

## WEST AREA PLANNING COMMITTEE

11<sup>th</sup> July 2017

**Application Number:** 17/01021/FUL

**Decision Due by:** 21st June 2017

**Extension of Time:** 18<sup>th</sup> July 2017

**Proposal:** Demolition of existing dwelling and garage. Erection of three storey building comprising 2 x 3-bed, 2 x 2-bed and 2 x 1-bed flats. Provision of car parking and landscaping.

**Site Address:** 53 Sunderland Avenue Oxford OX2 8DT

**Ward:** Wolvercote Ward

**Agent:** Mr Alex Cresswell

**Applicant:** JPPC Chartered Town Planners

**Reason at Committee:** The proposed number of new residential units is over 5

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## 1. RECOMMENDATION

1.1. West Area Planning Committee is recommended to:

### **Refuse planning permission for the reason set out below**

- 1 The application seeks the development of more than three dwellings; as a result a financial contribution is required towards the provision of affordable housing as set out in Policy HP4 of the Sites and Housing Plan (2013). The applicant has indicated that they are not willing to provide a financial contribution. The development also fails to provide any on-site provision of affordable housing and no evidence has been provided to indicate that on-site provision or a financial contribution towards affordable housing would make the scheme unviable. As a result, the development is contrary to Policy HP4 of the Sites and Housing Plan (2013) and Policy CS24 of the Core Strategy (2011).

## 2. EXECUTIVE SUMMARY

2.1. This report considers the demolition of a detached dwellinghouse and its replacement with a block of 6 new flats.

2.2. The key matters for assessment set out in this report include the following:

- Principle of development;
- Design;
- Impact of Neighbouring Amenity;
- Transport;

- Sustainability, Energy and Biodiversity;
- Flooding and Drainage.

2.3. The development is considered acceptable in terms of design, amenity provisions, transport and technical details, but fails to meet the Sites and Housing Plan Policy HP4 to contribute to affordable housing, and should therefore be refused.

### 3. LEGAL AGREEMENT

3.1. This application is not subject to a legal agreement.

### 4. COMMUNITY INFRASTRUCTURE LEVY (CIL)

4.1. The proposal is liable for CIL.

### 5. SITE AND SURROUNDINGS

5.1. The site is located on the southern side of Sunderland Avenue, adjacent the junction with the Wolvercote Roundabout and Woodstock Road. Sunderland Avenue has a service off the main ring road, which is predominately residential.

5.2. A site location plan is set out below:



## 6. PROPOSAL

- 6.1. The application proposes to demolish one detached dwelling with garage and to erect one three storey building consisting of 6 flats (2x1bed, 2x2bed and 2x3bed units) with associated car parking and landscaping.

## 7. RELEVANT PLANNING HISTORY

- 7.1. The table below sets out the relevant planning history for the application site:

Application Reference	Description of Development	Decision
52/02509/A_H	House and garage.	PERMITTED 9th September 1952.
90/00711/NF	Demolition of existing garage and store. Two storey side extension including integral garage. Single storey front extension.	PERMITTED 10th October 1990.

## 8. RELEVANT PLANNING POLICY

- 8.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework (NPPF)	Local Plan	Core Strategy	Sites and Housing Plan	Other Planning Documents
Design	7	CP.1, CP.8, CP.9,	CS18	HP9	
Conservation/Heritage					
Housing	6	CP.6, CP.10	CS23,	HP4, HP8, HP10, HP12, HP13, HP14	Balance of Dwellings SPD, Affordable Housing and Planning Obligations, Space Standards TAN, Residential Basement Development
Commercial					

Natural Environment	9, 11, 13	CP.11, CP.18, NE.12, NE.14, NE.15, NE.20, NE.21,	CS2, CS9, CS11, CS12	HP11	Natural Resource Impact Analysis SPD
Social and community	8				
Transport	4	TR.1, TR.2, TR.6, TR.12, TR.13, TR.14	CS13	HP15, HP16	Parking Standards SPD
Environmental	10	CP.20, CP.21, CP.22, CP.23	CS11		Energy Statement TAN
Misc	5, 17			MP1	

## 9. CONSULTATION RESPONSES

9.1. Site notices were displayed around the application site on 11<sup>th</sup> May 2017.

### Statutory and Non-Statutory Consultees

Oxfordshire County Council (Highways)

9.2. No objection subject to conditions. Eligibility from parking permits should be removed, visibility splays should be provided prior to occupation. Alterations to public highways will be at the applicant's expense. And the amendments to TRO must be paid.

