

Change of use from residential dwelling (use class C3) to a house in multiple occupancy (use class C4) with three lettable rooms (retrospective)

AT 261 Fen Street, Brooklands, Milton Keynes

FOR Miss Jasmine Marks

Target: 28th July 2016

Extension of Time: 21st November 2016

Ward: Broughton

Parish: Broughton & Milton Keynes
Parish Council

Report Author/Case Officer: Danika Hird

Contact Details: 01908 252926 danika.hird@milton-keynes.gov.uk

Team Leader: Debbie Kirk Development Management Manager South East Team

Contact Details: 01908 252335 Debbie.Kirk@milton-keynes.gov.uk

1.0 INTRODUCTION

(A brief explanation of what the application is about)

1.0 The main body of the report set out below draws together the core issues in relation to the application including policy and other key material considerations. This is supplemented by an appendix which brings together planning history, additional matters and summaries of consultees' responses and public representations. Full details of the application, including plans, supplementary documents, consultee responses and public representations are available on the Council's Public access system www.milton-keynes.gov.uk/publicaccess. All matters have been taken into account in writing this report and recommendation.

1.1 This application is referred to the Development Control Panel for determination due to an objection received from Broughton and Milton Keynes Parish Council.

1.1 The Site

The application site currently comprises of an end of terrace, brick-built, two-storey dwelling with a room in the roof which is served by a dormer window and rooflights. The application site is located in the new residential area of Brooklands to the east of Fen Street. Situated to the south-west of the application site (front of the dwelling) is a small front garden which is enclosed by metal railing and directly abuts the public footpath. There is only pedestrian access to the front of the application site. To the north-east of the application site is the dwelling's private garden which provides access to a rear parking court. Within the rear parking court there are two, independently accessible spaces which are allocated for this property. In regard neighbouring properties, to the north-west of the application site is adjoining property No.259 Fen

Street, with a block of flats situated to the south-east. This block of flats has an address point of No.263 Fen Street and within this block there are Flat numbers 1 to 6. The neighbouring properties to the rear (north-west), located on Shaw Savill Way do not directly adjoin the application site due to the shared parking court. Situated to the south-west of the application (to the front of the dwelling) is a parcel of land which is currently under construction, these neighbouring properties, once constructed will be separated from the application site by the highway of Fen Street. In addition to this, there are a number of visitor parking bays located to the front of property.

1.2 The Proposal

This application seeks retrospective planning permission for the change of use from a single dwellinghouse (Use Class C3) to a three bedroom House in Multiple Occupation (HiMO) (Use Class C4) for three unrelated occupants. No internal alterations are proposed and therefore the internal layout would read as follows, a kitchen, dining room/ lounge and a w/c on the ground floor. Two bedrooms on the first floor with a bathroom and a further bedroom on the second floor which is served by an en-suite. No external alterations to the site's layout are proposed. Two, independently accessible parking spaces are to be provided where the existing parking is for the site, in the rear parking court.

2.0 RELEVANT POLICIES

(The most important policy considerations relating to this application)

2.1 Local Policy

Core Strategy 2013

Policy CS 10: Housing

Policy CS 13: Ensuring High Quality, Well Designed Places".

2.2 Milton Keynes Local Plan 2001- 2011

D1: Impact of Proposals on Locality

T15: Parking Provision

H10: Subdivision of dwellings and houses in multiple occupation

2.3 Supplementary Planning Documents

Houses in Multiple Occupation Adopted (2012)

New Residential Development Design Guide (2012)

2.4 National Policy

National Planning Policy Framework 2012

Section 7: Requiring Good Design

3.0 MAIN ISSUES

(The issues which have the greatest bearing on the decision)

- 3.1 - Principle of Development
- Impact of development on character and appearance of area
- impact on neighbouring properties
- Impact on Parking Provision

4.0 RECOMMENDATION

(The decision that officers recommend to the Committee)

- 4.1 It is recommended that planning permission be granted subject to the conditions set out in Section 6.0 of this report.

5.0 CONSIDERATIONS

(An explanation of the main issues that have led to the officer Recommendation)

5.1 Principle of Development

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.

