

West Area Planning Committee

4th January 2016

Application Number: 15/03328/FUL

Decision Due by: 8th February 2016

Proposal: Demolition of existing building. Erection of new building on four levels consisting of Class B1 (Offices) at ground floor level and 12 x 1-bed and 12 x 2-bed flats at upper levels. Provision of bin and cycle stores, 1no. disabled car parking space and communal garden area. (Amendments to approved planning permission 14/01273/OUT).

Site Address: Part Of Former Travis Perkins Site Collins Street Oxford
Oxfordshire

Ward: St Clement's Ward

Agent: Mr Nik Lyzba

Applicant: A2 Dominion Developments
Ltd

Recommendation: West Area Planning Committee is recommended to support the proposal in principle, and delegate to Officers to issue the decision notice subject to conditions on completion of an accompanying legal agreement. If a legal agreement is not completed, then committee is recommended to delegate Officers to refuse the planning application.

Reasons for Approval:

1. Officers consider that the proposed development makes best and most efficient use of the land, whilst retaining the protected employment use and providing for more employees, and providing 50% affordable housing. Whilst the development does not provide large family homes, contrary to BODs, due to material considerations an exception can be accepted in this case. It does provide adequate indoor and outdoor residential amenity space and the amenities of neighbouring properties are not significantly harmed. The development would have an impact on the adjacent protected Sycamore tree, but this could be mitigated by conditions. Car free office and housing is acceptable in this sustainable location and adequate cycle parking is provided. On balance therefore the proposal is considered to accord with the requirements of relevant policies in the Oxford Local Plan, Sites and Housing Plan, Core Strategy and the NPPF.
2. The Council has considered the comments raised in public consultation but consider that they do not constitute sustainable reasons sufficient to refuse planning permission and that the imposition of appropriate planning conditions will ensure a good quality form of development that will enhance the appearance of the street scene and relate satisfactorily to nearby buildings, preserving the special character and appearance of the area.

Subject to and including conditions listed below:

1. Time - 3years
2. Plans – in accordance with approved plans
3. Materials – samples agree prior to commencement
4. Contamination – prior to commencement
5. Biodiversity – measures for wildlife (bat/ bird boxes) prior commencement
6. Restrict B1 Office use & no change use allowed
7. Turning/ servicing area, for turning only; no parking
8. Residents exclude from CPZ
9. Construction Traffic Management Plan – details prior to commencement
10. Cycle & bin storage – in accordance with details; including green roof to be retained thereafter
11. Fourth floor – roof and terraces; restrict use to maintenance, other than designated terraces
12. Windows – obscure glazing, as on approved plans; at all times
13. Public Art – submit details prior to occupation; timescale for implementation to be agreed.
14. NRIA – build in accordance with; provide further details of PV, water butts
15. SUDS – build in accordance with
16. Landscape plan – submit details prior occupation
17. Landscape - carry out following completion
18. Tree - Tree Protection Plan
19. Trees – Details of methods of working (construction and demolition)
20. Tree – no dig
21. Tree – pruning – detailed specification required.
22. Tree – underground services
23. Boundary treatment – as existing (wall and fencing), relocate existing gates as per submitted plan

Legal Agreement:

S106 with the City to secure 50% affordable housing

CIL requirement:

£209,281.87

Principal Planning Policies:

Oxford Local Plan 2001-2016

CP1 - Development Proposals

CP6 - Efficient Use of Land & Density

CP8 - Design Development to Relate to its Context

CP9 - Creating Successful New Places

CP10 - Siting Development to Meet Functional Needs

CP11 - Landscape Design

CP13 - Accessibility

CP14 - Public Art

CP17 - Recycled Materials

CP18 - Natural Resource Impact Analysis

CP22 - Contaminated Land
TR1 - Transport Assessment
TR3 - Car Parking Standards
TR4 - Pedestrian & Cycle Facilities
TR12 - Private Non-Residential Parking
TR13 - Controlled Parking Zones
TR14 - Servicing Arrangements
NE14 – Water and sewerage infrastructure
NE15 – Loss of trees and hedgerows
NE16 – Protected trees
NE21 - Species Protection
NE23 - Habitat Creation in New Developments
HE10 - View Cones of Oxford
EC1 - Sustainable Employment
HE2 – Archaeology

Core Strategy

CS1 – Hierarchy of Centres
CS2 - Previous developed land & greenfield land
CS9 - Energy & natural resources
CS10 - Waste & recycling
CS12 - Biodiversity
CS13 - Supporting access to new development
CS17- Infrastructure & Developer contributions
CS18 – Urban Design, townscape character and historic environment
CS19 - Community safety
CS22 -Level of housing growth
CS24 - Affordable housing
CS23 - Mix of housing
CS27 - Sustainable economy
CS28 - Employment sites

