

APPLICATION NO.	P21/S4250/FUL
APPLICATION TYPE	FULL APPLICATION
REGISTERED	5.10.2021
PARISH	DIDCOT
WARD MEMBER(S)	Celia Wilson Axel Macdonald Mocky Khan
APPLICANT	Mr David Granat
SITE	25 Glebe Road, Didcot, OX11 8PL
PROPOSAL	Change of use to 7 bedroom House in Multiple Occupation (Sui Generis). (As amended by plans received on the 20th of December 2021 and the 18th of February 2022)
OFFICER	Nathaniel Bamsey

1.0 INTRODUCTION AND PROPOSAL

- 1.1 This application is referred to planning committee because Didcot Town Council object to the development and the officer recommendation is for approval.
- 1.2 The application site is 25 Glebe Road, a semi-detached dwelling in the town of Didcot. A location plan of the site is attached as **Appendix 1**. Neighbouring dwellings are to the north and south. Vehicular access is gained via Glebe Road to the west.
- 1.3 This application seeks approval for a change of use of the dwelling to a 7-bedroom house in multiple occupation (HMO), a 'sui generis' use.
- 1.4 This application follows an approval for extensions to the dwelling (P21/S2218/HH) (which have been implemented), and the granting of a certificate of lawful development which confirms that it would be lawful for the dwelling to be used as a small HMO, a C4 use. The proposed plans submitted with the application are attached as **Appendix 2**.

2.0 SUMMARY OF CONSULTATIONS & REPRESENTATIONS

2.1 Didcot Town Council

Objection

'The Committee were concerned with the lack of adequate parking on the narrow road, which already has severe parking issues.'

South -Highways Liaison Officer (Oxfordshire County Council)

First consultation

Objection

'On behalf of Oxfordshire County Council, as Local Highway Authority, I recommend the application for planning permission is refused for the reasons set-out below.'

Grounds for Refusal

The proposal seeks the change of use to a seven-bedroom House in Multiple Occupation, it is noted that the proposal is subject already to an application to change the use of the dwelling into a six-bedroom House in Multiple Occupation.

The proposal has demonstrated a parking plan; however, no information has been supplied in relation to the access and egress manoeuvring in terms of vehicular swept path analysis as to ensure these parking spaces are practical for use.

The distance of the parking space fronting the proposed 'cycle store' measured 4.6m which does not allow for a vehicle to egress the space. This is likely to result in vehicles parking indiscriminately and or obstructively within the vicinity which can only increase the risk to Highway Safety and to other users of the Highway within the vicinity.'

Second consultation

No objection, subject to condition

'The proposal seeks the change of use to a 7-bedroom House in Multiple Occupation (HMO).

As previously mentioned, the site has permission for a 6-bed HMO under application no. P21/S3107/LDP.

The parking layout has been altered to a more practical arrangement, it is recommended that the existing dropped kerb is extended to further improve access and egress.

In addition, the boundary treatment to the left-hand side on egress is recommended to be reduced to a height of 0.6m and for this to be maintained.

The site benefits from a high level of accessibility with many typical town centre amenities, shops, services, employment opportunities and public transport links within walking distance.

Furthermore, cycle parking has been provided, this has been recommended by a planning condition.'

Env. Protection Team

'A large HMO such as is proposed does have the potential for significant impacts in terms of noise if poorly managed. However, there is nothing in the application which leads me to the conclusion that this is the case with this application.

I therefore have no objection to the proposed development.'

Waste Management Officer (District Council)

'No objections to current plans from waste team for this change of use.'

Private Sector Housing Team

'The Private Sector Housing (PSH) Team are responsible for licensing Houses in Multiple Occupation (HMOs). Most HMOs occupied by five or more people living in more than one household will require a HMO licence from the council and will be required to meet higher safety, facilities and amenity standards in order to comply with the conditions of the licence. More information is available from the PSH Team.

The proposal is to create a 7 bedroom HMO. If the property is to be occupied by five or more people living in more than one household it will require a HMO licence from the council and a completed application for a HMO licence must be received before five people occupy the property. Operating a licensable HMO without a licence is an offence.

It should be noted that there is potential for the proposed 7 bedroom HMO to be occupied by up to 14 people. Any bedrooms with a floor area of 10.22 square meters or more could be occupied by two adults - provided there are sufficient amenities and facilities within the property (e.g. cooking and personal washing facilities). If the bedrooms were found to be large enough and there were sufficient amenities and facilities within the property then a HMO licence for up to 14 people could be issued.

