

East Area Planning Committee

8th June 2016

**Application Number:** 15/03432/FUL

**Decision Due by:** 15th January 2016

**Proposal:** Demolition of existing house. Erection of 1 x 3-bed dwelling and 1 x 1-bed dwelling (Use Class C3). Provision of private amenity space, car parking and bin and cycle storage.(Amended plans)

**Site Address:** 70 Glebelands Oxford (site plan at **appendix 1**)

**Ward:** Lye Valley Ward

**Agent:** Mr Huw Mellor

**Applicant:** Mr Kieran Lynch

**Application Called in** by Councillors Kennedy, Lygo, Fry and Rowley on grounds of overdevelopment of the site

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## Recommendation:

The East Area Planning Committee are recommended to grant planning permission for the following reasons:

- 1 The proposal makes effective and efficient use of an existing brownfield site and will provide two new dwellings of different sizes to help with the house need within Oxford. The proposal is considered to be in keeping with the site and surrounding area and will not have a detrimental impact on neighbouring properties.
- 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.
- 3 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.

Conditions:

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Samples of materials
- 4 Bike and bin stores
- 5 Design - no additions to dwelling
- 6 Part M(4)2
- 7 Sustainability design/construction

### **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

**CP10** - Siting Development to Meet Functional Needs

#### **Core Strategy (OCS)**

**CS2\_** - Previously developed and greenfield land

**CS9\_** - Energy and natural resources

**CS10\_** - Waste and recycling

**CS12\_** - Biodiversity

**CS18\_** - Urban design, town character, historic environment

**CS22\_** - Level of housing growth

**CS23\_** - Mix of housing

#### **Sites and Housing Plan (SHP)**

**MP1** - Model Policy

**HP2\_** - Accessible and Adaptable Homes

**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 (NPPF)

Planning Practice Guidance

Balance of Dwellings Supplementary Planning Document

Parking Standards Supplementary Planning Document

#### **Relevant Site History:**

15/01349/FUL - Demolition of existing house. Erection of a detached house (1x3 bed) and erection of detached 2 storey building to provide 2 flats (1x2 bed and 1x1

bed) (use class C3) with car parking Withdrawn

### **Representations Received:**

43 Glebelands, 53 Bulan Road, No address provided, 68 Glebelands and 72 Glebelands

#### Summary of comments:

- Unacceptably high density development
- The bungalow is sited on the corner of the road and buses also use the road with no room for any cars parked outside the bungalow
- Demolishing a bungalow with a perfect diversity mix is wrong
- Building a two storey house to replace it would overlook my garden more
- An extreme fire risk for the fire engines alone
- Apparent increase in impermeable area over the existing situation
- The proposed development lies within the calculated rainwater catchment of the Lye Valley SSSI and Local Wildlife Site fens and their vital springs
- For this catchment protection to happen, all currently green, fully permeable, vegetated areas within the catchment need to remain as green and completely freely permeable, as they are today.
- Extremely worried by the prospect of alteration of the alkaline fen habitat
- It seems that SuDS cannot be considered an adequate measure to protect the springs for ever
- Already the ratio of garden space to the space occupied by housing in Glebelands is very low compared to elsewhere in Oxford. To reduce this still further will only exacerbate this problem.

### **Statutory Consultees:**

Natural England: object, further information required. This application is in close proximity to Lye Valley Site of Special Scientific Interest (SSSI). Natural England objects to this development on the grounds that the application, as submitted, may damage or destroy the interest features for which Lye Valley has been notified.

Friends of Lye Valley: concerned by the apparent increase in impermeable area over the existing situation bearing in mind the proposed development lies within the calculated rainwater catchment of the Lye Valley SSSI and Local Wildlife Site fens and their vital springs

Oxfordshire County Council (Transport): no objection (see below)

### **Issues:**

Contributions  
Principle of Development  
Design  
Residential Amenity  
Accessible Homes  
Sustainability

Highways and parking  
Cycle Parking  
Impact on Lye Valley

## **Officers Assessment:**

### **Site Description**

1. The application site lies on the northern side of Glebelands, where Glebelands turns into Lye Valley. The application site is unusual in that it is the only bungalow within the area. The site slopes to the rear and side with No. 72 (to the west of the site) having its ridgeline at approximately the same height as the application property despite No. 72 being a two storey property.

### **Proposal**

2. The proposed development comprises the demolition of an existing bungalow and replacement with two dwellings on the same plot, as well as the provision of amenity space, car parking and bin and cycle storage. The new dwellings comprise a three bed and a one bed.

