

East Area Planning Committee

4th February 2015

Application Number: 13/01553/CT3

Decision Due by: 19th August 2013

Proposal: Demolition of Eastern House and erection of 7 x 3-bed and 2 x 2-bed dwellings (use class C3). Provision of associated car parking, landscaping, private amenity space and bin and cycle stores.

Site Address: Eastern House Eastern Avenue (**site plan: appendix 1**)

Ward: Littlemore Ward

Agent: Turley Associates

Applicant: Oxford City Council

Recommendation:

- 1 The proposal would make an efficient use of previously developed land and deliver much needed affordable housing for the city within an existing residential area. The overall layout, size, scale and design of the proposed dwellings would be sympathetic to the site and its surroundings while also safeguarding the residential amenities of the adjoining properties. Although the development will result in the loss of a mature cherry tree, it is considered that this loss could be mitigated through more appropriate replacement planting to the front of the site. The proposed dwellings would provide good quality housing for the future occupants, and be acceptable in highway terms and energy efficiency. The development would not create any adverse biodiversity, or flooding impacts. The application would therefore accord with the National Planning Policy Framework and policies of the Oxford Core Strategy 2026, Oxford Local Plan 2001-2016, and the Sites and Housing Plan 2011-2026.
- 2 In considering the application, officers have had specific regard to the comments of third parties and statutory bodies in relation to the application. However officers consider that these comments have not raised any material considerations that would warrant refusal of the applications, and any harm identified could be successfully mitigated by appropriately worded conditions.
- 2 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 of materials
- 4 Details of affordable housing
- 5 Means of enclosure
- 6 Provision of refuse and cycle storage
- 7 Landscape Plan
- 8 Landscape carried out by completion
- 9 Tree Protection Plan (TPP) 1
- 10 Arboricultural Method Statement (AMS) 1
- 11 Details of car parking layout and service road
- 12 Sustainable Urban Drainage
- 13 Design - no additions to dwelling
- 14 Contaminated Land Risk Assessment
- 15 Sustainability measures
- 16 Biodiversity Enhancements
- 17 Construction Traffic Management Plan

Principal Planning 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
- CP13** - Accessibility
- CP19** - Nuisance
- NE15** - Loss of Trees and Hedgerows
- HE2** - Archaeology

Core Strategy

- CS2_** - Previously developed and greenfield land
- CS9_** - Energy and natural resources
- CS12_** - Biodiversity
- CS18_** - Urban design, town character, historic environment
- CS22_** - Level of housing growth
- CS23_** - Mix of housing
- CS24_** - Affordable housing

Sites and Housing Plan

- HP2_** - Accessible and Adaptable Homes
- HP4_** - Homes from Small Housing Sites
- 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 Planning Documents:

- National Planning Policy Framework
- Balance of Dwellings Supplementary Planning Document
- Affordable Housing Supplementary Planning Document
- Planning Obligations Supplementary Planning Document
- Parking Standards Supplementary Planning Document

Relevant Site History:

63/00017/M_H - Two three-bedroomed houses with garages, 14 old people's flats with warden's flat: Approved

63/00106/M_H - Two three-bedroomed houses with garages, 14 old people's flats with warden's flat: Approved

Representations Received:

Letters have been received from the following addresses, whose comments are summarised below.

- 103 Cowley Road; 4, 6, 7, 8, 10, 11, 14, 12, 20, 21, 41 Eastern Avenue; Flat 3, Eastern House; 20, 21 Newman Road

Objection (5)

- There are already privacy issues with the building overlooking the rear gardens of the Cowley Road properties with little screening or privacy.
- The housing will make the overlooking of the Cowley Road properties much worse
- The building works will create noise and disturbance for all the surrounding streets
- The building will take away from the sunlight into the garden of the Cowley Road properties
- The buildings are too close to existing properties adjoining the site (Newman Road, Cowley Road) which will directly affect people's privacy
- There are disabled residents in the adjoining properties that will be affected.
- Eastern Avenue is a no through road. The plans underestimate parking provision with only 1 space per dwelling and no visitor parking. The access road is only 3m wide and does not allow for on-street parking. This will place parking pressure on Eastern Avenue which is already heavily parked on especially in the evening
- The Council are well known for their encouragement of green policy and use of public transport, but it is not reasonable to assume that the majority of multiple bed homes will only have one vehicle or will not receive visitors.
- The site should be developed with less housing and more parking allowing easier access for Eastern House residents while considering existing residents
- The proposal will generate a significant level of traffic down Eastern Avenue which is a quiet cul-de-sac. There are already a large number of vehicles that

drive down the road for turning purposes at high speed, which is dangerous for young children

Support (11)

- The scheme will make a vital contribution to delivering affordable housing in the city
- The development will make a visual improvement to the street especially when compared to the existing building
- The existing Eastern House is dated and of a poor standard. Its replacement will provide high quality family housing

A further consultation period was conducted with respect to the amended plans. The following letter was received from 43 Eastern Avenue in response to this consultation and their comments are summarised below.

