

APPLICATION NO.	P19/V2651/FUL
PARISH	NORTH HINKSEY
WARD MEMBER(S)	Debby Hallett Emily Smith
APPLICANT	Mr Jordan
SITE	1 Maple Close Botley Oxford, OX2 9DZ
PROPOSAL	Retrospective change of use to C3 dwelling as 7 bed HMO.
OFFICER	Susannah Mangion

RECOMMENDATION

It is recommended that planning permission is granted subject to the following conditions:

Standard:

1: Approved plans

Within 6 weeks of the grant of planning permission:

2: Car parking laid out and marked

3: Bicycle parking provided

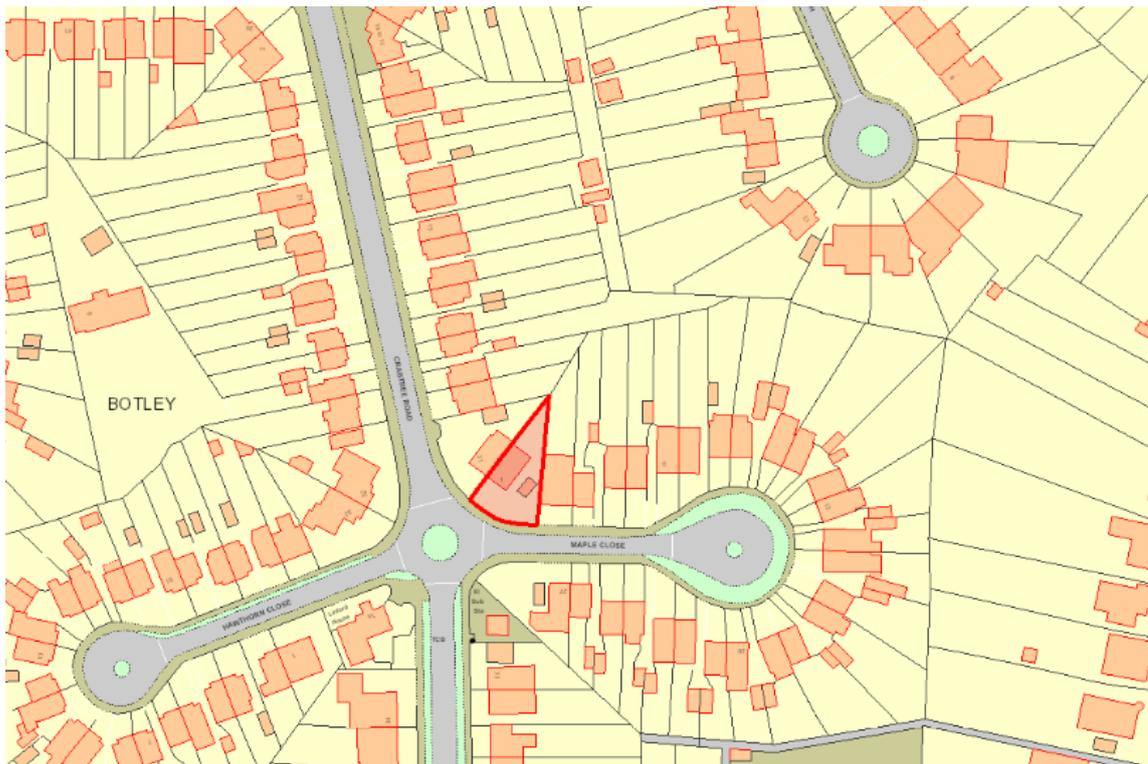
Informative

4: Unique – boundary treatment

1.0 INTRODUCTION AND PROPOSAL

- 1.1 The application comes to committee at the request of the councillor Emily Smith.
- 1.2 The application site is located in a residential area, in the settlement of Botley, and is close to the 4a bus route into Oxford City Centre. The building on site is an extended semi-detached property. To the front the garden has been gravelled to provide off-road parking. To the rear of the dwelling is a triangular shaped garden.
- 1.3 The application seeks change of to a 7-bedroom House in Multiple Occupation (HMO) which is a *sui generis* use and requires the specific grant of planning permission. The application for change of use to a 7-bedroom HMO is retrospective and the use commenced in July 2018. (The agent has advised there was an error on the application form which stated October 2019.)
- 1.4 A planning application for change of use to a 7-bedroom HMO was refused earlier this year under decision reference P19/V0410/FUL on 20 June 2019. The reasons for refusal were that it did not provide adequate off-street parking and turning space and cycle storage; and the inadequate parking provision increased pressure on parking, harming the character of the area.

