

West Area Planning Committee

13th June 2017

Application Number: 16/02998/FUL

Decision Due by: 31st January 2017 (extension of time agreed until 20th June 2017)

Proposal: Erection of 5 x 1-bed flats and 1 x 2-bed flat (Use Class C3). Provision of bin and cycle store.

Site Address: 7 And 9 Leys Place Oxford OX4 3DE
(Site plan: Appendix 1)

Ward: Iffley Fields Ward

Agent: West Waddy ADP

Applicant: Mr Faruq

The application is before the committee because of the number of units proposed

Recommendation:

The West Area Planning Committee is recommended to **refuse** planning permission for the reasons below

- 1 The proposal, because of the comings and goings to and from the backland location of the proposed residential units and parking area, represent an un-neighbourly form of backland development as existing neighbouring householders are likely to suffer from noise and disturbance to their private gardens to the detriment of the residential amenities they should reasonably expect to enjoy. As a result, the development cannot be considered acceptable in the context of the Council's adopted planning policies, specifically Policy CP1, CP8, CP10, CP20 and CP21 of the Oxford Local Plan 2001-2016 and Policy HP10 & HP14 of the Sites and Housing Plan (2013).
- 2 The proposal does not provide an appropriate housing mix for the location and includes the net loss of a family dwelling. It therefore fails to ensure that a balanced mix of housing is provided for the City and is contrary to Policy CS23 of the Oxford Core Strategy and the Balance of Dwellings SPD.
- 3 The proposed development is considered to constitute back land development which does not respect the character and appearance of the area due to the amount of accommodation, number of units proposed, together with their form, site coverage and location to the rear of the site, as well as the design and location of the amenity spaces, parking and landscaping, represents a cramped form of development and poor quality design and choice of materials which would be uncharacteristic in its suburban residential context and would

therefore harm the character and visual amenity of the wider area, contrary to policy CS18 of the Oxford Core Strategy, policies CP1, CP6, CP8, CP9 and CP10 of the Oxford Local Plan 2001 to 2016 and policies HP9 and HP13 of the Sites and Housing Plan.

- 4 The proposed development fails to provide adequate quantity or quality of outdoor amenity space for all units to the detriment of future occupiers' residential amenity and as such is contrary to policy CP10 of the Oxford Local Plan 2001-2016 and policy HP13 of the Sites and Housing Plan 2011-2026.
- 5 The proposed development would have an adverse impact on the privacy of occupiers of nearby dwellinghouses as a result of overlooking from the rear and side windows of the proposed development into the private rear gardens of neighbouring properties. The proposals would also damage the amenity of neighbours because of the impact of increased noise and disturbance in a backland plot. As a result, the development fails to meet the requirements of Policy CP1, CP10, CP20 and CP21 of the Oxford Local Plan 2001-2016 and Policy HP14 of the Sites and Housing Plan (2013).
- 6 The application fails to provide any details of how sustainable design and construction methods would be incorporated nor an energy statement to show how energy efficiencies have been incorporated into the development have been provided. The proposal therefore does not comply with policy HP11 of the Sites and Housing Plan 2011-2026 or policy CS9 of the Oxford Core Strategy 2026.
- 7 The proposed development fails to provide adequate off-street parking and fails to demonstrate that there is sufficient on-street car parking capacity to mitigate for any increase in car ownership resulting from the new dwelling in an area of very high on-street parking pressure, congestion and in an area which is not subject to a Controlled Parking Zone (CPZ). It is therefore considered that the lack of sufficient off-street parking is likely to cause additional on-street parking pressure which would be detrimental to highway safety. The proposal is therefore considered to be contrary to policies CP1 and CP10 of Oxford Local Plan 2001-2016 and HP16 of Sites and Housing Plan 2011-2026.

