

Application 11/00875/F	No:	Ward: Kidlington South	Date Valid: 31 May 2011
Applicant:	Mr A. Soufi		
Site Address:	144 Oxford Road, Kidlington, Oxfordshire, OX5 1EA		

Proposal: Proposed demolition of existing detached building (residential and retail use) and construction of new building incorporating 3 No. retail units and 1 No. 2 storey dwelling and 5 No. flats with parking and amenity space

1. Site Description and Proposal

1.1 144 Oxford Road is a detached rendered property, with a tile roof and uPVC windows and doors, accessed via the slip road alongside the main Oxford Road. The site is currently one small shop unit, forming a newsagents and a residential property. The site is within a largely residential area, however directly to the north are the St. Thomas More Catholic Church and an access way to the St. Thomas More R C Primary School, which is to the north west of the site. To the west of the site is the playing field for the West Kidlington County Primary School.

1.2 This application seeks planning permission for the above development. The new building would be larger than existing, containing three retail units at the front, a two storey dwelling attached to the rear of it, and five flats above the shops, two on the first floor forward of the dwelling and three on the second floor. A first floor link would also be provided between the new building and the existing semi detached property at 146 Oxford Road (also within the applicant's ownership). Parking would be provided to the rear of the site and in front. The building would be constructed from facing brickwork, render and plain tiles.

1.3 At the time of writing the report, amendments to the scheme have been requested, which are:

1. to reduce the scale of the dormer windows,
2. to make the eaves of the new building the same level as the eaves of 146 Oxford Road,
3. to remove two of the four parking spaces to the front of 146 Oxford Road,
4. to check windows on the south elevation of the building in terms of their accuracy,
5. to re-arrange the internal arrangement to address windows serving habitable rooms on the north and south elevations,
6. to clarify where commercial waste would be stored and collected
7. to include some cycle storage at the front of the site

It is anticipated that amended plans will be received prior to the committee meeting and the report has been drafted on the basis that these amendments are received as the agent has indicated that these amendments will be possible.

1.4 Planning history

03/02313/F (Permitted) Erection of single storey extension to shop front

03/01523/F (Permitted) First floor rear and two storey side extensions, front porch,

shed and boundary wall

03/00508/F (Permitted) Proposed first floor rear and two storey side extension and front porch

01/02478/F (Refused) Proposed security roller shutter to front shop. Part retrospective erection of 1.9m high concrete block wall to rear. Construction of concrete shed to rear. Single storey extension to side of property.

00/01525/F (Refused) Change of use of part of ground floor to fried chicken takeaway/ restaurant

04/02155/F (Permitted) Conversion of 146 Oxford Road into two flats

- 1.5 The application is being presented to committee for determination at the request of a Local Ward Member.

2. Application Publicity

- 2.1 The application has been advertised by way of a site notice. The final date for comment was 21 July 2011.

- 2.2 Three letters of objection have been received raising the following points:
- Chair of St. Thomas More Primary School objects to the scheme on grounds of safety. Additional traffic as a result of the proposal will put the children at risk of serious injury or worse. School has a duty of care to the children. Additional traffic likely to be from deliveries of goods, additional traffic to the additional retail units and additional traffic created by the extra dwellings
 - Parking in an already congested street will be a major issue
 - Welfare of children should be put before the profits of developers
 - Scale of the proposed re-development is out of keeping with the neighbourhood
 - Visually the mass of a three storey building is too high and unsympathetic to the largely residential area
 - Build is right up to the boundary wall and overlooks the Church properties next door
 - Provision of car parking means a frontage with no green space
 - Location is at a dangerous point for traffic given the only access is onto the slip road. Would the designated parking be adequate for the properties? Extra retail units would require additional deliveries
 - What are the retail units proposed to be? Are 3 needed in this area?
 - Parking – concerned about the amount of properties being either replaced or converted to flats causing more traffic and so more parking on the slip road, causing difficulties getting to other properties.
 - These flats tend not to have no front gardens, having a detrimental effect on the look and feel of the area

