

**West Area Planning Committee**

**8th December 2011**

**Application Number:** 11/02446/FUL

**Decision Due by:** 21st November 2011

**Proposal:** Demolition of rearmost building. Erection of 5 storey building consisting of 9 x 2-bed flats with cycle parking, bin stores and landscaping.

**Site Address:** Cantay House 36 - 39 Park End Street, **Appendix 1.**

**Ward:** Carfax Ward

**Agent:** John Philips Planning  
Consultancy

**Applicant:** Cantay Investments Ltd

---

**Recommendation:** Committee is recommended to support the proposal in principle but to defer the application in order to draw up an accompanying legal agreement and delegate to officers the issuing of the notice of planning permission.

### **Reasons for Approval.**

- 1 The proposal forms an appropriate visual relationship with the site and the surrounding development and would contribute to the character and appearance of the area. The development would be car free and sited in a highly sustainable location. Flats would have adequate private amenity space provision in the form of large balconies, together with cycle parking and bin storage facilities. No objections have been received from statutory consultees and the proposal complies with adopted policies contained in the Oxford Core Strategy 2026 and the Oxford Local Plan 2001 - 2016.
- 2 Three letters of objection have been received to the proposals. However the points raised do not provide sustainable reasons for refusing the application and appropriate conditions can be added to the planning permission to ensure a development which would not adversely impact on the amenities enjoyed by neighbouring occupiers.
- 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 Samples
- 4 Landscape carry out after completion
- 5 Provision of cycle parking
- 6 Bin storage
- 7 Archaeology - Implementation of programme Bronze
- 8 Flood Risk Assessment
- 9 Landscape Management Plan
- 10 Details of fire hydrants
- 11 Privacy screens to balconies
- 12 Details of external lighting
- 13 Sustainable construction measures

### **Planning Obligation**

- £48,915 towards infrastructure improvements in the West End [City]
- £19,738 towards education and libraries within the City. [County]

### **Principle 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 of Development to meet Functional Needs
- CP11 - Landscape Design
- TR3 - Car Parking Standards
- TR4 - Pedestrian & Cycle Facilities
- HE2 - Archaeology
- HS4 - Gen Requirement - Provide Affordable Housing
- HS19 - Privacy & Amenity
- HS20 - Local Residential Environment
- HS21 - Private Open Space

#### Oxford Core Strategy 2026

- CS1 - Hierarchy of centres
- CS2 - Previously developed and greenfield land
- CS5 - West End
- CS9 - Energy and natural resources
- CS10 - Waste and recycling
- CS11 - Flooding
- CS13 - Supporting access to new development
- CS17 - Infrastructure and developer contributions
- CS18 - Urban design, town character, historic environment
- CS23 - Mix of housing

### West End Area Action Plan

WE1 - Public realm  
WE10 - Historic Environment  
WE11 - Design Code  
WE12 - Design & construction  
WE14 - Flooding  
WE15 - Housing mix  
WE16 - Affordable housing  
WE29 – Streamlined Contributions

### Other Material Considerations.

PPS1 – Delivering Sustainable Development  
PPS3 – Housing  
PPG13 - Transport

### **Relevant Site History:**

11/02181/FUL: Demolition of external stairs and rear most building. Change of use and alterations of retained building on ground and first floors from use class D1 [conference use] to use class B1 [A] [offices]. New escape staircase. Redevelopment of rear building and erection of 5 storey building to comprise 9 x 2 bedroom flat, cycle parking, bin stores and landscaping. Withdrawn

### **Public Consultation:**

#### Statutory Consultees:

Highway Authority: No objection; site lies within the central area for transportation and has good public transport, cycling and walking links; no requirement to remove the site from the controlled parking zone as no permits are issued within the central area; pedestrian access from St. Thomas Street; refuse vehicles via yard from Park End Street; vehicular deliveries from St. Thomas Street; cycle provision acceptable.

Thames Water: No objection on grounds of water or sewerage infrastructure

Environment Agency: No objection subject to development being carried out in accordance with the approved Flood Risk Assessment; Landscape Management for all landscaped areas

#### Third Part Comments:

Oxford Civic Society: Concern raised over the loss of the existing building built in 1901 by Lucy's Iron Works; should be appropriately used with minimal alterations; Unfortunately it is vulnerable as it does not lie within a conservation area and is not listed.