Sites and Housing Plan

HP2_ - Accessible and Adaptable Homes
HP3_ - Affordable Homes from Large Housing Sites
HP9_ - Design, Character and Context
HP11_ - Low Carbon Homes
HP12_ - Indoor Space
HP13_ - Outdoor Space
HP14_ - Privacy and Daylight
HP15_ - Residential cycle parking
HP16_ - Residential car parking
SP56_ - Travis Perkins, Chapel Street

Other Planning Documents

Supplementary Planning Documents:

- National Planning Policy Framework
- Planning Obligations Supplementary Planning Document
- Natural Resource Impact Analysis
- Parking Standards, Transport Assessment and Travel Plans

Public Consultation

Statutory Consultees Etc.

- Environment Agency Thames Region: No objection. Conditions should be imposed to deal with unexpected contamination.
- Natural England: No Comment
- County Highways Authority: No objections; Conditions should be imposed excluding the development from CPZ, a Construction Traffic Management Plan, turning area, Travel Pack.

Individual Comments:

County Cllr Jamila Azad: Collin Street (Travis Site) is a very busy area; there is Oxford Games Hall, Student Flats, a commercial building, Education Centre, including Primary School, Children Centre, Youth Hub, Adult Learning, and a Retail Tesco Store. This road is a no through road and parking is a big issue and anti-social behaviour has been reported. Also this is no through Road is very congested. There for I am objecting to this development.

Residents:

Comments from residents can be summarised as:

- Overdevelopment
- This site is not suitable for families to be housed on higher floors
- Does Thames Water think it can cope with extra sewage
- Lack of leisure areas for these families
- Must be excluded from CPZ
- Scepticism regarding 'car free development' in respect of office and residential users
- Turning area needs to be dealt with; Residents of East Avenue would not welcome construction vehicles running up and down the street where houses already suffer from subsidence due to traffic on the street before the closure by the gates at the bottom of East Avenue and in Collins St.
- East St affected both by the height of the building blocking their light and by the actual residential flats and their balconies.
- Impact on busy pedestrian street and increased traffic
- Bird and Bat boxes omitted
- Water pooling at the eastern front of the site; should be cleared and not increase flooding in the area
- Parking is already very congested, illegal parking is the norm on Collins and often on East Avenue, which is a mix of student let housing and owner occupied family homes.
- Antisocial behaviour from the Student Dorms and student occupied housing is commonplace
- Alterations should be made to Collins St/ Chapel St/ East Avenue regarding barriers/ closures and Tesco parking to enable a better streetscape, school drop off, reduce traffic congestion etc.

- Parking should be provided in the rear amenity area
- Impact during construction: noise/ disturbance, safety of school children, damage to school buildings, security & damage of the party wall

Officers Assessment:

Site Location, Background and Proposed Development:

1. The site was formally occupied as a builders yard, for many years known as Tuckwells Yard. Subsequently it was occupied by Travis Perkins also as a builders yard who in recent times have relocated to a site at Sandy Lane. Part of the site was developed in the early 1980s for residential purposes accessed off East Avenue at what is now Ablett Close.
2. The site has a long planning history and this has culminated in the most recent approval of outline planning permission for the following mixed use development, under reference 14/01273/OUT:

“Demolition of existing building. Outline application (seeking approval of access, appearance, layout and scale) for the erection of new building on 4 levels consisting of Class B1 offices on ground floor and 17 x 1-bed and 13 x 2-bed flats at upper levels. Provision of cycle and bin stores plus communal garden area”.

3. This application was for outline approval of access, appearance, layout and scale, with only landscaping reserved. It comprises a four storey building fronting Collins Street comprising a mix of office and residential use, 50% of which would be affordable in conjunction with A2 Dominion. On the ground floor were 3 office units to the front (256sqm of space) and 5 flats to the rear made up of 2 x 1beds and 3 x 2 beds. At first and second floors were 6 x 1beds and 4 x 2 beds. Finally at fourth floor were 3 x 1beds and 2 x 2 beds. This floor was set back from the main façades. A total of 30 units would be provided.
4. The Applicants are now proposing a similar development comprising solely office accommodation on the ground floor, with 24 flats above at first, second and third floors consisting of 12 x 1beds and 12 x 2 beds. Again 50% would be affordable and at a mix of 11 for rent and one shared ownership.

Officers consider the principal determining issues to be:

- Principle of mixed use development;
- Balance of Dwellings;
- Affordable Housing;
- Site layout and built forms;
- Amenities;
- Impact on neighbours;
- Tree;
- Parking and transport;

- Contamination;
- Biodiversity; and
- Sustainability.

