

WEST AREA PLANNING COMMITTEE

14th November 2017

Application Number: 17/02378/FUL

Decision Due by: 9th November 2017

Extension of Time: To be agreed

Proposal: Erection of a part single, part two storey 1 x 3-bed dwellinghouse (Use Class C3). Provision of off street parking and bin and cycle storage.

Site Address: Land Adjacent St James Row, Grove Street, Oxford, Oxfordshire

Ward: Summertown Ward

Case Officer Tobias Fett

Agent: Mr Nick Turner **Applicant:** Mr J Watkins

Reason at Committee: Cllrs Fooks, Wilkinson, Wade, and Goddard called this application in due to concerns about the design of the scheme and use of materials.

1. RECOMMENDATION

1.1. West Area Planning Committee is recommended to:

(a) Approve the application for the reasons given in the report and subject to the required planning conditions set out in section 12 of this report and grant planning permission

(b) Agree to delegate authority to the Head of Planning, Sustainable Development and Regulatory Services to:

1. Finalise the recommended conditions as set out in this report including such refinements, amendments, additions and/or deletions as the Head of Planning, Sustainable Development and Regulatory Services considers reasonably necessary;

2. EXECUTIVE SUMMARY

2.1. This report considers the erection of a contemporary three bedroom house on a prominent brown field corner plot within a residential area. The proposals include the provision of car parking and private amenity space.

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

- Principle of development;

- Design;
- Trees;
- Transport

2.3. It is considered that the proposal is acceptable as it conforms to local and national planning policy.

3. LEGAL AGREEMENT

3.1. This application would not require a legal agreement.

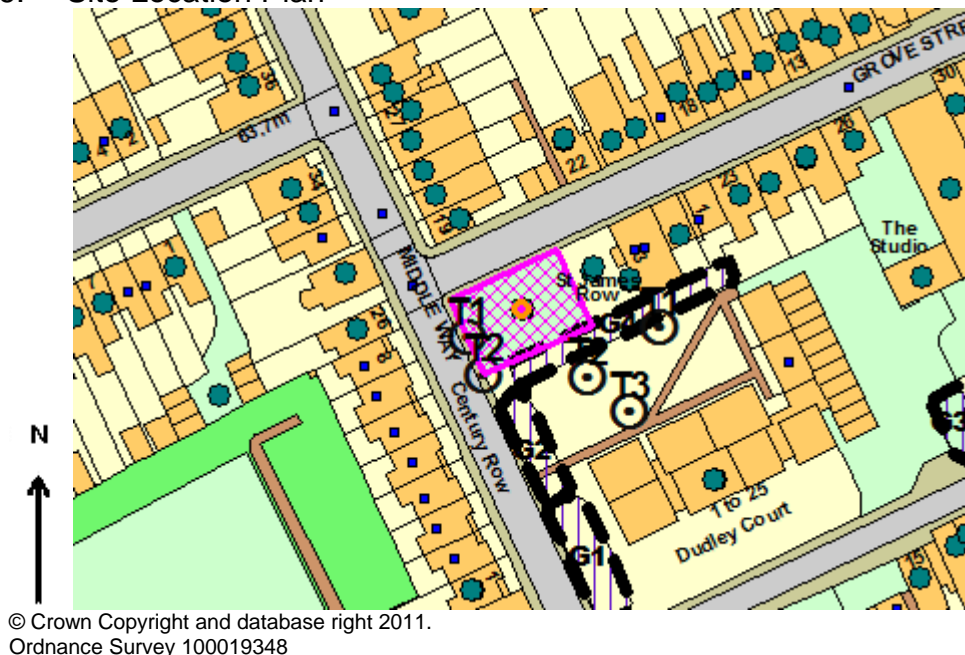
4. COMMUNITY INFRASTRUCTURE LEVY (CIL)

4.1. The proposal is liable for CIL at a charge of £18,411.63.

5. SITE AND SURROUNDINGS

- 5.1. The site is located within the Summertown ward on a currently vacant corner plot at the junction of Grove Street and Middle Way. The site was previously part of Grove House social club, which has now been redeveloped into a single family dwelling. Grove House is a three storey townhouse attached to small row of terraced houses. Grove House has a dominant impact in the streetscene but also acts a bookend to the terrace with the application site in front of it.
- 5.2. To the south of the site is Dudeley Court, which consists of blocks of flats with single pitched roofs and separated from the application site by a communal garden space.
- 5.3. There is a great mix of architectural styles in the vicinity of the site, with recent three storey development at Century Row to the south-west of the application site which is a contemporary take on the terraced housing with integral garages. Neighbouring Century Row is Summertown Pavillion, a tall three storey flat roofed commercial building.
- 5.4. Further north in Middle Way a mix of terraced and detached house of varying styles can also be found. The properties typically benefit from small front gardens and there is some variation in the building line.
- 5.5. The application site contains trees that are subject to a Tree Preservation Order (TPO) on the Middle Way frontage.

