

East Area Planning Committee

- 4th January 2012

Application Number: 11/03011/CT3

Decision Due by: 18th January 2012

Proposal: Outline permission for erection of 3x3 bed units with associated parking and bin storage.

Site Address: Land Between 38 And 40 Cardinal Close (**Appendix 1**)

Ward: Littlemore Ward

Agent: Kemp And Kemp

Applicant: Oxford City Council

Recommendation: It is recommended that the application is **approved** for the following reasons:

- 1 The principle of the proposal is acceptable in that the site is within a predominantly residential area with access to shops and services and public transport nodes. All matters are reserved, however, the illustrative plans which show an indicative layout, scale, access, appearance and landscaping are sympathetic to the site and its surrounding and are therefore acceptable in principle. The application accords with policy CP1, CP6, CP8, CP10, CP11, HS19, HS20, HS21, TR3 and TR4 of the Oxford Local Plan 2001 and 2016 and policy CS2, CS18 and CS23 of the Oxford Core Strategy 2026.
- 2 Officers have considered carefully all objections to these proposals. Officers have come to the view, for the detailed reasons set out in the officers report, that the objections do not amount, individually or cumulatively, to a reason for refusal and that all the issues that have been raised have been adequately addressed and the relevant bodies consulted.
- 3 The Council considers that the proposal accords with the policies of the development plan as summarised below. It has taken into consideration all other material matters, including matters raised in response to consultation and publicity. Any material harm that the development would otherwise give rise to can be offset by the conditions imposed.

Conditions:

- 1 Commencement 3/2 years detailed approval
- 2 Reserved details
- 3 Maximum of 2 storeys
- 4 Boundary details before commencement
- 5 Design - no additions to dwelling

- 6 Car parking
- 7 Vision splays
- 8 Bin and cycle storage
- 9 Landscaping implementation

Main Local Plan Policies:

Oxford Local Plan 2001-2016 (OLP)

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

Core Strategy 2026

- CS2_** - Previously developed and greenfield land
- CS18_** - Urban design, town character, historic environment
- CS23_** - Mix of housing

Other Material Considerations:

- PPS 1 – Delivering Sustainable Development
- PPS 3 – Housing
- PPG 13 – Transport
- Regional Spatial Strategy for the South East
- Balance of Dwellings Supplementary Planning Document
- Parking Standards Supplementary Planning Document

Relevant Site History:

76/00639/SON_H - Site Of (cons) 23-33 Newman Road (odd) Flats 1-65 Cardinal House And (even) 2 - 46 Cardinal Close Oxford - Erection of 32 old peoples flats, wardens flat and commercial rooms, four 7-person dwellings, 16, 5-person dwellings and 14, 4-person dwellings with accesses - Approved

Third Party Representations Received: None

Statutory and Internal Consultees:

Highway Authority – No objection subject to conditions relating to surface treatment of parking and vision splays.

Officers Assessment:

Site Description and Proposal

1. The application site comprises an area of hardstanding between and in front of No 38 and 40 Cardinal Close. The site is located in the southwest corner of the 1970's residential development at 23-33 Newman Road and 2-38 Cardinal Close. The site is accessed from the south off Cardinal Close, with pedestrian routes flanking the site to the east and north. The western side abuts a steep bank which is overgrown with grass and brambles. Beyond Cardinal Close to the south is another steep grass bank, beyond which is the Eastern By-Pass.
2. The application seeks outline permission (with all matters are reserved) for the erection of a 3x3 bed houses with associated car parking and bin storage.
3. Officers consider the main issue of the case to be the principle of development, however the proposals include illustrative layout and floor plans and elevations so officers would therefore also consider the matters relating to the layout, scale and appearance to be relevant.

