

Agenda Item 3

Planning Review Committee

- 28th September 2011

Application Number: 11/01165/FUL

Decision Due by: 5th July 2011

Proposal: Demolition of existing building. Erection of two storey terrace (with accommodation in roof space) comprising 1 x 4-bed house and 3 x 3-bed houses. Provision of off street parking, bin and cycle storage. (Amended Plans and Description)

Site Address: Grove House Club Grove Street

Ward: Summertown Ward

Agent: John Philips Planning
Consultancy

Applicant: Ms C Evans

This report should be read in conjunction with the officer's report to the West Area Planning Committee 14th September 2011 attached as **Appendix 1**.

Call in: The application has been calling in by Councillors Fooks, Armitage, Campbell, Brown, Wilkinson, McCreedy, Benjamin, Brundin, Brett, Royce, Young, Wolff, and Morton on the grounds that the *'plans appear to be gross overdevelopment, leading to very unsatisfactory quality of accommodation for the residents and unacceptable pressure on the local parking situation.'*

In resolving to grant planning permission the West Area Planning Committee asked that condition 17 be altered to grant entitlement to visitor parking permits.

Recommendation

Officers would recommend that the Planning Review Committee grant planning permission subject to the conditions set out in the attached report, including the variation of condition 17 requested by the West Area Planning Committee.

Background Papers: 11/01165/FUL

Contact Officer: Steven Roberts

Extension: 2221

Date: 19th September 2011

APPENDIX 1

West Area Planning Committee

- 14th September 2011

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Recommendation: The West Area Planning Committee is recommended to grant planning permission for the following reasons:

- 1 The proposal is considered to make a more efficient use of a brownfield site, in a manner that would be sympathetic to the character and appearance of the area and the amenities of neighbouring properties. The development would create an acceptable residential environment, preserving important trees on site and promoting the use of non-car modes of transport. The application therefore accords with policy CP1, CP6, CP8, CP10, CP11, TR3, TR4, HS19, HS20 and HS21 of the Oxford Local Plan 2001 - 2016 and CS2, CS18, CS20 and CS23 of the Oxford Core Strategy 2026.
- 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.

Conditions:

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Samples
- 4 Boundary treatment
- 5 Landscape underground services - tree roots
- 6 Tree Protection Plan (TPP) 1
- 7 Arboricultural Method Statement (AMS) 1
- 8 Landscape hard surface design - tree roots
- 9 Landscape plan required
- 10 Landscape carry out after completion
- 11 Car Parking Space
- 12 Bin and cycle storage
- 13 Design - no additions to dwelling
- 14 Suspected contamination - Risk assess
- 15 Construction Traffic Management Plan
- 16 Surface Drainage Scheme
- 17 Variation of Road Traffic Order

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

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

Oxford Core Strategy 2026

CS2_ - Previously developed and greenfield land

CS18_ - Urban design, town character, historic environment

CS20_ - Cultural and community development

CS23_ - Mix of housing

Other Material Considerations:

PPS 1 – Delivering Sustainable Development

PPS 3 – Housing

PPG 13 – Transport

Regional Spatial Strategy for the South East

Balance of Dwellings Supplementary Planning Document

Parking Standards Supplementary Planning Document

Relevant Site History:

11/01131/DEM - Prior notification of proposed demolition of Grove House Club buildings – prior approval not required

10/03026/FUL - Demolition of existing club house. Erection of two and three storey building to provide school boarding house with 24 bedrooms - withdrawn

Representations Received:**Statutory and Internal Consultees:**

Thames Valley Police – No objection

Thames Water – No objection

Oxford Civic Society – Inadequate car parking. Any eligibility of future residents to parking permits would add pressure to street parking in area. Cycle parking and bin store inadequate. No tracking diagram for access to single parking space, it seems likely to be difficult to manoeuvre into.

Highways And Traffic – No objection subject to removal of site from Controlled Parking Zone, provision of adequate cycle parking and a Construction Traffic Management Plan.