5.6. Site Location Plan



6. PROPOSAL

- 6.1. The application proposes the erection of a contemporary detached three bedroom family dwelling with associated garden and a parking space. The proposed dwelling would have some areas of flat roof and some areas of monopitch roof. The proposed building would be constructed from textured render and copper cladding. The existing wall around the application site facing Middle Way would be continued around Grove Street; whilst the proposed building would address Grove Street it would be partially obscured by the proposed wall. The proposed building would have a significantly lower overall height than Grove House and would be lower than the nearby terraces in Grove Street also. An existing access onto Middle Way would be retained with car parking provided for a single car. The proposals include a new pedestrian entrance onto Grove Street. The proposed development would benefit from a private garden space between the new dwelling and Middle Way; covered cycle storage is proposed in the garden of the new dwelling. The existing trees (which are subject to a TPO) would be retained.

7. RELEVANT PLANNING HISTORY

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

13/02144/FUL - Erection of 1 x 4 bed dwelling house (Class C3). Erection of boundary wall and provision of associated vehicle parking and landscaping..
REF 17th October 2013.

13/03090/TPO - 2No. yew trees located at the extreme western end of the site, adjacent to a brick wall, excavate roots using "tree friendly" methods including air spade and hand digging under professional arboricultural supervision a trench to

a maximum of 0.5 metre depth across the site. The work will also explore the extent of rooting between the trench and the trees themselves as explained in the attached method statement. Identified as T1 and T2 on the OCC - Grove Street (No. 1) Tree Preservation Order 2010.. REF 19th December 2013.

14/03532/FUL - Erection of 1 x 4 bed dwelling house (Use Class C3). Erection of boundary wall and provision of associated vehicle parking and landscaping.. REF 9th March 2015.

15/00229/TPO - Prune 2no. Yew trees as identified in the Oxford City Council - Grove Street (No. 1) Tree Preservation Order 2010. PER 17th March 2015.

17/01583/FUL - Erection of a part single, part two storey building to create 1 x 3-bed dwellinghouse (Use Class C3). Provision of off street parking and bin and cycle storage.. WDN 10th August 2017.

17/02378/FUL - Erection of a part single, part two storey 1 x 3-bed dwellinghouse (Use Class C3). Provision of off street parking and bin and cycle storage.. PDE .

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	Paragraphs 56, 57	CP1, CP8, CP9,	CS18_,	HP9_,	
Conservation/Heritage					
Housing	Paragraph 14	CP6, CP10,		HP12, HP13, HP14,	
Commercial	1				
Natural Environment	Paragraph 14				

Social and community	8		CS19_		
Transport	4	TR13,		HP15_, HP16_	Parking Standards SPD
Environmental	10	CP11, NE15, NE16,	CS11_	HP11_	Energy Statement TAN
Misc	5	CP.13,		MP1	Telecommunications SPD, External Wall Insulation TAN,

9. CONSULTATION RESPONSES

9.1. Site notices were displayed around the application site on 11th October 2017.

Statutory and Non-Statutory Consultees

Oxfordshire County Council (Highways)

9.2. The highways authority has no objection, subject to the imposition of conditions for details of the cycle storage solution and removal of eligibility for parking permits.

Public representations

9.3. Three local people commented on this application from addresses in Grove Street and Middle Way.

In summary, the main points of objection (3 residents) were:

- Design of dwelling, choice of materials
- Use of site

Officer Response

9.4. The design concerns are addressed in the officer report. The community use of the site has ceased with the redevelopment of the main clubhouse. It is also considered that the site lies in close proximity to Summertown where there are a range of community facilities. The site is considered to be largely made up of previously developed land and given it is in a highly sustainable location it is recommended that this would be an acceptable location for a new dwelling.

