

APPLICATION NO.	P17/V0321/FUL
SITE	Bellingers, 111 Ock Street, Abingdon OX14 5DQ
PARISH	ABINGDON
PROPOSAL	Redevelopment to form 39 apartments for the elderly (sixty years of age and/or partner over fifty five years of age), guest apartment, communal facilities, access, car parking and landscaping. (As clarified by Flood Risk Assessment accompanying agent's email of 20 March 2017, as amended by drawings and information accompanying agent's email of 11 April 2017 and further clarified by transport note accompanying consultant's email of 15 May 2017, Archaeological Written Scheme of Investigation accompanying agent's email of 22 May 2017 and Section Plans and Shading Study Plans accompanying agent's letter of 26 May 2017)
WARD MEMBERS	Monica Lovatt Chris Palmer
APPLICANT OFFICER	Churchill Retirement Living Ltd Peter Brampton

RECOMMENDATION

That authority to grant planning permission is delegated to the head of planning subject to:

1: A S106 agreement being entered into in order to secure a financial contribution towards affordable housing, and;

2: Conditions as follows:

General Conditions

1. Commencement three years.
2. Approved plans.

Prior to commencement

3. Slab levels to be agreed.
4. Materials to be agreed.
5. Landscaping scheme to be agreed.
6. Boundary treatments to be agreed.

7. **Site Access, visibility splays and pedestrian access to be agreed.**
8. **On and off site highway works to be agreed, including site access, layby on Ock Street, extension to double yellow lines on roads to the north.**
9. **Parking and manoeuvring areas to be agreed.**
10. **Cycle parking provision to be agreed.**
11. **Refuse storage to be agreed.**
12. **Surface water drainage scheme to be agreed.**
13. **Foul water drainage scheme to be agreed.**
14. **Scheme of archaeological investigation to be agreed.**
15. **Programme of archaeological mitigation to be agreed.**
16. **Mechanical ventilation to be agreed.**
17. **Noise mitigation to be agreed.**
18. **Contaminated land investigation to be agreed.**
19. **Structural treatment and render of no.121 Ock Street to be agreed.**

Prior to occupation

20. **Green travel plan to be agreed.**

Compliance

21. **Landscaping implementation as specified.**
22. **Biodiversity enhancement as approved.**
23. **Age restriction on occupancy – 60 years and over (including partner of 55 years and over).**
24. **Construction delivery times limited to 9:30am – 2:30pm.**
25. **No drainage to highway.**

1.0 INTRODUCTION AND PROPOSAL

- 1.1 This application is referred to planning committee due to the officer recommendation differing from that of Abingdon Town Council.
- 1.2 The application relates to an approximately 0.25 hectare site on the northern side of Ock Street. The site has most recently been used as a car showroom (“Bellingers”), but the firm has moved to new premises and the site is vacant.
- 1.3 The site previously benefitted from access from Ock Street and to the rear onto Mullard Way. The site contains a number of functional buildings, including a two story “Trade Centre” that attaches to the listed No.121 Ock Street and a range of single storey workshop buildings that are set back from Ock Street. The entirety of the site is either built form or hardstanding.
- 1.4 There is a slight incline across the site, from Ock Street up towards the rear boundary.

- 1.5 A location plan showing the site in its local context is provided over:



- 1.6 The applicant proposes to demolish all of the existing buildings on the site to create space for the erection of 39 retirement apartments in a generally 2 ½ and 3 storey building. This is arranged in an “L” shape with a frontage onto Ock Street and a northern wing.
- 1.7 The application proposes no vehicular access from Ock Street, with the only access being in the northwestern corner of the site, onto Mullard Way. Fifteen car parking spaces are proposed to serve the building.
- 1.8 The applicant proposes a predominantly brick and tile construction, with a number of additional materials and detailing used.
- 1.9 The application has been amended during negotiations with officers. The primary change has been the relocation of the main entrance and adjacent “owners lounge” from the car park to open onto Ock Street.
- 1.10 Reduced copies of application plans are **attached** as Appendix One. All plans and supporting documentation for the application are available to view on our website www.whitehorsedc.gov.uk.

