

EAST AREA PLANNING COMMITTEE

Application Number: 17/01480/FUL

Decision Due by: 17th August 2017

Extension of Time:

Proposal: Demolition of former MOT facility (Use Class B2). Erection of three storey building to create 3 x 1-bed flats and 2 x 2-bed flats (Use Class C3). Erection of a single storey building to create 1 x 2-bed flat (Use Class C3). Provision of private amenity space, bin and cycle storage, alterations to landscaping and formation of 1no. disabled parking space (additional information).

Site Address: 4 Lime Walk, Oxford, OX3 7AE,

Ward: Headington Ward

Case Officer Sarah Orchard

Agent: Mr Alan Divall **Applicant:** Biggin Morrison Investments Ltd

Reason at Committee: The proposal is for more than 5 residential units.

1. RECOMMENDATION

1.1. East Area Planning Committee is recommended to:

(a) Refuse the application for the following reason:

The application has failed to demonstrate that development of the site would not be viable if a contribution towards affordable housing were made. Consequently, the proposed development would not accord with the Development Plan and it would be inconsistent with the Framework objective of creating sustainable, inclusive and mixed communities.. Due to the exceptional level of need for affordable housing in Oxford full weight is afforded to the Development Plan.

2. EXECUTIVE SUMMARY

2.1. This report considers the redevelopment of the commercial garage at 4 Lime Walk. The application proposes to demolish the former MOT garage and erect a three storey building to create 3no. one bedroom flats, 2no. two bedroom flats and 1no. 1 bedroom flat with private amenity space, bin and cycle storage, landscaping and 1no. disabled parking space. The report finds that the development is acceptable in principle, however no contribution is being offered

towards affordable housing. The application has been reviewed by a viability consultant who has concluded that the site should not be eligible for a full contribution and that contribution should be lowered to ensure that the scheme is still viable. Since no contribution is being offered the application is recommended for refusal on this basis only.

3. LEGAL AGREEMENT

3.1. This application is not subject to a legal agreement. A legal agreement would be required if the affordable housing contribution was agreed.

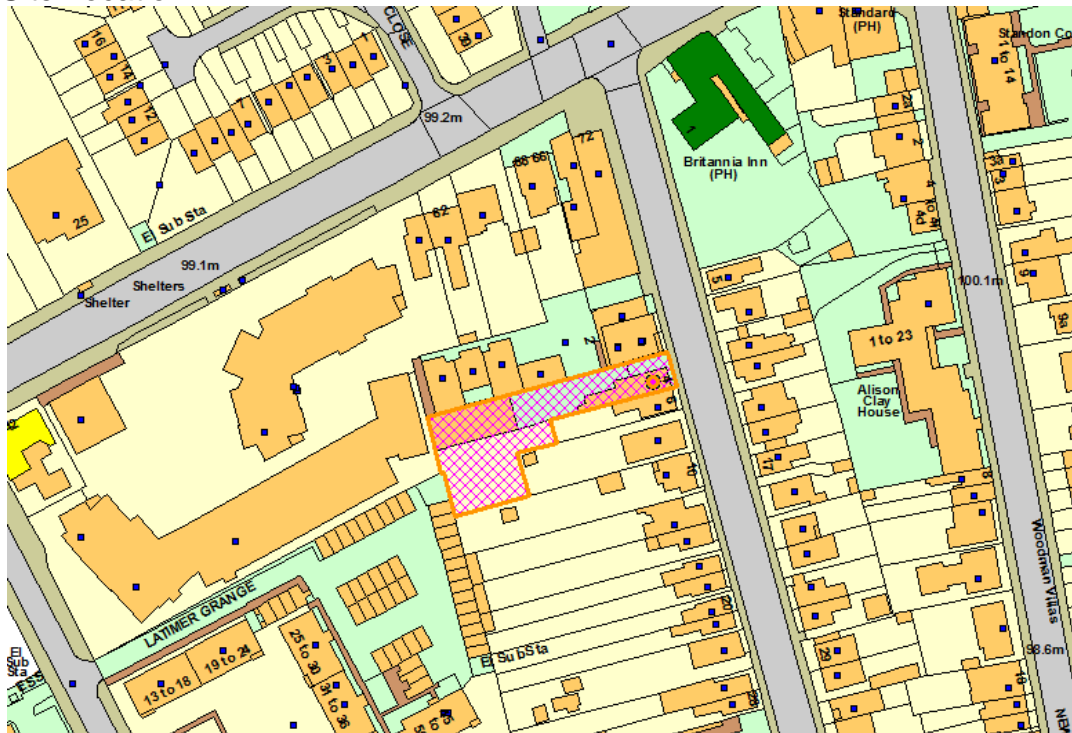
4. COMMUNITY INFRASTRUCTURE LEVY (CIL)

