

East Area Planning Committee

2nd October 2013

Application Number: 13/01395/FUL

Decision Due by: 20th August 2013

Proposal: Demolition of existing dental surgery and garage. Erection of three-storey building to provide 9 flats (3 x 3-bed, 4 x 2-bed and 2 x 1-bed) (Use class C3). Provision of private and shared amenity space, 19 cycle parking spaces, 12 car parking spaces and a communal bin store. Access off the London Road (amended plans)

Site Address: Dental Surgery, 312 London Road, Headington Oxford

Ward: Quarry And Risinghurst Ward

Agent: Demarcation

Applicant: FWG Construction

Recommendation:

Committee is recommended to resolve to grant planning permission, subject to the satisfactory completion of an accompanying legal agreement and to delegate to the Head of City Development the issuing of the notice of permission upon its completion. Should however the Community Infrastructure Levy [CIL] charging schedule come into force prior to the completion of the legal agreement, then it shall exclude any items included on the list of infrastructure published in accordance with regulation 123 of the CIL regulations.

If the required legal agreement is not completed within a reasonable period, then the Committee delegates the issuing of a notice of refusal to the Head of City Development on the grounds that the development has failed to adequately mitigate its impacts.

Reasons for Approval

- 1 The proposal forms an appropriate visual relationship with the site and the surrounding development and will appear in keeping with the character of the area. Planning permission was granted in 2008 for a scheme of 9 flats and there have been no changes in site circumstances since that date. It is considered that the proposal complies with adopted policies contained in the Oxford Local Plan, the Oxford Core Strategy and the Sites and Housing Plan.
- 2 Objections have been received from the Risinghurst and Sandhills Parish

Council, the Oxford Civic Society and a number of local residents and the points made have been carefully considered. However the Council take the view that the issues raised do not constitute sustainable reasons for refusing planning permission and that the imposition of appropriate conditions will ensure a good quality form of development that will relate satisfactorily to neighbouring development and the street scene.

- 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 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Samples
- 4 Sustainability design/construction
- 5 Landscape plan required
- 6 Landscape carry out by completion
- 7 Tree Protection Plan (TPP) 1
- 8 Boundary details before commencement
- 9 Privacy screens
- 10 Landscape management plan
- 11 Permeable parking area
- 12 SUDS drainage
- 13 Suspected contamination - Risk assess
- 14 Bin stores and cycle parking
- 15 Construction Travel Plan
- 16 Landscape hard surface design - tree roots
- 17 Landscape underground services - tree roots
- 18 Vision splays
- 19 Levels details
- 20 Retain trees/shrubs along southern boundary
- 21 Side windows obscure glazed
- 22 Arboricultural Method Statement

Legal Agreement

Contribution towards affordable housing as required by policy HP4 of the sites and Housing Plan for all new development of between 4 – 9 units.

Principal Planning Policies:

Oxford Local Plan 2001-2016

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
CP11 - Landscape Design

Core Strategy

CS2_ - Previously developed and greenfield land
CS9_ - Energy and natural resources
CS10_ - Waste and recycling
CS11_ - Flooding
CS18_ - Urban design, town character, historic environment
CS23_ - Mix of housing

Sites and Housing Plan

HP2_ - Accessible and Adaptable Homes
HP4_ - Affordable Homes from Small Housing Sites
HP9_ - Design, Character and Context
HP10_ - Developing on residential gardens
HP11_ - Low Carbon Homes
HP12_ - Indoor Space
HP13_ - Outdoor Space
HP14_ - Privacy and Daylight
HP15_ - Residential cycle parking
HP16_ - Residential car parking

Other Material Considerations:

National Planning Policy Framework
Balance of Dwellings [BoDS] Supplementary Planning Document [SPD]

Relevant Site History:

05/01610/FUL: Demolition of existing detached two storey dwelling. Erection of single and two storey block of 8 flats [6 x 2 bedroom and 2 x 1 bedroom units] with accommodation in the roof space. Provision of communal garden, 8 on plot car parking spaces and covered cycle parking and bin stores. Approved

08/00423/FUL: Demolition of detached dwelling [dental practice]. Erection of two storey building with accommodation in the roofspace to provide 9 flats [2 x 3 bedroom, 5 x 2 bedroom and 2 x 1 bedroom]. Approved

Public Consultation

Statutory Consultees:

- Drainage Team Manager - development should be drained using SUDS measures to include the parking areas
- Thames Water Utilities Limited – No objection but suggest the developer makes contact. Informative added
- Risinghurst and Sandhills Parish Council – objection – the proposal is an

overdevelopment of the area; the design is grossly out of character with the surrounding buildings; the proposed building would add to an already overstretched sewer and drainage system which TW have been made aware of over the last 3 years and traffic would be increased on the narrow slip road which already has problems with congestion and parking/access to the existing developments in the area.

