

Agenda Item 5

Planning Review Committee

26th June 2013

Application Number: 12/03278/FUL

Decision Due by: 1st May 2013

Proposal: Erection of 4 storey building comprising community centre (215 sq.m), retail and workshop unit (Emmaus) on ground floor together with 40 "car-free" residential flats (19 x 1-bed, 21 x 2-bed). Provision of 3 x customer car parking spaces and 3 x delivery spaces to serve Emmaus, 2 x car club parking spaces and 3 x disabled car parking spaces. Includes 100 cycle parking spaces, bin storage and associated landscaping works.

Site Address: Former Cowley Community Centre, Barns Road
(Appendix 1 of Report to East Area Planning Committee)

Ward: Cowley Ward

Agent: AHMM

Applicant: Greensquare Group

Following consideration at the East Area Planning Committee on 5th June 2013, where it was resolved to refuse planning permission for the reasons stated in this report, the planning application has been called-in for consideration and decision to the Planning Review Committee by Councillor Cook supported by Councillors Fry, Turner, Sanders, Khan, Rowley, Kennedy, Curran, Canning, Sinclair, Tanner, Lygo, Seamons and Brown.

Recommendation:

Officers have reconsidered the application proposal in the light of the outcome of the East Area Planning Committee and for the reasons explained in this report, Committee is recommended to resolve to grant planning permission subject to conditions, but to defer the issuing of the decision notice and delegate it to the Head of City Development following the satisfactory completion of the associated Section 106 legal agreement.

For the following reasons:

- 1 The proposed development will have a form, scale and appearance that is appropriate to the site and its setting without resulting in unacceptable harm to nearby residential amenity whilst providing much needed good quality affordable and market housing in a sustainable location. The proposals are considered to provide a good quality community centre as replacement for the poor quality pre-existing facility as well as provide improved commercial

premises for the Emmaus charity, an important local organisation. As a result of the sustainable location, the nature of the likely occupiers of the flats, access to public transport as well as sufficient on-street controls the proposals are not considered to be likely to give rise to highway safety concerns or a significant increase in parking congestion in the immediate area. Consequently the proposals are considered to accord with the requirements of policies CP1, CP5, CP6, CP8, CP9, CP10, CP11, CP13, CP14, CP18, CP19, CP21, CP22, TR1, TR2, TR3, TR4, TR7, TR13, TR14, NE15, HE2, EC1, RC4 and RC10 of the Oxford Local Plan 2001-2016, policies CS2, CS9, CS11, CS13, CS17, CS18, CS19, CS20, CS21, CS23, CS24, CS27 and CS28 of the Oxford Core Strategy 2026 as well as policies MP1, HP2, HP3, HP9, HP11, HP12, HP13, HP14, HP15, HP16 and SP11 of the Sites and Housing Plan.

- 2 Officers have considered carefully all objections to these proposals. Officers have come to the view, for the detailed reasons set out in the officers' report, that the objections do not amount, individually or cumulatively, to a reason for refusal and that all the issues that have been raised have been adequately addressed and the relevant bodies consulted.
- 3 The Council considers that, by virtue of the provisions to be made under the section 106 agreement, 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 Samples Materials
- 4 Archaeology – mitigation
- 5 Suspected contamination – Phased risk assessment
- 6 Variation of road traffic order - Car Club Spaces
- 7 Car and cycle parking to be laid out prior to use of building in accordance with details to be agreed in writing by the Council beforehand
- 8 Bin storage facilities
- 9 Wheelchair accessible spaces allocated and retained
- 10 No development to commence until signage erected on Knolles Road and in application site dissuading parking by residents and visitors
- 11 Real time passenger information points to be installed in all flats
- 12 Drainage details required
- 13 Balcony details required
- 14 Pedestrian Link required at all times between Barns Road and Knolles Road
- 15 Landscape plan required
- 16 Landscape to be carried out by completion
- 17 SuDS Compliant Hardsurfacing
- 18 Details of boundary treatment required
- 19 Details of layout of community centre required prior to commencement

