

East Area Planning Committee:

4th November 2015

Application Number: 15/02245/OUT

Decision Due by: 18th September 2015

Proposal: Outline application (seeking approval of access, appearance, layout and scale) for the erection of three storey building consisting of 6 x 2 bed flats (Use Class C3). Provision of private amenity space, car parking, cycle and waste storage.

Site Address: Land to the Rear of 17 Between Towns Road, Oxford (site plan: **appendix 1**)

Ward: Cowley Ward

Agent: Mr Henry Venners, JPPC

Applicant: Tudor Woods Estate Ltd.

Recommendation:

The East Area Planning Committee is recommended to support the development in principle but defer the application in order to draw up a legal agreement in the terms outlined below, and delegate to officers the issuing of the notice of permission, subject to conditions on its completion.

Reasons for Approval

- 1 The proposed development would make an efficient use of an existing under-used surface car park that is regarded to be previously developed land and is suitable for residential purposes. The principle of the development is therefore accepted for the purposes of Policy CP2 of the Oxford Core Strategy (2011) and Policies CP1 and CP6 of the Oxford Local Plan 2001-2016. The design of the proposed development has been carefully considered in terms of its size, scale and choice of materials. A thorough assessment of the impact on amenity arising from the development of the proposed building has been made and it is considered that the development would not have an adverse impact on neighbouring residential occupiers. The proposal would provide a good standard of internal and external living environment for the future occupiers of the proposed housing; meeting the requirements of Policies HP12 and HP13 of the Sites and Housing Plan. The dwellings would provide a level of off-street parking which would be considered suitable for a sustainable area such as this which lies within the defined primary District Centre as set out in Policy CP1 of the Core Strategy (2011). The development would not introduce any significant arboricultural, ecological, or

archaeological impacts and any such issues could be successfully mitigated by appropriately worded conditions. In reaching a decision to approve the development there has been careful consideration of the comments and objections raised in relation to the proposals. The proposed development would accord with the overall aims of the National Planning Policy Framework and the relevant policies of the Oxford Core Strategy 2026, Oxford Local Plan 2001-2016, and Sites and Housing Plan.

Conditions

- 1 Development begun within time limit
- 2 Reserved Matters
- 3 Develop in accordance with approved plans
- 4 Materials to be approved
- 5 Parking
- 6 Specific car parking allocation
- 7 Cycle parking
- 8 Construction traffic management plan
- 9 Drainage
- 10 Fire sprinkler system
- 11 Archaeology Watching Brief
- 12 Landscaping
- 13 Boundary treatments
- 14 Outdoor lighting
- 15 Refuse and recycling store
- 16 Plant
- 17 No gate

Legal Agreement

- An off-site affordable housing contribution in accordance with Policy HP4

Principal Local Plan Policies

Oxford Local Plan 2001-2016

- CP1** - Development Proposals
- CP6** - Efficient Use of Land & Density
- CP8** - Design Development to Relate to its Context
- CP10** - Siting Development to Meet Functional Needs
- HE2** - Archaeology
- CP11** - Landscape Design
- CP21** - Noise

Core Strategy

- CS1_** - Hierarchy of Centres
- CS2_** - Previously developed land
- CS10_** - Waste and recycling
- CS11_** - Flooding
- CS12_** - Biodiversity
- CS24_** - Affordable housing
- CS23_** - Mix of housing
- CS18_** - Urban design, town character, historic environment

Sites and Housing Plan

HP2_ - Accessible and Adaptable Homes

HP4_ - Affordable Homes from Small Housing Sites

HP9_ - Design, Character and Context

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

Planning Practice Guidance

Representations Received:

Mrs Collier (17A Between Towns Road), Mrs Paxford (14 Coleridge Close), Mr and Mrs James (3 Coleridge Close), Mr Yassine (4 Coleridge Close), Miss Hooper (5 Coleridge Close), Mr Bransby (on behalf of JLL Ltd.), Mr Tasker (13 Boswell Road), Mr Lockwood (2 Coleridge Close), Mr Jordan (4 St Lukes Road), Mrs Knight (44 St Lukes Road), Mr Kalougin (62 St Lukes Road), objections and comments:

