

APPLICATION NO.	<u>P15/V2117/FUL</u>
APPLICATION TYPE	FULL
REGISTERED	07.09.2015
PARISH	BOTLEY
WARD MEMBER(S)	Debby Hallett Emily Smith
APPLICANT	Mr and Mrs Paul Richards
SITE	47 West Way, Botley, Oxford, OX2 0JF
PROPOSAL	Demolition of existing commercial building. New development of 11 apartments in two 3-storey buildings. (As amended by Drawing Nos: 284/P/06 Rev D, P/07 Rev E, P/08 Rev E, P/09 Rev E, P/10 Rev D and P/11 Rev E accompanying agent's letter of 14 February 2016)
AMENDMENTS	Two – Latest set of plans as above
OFFICER	Peter Brampton

SUMMARY

This application is referred to planning committee as North Hinksey Parish Council objects, and letters of objection from 4 local residents have been received at the time of writing of this report.

The application seeks full planning permission for the demolition of the existing commercial building on the site and the erection of 11 apartments in two 3-storey buildings.

The main issues are:

- Whether the principle of residential development on this site can be accepted
- The loss of employment land
- The scale, bulk, massing, height, design and detailing of the apartments
- The future living conditions of potential residents
- The impact on the amenity of existing neighbours, including commercial properties
- The impact on highway safety including the level of parking provision

This report seeks to assess the application details against the national and local planning policy framework where relevant and all other material planning considerations.

It is considered that the principle of residential development in this highly sustainable location is acceptable. Given the site is vacant, the loss of it from employment cannot be resisted.

Whilst the design of the scheme does cause some harm to the character of the area, particularly in terms of design and height relative to the two-storey buildings either side, this harm is not sufficient to warrant a refusal of planning permission, particularly as the site does not fall within any national designations.

Similarly, some harm to the amenity of future occupiers (against local and national guidelines/standards) is identified, as is some harm to the amenity of occupiers of existing neighbouring housing and commercial premises. Again, this harm is not sufficient to outweigh the benefits of this proposal. Finally, a reduced level of car parking can be supported in this highly sustainable location and therefore, the application is recommended for approval.

1.0 **INTRODUCTION**

- 1.1 This application relates to a site of just over 1,000 square metres. The site is, relative to its size, quite long and narrow, with a site frontage width of only around 13 metres. The site is currently occupied by a two-storey commercial building. The applicant confirms this offers around 510 square metres of commercial floorspace and currently lies vacant. Originally, the building was commercial on the ground floor and residential above. The residential element was subsequently converted to offices associated with the ground floor use. The building has been most recently used as a wine merchant, but has been vacant since late 2014/early 2015.
- 1.2 The building itself is the larger part of a pair of two-storey semi-detached buildings of brick construction under a pitched roof. The attached neighbour offers a similar arrangement with The Oxford Sofa Studio on the ground floor with ancillary accommodation above.
- 1.3 The building is set back around 15 metres from the pavement passing the site and both “halves” have a forecourt laid entirely to hardstanding. Only the application site benefits from a dropped kerb onto West Way. It is currently possible for customers of The Oxford Sofa Studio to use this dropped kerb to access this unit. However, the council understands this right of access to be entirely discretionary. Previously, this neighbour has had a planning application for their own dropped kerb rejected on highway safety grounds.
- 1.4 To the rear of the building lies a further area of hardstanding.
- 1.5 There is a variety of buildings surrounding the site. Immediately to the east, with a partially shared boundary wall, is a two-storey terrace of houses dating from the early 20th century (Nos.33-43 West Way). This is set forwards of the current building on site, sitting much closer to the road. These are traditionally proportioned brick and tile dwellings with small front gardens.
- 1.6 By contrast, on the opposite northern side of West Way lies Seacourt Tower, a modern commercial building that dominates the area, far exceeding in height and scale the 2-3 storey development on the southern side of West Way. To the southern rear of the site is Hinksey Business Centre which is a utilitarian development of industrial units. To the west lies a sizeable two-storey warehouse that abuts the rearmost part of the western boundary of the application site. Hinksey Business Centre is a protected employment site (Policy E10 of the Local Plan 2011) and part of this designation spans the rearmost part of this site but not the buildings on the application site.
- 1.7 A location plan is **attached** as Appendix 1.

2.0 **PROPOSAL**

- 2.1 The application is to demolish the existing building and replace it with two blocks of apartments to provide 11 one and two bed flats at the site. These blocks will be three storeys. The mix will be 9 two-bed flats and 2 one-bed flats.
- 2.2 Given the highly sustainable location, the applicant proposes a reduced level of car parking provision of nine spaces (one each for the 9 two-bed flats). These are provided to the front and rear of the site. In terms of amenity space, each flat benefits from an individual terrace or balcony.

- 2.3 The flats have a contemporary design. The front block will attach to The Oxford Sofa Studio, but will project forward and above, with space for vehicular access to the side. The rear block will span the rearmost part of the site.
- 2.4 The applicants propose to construct the flats in brick and concrete tiles, with felted flat roof elements.
- 2.5 The application has been through a number of iterations following discussions with officers, including two formal amendments. The current plans are **attached** as Appendix 2.
- 2.6 To assist members' understanding of the negotiations that have taken place, which particularly focus on the front block and its frontage to West Way, the original plans are **attached** as Appendix 3.
- 2.7 Reduced copies of all original and amended plans, and supporting documentation, are available on our website (www.whitehorsedc.gov.uk).

3.0 **SUMMARY OF CONSULTATIONS & REPRESENTATIONS**

- 3.1 Below is a summary of the responses received to both the original plans and the amendments. A full copy of all the comments made can be viewed online at www.whitehorsedc.gov.uk.