### Public representations

9.3. No comments have been received.

### Officer Response

9.4. Highways comments can be included as conditions.

## 10. PLANNING MATERIAL CONSIDERATIONS

10.1. Officers consider the determining issues to be:

- i. Principle of development;
- ii. Design;
- iii. Neighbouring amenity etc.

- iv. Transport
- v. Sustainability, Energy and Biodiversity
- vi. Flooding and Drainage
- vii. other

**i. Principle of Development**

Location

- 10.2. 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.
- 10.3. This site is currently occupied by a detached house. The land is therefore considered to be previously developed land as it land which is or was occupied by a permanent structure.
- 10.4. The proposal is therefore acceptable and the development complies with the requirements of Policy CS2 of the Oxford Core Strategy and Paragraph 17 of the NPPF.

Housing Mix

- 10.5. 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.
- 10.6. 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 Wolvercote Neighbourhood Area which has been classified as an amber 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.
- 10.7. 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 2 units (33.3%) each for one bedroom, two bedroom and three bedroom flats. Therefore the proposal is in line to CS23 of the Oxford Core Strategy 2026.

Affordable Housing

- 10.8. 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.

- 10.9. The proposal is subject to this policy as 6 new dwellings are proposed. The developer has indicated that they would not be willing to enter into a legal agreement to provide a contribution towards affordable housing. In the absence of this agreement there is also no evidence that has been provided to indicate that the site would not be viable if an affordable housing contribution was made.
- 10.10. It is important to provide more clarification of the affordable housing policy context with specific consideration to the changes to national policy and our own position. Officers have included an extract below from the recent report to Council (25<sup>th</sup> July 2016); this dealt specifically with affordable housing and the revisions to the National Planning Policy Guidance. This position reflects the recent Court of Appeal Decision where the changes to national policy requiring that there are no contributions towards affordable housing from small sites were considered. :

*Officers are of the view that being the most unaffordable area of the Country coupled with a higher than normal dependence upon smaller sites must be precisely the sort of local circumstances contemplated by the Secretary of State as justifying departure from his national policy.*

*The Council will continue to determine applications for planning permission in accordance with the development plan unless material considerations indicate otherwise. It will specifically take account of national policy as to affordable housing contributions from smaller sites and the vacant building credit and the scope for exceptions justified by local circumstances.*

*The decision as to the weight to be applied to the national policy has to be made in the determination of each individual application. On the basis of the evidence as to local circumstances currently available officers are of the view that those circumstances justify the continued application of HP3 and HP4 consistently with the Secretary of State's explanation of his policy's effect.*

*The Council will also have full regard to the up-to-date evidence with regard to the local situation as well as both the government's National Planning Policy Framework and its Planning Practice Guidance in considering the inclusion of policies relating to the provision of, and contributions to, affording housing in formulating the local plan.*

- 10.11. As a result of the failure to comply with the requirements of Policy HP4 of the Sites and Housing Plan and the provision of an affordable housing contribution, Officers recommend that the application be refused.

ii. **Design and Impact on Character of Surrounding Area**

- 10.12. The NPPF requires that local authorities seek high quality design and a good standard of amenity for all existing and future occupants of land and buildings. It

suggests that opportunities should be taken through the design of new development to improve the character and quality of an area and the way it functions. Policies CP1, CP6 and CP8 of the Oxford Local Plan, together with Policy CS18 of the Core Strategy and Policies HP9, HP13 and HP14 of the Sites and Housing Plan in combination require that development proposals incorporate high standards of design and respect local character.

