

APPLICATION NO.	P21/S5378/FUL
APPLICATION TYPE	FULL APPLICATION
REGISTERED	23.12.2021
PARISH	DIDCOT
WARD MEMBER(S)	Celia Wilson Axel Macdonald Mocky Khan
APPLICANT	Co-Living Capital
SITE	Ridgeway House, 1A Hagbourne Road, Didcot, OX11 8DP
PROPOSAL	Change of use of the existing office to a large (Sui Generis) House in Multiple Occupation (HMO) with the addition of a rear dormer.
OFFICER	Paul Bowers

1.0 INTRODUCTION AND PROPOSAL

1.1 This application was deferred from the planning committee meeting on 2 March 2022 to allow members to visit the site. The site visit took place on 4 April 2022.

1.2 This report sets out the officer's recommendation that planning permission should be granted having regard to the material planning considerations and the development plan.

1.3 This application is referred to planning committee because Didcot Town Council object to the development and the officer recommendation is for approval.

1.4 The application site is located within the town of Didcot. 1A Hagbourne Road is a detached, two storey building. It was originally a dwelling but has been in lawful office use (formerly Class B1 (a) - now Class E) for a number of years. The site includes a car parking area and vehicular access from Hagbourne Road and a small yard area to the rear.

The site is not located in a designated area, but the Didcot Northbourne Conservation Area is located to the west on the opposite side of Hagbourne Road.

A plan identifying the location of the site can be found at **Appendix 1**.

1.4 Prior approval was granted under permitted development rights in 2021 under application reference P21/S1243/N1A to change the use of the existing building from an office back to a single dwelling. The approval has not been implemented and therefore its current lawful use remains as an office.

However, the prior approval to create a single dwelling on this site remains extant and is a material consideration in the determination of this application.

1.5 This application seeks full planning permission to change the use of the building to a 7-bedroom house in multiple occupation (HMO). In addition, a proposed dormer window is to be located on the east facing rear roof slope to allow a bedroom to be provided on the loft space.

- 1.6 Reduced copies of the plans accompanying the application are attached as **Appendix 2** to this report. All the plans and representations can be viewed on the council's website www.southoxon.gov.uk under the planning application reference number

2.0 SUMMARY OF CONSULTATIONS & REPRESENTATIONS

2.1 Didcot Town Council – Objects to the development for the following reasons;

- Height of the rear dormer window making it overbearing and is against advice in the Design Guide.
- Amenity area is inadequate for the number of bedrooms.
- The size and appearance of the dormer window is contrary to the Design Guide.

Third Party Representations – 3 x letters of objection

- Concern about the possibility of the number occupants and the corresponding number of cars and impact on parking in the local area.

Highways Liaison Officer – No objection subject to conditions. A total of three parking spaces has been provided on the site frontage along with cycle parking which has been recommended by condition. A site visit was undertaken at 8.10pm to review the carriageway conditions, which indicated available space on-street. 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, there are on-street controls within the vicinity to prevent indiscriminate and/or obstructive parking, in addition within the vicinity of the site is a number of car parks. The proposal is unlikely to have a significant adverse impact on the highway network

Private Sector Housing Team – Comments setting out the requirements for a license from the council for HMO once the building is occupied by more than 5 people.

3.0 RELEVANT PLANNING HISTORY

- 3.1 [P21/S2364/DIS](#) - Approved (28/06/2021)
Discharge of condition 1 (parking) on application P21/S1243/N1A .

(Change of use of office back to a dwelling).

[P21/S1243/N1A](#) - Approved (12/05/2021)
Change of use of office back to a dwelling

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
- DES3 - Design and Access Statements
- DES5 - Outdoor Amenity Space
- DES6 - Residential Amenity
- DES7 - Efficient Use of Resources

DES8 - Promoting Sustainable Design
EP3 – Waste collection and recycling
EMP3 - Retention of employment land
ENV3 - Biodiversity
ENV8 - Conservation Areas
H1 - Delivering New Homes
H17 - Sub-division and Conversion to Multiple Occupation
STRAT1 - The Overall Strategy
TRANS5 - Consideration of Development Proposals

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 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission be determined in accordance with the Development Plan unless material considerations indicate otherwise.
Section 70 (2) of the Town and Country Planning Act 1990 provides that the local planning authority shall have regard to the provisions of the Development Plan, so far as material to the application, and to any other material considerations.

Development which is not in accordance with an up-to-date development plan should be refused unless material considerations indicate otherwise.