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

Core Strategy

- CS2_** - Previously developed and greenfield land
- CS9_** - Energy and natural resources
- CS10_** - Waste and recycling
- CS17_** - Infrastructure and developer contributions
- CS18_** - Urban design, town character, historic environment
- CS19_** - Community safety
- CS23_** - Mix of housing

Sites and Housing Plan

- MP1** - Model Policy
- HP2_** - Accessible and Adaptable Homes
- HP4_** - Affordable Homes from Small Housing Sites
- HP9_** - Design, Character and Context
- HP10_** - Developing on residential gardens
- HP11_** - Low Carbon Homes
- HP13_** - Outdoor Space
- HP14_** - Privacy and Daylight
- HP15_** - Residential cycle parking
- HP16_** - Residential car parking

Other Material Considerations:

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance
- Affordable Housing and Planning Obligations SPD
- Balance of Dwellings SPD
- Parking Standards SPD
- Technical Advice Note 1A - Space Standards for Residential Development

Relevant Site History:

70/22711/A_H - Erection of conservatory. PDV 14th April 1970.

14/02828/CEU - Application to certify that existing use of property as 2 x 1-bed flats is lawful. PER 27th November 2014.

Representations Received:

5no. objection comments – 4 Leys Place, 6 Leys Place, 8 Leys Place, 10 Leys Place, no address given (1x)

- Parking congestion
- Parking provision harmful to surrounding area
- Harm to adjoining properties
- Out of character for the area

Statutory and Internal Consultees:

Oxford Civic Society – concerns about the practicality of the low parking provision on this site until and unless a Controlled Parking Zone is implemented in this vicinity as well as proposed level of cycle parking is inadequate

Thames Water Utilities Limited – no objection, informative of: Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

Natural England – no comment, referring to online standing advice

Highways Authority – objecting on grounds of lack of parking provision, car-free development cannot be enforced

Officers Assessment:**Site and proposal:**

1. The application site consists of a 0.1 ha sized plot to the rear of 7 and 9 Leys Place and is accessed via a shared driveway in between 7 and 9 Leys Place. The area is a small residential close.
2. This application is seeking permission for the erection of a two storey block of flats (5x1bed & 1x2bed), with the provision of a bin and cycle store.
3. Officers consider that the principal determining issues in this case are as follows:
 - Principle of Development
 - Residential Development
 - Community Infrastructure Levy
 - Affordable Housing
 - Design, Site Layout and Built Form
 - Living Conditions
 - Highways, Access, and Parking
 - Landscaping
 - Sustainability

Principle of Development:Principle of Residential Development

4. The National Planning Policy Framework (NPPF) encourages the effective use of land by reusing land that has been previously developed. It goes on to state that Local Planning Authorities should resist inappropriate

development of residential gardens. 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.

5. This site has been cleared. A small part of the site was previously occupied by some sheds. The majority of the land would be considered garden land which is considered to be previously developed land for the purposes of the National Planning Policy Framework. The proposal is for 6 units and intensifying the residential use of the site, to the rear of existing residential dwellings. Policy CS2 of the Core Strategy (2011) and Policy HP10 of the Sites and Housing Plan (2013) enable some development to take place on garden land subject to restrictions relating to the character and appearance of the area and the constraints of the site. Officers recommend that in this case the development would represent an overdevelopment of a backland plot that would not be supported in the context of these policies. Officers have also had regard to the level of development that is proposed in this case including the requirements of Policy CP6 of the Oxford Local Plan 2001-2016 and Policy HP9 of the Sites and Housing Plan (2013).

Balance of Dwellings

6. Policy CS23 of the Oxford Core Strategy 2026 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 application site is located within the East Oxford Area which is classified as a red area which requires the City Council to safeguard family dwellings and achieve a reasonable proportion of new family dwellings as part of the mix for new developments.
8. A mix can only be specified from a development of 4 or more units. This proposal is for 6 units, and therefore this policy applies. The proposed mix is for 5 one bedroomed and 1 two bedroom units. The site over provides 1 bed units (SPD requires up to 30%) and provides no three bed units (min 45%). Therefore the proposal is contrary to CS23 of the Oxford Core Strategy 2026 and thus should be refused on principle.

Affordable Housing

9. Policy HP4 of the adopted Sites and Housing Plan states that planning permission for residential development on sites with capacity for 4- 9 dwellings will only be granted if a financial contribution towards affordable housing is secured, or 50% provided on site.