Botley Parish Council	<p>Objection to both original submission and subsequent amendments. The parish council's full response to the most recent amendment is attached as Appendix 4 and can be summarised thus:</p> <ul style="list-style-type: none"> • Inappropriate location for residential development with new residents subject to noise disturbance and air pollution from adjacent industrial estate • Site access would be difficult to use due to retail park opposite • Inadequate parking provided • Lack of amenity space for flats • Proposal does not retain the character of the existing building • Loss of existing employment • Front block projects beyond existing shop frontage • Loss of vehicular access to attached Sofa Studio unit
Neighbours	<p>4 letters of objection have been received. The concerns raised may be summarised as follows:</p> <ul style="list-style-type: none"> • Loss of employment/retail land • Proposed design of building does not respect the character of the area • Inappropriate choice of materials • Harm to amenity of existing neighbours • Quality of living environment for new residents • Loss of vehicular access to car park serving The Oxford Sofa Studio • Building will harm appearance and visibility of The Oxford Sofa Studio, affecting its commercial viability • Demolition works to existing building will cause

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	<p>disruption</p> <ul style="list-style-type: none"> • Lack of car parking
Oxfordshire County Council Highways	<p>Current holding objection relating to size of car parking spaces and lack of information on manoeuvring space for larger vehicles. General points:</p> <ul style="list-style-type: none"> • Recognises site is in a very sustainable location and is supportive of level of car parking provided • Important to secure cycle parking in a safe, covered store • Need to clarify access to adjacent Sofa Studio • Standard highway conditions relating to parking, access, drainage and travel park required
Oxfordshire County Council Education	<p>No objections – unable to seek financial contributions towards primary and secondary education due to Regulation 123 of the Community Infrastructure Regulations 2010, which prevents pooling of more than 5 contributions to any one item of infrastructure</p>
Oxfordshire County Council property	<p>No objections – unable to seek financial contributions due to Regulation 123 of the Community Infrastructure Regulations 2010, which prevents pooling of more than 5 contributions to any one item of infrastructure</p>
Waste Management	<p>No objections – Comments about access to bin store and the design of the store provided. Section 106 contribution of £170/property requested for provision of wheeled bins for each flat</p>
Drainage Engineer	<p>No objections – subject to conditions requiring prior agreement to sustainable urban drainage and foul drainage strategies</p>
Thames Water	<p>No comments received to date</p>
Environment Agency	<p>No comments</p>
Urban Design Officer	<p>No objections following receipt of latest amendment that addresses the fenestration and the treatment of the front parking spaces</p>
Countryside Officer	<p>No objections</p>
Environmental Health Officer	<p>No objections – <i>“The noise levels affecting this site are significant. The acoustic report accompanying the application identifies an acoustic specification for glazing which will ensure that internal noise levels will be satisfactory. However external amenity areas, such as balconies will still be subject to excessive noise levels.</i></p> <p><i>If I were considering an application on a green field site, I would recommend refusal. However, viewing the application in the context of Botley, there are comparable developments closer to the A34 with balconies which are subject to similar if not higher noise levels. It should also be considered that the application represents the re-use of a brown field site, I</i></p>

	<p><i>am minded not to object.</i></p> <p><i>Subject to the implementation of the glazing specification identified in the acoustic report, I have no objection to the proposed development.”</i></p>
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4.0 RELEVANT PLANNING HISTORY

4.1 The applicant sought pre-application advice from the council in June 2015 about this proposal (Ref: P15/V0953/PEJ). The advice offered by the council can be summarised thus:

- Site partly extends into North Hinksey Business Park – an area identified within the Vale of White Horse Local Plan 2011 as a key employment site worthy of protection
- The principle of residential units on this site is acceptable when assessed against the NPPF
- Justification for the loss of part of the site that is protected as employment will be needed
- Need for private amenity space to meet standards of Vale of White Horse Design guide 2015
- Level of parking must be justified
- Need for noise assessment given surrounding commercial uses

5.0 POLICY & GUIDANCE

5.1 Vale of White Horse District Council Local Plan 2011

The development plan for this area comprises the adopted Vale of White Horse local plan 2011. The following local plan policies relevant to this application were ‘saved’ by direction on 1 July 2009.

Policy No.	Policy Title
GS1	Developments in Existing Settlements
GS5	Land and Buildings within Settlements
GS10	Minimising the need to Travel by Car and reducing the impact of traffic
DC1	Design
DC3	Design against crime
DC5	Access
DC6	Landscaping
DC7	Waste Collection and Recycling
DC8	The Provision of Infrastructure and Services
DC9	The Impact of Development on Neighbouring Uses
DC10	The Effect of Neighbouring or Previous Uses on New Development
DC12	Water quality and resources
DC13	Flood Risk and Water Run-off
DC14	Flood Risk and Water Run-off
H10	Development in the Five Main Settlements
H15	Housing Densities
H16	Size of Dwelling and Lifetime Homes
H17	Affordable Housing
H23	Open Space in New Housing Development
E10	Protection Key Business Sites for Business Use
HE9	Archaeology

5.2 Emerging Local Plan 2031 – Part 1

The draft local plan part 1 is not currently adopted policy. Paragraph 216 of the NPPF

allows for weight to be given to relevant policies in emerging plans, unless other material considerations indicate otherwise, and only subject to the stage of preparation of the plan, the extent of unresolved objections and the degree of consistency of the relevant emerging policies with the NPPF. Whilst the plan has been through Examination the Inspector's has not been received and the objections to it remain unresolved. At present it is officers' opinion that the emerging Local Plan housing policies carry limited weight for decision making. The relevant policies are as follows:-

Policy No.	Policy Title
Core Policy 1	Presumption in favour of sustainable development
Core Policy 2	Co-operation on unmet housing need for Oxfordshire
Core Policy 3	Settlement hierarchy
Core Policy 4	Meeting our housing needs
Core Policy 5	Housing supply ring-fence
Core Policy 7	Providing supporting infrastructure and services
Core Policy 8	Spatial Strategy for Abingdon & Oxford Fringe sub-area
Core Policy 22	Housing mix
Core Policy 23	Housing density
Core Policy 24	Affordable housing
Core Policy 33	Promoting sustainable transport and accessibility
Core Policy 35	Promoting public transport, cycling and walking
Core Policy 36	Electronic communications
Core Policy 37	Design and local distinctiveness
Core Policy 38	Design strategies for strategic and major development sites
Core Policy 39	The historic environment
Core Policy 42	Flood risk
Core Policy 43	Natural resources
Core Policy 44	Landscape
Core Policy 45	Green infrastructure
Core Policy 46	Conservation and improvement of biodiversity