- Effect on traffic
- Information missing from plans
- Insufficient parking provision
- Access for disabled residents (to existing flat)
- Poor quality design of building
- Dangerous access road
- Access onto Between Towns Road is unsuitable
- Fails to be subservient to surrounding housing
- Impact on privacy
- Affordable housing provision/contribution
- Impact on pedestrian safety
- Overbearing impact on neighbours
- Impact on safety in light of nearby school
- Parking concerns in the area

Mr Cowap (15-17 Between Towns Road), objects and comments

- Request that location plan be amended as it includes some his property

NB: Two consultations were carried out in relation to the proposed development. The scheme was initially proposed for seven units which was reduced to six when amendments were sought by Officers following some of the concerns raised. The comments listed above are the combined responses from both sets of consultations. Some of the local residents have commented on the application twice (once on the originally submitted plans and once in relation to the amended plans).

Statutory Consultees:

Oxfordshire County Council Highways Authority: Initially objections were raised

in relation to a number of matters, which have either been addressed following the submission of amended plans or have been dealt with by condition. Objections still remain in relation to the failure to provide refuse and recycling storage within a suitable distance of the highway (more detail in relation to this matter is set out in the Officer's Assessment).

Issues:

- Principal of development
- Affordable housing
- Design
- Impact on neighbours
- Trees/landscaping
- Archaeology
- Flooding and surface water drainage
- Access and parking
- Biodiversity

Site Description

1. 17 Between Towns Road contains two retail units on the frontage, currently occupied by a barbers and a betting shop. At first floor level there are two flats (17A and 17C Between Towns Road) these are two bedroom flats and are accessed from the rear the building. Behind 17 Between Towns Road there is a large car park area of approximately 600m². driveway along the side elevation between No. 17 Between Towns Road and the adjacent property at No. 19 Between Towns Road (The Conservative Club) provides access to the highway from the car park. The application site encompasses the entire car park and the access driveway up to the highway (Between Towns Road). The access driveway measures approximately 3.5m in width, but is slightly narrower than this in places being only approximately 3.1m at one point.
2. To the immediate north-east of the application site is No. 15 Between Towns Road, this contains a veterinary practice at the front and a surface car park at the rear. Beyond No. 15 Between Towns Road lies the Swan Motors site and Our Lady R.C. Primary School. To the south-west of the application site is the Cowley Conservative Club; the buildings on this site extend further into the rear of the plot than at No. 17 Between Towns Road; to the rear of club building is a surface car park and a number of garages which form the south-eastern boundary of that property. To the south-east of the application site is the rear gardens of No.s 3 and 4 Coleridge Close; these gardens are approximately 15m in length. Coleridge Close is a cul-de-sac of semi-detached 1930s properties.
3. Though the predominant character of the front of the property is a primarily commercial area it is important to consider that there are residential properties to the rear of the application site.
4. There is existing vegetation on parts of the application site, including along the boundary with No. 15 Between Towns Road and at the rear of the application site (adjacent to the boundaries with Coleridge Close).

5. The buildings on the frontage of Between Towns Road are composed of a variety of materials including brick, render and concrete. Most roofs in this part of Cowley are built with plain tiles. There is no predominant architectural style within the area (though there is a uniformity to the residential developments beyond the south-eastern boundary of the application site).

Proposals

6. It is proposed to erect a new building to contain six self-contained apartments over three floors. Two flats would be situated on each floor, with the ground floor flats having private outdoor gardens and upper floor flats having balconies or roof terraces. The building would be situated within the existing car parking area at the rear of 17 Between Towns Road and there would be a distance of approximately 10m from the rear elevation of the proposed building to the boundary with the gardens serving 3 and 4 Coleridge Close.
7. The proposed building would be 12m in width and 15m in depth. The overall height to the highest point of the flat roof would be 8m.
8. A shared car parking area is proposed in front of the proposed building and at the rear of No. 17 Between Towns Road; the parking area would provide eight spaces (with a space to be provided for each of the proposed flats as well as a space each for No.s 17A and 17C Between Towns Road). There is no parking proposed to be retained for the retail units on the frontage.
9. The proposed building would be constructed with an external finish of render and timber cladding; the building would have a flat roof.
10. Outline planning permission is sought with details provided for the access, appearance, layout and scale of the proposed development. Landscaping is a reserved matter.