10. PLANNING MATERIAL CONSIDERATIONS

10.1. Officers consider the determining issues to be:

- Principle of development;

- ii. Design;
- iii. Living conditions
- iv. Transport
- v. Trees
- vi. Flooding, Sustainability
- vii. Community Safety

i. Principle of Development

- 10.2. The site is completely surrounded by residential uses in a sustainable location within close walking distance of Summertown District Centre. The application site would be considered to be previously developed land which is required to be the focus of new development as required by Policy CS2 of the Core Strategy (2011) and the NPPF. The site was formerly used as an outdoor space that formed an ancillary part of the club at Grove House; Grove House has subsequently been converted into a dwelling and so this outdoor space was no longer required as a result the proposals would not result in the loss of a community facility and complies with the requirements of Policy CS20 of the Core Strategy (2011). The proposed scheme is considered the most appropriate use and scale for the site and would make more efficient use of the land which is supported in principle by Policy CP6 of the Oxford Local Plan 2001-2016.

ii. Design and Impact on Character of Surrounding Area

Siting & Layout

- 10.3. The proposed development would take place on a corner plot, which is occupied by some TPO trees on the eastern edge, along Middle Way. Therefore the dwelling house would be situated on the western half, set back from Grove Street, and screened by a wall.
- 10.4. There would be one car parking space accessed from Middle Way and a cycle shed located behind the wall under the trees.
- 10.5. The garden space would occupy the eastern part of the site, under and near the protected trees, with a patio area towards the northern boundary.

Appearance

- 10.6. The proposed dwelling would be set back from the Grove Street and screened by a wall. The modest two storey dwelling would be sufficiently set within the plot to be identified as a separate detached dwelling within the street scene. The proposed contemporary design would add visual interest to the street scene, but would not dominate as it would be partially screened by the boundary treatment of existing and proposed walls and gates.
- 10.7. The dwelling would not be prominent due to its location within the plot, but provide high urban design qualities from views along Middle Way and further down Grove Street due to innovative use of materials.

- 10.8. The proposed mainly flat roof is considered acceptable, as this reduces the scale, and visual impact of the dwelling. There is a small sloping roof form that will help add interest to the other flat roof section.

Materials

- 10.9. The ground floor would be largely covered with textured render, reminiscent of neighbouring Grove House. The upper floor will be clad in copper, which would provide visual interest with a contrast to the textured render. Glazing would be contemporary throughout, with larger windows on the southwest elevation, and on the upper level on the northwest elevation, and small amount of window openings on the other two elevations.
- 10.10. The roof would be covered with grey roofing membrane and copper rainwater goods.

Internal & External Spaces

- 10.11. The scheme proposes generous internal living accommodation, meeting national standards as well as direct access to a substantial private garden, as well as space for bin and cycle storage. The proposals would provide an acceptable level of accessibility and access to light and ventilation. As a result, officers consider that the proposed development would meet the requirements of Policy CP13 of the Oxford Local Plan 2001-2016 and Policies HP2 and HP12 of the Sites and Housing Plan (2013).
- 10.12. The proposed development would benefit from its own private garden area that would be acceptable in terms of the quality and quantity of space provided for a family home. The development therefore complies with the requirements of Policy HP13 of the Sites and Housing Plan (2013).

Design Conclusion

- 10.13. Overall the proposed design is considered welcome different addition to the area. Despite the contemporary choice of materials and design, officers consider the design to be appropriate due to the thoughtful siting, scale and massing. The contrasting materials will enable the dwelling to be clearly identified as a new addition.
- 10.14. The proposal has to be part of Grove Street due to the TPO trees on the Middle Way elevation which would screen it from that road. The proposed development therefore addresses Grove Street. Furthermore as Grove House has bookended the terrace in Grove Street, the application site cannot accommodate a full terrace, and therefore it is considered appropriate to create a detached building, which relates to Grove House by the introduction of continued brick wall, behind which the lower two storey house would sit.
- 10.15. The application site is fairly constrained because of trees and the overall depth of the site from Grove Street. In addition to this it is important the overall bulk at roof level is not increased and outbuildings are not built in the garden that could

damage tree roots. As a result it is recommended that a condition is included that would remove permitted development rights for extensions, dormers, rooflights, porches and outbuildings to ensure that there are no adverse impacts.