- 20 Construction Traffic Management Plan required prior to commencement
- 21 Travel Plan required
- 22 Environmental Management Plan required prior to work commencing
- 23 Public Art - Scheme Details & timetable
- 24 Details of sound proofing of workshop
- 25 Vision Splays required
- 26 Compensatory landscaping along Barns Road to be agreed with Council and Highway Authority prior to commencement of development
- 27 Wheel Washing Facilities to be agreed to prevent mud on highway
- 28 To be undertaken in accordance with the Natural Resource Impact Analysis document
- 29 Furniture construction, repair, treatment, demolition to take place only within fully sound attenuated building
- 30 Personal permission for use of retail/workshop unit restricted to Emmaus only unless the Council agrees otherwise in writing
- 31 Details of cycle parking required prior to commencement of development
- 32 No development to take place until a replacement freestanding bus shelter on Barns Road has been erected to the County Council's standards and specifications
- 33 Prior to first occupation of the development the existing dropped kerbs allowing vehicular access to the site from Barns Road shall be reinstated to the County Council's standards and specifications
- 34 Deliveries and servicing management plan to be submitted and approved and implemented prior to first occupation

Legal Agreement

A total of £395,000 in Section 106 contributions over the 3 application sites [Northway Centre, Westlands Drive and Barns Road] will be secured as follows:

- £250,000 towards primary and secondary education;
- £100,000 towards highway improvements, £37,500 of which will be safeguarded for a possible CPZ or other traffic enforcement measures in the Barns Road area, otherwise to be used for other highway infrastructure such as cycle safety;
- £45,000 towards a variety of Oxford City infrastructure (e.g. indoor and outdoor sports provision, libraries and environmental improvements).

A number of other matters would need to be secured by legal agreement including the following:

- Arrangement for temporary changes to the TRO governing Barns Road (£3,600 to be paid to the County Council to cover the cost of this);
- £3000 to the County Council to cover the cost of a number of parking/traffic surveys on roads in the vicinity of the Barns Road site;
- Developer to meet the costs of the replacement bus shelter along Barns Road which must be to Oxfordshire County Council's standards and specifications;
- Car club provision at the Barns Road site with all new occupiers eligible for free membership of the car club scheme for a minimum of 12 months funded by the developer;
- Replacement landscaping required on either side of Barns Road to mitigate loss of existing on-site trees to be implemented by the County Council with

- the full costs met by the developer;
- All marketing information for the flats to clearly specify that no car parking is provided and that occupiers are expected not to own or keep a car at or close to the Barns Road site;
- Long-term maintenance of biodiversity measures including newt pond at Dora Carr Close;
- Provision of off-street parking for servicing and delivery vehicles with prior arrangement at the rear car park of the adjoining Greensquare Cowley offices and at the Emmaus service yard.

Background

1. This planning application forms part of a larger scheme, which consists of a package of three applications on three sites. This seeks to deliver affordable housing within the City, as well as improved community centres and replacement premises for the Emmaus charity. The East Area Planning Committee (EAPC) at the 5th June meeting considered those applications and resolved to grant planning permission for the two applications in Northway and to refuse planning permission for the Barns Road application, for the reasons stated below, contrary to the officer recommendation. The three applications can only be delivered as a single overall package and are inherently linked, through the proposed relocation and provision of the Emmaus facility from Westlands Drive to the Barns Road site, while the 31% market housing component enables the delivery of the overall package of benefits comprising 108 lifetime homes, 69% affordable, two new community centres, replacement state-of-the-art Emmaus premises, biodiversity improvements, and sustainable developments of high quality design. This would deliver the whole range of the Council's objectives for the sites as envisaged by the City Executive Board (CEB).
2. At the East Area Planning Committee's meeting of 5th June 2013, Members resolved to refuse the application for the following reasons:
 - i) The proposals fail to provide sufficient social rented affordable housing on this site thereby failing to meet the objective of creating mixed and balanced communities and does not comply with policy HP3 of the Council's Sites and Housing Plan 2013;
 - ii) The proposal seeks to provide a car-free development in an area which is not subject to a Controlled Parking Zone (CPZ). Consequently the car-free nature of the scheme cannot be enforced. As a result the proposals are likely to lead to significant on-street parking to the detriment of highway safety and the parking conditions for existing local residents. Consequently the proposal is contrary to policy CP1 of the Oxford Local Plan 2001-2016 and HP16 of the Sites and Housing Plan 2013;
 - iii) The proposal fails to make sufficient and safe provision for access and circulation for delivery and servicing vehicles as well as pedestrian movement in and around the site to the detriment of highway safety, contrary to policy CP1 of the Oxford Local Plan 2001-2016;
 - iv) The excessive height and bulk of the building fails to reflect the smaller suburban scale of properties at the rear to the detriment of the character of

the area and the amenity of the neighbouring residents, contrary to policies CP1, CP6, CP8 and CP10 of the Oxford Local Plan 2001-2016 and policy HP14 of the Sites and Housing Plan 2013;