2.0 **SUMMARY OF CONSULTATIONS & REPRESENTATIONS**

- 2.1 A summary of the responses received to the proposal is below. A full copy of all the comments made can be seen online at www.whitehorsedc.gov.uk

<p>Abingdon Town Council</p>	<p>Recommends refusal – <i>“It was noted that the proposal was for 15 car parking spaces to be provided for a development of 39 apartments. Members considered this to be completely inadequate taking into account that many apartments could be occupied by residents who had at least one and possibly two cars. In addition, there needed to be adequate provision made for visitors.”</i></p>
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	<p><i>Consequently, the proposals were in contravention of Saved Policy DC5...of the Local Plan 2011 as they did not include adequate provision for the parking of vehicles.”</i></p>
<p>Local residents</p>	<p>44 letters of objection were received to the original proposal. 12 letters reiterating objections were received following the submission of amended plans. The main reasons for objection can be summarised thus:</p> <ul style="list-style-type: none"> • Inadequate parking provision – leading to increased parking on busy local roads • Insufficient surveys undertaken to justify proposed parking provision • Unsafe access arrangements onto Mullard Way past Carswell Primary School • Increased vehicular movements relative to Bellingers • Increased overlooking of neighbours and school • Overshadowing and loss of light to properties on Mayotts Road • Increased noise disturbance to neighbours • Building overly tall and bulky for surroundings, including nearby listed building • Harm to air quality on Bostock Road • Would remove current access arrangements for emergency vehicles during Abingdon Fair
<p>Oxfordshire County Council</p>	<p><u>Highways</u> No objections following submission of additional information</p> <p><i>Commentary</i></p> <ul style="list-style-type: none"> • Development is in a sustainable location • No concerns over impact on traffic congestion, given current permitted use of site • Removal of Ock Street entrance will have traffic flow benefits • Need to demonstrate Mullard Way access safe for larger vehicles • Need for easier pedestrian access to Mullard Way • On balance, considers impact on visitor parking will be acceptable, given information provided and provision of new layby to front of site • Whilst some inconvenience to residents may occur, this proposal <i>“is unlikely to result in a road safety or congestion problem”</i> • Applicant should allow some visitor parking on site

	<p><i>Conditions requested:</i></p> <ul style="list-style-type: none"> • Access to be agreed, including pedestrian link to Mullard Way • Construction Traffic Management Plan to be agreed • Parking and manoeuvring areas to be agreed • Cycle parking provision to be agreed • Surface Water drainage scheme to be agreed • Travel Plan Statement and Travel Information Packs to be agreed <p><i>Section 278 agreement requested to cover:</i></p> <ul style="list-style-type: none"> • Site access • Extension of the existing parking layby on Ock Street • Extension to double yellow lines around the corners of the junction of Bostock Road/St Michaels Avenue and Mullard Way <p><u>Archaeology</u> No objection</p> <p><i>Conditions requested:</i></p> <ul style="list-style-type: none"> • Written Scheme of Investigation • Programme of archaeological evaluation and mitigation <p><u>Property</u> No objection</p>
<p>Abingdon Area Archaeological and Historical Society</p>	<p>Comments as follows:</p> <ul style="list-style-type: none"> • Now site is vacant, opportunity for further on-site investigation into archaeological interest of site • 1842 St Helen's Parish Tithe map should be referenced as part of further work • Discussion on historic photographs, buildings and occupation date on Ock Street • Suggestions for priorities when future investigations take place
<p>Conservation Officer</p>	<p>No objections</p> <ul style="list-style-type: none"> • Condition and appearance of the existing car show room makes a negative contribution to character and appearance of the conservation area and setting of neighbouring listed buildings <p><i>Conditions requested:</i></p> <ul style="list-style-type: none"> • Samples of external materials and finishes • Window and door joinery details

	<ul style="list-style-type: none"> • Details of structural treatment of gable wall of 121 Ock Street once existing attached building removed • Hard and soft landscaping details <p><i>Informative:</i> Works to strengthen and render the gable wall of 121 Ock Street will require a separate application for listed building consent.</p>
Countryside Officer	No objection
Air Quality Officer	<p>No objection</p> <ul style="list-style-type: none"> • Site is close to the Abingdon Air Quality Management Area (AQMA) – air is currently below the air quality objective <p><i>Conditions requested:</i></p> <ul style="list-style-type: none"> • Scheme for provision of mechanical ventilation from rear of building to front facing apartments
Contaminated Land Officer	<p>No objection:</p> <ul style="list-style-type: none"> • Land may be contaminated as result of former use <p><i>Condition requested:</i></p> <ul style="list-style-type: none"> • Phased risk assessment • Remediation works completed
Environmental Health Officers	<p>No objection</p> <p><i>Condition requested:</i></p> <ul style="list-style-type: none"> • Scheme for ensuring internal noise levels meet national standards to be agreed
Drainage Engineer	<p>No objection</p> <ul style="list-style-type: none"> • Sequential test should be assessed • Need for further on-site permeability testing <p><i>Condition requested</i></p> <ul style="list-style-type: none"> • Surface Water Drainage scheme to be agreed
Urban design officer	<p>Comments on amended scheme:</p> <ul style="list-style-type: none"> • Welcome relocation of front entrance and owners lounge to Ock Street – creates a positive and active frontage • Building has too much variation in architectural styles – is neither locally distinctive nor has its own unique character • Limited landscaping to break up the car parking area

