

EAST AREA PLANNING COMMITTEE

8th March 2017

Application Number: 16/00679/FUL

Decision Due by: 11th May 2016

Proposal: Demolition of public house. Erection of 3 x 4-bed dwellings and a three storey building to provide 2 x 2-bed and 2 x 1-bed flats (Use Class C3). Provision of private amenity space, car parking, bin and cycle store (Amended plans).

Site Address: Site of Former Shelley Arms, 114 Cricket Road **Appendix 1**

Ward: Cowley Marsh Ward

Agent: Mr Huw Mellor

Applicant: Keble Homes

Recommendation:

The East Area Planning Committee is recommended to GRANT planning permission for the reasons below and subject to conditions

For the Following Reason:-

- 1 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.
- 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.

Conditions:

- 1 Time Limit
- 2 Accordance with approved plans
- 3 Visibility Splays
- 4 Swept path analysis
- 5 Access details
- 6 Samples
- 7 Bin storage
- 8 Cycle Storage
- 9 Boundary and screening details
- 10 Drainage scheme
- 11 SUDs
- 12 Contaminated land assessment

- 13 Energy Statement
- 14 Biodiversity enhancements

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
- CP22** - Contaminated Land
- CP23** - Air Quality Management Areas

Core Strategy

- CS9_** - Energy and natural resources
- CS10_** - Waste and recycling
- CS11_** - Flooding
- CS12_** - Biodiversity
- CS18_** - Urban design, town character, historic environment
- CS22_** - Level of housing growth
- CS23_** - Mix of housing
- CS24_** - Affordable 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
- Planning Practice Guidance
- Balance of Dwellings SPD
- Planning Obligations & Affordable Housing SPD

Community Infrastructure Levy

The application is liable for CIL: £86,274.90 (the calculation is based on the entire extent of proposed new floor space because the former Public House has been demolished).

Relevant Site History:

12/01357/FUL - Demolition of public house. Erection of 3 x 4-bedroom dwellings with undercroft with bin stores, cycle parking, car parking and private amenity space. PERMISSION 31st August 2012.

15/02646/FUL - Demolition of public house and the erection of 3 x 4 bedroom dwellings. WITHDRAWN 11th December 2015.

Representations Received:

A local resident (no address given) has commented that the design allows for overlooking into existing gardens; that the points of entry for vehicles coming off the site from both roads are dangerous for the “hundreds of small children who use the adjacent access for the primary school”, and that the proposed gardens are insufficient for the proposed houses and flats.

The Oxford Civic Society commented that the design appears acceptable but need further details of energy management for the properties, and floor levels should be raised to reduce the risk of fluvial flooding to acceptable levels.

Statutory Consultees:

- Oxfordshire County Highways – no objections subject to conditions relating to visibility splays, swept path analysis, access/kerb lines, and drainage.
- Environment Agency Thames Region – covered by Flood Risk Standing Advice.
- Thames Water – no objection with regard to sewerage infrastructure capacity or water infrastructure capacity. Informatives requested.

Issues:

- Design and impact on the street scene
- Highways
- Impact on neighbours
- Flooding
- Contaminated land
- Affordable housing contribution

Sustainability:

The site is in a sustainable location with good pedestrian, cycle and public transport accessibility to the wider area.

An energy statement has been submitted to show how the scheme will include measures to reduce energy consumption in line with Policy HP11 of the Sites and

Housing Plan, and reduce both the consumption and waste of water. Implementation of these measures would be secured by condition.

Officers Assessment:

The Site

1. This 0.14ha site is located on the south side of Cricket Road on the corner of Cricket Road with the south spur of Shelley Road which gives pedestrian and one-way (north-bound) vehicle access to St. Gregory the Great Catholic School.
2. The site was formerly a public house and garden (the Shelley Arms). The public house has been demolished and the site has been cleared of all permanent and temporary structures. It is now surrounded by hoardings. The site had planning permission for three houses granted in 2012, but that was not implemented and the planning permission expired in 2015. The site does not have the benefit of planning permission for any use.
3. This part of Cricket Road is primarily residential with a local retail store on the opposite corner of Shelley Road. The area is characterised by two storey mostly semi-detached houses built of brick and render, with pitched, tiled roofs many with front projecting bays and gables with chimneys. The buildings are set back from the road frontage with front gardens marked by either walls or hedges, or in use for on-site parking. There is on-street parking with traffic calming measures in place. There is a rhythm to the moderately tight urban grain and a strong sense of urban character in the area.

