

East Area Planning Committee

6th November 2012

Application Number: 12/02159/FUL

Decision Due by: 18th October 2012

Proposal: Demolition of existing dwelling and erection of 3 x detached dwellings (class C3). Provision of private amenity space and car parking. Formation of new vehicular access. (Amended plans)

Site Address: 31 Church Lane, Marston [Appendix 1]

Ward: Marston Ward

Agent: N/A

Applicant: TSH Architects Ltd

Application called in by Councillors Clarkson, Khan, Fry and Curran on grounds of over development of the site and traffic problems.

Recommendation:

APPLICATION BE APPROVED

For the following reasons:

- 1 The proposal to demolish the existing dwelling on the site and erect 3 detached dwellings forms an appropriate visual relationship with the character of the local area and would not detract from the setting of the grade II listed farmhouse located opposite the site. No objections have been received from statutory consultees and the proposal complies with adopted policies contained in both the Oxford Local Plan 2001 - 2016 and the Oxford Core Strategy 2026.
- 2 Letters of objection have been received from Old Marston Parish Council, the Oxford Civic Society and three local residents and the comments made have been carefully considered. However it is considered that the points raised do not constitute sustainable reasons for refusing the application and that the imposition of appropriate conditions will ensure a good quality form of development that will relate well to the surrounding development and provide additional family housing.
- 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 Samples
- 4 Design - no additions to dwelling
- 5 Amenity no additional windows - side
- 6 Landscape plan required
- 7 Landscape carry out by completion
- 8 Tree Protection Plan (TPP) 1
- 9 Boundary details before commencement
- 10 Porous surfaces for hardstandings
- 11 Archaeology - Implementation of programme
- 12 Garages not for living accommodation
- 13 Bat and bird boxes
- 14 Provision of vision splays
- 15 Bin stores and cycle parking
- 16 Sustainability desing/construction
- 17 Contaminated land
- 18 Retain existing hedges
- 19 Development to take place in accordance with the ecology report

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
- NE15** - Loss of Trees and Hedgerows
- HE2** - Archaeology
- HE7** - Conservation Areas
- HS19** - Privacy & Amenity
- HS21** - Private Open Space

Core Strategy

- CS2_** - Previously developed and greenfield land
- CS9_** - Energy and natural resources
- CS10_** - Waste and recycling
- CS11_** - Flooding
- CS12_** - Biodiversity
- CS18_** - Urban design, town character, historic environment

HP13_ - Outdoor Space

Sites and Housing Plan - Submission

HP9_ - Design, Character and Context

HP14_ - Privacy and Daylight

HP15_ - Residential cycle parking

HP16_ - Residential car parking

Other Material Considerations:

National Planning Policy Framework

The site abuts the northern boundary of the Old Marston Conservation Area and lies opposite Church Farm which is a grade II listed building.

Relevant Site History:

11/02477/FUL: Conversion and alteration to public house to form 4 bedroom dwelling. Erection of 5 dwellings with garages, parking, landscaping and alteration to access. [Amendment to 11/01331/FUL]. Approved and nearing completion on the adjacent former Bricklayers Arms PH site.

Representations Received:

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

- The proposal is too dense and intrusive
- A scheme for two houses would be better
- Local residents have suffered from constant noise and disturbance from the building work at the Bricklayers Arms site and there have been serious traffic problems
- If permission is granted, provision must be made on site for the accommodation of all contractor and delivery materials and all vehicles must be of a size capable of manoeuvring in Church Lane
- Site associated cars should not park in local roads
- The new houses will face Church Lane and form a dense block
- Traffic will increase and the roads are narrow
- The new houses will impact negatively on neighbouring properties

Statutory and Internal Consultees:

Oxfordshire County Council as Local Highway Authority: No objection subject to conditions and informatives relating to:

- Vision splays and pedestrian vision splays
- Provision of parking spaces and garages to enlarged standard sizes
- No conversion of garages to living space
- Provision of secure and sheltered bin stores and cycle parking
- Alterations to the public highway to be at the applicant's expense
- Accesses, parking areas and hardstandings to be constructed of porous materials and be SUDS compliant.
- Approval of a Construction Traffic Management Plan

Old Marston Parish Council: Objection – the proposal would be an overdevelopment of the site that would result in extra traffic which would adversely affect the local

area.

Oxford Civic Society: The proposal is overdevelopment of the site. It would not preserve or enhance the Old Marston Conservation Area which surrounds it as the site would become quite crowded with very little amenity space for each house and there would be increased traffic disturbance.

Issues:

- Principle
- Form and Appearance
- Impact on Neighbours
- Trees and Hedges
- Highways and Parking
- Balance of Dwellings
- Private Amenity Space
- Ecology
- Archaeology
- Bin Storage and Cycle Parking

Sustainability:

The site lies in a sustainable location within easy access of shops, services and public transport links and the proposal to replace the existing detached dwelling with three smaller dwellings would be a more efficient use of an existing residential site.