3. Consultations

- 3.1 Kidlington Parish Council objects to the proposal on the grounds of increased traffic and parking congestion at an already congested location with a dangerous exit onto a busy main road and junction, inadequate parking for retail and an inappropriate configuration of parking, overdevelopment of the site, site is inappropriate for retail expansion and will be detrimental to the existing shopping centres in Kidlington

- 3.2 OCC Highways – No objection, subject to conditions (comments expanded upon below)
- 3.3 OCC Archaeology – unlikely to be any impact, informal note could be used
- 3.4 Thames Water advises that a build over agreement is not required
- 3.5 CDC Ecology – Unlikely to be any significant ecological implications from the demolition of the property (comments expanded upon below)

4. Relevant Planning Policies

- 4.1 PPS1: Delivering Sustainable Development
PPS3: Housing
- 4.2 The South East Plan: Policy BE1
- 4.3 Adopted Cherwell Local Plan: Policies S28, ENV1, C28 and C30

5. Appraisal

- 5.1 The key issues for consideration are:
 - Principle of the development
 - Visual amenity
 - Neighbour amenity
 - Highway safety
- 5.2 Principle of the development

As the proposal relates to both commercial and residential development, these must both be considered. In terms of the principle of the commercial units, the site is outside the main village centre, and therefore falls to be considered under policy S28 of the adopted Cherwell Local Plan. This policy states that favourable consideration will be given to proposals for small shops or extensions to existing shops required to serve local needs. The site already contains one shop unit and the proposal for the provision of three small units in this area is considered to be acceptable in principle as it will provide further retail facilities for local people within a suitable site in the settlement.
- 5.3 A condition has been recommended to ensure that the retail units are used for the purposes of Class A1 (shops), as this use is appropriate within a residential area and would mean that any other proposed use would require planning permission. The planning history indicates that a takeaway use was not considered acceptable previously, however clearly if any such proposal came forward in the future it would require separate consideration. As such, the proposal is considered to comply with policy S28 of the adopted Cherwell Local Plan.
- 5.4 In terms of the residential element of the proposal, this is to be assessed under policy H15 of the non statutory Cherwell Local Plan, which allows for infill (the development of a small gap in an otherwise built up frontage), minor development and conversions. The development of this site is considered to be minor development within the built up area of the village and therefore in broad terms

complies with policy H15. The supporting literature to this policy states that Kidlington is considered the most sustainable location for development outside of Banbury and Bicester because of the range of services and facilities it provides along with its transport links, in particular its good bus links to Oxford. This also reflects advice within PPS3. PPS3 encourages that land for housing development should be used efficiently and effectively in order to make the best use of the land. The site is currently in partial use as residential and so the replacement of the existing with more dwelling units is considered acceptable in principle.

5.5 Visual amenity

The building proposed is larger in scale than the existing building, given that accommodation is arranged over three floors. The ridge height of the proposed building is around the same as the existing semi detached property at 146 Oxford Road, but is taller than the property at 142 Oxford Road (part of St Thomas More Church).

5.6 The Oxford Road contains a variety of building types and many of the properties have been extended. The position of this property at the corner of the slip road means that it is largely in line with the properties to the south, but the properties to the north along the Oxford Road are set at an angle. It is therefore considered that the height of the proposed building is acceptable as it sits comfortably with the existing development to the south and although taller than the property to the north, will be seen from a different perspective and so would not appear unacceptable in the street scene.

5.7 Notwithstanding the fact that the proposed ridge height is the same as no. 146, because of the proposed higher eaves height, this makes the building appear much taller than neighbouring properties. Therefore the case officer has requested an amendment to the scheme that brings the eaves height the same as no. 146. The building is similar in footprint area to the existing building on site, and so the difference in height is the main difference that would have an affect on the streetscene in general.

5.8 The design of the building is considered to be acceptable and appropriate, although the originally proposed dormer windows were considered to be too heavy, and so amended plans have been sought to reduce these to be more traditional in their size and design. The link between the new building and 146 Oxford Road is considered to be acceptable as it appears as a subservient addition. The existing building is finished in white painted render and the building proposed is to be finished in facing brickwork, render and plain tiles. This is considered acceptable taking into account the existing materials that are used in this area. Samples have been requested via condition to ensure that the brick, tile and the colour of the render is acceptable. It is unfortunate that the frontage is to be taken up by parking spaces; however this is not dissimilar to the existing situation on this site and visually, will cause limited harm. The proposal is considered to comply with policy C28 of the adopted Cherwell Local Plan.