Support

- The proposal would represent a vast improvement to Eastern Avenue
- Eastern House is in desperate need of updating and in doing so will be a positive action for the area in all aspects.

Statutory Consultees:

Thames Water Utilities Limited: No objection

Littlemore Parish Council: No objection

Oxfordshire County Council Highways Authority:

The Highways Authority had a holding objection to the original submission as they wanted more clarification on the parking arrangements for the proposed development, and access arrangements to the scheme for service vehicles.

The amended plans have sought to address these comments, and the Local Highways Authority have now confirmed that they have no objection to the proposal subject to conditions requiring details of the surface water drainage for parking areas, and refuse and cycle storage.

Officers Assessment:

Site Location and Description:

1. The site is located at the eastern end of Eastern Avenue, and is bordered by residential properties of Cowley Road to the north and east, Newman Road to the south, and Eastern Avenue to the west (**appendix 1**)
2. The site comprises Eastern House which is a large two-storey L shaped block that is owned by Oxford City Council and is currently used to provide accommodation for homeless people.
3. The plot itself is a narrow site, with the main building covering a significant portion of the plot and facing onto Eastern Avenue with a parking forecourt to the

frontage. There is open space to the north and south, with a large Cherry Tree in the southern space.

Proposal

4. The proposal is seeking permission for the demolition of Eastern House and the erection of 9 dwellings (7x3 and 2x2 beds). The dwellings would all be detached with the three bedroom houses being two-storey, and the two bedroom houses being fully wheelchair accessible bungalows.
5. The proposal originally formed part of the Oxford City Council Affordable Housing Programme 2011-2015, which delivered 112 new affordable homes across the city. The development is still intended to provide 100% on-site affordable housing as part of the next phase of the Affordable Housing Programme and would be owned and operated by Oxford City Council.
6. The dwellings would have their own private gardens that are accessible by a side gate and include a refuse storage area. They would also have a single car parking space, and two cycle stores. The dwellings are designed to comply with Code for Sustainable Homes Level 4, Secured by Design, Lifetime Homes and the Housing Quality Indicators.
7. The development has been amended since it was originally submitted in June 2013. The amendments to the proposal are as follows:
 - The bungalows have been reduced in size in order to create more distance to the southern boundary with Newman Road
 - Minor amendments to the elevations of the bungalows
 - Alterations to the level changes between the site and the southern boundary with the Newman Road properties
 - The retention of the Silver Birch in the southern most corner of the site
 - Further details on the extent and type of the proposed boundary enclosures
 - Alterations to the road layout to provide a turning head at each end of the site; a service strip in the carriageway; and the provision of two parking spaces per dwelling
8. Officers consider the principal determining issues to be:
 - Principle of Development
 - Affordable Housing
 - Balance of Dwellings
 - Residential Uses
 - Form and Appearance
 - Impact upon Adjoining Properties
 - Highway Matters
 - Landscaping / Trees
 - Biodiversity
 - Sustainability
 - Sustainable Urban Drainage
 - Contaminated Land
 - Community Infrastructure Levy

Principle of Development

9. The National Planning Policy Framework encourages the effective use of previously developed land, provided it is not of high environmental value. These aims are embodied within Policy CS2 of the Oxford Core Strategy.
10. The site would constitute previously developed land as defined by the National Planning Policy Framework and is within an existing residential suburb. Therefore the principle of redeveloping the site for a residential use would accord with the aims of the above-mentioned policies.

Affordable Housing

11. The application originally formed part of the Oxford City Council Affordable Homes Programme 2011-2015. This programme had secured funding from the Homes & Communities Agency to provide 112 new build affordable homes of mixed social and affordable rented tenure by March 2015.
12. The scheme is still proposed to provide 100% affordable homes and will form part of the second phase of the Council's affordable housing programme.
13. The Oxford Core Strategy 2026 recognises that the provision of affordable homes is a key priority for the Council in order to deliver a wide choice of quality homes to address the needs of local people and to create sustainable, inclusive mixed use communities. Sites and Housing Plan Policy HP4 states that for sites with a capacity for 4-9 units, there will be a requirement to provide 50% affordable housing within the site, where it is agreed that on-site provision is appropriate.
14. The proposal is going to provide 100% affordable social rented homes. The on-site provision would clearly exceed the requirements for on-site affordable housing provision within Policy HP4 and help deliver a much needed increase in the supply of affordable homes.

