

East Area Planning Committee

7 December 2016

Application Number: 16/02677/FUL

Decision Due by: 16 December 2016

Proposal: Demolition of existing dwelling. Erection of three-storey building to provide 9 flats (3 x 3-bed, 4 x 2-bed & 2 x 1-bed). Provision of new access off Lime Walk, private and shared amenity space and bin and cycle store.

Site Address: 91 Lime Walk Oxford OX3 7AD

Ward: Headington Ward

Agent: Mr Marc Chenery

Applicant: Mr Damon R Alvey

Recommendation:

East Area Planning Committee is recommended to refuse planning permission for the reasons set out below

Reasons for Refusal

1. The scale of development proposed would be inappropriate having regard to the number of units proposed and the size of the application site. The overall density of development proposed could not be reasonably accommodated on this site. The intensive use of the site that is proposed would give rise to a cramped form of development that would be unacceptable in the context of Policy CP6 of the Oxford Local Plan 2001-2016 and Policies HP9 and HP10 of the Sites and Housing Plan (2013).
2. The proposed development, because of its scale, form, visual mass, design, landscaping and external appearance would form a discordant feature in the streetscene that would fail to adequately respond to the context and established character of the surrounding built environment. Given the failure to respond to the context of the area and the inappropriate scale, form, visual mass and external appearance the proposed development would be contrary to Policy CP1, CP6, CP8, CP10 and CP11 of the Oxford Local Plan 2001-2016, Policy CS18 of the Core Strategy (2011) and Policies HP9 and HP10 of the Sites and Housing Plan 2013.
3. The planning application relates to proposals for four or more dwellings and as a result it is a requirement that a financial contribution be secured towards

the delivery of affordable housing in order that the development complies with the requirements of Policy HP4 of the Sites and Housing Plan (2013). The application does not refer to this requirement or indicate any agreement to enter into the necessary legal agreement to secure an affordable housing contribution. In the absence of this requirement or any information to suggest that the proposals would be made unviable if an affordable housing contribution was required the proposed development is contrary to Policy HP4 of the Sites and Housing Plan (2013) and Policy CS24 of the Core Strategy (2011).

4. The proposed development would create a poor standard of residential accommodation as the proposed floorspace is below the prescribed quantity of floorspace set out in the Technical Housing Standards - Nationally Described Space Standard, March 2015 and the quality of the residential accommodation is unacceptable, in particular the availability of natural light, ventilation and restricted outlook. The development would therefore fail to meet the requirements of Policy CP10 of the Oxford Local Plan 2001-2016 and Policy HP12 of the Sites and Housing Plan (2013).
5. The development would fail to provide adequate outdoor amenity space for all of the dwellings proposed. The quantity, quality and accessibility of the proposed amenity spaces for some of the dwellings would fall below the required amount; particularly in relation to the three bedroom dwellings that would have the potential to be occupied by families. Some of the proposed balcony and terrace areas are severely constrained and would provide poor quality outdoor amenity space that would wholly unacceptable in terms of outdoor space provision. The proposed development therefore fails to meet the requirements of Policy CP1 and CP10 of the Oxford Local Plan 2001-2016 and Policy HP13 of the Sites and Housing Plan (2013).
6. The proposed balconies and terraces on the south elevation would provide an opportunity to see into the front windows of properties in Cecil Sharp Place; the distance between these rooms would be less than 20m which would be unacceptable and would harm the living conditions of residents of these nearby properties. The proposal is therefore contrary to Policy HP14 of the Sites and Housing Plan (2013) and Policy CP10 of the Oxford Local Plan 2001-2016.
7. The application includes insufficient information relating to flooding and surface water drainage to demonstrate compliance with the required policies. A drainage statement and drainage strategy prepared by a suitably experienced and qualified professional in the field of hydrology and hydraulics is required in order to demonstrate that the proposed development would not lead to an adverse impact on surface water runoff and drainage in the locality. In the absence of this information the development is contrary to Policy CP10 of the Oxford Local Plan 2001-2016 and Policy CS11 of the Core Strategy (2011).

Legal Agreement and CIL

If planning permission was granted for the development then a legal agreement

would be required to be completed prior to a decision being issued for an affordable housing contribution. A CIL payment would also be required if planning permission is granted.

