

## ITEM 4(h)

**Application Number:** 18/00592/FUL

**Description:** Change of Use from C3 Dwellinghouses to C4 Houses in Multiple Occupation with 5 bedrooms and 5 occupants. Remove and reconfigure part of the fencing to allow two additional car park spaces.

**At:** 4 Rothersthorpe, Giffard Park, Milton Keynes, MK14 5JL

**For:** Rendals Limited

**Target date:** 3<sup>rd</sup> May 2018

**Ward:** Newport Pagnell South      **Parish:** Great Linford

**Report Author/Case Officer:** David Buckley, Senior Planning Officer

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### 1.0 RECOMMENDATION

1.1 It is recommended that the application is granted subject to the conditions at the end of this report.

### 2.0 INTRODUCTION

#### The Site

2.1 The application site is an existing C3 residential property located close to the junction of the cul-de-sac network of Rothersthorpe, Giffard Park. The existing dwelling appears to benefit from one on plot parking space to the front of the dwelling outside of the attached garage. A similar scheme at the same site, for 6 rooms rather than 5, was refused planning permission due to issues related to parking.

#### The Proposal

2.2 The application seeks full planning permission for the change of use of the property from a C3 dwellinghouse to a C4 House in Multiple Occupation with 5 lettable bedrooms. The application would provide 3 allocated on plot parking spaces, bike storage, bin storage and a drying area. Initially the scheme was proposed as a 6 person HiMO and the level of occupancy has been reduced in line with response from Planning Officers.

#### Reason for referral to committee

2.3 This application is referred to the Development Control Panel for determination as the application has been called in by an elected member of the Council.

### **3.0 RELEVANT POLICIES**

#### 3.1 National Policy

National Planning Policy Framework (2018)  
Section 4 Decision-making

#### 3.2 Local Policy

Core Strategy

Policy CS10: Housing

Policy CS13: Ensuring High Quality, Well Designed Places.

Adopted Milton Keynes Local Plan 2001-2011

D1: Impact of Proposals on Locality

T15: Parking Provision

H10: Subdivision of dwellings and houses in multiple occupation

Supplementary Planning Guidance

Houses in Multiple Occupation Adopted SPD (2012)

New Residential Development Design Guide (2012)

Milton Keynes Parking Standards SPD (2016)

Neighbourhood Planning

Once a Neighbourhood Plan has been agreed at a referendum and is made (brought into legal force) by the local planning authority, it becomes part of the local planning authority's development plan as an official development plan document which carries statutory weight. Applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. If a policy contained in the development plan for an area conflicts with another policy in a development plan, the conflict must be resolved by the decision maker in favour of the policy which is contained in the latest document to become part of the development plan.

Neighbourhood Plans therefore form part of the development plan for the relevant area. They will necessarily be in general conformity with the strategic policies contained in the development plan for the area. If they are the most recent document to become part of the development plan, they will attract statutory priority. Neighbourhood plan policies will also take precedence over non-strategic development plan policies where there is conflict.

Great Linford North Neighbourhood Plan (Made Neighbourhood Plan)

N3: Houses in Multiple Occupancy

#### 3.3 Human Rights Act 1998

There may be implications under Article 8 and Article 1 of the First Protocol regarding the right of respect for a person's private and family life and home, and to the peaceful enjoyment of possessions. However, these potential issues are in this case amply covered by consideration of the environmental impact of the application under the policies of the development plan and other relevant policy guidance.

### 3.4 Equalities Act 2010

Due regard, where relevant, has been had to the Milton Keynes Council's equality duty as contained within the Equalities Act 2010.

## 4.0 MAIN ISSUES

Principle Of Development  
Impact Of Development On Character And Appearance Of Area  
Impact On Neighbouring Properties  
Impact On Parking Provision

## 5.0 CONSIDERATIONS

### Principle of Development

5.1 The proposed development would fall under Saved Policy H10 of the Milton Keynes Local Plan 2001-2011 which allows for the creation of Houses in Multiple Occupation subject to an assessment against a set of 4 criteria. The principle of residential development on the site is acceptable, subject to assessment against these 4 criteria, which follows below.