10. The proposal is subject to this policy as 6 new dwellings are proposed. The developer has agreed to provide a financial contribution to affordable housing off-site and consider this a social benefit in the planning statement prepared by the agent. If planning permission is granted then a legal agreement would be required.

Design

Layout

11. The proposal seeks permission for the erection of a two storey block of flats to the rear and access via the drive way of 7 and 9 Leys Place. One accessible parking space is provided as well as two spaces for 7 & 9 Leys Place. There is some space for bins and bikes as well as simple landscaped communal areas surrounding the block. HP9 of the Sites and Housing Plan sets out that planning permission will only be granted for developments where form, layout and density make efficient use whilst respecting the site context as well as not increasing surface water run-off. No justification has been submitted to justify the scheme against the site context. The Design and Access Statement provides a brief site assessment but does not show a complete analysis of the scheme that evidences the proposal against the site constraints.
12. The small close consists of terraced dwellings. The proposed development would be completely at odds with the established pattern of development in the area.
13. The proposal would introduce development to the back of the terraces, which would have an adverse effect on the prevailing relationships of the plots and their development as well as the generous appearance of the built form and surrounding spaces.
14. Officers consider the layout of the built form, the amenity spaces and the lack of usable landscape and open space to be contrary to Policy HP9 of the Sites and Housing Plan and CS18 of the Core Strategy.

Scale of Development

15. The proposed development involves the creation of one two storey block of flats to the rear as set out in the application description.
16. There are no purpose built blocks of flats in the vicinity. The proposal is considered to overdevelop the site and trying to deliver more than the site and associated constraints allow. The overdevelopment of the site has directly lead to the site being unacceptable in terms of its design. The scale of development is therefore not considered acceptable and contrary to polices CP1, CP6, CP8 and CP10 of the Oxford Local Plan.

Appearance

17. Leys Place is a small close of generous terraced dwellings with front gardens and some off-street parking characterising the streetscene.
18. The site is to the rear of 7 & 9 Leys Place and the access will be created by reshaping the existing driveways.
19. The proposal is a vast contrast to the existing built form; using predominantly timber cladding, and dark brown bricks, proposing a flat roof. Creating a large block with a monolithic appearance to the rear of the established street and plot pattern.
20. Detailing and finish are at odds with the prevailing suburban character of the street. The fenestration and lack of visual interest of the building means that it would not fit in well with the local vernacular.
21. The proposed design is considered to be incongruous, the scale, massing and size are unacceptable in design terms and the development does not comply with local planning policies that seek high quality design.
22. In addition to the above, the failure to adequately respond to the context of the surrounding built environment means that Officers consider that the proposals do not represent high quality design and the development is contrary to Policy CS18 of the Core Strategy (2011).

Energy and Natural Resources Impact

23. The proposed development does not include any measures or information on sustainable methods of construction or reduction in carbon emissions and is therefore contrary to Policy CS9 of the Core strategy

Living Conditions

Size of Dwellings

24. The 1 bed units are between 51 and 58 sqm m and the 2bed unit is 61 sqm. It is considered that this is acceptable in the context of the National Minimum Space Standards and the development complies with the requirements of Policy HP12 of the Sites and Housing Plan (2013).
25. The quality of indoor space provided is considered adequate with adequate circulation space and natural light and ventilation. The proposed development would therefore comply with the requirements of Policy HP12 of the Sites and Housing Plan (2013).

Outdoor Space

26. The Council's Sites and Housing Plan, Policy HP13, sets out the outdoor space requirements needed to gain planning permission. Provision needs to be made to "have direct and convenient access to an area of private open space" for all new dwellings either a private garden, shared garden

or balconies that respect location and context, orientation and neighbourliness.

27. The proposal seeks to provide some garden spaces for the three ground floor units and balconies for the top three flats. The balcony for apartment 6 is acceptable in its size, but is considered to provide a poor quality space due to its restricted outlook and privacy issues. All outside spaces will have a degree of overlooking from the top floor flats, and as well as their layout do not provide an adequate outside private space. As a result the outdoor space provision is considered unacceptable, due to its poor location and size for the amount of potential users. Officers recommend that as a result, the proposal is contrary to Policy HP13.