4.1. The proposal is liable for CIL payment of £27,907.78.

5. SITE AND SURROUNDINGS

5.1. The site is located in the Headington Area of Oxford to the north-east of the city centre. The application site is a back land site accessed off Lime Walk but falls in close proximity to properties on the southern side of London Road. The neighbouring properties surrounding the site and predominantly residential. The site benefits from a narrow vehicular access to the north of 4 Lime Walk. To the rear (west) of the plot, the site widens and extends to the south behind the rear gardens of 6 and 8 Lime Walk with high boundary fences. The application involves the demolition of the existing single storey garage which was last used in 2005.

5.2. Site Location:



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Ordnance Survey 100019348

6. PROPOSAL

- 6.1. The application proposes the demolition of the former MOT facility (Use Class B2). The proposal includes the construction of 2 buildings. The first is to be located in the north-western corner of the site. It would have a total length of 21.5 metres. At its highest point, in the north-western corner of the site it would be three storeys and be 8.5 metres high, stepping down to two storeys with an approximate height of 6.5 metres as it sits closer to the residential properties on Lime Walk. This building would accommodate 2 flats at ground floor level (1no. one bedroom and 1no. two bedroom), 2 flats at first floor level (1no. one bedroom and 1no. two bedroom) and 1no. one bedroom flat at second floor level. The second building would be located on southern section of the site which sits behind the garden of No. 8 Lime Walk. It would be of single storey construction and accommodate 1no. two bedroom flat. At its highest it would measure 4 metres sloping down to 2.5 metres where it nears the boundary with No. 8 Lime Walk.
- 6.2. The application also includes the provision of private amenity space, bin and cycle storage, alterations to landscaping and formation of 1no. disabled parking space.

7. RELEVANT PLANNING HISTORY

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

51/01560/A_H - Workshop. TEM 23rd January 1951.

63/13257/A_H - Change of use from upholstery business to provide car hire business. PER 9th April 1963.

68/20508/AA_H - Erection of a bathroom and office at rear of existing dwelling house and extension to garage building. PER 24th September 1968.

68/20508/A_H - Extension to provide bathroom and office, extension to garage and additional use of existing car hire business for the repair and maintenance of vehicles unconnected with that business. REF 20th August 1968.

70/23367/A_H - Alterations to loft to form to form playroom and formation of dormer window. PDV 13th October 1970.

71/23949/A_H - Erection of car port. REF 23rd March 1971.

71/25150/A_H - Erection of car port. REF 14th December 1971.

73/01335/A_H - Erection of garage for private car. REF 4th October 1973.

15/03755/FUL - Erection of a two storey building to create 4 x 2-bed flats (Use Class C3). Provision of 2No. car parking spaces, private amenity space, bin and cycle store. WDN 13th May 2016.

17/01198/H42 - Application for prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 4.0m, for which the maximum height would be 3.80m, and for which the height of the eaves would be 2.85m.. 1PA 20th June 2017.