	<ul style="list-style-type: none"> • Missed opportunity for ground floor flats to have front doors and their own small gardens • Concerned about impact of the proposal on properties on Mayotts Road • Half-hipped roof adjacent to No.121 Ock Street is an unusual feature • Details of boundaries and landscaping will be important.
Architects Panel	<p>Comments on original submission:</p> <ul style="list-style-type: none"> • Non-functioning gables to Ock Street • Reduce height of southwestern corner to two storey • Excessive number of materials • Fewer window styles • Front entrance should be on Ock Street
Waste management team	<p>No objection</p> <ul style="list-style-type: none"> • Confirms necessary size and arrangement of bin stores

3.0 **RELEVANT PLANNING HISTORY**

3.1 **Planning History**

Although there is an extensive history of planning applications relating to the previous car dealership use of the site, none of it is relevant to the assessment of this application.

3.2 **Pre-application History**

[P16/V2224/PEJ](#) - (07/11/2016)

Demolition of existing buildings and redevelopment to form 32no. sheltered apartments for the elderly including communal facilities, access, car parking and landscaping.(Revised drawings received 13 October 2016)

Advice offered on:

- Principle of development
- Urban design principles
- Affordable housing provision
- Housing Mix
- Heritage assets and archaeology
- Ecology
- Drainage
- Air Quality, Contaminated Land and Environmental Protection

3.3 **Screening Opinion requests**

None

4.0 **ENVIRONMENTAL IMPACT ASSESSMENT**

4.1 The site area is less than 5ha, fewer than 150 dwellings are proposed and the site is not in a 'sensitive area'. The proposal is not EIA development.

5.0 **MAIN ISSUES**

5.1 The main planning considerations relevant to the assessment of this application are:

- Current housing policy
- Design and layout
- Residential amenity – existing neighbours and future residents
- Traffic, parking and highway safety
- Flood risk and drainage
- Historic Environment
- Viability, affordable housing and financial contributions

5.2 **Current Housing Policy**

National legislation confirms that the starting point for assessing this application is the Development Plan. For the Vale of White Horse, the Development Plan consists of the Local Plan 2031 Part One and the Saved Policies of the Local Plan 2011. The Local Plan 2031 Part Two remains at a relatively early stage of adoption and has limited weight in the assessment of this proposal.

5.3 Given the nature of the proposal, Core Policy 26 of the Local Plan 2031 is most directly relevant as it adopts a permissive approach to the provision of, *“residential dwellings designed for older people...within close proximity to public transport routes, retail and other local facilities, including for health care.”* Officers are satisfied that this location, being a relatively short walk to Abingdon town centre, can be considered a highly sustainable location suitable for older people's accommodation. This has been established recently through the permission and construction of Mayott House, on the opposite side of Ock Street (Planning Ref: P13/V1151/FUL).

5.4 As an aside, it should be noted that the existing car showroom had a “sui generis” use that is not specifically protected by any saved employment policy in the Development Plan. There are no grounds to object to the loss of this use from the centre of Abingdon.

5.5 Given the above, officers are satisfied that the principle of this proposal is supported by the Development Plan. Core Policy 26 states that where standards that would apply to “general” housing have been relaxed in response to the needs of the occupiers, an age restriction will be placed on any planning permission to reflect this. Officers recommend a condition that restricts the age of future residents of the building to 60 years and above (with a partner of at least 55 years). This is accordance with the applicant's own age restrictions for their developments. Where standards have been relaxed, these are discussed later in the report.

