

## EAST AREA PLANNING COMMITTEE

8th April 2015

**Application Number:** 15/00209/FUL

**Decision Due by:** 20th March 2015

**Proposal:** Demolition of existing dental surgery and garage. Erection of three-storey building to provide 3 x 3-bed, 4 x 2-bed and 2 x 1-bed flats (Use Class C3). Provision of private and shared amenity space, car parking space, bin and cycle store and landscaping. Access off the London Road.

**Site Address:** 312 London Road – **Appendix 1**

**Ward:** Quarry And Risinghurst Ward

**Agent:** Marc Chenery

**Applicant:** FWG Construction

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### Recommendation:

APPLICATION BE APPROVED

For the following reasons:

- 1 Having regard to previous and extant planning permissions, the proposed development is considered to form an appropriate visual relationship with the site and the surrounding area whilst providing reasonable mix and quality residential accommodation for future occupiers as well as preserving established neighbouring amenity. Unlike the extant planning permission no financial contribution is made towards off-site affordable housing though this is consistent with recent changes to Government guidance, a material planning consideration of significant weight. With no other changes to circumstances it is considered that the proposals continue to comply with all relevant adopted policies contained in the Oxford Local Plan 2001-2016, the Oxford Core Strategy 2026 and the Sites and Housing Plan 2011-2026.
- 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.

subject to the following conditions:

- 1 Development begun within time limit

- 2 Develop in accordance with approved plans
- 3 Materials
- 4 Sustainability measures
- 5 Landscape plan
- 6 Landscaping by completion
- 7 Tree protection measures
- 8 Boundary treatments
- 9 Privacy screens
- 10 Landscape Management Plan
- 11 Permeable hardsurfacing
- 12 SuDS
- 13 Land contamination
- 14 Bin and cycle storage
- 15 Construction Traffic Management Plan
- 16 Hardsurfacing construction method
- 17 Underground services
- 18 Vision splays
- 19 Ground and slab levels
- 20 Trees along southern boundary
- 21 Obscure glazed and non-opening side wind
- 22 No use of the flat roof
- 23 Arboricultural method statement

## **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

### **Core Strategy**

- CS18** - Urban design, town character, historic environment
- CS12** - Biodiversity
- CS9** - Energy and natural resources
- CS23** - Mix of housing
- CS24** - Affordable housing

### **Sites and Housing Plan**

- HP2** - Accessible and Adaptable Homes
- HP4** - Affordable 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 Material Considerations:**

National Planning Policy Framework

Planning Practice Guidance

### **Relevant Site History:**

64/14869/A\_H - Change of use of garage for private to dental workshop - Refused 5th May 1964.

73/00953/A\_H - Demolition of existing building and erection of new extensions to rest room, surgery, workroom and internal alterations - Refused 14th August 1973.

73/01443/A\_H - Change of use from dental surgery and living accommodation over to dental - Refused 23rd October 1973.

74/00004/A\_H - Two storey extension to provide additional dental surgery and accommodation with flat over - Refused 12th February 1974.

07/02283/FUL - Demolition of existing house. Erection of two storey building (with accommodation in roof) to provide 9x2 bed flats, with creation of new vehicular access and parking area for 9 cars on frontage - Withdrawn 30th November 2007.

08/00423/FUL - Demolition of detached dwelling. Erection of two storey building (with accommodation in roofspace) to provide 9 flats, (2x3 bed, 5x2bed, and 2x1 bed) - Permitted 27th June 2008.

13/01395/FUL - Demolition of existing dental surgery and garage. Erection of three-storey building to provide 9 flats (3 x 3-bed, 4 x 2-bed and 2 x 1-bed) (Use class C3). Provision of private and shared amenity space, 19 cycle parking spaces, 12 car parking spaces and a communal bin store. Access off the London Road (amended plans) - Permitted 17th July 2014.