Principle of Mixed Use Development:

5. This part of the former larger Travis Perkins site is allocated under Policy SP56 which states that planning permission will be granted for a mix of residential and employment. As a Protected Key Employment site, the existing level of employment should be retained on site. Planning permission will not be granted for any other uses. The development will be expected to minimise car parking spaces on site. Applicants will be expected to demonstrate how the development mitigates against traffic impacts and maximises access by alternative means of transport. Pedestrian and cycle links through the site should be enhanced.
6. The supporting text goes on to clarify that any redevelopment [of the larger Travis Perkins site] would be expected to retain the existing level of employment, which means the number of employees not employment area. This could potentially be achieved by making more efficient use of the site by developing the employment at a greater density on a smaller footprint. The remainder of the site would be suitable for residential.
7. As the rear of the site has been development for student residential use this front half of the site naturally falls to provide the replacement employment use. The outline permission of 2009 established this principle because whilst the overall amount of employment land on this site was significantly reduced the employment generated would be greater as the builders yard employed relatively few people. It was on this basis that this proposal was supported. This outline has now lapsed however and therefore the reserved matters that secured this employment cannot be submitted.
8. Policy CS28 of the Core Strategy and supporting text sets out the Councils policy for employment sites and states clearly that planning permission will not be granted for development that results in the loss of key protected employment sites. The policy allows for modernisation of an employment site where it can be demonstrated that new development secures employment; allows for higher-density development that seeks to make the best and most efficient use of land; and does not cause unacceptable environmental intrusion or nuisance.
9. Policy SP56 in conjunction with Policy CS28 protect the employment use, but do not prevent the further development of this part of the site for mixed residential and employment use.
10. The builder's merchant / yard employed between 15 - 20 people. The approved outline permission (14/1273/OUT) provided 256sqm of office floor space and this was considered likely to provide in the range of 20-25 employees, depending on the nature of the business occupiers. The new proposal provides 725.3sqm of office floor space, which is more than double that approved. It is therefore follows that the proposed development has the potential to provide more than double the previous range of employees. The office space is intended for use by

A2 Dominion as their Head Quarters and maximum numbers will depend on the hot-desk set-up of the office. The increase in office floor space would result in a reduced number of flats and, affordable housing. However, it is considered that the increase in office floor space would better reflect Policies CS28 and SP56 which sought to protect the employment element of the builder's merchant yard, and is therefore welcome. As such it is therefore considered in accordance with SP56 and continues to also make efficient use of land, providing much needed housing, including 50% affordable, and would not lead to any unacceptable environmental intrusion or nuisance in accordance with CS28.

11. It is therefore concluded that the proposal accords with the requirements of both the above policies and can be accepted accordingly.

Balance of Dwellings (BODs):

12. CS23 of the CS requires an appropriate mix of residential dwellings and is supported by the BODs SPD. The site lies within a neighbourhood area highlighted as 'red' in the BODs SPD requiring developments of 10 or more units to provide a mix of sized units including family units of 3 or more beds. This current proposal does not provide any 3 or 4 bed units and therefore is contrary to the SPD. However it is considered that there are other material considerations in this case which mean development of this site is not suited to family units and therefore an exception to the BODs requirement can be fully justified. The size of the plot and its rectangular shape and the need in urban design terms for the building to front the road frontage means that the garden area to the rear is relatively small and north facing. Family units require a private garden, and it has not been possible to provide adequate garden area for a family, together with communal garden and other private space for the ground floor flats and the necessary ancillary bins and cycle storage requirements. Together with its proximity to the student development behind and the orientation the family garden space would be somewhat overlooked and overshadowed and therefore not apposite in the circumstances to use by a family. Nor is there any parking provision. In weighing up these other considerations and the benefits of the development Officers take the view, as for the outline approval, that on balance the site is not suitable to development for 3 or 4 bed family flat units. Whilst contrary to the overall principles of BODs the development provides for a mix of units and much needed affordable housing provision in accordance with CS22 and CS23 of the CS.

Affordable Housing:

13. The general principle of mixed use development on this site has previously been accepted under 14/01273/OUT. As now proposed there would be an overall reduction of 7 residential units of accommodation and given the high demand for residential accommodation in the City, this reduction could be considered unacceptable. However, in weighing in the balance the increased provision of employment floor space, which better meets the needs of protecting and providing employment floor space under CS28 and SP56, and given that the wider former Travis Perkins site has been put to residential accommodation, it is considered that this reduction in units is acceptable. Further, the proposed

development would still make best and most efficient use of the land whilst meeting the need for affordable housing. In respect of the latter, the proposal is compliant with Policy CS24 of the CS and HP3 of the SHP as it would provide 50% affordable housing; creating 12 flats of mixed tenure with a 80:20 split of social rent to shared ownership. The Affordable Housing Officer previously raised no objection to provision of 1 and 2 bed units, in light of the above issues regarding mix. The affordable housing would be secured via a S106 agreement, as before.

