

West Area Planning Committee

-15th August 2012

Application Number: 12/01394/FUL

Decision Due by: 1st August 2012

Proposal: Erection of 2x2 bedroom dwellings. Provision of cycle parking, bin stores and private amenity

Site Address: Grove House Club, Grove Street, **Appendix 1.**

Ward: Summertown Ward

Agent: Mr Tony Reedman

Applicant: Mr V Patel

This application has been called in to be heard by the West Area Planning Committee by Councillor Stuart McCready, supported by Councillors Jim Campbell, Jean Fooks and Gwyneth Royce. The application has been called in so that the issue may be heard in public and residents concerns addressed.

Recommendation:

The West Area Planning Committee is recommended to grant planning permission for the following reasons:

- 1 The proposal is considered to make a more efficient use of a brownfield site, in a manner that would be appropriate and sympathetic to the character and appearance of the area and the amenities of neighbouring properties. The development would create an acceptable residential environment and housing in a area of housing need. The development is sustainable and promotes the use of non-car modes of transport. The application therefore accords with policy CP1, CP6, CP8, CP10, TR3, TR4, HS19, HS20 and HS21 of the Oxford Local Plan 2001 - 2016 and CS2, CS18, CS20 and CS23 of the Oxford Core Strategy 2026.
- 2 Officers have considered carefully all objections to these proposals. Officers have come to the view, for the detailed reasons set out in the officers report, that the objections do not amount, individually or cumulatively, to a reason for refusal and that all the issues that have been raised have been adequately addressed and the relevant bodies consulted.
- 3 The Council considers that the proposal accords with the policies of the development plan as summarised below. It has taken into consideration all other material matters, including matters raised in response to consultation and publicity. Any material harm that the development would otherwise give

rise to can be offset by the conditions imposed.

Conditions:

1. 3 years time limit
2. In accordance with plans approved, none other without prior written consent
3. Submission of materials prior to commencement
4. Detailed plans of the cycle and bins stores
5. Landscaping and boundary treatments
6. Stone wall to the rear (south west) to be retained.
7. Exclusion of properties from Controlled Parking Zone.
8. Ground contamination – risk assessment.
9. Removal of PD rights.

Main Planning Policies:

Oxford Local Plan 2001-2016 (OLP)

- CP1 - Development Proposals
- CP6 - Efficient Use of Land & Density
- CP8 - Design Development to Relate to its Context
- CP9 - Creating Successful New Places
- CP10 - Siting Development to Meet Functional Needs
- TR3 - Car Parking Standards
- TR4 - Pedestrian & Cycle Facilities
- HS19 - Privacy & Amenity
- HS20 - Local Residential Environment
- HS21 - Private Open Space

Oxford Core Strategy 2026

- CS2 - Previously developed and greenfield land
- CS18 - Urban design, town character, historic environment
- CS20 - Cultural and community development
- CS23 - Mix of housing

Emerging Sites and Housing Plan

- HP4 - Affordable Homes from Small Housing Sites

Other Material Considerations:

- National Planning Policy Framework
- Balance of Dwellings Supplementary Planning Document
- Sites and Housing Development Plan Document
- Parking Standards Supplementary Planning Document

Relevant Site History:

12/00872/FUL- Proposed retention of 3-storey building of former Grove House Club for use as 1x4 bed dwelling. Approved.

11/01165/FUL- Demolition of existing building. Erection of two storey terrace (with accommodation in roof space) comprising 1 x 4-bed house and 3 x 3-bed houses.

Provision of off street parking, bin and cycle storage. (Amended Plans and Description)- Approved.

11/01131/DEM - Prior notification of proposed demolition of Grove House Club buildings – Prior approval not required.

10/03026/FUL - Demolition of existing club house. Erection of two and three storey building to provide school boarding house with 24 bedrooms – withdrawn.