HMO licensing is only concerned with assessing the safety and suitability of a property for the proposed number of tenants, and cannot make provisions for broader environmental impacts a HMO may have on neighbouring properties and a neighbourhood (e.g. parking).'

Neighbours

Objection (7)

- Lack of parking
- Obstruction to emergency vehicles
- Noise
- Loss of safety
- Impact on local sewer system
- Out of character

3.0 RELEVANT PLANNING HISTORY

3.1 [P21/S3107/LDP](#) - Approved (24/09/2021)

Conversion of a residential dwelling (use-class C3) to a small 6-bed House in Multiple Occupation (use-class C4).

[P21/S2218/HH](#) - Approved (05/07/2021)

Erection of two-storey side extension and single storey rear extension.

4.0 ENVIRONMENTAL IMPACT ASSESSMENT

4.1 The proposed development is not Schedule 1 or 2 development as defined by the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, so an Environmental Impact Assessment is not required.

5.0 **POLICY & GUIDANCE**

5.1 **Development Plan Policies**

South Oxfordshire Local Plan 2035 (SOLP) Policies:

DES1 - Delivering High Quality Development
DES2 - Enhancing Local Character
DES5 - Outdoor Amenity Space
DES6 - Residential Amenity
DES7 - Efficient Use of Resources
DES8 - Promoting Sustainable Design
ENV3 - Biodiversity
EP3 - Waste collection and Recycling
H17 - Sub-division and Conversion to Multiple Occupation
TRANS2 - Promoting Sustainable Transport and Accessibility
TRANS5 - Consideration of Development Proposals
INF4 - Water Resources

5.2 **Neighbourhood Plan**

Didcot does not have a made neighbourhood plan.

5.3 **Supplementary Planning Guidance/Documents**

South Oxfordshire Design Guide 2016 (SODG 2016)

5.4 **National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG)**

5.5 **Other Relevant Legislation**

Human Rights Act 1998

The provisions of the Human Rights Act 1998 have been taken into account in the processing of the application and the preparation of this report.

Equality Act 2010

In determining this planning application the Council has regard to its equalities obligations including its obligations under Section 149 of the Equality Act 2010.

6.0 **PLANNING CONSIDERATIONS**

6.1 **Control and Definition of HMOs**

The council have two forms of control for houses in multiple occupation (HMO);

1. There is the use of the building covered by planning legislation; and
2. Licensing from our private sector housing team

1. Planning Use - An HMO is defined as a property rented out by at least 3 people who are not from 1 “household” (for example a family) but share facilities like a bathroom and a kitchen. HMOs are essentially house shares. Planning permission is not required for a change of use from a dwelling (C3) to a small HMO (up to 6 occupants) (C4) as this level of use is deemed to be similar to that of any family. Such a change of use is permitted development. Planning permission is required to the change of use of a dwelling or small HMO to a large HMO because large HMOs are “sui generis” i.e they are unique uses that do not fall within any other use class category.

2. Licensing from our private sector housing team - A licence from the council (under the terms of the Housing Act 2004) is required for HMOs of more than 3 people. There are small HMOs and large HMO's A property is deemed to be a large HMO if all of the following apply:

- it is rented to 5 or more people who form more than 1 household
- some or all tenants share toilet, bathroom or kitchen facilities
- at least 1 tenant pays rent (or their employer pays it for them).

6.2 The relevant planning considerations are the following:

- **Principle of the development**
- **Design and character**
- **Residential amenity**
- **Access and parking**
- **Other material planning considerations**

6.3 Principle of the development

Policy H17 states that the conversion of a dwelling to an HMO will be permitted provided the development would not harm the amenity of the occupants of nearby properties, and it is appropriate in terms of the size of the property and the proposed internal layout, access, private amenity space and car parking provision. These factors will be assessed elsewhere in this report but subject to them being acceptable, officers consider the principle of the change of use is acceptable.

6.4 Design and character

Policy

Policy DES1 requires new development to be of high-quality design. The policy gives a wide range of measures against which development will be assessed, including efficient use of land, net gains and no net loss of biodiversity, sustainability and respect for local character and context. This respect for local character is echoed by policy DES2 which requires new development to be designed to reflect the positive features that make up the character of the local area and it should both physically and visually enhance and complement the surroundings.

