**Addendum to Item 10: 16/0005/FUL - Hybrid planning application for the phased comprehensive redevelopment of the land at South Oxhey (South Oxhey Central, Maylands Road, Hayling Road and Hallowes Crescent) to include the demolition of existing buildings and provision of residential led mixed use development comprising Use Classes C3, A1/A2/A3/A4/A5 and D1/D2, with associated site preparation/enabling works, transport infrastructure works, landscaping works and provision of car parking, at Land At South Oxhey Central, Maylands Road, Hayling Road And Hallowes Crescent**

As set out in the UPDATE (page 13 of the committee agenda), to ensure that Thrive Homes have a proper opportunity to comment on the planning application the Council asked the applicant to formally notify Thrive.

The Local Planning Authority has also separately notified Thrive regarding the planning application.

A response from Bircham Dyson Bell on behalf of Thrive Homes Limited dated 11 April 2016 was received by the Solicitor to the Council on 13 April 2016.

The correspondence has been circulated to Members of the Planning Committee. The purpose of this further Committee is to consider the planning application in the round, having regard to all material considerations (including the further correspondence received from Bircham Dyson Bell dated 11 April 2016). The reasoning behind the resolution to grant planning permission of 17 March 2016 is material, in the sense of the planning merits of the application proposals. The issues raised by Thrive Homes in the Bircham Dyson Bell letter are also material. A summary of the objections raised and an officer response is provided in the table below.

In short, officers do not consider that the further representations change the recommendation to grant planning permission or the proposed conditions and planning obligations which are recommended.

Summary of material planning objections received from Thrive Homes Limited and officer response

