

West Area Planning Committee

9th June 2015

Application Number: 15/00684/FUL

Decision Due by: 13th May 2015

Proposal: .Demolition of existing building. Erection of 9 flats on 2 and 3 floors, (5 x 3-bed, 2 x 2-bed and 2 x 1-bed), together with 12 car parking spaces, 24 cycle spaces, recycling store and ancillary works.

Site Address: Jack Howarth House 75 Hill Top Road, **Appendix 1.**

Ward: St Clement's Ward

Agent: Mr Paul Southouse

Applicant: Mr Ian Ashcroft

Recommendation: West Area Planning Committee is recommended to approve the application for the reasons below and subject to and including conditions listed in the report.

For the following reasons:

1. It is considered that the development would make best and most efficient use of land, providing a good mix of much needed residential accommodation in a sustainable location. Whilst the flats would be taller than existing, it is considered that the proposal would be of good quality contemporary design that is not inappropriate to its context and would not have a detrimental impact on views from Warneford Meadow or Southfield Golf Course. Suitable car parking is proposed and traffic generation would not have a detrimental impact the road network. It provides adequate indoor and outdoor residential amenity space and the amenities of neighbouring properties are not significantly harmed. On balance therefore the proposal is considered to accord with the requirements of relevant policies in the Oxford Local Plan, Sites and Housing Plan, Core Strategy and the NPPF.
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.

Subject to and including the following conditions:

1. Time – outline / reserved matters
2. Plans – in accordance with approved plans
3. Materials – samples agree prior to construction
4. Biodiversity – measures for wildlife
5. Construction Traffic Management Plan – details prior to construction

6. Cycle & bin storage – further details prior to substantial completion
7. further details of PV
8. SUDS – build in accordance with
9. Landscape plan – details required
10. Landscape – planting carry out after completion
11. Details of boundary treatment prior to occupation

Community Infrastructure Levy (CIL)

The development is liable for CIL.

Principal Planning 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
- CP11 - Landscape Design
- CP13 - Accessibility
- CP14 - Public Art
- CP17 - Recycled Materials
- CP18 - Natural Resource Impact Analysis
- CP22 - Contaminated Land
- TR1 - Transport Assessment
- TR3 - Car Parking Standards
- TR4 - Pedestrian & Cycle Facilities
- TR12 - Private Non-Residential Parking
- TR13 - Controlled Parking Zones
- TR14 - Servicing Arrangements
- NE14 – Water and sewerage infrastructure
- NE15 – Loss of trees and hedgerows
- NE16 – Protected trees
- NE21 - Species Protection
- NE23 - Habitat Creation in New Developments
- HE10 - View Cones of Oxford

Core Strategy (CS)

- CS1 – Hierarchy of Centres
- CS2 - Previous developed land & greenfield land
- CS9 - Energy & natural resources
- CS10 - Waste & recycling
- CS12 - Biodiversity
- CS13 - Supporting access to new development
- CS17- Infrastructure & Developer contributions
- CS18 – Urban Design, townscape character and historic environment
- CS19 - Community safety
- CS22 -Level of housing growth
- CS24 - Affordable housing
- CS23 - Mix of housing

Sites and Housing Plan

- HP2_ - Accessible and Adaptable Homes
- HP3_ - Affordable Homes from Large 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

Supplementary Planning Documents:

- National Planning Policy Framework
- Balance of Dwellings SPD
- Natural Resource Impact Analysis SPD
- Parking Standards, Transport Assessment and Travel Plans SPD

Other Material Considerations:

National Planning Policy Framework
Planning Practice Guidance

Relevant Site History:

70/22818/A_H - Erection of family help unit for adult spastics. PER 26th May 1970.

92/01004/NF - Alterations to front elevation removal of garage doors and replacement with window and brickwork infill.. PER 9th December 1992.

93/01004/NF - Retention of use as car park and change of use of land from garden area to overflow car park (max. of 16 vehicles on both sites). REF 10th November 1993.

