

West Area Planning Committee

16th January 2013

Application Number: 12/02794/FUL

Decision Due by: 26th December 2012

Proposal: Change of use of former South Oxfordshire Social Club to form 1x2 bedroom dwelling house and 2x1 bed flats (all Class C3).

Site Address: 10 Gordon Street, Oxford [Appendix 1]

Ward: Hinksey Park

Agent: Derek Shelton Building Design **Applicant:** Mr T Butler

Application called in by Councillors Price, Canning, Sinclair and Kennedy on grounds of potential over development and impact on car parking in a tightly built up area.

Recommendation:

APPLICATION BE APPROVED

For the following reasons:

- 1 The proposal to convert an existing, vacant, social club building to form 2 x 1 bedroom flats and 1 x 2 bedroom dwelling is considered to form an appropriate visual relationship with the existing building and the surrounding development which would not unduly impact upon the amenities enjoyed by neighbouring occupiers. No objection has been raised by the Local Highway Authority or the Environment Agency and the proposal accords with adopted policies contained in both the Oxford Local Plan 2001 - 2016 and the Oxford Core Strategy 2026.
- 2 A letter of support has been received from the occupier of 12 Gordon Street on grounds that the use of the building as a social club has caused much noise and disturbance over past years and its conversion to a residential use would be more in keeping with the character of the area.
- 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 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Demolish outbuildings
- 4 Flood Risk Assessment
- 5 Design - no additions to dwelling
- 6 Bin and cycle stores
- 7 Rooflights - 1.7 metres above finished floor level
- 8 No additional first floor windows

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
- CP10** - Siting Development to Meet Functional Needs
- TR3** - Car Parking Standards
- TR4** - Pedestrian & Cycle Facilities
- HS19** - Privacy & Amenity
- HS20** - Local Residential Environment
- HS21** - Private Open Space

Core Strategy

- CS2_** - Previously developed and greenfield land
- CS9_** - Energy and natural resources
- CS10_** - Waste and recycling
- CS11_** - Flooding
- CS18_** - Urbsn design, town character, historic environment
- CS23_** - Mix of housing
- CS20_** - Cultural and community development

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
The Balance of Dwellings [BoDS] Supplementary Planning Document [SPD]

Relevant Site History:

12/00992/FUL: Demolition of rear outbuildings. Conversion of social club into 1 x 2 bedroom dwelling and 2 x 1 bedroom flats. External alterations. Refused on

grounds of flooding, overlooking and inadequate amenity space.

Representations Received:

1 letter of support from the occupier of 12 Gordon Street stating that the former use of the building as a social club was a real problem as regards noise and disturbance. Also that the building should not be left empty for any longer than necessary.

Statutory and Internal Consultees:

Oxfordshire County Council – drainage: No comments

Oxfordshire County Council – Highways: No objection

Environment Agency: No objection subject to a condition that the development shall be carried out in strict accordance with the approved Flood Risk Assessment submitted with the application.

Issues:

- Policy
- Flooding
- Balance of dwellings
- Impact on neighbours
- Highways and parking
- Private amenity space

Officers Assessment:

Site location and description

1. The site lies on the south west side of Gordon Street and comprises a single storey, substantial brick building with a slate roof. The front elevation which fronts onto Gordon Street is rendered. The building was originally erected as a Victorian chapel which was subsequently converted and extended to form a licensed social and drinking club. The premises have no car parking facilities.
2. Gordon Street is characterised by terraced dwellings and is narrow in form. It lies in a designated flood zone [3b] and for this reason the Environment Agency has been involved in assessing the principle of the proposal and the details of the application.

The Proposal

3. The application seeks planning permission to demolish the existing outbuildings at the rear of the main building which accommodate the bar, kitchen and toilets and convert the remainder of the building to form a two bedroom dwelling on two floors at the back of the building and 2 x 1 bedroom flats at the front of the building, both of which would be laid out over two floors with the living space on ground floor level and bedrooms on the first floor. The scheme involves the insertion of a new first floor across the entire building
4. The proposal would involve the insertion of 10 rooflights along each side

roof slope together with new windows in the front and rear elevations and an additional side door. The main entrance on Gordon Street would provide access to a one bedroom flat with the other one bedroom flat together with the two bedroom house being accessed by way of separate entrances at the side of the building.

5. The proposal includes the provision of a private amenity space to serve the new dwelling, accessed directly from double doors at the rear of the building. The 2 x 1 bedroom flats would share an amenity space and the occupiers would access it by way of an extended side passage way. A communal bin and cycle store would be located at the rear of the building.
6. The new units would not be 'car free' as there is no controlled parking zone in Gordon Street.

Policy

7. Policy CS20 of the Core Strategy states that planning permission will not be granted for development that results in the loss of community facilities unless equivalent new or improved facilities, where foreseeable needs justifies this, can be provided at a location equally or more accessible by walking, cycling and public transport.
8. The former social club that operated from 10 Gordon Street ceased to function in August 2010. It opened in the 1940's and in the 1960's and 1970's had a substantial membership; however when it closed it had a membership of 114.
9. The operation of the club has resulted in a number of complaints over the years, relating primarily to noise and disturbance to neighbours and illegal car parking blocking the road and other car parking spaces. Officers take the view that the application site is not an appropriate location for a new type of social club given the lack of parking and the residential character of the road.
10. No objections have been received on grounds of the loss of the social club facility. There are a number of public houses on the Abingdon Road which offer sports and social facilities and it is considered that, in this case, there is no overriding justification or need for a replacement social club facility. It is also the case that, whilst the previous 2012 application for a residential conversion to 3 dwellings was refused planning permission, the reasons for refusal did not include the loss of the social club.