5.9 Neighbour amenity

The building is only slightly larger on its plot than the existing building; however as has been explained it is taller and due to the existing building having a hipped type roof, the proposal does result in a building which is more bulky than existing. With regard to the neighbour to the north, this consists of the Church, but also a house

connected to the Church. This property is situated on an angle to the proposed building, and is separated by an access way, which provides access to the school. Due to the distances involved, any loss of amenity by way of over dominance or loss of light is likely to be at acceptable level and would not cause such serious harm to the amenity of this property.

- 5.10 There is unlikely to be any impact to the residential amenity of 148 Oxford Road by over dominance or loss of light as this neighbour is on the opposite side of number 146. In relation to number 146 itself, this property is within the applicant's ownership and may experience some more impact than existing due to the increased bulk of the building (although the size is not significantly larger in terms of the floor space than the existing). However due to the orientation meaning the new building would be to the north of number 146, and the fact there is a gap between the two buildings, the impact caused to this neighbour by loss of light or over dominance is considered to be acceptable.
- 5.11 In terms of loss of privacy to the neighbour at 142 it is considered that there may be some impact in terms of the windows that are positioned on the side elevation of the building due to the angle that the neighbouring property is positioned at as shown on the original plans. It has been requested that the agent looks again at the plans in relation to how the internal arrangement of the units work as it appears that this issue could be overcome by a re-arrangement and could result in windows serving bathrooms in this elevation, which could be conditioned to be obscurely glazed and fixed shut.
- 5.12 On the south side elevation of the building facing towards 146 and 148 Oxford Road, one window is of concern, which serves a bedroom and again this has been raised as an issue with the agent to ensure that this window is either not in place or serves a bathroom so that it can be obscurely glazed and fixed shut. It is considered that if all windows serving habitable rooms can be contained to the front and rear elevations of the building, and any windows at the side in the first or second floors can be obscurely glazed and fixed shut (unless any opening element is more than 1.7m above the floor level of the room it serves), or face directly towards the blank gable elevation of number 142, then there is unlikely to be any significant impact by loss of privacy to any neighbouring property. Roof lights are shown; however these tend to be set at such a level that loss of privacy is unlikely.
- 5.13 In terms of the parking layout, there are currently four spaces proposed to the front of 146 Oxford Road, which are considered to be unacceptable due to only two spaces being needed for this property and so the additional two would be for users of other units within the new building, which has the potential to cause harm by reason of noise and disturbance. Notwithstanding the highways issue that may be caused by losing these two spaces, it is considered appropriate that only two spaces are provided to the front of number 146.
- 5.14 Parking spaces are also provided at the rear of the property, which is adjacent to the neighbouring property on the other side of the semi-detached property's (148) garden, as this property has an 'L' shaped garden which extends to the rear of 146 Oxford Road's garden. This neighbour has a private patio area directly to the rear of their property, a driveway alongside their property leading to a double garage at the rear and a further hard standing area within the 'L' shaped part of the garden. Given there are two patio areas and the proposed parking would be at the bottom of the

garden, it is not considered that such serious harm would be caused to the amenities of this neighbour by noise and disturbance. As such, the parking is considered to be acceptable and will cause limited harm to the residential amenity of the neighbouring properties.