5.2 Bedrooms vs Occupants

This application proposes a House in Multiple Occupation to be occupied by three unrelated occupants. The submitted plans indicate that there will be two bedrooms on the first floor and a further bedroom on the second floor served by an en-suite. Located on the ground floor there will be a kitchen, dining room/ lounge and a w/c, resulting in no internal changes. The key issue to be addressed is whether or not any approval for three unrelated occupants can be managed and/or enforced in this scenario.

- 5.3 It is not considered to be reasonable or justifiable to restrict, through condition, the use of how the remaining rooms (not indicated on the plans as bedrooms) are used, in order to ensure that they are not be changed into additional bedrooms. However, the number of bedrooms proposed within this C4 Use is set out in the description of the development to which this application relates. In order to lawfully comply with any permission granted it would have to adhere to the description of the approved development.

- 5.4 This is considered to be sufficient to allow the Council to enforce if necessary and is a requirement that can be monitored through site visits made by an Enforcement Officer. It is also reasonable to consider that if a House in Multiple Occupation is occupied by three unrelated occupants then they would occupy three bedrooms. As a result of this a condition should be imposed on any planning permission restricting the number of lettable rooms on this House in Multiple Occupation to three bedrooms.

5.6 Impact of development on character and appearance of area, impact on neighbouring properties and impact on parking provision

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 Councils 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”

5.7 (i) Noise Mitigation Measures

No noise mitigation measures have been submitted as part of this application to demonstrate what measures are proposed to minimise the effects of noise and disturbance due to the transference of noise to adjoining property No.259 Fen Street or the transference of noise between internal walls to other tenants. An Environmental Health officer was consulted on this application and no objections were raised to the proposed change of use.

In accordance with the Houses in Multiple Occupation, 2012, Supplementary Planning Document and to ensure the proposed development satisfies saved policy H10(i) of the Milton Keynes Local Plan 2001-2011 it is recommended a condition is imposed if planning permission were to be granted requiring the applicant to submit details in regard to noise mitigation measures, along party walls with neighbouring properties and all internal bedroom walls and (where there is a habitable room above or below) bedroom ceilings and floors.

5.8 (ii) Parking Provision

In addition to saved policy H10 (ii) of Milton Keynes Local Plan 2001-2011, Saved Policy T15 of the Milton Keynes Local Plan 2001-2011 is also applicable and seeks to ensure development proposals meet vehicle parking requirements as laid out in the Parking Standards Supplementary Planning Document 2016 (SPD). The policy states:

“Development proposals should meet the following vehicle parking requirements:

ii) On-site parking should not be reduced below the maximum standard if it would be likely to result in off-site parking causing problems that cannot be resolved by on-street parking controls.”

The application site is located within Parking Zone B of the Parking Standards, 2016 Supplementary Planning Document (SPD) Area Zones, Zone Maps for House in Multiple Occupation and the Houses in Multiple Occupation, 2012 Supplementary Planning Document (SPD). In the Houses in Multiple Occupation, 2012 (SPD) there is a requirement for three parking spaces to be provided on-plot for a three bedroom House in Multiple Occupation. This requirement for a three bedroom House in Multiple Occupation differs slightly in the recently adopted Parking Standards, 2016, SPD. Within the Parking Standards, 2016 SPD the on-plot parking space requirement is the number of bedrooms minus one. Given the Parking Standards, 2016, SPD has only recently been adopted when compared to the Houses in Multiple Occupation, 2012 (SPD) greater weight should be applied to the most recent SPD when there is a conflict between the two. With this in mind, there is a requirement for the applicant to provide two on-plot, independently accessible parking spaces. The existing two spaces provided in the rear parking court are considered to be acceptable.

The proposed development would be compliant with saved policies T15 and H10 (ii) of the Milton Keynes Local Plan 2001 – 2011 and the Parking Standards SPD, 2016 and Houses in Multiple Occupation SPD, 2012.

5.9 (iii) Outdoor Space and Adequate Bin Storage

In accordance with the Houses in Multiple Occupation, 2012 Supplementary Planning Document (SPD) the application site would need to be able to accommodate 15 square metres of storage space to provide adequate area for drying and bin storage. The proposal would retain the existing residential garden to the rear of the application site which is of a sufficient size to accommodate a drying and bin storage area. To ensure these facilities are provided and are to a satisfactory level it is recommended that if planning permission were to be granted that details of the drying and bin area should be submitted to and approved by the Local Planning Authority.