5.6 Design and Layout

A number of Local Plan policies and guidelines within the adopted Design Guide seek to ensure high quality developments and to protect the amenities of neighbouring properties (Core Policies 37 and 38 and Saved Policies DC6 and DC9.) The Design Guide contains the following advice on apartment buildings:

- The height and location of apartment buildings should respond to its context and aid legibility within the settlement
- Care should be taken to avoid the building appearing bulky – larger buildings should be broken down in simple elements, each with its own pitched roof
- Apartments should incorporate active frontage onto the public realm
- Entrances to the building should be directly from the street
- Apartments should comply with council standards in relation to provision of adequate amenity space
- Parking for apartments should comply with relevant standards

5.7 As outlined in Section 1 of this report, the scheme has been the subject of amendments following negotiations with officers and also in response to objections from local people and the Architects Panel. The amendments have offered some improvements to the overall appearance of the building, but officers accept that some aspects of the design remain weak.

5.8 In assessing the impact of the proposal on the character of the area, it is important to first consider the contribution of the existing site to that character. As noted by the council's conservation officer, the existing buildings on the site have a negative impact on the character of Ock Street. The showroom and garage buildings are all highly functional in nature, contrary to the grain of development on Ock Street and bear no resemblance to their surroundings. The existing site is very much an anomaly in this part of Abingdon and the redevelopment of it represents an opportunity for improvement.

5.9 The existing character of Ock Street is one of residential buildings of 2-3 storeys in scale. They retain quite a consistent building line close to the street with brick and tile being the most common materials. The proposed building mirrors this arrangement and the front elevation onto Ock Street is broken up into four distinct sections, giving the impression of a residential terrace, rather than a single building. The building also "turns the corner" at the junction of Ock Street and Mayotts Road, with windows on both elevations, which is a welcome design aspect.

5.10 Officers acknowledge that the bulk and height of the building is noticeably larger than the buildings that front Mayotts Road to the east and those facing Ock Street to the west. This is particularly noticeable in the southwestern corner where a half-hipped roof makes a rather unsuccessful attempt to reduce the bulk next to the listed No.121 Ock Street.

5.11 The council's Urban Design Officer does not particularly object to the bulk, scale or height of the building, but does have outstanding concerns about the design and the way that bulk is articulated. In particular, the architectural detailing and style of the building is a concern. Whilst officers accept that

examples of the details chosen can be found locally, the manner in which they have been incorporated into the design appears rather contrived. There is a mixture of architectural styles and materials used that does not meld into a wholly successful final appearance. The Urban Design Officer considers that a simplified approach could have resulted in a better building and this design represents a missed opportunity.

- 5.12 Officers also agree that the proposed landscaping scheme for the site requires further improvement. In particular, the landscaping between the building and the car park, and between the front facing ground floor apartments and Ock Street could be improved to the benefit of the residents of the affected units. Officers are satisfied this aspect of the scheme can be covered by a pre-commencement condition.
- 5.13 Overall, officers recognise the criticisms of the design and scale of the proposed building but have reached the on-balance conclusion that these criticisms do not warrant a refusal of planning permission. The harm caused must be weighed against the fact that the proposal is more in-keeping with Ock Street than the current car show room and that the site does not lie within, nor particularly close to, any designated areas. There is very limited intervisibility between this site and the Albert Park Conservation Area. For these reasons, officers consider in the balancing exercise that insufficient harm exists to recommend refusal on design grounds.
- 5.14 **Residential Amenity**
Saved Policy DC9 of the Local Plan 2011 confirms that development will not be permitted if it would unacceptably harm the amenities of neighbouring properties in terms of loss of privacy, daylight, sunlight or outlook, or through noise disturbance. The council's Design Guide recommends that back-to-back distances between properties are at least 21 metres, whilst back-to-side distances are at least 12 metres. This recommendation assumes two storey properties.
- 5.15 To the east of the site lies Mayotts Road and the location and arrangement of the building particularly affects Nos 2 and 4 Mayotts Road. These small two-storey terraced properties appear to have been originally arranged as "two up, two down" buildings and sit side onto the application site with small courtyard rear gardens. No.2 benefits from a single storey rear extension that spans the depth of its garden.
- 5.16 The applicant has set the three storey element of the building from the rear of Nos.2 and 4 by approximately 15 metres, in excess of the 12 metres recommended by the Design Guide. Officers consider this additional distance important given the three storey nature of the proposed building next to the small two-storey terrace of Mayotts Road.
- 5.17 However, it is the three storey front range of the building, facing Ock Street, which causes the greatest impact on these properties, particularly No.2. This front range sits to the south and southeast of Mayotts Road at a minimum distance of less than 5 metres from No.2. From the plans provided, and

observations on site, it appears clear that some sunlight and daylight will be lost to the small rear gardens of Nos. 2 and 4. In terms of sunlight, it will be mid to late afternoon sun that will be lost. Although the existing garage buildings are closer to the boundary with these properties, they are only marginally taller than the existing boundary wall, and so are less intrusive than the proposed building will be.