Individual Comments: New building would make an excessively large block opposite Stream Edge and dominate the courtyard; 4 storey building would be less imposing; existing circle of buildings acts like an echo amphitheatre and the proposed high building will make this worse; Stream Edge flats already suffer noise and

disturbance from the various clubs and bars in the area and the proposal would increase this nuisance; new building should be kept to the height of the existing building.

### **Officers Assessment:**

#### **Site Description.**

1. Cantay House lies on the south side of Park End Street and within the area defined in the West End Action Area Plan. The buildings are not listed and do not lie within a conservation area.
2. The application site relates only to the former garage building at the rear of the site which has been used for storage purposes in the past and is now the main conference hall. It is a brick building with large garage doors and a maximum height of 10 metres. It lies between the more substantial Cantay House buildings fronting Park End Street and a traditional brick built development of residential flats with access off St. Thomas Street.
3. In support of the application, the agent maintains that it would not be cost effective to convert the existing building which is of limited merit and not prominent in the public realm.

#### **Proposals**

4. The application seeks planning permission for the demolition of the existing building and the erection of a new building, laid out over 5 floors, to provide 9 x 2 bedroom flats together with cycle parking, bin storage and landscaping. The new building would possess a flat roof with the top floor inset within a lightweight structure. There would be two apartments to the lower four storeys and one apartment and terrace to the top storey. The new building would have a contemporary appearance and would be erected using facing brick with some timber boarding.
5. The development would be car free with pedestrian access from St. Thomas Street. Cycle parking would be provided in the communal garden area and bin storage would be provided within the new building.
6. Officers consider the principle determining issues in this case to be:
  - planning policy;
  - flooding;
  - form and appearance;
  - private amenity space;
  - highways and parking
  - affordable housing;
  - Impact on neighbours;
  - landscaping;
  - biodiversity; and
  - sustainability.

## **Planning Policy.**

7. PPS3 identifies the need to make efficient use of land and this is reflected in policy CP6 of the Oxford Local Plan which states that development proposals should make efficient use of land by making the best use of site capacity. However it goes on to say that this should be in a manner that does not compromise the character of the surrounding area. The site constitutes previously developed land and no in principle objection is raised to its redevelopment.
8. As the site lies in the West End Action Area, policy WE15 of the West End Action Area Plan is relevant rather than policy CS23 of the Core Strategy and the Balance of Dwellings Supplementary Planning Document.
9. Policy WE15 requires an overall provision in the West End of no more than 65% of residential units being flats, at least half of which should have 2 bedrooms and 35% houses. However the policy accepts that some sites will lend themselves more easily to flatted development than others, especially when the residential accommodation is on upper floors of a building. In this case officers accept that the site is tightly constrained and not generally suitable for family housing. The proposal to erect 9 x 2 bedroom flats therefore complies with the mix required in the West End Action Area Plan.

## **Flooding.**

10. The Flood Risk Assessment (FRA) submitted with the application makes the following conclusions:
  - the site is located in Flood Zones 1 and 2;
  - the flow from the site will be reduced due to the soft landscaping proposed;
  - the finished floor level of the proposed would be set at a minimum of 700 mm above the 100 year flood level;
  - ground levels should remain as existing;
  - there is a low flooding risk from river and ground water; and
  - there is a low risk of overland flow from surrounding areas to the site.
11. The Environment Agency has now removed its original 'holding objection' and are now raising no objection to the proposals subject to the development proceeding in accordance with the FRA and the imposition of a condition requiring the submission of a landscape management plan.

## **Form and Appearance.**

12. Policy CP1 of the Oxford Local Plan states that planning permission will only be granted for developments that show a high standard of design, that respect the character and appearance of the area and use materials of a quality appropriate to the nature of the development, the site and its surroundings. Policy CP8 suggests that the siting, massing and design of

any new development should create an acceptable, visual relationship with the form, grain, scale, materials and detailing of the surrounding area and policy CP10 states that planning permission will only be granted where proposed developments are sited to ensure acceptable, access, circulation and private amenity space.