Environmental Health – No objection subject to a phased contaminated land risk assessment.

Third Parties:

15 letters of comment have been received, along with a petition with 33 signatures in objection to the proposal. The following comments have been received:

- Loss of community facility
- Loss of large boundary wall between site and Dudley Court
- 2nd floor terraces will overlook private gardens of Dudley Court
- Loss of privacy to properties opposite and at Dudley Court
- Loss of light to properties opposite and at Dudley Court
- Overdevelopment
- Inadequate car parking
- Plans of no benefit to community
- Would like boundary wall between site and Dudley Court replaced prior to commencement of development
- Would like to see car club plus contribution to maintain it
- Location and size of bin and cycle storage inadequate
- More cycle stands required
- Gardens inadequate in size
- Wall attractive feature and should be retained
- Materials do not blend in with street
- Noise and dirt generated by construction

Officers Assessment:

Site Description and Proposal

1. The application site comprises the former North Oxford Grove House Club, a single and three storey building located on the corner of Grove Street and Middle Way. The building provided a private members club, with function room and bar on the extended ground floor, and residential accommodation on 1st and 2nd floor levels.
2. Until recently the site was enclosed by a high boundary wall. However demolition works commenced on the site in May which have included the removal of the wall. There are two common yew trees to the eastern end of the site which are subject to Tree Preservation Orders. There is also a protected group of trees within the grounds of Dudley Court to the immediate south of the application site which includes two *Malus robusta* and two *Prunus Hisakusa*.
3. The application seeks planning permission for the erection of a terrace of four two storey houses with additional accommodation in the roof space (comprising a 3x3 bed and 1x4 bed). One off street car parking space is provided along with a bin and cycle storage area.

Background

4. The application originally proposed a two storey terrace comprising 1x4 bed and 3x3 bed houses, plus 1x2 bed and 1x1 bed flats. Following concerns raised by officers relating to the size of, and access to, the private gardens, as well as the location of the bin and cycle store, the application has been amended from that originally submitted in the following ways:
 - No of units reduced to four;
 - Footprint reduced slightly to create larger bin and cycle storage area to the north east of the site;
 - Floor area of houses increased;
 - Private gardens increased in width from 5.8m to 6.6 and 7m;
 - Inclusion of roof terraces; and
 - Insertion of windows in southwest elevation overlooking communal garden
5. Officers consider the determining issues in the case to be:
 - The principle of development;
 - The form and appearance of the development and its visual impact on the area;
 - The quality of the residential environment created;

- The impact of the proposal on the living conditions of neighbouring properties;
- The impact on trees; and
- The impact on parking and the highway network.

Principle of Development

6. Policy CS20 of the Core Strategy seeks to protect existing community facilities. For the purpose of policy CS20 community facilities are defined as being facilities that serve the local community, i.e. sports centres, community centres or public houses. As the North Oxford Grove House Club was a private members venue it should perhaps not be considered a local community facility in these terms.
7. Notwithstanding the above, it was established in the case of *WE Black v First Secretary of State* (2006) - which involved the site of a demolished health centre - that the use which had resided within the demolished building could not reasonably continue without the building itself. The court therefore concluded that the protective development plan policies pertinent to that use were not relevant. This logic could be applied to the application site, and even if the building had provided a community facility, that use would have ceased with the demolition of the building. On this basis officers would raise no in principle policy objection to a residential use on this site.
8. PPS 3 identifies the need to make efficient use of land. This is reflected within OLP policy CP6 which states that development proposals should make efficient use of land by making best use of site capacity. PPS 3 also encourages a mix in the balance of dwellings and again this is reflected in policy CS23 of the Oxford Core Strategy, which indicates that the predominance of one particular form of housing type within a locality may have unwelcome social implications. To remedy this policy CS23 supports a balance of dwelling types within any given locality.
9. In support of policy CS23 the Balance of Dwellings Supplementary Planning Document (BoDs) has assessed the housing stock within Oxford and has identified areas of pressure. The aim of BoDs is to ensure that development provides a balanced and mixed community and as a result Neighbourhood Areas provide the framework for the assessment of new residential developments.
10. The application site falls within an area defined by the SPD as amber, which indicates that the scale of pressure is considerable and as such a proportion of family dwellings should form part of new development. In this area the SPD requires developments of this size to include a minimum of 30% 3 bed units. The proposals exceed this requirement by providing 75% 3 bed units. On this basis the proposal complies with BoDs.