5.3 Supplementary Planning Guidance

- Design Guide – March 2015
The following sections of the Design Guide are particularly relevant to this application:-
Responding to Site and Setting
 - Character Study (DG6) and Site appraisal (DG9)
 Establishing the Framework
 - Existing natural resources, sustainability and heritage(DG10-13, 15, 19)
 - Landscape and SUDS (DG14, 16-18, 20)
 - Movement Framework and street hierarchy (DG21-24)
 - Density (DG26)
 - Urban Structure (blocks, frontages, nodes etc) DG27-30
 Layout
 - Streets and Spaces (DG31-43)
 - Parking (DG44-50)
 Built Form
 - Scale, form, massing and position (DG51-54)
 - Boundary treatments (DG55)
 - Building Design (DG56-62)
 - Amenity, privacy and overlooking (DG63-64)
 - Refuse and services (DG67-68)
- Open space, sport and recreation future provision – July 2008

- Sustainable Design and Construction – December 2009
- Affordable Housing – July 2006
- Flood Maps and Flood Risk – July 2006
- Planning and Public Art – July 2006

5.4 National Planning Policy Framework (NPPF) – March 2012

5.5 National Planning Practice Guidance 2014 (NPPG)

5.6 Neighbourhood Plan

Paragraph 216 of the NPPF allows for weight to be given to relevant policies in emerging plans, unless other material considerations indicate otherwise, and only subject to the stage of preparation of the plan, the extent of unresolved objections and the degree of consistency of the relevant emerging policies with the NPPF.

5.7 An application has been received for a neighbourhood planning designation for the Botley parish area but to date a neighbourhood plan has not been submitted to the Council. Consequently no weight can be given to any policies that may be emerging in any draft neighbourhood plan.

5.8 Environmental Impact

This proposal does not exceed 150 dwellings, the site area is under 5ha and is not within a 'sensitive area' as defined by the EIA regulations. Consequently the proposal is beneath the thresholds set in Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 as amended and this proposal is not EIA development and there is no requirement under the Regulations to provide a screening opinion.

5.9 Other Relevant Legislation

- Planning (Listed Buildings and Conservation Areas Act) 1990
- Community & Infrastructure Levy Legislation Human Rights Act 1998
- Equality Act 2010
- Section 17 of the Crime and Disorder Act 1998
- Natural Environment and Rural Communities (NERC) Act 2006
- The Conservation of Habitats and Species Regulations 2010
- Localism Act (including New Homes Bonus)

5.10 Human Rights Act

The provisions of the Human Rights Act 1998 have been taken into account in the processing of the application and the preparation of this report.

5.11 Equalities

In determining this planning application the Council has regard to its equalities obligations including its obligations under section 149 of the Equality Act 2010.

6.0 PLANNING CONSIDERATIONS

The relevant planning considerations in the determination of this application are:

1. Principle of the development including loss of employment land
2. Locational Credentials
3. Affordable Housing and Housing Mix
4. Design, Layout and visual impact
5. Residential Amenity for future occupiers
6. Amenity for existing neighbours, including commercial impacts
7. Flood Risk and Surface/Foul Drainage

8. Traffic, Parking and Highway Safety
9. Protected Species and Biodiversity
10. Viability and Developer Contributions

The Principle of Development including loss of employment land

- 6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. Section 70 (2) of the Town and Country Planning Act 1990 provides that the local planning authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations. The development plan currently comprises the saved policies of Vale of White Horse Local Plan 2011. Paragraph 215 of the NPPF provides that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF (the closer the policies in the plan to the policies in the NPPF, the greater the weight that may be given).
- 6.2 Other material planning considerations include national planning guidance within the NPPF and NPPG and the emerging Vale of White Horse Local Plan: Part 1-Strategic Sites and Policies and its supporting evidence base.
- 6.3 Paragraph 47 of the NPPF expects local planning authorities to *"use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area"*... The authority has undertaken this assessment through the April 2014 SHMA which is the most up to date objectively assessed need for housing. In agreeing to submit the emerging Local Plan for examination, the Council has agreed a housing target of at least 20,560 dwellings for the plan period to 2031. Set against this target the Council does not have a five year housing land supply.
- 6.4 Paragraph 49 of the NPPF states *"Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites"*. This means that the relevant housing policies in the adopted Local Plan are not considered up to date and the adverse impacts of a development would need to significantly and demonstrably outweigh the benefits if the proposal is refused. In order to judge whether a development is sustainable it must be assessed against the economic, social and environmental roles.
- 6.5 Policy GS1 of the adopted Local Plan provides a strategy for locating development concentrated at the five major settlements. This is supported by Policy H10 of the Local Plan 2011 which states, *"Within the built up areas of Abingdon, Botley, Faringdon, Grove and Wantage...new housing development will be permitted provided...it would not result in the loss of facilities important to the local community...and...it makes efficient use of the land, and the layout, mass and design of the dwellings would not harm the character of the area."*
- 6.6 It is important to note that the permissive stance of Policy H10 is consistent with the NPPF, but all relevant housing policies of the adopted and emerging local plan hold very limited material planning weight as they are out of date in light of the lack of the 5 year housing supply. Consequently the proposal should be assessed under the NPPF where there is a presumption in favour of sustainable development. Sustainable development is seen as the golden thread running through the decision making process. Having a deliverable 5 year housing supply is considered sustainable under the 3 strands. Therefore, with the lack of a 5 year housing supply, the proposal is

- 6.7 acceptable in principle unless any adverse impacts can be identified that would “*significantly and demonstrably outweigh*” the benefits of meeting this objective.

Loss of employment

Policy E10 of the Local Plan identifies a number of Strategic Employment Sites and states, “*Proposals which would lead to the loss of existing business land and premises to other uses will not be permitted, other than ancillary uses referred to under Policy E13...*” One of those identified employment sites in Hinksey Business Centre, which sits immediately behind the application site.

