

West Area Planning Committee

14th March 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

The application is before the committee because it was a call in from Councillors Fry, Price, Pressel and Upton

Recommendation:

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.

For the following reasons:

- 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:

56/00543/P_H - Hanging Signs. TEM 24th July 1956.

61/11521/A_H - Extension of cafe. PER 12th December 1961.

62/01003/P_H - Fascia lettering and sign on front elevation. PER 8th May 1962.

62/11521/A_H - Extension of cafe and kitchen with stores and cloakroom (revised). PER 13th February 1962.

64/15874/A_H - Extension to existing restaurant kitchen. REF 22nd December 1964.

65/01391/P_H - Illuminated vertical name box sign at first floor level. REF 13th April 1965.

65/01415/P_H - Illuminated name box sign on restaurant front (revised). PER 13th July 1965.

65/15920/A_H - Extension to existing restaurant to form kitchen and stores at rear. REF 12th January 1965.

65/16065/AA_H - 2/3/4 North Parade Avenue - Extension of existing kitchen with new covered area and service entrance. PER 13th April 1965.

65/16065/AB_H - 2/3/4 North Parade Avenue - Extension to kitchen and new covered area and a service entrance. PER 22nd June 1965.

65/16065/A_H - 2/3/4 North Parade Avenue - Extension to kitchen and new covered area. PER 23rd February 1965.

66/17877/A_H - Change of use of first floor from flat to additional dining area for restaurant and new windows. REF 16th August 1966.

68/20498/A_H - Conversion of bedrooms over restaurant into new lounge bar with provision of staircase and alterations to form residential accommodation for staff. PER 20th August 1968.

69/21072/AB_H - Conversion of existing bedroom over restaurant into two new lounge bar and provision of new stair. Provision of new residential accommodation for staff over existing kitchen and office accommodation (revised). PER 9th September 1969.

69/21072/A_H - Conversion of existing bedrooms over restaurant into new lounge bar and provision of new stair. Provision of new residential accommodation for staff over existing kitchen/office. PER 28th January 1969.

13/03296/PDC - PERMITTED DEVELOPMENT CHECK - Replacement of front frosted glass door to normal glass door.. PNR 24th December 2013.

Representations Received:

Thirteen representations have been received from local residents objecting to the application and one representation has been received neither objecting nor supporting the application. The following material concerns have been raised;

- The proposals would not leave sufficient space left for an A3 use to operate at the site which would be detrimental to the character of the area.
- The proposals would lead to harm to the character of the North Oxford Victorian Suburb conservation area.

- The proposal would result in an overdevelopment of the site.
- The proposal would result in a harmful loss of privacy.

Statutory and Internal Consultees:

Highways:

Proposals are to 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). No details of car parking are provided. It is therefore assumed that the proposal would be reliant on parking on the highway. This would not be acceptable given the limited parking in North Parade Avenue and pressure for parking in the local area more generally. The development is ideally situated to be car-free being located within very close proximity of local shops and other services, walking distance of bus stops on Banbury Road and walking and cycling distance of Oxford city centre. The Traffic Regulation Order may need to be updated and so this is conditioned.

No details of cycle parking have been provided. This should be policy compliant and is again conditioned.

The county council does not object to this application subject to the following condition:

Parking Permits: The whole development shall be excluded from eligibility for parking permits prior to occupation. A cost of £2000 to amend the Traffic Regulation Order shall be met by the applicant through a Unilateral Undertaking (Contact Mike Ruse - mike.ruse@oxfordshire.gov.uk).

Cycle Parking Provision: Prior to the first use or occupation of the development hereby permitted, covered cycle parking facilities shall be provided on the site in accordance with details which shall be firstly submitted to and approved in writing by the Local Planning Authority. Thereafter, the covered cycle parking facilities shall be permanently retained and maintained for the parking of cycles in connection with the development.

Issues

Officers consider that the principal considerations for the determination of this application are:

- Principle
- Design and impact on conservation area.
- Retention of ground floor A3 unit
- Residential Environment
- Outdoor Space and Bin Storage
- Cycle and Car Parking
- Neighbouring Amenity

Officers Assessment:

Site Description and Proposed Development

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 restaurant unit (Use Class A3) and a residential flat at first floor (Use Class C3). 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 are properties either side with similar restaurant uses (Use Class A3) at ground floor with residential at first floor.

