

## EAST AREA PLANNING COMMITTEE

**Application Number:** 18/00546/CT3

**Decision Due by:** 24th April 2018

**Extension of Time:** 1<sup>st</sup> June 2018

**Proposal:** Erection of 3 No. single storey buildings to create 2 x 1-bed and 1 x 2-bed residential retirement dwellinghouses (Use Class C3). Alterations to landscaping, provision of bin and cycle stores to each dwelling and provision of car parking.

**Site Address:** Garages Rear Of 18-34 Mortimer Drive **(Site Plan: Appendix 1).**

**Ward:** Marston Ward

**Case Officer** Sarah Orchard

**Agent:** Mr Martyn Few **Applicant:** Ms Allison Dalton

**Reason at Committee:** Oxford City Council Application

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## 1. RECOMMENDATION

1.1. East 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

1.1. This report considers the erection of 1no. 2 bedroom bungalow and 2no. 1 bedroom bungalows. The report considers the reuse of a previously developed site, highway impact, impact on neighbouring occupiers, the quality of accommodation being provided and provision of affordable housing. It is concluded that the proposed results in an efficient reuse of previously developed land in accordance of the aims of policy CS2 of the Core Strategy.

1.2. The scheme would also accord with the aims and objectives of the National

Planning Policy Framework would constitute sustainable development, and, given conformity with the development plan, paragraph 14 advises that the development proposal should be approved without delay. Furthermore there are not any material considerations that would outweigh the compliance with these national and local plan policies.

### 3. LEGAL AGREEMENT

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

### 4. COMMUNITY INFRASTRUCTURE LEVY (CIL)

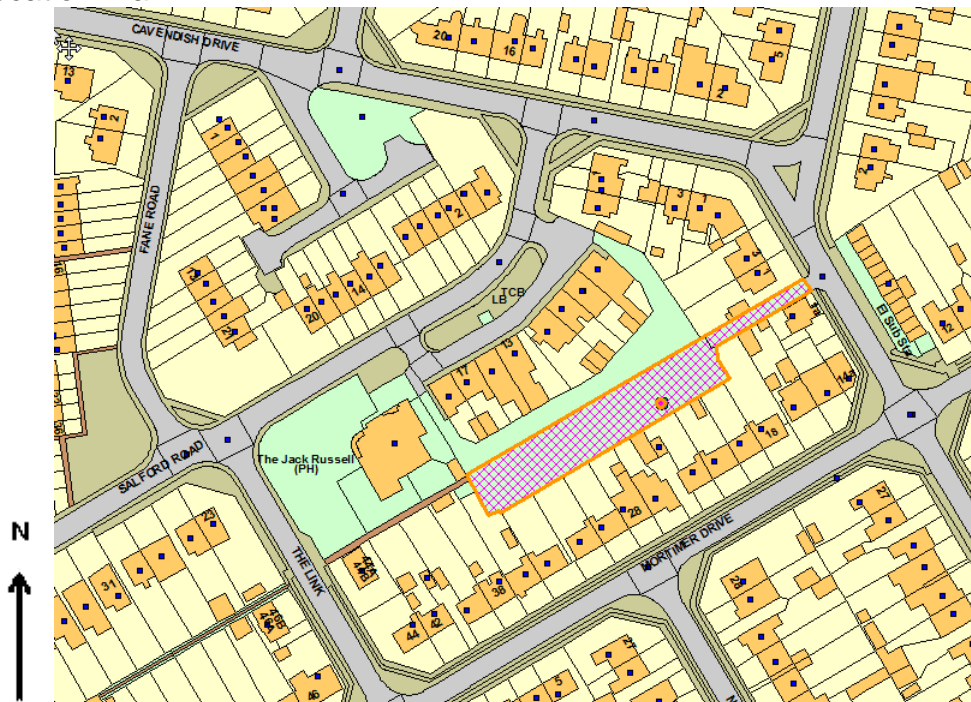
4.1. The proposal is liable for CIL payment of £20,262.14.