## **Officers Assessment**

### Community Infrastructure Levy

3. The Community Infrastructure Levy (CIL) is a standard charge on new development. The amount of CIL payable is calculated on the basis of the amount of floor space created by a development. CIL applies to developments of 100 square metres or more, or to new houses of any size. The reason that CIL has been introduced is to help fund the provision of infrastructure to support the growth of the city, for example transport improvements, additional school places and new or improved sports and leisure facilities. CIL is being brought in by councils across the country, although each local council has the ability to set the actual charges according to local circumstances. This proposal is liable to CIL contributions accordingly.

### Principle of Development

4. The NPPF encourages the effective use of land by reusing land that has been previously developed. The NPPF defines previously developed land as land which is or was occupied by a permanent structure, including the curtilage of the developed land and any associated fixed surface infrastructure. It goes on to state that Local Planning Authorities should resist inappropriate development of residential gardens. This is reiterated in policy CS2 of the OCS which seeks to focus development of previously developed land.
5. This site is currently occupied by a bungalow which is to be demolished. The land is therefore considered to be previously developed land as it land which is or was occupied by a permanent structure. Therefore the principle of development is considered acceptable.

6. Policy CS23 of the OCS seeks to ensure that residential development delivers a balanced mix of housing to meet the projected future household need, both within each site and across Oxford as a whole. The mix of housing relates to the size, type and tenure of dwellings to provide for a range of households.
7. The Balance of Dwellings Supplementary Planning Document (BoDs) sets out the appropriate housing mixes for each Neighbourhood Area within the City. The document states that there should be no net loss of family units from residential schemes of 1-3 units within this Neighbourhood Area. Although the bungalow would be demolished it would be replaced with a 3 bedroom dwelling which would ensure that there is no net loss of family accommodation. As such no objection would be raised to the mix of units proposed within the scheme.

### Design

8. The majority of Glebelands (and Lye Valley) is characterised by semi-detached two storey residential dwellings with the occasion detached dwelling for example there is a detached property opposite the application site.
9. The proposed three bed dwelling is two storey with a hipped roof profile and a double height bay at the front. These features are very common within Glebelands and Lye valley. The proposed one bed dwelling is single storey, again with a hipped roof profile, and it is set to the side/rear of the proposed three bed dwelling. When read within the street scene it will appear as an extension to the three bed dwelling rather than a new dwelling. The scale and proportions of the new dwellings are considered to be in keeping with Glebelands and Lye Valley
10. Clearly the proposal will have an impact within the street scene when compared to the existing bungalow on the site. However the bungalow is an anomaly within the street and two storey “detached” properties are a little more common (one opposite the site) and therefore the proposal will not look out of character or context.
11. The proposal is therefore considered acceptable in terms of policy CS18 of the Core Strategy 2026, CP1, CP6 and CP10 of the Oxford Local Plan 2001-2016 and HP9 of the Sites and Housing Plan 2011-2026 in that it respects the character and appearance of the area and creates an appropriate visual relationship with the form, grain, scale, and details of the site and the surrounding area.

### Residential Amenity

12. Policy HP12 of the SHP requires good quality internal living accommodation, with the policy stipulating that planning permission will not be granted for new dwellings if any single dwelling provides less than 39m<sup>2</sup> of floorspace (measured internally), or any single family dwelling provides less than 75m<sup>2</sup> floorspace (measured internally) where a family dwelling is a self-contained

house (or bungalow) of 2 or more bedrooms, or a self-contained flat either with 3 or more bedrooms or otherwise deemed likely to encourage occupation by a family including children.

13. However in March 2015 the Government introduced a 'Nationally Described Space Standard' (or National Standard for short). This sets out more detailed minimum standards than the Sites and Housing Plan policy for Oxford.
14. In light of the this, the City Council will apply the National Space Standard to new residential (Use Class C3) development, in preference to the more basic standard set out in Policy HP12 of the SHP.
15. In addition to setting minimum overall internal space standards, the National Standard also sets out minimum space requirements for single and double/twin bedrooms, minimum headroom for all rooms, and technical requirements for internal storage space. This relates directly to the supporting text for Policy HP12, which states:  
  