- v) The proposed amount and intensity of development and competing uses is inappropriate on this restricted site, amounting to overdevelopment to the detriment of the amenity of existing residents and future occupiers, contrary to policies CP1, CP6 and CP10 of the Oxford Local Plan 2001-2016.
3. The Barns Road application was then called-in by Members to the Planning Review Committee for the following reason: *“The application is compliant with the Local Development Framework and the reasons for refusal are unsound. The proposal if refused would result in the loss of 40 flats at the former Cowley Centre site Barns Road. Due to this site's integration with two other sites, (21 flats at the former Community Centre on Westlands Drive and 47 residential units at the Northway Centre at Maltfield Road, both approved), a failure to approve this application will also stop the Westlands Drive and Northway Centre developments coming forward. This will stall the delivery of 108 units of accommodation in this city 40% of which will be social rented affordable, 29% of which will be intermediate tenure, and only 31% will be market housing.”*

Updates

4. Further to the officers' report to the EAPC (see Appendix 1), and to clarify the issue, the following third party representations were received in relation to the first consultation exercise on the original application proposals:
- 25 individual third party objections to the original proposals raising concerns set out in the report to the EAPC;
 - 464 signed template letters objecting to the original proposals for reasons also set out in the report to the EAPC.

Following re-consultation on amended proposals between 22nd April and 7th May the following additional third party responses were received:

- 10 further individual third party objections;
 - 327 signatures on two identically worded petitions.
- All of the concerns raised in the objections were fully reported and addressed in the report to the EAPC.
5. A further late representation was also made to the County Council in its capacity as Local Highway Authority to which the City Council was copied in. This was reported verbally to EAPC and its contents can be summarised as follows:
- The Highway Authority position not to object to the application is incorrect and flawed;
 - Both Greensquare and the Highway Authority take it as a fait accompli that local residents would support a controlled parking zone – this is not necessarily the case and before such statements or assumptions can be made a survey of the local community should take place;
 - Residents should not be forced to put with up traffic congestion or pay for permits within a CPZ to solve a problem that was not of their own making and

- which should have instead been assessed properly at application stage;
- The agreement with Templars Square Shopping Centre to provide car parking spaces lacks details, terms and condition, indication of cost, duration and exit notice periods for any of the parties involved. Without this information its likely effectiveness cannot be reasonably assessed and should not, in any way, be relied upon;
 - The applicant has failed to provide evidence that the car-free status of this proposal can be enforced. They are simply relying on future implementation of a CPZ ignoring the fact that this aspect it not even considered in their own Transport Statement;
 - PCSO Jim Katouzian of Thames Valley Police made a site visit on 19th May and he expressed concerns about the competition for parking within the street and the impact on highway safety and neighbour relations. Parking concerns were also raised by Thames Valley Police when initially commenting on the proposal;
 - Repositioning the existing bus shelter has been proposed to be made a condition of the officer recommendation. However it would be more prudent to request confirmation that it can successfully be achieved before planning permission is considered particularly in light of Stagecoach's concerns about the proposals given that it is a very busy bus stop;
 - There is a significant error in the Transport Statement. Section 5.5 incorrectly refers to the three parking spaces in the Emmaus service yard being for staff. They are actually customer car parking spaces and therefore will generate far more traffic movements than that assessed. Rather than two vehicle movements per day per space it is likely to be more akin to two, four or even more per hour which would equate to as many as 96 traffic movements per day;
 - To compound this Emmaus make it clear that the move to Barns Road is needed to make the charity self-sufficient. To achieve their objective Emmaus need to produce a thriving shop in this prominent location supported by a busy production unit with a continuous throughput of goods, most which will arrive by car and van;
 - The proposal breaches section A3.47 of the Sites and Housing Plan by failing to provide parking for service vehicles. If this situation is allowed to go unchecked then service, delivery or removal vehicles will either have to run the risk of parking illegally and possibly dangerously in Barns Road or try to squeeze into Knolles Road. Neither are acceptable solutions. In addition it is unclear how waste bins will be emptied in terms of their route to the refuse lorry which will need to reverse the length of the already crowded Knolles Road.
6. Officers advised EAPC that the Local Highway Authority responded to the above representation by stating that those points material to the planning application had already been taken into account in their assessment of the proposals and had been addressed in their consultation response. The Local Highway Authority reiterated that it raised 'no-objection' to the proposals and maintained their already expressed view.
7. In addition, and following questions raised at the EAPC, officers consider it appropriate to take this opportunity to clarify the capacity of the replacement