The proposed scheme would therefore accord with Saved Policy H10 (iii) of the Milton Keynes Local Plan 2001-2011.

5.10 (iv) concentration of flats or houses in multiple occupation within the area

This application seeks retrospective planning permission for the change of use from a single dwellinghouse (Use Class C3) to a three bedroom house in multiple occupation (Use Class C4). It is noted that this property is the only House in Multiple Occupation within a 50 metres radius of the application site. When calculating the concentration of Houses in Multiple Occupancy within a 50 metre radius the calculation carried out is on the basis of the proposed three lettable bedrooms. In addition to this, there are fourteen, two bedroom flats and twenty-nine single dwellinghouses.

- 5.11 To retain the character and appearance of the area, the Houses in Multiple Occupation Supplementary Planning Document requires the concentration of Houses in Multiple Occupation and flats in the area not to exceed 35%. The proposal for a three bedroom House in Multiple Occupation would lead to a concentration of approximately 7%. As this is below the 35% given in the Supplementary Planning Document, it is considered that the proposed House in Multiple Occupation would not lead to an over-concentration of Houses in Multiple Occupation to the detriment of the character and appearance of the area.

The proposed scheme would accord with Saved Policy H10 (iv) of the Milton Keynes Local Plan 2001-2011.

5.12 Sandwiching

As outlined in section 4.35 of the Houses in Multiple Occupation Supplementary Planning Document, 2012 states *“a non-sandwiching approach will be applied to prevent any one property (HiMO or non- Himo) being ‘sandwiches’ between two houses in multiple occupation. 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 occupation in the 50 metre radius of the application site and given the property is an end of terraced plot with no direct neighbouring properties on one side there is no considered to be any concerns regarding sandwiching.

5.13 Cycle Parking

Within the Parking Standards, 2016, Supplementary Planning Document there is a requirement of one cycle space per two bedrooms. With this in mind, 1.5 cycle parking spaces would be required. Given this amounts to a half a space being required, it is considered reasonable to round up this requirement to two cycle parking spaces. No details have been provided in regard to cycle parking; however there is sufficient space within the property's rear garden to accommodate this in accordance with the Parking Standards, 2016, Supplementary Planning Document.

To ensure two cycle parking spaces are provided and they are to a satisfactory level, it is recommended that if planning permission were to be granted that details should be submitted to and approved by the Local Planning Authority.

5.14 Other Matters:

Reporting of any nuisances: Due to the nature of this application the reporting of nuisances would be to different departments depending on the concern. If the House in Multiple Occupation does not operate in accordance with the approved plans and conditions, concerns would need to be raised with our Planning Enforcement Team.

Other concerns relating to disturbance would either need to be reported to the Council's Private Sector Housing Department or Environmental Health Team.

- 5.15 Business: This property is not being proposed to be used as a business, the application seeks permission for the change of use from a residential dwelling (use class C3) to a house in multiple occupancy (use class C4) with three lettable rooms (retrospective) only.
- 5.16 Affordable Housing: No information has been provided by the applicant to state if planning permission were to be granted from a residential dwelling (use class C3) to a house in multiple occupancy (use class C4) with three lettable rooms that these rooms would be let as affordable accommodation.
- 5.17 Conclusion

The proposed development is considered to adhere to the provision of the local and national planning policies. It is recommended that planning permission be granted subject to the conditions set out in Section 6.0 of this report.

6.0 CONDITIONS

(The conditions that need to be imposed on any planning permission for this development to ensure that the development is satisfactory. To meet legal requirements all conditions must be Necessary, Relevant, Enforceable, Precise and Reasonable)

1. The house shall not be operated with more than 3 lettable rooms at any time.

Reason: To control future intensification of the application property.

2. Within four weeks of the date of this decision, details of cycle parking shall be submitted to and approved in writing by the Local Planning Authority. Within eight weeks of the date of written approval by the Local Planning Authority, the approved scheme for cycle parking shall be provided, retained and maintained in accordance with the approved details.

Reason: To ensure satisfactory facilities and to prevent harm to the amenities of the area to comply with the Parking Standards, 2016, Supplementary Planning Document.

3. Within four weeks of the date of this decision details of on-site bin storage, for the storage of household refuse and recyclables shall be submitted to and approved in writing by the Local Planning Authority. Within either weeks of the date of an approved scheme for bin storage of household refuse and recyclables, the agreed on-site bin storage for the storage of household refuse and recyclables shall be provided and be retained thereafter.

