

East Area Planning Committee

6<sup>th</sup> January 2016

**Application Number:** 15/02778/FUL

**Decision Due by:** 11<sup>th</sup> November 2015

**Proposal:** Demolition of existing building. Erection of 5x1 bedroom and 1x2 bedrooms flats (Use Class C3) and communal lounge and staff/guest bedroom. Provision of car parking spaces, bin and cycle storage.

**Site Address:** 27 Brasenose Driftway Oxford OX 4 2QY  
(**site plan: appendix 1**)

**Ward:** Lye Valley Ward

**Agent:** Mr Andy Trower

**Applicant:** GreenSquare Group

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## Recommendation:

The East Area Planning Committee is recommended to resolve to grant planning permission for the following reasons and subject to the conditions below and to the satisfactory completion of a section 106 obligation and to delegate to officers the issuing of the decision notice following the satisfactory completion of the S106 legal agreement / undertaking.

## Reasons for Approval

- 1 The proposed demolition of the former converted dwelling house to be replaced with a flatted development is considered to be an acceptable scheme that respects the residential amenity of adjoining neighbours. The application proposal creates an appropriate visual relationship with the established form of development that is found in the surrounding area. The proposed development is not in conflict with the policy advice contained in the National Planning Policy Framework and the policies in the Oxford Core Strategy 2026, and Oxford Local Plan 2001-2016
- 2 In seeking to determine the application scheme, the comments and observation of third parties and statutory bodies have been given due consideration. These comments and observations have not resulted in any matters of material concern that could justify a refusal of the application proposal. Any identifiable material harm could be satisfactorily dealt with by way of appropriately worded conditions.
- 3 The Council considers that the proposal accords with the policies of the development plan as summarised below. It has taken into consideration all

other material matters, including matters raised in response to consultation and publicity. Any material harm that the development would otherwise give rise to can be offset by the conditions imposed.

**Conditions:**

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Materials as specified
- 4 Surface Drainage Scheme as specified
- 5 No felling, lopping, cutting
- 6 Landscape plan required
- 7 Landscape carrying out by completion
- 8 Landscape management plan
- 9 Tree protection plan (TPP) 1
- 10 Phase Risk Assessment carried out
- 11 Prior to Occupation contamination remedial works
- 12 Watching Brief on any contaminates found
- 13 Approved scheme of archaeology
- 14 Restrict occupancy to persons with learning difficulties only
- 15 High Level Windows and Obscure Glazing

**S106 Obligation (Legal Agreement or Unilateral Undertaking)**

The accommodation to be 100% social rent affordable, with nomination rights to Oxford City Council, which would normally be deferred to the County Council in this case due to the specialist nature of the residents.

**CIL:**

£32,740.40

**Main Local Plan Policies:**

**Oxford Local Plan 2001-2016**

**CP1** - Development Proposals

**CP6** - Efficient Use of Land & Density

**CP8** - Design Development to Relate to its Context

**CP9** - Creating Successful New Places

**CP10** - Siting Development to Meet Functional Needs

**CS2\_** - Previously developed land

**TR3** - Car Parking Standards

**TR4-** Pedestrian & Cycle Facilities

**Sites and Housing Plan Policies:**

**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

**Core Strategy**

**CS2** - Previously developed and greenfield land  
**CS11** - Flooding  
**CS18** - Urban design, town character, historic environment  
**CS24** - Affordable housing

**Other Planning Documents:**

National Planning Policy Framework  
Planning Practice Guidance  
Planning Obligations Supplementary Planning Document  
Parking Standards, Transport Assessment and Travel Plans  
Balance of Dwellings SPD (BODs)

**Relevant Site History:**

None relevant to the application proposal

**Representations Received:**

Oxfordshire County Council Highways Authority:

No objection

The application should be granted planning consent subject to conditions relating to space standards for car parking and, cycles, adhering to the City Council's specified requirements. The proposed provision of 6 car parking spaces is considered to be of an appropriate magnitude given the location and proposed use of the development.

Oxfordshire County Council Social and Community Services

No objection

They support the application proposal which would be funding provision of care and support staff on the site on a 24/7 basis and views the application scheme as meeting the changing needs and aspirations of people with learning disabilities.