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| Objections (summary) | Officer Response |
| 1. **Affordable Housing** |  |
| Loss of affordable housing (AH). | 96 AH units are proposed which would re-provide the number of Social Rented properties currently on the main site. |
| AH mix and size does not reflect demand. | The application is accompanied by a Planning Statement which provides justification for the proposed housing mix and the Housing Department has raised no objection. The AH mix and size which would be secured as a condition of grant is broadly consistent with the current mix which would be lost as set out at paragraph 1.1 of the BDB letter dated 11 April 16 (39 1 x bed units existing, 41 proposed, 18 x 2 bed units existing, 37 proposed, 22 x 3 bed units existing, 16 proposed, 6 x 4 bed units existing, 2 proposed) and also the summary of current housing needs as set out at page 3 of the letter; “*.. the highest housing need being for 1 bedroom, followed by 2 bedroom and 3 bedroom properties. There is only a negligible need for 4 bedroom accommodation*” |
| Proposals should result in provision of 96 replacement AH, however, only details of 48 set out in application. No proposals for delivery of remaining 48 AH. | The development would re-provide 96 AH. 48 are included within the detailed element (satellite sites) and a further 48 within the outline element. A table with details of the size, type and location of all 96 AH dwellings is included at 7.3.18 (page 86) of the committee report and the on site provision of these dwellings would be secured by planning condition (Condition 08). That condition will ensure that no commencement of the development occurs until the LPA has approved the timing of the provision of all 96 AH dwellings and thereafter that the AH dwellings shall be provided in accordance with that approved scheme.  Members should be aware of the following:  Condition 08 would allow a gap between the decant of existing tenants and the provision of replacement affordable dwellings. The site as a whole could be vacated before any new homes are delivered. The first point for replacement affordable housing provision would be when more than 71 market homes are occupied. After this point, Condition 08 would then secure provision of 48 replacement affordable homes;  As such, officers recommend that Condition 08 is amended; so that all 48 units are delivered before any market occupation.  Whilst there is no certainty about the timing of the delivery of the remaining replacement affordable housing –i.e. because the phasing is not currently set and there is no way to force the completion of the scheme in its totality. Officers are of the of the view that the Council will have the opportunity when considering the discharge of Condition 08 to strike an appropriate balance between the timing of provision of market and affordable homes. |
| 18.7% AH is well below the 45% required by Policy CP4. There is no clear justification. | Policy CP4 requires 45% of new housing to be provided as AH unless viability demonstrates otherwise. As set out in the committee report, the application was accompanied by a viability appraisal providing financial justification for the proposal not providing 45%. This was subject to an independent viability assessment and found to be sound. Furthermore Policy CP4 makes it clear that “site circumstances” should be taken into account and as summarised at paragraph 7.25 of the Committee Report, the proposal is an opportunity for a substantial regeneration of the South Oxhey area in accordance with the requirements of Policies PSPS2 and CP1 of the Core Strategy (adopted October 2011) and Policy SA6 of the Site Allocations Local Development Document (adopted November 2014). The [proposals are considered to comply with CP4 and the overall balance of benefits is considered to outweigh the fact that the highest level of affordable provision is not being achieved. |
| Concerns regarding decant process. | The proposed scheme is to be phased and condition 08 seeks to front load the delivery of affordable housing as far as is practicable. 48 AH dwellings are to be provided early in the development process and in any event prior to the occupation of 71 market dwellings. |
| 1. **Residential Amenity** |  |
| **Parcel 1A** |  |
| 9 out of 220 habitable windows fall below BRE targets for VSC. Impact not comprehensively addressed. Mitigation should be secured via conditions. | Addressed at paragraph 7.6.13 (page 102) of the committee report. The windows in question would achieve VSC levels of 24% - 26%. Whilst this is noted, the levels are only minimally under the recommended 27%. Furthermore the detailed sunpath study demonstrates that Erskine House would only be shaded by the proposed Parcel 1A buildings up until 9am (at the Spring equinox), with shadows then moving northwards as a result of the predominantly north south design of the development. |
| Landscaping is welcomed but should be agreed between TRDC, Countryside and Thrive. | Landscaping details will be considered and agreed by the LPA in association with the Council’s Landscape Officer. |
| Impact of temporary car park (noise and pollution) on residents of Filton House. | The temporary car park would be to the eastern element of Henbury Gardens and would not extend across the frontage of Filton House, reducing the impact on occupiers of this building. It is acknowledged that there would be some increase in disturbance for existing residents adjacent to the temporary car park, however, this would be for a temporary period and not of such scale to result in demonstrable harm to justify the refusal of planning permission. Condition O35 requires the restoration of temporary car park. |
| 1. **Hallowes Crescent** |  |
| Three storey building will overlook habitable rooms in a number of Thrive’s flats. | As set out at paragraph 7.6.67 (page 109) of the committee report, habitable windows in the western flank of the southern block would be obscure glazed at first and second floor level. |
| No private amenity space for ground floor 3 bed units. | Addressed at paragraph 7.6.73 (page 110) of the committee report. Ground floor units would have a strip of amenity space to the road frontage. The shortfall against standards is acknowledged, however, given the site circumstances including proximity to public open space, no objection is raised. |
| Central bin store requires significant travel distance by occupiers. | A central communal bin store is not uncommon for a development of this nature and the location is considered appropriate. |
| Noise and disturbance from bike store abutting 5 Ashburnham Close. | The bike store would be enclosed, with its openings facing away from 5 Ashburnham Close such that it is not considered that its use would result in demonstrable harm to neighbouring amenity. |
| 1. **Maylands Road** |  |
| Overlooking of 29 Ballater Close. | Impact on amenity addressed from 7.6.30 (page 104) of the committee report. Paragraphs 7.6.33; 7.6.35; 7.6.37; 7.6.39 all consider impact on occupiers of 29 Ballater Close. |
| 6 x 3 bedroom units with no private open space. | Addressed at paragraphs 7.6.47 – 7.6.48 (page 106) of the committee report. The ground floor units would each have a small strip of private space with access to a communal amenity space. On balance the provision is considered acceptable. |
| Central bin store requires significant travel distance by occupiers. | A central communal bin store is not uncommon for a development of this nature and the location is considered appropriate. |
| Concerns that tree removal could result in subsidence. | The Landscape Officer has raised no objection subject to conditions. The grant of planning permission would not overcome the requirement to comply with other legislation eg. Building Regulations or civil requirements. An advisory informative could be added. |
| 1. **Parcels 1B and 1D** |  |
| Concern that 5, 6 and 7 storey elements will appear oppressive, affecting quality of life. | Addressed from paragraph 7.6.4 (page 100) of the committee report onwards. As noted at paragraph 7.6.15, the Daylight / Sunlight and Overshadowing Assessment and Additional Information suggests that the impact of the proposal on surrounding properties in terms of overdominance and loss of light, whilst potentially noticeable, would not be so significant as to warrant refusal of the application. It should also be noted that these elements are in outline at this stage with a further detailed application to follow. |

Summary

In summary, there was detailed consideration of an issues report at the Planning Committee meeting on 25 February 2016. An updated report was considered by Members at the Planning Committee on 17 March 2016 where it was approved subject to conditions and the completion of a Section 106 Agreement.

The comments and objections received on behalf of Thrive Homes Limited are noted and a summary response to the objections has been provided above. The objections raised are largely considered to have been addressed in detail in the committee report considered by Members on 17 March 2016 and a response to all objections, including to any new objections is provided above.

Whilst the representations are noted, they are not considered to alter the officer recommendation for approval.

Officers would reiterate the summary at paragraph 7.25 (page 138) of the committee report. Whilst some individual elements of the proposal, taken in isolation, do not fully accord with TRDC policy or standards, the proposal requires assessment as a whole and the assessment against compliance with the development plan is against the plan policies as a whole. Any shortfalls must be viewed in this context. Overall the proposal is an opportunity for a substantial uplift of the South Oxhey area in accordance with the requirements of Policies PSPS2 and CP1 of the Core Strategy (adopted October 2011) and Policy SA6 of the Site Allocations Local Development Document (adopted November 2014).