

ITEM 5(a)

Application Number: 21/00400/FUL

Description Change of use from a single dwelling (use class C3) to a five bedroom House in Multiple Occupation including widening of parking area and vehicle crossover from street (re-submission of 20/01259/FUL).

At 2 Farjeon Court, Old Farm Park, Milton Keynes, MK7 8RE

For Mr David Wright

Statutory Target: 07.04.2021

Extension of Time: Yes - 24.06.2021

Ward: Danesborough and Walton

Parish: Walton Community Council

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1.0 RECOMMENDATION

1.1 It is recommended that permission is granted subject to conditions set out in this report.

2.0 INTRODUCTION

Reason for referral to committee

2.1 The application has been referred to panel by Walton Community Council and Ward Councillor Alice Jenkins on the following material grounds:

- Insufficient on-site parking;
- Adverse impact of highway safety/use;
- Lack of accessible amenity space including outside clothes drying space;
- Adverse impact on the aesthetics of the street through the impact of altering the front garden to parking;
- No need for the House in Multiple Occupation (HMO) HMO and the benefits of its creation would not outweigh the harm that the change of use would have to the area; and
- Impact of noise on existing residents.

The Site

- 2.2 The site contains a large 2-storey detached dwelling with 6 bedrooms located on Farjeon Court, a cul-de sac off Boyce Crescent. This is located within the wider residential estate of Old Farm Park. The property is bounded by No.1 to the south and No.3 to the north, both of which are detached properties. Four other detached properties are located at the end of Farjeon Court. The rear garden of the dwelling backs on to the gardens of Nos.1 and 42 Boyce Crescent.
- 2.3 The property has landscaping facing the street and two car parking spaces located in front of an integral double garage which has been converted into a habitable space serving as a Games Room. On the north side of the plot is an access path to the rear garden positioned beside the driveway of No 3.
- 2.4 There are no relevant land-based planning constraints to the site.
- 2.5 An application to convert the property into a HMO for 8 persons which included 8 bedrooms was recently refused on parking/highway grounds and a subsequent appeal of this decision was dismissed.

The Proposal

- 2.6 The applicant is seeking planning permission to change the use of the dwelling from a single dwelling house to a HMO with 5 bedrooms. There would be two bedrooms on the ground floor, located in the former garage and a lounge. Two existing bedrooms on the 1st floor and one in the attic would also support the proposed use. Some of the bedrooms would have en-suites and dressing rooms and some existing rooms are to be used as shared lounges, shared bathrooms/WCs, a communal kitchen and a utility space.
- 2.7 No external alterations are proposed. However, the existing landscaping between the front porch and driveway will be removed for an additional parking area and the dropped kerb extended to facilitate access.

Scope of debate/decision

- 2.8 This application proposal is a full planning application and so all matters are to be considered.

3.0 RELEVANT POLICIES

National Policy

- 3.1 National Planning Policy Framework (February 2019) (NPPF)

Section 2: Achieving Sustainable Development

Section 4: Decision Making

Section 5: Delivering a Sufficient Supply of Homes

Section 9: Promoting sustainable transport

Section 11: Making effective use of land

Section 12: Achieving Well-designed places

Section 14: Meeting the challenge of climate change, flooding and coastal change

Section 15: Conserving and enhancing the natural environment

In addition, the Planning Practice Guidance is also a material consideration

The Development Plan

3.2 Walton Neighbourhood Plan (January 2017)

Policy WNP11 - Houses in Multiple Occupation

Policy WNP 16 – Design Principles

3.3 Plan:MK (March 2019)

Policy D1: Designing a High Quality Place

Policy D2: Creating a Positive Character

Policy D5: Amenity and Street Scene

Policy EH7: Promoting Healthy Communities

Policy HN7: Houses in Multiple Occupancy

Policy CT2: Movement and Access

Policy CT3: Walking and Cycling

Policy CT10: Parking Provision

Policy FR2: Sustainable Drainage Systems (SUDS) and Integrated Flood Risk

Policy NE3: Biodiversity and Geological Enhancement

Policy NE6: Environmental Pollution

3.4 Supplementary Planning Documents/Guidance

Parking Standards SPD (January 2016)

Houses in Multiple Occupation SPD (April 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.

3.6 Equality Act 2010

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

4.0 RELEVANT PLANNING HISTORY

4.1 Application Site

08/00548/FUL

First floor extension over garage, single storey rear extension and loft conversion including installation of two front dormer windows
Permitted 21.05.2008

20/01259/FUL

Change of use from a single dwelling house to a House in Multiple Occupation (HMO) for 8 persons
Refused 11.08.2020

The original property was extended with planning application 08/00548/FUL which approved an extension over the double garage, a loft conversion and the single storey rear extension.

Following these alterations, the property was subsequently let out unlawfully as a House in Multiple Occupation. This activity was subsequently curtailed through planning enforcement.

In 2020 the applicant applied for planning permission to change the use of the dwelling to a House in Multiple Occupation for 8 persons (20/01259/FUL). This proposed to make use of 8 bedrooms in the property.

The application was refused under delegated authority on grounds that the shortfall in allocated off-street parking provision of 3 spaces would result in an adverse impact and material harm to the safety of the surrounding highway network for both vehicle users and pedestrians. The specific refusal reason was as follows:

By virtue of the shortfall in allocated off-street parking provision, the proposed change of use would result in an adverse impact and material harm to the safety of the surrounding highway network in terms of insufficient on-site parking provision and increased on-street parking stress and nuisance, resulting in problems with accessibility of the highway, manoeuvring ability, and highway safety, in terms of vehicle users and pedestrians. The proposal would therefore fail to accord with Policy CT10 of Plan:MK and the Houses in Multiple Occupations SPD (2012).

A subsequent appeal (APP/Y0435/W/20/3258702) was dismissed. The inspector highlighted that arguments for allowing a shortfall on grounds of the location being sustainable location or the possibility of parking on neighbouring streets, were not satisfactory. It was highlighted that any increased demand for on-street parking created by the development could lead to inappropriate parking that would affect the safe manoeuvring of vehicles and visibility on Farjeon Court and could lead to conflicts between pedestrians and vehicles.

The Inspector did not raise any concern with the proposed on-site parking or any other material planning matters.

5.0 CONSULTATIONS AND REPRESENTATIONS

5.1 Walton Community Council

Walton Community Council (WCC) objects to the development because of concerns that there is insufficient on-site and visitor parking provided, and that it would have an adverse impact of highway safety/use. Concerns are also raised that there is a lack of accessible amenity space including outside clothes drying space and that there would be an adverse impact on the aesthetics of the street through the impact of altering the front garden to parking. WCC also states that there is no need for the HMO and the benefits of its creation would not outweigh the harm that the change of use would have to the area. WCC also raised concerns because of a condition attached to planning permission ref. 08/00548/FUL for an extension to only be used as part of the family dwelling.

5.2 Cllr David Hopkins – Danesborough and Walton

Councillor Hopkins objects on grounds that the development would generate car parking issues that would not be catered for on-site – this having the potential to block footpaths and access to neighbouring properties and restrict service/emergency vehicles. Further concerns are that there would be a reliance on cars because of its location which has few local facilities; a lack of a public turning space at the end of Farjeon Court causing residents of the HMO to pull into the driveways of neighbours; harm to the street; an adverse impact on the intended housing mix of the estate; a lack of the need for a HMO; a major impact on local setting and character; and a lack of change compared to the previously refused application.

5.3 Cllr Victoria Hopkins – Danesborough and Walton

Councillor Hopkins objects as it is considered that the development would be detrimental to the street, that it would have an adverse impact on the existing housing mix, that there is no need for an HMO in this area, that it would have a major impact on local setting and would be out of character, that the application would lead to a detrimental impact for other residents partly because of lack of a turning circle in Farjeon Court, and it would cause major traffic/parking issues having a detrimental impact on for service, delivery and emergency vehicles.

5.4 Cllr Alice Jenkins – Danesborough and Walton

Councillor Jenkins objects due to the size of the proposed car parking spaces, the access to these from the street, potential on-street parking affecting the highway, and potential adverse noise impacts to residents. Concern is also raised about the potential for extra car generation because of the use of double bedrooms and a lack of HMO licensing details.