- 5.15 The proposed flats and dwelling will be above the proposed shop units. The use of the shops has the potential to cause harm to the amenity of the flats if it is not carefully controlled. A condition has been recommended to ensure that the units remain as an A1 use class, which would allow uses which are appropriate within a residential area such as shops or sandwich bars, which should cause no undue impact to residential amenity. Should any other use be proposed in the future, a planning application would be required and considered at that time.
- 5.16 As such, the proposal is considered to be acceptable in terms of its impact upon the residential amenity of neighbouring properties and the proposal complies with policy C30 of the adopted Cherwell Local Plan.
- 5.17 Highway safety
The proposal is clearly intensifying the use on the site in terms of both commercial and residential uses. Parking is proposed to the rear of the site for four cars (accessed by a roadway under the link between 144 and 146) and to the front of the site, provision is made for 10 parking spaces (two are to be removed from in front of 146 because of the impact upon their amenity as described above).
- 5.18 The parking at the front of the site is a tandem arrangement and would serve both the residential and the commercial units. Officers do have some concerns over this arrangement in that tandem parking is unfortunate for commercial uses, and consider it is inevitable some parking will occur on the slip road (as it already does to a limited extent).
- 5.19 The Highway Authority has been consulted and raised no objections to the scheme subject to conditions. Officers then asked for further explanation as to why no objections were raised due to the concerns held. The Highway Authority stated that *in this area there is good access to many facilities including bus routes, footways, shops and schools. It is therefore normal to accept that the level of parking will be at the lower end of the normal assessment criteria. As such, they have accepted one space per unit for housing where appropriate. The actual area of the shops amounts of around 82m², which when allowing for some counter and storage space means that for non food retail the parking requirement is four spaces. If there is no allowance made for the counter/ storage space the requirement is for five spaces. This is very close to that provided without the need to park in tandem. Furthermore, the co-op and a veterinary practice near to the site have parking in tandem. With regard to the residential units, there appears to be two flats and one house existing, which will increase to five flats and two houses (this is not quite right as in fact there would be 1 house and 7 flats – including those existing in 146 Oxford Road), which is a difference of one house and three flats and a parking requirement of seven. This would bring the total required to eleven. The removal of the tandem element plus those to the rear would result in there being ten spaces available. It would appear possible for a further space to be provided at the rear. To put the parking for the commercial uses into further perspective, the level of facilities, although not determined as such, is quite close to the 'Type one accessibility characteristic', which would suggest an operational parking level only. The highway here is*

essentially one way with good intervisibility, traffic controls and calming. All of this leads the Officer to conclude that it would be unreasonable to recommend against this proposal and that it would not be sustainable at an appeal situation. Furthermore, the area at the front shown as parking is already used for this purpose.

5.20 Despite the error with the existing situation on site (the LHA did not consider that 146 is currently two flats, rather than one dwelling and so the calculation is out by one unit), the Highway Authority are very clear in that the parking provided is to an acceptable level and that should the application be refused on highway safety grounds, they would not be able to defend this argument at appeal. Cycle storage is also proposed to the rear. It is your Officers view therefore that the proposal is acceptable in highway safety terms. The comments of third parties in relation to this matter are noted and appreciated, however given the response of the Highway Authority, the SDPHE is satisfied that a careful consideration has been made and which demonstrates the acceptability of the scheme.

5.21 Other matters

The Council's Ecologist considers that there is unlikely to be any significant ecological implications from the demolition of the property. It is requested that the applicant and any contractors are made aware of the legislation relating to nesting birds and roosting bats. This has been compiled into a planning note along with the Ecologist's more detailed comments. The comments of the third parties are noted and have been addressed within this appraisal. The comments of the County Archaeologist and Thames Water are also noted.

5.22 The Council has adopted an SPG relating to the Sub Division of Buildings for Residential Use in February 2011, which relates to space standards and other factors that may have an impact on the street scene, such as bin storage and which is also relevant to the current proposal. The dwellings appear to be sufficient in size in terms of their internal accommodation. Bin storage is provided to the rear, although additional detail in terms of where commercial waste will be stored and collected has been requested. There is some outdoor amenity space including a patio area provided to the rear of the building and this is not shown to be specifically allocated to any unit, although would most closely relate to the dwelling. Due to the position of the site within the centre of Kidlington, where outdoor space and parks are within proximity, the provision of no specific amenity space is not considered to be unacceptable.

5.23 Conclusion

As can be seen, there are a number of concerns in terms of the impact upon neighbouring amenity, the eaves height and a number of issues to be clarified which have been raised with the agent for the application. He has verbally agreed to look into these matters and to submit amended plans prior to the committee meeting. However, should these matters be addressed, the proposal is considered to be acceptable and to comply with the above mentioned policies.