Discussion

The extensions have been implemented so the consideration of this application rests on the impact of the change of use.

The greatest visual impact from the proposed development is the new car parking to the front of the dwelling and the addition of cycle and bin storage as the external appearance of the building would remain as a semi-detached single dwelling.

Three car parking spaces are shown to the front of the dwelling. Many properties in the vicinity have laid hardstanding on their frontages, so this is not out of keeping with the local area. Three spaces are not an excessive number for a semi-detached dwelling, so this level of parking is also not out of keeping with the local area.

Cycle parking and bin storage will be required for the additional number of residents. Conditions are recommended requiring the submission of these details. Officers

consider that these details can be satisfactorily agreed to prevent harm to the appearance of the site and the character of the area.

The dwelling could be licensed for use by up to 13 people. This is a significant increase from the C4 use (houses in multiple occupation) that could lawfully be implemented of up to six unrelated individuals and from the likely number of residents if it remained as a single household (C3). This increased number of residents will increase the level of activity generated by the building with greater comings and goings. However, officers consider that the level of activity generated would not be so great as to cause harm to the character of the area given the location in a large town and the relatively dense level of housing in the area.

Subject to the recommended conditions, officers consider that the proposed development would not harm visual amenity as the external appearance would remain as a semi-detached dwelling, the new cycle and bin storage can be suitably controlled, and the level of activity generated would not be harmful. Therefore, the application complies with policies DES1 & 2.

6.5 Residential amenity

Policy

Policy DES5 requires that a private outdoor garden or outdoor amenity space, or alternatively a shared outdoor amenity area should be provided for all new dwellings. The amount of land that should be provided for the garden or amenity space will be determined by the size of the dwelling proposed and by the character of surrounding development. This amenity area should not be overlooked or significantly shaded by buildings and trees.

Policy DES6 requires development proposals to demonstrate that they will not significantly impact the amenity of neighbouring uses in relation to loss of privacy, daylight or sunlight, dominance or visual intrusion, noise or vibration, smell, dust, heat, odour, gases or other emissions, pollution, contamination or the use of / or storage of hazardous substances and external lighting.

Discussion

When assessing this application, it is necessary to assess the impact on neighbouring properties and the intended residents of the HMO.

Impact on neighbouring properties

The increased activity generated by the additional residents has the potential to harm neighbours through noise and disturbance. The council's environmental protection officer was consulted on this application, and they raise no objections in terms of noise. The increased number of comings and goings are not considered to result in increased disturbance that would be significantly harmful to neighbour amenity.

The cycle and bin storage will be placed within the property frontage and their small scale will prevent harm from overshadowing, overdominance and visual intrusion.

Impact on intended residents

The response from the council's private sector housing team states that under the HMO licence regime, a bedroom of over 10.22m² may be occupied by two people. All but one

of the bedrooms meets this minimum floor area. It would not be reasonable to impose standards on the internal layout that exceed those required by the licensing regime and in the absence of an objection from the private sector housing team it is held that the internal layout would provide a sufficient level of amenity for future residents.

The property benefits from a large rear garden of approximately 400m² so the residents will have sufficient outdoor communal amenity space.

As neighbouring properties will not be harmed by the development and future occupiers will enjoy a sufficient level of amenity it is held that the development accords with policies DES5 & 6 and criteria i & ii of policy H17.

6.6 Access and parking

Policy

Policy TRANS5 requires development proposals to provide for a safe and convenient access for all users to the highway network, provide cycle parking where relevant, be served by an adequate road network which can accommodate traffic without creating traffic hazards or damage to the environment, be designed to enable charging of plug-in and other lower emission vehicles, provide for loading, unloading, circulation and turning space and provide for the parking of vehicles in accordance with Oxfordshire County Council (OCC) parking standards, unless specific evidence is provided to justify otherwise.

Discussion

Local residents and the town council have raised concerns about the impact of the development on the local highway network and in terms of parking.

The application is submitted with a parking plan showing three spaces to the front of the dwelling. Amendments to this layout have been received in response to concerns from OCC about the practicality of accessing these spaces. Following the submission of these amendments, OCC have no objection to the development.