#### Layout and Appearance

- 10.13. The proposal has been designed to fit into the area. It has been set back at ground floor and responds well to the progression of building frontages at adjacent buildings. It has been designed with a generous frontage to the middle of the plot and not built up to the boundaries, as is common in the area.
- 10.14. In order to reflect the arrangement of the buildings along Sunderland Avenue, and particularly the recently constructed neighbouring development, the proposed building features a single central access point to the vertical circulation core, which provides access to the 6 units.
- 10.15. The façade is contemporary with clearly defined fenestration and detailing. A number of other contemporary buildings and design styles are present in the streetscene. The development would form an acceptable visual relationship in the streetscene.
- 10.16. A parking and turning area has been provided to the front of the dwellings, with separate pedestrian and vehicular access and some boundary walls and planting.
- 10.17. Areas for bin and cycle storage, private and shared amenity spaces have been provided at the side and rear, which will be considered further in the report.

#### Scale, Massing, Size

- 10.18. The proposal is for three storeys, with a mansard style roof. The building would be approximately 1.5metres taller than the existing building, but still short of the overall height of the neighbouring property (51 Sunderland Avenue). The ground floor is set back with the first floor cantilevered. The plot is very large and irregularly shaped. The scale, massing and size is acceptable for the natural and built context of the site. In coming to this view, officers have been mindful of the requirements of Policy HP9 of the Sites and Housing Plan (2013).

#### Materials

- 10.19. The proposed main materials would be grey/blue brick, timber cladding on the middle floor and standing-seam metal cladding and render. This contemporary design should provide a clean and attractive design and the materials would add visual interest. If planning permission is granted then a condition would be required to require further details relating to materials.

#### Conclusion

10.20. The proposal is considered acceptable in design terms and would have an acceptable relationship in the streetscene having had regard to the character and context of the existing properties in Sunderland Avenue.

### **iii. Impact on Neighbouring Amenity**

#### Privacy & Overbearing

10.21. The proposal has been sympathetically designed to minimise impact on existing and future residents of the proposed new flats and the neighbouring dwellings. The requirements of Policy HP14 of the Sites and Housing Plan, including the 45/25 guideline has been applied and the building has been adequately staggered to meet the requirements of the guidelines. Therefore the proposal complies with the 45/25 guideline. No side windows are proposed on upper floors which would protect

10.22. It is considered that the proposal will not have a negative impact on existing or future residents in terms of privacy and is not considered overbearing, and therefore this scheme is in accordance with HP14 of the Sites and Housing Plan.

#### Indoor Space

10.23. The proposal is providing generous living accommodation, in accordance with the national space standards.

10.24. The development is considered acceptable and in accordance with Policy HP12.

#### Outdoor Space

10.25. Policy HP13 requires direct and easy access to outside amenity space, including balconies.

10.26. The proposal provides direct private outside spaces for the ground floor flats, and balconies for the upper flats. Unit 3 would have two balconies. Only Unit 4 would have a balcony that would not meet the minimum of 4.5 sqm.

10.27. There is a generous amount of shared communal gardens provided to the rear of the site.

10.28. There is sufficient bin storage provided, which details of secure and discreet storage solution could be required by condition.

10.29. On balance the provision of good quality shared communal space and some balconies would provide sufficient outdoor amenity space to meet the requirements of Policy HP13 of the Sites and Housing Plan.

#### Refuse, Delivery and Servicing Arrangements

10.30. Policy HP13 of the Sites and Housing Plan requires that there is adequate



screened refuse storage. The proposed development would provide sufficient space on site of the development, not far from the highway for refuse storage and this is considered to be acceptable in terms of the requirements of Policy HP13. Officers recommend that if planning permission is granted then a condition should be included to ensure that the refuse and recycling storage is provided prior to the occupation of the development.