- 6.2 The main issues to consider in relation to this development are as follows;

- **Control and Definition of HMOs**
- **The principle of development.**
- **Impact heritage assets.**
- **Residential amenity.**
- **Amenity space.**
- **Impact on highway safety.**
- **Carbon reduction.**
- **Waste and recycling.**
- **Biodiversity.**
- **CIL.**

6.3 **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 for 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 HMOs; 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).

6.4 **The principle of development.**

The principle of this development can be broken down into two main considerations.

- Whether the loss of the employment use is acceptable and;
- Whether residential use on this site is acceptable

I will take each issue in turn and assess the planning merit of each.

6.5 *Whether the loss of the employment use is acceptable*

Policy EMP3 of SOLP states that existing employment land will be retained in order to promote and grow a balanced, sustainable economy and local services. Proposals for the redevelopment or change of use of employment land to nonemployment uses will only be permitted if:

- i) the applicants can demonstrate that any employment use is no longer viable; or
- ii) it is evidenced that there is no market interest in the site following one year of active and effective marketing; or
- iii) the development would bring about significant improvements to the living conditions of nearby residents, or to the environment. In assessing this, the Council will consider whether there is a realistic prospect of mitigating the detrimental effects of continuing employment use.

In addition to the criteria above the policy goes on to say that, where there is no reasonable prospect of land or premises being used for continued employment use, a mixed-use enabling development which incorporates employment space should first be considered.

6.6 The applicant has not demonstrated that the existing use is no longer viable and that there is no market interest in the site following a year of marketing. The proposal therefore conflicts with Policy EMP3.

However, the grant of prior approval to allow the conversion of the office to become a single dwelling is a material planning consideration that needs to be weighed in the balance against the provisions of this policy.

The fact that the office use can cease, and a dwelling created without any further approval from the District Council is of considerable weight and it justifies setting aside the requirements of this policy.

In my view, the council cannot resist the loss of the employment use given such a strong fallback position.

6.7 *Whether residential use on this site is acceptable*

The development proposes residential development and therefore the Housing policies within the development plan are relevant.

Policy STRAT1 of the South Oxfordshire Local Plan sets out the overall strategy for development in the district. The policy includes specific reference to focussing major new development in Science Vale and Didcot Garden Town. In addition to protecting and enhancing the countryside and particularly those areas within the two AONBs and Oxford Green Belt by ensuring that outside of the towns and villages any change relates to very specific needs such as those of the agricultural industry or enhancement of the environment.

6.8 Policy H1 relates to delivering new homes and states that the residential development of previously developed land will be permitted within and adjacent to the existing built-up areas of towns, larger villages and smaller villages.

6.9 The policy states that residential development on sites not allocated in the development plan will be permitted, amongst other provisions, provided that an important open space of public, environmental, historical or ecological value is not lost, nor an important public view harmed (H1,3 iii)

6.10 Although not technically relevant to the determination of this application Policy H17 of SOLP allows for the conversion and subdivision of existing dwellings into an HMO provided that 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.

Given the prior approval for 1A Hagbourne Road to convert to a single dwelling without any further consent, it is wholly appropriate that the application is also assessed against this policy in my view.

6.11 In addition, it is also worth noting and weighing in the balance that 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 an HMO of up to 6 unrelated persons (Use Class C4).

6.12 In terms of Policy H1 this is a site located within one of the four main towns in the district. The site is not an important open space of public, environmental, historical or ecological value and does not result in the loss of an important public view. In your officer's opinion the principle of residential development is acceptable in the context of this policy.

In addition, setting aside the policy, the principle has already been accepted through the prior approval to create a dwelling within this existing building.

- 6.13 In respect of Policy H17 of SOLP it states that the sub-division of dwellings and conversions to multiple occupation will be permitted provided that the development:
- i) would not harm the amenity of the occupants of nearby properties; and
 - ii) is appropriate in terms of the size of the property and the proposed internal layout, access, private amenity space and car parking provision.
- 6.14 The two provisions of Policy H17 are discussed in depth in the following sections of this report. However, it is clear that the thrust of the policy is permissive in its stance to allow dwellings to be subdivided and converted to an intensified use as a house in multiple occupation.
- 6.15 In summary, your officers are satisfied there was clear justification for setting aside the requirements of the employment policy and the presumption in favour of residential use for the conversion of this building that the principle of the development is acceptable.
- 6.16 **Impact heritage assets.**

The heritage asset to consider in the case of this development is the Northbourne Conservation Area. The impact to consider is how the proposed development affects the setting of the conservation area given that the site is outside of the conservation area on the opposite side of the road.

Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 provides:

In the exercise, with respect to any buildings or other land in a conservation area, of any [functions under or by virtue of] any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

Section 72 (1) must also be considered alongside relevant policies contained in the NPPF.

Paragraph 203 of the NPPF states that in determining applications LPA's should take account of the desirability of sustaining and enhancing the significance of the heritage assets and putting them to viable use consistent with conservation, the positive contribution that conservation deals with the impact of a proposed development on the "significance" of heritage assets can make to sustainable communities including their economic vitality and the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 205 of the NPPF requires that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

This is followed through into the development plan by Policy ENV8 of SOLP which relates to conservation areas.

- 6.17 More generally Policy DES1 seeks to ensure that all new development is of a high-quality design subject to a series of criteria and Policy DES2 states that all new development must be designed to reflect the positive features that make up the character of the local area and should both physically and visually enhance and complement the surroundings.
- 6.18 The change of use of the building to become a dwelling will have no material effect on the setting of the adjacent conservation area. The building itself is residential in appearance and was once a dwelling prior to becoming an office. Therefore, the historic use of the building, its location and existing appearance will not cause harm to the setting and appreciation of the conservation area.
- 6.19 The main physical change to the building arises through the addition of a flat roof dormer window on the rear facing western elevation of the building. Large flat roof dormer windows that are there to provide headroom are generally discouraged in the South Oxfordshire Design Guide.
- 6.20 In considering this addition to the building and its impact on the conservation area regard must be had to the fact that it is to be located on the roof slope away from the conservation area. In addition, it is also not going to be prominent in wider public views.
- 6.21 When also assessing its impact, I have to have regard to the fact that given the building can be used as a dwelling without any need for planning permission from the council the building will then gain permitted development rights to carry out certain extensions and alterations. This would include the erection of a dormer window on the rear roof slope. Therefore, should the building be occupied as a dwelling the same dormer window could be erected at any point without needing planning permission.
- 6.22 Taking all of these points into consideration especially having regard to the fact that the dormer window is on a roof slope away from the conservation area your officers are satisfied the conservation area and its setting will not be harmed as a consequence of the erection of the dormer window as shown on the proposed plans. The development therefore accords with policy ENV8 of SOLP.
- 6.23 **Residential amenity**
- Policy DES6 of SOLP relates to residential amenity and requires that development proposals should demonstrate that they will not result in significant adverse impacts on the amenity of neighbouring uses, when considering both individual and cumulative impacts in relation to loss of privacy, day light and sunlight, dominance or visual intrusion, noise or vibration, smell dust, heat, odour or other emissions, pollution and external lighting.
- 6.24 The change of use of the building to become a dwelling in this location within an established residential area located centrally within the town will not in of itself cause an unneighbourly impact.
- 6.25 The physical change to the building with the addition of the dormer window will be the only visually appreciable element of the development that will be seen by neighbouring properties.

As I have discussed earlier this dormer window could be added should the applicant change the use of the building to a dwelling because the dormer window could be constructed under permitted development rights. Notwithstanding this fact your officers are of the view that given that there are existing first floor windows in the rear of the

building the dormer window will not give rise to a materially greater level of overlooking adjoining properties than the current situation.

The proposal will therefore accord with policy DES6 of SOLP.

6.26 Amenity space.

Policy DES5 of SOLP relates to outdoor amenity space and requires that a private outdoor garden or amenity areas should be provided for all new dwellings. The amount of land should be provided for amenity space will be determined by the size of the dwelling.

The South Oxfordshire Design Guide sets out the minimum areas based on the number of bedrooms and for 2 bedroom properties 50 square metres is required and for 3+ bedrooms 100 square metres should be provided.

An inability to provide the minimum amenity space and or parking provision can be an indicator that what is being proposed constitutes an over development of the site.

6.27 In respect of flatted development, a communal area can be provided as long as the total space is commensurate with the number of units and the number of bedrooms.

However, each site and proposal must be assessed on its own merits. The amount of communal amenity space that would be available for the occupants of this property is clearly below the council's minimum standards of 100 square metres as it proposes 32 square metres in total.