Representations Received:

Statutory and Internal Consultees:

- Thames Water: No objections
- Environmental Development: No objection subject to a phased contaminated land risk assessment
- County Highways and Traffic: No objections subject to the removal from the site from the controlled parking zone and provision of cycle and bins storage.

Third Parties:

Six letter of objections have been received with the objections are summarised as;

- Second floor terraces would overlook gardens of Dudley Court and 23 Grove Street
- Loss of privacy
- Loss of light to adjacent properties
- Inadequate parking
- Height of proposal
- Noise and disturbance due to proximity of proposal
- Overdevelopment
- Lack of open space
- Access and increased parking pressures

Officers Assessment:

Site Description and Proposal

1. The application site comprises of a currently vacant plot to the east of the former North Oxford Grove House Club, Grove Street, Summertown. The site originally consisted of an extended single storey building attached to the Club House.
2. The site was originally enclosed by a high stone boundary wall but this has more recently been removed as part of demolition works and ongoing renovations works to the Former Club house, on the adjacent site.
3. This application seeks planning permission for the erection of the two x two bedroom dwellings with provision of cycle parking, bin stores and private amenity space.

Background.

4. This application proposes a two x two storey dwellings on the land immediately east of the former Grove House Club, only. There is a varied planning history to this site with the most recent application being the retention of The Former Grove House Club building as a single family dwelling under application 12/00872/FUL. It is officers understanding that the previous application for the 4 dwellings which included the demolition of the former Club House is no longer considered viable by the applicant. This application therefore relates to the site to the east of the Club House, only.
5. Officers consider the determining issues in the case to be:
 - The Principle of the development
 - The form and appearance of the development and its visual impact on the area,
 - The quality of the proposed residential environment created by the proposal
 - The impact of the proposal in the living conditions of the neighbouring properties
 - Impact on parking and the highway network.

Principle of Development

6. The principle of a residential use on this site has already been established by the approval of application 11/1165/FUL, above, and therefore officers would raise no in principle policy objection to a residential use on this site.
7. Policy CP6 of the Oxford local Plan states that development proposals should make efficient use of land by making the best use of the site capacity. However CS23 of the Oxford Core Strategy encourages a mix in the balance of dwelling types and the policy therefore supports a balance of dwelling types in a particular locality. In support of policy CS23 is the Balance of Dwellings Supplementary Planning Document (BoDs). This document has assessed the housing stock within Oxford and has identified areas of different pressure of housing types and stock. The aim of the guidance is to ensure that any new development provides a balanced and mixed community within the neighbourhood in which it is proposed.
8. The application site falls within a neighbourhood area defined as 'amber' in the BoDs which is a scale to indicate the level of pressure the area faces. Amber indicates that the scale of pressure is considerable for this area and therefore family dwellings should form part of new development. This proposal would provide 100% two bed units so is therefore compliant with BoDs.
9. In addition policy HP4 of the emerging Sites and Housing Plan indicates that a financial contribution to affordable housing elsewhere in the city should be sought on residential sites that have the capacity for 4 to 9

dwellings .The calculation to determine the contribution required is based on the overall development floorspace.

10. However, policy HP4 also states that sites that only have the capacity to provide 3 homes or less, are exempt from the requirements. This proposal is for 2 dwellings within the application site with permission already in place on other land formerly part of the Grove Club to convert the former club building to a single large family house. Therefore to achieve 4 units and trigger the affordable requirement would require the demolition of the existing club building which officers do not consider to be an especially sustainable approach to the re use of the site, notwithstanding the fact that 4 units having already been granted permission which involved demolition. In any event that permission pre dates the requirement for affordable housing contributions and could be implemented accordingly.
11. On balance therefore officers are prepared to recommend approval to this latest application which would allow for the construction of either 4 residential units as previously permitted, or one large family unit plus two small units which are felt by the applicant to be more marketable in this part of Oxford in the absence of car parking to serve the development.