Reason: To safeguard the appearance of the area and the amenities of local residents to comply with saved policy H10 (iii) of the Milton Keynes Local Plan 2001-2011.

4. Within four weeks of the date of this decision of an external area for rotary driers/drying area shall be submitted to and approved in writing by the Local Planning Authority. Within eight weeks of the date of an approved scheme, the drying area shall be installed and thereafter retained and maintained in accordance with the approved details.

Reason: To ensure satisfactory facilities and to prevent harm to the amenities of the area to comply with saved policy H10 (iii) of the Milton Keynes Local Plan 2001-2011.

5. Within 3 months of the date of the decision, the following shall be undertaken:

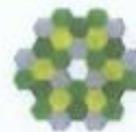
A) All internal bedroom walls and (where there is a habitable room above or below) bedroom ceilings and floors shall meet the sound insulation standard of a minimum value of 40dB.

B) Proof that the above standards have been achieved shall be provided by the submission of a noise assessment to the Local Planning Authority. The noise assessment shall be carried out in accordance with British Standard 8233:1999 (Sound Insulation and Noise Reduction in Buildings) and shall demonstrate that the sound insulation achieves the minimum values as stated above. The submitted details shall include the test methodology and results with all supporting data.

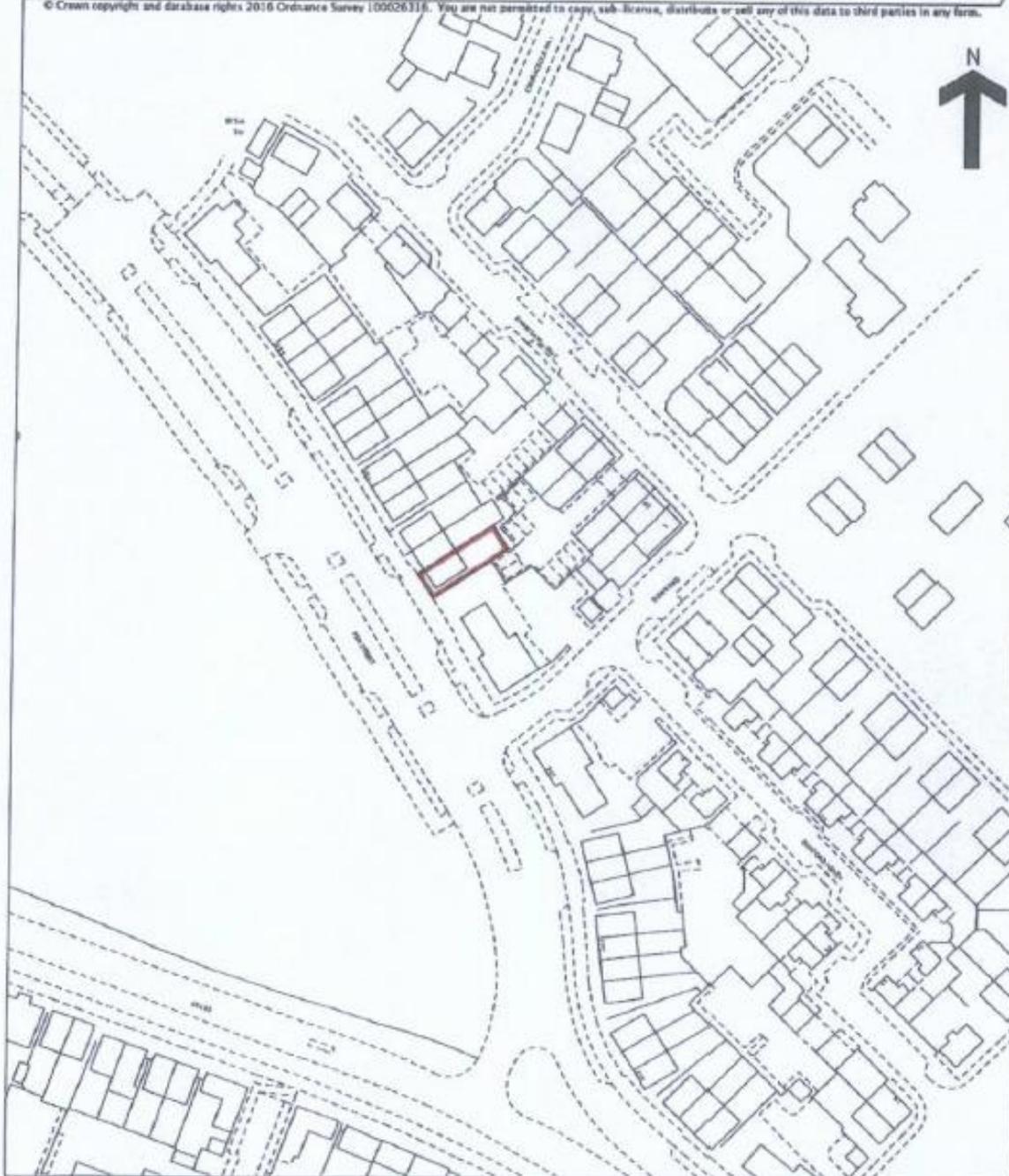
Reason: To avoid nuisance from noise and vibration between the proposed dwelling units, and to comply with saved policy H10 (i) of the Milton Keynes Local Plan 2001-2011.

