

West Area Planning Committee

10 August 2011

Application Number: 11/01214/FUL

Decision Due by: 20 July 2011

Proposal: Demolition of former Oxonian Press premises. Erection of 8 flats (2 x 1-bed, 4 x 2-bed and 2 x 3-bed) in a 3 storey block with 10 car parking spaces, cycle and bin storage.
(Amended Plans)

Site Address: Oxonian Rewley Press Ltd Lamarsh Road (**Location Plan – Appendix 1**)

Ward: Jericho And Osney Ward

Agent: Kemp And Kemp

Applicant: Mr Peter Mills

This report should be read in conjunction with the original officers report (**Appendix 2**)

Recommendation: The West Area Planning Committee is recommended to be mind to grant planning permission but to delegate authority to officers the power to issue the notice of planning permission on completion of the legal agreement for the following reasons:

- 1 The principle of development has been established under the outline consent. The application relates to the reserved matters and is considered to be an efficient and sustainable use of the site that responds positively to its context and constraints. The development would preserve the amenities of neighbouring properties and the character and appearance of the area. The proposal would not result in an increase in flooding due to its previously development nature and the surface and foul water system can accommodate the additional discharge subject to a effective drainage strategy. The application therefore accords with the Local 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 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.

subject to the following conditions, which have been imposed for the reasons stated:-

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Samples
- 4 Boundary details before commencement
- 5 Landscape plan required
- 6 Landscape carry out after completion
- 7 Landscape hard surface design - tree roots
- 8 Landscape underground services - tree roots
- 9 Tree Protection Plan (TPP) 1
- 10 Arboricultural Method Statement (AMS) 1
- 11 Schedule of proposed tree surgery works
- 12 Car Parking
- 13 Bins and bike store
- 14 Foul and surface water drainage system
- 15 Drainage strategy - on/off site works
- 16 Develop in accordance with Flood Risk Assessment
- 17 Details of sustainability measures
- 18 Details of enlarged balconies
- 19 Site levels to be submitted
- 20 Suspected contamination - Risk assess

Officers Assessment:

1. This application was deferred at the request of the West Area Planning Committee in July in order to allow the applicant to submit additional viability information to justify why no affordable housing could be accommodated on the site. The applicant has declined the request of the Committee on the basis that *'no affordable housing provision is required by your adopted policy from a scheme of 8 units such as this'*.

Conclusion: Officers maintain the view expressed in their report to the Committee in July (attached as appendix 2) and would recommend that the committee grant planning permission subject to the completion of the legal agreement and above planning conditions.

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.

Background Papers: 11/01214/FUL, 07/00421/RES, 02/00952/OUT

Contact Officer: Steven Roberts

Extension: 2221

Date: 21 July 2011

Appendix 1

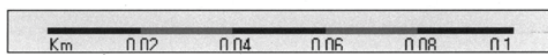
11/01214/FUL

Oxonian Rewley Press Ltd, Lamarsh Road



Legend

Scale: 1:1250



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Organisation	Not Set
Department	Not Set
Comments	Appendix 1
Date	30 June 2011
SLA Number	Not Set

Appendix 2

West Area Planning Committee -13 July 2011

Application Number: 11/01214/FUL

Decision Due by: 20 July 2011

Proposal: Demolition of existing Oxonian Rewley Press premises.
Erection of 8 flats (2x1, 4x2 and 2x3 bed) in a three storey block with 10 car parking spaces, cycle and bin storage.

Site Address: Oxonian Rewley Press Ltd Lamarsh Road
(Site Plan – Appendix 1)

Ward: Jericho And Osney Ward

Agent: Kemp And Kemp **Applicant:** Oxonian Rewley Press

Recommendation: The West Area Planning Committee is recommended to be minded to grant planning permission but to delegate authority to officers the power to issue the notice of permission on completion of the legal agreement. For the following reasons:

1 The principle of development has been established under the previous planning consent (ref 07/00421/RES). The scale and form of the proposal is unchanged, as is the footprint. The proposal differs to the approved scheme in its mix of units and the size of its balconies; these changes are considered to accord with the Local Plan and Core Strategy policies. The proposal would not result in an increase in flooding due to its previously development nature and the surface and foul water system can accommodate the additional discharge subject to a effective drainage strategy.

2 The Council has had regard for the comments received through the consultation process. The issues set out below have been addressed within the report and are not considered to be significant enough to warrant refusal of the application.