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	CP1, CP6, CP8,	CS2_, CS18_,	HP9_, HP10_,	CIP1, GSP4,
Housing	6		CS23_,	HP2_, HP12_, HP13_,	
Commercial	1, 2		CS28_,		
Natural Environment	9, 11, 13	CP11, NE15,	CS11_,		
Transport	4			HP15_, HP16_,	Parking Standards SPD
Environmental	10	CP10, CP22,	CS9_,	HP11_, HP14_,	Energy Statement TAN
Misc	5	CP.13, CP.24, CP.25		MP1	

9. CONSULTATION RESPONSES

9.1. Site notices were displayed around the application site on 10th July 2017.

Statutory and Non-Statutory Consultees

Oxfordshire County Council (Highways)

9.2. Concerns were raised with fire access to the site.

Public representations

- 9.3. 5no. third party comments were received from residents in Lime Walk:
- Lack of access for emergency vehicles, delivery vehicles or bin lorries in the access.
 - Parking is not enforced in the CPZ in the evenings. Lack of parking.
 - Lack of clarity whether fences will be replaced.
 - Building is too large and overdevelopment of the site.
 - Residents will be disturbed by a sculptor carrying out work in the garden of No.10 Lime Walk.
 - Building over a well and drainage issues.
 - Impact on wildlife.
 - Loss of privacy to neighbouring gardens.
 - Garage was not used for MOTs, it was used for vehicle maintenance and repair leading to issues of contamination.
 - Flats will prevent bonfires in the rear of gardens.
 - Light pollution preventing astronomy.
 - Site notice was removed.

Civic Society also commented:

- Dubious that the site is not suitable for family housing.
- Starkly contemporary style which is not may not be inappropriate given the context.
- Absence of commitment to renewable energy.
- Question of who will manage and maintain the amenity space.

Officer Response

- 9.4. Where these are material planning considerations, these are addressed below.

10. PLANNING MATERIAL CONSIDERATIONS

10.1. Officers consider the determining issues to be:

- i. Principle of Development (inc. Loss of a Business Premises and Balance of Dwellings);
- ii. Affordable Housing
- iii. Design;
- iv. Neighbouring Amenity;
- v. Internal and External Space;
- vi. Highways/Parking;
- vii. Sustainability
- viii. Drainage;
- ix. Land Quality;
- x. Trees

i. Principle of Development

- 10.2. Policy CS2 of the Core Strategy and the NPPF support the focusing developing on previously developed land. The application site is a former commercial garage which has been disused for since 2005. Given the shortage of housing in Oxford the proposal is considered to be an efficient reuse of a previously developed site to provide housing.
- 10.3. Policy CS28 of the Core Strategy relates to employment sites. Planning permission will not be granted for the loss of key protected employment sites. The application site is not a key protected employment site and has been vacant for some time. The last business rates were paid in 2005. Given the proximity to residential dwellings, applications to intensify and support the business use on the site have previously been refused due to impact on the amenity of neighbouring occupiers. When the property was marketed for sale, the only interest which came forward was for potential residential use. It is therefore considered that the loss of the business use on the site is considered acceptable and in accordance with policy CS28 of the Core Strategy.
- 10.4. Policy CS23 of the Core Strategy relates to mixed and balanced communities. This policy is supported by the Balance of Dwellings Supplementary Planning Document (SPD) which sets out the appropriate housing mixes for each neighbourhood area. The proposed development sits within the Headington Neighbourhood area which is classed as an 'amber area'. The SPD states that developments shall not result in the net loss of family dwellings and new development should provide at least 30% of the development as 3 bedroom homes. In neighbourhood centres for developments of 1-9 units, no specific mix is required. The application site lies adjacent to but not within the district centre. The boundary of the District Centre lies along the northern boundary of 2 Lime Walk. Given the proximity to the district centre, the constrained nature of the site and in order to make the most efficient use of land, it is considered that the proposed development is acceptable and in line with policy CS23 of the Core Strategy.