Site Layout and Built Forms.

14. The proposed building similar in massing, character and appearance to that previously approved; a contemporary rectilinear design and minimalist in detailing, using clean lines. The use of setbacks and mixed pallet of materials serve to break up the massing to the frontage. The top floor is set back from the front façade and the two stairwells to the flats are brought to the front onto Collins Street. The office has its own entrances to Collins Street (located centrally), as do the flats, which is in line with urban design principles of active frontages and design against crime. The overall height is the same as that already approved. It is considered that the proposal is not significantly different to that approved and therefore is considered acceptable.
15. It was agreed with the Oxford Design Review Panel that this proposal would not need to be presented to them in this case on the basis that the proposal is so similar in design, height and massing to that approved.

Amenities:

16. The flats are of the required floor area set out in HP12 of the SHP and two units are wheelchair accessible and all are to Lifetimes Homes standard in accordance with HP2 of the SHP. The flats have private balconies and access to a communal garden to the rear. Most balconies and terraces appear to meet minimum and combined with the communal area the amount of outdoor amenity space is acceptable in accordance with Policy HP13 of the SHP.
17. Adequate bin storage is shown for both employment and residential uses, in combined cycle storage buildings with green roofs, and includes provision for recycling in accordance with Policy HP13 of the SHP.

Impact on neighbours:

Overlooking / Privacy

18. Again, as for the approved development, the proposed building has been designed to avoid overlooking to the neighbouring school and its playground, using angled oriel windows. To the rear overlooking to and from the student accommodation has been overcome using obscure glazed panels (as used on another flatted development to the rear of the former Blackwell's building on the Cowley Road) and obscure glazed bays/ windows. On the fourth floor there are no private terraces to the rear. To East Avenue the balconies / terraces are again screened using obscure glazing and due to the set back from the façade at fourth

floor views from the building are impaired. The building faces Hooper House (offices) opposite across Collins Street where any amenity issues are reduced across this public space.

Sunlight / Daylight

19. The student accommodation to the rear is occupied on a long term lease with occupiers usually out of the building during the day after breakfast, returning in the evening. The applicant has submitted a solar study. Whilst the development will have some shading and loss of sun light to the front facing study bedrooms, taking into account the nature of occupation of the building, it is not considered harmful to their amenities such as to warrant refusal of planning permission.
20. In respect of other neighbouring properties it is considered that there would be no significant adverse impact on daylight or sunlight.

Overbearing

21. Despite the overall massing of the development, it is considered that the proposal is sufficiently distanced away from neighbouring properties, including the student accommodation behind and its lodge, not to appear overbearing.
22. In summary therefore Officers consider the development acceptable in accordance with Policy HP14 of the SHP.

Tree:

23. It is understood that the proposed development does not alter in footprint in relation to the adjacent mature Sycamore tree within the grounds of the adjacent East Oxford Primary School. This tree makes a significant contribution to public amenity and is now protected by a provisional Tree Protection Order.
24. The development would come with-in the canopy of the tree at second, third and fourth floor levels, as the canopy begins above the ground floor. Branches which overhang the site will have to be pruned to accommodate the building during construction phase of development. The impact of the development on the public amenity value of the tree will increase the further the tree is pruned back from the line of the proposed building from 1st floor and above during construction. 1.5 metres is usually the minimum space required to erect scaffolding for example and this would be significantly harmful.
25. However, Officers consider the impact could be minimised by conditions that require a detailed pruning specification and detailed statement setting out the methods of working where the branches overhang which takes account of the need to minimise any pruning of the tree and to avoid impact damage to its branches during both the demolition and construction phases of development. Pruning to provide space for scaffolding will not be permitted unless there is evidence that construction cannot reasonably be undertaken in any other way. These arrangements have already been agreed following detailed negotiation between the applicant's arboriculturalist and the Planning Service's Tree Officer during the previous application and would remain the same.

26. On the basis of these conditions the potential harm to public amenity in the area can be mitigated in accordance with OLP policies CP1, CP11, NE15 and NE16.

