

East Area Planning Committee

7th September 2016

Application Number: 16/01737/FUL

Decision Due by: 2nd September 2016

Proposal: Erection of three storey building to provide 1 x 1-bed, 3 x 2-bed and 2 x 3-bed flats (Use Class C3). Provision of car parking and bin and cycle storage.

Site Address: The Quarry Gate 19 Wharton Road Oxford Oxfordshire

Ward: Quarry And Risinghurst Ward

Agent: Mr Neil Perry

Applicant: Mr Peter Wright

Recommendation:

The East Area Planning Committee is recommended to refuse planning permission for the following reasons:

- 1 The proposed building would have a radically different visual appearance, which coupled with its substantial height and prominent siting would introduce a discordant and incongruous addition to the streetscene. The use of a flat roof and unsympathetic built form would mean that the building would appear as a series of monolithic blocks which would be completely at odds with the harmonious character of the surrounding area where the built environment is characterised by suburban 1930s semi-detached and terraced dwellinghouses with pitched roofs. The fenestration of the proposed building and other architectural detailing which includes two balconies framed by a rectangular element contribute to the alien appearance of the proposed building. The development cannot therefore be considered to be high quality design that responds to its context and is contrary to Policy CP1, CP8 and CP10 of the Oxford Local Plan 2001-2016, Policy CS18 of the Core Strategy (2011) and Policy HP9 of the Sites and Housing Plan (2013).
- 2 The application seeks the development of more than three dwellings; as a result a financial contribution is required towards the provision of affordable housing as set out in Policy HP4 of the Sites and Housing Plan (2013). The applicant has indicated that they are not willing to provide a financial contribution. The development also fails to provide any on-site provision of affordable housing and no evidence has been provided to indicate that on-site provision or a financial contribution towards affordable housing would make the scheme unviable. As a result, the development is contrary to Policy HP4 of the Sites and Housing Plan (2013) and Policy CS24 of the Core Strategy

(2011).

Main 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
- CP11** - Landscape Design
- CP13** - Accessibility
- CP19** - Nuisance
- CP20** - Lighting
- CP21** - Noise
- CP22** - Contaminated Land

Core Strategy

- CS2_** - Previously developed and greenfield land
- CS9_** - Energy and natural resources
- CS10_** - Waste and recycling
- CS11_** - Flooding
- CS12_** - Biodiversity
- CS17_** - Infrastructure and developer contributions
- CS23_** - Mix of housing
- CS24_** - Affordable housing

Sites and Housing Plan

- MP1** - Model Policy
- 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

Planning Practice Guidance

Relevant Site History:

15/00591/DEM - Application to determine whether prior approval is required for the method of demolition. – PRIOR APPROVAL NOT REQUIRED

16/00082/FUL - Erection of 3 x 5-bed dwellinghouses (Use Class C3). Provision of car parking, bin storage and private amenity space. - REF

Statutory Consultees:

Oxfordshire County Council Highways

The proposed parking would fall below the maximum standard set out in Policy HP16 of the Sites and Housing Plan (2013) but low car development in this highly sustainable location would be considered acceptable. If planning permission is granted then recommend a condition be included to exclude occupiers of development from parking permits. Amendments would also be required to the traffic order to deal with the loss of an on-street parking bay. A condition would be required to ensure that appropriate visibility splays are provided. Proposed parking area would be acceptable but there should be provision of appropriate drainage by SUDs methods. Refuse, recycling and cycle storage areas proposed would be acceptable.