- Oxford Civic Society – the loss of a dental practice in this location would be unfortunate in view of the shortage of local dentists. The application is inadequate in that there is no indication of the context represented by the existing adjacent buildings and the allocation of the gardens is not clear.
- Oxfordshire County Council as Local Highway Authority – No objections subject to the imposition of conditions/informatives relating to cycle parking, vision splays, SUDS drainage, Travel Information Packs for residents, Construction Traffic Management Plan and highway works.

Individual Comments

4 letters of objection. The main points raised can be summarised as follows:

- All the existing trees on the site should be retained
- The top floor balconies will overlook houses in Forest Road and the plans should be amended to avoid this
- The parking provision is inadequate and will result in more on street car parking
- The new building should be no larger or higher than the adjacent flat building
- The design is out of keeping with the area
- Loss of dental surgery which are expensive to build and in great demand
- Overdevelopment – 9 flats is too many and they will overlook neighbouring gardens
- The adjoining flat block was built too high so there should be levels details to ensure this does not happen again
- Trees along the southern boundary should be retained to maintain privacy to the houses in Forest Road
- Overlooking from side facing windows

Issues:

- Principle
- Affordable housing
- Balance of dwellings
- Form and appearance
- Impact on neighbours
- Highways and parking
- Trees
- Residential amenity
- Sustainability
- Sewage and drainage systems

Officers Assessment:

Site description and location

1. The application site lies on the south side of London Road and to the east of the Green Road roundabout and is accessed by a slip road. It extends to approximately 0.1 hectare and currently accommodates a detached, brick built dwelling that is unoccupied.
2. The existing dwelling has formerly been used as a dental surgery since the mid 1950's. However the practice closed some 5 years ago and the building has been empty since then.
3. The area surrounding the application site is characterised by large detached and semi-detached dwellings. Abutting the eastern boundary of the application site are two substantial, three storey flat blocks containing 15 x 2 bedroom flats which were erected in 2002/2003. Further to the east is another single and two storey block containing 8 flats that was granted planning permission in late 2005. The combined total of 23 flats replaced three detached dwellings that formerly existed on the sites.

The Proposal

4. The application seeks planning permission to demolish the existing dwelling and garage on the site and to erect a three storey building with a flat roof to provide a total of 9 flats. Of these, 3 would have three bedrooms and would be located on the ground floor with direct access to a private garden and on the second floor with direct access to 3 private balconies.
5. The proposed building would have a width of 16.45 metres and a depth of 19.6 metres. It would have a maximum height of 8.25 metres and would be erected using red brick, render bay panels and larch timber cladding with a composite zinc roof. The new building would extend across the whole width of the site with 1 metre gaps to both side boundaries.
6. A total of 12 car parking spaces are proposed at the front of the site which would provide 2 spaces for each of the three bedroom flats and 1 space for all the remaining flats. A bin store is also proposed at the front of the site together with a cycle store sited within the communal rear garden area.
7. There are a number of trees on the site including a Silver Birch and a Walnut, both of which are protected. The application proposal retains these trees and a condition is recommended to ensure that they are adequately protected during construction. Most of the remaining trees lie to the rear of the site and will also be retained. A landscaping condition is recommended to enhance the planting on the site and a landscape management condition to ensure that the landscaping is maintained to an adequate standard.

Principle

8. The site contains existing buildings such that it represents previously developed land as defined in Government guidance. The principle of development on previously developed land in sustainable locations is considered acceptable and the National Planning Policy Framework [NPPF] includes a presumption in favour of such development. This is supported by policy CS2 of the Oxford Core Strategy and policy CP6 of the Oxford Local Plan which both seek the effective and efficient use of land.
9. In addition, planning permission was granted in 2008 for a development of 9 flats and although this permission has now lapsed, it remains an important material consideration in the determination of the current application.
10. The loss of the dental surgery use was considered to be acceptable at the time of the previous permission; there are no protective policies that relate to health care facilities and the adjoining property at 310 London Road is currently used as a dental surgery.

Affordable Housing

11. Policy HP4 deals with the provision of affordable homes from small housing sites and requires a financial contribution to be secured towards delivering affordable housing elsewhere in Oxford. The contribution required will be 15% of the total sale value of the development, and will be calculated using the formula set out in Appendix 2 of the Plan. The recommendation is to resolve to grant planning permission subject to the completion of the legal agreement, which, inter alia, will provide for the contribution towards affordable housing to be made. The planning permission will not be issued before the completion of the agreement. In this way the impact of the development on the housing provision within the city will be satisfactorily mitigated.

