

East Area Committee

29th May 2012

Application Number: 12/00660/FUL

Decision Due by: 25th May 2012

Proposal: Erection of 2x3 bed dwellings and 1x2 bed dwelling in terraced block, with associated refuse and cycle storage.

Site Address: Land Rear Of 82, 84 And 86 Windmill Road Oxford
Oxfordshire

Ward: Headington Ward

Agent: Ifor Rhys Ltd

Applicant: Mr Neil Gorton

Application called in by Councillors Rundle, Coulter, McCready, Wilkinson and Clarkson on grounds that, although there is an extant permission for development on the site, the current application seeks to increase the density.

Recommendation:

APPLICATION BE APPROVED

For the following reasons:

- 1 It is considered that the proposal forms an appropriate visual relationship with surrounding development and would appear in keeping with the street scene. The scheme would provide 2 x 3 bedroom dwellings and 1 x 2 bedroom dwellings, would be served by 2 car parking spaces in the garage block to the west of the site and would provide cycle parking, bin stores and private amenity areas. There is an extant planning permission for the erection of three dwellings on the site and it is considered that the proposal complies with adopted policies contained within both the Core Strategy 2026 and the Oxford Local Plan 2001 - 2016.
- 2 Three letters of objection have been received from local residents and their comments have been carefully considered. However there is an extant planning permission for a car free scheme for 3 x 2 bedroom dwellings and the County Council as Local Highway Authority is not raising an objection to the proposal to provide 2 car parking spaces in the nearby garage block and allow the occupiers of the new dwellings to apply for visitor parking permits. In terms of the size and scale of the proposed building, this is broadly similar to the approved building on the site but provides additional accommodation within the roofspace.

- 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 Amenity no additional windows north, south, west or east,
- 4 Design - no additions to dwelling
- 5 Samples
- 6 Landscape plan required
- 7 Landscape carry out by completion
- 8 Cycle parking details required
- 9 Variation of Road Traffic Order Norton Close,
- 10 Bin stores
- 11 Contaminated Land - Desktop study etc.
- 12 Sustainability design/construction
- 13 Link use of garages to new houses

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
- CP11** - Landscape Design
- 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_ - Urban design, town character, historic environment

CS23_ - Mix of housing

Housing DPD – Proposed Submission

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 2012

Balance of Dwellings Supplementary Planning Document [BoDS SPD]

Relevant Site History:

09/02036/FUL: Erection of a terrace of 3 x 2 bedroom dwellings. Provision of bin and cycle stores. Approved

10/00050/FUL: Erection of a terrace of 3 x 2 bedroom dwellings. Provision of bin and cycle stores [Amendment to 09/02036/FUL]. Refused [inadequate rear garden areas]

10/01496/FUL: Erection of terrace of 3 x 2 bedroom dwellings, refuse and cycle stores [Amendment to 09/02036/FUL] Approved

Representations Received:

3 letters of objection. The main points raised can be summarised as follows:

- There is inadequate parking in Norton Close and cars often park on the grassed areas
- The proposal is an overdevelopment of the site
- Occupiers of the new dwellings should not have access to parking permits
- There is a lot of congestion around the garage block and at the bottom of Norton Close
- The garages are generally not used as they are too small and are not lit
- The development should remain car free
- The pedestrian access onto Norton Close from the new development would be almost concealed and would be dangerous for pedestrians
- Access for emergency vehicles would be difficult

1 letter of support as follows:

- The proposal would make good use of an existing untidy site

- The houses proposed are small and would provide for a need for such houses
- The proposal would be unlikely to exacerbate parking problems in the Close

Statutory and Internal Consultees:

Thames Water: No objection on grounds of sewerage or surface water infrastructure

Oxfordshire County Council as Local Highway Authority:

- The principle of car free development has been agreed by the extant permission
- The site lies in a sustainable location
- The site lies within a controlled parking zone and Norton Close has some permit parking availability
- The 2 x 3 bedroom houses would have a car parking space each in the nearby garage block and the 1 x 2 bedroom house would be car free
- The site will be excluded from the CPZ but visitor parking permits will be available to the new occupiers of the development
- The Highway Authority raised no objection to the proposal

Sustainability:

The site lies in a sustainable location with easy access to shops, services and public transport links and the proposal constitutes a sustainable form of development that would make more efficient use of an existing brownfield site.

The design and access statement submitted with the application states that the new building would be designed to achieve level 3 of the Code of Sustainable Homes as is now the requirement; it will also include the sourcing of local materials where possible and the use of energy efficient fittings and appliances.

Issues:

It is considered that the main issues to consider in the determination of this application are as follows:

- Principle
- Changes to the approved and extant scheme
- Highway issues

Officers Assessment:

Site location and description

1. The site lies to the rear of numbers 82, 84 and 86 Windmill Road and currently accommodates a block of 5 garages which are accessed by way of an unmade track leading off Windmill Road. The garages have not been used for a number of years.
2. The site lies adjacent to numbers 21 and 22 Norton Close which is a cul-de-sac leading off Bateman Street. The site appears neglected and overgrown and is particularly unsightly from the side door and windows of number 22 Norton Close.