- 5.18 Furthermore, the rear bedroom at No.2 faces across the application site. The proposed front range of the building will sit alongside and be extremely prominent from this window and harm to the light received to, and the outlook from, this room is unavoidable, particularly given the three storey scale of the proposal. This harm must weigh against this application in the planning balance and officers have carefully considered whether the harm to this one bedroom window warrants a refusal of planning permission once the benefits of the scheme are weighed against it. On balance, officers conclude it does not but consider this a marginal decision.
- 5.19 Elsewhere, officers are more comfortable with the relationship the new building will have with existing neighbours, including the primary school. Back-to-back and back-to-side distances all accord with Design Guide recommendations.
- 5.20 Officers are satisfied with the amenity offered to future residents, who will benefit from a communal garden. This garden may not meet the size standards applied to “general” apartment buildings but officers consider this can be relaxed given the age restriction applied to the proposal and the reduced mobility of the elderly residents.
- 5.21 **Traffic, parking and highway safety**
The NPPF (Paragraph 32) states: *“Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.”* Saved Policy DC5 of the Local Plan 2011 requires safe access for developments and that the surrounding road network can accommodate the traffic arising from the development safely.
- 5.22 *Traffic Generation*
In assessing the implications of this proposal on traffic generation, it is important to consider the extant use of the site. The Transport Statement submitted in support of the application estimates that a car showroom in an edge of town centre such as this could reasonably be expected to generate around 85 vehicular trips a day. The Transport Statement then goes on to consider the vehicular trips likely to occur from a retirement building such as this, using data from eight existing Churchill Retirement sites. The Transport Statement has concluded that, based on the findings from these existing sites, around 58 vehicular trips will be generated by a 39 apartment building in this location. In consultation, Oxfordshire County Council as Highways Authority have raised no objection to the methodology or findings of the Transport Statement in respect of vehicular trips.
- 5.23 Furthermore, the Highways Authority consider that the proposal, by only accessing the public network from Mullard Way, will improve traffic flows along

Ock Street, which is a main arterial route into Abingdon town centre with known congestion issues. This benefit, combined with the likely overall reduction in vehicular trips, weighs in favour of the proposal.

5.24 *Access*

From consultation responses, officers understand that Bellingers very rarely used the rear access onto Mullard Way and so the proposal to only access this building from Mullard Way has caused concern locally. It should be noted that a new car dealership could take this site on without the need for planning permission and the council would have no control over how often that business used the rear access. In consultation, the Highways Authority are, “...*confident that for small to medium sized vehicles this [access] will be acceptable from a traffic flow and road safety point of view.*” There are concerns that larger vehicles, such as refuse wagons, may not be able to safely use this access and so the Highways Authority recommend a condition requiring prior agreement to tracking plans for larger vehicles.

5.25 The pre-commencement condition relating to the vehicular access will also secure details of visibility splays and provisions for the safe passage of pedestrians from Mullard Way into the building and vice versa.

5.26 The Highways Authority have requested a Section 278 agreement to deliver off-site improvements to the highway authority, including the site access, the extension of the parking layby to the front of the site and an extension of double yellow lines around the corners of the Bostock Road/St Michaels Avenue/Mullard Way junction and along Mullard Way from Bostock Road to the site access. Officers consider these improvements can be more appropriately secured through a pre-commencement Grampian condition. A Section 278 agreement should only be used for significant highway upgrades and would be unduly onerous here. With these conditions in place, officers are satisfied the proposed site access is safe.

5.27 *Vehicular Parking*

Both Abingdon Town Council and the vast majority of responses from neighbours have objected to this proposal based on the provision of 15 parking spaces on the site to serve the 39 apartments. They consider this level of parking to be inadequate and this will lead to long-term unsocial parking on neighbouring roads, where on-street parking is already commonplace, particularly around Carswell Primary School, St Michaels Church and Trinity Church and on Bostock Road.