Form and Appearance

11. Policy CP8 of the Oxford Local Plan 2001-2016 suggests the siting,

massing and design of development creates an appropriate visual relationship with the form, grain, scale, materials and details of the surrounding area and CP10 states planning permission will only be granted where proposed developments are sited to ensure that street frontage and streetscape are maintained or enhanced or created.

12. The area is characterised by fairly dense residential development. Buildings are generally of a domestic scale, being two storeys in height and taking a more traditional form and appearance. There are exceptions, however such as Dudley Court, 18-24 Middle Way or 9A and 11 Middle Way.
13. The rectangular application site is bounded by two street frontages, both of which have slightly different qualities. In views from the north and south along Middle Way the site contributes to visual amenity, largely due to the two common yew trees at its western end, but also due to the fact that the single storey buildings were, prior to demolition, not obvious in views due to the high boundary wall. This gives the corner a sense of openness, particularly from the north, which is enhanced further by the gardens of Dudley Court to the south.
14. Grove Street has a different character, being far narrower, with buildings at its western end hard up to the footway. There is therefore a lesser sense of space. The houses are generally terraces and although there is variety in their style, the chief characteristic is the domestic scale of the buildings and the sense of enclosure that they create. Being three storeys in height the club house building appears rather imposing within the street which is uncharacteristic of its otherwise domestic scale.
15. In response to these characteristics the application proposes a two storey terrace comprising four houses, built hard up to the pavement on the Grove Street frontage. Whilst the buildings would be an obvious new addition to the street, their scale, mass and appearance are such that they would appear sympathetic to the character and appearance of the street and help to reinforce its distinctive qualities. Concerns have been raised through the consultation process about materials. These can be addressed in the more detail in response to the imposition of appropriate conditions. Materials must however be sympathetic to those already in use in the street.
16. In relation to the views along Middle Way, the proposed terrace does not extend westward as much as the existing building does, and as such maintains the openness at this corner and the important common yew trees are to be retained. In this regard there would be no adverse impact on views along Middle Way.

Proposed Residential Environment

17. Policy HS21 of the OLP states that residential development should have access to private amenity space and that in the case of family dwellings of

2 or more bedrooms this should be exclusive to the residential property and generally in excess of 10m in length.

18. The proposed rear gardens measure 5m in length and between 6.6 and 7m in width. Whilst this is less than the prescribed 10m length as set out in policy HS21, as their width is greater than typical of terraced properties and each house possesses a roof terrace, then officers take the view that reduced sized gardens are reasonable and acceptable in the circumstances of this particular case. In coming to this conclusion officers have had regard to:

- The tightly constrained nature of the site, being only 12.5m front to back;
- That a communal garden also serves each house, in addition to its garden and roof terrace;
- That the proposal presents the opportunity to redevelop a brownfield site for new houses; and
- That a recent development nearby at Century Row has rear gardens measuring approximately 2.5m to 4.5m in length

19. Concern has been raised during the consultation process about the bin and cycle store. This is located to the northeast of the building, partly beneath the 1st floor overhang. The area measures approximately 3m in width and 10.4m in length. This would provide adequate space for the 8 bins and 4 cycle stands that would be required.

Impact on Neighbouring Properties

20. Policy HS19 of the OLP states that planning permission will only be granted for developments that adequately provide for the protection of the privacy or amenity of the occupants of the proposed and existing neighbouring residential properties.

21. The proposal introduces new windows at ground, 1st and 2nd floor level facing out towards Dudley Court. The existing club house has residential accommodation on the 1st and 2nd floor levels which also has windows facing Dudley Court.

