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APPLICATION BY CHURCHILL RETIREMENT LIVING FOR FULL PLANNING PERMISSION FOR THE DEMOLITION OF THE EXISTING BUILDINGS AND THE DEVELOPMENT OF THE SITE TO FORM 45 SHELTERED APARTMENTS FOR THE ELDERLY INCLUDING COMMUNAL FACILITIES (CATEGORY II TYPE ACCOMMODATION), ACCESS, CAR PARKING AND LANDSCAPING TOGETHER WITH A POLICE COUNTER AT THAME POLICE STATION, GREYHOUND LANE, THAME, OXFORDSHIRE.

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## **REPORT TO THAME TOWN COUNCIL**

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APRIL 2014

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## **1.0 Purpose of the Report**

1.1 This Report has been prepared to assist Thame Town Councillors in their consideration of the application (P14/S0880/FUL) submitted by Churchill Retirement Living for planning permission for:

*'Development to form 45 sheltered apartments for the elderly including communal facilities (Category II type accommodation), access, car parking and landscaping and a police counter'*

at Thame Police Station in Greyhound Lane.

1.2 The Report is not intended to provide any specific recommendations, rather the purpose is to consolidate and provide commentary on the information submitted with the application and the issues that arise therefrom, identifying a series of questions and factors that Councillors may wish to consider when assessing each issue raised by the application. However, given that Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets a statutory obligation for the Local Planning Authority to determine planning applications in accordance with the Development Plan unless material considerations indicate otherwise, reference is necessarily made to the relationship of the proposals with Development Plan policy, and other material considerations.

1.3 Accordingly, the Report is structured as follows:

- The Site and Surrounding Area
- The Proposals
- Policy Context (summary)
- Key Planning Considerations

## **2.0 The Site and Surrounding Area**

- 2.1 The site is located on the southern side of North Street, at its junction with Greyhound Lane, and extends to an area of approximately 0.32 hectares. Located in the northern section of the site, with a frontage to both North Street and Greyhound Lane, is the Police Station, a two-storey building dating from the early 1990's. The building, which incorporates a mixture of brick and render to the external elevations under a pitched, tiled roof to a height of (on average) 10.8m, incorporates an 'L-shape' plan form with a lower (two-storey) secondary wing projecting eastwards from the south elevation of the building.
- 2.2 The remainder of the site, to the south and east of the building and within the courtyard section formed by the 'L-shape' plan form, is mainly laid to hardstanding and used for parking in connection with the existing use. The site has a relatively open frontage to North Street and Greyhound Lane, from which the existing building sits partially elevated, with a 1.8m high brick wall along its southern and eastern edge.
- 2.3 To the south and east the site is adjoined by the Waitrose Superstore and associated parking, albeit directly to the east, and contiguous with part of the boundary of the site, is 39 North Street, a detached residential dwelling. On the northern side of North Street, opposite the site, are a series of bungalows with, to the west, residential dwellings including the Grade II Listed, 9 Bell Lane.
- 2.4 For planning policy purposes the site is located in the Thame Conservation Area and also falls within the defined Town Centre.

### **3.0 The Proposal**

- 3.1 As set out in the Planning Statement accompanying the application, the proposal would involve the demolition of all existing buildings on the site and its re-development to form 45 sheltered apartments for the elderly with communal facilities, access, car parking, landscaping and a police counter.
- 3.2 Full details of the proposal are set out in the various plans submitted with the application. As set out therein, the proposed building would be a broadly 'L-shape' in plan form, with a circa 50m frontage westwards to Greyhound Lane and a similar scale frontage to the south (towards the Waitrose Store). A 'wing' of the building would also extend eastwards from the northern 'arm', fronting on to North Street, with an overall frontage to the north of 25.0m. A centralised 'drive through' would be provided off Greyhound Lane, linking to a rear parking courtyard that would provide parking for 14 vehicles. Remaining areas would generally be soft landscaped.
- 3.3 The building, whilst of a more extensive footprint than the existing Police Station, would be of a broadly comparable height to the existing structure, save for a focal element at the junction of North Street with Greyhound Lane, which would be some 0.8m higher. Residential accommodation, comprising 14 two-bedroom apartments and 31 one-bedroom apartments, would be contained over three floors, with the third floor generally half-set within the roof of the building - which would, for the most part, be double pitched with a central flat roof section.
- 3.4 Elevationally, the largely horizontal plan form of the building has been afforded some verticality through the use of stepped sections, varying design forms, and a range of eaves lines. The building would be of predominantly brick construction with rendered sections under a pitched, tiled roof, albeit a focal building is proposed at the junction of North Street with Greyhound Lane that would incorporate a mixed palette of brickwork, parapet roof detail and fully hipped, slate roof.