Land Quality Officer

No objection

Prior to the commencement of the development, a phased land contamination risk assessment shall be carried out by a competent person in accordance with current government and Environment Agency Guidance and Approved Codes of Practice. This should be submitted to and approved by the Local Planning Authority.

Archaeologist, Heritage and Specialist Services

No objection

Any planning permission should be subject to an archaeological condition to secure post-demolition trial trenching followed by further mitigation as appropriate.

Neighbour responses:

There were 8 neighbour responses raising objections on the following grounds:

- The application proposal lacks sufficient parking provision and would lead to

congestion and pose a danger to the free flow of traffic and pedestrian safety. The parking arrangements would have an adverse impact on residential amenity.

- The proposed height of the three storey building is not in keeping with the character of the local area. The application scheme would result in the loss of privacy and light to dwellings adjacent to the application scheme. The height of the proposed building would be the principal cause of this adverse impact, with windows facing too close to adjacent dwellings.
- The proposed arrangements of the bin stores are unacceptable as it would attract vermin and would be in close a proximity to neighbours rear gardens.
- The number of occupants proposed for the application scheme would lead to increase noise and disturbance and attract crime.
- The application site is contaminated and demolition of the former building would lead to a risk to health.

### **Officers Assessment:**

### **Site Location and Description:**

1. The application site is located in a residential area that exhibits a mix range of dwellings terraced, semi-detached and flatted developments of two and three storeys high. The site is bordered to its three sides by residential properties of varying styles and ages. Along the far North east corner of the site is small commercial site with Homebase, Carpetright and Currys that face the By Pass. **(site plan: appendix 1)**
2. The site presently has a vacant and derelict two storey structure set under a hipped roof with a red brick façade on a generous plot fronting Brasenose Driftway. The building was formerly used as housing for people with learning disabilities but is now deemed to be unfit for purpose.

### **Proposed Development**

3. The proposed development is seeking planning permission for the demolition of the derelict building to be replaced with the erection of a new three- storey flatted development comprising 5x1 bedroom and 1x2 bedroom flats and communal lounge and staff/guest bedroom. The accommodation is to be 100% affordable social rent with on-site care to be provided 24/7 for the residents. The client group is persons with learning disabilities. Provision of car parking spaces, bin and cycle storage.

### **Determining issues**

4. Officers consider the determining issues to be:
  - Principle of development,
  - Design and Layout
  - Impact on neighbouring dwellings
  - Highways matters, and
  - Contamination

## Principle of Development

5. The National Planning Policy Framework [NPPF] encourages the effective use of land by reusing land that has been previously developed, provided that it is not of high environmental value. These aims are supported through Policy CS2 of the Oxford Core Strategy 2026.
6. The application scheme is to be situated in a residential area of mixed character and form. There is no strongly defined built form along Brasenose Driftway and the application site can be said to be in transition. The land and former building offer an opportunity for redevelopment. The site is ideally suited for residential redevelopment.
7. It is recognised that small sites make an important contribution to the supply of homes in the City. The application proposal makes a contribution to achieving a balanced community in Oxford. The Registered Social Provider GreenSquare through the development of the application site would provide 100% social rent affordable housing for persons with learning difficulties. As such they would provide for and efficiently manage the individual housing needs of vulnerable residents without having those residents in dispersed locations.
8. The proposed development brings a measure of inclusion to the housing mix found in the local area the building will read as a three storey flatted residential proposal not dissimilar to other flatted developments in the local area without any notion of institutional feel for its future occupants.
9. The proposed development differs very little in nature from the use of the former building which housed three occupants. The proposed five one bedroom and one two bedroom flats would enable seven residents to live independently. The future residents would enjoy the benefits of greater privacy, freedom and independence by having their “own front door” as opposed to house share.
10. The application proposal makes a positive contribution to the housing needs of vulnerable residents and assists in meeting the need for special needs housing in the City.
11. The proposed mix of 5x1-bed and 1x2-bed flats would not accord with the mix of units sought by the BODs SPD, which would normally seek to include a number of family size units. However in this case the previous use of the site was as special needs accommodation., the intention of the proposal is to redevelop the derelict site and use it more efficiently to provide self-contained 100% affordable accommodation, supported by staff providing 24/7 on site care and enabling independent living to a client group with very specialised needs.
12. As such it is considered that there are material considerations that a mix different than that normally required by BODs. At the same time the proposed special needs housing would contribute to the overall balance of dwellings in the local area. As a result the application proposal should be encouraged and welcomed

and it is considered that overall the proposal is in principle acceptable in accordance with adopted policies.