#### **iv. Transport**

##### Transport Sustainability

- 10.31. The application proposes six car parking spaces overall, one for each of the proposed dwellings. This is below the number recommended in HP16 of the Sites and Housing plan, which requires one car parking space for a 1-bed dwelling and two car parking spaces for 2-bed+ dwelling. Therefore, the development is likely to increase on-street parking pressures in the area. The site is located within a CPZ. If planning permission is granted for the proposed development then it will be necessary to impose a condition to remove eligibility for on-street parking for occupiers.
- 10.32. The highway authority has noted that the application proposes a change in access from Sunderland Avenue onto the site, replacing the existing two entrances with a single central access point. This will involve the reinstatement of the existing dropped kerb and dropping of the centre kerb. If planning permission is granted then conditions would be required to ensure that the dropped kerbs are reinstated and visibility splays are provided in accordance with the County Council Highway's requirements.
- 10.33. The proposed access changes would alter on-street parking bays and the double yellow lines to the front of 53 Sunderland Avenue. The parking bays must be reinstated in front to the new development, either side of the new access point. Officers recommend that if planning permission is granted then amendments to the Traffic Regulation Order must be required by condition.

##### Cycle Parking

- 10.34. The development proposed sufficient cycle parking for sixteen cycles. The amount of cycle parking proposed is therefore consistent with the requirements of Policy HP15 of the Sites and Housing Plan which recommends two spaces for 1 or 2-bed dwellings and three spaces for 3-bed dwellings. Furthermore, the cycle parking is shown to be secure, enclosed and undercover. Officers recommend that if planning permission is granted then a condition should be included to ensure that the cycle storage is provided prior to the first occupation of the development.

##### *Conclusion*

- 10.35. The proposal is meeting highways and parking requirements. The proposal is acceptable with polices subject to the imposition of requested conditions.

#### **v. Sustainability, Energy and Biodiversity**

### Contamination

- 10.36. The application site is not a known area of contamination but if planning permission is granted then an informative dealing with unexpected contamination is recommended.

### Energy

- 10.37. The proposal is seeking to incorporate measures to reduce energy consumption at an appropriate scale for the size of the development. The Design and Access statement sets out justifications how efficiencies are achieved, which are considered acceptable. Officers recommend that if planning permission is granted then a condition seeking further details of the energy requirements and the implementation of the approved scheme should be included by condition in order that the development meets the requirements of Policy CS9 of the Core Strategy and Policy HP11 of the Sites and Housing Plan.

### Biodiversity

- 10.38. The proposed development is not considered to likely be a location that would currently be a habitat for protected species including bats. In coming to this view, officers have been mindful of the urbanised context of the site. However, if planning permission is granted then a condition is recommended to ensure that biodiversity enhancement measures are required in order that the development complies with the requirements of Policy CS12 of the Core Strategy.

## **vi. Flooding and Drainage**

### Flooding

- 10.39. The application site lies in an area of low flood risk and the development would not increase the risk of flooding.

### SuDS and Drainage

- 10.40. The application contains limited information relating to the management of surface water runoff and particularly in relation to the management of surface water on the site. If planning permission is granted then a condition is recommended that would require the submission of a drainage scheme and evidence dealing with surface water prior to commencement and the implementation of the approved scheme prior to the first occupation of the building.

## **vii. Other**

- 10.41. There is some vegetation surrounding the application site and whilst the proposals would seek to retain the vegetation it is recommended that if planning permission is granted then conditions relating to the retention of vegetation and the installation of further landscaping should be included by condition in order

that the development meets the requirements of Policy CP11 of the Oxford Local Plan.

## **11. CONCLUSION**

- 11.1. The development is considered acceptable in terms of design, amenity provisions, transport and technical details, but fails to meet the Sites and Housing Plan Policy HP4 to contribute to affordable housing, which is recommended as the basis for refusing planning permission.
- 11.2. It is recommended that the West Area Planning Committee resolve to refuse planning permission for the development.

## **12. APPENDICES**

- 12.1. Appendix 1 – Site Plan

### **1. HUMAN RIGHTS ACT 1998**

- 12.2. 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.

### **2. SECTION 17 OF THE CRIME AND DISORDER ACT 1998**

- 12.3. 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 refusal of planning permission, officers consider that the proposal will not undermine crime prevention or the promotion of community

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