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.

subject to the following conditions, which have been imposed for the reasons stated:-

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Materials - samples
- 4 Boundary treatment
- 5 Landscape plan required
- 6 Landscape carry out after completion
- 7 Parking
- 8 Bin/cycle stores

- 9 Foul and surface water drainage system
- 10 Tree Protection Plan (TPP) 1
- 11 Arboricultural Method Statement (AMS) 1
- 12 Schedule for Tree Surgery
- 13 Sustainable drainage strategy
- 14 Details of sustainable measures
- 15 Desk Study – Contaminated Land
- 16 Details of balconies – Increase in size

Planning Obligations:

£20,000 – towards flood mitigation measures in the locality

Main Local Plan Policies:

Oxford Local Plan 2001-2016 (OLP)

- 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
 - HS11** - Sub-Division of Dwellings
 - HS19** - Privacy & Amenity
 - HS20** - Local Residential Environment
 - HS21** - Private Open Space
 - TR3** - Car Parking Standards
 - TR4** - Pedestrian & Cycle Facilities
 - NE14** - Water and Sewerage Infrastructure
- Core Strategy 2026**
- CS11** - Flooding
 - CS17** - Infrastructure and developer contributions
 - CSP18** - Urban design townscape char & historic environment
 - CSP23** - Mix of housing
 - CSP28** - Employment sites

Other Material Considerations:

National Guidance:

- PPS 1 – Delivering Sustainable Development
- PPS3 - Housing
- PPG 13 – Transport
- PPS25 – Development and Flood Risk

Local Policy and Guidance:

- Parking Standards, Transport Assessments and Travel Plans-Supplementary Planning Document (October 2006)
- Balance of Dwellings Supplementary Planning Document
- Planning Obligations Supplementary Planning Document

Relevant Site History:

02/00439/OUT - Demolition of Oxonian Rewley Press Building. Outline application, (all Matters Reserved), for 2 flats and 5 houses – withdrawn

02/00952/OUT - Demolition of existing Oxonian Press premises. Outline application (with all matters of detail reserved) for 8 flats in 3-storey block with 11 parking spaces (Amended plans) – approved

07/00421/RES - Demolition of existing Oxonian Rewley Press premises. Erection of 8 x 2 bed flats in 3 storey block with 8 car parking spaces, 16 internal cycle parking spaces, and bin store. (Reserved matters of approved application 02/00952/OUT) – approved

Representations Received: The following comments have been received:

- Increase pressure on drainage system
- Flood risk
- Noise and light pollution
- Inadequate access arrangements
- Insufficient consideration of trees

Statutory and Internal Consultees:

Environment Agency Thames Region – No comments – Officers will update at the meeting

Thames Water Utilities Limited – No objection

Highways And Traffic – No objection

Officers Assessment:

Site Description and Proposal

1. The application site comprises a single storey building that is presently occupied by a food recycling charity. The previous was as a printing works in association with Rewley Press. The building occupies the majority of the L-shaped site with only the area directly adjacent to the site entrance given over to hardstanding. The site is heavily vegetated along its east and south boundaries, comprising mature trees of high amenity value.

2. The site is located at the southern end of Marlborough Court, with a public foot path directly to the east, beyond which is No 1-15 Marlborough Court, separated by a verge and mature trees. The site is accessed from the west off Lamarsh Road, whilst to the south are the King George playing fields.

3. The application proposes the demolition of the existing building and the erection of a 3-storey building to accommodate 8 flats, comprising 2x1, 4x2 and 2x3 beds. Provision is made for 10 car parking spaces and a communal garden.

4. Officers consider the principles issues in this case to be:

- Principle of Development
- Housing Mix and Affordable Housing
- Design and Visual Appearance
- Future Residential Amenity
- Parking/Highway Implications
- Flooding and Drainage
- Sustainability

Principle of Development

5. Planning permission was granted in 2010 for matters reserved under a 2002 outline consent. The approved scheme proposed the erection of a three storey building to provide 8x2 bed flats. Although the proposal fell below the then affordable housing threshold of 20 units, the outline consent (ref 02/00952/OUT) secured 2 of the flats as affordable. Under the reserved matters application (ref 07/00421/RES) a financial contribution of £20,000 towards flood mitigation measures within the locality was secured.

6. The current application differs from the approved scheme in the following ways:

- Mix of units changed from 8x2 bed flats to 2x1, 4x2 and 2x3 bed flats
- Affordable housing omitted
- Balconies on east and south elevations are larger
- Southern elevation has been redesigned to accommodate larger balconies, particularly to the 3 bed flats on the 2nd floor
- Number of car parking spaces increased to 10

7. With the exception of the above, the proposal is identical to that approved in 2010. In this regard officers would advise the Committee to focus its consideration on the matters that have changed. There has been no change to the policy context that would justify reconsideration of the other matters.

Housing Mix and Affordable Housing

8. PPS 3 also encourages a mix in the balance of dwellings and this is reflected in policy CS23 of the Oxford Core Strategy. Policy CS23 recognises that the predominance of one particular form of housing type within a locality may have unwelcome social implications. As such the policy supports a mix of dwelling types within any given locality.

9. In support of policy CS23 the Balance of Dwellings Supplementary Planning Document (BoD SPD) (adopted Jan 08) has assessed the housing stock within Oxford and has identified areas of pressure. The aim of the SPD is to ensure that development provides a balanced and mixed community and as a result Neighbourhood Areas provide the framework for the assessment of new residential developments.