community centre proposed. Based on the present proposed layout the community centre would be capable of accommodating approximately 75-80 people seated at any one time with 55 in the combined meeting rooms 1 and 2 which would represent the largest space. Officers would however point out that a condition is recommended that would require final details of the internal layout of the community centre to be agreed by the Council prior to commencement of the development.

Officers' Assessment

8. In addition to the report to the EAPC, officers have considered the concerns raised by Members of the EAPC when resolving to refuse planning permission. Officers consider it useful to take this opportunity to clarify and add to a number of issues raised by the EAPC to assist Members of the Planning Review Committee in coming to a decision on the application.

Mix of Affordable Housing

9. The development plan policy requires a minimum of 50% affordable housing on sites delivering 10 or more dwellings. In the case of this scheme overall, it is trying to deliver 69%, a very significant proportion that would help towards meeting the City's substantial affordable housing need. It is also delivering replacement and improved community facilities, as well as a new and improved base for Emmaus, an important local social enterprise, providing full time work and skills for 28 homeless people all of whom are currently housed locally within walking distance from the site. The mix and distribution of affordable housing is proposed to be spread across the three sites (including the two applications at Northway) with 50% of the units at the Barns Road site proposed to be shared ownership affordable homes. When considering the Barns Road site individually the tenure mix does not comply with the policy, but taken across the three sites as a whole the figures satisfy and exceed the policy requirements. Officers consider that the 50% shared ownership and 50% market split of the proposed 40 flats at the Barns Road site is appropriate in this case in view of the particular morphology of the site, together with the objective of providing a successful mixed use development in this district centre location. In turn this apportionment ensures that the overall scheme is financially viable as required by the policy and it secures its delivery along with the wide range of community and other benefits provided across these three Council owned sites at no cost to the Council. It remains officers' view therefore that the tenure mix at the Barns Road site is entirely appropriate both in planning policy terms and in the context of the benefits of the development as a whole.

Parking and Impact on the Local Highway Network

10. As set out in the report to the EAPC, the site is considered to be sustainably located within a designated district centre with excellent access to public transport, amenities, local shops and facilities and links the city centre. In addition the local area is subject to on-street parking controls, while the development is making provision for strengthening those at the suggestion of and to the satisfaction of the Local Highway Authority. Officers therefore consider it to be suitable as a car-free development and indeed support this

approach where a robust case is made that resultant on-street parking would be prevented or at least substantially reduced to the extent that it would not cause traffic or highway safety concerns in the local area.

11. In this case, officers consider that a number of measures have been put forward that can be secured by condition or legal agreement, which would significantly reduce any likelihood of indiscriminate car parking from future residents and their visitors on surrounding roads. Notwithstanding this, the applicant has agreed to make financial contributions to the Highway Authority to fund a number of local parking surveys, as well as changes to the road traffic order in the Barns Road area. This would allow the Highway Authority to understand the on-street parking implications of the development and, if significant (which officers consider unlikely), consider extending existing and introducing further parking controls in consultation with the local community. These potential parking controls would be funded by the developer through a contribution of £37,500 made to the Highway Authority which it would safeguard for such purposes in the event that it is necessary. Planning Officers, as well as Highway Officers are therefore satisfied that the proposals would not lead to a significant increase in on-street parking within the locality.
12. Concern was raised at EAPC about the impact of service and delivery vehicles on the surrounding roads, in particular the residential roads of Knolles Road, Boswell Road and Bailey Road to the rear. Servicing and deliveries to the Emmaus facility would take place from Barns Road through the existing access from Barns Road past the Wolseley House garages. The proposed flats and community centre would not be served by any permanently designated servicing spaces on the site. However the applicants have indicated that, they would be able to make arrangements for off-street parking facilities for short-term parking of servicing and delivery vehicles within the parking area at the rear of the adjoining Greensquare offices as well as the Emmaus service yard on the site. Furthermore it would be possible for individual vehicles to pull into the site from Knolles Road for short periods.
13. To elaborate further there are four existing parking spaces at the Greensquare offices adjacent to the site. It is now proposed that two of these spaces be permanently designated for the purposes of servicing the flats and the community centre proposed. It is also proposed that deliveries and removals to the flats as well as the community centre be achieved using the Emmaus service yard outside their operating hours and by prior arrangement. Emmaus have indicated their support for such a proposal. Officers recommend the imposition of a new condition which would require the approval and implementation of a delivery and servicing management plan to be submitted to and agreed in writing by the Council prior to first occupation of the development as well as additional provision in the section 106 agreement.
14. The Highway Authority are also investigating the possibility of creating designated on-street delivery bay/s along Barns Road as part of the proposed change to the road traffic order (TRO), which should cater for the majority of the day to day needs of the residents. The Highways Officer attending the Planning Review Committee meeting will verbally update Members on this