5.2 Saved Policy H10 of the Milton Keynes Local Plan 2001-2011 allows for the creation of Houses in Multiple Occupation providing the following criteria are satisfied:

"(i) Effective measures are proposed to minimise the effects of noise and disturbance  
(ii) Off street parking provision and manoeuvring space is provided to meet the Council's standards, or if on-street parking is necessary, it would not result in unacceptable congestion in the surrounding area  
(iii) Adequate outdoor space is available for bin storage and a drying area  
(iv) The proposal would not adversely affect the character of the surrounding area or lead to unacceptable concentration of flats or houses in multiple occupation within the area"

#### *i) Minimisation of Noise and Disturbance*

Saved policies D1 and H10 of the Milton Keynes Local Plan seek to protect adjoining neighbours from unacceptable development which cause harm through noise and disturbance.

5.3 The previously refused application, reference 17/02458/FUL was supported by an Acoustic Design Review which made recommendations for noise

insulation and acoustic improvements to restrict the noise disturbance caused to adjacent properties and occupants within the house in multiple occupancy. In the previously refused scheme this was found acceptable subject to a condition requiring implementation of these measures.

- 5.4 The same Acoustic Design Review has been submitted with the current application and since that time there have been no significant changes to policy or site circumstances in this regard and the scheme is for a smaller number of bedrooms which would be likely to reduce noise disturbance.
- 5.5 A suitable condition has been imposed requiring the implementation of the recommendations within the Acoustic Design review and the annotations noted on the approved drawings, prior to the occupation of the house in multiple occupancy.  
The proposal would accord with saved policies D1 and H10 of the Milton Keynes Local Plan in respect of noise and disturbance.

*ii). Parking and Manoeuvring*

Saved policy T15 of the Milton Keynes Local Plan requires development proposals to provide the required number of parking spaces outlined within the Parking Standards SPD.

- 5.6 The existing dwelling in providing three bedroomed accommodation is one space short of the car parking standards which was due to a garage conversion undertaken in 2007. While this did not obtain planning permission, due to the time period since it was completed, this would enjoy permitted development rights. As a result there is only one parking space on site at present, while there should be two. The current scheme will have three car parking spaces rather than the four normally required in a 5 bedroom HiMO, which is also a shortfall of 1 parking space.
- 5.7 Comments from the Council's Highways Officers indicates in summary that the scheme is acceptable now, largely due to the existing site circumstances, i.e., there are only three parking spaces at present and also the fact that the scheme is for a 5 bedroom rather than 6 bedroom HiMO. Also the fact that the side boundary fence would be removed which improves accessibility. While a street lighting column existing at the end of Rothersthorpe the revised plans for the application show that this will be unaffected by the proposals.
- 5.8 The Highways Officers have also recommended conditions to be attached requiring details of the private access way to be submitted and also that the car parking area as shown on the approved drawing to be constructed and that cycle parking details are required.
- 5.9 It is noted that there have been objections to the level of car parking. However as per the Highways comments, the situation would not be significantly worse than it is at present and revisions, as highlighted in paragraph 5.7 above have been made since those comments were made.

5.10 On this basis, the proposed development has overcome the previous reasons for refusal in relation to parking and manoeuvring and while it is not fully compliant with guidance, the site circumstances are such that the current proposal would on balance be considered acceptable in accordance with the requirements of N3 of the Great Linford North Neighbourhood Plan and D1 of the Milton Keynes Local Plan.

iii) Adequate Bin Storage and Drying Space

Saved policy H10 of the Milton Keynes Local Plan 2001-2011 requires adequate outdoor space and bin storage to be provided for all Houses in Multiple Occupation.