*"Within each new home, rooms and corridors should be comfortable, able to accommodate furniture and household equipment that would be expected in that part of the home, and allow for convenient circulation and access. Ceilings should allow sufficient headroom for people to live and move around; any spaces with insufficient headroom will not generally be counted as habitable space."*
16. The proposed new dwellings comply with the new national space standards in that the three bed is 102sqm and the one bed is 41sqm both of which are at or over the required standards. They also meet the internal space standards requirements in relation to single and double/twin bedrooms, minimum headroom for all rooms. The three bed is a good size family dwelling and the one bed is of good proportions. Both have sufficient ceiling heights, natural light and ventilation and there is no restriction to their outlook. Both will have rear views out onto the SSSI.
17. Policy HP13 of the SHP states planning permission will only be granted for new dwellings that have direct and convenient access to an area of private open space of adequate size and proportions for the size of house proposed. Houses of 2 or more bedrooms must provide a private garden, of adequate size and proportions for the size of house proposed, for exclusive use by occupants of that house. A private garden is proposed for each new unit which is more than adequate in size and proportions to the units proposed and the intended occupiers.
18. Policy HP13 also states planning permission will not be granted for residential dwellings unless adequate provision is made for the safe, discrete and conveniently accessible storage of refuse and recycling, in addition to outdoor amenity space. A bin store is proposed for each new dwelling however there are no deign details therefore a condition is proposed to seek such details.
19. Policy HP14 of the SHP states planning permission will only be granted for

new residential development that provides reasonable privacy and daylight for the occupants of both existing and new homes and planning permission will not be granted for any development that has an overbearing effect on existing homes.

20. There are no issues of overlooking or loss of privacy to the adjoining properties. All the main windows in the proposed dwellings face either to the rear or onto the street with the exception of two smaller windows in the west elevation which face onto the boundary with No. 72, currently the side of their garage and some small windows in the east elevation which serve non-habitable rooms e.g. halls, landings, utility rooms and so on. The proposal also does not give rise to any loss of sunlight/daylight to the neighbouring properties as all their side windows are either secondary windows or do not serve habitable rooms.
21. The proposal is not considered to be overbearing on the neighbouring properties. With regards to No. 68 the two storey element is set significant away from the boundary and the single store runs along the boundary however the is currently a shed and a garage along this boundary and No. 68 is set higher due to the slope of the land. With regards to No. 70 the bulk of the two storey dwelling is set 1m from the boundary and a minimum of 2m expanding to 3m from the side elevation due to the angle of No. 70 on its plot. The relationship between the proposal and No. 72 will be very similar to that that can be seen between No. 68 and 72.

#### Accessible Homes

22. Achieving mixed and balanced communities requires the City Council to plan for people's different physical needs. The City Council wishes to see new homes built that are accessible to all who may wish to live in them, and visit them, including those with disabilities. The Lifetime Homes Standard is a widely used national standard, which goes further than statutory building regulations. Lifetime Homes specifications ensure that the spaces and features in new homes can readily meet the needs of most people, including those with reduced mobility.
23. However as of 1<sup>st</sup> October 2015 a new set of national standards for Accessible Homes has replaced Lifetime Homes and all locally-set standards
24. The new standards are contained in Approved Document M: Access to and Use of Buildings, Volume 1: Dwellings. The new Part M includes new 'optional' standards which provide local authorities with sets of minimum requirements:

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|----------------|--|
| Category M4(1) | 'Visitable dwellings' standard, the basic minimum requirement that all newly built dwellings must meet |
| Category M4(2) | Accessible and adaptable dwellings standard, broadly equivalent to Lifetime Homes                      |
| Category M4(3) | Wheelchair user dwellings standard (which can be applied either to make a dwelling fully wheelchair    |

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|  | accessible, or alternatively to make it easily adaptable for wheelchair use) |
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25. The new national standards are to be implemented as a requirement under Part M of the Building Regulations (as updated in 2015).
26. In light of the above, the Local Plan policy should now be interpreted with reference to the nearest equivalent new national technical standard as set out in building regulations and Approved Document M Volume 1. The City Council will therefore expect developers to apply the new optional standards, Categories M4(2) and M4(3), for accessible homes as appropriate.
27. There is an important difference between how Approved Document Part M should be applied compared with the previous Policy HP2 requirement for Lifetime Homes. Part M specifies that Category 2 and Category 3 requirements may apply only in relation to a dwelling that is “erected” (i.e. new-build). Category 1 can also only be applied where dwellings have been newly built, rather than where they have been created by a material change of use.
28. A condition is suggested in order to seek details in order to comply with Part M4(2).

#### Sustainability

29. Policy CS9 of the OCS sets out a commitment to optimising energy efficiency through a series of measures including the utilisation of technologies that achieve Zero Carbon developments. A key strategic objective in the Core Strategy seeks to maximise Oxford’s contribution to tackling the causes of climate change and minimise the use of non-renewable resources.
30. Energy use in new development can be further reduced by appropriate siting, design, landscaping and energy efficiencies within the building. New developments, including conversions and refurbishments, will be expected to achieve high environmental standards. Policy HP11 of the SHP states that all development proposals must submit an energy statement to show how energy efficiencies have been incorporated into the development.
31. Some information has been submitted with regards to sustainability however officers do not consider this goes far enough therefore a condition is suggested to seek additional information and in particular with regards to how sustainable design and construction methods will be incorporated and how energy efficiency has been optimised.