The application proposes the change of use of part of the ground floor of the property from a restaurant (A3) use to a flat (Use Class C3) to accommodate a 1x2 bedroom flat at ground floor and an additional 1x1 bedroom flat at first floor. The restaurant (A3) use is proposed to be retained in a smaller unit. 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.

Principle of Development

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 (OCS) which states development will be focused on previously developed land. Policy CP6 of the Oxford Local Plan (OLP) also supports the most effective and appropriate use of land density at a site. The principle of the development of this previously developed land to provide residential units is therefore supported by these policies

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 OLP. The City Council aims to protect Neighbourhood Shopping centres and individual small shops outside the main shopping frontages. They fulfil an important retailing function and are compatible with the residential areas in which they are normally found. 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 an A class unit and can therefore be seen to be in accordance with policy (further details on the viability of sustaining the ground floor A3 use are set out further in the report below).

Officers recommend that the principal of the change of use is acceptable in planning terms.

Design and Impact on the Conservation Area

Policy CS18 of the OCS states planning permission will only be granted for development that demonstrates high quality urban design. This is reiterated in policies CP1 and CP8 of the OLP and HP9 of the SHP. Policy CP1 states that planning permission will only be granted for development that respects the character and appearance of the area and which uses materials of a quality appropriate to the nature of the development, the site and its surroundings. Policy CP8 suggests the

siting, massing and design of the proposed development creates an appropriate visual relationship with the form, grain, scale, materials and details of the surrounding area. Policy HP9 of the SHP states planning permission will only be granted for residential development that responds to the overall character of the area, including its built and natural features.

The site is also within the North Oxford Victorian Suburb conservation area. Policy HE7 of the OLP states that planning permission will only be granted for development which preserves or enhances the special character of the conservation area. The external alterations to the property will 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 particular architectural value. The materials 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 is considered to be negligible.

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. They would be minimal in scale and not harmfully impact upon the character of the property and would preserve the special character of the conservation area.

The proposals are therefore acceptable in terms of design.

Retention of Ground Floor Restaurant Unit (Use Class A3)

The proposals would result in the loss of some floor space which has previously served the ground floor restaurant unit. There have been concerns raised regarding whether the restraint unit will remain viable following this loss of floor space. North Parade Avenue has a distinctive and unique character due to its attractive shop and restaurant frontages featuring typically smaller units. The retention of functional units in the avenue is therefore critical for the distinctive local character and the special character of the North Oxford Conservation area.

The ground floor A3 unit at no.4 has been vacant for around two years. The proposals would result in the loss of a rear area of the unit which appears to have been predominantly used for storage. The remaining floor space would amount to around 84 square meters with no loss of seating area and the retention of a space food preparation and storage area.

During the processing of this application the applicants have sought advice as to the commercial viability of the proposed unit to be retained as a restaurant. The Commercial Agents (Chancellors) stated the following in regards to the unit proposed to be retained:

“Should you ask Chancellors to market the property then I expect to achieve an annual rent of between £23k - £27k per-annum. Commercial space in Oxford is in high demand and I would anticipate that we would have a pre-qualified list of tenants who would be keen to take the space.”

The proposed reduction in the floor space, meaning a more achievable rent, has meant that the premises have become more attractive to restaurant operators. This is confirmed by the success of the applicants securing a lease with an operator. A ten year lease has been agreed with a restaurant operator. Officers are aware of the operator's identity and consider that the restaurant will be in-keeping with the unique and charming character of the street; though this cannot be presented publicly in the interests of commercial confidentiality.

The Principal Economic Development and Spatial Officer has made the following comments in regards to the viability of operating an A3 use in the unit;

"Firstly the previous tenant went into receivership, which appears partly to do with the internal configuration of the unit. Since then the property has been vacant for 2 years it would be good to see some future occupier taking it on to run a business.

Whilst in fairness this is a small unit, but when it comes to the 'test of viability' essentially this is where the 'market' steps in to test whether following a marketing exercise whether any potential occupiers are willing to make an offer. In this case it does appear that according to the consultants letter from CBRE 'three offers from A3 occupiers' have already been made, which as they rightly say does 'in itself demonstrate that this property is suitable' and indeed viable for an operator to take on the premises for this use. It does also appear from the commercial agents (Chancellors) that they already have a 'tenant lined up' to take the property for a reasonable market rent (£23,000 - £27,000). The architect has also now confirmed that 'the applicant has now agreed a 10 year lease with this operator.' In these circumstances I do feel that this does indeed demonstrate the viability of this use, notwithstanding the small size of the unit."