5.5 MKC Highways

Initial comments received

There is no objection to the development. While the Highways Officer finds that the number and dimensions of the spaces meet the Parking Standards SPD, there is less space around the car parking spaces than the standards require and therefore the development does not fully comply with the parking requirements. However, it is considered that given the spaces provided, it would not be possible to demonstrate that the shortcoming would cause an unacceptable impact on highway safety and, in addition, Inspectors in appeals have allowed smaller spaces than those in the Parking Standards SPD and below the size of 4.8m x 2.4m.

Comments following re-consultation

Since only the description of the development has changed since the original consultation, the Highway comments continue to apply including the recommended conditions for both the new car parking area and the altered vehicle access to be constructed prior to occupation of the development and permanently retained. It is not suggested that the 2.4m x 4.8m spaces mentioned are a national standard, but rather that these dimensions were used for many years as standard size for parking spaces and the planning inspectorate will accept spaces of these dimensions and even smaller spaces.

5.6 MKC Private Sector Housing

Initial Consultation

It is considered that the floorplans are suitable for a 5 bedroom HMO, subject to compliance with licensing requirements.

Comments following re-consultation

No change to comments

5.7 MKC Environmental Health

No objection.

5.8 Public Representations

Comments have been received from approximately 150 addresses/neighbours. The material planning considerations are summarised below:

- Impact of HMO on the character of the area;
- Noise to neighbouring residential properties;
- Parking and cycling requirements; and
- Impact on landscaping;

6.0 MAIN ISSUES

Principle of development;
Parking and highway safety;
Noise and disturbance
Waste storage and drying facilities; and.
Layout and impact on the character of the area.
Other matters

7.0 CONSIDERATIONS

Principle of development

7.1 Applications for planning permission must be determined in accordance with the development plan, unless material planning considerations indicate otherwise.

7.2 The principle for the proposed change of use is acceptable under Plan:MK Policy HN7 as HMOs contribute to the creation of mixed, balanced and inclusive communities. There is therefore no requirement in both local and national policy to justify the creation of a HMO and proposals for HMOs are supported where they would not result in an over concentration of such accommodation or other significant adverse impacts. However, policy HN7 requires applications to comply with the adopted HMO SPD which outlines:

- i. effective measures are proposed to minimise the effects of noise and disturbance;
- ii. off street parking and manoeuvring space is provided to meet the Council's standards;
- iii. adequate outdoor space is available for bin storage and a drying area; and
- iv. the proposal would not adversely affect the character of the surrounding area or lead to an unacceptable concentration of flats or Houses in Multiple Occupation within the area.

In addition, HMOs in this area must comply with Policy WNP11 of the Walton Neighbourhood Plan. The policy confirms that developments will be supported where:

- they provide sufficient parking, usable and accessible amenity space including outside clothes drying space.
- for semi-detached or terraced houses, a noise assessment demonstrates that the proposal can be satisfactorily accommodated without having an unacceptable impact on the residential amenities of neighbouring properties.
- there is adequate and well-designed bin storage, (i.e. storage at the front of a property, insecure storage, or storage too close to a neighbouring property is avoided).
- proposals do not detrimentally affect the overall character or appearance of the immediate locality, and proposals do not significantly alter the character and appearance of the building and its curtilage.

7.3 The main issue in relation to the principle of development relates to the concentration of HMOs in a given area. In order to avoid a new HMO having a significant

detrimental impact on the character of the local area in a way that would not produce mixed communities. The HMO SPD identifies that the number of bedrooms for let within the HMO, along with any single bedroom flats and existing HMO bedrooms in the surrounding area, should not exceed 35% of the total number of properties within a 50m radius of the application property.

- 7.4 There are 16 dwellings within this radius. None are HMOs and there are no single bedroom flats. The calculation is therefore as follows:

Total Houses and HMO Bedrooms = 21 (16 houses and 5 proposed HMO bedrooms).

- 7.5 The HMO concentration is therefore 23.8%, which is less than the 35% limit for concentration outlined in the SPD. For clarity, the 'non-sandwiching' approach to HMOs mentioned in the SPD, whereby a non-HMO dwelling would end up between two HMOs, is not relevant in this circumstance.

- 7.6 In summary, the development complies with the concentration limit set out in the SPD. Therefore, it would not to create an over concentration of HMOs in the area that would result in an adverse imbalance within the local community, in accordance with Policy HN7 of Plan:MK. The principle of the development is therefore established subject to a compliance condition for the number of bedrooms proposed.

- 7.7 For clarity, restricting the number of bedrooms through a condition would be enforceable, therefore the application can be assessed and controlled on this basis. Planning permission would be required should the applicant wish to increase the number of bedrooms in the future. While there have been concerns raised about the need to restrict the number of people in the HMO, such a restriction would be unenforceable and cannot be conditioned.

- 7.8 The remaining material considerations required by Policies HN7 of Plan:MK and WNP11 of the Walton Neighbourhood Plan are discussed in the following sections.

Parking and highway safety

- 7.9 Plan:MK Policy CT2 requires that developments do not result in inappropriate traffic generation or compromise highway safety, while Policy CT10 of Plan:MK governs parking requirements. Sufficient parking for HMOs is also required by both Walton Neighbourhood Plan Policy WNP11 and the HMO SPD. While there are parking standards within the HMO SPD (2012), these were reviewed and superseded by the MK Parking Standards SPD (2016).

- 7.10 Parking Policy CT10 of Plan:MK (2019) requires that 'all developments should meet the Council's full parking standards, unless mitigating circumstance dictate otherwise.

- 7.11 In the previous appeal, the 8 person HMO was dismissed by the inspector because there was a shortfall of 3 on-site spaces. The inspector did not question the proposed intended 2 car parking spaces replacing the front garden and focused on considerations relating to street parking. It was noted that Farjeon Court was

unsuitable for street parking because the width of the cul-de-sac is restricted, the road curves to the front of the site and there is only a single footpath to the side of the road. The street was also considered unsuitable for parking because of the position of existing driveway accesses, the nearby junction with Boyce Crescent and the relatively short length of the cul-de-sac. The inspector noted that there is a tendency for cars to park partly on the footpath in front of the property in an attempt to avoid obstructing two-way traffic and considered that the shortfall of 3 on-site spaces could lead to further inappropriate parking, either wholly or partially on the footpath and within the turning head of the cul-de-sac. It was stated that this could lead to conflicts between pedestrians and vehicles to the detriment of highway safety. The inspector did not accept that the area was a sustainable location as a mitigating circumstance under Policy CT10 and considered that the use of nearby streets for parking at the HMO was unlikely.

- 7.12 In this resubmitted application, the number of bedrooms has been reduced from eight to five and four on-site spaces are proposed. Unlike the previous application, no arguments have been made for street parking.
- 7.13 The parking space requirement in the MK Parking Standards SPD (2016) for HMOs in this zone is calculated using the formula $n-1$, where n is the number of bedrooms. This equates to 4 spaces for the development. There is no requirement for visitor parking in the standards.
- 7.14 While many representations have raised objections on grounds that a double bedroom has two bed spaces that could technically be occupied by two people, the HMO SPD and the Parking Standards SPD are based on the number of bedrooms in a HMO.
- 7.15 There are two existing parking spaces on the driveway and, as with the previous application, the development proposes to create two new spaces next to these two bringing the total number in line with the SPD. Provision of the correct number of spaces as required within the SPD means that there would be no need to consider arguments for 'mitigating circumstances' for a shortfall under Policy CT10.
- 7.16 Car parking spaces should measure 5m x 2.5m and the SPD also seeks an additional buffer of 1m around the spaces where access is required to the dwelling, or 0.5m in other circumstances.
- 7.17 Due to concerns about the size of the proposed car parking area not meeting the dimensions within the SPD, measurements were clarified through a site visit. The width of the overall parking area would be approximately 10.4m, compared to the requirement of 11.5m (1m to access the door beside the garage + [4 x 2.5m] + 0.5m). There is therefore a 1.1m shortfall in overall width, though this can be considered limited to the circulation space. There is also no wall beyond the porch on the north-west side of the parking area and the boundary hedge curves away to the south-east meaning that there would be additional room for car doors to open.
- 7.18 The depth of the new spaces at the smallest measurement beside the porch would be approximately 5m. Spaces in this position would usually be expected to be 5.5m deep, which would account for their location next to the wall (5 m + 0.5 metre

circulation space). Concerns raised about there not being 1m of additional space next to a wall are noted, however, the requirement in this case would be 0.5 metres, as there is no door to the dwelling in the wall directly next to the spaces; the door that does exist is set back and could be accessed from walking between the spaces. The shortfall in this case is therefore the 0.5 metre circulation space.