### 5. SITE AND SURROUNDINGS

5.1. The application site is 1,172.60 square metres and is located within the Carter Estate of the Marston area of Oxford to the north east of the city centre. The application site is a former residential garage site and is bordered by properties and rear gardens of dwellings in Mortimer Drive to the south, Salford Road to the north and Raymund Road to the east. The site benefits from vehicular access from Raymund Road and pedestrian access from the north (Salford Road) and west (The Link) via passageways.

5.2. The site is currently underused, the garages which were on the southern boundary of the site have been removed and the site is predominantly hardstanding and is not visually appealing.

5.3. Site Location Plan:



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Ordnance Survey 100019348

## 6. PROPOSAL

- 6.1. The application proposes the erection of 1no. 2 bedroom bungalow and 2no. 1 bedroom bungalows with retention of existing pedestrian and vehicular accesses. The bungalows are to sit along the southern boundary of the site, over 16 metres from the two storey elements of properties in Mortimer Drive and over 30 metres from the two storey elements of properties to Salford Road to the north of the site. Parking is to sit to the side of Plot 1 and between Plots 2 and 3. To the side of Plot 3 is a turning area where access is also retained to existing garages.
- 6.2. The proposed dwellings would all be social rented affordable housing.

## 7. RELEVANT PLANNING HISTORY

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

66/00132/M\_H - Erection of 26 Compton garages with access from Raymund Road. PER 25th March 1966.

## 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
<b>Design</b>	7, 56, 64, 69	CP1, CP6, CP8,	CS2_, CS18_,	HP9_, HP10_,	
<b>Housing</b>	17, 50		CS23_,	HP2_, HP13_, HP14_, HP4_,	
<b>Natural Environment</b>	9, 94	CP11,	CS9_, CS11_,		
<b>Transport</b>	4, 17, 29-41			HP15_, HP16_,	Parking Standards SPD
<b>Environmental</b>	10, 95, 96	CP10, CP22,		HP11_, HP12_,	

Misc	186, 187	CP.13, CP.24, CP.25		MP1	
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## 9. CONSULTATION RESPONSES

- 9.1. Site notices were displayed around the application site on 5th March 2018 and an advertisement was published in The Oxford Times newspaper on 8th March 2018.

### **Statutory and Non-Statutory Consultees**

#### Oxfordshire County Council (Highways)

- 9.2. The Local Highway Authority raised concerns with fire tender access to the site. The applicant provided further information to demonstrate that a fire tender could get to within 45 metres of each dwelling and the Local Highway Authority removed their objection.
- 9.3. Old Marston Parish Council  
OBJECTION - over-development of site and concern regarding narrow access road at entrance.

### **Public representations**

- 9.4. 2no. third party comments received on this application from addresses in Mortimer Drive and Rawlinson Road.

In summary, the main points of objection were:

- Right of way to 38 Mortimer Drive must be retained. The plans indicate that this will be the case but the issue is being raised for the avoidance of doubt.

### **Officer Response**

- 9.5. Right of way is a legal matter and since the proposal does not obstruct the right of way, the ongoing retention of this is a matter for landowners to agree.
- 9.6. The Local Highway Authority has assessed the application and do not consider there to be any highway safety issues. A very small number of units are proposed which will not generate a significant amount of traffic or constitute overdevelopment.

## 2. PLANNING MATERIAL CONSIDERATIONS

- 2.1. Officers consider the determining issues to be:
- i. Principle of development

- ii. Design
- iii. Neighbouring amenity
- iv. Indoor and Outdoor Space
- v. Affordable Housing
- vi. Highways/Parking
- vii. Trees
- viii. Energy and Water Efficiency
- ix. Drainage

**i. Principle of Development**

- 2.2. The NPPF encourages the effective use of reusing land that has been previously developed (brownfield land), provided that it is not of a high environmental value (paragraph 17).
- 2.3. The proposed development is on a former residential garage site. The land is therefore considered to be previously developed land. Policy CS2 of the Core Strategy supports development on previously developed land. The site has also not been allocated for any particular purpose.
- 2.4. Therefore the development would accord with Oxford Core Strategy Policy CS2. The proposal also accords with the encouragement that development be located on previously developed land as provided in the NPPF.
- 2.5. Policy CS23 of the Core Strategy states that development should comply with the Balance of Dwellings Supplementary Planning Document (SPD). Given that the application is only proposing three units and the site is not capable of accommodating more than this figure, it falls below the threshold to comply with a certain mix of unit sizes.