Officers Assessment

Principle of Development

11. The application site currently contains a large surface car park which for the purposes of planning is considered to be previously developed land. The National Planning Policy Framework (NPPF) encourages the effective use of previously developed land, provided it is not of high environmental value. These aims are embodied within Policy CS2 of the Oxford Core Strategy.
12. The site also lies within the Primary District Centre (Cowley Centre) as identified in the Oxford Core Strategy (CS1). Having had regard to Policy CS1 Officers consider that the principle of development on this site is acceptable:

'District centres are suitable for retail, leisure, employment and other uses serving district-level needs. The primary district centre is suitable for uses serving a larger catchment area than other district centres. Planning permission will be granted for such development provided it is of an appropriate scale and design and maintains

or improves the mix of uses available. District centres, and their immediate surroundings, are appropriate locations for medium to high-density development.'

13. On the above basis the principle of redeveloping the site for a residential use would accord with the aims of the above-mentioned policies. There are already a mix of uses on the site with commercial premises and flats at 17 Between Towns Road. The increase in residential development would contribute towards the mix of uses supported in principle by Policy CS1 of the Oxford Core Strategy as set out above.
14. Officers also consider that the existing under-used surface car park does not make good use of the land on the site; the increase in development within this area would therefore lead to a more efficient use of land. This approach is broadly supported by Policy CP6 of the Oxford Local Plan 2001-2016.
15. Officers have had regard to the adjacent uses of land; specifically the commercial and business uses and whether or not these would be compatible with the proposed residential use on the site. It is considered that the types of uses within the vicinity of the application would not have a detrimental impact on occupiers of the proposed flats and the site therefore an acceptable location for residential development.

Affordable Housing

16. Sites and Housing Plan Policy HP4 states that residential development on sites with capacity for 4 to 9 dwellings, will only be granted where a financial contribution is secured towards affordable housing elsewhere in Oxford. The proposed development would therefore constitute a qualifying development under the terms of this policy.
17. The National Planning Practice Guidance was amended in November 2014 to define the specific circumstances by which planning obligations should be sought from small scale development. This made clear that affordable housing contributions should not be sought from developments of 10 units or less. In line with this advice, the Council resolved to not apply the terms of Sites and Housing Plan Policy HP4. However these amendments to the National Planning Practice Guidance and Ministerial Statement have recently been quashed by the high court and as a result of this decision the Council are now able to apply Sites and Housing Plan Policy HP4 in its entirety.
18. Any planning permission would need to be accompanied by a satisfactory planning obligation that secured a financial contribution towards affordable housing.

Balance of Dwellings

19. Policy CS23 of the Oxford Core Strategy 2026 requires residential development to deliver a balanced mix of housing to meet the projected future household need, both within each site and across Oxford as a whole. Despite this, as the application site lies within a District Centre and relates to proposals for a

development of less than 10 dwellings there is no requirement for a specific mix of dwellings.

