

West Area Planning Committee

24th January 2017

Application Number: 16/02894/FUL

Decision Due by: 2nd January 2017

Proposal: Part change of use of ground floor and first floor from restaurant (Use Class A3) to form 1 x 2-bed flat at ground floor and an additional 1 x 1-bed flat at first floor (Use Class C3). Alterations to windows and doors. Provision of private amenity space and bin store.

Site Address: 4 North Parade Avenue Oxford OX2 6LX

Ward: North Ward

Agent: Mr Peter Eldridge

Applicant: Mr Paul Featherstone

Recommendation:

Officers recommend that the West Area Planning Committee is recommended to GRANT planning permission for the reasons set out below in the report and subject to the suggested conditions.

Reason for approval recommendation

- 1 The proposals would form an acceptable residential environment providing suitable facilities for the intended occupation and would not result in material harm to the amenities of nearby residential properties. The proposals would retain a ground floor A3 use which would retain the special character of the locality. The proposed external modifications would preserve the character of the conservation area.
- 2 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 Cycle parking details required

- 4 Parking Permits
- 5 Roof cladding

Main Local Plan Policies

Oxford Local Plan 2001-2016

CP1 - Development Proposals
CP6 - Efficient Use of Land & Density
CP8 - Design Development to Relate to its Context
CP9 - Creating Successful New Places
CP22 - Contaminated Land
HE7 - Conservation Areas

Core Strategy

CS11_ - Flooding
CS18_ - Urban design, town character, historic environment
CS23_ - Mix of housing
CS24_ - Affordable housing

Sites and Housing Plan

MP1 - Model Policy
HP2_ - Accessible and Adaptable Homes
HP9_ - Design, Character and Context
HP11_ - Low Carbon Homes
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

This application is in or affecting the North Oxford Victorian Suburb Conservation Area.

Planning Practice Guidance

Relevant Site History

None

Statutory and Internal Consultees:

Oxfordshire County Council Highways: Objections to proposals unless it is car free development and an appropriate condition is included to exclude occupiers from eligibility for parking permits. Cycle storage provision should be secured by condition.

Representations Received:

Rose and Crown (North Parade Avenue), 1, 2, 3, 5, 8a and 9a North Parade Avenue, 7 and 8 Canterbury Road, 14 Winchester Road, 2 Sunningwell Road, 32 Warnborough Road, 14 Winchester Road, objections:

- Impact on character of area
- Impact on privacy
- Detrimental impact on conservation area
- Proposal would not leave sufficient space for an A3 use to operate
- Overdevelopment of site

2a North Parade Avenue, made comments neither objecting or supporting the application:

- Access concerns
- Impact on neighbouring property
- Impact on pollution
- Impact on neighbouring property
- Effect on privacy
- Noise and disturbance
- Parking provisions

Site Description and Proposals

1. The application site is a two storey mid-terrace property within an undesignated shopping frontage in the North Oxford Victorian Suburb conservation area. The site consists of a currently vacant ground floor A3 use and a residential flat at first floor. The rear of the site is not currently in use. There is a covered side access to the main street that runs along the side of the existing restraint, bins are kept in this passage. There properties either side are similar A3 at ground floor with residential at first floor.
2. The application proposes the change of use of part of the ground floor of the property from A3 to C3 to accommodate a 1x2 bedroom flat at ground floor and an additional 1x1 bedroom flat at first floor. The application also proposes some alterations to windows and doors, a replacement zinc clad roof with roof lights to the rear store (which would be converted into living space) and the creation of two terraces to form amenity space.

Officers Assessment

3. Officers consider the principle determining issues in this variation application to be:
 - Principle
 - Design and impact on conservation area.
 - Residential Environment
 - Outdoor Space and Bin Storage
 - Cycle and Car Parking
 - Neighbouring Amenity

Principle

4. The National Planning Policy Framework explains that planning policies and decisions should encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value. This is reiterated in Policy CS2 of the Oxford Core Strategy (2013) which states development will be focused on previously developed land. Policy CP6 of the Oxford Local Plan 2001-2016 also supports the more efficient use of land where appropriate. The principle of the development of this previously developed land to provide residential units is therefore supported by these policies
5. North Parade Avenue is characterized by a range of shops, public houses, small restaurants and cafés. The area is a neighbourhood shopping centre as defined by Policy RC.8 of the Oxford Local Plan 2001-2016. Policy RC8 aims to protect Neighbourhood Shopping centres and individual small shops outside the main shopping frontages. The submitted information states that the existing use of the property is a restaurant with associated facilities which would fall within the A3 use class. As the proposals would retain a significant portion of the existing restaurant they would not result in a loss of a commercial use from the site and the development meets the requirements of Policy RC8.
6. Officers recommend that the principal of the change of use is acceptable.