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
- CP10** - Siting Development to Meet Functional Needs
- CP11** - Landscape Design
- CP13** - Accessibility
- CP19** - Nuisance
- CP20** - Lighting
- CP21** - Noise

Core Strategy

- CS11_** - Flooding
- CS12_** - Biodiversity
- CS17_** - Infrastructure and developer contributions
- CS18_** - Urban design, town character, historic environment
- CS23_** - Mix of housing
- CS2_** - Previously developed and greenfield land
- CS9_** - Energy and natural resources
- CS10_** - Waste and recycling

Sites and Housing Plan

- MP1** - Model Policy
- HP1_** - Change of use from existing homes
- HP2_** - Accessible and Adaptable Homes
- HP9_** - Design, Character and Context
- HP10_** - Developing on residential gardens
- 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
Balance of Dwellings Supplementary Planning Document
Technical Housing Standards - Nationally Described Space Standards

Relevant Site History:

07/02340/FUL - Demolition of existing dwelling. Erection of block of 4 x 2 bed flats (fronting Cecil Sharpe Place) and terrace of 3x3 bed dwellings (fronting Lime Walk)(Amended Plans). - REF

Representations Received:

Objections – 53, 85, 87, 89, 92, 98, 99, 111 Lime Walk, 1, 2, 3, 8, 20, 21 Cecil Sharp Place, 51 Stapleton Road, 80 and 83 New High Street, 5 Nursery Close, 37 Bickerton Road and 63 Old Road - Objections

- Amount of development proposed for the site
- Effect on adjoining properties
- Effect on character of area
- Height of proposed development
- Impact on on-street parking
- Concerns around parking provision
- Impact on light
- Overbearing development
- Development proposed would not be sympathetic
- Concerns about enforcement of parking (to ensure that development would be car free)
- Impact on privacy
- Noise and disturbance
- Effect on traffic
- Poor quality design and materials
- Concerns about loss of garden land (particularly with regards to wildlife)

Highfield Residents Association: Concerns about design being out of keeping in terms of scale, style and overall appearance. Proposed flats would have limited amenity space. Proposed access for cycles would not be suitable.

Comments in support of application, 80 Old Road:

- The planned dwellings would appear well designed (despite different style to surrounding properties)
- The proposed development would not be higher than existing roof line
- Proposals would provide more much needed accommodation
- Development would not increase traffic

Statutory and Internal Consultees:

Oxfordshire County Council: No objections subject to conditions relating to the variation of the local traffic order to ensure that the development is car free.

Site Description

1. The site is located on the east side of Lime Walk to the north of the junction with Cecil Sharp Place. The site is currently occupied by a large detached Victorian/Edwardian house. Lime Walk is predominantly characterised by two storey residential dwellings. Cecil Sharp Place is a later infill development of

flats and houses that are 2 storeys in height.

2. There are changes in topography across the site; with the land closest to the frontage on Lime Walk being higher than the land at the rear.
3. No. 91 Lime Walk is currently in use as an HMO and is occupied by up to seven people.
4. On the boundary of 89 and 91 Lime Walk lies a mature ash tree that is the subject of a tree preservation order. There is an existing area of vegetation along the southern boundary of the site with Cecil Sharp Place.
5. The application site is not in a conservation area and would not impact on the setting of any listed buildings.

Description of Proposals

6. It is proposed to demolish the existing property and erect a detached building that would contain nine flats. The flats would be provided over three floors (3 x 3 bedroom flats, 4 x 2 bedroom flats and 2 x 1 bedroom flats). The erection of the proposed building would involve the removal of vegetation along the boundary of the site with Cecil Sharp Place.
7. The building would be built in a contemporary style with a varying roofscape containing some flat roof and some monopitch elements. The proposed building would be constructed with red brick and ivory render around the window strips. Red cedar cladding is proposed in recessed panels on the outside of the building. A green wall is also proposed; incorporating climbing plants on a metal mesh attached to the building.
8. The proposed building would have a similar overall height to the top of the ridge as the adjacent property, 89 Lime Walk. However, the visual mass of the building would appear greater given that the building would be predominantly a flat roof building and there would be greater amount of bulk at second floor level as a result. A variety of window types are proposed for the building which include oriel windows with obscure glazing, notably on the side elevations.
9. Two of the ground floor flats would benefit from small private garden areas. A shared amenity space is proposed to be provided at the rear of the plot. Flats on the first and second floor would benefit from areas of balcony and terrace areas. Some of these proposed balcony and terrace areas would be screened for privacy.
10. Officers consider that the principal considerations for the determination of this application are:
 - Principle of Development
 - Design
 - Impact on Neighbours
 - Access and highway safety
 - Flooding and surface water drainage

Principle of Development

11. The application site would be considered to be composed of partially previously developed land (the site of the existing property and garage) and partially residential garden land. Policy CS2 of the Core Strategy (2011) requires that the majority of new development should take place on previously developed land. Residential garden land cannot be considered to be previously developed land for the purposes of the National Planning Policy Framework (NPPF). However, there is scope within the City Council's local planning policies, specifically Policy CP6 of the Oxford Local Plan 2001-2016 and Policy HP10 of the Sites and Housing Plan (2013) for development to take place in these locations subject to the scale of development being appropriate (and having had regard to the character and context of the surrounding areas). As a result, Officers would advise that there are instances where residential developments on sites containing residential garden land can be considered acceptable in principle.
12. With regards to these proposals, Officers have considered that there is a significant element of the proposed development that would be located on residential garden land and having had regard to the scale of development proposed it cannot be regarded to be appropriate on a site of this size. The proposed development would give rise to a cramped form of development at a density that would be inappropriate in this location and unacceptable given the constrained nature of the site. As a result, the proposed development is unacceptable in the context of Policy CP6 of the Oxford Local Plan 2001-2016 and Policy HP10 of the Sites and Housing Plan (2013) and this features as a recommended reason for refusal.

