

ITEM 4(b)

Application Number: 19/00307/FUL

Description Change of use from dwelling house (C3) to house in multiple occupation (C4)

AT 5 Lundy Walk, Newton Leys, Milton Keynes, MK3 5FG

FOR Mr Leon Hill

Target: 16 April 2019

Extension of Time: Yes

Ward: Bletchley East

Parish: Bletchley & Fenny
Stratford

Report Author/Case Officer: Lakeisha Peacock
Planning Officer

Contact Details: 01908 254374
Lakeisha.peacock@milton-keynes.gov.uk

Team Manager: Nikolaos Grigoropoulos
Nikolaos.Grigoropoulos@milton-keynes.gov.uk

1.0 RECOMMENDATION

It is recommended planning permission is refused.

2.0 INTRODUCTION

The Site

- 2.1 The application site contains a three storey terraced dwelling located to the north of Lundy Walk, a cul de sac in the residential area of Newton Leys. The site is accessed via St Helena Avenue, located to the west of the site. The local area is characterised by a variety of two-storey and three-storey dwellings, with a block of flats located on the corner of Lundy Walk and St Helena Avenue.
- 2.2 The parking provision within the local area is provided predominantly by allocated parking spaces located to the rear of dwellings, with additional provision provided within car ports. Visitor parking is provided by unallocated parallel parking bays located along Lundy Walk.

The Proposal

- 2.3 The application seeks full planning permission for the change of use from a dwellinghouse (Use Class C3) to a House in Multiple Occupation (Use Class C4). The application is considered to be retrospective, as the HiMO use is already in operation and is the subject of a current planning enforcement investigation. Notwithstanding the apparent unauthorised nature of the current use the HiMO is licensed separately by the Council's housing service under separate HiMO legislation provisions.

Reason for referral to committee

- 2.4 The application has been referred to the Development Control Panel for determination at the request of Councillor Kelly-Wilson of the Town Council (but apparently not on behalf of the Town Council) and 8 individual requests for call-in from neighbouring dwellings.

3.0 RELEVANT POLICIES

3.1 National Planning Policy Framework (2019)

Section 12 Achieving Well-Designed Places

The Development Plan

3.2 Plan:MK

Policy D5 Amenity and Street Scene
Policy HN7 Houses in Multiple Occupation
Policy CT10 Parking Provision

3.3 Neighbourhood Plan

There is no neighbourhood plan for this area.

3.4 Supplementary Planning Documents

Milton Keynes Parking Standards 2016
Houses in Multiple Occupation 2012

3.5 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.

4.0 MAIN ISSUES

Principle of Development
Highway Matters and Parking
Impact on Character of the Area and Concentration of Flats and HiMOs
Residential amenity
Outside Space, Bin Storage and Drying Area

5.0 CONSIDERATIONS

Principle of development

- 5.1 Policy HN7 of Plan: MK allows for the creation of Houses in Multiple Occupation (HiMOs) should they meet the following criteria:

“To maintain mixed, balanced, sustainable and inclusive communities, proposals for Houses in Multiple Occupation will be approved where they would not create an over concentration of such accommodation resulting in an imbalance within local communities or other significant adverse impacts. Proposals should comply with the Council's Houses in Multiple Occupation Supplementary Planning Document”.

- 5.2 The Houses in Multiple Occupation SPD provides four criteria that proposed HiMOs must satisfy including: noise and disturbance; parking; bin storage and drying areas and the character of the local area in terms of concentration of flats and HiMOs.

Highway matters and parking

- 5.3 The Milton Keynes Parking Standards 2016 and the Houses in Multiple Occupation 2012 (SPD) sets out the requirements for the parking provision for HiMOs. Section 4.15 of the Houses in Multiple Occupation 2012 SPD states the following in relation to parking provision:

“If an application for a HiMO is submitted with on-plot parking provision below the required levels, it will normally be refused unless the applicant can demonstrate that the shortfall can be satisfactorily accommodated within properly marked, or laid out, parking spaces in the highway fronting the site”.