5.28 The Local Plan 2031 part 1 confirms that parking standards provided by Oxfordshire County Council as Highways Authority should be applied across the district. Currently, the County Council has adopted “Parking Standards for New Residential Developments” which dates from December 2011. However, this document does not provide guidance for parking standards for elderly peoples or sheltered accommodation and officers agree it would be inappropriate to apply the standards for “general” housing to this proposal as car ownership rates amongst these residents will be much less.

- 5.29 In light of the lack of specific standards, the applicant has chosen to determine appropriate parking provision through their experience of parking demand from a number of other sites they have opened in similar edge of town centre locations across the country. These surveys show average parking demands across these sites to be at a ratio of 0.28 spaces per residential unit. 15 spaces for 39 apartments on this site represents a ratio of 0.38 spaces per residential unit. The parking survey shows demand at other sites only rarely exceeds the ratio of 0.38 spaces per unit proposed here. It is important to note that, generally, spaces are reserved for residents, rather than staff or visitors. Therefore, it is the lack of spaces for visitors that, initially, caused the greatest level of concern for Oxfordshire County Council.
- 5.30 For visitors, the applicants have chosen to rely on existing public parking on Ock Street, including a proposal to extend the layby in front of the site so that it can accommodate 5/6 cars. Whether relying on this provision is adequate, and whether the applicant has proven their case in this regard, has been the subject of extensive discussions between the applicant and the County Council during the determination of this application. During the pre-application stage, and once the application was submitted, the County Council requested a bespoke parking survey in Abingdon that showed the availability of public parking in the area surrounding the site. The applicant has visited the site once in response, provided information of the number of visitor trips from some of their existing sites and pointed out current Google Streetview images of Ock Street that date from September 2016. Both the applicant's site visit and the Streetview images show available parking on Ock Street in existing laybys.
- 5.31 In response, the County Council has confirmed that, whilst the information provided *"is not as comprehensive as [we] would ideally have liked to see...on balance it does now demonstrate that the impact of visitor parking on the roads closest to the application site will be acceptable...Given [the information provided] and the provision of a new layby outside...the demand for visitor parking will almost entirely be met by supply on Ock Street in close proximity to the development and that ordinarily, visitors will not need to search for parking on the nearby residential streets including those to the rear of the site, e.g. Bostock Road."*
- 5.32 As outlined at Para 5.26, the extension to the existing layby will be secured through a pre-commencement condition. Furthermore, a condition requiring a Travel Plan to be agreed prior to occupation and then provided to new staff and residents is recommended. These will highlight the highly sustainable location and the various sustainable methods of transport that staff in particular should use each day. A condition requiring prior agreement to cycle storage is also recommended.
- 5.33 Local objection has generally focussed on the overall level of parking, which is understandable when the provision is so far below "normal" standards. However, as discussed above, a relaxation of standards is acceptable for age-limited accommodation, which this proposal clearly is. Crucially, as discussed, the Highways Authority has no parking standard for this type of accommodation. The applicants have provided evidence to show that the level

of parking works for their existing sites.

5.34 Whilst officers acknowledge that any additional parking on the roads to the rear of the site is likely to exacerbate an existing situation that causes distress to residents, it is important to note that Paragraph 32 of the NPPF requires the council to demonstrate “severe” cumulative harm to justify a refusal of planning permission on highway safety grounds. Implicit in this is that some harm can be allowed to occur. Officers consider that, given the justification provided, the lack of any applicable Highway Authority parking standard for this type of accommodation, the proposals to extend visitor parking on Ock Street and the lack of an objection from Oxfordshire County Council, a refusal on highway safety grounds cannot be justified.

5.35 **Flood Risk and drainage**

The application is supported by a Flood Risk Assessment (FRA) that identifies that the majority of the site is located within Flood Zone 1, the area at least risk of flooding so is appropriate for a residential use. The southern portion of the site, like much of this part of Ock Street, falls within Flood Zone 2, an area with between a 1 in 100 year and 1 in 1000 year annual probability of river flooding. This is due to the nearby River Ock. National guidance confirms that a residential use can be accepted within Flood Zone 2, subject to a Sequential Test. The Sequential Test is enshrined in the NPPF and is a planning exercise to consider if there are “reasonably available” alternative sites within Flood Zone 1 suitable for the proposed development.