Natural England

No comments

Representations Received:

1, 2 and 7 Burrows Close, 8 Holley Crescent, 59 Ramsay Road, 2, 6, 12, 22, 23, 25, 26, 27, 28, 32, 34, 54 St Leonards Road, 1, 12, 16, 21A, 25, 30, 32, 44 Wharton Road, (no address provided) objections:

- Concern about the development of flats (houses would be preferred)
- Excessive height of proposals
- Overcrowded site/over development
- Poor quality design
- Impact on character of the area
- Plans are misleading (particularly details of materials)
- Impact on highway safety
- Impact on parking (unacceptable on-site provision leading to impact on parking in highway)
- Impact on drainage
- Unsympathetic design (particularly form of building and roof)
- Overbearing impact of development
- Poor quality of amenity spaces for some of the flats
- Development extends beyond building line
- Site is very prominent and this contributes to harm caused by poor design
- Unacceptable choice of materials
- Concerns about high density development on a corner (with busy roads)
- Impact on privacy
- Commercial appearance of development
- Concerns about the 'square' section on Wharton Road elevation
- Poor environmental performance of development

- Conflict with existing car parking bay
- Proposed development would not be suitable for families
- Unusual design is not keeping
- Impact on neighbouring properties

Site Location and Description

1. The application site encompasses the area of the former Quarry Gate public house, including the extensive car parking areas surrounding the original building and small outbuildings within its grounds. The pub has recently been demolished and the site currently lies vacant and cleared.
2. The site is a corner plot, covering an area of approximately 837m² and is on the south-east corner of Wharton Road and St Leonards Road in Headington; the site is close to the Headington Quarry area (but does not lie in the Conservation Area). At the rear of the application site lies Holley Crescent. The area around the application site contains predominantly 1930s semi-detached dwellings; there is also a terrace of dwellings from the same era to the immediate south of the application site. Despite some properties being extended there is a very strong established character to the area; suburban housing with front gardens and a variety of materials including plain white render, pebbledash and brown tiled roofs. Small trees, shrubs and low boundary walls in front gardens contribute positively to the verdant, suburban character of the area.
3. Though the site is no longer occupied by the pub, it is worthwhile noting that the pub was a substantial two storey building with a high pitched roof; having a typical style as a 1930s pub. The pub covered an area of approximately 237m². The pub originally benefited from access from Wharton Road which served the parking area at the front of the pub as well as access from St Leonards Road which served the parking area at the side.
4. The topography of the site and the immediate area around it varies. The land at the north-eastern edge of the site is approximately 1.2m higher than the land at the south-western boundary. Properties in Holley Close are situated at a higher ground level than the application site.

Proposed Development

5. It is proposed to erect a three storey building on the site to provide six flats; with 1 x 1 bedroom flat, 3 x 2 bedroom flats and 2 x 3 bedroom flats. The development proposes car parking, refuse and recycling storage at the rear of the building (the eastern edge of the site). Access is proposed to the building from an improved access point onto St Leonards Road.
6. The proposed building would have a contemporary design; on plan it could effectively be described as being composed of three adjoining block elements with varying heights and footprint. Two of the block elements would be sited close to the northern and north-western edge of the site with a third block element extending towards the south-eastern boundary of the site (the result being that the majority of bulk of development would be at the north-western edge of the

site). As a result of the irregular shape of the building it would vary in terms of its footprint but is approximately 20m by 20m at its greatest extents.

7. The proposed building would have a flat roof with balconies and terrace areas at first and second floors. Areas of garden are proposed to serve three of the flats at ground floor (with the largest area of private garden being proposed to the south-west and south-east of the building).
8. The main pedestrian access to the site would be from Wharton Road; with access to all flats from an entrance hall at the centre of the building. At the other end of the entrance hall is a second entrance from the parking area.
9. At the western edge of the site (facing onto Wharton Road) there is a rectangular element that would protrude beyond the plane of the rest of the building at the first floor; this part of the building would be 9.5m in height. At the north-western side of the site (facing onto St Leonards Road) the height would vary between 6.7 and 8.8m (with elements of the third floor being set in from the north-western edge to form a terrace at that level). The north-eastern elevation facing onto the proposed car parking area (and towards the rear of properties in Holley Crescent) would have a varying height of between 6.7m and 8.8m; parts of the second would be set back to incorporate terraces and there is a balcony proposed at first floor level. The south-east elevation (facing towards 19-31 Wharton Road) would have a varying height of between 6.1m in places and 8.8m.
10. The materials proposed for the building would be areas of white render and areas of buff brick with grey powder coated aluminium windows and doors.
11. In terms of ground levels, the proposed building would be sited within the gradient of the site and therefore the same as properties on the street frontage and reflecting the adjacent buildings on St Leonards Road.
12. There has been a previous application on the site for the development of three five bedroom dwellings which was refused.
13. The principal determining issues of the application are:
 - Principle of development
 - Design
 - Impact on Amenity
 - Car Parking and Access
 - Flooding and Surface Water Drainage