- 6.8 Slightly unusually, the Local Plan designation of Hinksey Business Centre includes the rearmost part of this application site, even though the site is clearly not part of the Business Centre and there is no physical link between the two. Although the designated part of the site has no buildings on it, the policy references “*business land*” as well as buildings and so the only reasonable conclusion is this rear yard benefits from the protection offered by Policy E10.

- 6.9 However, it is important to note that this Policy is considered only partially consistent with the NPPF, as it does not consider what happens in the event of a protected site becoming vacant. In this instance, the approach of the NPPF becomes prevalent. Specifically, Paragraph 22 of the NPPF states, “*Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated*
- 6.10 *on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.*” Paragraph 51 of the NPPF states, “*Local planning authorities should identify and bring back into residential use empty housing and buildings in line with local housing and empty homes strategies... They should normally approve planning applications for change to residential use and any associated development from commercial buildings (currently in the B use classes) where there is an identified need for additional housing in that area, provided that there are not strong economic reasons why such development would be inappropriate.*”

This site has been vacant for at least one year and the NPPF is clear that in these circumstances alternative uses should be considered, with particular mention made of residential uses where there is an identified need in the area. The lack of a five year housing supply provides that need in this instance. Given that only a small, unused, part of the site is protected by Policy E10, and that it lies vacant, there is no strong economic reason to resist the conversion of this site to employment.

- 6.11 The applicant has contested that “*the majority of the existing buildings can be legitimately converted away from employment use to residential use... under the permitted development regime.*” This is indeed the case, but would only apply to the first floor offices. The ground floor retail element would remain, reflecting the original arrangement of this building. The applicant contends “*this would leave a ground floor A1 retail unit, out of prime shopping location and away from the Botley shopping area, ongoing long term vacant. There are several charity shops already in the Botley precinct, a good indication in itself that demand for A1 retail units is not overly pressing*
- 6.12 *in the area...*”

Core Policy 29 of the emerging Local Plan 2031 maintains the same requirement of Policy E10 to retain the strategic employment sites of the district. However, this policy has only limited weight at this time.

6.13 Overall, officers do not agree with the applicants' assertion that *"it is only reasonable to set aside the commercial use of the site..."* and that some harm to the loss of the protected employment land should be applied in the planning balance. However, this harm is considered very minor as this site has no functional relationship with Hinksey Business Centre (the named protected site within the policy), the part of the site protected is a yard used only for vehicle parking for No.47 and the whole site has lain vacant for some time.

6.14 The thrust of the NPPF (Paras 22 and 51) is quite clear that the council must look favourably on the conversion of such vacant sites to residential when a housing need is identified.

Locational Credentials

6.15 The NPPF requires the need to travel to be minimised and the use of sustainable transport modes to be maximised (paragraph 34). Botley has been identified as one of the five main settlements in the district where there is a high level of services to accommodate an increase in the population. Policy H10 takes an accordingly permissive stance to new housing within the built limits of Botley. In this particular instance, the residents of the flats would have immediate access to the bus routes that run along West Way to and from Oxford city centre, as well as the cycle routes providing similar access. Also within very easy reach is the Seacourt Tower retail and business park and Hinksey Business Centre for employment and retail opportunities. Slightly further away to the west lies Elms Parade for further retail options. The local primary school is a short walk away beyond Seacourt Tower.

6.16 Overall, there can be no doubt that this is a highly sustainable location for new housing to come forward in response to the lack of housing supply in the district.

Affordable housing and housing mix

6.17 Policy H17 of the adopted local plan makes clear that the trigger for affordable housing in the larger settlements of the district is 15 units or sites in excess of 0.5ha. This scheme provide 11 units on a site amounting to some 0.13ha and there is no reasonable opportunity to achieve more on the site. Thus, officers are satisfied there is no need for this proposal to provide any affordable housing.

6.18 Policy H16 of the Adopted Local Plan requires 50% of houses to have two beds or less. However, as stipulated at paragraph 47 of the NPPF this policy is out of date as it is not based on recent assessments of housing need. The Oxfordshire Strategic Housing Market Assessment 2014 (SHMA) is the most recent assessment and estimates the following open market dwelling requirement by number of bedrooms (2011 to 2031) for the District:

	1 bed	2 bed	3 bed	4+ bed	Total
SHMA %	5.9%	21.7%	42.6%	29.8%	100%

6.19 This proposal provides for solely one and two-bed flats and so does not strictly meet the SHMA requirements. However, the proposal makes effective use of previously developed land in accordance with paragraph 17 of the NPPF and provides smaller units.

Design, Layout and Visual Impact

6.20 The NPPF provides that planning decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment (paragraph 60). It gives considerable weight to good design and acknowledges it is a key component of sustainable development.

- 6.21 A number of local plan policies seek to ensure high quality developments and to protect the amenities of neighbouring properties (Policies DC1, DC6, DC9, DC12 and DC20). In March 2015 the council adopted its design guide, which aims to raise the standard of design across the district. The assessment below is set out in logical sections similar to those in the design guide.

Site, Setting and Framework

- 6.22 In assessing the impact of this development, it is important to be aware of the setting of the site. There are no national designations (Green Belt/AONB/Conservation Area) affecting it, and there are no listed buildings nearby. As outlined in Section 2, the southern side of this part of West Way is characterised by 2 storey buildings. The current building and its attached neighbour are two-storey, as is the 20th century terraced housing to the immediate front and east. Further to the east, at No.29, lies a three storey flat roof development of flats permitted in 2007 and now built out and occupied.
- 6.23 Surrounding the rear of the application site is the very different context of Hinksey Business Centre, a small industrial estate with typically functional units and a large amount of hardstanding. Part of the Business Centre includes No.51-53 West Way, a substantial two-storey warehouse that shares a common boundary with the rear part of the application site. The surroundings change again immediately opposite the site where the Seacourt Tower business and retail park is located. The buildings here on the northern side of West Way far exceed the height of buildings to the south, including within the application site. Slightly to the west is the highly functional and visually dominant A34 fly-over.
- 6.24 Overall, the character of the area is highly mixed, with no one type of building, design or material dominating. The Design and Access Statement accompanying the application outlines the design approach stating, *“This is a heterogeneous context where there is no dominant style or material, where uses are mixed and where there is nothing of any architectural quality...As such it is a location where new contemporary design is appropriate as long as it follows basic urban design guidance...does not over-dominate its neighbours in height and does not jar in its use of materials or fenestration.”*