93/01097/NF - Single storey extension to provide dayroom in residential care home (amended plans). PER 29th November 1993.

Representations Received:

Comments from residents can be summarised as follows:

- General support for the demolition of the existing building and redevelopment for housing;
- Proposed architectural design inappropriate and out of keeping;
- Flat roof inappropriate, pitched roof relate to neighbours;
- Too high, prominent, unrelieved roofline;
- Overdevelopment;
- Concern regarding use as HMO's in future;
- Materials should reflect rural setting when viewed from meadow; e.g. wood cladding
- Concern regarding additional traffic generation; leading to congestion on Divinity Road and Hill Top Road, Southfield Roads at peak times;

- traffic counts submitted are inaccurate
- Parking pressure, even though there is a CPZ in place
- The site is outside the CPZ
- 12 car parking spaces inadequate
- Lead to indiscriminate parking opposite, on footpath, outside Golf Club etc. where not in CPZ; measures to control?
- Restrict one car per household;
- Turning space limited in part;
- Light pollution to Warneford Meadow; impact on bats and star gazing;
- Overlooking would provide better surveillance for users of Meadow;
- Limited screening shown along footpath to bins and cycle stores;
- Generally looks well designed and impression of good quality;

Statutory and Internal Consultees:

Highways Authority: See main report below:

Environmental Development, Contamination:

The application has been considered with respect to contaminated land and sensitive development (residential), and the contamination questionnaire submitted with the application. The questionnaire does not reveal any potentially contaminative former land use or use of the site that raises any issues. The development involves the creation of new residential dwellings which are considered to be sensitive uses. It is the developer's responsibility to ensure that the site is suitable for the proposed use. Therefore, it is recommended that an informative is placed on any permission regarding unexpected contamination.

Site Description:

The site lies at the far eastern end of Hill Top Road, accessed via a private lane, which also serves the neighbouring property No.73 Hill Top Road. To the northern boundary is the footpath to Warneford Meadow which lies to the north and northeast of the site. To the southwest round to the southeast is Southfield Golf Course with its Golf Club building situated close by to the far west of the site and outbuilding to the south. Adjoining the western boundary is No. 73 Hill Top road.

The existing buildings are two storeys 1970's flat roof construction and formerly used as a residential home for 6 disabled persons. The buildings became vacant last year.

Proposal:

It is proposed to demolish the existing buildings and erect a new residential development consisting of nine 1, 2 flats and 3 bed maisonettes in a contemporary architectural form and design, with ancillary car & cycle parking, bin storage and communal garden space.

Officer's Assessment:

Officers consider the main issues in determining this application are:

- Principle of Residential Development
- Affordable Housing
- Balance of Dwellings
- Layout, Design and Views
- Amenities
- Impact on Neighbours
- Traffic, Car & Cycle Parking
- Landscaping
- Biodiversity

Principle of Residential Development:

1. Policy CS2 of the adopted Core Strategy aims to focus development on previously developed land, and in recognition of the housing needs of the City Policy CS22, CS23 and CS24 of the adopted Core Strategy set the strategy for the amount and mix of housing to be achieved on appropriate sites and how affordable housing is to be secured. These policies are further detailed in the Balance of Dwellings Supplementary Planning Document and the Affordable Housing and Planning Obligations Supplementary Planning Document.
2. The site already provided a form of residential use, albeit C3 use (residential institutions). Unfortunately the previous occupiers were struggling to recruit and therefore provide the service they aspired to. The 6 disabled persons accommodated here, together with their social workers have since been moved to new homes with support that better suits their needs.
3. The redevelopment aims to make best use of the land by creating additional units and recognises one of the aims of sustainable development in that it will create additional accommodation on a brownfield site within an existing residential area. As the existing use has ceased and the occupants suitably re-housed the redevelopment for further residential dwellings is therefore acceptable in principle in accordance with policies CP1 and CP6 of the OLP and CS22 and CS23 of the CS.