Refuse and Recycling Stores

28. Policy HP13 of the Sites and Housing Plan requires any new development to make provision of facilities for waste disposal that is safe, discreet and conveniently accessible.
29. The proposal has allocated some space for bin storage for each dwelling. More details on the bin stores would be required if planning permission is granted but this could be dealt with by condition.
30. The individual bin storage is over 25 meters away from curbside and the proposal suggested residents will put bins at the curb. The plans do not suggest an area or any practicalities for waste collection.
31. Officers considered that the development is acceptable on balance with waste storage provisions of Policies HP13 of the Sites and Housing Plan (2013) and details could be secured by condition.

Impact on Neighbours

32. The proposed layout is considered to not mitigate sufficiently the impact on neighbouring properties.
33. The separation between the buildings and nearby dwellings is not ideal. The side window of No. 7 is 15 metres from new front elevation windows. There are no side windows at No. 9, however the relationship between the new building and No. 9 is considered unacceptable, in terms of overbearing outlook as well as loss of privacy. The building is just 1.2 metres away from the boundary fence, which would include a proposed hedge.
34. The proposed building leaves about 4 metres less of "private garden space" between the boundaries to Essex Street rear gardens. Officers consider the appearance and feeling of overlooking and loss of privacy will be introduced in all surrounded dwellings in an area that is currently shaped by generous garden spaces.

35. The proposed development has been assessed against the 45/25 degree code set out in Policy HP14 of the Sites and Housing Plan (2013). Officers are confident that occupiers and neighbours will not suffer from adverse impact on day light and the development is acceptable in the context of Policy HP14.

36. Disturbance and noise would have an adverse impact on neighbours and will limit the ability to enjoy their private gardens due to increase in vehicle and human activity through intensifying the residential use of the site. This would result in unacceptable levels of noise and disturbance to neighbours. Officers recommend that this is a reason for refusing the development.

Highways, Access and Parking

Access

37. Vehicles, pedestrians and cyclists would access the site via a shared driveway with 7/9 Leys Place. The access and parking arrangements with 7&9 Leys Place are not designed to create a successful new and sustainable place. The access to the site is very limited from an already narrow and congested street. No details have been provided for emergency services access.

38. The highway authority objects as some of the proposed dwellings would be car-free development and this cannot be enforced at this location as the application site lies outside of a Controlled Parking Zone (CPZ).

Parking provision

39. One car parking space is provided for an accessible flat and two spaces are re-provided due to access alterations for the existing dwellings. 5 units would be without car parking (4x 1bed units and 1x2bed unit). Officers recommend that the deficiency of car parking in this location means that there would be an increase of on-street parking to the detriment of highway safety. As a result, the proposed development is considered unacceptable and is contrary to Policy HP16 of the Sites and Housing Plan

Cycle parking

The proposed site plan identifies sufficient space for bike storage. The proposals would be partially covered. This would not be acceptable, as cycle storage should be enclosed to provide a safe and secure solution. Officers recommend that if planning permission is granted then details could be conditioned, and therefore the proposal is considered acceptable in respect of HP15 of the Sites and Housing Plan.

Landscaping

40. The proposed plans show some tree and planting scheme. No justification

or detailed design for the garden spaces and communal area have been submitted. If planning permission is granted for the proposed development then a condition should be included to ensure that there is landscaping provided to soften the appearance of the proposed development and ensure that it meets the requirements of Policy CP11 of the Oxford Local Plan (2001-2016).

Contaminated Land

41. The application site is not in a defined area of high contamination risk and Officers are satisfied that if planning permission is granted then this could be adequately addressed by condition.

Community Infrastructure Levy

42. 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.

43. This application is liable for CIL.

Conclusion:

44. Officers recommend that the proposed development is unacceptable for the reasons outlined above. The West Area Planning Committee is recommended to refuse planning permission.

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

Background Papers: 16/02998/FUL

Contact Officer: Tobias Fett

Extension: 2241

Date: 31st May 2017

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