Land Registry
Official copy of
title plan

Title number **BM402801**
Ordnance Survey map reference **SP9039NW**
Scale **1:1250 enlarged from 1:2500**
Administrative area **Milton Keynes**



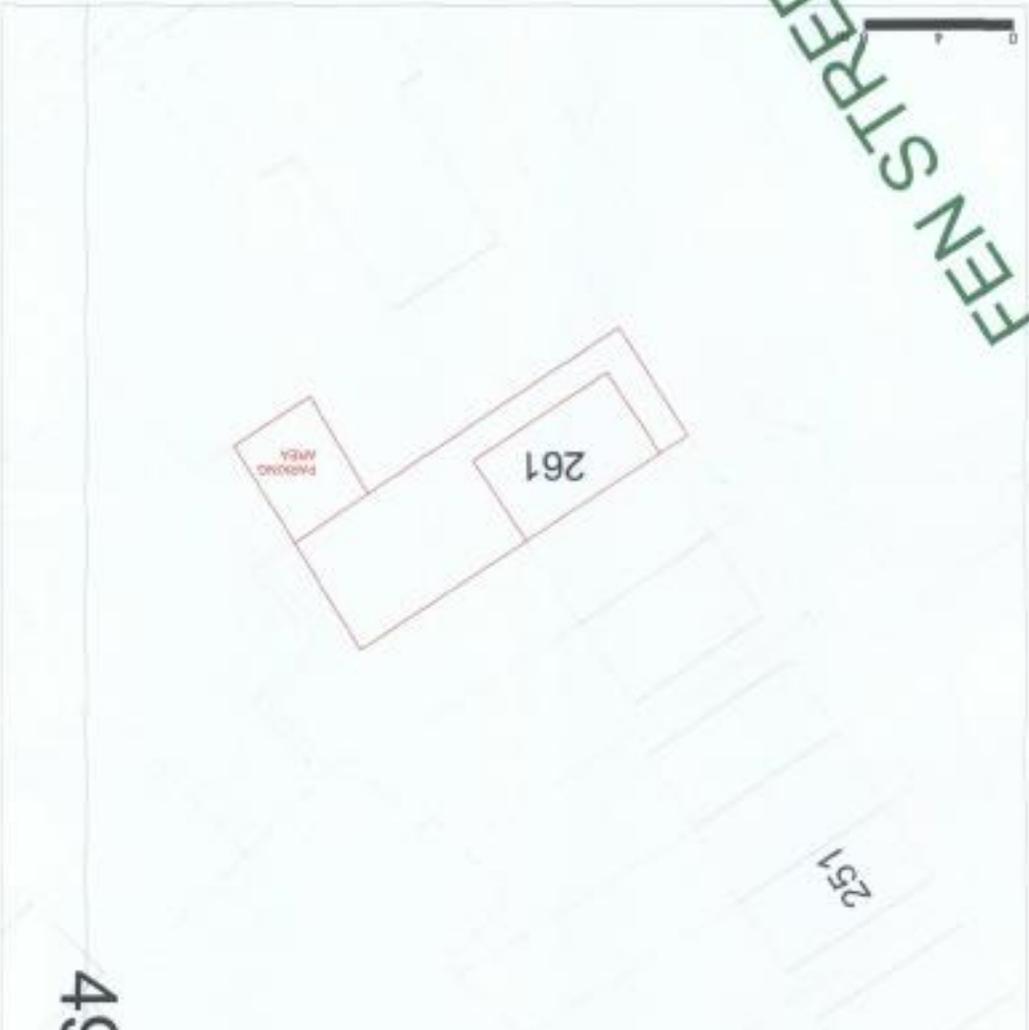
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490300