22. Dudley Court is an L-shaped building, with its main range running parallel to the new terrace, and its shorter arm to the northeast. The two arms and the application site to the north effectively create an open quad which forms part of the communal gardens of Dudley Court. The windows of main Dudley Court range are approximately 20m away from those of the new terrace. This separation distance is in itself considered to be acceptable. In any event the intervening vegetation provides an amount of screening and reduces any impact further still. The shorter arm of Dudley Court does not directly face the new terrace and is separated by a number of mature trees. As such the impact on the privacy windows in that elevation is considered to be acceptable.

23. The quad style garden would experience some overlooking, however this is presently the case from the windows of Dudley Court and in any event the trees provide a suitable buffer to ensure that the areas closest to the Dudley Court windows would retain an acceptable degree of privacy. Concern has been raised by the residents of Dudley Court that the 2nd floor terraces would result in overlooking. However officers believe that views from them would be greatly obscured by trees and would not therefore have an unacceptable impact.
24. Grove Street is relatively narrow, approximately 9.5m in width, and although the proposal would introduce new windows facing the Street, this is not considered to be unacceptable due to the existing relationship between facing buildings along the road. The return of No 19 Middle Way is also parallel to part of the site. However the new houses will not be directly opposite the rear garden of that property, and the closest window of the end house would serve a landing. Officers are therefore satisfied that the impact would not be unacceptable.
25. The new building does not project beyond the rear elevation of its adjoining Grove Street property and is a suitable distance away from Dudley Court and houses opposite in Grove Street to ensure that there would be no conflict with the 45° rule in the vertical or horizontal plane from the cill of neighbouring habitable room windows as advised by Appendix 6 of the Local Plan.

Trees

26. Two large mature yew trees stand within the site at the western end of the site. Both trees are covered by a Tree Preservation Order and are considered important trees that should be retained and well protected. The proposal involves construction of four terrace units, largely within the footprint of the existing building. Additional potential root zone would be created for the trees as a result of the removal of the existing building, which projects much further to the west than the proposal. On this basis the impact on the trees is considered to be acceptable and conditions a recommended accordingly to deal with protection etc during construction.

Parking

27. The application proposes one off street car parking space which will serve one of the houses. The development is otherwise proposed to be car free. The application site is within the Transport District Area. The Local Plan states that Transport District Areas are highly sustainable as they have good availability of shops, services and public transport. In such areas the Local Plan states that residential proposals that are car free will be treated favourably. In this regard officers consider the principle of a car free housing scheme to be acceptable. It is recommended however that the development be excluded entitlement to parking permits in order to prevent any undue pressure to on street parking. A condition is suggested accordingly.

28. The application proposes 18 cycle parking spaces. This level of provision exceeds the normal requirement of 8 for a development of this size, but in view of the limited parking provided Officers support this approach.

Other Matters

29. Dudley Court has requested that the boundary between their site and the application site be replaced with a 2m high boundary wall or fence prior to the commencement of any approved development. Under normal circumstances this would be provided prior to occupation. However, officers are mindful of the concerns raised and have seen the current condition of the boundary following partial demolition of the existing building. In this regard officers can confirm that if the committee resolves to grant planning permission a condition can be put in place requiring the permanent fence or wall to be in place prior to commencement of the development.

Conclusion: The development would make a more efficient use of a brownfield site in a manner that would be sympathetic to visual and residential amenity. Whilst the gardens proposed do not fully meet the policy requirement, they are considered to be, on balance, suitable given the site constraints and particular circumstances of the case. Officers would therefore recommend that the Committee grant planning permission subject to conditions.