6.25 *Spatial Layout*

The layout of the site is relatively simple. There are two three-storey blocks, the front block attaches to the existing flank wall with The Oxford Sofa Studio with a vehicular access to its eastern side, with a larger block spanning the rear of the site. The front block projects in front of The Oxford Sofa Studio by around 2.5 metres. To the front of the site, three of the nine parking spaces are provided. To the rear, the remaining six spaces are provided, alongside a bin store and cycle parking. Each unit benefits from some private amenity space, be it a courtyard on the ground floor or a balcony on the upper floors. The balconies for Units 2 and 3 include privacy screens to ease the relationship with the rear of Nos.33-43 West Way to the east.

- 6.26 Overall, there are no concerns about the spatial layout, which represents a logical solution to the challenge of making efficient use of this long, narrow site. Eleven flats on a site of this size represents a density of 110 dwellings to the hectare. Whilst high, it is acceptable in this highly sustainable location, subject to design considerations.

6.27 *Built form*

The vast majority of negotiations on this development have been centred on the form of the scheme. As noted by the urban design officer, *“Apartment blocks tend to be larger in massing and scale than traditional houses and, therefore, it is vital that they respond*

to the scale, massing and grain of the context in a complementary way.” This is reflected in Principle DG69 of the Design Guide which states, *“The height and location of apartment buildings should respond to its context and aid legibility within the settlement. Apartment buildings may be deeper in floorplan than houses and as such care should be taken to avoid the building appearing bulky.”* The initial submission failed to achieve this, with particular focus on the front block and its relationship with the attached The Oxford Sofa Studio and Nos.33-43. Members will see from Appendices Two and Three how, through negotiations, the front block has reduced in size and scale from the original submission. Officers consider the northern elevation of the front block, which faces West Way, is the most important.

- 6.28 Officers accept that, despite the clear improvements, the front block does still somewhat “jar” with its attached neighbour and the terrace of Nos.33-43. It has a ridgeline higher than The Oxford Sofa Studio (by around 0.8 metres), although the eaves are slightly lower to mitigate that. The front block introduces second floor accommodation, with a central section that is capped by a flat roof dormer. Officers consider it is this approach, rather than the scale and bulk of the building itself that causes the contrast between the two buildings as the design draws attention to the increased height of the front block. However, the council’s urban design officer has confirmed no objection to the scale and massing of the front block. Principle DG51 of the Design Guide states, *“Subtle variations in height can also be used to add visual interest. This can be achieved with differing ridge and eaves heights, as commonly found in traditional streets. Similarly, variations in frontage widths...can add further interest to the street scene. This can be appropriate in both urban and rural locations.”*
- 6.29 Officers are in agreement with the urban design officer that the scale and massing of the front block, nor the higher ridge, causes material harm. The manner in which the front building line of this block projects 2.5 metres in front of its attached neighbour does cause some concern as the current building, and the adjacent terrace, have consistent front building lines. However, it is noteworthy that the terrace sits much closer to the road than this site, and so a uniform building line along this part of West Way is not in evidence here.
- 6.30 Officers accept that the flats at No.28 West Way offer some sort of precedent and it is no coincidence that the design of this proposal is comparable to this built scheme. However, it is important to note that those flats are a stand-alone building, not attaching to an existing neighbour, and that the two developments will never really be seen together (unlike as on the plans) due to the distance between the two. Thus, this existing development cannot wholly justify the approach taken here.
- 6.31 Turning briefly to the rear block, this is a full three storey building spanning the entire width of the site at its widest point. Public views of this building will be much more limited, with only oblique views possible from a very small stretch of West Way along the access road to the side of the front block. From West Way, this block is set back around 46 metres. It will not be an unduly prominent feature in the street scene. Of course it will be prominent from the rear of Nos.33-43 West Way and Hinksey Business Centre. However, this is all private land, where much less weight can be attached to the visual impact.
- 6.32 *Architectural Detailing and materials*
As mentioned above, officers consider that the detailing of this scheme is perhaps its weakest point, as the applicant does not appear to have taken any obvious cues from the immediate surroundings. The storey heights are inconsistent, the use of flat roofs is uncharacteristic, the pattern of fenestration is different and the proposed windows are of sizes and shapes quite different to The Oxford Sofa Studio or the adjacent terrace.

Whilst acknowledging the variety of design approaches in the area, it is these neighbours that provide the context in which this scheme will be most readily observed. The amended plans have undoubtedly brought the scheme closer to its neighbours, but the unbalancing effect of the fenestration facing the street remains and represents, in officers' opinion, the weakest element of the design.

- 6.33 The application forms suggest the flats will be constructed in a stock orange brick. Whilst there is again no consistency with materials on either side of West Way, officers are not convinced that an orange brick is the most appropriate, as it will contrast with the attached neighbour, where a buff coloured brick is used. The orange brick would be closer in colour to the attached terrace. However, final materials are recommended to be covered by a condition and will require committee approval. This will also include details of door and window materials and finishes to ensure a degree of visual consistency.
- 6.34 Other aspects of the design that will need conditioning relate to boundary treatments around the front and rear parking areas. Details of the balcony screening will also be necessary from a design point of view as well as a privacy perspective.
- 6.35 Overall, officers accept that this scheme represents a very different form of development on this site and that not every aspect of the design works. The introduction of two 3-storey blocks of apartments attached and between the two-storey Oxford Sofa Studio and the early 20th century terrace has not been achieved entirely successfully. Whilst officers have no strong objection to the overall scale and massing of the scheme, the juxtaposition between the existing and the new does cause some harm to the character of the area. This must be weighed in the planning balance, although officers are mindful of the need to demonstrate “*significant and demonstrable harm*” due to the presumption in favour of sustainable development that applies to this proposal. In carrying out that balancing exercise, it will be important to consider that this site does not lie within, nor close to, any national planning designations that the NPPF would attach weight to. In fact, officers agree that the area has no real architectural quality and this would make proving the harm caused by the design of this scheme on appeal to be significant and demonstrable much harder.