Design

20. Officers have had regard to the siting of the proposed building which would be located approximately 10m from the rear boundary; this means that there would be separation between the proposed building and the private rear gardens of the properties in Coleridge Close. In terms of urban design this would provide an acceptable distance of separation and also enable consideration of landscaping scheme to soften the impact of the proposed development from the established residential area at the rear of the application site; the landscaping scheme would need to be the subject of a further application as it is a reserved matter. There is space proposed for indicative landscaping proposed at the front of the building that would soften and enhance the appearance of this elevation. The separation between the proposed building and its impact on the properties at the front and rear of the application site is also a consideration in terms of impact on neighbours which is discussed in more detail later in this report.
21. The proposed building would not be very visible or prominent in the streetscene; though there would be view of the building along the access driveway from the frontage (between 17 Between Towns Road and the adjacent Conservative Club building). The building would also be visible from St Lukes Road where the side elevation would be visible above the existing wall adjacent to the highway. The proposed building would be contemporary in appearance; the proposed use of varying materials on the facades of the building would assist with breaking up the appearance of the building which is arguably more monolithic than surrounding residential properties. The proposed use of a flat roof would mean that the overall height of the building would not be excessively high despite being a three storey building; the overall height of the building would in fact be similar to the height to the ridge of properties in Coleridge Close. Given the building's siting and lack of prominence in the public realm and the use of materials to add visual interest, Officers consider that the appearance of the building would be acceptable in design terms.
22. The proposed flats would all have a good quantity of indoor space; each having an internal floor area of over 61m² which would meet the Council's planning policy for indoor space provision (HP12 of the Sites and Housing Plan). Further to this, Officers have assessed the quality of indoor environment that is proposed and this would meet the other requirements of the Council's policies for indoor space quality. There are windows on the side elevation as well as the front and rear elevations which would provide natural light within the flats as well as ventilation.
23. Officers have had regard to Policy HP2 of the Sites and Housing Plan that seeks to ensure that new developments meet the requirements of being accessible and adaptable homes; making use of some of the criteria set out in Lifetime Homes Standards. The upper floor flats would not benefit from a lift so would not be well suited to people with reduced mobility but the ground floor flats would be suitable for occupiers with those requirements. All of the flats have a simple internal layout

that would give them the opportunity to provide adaptable accommodation. Officers have had regard to the circulation within the lobby and flats that is proposed in the submitted floor plans and consider this is acceptable in the context of Policy HP2 of the Sites and Housing Plan (2013).

24. In terms of outdoor space provision, the two ground floor flats would have private rear gardens that would provide good quality outdoor space for two-bedroom dwellings. The upper floor flats would all have balconies or roof terraces that would be acceptable in terms of providing functional and useful private outdoor space. The upper floor flats would also have access to a small shared garden to the rear of the plot that would be beneficial in terms of providing a larger area of outdoor space for those occupiers. Officers therefore consider that the outdoor space provision is acceptable in the context of the Council's policies, specifically Policy HP13 of the Sites and Housing Plan (2013).
25. Officers have considered the potential for plant or mechanical equipment to be located on the roof of the proposed building. The elevation drawings provided with the application do not indicate substantial plant that would be located on the roof but Officers have recommended that the details of such equipment, including the noise it generates should be the subject of a condition if approval is granted.

Impact on Neighbours

26. Officers have had regard to the impact of the development on the amenity of neighbouring residential occupiers and have been mindful of the objections and comments raised in relation to the proposed development.
27. Officers would suggest that the siting of the proposed development has been considered in such a way that would minimise the impact of the development on neighbouring residential occupiers. The proposed flats would be situated approximately 25m from the rear wall of the flats on the frontage (No.s 17A and 17C Between Towns Road) and 10m from the private rear gardens to the rear of the site (No.s 3 and 4 Coleridge Close). Given the length of the rear gardens in Coleridge Close, there would be a distance of between 20-25m between rear windows of the proposed development and the rear aspect of properties in Coleridge Close. Officers consider that the separation between the proposed buildings and nearby residential dwellings means that the development is acceptable in terms of its impact on light and privacy and would not have an overbearing impact on the occupiers of those dwellings.
28. It is important to state that originally the application was submitted with proposals for seven flats and an increased bulk of building at the rear; this would have brought the development within 7m of the rear boundary with properties in Coleridge Close. Following concerns raised by Officers as well as local residents the applicant amended their proposals to reduce the bulk of the building at the rear and reduce the number of residential units proposed to six dwellings; thereby reducing the impact of the development on nearby properties.
29. Officers have had regard to the noise and disturbance impact that would be created by the development of what is arguably a backland plot. Firstly, it is

important to consider that the current lawful use of the land is as a surface car park where there would already be vehicle movements and the accompanying noise and disturbance. In this regard, being mindful of the extant and lawful use of the site, the development would not bring about an alien level of activity to the locality. Following on from this, although the proposed building would be fairly large there would still be areas of the site that would be largely undeveloped, including the car park between the buildings on the frontage and the proposed building and the rear garden amenity spaces. Given the amount of space on the plot there is the scope to provide landscaping that would soften the impact of the development in terms of its visual intrusion as well as the noise and disturbance arising from the residential use of the proposed building.