Balance of Dwellings

13. As the proposed development is for more than four dwellings it is necessary to assess the development against the requirements in Policy CS23 of the Core Strategy (2011) and the Balance of Dwellings Supplementary Planning Document (SPD). The proposals meet the requirements as a result of providing the necessary mix of dwelling types.

Design

Scale, Appearance and Impact on Streetscene

14. Lime Walk is an attractive street of predominantly Victorian terrace and semi-detached properties. There is a significant amount of infilling that has taken place in the area but the majority of this development has a sympathetic appearance; respecting the form, visual mass and materials that are characteristic of this part of Headington. Cecil Sharp Place contains terraces of modern properties that despite their different architectural style to the established pattern of development in Lime Walk are still characteristic in terms of scale and visual mass. The proposed development would introduce a radically different scale of development both in terms of the amount of

development proposed on the plot (as mentioned above) but also in terms of its design. The visual mass, bulk and depth of the proposed development would be completely at odds with the surrounding properties (and the type of building that is currently on the site). Whilst Officers would suggest that there is some merit in providing a higher density of development on this site it must have a visually appropriate relationship with surrounding buildings in the streetscene and demonstrate high quality design which has consideration for the established character and context.

15. The visual prominence of the proposed development would be increased as a result of it being sited on the corner of Lime Walk and Cecil Sharp Place but also as a result of the higher topography at the front of the site (meaning that the building would appear substantially higher when viewed from the rear of Cecil Sharp Place).
16. In addition to the above, Officers would suggest that the proposed building would incorporate features that are not characteristic of the surrounding areas; specifically the fenestration, balconies and flat roof form. These architectural features would not in themselves make the development unacceptable but would cumulatively with other unsympathetic aspects of the development (particularly its scale, bulk and visual mass) contribute towards the development's discordant appearance within the streetscene.
17. The proposed development would involve the loss of existing vegetation along the boundary of the site with Cecil Sharp Place. This vegetation is not subject of a tree preservation order (unlike the existing ash tree near the northern boundary which is proposed to be retained) but it does make a positive contribution to the appearance of Cecil Sharp Place. The proposed development does not provide new landscaping, other than the proposed green wall which would not soften the appearance of the proposed development or ameliorate for the loss of vegetation on the southern boundary.
18. As a result of the above, Officers recommend that the proposed development would be unacceptable in terms its design, with specific regard to Policies CP1 and CP8 of the Oxford Local Plan 2001-2016 and Policy HP9 of the Sites and Housing Plan (2013).

Indoor Amenity

19. The proposed flats, specifically two of the ground floor three bedroom units and one of the second floor one bedroom units fall below the required amount of indoor floorspace required by national space standards. The two other second floor units would also fall close to or below the required standard in terms of the amount of floor space provided. Officers have also had regard to the quality of indoor floorspace. The orientation of the proposed development and its depth would mean that there would be very limited opportunity for windows to be provided (with some windows being further limited as a result of privacy requirements); the result is that some rooms within the flats would have poor access to both daylight and natural ventilation. Officers have

specific concerns about the quality of floor space provided for three of the two bedroom flats and one of the three bedroom flats (Units 2, 3, 5 and 6 on the proposed floor plans) because of the poor access to windows in the rooms and limited outlook provided.

20. As a result of the above, Officers recommend that the proposed development would be unacceptable in the context of Policy CP10 of the Oxford Local Plan 2001-2016 and Policy HP12 of the Sites and Housing Plan (2013).

Accessibility

21. A statement is included with the application to indicate how it would meet the requirements of being accessible (including Lifetime Homes Standards). The proposed development would therefore comply with the requirements of Policy HP2 of the Sites and Housing Plan (2013).

Outdoor Amenity

22. The proposed outdoor spaces would vary in size and quality. Officers have had regard to the location and amount of outdoor space provided for each of the flats. Some of the units (notably Unit 4 and Unit 9 on the proposed floor plans) would have insufficient outdoor amenity space combined with poor access to the shared amenity space. The provision of a larger amount of accessible amenity space is particularly important for three bedroom dwellings which can be occupied by families. Some of the proposed amenity spaces would be entirely screened and these cannot provide a high quality of outdoor amenity space. As a result, Officers recommend that the development be refused on the basis of not complying with Policy CP10 of the Oxford Local Plan 2001-2016 and Policy HP13 of the Sites and Housing Plan (2013).