Affordable Housing:

4. Policy CS24 of the adopted Core Strategy states that planning permission will only be granted for residential development that provides generally 50% of the proposed dwellings as affordable housing. Lower percentages may be justified by open-book viability appraisals; and in appropriate cases an off-site financial contribution may be acceptable. The policy also states that developers may not circumvent the requirement by artificially subdividing the site.
5. Policy HP4 of the adopted Sites and Housing Plan (SHP) states that on sites with a capacity for 4 to 9 dwellings the contribution will be 15% of the total sale value of the development, and again that subject to an open-book viability appraisal it may be possible to justify a lower contribution.

6. However, on 28th November 2014 the Government issued revised policy guidance regarding affordable housing contributions on schemes of 10 or less units. Local planning authorities are now advised not to seek these contributions unless the total floor space is 1000sqm or more. In response the City Council has resolved to accept the guidance in determining relevant cases.
7. The total floor space of the nine units falls below the 10 unit and 1000sqm threshold and an affordable housing contribution is not therefore required in respect of this development. Moreover as the development is already at a relatively high density in its context, then it is not felt to be appropriate to seek additional units on the site.

Balance of Dwellings:

8. CS23 of the CS requires an appropriate mix of residential dwellings and is supported by the BODs SPD. The site lies within a neighbourhood area highlighted as 'red' in the BODs SPD requiring developments of 4 to 9 units to provide a mix of sized units including family units of 3 or more beds. The required mix is 0-30% one bed, 0-50% 2 beds and 0-50% 3 beds, which equates to 5 x 3 beds, 2 x 2 beds and 2 x 1beds. The proposed mix entirely accords with the SPD and therefore CS23 of the CS.

Layout, Design & Views:

9. The existing building was constructed in the 1970's and is single and two storeys in height (approx. 6m max) and is very much of its time in architectural appearance. There are few trees on the site and the building can be seen from nearby Warneford Meadow and Southfield Golf Course. Other buildings nearby have pitched roofs and are on the whole two storey. The new flats would be two and three storeys in height (9m approx. max) and laid out in an L-shape, roughly following the existing footprint in part, with windows and balconies orientated to make best opportunity of the views across the verdant Meadow and Golf Course.
10. The proposed building is taller than that existing and is a contemporary interpretation of classic modern architecture of the mid 20th Century. It is well articulated; the top floor is setback from the northeast and southerly aspects and the use of enclosed terraces within the structure and a good ratio of glass to solid adds interest and balance. The use of flat roof reflects the existing situation and helps to minimise height. The ground floor 3 bed flats have their own front doors and are on two floors (maisonettes) whilst the other flats are accessed via a communal entrance. It is considered that the proposed building is well designed and the architectural style is acceptable in this location. It is also considered that the height, scale and layout of the building is acceptable and appropriate to the site and its context.
11. In terms of views, the new building would be visible from the public open spaces adjacent as is the current building. However views from the meadow and elsewhere are dynamic where the experience of the viewer changes

according to the viewpoint and as the viewer proceeds. It should be noted too that Warneford Meadow, whilst benefiting from Town Green status is not a conservation area or SSSI, and has no other protection (European, national or Local). On the opposite side of the Meadow and Golf Course are the extensive hospital buildings of the Churchill Hospital complex, which dominate views to the east of the site. To the south are large outbuildings belonging to the Golf Club, which would partially shield views of the development from certain angles. The low boundary wall and limited existing trees or potential for tree planting on the site means that the new building would be also be visible, though softened by some trees and shrubs in the surrounding Meadow and Golf Course. Overall it is concluded that a building of this height, scale and visibility is not inappropriate in this location and would not have a detrimental impact on views from the Meadow or Gold Course such as to warrant opposing the development for this reason.. The use of red brick, glass and lightweight balcony construction means that whilst visible it would not appear unduly prominent or overdominant, particularly when balanced against the very large hospital and residential development on the other side of the Meadow and Golf Course opposite. The materials proposed could be secured by condition to ensure colour and texture.