## **Design and Layout**

13. Policy CS18 of the Oxford Core Strategy 2026 requires development to demonstrate high-quality urban design responding appropriately to the site and surroundings; creating a strong sense of place; contributing to an attractive public realm; and providing high quality architecture. The Oxford Local Plan 2001-2016 requires development to enhance the quality of the environment, with Policy CP1 central to this purpose. Policy CP6 emphasises the need to make an efficient use of land, in a manner where the built form and site layout suits the sites capacity and surrounding area. This is supported through Policy CP8, which states that the siting, massing, and design of new development should create an appropriate visual relationship with the built form of the surrounding area.
14. The application scheme has undergone several revisions in order to address the objections of adjacent neighbours. The front elevation of the application scheme has undergone revision with the introduction of a second gable facing the street to provide a more interesting frontage and break up the roof line on the earlier submission. In addition the fenestration around the building has been adjusted in order to address the concerns raised over perceived overlooking.
15. The provision of a three storey residential building on a site in transition created to have a sense of local distinctiveness is in line with the advice contained at the heart of the National Planning Policy Framework (the Framework) a presumption in favour of sustainable development. Good design is a key aspect of sustainable development and the Framework indicates that new development should establish a strong sense of place and respond to local character and history, reflecting the identity of its local surroundings.
16. The proposed development provides much needed specialist housing accommodation, to a layout that is bespoke for the specific needs of the user group. It will make use of a previously developed land in a sustainable location close to services and facilities, the development would not cause harm to the character and appearance of the local area. Consequently the development would represent sustainable development as sought by the NPPF.

### **Impact on Residents:**

17. The eastern side of the rear elevation facing No.14 Benouville Close consist of windows primarily corresponding to bathrooms and kitchens and not primary habitable rooms such as living rooms and bedrooms. To reduce the perception of overlooking of neighbouring properties, windows at first and second floor levels of the scheme have been reduced in depth and are now shown to be high level.
18. Neighbour objections had been raised relating to secondary windows on the eastern elevation facing Fletcher Road properties. These windows are in excess of 20m from the two storey rear facades of the Fletcher Road properties' In response to the perceived sense of overlooking these windows have been raised

to be high level with obscure glazing above the ground floor. The windows on the ground floor are full height to overlook the car parking spaces, in line with the principles of Secure by Design.

19. It is considered that the proposal would not have any significant adverse impact on the residential amenities of neighbouring residents.

### **Highway Matters**

20. The proposed site layout has undergone revision. The level of onsite parking provision has been reduced from 6 spaces to 4 spaces. The Registered Housing provider who would run and operate the completed development confirmed that the proposed occupiers of these flats are unlikely to drive their own motor vehicles and the parking provision would only be used by visitors and support staff

21. The cycle parking arrangements have not been revised as a provision for future use of residents should the need arise and makes for good planning. The revised layout with reduced parking allows for the bin stores to be away from the boundary of adjoining neighbours and the provision of soft landscaping will act as a buffer to the neighbours' boundary. The scheme therefore would accord with the aims and objectives of Policy CP1, and of the Oxford Local Plan and CS18 of the Core Strategy and HP15 and HP16 of the Sites and Housing Plan.

### **Contamination:**

22. The land Contamination officer has recommended that the land contamination issues identified on site and any future contaminants that may be found, can be satisfactorily addressed via a suite of conditions that will ensure satisfactory remediation of the site from any contaminants rendering the site usable for the proposed residential use.

### **Recommendation**

23. The proposal is considered overall to be acceptable and to provide a sustainable form of development. It is recommended to grant permission subject to conditions and the satisfactory completion of a S106 obligation to deal with affordable housing.

### **Human Rights Act 1998**

Officers have considered the Human Rights Act 1998 in reaching a recommendation to grant planning permission, subject to conditions. Officers have considered the potential interference with the rights of the owners/occupiers of surrounding properties under Article 8 and/or Article 1 of the First Protocol of the Act and consider that it is proportionate.

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

with the general interest. The interference is therefore justifiable and proportionate.

**Section 17 of the Crime and Disorder Act 1998**

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

**Contact Officer:** Edward Oteng

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**Date:** 21st December 2015