- 10.16. Due to the context as described above and the varied siting, scale and appearance of surrounding properties the choice of a contemporary modest landmark building is considered an acceptable approach, and represents high quality design that is in accordance with CP1, CP8 and CP10 of the Oxford Local Plan, CS18 of the Core Strategy and HP9 of the Sites and Housing Plan

iii. Living conditions

Privacy

- 10.17. The proposed building would be set in from all the boundaries surrounding the application site. The nearest neighbouring dwelling is to the west of the site, Grove House. There would be one obscured glazed landing window facing the Grove House side elevation and their garden, which would not cause unacceptable harm. The rear elevation of the proposed dwelling would have one obscured glazed window towards the boundary and a shared open space associated with the block of flats at Dudley Court. There is no harm to privacy for those neighbours as a result of this relationship between properties and having had regard to the proposed windows. The proposal meets the requirements of the 45/25 degree code as set out in Policy HP14 of the Sites and Housing Plan (2013).

Overbearing

- 10.18. The proposed dwelling would be set in from the boundaries of the site. The second storey is partially set back from the neighbouring elevations as well as the building being set back from the road frontages, and therefore the development would not be overbearing. The design, due its modest size, scale and mass would also ensure that the proposed dwelling would not be overbearing. The dwelling would be screened by a wall, which would have an access opening onto Grove Street. The wall would form an extension of existing walls on the site and therefore retain some features of the existing characteristics of the plot.

iv. Transport

Transport Sustainability

- 10.19. The proposed development would provide a single car parking space for a three bedroom dwellinghouse. Whilst this is below the normally provided two car parking space that would be provided for a three bedroom dwelling it is considered that the proposed development would be in a location close to existing shops and services in Summertown as well as good access to public transport (bus stops on Banbury and Woodstock Roads). As a result, the

development would provide an acceptable amount of car parking but it would be necessary to impose a condition to remove eligibility for residents permits for occupiers so that the development would not lead to increased on-street parking. The highway authority have commented and raised no objection subject to the condition suggested above. As a result, the development would comply with the requirements of Policy HP16 of the Sites and Housing Plan (2013).

Cycle Parking

- 10.20. The proposals include the provision of a cycle shed for four cycles. The details of which can be requested by condition. The cycle store would need to be secure and covered. Subject to the condition the proposals would be acceptable and in accordance with Policy HP15 of The Sites and Housing Plan.

Refuse, Delivery and Servicing Arrangements

- 10.21. The proposal allocates a space for bin storage near the entrance from Grove Street, which is considered practical and acceptable. The proposed refuse area would be screened by the wall that is proposed between the dwelling and Grove Street. The proposal is therefore considered acceptable for the purposes of Policy HP13 of the Sites and Housing Plan (2013).

v. Trees

- 10.22. The proposal has due regard to the Council's adopted Local Plan Policies ,CP1, CP11, NE15 and NE16. In the context of the site's protected trees the proposals would be considered to be set at an acceptable distance from the two TPO protected yew trees, which stand on the western boundary with Middle Way. A bicycle store is proposed in the north-western corner of the site which is within the Root Protection Area (RPA) of one of the trees; this presents a potential risk to the root system (and health) of the tree, but this risk can be controlled under a specific conditions requiring details of the structure and its installation. Officers recommend that the development would therefore have an acceptable impact on trees subject to conditions.

vi. Flooding, Sustainability

- 10.23. The site is within flood zone one and at low risk from flooding. No details of the proposed drainage system have been submitted for assessment. Despite the proposals involving building on existing permeable ground there would be some areas of garden retained around the building which would ensure that there would not be an unacceptable adverse impact on surface water drainage. It is recommended that a condition is required to ensure that a drainage plan is provided in order that the development complies with the requirements of Policy CS11 of the Core Strategy (2011).

vii. Community Safety

- 10.24. The proposal will redevelop a disused and derelict plot within an otherwise attractive residential area. Currently some temporary fencing and parking dominates the site. The erection of a family dwelling will improve activity around this corner, provide surveillance and will decrease the opportunity of crime and the fear of crime drastically. The proposal therefore fulfils requirements of Policy CS19 of the Core Strategy.

11. CONCLUSION

- 11.1. The proposal for a high quality contemporary dwelling house will provide much needed housing in a sustainable location and will add some interest to the streetscene through a discretely and carefully considered contemporary building. Good quality design, living conditions and the retention of trees make the proposal acceptable in the context of the Council's adopted policies.
- 11.2. It is recommended that the Committee resolve to grant planning permission for the development proposed.