Principle of Development

4. Local Plan policy CP6 states that development proposals should make efficient use of land by making best use of site capacity. Policy CS23 of the Oxford Core Strategy explains that the predominance of one particular form of housing type within a locality may have unwelcome social implications. To remedy this policy CS23 supports a balance of dwelling types within any given locality.
5. In support of policy CS23 the Balance of Dwellings Supplementary Planning Document (BoDs) has assessed the housing stock within Oxford and has identified areas of pressure. The aim of BoDs is to ensure that development provides a balanced and mixed community and as a result Neighbourhood Areas provide the framework for the assessment of new residential developments.
6. The application site falls within an area defined by the SPD as amber, which indicates that the scale of pressure is considerable and as such a proportion of family dwellings should form part of new residential development. In this area the SPD does not prescribe a particular mix for developments including 3 or less dwellings and, as such, officers raise no objection to the provision of 3x3 bed houses.

Scale and Form

7. Policy CP8 of the Oxford Local Plan 2001-2016 suggests the siting, massing and design of development creates an appropriate visual relationship with the form, grain, scale, materials and details of the surrounding area and CP10 states planning permission will only be

granted where proposed developments are sited to ensure that street frontage and streetscape are maintained or enhanced or created.

8. The site comprises an area of hardstanding between and to the front of No 38 and 40 Cardinal Close, both of which form part of a residential development from the 1970's. This development, with the exception of the houses on Newman Road, is inward facing with the two storey Cardinal Close houses turning their backs on the street by fronting on to an internal green space. This approach to residential layout is contrary to current best practice and design advice.
9. In contrast to the 1970's development the illustrative drawings show buildings fronting onto Cardinal Close. Although this is different to the rest of Cardinal Close it is not considered to adversely affect the character of the street, which is typified by high rear garden walls against the back edge of the street. The proposal would offer a more active frontage at this part of the street providing natural surveillance of the new parking areas opposite.
10. The illustrative drawings show the proposed houses, like the adjacent 1970's development, as having a domestic scale and form, being two storeys in height and with a traditional appearance which incorporates a pitch roof. Although details of scale and appearance are not fixed and will be dealt with under a reserved matters application, officers consider the height and form shown on the illustrative drawings to be in keeping with the immediate context. Officers would, however, recommend a condition to fix the scale of the building at a maximum of 2 storeys.

Proposed Residential Environment

11. Policy HS21 of the OLP states that residential development should have access to private amenity space. Units with 2 or more bedrooms are required to have exclusive access to an outdoor space and where the unit is a house the garden should generally be a minimum of 10m in length.
12. Although the layout is reserved the illustrative drawings demonstrate that the three houses could all have private rear gardens measuring between 8.4-8.6m in length and 6.8-8.6m in width. Although these lengths are below the minimum 10m as set out in policy HS21, this is a general standard and allows exceptions where there are extenuating circumstances. In this particular case the gardens are of substantial width and would result in a better quality of space compared to, for example, a situation where the gardens were 10 metres in length but only 5 metres wide. In addition the proposed gardens are not dissimilar to those of the neighbouring dwellings. Given the site constraints officers do not believe that the garden lengths could be greatly increased without compromising the size of the houses. On balance therefore officers conclude that the outdoor space would be acceptable.
13. Bin and cycle storage is shown to be located in the rear gardens of the

three houses. Each has direct access to the street.

Impact on Neighbouring Properties

14. Policy HS19 of the OLP states that planning permission will only be granted for developments that adequately provide for the protection of the privacy or amenity of the occupants of the proposed and existing neighbouring residential properties.
15. Although the position and scale of the houses is not set, the illustrative plans show that three houses could be accommodated on the site without adversely affecting the residential amenities of neighbouring properties due to the separation distances and window positions of neighbouring properties.

Car Parking

16. The application proposes 6 off street car parking spaces to be located opposite the proposed houses. This level of provision accords with Appendix 3 of the Local Plan. The Highway Authority raises no concerns.

Sustainability

17. The site is a brownfield site within an existing residential area. The area is well served by shops and services and has excellent access to public transport nodes. The application would make a more efficient use of the site by providing two new flats which would need to meet Level 3 of Code for Sustainable Homes in order to satisfy the Building Regulations.

Conclusion: The proposal is acceptable in principle and the detailed matters of layout, scale, appearance, landscaping and access, which are acceptable in principle in relation to the information provided, will be forthcoming under a reserved matters application. Officers would recommend that outline planning permission be approved subject to the conditions set out above.