### **Representations Received:**

Oxford Civic Society – The current cycle parking arrangements are unsatisfactory and a condition should be imposed requiring an alternative provision.

### **Statutory and Internal Consultees:**

Environmental Development – The site is unlikely to be contaminated. However, a condition should be imposed setting out the procedure in the event of unexpected contamination being found.

### **Officers' Assessment:**

#### Application Site and Locality

1. The application site consists of a vacant former dental practice that has the appearance of a typical mid-twentieth century detached house that was formed following the change of use from the original dwelling back in the 1970s. The building sits within a relatively spacious rectilinear plot in a suburban residential section of London Road that runs parallel to the A40. Adjacent to the site to its east lies an existing 2 ½ storey flatted complex and to the west a pair of traditional two storey semi-detached houses, one of which has been converted to a dental surgery. Contiguous with the site to the south are rear gardens to residential properties of Forest Road in Risinghurst.

2. The site can be seen within its context on the site location plan attached as **Appendix 1**.

#### Description of Proposed Development

3. The application seeks consent for the demolition of the existing dental surgery building and the erection of a three storey building to provide 3 x 3 bed, 4 x 2 bed and 2 x 1 bed flats. Communal amenity space is proposed to the rear together with bin, cycle and car parking facilities at the front of the site. The scheme is identical to that approved in July 2014. The committee report for the previous scheme is attached at **Appendix 2** for information.

4. Officers' consider the principal determining issues in this case to be:

- Principle of development;
- Affordable Housing.

#### Principle of Development

5. Planning permission was granted in July 2014 for an identical scheme to that currently proposed. This consent remains extant though has not been commenced. Since then there have been no material changes in circumstances at the site or to national or local planning policy (with the exception of affordable housing – see below) such that is no reason to object to the principle of this proposed development or indeed the specific details of this scheme.

#### Affordable Housing

6. Planning permission was granted for the extant 2014 scheme subject to a legal agreement securing a financial contribution towards off-site affordable housing equivalent to 15% of the final sales values of the properties. This contribution would be due at the point of sale of half of the units.

7. Whilst the proposals trigger the requirements of policy HP4 of the Sites and Housing Plan (SHP) to provide a financial contribution towards affordable housing, this policy is not consistent with recent changes to Government guidance made in November 2014 as set out in the Planning Practice Guidance. This guidance is a material planning consideration and states that local planning authorities should not seek any affordable housing provision on schemes of less than 11 dwellings and less than 1000 sq m in floor space. In light of this very clear change to national guidance officers no longer consider policy HP4 to be relevant to the determination of an application such as this and, at a meeting of full Council in February 2015, the Council endorsed this position. Consequently no affordable housing financial contributions are required to mitigate the impact of this proposed development and, as a result, officers raise no objection to the scheme in this regard.

#### Other Matters

8. As in all other respects the proposals are identical to that recently approved by the Council it is not necessary to consider the merits of other aspects of the development as they have already been found to be acceptable. Accordingly, the same conditions (albeit in a modified form) are recommended to be imposed on the grant of this new planning permission as were attached to the existing consent.

#### **Conclusion:**

9. The proposed development has already been found to be acceptable and benefits from an extant planning permission granted in July 2014. In contrast to the extant consent the current scheme does not include a commitment to provide a financial contribution towards off-site affordable housing. However, recent changes to Government guidance prevent local planning authorities using development plan policies to require developers to make affordable housing contributions on developments of less than 11 dwellings. Consequently, with this in mind, the proposed development is considered to accord with the requirements of all relevant policies of the development plan when all other material planning considerations are taken into account. Officers therefore recommend that Committee resolves to

approve the application subject to the conditions listed at the beginning of this report.  
**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 approve, officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

### **Background Papers:**

64/14869/A\_H  
73/00953/A\_H  
73/01443/A\_H  
74/00004/A\_H  
07/02283/FUL  
08/00423/FUL  
13/01395/FUL  
15/00209/FUL

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**Date:** 16th March 2015