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FEN STREET





- The Dorian 2 Bedroom Home
 - The Wilshire 4 Bedroom Home
 - The Buckingham 3 Bedroom Home
 - The Strathmore 2 Bedroom Home
 - The Ashford 3 Bedroom Home
 - The Cranleigh 2 Bedroom Home
 - The Dunnington 3 Bedroom Home
 - The Palomar 3 Bedroom Home
 - The Hadley 3 Bedroom Home
 - The Regent 2 Bedroom Home
 - The Strathmore 3 Bedroom Home
 - The Thompson 4 Bedroom Home
 - The Woodford 4 Bedroom Home
 - The Parkford 4 Bedroom Home
 - The Holden 6 Bedroom Home
 - The Lynton 4 Bedroom Home
 - The Parkin 4 Bedroom Home
-
- The Meadow 4 Bedroom Home
 - The Wilshire 4 Bedroom Home
 - The Buckingham 3 Bedroom Home
 - The Lakeside 2 Bedroom Home
 - Affordable Housing

Plot 259



Future development

Development By Barratt

access to parking

2 parking spaces

Plot 359

Appendix to 16/00208/FUL

A1.0 RELEVANT PLANNING HISTORY

(A brief outline of previous planning decisions affecting the site – this may not include every planning application relating to this site, only those that have a bearing on this particular case)

A1.1 None

A2.0 ADDITIONAL MATTERS

(Matters which were also considered in producing the Recommendation)

A2.1 None

A3.0 CONSULTATIONS AND REPRESENTATIONS

(Who has been consulted on the application and the responses received. The following are a brief description of the comments made. The full comments can be read via the Council's web site)

Comments	Officer Response
A3.1 Cranfield Airport – No comments received.	Noted
A3.2 Parish - Broughton & Milton Keynes “The Parish Council considered this application at their meeting on 4 July 2016. Councillor’s object to the application and recommend refusal of planning permission on grounds of insufficient parking provision. Please note that if this is to be considered by the Development Control Committee, the Parish Council wish to be notified at least one week before the meeting to enable a councillor to speak on the Parish’s behalf if necessary. The Parish Council would like this objection to be taken into account when determining the application.”	Noted and discussed in paragraph 5.8. Once the agenda has been published the Parish Council will be notified that this application will be determined at Development Control Panel on Thursday 20 th October 2016.
A3.3 Ward - Broughton - Cllr Crooks – No comments received.	Noted
A3.4 Ward - Broughton - Cllr Bint – No comments received.	Noted
A3.5 Ward - Broughton - Cllr Morris – No comments received.	Noted
A3.6 HIMO - Private Sector Housing – Raised no objection	Noted

A3.7	Environmental Health Manager – Raised no objections	Noted
A3.8	<p>Local Residents The occupiers of the following properties were notified of the application:</p> <p>16, 18, 20 Shaw Savill Way Brooklands Milton Keynes Flat 1, 3 & 5 263 Fen Street Brooklands 259 Fen Street Brooklands Milton Keynes</p> <p>One Third Party representation was received from No.257 Fen Street who raised comments neither in support nor objecting. The comments were as follows:</p>	Noted
A3.9	<p>With regards to application reference 16/00208/FUL please clarify the following before I can offer my views:</p> <p>1) Will there be any change to the existing construction of the house? If so what exterior and interior changes?</p>	Noted and discussed in paragraph 1.2
A3.10	<p>2) If any nuisances are caused due to new dwellers to whom should these be report?</p>	Noted and discussed in paragraph 5.14
A3.11	<p>3) Will this property be used for any business use?</p>	Noted and discussed in paragraph 5.15
A3.12	<p>4) Is this being changed to an affordable home?</p>	Noted and discussed in paragraph 5.16