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

- 2.6. Policy CP6 of the Oxford Local Plan seeks to make the most efficient use of land and development should be at least equivalent to the density of development in the surrounding area. Policies CP8 of the Local Plan, CS18 of the Core Strategy and HP9 of the Sites and Housing Plan state that development needs to relate the surrounding context.
- 2.7. Given the constraints of the site and proximity to neighbouring properties the proposed development cannot respond to the existing grain of development in the area which is primarily characterised by two storey semi-detached dwellings and terraces. The development therefore creates a new low-key character of its own with single storey elongated dwellings of a simple form. This improves the appearance of this backland site and creates an active frontage for any pedestrians passing through the site. It also secures some of the rear boundaries with properties on Mortimer Drive by creating a traditional back to back relationship.
- 2.8. The main design feature of the proposed dwellings is the protruding entrance/porch. This simple form does relate to the existing dwellings in the

Carter Estate. The proposal is therefore considered to form an appropriate relationship with the surrounding area taking into the account the constraints of the site. Due to the low key nature of the development the proposal will not appear as a significant feature in the surrounding area. Given the location of the site, almost entirely surrounded by housing, the proposals would only be visible from the glimpse views into the site along the access routes. The materials to be used have not yet been confirmed, therefore samples of materials to be used are requested by condition to ensure that they are of a suitable quality and form an appropriate visual relationship with the surrounding area.

- 2.9. The proposal, subject to conditions, is considered to comply with policies CP1, CP6 and CP8 of the Oxford Local Plan, CS18 of the Core Strategy and HP9 of the Sites and Housing Plan.

**iii. Impact on Neighbouring Amenity**

- 2.10. Policies CP10 of the Oxford Local Plan and HP14 of the Sites and Housing Plan set to protect the amenity of neighbouring occupiers in terms of loss of light, loss of privacy and overbearing impact.
- 2.11. The proposed units are designed as low key housing in order to avoid an overbearing impact on neighbouring properties. They are single storey with pitched roofs which are of a small scale. The eaves are approximately 2.5 metres high with a maximum ridge height of 4.5 metres. The main dwellings in Salford Road and Mortimer Drive (un-extended) sit approximately 15 metres away from the boundary of the site. The proposed units are also set over a metre from the boundaries into the site retaining adequate distance, when taken with the limited height, with surrounding properties to ensure they do not cause loss of light or an overbearing impact. The windows are also located to predominantly look into the site and the access road and not look directly into the gardens of neighbouring properties. This safeguards the privacy of neighbouring occupiers and creates a safer environment for people walking through the site. The proposal is therefore considered to comply with policies CP10 of the Oxford Local Plan and HP14 of the Sites and Housing Plan.

**iv. Indoor and Outdoor Space**

- 2.12. Policies HP12 and HP13 of the Sites and Housing Plan ensure that that an adequate level of indoor and outdoor space is provided to residential units based on the intended occupancy. The application proposes 2no. one bedroom units and 1no. two bedroom unit. The one bedroom units are approximately 53 square metres. This exceeds the 50 square metre requirement for a one bedroom single storey unit for 2 occupants. The two bedroom unit is designed so that a carer can stay at the property if required. The two bedroom units are approximately 66 square metres. This exceeds the 61 square metre requirement for a two bedroom single storey unit for 3 occupants. The units have been clearly laid out with a double and single bedroom. The proposal is therefore considered to comply with the national space standards now required by policy HP12 of the Sites and Housing Plan.