- 7.19 The above assessment demonstrates that the proposed car parking is not fully compliant with the requirements of the Council's Parking Standards in terms of the additional circulation space required above the actual dimensions of the parking space. Nevertheless, paragraph 109 of NPPF indicates that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe.
- 7.20 The Highways Officer considers that the shortfall in the provision of space around the parking spaces would not result in an unacceptable impact on highway safety. This is because the volume and speed of traffic and the likely number of pedestrians walking along Farjeon Court is low. As pointed out by the Highways Officer, if a car encroached on the footway, it would only be by a very small amount.
- 7.21 In addition to the above issues regarding safety, it is noted that appeal decisions on other sites in Milton Keynes have accepted parking spaces shorter than 5m in similar circumstances.
- 7.22 Therefore, in terms of the provision of car parking spaces, this application does not propose street parking which was the basis of the previous refused application and dismissed appeal. There is consequently no justified reason to object to the application on the same grounds of highway safety. As there would be fewer bedrooms there would be fewer cars at the property. The number of on-site parking spaces now fulfils the requirements of the Parking Standards SPD, in both number and core dimensions of the spaces. As there is a shortfall in the buffer around the two new spaces meaning that overall, the development is not fully compliant with the standards and Policy CT10 of Plan:MK and the first point of Policy WNP11 of the Walton Neighbourhood Plan. However, as the arrangement would not result in adverse highway safety issues, the development does not conflict with Policy CT2 of Plan:MK. On this basis it would be unreasonable to withhold permission solely on the shortcoming of the reduced circulation space around the parking bays, when previous decisions elsewhere have supported smaller spaces and there is no Highways objection.
- 7.23 In order to ensure adequate parking provision at all times so that the development would not prejudice the free flow of traffic/ highway safety, the construction of the spaces can be secured by condition, prior to occupation of the dwelling as an HMO.
- 7.24 The development proposes to widen the dropped kerb and pavement crossover to allow access to the two new spaces. While these areas are under Highway ownership and not within the site boundary, the Highways Officer has accepted the principle of this change. Therefore, such an alteration would need to be carried out before any use is commenced to ensure no on-street parking occurs, and could be executed through a Grampian condition. There are no highway safety concerns in relation to

vehicles accessing these spaces as vehicles could simply reverse out into the road with a clear line of sight so it would not be necessary to turn around at the end of the cul de sac.

- 7.25 Creation of the dropped kerb for a widened access would have the effect of preventing existing residents and other vehicles parking on the stretch of Farjeon Court in front of No.2. Some neighbours have raised concerns that on-street parking would be lost. However, on-street parking is not allocated, nor can it be relied upon, and the small loss of street parking space is unlikely to have a significant impact on accessibility or highway safety.
- 7.26 There have been concerns raised regarding the increase in traffic created by HMO occupants which it has been suggested would exacerbate existing traffic problems within Old Farm Park. As a large family using the property could own a similar number of vehicles as the number of spaces proposed in this development. The change in use is not considered to lead to a significant increase traffic beyond the existing C3 use. The same can be said for traffic generated through delivery vehicles visiting the HMO. This would not be significantly different to the number of delivery vehicles generated by the needs of a large family.
- 7.27 Plan:MK Policy CT3 supports developments that encourage cycling. The Parking Standards SPD require 1 cycle space per 2 bedrooms, equating to a requirement for 3 cycle spaces. While the applicant has indicated cycle provision would be supplied, no cycle spaces are shown on the proposed plans. Nevertheless, a lockable storage area for the bikes could be secured by condition prior to first occupation of the HMO. It is therefore considered that the development would be acceptable in relation to cycle parking.

Noise and Disturbance

- 7.28 The HMO SPD provides the following information regarding mitigation for noise/disturbance:
- “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 addition there is also a requirement for applicants to submit a noise assessment in support of a change of use to a HMO to demonstrate that there is a minimum sound insulation standard of 40 dB”.*
- 7.29 Concerns have been raised about external noise created by vehicle movements and activity associated with the occupants coming and going to the property. While no supporting information explaining how this would be reduced has been submitted, officers consider that requesting such information would not be reasonable as an HMO of 5 bedrooms would not create significantly more noise than a large single family living at the property.
- 7.30 Internally generated noise would have a negligible impact on surrounding residents because the property is physically separated from other dwellings so sound would not travel through walls. There is also no requirement for a noise assessment or

noise measures for detached properties in Policy WNP11 of the Walton Neighbourhood Plan.

- 7.31 Any noise generated by open windows or use of the garden space would not be significantly different to a large family living at the property. In addition, there is no objection from Environmental Health to give reasonable grounds for concern.
- 7.32 In relation to internal noise that would be created for occupants, while a noise assessment has not been submitted to support the application, the house is a modern construction meaning internal insulation is good and the Environmental Health Officer does not raise any concerns with the proposal or layout.
- 7.33 In summary, officers consider that the change of use would not create any significant adverse noise/disturbance impacts to surrounding residents or HMO occupants. Noise was also not a refusal reason for the larger 8 person HMO, and was not identified as an issue by the Planning Inspector in the related appeal.

Waste Storage and Drying Facilities

- 7.34 Plan:MK Policy D5 requires the appropriate provision of refuse storage areas and Policy WNP11 of the Walton Neighbourhood Plan requires this to be adequate and well-designed. In accordance with the HMO SPD, 15 square metres of storage space should be provided for 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.
- 7.35 No refuse storage is shown on the proposed plans. While the space on the northern side of the dwelling is currently used for bins, this area is not large enough to comply with the SPD and would fail the 'good design' criteria as required by Policy WNP11 of the Walton Neighbourhood Plan. Nevertheless, a storage area could easily be provided in the large rear garden to avoid any impact on the street scene and bins could be brought to the front of the dwelling via the side access gate and path on the north side of the building without being impeded by the proposed new parking area. This pathway and access gate would be suitable for the new method of waste collection using wheelie bins.
- 7.36 Such an arrangement, including a requirement for this to be secure and bins to be transported over a hard surface instead of grass, could be secured through condition which would satisfy the requirement for 'well-designed bin storage' of Policy WNP11 of the Walton Neighbourhood Plan and the HMO SPD (page 9).
- 7.37 No external drying area is shown on the proposed drawings. Nevertheless, this could be provided within the large rear garden and such provision could be secured through condition. It is therefore considered that the development would be acceptable in relation to the need for an adequate drying area, subject to a condition for details to be first approved and then provided prior to first occupation of the development. The large rear garden would also function as a satisfactory amenity space for occupants

given that there is no requirement for a specific size of garden associated with an HMO in adopted planning policies or relevant guidance.

Layout and impact on the character of the area

- 7.38 Policies D1 and D2 of Plan:MK require that development proposals as a whole respond appropriately to the site and surrounding context and that boundary treatments and landscaping of a development and appearance of buildings exhibit a positive character. Policy WNP 11 of the Walton Neighbourhood Plan requires that HMOs do not detrimentally affect the overall character or appearance of the immediate locality or significantly alter the character and appearance of the building and its curtilage and that there is adequate and well-designed bin storage.
- 7.39 The change of use would not change the external appearance of the dwelling and the layout of the house is suitable for the HMO use proposed. While concerns have been raised about the layout of the house being more like a group of flats than a HMO, as the residents would share communal kitchen facilities, some hallways and as not all the bedrooms have en-suite facilities, the proposal is clearly a HMO.
- 7.40 The front garden would be altered by removal of landscaping for the provision of the two additional car parking spaces. While this would slightly alter the appearance of the street scene, changes created by dropping the kerb and lowering the pavement are considered minor and not harmful. The additional parking spaces made in the front garden would harden the landscaping for the dwelling, however this change is also not considered significant given the small size of the alteration and that an existing planted area larger than area to be lost would remain unaffected. Furthermore, it should be taken into account that the vegetation is not protected and could be removed at any time by the owner. For these reasons, and bearing in mind that this was not a refusal reason in the previous application or identified as an issue by the Planning Inspector in the related appeal, officers consider the alterations have an acceptable impact on the street scene and character of the area.
- 7.41 In relation to the requirement for a bin storage area, bicycle storage and drying area which would be secured through conditions, it is considered that the scale and appearance of these would be commensurate with a standard domestic property and have no significant impact on the surrounding area.
- 7.42 In summary, as the development would not have a detrimental on the affect the overall character or appearance of the immediate locality or dwelling, the development does not conflict design policies D1, D2 or relevant parts of Walton Neighbourhood Plan Policy WNP11.