In summary the proposals would result in a loss of floor space which would make the premises more attractive to restaurant operators. The bringing of this unit back into a functional A3 use will be to the benefit of the unique character of the street and will enhance the character of the conservation area.

Residential Environment

Policy HP14 states that planning permission will only be granted for new residential development that provides reasonable privacy and daylight for the occupants of new homes. The proposed development would allow for a suitable amount of daylight provision to each habitable room in both flats on the first floor. The living room of the proposed first floor flat to the front of the property would be served by a large roof light which would not afford decent outlook but would provide the room with reasonable natural light.

The ground floor flat contains a kitchen and bedroom which would not have access to a good degree of natural light. In the case of the kitchen, it would not feature any windows and has a door which opens up onto the living room, served by roof lights and a set of glazed doors. This kitchen is small and would only provide the essential functions of its use, opening up onto the living room it is considered on balance that the natural light from the living room would be enough to serve this kitchen for its

required use. The bedroom would be served by a door which opens up to a small courtyard between the dwelling and the neighbouring dwelling. The outlook from this bedroom would therefore be very poor and the natural light would be limited. This being considered, as the flat would also feature a bedroom with access to suitable light and outlook and a living room which would also have good access to light and outlook, on balance it is considered that the home would afford reasonable light and outlook to its occupants as a whole.

All proposed habitable rooms and bathrooms in the flats would be afforded good level of privacy.

Policy HP12 sets out minimum standards for the internal space required in new flats and houses in Oxford. In March 2015, the Government introduced a 'Nationally Described Space Standard' (or National Standard for short). This sets out more detailed minimum standards than the earlier SHP policy for Oxford. In a Ministerial Statement, the Government set out how they wished local planning authorities to implement the new National Standard.

In light of this statement, the City Council will apply the National Space Standard to new residential (Use Class C3) development, in preference to the more basic standard set out in Policy HP12 of the SHP. Each one bedroom flat for one person requires at least 37 square meters of floor space and each two bedroom flat requires 61 square meters of floor space. Flat no.1 would have a single bedroom which could accommodate a single person. The flat would have 38 square meters of gross internal floor space with additional room for storage, this is acceptable. 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, this would be acceptable. As a result, Officers consider that the proposed development would be acceptable in terms of its overall internal floorspace.

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.

Outdoor Space and Bin Storage

Policy HP13 of the SHP states planning permission will only be granted for new dwellings that have direct and convenient access to an area of private open space. 1 or 2 bedroom flats and maisonettes should provide either a private balcony or terrace of useable level space, or direct access to a private or shared garden.

Paragraph A3.23 of the SHP states that private terraces and balconies should have be a minimum size of 3m in length x 1m in depth. The proposed terraces which would serve flats no.1 and no.3 would be larger than this and would have access to suitable natural light while being afforded a good degree of privacy. Flat no.2 would have access to a private garden area with a floor space of 8.34 square meters. This is also acceptable.

The policy (HP13) also states planning permission will not be granted for residential dwellings unless adequate provision is made for the safe, discrete and conveniently accessible storage of refuse and recycling, in addition to outdoor amenity space. There is an area proposed for residential bin storage outside of flat 3, in a convenient and easily accessible locality. This is acceptable in terms of the requirements of HP13.

Cycle and Car Parking

The application site is within the Walton Manor CPZ (Controlled parking zone) as defined in policy HP16. The City Council encourages car-free and low-parking developments in this area for flats. As such the proposal being car free is acceptable.

Core Strategy Policy CS13 states that planning permission will only be granted for development that prioritises access by walking, cycling and public transport. The cycle parking standards set out in Policy HP15 of the SHP are minimum standards. For houses and flats up to 2 bedrooms at least 2 spaces per dwelling will be required. All residential cycle storage must be secure, undercover, preferably enclosed, and provide level, unobstructed external access to the street.

The application does propose cycle parking for two spaces but no more than this. It is considered suitable to request further details of cycle storage by condition to satisfy the requirements of HP15.

Neighbouring Amenity

Policy HP14 of the SHP states planning permission will only be granted for new residential development that provides reasonable privacy and daylight for the occupants of both existing homes and planning permission will not be granted for any development that has an overbearing effect on existing homes.

The proposed development includes 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.

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 loss of privacy being created.

The proposals would therefore be compliant with Policy HP14.

Conclusion:

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. As such the application is recommended for approval.

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

Contact Officer: Kieran Amery

Extension: 2186

Date: 1st March 2017