12. CONDITIONS

CONDITIONS/REASONS:

- 1 The development to which this permission relates must be begun not later than the expiration of three years from the date of this permission.

Reason: In accordance with Section 91(1) of the Town and Country Planning Act 1990 as amended by the Planning Compulsory Purchase Act 2004.
- 2 The development permitted shall be constructed in complete accordance with the specifications in the application and approved plans listed below, unless otherwise agreed in writing by the local planning authority.

Reason: To avoid doubt and to ensure an acceptable development as indicated on the submitted drawings in accordance with policy CP1 of the Oxford Local Plan 2001-2016.
- 3 Samples of the exterior materials to be used shall be submitted to, and approved in writing by, the Local Planning Authority before the start of work on the site and only the approved materials shall be used.

Reason: In the interests of visual amenity in accordance with policies CP1 and CP8 of the Adopted Oxford Local Plan 2001-2016.
- 4 Prior to the start of any work on site including site clearance, details of the design of all new hard surfaces and a method statement for their construction shall be submitted to and approved in writing by the Local Planning Authority. Details shall take into account the need to avoid any excavation within the rooting area of any retained tree and where appropriate the Local Planning Authority will expect "no-dig" techniques to be used, which might require hard surfaces to be constructed on top of existing soil levels using treated timber edging and pegs to retain the built up material.

Reason: To avoid damage to the roots of retained trees. In accordance with policies CP1, CP11 and NE16 of the Adopted Local Plan 2001-2016.

- 5 Prior to the start of any work on site, details of the location of all underground services and soakaways shall be submitted to and approved in writing by the Local Planning Authority (LPA). The location of underground services and soakaways shall take account of the need to avoid excavation within the Root Protection Areas (RPA) of retained trees as defined in the British Standard 5837:2012- 'Trees in relation to design, demolition and construction-Recommendations'. Works shall only be carried in accordance with the approved details.

Reason: To avoid damage to the roots of retained trees; in support of Adopted Local Plan Policies CP1,CP11 and NE15.

- 6 Detailed measures for the protection of trees to be retained during the development shall be submitted to, and approved in writing by, the Local Planning Authority (LPA) before any works on site begin. Such measures shall include scale plans indicating the positions of barrier fencing and/or ground protection materials to protect Root Protection Areas (RPAs) of retained trees and/or create Construction Exclusion Zones (CEZ) around retained trees. Unless otherwise agreed in writing by the LPA the approved measures shall be in accordance with relevant sections of BS 5837:2012 Trees in Relation to Design, Demolition and Construction-Recommendations. The approved measures shall be in place before the start of any work on site and shall be retained for the duration of construction unless otherwise agreed in writing by the LPA. Prior to the commencement of any works on site the LPA shall be informed in writing when the approved measures are in place in order to allow Officers to make an inspection. No works or other activities including storage of materials shall take place within CEZs unless otherwise agreed in writing by the LPA.

Reason: To protect retained trees during construction. In accordance with policies CP1, CP11 and NE16 of the Adopted Local Plan 2001-2016.

- 7 A detailed statement setting out the methods of working within the Root Protection Areas of retained trees shall be submitted to and approved in writing by the Local Planning Authority (LPA) before any works on site begin. Such details shall take account of the need to avoid damage to tree roots through excavation, ground skimming, vehicle compaction and chemical spillages including lime and cement. The development shall be carried out in strict accordance with of the approved AMS unless otherwise agreed in writing by the LPA.

Reason: To protect retained trees during construction. In accordance with policies CP1,CP11 and NE16 of the Adopted Local Plan 2001-2016.

- 8 Before the development permitted is commenced details of the cycle parking areas, including means of enclosure, shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall not be brought into use until the cycle parking areas and means of enclosure have been provided within the site in accordance with the approved details and thereafter the areas shall be retained solely for the purpose of the parking of cycles.

Reason: To promote the use of cycles thereby reducing congestion on adjacent roads in accordance with policies CP1, CP10 and TR4 of the Adopted Oxford Local Plan 2001-2016.

- 9 Before the development permitted is brought into use the areas for parking and manoeuvring of vehicles and cycles shall be constructed and laid out in accordance with the approved plans and thereafter such areas shall be retained solely for such purposes.