Residential Amenity for future occupiers

- 6.36 Adopted Local Plan Policy DC10 states, “*Development will not be permitted if it is likely to be adversely affected by existing or potential sources of...noise or vibration...*” Clearly, there is potential for the residents of these new flats to be affected by noise from traffic (West Way and the A34) and from the business operations of Hinksey Business Centre. Principle DG72 of the Design Guide states, “*Proposals [for apartments] should comply with council standards in relation to the provision of adequate amenity space. This space should take the form of communal gardens, ground floor gardens or patio space and balconies. Roof terraces should be avoided*

unless the applicant can demonstrate every effort has been made to accommodate space elsewhere. Any ground floor dwellings should have access to rear private space to provide defensible space...”

- 6.37 Turning to the quantum of amenity space, Paragraph 5.10.1 of the Design Guide confirms that a one bed unit should have 35 square metres and a two bedroom unit should have 50 square metres. It is clear that all eleven units benefit from private gardens or balconies but that the size of these areas are well below the Design Guide standards. However, it is considered that this under-provision can be allowed given the nature of the development and its location. In choosing to live in this location, it is a

reasonable assumption to make that the new residents have prioritised the highly sustainable nature of the location over the need for private amenity space. Those residents will have easy access to nearby recreational grounds and facilities such as Oatlands Road Recreation Ground a few hundred metres to the east.

- 6.38 Turning to the quality of the living environment, the application is supported by a noise assessment that identifies a number of sources of noise, concluding, *“The noise measurement study has identified that the primary noise source at the front facade of the proposed development site is road traffic noise attributed to traffic on both the A34 and West Way. To the rear of the proposed development site, traffic noise from West Way is shielded by the existing building and noise from the A34 is shielded by the adjacent warehouse at 51 West Way. Consequently, noise levels are significantly lower, despite being situated at a similar distance to the A34 than the front of the development site. The rear of the development site is also subject to noise from an adjacent trading estate, formed of a number of small industrial units. Observations of noise from the trading estate show that in general, noise is characterised by vehicle movements. The main non-vehicle noise is associated with Botley Road Motors, a motor mechanics and MOT centre.”*
- 6.39 The Noise Assessment goes on to make recommendations about mitigation for the noise experienced by the future residents, which include bespoke window units and mechanical ventilation. The opportunity to provide additional mitigation for external noise levels is extremely limited but the Assessment contends, *“Noise measurements have also shown that external noise levels will be below the maximum recommended desirable level.”*
- 6.40 In consultation, the council’s environmental health officer has contested the findings on external noise levels, stating *“external amenity areas, such as balconies, will still be subject to excessive noise levels.”* However, the environmental health officer goes on to state, *“...there are comparable developments closer to the A34 with balconies which are subject to similar if not higher noise levels. It should also be considered that the application represents the re-use of a brownfield site, I am minded not to object. Subject to the implementation of the glazing specification identified in the acoustic report, I have no objection to the proposed development.”*
- 6.41 An objection has been received from the owner of No.51-53, the adjacent warehouse to the west. This relates to a high level window facing over the application site that provides daylight to offices within the warehouse. This window would sit directly above the balcony of Unit 9, creating a rather unusual relationship whereby office workers could look directly onto this balcony. However, this is unlikely to be the case given the high-level nature of the window. Furthermore, the office is likely to be occupied during working hours, when the balcony is least likely to be in use. Therefore, the potential for conflict is reduced.
- 6.42 The objecting owner of the warehouse also points out there will be a “tunnelling” effect for Unit 9, between the flank wall of the warehouse and the rear projecting of the proposed rear block. This will impact negatively on outlook. Officers concede this point but do not consider it represents a reason for refusal.
- 6.43 Similarly, a high level window exists in the warehouse that could allow some oblique overlooking of the balcony serving Unit 3 within the front block. However, this overlooking is less severe than with Unit 9 and this is less of a concern.
- 6.44 On balance, given the recommendation of the environmental health officer, officers

conclude that the conflict with Policy DC10 does not represent sufficient reason to recommend refusal of this development. It is important to note that all these flats will be sold privately and so an element of “buyer beware” exists. Nonetheless, the negative impact on future living conditions does cause some harm that must weigh in the planning balance.

Amenity for existing neighbours, including impact on commercial activity

- 6.45 Adopted local plan policy DC9 seeks to prevent development that would result in a loss of privacy, daylight or sunlight for neighbouring properties or that would cause dominance or visual intrusion for neighbouring properties and the wider environment. Protecting amenity is a core principle of the NPPF. Design principles DG63-64 of the Design Guide pertain to amenity, privacy and overlooking.
- 6.46 In terms of loss of light and overshadowing, this amended proposal will improve the relationship with No.43 West Way (the neighbouring dwelling) in comparison to the original proposal by moving built form away from the common boundary, freeing up space around the terrace. There are also benefits in terms of disturbance to this terrace of neighbouring properties, through the removal of a commercial property that could be used for a range of noisy uses without the need for planning permission. There may be some loss of light to the neighbouring warehouse due to the aforementioned conflict with a high level window but this has not been demonstrated to be material.
- 6.47 Overlooking is a concern, particularly from the easternmost flats within the rear block, as they sit immediately behind No.43 West Way. The two bedrooms of Units 7 and 10 will face directly towards the rear of No.43, and also obliquely overlook the neighbouring No.41 at a distance of around 25 metres (to a two storey rear extension at No.43 – the distance increases to around 31 metres to the original rear wall of the terrace). Although these windows are effectively in the front of the building, functionally these are the “rear” windows of the flats themselves as they are arranged to look south. The Vale Design Guide requires a back to back distance of 21 metres and so this is achieved comfortably. This is important as the back to back distance does not take into consideration three storey buildings like that proposed here, so the additional distance is welcome.
- 6.48 It is also important to note that the windows facing No.43 are bedroom windows, so the likelihood of an intrusive amount of overlooking is reduced relative to primary living accommodation such as the lounge on the southern side of each flat. Another important factor is the unusual arrangement of the rear garden of most of the terrace, as it is laid to hardstanding to allow communal access to a driveway and parking area for each house. From observations on site, no garden has been fenced off and laid to grass. There is one area of trees (which will restrict inter-visibility with this scheme) but the remainder is hardstanding. As such, the rear of each house is not designed to act as private amenity space in the normal way and thus the impact of this overlooking on the amenity of the occupants is significantly reduced.
- 6.49 The rear balconies serving Units 2 and 3 (the first and second floor flats in the front block) could allow direct and unwelcome overlooking of the rear of No.43 and its neighbours. The plans propose the use of privacy screens on the eastern end of each balcony to prevent this overlooking. Officers are satisfied with this arrangement. Details can be secured by condition to ensure the screens are an appropriate height and of an appropriate material to secure a good level of privacy.
- 6.50 The owners of The Oxford Sofa Studio have objected strongly to the application. They consider that the front block, through projecting forward of the current building line, will block views of their shop and compete visually with it, harming the commercial