- 2.13. Policy HP2 of the Sites and Housing Plan relates to accessible and adaptable homes. For sites of 4 dwellings or more where less than 20 units are proposed at least one of the units should be fully wheelchair accessible. In this case all three units are designed to be fully wheelchair accessible but, given there is no requirement for this under policy HP2, no condition is recommended enforcing this.
- 2.14. In relation to outdoor space the units are each provided with some outdoor space. Whilst this space is limited, the units are not capable of housing a large number of occupants. Under policy HP13 there is no set outdoor amenity space for a one bedroom dwelling. 1 and 2 bedroom flats and maisonettes are required to have a private balcony or terrace of useable space at least 1.5 by 3 metres (4.5 square metres). The proposed units have outdoor space which exceeds this standard. Given this, that the units will only be occupied by a small number of people and the accommodation is designed for occupants who may not be able to manage a large private amenity space the proposed outdoor amenity space is considered to be appropriate in this context and in accordance with policy HP13. The bicycle and bin storage is also designed to be integrated into the porches and will not need to be accommodated within the proposed gardens. This storage provides adequate space for two wheelie bins in accordance with the requirements of policy HP13. Given the outdoor space is limited, a condition is proposed removing permitted development rights for extensions/enlargements/additions to assess the impact of any enlargement or outbuildings on the available amenity space.

**v. Affordable Housing**

- 2.15. The site falls below a small housing site under policy HP4 of the Sites and Housing Plan. Housing sites of 4-9 dwellings either need to provide 15% of the sale value towards affordable housing provision or in some cases 50% of the housing on the site should be affordable housing. In this case Oxford City Council is the applicant and is proposing 100% affordable housing through social rented housing. Given that the site falls below the threshold for affordable housing, no condition or legal agreement is recommended to secure this.

**vi. Highways/Parking**

- 2.16. The site is not located within a Controlled Parking Zone, however, each property has 1 off-street parking bay. This is in line with the adopted standards under policy HP16 of the Sites and Housing Plan and is therefore acceptable on parking grounds. Access is also to be retained to existing garages at adjoining properties.
- 2.17. The Local Highway Authority raised concerns with fire access to the proposed dwellings. All the dwellings are more than 45 metres from the highway and therefore a fire engine would need to be able to access the site. Fire engines can reverse up to 20 metres into a site. This enables a fire engine to get within 45 metres of Plots 1 and 2 from Raymund Road. A fire engine could park on Salford Road enabling fire fighters to reach Plot 3. Given this and the two safe pedestrian accesses in and out of the site, the local highway authority removed

their objection to the proposal. As such the proposals would not have an adverse impact upon highway safety in accordance with the NPPF.

- 2.18. A condition relating to the use of Sustainable Urban Drainage (SuDs) is imposed to ensure that the development does not increase in flooding of the highway in the interests of highway safety in accordance with policy CP1 of the Oxford Local Plan.
- 2.19. Policy HP16 also sets a requirement for the provision of cycle storage with new dwellings. Each property has a porch with built-in cycle and bin storage. This space is capable of providing two bicycles in line with the minimum requirement or could be adapted for wheelchair storage, as appropriate. The proposals therefore accord with policy HP16 and can be secured by condition.

**vii. Trees**

- 2.20. Policies CP1, CP11 and NE15 of the Oxford Local Plan seek to protect significant trees during and after construction and successful landscaping. There are no objections to this application in regard to the Council's adopted local plan as there are no arboricultural implications in the proposed scheme. A landscape plan with planting schedule is requested by condition to improve the appearance of the site, create a successful place and integrate the development into the surrounding area.
- 2.21. Subject to landscaping conditions, the proposal is considered to comply with policies CP1, CP11, NE15 and NE16 of the Oxford Local Plan.