13. The proposed new building would be erected using facing bricks and timber boarding and would have a height of some 14 metres. The front elevation facing towards the stream would be largely glazed whilst the rear elevation would appear more solid. The eaves height of the new building would be very similar to the adjoining buildings to the south and east and the overall height would be over a metre lower than the adjoining Cantay House buildings. The new building would appear modern and bold and is considered to be sympathetic to the character of the area including the recently constructed contemporary developments at Stream Edge. It would also be similar in scale to older properties such as the adjacent Cantay House buildings.

#### **Private Amenity Space.**

14. Policy HS21 of the Oxford Local Plan states that planning permission will not be granted for new development proposals involving residential uses where inadequate or poor quality private open space is proposed. It goes on to say that each dwelling should have access to a private open space and that this could be provided by way of a balcony.
15. The proposal is for the erection of 9 x 2 bedroom flats. The two ground floor flats would both have small, private, rear garden spaces as well as large, front verandahs. The 6 flats on the first, second and third floors would have front and rear balconies and the flat at roof level would have an open roof garden. Given that this is a city centre location, officers take the view that this provision of amenity space is appropriate and acceptable.

#### **Highways and Parking.**

16. Oxfordshire County Council as Local Highway Authority are not raising any objection to the application based on the information submitted. Given the location of the site within the central transportation area, no objection is raised to a car free development and there is no need to exclude the site from the CPZ as no permits are issued in the central area. The cycle parking proposed would be both secure and sheltered and a condition is recommended to require that it is provided prior to occupation.
17. A condition is also attached requiring details of fire hydrants. This is because the exact number of fire hydrants cannot be calculated until detailed consultation plans are provided showing the size and location of water mains in relation to the highway.

## Affordable Housing

18. Policy WE16 of the West End Area Action Plan states that the Council will seek the provision of generally a minimum of 50% affordable housing from any development that includes residential development on a site within the West End having the capacity for at least 10 dwellings. This should be in the ratio of 80% social rented and 20% shared ownership.
19. In this case the site area is clearly restricted and a higher building would not be acceptable. The flats themselves are of a good size however with about 100 sq m floorspace each. At this size it might be possible to develop a greater number but smaller flats within the same building envelope. The applicant has responded that there are a variety of factors to take into account in not doing so:
- The need to provide appropriate standards of accommodation and to provide adequate separation from the proposed offices and the night club in the existing building
  - The proposed built form is the maximum that could be achieved bearing in mind there are flats which overlook the site to the east, west and south and office windows to the north which need adequate light
  - The flats have been arranged to have their main living rooms facing onto the stream and landscaped courtyard to provide a high standard of amenity
  - The proposed landscaping scheme will enhance the stream to the east
  - The density of the development is 126 dwellings per hectare which is in excess of the minimum density set out in policy CP6 of the OLP
  - The site is in a flood zone
  - The scheme provides for adequate cycle parking and bin storage
  - Each flat has sufficient amenity space with acceptable outlooks
  - Each flat would have 2 bedrooms and there is a specific requirement in the WEAAP to provide at least 50% 2 bedroom flats with no upper limit
  - None of the flats are overly large for the location
  - The site could not be developed in a more developed way to provide more units without having poor amenities and affecting the adjacent buildings
  - Any endeavours to split the accommodation in a front to back arrangement would result in substandard accommodation that would be narrow and dark
  - The applicant does not wish to pursue a development that would reduce the standards included in the current proposal but would instead seek alternative uses for the site
20. Officers have considered the above and concur with the agent's view that there are particular site constraints which need to be considered in relation to the suitability for greater numbers of residential units and therefore a

proportion of affordable housing.

21. The proposal is for a development that takes advantage of the attractive location towards the Wareham and Castle Mill Streams to the east, but would have a poorer aspect to a service yard to the west. Sub dividing the new building or expanding its footprint to create additional units would inevitably compromise the standard of accommodation and result in some flats having their main living rooms overlooking the existing service yard, which is currently avoided. It would also create unacceptable relationships with neighbouring residential properties, and difficulties in providing supporting facilities such as additional amenity areas, cycle and bins stores etc. For these reasons, officers are persuaded that a good case has been made to restrict the number of units to that proposed as the site does not lend itself to the provision of a larger number of units without compromising the quality of the residential amenities which existing and proposed residential occupiers should enjoy at what is a tightly constrained site.