Transport:

27. The development site lies within the East Oxford Controlled Parking Zone and the proposal would be car free. Whilst just slightly outside the District Centre, and behind the Cowley Road, the site is very sustainable; it is close to shops and facilities with good public transport links in and out of the City. There are car clubs close to the site which residents could engage in and which are popular in this part of Oxford. Public car parking is also available at the adjacent Union Street car park. As the site is within the CPZ, then car parking can be controlled. Whilst the residential and office accommodation would be car free one disabled car parking space is provided within the grounds of the student accommodation so as to be more accessible. As for the outline approval there would still be an area on site for turning of delivery vehicles, as Collins Street is not a through route, utilising the access to the Student Accommodation facilitated by moving the existing gates back.

28. The County HA has raised no objection to the development as revised. The car free development supports the County Councils long term aspirations to reduce traffic in and around the city and a condition would secure exclusion of eligibility to parking permits as before. It has commented that movement of site traffic during the construction phase needs to be carefully managed, as all construction traffic will be concentrated via Chapel Street onto the busy section of Cowley Road. Access via East Avenue north is an option if the gate at the east of Collins Street is opened but East Avenue would only be able to cope with smaller construction vehicles and that would have to be agreed by the County. A Construction Traffic Management Plan would suitably deal with this and can be secured by condition. The turning area for large vehicles is satisfactory and can also be secured by condition as before.

29. A car free development has already been agreed for the outline development and subject to conditions no objection is raised by Officers to a car free development for this proposal in accordance with HP16 of the SHP and TR1, TR3 and TR13 of the OLP.

30. 62 cycle spaces are proposed within secure storage units with green roofs; 48 spaces for the flats (2 per unit) and 14 spaces for the Office units (1 space per 55sqm of office space), in accordance with the Policy requirements of HP15 of the SHP and TR4 of the OLP.

Sustainability:

31. An Energy & Sustainability Statement has been submitted for the whole development, which includes an NIRA checklist that shows that the development would achieve a maximum score of 11 out of 11. The development will have photovoltaics on the roof and air source heat pumps for the commercial units to provide in excess of 20% renewable energy.

32. Officers consider that adequate energy efficiency measures are shown as being provided in accordance with CS9, CP14 and the SPD and further details of PV's and water butts and their implementation in accordance with the NRIA can be secured by condition.

Public Art:

33. Public Art will be provided on the front of the building as required under Policy CP14 of the OLP. The provision can be secured by condition.

Biodiversity:

34. Whilst no bat survey information was submitted in relation to this development, information was submitted in respect of the approved Outline, which stated that no bats were found in the existing building to be demolished. Conditions were imposed to secure measures to create new habitats for wildlife within the development and it is therefore considered reasonable to do so again in accordance with Policies CS12 of the CS and NE21 and NE23 of the OLP.

Other:

35. The existing building abuts the wall to the school playground adjacent and the School has raised concern regarding demolition of the building and retention of their wall. The wall will be retained and the wording of the condition regarding boundary treatment would also include a requirement to secure it during demolition/ construction and make good this wall, if it is damaged during this period.

Conclusion:

36. It is considered that the proposed development would make best and most efficient use of the land, whilst retaining a larger proportion of protected employment use and providing for more employees. Whilst there would be a reduction in number of residential units, this is on balance outweighed by the increase in office floor space. It also provides 50% affordable housing. Whilst the development does not provide large family homes, and is not therefore fully in compliance with BODs, in view of the other benefits of the development and the physical constraints of the site the proposed mix of units can be accepted in this case. The development provides adequate indoor and outdoor residential amenity space and the amenities of neighbouring properties are protected. The development would have an impact on the adjacent protected Sycamore tree (as before), but this could be mitigated by conditions. Car free office and housing is acceptable in this sustainable location and adequate cycle parking is provided.

Human Rights Act 1998

Officers have considered the Human Rights Act 1998 in reaching a recommendation to grant planning permission, subject to conditions. Officers have considered the potential interference with the rights of the owners/occupiers

of surrounding properties under Article 8 and/or Article 1 of the First Protocol of the Act and consider that it is proportionate.

Officers have also considered the interference with the human rights of the applicant under Article 8 and/or Article 1 of the First Protocol caused by imposing conditions. Officers consider that the conditions are necessary to protect the rights and freedoms of others and to control the use of property in accordance with the general interest. The interference is therefore justifiable and proportionate.

Section 17 of the Crime and Disorder Act 1998

Officers have considered, with due regard, the likely effect of the proposal on the need to reduce crime and disorder as part of the determination of this application, in accordance with section 17 of the Crime and Disorder Act 1998. In reaching a recommendation to approve, officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

Background Papers: 15/03328/FUL

Contact Officer: Felicity Byrne

Date: 23rd December 2015