Balance of Dwellings

15. 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. The Balance of Dwellings Supplementary Planning Document sets out the appropriate housing mix for each Neighbourhood Area within the City.
16. The site is located within the Littlemore Neighbourhood Area, where a reasonable proportion of family dwellings are required within any residential development. The proposed mix of 9 dwellings (7x3 and 2x2 bed units) would accord with the prescribed mix set out within the BoDSPD for a development of this size in this neighbourhood area and therefore would be considered acceptable.
17. The existing building provides sheltered accommodation for the homeless and comprises 15 units (9 bedsits and 6x1 bed flats). The proposed redevelopment would result in the net loss of 6 small units of accommodation, however the existing accommodation falls below current standards for sheltered

accommodation and local need is being met through the nearby Cardinal House, which was redeveloped to provide 50 flats in 2010/2011 under the Homes and Communities Agency's Local Authority New Build Programme. There is an identified need to increase both the provision of affordable housing and proportion of family housing in Oxford. Therefore whilst the proposal may result in the loss of a small number of units it will deliver a qualitative improvement to housing provision by replacing the existing out-dated, single bed units, with good quality affordable family housing.

Residential Use

18. The proposed dwellings would be self-contained and have internal layouts that comfortably exceed the requirements of Sites and Housing Plan Policy HP12 which sets the minimum floor sizes and general living accommodation standards expected from residential development.
19. The dwellings have been designed to comply with Lifetime Homes Standards, and the two-bed bungalows in particular have been designed to be fully wheelchair accessible in accordance with Sites and Housing Plan Policy HP2.
20. In terms of outdoor space, Sites and Housing Plan Policy HP13 states that new dwellings should have direct and convenient access to an area of private open space. It recognises that family homes will require additional space, and this means that they should be provided with a private garden of adequate size and proportions for the size of house proposed, for exclusive use by occupants of that house. The preamble to the policy suggests that a private garden for each family house should be at least equivalent to the original building footprint.
21. The dwellings will have each access to a private rear garden. The gardens for each unit would not equate to the footprint of the dwellings they serve or the gardens of the surrounding properties which are overly large in comparison to the dwellings they serve. However, the narrow and elongated nature of the site places significant constraints on the ability to provide larger and deeper gardens for the properties. While the gardens would not be particularly deep (5m), they would be wide (10m for the 3 beds and 11.5m and 13m for the 2 beds) and each would be accessed via a side passageway which provides direct access from the front to the rear. Therefore given the constraints of the site and the fact that the proposal is seeking to make an efficient use of land in order to deliver much needed affordable housing, officers would raise no objections to the size of the gardens under Policy HP13.
22. The dwellings would each be provided with cycle and refuse storage within the rear gardens that are accessible via the side passageway in accordance with Policy HP13 of the Sites and Housing Plan.

Form and Appearance

23. Sites and Housing Plan Policy HP9 states that residential developments should respond to the overall character of the area, including its built and natural features; the form, layout and density of the scheme should make an efficient use

of land whilst respecting the site context; make a positive contribution to local character and distinctiveness; and ensure that landscaping and boundary treatments integrate the development into the street scene in a way that defines public and private space and maintains natural surveillance of the public realm. This is supported by Oxford Core Strategy Policy CS18, and Policies CP1, CP6, CP8, CP9, and CP10 of the Oxford Local Plan.

24. Eastern Avenue and the wider area is characterised by modest two-storey semi-detached dwellinghouses that have a homogenous style and appearance which are set within large plots and separated from the street by small walled front gardens with private gardens to the rear. Eastern House sits at the end of the cul-de-sac and is a large two-storey block of bedsits and flats which covers a large proportion of the elongated plot and is an obvious feature at the end of the street. The building itself has little architectural merit and does not make a positive contribution to the Eastern Avenue street scene. There would be no reason to object to the buildings removal.
25. The layout of the development largely follows the footprint of Eastern House, and introduces a mixture of two-storey detached houses and single storey bungalows which would better reflect the residential scale of the adjoining properties improving the visual appearance of the end of the cul-de-sac. The dwellings would have a relatively contemporary appearance, certainly when viewed against the other properties in the street. However they would be of a modest scale and the use of traditional detailing such as the pitched roof form and gaps between dwellings would help integrate the buildings into the street scene. The dwellings would maintain the clear public / private realm relationship that exists throughout the street. In terms of materials it is intended to use similar materials to the surrounding area. A condition should be attached which requests approval of the materials.
26. Overall officers consider that the form and appearance of the proposed development would respect the prominent nature of the site at the end of the cul-de-sac and sit comfortably within the Eastern Avenue street scene in accordance with the above-mentioned policies.