- 1.5 The current application differs to the earlier application in that the current submission is accompanied by a Parking Technical Note (PTN) document dated October 2019 was provided in support of the application. This document assesses the availability of sustainable modes of travel for occupants, assesses car ownership date from the 2011 census to understand parking demand likely to be generated by the development and also includes a parking survey of the locality conducted on three nights in October, which assessed spare capacity for on-street parking.
- 1.6 A site location plan is provided below:



- 1.7 The site layout plan is **attached** at Appendix 1.

2.0 **SUMMARY OF CONSULTATIONS & REPRESENTATIONS**

2.1	North Hinksey Parish Council	Objection – Does not address the NHPC’s original objections to the scheme P19/V0410 i.e. insufficient parking for residents and no provision of visitor parking provision and unsafe as encourages on-road parking due to congestion
	Vale - Highways Liaison Officer (Oxfordshire County Council)	No objection subject to conditions: cycle parking and car parking as plans and informative to maintain unobstructed pedestrian vision splays

	along highway boundary (i.e. no obstruction over height of existing low wall)
Neighbour Object (3)	<p>Objection</p> <ul style="list-style-type: none"> • Nothing has changed since the rejection of the previous application. • The provision of 4 parking spaces is not enough for the occupants so will impact on highway safety for local residents. • Consider the Parking Technical report makes incorrect assumptions since you cannot legally park on both sides of the road on the nearby roads as they are not wide enough. • Site occupies corner plot on a roundabout and narrow road used by busses so access needs careful consideration. • Very little amenity space at rear of property once cycle parking has been provided. • General concern about the rise of HMOs in Botley in a residential area due to associated noise and disruption. • The use is ongoing so there is already a breach of planning regulations.
Housing Development	No observations
Waste Management Officer	No observations

3.0 **RELEVANT PLANNING HISTORY**

3.1 [VE19/335](#) - (current planning enforcement investigation)

The material change of use of the property from a C3 dwellinghouse to a C4 HMO without planning permission.

[P19/V0410/FUL](#) - Refused (20/06/2019)

Change of use from residential property to 7 bedroom HMO property.
(Additional plan to show parking provided 21/03/2019)

[VE18/409](#) - (14/11/2018)

Alleged breach of conditions 5 and 7 of P17/V0338/HH (1 Maple Close) and alleged change of use from C3 dwellinghouse to sui generis (occupied by 7 unrelated persons)

[VE17/637](#) - (14/12/2017)

Extension not being built in accordance with the approved plans for P17/V0338/HH.

[P17/V0338/HH](#) - Approved (07/07/2017)

2 Storey side extension

4.0 **ENVIRONMENTAL IMPACT ASSESSMENT**

- 4.1 The proposed development is neither of a sufficient scale, nor within a location of sufficient environmental sensitivity, to require an EIA.

5.0 **PLANNING CONSIDERATIONS**

- 5.1 The relevant planning considerations are the following:

- Fall-back position
- Principle of the development
- Highways and access considerations
- Appeal decision 1 Hillhead, Lime Road, Botley
- Design, appearance and impact on character
- Neighbour impact
- CIL
- Other

5.2 Fall-back position

Under the Town and Country Planning (Use Classes) Order 1987, planning permission is not usually required for a change of use from a family dwelling (Use Class C3) to a HMO of up to 6 unrelated persons (Use Class C4). However, the current building is occupied by 7 unrelated occupants and so does require planning permission, being regarded as a *sui generis* use. If planning permission was refused, it is likely the property would be occupied by 6 unrelated persons. It is therefore reasonable to consider the difference in impact between the occupation of the premise by 7 persons as opposed to 6.

5.3 Principle

The site, which is within in Botley, occupies a sustainable location close to a bus route into Oxford. Botley is defined at policy CP4 of the Local Plan 2031 Part 1 as a 'Local Service Centre' with a level of facilities and services and local employment to provide the next best opportunities for sustainable development outside the Market Towns.

- 5.4 Subject to being acceptable in other respects, the provision of residential accommodation at this location is appropriate, having regard to transport links and the level of facilities and services in the locality.

5.5 Highways and access considerations

The proposal indicates a parking plan for 4 vehicle spaces within the front garden area and for 10 cycle parking spaces within the rear garden area. The cycle parking area would serve residents and visitors, encouraging sustainable forms of transport and lessen dependence on private vehicles. The County Council's Highways Liaison Officer has reviewed the scheme in the light of the additional information provided within the PTN and is content that the parking is sufficient, having regard to the sustainable location of the site, including the pedestrian and cyclist infrastructure and the variety of public transport services available within the vicinity of the site, and to the availability of on-street parking assessed in the PTN. Accordingly, there are unlikely to be any highway or safety issues.

5.6 The Highways Liaison Officer objected to the previous application which was not accompanied by a Parking Technical Note. The Highways Officer's objection provided grounds for the reasons for refusal on the previous application, P19/V0410/FUL.