Energy Efficiency and On-Site Renewable and Low Carbon Energy Generation

23. A statement is provided with the application which sets out how it would meet the requirements of Policy HP11 of the Sites and Housing in relation to its energy requirements. Officers are satisfied with the assessment made and would recommend that if planning permission is granted then a condition could be included to ensure the necessary provision of on-site generation.

Refuse and Recycling Storage

24. The proposed development includes plans relating to the provision of refuse and recycling storage. This would meet the requirements of Policy HP13 of the Sites and Housing Plan (2013).

Landscaping and Trees

25. The lack of landscaping and loss of existing vegetation has already been discussed above. However, with regards to the existing ash tree (which is the subject of a tree preservation order) it would be necessary to include a

condition dealing with tree protection measures if planning permission was granted.

Impact on Neighbours

Privacy

26. The proposed development would have a detrimental impact on the privacy of occupiers in Cecil Sharp Place. Some of the windows proposed on the south side of the proposed building would incorporate obscure glazing to limit overlooking into the front of properties in Cecil Sharp Place. However, there are some balconies on the south side of the building that would provide an opportunity to look directly into the building and the distance between these balconies and the windows on the front of Cecil Sharp Place is approximately 11m. Having had regard to the existing level of privacy afforded to the occupiers in No.s 17-21 Cecil Sharp Place, they would lose an unacceptable amount of privacy. Officers have had regard to the impact on privacy for other occupiers (including at No. 89 Lime Walk and properties on the other side of Lime Walk); however there are specific measures including obscure glazing and the use of oriel windows to prevent overlooking.
27. As a result of the above, Officers recommend that planning permission should be refused because of the detrimental impact that would arise from the proposed development on the privacy of neighbouring occupiers; the development would be contrary to Policy HP14 of the Sites and Housing Plan (2013).

Impact on Light and Outlook

28. The proposed development would not have a detrimental impact on light conditions for neighbouring properties, despite its overall height. Officers have considered that the orientation of the proposed building relative to neighbouring properties (including those in Cecil Sharp Place) means that a loss of light would not result from the proposed development. In reaching this view, Officers have been particularly mindful of the 45/25 degree code as set out in Policy HP14 of the Sites and Housing Plan (2013).

Noise and Disturbance

29. Officers recommend that if planning permission is granted then a condition should be included that relates to the provision of any mechanical plant or machinery to ensure that any equipment installed does not have an adverse impact on the amenity of nearby residents.

Access and Parking

30. The proposed development would remove the existing access to the garage that is on the site. The garage would be demolished and there is no proposed on-site car parking. The proposed development would be car free development; this is specifically proposed in the design and access statement

and would be dealt with by a condition varying the local traffic order to remove eligibility for parking permits for occupiers. If planning permission is granted then this condition is recommended to be included.

31. Oxfordshire County Council Highways have not raised objections.

32. There are several objections that relate to the impact of the proposed development on parking; specifically that it may not be possible to enforce or require that occupiers of the proposed development would not park in local roads (in particular Cecil Sharp Place). Officers recommend that car free development is possible in this area because of the site is in a Controlled Parking Zone (CPZ).

Flooding and Surface Water Drainage

33. The application site does not lie in an area of high flood risk. Limited information has been provided in relation to surface water drainage and the impact of the proposed development on surface water flooding in the locality. In the absence of this information, Officers recommend that the application should be refused as it does not demonstrate compliance with Policy CS11 of the Core Strategy (2011).

Biodiversity

34. The existing building lies within an urban context where there would be limited opportunities for bats to roost. If planning permission was granted for the development then a condition would be recommended that required the submission of details of biodiversity enhancements prior to commencement.

Contaminated Land

35. The application site is currently in residential use and would not likely be a presence for contamination. It is recommended that if planning permission is granted then an informative would be required relating to contaminated land.

Conclusion:

36. Officers recommend that the East Area Planning Committee refuse planning permission for the reasons set out above.

Human Rights Act 1998

Officers have considered the implications of the Human Rights Act 1998 in reaching a recommendation to refuse this application. They consider that the interference with the human rights of the applicant under Article 8/Article 1 of Protocol 1 is justifiable and proportionate for the protection of the rights and freedom of others or the control of his/her property in this way is in accordance with the general interest.

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 refuse planning permission officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

Background Papers:

16/02677/FUL

Contact Officer: Robert Fowler

Extension: 2104

Date: 25 November 2016

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