

East Area Planning Committee

9th October 2012

Application Number: 12/01516/FUL

Decision Due by: 24th September 2012

Proposal: Change of use of 3 live/work units to rear of site to 3 x 1-bed dwellings (retrospective).

Site Address: Bella Court 69 The Slade, **Appendix 1.**

Ward: Lye Valley Ward

Agent: DW Contractors

Applicant: Mr David Exley

Recommendation:

APPLICATION BE APPROVED

For the following reasons:

- 1 It has been demonstrated that there is no demand for the live/work units therefore their loss is acceptable. The alterations to the front elevation create an appropriate visual relationship with the existing building. The internal and external space for each unit is considered acceptable and an adequate level of car parking remains on the site. The development would therefore accord with the relevant policies of the development plan.
- 2 Officers have considered carefully all objections to these proposals. Officers have come to the view, for the detailed reasons set out in the officers report, that the objections do not amount, individually or cumulatively, to a reason for refusal and that all the issues that have been raised have been adequately addressed and the relevant bodies consulted.
- 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.

subject to the following conditions, which have been imposed for the reasons stated:-

- 1 Develop in accordance with approved plans
- 2 Cycle parking

Main Local Plan Policies:

Oxford Local Plan 2001-2016 (OLP)

- CP1 - Development Proposals
- CP6 - Efficient Use of Land & Density
- CP8 - Design Development to Relate to its Context
- CP10 - Siting Development to Meet Functional Needs
- CP11 - Landscape Design
- TR3 - Car Parking Standards
- TR4 - Pedestrian & Cycle Facilities
- HS19 - Privacy & Amenity
- HS20 - Local Residential Environment
- HS21 - Private Open Space

Core Strategy (OCS)

- CS2_ - Previously developed and greenfield land
- CS18_ - Urban design, town character, historic environment
- CS22_ - Level of housing growth
- CS23_ - Mix of housing

Sites and Housing Plan – Submission (SHP)

- 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
Balance of Dwellings Supplementary Planning Document Jan 2008
Parking Standards, Transport Assessments and travel Plans Supplementary
Planning Document Feb 2007

Relevant Site History:

64/14569/A_H - Outline application for redevelopment by demolition of existing building and erection of three storey block of nine flats with lock-up garages. PER 25th March 1964.

03/02175/FUL - Demolish house, workshop and office. Erection of 2 storey building, plus rooms in roofspace, containing 9 flats (7x1 bed, 2x2 bed) fronting The Slade. Two storey building at rear containing 3 live/work units (ground floor B1 use, first floor 1-bed flat). Parking for 12 cars and 14 bicycles bin store (Amended plans). PER 19th April 2004.

Representations Received:

None

Statutory and Internal Consultees:

Highways Authority: Additional 3 car parking spaces required.

Thames Water Utilities Limited: No objections.

Issues:

Loss of live/work units

Balance of Dwellings

Design

Residential Amenity

Car Parking

Cycle Parking

Officers Assessment:

Site Description

1. The application site is located on the western side of The Slade to the rear of No. 69. The site comprises 3 live work units.

Proposal

2. The application is seeking retrospective permission for the change of use of the 3 live/work units to the rear of the site to 3 x 1-bed dwellings. This includes alterations to the front elevation of the building.
3. The application is before Members as the applicant is related to a member of staff.

Assessment

Loss of live/work units

4. Planning permission was granted in April 2004 for the redevelopment of the site which included 3 live/work units. A live-work unit combines a home with a non-domestic work space (such as a small workshop, studio or office) for the business use of the household. The site had previously been occupied by a single dwelling and workshop.
5. The live/work units were marketed in May 2007 but with no success. It was therefore decided that the upper floors would be let without the ground floor 'work' space attached. When the leases came up for renewal they were advertised again as live/work units but again to no avail. The 'work' space was then converted into 3 x 1 bed flats in early 2009.
6. It is clear from the marketing exercise undertaken that there is little

demand for such live work units. This may be due to their location where there is a greater demand for residential accommodation from the site's proximity to the hospitals and the need to accommodate health care professionals.

7. Given that it has been demonstrated that the live/work units have not proved marketable; there has been no uptake, their loss is considered acceptable, and there is no actual loss of employment land, then officers consider there is a good case for the three small residential units to remain in that use.