prospects of the business. Officers acknowledge these points but do not agree that the impact will be significant, and, more importantly, do not consider this a material planning consideration.

- 6.51 Firstly, it is important to note that the front block will project around 2.5 metres in front of The Oxford Sofa Studio. This is not considered significant, given the width of the West Way frontages enjoyed by both sites. Furthermore, when approaching the site from the east, the terrace of Nos.33-43 block views of both sites until a passer-by is within around 20 metres of the site. The additional restriction on the view of this neighbour from this proposal will be minor when approaching from this direction. From the west, no such restriction on line of sight will take place.
- 6.52 The owners of The Oxford Sofa Studio are also concerned about customers being able to access their forecourt as such vehicular access is entirely dependent on using the dropped kerb within the application site. Previously, the owner of the application site has allowed The Oxford Sofa Studio customers to use this dropped kerb and the arrangement is preserved with the amended scheme proposed here. However, this current right of access across the forecourt of No.47 is entirely discretionary and remains a private matter between the two parties. It is not within the remit of planning legislation to address this. It is noteworthy that the Highways Authority do not find this arrangement satisfactory, but previously resisted a dropped kerb to serve The Oxford Sofa Studio (Planning Ref: P13/V0578/FUL).
- 6.53 Overall, officers are satisfied that the harm caused by this proposal to the amenity of existing neighbours is not severe and the limited harm needs to be considered in the planning balance.

Flood Risk and Surface/Foul Drainage

- 6.54 The NPPF provides that development should not increase flood risk elsewhere and should be appropriately flood resilient and resistant (paragraph 103). It states that the planning system should contribute to and enhance the natural and local environment by, amongst other things, preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution (Paragraph 109).
- 6.55 Adopted local plan policy DC9 provides that new development will not be permitted if it would unacceptably harm the amenities of neighbouring properties or the wider environment in terms of, amongst other things, pollution and contamination. Policy DC12 provides that development will not be permitted if it would adversely affect the quality of water resources as a result of, amongst other things, waste water discharge. Policies DC13 and 14 are not considered to be consistent with the NPPF, because they do not comply with paragraphs 100 to 104 which require a sequential approach to locating development and provide that flood risk should not be increased elsewhere.
- 6.56 The proposal will need to be supported by a Sustainable Urban Drainage system to ensure that all surface water runoff is discharged in a safe manner without causing adverse impacts to any neighbouring land. The council's drainage engineer is satisfied such a solution can be found in this location and further details can be secured by condition. It is noteworthy that the current site is completely building or hardstanding, with no such SUDs in place, so this development will provide for betterment.
- 6.57 At the time of writing, confirmation from Thames Water on the capacity of foul sewers in the area is awaited. However, a typical Grampian condition relating to a strategy for foul drainage is recommended to cover this aspect.

Traffic, Parking and Highway Safety

- 6.58 Adopted local plan policy DC5 requires safe access for developments and that the road network can accommodate the traffic arising from the development safely. The NPPF (Paragraph 32) requires plans and decision to take account of whether:-
- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
 - safe and suitable access to the site can be achieved for all people; and
 - improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development.
- 6.59 Paragraph 32 goes on to state: *“Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.”*
- 6.60 North Hinksey parish council have objected to this application, in part, due to the level of car parking proposed. Nine spaces are proposed, one allocated space each for the two-bed flats with no parking offered for the one-bed flats. Officers acknowledge this level of parking is less than would normally be required but refer to the comments of the Highways Authority who states, *“The highway authority recognises that this site is in a very sustainable location. The site is located immediately on a key arterial route into Oxford which carries key bus routes and has dedicated cycle route facilities. Local journeys by bus, bicycle or on foot would be easily manageable. The nearest bus stops are located at Elms Parade, around 250 metres to the west of the site and on West Way, a similar distance to the east. On the local road network, there are comprehensive parking restrictions which would prevent the likelihood of any overspill car parking from occurring. The highway authority considers therefore that the provision of a reduced level of on-site car parking is reasonable.”*
- 6.61 Thus, officers have no objection to the level of car parking, but are currently awaiting amended comments from the Highways Authority on the size of some of the spaces, which in previous iterations of the scheme have been below standard. Parking spaces should be a minimum 4.8 metres deep by 2.4 metres wide, to allow room for a modern car and circulation space between spaces. The Highways Authority also require further information on turning space within the site. Updates on these points will be provided in the Addendum Report and committee presentation.
- 6.62 As this site will reuse an existing access and dropped kerb, and the level of predicted trips is comparable to the current use, there are no concerns about its suitability to serve this development.
- 6.63 There will be a need for a bin collection point to be provided to ensure that, on collection day, walking distances to collect the bins are within acceptable tolerances. Details of this will be secured by planning condition.
- 6.64 The provision of cycle parking facilities for 12 bikes is supported by the Highways Authority. This will need to be a secure, covered structure to encourage its use and details will be secured by condition.
- 6.65 Overall, officers are satisfied that this proposal in a highly accessible location provides adequate car parking and will not have any severe cumulative effects on highway safety and so there are no objections on this point.