The Houses in Multiple Occupation, Supplementary Planning Document, 2012, states "15 square metres of storage space should be provided, as part of the change of use to a HiMO, for drying area and storage of the following waste receptacles:

- 1 black sack per bedroom
- 1 pink recycling sack per bedroom
- 1 blue recycling box per 3 bedrooms
- 1 x 240 litre green bin for food and garden waste per 6 bedrooms"

5.11 In the previously refused scheme reference 18/00592/FUL, the proposed plans showed an area of bin storage to be located adjacent to Rothersthorpe at the front of property. Whilst details of the proposed bin store were not provided, the area designated for storage would have been satisfactory with appropriate conditions had the scheme been otherwise acceptable. The garden area was larger than 15 square metres and incorporated a drying area adjacent to the rear boundary.

5.12 In the current proposal, the number of occupiers is reduced, with a reduction in requirements of this nature and as this was found acceptable in the previous application in respect of bin storage and drying areas, the proposed development would accord with saved policy H10 of the Milton Keynes Local Plan 2001-2011 and the House in Multiple Occupancy SPD subject to appropriate conditions.

Character of the Area

5.13 Bedrooms vs Occupants: In the previously refused application, no information was provided by the applicant in regard to the number of occupants within the proposed House in Multiple Occupation and the submitted plans showed six lettable rooms. It was found in that scheme that had the application been considered otherwise acceptable, a condition would have been attached, restricting the number of lettable rooms to limit intensity/ impact on neighbours. In the current scheme, the rooms are marked as single person bedrooms and it will be conditioned as such for a maximum of 5 occupants.

5.14 Concentration of Flats Or Houses In Multiple Occupation Within The Area: The Houses in Multiple Occupation SPD requires the concentration of Houses in

Multiple Occupation and one bedroom flats in an area do not exceed 35%. The proposal for four lettable rooms would lead to a concentration of 16% which is below the required threshold. It is considered that the proposed House in Multiple Occupation would not therefore lead to an over-concentration of Houses in Multiple Occupation to the detriment of the character and appearance of the area.

- 5.15 Sandwicing: As outlined in section 4.35 of the Houses in Multiple Occupation SPD (2012) "a non-sandwiching approach will be applied to prevent any one property (HiMO or non-HiMO) being 'sandwiched' between two houses in multiple occupation.
- 5.16 This will reduce the local impacts on neighbouring properties and will also prevent an over concentration at the localised level". As there are no other houses in multiple occupations in the 50 metre radius of the application site there is not considered to be any concerns regarding sandwiching.
- 5.17 In terms of the above requirements outlined with the Houses in Multiple Occupation SPD, it is considered the proposed development would accord with H10 of the Milton Keynes Local Plan and N3 of the Great Linford North Neighbourhood Plan in respect of concentration and character of the area.

## **6.0 CONCLUSIONS**

- 6.1 The proposed development has overcome the previous reasons for refusal and complies with the requirements of N3 of the Neighbourhood Plan, D1 and T15 of Milton Keynes Local Plan 2001-2011 in respect of parking and highway safety. As such, it is recommended that planning permission is approved.

## **7.0 CONDITIONS**

1. The development hereby permitted shall begin before the expiration of three years from the date of this permission.

Reason: To prevent the accumulation of planning permissions; to enable the Local Planning Authority to review the suitability of the development in the light of altered circumstances; and to comply with section 91 of the Town and Country Planning Act 1990.

2. Prior to the occupation of the development details of the private access way shall be submitted to and be approved in writing by the local planning authority and no dwelling shall be occupied until the access way has been laid out and constructed in accordance with the approved details. The access way so laid out shall be retained thereafter.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the development.

3. Prior to the occupation of the development hereby permitted the car parking area shown on the approved drawings shall be constructed, surfaced and

permanently marked out. The car parking area so provided shall be maintained as a permanent ancillary to the development and shall be used for no other purpose thereafter.