## 4.0 Planning Policy Context

4.1 The principal planning policy context is set by the following:

- Development Plan:
  - Saved policies of the South Oxfordshire Local Plan 2011 (SOLP)
  - South Oxfordshire Core Strategy (2012) (SOCS)
  - Thame Neighbourhood Plan (2013) (TNP)
  
- Supplementary Planning Documents
  - South Oxfordshire Design Guide
  
- National Planning Policy Framework

4.2 The above list is not intended to be exhaustive, nor is it proposed to review relevant policies as part of this Report. However, where appropriate, cross-referencing to such policy documents will be incorporated in to the commentary at Section 5.0

## 5.0 Key Planning Considerations

5.1 This Section of the Report highlights the key planning issues connected with the proposals, providing commentary on each with reference to relevant Planning Policy and the information submitted with the application. The key issues are identified as:

- Principle of the Development
- Demolition and Impact on the character and appearance of the Conservation Area
- Impact on Residential Amenity
- Quality of living environment
- Affordable Housing
- Highways, Access and Parking
- Other Matters

5.2 These issues are considered in turn below.

### ***Principle of the Development***

5.3 In general terms the housing policies of both the SOLP and TNP accept the principle of additional 'windfall' development in the built-up area of Thame, subject to compliance with other related policies of the Development Plan.

5.4 Of key relevance in this respect are Policies E6 of the SOLP and WS12 of the TNP that seek to protect employment sites. In this regard, whilst the existing use of the building as a Police Station falls outside of a 'B-Class' use<sup>1</sup> (which typically describes an employment activity), the District Council advised the applicant at pre-application stage that a Police Station was considered an employment use to which the requirements of Policy E6 of the SOLP and WS12 of the TNP would apply.

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<sup>1</sup> The existing use being Sui Generis (i.e. outside of any defined Use Class)

- 5.5 Collectively these policies require that, for a non-employment use of redundant land or buildings formerly in employment use to be acceptable, it should be demonstrated through the marketing of the premises for at least a year that the existing use is no longer economically viable.
- 5.6 Whilst marketing of the site is thus a critical component of demonstrating compliance with policy it should be noted, in the first instance, that the policy relates only to **redundant** land or buildings. The information contained in the application clearly demonstrates that the building/site is neither redundant nor vacant and, that being so, it follows that the tests of the related Development Plan policy are inconsequential. Indeed, support for this view can be found in the appeal decision (September 2013) at the site of Diagnostic Reagents on the Chinnor Road where the Inspector concluded that lack of redundancy meant support could not be drawn from the related Development Plan policy - i.e. that it was clearly contrary to policy.
- 5.7 Furthermore, even if the test of redundancy were to be met (such that the principles of the related policies apply) it is necessary to consider whether the marketing has been sufficient and appropriate to demonstrate that an employment use is no longer economically viable. In this respect, the various statements submitted with the application do not detail when the marketing of the premises commenced, albeit the submitted brochure from agents Lambert Smith Hampton is dated January 2014 and this accords with the time that the marketing board was also erected on site. It seems reasonable, therefore, to conclude that it was at this point that the marketing of the site commenced. That being so, the period of marketing (notwithstanding the outcome of such over the first three months reported in the application, and which indicate limited interest from the commercial sector) has been significantly less than that required by Development Plan policy.
- 5.8 Furthermore, it is highly material to note that the applicant commenced pre-application discussions with the District Council in April 2013, with a view to redeveloping the site for elderly persons accommodation. In this context, the details contained on the Title documents for the site and held by the Land Registry



demonstrate that an agreement to purchase the site was signed between The Police and Crime Commissioner for Thames Valley and Churchill Retirement Living in November 2013, prior to the commencement of marketing. This, combined with the fact that inquiries of Lambert Smith Hampton indicate they are instructed by Churchill Retirement Living (who are not the freehold entity who are able to either sell or lease the premises) provides a clear indication of a limited intent, willingness or ability to robustly market, or deliver, a commercial use of the site. In short, and notwithstanding the fact that marketing has, at present, been less than the period required by Development Plan policy, the validity and robustness of the marketing that has been undertaken is highly questionable.

5.9 For the reasons, it would be difficult to conclude anything other than that the proposals would be contrary to the related employment policies of the Development Plan.

5.10 That, of itself, does not necessarily point to the unacceptability of the principle of the development, and Councillors will need to consider whether there are any other material considerations that outweigh the loss of the use. Indeed, as it relates specifically to issues of employment, the statement accompanying the application highlights a number of other factors<sup>2</sup> including:

- That the effect of the development on the employment land market will be neutral as police stations are not included in any employment land forecasts;
- That the employment land target across the District should be reduced to 18 hectares and with 283 hectares of sites with such potential, the loss of the police station site will not be significant;
- That larger centres (Oxford, Reading and Abingdon) are likely to 'soak up' any employment demand; and

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<sup>2</sup> noting that these are being 'promoted' by the applicant.

- That a scheme of sheltered housing development will bring with it other related economic benefits to the area.