Impact upon Adjoining Properties

27. Policy HP14 of the Sites and Housing Plan states that residential development should provide reasonable privacy and daylight for the occupants of both existing and new homes.
28. The properties that would stand to be affected by the proposal would be the adjoining dwellings in Eastern Avenue (nos.44 and 45); Newman Road (20 to 22); and Cowley Road (95 to 119). The relative impacts upon these dwellings need to be considered.
29. At the outset it is important to recognise that Eastern House is a large two-storey building which covers a significant amount of the plot. It faces onto Eastern Avenue and in particular the adjoining Eastern Avenue properties (44 and 45) which run parallel to the site and has first floor windows and balconies facing

these properties. The building is sited only 4m away from the rear boundary of 103-113 Cowley Road and has first floor windows in the elevation facing these properties. To this extent Eastern House is already a dominant feature to the rear of these adjoining properties which establishes a sense of enclosure and level of overlooking between the properties. The open space on the plot to the north and south of Eastern House does create a sense of space between the site and the rear gardens of 117-121 Cowley Road and also 20-22 Newman Road. However the building is still apparent from these properties and the degree to which there is an impact differs to the north and south due to the distance and also the fact that the land slopes from north to south.

30. The proposal would replace the existing building with 9 dwellings across the plot. Although the built form would be extended the full width of the plot in order to make an efficient use of the land, it would be broken up at first floor level as there would be large gaps between each dwelling in comparison to the singular built form that the current Eastern House provides. The rear building line of the proposed dwellings would be sited further away (approx 1m) from the rear boundaries to the Cowley Road properties. The two northernmost units (plots 1 and 2) would introduce built form into the existing open space that lies alongside 117-119 Cowley Road. The southern units (plots 8 and 9) would also introduce built form into the open space alongside 97-99 Cowley Road and 20-22 Newman Road but these would be single storey structures. Having regards to the existing situation, officers consider that although the proposed development would increase the built form across the whole plot the general impact in terms of the sense of enclosure created to the adjoining Eastern Avenue, Cowley Road, and Newman Road properties would be lessened by the separation distance between plots which would be increased in respect of the rear gardens of the Cowley Road properties and that gaps at first floor level between the proposed plots which would break up the built form and increase the sense of space and outlook between all properties. The single storey nature of the bungalows to the south and the separation distance between these buildings and the Newman Road properties which the amended plan has increased would ensure that the buildings did not create any adverse impact in terms of sense of enclosure despite the small change in land level that also exists between plots.

31. In terms of loss of privacy the existing building has habitable room windows and balconies in the front and sides facing towards the 44 and 45 Eastern Avenue and also 121 Cowley Road. The proposal would orientate the buildings towards Eastern Avenue in order to better define the sense of public and private space with the primary habitable rooms at ground floor level and only bedrooms at first floor which are less well used rooms. To the rear the existing building has first floor windows serving habitable rooms and the stairwells facing onto the Cowley Road properties. The proposed layout would reduce the number of windows at first floor level with only bedroom windows facing onto the rear of the Cowley Road properties. As such officers consider that the proposal would not significantly increase the sense of mutual overlooking that already exists between Eastern House and the adjoining Eastern Avenue and Cowley Road properties, and could be perceived to improve the privacy between these sites given the balconies that face onto Eastern Avenue would be removed and the number of windows to the rear of the building reduced. The single storey nature of the

bungalows would not give rise to any material overlooking of the adjoining properties in Cowley Road and Newman Road given the boundary enclosures that would be maintained and improved.

Highway Matters

32. Policies HP15 and HP16 of the Sites and Housing Plan deal with the provision of residential car and cycle parking within schemes and therefore any application will need to demonstrate how the proposal accords with these policies. Further guidance on the application of the standards are contained within Appendix 8 of the Sites and Housing Plan.
33. A Transport Statement has been submitted with the application. The statement concludes that the proposal will not generate significant levels of traffic, with only 9 additional two-way trips over the day.
34. The proposal would provide 2 off-street parking spaces per dwelling according to the proposed site plan. This level of parking would accord with Policy HP16 given the site is in a relatively sustainable location with good access to public transport links, and also nearby shops and services.
35. The scheme would provide 3 cycle parking spaces in the rear gardens of each dwelling, which would also meet the standards set out in Policy HP15.
36. A condition should be attached which requires details of the access road and the parking areas, including the method of construction and means of disposal of surface water to be agreed and laid out before occupation.

