

East Area Planning Committee

2nd November 2016

Application Number: 16/02112/FUL

Decision Due by: 11th October 2016

Proposal: Change of use of public house (Use Class A4) to 1 x 5-bed dwellinghouse (Use Class C3). Provision of car parking and private amenity space.

Site Address: 16 Glebelands Oxford Oxfordshire OX3 7EN

Ward: Lye Valley Ward

Agent: Mr Simon Sharp

Applicant: Mr & Mrs Turna

Application Called in

The application has been called in by Councillors Kennedy, Anwar, Turner, Brown, Pressel and Rowley for the following reasons; loss of local pub as a community asset.

Recommendation:

The East Area Planning Committee is recommended to approve planning permission for the following reasons:

1 Having regard to the evidence provided with the application, officers consider the general principle of the loss of the public house and its conversion to a single detached dwelling would be acceptable. The proposal would make an efficient and effective use of a previously developed site in order to provide a good quality detached dwelling which has a good standard of internal and external environment that adequately provides for the future occupants of the dwelling. The proposal will provide adequate off-street parking for the dwelling house in a manner that maintains highway safety.

Therefore the proposal would accord with the National Planning Policy Framework and the relevant policies of the adopted Oxford Local Plan 2001-2016, Oxford Core Strategy 2026, and the Sites and Housing Plan.

2 In considering the application, officers have had specific regard to the comments of third parties and statutory bodies in relation to the application.

However officers consider that these comments have not raised any material considerations that would warrant refusal of the applications, and any harm identified could be successfully mitigated by appropriately worded conditions.

3 The Council considers that the proposal accords with the policies of the

development plan as summarised below. It has taken into consideration all other material matters, including matters raised in response to consultation and publicity. Any material harm that the development would otherwise give rise to can be offset by the conditions imposed.

Conditions:

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Details of Refuse and Cycle Storage
- 4 Design - no additions to dwelling

Main Local Plan Policies:

Oxford Local Plan 2001-2016
CP1 - Development Proposals
TR3 - Car Parking Standards
TR4 - Pedestrian & Cycle Facilities
RC18 - Public Houses

Core Strategy

CS18_ - Urban design, town character, historic environment
Sites and Housing Plan - Submission
HP9_ - Design, Character and Context
HP12_ - Indoor Space
HP13_ - Outdoor Space
HP14_ - Privacy and Daylight
HP15_ - Residential cycle parking
HP16_ - Residential car parking

Other Material Considerations:

National Planning Policy Framework

Relevant Site History

58/07213/A_H - Licensed premises at Fairview Inn Public House. PER 12th August 1958.

59/00719/P_H - Illuminating signs at Fairview Inn Public House. TEM 24th March 1959.

59/08226/A_H - Private garage at Fairview Inn Public House. PER 14th July 1959.

65/01379/P_H - Illuminated trade symbol sign at Fairview Inn Public House. PER 9th March 1965.

70/01939/P_H - Erection of double-sided internally illuminated projecting sign at Fairview Inn Public House. PER 26th May 1970.

82/00857/NF - Single storey extension to public bar and canopy to new entrance door at Fairview Inn Public House. REF 3rd May 1983.

92/01067/NF - Single storey extension to form toilet at Fairview Inn Public House. PER 15th December 1992.

97/01183/NF - Single storey extension to provide games room ancillary to public house at Fairview Inn Public House. PER 10th October 1997.

05/00250/CT4 - CAR PARK: Erection of community noticeboard. PER 11th April 2005.

16/02112/FUL - Change of use of public house (Use Class A4) to 1 x 5-bed dwellinghouse (Use Class C3). Provision of car parking and private amenity space.. PCO .

Representations Received:

3 letters of comment have been received from the following addresses, whose comments are summarised below:

Objection

- The proposal would result in the loss of a public house, that has the potential to be transformed into a viable business and asset to the local community
- The pub plays an important part in defining the areas distinct local character
- Interest shown in purchasing the pub however calls unreturned.

Officers Assessment

Site Location and Description

1. The site is located at the junction of Glebelands Road and Coverley Road and is within the residential area of Lye Valley (site plan: appendix 1)

2. The site comprises the Fairview Inn Public House, which is a detached two storey building situated on the north-eastern corner of the site. The existing building has the main commercial area of the public house on the ground floor, and residential accommodation at first floor.

3. The public house has a storage area to the rear/ former beer garden (North) and a car park with space for 12 vehicles accessed from Glebelands and Coverley Road.

Proposal

4. Planning permission is sought for the change of use and conversion of the public house (Class A4) to a single dwellinghouse (Class C3)

5. Officers consider that the principal determining issues with regards to the proposal are as follows:

- Principle of Development
- Loss of Public House
- Residential Use
- Highway Matters

Principle of Development

6. The National Planning Policy Framework [NPPF] encourages the effective use of previously developed land, provided it is not of high environmental value. This is supported by Policy CS2 of the Oxford Core Strategy 2026.

7. The site is within a residential area, and would involve the reuse of an existing building, and therefore the general principle of re-using the existing building would broadly accord with the aims of the above-mentioned policies.