Other Matters

- 7.43 Many residents and consultees have mentioned the planning history of the property specifically quoting condition 3 of the application to create the first-floor extension, loft conversion and rear extension (08/00548/FUL):

'The extension hereby permitted together with the existing dwelling house shall be used wholly as a single family dwellinghouse and for no other purpose whatsoever.'

Reason: To ensure that the premises are not sub-divided into a separate unit without the permission of the local planning authority'

- 7.44 This condition ensured that the property was not rented out as an HMO without planning permission at the time when this could have been carried out without planning permission, i.e. before Milton Keynes Council had passed Article 4 directions restricting this permitted change. The condition was not aimed at preventing approval of planning permission for this change or the ability to apply for planning permission for this change, but rather to control the change being made without the express approval of the Local Planning Authority. The condition was also from a time prior to the adoption of the Milton Keynes HMO SPD (2012), before the technical studies of the impacts of HMOs had carried out and used to guide planning decisions.
- 7.45 The current planning application therefore does not 'breach' the condition; a breach of condition is only possible if an unlawful development has been carried out against a condition.

8.0 CONCLUSIONS

- 8.1 It is considered that the proposal accords with all the requirements of Plan:MK, the Walton Neighbourhood Plan and HMO SPD, subject to conditions. This is with the exception of a slight conflict with policy CT10 and the Parking Standards SPD through a minor shortfall in the extra space normally required around the proposed parking spaces. However, as the arrangement would not result in demonstrable adverse highway safety issues, and similar shortfalls have been accepted elsewhere in the Borough, it is recommended that the application is approved subject to the conditions below.

9.0 CONDITIONS

1. The approved development shall be carried out in accordance with the following drawings/details:

Plans received 11/02/2021:
Proposed Floor Plans – Drawing No. FC PA 02 Rev D

Plans received 12/03/2021:
Location Plan & Site Plan – Drawing No. FC PA 03 Rev C

Reason: For the avoidance of doubt and in the interests of securing sustainable development.

2. 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.

3. The house in multiple occupation hereby permitted shall be limited to a maximum of 5 bedrooms.

Reason: To control future intensification of the application property.

4. The use hereby permitted shall not commence until the proposed additional car parking area shown on Drawing No. FC PA 03 Rev C have been completed with hard surfacing in a permeable material. The car parking spaces 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 and prevent adverse surface flooding in accordance with Policies SD1, D1, CT10 and FR2 of Plan:MK (2019) and Policy WNP 11 of the Walton Neighbourhood Plan.

5. The use hereby permitted shall not commence until the means of vehicular access has been altered and constructed in accordance with Drawing No. FC PA 03 Rev C and Milton Keynes Council's guide note "Residential Vehicle Crossing Details" and shall be permanently retained thereafter.

Reason: To ensure adequate access to the proposed parking spaces so that the development does not prejudice neighbouring highway safety in accordance with Policy CT2 of Plan:MK (2019).

6. Prior to the first occupation of the development hereby approved details of the proposed bicycle parking shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details prior to the first occupation of the development and shall thereafter be retained for those purposes.

Reason: To ensure the provision and availability of adequate cycle parking in accordance with Policy CT3 of Plan:MK (2019).

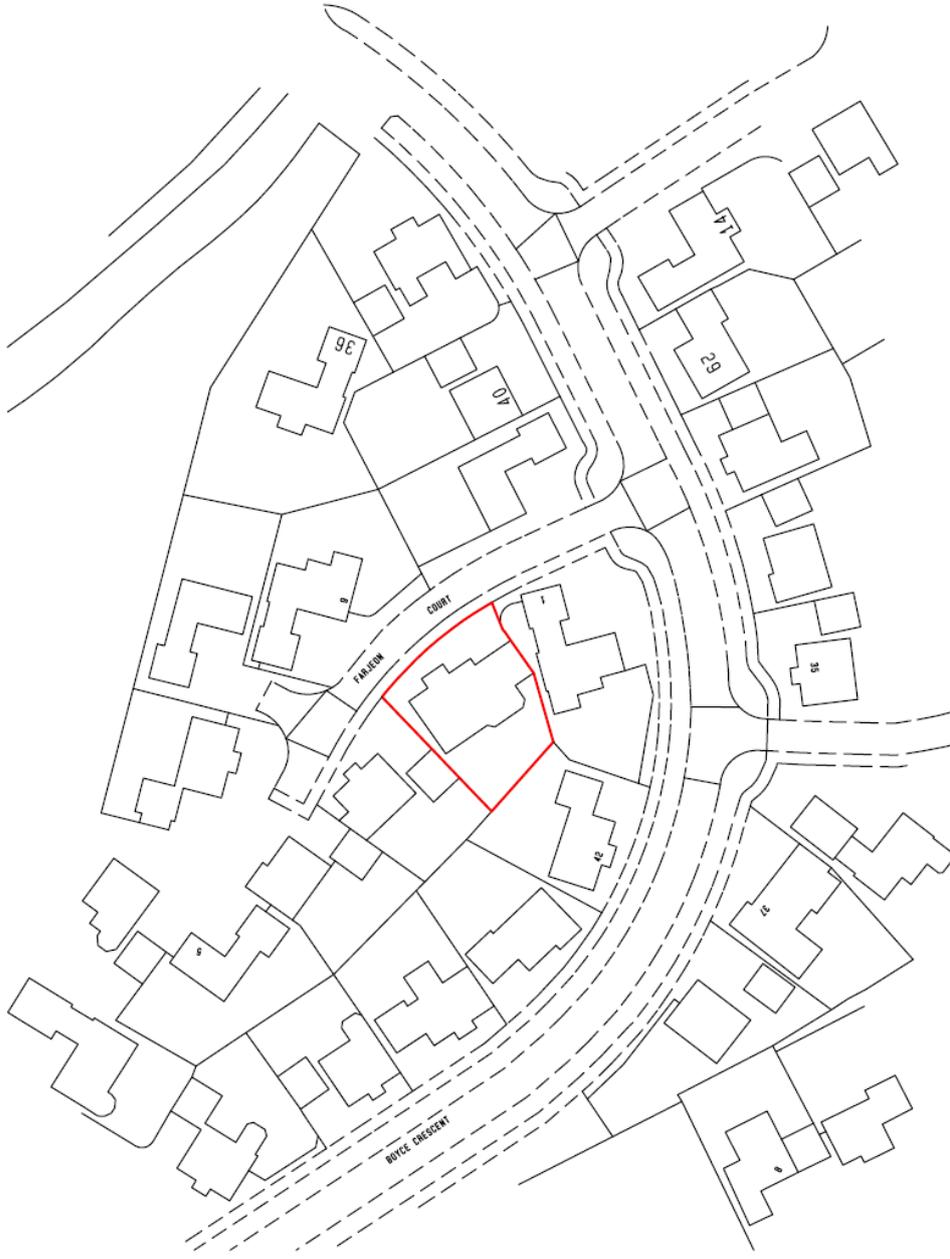
7. Prior to the first occupation of the property, details of a clothes drying area shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall be completed in accordance with the approved details prior to the first occupation of the development and shall thereafter be retained for those purposes.

Reason: To ensure the property benefits from satisfactory facilities in accordance with Policy HN7 of Plan:MK (2019) Policy WNP 11 of the Walton Neighbourhood Plan.

8. Prior to occupation of the property for the use hereby permitted, details of a refuse store incorporating an area allocated for storing of recyclable materials shall be submitted to, and approved in writing by, the Local Planning Authority. Thereafter, all refuse and recyclable materials associated with the development shall either be

stored within this dedicated store/area or internally within the building(s) that form part of the application site, except on the day of collection.