The Design and Access statement submitted as part of the application refers to energy and water consumption and across the site and explains how this will be minimized with reference to the following measures:

- High performance double glazing
- 'A' rated condensing gas boilers
- High levels of insulation to floors, walls and roofs
- Passive solar gain via orientation and layout
- High levels of natural lighting and ventilation
- Grade 'A' appliances where supplied
- Integrated energy management controls
- Flow restrictors fitted to all taps and dual flush cisterns
- Baths with smaller profiles requiring less water to fill
- Water butts for rainwater collection and garden watering
- Provision of a SUDS drainage scheme

Officers Assessment:

Site Location and Description

1. The site lies on the east side of Church Lane and extends to some 0.12 hectares. The site currently accommodates a detached property that sits in a spacious garden which is largely laid to lawn. The existing property is angled to the road and is a traditionally built two storey, double fronted dwelling erected using facing bricks and roof tiles. There is a single vehicle access serving the site which is surrounded by high hedges and walls to its four boundaries.

2. The site abuts the northern boundary of the Old Marston Conservation Area and the development that is nearing completion on the former Bricklayers Arms site. On the opposite side of Church Lane lies Church Farmhouse which is an attractive, grade II listed, stone cottage.

The Proposal

3. The application seeks planning permission for the demolition of the existing dwelling and outbuildings and the erection of 3 x 4 bedroom dwellings. The new dwellings would be erected using a mix of facing brick and natural stone for the external walls and red tiles for the roofs. Two of the new dwellings would have integral garages and the third would be served by two parking spaces.
4. The new dwellings would face towards Church Lane and two would be served by the existing vehicular access. A new access would be provided to serve the third dwelling. The existing hedges surrounding the site would be retained apart from the frontage where some hedge would need to be removed to form a new access.
5. The new dwellings would have a maximum height of between 8.5 and 8.8 metres and would appear similar to the dwellings on the adjoining Bricklayers Arms site. All the dwellings would have private rear gardens in excess of 10 metres in length.

Principle

6. The National Planning Policy Framework [NPPF] was issued in March 2012 and has superseded previous Government guidance set out in the various PPG's and PPS's. Whilst it may be a very substantial change in the form of national policy, the NPPF largely carries forward existing planning policies and protections in a significantly more streamlined and accessible form.
7. The NPPF stresses the importance of steering new development to previously developed land [PDL] but specifically excludes garden land from this. It also introduces a presumption in favour of sustainable development which means that Local Planning Authorities should approve applications that comply with the Development Plan, in this case the adopted Oxford Local Plan and the Oxford Core Strategy. Both of these plans contain up to date policies that do not conflict with the general principles of the NPPF.
8. Officers accept that the proposal would utilise existing garden land and would result in a considerably more dense development than exists at present. However the site lies adjacent to the former Bricklayers Arms site where 5 new dwellings are nearing completion and form a relatively dense development and to the north of the application site, the remainder of Church Lane comprises a high density residential estate. It is

considered that development of the application site in the manner proposed would not appear out of keeping with the local area and officers take the view that the principle of the proposal is acceptable and would make more efficient use of an existing residential plot within Old Marston.

Form and Appearance

9. Policy CP1 of the adopted Oxford Local Plan states that planning permission will only be granted for 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. 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 private amenity space. In addition policy HE7 states that development should preserve or enhance the setting of conservation areas.
10. Policy CS18 of the adopted Oxford Core Strategy emphasises that importance of good quality urban design and its contribution to an attractive public realm.
11. The new dwellings would have a simple, traditional form and appearance with front bay windows, chimneys and small dormer windows. They would be set back from Church Lane with small front gardens and the retention of the majority of the existing frontage hedge will help to retain the open character of this part of the road. Also the retention of the side and rear hedges which are substantial will help to screen the development and assimilate into the area.
12. Officers consider that the proposal will appear visually as an extension of the adjacent development on the site of the former Bricklayers Arms public house. The new dwellings would be of a similar character and scale with similar separation distances. It is considered that the proposal would preserve the setting of the Old Marston Conservation Area and would not detract from the setting of Church Farm whose front elevation would be some 16 metres away from the nearest dwelling proposed on plot 1.

Impact on Neighbours

13. 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 occupiers of the proposed and existing neighbouring, residential occupiers.

14. The properties most affected by the proposed development are Church Farm and 10 Church Lane opposite the application site and number 30 Church Lane which abuts the rear boundary of plot 3. In terms of Church Farm and 10 Church Lane, the window to window distances between the existing and proposed dwellings would be approximately 17 metres. Given that a road separates the new and existing properties together with the hedge that exists along the front of the application site that would be largely retained, officers consider that the separation distance is acceptable and would not give rise to an unacceptable level of overlooking.
15. In terms of the relationship of number 30 Church Lane with the proposed dwelling on plot 3, the two rear, first floor bedroom windows would be some 15 metres away from the flank wall of number 30 and its private garden area. Officers consider this to be a reasonable distance which would retain an acceptable level of privacy for the occupier's enjoyment of the garden area.