10. The application site falls within an area defined by the BoD SPD as amber, which indicates that the scale of pressure is considerable and as such a proportion of family dwellings should form part of new development. The application proposes a mix of 2x1, 4x2 and 2x3 bed flats. This does not comply with the prescribed mix set by the BoD SPD, which seeks a minimum of 30% 3 bed units in a development of this size at this location. However, in the light of the mix of the approved scheme, officers consider the proposed mix, 25% of which are 3 bed units, to be acceptable.

11. The approved scheme secures 2 of the units as affordable housing, despite the development not triggering the then affordable housing threshold of 20 units. The applicant has indicated that due to the additional costs incurred as a result of the contribution toward flood mitigation and the unknown costs that would be incurred in complying with the condition requiring an on and off site drainage strategy (requested by Thames Water), providing affordable housing is no longer viable. No Viability Study has been submitted to substantiate this claim.

12. Whilst officers are disappointed by this approach and have been provided with no evidence to confirm the applicant's position, the current policy threshold is 10 or more units or sites above 0.25 hectares. The proposal fits neither trigger, nor is it feasible to accommodate two more units on this restricted site to trigger the 10 unit threshold. Officers are aware of the options set out in the Affordable Housing Development Plan Document, which is currently being consulted upon. However, while this may have implications for sites such as this in the future, currently the document has no material weight and can not be relied upon to secure affordable housing on this site.

Design and Visual Appearance

13. The scale and form of the building is unchanged from the approved scheme. The changes relate to the increased size of the balconies on the east and south elevations, along with alterations to the window configuration and eave line of the south elevation. These changes do not significantly alter the appearance of the building, or how it relates to its context.

Future Residential Amenity

14. The Local Plan requires proposals for new residential development to adequately provide for the needs of future occupiers. An acceptable internal and external environment must be provided. Specifically policy HS11 requires flats to be well lit and ventilated, fully self contained and to have a floor area in excess of 25m². The Balance of Dwellings Supplementary Planning Document (BoD SPD) is more specific and requires 3 bed dwellings to have a minimum floor area of 75m².

15. The proposed flats all comply with these requirements.

16. Residential accommodation is also required to cater for the outdoor needs of future occupiers by way of an acceptable residential environment and gardens space. Local Plan policy HS21 states that planning permission should be refused when insufficient or poor quality private open space is provided. The policy explains that where the units proposed are unlikely to be occupied by a family then access to a communal space may be reasonable. It goes on to say that units with two or more bedrooms should have exclusive use of an outdoor space.

17. All but unit 4, a 1 bed flat, have exclusive use of a balcony or in the case of the ground floor units a terrace. The 1 bed flat does however have access to the communal garden and is therefore adequately provided for. The balconies are larger than those of the approved application and as such officers consider the balconies serving the 2 bed flats to be acceptable.

18. As regards the 3 bed flats, the balconies are larger than those serving the two bed flats. Flat 7 has access to two balconies, one on the 1st and an one on the 2nd level. The former is approximately 14m², while the latter is 6m². Flat 8 has access to a single 7.5m² terrace.

19. Within a location such as this officers would ordinarily expect the outdoor space for 3 bed flats to be larger and in the form of a garden. However, the site is immediately adjacent to the King George playing fields, which provides additional outdoor space within very close proximity. In view of these circumstances and the very restricted nature of the site, officers are

prepared in particular case to accept balcony space in lieu of a garden space to serve the 3 bed units. It is considered that these should be enlarged however and a condition is suggested accordingly.

Parking/Highways

20. The approved application was served by 8 car parking spaces, equating to one car per unit. The current scheme will retain the one-one provision for the 1 and 2 bed flats, whilst the 3 bed units will have two car parking spaces each. Given the sustainable nature of this site, within close proximity to shops, services, alternative transport links, and the City centre, officers consider the parking provision to be acceptable.

21. Parking provision of 18 cycles is provided on the ground floor of the building. This level of provision exceeds the requirements of Appendix 4 of the Oxford Local Plan which requires only 2 spaces per dwelling. The site fall outside the West Oxford Controlled Parking Zone and would not therefore be eligible for residents parking permits.

Other Matters

22. As with the approved scheme the applicant has agreed to pay a contribution of £20,000 towards flood mitigation measures in the locality. The applicant has also confirmed that the development will be achieving Code for Sustainable Homes Level 3 and will also incorporate a grey water recycling system and heat recovery.

Conclusion: It is considered that the proposal is acceptable for the reasons set out above. Subject to the above conditions officers recommend that planning permission be granted.

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.

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Background Papers: 07/00421/RES, 02/00952/OUT

Contact Officer: Steven Roberts
Extension: 2221
Date: 23 June 2011

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