The Proposal

3. The application seeks planning permission for the demolition of the existing garage block and the erection of a terrace of 2 x 3 bedroom

dwelling and 1 x 2 bedroom dwellings. The two larger dwellings would each have access to a car parking space in the nearby garage block to the west of the site but the two bedroom dwelling would be car free. The occupiers of the new dwellings would be eligible to apply for visitor parking permits.

4. The scheme proposes the provision of cycle parking and bin stores for each new unit together with private rear gardens that would be 10 metres in length. Pedestrian access in and out of the site would be on to the turning head area of Norton Close.
5. The new building would have a width of 18.5 metres, a depth of 11.3 metres and a height of 8.1 metres. It would be erected using a mix of render and facing bricks with a tiled roof and it is proposed to incorporate two dormer windows and a double sized rooflight to serve the accommodation within the roofspace.

Principle

6. The National Planning Policy Framework [NPPF] was issued on 27th March 2012 and replaces, with immediate effect, all the PPG's and PPS's and other national documents listed in Appendix 3 of the NPPF; however any guidance published to support the PPS's has not been deleted and remains valid.
7. Whilst the NPPF may be a substantial change in the form of national policy, the Framework largely carries forward existing planning policies and protections in a significantly more streamlined and accessible form. It also introduces the presumption in favour of sustainable development and makes adjustments to some specific policies.
8. The NPPF indicates that, for the purposes of decision taking, policies adopted prior to the publication of the framework should not be considered out of date simply because of that; it makes clear that for 12 months decision takers may continue to give full weight to relevant policies adopted since the 2004 Act. In this respect the Oxford Local Plan was adopted in 2005 and the Core Strategy was adopted in 2011 and the relevant policies are set out earlier in this report. Officers take the view that the proposal complies with these policies.
9. In terms of decision taking, the NPPF states that applications for sustainable development that accord with the Development Plan should be approved without delay. Sustainable development is not defined in the NPPF but reference is made to economic, social and environmental gains; improvements in the quality of the built, natural and historic environment and in people's quality of life.
10. In addition there is an extant permission for the erection of 3 x 2 bedroom dwellings that was granted in August 2010. This permission is for a car free scheme and would provide three modest dwellings on a sustainable site within a short walk from Headington District Shopping Centre.

Changes to the approved and extant permission

11. Policy CP1 of the Oxford Local Plan states that planning permission will only be granted for new development that shows a high standard of design, that respects the character and appearance of the area and uses materials of a quality appropriate to the nature of the development, the site and its surroundings. Policy CP6 states that development proposals should make the best use of site capacity but in a manner that would be compatible with both the site itself and the surrounding area.
12. Policy CP8 suggests that the siting, massing and design of any new development should create an acceptable visual relationship with the form, grain, scale, materials and detailing of the surrounding area and policy CP10 states that planning permission will only be granted where proposed developments are sited to ensure acceptable access, circulation, privacy and amenity space.
13. Policy CS18 of the Core Strategy states that planning permission will only be granted for development that demonstrates high quality urban design through responding appropriately to the site and its surroundings, creating a strong sense of place and contributing to an attractive public realm.
14. The general layout of the site and the size and height of the proposed new building is effectively the same as the approved scheme. In addition cycle parking, bin storage and private garden areas are all provided as per the approved scheme.
15. The main change in the current application is the proposal to utilise the roofspace of the new building to provide further accommodation. The two end units would have an additional bedroom and bathroom on the second floor and the middle unit would have a smaller study room. The rear elevation of the new building now proposes two dormer windows together with a double sized rooflight to serve these new rooms. In pre-application discussions, officers have sought to influence the appearance and size of the dormer windows to ensure that they do not unacceptably distort the shape of the roof of the building. Officers are now satisfied that the dormer windows are of an appropriate size and design and would appear in keeping with the character of the new building
16. Officers are also aware that the proposed second floor windows could increase the level of overlooking towards the rear gardens and properties in Matlock Close, particularly numbers 30 – 32. However the approved scheme incorporated first floor balconies and these have now been removed from the current proposal. It is considered that the two proposed additional bedroom windows within the roofspace would not result in an unacceptable level of overlooking given that the window to window separation distance would be approximately 20 metres.