Form and Appearance

12. Policy CP8 of the Oxford Local Plan 2001-2016 suggests the siting, massing and design of development must create an appropriate visual relationship with the form grain and scale and materials and details of the surrounding area and CP10 furthers this by stating planning permission will only be granted where proposed developments are sited so as to ensure that street frontage and streetscape are maintained, enhance or created.
13. The area is characterised by fairly dense residential development, and Grove Street is typical of this. Buildings are generally of domestic scale, two storeys with traditional form and appearance in brickwork, fenestration, layout and detailing.
14. The application site is roughly square except for a 'dog leg' in the south east corner of the plot, where the garden of no. 23 extends to the boundary of the gardens with Dudley Court. The site is bounded to the north by the street frontage of Grove Street.
15. The character of Grove Street is that of a fairly narrow road with buildings, at the western end of the street built hard up to the footway. The houses are generally terraces and two storey in height, apart from the former club house, adjacent, which is three storeys and uncharacteristic of the otherwise domestic scale of the houses in the area.
16. In response to the style of the properties within the street this application proposes two x two storey buildings to fill the vacant space between the end of the existing terrace and the Former Club House, with a covered access walk way between them. The two houses are proposed at the

same height and depth as the existing terrace and will therefore be built hard up to the pavement also.

17. The buildings are proposed in the same style as the existing, and the scale, mass and appearance designed so as to appear sympathetic with the character and appearance of the street. The materials are proposed as a red facing brick with reconstituted stone for the window and door lintels with a natural slate roof to match the existing properties. It is considered the proposed use of these materials is sympathetic to those already in use within the street.

Proposed Residential Environment

18. Policy HS21 of the Oxford Local Plan states that residential development should have access to private amenity space and in the case of family dwellings of 2 or more bedrooms the amenity space should be exclusive to the residential property and generally in excess of 10m in length. It also states that private open space could also be in the form of a balcony.
19. The rear gardens proposed measure 5.1m in length with the width varying between plots. The plot adjacent to no 23. is 6.1m wide narrowing to 2.8m for a proposed lawn area, and the plot adjacent to the club house is 4.6m in width. It is recognised the length of the gardens are not as great as policy HS21 generally stipulates, but the widths of the gardens are greater than is typical of terraced properties. The proposal also includes a roof terrace for use as amenity space.
20. This proposal is therefore similar in design (with the inclusion of a roof terrace), but with relatively short rear gardens as the previously approved scheme of 11/01165/FUL. On the consideration of that application officers took the view that the reduced sized gardens were considered reasonable and acceptable in the circumstances of that case, given the natural constraints of the site. A similar scheme nearby in Century Row has rear gardens of a shorter length than those in this proposal
21. It is considered the circumstances of this proposal is very similar to that above, in that the site is tightly constrained in nature and the proposal still presents an opportunity to re develop, a currently vacant, brownfield site for two new dwellings. On balance officers are prepared to accept that the garden sizes for these modest 2 bedroom properties are acceptable

Impact on Neighbouring Properties

22. Policy HS19 of the OLP states that planning permission will only be granted for developments that adequately provide for the protection of the privacy or amenity of the occupants of the proposed and existing neighbouring residential properties.
23. The proposal would introduce new windows at both 1st and 2nd floor levels facing the eastern 'arm' of Dudley Court and part of the rear garden of

no.23 Grove Street. The existing club house also has window which face Dudley Court.