Balance of dwellings

12. The Balance of Dwellings SPD seeks to ensure the provision of an appropriate mix of housing in the different neighbourhood areas in the City. The application site lies within an 'amber' area which indicates that the pressure on family dwellings is considerable and that new family dwellings should form part of new developments in excess of 3 units. For new developments of between 4 – 9 units, the SPD requires that 30% of the dwellings contain three bedrooms.
13. The current application proposes 3 three bedroom units which equates to 30% of the overall development. The proposed 4 x 2 bedroom and 2 x 1 bedroom units also comply with the requirements of BoDS.

Form and appearance

14. Policy CP1 of the Oxford Local Plan states that planning permission will only be granted for new development that shows a high standard of design, that respects the character and appearance of the area and uses materials of a quality appropriate to the nature of the development, the site and its surroundings. Policy CP8 reiterates this by stating that all new and extended buildings should relate to their setting in order to strengthen, enhance and protect local character.
15. Policy CP8 also suggests that the siting, massing and design of all new development should create an appropriate visual relationship with the form, grain, scale, materials and details of the surrounding area and policy CP10 states that planning permission will only be granted for new development that maintains or enhances the street scene.
16. Policy CS18 of the Oxford Core Strategy and policy HP9 of the Sites and Housing Plan both encourage good urban design that contributes to local character and an attractive public realm.
17. The immediate street frontage has undergone considerable change as a result of the new flatted developments that have been erected to the east of the application site and this is a material consideration that needs to be considered in the determination of the current application.
18. The size of the proposed new building is largely the same as the scheme approved in 2008. However whilst that scheme focused on a traditional new building, the current proposal is for a modern, contemporary design with a flat roof and an angular appearance. The external walls would be a mix of red brick, rendered panels and larch timber cladding under a composite zinc roof. The front and rear elevations would include first and second floor balconies and there would be paved walkways down both sides of the new building. Officers consider that the proposed building incorporates good urban design and that it will relate well with the form of the surrounding development.

Impact on neighbours

19. Policy HP14 of the Sites and Housing Plan seeks to ensure that new development does not detract from the residential amenities enjoyed by neighbouring, residential occupiers. In this case the potentially affected neighbouring properties comprise the flatted development to the east of the application site, a dental surgery to the west at 310 London Road and dwellings in Forest Road which abut the rear boundary of the application site.
20. There are no habitable room windows in the side wall of the flat block to the east. Whilst the proposed third floor flat incorporates three small side windows serving the lounge area, these would face onto the largely blank side elevation of the flat block and would not affect amenity.

21. The property at 310 London Road is used entirely as a dental surgery with no residential use. Therefore officers are satisfied that there would be no loss of amenity resulting from the proposed development.
22. The distance from the rear wall of the proposed building to its rear boundary is some 21 metres. This boundary is partially screened by existing trees which it is proposed to retain. Officers consider that this distance is sufficient to ensure that there would be no significant overlooking of the garden areas of houses in Forest Road. In addition a condition is recommended to require privacy screens to be installed on all the balconies to further safeguard the privacy of adjoining gardens.

Highways and parking

23. Oxfordshire County Council as Local Highway Authority is not raising an objection to the application subject to a number of conditions as set out earlier in this report. The County Council has accepted the level of car parking and cycle parking proposed and has requested that, given the likely loss of on street parking space to facilitate the new access, the developer contribute towards the provision of parking controls in the vicinity of the site [estimated at £3000 to be effected by way of a Unilateral Undertaking].
24. Cycling parking for all the flats except the two, three bedroom ground floor flats would be provided in a secure and sheltered purpose built cycle store located in the rear communal garden area [18 cycle parking spaces] Cycle parking for the two ground floor flats would be in their individual private garden areas [3 spaces per flat].

Trees

25. There are two protected trees on the site comprising a Silver Birch and a Walnut and these are to be retained and protected during construction works. They are sited some distance from the rear wall of the new building so are not threatened by the development itself. There is also a mature Silver Birch tree on the site frontage which is also to be retained and protected. Of the other trees on the site, several low quality and value trees are proposed to be removed; the loss of mature tree cover is always regrettable but their removal will not have a significant impact on amenity in the area and the planting of new trees as proposed will mitigate the loss.
26. Planting has become established along the frontage of the adjacent flatted development and this partially screens the frontage parking area to the benefit of the street scene. It is considered that similar planting along the frontage of the application site would also be beneficial and a landscaping condition is therefore recommended along with a number of other tree related conditions aimed to ensure that there is no damage to any of the retained trees.