The Proposal

4. Seven new residential units are proposed: three four-bed houses fronting Cricket Road, and four flats in one block fronting Shelley Road (two two-bed duplex flats, and two one-bed flats). This meets the Council's requirements for the mix of housing for this area as expressed in the Core Strategy Policy CS23 and the Balance of Dwellings SPD.
5. The four-bed houses extend to between 162m² and 169m², the two-bed flats extend to 75m² and the one-bed flats to 51m². This accords with the internal space standards set out in Sites and Housing Plan policy HP12. The units are designed to meet the accessibility requirements of Sites and Housing Plan policies HP2.
6. The scheme has two vehicular access points: a principal access from Cricket Road serving six of the units (access to 10 parking spaces in a rear parking court) and a side access to one of the units (access to two parking spaces).
7. 13 parking spaces are proposed: two for each of the three four-bed houses and the two two-bed flats; one space each for the one-bed flats; and three visitor spaces (this meets Policy HP16 of the Sites and Housing

Plan). Cycle parking and bin storage to the Council's standards is proposed (Policies HP15 and HP13 of the Sites and Housing Plan).

Design and Impact on the Street Scene

8. Policies CS18 of the Core Strategy, HP9 of the Sites and Housing Plan and CP1, CP6 and CP8 of the Oxford Local Plan require high standards of design in new developments which responds to and adds to the character and distinctiveness of the area. Policies HP12-HP16 of the Sites and Housing Plan lay down the requirements for size and functionality of new residential developments.
9. The appearance of the scheme is designed to harmonise with the character of the local area.
10. The three houses fronting Cricket Road are set back from the frontage in keeping with the street scene and allow for front gardens (with bin storage) bounded by hedges and a front garden parking space for each of two of the houses. The block of flats fronting Shelley Road is set back from that frontage and allows for a narrow grass strip behind the footway.
11. The units have pitched roofs. House units 1 and 2 and the block of flats have slightly greater ridge height than the previous public house (by approx. 0.25m). House unit 1 is slightly higher than the existing neighbouring house at 116 Cricket Road but lower than units 1 and 2 thereby providing a visual transition from the existing to the new.
12. The elevations have been designed in a contemporary style with appropriately proportioned front flat-roofed ground floor bays, dormers, windows, gables and chimneys to reflect the existing character of the area. Materials are proposed to be a mixture of buff coloured brickwork, render, and grey aluminium panels all of which will create an acceptable appearance and improve the street scene. There will be some room for landscaping including some limited opportunities for tree planting to enhance the development.
13. The scheme allows for adequate garden and outdoor amenity areas as appropriate (including some balconies) to meet the Council's standards.

Highways

14. The Highway Authority has examined the vehicle accesses to the site, the parking layout, and cycle parking and bin store provision and has found all to be acceptable subject to conditions requiring details of the juxtaposition of vehicle accesses to the traffic calming build-outs.

Impact on neighbours

15. Policy HP14 requires that the privacy and amenity of neighbouring properties are not adversely affected as a result of new development.

16. The block of flats is positioned perpendicular to the rear garden of 116 Cricket Road and would afford views towards and over that property and beyond. The distance from the flat block to the boundary is just over 20m which means that direct visibility into rooms is not possible. The resulting overlooking of gardens is not greater than that already afforded from adjacent properties. In these terms it is considered that the proposals can be supported.
17. Four parking spaces, a cycle store for 14 cycles, and a bin store accommodating 16 bins are to be located adjacent to the boundary with 116 Cricket Road. It is not considered that these facilities will cause unacceptable noise and disturbance to the neighbouring property.

Flooding

18. A Flood Risk Assessment has been submitted which has been found to be acceptable (Core Strategy Policy CS11) subject to a condition being imposed to ensure that its provisions are enacted.

Contaminated land

19. A contaminated land assessment would be required by condition.

Affordable Housing Contribution

20. Policy HP4 of the Sites and Housing Plan requires an affordable housing contribution in association with this proposal. The applicant has however sought to argue viability grounds to avoid the need to provide such a contribution.
21. Policy HP4 (and supported by the adopted Planning Obligations & Affordable Housing SPD) requires sites for 4 to 9 units to make a financial contribution towards the provision of affordable housing off site. The financial contribution required is 15% of the Gross Development Value (GDV) plus a 5% admin fee. This proposal clearly triggers this policy. The Council considers that small developments should still be required to contribute towards affordable housing provision given the severity of housing affordability within the City.
22. The applicant has submitted information to demonstrate that the proposed scheme would not be viable if required to make a financial contribution towards affordable housing. This has been independently reviewed, and tested, for the Council. The conclusion of that review is that the proposal is not able to make a financial contribution towards affordable housing.
23. Policy HP4 states that the Council will accept a lower contribution if it can be demonstrated that the full contribution would make the development unviable. In this case, the independent advice received is that the scheme could not support any contribution. The scheme is therefore considered to comply with

the guidance set out in policy HP4 and the Affordable Housing and Planning Obligations Supplementary Planning Document.

24. The lack of affordable housing contribution must be weighed against the benefits of the scheme which include the delivery of seven new residential units and the redevelopment of a currently vacant site. Given the above, it is considered in this instance that the proposal is acceptable.

Conclusion:

25. The East Area Planning Committee are recommended to grant planning permission for the reasons set out in the report above and subject to the recommended conditions.

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: 16/00679/FUL

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Date: 28th February 2017

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