issue as to its practicability which is unclear at the time of writing this report. Refuse delivery would be expected to take place from Knolles Road in the same way that all of the existing properties are served which is, to officers' minds, entirely consistent with the arrangements expected of a city location such as this. The Highway Authority has raised no concerns about this arrangement.

15. The Highway Authority similarly raise no concern about the replacement freestanding bus shelter and its ability to be incorporated within the existing footway and allow sufficient space for pedestrians and all other users of the pavement. A legal agreement would ensure that the developer would make arrangements for the construction of the replacement bus shelter in full accordance with details to be agreed by the Highway Authority prior to commencement of the development.

Visual Impact of the Development

16. The height of the main range of the building proposed is 13m though, including the parapet at the front, it rises to 14.1m. At the point of the lift shaft/central core, it increases to 17m though this is set back from both the front and rear elevations and which allows full disabled access to the proposed roof garden. This element will only be afforded limited glimpses and will, in officers' view, have no appreciable impact on the presence, scale and appearance of the building within the street, as viewed both from the front and the rear. Whilst the building is four storeys in height, its actual height is limited by the fact that it has a flat roof form so as to provide a roof garden. This means that it would not be dissimilar in height to the adjacent Wolseley House flats to the south (11.5m high), although as it provides a community centre and shop/workshop at ground floor level (which requires greater ceiling height), it will be a couple of metres higher. However, given the site's location on a prominent bend along this thoroughfare within the district centre, officers consider its height and overall presence to be entirely appropriate to its location and setting. Indeed the building, rightly and appropriately, addresses the urban character, grain and fabric of the Barnes Road frontage. At the same time it has been sensitively designed at the rear through appropriate setbacks and planting at third and rooftop levels, as well as careful window and balcony detailing to respond to but not emulate the more suburban domestic character of the Knolles Road properties. Officers consider the development to, overall, provide a good quality building which adds interest to an otherwise rather bland streetscape. In this respect officers continue to have no concerns about its visual impact on either Barnes Road or the residential area to the rear.

Density of Development and Associated Uses

17. The application site is considered to be sustainably located, where it is important that development makes an efficient use of land both to provide good quality affordable housing as well as community facilities. These uses are considered to be entirely commensurate with each other and officers do not consider it an unusual arrangement for there to be a number of floors of flats above retail units or other commercial/community premises. The proposed Emmaus facility would be self-contained and should not cause any

disturbance to surrounding properties or the proposed flats above, as demonstrated by their operation in Northway.

18. As set out above and in the appended report to the EAPC, the impacts of the use of the development on neighbouring residential amenity as well as the surrounding highway network are considered to be entirely acceptable by officers subject to the conditions and legal agreement clauses set out at the beginning of this report.

Conclusion

19. In reporting to the East Area Planning Committee officers supported the proposals on balance and welcomed the much needed affordable housing and community facilities that they would deliver. Officers continue to recommend that the application be approved subject to the conditions and legal agreement requirements set out at the beginning of this report which should ensure the overall package across the three sites remains viable and deliverable in the interests of the City, given the wide range of community benefits that it would provide.

Human Rights Act 1998

20. Officers have considered the Human Rights Act 1998 in reaching a recommendation to grant planning permission, subject to conditions and an accompanying legal agreement. 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.
21. 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

22. 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 subject to conditions and an accompanying legal agreement, officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

Background Papers:

59/07771/A_H

60/08871/A_H

66/17367/A_H
72/26399/A_H
74/01056/A_H
91/01185/NF
11/01298/ADV
12/03278/FUL

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