Landscaping

16. The application is submitted on the basis of seeking outline planning permission with the landscaping as a reserved matter. The landscaping would therefore be subject to a separate consideration. Officers have had regard to the opportunity to create landscaping on the site which is referred to in the report (and referenced indicatively on the submitted site plan).

Access and Parking

17. It is proposed to make use of the existing vehicular and pedestrian access to the application site; which currently serves the large surface car park. Comments received from the Highway Authority have not raised objections to the use or suitability of this access driveway; though specific concerns have been expressed by the Highway Authority in relation to other matters arising from the access arrangements and these are set out in detail below.

18. Firstly, it has been recommended by the Highway Authority that conditions be included that would ensure that the proposed parking area and manoeuvring space are provided for the development in accordance with the submitted site plan. This has been included with the Officer's recommendation and would ensure that vehicles would be able to enter the highway in a forward gear (and not reverse down the access driveway).

19. Conditions have also been recommended by the Highway Authority in relation to ensuring that, prior the commencement of the development, a Construction Traffic Management Plan is submitted to the Council for its approval. Officers have included this in the recommendation and consider that it is particularly relevant given the location of the development in a backland plot and the fairly narrow width of the access driveway.

20. The narrowness of the access driveway has given rise to specific concerns by the Highway Authority in relation to the accessibility of the site for fire engines in the case of an emergency. As a result, Officers raising these concerns with the applicant's agent and they have sought agreement from the Fire Authority who have indicated that the development would be acceptable if sprinkler systems were added. This would have the effect of negating the need for a fire engine to access the site and reducing the risk of danger from fire; Officers have received

confirmation by email that this approach has been accepted by the Fire Authority. A condition has been included as part of the recommendations made by Officers that would seek the details of sprinkler systems prior to the commencement of the development and secure their installation prior to occupation.

21. A refuse and recycling store is marked on the proposed site plan and would be located close to the main entrance at the front of the proposed building. Officers have considered the objections made by the Highway Authority in relation to the proposed refuse and recycling store in this location. The distance between the properties and the proposed store would be acceptable and would be less than the 30m that is set out as the maximum distance point for residents to carry waste as advised in Manual for Streets. However, the site would not be accessed by a refuse truck and it would be a requirement for waste collection operatives to take refuse and recycling bins to the kerbside on Between Towns Road. The distance between the proposed refuse and recycling store and the highway collection point would be approximately 35m which is 10m further than the maximum drag distance recommended by manual for streets (waste collection vehicles should be able to get within 25m of the storage point for refuse and recycling). Officers consider that the distance to the highway from the proposed refuse and recycling store would be unacceptable and have therefore suggested a condition be included that seeks a revised plan for the refuse and recycling store prior to the commencement of the development. The store could be located in the space currently occupied by a car parking space approximately 6m away from the existing proposed location of the store. The car parking space lost could be replaced in the area shown as the indicative location for landscaping. The resultant scheme would mean that a refuse and recycling store would be provided that would mean there would be a distance of 29m for drag distance; only slightly exceeding the maximum drag distance by 4m. Officers have had regard to the slight infringement of the requirement for waste storage to being within 25m of the highway and this is not considered to be a sufficiently significant factor on its own to refuse the proposed development. In coming to this view, Officers have been mindful that the site is level and paved.
22. Car parking is proposed for eight spaces within the shared car parking area. Two of the spaces are proposed for the existing flats (No.s 17A and 17C Between Towns Road). The other six spaces are proposed to be for the use of the occupiers of the flats. Officers consider that this arrangement and car parking capacity would be acceptable; specifically the proposals would meet the Council's car parking requirements as set out in Policy HP16 of the Sites and Housing Plan (2013).
23. No car parking is sought to be retained for the use of customers of the retail units at the front of 17 Between Towns Road. There are a number of public car parks within close proximity of the application site as well as good public transport connection. Officers consider that the loss of car parking for customers of the retail units is acceptable given the alternative options nearby.
24. Some concerns have been expressed by local residents in relation to the layout of the car parking area. One specific concern relates to the possibility that access to the existing flats on the frontage (flats 17A and 17C Between Towns Road)