**viii. Energy and Water Efficiency**

- 2.22. Policies CS9 of the Core Strategy and HP11 of the Sites and Housing Plan expect the applicant to demonstrate how sustainable design and construction methods will be incorporated and how energy efficiencies have been incorporated into the design. Due to the size of the proposed development is not a qualifying site for providing 20% of energy needs through on site renewables and low carbon technologies. Given this it is considered appropriate to resolve energy and water efficiency through the use of conditions.
- 2.23. A condition relating to water efficiency is recommended for the new dwellings to ensure that the optional requirement G2 36 (2) (b) of building regulations is triggered.
- 2.24. A condition is also recommended in relation to energy efficiency to ensure that the new dwellings meet an energy performance equivalent to ENE1 level 4 of the Code for Sustainable Homes. The Design and Access Statement sets out that energy efficiency can be achieved by high standards of thermal efficiency through insulation and airtightness, use of energy efficient appliances, education of occupants about energy efficiency and compliance with Building Regulations.
- 2.25. Subject to these conditions, the proposals are considered to accord with policies CS9 of the Core Strategy and HP11 of the Sites and Housing Plan.



## ix. Drainage

- 2.26. The proposed development is within the indicative catchment for the Lye Valley SSSI, an area very sensitive to changes in both groundwater flows and chemistry. Therefore, if shown to be feasible (by the undertaking of soakage tests), infiltration drainage would be preferential in order to maintain the flow of groundwater and reduce the impact of increased impermeable area as a result of the development. If shown not to be feasible, the drainage strategy should utilise attenuation of surface water in order to limit discharge rates to greenfield rates. Details of this are requested by condition in accordance with the requirements of policy CS11 of the Core Strategy.

## 3. CONCLUSION

- 3.1. In summary it is considered that the site is currently not serving its intended purpose as parking and garaging, has been underused for some time and lack of and no other viable uses have been brought forward. The reuse of the site for housing on previously developed land brings forward a positive use which makes an efficient reuse of land. It supports the community by providing small scale accessible and affordable housing whilst freeing up larger social housing family homes within the city.
- 3.2. The development would also accord with the other relevant policies of the development plan including protection of the amenity of neighbouring occupiers in relation to policies CP10 of the Oxford Local Plan and HP14 of the Sites and Housing Plan and protection of highway safety and provision of parking and cycle storage in relation to policies CP1 of the Oxford Local Plan and HP15 and HP16 of the Sites and Housing Plan. The development also accords with design policies in relation to policies CP1, CP6 and CP8 and Oxford Local Plan, CS18 of the Core Strategy and HP9 of the Sites and Housing Plan and provides an adequate level of indoor and outdoor space in relation to policies HP2, HP12 and HP13 of the Sites and Housing Plan.
- 3.3. Officers would advise members that having considered the application carefully including all representations made with respect to the application, that the proposal is considered to be acceptable in terms of the aims and objectives of the National Planning Policy Framework, and relevant policies of the Oxford Core Strategy 2026, Sites and Housing Plan and Oxford Local Plan 2001-2016 .
- 3.4. It is recommended that the Committee resolve to grant planning permission for the development proposed subject to the conditions set out below.

## 10. CONDITIONS

- 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 The dwelling(s) shall not be occupied until all of the dwellings hereby approved meet Building Regulations Part M access to and use of building, Category 3 wheelchair user dwellings, Optional requirement M4(3).

Reason: To ensure that new housing meets the needs of the proposed occupiers of the units and to comply with the Development Plan, in particular Local Plan policies CP1, CP13, Core Strategy Policy CS23 and Sites and Housing Plan Policy HP2.

- 5 The dwelling(s) shall not be occupied until the relevant requirements of level of energy performance equivalent to ENE1 level 4 of the Code for Sustainable Home have been met and the details of compliance provided to the local planning authority.

Reason: To ensure that new dwellings are sustainable and to comply with the Development Plan, in particular Core Strategy Policy CS9 and Sites and Housing Plan Policy HP11.