This is also reflected in Policy CT10 of Plan:MK which requires all development proposals to provide on-site parking that meets the Council's full parking standards. The table below provides details of the required allocated parking spaces for the proposed development:

	Number of Bedrooms	Allocated	
		Required	Proposed
C4 use in Parking Zone B	5	4	1

- 5.4 The application site, as existing, has one car port located to the rear of the property in a rear parking court serving dwellings within Lundy Walk, with one additional allocated space provided in tandem. Section 4.18 of the Houses in Multiple Occupation 2012 (SPD) requires that each allocated space must be independently accessible. As the allocated spaces are provided as tandem parking spaces, it is considered that the existing parking provision would not provide two independently accessible spaces for different residents of this HiMO, and as such only one allocated parking space is considered to be effectively provided by the application proposal.
- 5.5 In addition, from a site visit conducted by the case officer and from photographic evidence provided by objectors, the existing car port allocated to the dwelling has been altered, reducing the dimensions of the parking space to below the minimum standards. As such, it is considered that the parking space within the car port can no longer be considered an acceptable space in respect of the minimum standards.
- 5.6 It is considered, overall therefore, that due to the alterations to the car port reducing the existing parking space below minimum standards, in combination with the layout of the existing spaces as tandem parking and therefore not independently accessible, that only one allocated space, meeting the minimum standards, has been provided in respect of the proposed development. As such, the proposed development is considered not to provide the required 4 spaces parking provision for this change of use, resulting in an unacceptable under-provision and harmful spill-over.
- 5.7 In addition and in this respect, it is evident from the site visit conducted, and from objections and photographic evidence submitted, that there is an existing parking problem within the local area. While allocated parking is provided either to the rear of dwellings within allocated parking courts or within car ports associated with the dwellings, unallocated spaces are provided in the form of parallel parking bays along Lundy Walk. As existing, it is clear that these spaces within Lundy Walk are used at maximum capacity, and therefore there is no additional provision for the additional required 3 allocated spaces for the proposed change of use to be provided within the wider streetscene. In addition, as existing, the congestion within the local area is resulting in inappropriate parking to the detriment of accessibility, and the safety of highways users and pedestrians.
- 5.8 It is therefore considered that, by virtue of the lack of allocated off-street parking provision, the retrospectively proposed change of use has resulted in an adverse impact and material harm in terms of insufficient on-site parking provision, increased on-street parking stress, causing problems with accessibility of the highway, manoeuvring ability, and highway safety, in terms of vehicle users and pedestrians.

Impact on Character of the Area and Concentration of Flats and HiMOs

- 5.9 Section 4.30 of the HiMO 2012 (SPD) states that in order for an appropriate mix of dwellings to be maintained, the number of Houses in Multiple Occupation should not exceed 35% of the total number of properties within a 50 metre radius buffer of the application property.

- 5.10 From the available information is unclear on the number of bedrooms for the flats that are within the 50m radius of the application property. A calculation of the concentration therefore has been based on the flats containing one bedroom, which would provide a concentration figure based on the highest possible outcome. Overall, within a 50m radius of the application property, there are 34 dwellinghouses (Use Class C3), 7 flats and 1 five bedroom HiMO. The maximum concentration of flats and HiMOs within the identified buffer is calculated to be 26%. This is below the maximum prescribed concentration level within the HiMO 2012 (SPD), which is 35%. The proposed development therefore would not result in an unacceptable impact on the character of the local area in regard to the concentration of flats and HiMOs.
- 5.11 As outlined in Section 4.35 of the HiMO 2012 (SPD), “a non-sandwiching approach will be applied to prevent any one property (HiMO or non-HiMO) being ‘sandwiched’ between two houses in multiple occupations”. This will reduce the local impact on neighbouring properties and will also prevent an over concentration at the localised area. There are no other HiMOs within a 50m radius of the application site and therefore the acceptability of this HiMO is not affected by ‘sandwiching’. The proposed development would therefore accord with Policy HN7 of Plan:MK and guidance within the Houses in Multiple Occupation 2012 (SPD).

Residential amenity

- 5.12 The Houses in Multiple Occupation 2012 (SPD) provides guidance on ensuring that proposed HiMOs do not result in an unacceptable impact on neighbouring properties in regard to noise and disturbance. It provides the following information:

"Applicants will need to show what measures are proposed in order to ensure that noise from the property would not have an unacceptable impact on surrounding properties. In order to protect the amenity of tenants, the Council will require that applicants demonstrate, through submission of a noise assessment, that all internal bedroom walls, and (where there is a habitable room above or below) bedroom ceilings and floors, meet the sound insulation standards of a minimum value of 40dB'.

- 5.13 No information has been submitted as part of the application with regard to noise mitigation measures. Should members of Development Control Panel be minded to approve the change of use, details of noise mitigation measures could be secured via a condition.

Other matters

Outside Space, Bin Storage and Drying Area

- 5.14 The Houses in Multiple Occupation SPD 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".

The SPD also requires sufficient outdoor space to be provided for occupants.