would be impeded by the provision of parking near to the entrance to those properties. The concerns raised specifically relate to accessibility by disabled occupiers. Officers have considered this issue and would suggest that the site layout would be acceptable as there would be a retained access to the flats in front of the car parking spaces in the form of a footway. Officers have also considered that a further means of ensuring that car parking does not impede the entrance to the flats could be provided by including a condition that ensures that the spaces adjacent to the entrance to the flats are retained for the exclusive use of those occupiers. This would also ensure that in the event that disabled occupiers resided at the flats (17A or 17C Between Towns Road) that their car parking spaces were closest to the entrance to their properties. This condition, relating to specific car parking allocation is included as part of the Officer recommendation.

25. A cycle store has been included on the submitted site plans. Officers consider that this would be a suitable location for cycle parking and have included a condition that would ensure there is provision of covered, secure cycle parking for twelve cycles prior to the occupation of the proposed building.
26. There are no proposals to install a gate on the entrance to the access driveway. Despite this, Officers have been mindful that a gate could be erected as permitted development and this could impede normal, safe access to the application site. As a result, it is recommended that if approval is granted, the normal permitted development rights relating to the erection of a gate in this location are removed by condition.
27. Officers have had regard to the location of the development in the context of its accessibility by modes of transport other than private car. This is a consideration of Policy CS13 of the Core Strategy. The application site lies close to a wide range of local shops and services in nearby Cowley Centre; the application site itself is located within the defined District Centre as identified in Policy CS1 of the Core Strategy. The application site also lies within approximately twenty minutes' walk of Oxford Business Park and the BMW site; which would give good accessibility for future occupiers to local employers. The application site is also accessible by public transport with regular bus services to the City Centre, Cowley Road and the Railway Station. As a result of the accessibility of the site Officers regard the application site as a sustainable location where occupiers would have a wide range of transport options which would reduce their car dependence.

Archaeology

28. The application site lies within an area which has been associated with archaeological finds indicating Roman settlement. As a result, Officers required the submission of an archaeological report that included the digging of a trial trench. The report found no remains of archaeological interest though a condition has been included as part of the recommendation that a watching brief be required if approval is granted.

Contaminated Land

29. The application site has only previously been used as a car park. Officers consider that this is not a site likely to contain contaminants but recommend including an informative relating to land contamination.

Biodiversity

30. The application site is within a built up area and would likely not contain a habitat for protected species, particularly bats. Officers have had regard to the opportunity to create biodiversity enhancements but do not consider that it would be possible to accommodate these suitably as part of the proposed building's fabric.

Flooding and Surface Water Drainage

31. The application site does not lie in an area of high flood risk.

32. Officers have had regard to the arrangements for surface water drainage on the site and the recommendations that have been made by the Highway Authority. A condition has been included as part of the recommendation that would ensure that adequate arrangements would be provided for surface water drainage and would also ensure that permeable materials were used in the construction of the car parking area.

Conclusion

33. The proposal is considered to accord with the relevant policies of the Oxford Core Strategy 2026, Oxford Local Plan 2001-2016, and Sites and Housing Plan 2011-2016. Therefore officer's recommendation to the Members of the East Area Planning Committee is to approve the development in principle, but defer the application for the completion of a legal agreement to secure the necessary financial contribution towards affordable housing as set out above.

Human Rights Act 1998

Officers have considered the implications of the Human Rights Act 1998 in reaching a recommendation to approve 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.

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

Background Papers:
15/02245/OUT

Contact Officer: Rob Fowler

Extension: 2104

Date: 23rd October 2015

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