Ecology and Biodiversity

- 6.66 Paragraph 117 of the NPPF refers to the preservation, restoration and re-creation of priority habitats, whilst Paragraph 118 sets out the basis for determination of planning

applications. Paragraph 118 states that “...if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused...”

6.67 In consultation, the council's countryside officer has confirmed this site has no ecological constraints and has no objections to the proposal.

Viability, affordable housing and Section 106 contributions

6.68 The NPPF advises that planning obligations should only be sought where they meet all of the following tests (paragraph 204):

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development. Policy DC8 of the Adopted Local Plan provides that development will only be permitted where the necessary physical infrastructure and service requirements to support the development can be secured.

6.69 The NPPG provides further guidance on how to apply the tests mentioned above and notes the following:

1. Planning obligations assist in mitigating the impact of development which benefits local communities and supports the provision of local infrastructure.
2. Planning obligations should not be sought where they are clearly not necessary to make the development acceptable in planning terms.
3. Planning obligations must be fully justified and evidenced. Where affordable housing contributions are being sought, planning obligations should not prevent development from going forward.

6.70 Due to Regulation 123 of the Community Infrastructure Regulations 2010 which restricts the “pooling” of more than five Section 106 contributions to any one item of infrastructure, Oxfordshire County Council have chosen not to request any financial contributions from this development. In the case of education, this is because the County Council wish to “reserve our ability to seek contributions for larger developments than this in the area in future.” In the case of highways, this development is not considered to trigger the need for any contributions, given the existing, excellent, public transport in the area.

6.71 Similar to the County Council Education department, the Vale of White Horse has chosen not to seek any leisure contributions from this development at this time, so as to save its five “slots” for larger developments coming forward in the Botley area.

6.72 The following developer contributions have been requested. These contributions are considered fair and proportionate and are not restricted by pooling as they are site specific:-

Vale of White Horse District Council	<i>Proposed Contributions</i>
Public Art	£3,300 at £300/flat
Wheeled bins for each flat	£1,870 at £170/flat
Street Naming	TBC – circa £200
Monitoring	£345

7.0 **CONCLUSION**

- 7.1 In view of the council's housing land supply shortfall, the presumption in favour of sustainable development applies and permission should be granted unless "any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole" (NPPF paragraph 14). Paragraph 7 of NPPF identifies three mutually dependant dimensions to sustainable development; it should fulfil an economic role, a social role and an environmental role.
- 7.2 The proposed development would perform an economic role, at least in the short term, in that it would provide employment during the construction phase. It would also create investment in the local and wider economy through the construction stage and new residents and their spending. This could help secure local facilities or make them more robust. Through increasing the housing stock, it would contribute to an expansion of the local housing market and could potentially improve the affordability of open market housing. In the Highworth Road, Faringdon appeal case (proposed up to 94 dwellings) it is noted that the Secretary of State considered that the "benefits of the scheme would include the provision of much needed market and affordable housing to contribute towards acknowledged substantial shortfalls, and would generate considerable economic benefits of the type arising from housing development" and that he gave these benefits significant weight (application no. P13/V1366/O, appeal reference APP/V3120/A/13/2210891).
- 7.3 The scheme would have a social role as it will provide in general additional housing that the District needs.
- 7.4 It is acknowledged that the scheme will cause some harm to the character of the area. The introduction of three storey buildings between attached and adjacent two-storey properties has not been achieved entirely successfully. The manner in which the front block projects forward of its attached neighbour, The Oxford Sofa Studio, the design of the fenestration, the proposed materials and the use of flat roofs does cause a somewhat awkward juxtaposition between the old and the new that will be clearly seen in the street scene, causing harm. However, it is important to note that there is a high level of variety in this part of Botley with no overriding building form, scale or design that this scheme should follow. The application site is also within nor close to any national designations to which the NPPF would allow a greater degree of harm to be attached.
- 7.5 Further identified harm is the loss of a small part of a protected employment site as the rearmost part of the site is "washed over" by the Hinksey Business Centre designation in the Local Plan. However, this part is entirely vacant hardstanding and the whole site has been vacant for some time. In these circumstances, the permissive stance within the NPPF to the redevelopment of such sites for residential purposes, where an identified need exists, comfortably outweighs this very limited harm.
- 7.6 Harm has also been identified as the future living conditions of the occupiers will not be compliant in terms of external noise levels, the size of the amenity space and, in terms of Unit 9, some perceived overlooking and a restricted outlook. However, this harm is considered limited. Harm to the amenity of existing residents is also limited and these impacts are considered outweighed by the economic and social benefits of this proposal including its contribution to the Council's 5-year land supply.
- 7.7 Overall, and in view of the emphasis in the NPPF to boost significantly the supply of housing, the development is considered to amount to sustainable development, and whilst there will be some limited harm, this is not considered to significantly and

demonstrably outweigh the benefits. Consequently, the application is recommended for approval subject to conditions and a legal agreement to secure developer contributions.

8.0 RECOMMENDATION

It is recommended that authority to grant planning permission is delegated to the head of planning subject to:

- 1. A S106 agreement being entered into with the district council in order to secure contributions towards local infrastructure; and**
- 2. Conditions as follows:**
 - 1. Commencement within three years.**
 - 2. Approved plans.**
 - 3. Slab levels to be agreed.**
 - 4. Samples of all materials to be agreed.**
 - 5. Details of windows, doors, balconies and rainwater goods to be agreed.**
 - 6. Details of balcony privacy screens to be agreed.**
 - 7. Construction traffic management plan to be agreed.**
 - 8. Travel information pack to be agreed.**
 - 9. Sustainable urban drainage scheme to be agreed.**
 - 10. Foul drainage strategy to be agreed.**
 - 11. Boundary details to be agreed.**
 - 12. Bicycle parking and bin storage to be agreed.**
 - 13. Access as approved.**
 - 14. Parking as approved.**
 - 15. Turning space as approved.**
 - 16. No drainage to highway.**

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