In the absence of an objection from OCC as highways authority, officers consider that a refusal on highway safety or parking grounds would not be reasonable or justified. The site is in a highly sustainable location close to amenities and public transport so the level of parking provided would be acceptable in this instance.

The provision of cycle parking will encourage more sustainable modes of transport and a condition is recommended requiring details of this storage to ensure it accords with OCC standards.

The highways liaison officer has requested a condition requiring vision splays to be provided and for the spaces to be laid out and retained. A site visit has shown that the hedge that was previously on the boundary has already been removed so this condition is not necessary as adequate vision splays are already present. The property frontage has also already been laid to gravel/hardstanding but the condition requiring the retention of these spaces is still necessary and reasonable to ensure the provision remains long term.

Subject to the recommended conditions and in the absence of an objection from OCC officers consider that the development will not harm highway safety nor the local highway network, an acceptable level of parking would be provided, and sustainable

modes of transport would be encouraged, in accordance with policy TRANS5. As sufficient and safe access and parking will be provided the application is also considered to accord with criterion ii of policy H17.

6.7 Other material planning considerations

Sustainability

Policy

DES7 requires development proposals to make provision for the effective use and protection of natural resources where applicable. This includes the efficient use of land, minimising waste, maximising passive solar heating, lighting, natural ventilation, energy and water efficiency and the re-use of materials.

Policy DES8 requires all development proposals to demonstrate that they are seeking to limit greenhouse emissions through location, building orientation, design, landscape and planting taking into account any nationally adopted standards. Development should also be designed to improve resilience to the anticipated effects of climate change and be built to last.

Discussion

The only works to the dwelling required for the change of use are internal so it would not be reasonable to require additional information as to their sustainability. Policy DES10 requires new-build HMOs to achieve a 40% reduction in CO₂ emissions but as this is a conversion this does not apply.

Waste and recycling

Policy

Policy EP3 requires development proposals for residential use to ensure adequate facilities are provided for the sorting, storage and collection of waste and recycling.

Discussion

The recommended condition requiring details of the refuse and recycling storage will ensure that adequate provision is secured. The council's waste management officer does not object to the development. Therefore, subject to the recommended condition, the application complies with policy EP3.

Biodiversity

Policy

Policy ENV3 supports development that will conserve, restore and enhance biodiversity in the district. All development should provide a net gain in biodiversity where possible. As a minimum, there should be no net loss of biodiversity.

Discussion

The impact on biodiversity from the proposed change of use is likely to be limited but to ensure there is a net gain in biodiversity a condition is recommended requiring the provision of a bird box on the property.

With this condition attached it is held that there will be a gain in biodiversity and the application complies with policy ENV3.

Sewerage capacity

Policy

Policy INF4 requires development proposals to demonstrate that there is or will be adequate water supply, surface water, foul drainage and sewerage treatment capacity to serve the whole development.

Discussion

Local residents have raised concerns that the additional en-suite bathrooms will exceed the capacity of the local sewerage infrastructure. However, as these works are internal, they could be carried out without planning permission at any time so it would not be reasonable to refuse the application on this basis. Moreover, the development would have to comply with building regulations which controls foul drainage. Therefore, officers consider that there will be adequate sewerage capacity to accommodate the development and the application complies with policy INF4

Conditions

Consideration has been given to controlling the numbers of residents by the imposition of a planning condition. However, as this is controlled under the licensing scheme it is not considered that this condition would be necessary nor reasonable and strict limits on residents may also be difficult to enforce. As this condition would be unlikely to meet the six tests for conditions no such condition has been recommended.

6.8 Community Infrastructure Levy (CIL)

The development is not CIL liable.

6.9 Pre-commencement conditions

No pre-commencement conditions are recommended so the agreement of the applicant/agent is not required.

7.0 CONCLUSION

7.1 The principle of the development is acceptable and subject to the recommended conditions, officers consider that the development would not harm visual amenity, neighbours nor highway safety and the application complies with the relevant policies of the adopted development plan and the NPPF.

8.0 RECOMMENDATION

8.1 Grant Planning Permission subject to the following conditions

- 1 : Commencement three years - Full Planning Permission**
- 2 : Approved plans**
- 3 : Refuse & Recycling Storage (Details required)**
- 4 : Parking & Manoeuvring Areas Retained**
- 5 : Cycle Parking Facilities**
- 6 : Bird Box**
- 7 : HMO Licence Informative**

8 : INF17 - Works within the Highway

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