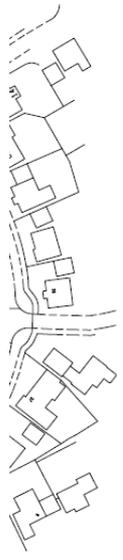
Reason: To safeguard the amenity of the occupiers of adjoining premises, protect the general environment, and to ensure that there are adequate facilities for the storage and recycling of recoverable materials in accordance with Policies HN7, EH7 of Plan:MK (2019) and Policy WNP 11 of the Walton Neighbourhood Plan



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1:1250 LOCATION PLAN

WIDENED DROPPED



Reference drawn to from Copyright 2020. All rights reserved. License number: 00020245

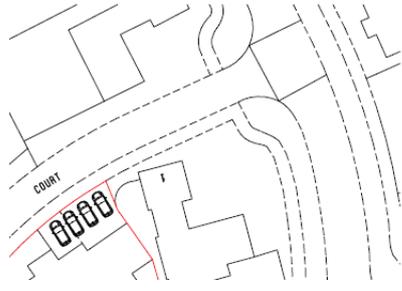
1:1250 LOCATION PLAN

WIDEN DROPPED
10.25m

THE EXISTING VEHICULAR ACCESS & DRIVEWAY PARKING AREA IS TO BE WIDENED TO ACCOMMODATE 4 CARS

THE EXISTING VEHICULAR ACCESS AND DRIVEWAY PARKING AREA FOR TWO CARS TO THE FRONT OF THE ORIGINAL GARAGE

EXISTING DROPPED KERB



1:100 SITE PLAN

| No. | Date | By | Contents |
|-----------|------|----|----------|
| Revisions | | | |

Drawing Title
Location Plan & Site Plan

Project
Change of use from a single dwelling to a 5no. bedroom House in Multiple Occupation (HMO)

Scale
As stated

Date
March 2021

Drawn by
GD

Client Details
Mr David Wright
2 Farjeon Court
Old Farm Park
Milton Keynes
MK7 8PE

0 2.5m 50m
1:1250 Scale Bar

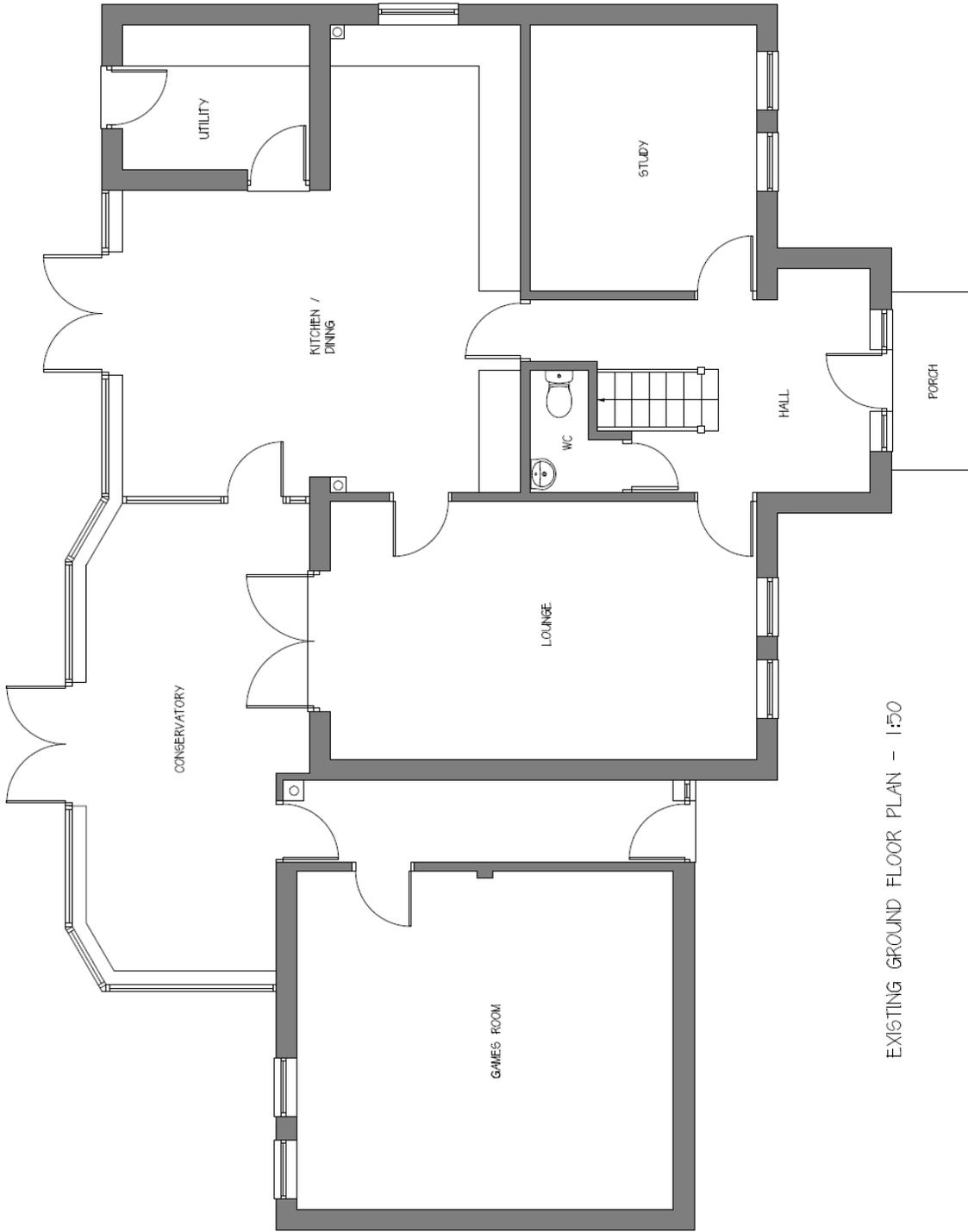
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1:100 Scale Bar

