5: Bicycle Parking	Will provide bike storage for 6 bicycles. The property has only 5 bedrooms.

4. Site, Context and Comparable Forms of Development

4.1. The application site is surrounded by approximately 9 bus stops withing 0.5 miles.

4.2. The property relates to a 2-storey semi-detached property on 42 kestrel Crescent in Oxford, which appears to have been built in the 1950’s.

4.3. Shops, recreation facilities, schools and business parks surround the site and there is easy access to public transport.

5. Constraints to Development

5.1. An Article 4 direction prevents overconcentration of HMOs in areas where there are already significant numbers. The City Council considers that more than 20% of buildings in HMO use within a 100-metre length of street will result in over-concentration.

6. Principle of Development

6.1 The existing site relates to a 2-storey semi-detached house (C3) at 42 Kestrel Crescent, Oxford.

6.2. This planning application seeks approval for the change of use from a dwellinghouse (Class C3) to a 8-bedroom HMO (Class Sui Generis).

6.3. Currently, the property consists of a kitchen/living/dining, shower room, a bedroom and utility on the ground floor while 4 bedrooms and a bathroom on the first floor.

6.4. The estimated number of HMOs in the area is approximately 15% within 100m of the property. The calculated HMO density is within the allowable concentration of HMOs in the area of 20% as per Policy H6.

6.5. The design ensures that the standards of amenities are protected and has already gained planning permission. The internal alterations follow the sizes as set out in the Nationally Described Standards for bedrooms and follow the Council's HMO standards for amenities.

Amenity	Area	Minimum Requirement (sqm.)
B1	10.17	For 1b1p = 7.5 (NDSS), 6.5 (HMO)
B2	11.90	6.5
B3	9.60	6.5
B4	9.80	6.5
B5	8.50	6.5
K/D/L	25.20	24
Bicycle Parking/Store	6	5
Car Parking	1	0

6.6. The proposal exceeds the minimum requirements stated in the HMO guidelines and meets the standards in the local policies stated above.



7. Site Capacity Assessment.

This application seeks to convert the existing 9-bedroom house (Class C3) to a 8-bedroom HMO (Class Sui Generis).

Scale

7.1. No changes are proposed to the scale of the house.

Layout

7.2. No changes are proposed. Commensurate with the layout of other buildings within the street, the site maintains the strong front-to-back arrangement of properties found locally.

Amount

7.3. No changes are proposed, other than the change of use from a 4-bedroom house (C3) to a 8-bedroom HMO (Sui Generis).

Landscape

7.4. No landscaping is proposed with this application. The proposal aims to maintain and enhance the existing garden.

8. Impact of Additional Residents

8.1. In 2008, the Government produced a report, "Evidence Gathering – Housing in Multiple Occupation and possible planning responses". This identified a number of measures as evidenced by good practice around the country, by which local authorities can control anti-social behaviour associated with HMOs through non-planning mechanisms.

8.2. In 2010, a report was commissioned by the Department of Communities and Local Government entitled 'Evaluation of the Impact of HMO Licensing and Selective Licensing'. This was produced by the Building Research Establishment in 2010.

8.3. Paragraph 4.4 is particularly pertinent:

4.4 Summary of the private rented sector in the twelve case studies

The Rugg¹ review provides a comprehensive analysis of the modern private rented

1 The Private Rented Sector: Its Contribution and Potential. Julie Rugg and David Rhodes sector. This study, however, looks closely at the HMO market, which has a defined role

within this sector and the privately rented properties affected by selective licensing.

Interviews with the case studies reveal that LAs vary in their understanding of the dynamics of the local housing market and the role of the private rented sector in these markets. Consequently, there are distinct differences in how they see private sector initiatives (including licensing) linking into their broader strategic roles. For some case studies, raising standards in the sector is a must for regeneration strategies. For other LAs, the private rented market has been left to its own devices. The following provides a summary of the issues raised by the case studies:

- the case studies underline the growing diversity and complexity of the private rented sector generally as 'new' tenants and landlords enter it. There has been an expansion at the 'top' end of the market to meet the needs of young professionals. Here, standards tend to be good, often managed by larger portfolio landlords.*
- large portfolio landlords were considered more knowledgeable and more experienced, treating the profession as a business.*

8.4. Table 1 of that report identifies that there is a perception of the behaviour of HMO tenants. However, Table 11 determines that this is not the principal problem with this form of accommodation. As such, the perception of harm is much worse than the reality of the situation.

8.5. It is a long-standing tenet of planning that decisions should be based on evidence and not upon anecdotal or personal opinions. The above indicates that such evidence as exists shows that HMOs create no greater nuisance than any other form of property.

8.6. This concluded that if properly managed HMO's caused no greater disturbance than other residential uses.

9. Access, Transport and Parking Appraisal

9.1. The main access to the property is via the front door. The bike storage including the bin storage is located at the front of the property and easily accessible.



9.2. Kestrel Crescent is in a sustainable location, and the need for cars is very low. The proposed site has easy access to public transport with the nearest bus stop only 160m from the site.

9.3. The local shops are all within 2 minutes walk being less than 200m distance from the property.

9.4. The proposal includes bike storage to accommodate 8 bicycles which is more than the required allocation of one bicycle for each room (8 bedrooms). The future occupants will be encouraged to use bicycles, public transport or to walk to their destinations.

9.5. The improvements to the cycle infrastructure in the area allow for quick access to the city centre and to employment sites around Oxford.

9.6. The location is in a Controlled Parking Zone therefore, no increase in on-street parking demand would result from this development.

10. Conclusion

10.1. The proposed change of use from Class C3 to a 8-bedroom HMO (Class Sui Generis) has no demonstrable harm to the locality or the adjoining residential amenity. The change of use does not require any change from the previous planning permission for the extension to accommodate this proposed change of use.

10.2. The HMO can house lower-income individuals, professionals, and workers in nearby commercial establishments. This proposal reflects the current housing environment to ensure the occupants' health, safety and welfare by following the Council's related policies and HMO standards.

10.3. The proposal does not affect traffic or the use of parking in the area. The site is in the Controlled Parking Zone which ensures that no on-street parking is allowed. Given the sustainable location of the property and the provision of bike storage, it is considered that the proposal would not have any effect on traffic and parking in the area.

10.4. The proposal complies with the cycle parking standards, including the provision for HMOs. In addition, the location is within walking distance from the town centre and local public transport, which conforms to Policy M1 and Policy M5 of the Local Plan.

10.5. Within the planning balance, the proposed development offers an opportunity to provide



further dwellings for the area in a manner which would have a positive effect on the character and appearance of the street scene, impact the amenity of adjoining and surrounding occupiers and would have wider public benefits from bringing new sustainable forms of development.

10.6. As such, it is submitted that planning permission could be granted for this development, and the applicant looks forward to discussing the matter with the LPA.