5.7 Although local concerns have been raised in respect of the access and parking provision, since there is no longer an objection from the Highways Officer, it is not sustainable for officers to maintain the objection that the proposal does not provide adequate off-street parking and turning space and cycle storage.

5.8 Appeal Decision P19/V0357/FUL – 1 Hillhead, Lime Road, Botley

The Vale recently refused planning permission for an 8-bedroom HMO at 1 Hillhead, Lime Road, Botley. The Council's decision was appealed, and the appeal was allowed. A copy of the appeal decision is **attached** at Appendix 2.

5.9 The Planning Inspector concluded that the property was in an accessible location and that there was no substantive evidence to suggest that the additional 2 bedrooms, the difference between a 6-bedroom HMO and an 8-bedroom HMO, results in a significant increase in demand for parking, and that, even if it did, on-street parking is mainly unrestricted. Further, there is no substantive evidence to show highway safety would be compromised.

5.10 The appeal case is similar to the current proposal in that it proposed a marginal increase to the number of HMO residents above the level than can be accommodated without the need for planning permission. Although no two sites are exactly alike, officers consider there are sufficient similarities between the current proposal and the appeal scheme to mean that refusing the current proposal is unlikely to lead to success in defending such a decision at appeal.

5.11 Design, appearance and impact on character

No operational development is associated with the proposal except for the provision of bicycle parking within the rear garden. Whilst the increase in the number of bedrooms may give rise to a slight intensification of the use of the site, there is no substantive evidence on how this may impact on the character of the area. Although concerns have been raised that there is for on-street parking in the area, the PTN accompanying the application identified spare on-

road capacity for parking. There is no evidence that the proposal will have a detrimental impact on the character and appearance of the area.

5.12 Neighbour impact

A concern has been expressed that the character of the area will change from a quiet area to a noisy area due to the presence of HMOs. However, there are not understood to have been any specific complaints to the council's environmental health team in respect of noise at this HMO. Should there be issues in future, the environmental health team would be in a position to respond to noise or other nuisances. At this time, officers are unable to conclude there would be any adverse impact on neighbour amenity.

5.13 Community Infrastructure Levy

The council's CIL charging schedule was adopted on 1 November 2017. CIL is a planning charge that local authorities can implement to help deliver infrastructure and to support the development of their area and is primarily calculated on the increase in footprint created as a result of the development. The proposed change of use does not give rise to any increase in residential floorspace and is therefore not CIL liable.

6.0 **CONCLUSION AND PLANNING BALANCE**

- 6.1 The property can be used as a 6-bedroom HMO without the specific grant of planning permission. Officers attach significant weight to this fall-back scenario, and to the overall sustainability of the proposal, given the existence of a range of non-car options for transport. There is no substantive evidence to demonstrate that the use of the premise as a 7-bedroom dwelling would give rise to inadequate parking and turning provision or have a detrimental impact on the character and appearance of the area or on neighbour amenity.
- 6.2 Having regard to recent appeal decision, P19/V0357/FUL, overall, the weighing of material considerations is in favour of approval, and the proposal is considered to accord with relevant policies of the development plan and with the NPPF.

The following planning policies have been taken into account:

Vale of White Horse Local Plan 2031 Part 1 policies

- CP01 - Presumption in Favour of Sustainable Development
- CP03 - Settlement Hierarchy
- CP04 - Meeting Our Housing Needs
- CP08 - Spatial Strategy for Abingdon-on-Thames and Oxford Fringe Sub-Area
- CP33 - Promoting Sustainable Transport and Accessibility
- CP35 - Promoting Public Transport, Cycling and Walking
- CP37 - Design and Local Distinctiveness
- CP42 - Flood Risk

Vale of White Horse Local Plan 2031 Part 2 policies

DP16 - Access

DP23 - Impact of Development on Amenity

Neighbourhood Plan:

The independent examination of the North Hinksey Neighbourhood Plan has now concluded. The district council now has to consider each of the examiner's recommendations, before making the final decision on whether the plan should proceed to a referendum. Whilst some weight can be given to the Plan, it is considered to be limited at this time as the plan may change or not pass the referendum stage. Notwithstanding this, regard has been paid to the following relevant NDP policies:

HS1 – Characteristics of New Housing

HS5 – Balance of Housing Types

TR1 – Cyclists, Pedestrians and Public Transport

TR2 – Parking, Access and Electric Vehicle Charging

Vale of White Horse Design Guide (March 2015)

National Planning Policy Framework, 2019

Planning Practice Guidance

Equality Act 2010

The application has been assessed against section 149 of the Equality Act. It is considered that no recognised group will suffer discrimination as a result of the proposal.

Human Rights Act, 1998

The application has been assessed against Articles 1 and 8. The impact on individuals has been balanced against the public interest and the officer recommendation is considered to be proportionate.

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