Loss of Public House

8. The Local Plan states that public houses have two distinct roles, firstly as a community facility in residential areas and secondly as part of the historic legacy of Oxford. This is supported by the National Planning Policy Framework which identifies public houses as community facilities which enhance the sustainability of communities and residential houses.

9. In assessing development proposals that involve the change of use of a public house, Policy RC18 of the Local Plan is clear that permission will only be granted where one or more of the following criteria are met:

- that no other potential occupier can be found following a realistic effort to market the premises for its existing use;
- substantial evidence of non-viability is submitted; and
- it is demonstrated that suitable alternative public houses exist to meet the needs of the local community.

10. The application is accompanied by a Viability Assessment which has been prepared by Thomas E. Teague Surveyors in response to this policy. In terms of marketing, the assessment states that the public house was marketed on 31st October 2014 to April 2016. The main focus of the marketing being to existing use operators with two offers received both of which considered alternative uses for the building. Having reviewed this information, officers consider that the marketing exercise carried out meets the first criterion of the policy.

11. The second criterion relates to substantial evidence of non-viability. In this regard the expert witness from Thomas E. Teague has set out a detailed case in the viability assessment. The reasons advanced in the statement that the public house is not a viable proposition include; being a wet-led estate community pub has suffered from changing consumer habits, food sales are unlikely to be substantial, the potential return on investment that does not reflect the risk; the substantial cost of a cash requirement of £230,000 required by a potential purchaser.

12. During the consultation process, concerns have been raised by local residents about the contents of the viability assessment, and that there are potential local operators interested in taking on the premises. While officers are sympathetic to the concerns about the loss of a facility such as this from the local area, the assessment has been prepared by an expert witness to address the policy criteria and therefore the application needs to be assessed on the basis of the evidence provided. As a result officers consider that the viability assessment has made a reasonable case to demonstrate non-viability. Therefore on balance, officers consider that the second criterion of the policy has been met.

13. Finally the third criteria of the policy require applicants to demonstrate that there are suitable alternative public houses in the area to meet the needs of the local community. In this regard the assessment has looked at the available premises within a 0.8m radius of the site, which is considered a reasonable approach. The assessment identifies the “Corner House” Public House within the 800m radius. As such officers consider that the third criterion of the policy has also been met.

14. In summary, officers consider that a reasonable case has been made in terms of non-viability and also the availability of suitable alternative premises in the local area. Therefore, officers consider that the proposal has, on balance, satisfied parts (b) and (c) of Policy RC18.

Residential Use

15. The National Planning Policy Framework requires development proposals to deliver a wide choice of quality homes in order to create sustainable, inclusive and mixed communities.

16. The proposal would convert the existing public house into a self-contained 5 bedroom dwelling house with a kitchen, family room, living room, dining room, and study at ground floor level and five bedrooms, and a bathroom at first floor level. Officers consider that the proposed conversion would create a good standard of residential accommodation that would satisfy Policy HP12 of the Sites and Housing Plan.

17. Other than the blocking up of some small windows on the eastern and northern elevations, no external changes are proposed to the existing building. The proposed changes offer no greater potential for the overlooking of neighbouring gardens than exists from first floor windows of the building which have been in residential use.

18. In terms of private amenity space, the property would have use of the pubs rear garden measuring 160 sqm and the forecourt parking area offers additional area which could be converted to amenity space which would be more than adequate for a property of this size in accordance with the aims of Policy HP13 of the Sites and Housing Plan. While there may be elements of this space that can be viewed from the public realm of Glebelands and Coverley Road, this arrangement could also be considered of many corner plots within residential suburbs throughout the city which have return frontages on public roads and does not impact upon the overall quality of the space. Similarly there would be ample space available for suitable refuse and cycle storage at the property, and this could be secured by condition.

Highway Matters

19. The proposal would utilise the existing access to the pub car park from Coverley Road to provide vehicular access to 3 off-street parking spaces at the front of the site. This would satisfy the maximum parking standards for a 5 bed dwelling in accordance with Policy TR3 of the Oxford Local Plan 2001-2016.

Conclusion:

The proposal is considered to be in accordance with the relevant policies of the Oxford Core Strategy 2026, Oxford Local Plan 2001-2016, and Sites and Housing Plan and therefore Members of the Planning Committee are recommended to grant planning permission for the proposed development.

Human Rights Act 1998

Officers have considered the Human Rights Act 1998 in reaching a recommendation to grant planning permission, subject to conditions. Officers have considered the potential interference with the rights of the owners/occupiers of surrounding properties under Article 8 and/or Article 1 of the First Protocol of the Act and consider that it is proportionate.

Officers have also considered the interference with the human rights of the applicant under Article 8 and/or Article 1 of the First Protocol caused by imposing conditions. Officers consider that the conditions are necessary to protect the rights and freedoms of others and to control the use of property in accordance with the general interest. The interference is therefore justifiable and proportionate.

Section 17 of the Crime and Disorder Act 1998

Officers have considered, with due regard, the likely effect of the proposal on the need to reduce crime and disorder as part of the determination of this application, in accordance with section 17 of the Crime and Disorder Act 1998. In reaching a recommendation to approve, officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

Background Papers:

Contact Officer: Graeme Felstead

Extension: 2160

Date: 10th October 2016