### **Impact on Neighbours**

22. Policy HS19 of the Oxford Local Plan states that planning permission will only be granted for development that adequately provides both for the protection and/or creation of the privacy or amenity of the occupants of the proposed and existing neighbouring, residential properties.
23. In this case the properties primarily affected by the proposal are the flats at Stream Edge on the opposite side of the Wareham Stream and the flatted development to the south accessed from St. Thomas' Street. In addition there are residential units to the west at the Old Bakery site. The building to the south of the site has a long flank wall running along the boundary with the application site but this contains only small windows serving mainly corridors and other non habitable rooms. There would not therefore be a loss of amenity to these properties.
24. Stream Edge opposite the site comprises a four storey flatted development with balconies looking towards the site. The proposed building is significantly larger than the existing building on the site and clearly the outlook from the Stream Edge flats will be affected. However the distance involved is some 25 metres and officers consider this to be acceptable in such a tight urban environment to ensure that the new building does not appear overbearing in the outlook from the flats opposite or affect the amount of daylight they receive.
25. In relation to the residential flats to the west, there is also a separation distance of 22 metres between these units and the rear wall of the proposed new building and this is also considered to be acceptable. Nevertheless In order to further address any issues of overlooking, it is recommended that a condition be imposed requiring details of privacy screens for the upper floor balconies.



## **Landscaping.**

26. The application is accompanied by a landscaping scheme which includes the planting of 6 new birch trees [*Betula ermanii*] together with shrub planting at the front and rear of the new building. Officers welcome the planting of new trees in a tightly constrained area where currently none exist. The landscaping scheme includes a predominantly evergreen framework of shrub and herbaceous perennial planting to provide year round interest and cover.
27. The landscaping scheme also proposes the removal of the existing stream side planter wall trellis fence and amenity planting and its replacement with cascading/trailing ground cover ivy and cotoneaster to visually soften or conceal the wall and provide a more natural planting form adjacent to the water course. Additional planting at the base of the blank wall of the adjacent flat building is also included with new climbers to supplement the existing planting.
28. Officers consider that the landscaping scheme will positively enhance the appearance of the site and will also provide a foil to the new and existing buildings.

## **Biodiversity.**

29. Policy CS12 of the Core Strategy states that new developments will be expected to enhance Oxford's biodiversity where there is an opportunity. In this case the existing stream which borders part of the site provides such an opportunity. In particular, officers consider that new nesting facilities for Kingfishers and Sand Martins would be appropriate and an informative is recommended to encourage the applicant to consider such provision.

## **Sustainability:**

30. The site lies in sustainable location within easy access of shops, services and public transport links and the proposal constitutes a sustainable form of development that would make more efficient use of an existing brownfield site.
31. The application is accompanied by an Energy Statement that sets out the passive and active energy efficiency measures that will be considered and, if feasible, incorporated into the development. The report considers the form of the development and its orientation in terms of sunlight and solar gain; the shape and mass of the building in terms of low energy use; the installation of high efficiency type boilers, lights, pumping arrangements and heating/hot water systems and the possibility of installing centralised plant; the use of sustainable materials with a green guide rating of either A or A+ together with measures to restrict water usage.

32. In terms of renewable energy, the report confirms the use of solar water heating as the most appropriate low carbon technology for the site given its restraints in terms of site area and limited roof area for the use of photovoltaics.

### **Conclusion.**

33. The proposal forms an appropriate visual relationship with the site and the surrounding development and would contribute to the character and appearance of the area. The proposed car free development would be sited in a highly sustainable location and the flats would have adequate private amenity space provision in the form of large balconies, cycle parking and bin storage. No objections have been received from statutory consultees and the proposal complies with adopted policies contained within the Core Strategy and Oxford Local Plan.

34. Committee is recommended to support the application accordingly.

### **Human Rights Act 1998**

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.

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 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:** 11/02181/FUL, 11/02446/FUL.