ii. Affordable Housing

- 10.5. Policy HP4 of the Sites and Housing Plan seeks affordable housing contributions from developments of 4 to 9 dwellings towards the delivery of affordable housing elsewhere in Oxford. The Planning Practice Guidance (PPG) section 'Planning Obligations' at paragraph 31 advises that financial contributions should not be sought from developments of ten dwellings or less.
- 10.6. The Council published a Position Statement in March 2017 which concluded that the level of need for affordable housing in Oxford is extremely high, both as a proportion of the Objectively Assessed Need for the city and also in comparison with the need for affordable housing in the rest of the County and the wider region. Oxford has the highest house price to earnings ratio in the country and very high private rent levels, meaning that many households cannot afford to buy or rent in the city. In addition, as a largely built-up area with tightly drawn

administrative boundaries, Oxford is reliant on the development of small sites for its housing supply.

- 10.7. The Planning Practice Guidance restriction on seeking affordable housing contributions carries significant weight. However, due to the exceptional level of need for affordable housing in Oxford full weight is still applied to the Development Plan policy HP4.
- 10.8. The application was accompanied by a viability assessment in order to demonstrate that paying a full contribution towards affordable housing would make the scheme unviable. The Local Authority raised concerns with the assessment as it was not carried out in accordance with the Affordable Housing and Planning Obligations Supplementary Planning Document (AHPO SPD). Amendments were made to the assessment, however an agreement was not reached and an external viability consultant was brought in to review the assessment.
- 10.9. The Viability Consultant concluded that the scheme was not liable for a full contribution but based on the sliding scale set out in the AHPO SPD, a partial contribution of between £186,000 to £198,000 could be made and the scheme would still be viable. The applicant disputes the figures and percentages used in relation to contingency, fees, finance costs, ground rents, length of the sales programme, land cost and profit used by the Viability Consultant and has made an offer of £38,000. This is based on the amount it would cost due to increase in build costs, holding costs and additional finance if they were to appeal the decision. The Local Authority does not agree with this position or offer in light of the conclusions of the Viability Consultant and is therefore recommending the application for refusal as there is a fundamental conflict with policy HP4 in the absence of a robustly justified affordable housing contribution.

iii. Design and Impact on Character of Surrounding Area

- 10.10. The design is a fairly contemporary building with a combination of pitched and flat roofs, large windows with the use of timber, render and metal cladding which whilst it sits adjacent to more traditional pitched roof properties in Lime Walk, also sits close to Latimer Grange a 1970s development of flats accessed off Latimer Road, Unite Student Accommodation on London Road and Lime Tree Mews directly to the north of the site which are contemporary buildings with flat roofs. Therefore there is variety of architectural styles in the surrounding area which the proposal compliments. The height and massing of the proposed development also is respectful of its surroundings. The main block is three stories in height and steps down to two storey nearer Lime Walk. This is a storey lower than the adjacent four storey Unite Student accommodation and acts as a step down towards the two storey residential buildings in Lime Walk. The smallest block is single storey only in order to respect the backland garden character to the rear of dwellings in Lime Walk.
- 10.11. The proposal is therefore considered to comply with policies CP1, CP6 and CP8 of the Oxford Local Plan, CS18 of the Core Strategy, HP9 of the Sites and Housing Plan and CIP1 and GSP4 of the Headington Neighbourhood Plan.

iv. Impact on Neighbouring Amenity

- 10.12. The proposed development is respectful of the impact on neighbouring properties and has been designed to be mindful in terms of loss of light, overbearing and loss of privacy. The main three storey/two storey block is located in the north western corner of the plot. The northern side of the plot is currently bordered by a high brick wall, equivalent to two stories in height. This wall is to be retained and the building is to be set 1 metre off this boundary. Two third floor rear facing windows are located above this wall but are high level and as such there will not be an unacceptable sense of overlooking between windows. The main block sits to the east of existing student accommodation and does not sit in front of windows to habitable rooms. The primary outlook of the main block is south facing, these windows are between 15 and 17 metres from the southern boundary of the site. At their closest they are just under 6 metres from the very rear of the garden to 8 Lime Walk. The property itself is over 20 metres away and the proposals would be at an oblique angle to the rear facing windows of the dwellings. The single storey block will largely be obscured by boundary treatments. The proposal is therefore not considered to cause an unacceptable loss of privacy, light or be overbearing to neighbouring properties.
- 10.13. The proposal is therefore considered to comply with policies CP10 of the Oxford Local Plan and HP14 of the Sites and Housing Plan.