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: 11/01165/FUL

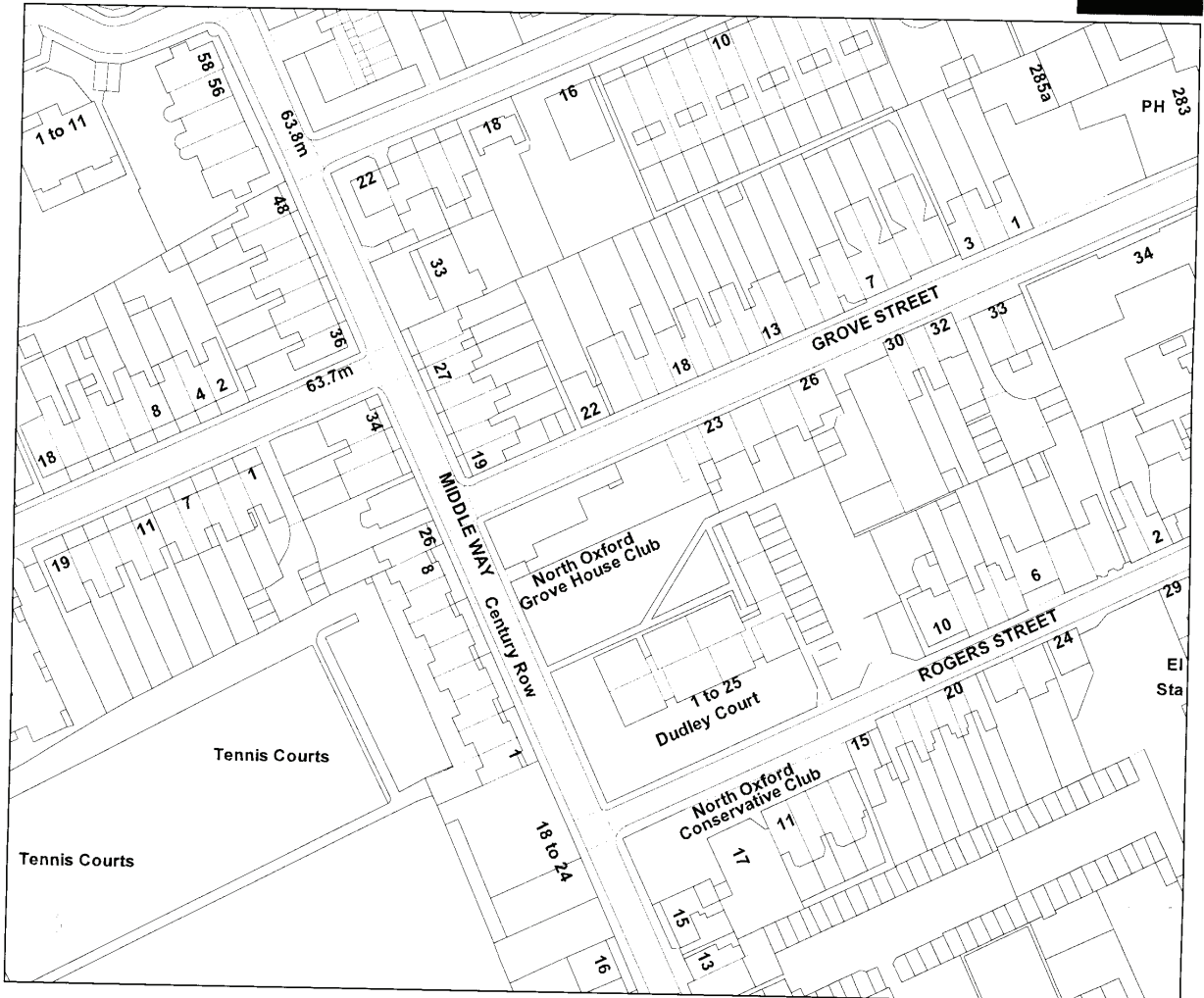
Contact Officer: Steven Roberts

Extension: 2221

Date: 31st August 2011

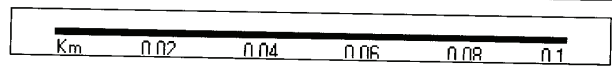
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Grove House Club, Grove Street - APPENDIX 1



Legend

Scale: 1:1250



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Organisation	Not Set
Department	Not Set
Comments	
Date	31 August 2011
SLA Number	Not Set