Reason: To ensure adequate parking provision at all times so that the development does not prejudice the free flow of traffic or the safety on the neighbouring highway.

4. Prior to the first occupation of the development hereby permitted details of the proposed bicycle parking shall be submitted to and approved in writing by the Local Planning Authority and the scheme approved shall be provided and be retained thereafter.

Reason: To ensure that adequate parking facilities are provided to serve the development.

5. The house in multiple-occupation hereby permitted shall not be operated with more than 5 lettable rooms and 5 occupiers at any time.

Reason: To control future intensification of the application property.

6. The developer shall prior to occupation of the site, submit to the Local Planning Authority for their written approval, details of onsite bin storage for the storage of household refuse and recyclables, the details shall be undertaken in accordance with the approved plans and retained in that form thereafter.

Reason: To ensure satisfactory facilities and to prevent harm to the amenities of the area.

7. Prior to occupation of the development, the recommendations of the Acoustic Design Review shall be undertaken and retained in that form thereafter.

Reason: To safeguard the amenities of the neighbouring properties and occupants of the property and to comply with saved policies H10 and D1 of the Milton Keynes Local Plan 2001-2011.

## **8.0 INFORMATIVES**

1. The proposed development includes works on or adjacent to the public highway and as such the applicant will be asked to enter into a Section 278 (Highways Act 1980) legal agreement. The applicant is advised to contact the Highway Traffic Schemes and Road Adoptions Manager (Mrs L Smart 01908 254561) at the earliest opportunity to discuss the requirements of the S278 Agreement.





## Appendix

### A1.0 RELEVANT PLANNING HISTORY

**17/02458/FUL** – Change of Use from C3 Dwellinghouses to C4 Houses in Multiple Occupation with 6 bedrooms and 6 occupants. Remove and reconfigure part of the fencing to allow three car park spaces to the front yard. Internal layout unchanged. Part of the internal fabric requires upgrade as per the acoustic report.

Refused: 07.11.2017

Reason for Refusal: *The proposed development would fail to provide adequate parking to serve the House in Multiple Occupancy with 6 lettable bedrooms. Furthermore, spaces 2 – 4 are located beyond the site's boundary and into the adopted highway verge, and parking spaces 3 and 4 are poorly located with the southern boundary wall restricting approaching visibility for vehicles from the west, leading to conditions prejudicial to highway safety. The proposed development would therefore be contrary to the saved policy T10 of the Milton Keynes Local Plan 2001-2011, N3 of the Great Linford North Neighbourhood Plan and the Parking Standards SPD.*

**05/00264/FUL** - Two Storey Side Extension

Permitted: 19.04.2005

### A2.0 Other Matters

None.

### A3.0 CONSULTATIONS AND REPRESENTATIONS

#### A3.1 Highways Development Control

Summary of advice from Highways Development Control: No objection subject to condition(s)

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There has been further exchange of views between the applicant and the highway/planning authority since my comments dated 11 April 2018. Most significantly the application has been changed from a 6 bedroom HiMO with 6 occupants to a 5 bedroom HiMO with 5 occupants.

#### Parking

The existing dwelling in providing three bedroomed accommodation is one space short of the car parking standards. This came about through an earlier planning application. Given this fact there can be no reasonable defence to the current proposal also providing on-plot car parking to the same level and therefore the HiMO will have three car parking spaces rather than four normally called for in the case of a 5 bedroom HiMO. The revised plans show a 5 bedroom HiMO and three car parking spaces.

#### Vehicle Accessibility

Another revision that has been made is the removal of the whole of the side boundary fence to the application site. This has the effect of opening up this part of Rothersthorpe and improving intervisibility between vehicles and pedestrians. Vehicles associated with numbers 2 and 3 Rothersthorpe use the same section of this street to reverse into the car parking spaces associated with the respective dwellings. This length of Rothersthorpe will similarly be used for the vehicle to reverse to the car parking space as shown in the rear garden area. Given the removal of the whole of the side boundary fence, even the large car as illustrated can perform the required manoeuvre. The addition of one car using this length of Rothersthorpe cannot be termed as 'severe' (2018 version NPPF paragraph 109 refers).