Residential amenity

27. Policy HP12 of the sites and Housing Plan states that planning permission will only be granted for new dwellings that provide good quality living accommodation for the intended use if:
- Each dwelling has its own lockable entrance, kitchen and at least one bathroom
 - The space provided within each room allows for reasonable furnishing, circulation and use of household facilities in each part of the home, including for desk based home working
 - Each dwelling provides adequate storage space taking account of the occupation intended
28. The policy goes on to say that planning permission will not be granted for new dwellings if:
- Any single family dwelling provides less than 39 sq. metres of internal floorspace
 - Any single family dwelling provides less than 75 sq. metres of internal floorspace
 - Inadequate ceiling height, lack of natural lighting or natural ventilation or a restricted outlook prevents proper use and enjoyment of the dwelling.
29. In this case the 2 x 1 bedroom flats have an internal floorspace of approximately 43 sq. metres, the 4 x 2 bedroom flats have an internal floorspace of between approximately 55 - 65 sq. metres and the 3 x 3 bedroom flats vary between 75 sq metres on the ground floor and 123 sq metres on the second floor.
30. All of the flats will have full height ceilings as the building is flat roofed and all of the flats will have adequate lighting, ventilation and outlook.
31. In terms of private amenity space, there would be a communal open area at the rear of the site which would extend to some 10 metres in length by some 18.4 metres in width and this would be accessed by all of the flats. The 2 x 3 bedroom flats on the ground floor would both have private rear gardens measuring 10 x 7 metres and this is considered to be acceptable. The 4 x 2 bedroom flats on the first floor would all have private balconies as well as access to the communal open space and the 3 bedroom flat on the upper floor would have 3 individual private balconies at the front and rear which cumulatively provide 53 sq. metres of outdoor amenity space. Officers are satisfied that overall the flats would provide a good standard of residential amenity and would accord with policies HP12 and HP13 of the Sites and Housing Plan. Furthermore, the Design and Access Statement submitted with the application confirms that the new building would be built to Lifetime Homes Standards and would therefore comply with policy HP2 of the Sites and Housing Plan.

Sustainability

32. The application is accompanied by an Energy Statement in accordance with policy HP11 of the Sites and Housing Plan which states the following:
- With regard to reducing annual energy demand and carbon emissions, a 'fabric first' approach will be undertaken with the intention of utilising high levels of insulation, low U-value glazing, attention to thermal bridging and the use of mechanical ventilation heat recovery
 - Heating supply [substantially reduced through the above] to be via an appropriately sized gas condensing boiler with time and temperature controls
 - The use of air source heat pump technology as an alternative will be explored and if found to be better in terms of carbon emissions and running costs, will be incorporated into the specification
 - The development will seek to go beyond the minimum standards of Part G of the Building Regulations [domestic water] through the use of dual flush WC's, low capacity baths, aerated shower heads and taps and flow restrictions. Consideration will be given to grey water harvesting technology.
 - Materials selection will utilise the BRE Green Guide to Specification which grades the elements of a building on an A+ to E standard and the aim will be to deliver much of the building to a grade B and above.
33. Officers take the view that the Energy Statement is acceptable in terms of compliance with policy HP11 [Low Carbon Homes] of the Sites and Housing Plan.

Sewage and drainage systems

34. The Risinghurst and Sandhills Parish Council have objected to the proposal on a number of grounds including that there is an existing problem with an overstretched sewage and drainage system which floods. The Parish Council makes the point that Thames Water has been advised of these problems.
35. Thames Water has responded on this application and has stated that as regards waste and surface water drainage, it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of ground water. Where the developer proposed to discharge to a public sewer, prior approval from Thames Water Developer Services will be required to ensure that the surface water discharge from the site is not detrimental to the existing sewerage system.

36. As regards water comments, Thames Water recommend the addition of an informative on any planning permission relating to water pressure.

37. Thames Water is not objecting to the application on grounds of either waste or water. As a statutory consultee, their comments are important and need to be taken into account in the determination of the current application.

Conclusion:

38. The proposal forms an appropriate visual relationship with the site and the surrounding development and will appear in keeping with the character of the area. Planning permission was granted in 2008 for a development of 9 flats and there have been no changes in site circumstances since that time. It is considered that the proposal complies with adopted policies contained in the Oxford Local Plan, the Oxford Core Strategy and the Sites and Housing Plan.

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 grant planning permission, officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

Background Papers:

05/01610/FUL

08/00423/FUL

13/01395/FUL

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Date: 11th September 2013

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