5.36 The applicant has argued that a use like this must be within a 0.5 mile radius of a town centre, on a site large enough to achieve at least 30 apartments. The applicant contends there are no sites available within the area that would meet this requirement and are also in Flood Zone 1. Officers are satisfied this to be the case.

5.37 The NPPF goes on to say that the development needs to be appropriately flood resilient and resistant, and that it can manage any residual risk. The FRA and accompanying Drainage Strategy Report provides a detailed flood mitigation scheme. This includes the inherent benefits to flood attenuation from reducing the impermeable areas of building and hardstanding from the current 100% to 69%, as the site provides a new garden and areas of landscaping. Furthermore, the applicant proposes the use of permeable paving, underground storage and controlled discharge into the nearest public water sewer.

5.38 The council’s drainage engineer has confirmed no objection to the principle of the proposed surface water attenuation proposals. It is noted that, due to the current site situation, further permeability testing is required to inform the finer details of the drainage scheme. However, this can be secured through a standard pre-commencement condition.

5.39 Similarly, a condition relating to foul drainage capacity is necessary, to ensure the existing sewer system, maintained by Thames Water, can accommodate the additional flows from this development.

5.40 Overall, officers are satisfied that this development does pass the Sequential Test and offers an overall improvement to the flood attenuation of the site relative to the existing car showroom use. Consequently the proposed development is acceptable in respect of flood risk and drainage.

5.41 **Historic Environment**

There are a number of listed buildings near the site, not least Nos.121-129 Ock Street, a terrace of two-storey listed residential properties to the immediate southwest of the site. Core Policy 39 confirms that the council will seek to ensure that new development conserves, and where possible, enhances designated heritage assets and their setting.

5.42 A number of objectors have raised concern that the height and scale of the proposed building will dwarf the adjacent listed terrace and thus harm its setting. The manner in which the half-hipped roof to the southwestern corner of the building fails to improve this relationship is discussed earlier in this report.

5.43 The existing terrace is attached to the Trade Centre of Bellingers, an extremely functional, bulky, flat roofed building. As noted by the council's conservation officer, the entirety of the Bellingers site is a visual detractor from the setting of the listed terrace. By removing the Trade Centre, clearing the site and providing a residential building as a replacement, the impact on the setting of the listed buildings can only be described as an enhancement, regardless of scale concerns. Officers also consider any detriment caused to the setting of the terrace from the proposal would not cause substantial harm to the designated assets and, overall, the benefit of the scheme outweighs any less than substantial harm caused. It is noted that separate listed building consent will be required for works to make good the external wall of No.121.

5.44 The County Archaeologist has assessed the proposal and raises no objection subject to conditions relating to a Written Scheme of Investigation and a Programme of Staged Mitigation to ensure that any archaeological interest on the site is investigated and recorded appropriately. This is acceptable and consistent with the Saved Policies of the Local Plan 2011.

5.45 **Viability, affordable housing and Section 106 requests**

As the proposed accommodation falls within the C3 residential use class, Core Policy 24 of the Local Plan is relevant, requiring 35% of the apartments to be offered as affordable units. There is allowances within the policy for this requirement to be relaxed when viability issues mean that the policy compliant provision would leave the scheme commercially unviable. There is also an allowance for affordable housing contributions to be provided as a commuted sum for off-site provision where it is not feasible to provide affordable housing on the application site.

5.46 The applicant's approach to managing and maintaining the building requires annual management and service charges be levied on residents. This levy must be at a consistent rate across all residents. Furthermore, the internal

layout of the building means that all units are accessed from a single corridor on each floor. This would make a split tenure approach difficult to manage. Officers consider it would be extremely unlikely that a Registered Provider would be interested in taking on 35% of the units within this building for this reason. Accordingly, it is appropriate to seek a commuted sum for affordable housing from this proposal that will be spent off-site.