Officers Assessment:

Principle of Development

14. The application site would be mainly considered to be previously developed land. The National Planning Policy Framework (NPPF) together with the Council's adopted Policy CS2 of the Core Strategy (2011) require

that the majority of new development should be sited on previously developed land. As a result of this, the development can be broadly considered to be acceptable in terms of the principle of development.

15. The site is currently vacant and cleared; for clarity the public house that once occupied the site has been demolished and the loss of a community facility can therefore not be considered.
16. The development proposed would seek to make a more intensive use of the site and would arguably increase the efficient use of land. On this basis, the proposed development would be broadly supported by Policy CP6 of the Oxford Local Plan 2001-2016.

Balance of Dwellings

17. Policy CS23 of the Core Strategy (2011) together with the Balance of Dwellings Supplementary Planning Document (SPD) require that on sites of four or more units there is a range of dwelling sizes provided; this is sought to specifically ensure the City's housing stock continues to provide a range of dwelling sizes (including for families). The proposed development would provide 33% of the units as three bedroom units, 50% of units would be two bedroom dwellings and a single one bedroom flat. The result is that there would be a range that is acceptable for the purposes of the Balance of Dwellings SPD and the development would therefore comply with the requirements of that policy document and Policy CS23 of the Core Strategy (2011).

Affordable Housing

18. Policy HP4 of the Sites and Housing Plan (2013) requires that on sites of between four and nine dwellings the Council requires that developments provide a financial contribution towards affordable housing. Alternatively, there is scope in some circumstances to provide on-site affordable housing provision on small sites. A reduced contribution or no contribution can be considered acceptable where the Council is satisfied that is evidence to suggest that it would make the development unviable.
19. This application does not propose to provide a financial contribution towards affordable housing or provide any on-site provision. There has also been no evidence relating to viability submitted with the application. Instead, the submitted design and access statement states that no contribution is required as a result of the National Planning Policy Guidance which requires that no contributions towards affordable housing can be sought from developments of ten units or less (or which have a maximum combined gross floorspace of no more than 1000sqm). Officers recommend that this position is not accepted and an affordable housing contribution should be required; the absence of a contribution (or viability evidence to demonstrate a lack of viability) is recommended as a reason for refusal. Officers have informed the applicant's agent that we would require an affordable housing contribution and they have confirmed (on

behalf of their client) that they are not willing to provide one. The development is therefore contrary to Policy CS24 of the Core Strategy (2011) and Policy HP4 of the Sites and Housing Plan (2013). This forms a recommended reason for refusal as set out above.

20. It is important to provide more clarification of the affordable housing policy context with specific consideration to the changes to national policy and our own position. Officers have included an extract below from the recent report to Council (25th July 2016); this dealt specifically with affordable housing and the revisions to the National Planning Policy Guidance. This position reflects the recent Court of Appeal Decision where the changes to national policy requiring that there are no contributions towards affordable housing from small sites were considered. :

Officers are of the view that being the most unaffordable area of the Country coupled with a higher than normal dependence upon smaller sites must be precisely the sort of local circumstances contemplated by the Secretary of State as justifying departure from his national policy.

The Council will continue to determine applications for planning permission in accordance with the development plan unless material considerations indicate otherwise. It will specifically take account of national policy as to affordable housing contributions from smaller sites and the vacant building credit and the scope for exceptions justified by local circumstances.

The decision as to the weight to be applied to the national policy has to be made in the determination of each individual application. On the basis of the evidence as to local circumstances currently available officers are of the view that those circumstances justify the continued application of HP3 and HP4 consistently with the Secretary of State's explanation of his policy's effect.