0 5m 10m 15m 20m 25m
1:500 Scale Bar

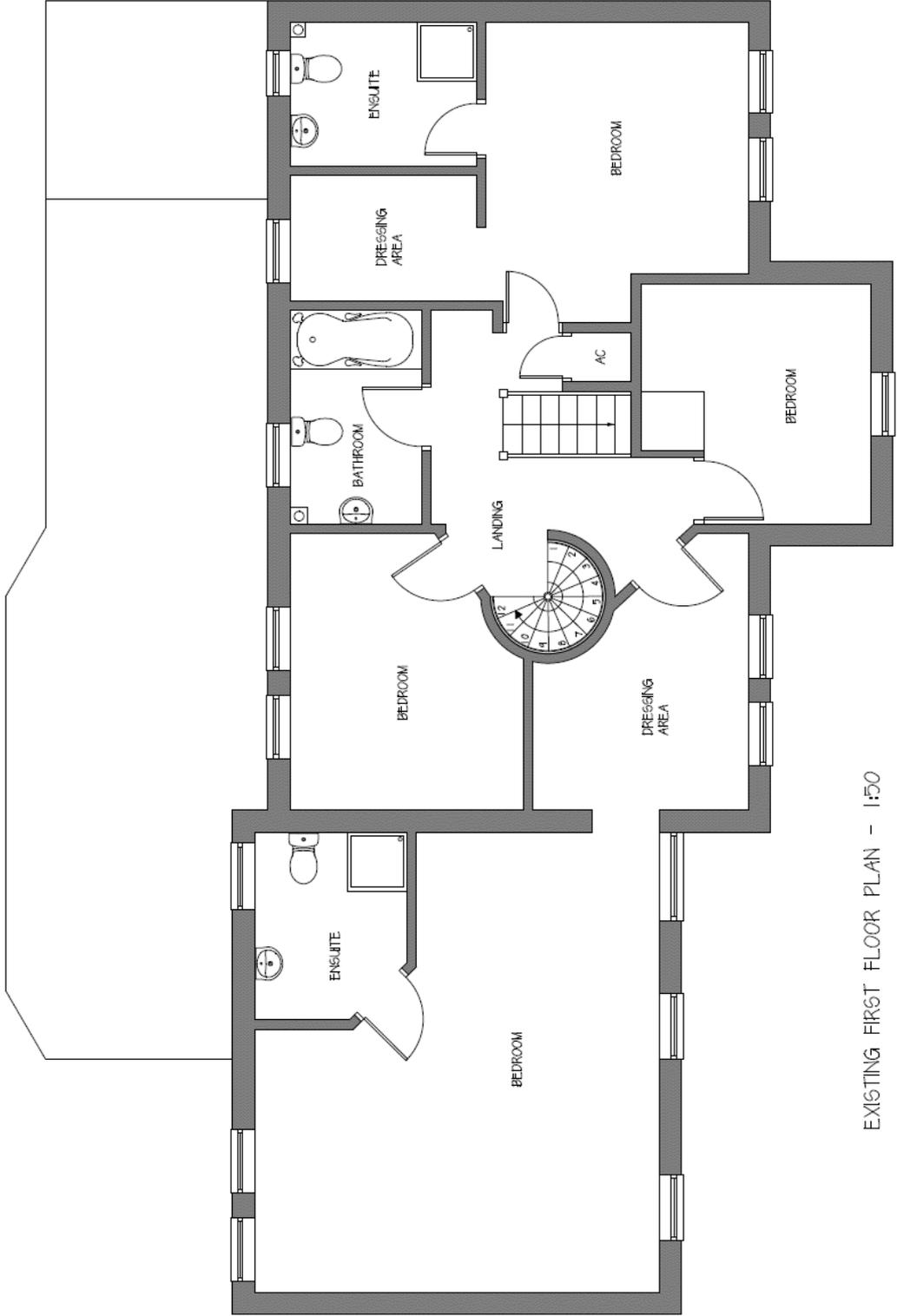
1:100 SITE PLAN

Drawn by
GD

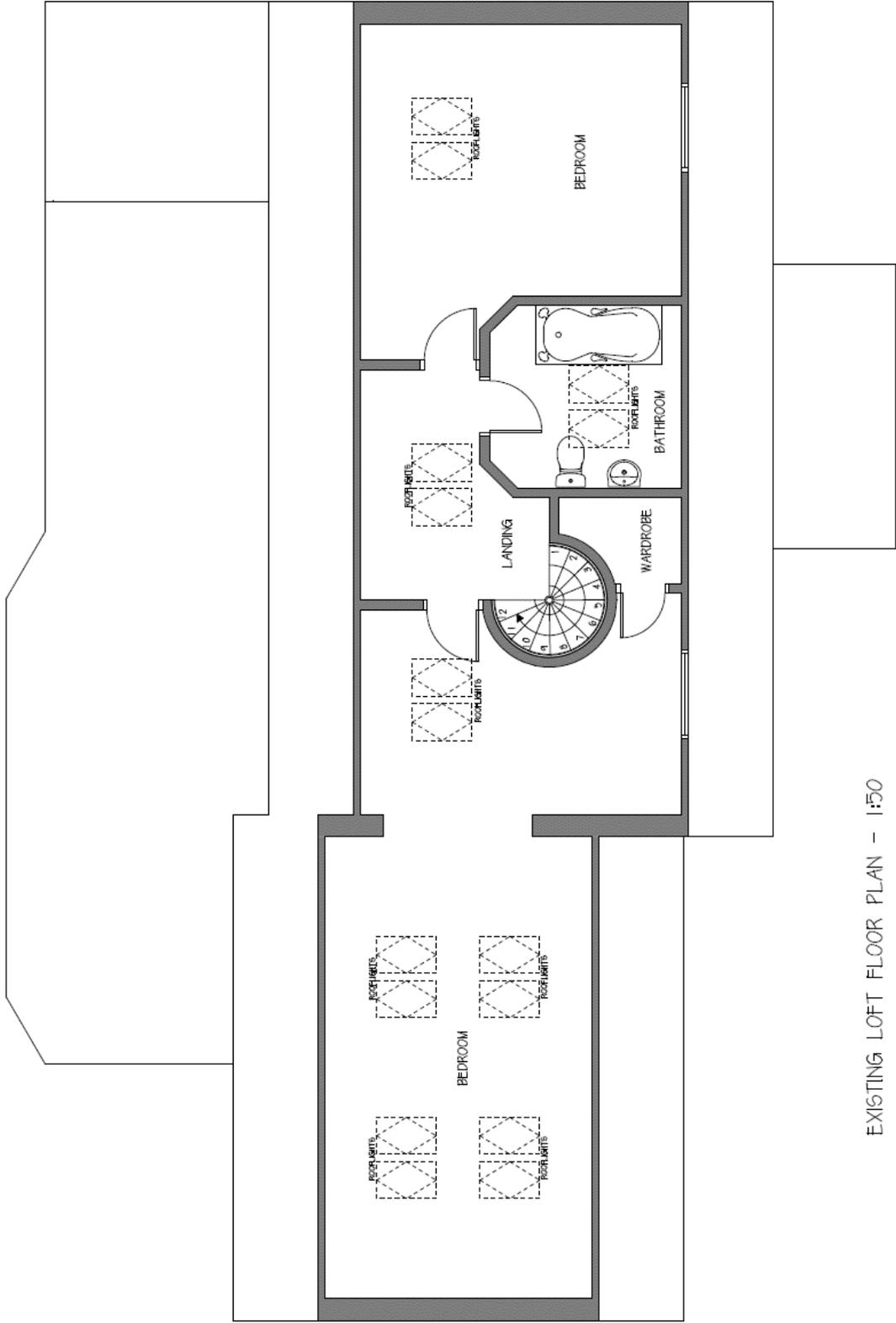
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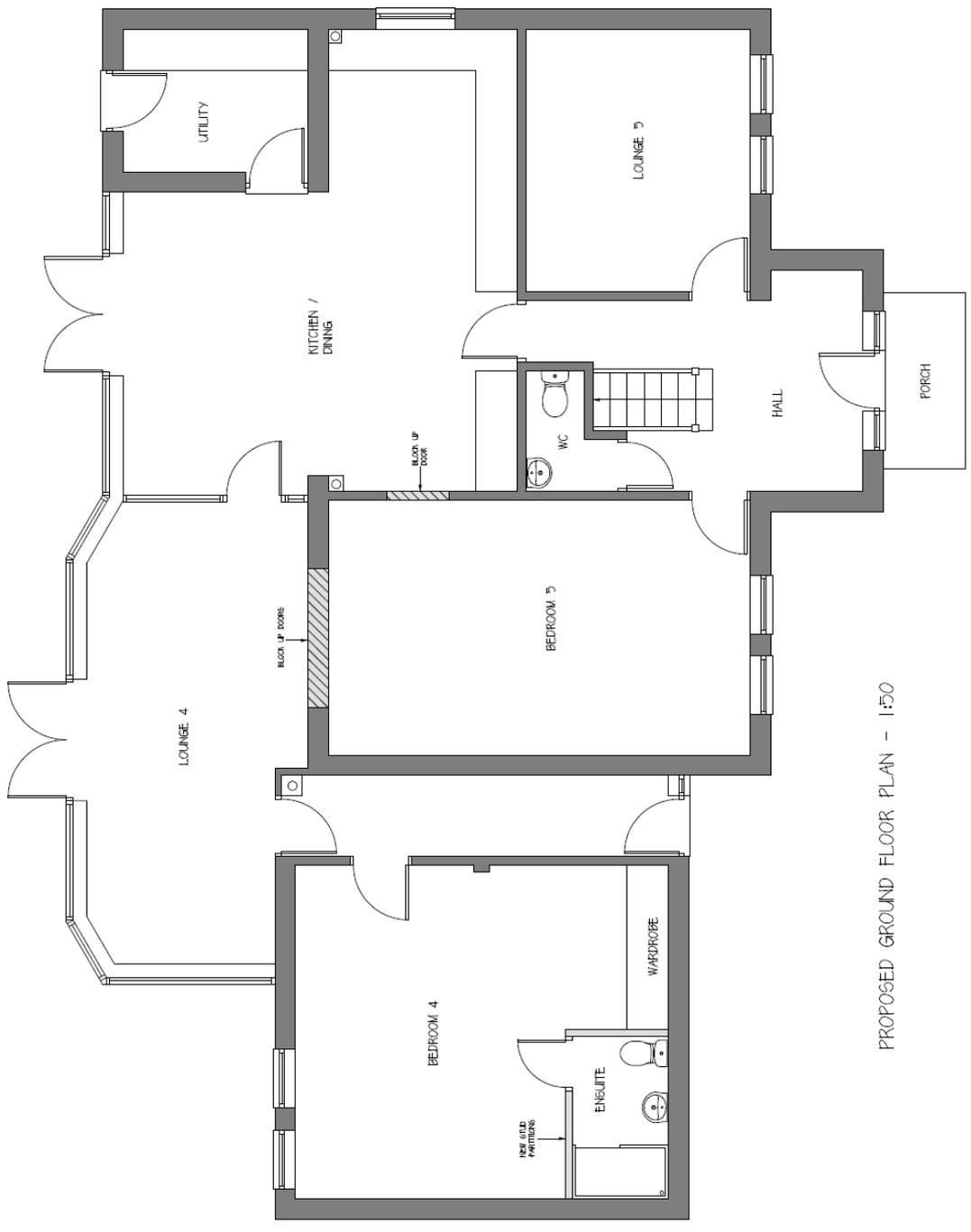
EXISTING GROUND FLOOR PLAN - 1:50