#### Other matters

A street lighting column exists at the end of Rothersthorpe at a point where the public footpath abuts the vehicular street. The tracking plans for the reverse of a large vehicle into the car parking space within the rear garden area show that this will be unaffected by the proposals.

#### Conclusion

Given the revisions to the planning application and also to the plans, I have no objection to planning permission being granted subject to the following conditions: -

1. Prior to the commencement of the development details of the private access way shall be submitted to and be approved in writing by the local planning authority and no dwelling shall be occupied until the access way has been laid out and constructed in accordance with the approved details. The access way so laid out shall be retained thereafter.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the development.

2. Prior to the occupation of the development hereby permitted the car parking area shown on the approved drawings shall be constructed, surfaced and permanently marked out. The car parking area so provided shall be maintained as a permanent ancillary to the development and shall be used for no other purpose thereafter.

Reason: To ensure adequate parking provision at all times so that the development does not prejudice the free flow of traffic or the safety on the neighbouring highway.

3. Prior to the first occupation of the development hereby permitted details of the proposed bicycle parking shall be submitted to and approved in writing by the Local Planning Authority and the scheme approved shall be provided and be retained thereafter.

Reason: To ensure that adequate parking facilities are provided to serve the development.

#### Informative

The proposed development includes works on or adjacent to the public highway and as such the applicant will be asked to enter into a Section 278 (Highways Act 1980) legal agreement. The applicant is advised to contact the Highway Traffic Schemes and Road Adoptions Manager (Mrs L Smart 01908 254561) at the earliest opportunity to discuss the requirements of the S278 Agreement.

**A3.2 Cranfield Airport**  
No response received

**A3.3 Parish - Great Linford**  
BACKGROUND

Application 17/02458/FUL (Sept 2017) was objected to by GLPC and Highways and refused by MKC primarily on the grounds of insufficient provision of parking.  
A C4 HiMO with 6 bedrooms requires 5 onsite parking bays.

CURRENT APPLICATION

The Application states that there will be a total of 4 parking spaces provided. The plans show one partially on the Adopted Highway. Notwithstanding the provisions of spaces on plot 4 spaces is less than the 5 required.

Access/egress would still need to be over adopted highway verge with at least 2 additional crossovers to the highway required.

Milton Keynes Council does not normally allow secondary crossings into a property which is already served by an existing crossing

RECOMMENDATION

GLPC objects to the application and recommends refusal as it is contrary to:

- I. GLPC Neighbourhood Plan Policy N3 (c) (d) and (e)
- II. Policy H10 (ii) (iii) HiMO SPD 2012.
- III. Parking SPD September 2016
- IV. Contrary to MKC criteria for vehicle Crossings and Dropped Kerbs

NOTE

GLPC wish to be notified in advance should this application be recommended for approval and request that it be called in for consideration by DCC or DCP so that GLPC may make representations to DCC or DCP objecting to the application.

*GLPC 28<sup>th</sup> March 2018*

**A3.4 Ward - Newport Pagnell South - Cllr Alexander (Member of Committee)**  
No response received

**A3.5 Ward - Newport Pagnell South - Cllr McCall**  
No response received

**A3.6 Ward - Newport Pagnell South - Cllr Eastman**  
No response received

**A3.7 Third Party Representations from 6 properties have been received outlining the following concerns:**

- include adequate provision for vehicles
- health and safety
- safe and available access to my property
- Appropriateness of the area in the context of the surrounding properties, surrounding space and current type of resident.
- Accuracy of plans

All issues addressed within the body of the report. An updated plan (Revision C) has been submitted showing a consistent distance to the boundary and sufficient space for refuse storage.