- 5.15 From the information submitted with the application, it is clear that adequate outdoor space that is communally accessible has been provided. In addition, it is considered that this space can comfortably accommodate an outdoor drying area and the required bin storage for the proposed change of use. These matters can be secured by condition in case Members are minded to approve the proposal.

6.0 CONCLUSION

- 6.1 In view of the above this retrospective proposal is unacceptable and it is recommended for refusal. If refused, the Planning Enforcement Team will continue their investigation and take action accordingly.

7.0 REASON FOR REFUSAL

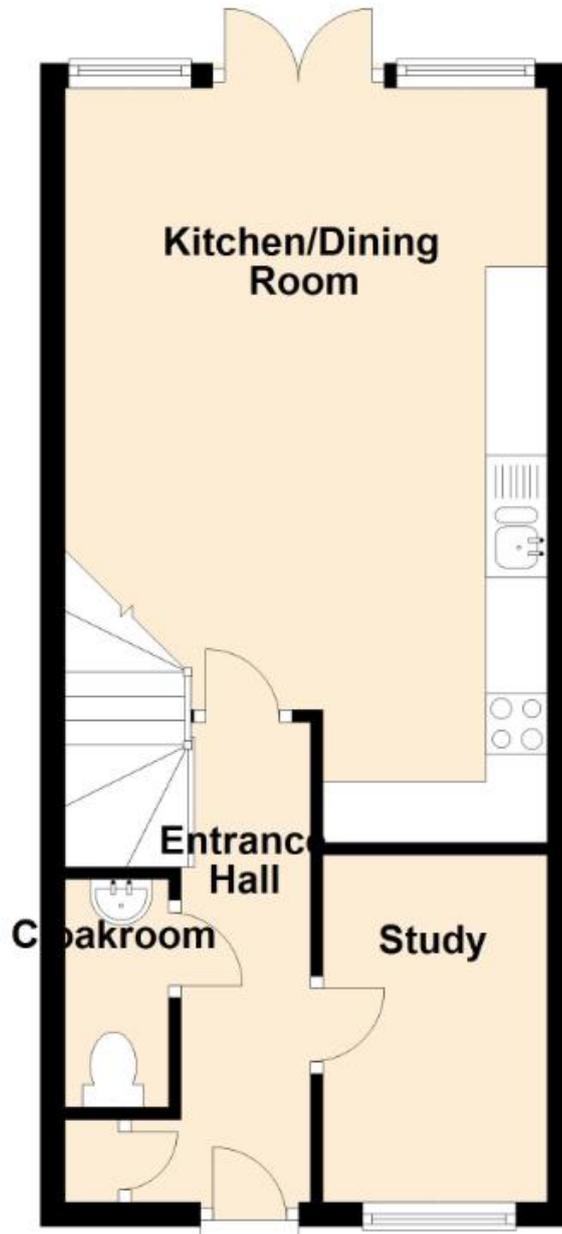
- 7.1 The proposed development fails to provide a sufficient number of on-plot independently accessible parking spaces for a 5-bedroom House in Multiple Occupation within Parking Zone B, as outlined within both the Houses in Multiple Occupation 2012 (SPD) and the Milton Keynes Parking Standards 2016 (SPD). As such, the proposed change of use would result in additional on-street parking to the detriment of highway safety for all users, convenience and amenity of local residents. The proposed scheme is contrary to Policy CT10 of Plan:MK, the Houses in Multiple Occupation 2012 (SPD) and the Milton Keynes Parking Standards 2016 (SPD).

5. Lundy Walk, Newton Leys, Milton Keynes, MK3 5FG



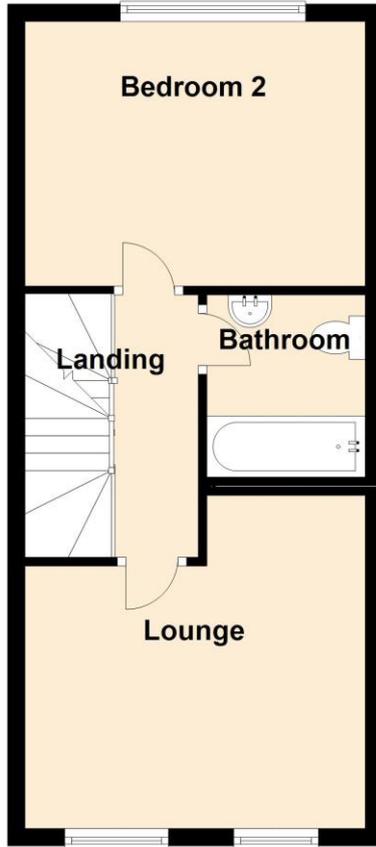
Ground Floor

Approx. 32.8 sq. metres (352.7 sq. feet)