- 6 The dwelling(s) shall not be occupied until the Building Regulations Part G sanitation, hot water safety and water efficiency, Category G2 water efficiency, Optional requirement G2 36 (2) (b) has been complied with.

Reason: To ensure that new dwellings are sustainable and to comply with the Development Plan, in particular Core Strategy Policy CS9 and Sites and Housing Plan Policy HP11.

- 7 Prior to the commencement of development, plans, calculations and drainage details to show how surface water will be dealt with on-site through the use of sustainable drainage methods (SuDS) shall be submitted to and approved in writing by the Local Planning Authority. The plans, calculations and drainage details will be required to be completed by a suitably qualified and experienced person in the field of hydrology and hydraulics.

The plans, calculations and drainage details submitted shall demonstrate that;

- I. The drainage system is to be designed to control surface water runoff for all rainfall up to a 1 in 100 year storm event with a 40% allowance for climate change.
- II. The rate at which surface water is discharged from the site may vary with the severity of the storm event but must not exceed the greenfield runoff rate for a given storm event.
- III. Excess surface water runoff must be stored on site and released to receiving system at greenfield runoff rates.

IV. Where sites have been previously developed, betterment in runoff rates will be expected, with discharge at, or as close as possible to, greenfield runoff rates.

Any proposal which relies on Infiltration will need to be based on on-site infiltration testing in accordance with BRE365 or alternative suitable methodology, details of which are to be submitted to and approved by the LPA. Consultation and agreement should also be sought with the sewerage undertaker where required.

The development shall then be carried out in accordance with the approved details and the drainage infrastructure shall be retained thereafter.

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

- 8 A SuDS maintenance plan shall also be submitted to and approved in writing by the Local Planning Authority. The Sustainable Drainage (SuDS) Maintenance Plan will be required to be completed by a suitably qualified and experienced person in the field of hydrology and hydraulics. The SuDS maintenance plan will be required to provide details of the frequency and types of maintenance for each individual sustainable drainage structure proposed and ensure the sustainable drainage system will continue to function safely and effectively in perpetuity. The development shall then be carried out in accordance with the approved details.

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

- 9 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) 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 and the amenity of neighbouring properties and occupiers of the dwellings in accordance with policies CP1, CP8 and CP10 of the Adopted Oxford Local Plan 2001-2016, HP9 and HP14 of the Sites and Housing Plan and CS18 of the Core Strategy.

- 10 A landscape plan shall be submitted to, and approved in writing by, the Local Planning Authority before development starts. The plan shall show in detail all proposed tree and shrub planting, treatment of paved areas and means of enclosure, and areas to be grassed or finished in a similar manner. The landscaping proposals as approved by the Local Planning Authority shall be carried out upon substantial completion of the development and be completed not later than the first planting season after substantial completion.

Reason: In the interests of visual amenity in accordance with policies CP1 and CP11 of the Adopted Local Plan 2001-2016.

- 11 If for any reason, any tree or shrub planting within the landscaping plan fails to become established or becomes diseased or dies within 5 years after completion, it shall be replaced with a tree or shrub of equal or greater quality and quantity as soon as practically possible.

Reason: In the interests of visual amenity in accordance with policies CP1 and CP11 of the Adopted Local Plan 2001-2016.

- 12 The bin and cycle storage shown on the approved plans, internally within the porch areas of each dwelling hereby approved, shall be retained for the purposes of bin and cycle storage in perpetuity and shall not be used for any other purpose without the express permission of the Local Planning Authority.

Reason: To encourage the use of sustainable modes of transport in line with policy HP15 and to safeguard the character and appearance of the area in accordance with policy HP13.

- 13 Before the development permitted is brought into use the areas for parking and manoeuvring of vehicles 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.

## **11. APPENDICES**

### **Appendix 1 – Site Plan**

## **12. HUMAN RIGHTS ACT 1998**

- 12.1. Officers have considered the implications of the Human Rights Act 1998 in reaching a recommendation to grant planning permission. 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.

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

- 13.1. 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.

**Appendix 1 – Site Plan**



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