24. There is a distance of 11.5m from the rear wall of the proposed dwellings to the flank wall of Dudley Court which does not have any windows and a distance of 25m to the nearest facing windows of Dudley Court. This separation in distance is considered to be acceptable and there is an existing 2m high stone wall between the application site and shared gardens of Dudley Court which is proposed to be retained which will allow sufficient privacy for the existing neighbouring, and any future occupiers.
25. The shared quad style gardens of Dudley Court would experience some overlooking, as would part of the rear garden of 23. Grove Street due to the inclusion in this proposal of the 2nd floor terraces. This has been raised as a concern by local residents. However officers believe any views from them would be obscured to a degree by the large mature trees and would not have an unacceptable impact given the overlooked 'quad' nature of the gardens of Dudley Court.
26. Rear facing balconies are set within the roof, set back 300mm from the eaves line, in a fashion not dissimilar to the many rear box dormer windows which are prevalent and typical in the area. The new building proposed does not project beyond the rear elevation of the adjoining property on Grove Street, and are a suitable distance from Dudley Court and those opposite in Grove Street. As such there is no conflict with the 45 degree rule in horizontal or vertical plane from the cill height of neighbouring habitable room windows as advised in appendix 6 of the OLP.
27. Grove Street is a relatively narrow road approximately 9.5m in width. The proposal would introduce new windows facing into the street but this is not considered unacceptable due to the existing relationship between the facing buildings on the road which is typical of the area.
28. Concerns were also raised regarding the potential increase of noise and disturbance this proposal may result in. The immediate locality is characterised by fairly dense housing, often in terraces. The proposal site was originally adjoined to the store buildings which were in use in connection with the Club House which was open on evenings on weekdays and weekends. The proposed use of the site for dwellings is not considered to result in any harmful levels of noise or disturbance other than would be expected in normal, reasonable residential situations.

Trees

29. There are two large Yew Trees which are covered by Tree Preservation Orders situated on the western end of the adjacent Grove House Club site, which therefore do not fall within the application site. There are no other trees within the site although there is a concern raised regarding the potential for storage of the necessary required building materials, should

permission be granted, on the adjacent site, within the root protection areas of the trees under the preservation order. This issue cannot be controlled by condition to this application as it refers to land outside of the applicants' control. However an informative can be added to any permission granted reminding the applicant of his responsibilities, with the planning authority retaining powers to deal with any damage to the protected trees.

Parking.

30. The development is proposed car free. The application site is within the Transport District Area. The local plan describes Transport District Areas as highly sustainable as they have good availability to both shops and services, with good access to public transport services as well. The Local Plan states that proposals for car free developments within Transport District areas will be treated favourably. In light of this officers regard the principle of a car free development acceptable.

31. Concerns have been raised during the consultation procedure about the potential increase for on street parking within the area as parking spaces are not provided within the scheme. Officers are mindful of these concerns and it is therefore recommended that the development be excluded from entitlement to apply for parking permits in order to prevent any pressure on on-street parking. A condition is therefore suggested accordingly.

Conclusion:

This development, if approved, would make a more efficient use of a vacant brownfield site in a way that would be appropriate and sympathetic to the visual and residential amenity of the area. The proposal forms a scheme that is considered well formed to enhance the site context and will provide two family dwellings in an area identified as under housing pressure. Whilst the gardens proposed do not fully meet the policy requirement they are, on balance, considered to be suitable given the site constraints and circumstances of the case. Officers therefore recommend the Committee grant planning permission, subject to conditions.

Human Rights Act 1998

Officers have considered the Human Rights Act 1998 in reaching a recommendation to grant planning permission, subject to conditions. Officers have considered the potential interference with the rights of the owners/occupiers of surrounding properties under Article 8 and/or Article 1 of the First Protocol of the Act and consider that it is proportionate.

Officers have also considered the interference with the human rights of the applicant under Article 8 and/or Article 1 of the First Protocol caused by imposing conditions. Officers consider that the conditions are necessary to protect the rights and freedoms of others and to control the use of property in accordance with the general interest. The interference is therefore justifiable and proportionate.

Section 17 of the Crime and Disorder Act 1998

Officers have considered, with due regard, the likely effect of the proposal on the need to reduce crime and disorder as part of the determination of this application, in accordance with section 17 of the Crime and Disorder Act 1998. In reaching a recommendation to approve, officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

Background Papers: 11/01165/FUL

Contact Officer: Hannah Revell

Extension: 2241

Date: 19th July 2012

This page is intentionally left blank