Landscaping / Trees

37. A Tree Survey has been submitted with the application, which confirms that the site contains a large flowering cherry tree, a small birch tree, and other small trees and shrubs of lower value.
38. The proposed development will require the removal of the cherry tree and other small shrubs and trees. Officers consider that the mature cherry tree is the most significant tree within the site, but its contribution towards public amenity is low because public views of the tree are limited to partial glimpses of its crown between properties from Cowley Road, Eastern Avenue and Newman Road and also the alley which links Newman Road and Eastern Avenue. The effect on public amenity of removing the tree would be mitigated by new planting within the scheme. The tree is more significant in private views from neighbouring properties; however, the public benefit from the provision of affordable housing would outweigh the benefit that the tree has on private views throughout the area.
39. The amended plans have reduced the footprint of the bungalow in plot 9 which would enable the silver birch in the south-west corner of the site to be retained and helps to soften views of the site.

40. Overall officers consider that the proposal is acceptable in arboricultural terms in accordance with Oxford Local Plan Policy NE15 subject to appropriate conditions relating to tree management and protection.

Biodiversity

41. An Ecological Desk Study and Phase 1 Habitat Survey have been submitted with the application. Having reviewed this document, officers consider that there is not a reasonable likelihood of protected species being present and impacted by the demolition of the building.

42. In line with recognised good practice and governmental policy on biodiversity and sustainability (National Planning Policy Framework 2012 & NERC 2006), all practical opportunities should be taken to harmonise the built development with the needs of wildlife. The NPPF seeks to provide a net enhancement to biodiversity through sustainable development, and policy CS12 of the Oxford Core Strategy 2026 states: Opportunities will be taken (including through planning conditions or obligations to): ensure the inclusion of features beneficial to biodiversity within new developments throughout Oxford.

43. In this instance it is appropriate for provisions for wildlife to be built into the development. Certain bird species are urban biodiversity priority species. Swifts are a particular urban priority species for Oxford and entirely dependent on human habitation for nesting. An appropriate provision for this development would be for 1 integrated Swift box to be built into the brickwork of each house. These should be positioned as close to the gable apex as possible on the north western aspect.

Sustainability

44. Sites and Housing Plan Policy HP11 states that residential development should include an element of on-site renewable or low carbon technologies where practicable. It goes on to state that for qualifying developments (i.e. 10 or more dwellings) proposals should include at least 20% of their energy needs from on-site renewables or low carbon technologies, unless it can be robustly demonstrated that such provision is either not feasible or it makes the development unviable.

45. An NRIA has been submitted with the application which reflects the need to achieve 20% of the development's regulated and unregulated energy requirements from renewable sources and is therefore considered to be acceptable. The NRIA scores 6/11 which meets the minimum score required to comply with the policy. The proposed scheme is designed to achieve the Code for Sustainable Homes Level 4 which exceeds the minimum requirement of Level 3 for open market homes. The buildings will use solar photovoltaic tiles, high energy boilers, energy efficient and acoustic glazing, and be built to Building Regulations 2010 standards. Officers would recommend a condition requiring the details of the NRIA to be implemented.

Sustainable Urban Drainage

46. A Flood Risk Assessment has been submitted which identifies that the site is located within Flood Zone 1, which is assessed as having a 1 in 100 annual probability of flooding. In order to address residual or surface water flood risk, the assessment recommends that the finished floor levels will be set above the final external development levels and that a sustainable urban drainage system will be used to control surface water. A condition should be attached which secures these measures.

Community Infrastructure Levy

47. The proposal will be liable for a CIL payment of £20,940. The applicant has indicated that they would be exempt from such a payment because Affordable Housing is one of the forms of development which could apply for an exemption from CIL charges. The decision on any exemption for such a payment would be taken when the charge becomes liable.

Contaminated Land

48. The application has not included a ground investigation survey. Although the site is not known to be contaminated, the creation of new residential use with landscaping would constitute a sensitive use. It is therefore for the applicant to demonstrate that the site is suitable for use. As a minimum, a desk study and documented site walkover is required to ensure that there are no sources of contamination on or near to the site and the site is suitable for use. This should be secured by condition.

Conclusion:

49. 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 Sites and Housing Plan 2011-2026 and therefore officer's recommendation is to approve the development.

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.

Contact Officer: Andrew Murdoch

Extension: 2228

Date: 27th January 2015

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