6. Recommendation
Approval; subject to the receipt of amended plans and the following conditions:
1. 1.4A (RC2) [Full permission: Duration limit (3 years)]

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents: application forms, design and access statement and drawing numbers 179610:1, 179610:2, 179610:6 **[insert here amended plan numbers when received and satisfactory]**
Reason: For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and to comply with PPS1: Delivering Sustainable Development
3. 2.2AA (RC4A) [Samples of walling materials] insert 'brick' 'building'
4. 2.2BB (RC4A) [Samples of roofing materials] insert 'tile' 'building'
5. 2.8A (RC4A) [Colouring: walls etc] insert 'render'
6. 2.9AA (RC6A) [Obscured glass windows] replace 'the' with 'any' (no insert in gap) 'north and south' add an 's' to 'elevation' add at end 'and shall be fixed shut unless any opening element is at least 1.7m above the floor level in the room in which it serves' **[this may be adapted depending upon the amended plans received]**
7. 2.10A (RC7A) [Floor levels] insert 'building'
8. 4.13CD (RC13BB) [Parking and manoeuvring area retained] after 'areas' insert 'and cycle areas' after 'vehicles' insert 'and bicycles'
9. 4.12AA (RC14AA) [.....Surface, laid out etc] insert 'access drive'
10. 3.7AA (RC12AA) [Submit boundary enclosure details] after 'the site' insert 'including the metal railing to the front of the site' delete after 'such means of enclosure' insert 'shall be erected prior to the first use of the building'
11. That full design details of any external lighting shall be submitted to and approved in writing by the Local Planning Authority prior to the installation of any such lighting. The lighting shall be installed in accordance with the approved details. (RC95A)
12. 6.15AA (RC40AA) [Use class (specified)] after first 'the' insert 'three retail' insert into gap 'A1'
13. No deliveries shall take place to or from the site before 08.00 hours or after 18.00 hours on any day.
Reason- To safeguard the residential amenities of existing and proposed residential properties and to comply with Policies C30 and ENV1 of the adopted Cherwell Local Plan.
14. That full design details of any proposed mechanical ventilation systems to be installed in the building shall be submitted to and approved in writing by the Local Planning Authority prior to the installation of any such equipment. The equipment shall be installed in accordance with the approved details.
Reason - To ensure the satisfactory appearance of the completed development, to safeguard the amenity of the occupants of the existing and proposed dwellings and to comply with Policies C28 and C30 of the adopted Cherwell Local Plan.
15. **Any other condition required by the Drainage Authority**

Planning note

1. X1 – Biodiversity/ protected species
2. The applicant is reminded of the law protecting roosting bats and nesting birds. The presence of these cannot be ruled out within the building and so the demolition of the roof should be done carefully and methodically with roof tiles preferably removed by hand. The Ecologist has also identified that there may be an opportunity to include some provisions for wildlife such as the provision of new planting with native species or the addition of bird boxes on the new building. If any trees or shrubs are required to be removed, this should be carried out outside of the bird breeding season.

3. The applicant is reminded that there may be the requirement for Advertisement Consent for any advertisements proposed to be installed for any of the three retail units. You are advised to check whether any such consent is required before the installation of any advertisements.
4. O1 – Archaeology
5. ZZ – Unsuspected contamination
6. S1 – Post permission changes
7. T1 –Third party interests
8. U1 – Construction sites

SUMMARY OF REASONS FOR THE GRANT OF PLANNING PERMISSION AND RELEVANT DEVELOPMENT PLAN POLICIES

The Council, as local planning authority, has determined this application in accordance with the development plan unless material considerations indicated otherwise. The development is considered to be acceptable on its planning merits as the proposal is considered to be acceptable in principle and pays proper regard to the character and appearance of the site and surrounding area. The proposal also has no undue adverse impact upon the residential amenities of neighbouring properties or highway safety. As such the proposal is in accordance with PPS1: Delivering Sustainable Development, PPS3: Housing, Policy BE1 of The South East Plan and Policies S28, ENV1, C28 and C30 of the adopted Cherwell Local Plan. For the reasons given above and having proper regard to all other matters raised the Council considered that the application should be approved and planning permission granted.

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