Reason: In the interests of highway safety in accordance with policies CP1, CP6, CP10, TR3 and TR4 of the Adopted Oxford Local Plan 2001-2016.

- 10 The development hereby permitted shall not be occupied until the Order governing parking at Grove Street/Middle Way has been varied by the Oxfordshire County Council as highway authority to exclude the site, subject to this permission, from eligibility for resident's parking permits and residents' visitors' parking permits unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development does not generate a level of vehicular parking which would be prejudicial to highway safety, or cause parking stress in the immediate locality, in accordance with policies CP1, CP6, CP10 and TR13 of the Adopted Oxford Local Plan 2001-2016.

- 11 Prior to commencement of development, details of the proposed drainage scheme shall be submitted to the LPA for their approval. The drainage scheme is to be designed by a suitable qualified and experienced civil engineer. All parts of the developments which increase the size of the hard areas must be drained using Sustainable Drainage measures, including porous pavements, and are to be designed to decrease the run off to greenfield rates from the 1 in 1 year storm event up to and including the 1 in 100 year storm event plus climate change. Soakage tests are to be submitted to prove the effectiveness of soakaways or filter trenches. Where infiltration is not feasible (as determined by a soakage test) surface water should be attenuated on site and discharged at a controlled discharge rate no greater than prior to the development using appropriate Sustainable Drainage (SuDs) measures. Plans, soakage tests, calculations, and details demonstrating the surface water run off can be adequately reduced to greenfield/predeveloped runoff rates shall be submitted to the LPA for approval.

Reason: To avoid increasing surface water run-off and volumes to prevent an increase in flood risk and to implement SuDS in accordance with policies CS11 of the Oxford Core Strategy 2011-2026.

- 12 Prior to the occupation of the development the drainage infrastructure shall be constructed in accordance with the approved details and thereafter retained and maintained.

Reason: To ensure compliance with Policy CS11 of the Oxford Core Strategy 2011-2026.

- 13 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or enacting that Order) no structure including additions to the dwelling house as defined in Classes A, B, C, D, E of Schedule 2, Part 1 of the Order shall be erected or undertaken without the prior written consent of the Local Planning Authority.

Reason: The Local Planning Authority considers that even minor changes in the design or enlargement of the development should be subject of further consideration to safeguard the appearance of the area in accordance with policies CP1 and CP8 of the Adopted Oxford Local Plan 2001-2016.

INFORMATIVES :-

- 1 The development hereby permitted is liable to pay the Community Infrastructure Levy. The Liability Notice issued by Oxford City Council will state the current chargeable amount. A revised Liability Notice will be issued if this amount changes. Anyone can formally assume liability to pay, but if no one does so then liability will rest with the landowner. There are certain legal requirements that must be complied with. For instance, whoever will pay the levy must submit an Assumption of Liability form and a Commencement Notice to Oxford City Council prior to commencement of development. For more information see: www.oxford.gov.uk/CIL
- 2 In accordance with guidance set out in the National Planning Policy Framework, the Council tries to work positively and proactively with applicants towards achieving sustainable development that accords with the Development Plan and national planning policy objectives. This includes the offer of pre-application advice and, where reasonable and appropriate, the opportunity to submit amended proposals as well as time for constructive discussions during the course of the determination of an application. However, development that is not sustainable and that fails to accord with the requirements of the Development Plan and/or relevant national policy guidance will normally be refused. The Council expects applicants and their agents to adopt a similarly proactive approach in pursuit of sustainable development.
- 3 If unexpected contamination is found to be present on the application site, an appropriate specialist company and Oxford City Council should be informed and an investigation undertaken to determine the nature and extent of the contamination and any need for remediation. If topsoil material is imported to the site the developer should obtain certification from the topsoil provider to ensure that the material is appropriate for the proposed end use.

Please note that the responsibility to properly address contaminated land issues, irrespective of any involvement by this Authority, lies with the owner/developer of the site.

- 4 In order to meet the requirements of the condition to vary the order governing parking as set out above, you are advised to contact:

Environmental Services,
Oxfordshire County Council,
Speedwell House,
Speedwell Street,
Oxford,
OX1 1NE

01865 815857

13. APPENDICES

Appendix 1 – Site Location Plan

14. HUMAN RIGHTS ACT 1998

- 14.1. 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.

15. SECTION 17 OF THE CRIME AND DISORDER ACT 1998

- 15.1. 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.