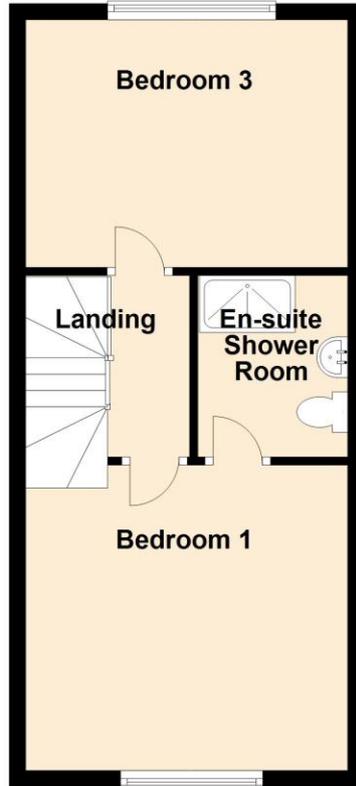
First Floor

Approx. 36.1 sq. metres (388.6 sq. feet)



Second Floor

Approx. 36.3 sq. metres (390.6 sq. feet)



Appendix to 19/00307/FUL

A1.0 RELEVANT PLANNING HISTORY

No relevant planning history on the site.

A2.0 ADDITIONAL MATTERS

None.

CONSULTATIONS AND REPRESENTATIONS

A3.1 Ward Councillor Gowans
No response received.

A3.2 Ward Councillor Khan
No response received.

A3.3 Ward Councillor Darlington
No response received

A3.4 Bletchley and Fenny Stratford

Objects

The development does not meet the parking standards set out in the Milton Keynes Council Parking SPG for zone three and is inadequate for the needs of the residents and users of the proposed development. HMO's on Zone B are subject to a formula where the number of parking is number of bedrooms -1 = parking. This proposed development will have 3 bedrooms so will require 2 parking spaces. The car port has been converted into accommodation so this only leaves the property 1 parking space.

A3.5 Councillor Ethaniel Kelly-Wilson

Objects

The property in question is already being used as a HiMO and as such the applicant is in breach of planning regulations.

Lundy Walk is one of the oldest parts of Newton Leys and the property in question was sold some nine years ago. As such the parking requirements in the relevant SPD would not meet today's standard. I am regularly informed of parking issues in Lundy Walk by residents. Newton Leys is on the border of Milton Keynes and Aylesbury Vale and is geographically isolated from the rest of Milton Keynes by the West Coast mainline and also the Oxford to Bletchley Line (EastWest Rail). This has led to a proliferation of cars. Milton Keynes Council is aware that this issue is common to many of the new development areas within Milton Keynes as 4.12 of HiMO SPD states "*the newer estates located further from CMK do not generally lend themselves to significant increases in parking pressures. The roads are often narrower than, and not as straight as, the older estates. This limits the capacity for on-street parking in such locations, and off-street parking is often limited. In addition to this, services and employment opportunities are not as accessible, and so residents are considered to be more likely to require a*

car.” The SPD states that for a HiMO of 5 bedrooms then 4 car parking spaces would be required, the applicants form confirms that only 2 are available, which would have a significant impact with regards to on street parking/

As can be seen in the attached pictures, the owner of the property has used the car port of the property to increase the habitable space of the property using a partition wall and this means that the level of parking stated by the applicant simply cannot be correct. You will also see that vehicles belonging to the occupants of the property are already parking inappropriately. There are already more cars parking than the level provided, or demanded by the SPD. Newton Leys has been specifically designed to have a mixed community, with a mix of houses and apartments. Within 100 metres of the property there are already 40 apartments so the addition of these further five individual rooms would change the character of the area.

It is known that all of the properties sold on this part of the site, were sold by George Wimpey South Midlands Limited (now known as Taylor Wimpey South Midlands). All of the properties sold contain a restrictive covenant which states that the property can only be used “as a single private dwelling house” and further that “the owner is not to do or permit any act, matter or thing, which may be or become a nuisance, annoyance or disturbance or inconvenience to the owners or occupiers of any adjacent dwelling”.

I would ask that this matter be considered a Development Control Panel so that local residents can have their opportunity to raise their concerns to the panel. I would ask that I am able to speak on behalf of local residents at panel.

Third party objections have been received from 24 addresses and are summarised as follows:

- Parking and highways safety
- Anti-social behaviour
- Covenants
- Impact on the Character of the Area
- Noise and disturbance