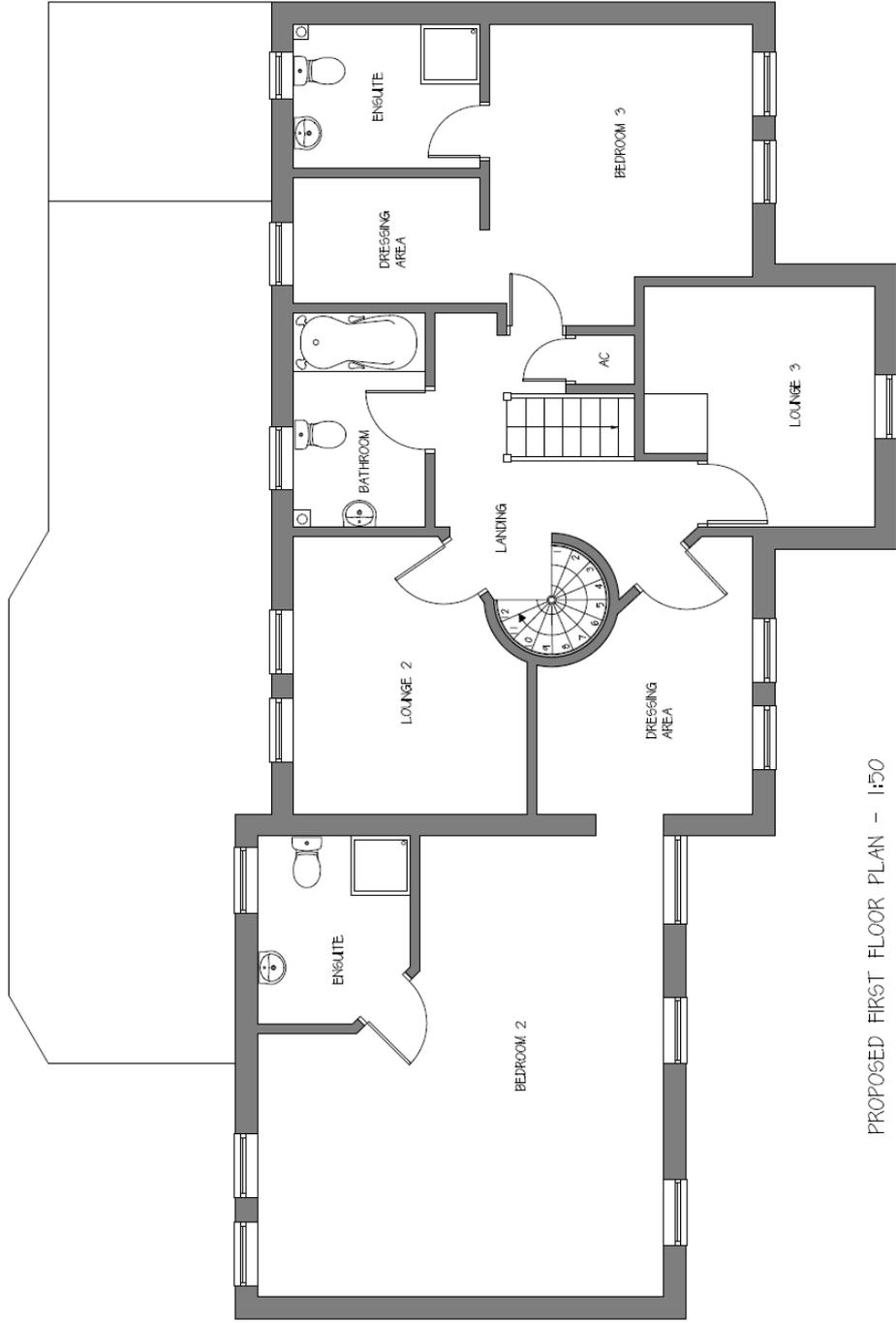
EXISTING FIRST FLOOR PLAN - 1:50



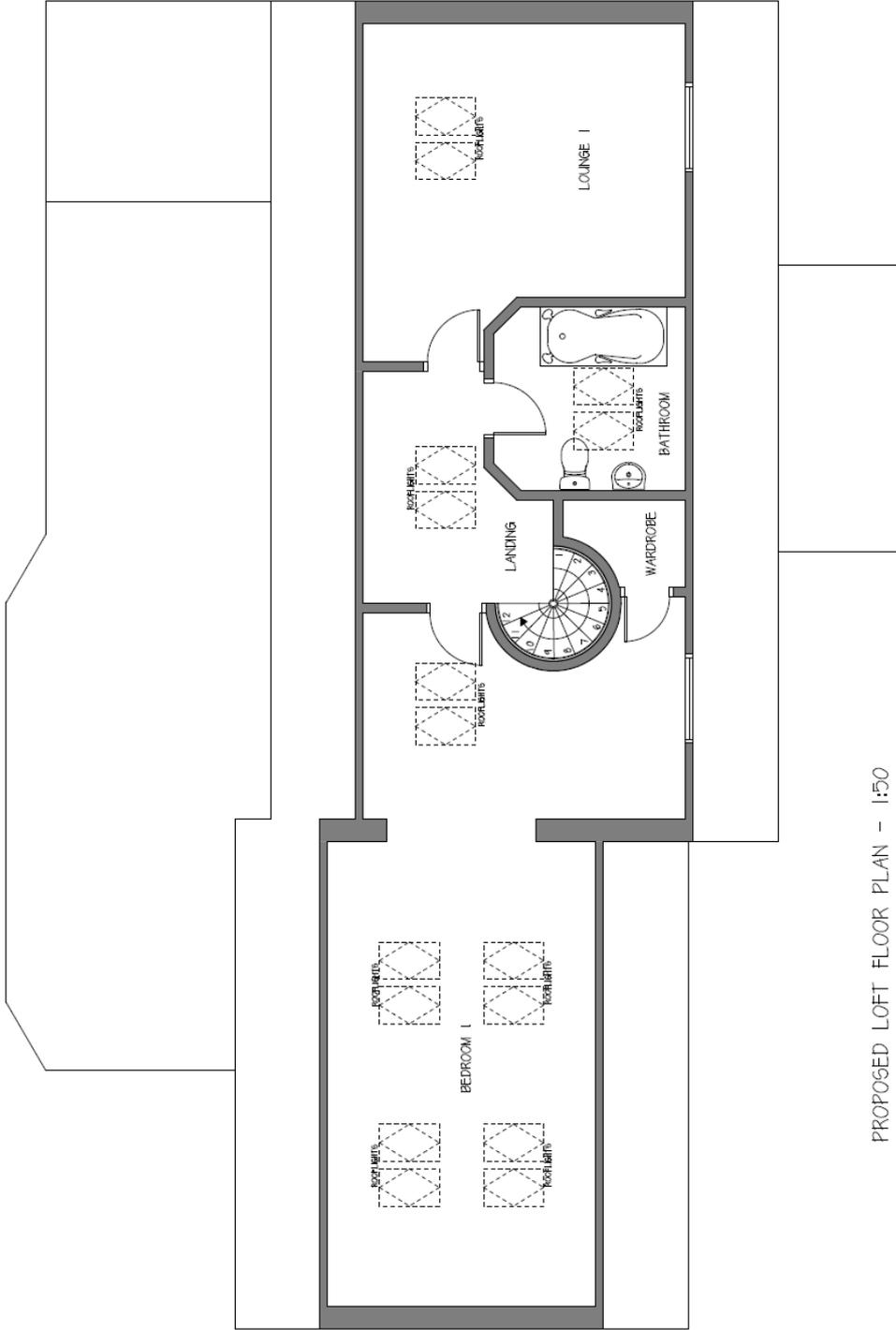
EXISTING LOFT FLOOR PLAN - 1:50



PROPOSED GROUND FLOOR PLAN - 1:50



PROPOSED FIRST FLOOR PLAN - 1:50



PROPOSED LOFT FLOOR PLAN - 1:50

A1.0 FULL CONSULTATIONS AND REPRESENTATIONS

A1.1 Walton Community Council

“Walton Community Council strongly objects (unanimous vote) to this planning application. The Council would refer MKC to Condition 3 of Planning Permission 08/00548/FUL which stated that the extension to the house be permitted but “shall be used wholly as a single family dwelling house and for no other purpose whatsoever.”

There is insufficient parking available for a five bedroom HMO. There is no on-street parking and no parking has been allocated for visitors.