#### Highways and parking

32. Infill development is defined (in the SHP) as proposals for houses and flats that do not include a new access road or parking court, so that all vehicular access to private properties is directly from an existing street or close. Such development will be considered on its merits. The amount and design of



parking should respond to the character of the area, by reflecting the way in which residential parking is provided for existing neighbouring homes.

33. The plot benefits from an existing driveway which provides access to two parking spaces. The plans demonstrate that the access is able to achieve pedestrian visibility to meet required standards. The proposal will see three parking spaces accessed from the driveway. The parking spaces meet the standard dimensions and reflect the proposed level of parking in the area.

### Cycle Parking

34. Policy CS13 of the OCS states that planning permission will only be granted for development that prioritises access by walking, cycling and public transport. A fundamental part of encouraging cycling is the provision of secure cycle storage within people's homes. This is reiterated in the Parking Standards Supplementary Planning Document which says secure, and preferably sheltered, cycle parking should be integrated in the design of residential developments and again in policy HP15 of the SHP which states all residential cycle storage must be secure, undercover, preferably enclosed, and provide level, unobstructed external access to the street. Policy HP15 also requires houses and flats of up to two beds to have a minimum of 2 cycle parking spaces and houses and flats of 3 or more bedrooms to have at least 3 spaces per dwelling.
35. As with the bin storage a bike store is proposed for each new dwelling however there are no design details therefore a condition is proposed to seek such details.

### Impact on Lye Valley

36. The application site is in close proximity to the Lye Valley which includes the Lye Valley Site of Special Scientific Interest (SSSI) noted for its rare valley fen habitats that are dependent on special local hydrological conditions. The application site lies within the hydrological catchment area of the Lye Valley. Local hydrology is a key component for the preservation of the notified features of the site and it is important that new developments do not compromise hydrological function.
37. The proposed development will increase the amount of impermeable surface on the site and therefore has the potential to affect surface and groundwater entering the SSSI, and the water dependant features for which the SSSI is notified.
38. Officers assessed the submitted drainage strategy and considered whilst the drainage strategy goes some way to explain the proposed drainage, there is insufficient detail for officers to be able to recommend that this development will not increase surface water flooding flood risk and have a detrimental impact to the Lye Valley SSSI. This advice was in line with comments received from Natural England. This lack of information could not be dealt with via a condition therefore additional information was requested. This

included:

- Details of the existing drainage including the existing soakaways and their condition
  - Details of the proposed drainage scheme showing the drainage on a layout plan, showing the location of any proposed SuDS and associated drainage infrastructure
  - Infiltration tests to demonstrate that the soakaways are feasible and that there are no contaminants that could be mobilised.
  - Demonstration of three surface water treatment stages prior to discharge into the underlying groundwater- permeable paving alone does not comply with current best practice when discharging to a sensitive receptor (in this case groundwater which supports a SSSI), this could create a pathway for pollutants into the groundwater if the water is not sufficiently treated. Permeable will treat the water to some degree and for roof drainage this may be acceptable, but for areas that are used by vehicles will receive greater concentration of pollutants such as hydrocarbons.
  - Drainage calculations for pre and post development situations to demonstrate the increase in surface water run-off rates and volumes and how this will be managed within the site without increasing flood risk to the site and the surrounding area.
39. The additional information has been submitted and reviewed by officers. The infiltration tests have provided officers the reassurance that the method of infiltration is feasible and therefore in principle have no issues with the use of soakaways and other infiltration measures on flood risk grounds. Officers are satisfied that the use of permeable paving for the driveways is sufficient level of treatment to ensure any hydrocarbons will be degraded on the surface of the pavement and any other fines will be caught by the underlying granular sub base prior to discharge to ground.
40. Based on the latest drainage strategy and revised drawing officers can confirm that they are now satisfied with the proposed drainage scheme.
41. Given the sensitive nature of the site officers recommend permitted development rights are removed, via a condition, in order to prevent any additional structures including additions to the dwellings without the prior written consent of the Local Planning Authority.

### **Conclusion:**

42. The proposal makes effective and efficient use of an existing brownfield site and will provide two new dwellings of different sizes to help with the house need within Oxford. The proposal is considered to be in keeping with the site and surrounding area and will not have a detrimental impact on neighbouring properties.
43. Members are therefore recommended to approve the application subject to the conditions listed.

## **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 to grant planning permission, officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

## **Background Papers:**

**Contact Officer:** Lisa Green

**Extension:** 2614

**Date:** 20th May 2016

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