12. The plans indicate a 90cm retaining wall and 2m railings along the boundary with the Golf Course and Meadow. Whilst wall and railings are considered acceptable and the aim to secure the development understood, it is considered that overall the new boundary enclosure is too high and the ratio between wall and railings unbalanced. Again further details could be secured by condition to redress this issue.
13. Officers therefore consider that the height, scale, layout and contemporary architectural design is acceptable in this site, making efficient and best use of land. It is considered that whilst visible to the Warneford Meadow and Golf Course that this would not have a detrimental impact. The proposal accords with Policies CP1, CP6, CP8, CP9 and CP10 of the OLP, CS18 of the CS, and HP9 of the SHP.

Amenities:

14. The flats are of the required floor area set out in HP12 of the SHP and one unit is wheelchair accessible. All are to Lifetimes Homes standard in accordance with HP2 of the SHP. All the flats have private balconies/ patio areas and access to a communal garden. Most balconies and terraces are to minimum standards but the smaller upper floor balconies fall just below. However, bearing in mind the communal area and the large expanse of Warneford Meadow adjacent, it is considered that the amount of outdoor amenity space can be accepted in this case in accordance with Policy HP13 of the SHP.
15. Bin storage is provided to the front of the site, details of which can be secured by condition.

Impact on Neighbours:

16. The neighbour potentially most affected by the development is No.73 Hill Top Road, which shares the private road access. Currently the existing buildings are close up to the joint southwest boundary, which is formed by low fencing and a very high leylandii hedge. The proposed development would move the building away from the joint boundary by over 11m which is a significant improvement and it is considered that the development would not appear overbearing. Due to orientation and distance it is considered that the development would not be overshadowing or cause loss of day or sunlight.
17. In terms of overlooking and privacy, the plans show three windows in the southwest elevation which are secondary windows into dining and bedrooms at first and second floors. There is also a roof terrace at second floor, accessed from the bedroom. The windows facing in No.73 are to non-habitable bathrooms and hallway and to front entrance to the house. Whilst the current hedge provides good screening it cannot be relied upon in perpetuity. Nevertheless the good distance between properties, together with the fact that the windows are to non-habitable areas/ rooms, means that the development would not give rise to unacceptable loss of privacy due to direct overlooking.
18. The proposed car parking area would be adjacent to the joint boundary plus part of No.73's garden that extends round to the south and west of the house. The existing car parking/ forecourt and garages currently form part of this area. Again, as the adjacent area of No.73 is the entrance and non-habitable areas and the house still has a large part of its garden secluded in other areas, it is considered that on balance there would be no significant impact from additional noise and disturbance from the adjacent car parking area.
19. Officers therefore conclude that the proposal accords with policies CP1, CP and CP10 of the OLP and HP14 of the SHP.

Traffic, Car & Cycle Parking:

20. The site lies outside the Residents Controlled Parking Zone and therefore new residents would not be eligible for parking permits within it. Rather the development would need to be self-contained in terms of its parking needs. The building currently has a C2 use (residential institution) and as such could be used as a residential institute, for example student accommodation, without the need for permission. Currently the site has parking space for 7 cars on the forecourt and garage space for up to 4 cars. In the past some cars were parked on the land opposite, but planning permission was never granted for this. It is understood that it may now form part of the Town Green.
21. HP16 of the SHP sets out the requirements for larger housing developments outside the Transport Area where a new parking court is created and in this case this would equate to a minimum of 11 car parking spaces and a maximum of 17 spaces. A total of 12 spaces are shown which falls within these ranges.