2 Farjeon Court is located on a narrow street in a small cul-de-sac and has a footpath on one side of the road only. Vehicles are already parked on the footpath which makes it very difficult for those with disabilities or those pushing buggies to safely travel end to end of the cul-de-sac. The cul-de-sac has no turning circle and the increase on-street parking is likely to result in residents having to reverse their vehicles out of Farjeon Court onto a main through road. This raises issues of road safety.

Additional on-street parking would prohibit access for waste collections and blue light services.

The Walton Neighbourhood Plan, policy WNP11 states that HMO's should provide sufficient parking, useable and accessible amenity space including outside clothes drying space. This planning application fails in these aspects. No clothes drying space has been identified and the amenity space (the front garden) is proposed to be removed to provide for more parking provision. This will also change the aesthetics of the street and will no longer be in-keeping with the surrounding properties.

Walton Community Council believes that there is no need for this type of building in the area and the provision of diverse building type does not outweigh the harm this change of use will have to the area.'

'Just to follow on from my email earlier, Walton Community Council (WCC) would request that, if you was minded to grant permission for the change of use at 2 Farjeon, then the application be put before the Development Control Committee or Panel. WCC would also wish to register to speak at the meeting in objection to the application.

In addition to the objections I made on behalf of Walton Community Council, to the application (see my email below), some of the residents in the area have taken some measurements of the front of the house and the area that is proposed to be changed for car parking. If their measurements are correct, then there is insufficient room for the four parking spaces proposed, and Walton Community Council would wish to add this as a further objection to the application.'

A1.2 Cllr David Hopkins – Danesborough And Walton

'Planning Application 21/00400/FUL – 2 Farjeon Court, Old Farm Park, MK7 8RE

I wish to comment on the above-named application

Having been approached by several residents who live close to the application site and having attended the March meeting of the Walton Community Council and considered the issues raised, I would formally object to the application on the following grounds.

- The proposal to convert the property to a HMO would generate levels of parking that would not be catered for on the site and had the potential to block footpaths and neighbours reasonable access to their properties.
- The site is not close to local facilities so with five bedrooms and the potential for 10 vehicles those living in the HMO would rely upon cars for transport use.
- The proposal would be to the detriment of the street and not in keeping with the intended mix of housing locally. There is no need for an HMO in this area. The application represents a major impact on the local setting and would be out of character.
- Traffic / parking congestion on the street would have the potential to restrict access for blue light vehicles and Serco refuse vehicles.
- There is little change to a previously refused planning application. Walton Community Council maintain that a 2005 permission made it clear that the property should be retained only for use as a single dwelling.
- There is no hammer head turning in the cul de sac so vehicles/visitors and residents of the HMO would be forced to turn by pulling into neighbouring drives.'

A1.3 Cllr Victoria Hopkins – Danesborough And Walton

'Planning Application 21/00400/FUL – 2 Farjeon Court, Old Farm Park, MK7 8RE

As local ward member I wish to object to the above-mentioned application for the following reasons.

- The proposal would be to the detriment of the street and not in keeping with the existing mix of housing locally.
- There is no need for an HMO in this area.
- The application represents a major impact on the local setting and would be out of character.

- The application would lead to major traffic/parking issues on the street which does not benefit from an end of street turning circle and would suffer detrimental impacts for other residents, the Serco refuse collection vehicle, delivery vehicles and blue light services.'

A1.4 Cllr Alice Jenkins – Danesborough And Walton

'I write in support of my residents and Walton Community Council's objections to the above application.

Of particular concern to me are the following:

- The measurements currently included within the application have been queried by residents and so it is not clear that the required off street car parking spaces are actually deliverable
- Creating the additional spaces as proposed would require lowering the kerb to provide access to the spaces. This isn't, as far as I can see, mentioned within the planning application. Without lowering the kerb, the property doesn't actually offer the necessary accessible off street car parking.
- The lack of parking provision will result in residents' cars needing to be parked on the road potentially causing issues of access and obstruction to residents and service vehicles. The street is narrow and there are already accessibility issues with an ambulance recently getting stuck.
- The proposed development would likely increase noise in the area for residents
- The application is for a HMO with five bedrooms, which could generate 10 cars. There is no mention of what the council intends to licence the property for and how many people would be allowed to live at the property which is totally unacceptable. The cul de sac is far too small to be able to accommodate as many as 10 cars should 10 people be allowed to live there.

On the above grounds, I wish to call this application in to Development Control Panel, should you be minded to approve the application. In addition, further to our earlier conversation, residents continue to have significant issues with the planning portal. This isn't an isolated issue and clearly needs careful attention. I have cc'ed Jonathon Palmer in to this email to raise the issue and hope I can an explanation as to why the technology isn't working for so many residents.'

A1.5 MKC Highways

Initial comments received

'No Objection

This application seeks a change of use from a dwelling to a HMO. The application is supported by a number of plans and a statement submitted by the applicant.

As with all applications for HMOs, the key highway issue is whether the proposal can meet the Council's parking standards. In this case, a 5-bedroom HMO in Parking Standard Zone B would require 4 spaces. The application does show 4 parking spaces.

Consequently, in terms of number of spaces, the application meets the standards. However, I note that concern has been raised about the size of the spaces and the overall size of the parking area.

The guidance in the Parking Standards requires car parking spaces that are 5m x 2.5m. The guidance also seeks 1.0m around spaces for access to the dwelling and 0.5m where access is not required. The overall width of parking area required would therefore normally be 11.5m (1m + 4x2.5m + 0.5m). The width of the existing area, as shown on the submitted plans, is around 10.4m.

The minimum depth of the required parking area would normally be 6m where access to the front door is required and 5.5m where no access is required. The area in front of the existing garage is approx. 6m (5.9m) and is acceptable. The area accommodating the new spaces is approx. 5m (4.9m) but should be 5.5m.

Therefore, the space proposed for the car parking does not fully comply with all the requirements of the Council's Parking Standards.

However, the question is whether the failure to provide adequate space around the parking spaces is sufficient to cause an unacceptable impact on road safety. The NPPF states in Para 109:

Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

A further consideration is other Appeal decisions in Milton Keynes where parking spaces below 5m have been accepted by Inspectors. Inspectors have also accepted spaces below the standard national (4.8m x 2.4m) requirement.

Given the low volume and speed of traffic passing the site, the likely number of pedestrian movements and the fact that if a car did overhang the footway it would only be by a few inches, it is considered that the Council could not demonstrate an unacceptable impact on highway safety.

Should the application be permitted, conditions covering the widening of the access and the construction of the parking area would be appropriate.'

Comments following re-consultation

'I note that it is only the description of the development that has changed since the original consultation. That being the case, the original highway comments continue to apply. You will note from the last paragraph of those comments that conditions

covering the construction of the additional parking area and wider crossover were recommended (but see below).

That being the case, there are no additional highway comments.

For the avoidance of doubt, the following conditions should be imposed:

1. 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 safe free flow of traffic on the neighbouring highway.

2. Prior to the initial occupation of the development, the means of vehicular access shall be altered in accordance with the approved drawing and constructed in accordance with Milton Keynes Council's guide note "Residential Vehicle Crossing Details" and shall be retained thereafter.

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

The comment about the size of parking spaces was not intended to suggest that 2.4m x 4.8m is a national standard; the comment was more that for many years the standard size (i.e. the usual dimensions) of parking spaces was 2.4m x 4.8m. In my experience, the planning inspectorate will accept 2.4m x 4.8m and have accepted as little as 4m x 2.4m. This comment was intended to indicate the limited likelihood of success at Appeal should the Council refuse planning permission solely on the size of the parking spaces / parking area.'

A1.6 MKC Private Sector Housing

No Objection

- The proposed floorplans are suitable for use as a 5 bed HMO.
- The property has not been inspected by the private sector housing team however we have discussed our requirements with the owner should the planning application be approved.
- Subject to the owner making a satisfactory application for a HMO license and completing the necessary conversion works for compliance with the requirements of the Housing Act 2004 and the Management of Houses in Multiple Occupation (England) Regulations 2006, the private sector housing team has no objection to this property being used as a 5 bedroom HMO.

A1.7 MKC Environmental Health

No objections from Environmental Health to this application.

A1.8 Public Representations

Almost 150 objections and comments from neighbours and 3rd party representations were received raising following material considerations:

- Impact of HMO on the character of the area
- Noise
- Parking and cycling requirements
- Impact on landscaping
- Planning Policy