v. Internal and External Space

- 10.14. The development proposes 3no. one bedroom flats and 3no. two bedroom flats. Any new proposed residential units, in accordance with policy HP12 of the Sites and Housing Plan, need to comply with National Space Standards, should provide natural lighting and outlook and have a separate lockable entrance and kitchen and bathroom facilities. Each one bedroom flat is 50m². This meets the minimum space standard for two occupants with a double bedroom over 11.5m². The two bedroom flats range between 63 and 66m². These meet the minimum space standard for three occupants with a double and single bedroom with the double room being over 11.5m² and the single room exceeding 7.5m². The proposal is therefore considered to meet the requirements of policy HP12 of the Sites and Housing Plan.
- 10.15. Policy HP2 relates to accessible and adaptable dwellings. This policy refers to the Lifetime Homes standard which has now been superseded by Part M of building regulations. Given the scheme proposes more than 4 dwellings at least one of the homes is required to be fully wheelchair accessible, the rest of the units will need to be adaptable for the future. The nearest equivalent is now optional requirement M4(2) for wheelchair adaptable homes and M4(3) for wheelchair user homes. A condition could therefore be recommended that the homes must be built to these standards.
- 10.16. In terms of outdoor space, 1 and 2 bedroom flats are required to have directly access to a private balcony or terrace. All the units have access to this and additionally there is a shared garden area.

10.17. This outside space also accommodates bin storage, cycle storage and a disabled parking space, all of which have direct level access to the street in accordance with policy HP13 of the Sites and Housing Plan.

vi. Highways/Parking

10.18. The application displays 14 cycle parking spaces for the development in four locations adjacent to flat entrances. This level of provision is welcomed as it exceeds minimum guidelines of 2 cycle parking spaces for a 1-bed or 2-bed dwelling required under policy HP15 of the Sites and Housing Plan. All residential cycle parking must also be secure, enclosed and undercover. Further details could be requested by condition.

10.19. It is noted that the application document states that the new dwellings would be car free. The proposed location is considered to be sustainable due to the proximity of within 800 metres of a local supermarket and has excellent access to public transport. Therefore, the car free nature of this development is considered acceptable. The dwellings are situated within a CPZ and the dwellings could be excluded from eligibility from parking permits by condition to enforce the car free nature of this development.

10.20. The application proposes one disabled parking space for the site located at the end of the access road. Concerns were raised that the position of this car parking space did not appear to allow sufficient turning space for vehicles to enter the site, turn around and leave in forward direction. A swept path analysis was requested to demonstrate that a modern family vehicle can safely and easily enter and exit the disabled parking space. The swept path demonstrated that this could be achieved.

10.21. The site is situated along an access road. The plans did not display the location of the bins or whether refuse vehicles would be able to access the site to serve the development. Residents should not be required to carry waste more than 30m to the storage point and waste collection vehicles should be able to get to within 25 m of the storage point. The proposal also did not demonstrate whether emergency vehicles would be able to access the site. Manual for Streets states that vehicle access for a pump appliance is required within 45m of every dwelling entrance for flats. A swept path analysis and revised site plan was provided to demonstrate that an emergency vehicle could reverse into the site and exit the development safely and without obstruction. Satisfactory location of bin storage was also provided on the revised site plan and would be secured by condition.