Design and Impact on the Conservation Area

Appearance and Impact on Streetscene and Conservation Area

7. The external alterations to the property would be limited to a new mono-pitch roof featuring roof lights to what are currently storage buildings ancillary to the restaurant use. This would improve the appearance of the building which is not of particularly high architectural value. The materials (simulated lead) would not be reflective of the existing materials of the building but as the roof would not be visible from the public realm or have a dominant impact on the character of the building as a whole the impact on the Conservation Area would be acceptable.
8. The other proposed alterations, to windows and doors, and introducing horizontal boarding below windows would be limited to the rear and sides of the property and would not impact the façade.
9. The proposed development would not harmfully impact upon the character of the property and would preserve the special character of the Conservation Area.
10. The proposals are therefore acceptable in terms of design and comply with the requirements of Policy CP1, CP8, CP10 and HE7 of the Oxford Local Plan 2001-2016 and Policy CS18 of the Core Strategy (2011).

Residential Environment

11. Flat no.1 would have a single bedroom. The flat would have 38 square meters of gross internal floor space with additional room for storage. Flat no.2 would have two bedrooms and could accommodate up to three persons. It would have an internal floor space of around 64 square meters. As a result, Flats 1 and 2 would be acceptable in the context of the National Space Standards and Policy HP12 of the Sites and Housing Plan (2013).
12. Flat no.3 features two bedrooms and has a gross internal floor space of around 50 square meters which is below the national space standards. However flat no.3 is an existing flat in residential use with the only alterations proposed being the relocation of the staircase to the inside and as such the internal floor space would not be altered (in terms of the National Space Standards). As such this is not a material consideration in the processing of the application.
13. In terms of the quality of indoor amenity space provided, despite the kitchen of the ground floor flat having relatively limited access to natural light and ventilation as a result of the constrained nature of the plot, the proposed bedroom and living room would have a better access to natural light and ventilation. Therefore, the proposed quality of indoor space as a whole for this flat would be acceptable. The quality of indoor environment for the other flats would also be considered acceptable; having had regard to the layout, access to ventilation and natural light.
14. The proposed development would provide limited accessibility for persons with reduced mobility, however, as this is an existing building it would be difficult to provide practical improvements to make the site more accessible. As a result, the development complies with the requirements of Policy HP2 of the Sites and Housing Plan and Policy CP13 of the Oxford Local Plan 2001-2016.

Outdoor Space

15. The proposed terraces which would serve flats no.1 and no.3 would be larger than the minimum required for the Council's adopted policies for outdoor amenity space provision in Policy HP13 of the Sites and Housing Plan (2013). Flat no.2 would have access to a private garden area with a floor space of 8.34 square meters which would also be acceptable for the purposes of Policy HP13.

Refuse and Recycling Storage

16. An area proposed for residential bin storage outside of flat 3 for all occupiers of the flats would be a convenient and easily accessible locality; this meets the requirements of Policy CP10 of the Oxford Local Plan 2001-2016 and Policy HP13 of the Sites and Housing Plan (2013).

Neighbouring Amenity

17. The proposed development would not result in any overbearing or loss of light

as there are no structural changes proposed which would increase the footprint or bulk of the building.

18. Flat no.3 features a first floor bedroom window and a first floor living room window which would face onto the adjacent neighbouring property no.3 North Parade Avenue and these windows would be slightly modified, however these are existing windows and serve the existing first floor flat. As such there is no material change to the privacy afforded to the neighbouring property.
19. Officers recommend that the proposals meet the requirements of Policy HP14 of the Sites and Housing Plan (2013).

Access and Parking

Car Parking

20. There is currently no car parking provided on the site. The application site is within the Walton Manor CPZ (Controlled parking zone) and is proposed to be car-free development. The City Council encourages car-free and low-parking developments in this area for flats. Officers have recommended a condition that would require the development to be excluded from residents parking permits prior to first occupation. On this basis, there are no objections from Oxfordshire County Council Highways.

Cycle Parking

21. The application proposes cycle storage for two spaces which would be below the minimum requirements set out in the Council's adopted policy, Policy HP15 of the Sites and Housing Plan (2013). As a result, Officers have recommended a condition that would require the submission of revised cycle storage provision to provide cycle storage for each of the flats.

Conclusion:

22. The proposals would form an acceptable residential environment providing suitable facilities for the intended occupation and would not result in material harm to the amenities of nearby residential properties. The proposals would retain a ground floor commercial unit in A3 use. The proposed external modifications would preserve the character of the Conservation Area. Officers recommend that the West Area Planning Committee grant planning permission for the proposed development subject to the conditions set out above.

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 grant planning permission, officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

Background Papers:

16/02894/FUL

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Date: 12th January 2017

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