Balance of Dwellings

8. Policy CS23 of the Oxford Core Strategy 2026 requires residential development to deliver a balanced mix of housing to meet the projected future household need, both within each site and across Oxford as a whole. The mix of housing relates to the size, type and tenure of dwellings to provide for a range of households. The Balance of Dwellings Supplementary Planning Document (BoDS) sets out the appropriate housing mixes for each Neighbourhood Area within the City.
9. The site lies within an amber area where pressure is considerable, so the Council needs to safeguard family dwellings and achieve a reasonable proportion of new family dwellings as part of the mix for new developments. For new residential developments of between 1 – 3 units, there should be no loss of an existing family dwelling.
10. The site comprises three 'work' areas related to live/work units therefore there is no loss of an existing family dwelling and as the proposal is for 3 or less units no specific mix of new housing is required.

Design

11. The alterations to the building are concentrated on the front elevation and involved bringing forward the ground floor façade wall. New doors have been installed to serve each unit along with full height glazing.
12. The alterations are considered acceptable in that they create an appropriate visual relationship with the existing building and the surrounding area in accordance with policy CS18 of the OCS, CP1 and CP8 of the OLP and HP9 of the SHP.

Residential Amenity

13. Policy HS20 of the OLP and HP12 of the SHP require good quality internal living accommodation, with policy HP12 stipulating any single dwelling providing less than 39m² of floor space will not be granted permission. The proposed units are in excess of the required 39m² and are therefore in compliance with HS20 and HP12.

14. Policy HS20 of the OLP and HP13 of the SHP require new dwellings to have access to private amenity space which allows the people living there to enjoy fresh air and light in privacy. Each unit has a small area of amenity space to the front with the occupiers of the units at 69 The Slade and the units above having access to the area. Given this and the inability to provide any amenity space at the rear it is Officers opinion, on balance, that the small area of amenity space to the front of each unit can be accepted in the circumstances of the case

Car Parking

15. Policy TR3 of the OLP states Planning Permission will only be granted for development that provides an appropriate level of car parking spaces, no greater than the maximum parking standards shown in Appendix 3. The maximum standard for a 1 bed dwelling is 1 space. Therefore an additional 3 spaces should be provided.
16. The site has 12 off street car parking spaces for 15 units of accommodation (the original 12 plus the additional 3 the subject of this application). Through the management of the site it is evident that not all occupiers are car owners as the application site is located between the local centres of Cowley and Headington. The site is well served by bus services to these local centres and also the city centre and local shops and facilities can be easily accessed by walking and cycling. The Slade is a bus and cycle route between these urban centres, the John Radcliffe Hospital and Oxford Brookes University and is a pedestrian route between local residential estates, shops and facilities.
17. Given this it is Officers opinion that the proximity of local shops, services, and public transport an additional three car parking spaces will not be required.

Cycle Parking

18. Policy TR4 of the OLP states that planning permission will only be granted for development that provides good access and facilities for pedestrians and for cyclists and complies with the minimum cycle parking standards shown in Appendix 4. According to the Parking Standards SPD secure, and preferably sheltered, cycle parking should be integrated in the design of residential developments. The minimum requirement for residential dwellings is two spaces per residential unit. This is reiterated in policy HP15 of the SHP which requires houses and flats of up to 2 bedrooms to have at least 2 spaces per dwelling.
19. The additional three units would require 6 cycle spaces. The scheme approved under 03/02175/FUL approved 14 cycle spaces in a purpose built cycle and bin store. Given that no additional car parking spaces are being sought additional cycle parking spaces will be required or it will need to be demonstrated that the current cycle stores can accommodate an additional six spaces. This can be secured via a condition.

Conclusion:

20. The proposal is considered to be acceptable in terms of the relevant policies of the Oxford Core Strategy 2026; Oxford Local Plan 2001-2016; and the emerging Sites and Housing Plan. Therefore officer's recommendation to the Members of the East Area Planning Committee is to approve the change of use.

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:

Contact Officer: Lisa Green

Extension: 2614

Date: 25th September 2012

Appendix 1

12/01516/FUL Bella Court 69 The Slade



Scale : 1:1250



Organisation	Not Set
Department	Not Set
Comments	
Date	26 September 2012
SLA Number	LA100019348

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Ordnance Survey 100019348.