Your officers are satisfied however that the central location of this property in relation to the amenities provided for within the Didcot town centre in addition to the fact this proposal makes the best use of available land in a sustainable location, is sufficient justification to set aside the strict minimum standards that would be applied through the application with the South Oxfordshire Design Guide and Policy DES5.

6.28 Impact on highway safety.

With respect to highway safety matters the advice from Central Government set out in the National Planning Policy Framework (NPPF) is as follows:

Development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe.

The term severe is locally interpreted as situations, which have a high impact, likely to result in loss of life, or a higher possibility of occurrence with a lower impact. Policy TRANS5 of SOLP seeks to ensure that development does not harm highway safety and provides for sufficient parking and turning areas.

6.29 A total of three parking spaces has been provided on the site frontage along with cycle parking.

In response to concerns from local residents about the number occupants, the corresponding number of cars and impact on parking in the local area, the Oxfordshire County Council Highways Officer carried out a site visit at 8.10pm to review the carriageway conditions. They were satisfied that there was available space on-street for parking in the vicinity.

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, there are on-street controls within the vicinity to prevent indiscriminate and/or obstructive parking. There are also a number of car parks within walking distance of the site.

- 6.30 In conjunction with conditions ensuring the provision of cycle parking facilities and the retention of the parking area being provided the proposal is unlikely to have a significant adverse impact on the highway network and will accord with Policy TRANS5 of SOLP.

6.31 Carbon reduction.

Policy DES8 of SOLP states that all new development, including building conversions, refurbishments and extensions, should seek to minimise the carbon and energy impacts of their design and construction. Proposals must demonstrate that they are seeking to limit greenhouse emissions through location, building orientation, design, landscape and planting.

- 6.32 There is an important distinction to make between the building conversion and a change of use. It is entirely possible to change the use of a building without works of conversion.

In this case the change of use to a HMO could potentially occur without carrying out any external works. The creation of a seventh bedroom within the roof space with the erection of the dormer window is the only external works that are proposed in this application.

- 6.33 It is difficult for the erection of a dormer window in isolation to bring about a limitation of greenhouse emissions to this building that is required by this policy.

However, it is also important to remember that the dormer window can potentially be erected without the need for planning permission and therefore it is your officers view that the limited scope afforded by the external works to this building along with this fall - back position is a material planning consideration that weighs heavy in the balance and outweighs the requirements of Policy DES8.

6.34 Waste and recycling.

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

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.

6.35 Biodiversity.

Policy ENV3 of SOLP relates to biodiversity. It states that all development should provide a net gain in biodiversity where possible. As a minimum, there should be no net loss of biodiversity.

- 6.36 This development does not result in the loss of biodiversity. The scope of the changes will be internal to the building with the exception of the dormer window.

Opportunities for a gain in biodiversity are limited on this site given the size of the plot and the location. However, in your officers view the development does accord with Policy ENV3 in as much as there will be no net loss of biodiversity.

In order to demonstrate a net gain a condition is proposed that requires a bird box to be erected on the building thereby satisfying the requirement of Policy ENV3 of SOLP.

CIL.

CIL is liable to the amount of £2257.60 from this development.

7.0 CONCLUSION

- 7.1 The loss of the employment use and conversion to residential use has already been accepted as a result of the recent grant of prior approval from the council. This proposal seeks to intensify the permitted residential use by creating a House of Multiple Occupation. It is accepted that both parking and amenity space is below the council's normal standards. However, the mitigating factor is the location of the site within the town centre of Didcot and the access the occupants will have to all the amenities the town centre provides including public transport links both to the wider locality and regional locality in respect of the proximity of the railway station.

The proposed dormer window, whilst contrary to the design guide, is on the roof slope of the building away from the adjacent conservation area and will not be prominent in wider public views. In addition to the fact that the window could be erected under permitted development rights should the building be used as permitted as a single dwelling, this factor in addition the lack of any material harm to the setting of the conservation area ensures that it is acceptable.

The development makes best use of a centrally located site and provides for a level of accommodation which is not out of place for town centre location. In conjunction with the attached conditions the proposal accords with the development plan.

8.0 RECOMMENDATION

- 8.1 **That Planning Permission should be granted subject to the following conditions;**

Standard conditions

1 : Commencement three years - Full Planning Permission

2 : Approved plans

Prior to occupation conditions

3 : Refuse and recycling storage (details required)

4 : Parking and manoeuvring areas retained

5 : Cycle parking facilities

Compliance conditions

6 : Materials as on planning application forms

7 : Bird Box

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