The Council will also have full regard to the up-to-date evidence with regard to the local situation as well as both the government's National Planning Policy Framework and its Planning Practice Guidance in considering the inclusion of policies relating to the provision of, and contributions to, affording housing in formulating the local plan.

Design

Visual Appearance and Impact on Streetscene

21. The application site is highly prominent, being a corner plot. Surrounding dwellinghouses have front gardens and there is quite a strong building line which means that the proposed development would be highly visible as it would be closer to St Leonards Road and Wharton Road than surrounding properties. The overall height of the development would also contribute towards its visual prominence. The proposed building would have a radically different appearance to the surrounding residential properties; its

built form which includes a flat roof varying significantly from the more traditional character of 1930s properties in the area. Officers recommend that the proposed building would as a result of its alien appearance combined with its prominence (brought about by its siting, bulk and height) bring about a discordant and incongruous addition to the streetscene. As a result of failing to adequately respond to the context of the area the development cannot be considered to be high quality design and the development is therefore contrary to Policy CP1, CP8 and CP10 of the Oxford Local Plan 2001-2016, Policy CS18 of the Core Strategy (2011) and Policy HP9 of the Sites and Housing Plan (2013).

22. There are some unusual contemporary architectural features that have been incorporated to the building. These include a rectangular element that would frame terraces at the first and second floor levels (facing onto Wharton Road). The rectangular element would be highly prominent as it would extend beyond the plane of the rest of the building. The proposed development also incorporates balconies and terraces; these elements would be visible in the streetscene. Officers consider that these features of the building would not, in isolation mean that the development would be unacceptable in planning terms but they would contribute towards the alien appearance of the building as these are not features seen elsewhere in the relatively harmonious 1930s streetscape.
23. In relation to the concerns about the height of the building, Officers have noted that the pub that occupied the site previously was 8.8m high to the ridge which is not dissimilar to parts of the proposed building. Officers consider that this is not a justification for approving a building of the height proposed; the pub had a radically different siting, appearance and bulk (particularly at the higher level due to the pitched roof).
24. On the above basis, Officers have recommended that the design of the building form a basis for refusing planning permission.

Materials

25. The proposed use of white render and buff bricks would complement some surrounding properties (where white render and pebbledash, which is a similar colour to buff bricks). The proposals have included some contrasting use of these materials to attempt to break up the appearance of elevations and add visual interest.

Living Conditions (Indoor) and Accessibility

26. The proposed development includes flats of varying numbers of rooms and layout; these properties would benefit from different amount of indoor space. Officers have considered the proposals in relation to Policy HP12 of the Sites and Housing Plan (2013) and the national space standards and it is considered that the proposals would provide an acceptable quality and quantity of indoor space.
27. The development would also provide an acceptable internal layout and circulation space for disabled occupiers (though upper floor flats may be

unsuitable for persons with limited mobility). The development would therefore comply with Policy CP13 of the Oxford Local Plan 2001-2016.

Outdoor Amenity Spaces

28. All of the proposed flats would provide some private outdoor amenity space. Flat 3 (a three bedroom unit) would have access to two small private garden areas at ground floor at the southern edge of the site. Flat 1 (a one bedroom unit) and Flat 2 (a two bedroom unit) would also have small garden terraces at ground floor level. At first floor level both Flat 4 and Flat 5 (both two bedroom units) would benefit from balconies. At the second floor level there is proposed to be a large single three bedroom flat; this would benefit from extensive areas of terrace at the south-eastern side as well as smaller terraces on the south side, south-west and north-eastern sides. All of the proposed outdoor amenity spaces would be acceptable (having taken into account the sizes of the dwellings proposed, where three bedroom properties would be expected to provide larger areas of private outdoor amenity space).

29. Officers recommend that it should also be noted that the site lies within close proximity to the Margaret Road recreation ground. Arguably this would mean that future occupiers of flats with more smaller areas of private amenity space would benefit from good access to outdoor space (which is particularly relevant for the three bedroom units).

Refuse and Recycling Storage

30. A screened refuse and recycling store is proposed at the northern end of the site (adjacent to St Leonards Road). The store would be accessed from the car park and would be conveniently accessible for all occupiers of the dwellings proposed. The development would therefore comply with the requirements of Policy HP13 of the Sites and Housing Plan (2013).