22. The Highway Authority has raised no objection to the proposal either in terms of the level of car parking or of traffic generation. In response to consultation it commented as follows:
- *“The proposed development is well located for sustainable transport links,*
 - *The proposed car park and cycle parking appear suitable, given the sites location.*
 - *It is noted that the access and parking on Hill Top Rd is constrained, but the proposed additional trip generation is not considered to have a severe effect.*
 - *The trip generation presented in the Transport Statement, estimates the difference in trips generated by the proposed residential development and those generated by a Care Home (previous use) using the TRICS database. The site is not currently operating as a care home, but it is understood that the current class use could operate as a residential institute without requiring planning permission. With this in mind, the methodology of estimating trip generation is considered reasonable, and the resulting increase in vehicle trips is minimal.*
 - *The visibility splays at the proposed access are constrained in the south east direction, but given the low traffic flows and vehicles speeds, the existing layout remains suitable”.*
23. Residents have commented that the amount of car parking is insufficient, that it will generate more significantly traffic movements than existing and that this will lead to indiscriminate parking in the area immediately adjacent outside the CPZ, and further congestion on Hill Top Road and others in the vicinity.
24. The existing premises could be reused as a residential institution accommodation (students) for example without needing permission and therefore a worst case scenario is not an unreasonable position to take in considering trip generation. The existing building could potentially generate 12.88 traffic movements per day whilst the proposed use would generate approximately 23 movements per day, which equates to on average just over 10 extra trips at one extra vehicle per hour. The HA has accepted this position. The site is within a reasonable walking distance (425m or 5 minutes) of the public transport into the city and within walking and cycling distance of the Cowley Road District Centre. It is therefore considered to be a sustainable location. In view of the HA’s comments and that they have raised no objection in terms of traffic generation, and that car parking proposed falls within the minima and maxima parking levels, then on balance it is considered that there would not be a harmful impact on road capacity as a result of additional traffic. Similarly the amount of car parking proposed is acceptable in accordance with HP16.
25. In response to comments regarding indiscriminate parking along the access drive to Warneford Meadow and in form of the Golf Course, these areas are private accesses and roads and not the responsibility of the Highway Authority. The residents of the new development would not be eligible of course for permits to parking in the nearby CPZ.
26. In respect of cycle parking again the plans indicate parking for 24 bicycles to

the front of the site in accordance with HP15 of the SHP, details of which can be secured by condition to ensure they are covered and secure.

Landscaping:

27. There are no significant trees on this site and the existing tree stock is very poor. The site can effectively be considered as a blank canvas therefore. The trees along the boundary with the footpath to Warneford Meadow lie just outside the site boundary, but in any event these are of low quality (or dead in one case).
28. The proposed footprint of the building means that on site tree planting is limited but some new landscaping can be provided and secured by condition.

Biodiversity:

29. A Phase 1 Habitat Survey and Bat Survey Report from the ecological consultant, Eco Consult was submitted with the planning application. It concludes that there would be no likely impacts on statutory or non-statutory nature conservation sites, habitats within the site have low conservation value, the existing buildings and trees do not provide suitable bats roosting habitats but may provide bird nesting habitats. Officers agree with the findings of the report and the survey mitigation and enhancement measures contained therein. A condition is recommended in accordance with the conclusions and recommendations including native planting, external lighting directed away from Warneford Meadow, and the provision of bat and birds boxes in accordance with policy CS12 of the CS and the NPPF.

Conclusion:

30. It is considered that the development would make best and most efficient use of land, providing a good mix of much needed residential accommodation in a sustainable location. Whilst the flats would be taller than existing, it is considered that the proposal would be of good quality contemporary design that is not inappropriate to its context and would not have a detrimental impact on views from Warneford Meadow or Southfield Golf Course. Suitable car parking if proposed and traffic generation would not have an adverse impact the road network. Officers therefore recommend that Committee approve the application, 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 approve, officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

Background Papers: 15/00684/FUL

Contact Officer: Felicity Byrne

Extension: 2159

Date: 29th May 2015

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