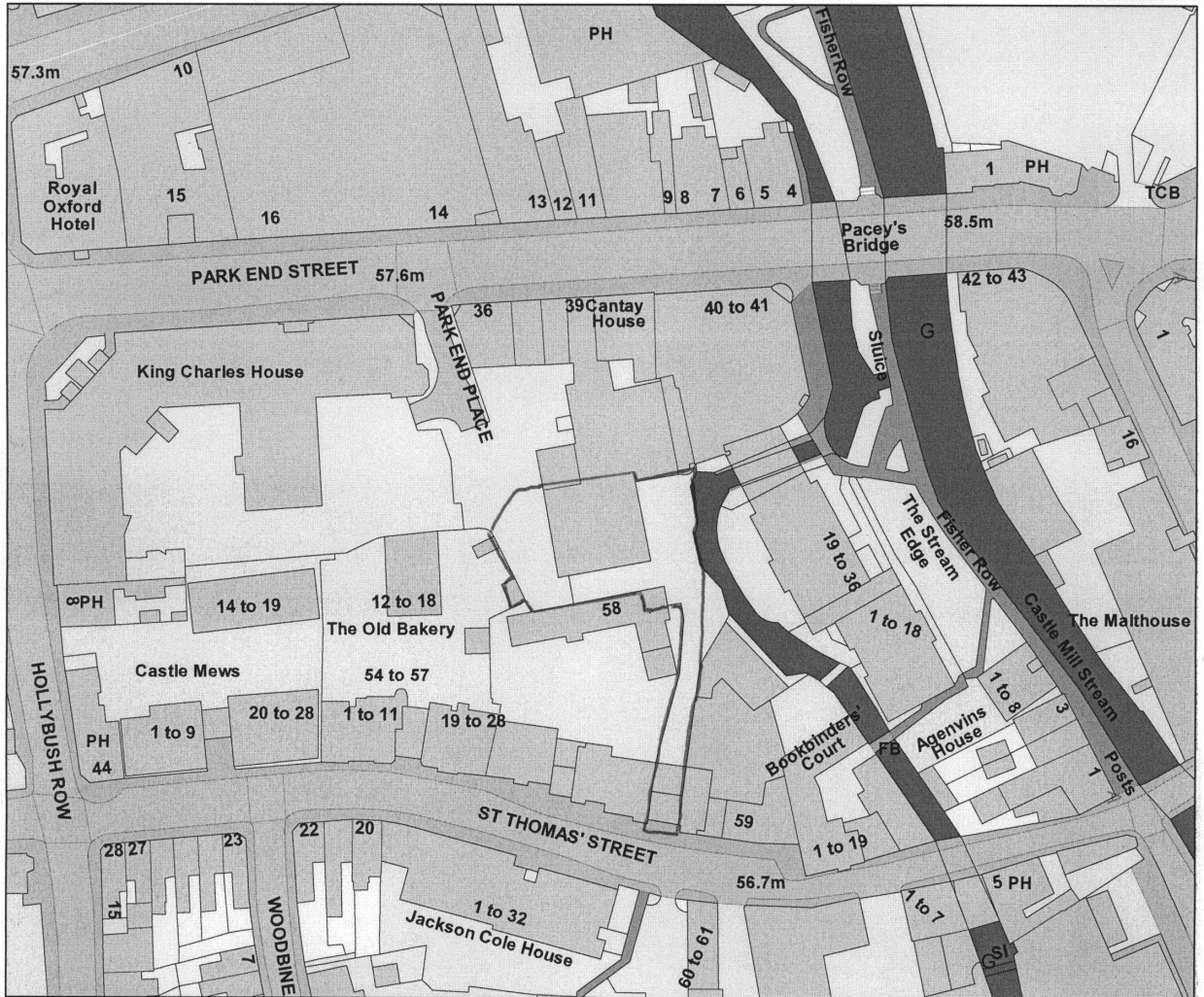
**Contact Officer:** Angela Fettiplace

**Extension:** 2445

**Date:** 24th November 2011

# Appendix 1

## Cantay House, Park End Street, Oxford



**Legend**

Scale: 1:1250

© Crown Copyright and database right 2011. Ordnance Survey 100019348.

Organisation	Not Set
Department	Not Set
Comments	
Date	28 November 2011
SLA Number	Not Set