Trees and Hedges

16. Policy NE15 of the Oxford Local Plan states that planning permission will not be granted for development proposals which include the removal of trees, hedgerows and other valuable landscape features that form part of the development site where this would have a significant adverse impact upon public amenity or ecological interests.
17. The proposal involves the removal of a small number of trees but the quality and significance of these trees is low. It is proposed to retain the larger trees along the southern boundary of the site and condition 8 requires that these trees are adequately protected during the course of construction works. The existing hedge, which is substantial in part, would also be retained in its entirety along the northern, eastern and southern boundaries but a small section of the frontage hedge would be removed in order to provide a new vehicle access close to the northern boundary of the site.
18. Officers consider that the retention of trees and hedges together with the landscaping requirements [conditions 6 and 7] will go some way towards successfully assimilating the new development in the local area.

Highways and Parking

19. Oxfordshire County Council as Local Highway Authority is not raising an objection to the application subject to the imposition of a number of conditions and informatives as set out earlier in this report. Included is the requirement to provide off street parking together with a restriction on the conversion of the integral garages to living accommodation.
20. Comments received from local residents have highlighted the traffic

problems that have resulted from the development at the Bricklayers Arms site with roads being blocked by delivery vehicles. Officers have discussed this issue with the Highway Authority who have recommended the imposition of a condition requiring a Construction Traffic Management Plan in an effort to avoid any repetition of such highway problems in this case.

Balance of Dwellings

21. The Balance of Dwellings [BoDS] Supplementary Planning Document [SPD] was adopted in January 2008 to elaborate upon the provisions of policy HS8 of the Oxford Local Plan [now superseded by policy CS23 of the adopted 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 within an amber area where the pressure on family houses is considerable and wherein new developments of between 4 – 9 dwellings should include a proportion of three bedroom family dwellings. However for schemes of up to and including 3 new dwellings, the only criteria is that there should be no loss of a family dwelling.
22. The proposal is for 3 x 4 bedroom family dwellings [a net increase of 2] and the proposal fully complies with the BoDS SPD.

Private Amenity Space

23. 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 family dwellings of two or more bedrooms should have exclusive use of an area or private open space which should generally have a length of 10 metres.
24. Policy HP13 of the emerging Sites and Housing Plan 2012 is not so specific regarding garden sizes but states that new houses of two or more bedrooms should have a private garden of adequate size and proportions for the size of the house proposed and for exclusive use of the occupiers of that property.
25. The three proposed, detached dwellings would all have rear gardens in excess of 10 metres with the garden on plot 1 extending to some 15 metres. This is considered to be acceptable.
26. Four of the five new houses nearing completion on the adjacent Bricklayers Arms site have rear elevations that face towards the site. Two of the dwellings would have first floor bedroom windows that would look towards the garden area of plot 1 at a distance of between 8 – 10 metres. Whilst this is relatively close, there is a substantial hedge along this boundary together with some tree planting and officers take the view that the rear garden of the house on plot 1 would retain an adequate level of

privacy.

Ecology

27. The application is accompanied by an Ecology report which concludes that the site contains no evidence of any protected fauna or bat roosts. The report accepts that there is a small chance of male pipistrelle bats roosting around hanging tiles without leaving any evidence and for this reason the hanging tiles on the existing dwelling should be carefully removed by hand prior to demolition.
28. As regards nesting birds, they could nest around garden trees and shrubs in the spring of 2013 and therefore habitat clearance should take place only outside the nesting season.
29. Conditions 13 and 19 require firstly the provision of bat and bird boxes on the new dwellings prior to occupation and secondly the development to take place in accordance with the recommendations set out in the submitted Ecology Report.

Archaeology

30. A satisfactory archaeological report has been submitted in respect of the site which shows a pit with a well preserved assemblage of 14th century pottery which appears to be a continuation of the settlement activity recorded on the adjacent Bricklayers Arms site. The archaeological report concludes that the site has high archaeological potential.
31. Condition 11 requires an archaeological investigation to be carried out which should take the form of a targeted excavation and should be undertaken by a professionally qualified archaeologist.

Bin Storage and Cycle Parking

32. The plans submitted with the application show that individual bin stores would be sited in the rear gardens of the new dwellings. There are no details of bin store enclosures or any details of cycle parking. Condition 15 requires full details of both bin storage and cycle parking together with their means of enclosure to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.

Conclusion:

33. The proposal to demolish the existing dwelling on the site and to erect three detached dwellings form an appropriate visual relationship with the character of the local area and would not detract from the setting of the grade II listed Church Farm which is located opposite the site. No objections have been received from statutory consultees and the proposal complies with adopted policies contained in both the Oxford Local Plan 2001 – 2016 and the Oxford 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:

11/02477/FUL

12/02159/FUL

Contact Officer: Angela Fettiplace

Extension: 2445

Date: 17th October 2012