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:

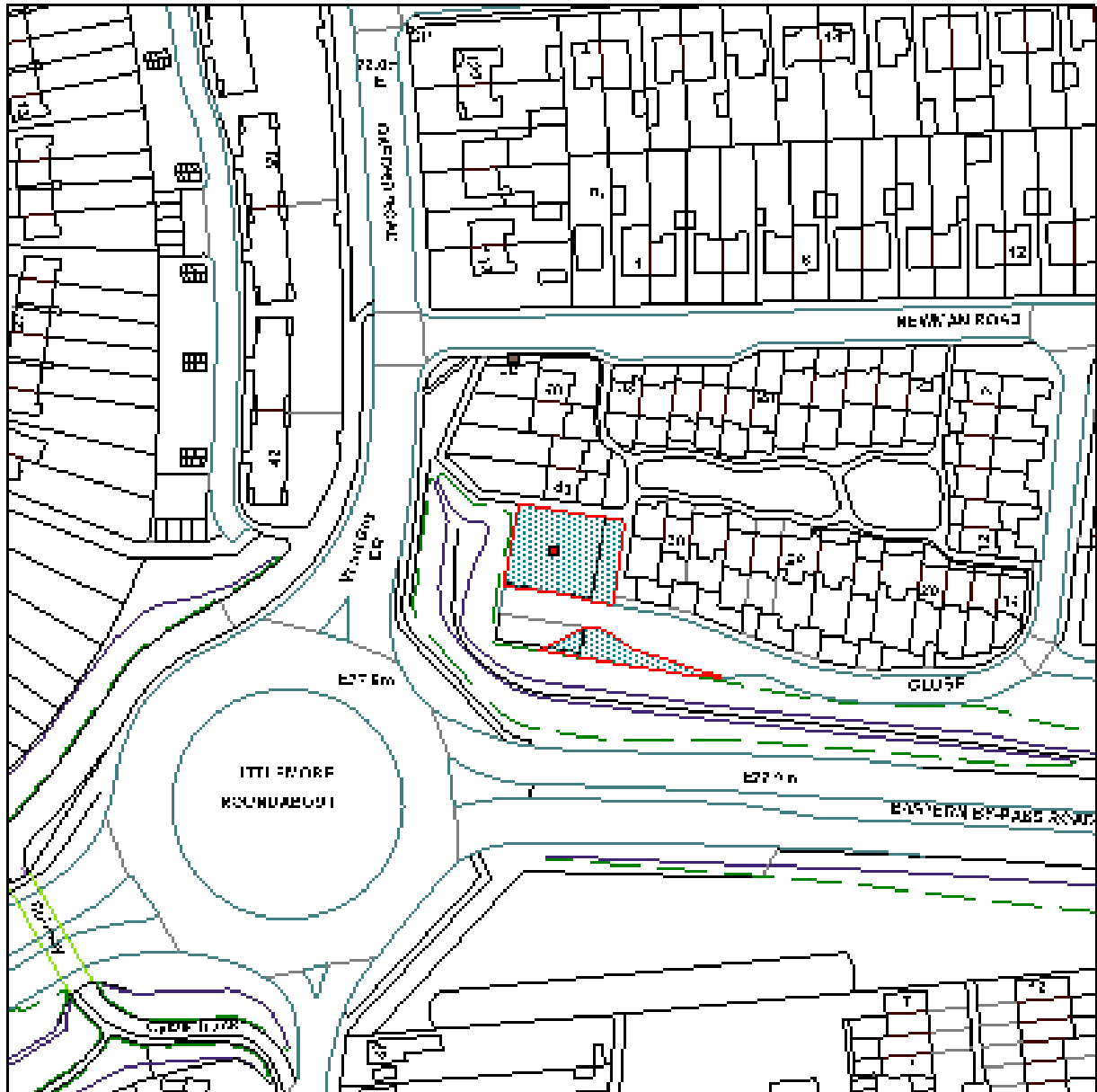
Contact Officer: Steven Roberts

Extension: 2221

Date: 17th December 2011

Appendix 1

11/03011/C B - 38-40 Cardinal Close



Scale : 1:10250

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Organization	Met. Sec.
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Comments	
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