10.22. The proposal is therefore considered to comply with policies CP1 and CP10 of the Oxford Local Plan and policies HP15 and HP16 of the Sites and Housing Plan.

vii. Sustainability

10.23. In accordance with Policy HP11 of the Sites and Housing Plan, the application site is not a qualifying site to provide 20% of the energy needs from on-site

renewable or low carbon technologies. This policy does however still stress importance of incorporating renewables or low carbon technologies into schemes. The application has been accompanied by an energy efficiency statement to demonstrate how energy efficiency have been incorporated into the proposed development. This statement sets out that insulation and use of construction materials will be used to reduce demand for energy, energy efficient boilers will be installed, each flat would have its own energy controls and thermostats, LED lighting would be installed and rainwater butts would be incorporated for garden maintenance purposes to reduce water consumption.

10.24. In addition to this conditions could be imposed to ensure that the development meets water and energy efficiency standards. A condition relating to water efficiency could be recommended for the new dwellings to ensure that the optional requirement G2 36 (2) (b) of building regulations is triggered.

10.25. A condition could also be 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 in order to ensure compliance with policies HP11 of the Site and Housing Plan and CS9 of the Core Strategy.

viii. Drainage

10.26. The current MOT garage currently occupies an area of approximately 400m² (including building and drive/parking area). A portion of the land, approximately 340m² is green undeveloped land. The proposal will construct a built area of approximately 229m² and driveway/patio area of 240m², a total area of 469m².

10.27. The proposed development is located within Flood Zone 1 according to the Environment Agency's Pluvial (river) Flood Maps. Furthermore, the Environment Agency's Surface Flood Mapping does not indicate the development as at risk to surface water (fluvial) flooding.

10.28. No details of the proposed drainage system have been submitted for assessment. Considering the increase in impermeable area, the scale of the proposal, the surface water flood risk category it is considered that the proposal should provide betterment through the use of a SuDs drainage system aimed at reducing storm water runoff to greenfield rates. It is recommended that conditions requiring the provision of further Sustainable Drainage system design/plans could be provided prior to commencement of work by condition to ensure compliance with policy CS11 of the Core Strategy.

ix. Land Quality

10.29. The application has been accompanied by site investigation reports. The application has been reviewed by the Local Authority Land Quality Officer who has concluded that due to the former use of the site a phased risk assessment needs to be carried out, which could be requested by condition to ensure that any ground and water contamination is identified and adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use in accordance with the requirements of policy CP22 of the Oxford Local Plan 2001-2016.

x. Trees

10.30. The application details indicate that five trees are shown to be removed; trees T3 (graded U), T5 (graded B) and T7, T8 and T11 (graded C). Two trees are shown to be retained; trees T2 and T4. There are also potential 'indirect' arboricultural implications, which are associated with the encroachment into the site of the Root Protection Area (RPA) of T1 (Horse chestnut) standing within the southeast corner of Dorset House (not included on the Oxford City Council - London Road (No. 3) Tree Preservation Order 2004). The Root Protection Area encroachment of T1 is minimal and therefore the proposed footprint of the northwestern block would not have any significant adverse impact on the tree providing appropriate tree protection measures are secured; associated hard surfaces around the block may be designed and constructed to minimise any ground level changes and to be permeable. In order to ensure the protection of the retained trees in accordance with policies CP1, CP11 and NE15 of the Oxford Local Plan a Tree Protection Plan and Arboricultural Method Statement could be requested by condition.

11. CONCLUSION

11.1. Whilst the development is considered acceptable in terms of the principle and more detailed aspects set out above, this does not outweigh the lack of affordable housing contribution being offered. It is recognised that Oxford is an unaffordable city and therefore local policy (HP4) should apply despite planning practice guidance.

11.2. It is recommended that the Committee resolve to refuse planning permission for the development for the reason given below.

12. REASON FOR REFUSAL

- 1 The application has failed to demonstrate that development of the site would not be viable if a contribution towards affordable housing were made. Consequently, the proposed development would not accord with the Development Plan and it would be inconsistent with the Framework objective of creating sustainable, inclusive and mixed communities.. Due to the exceptional level of need for affordable housing in Oxford full weight is afforded to the Development Plan.

13. APPENDICES

Appendix 1 – Site 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.

Appendix 1 – Site Plan



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