Highway issues

17. The other change to the approved scheme is the proposed introduction of 2 car parking spaces in the nearby garage block to serve the 2 x 3 bedroom dwellings. The two bedroom dwelling would remain car free. In addition the Local Highway Authority have accepted that the occupiers of the new dwellings would be eligible to apply for visitor parking permits based on the fact that there are a number of on street parking spaces in Norton Close and visitor permits would allow for occasional visitor access.
18. Officers are aware of local concerns relating to congestion and excessive parking in Norton Close. The provision of parking in this garage block will ensure that the additional parking resulting from the development can be accommodated and would not exacerbate any existing problem relating to parking in the Close itself as the properties would not be eligible for residents' parking permits.

Conclusion:

19. It is considered that the proposal forms an appropriate visual relationship with the surrounding development and would appear in keeping with the street scene. The scheme provides 2 x 3 bedroom dwellings and 1 x 2 bedroom dwelling, would be served by 2 car parking spaces in the garage block to the west of the site and would provide cycle parking, bin stores and private amenity areas. There is an extant planning permission for the erection of 3 x 2 bedroom dwellings on the site and it is considered that the proposal complies with adopted policies contained within both the Core Strategy 2026 and the Oxford Local Plan 2001 – 2016.

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:

09/02036/FUL

10/00050/FUL

10/01496/FUL

12/00660/FUL

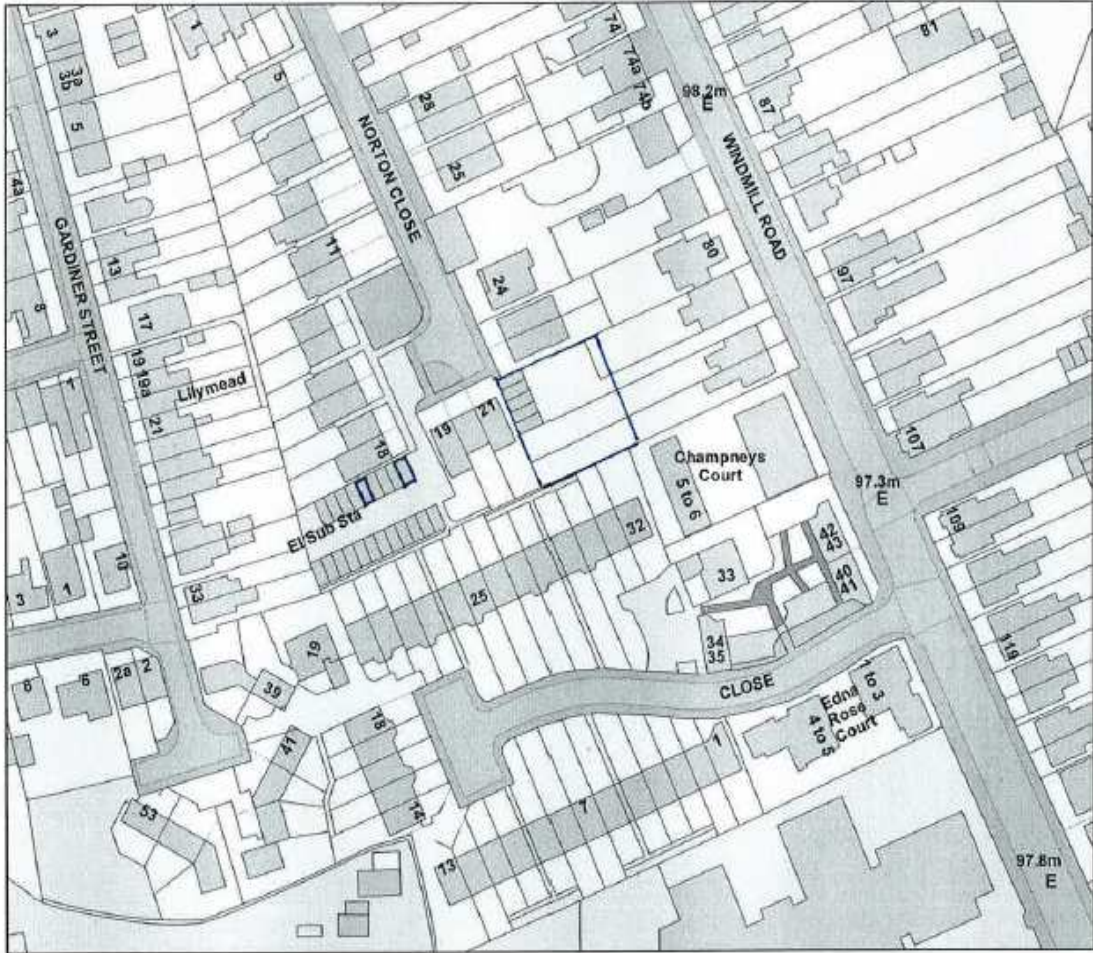
Contact Officer: Angela Fettiplace

Extension: 2445

Date: 10th May 2012

Appendix 1

Land to the rear of 82, 84 and 86 Windmill Road



Legend

Scale: 1:1250



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Organisation	Not Set
Department	Not Set
Comments	
Date	09 May 2012
SLA Number	Not Set