- 5.47 The applicant contends that a commuted sum equivalent to 35% on-site provision would leave the scheme commercially unviable and provided a Viability Statement to demonstrate why this is the case. The council contracted BNP Paribas as an independent consultation to assess this Statement and negotiations have been ongoing to ascertain the final “viable” amount of money that can be allocated to affordable housing.
- 5.48 In undertaking this assessment, it is important to note that the Vacant Building Credit applies to this proposal. This is enshrined in national guidance and is designed to encourage developers to bring back empty land back into use. In simple terms, the council is required to discount the existing floorspace on the site from the total proposed floorspace, and seek affordable housing only on the difference between the two. It has been agreed between the parties that, once the Vacant Building Credit is applied, a policy compliant level of affordable housing provision would be 9 units.
- 5.49 Following the detailed negotiations between the council’s consultant and the applicant, a commuted sum of **£408,088** has been agreed. This is some way below the financial “value” of 9 on-site affordable units, but officers are satisfied that the applicant has proven their case in line with the allowances of Core Policy 24.
- 5.50 The NPPF advises that planning obligations should only be sought where they meet all of the following tests in paragraph 204:
- I. Necessary to make the development acceptable in planning terms;
 - II. Directly related to the development; and
 - III. Fairly and reasonably related in scale and kind to the development.
- 5.51 No other financial contributions to infrastructure have been requested from this development and so the full amount of “surplus” can be directed towards affordable housing. Officers consider this to be important.

6.0 CONCLUSION

- 6.1 This application has been assessed on its merits, against the Development Plan and the NPPF in relation to sustainable development. It is considered that the principle of redeveloping this site for retirement apartments can be supported. The application will play a social role through delivering 39 units in the C3 use class in a highly sustainable location within the built limits of Abingdon. This will make a contribution to the council’s housing supply and will provide specialist elderly peoples accommodation in line with the permissive stance of the Local Plan 2031 Part 1. The applicant and the council have worked together to agree

a viable commuted sum that can be used for off-site affordable housing provision.

- 6.2 The scheme will provide an economic role through employment through construction and increased investment in the local economy.
- 6.3 In terms of the environmental role, this proposal will cause some harm in terms of the design and scale of the building being not entirely in keeping with the character of the area, despite offering some improvements over the existing state of the site. Furthermore, the new building will cause some harm to the amenity of existing residents, particularly those in Nos. 2 and 4 Mayotts Road. It is also anticipated that the lack of parking on site may cause some occasional inconvenience to other road users through additional parking on surrounding residential streets that already experience high levels of on-street parking.
- 6.4 However, as required by the NPPF, officers have undertaken a planning balancing exercise to determine whether the harm identified outweighs the benefits of the scheme. On balance, officers conclude that it does not, for the reasons outlined in this report.
- 6.5 There are no technical objections to the proposal following the submission of amended and additional information. Overall, officers consider that the proposal accords sufficiently with the Development Plan to be sustainable development and is recommended for approval.

The following planning policies have been taken into account:

Vale of White Horse Local Plan 2031 Part One policies

- CP01 - Presumption in Favour of Sustainable Development
- CP02 - Cooperation on Unmet Housing Need for Oxfordshire
- CP03 - Settlement Hierarchy
- CP04 - Meeting Our Housing Needs
- CP07 - Providing Supporting Infrastructure and Services
- CP08 - Spatial Strategy for Abingdon-on-Thames and Oxford Fringe
- CP22 - Housing Mix
- CP23 - Housing Density
- CP24 - Affordable Housing
- CP26 - Accommodating Current and Future Needs of the Ageing Population
- CP33 - Promoting Sustainable Transport and Accessibility
- CP35 - Promoting Public Transport, Cycling and Walking
- CP36 - Electronic communications
- CP37 - Design and Local Distinctiveness
- CP38 - Design Strategies for Strategic and Major Development Sites
- CP39 - The Historic Environment
- CP42 - Flood Risk
- CP43 - Natural Resources
- CP44 - Landscape
- CP45 - Green Infrastructure
- CP46 - Conservation and Improvement of Biodiversity
- CP47 - Delivery and Contingency

Saved Vale of White Horse Local Plan 2011 policies;

DC3 - Design against crime
DC5 - Access
DC6 - Landscaping
DC7 - Waste Collection and Recycling
DC9 - The Impact of Development on Neighbouring Uses
DC10 - Effect of Neighbouring or Previous Uses on New Development
DC12 - Water Quality and Resources
H23 - Open Space in New Housing Development
NE9 - The Lowland Vale

Supplementary Planning Guidance

- Design Guide – March 2015
- 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

National Planning Policy Framework (NPPF) – March 2012

National Planning Practice Guidance 2014 (NPPG)

Environmental Impact Assessment

An Environmental Statement was provided and assessed in support of the outline planning application for this site and has been taken into account in considering this application.

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.

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.

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