Flooding

11. The Environment Agency has been consulted on this application and have confirmed that it does not wish to raise an objection despite the fact that the proposal involves a change of use to residential in an area at high risk of flooding. It explains this conclusion as follows:

- There will be no change in the existing built development and there will in fact be a slight reduction resulting in a small increase in floodplain storage
- The redeveloped building will, as far as is practicable, be designed to be resilient to flooding
- There will be no sleeping accommodation on the ground floor
- We understand that the Local Planning Authority's Emergency Planner has approved the Emergency Plan/Evacuation Plan for this development

12. The Environment Agency has requested that a condition be imposed on the planning permission which would require the development to be carried out strictly in accordance with the Flood Risk Assessment submitted with the application.

Balance of dwellings

13. The Balance of Dwellings [BoDS] Supplementary Planning Document [SPD] was adopted in 2008 to elaborate upon the provisions of policy HS8 of the Oxford Local Plan [now superseded by policy CS23 of the Core Strategy] and to ensure the provision of an appropriate mix of dwelling sizes in the different neighbourhood areas, set out in the SPD as red, amber and green. The site lies in an amber area wherein, for new developments of between 1 – 3 units, there shall be no loss of a family dwelling.

14. The proposal is for 3 new units and there would be no loss of a family dwelling as the existing building contains no residential units. The proposal therefore complies with the requirements of the BoDS SPD.

Impact on neighbours

15. Policy HS19 of the Oxford Local Plan states that planning permission will only be granted for development that adequately provides both for the protection and/or creation of the privacy or amenity of the occupants of the proposed and existing, neighbouring, residential properties.

16. The site is surrounded by residential dwellings and the new openings proposed, particularly those at first floor level, have the potential to be unneighbourly. For this reason a condition is recommended that would require all the new rooflights to be 'high level' to ensure they do not provide any opportunity for overlooking of neighbouring gardens.

17. The previous 2012 application was refused on grounds of overlooking as that proposal included a first floor bedroom window in the rear wall of the building that would have overlooked a neighbouring garden. The current proposal does not include a new first floor opening in the rear wall and a condition is recommended that would prevent the insertion of further first floor windows without planning permission.

18. No objections to the scheme have been received from local residents.

Highways and parking

19. Oxfordshire County Council as Local Highway Authority is not raising an objection to the application on grounds that the lawful use of the building as a social club would be likely to generate significantly more traffic than the proposed 3, small residential units.

20. There is no controlled parking zone in Gordon Street and therefore it is not possible to condition that the new units be 'car free'. Officers accept that there is parking pressure in the vicinity of the application site; however the premises could be used for another social club use without planning permission and there would be no control over opening hours. For this reason, officers consider it would be unreasonable to put forward an argument that the traffic generated by 3 small residential units would not be acceptable compared to the lawful use of the building which could generate a significant number of vehicle trips.

Private amenity space

21. Policy HS21 of the Oxford Local Plan states that planning permission will not be granted for development proposals involving residential uses where inadequate or poor quality private open space is proposed. It goes on to say that each dwelling should have access to a private space, possibly in the form of a balcony and that family dwellings of two or more bedrooms should have exclusive use of an area of private open space which should generally have a length of 10 metres.

22. Policy HP13 of the Sites and Housing Plan states that planning permission will only be granted for new dwellings that have direct and convenient access to an area of private open space that, in the case of houses of 2 or more bedrooms, is of adequate size and proportions for the size of the house and in the case of one bedroom flats, comprises either a balcony or terrace or direct access to a shared or private garden.

23. The previous 2012 application was refused on grounds of poor quality and inadequate private open space and the current application has sought to address this issue. It is proposed to not only demolish the existing outbuildings but to also demolish the rear gable wall and rebuild it inwards by 2 metres with the result that two garden areas are proposed, both of which would extend to 10 metres in length with one serving the new house and the other serving the two flats. In addition it is proposed to paint the new rear wall in white render and reduce the height of the existing 2.4 metre high boundary wall to 2 metres and paint it in white render. The agent maintains that this will increase the sense of openness in the garden areas.

24. Officers take the view that the gardens proposed are acceptable and proportionate to the size of the dwellings proposed.

Conclusion:

25. The proposal to convert a former social club building which is now vacant to provide 2 x 1 bedroom flats and 1 x 2 bedroom dwelling is considered to form an appropriate visual relationship with the existing building and the surrounding development which would not unduly impact upon the amenities enjoyed by the occupiers of neighbouring dwellings. The properties are acknowledged to be modest but they make good use of an existing building in an existing high density residential area. No objection has been raised by the Local Highway Authority or the Environment Agency and the proposal complies with adopted policies contained in the Oxford Local Plan 2001 – 2016 and the Core Strategy 2026.

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:

12/00992/FUL

12/02794/FUL

Contact Officer: Angela Fettiplace

Extension: 2445

Date: 18th December 2012

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