Impact on Amenity

Privacy

31. The proposed first floor windows, balconies and terraces face predominantly towards Wharton Road, St Leonards Road and over the proposed car parking area. There are no windows, balcony or terraced areas proposed facing towards the south-east (i.e. towards the terrace of 19-31 Wharton Road). The result is that the views from the dwellings would be over existing road areas and the proposed car park which would provide sufficient separation to ensure the privacy of surrounding residential properties would be maintained.

Impact on Sunlight and Daylight

32. The proposed development would be sited to the north of the nearest dwellings (19-31 Wharton Road) and would be separated by the roads (Wharton Road and St Leonards Road) and the proposed car parking area from other nearby dwellings. As a result of the separation distance and the orientation of the proposed development relative to surrounding properties it would not give rise to an adverse impact on light for

occupiers. In reaching this view, Officers have been mindful of the 45/25 degree code set out in Policy HP14 of the Sites and Housing Plan (2013).

Access and Car Parking

Access

33. It is proposed to provide access onto the site from St Leonards Road into the proposed car parking area. There is an existing vehicular access in this location. The highway authority have commented that the development would be acceptable in terms of the access proposed but have recommended a condition be included if approval is granted to require visibility splays to meet the specific standards.

34. Separate pedestrian access would be provided onto Wharton Road.

35. There is an existing narrow vehicular access from Holley Close at the rear of the terrace on Wharton Road to the south of the application site. This serves properties in Wharton Road as well as Holley Close but there is no proposed access from this existing access track to the application site.

Car Parking

36. The proposed development would include six car parking spaces within the shared parking area at the eastern edge of the site. The proposed parking area would provide a conveniently placed parking area for the flats. The proposal to provide one car parking space for each of the flats would be acceptable in this location; having had regard to the accessibility of the site to local services and public transport (this is expanded upon below). The highway authority have confirmed that the manoeuvring space within the car parking area would be acceptable and the provision of car parking proposed would meet the requirements of Policy HP16 of the Sites and Housing Plan (2013).

37. Further to the above, in order to respond to the need to ensuring that the development would not have an adverse impact of the development on on-street parking within the area it is recommended that if planning permission is granted then a condition would be required to remove eligibility for occupiers to parking permits. The proposed development would also result in the loss of an on-street parking bay; the local traffic order would need to be amended as a requirement of a condition in order to provide the parking bay elsewhere; this could be required if planning permission is granted.

38. The proposed development lies within an accessible area; being located approximately 200m from the London Road where there are regular bus services to the City Centre, railway station and coaches to London. The application site also lies within 500m of Headington shops. As a result, the proposals for low number of car parking spaces would be acceptable.

Cycle Storage

39. The proposals include a covered cycle store that would be accessed from

the shared car parking area. The cycle store would have the capacity for fourteen cycles. The capacity and quality of cycle parking proposed would be acceptable in the context of Policy HP15 of the Sites and Housing Plan (2013) and could be secured by condition if planning permission is granted.

Flooding and Surface Water Drainage

40. The application site does not lie within an area of defined flood risk.

41. The proposed development would provide areas of permeable ground within the proposed garden areas, it is also proposed to provide the parking area to be constructed from permeable materials. As a result of these measures it is considered that the development would meet the requirements of Policy CS11 of the Core Strategy (2011). If planning permission is granted then a condition should be included to ensure that there are adequate measures dealing with surface water drainage that should include the provision of on-site means to reduce surface water runoff from the development.

Biodiversity

42. The existing site is vacant and there is therefore no likely impact in terms of a loss of habitat for protected species, specifically bats. The proposed development does not include specific biodiversity enhancement measures but these could be required by condition if planning permission is granted.

Conclusion

43. On the above basis and for the reasons set out above, the East Area Planning Committee is recommended to refuse planning permission.

Human Rights Act 1998

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.

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:

16/01737/FUL

Contact Officer: Robert Fowler

Extension: 2104

Date: 23rd August 2016