5.11 In addition, regard should be had to the sustainable location of the site and the level of need for such forms of accommodation in Thame. Councillors should, then, balance these factors that weigh in support of the scheme with the evident conflict with Development Plan policy and reach a view as to whether these other material considerations are sufficient to outweigh that conflict. Such exercise will determine the acceptability, in principle of the proposed development.

***Demolition and the Impact on the character and appearance of the Conservation Area***

5.12 Whilst the site is located in the Conservation Area, the existing building dates from the early 1990's and, to that extent, affords a negligible contribution to the special interest of this part of the Conservation Area. That being so, whilst Councillors should give consideration to the value of the existing building in physical terms, it would be difficult to justify an objection to the demolition of the building on Conservation Area grounds.

5.13 That being so, and recognising that the judgements are necessarily subjective, consideration should be given to the following questions and issues;

- Whether, notwithstanding the fact that the height of the proposed building is not materially different to the existing structure, the increase in scale, mass and bulk of the proposed development would be appropriate and could be satisfactorily accommodated on the site whilst preserving the character of the Conservation Area;
- Whether the additional mass and depth of two and three-storey development on the North Street frontage would be appropriate and would respect the scale and character of surrounding development and wider street scene;

- Whether the design and form of the proposed building appropriately respects, and reinforces, the distinctive design qualities of Thame;
- Whether the proposed external materials and the detailing of the building, including fenestration, doors and rainwater goods, are of an appropriate quality and respects the surroundings.
- Whether the hard and soft landscaping proposals for the site appropriate and sufficient.
- Whether the design and layout of the proposals takes full account of the opportunities presented by the site, to the extent that appropriate improvements would be made to the character and quality of the area?

5.14 The various documentation submitted in support of the application, along with the Heritage Assessment, makes the case that the proposals would be of an appropriate quality and preserve the character and appearance of the Conservation Area. However, these matters are inherently subjective and, as such, Councillors should consider the proposals having regard to the above questions and other related factors.

***Impact on Residential Amenity***

5.15 As noted previously, the site is directly adjoined to the east by existing residential development (39 North Street), with additional residential to the north and west of the site, albeit separated therefrom by North Street, Bell Lane and Greyhound Lane. In analysing and assessing the effect of the proposed development on the amenities of the occupiers of these dwellings it is important in the first instance to recognise that the existing building and related uses/activities will have an impact (to varying degrees) on residential amenity, such that it is necessary to consider whether this would be materially worsened by the proposals.

## 39 North Street

- 5.16 39 North Street is orientated perpendicular to the road, with garden area extending to the rear (west), the southern and western boundaries of which are contiguous with the application site boundary. The existing building on the site is located directly to the west of the rear garden of No 39 and, whilst (at this point) the proposed building would be closer to the boundary with No 39 and of a greater mass and bulk, Councillors should give consideration as to whether the physical presence of the building at this point would materially detract from the amenities of No 39 by reason of appearing overbearing.
- 5.17 The southern section of the site is currently largely undeveloped with either buildings or structure. As part of the development it is proposed to erect a two/three storey building for the majority of the depth of this part of the site. From the rear of No 39 and its associated garden area, the aspect to the south is currently open, with the Waitrose building evident but located some distance further to the south. The proposed building would clearly be more apparent from the rear of No 39 and Councillors should consider whether the scale and proximity of the building (given that this part of the proposed building would be 10.0m from the shared boundary at its nearest) would appear oppressive or overbearing to the detriment of amenity.
- 5.18 In addition, regard should be had to the position of window openings in the north and east facing elevations of the proposed building and the scope they may provide for overlooking of the garden of 39 North Street. It should be noted, in this respect, that the proposed building is orientated such that it would not afford views (at close distance) of the principal area of amenity space to the immediate rear of No 39, rather any views that are available would be towards the rearmost part of the garden, with windows positioned at least 10.0m from this boundary.
- 5.19 In addition, the proposed parking area would be located to the rear of the building towards the boundary with 39 North Street. Whilst consideration should be given to the affect that related vehicle movements may have on the peaceful enjoyment of the

garden, it should be recognised that the situation would be materially improved by comparison with the existing arrangement and, of course, the proximity to North Street is such that noise disturbance to that garden area is likely to already be greater.

- 5.20 Councillors should also note that it is proposed to install Air Source Heat Pump units towards the boundary with No 39 which may give rise to an alternative source and nature of noise and disturbance.

#### Meadow Way

- 5.21 2 Meadow Way, a detached bungalow, is located to the north of the site, on the opposite side of North Street. Whilst the relationship of the proposed building to this property is within normally accepted tolerances, Councillors should give consideration to whether any material and unacceptable overlooking of this property would arise from the proposed development.

#### Bell Lane

- 5.22 As with 2 Meadow Way, the properties in Bell Lane to the west of the site are sited such that the proposed building would be sufficiently distant from these properties as to comply with normally accepted standards. Nevertheless, and as with 2 Meadow Way, consideration should be given to the acceptability of this relationship.

#### ***Quality of Living Environment for Future Occupiers***

- 5.23 Having regard to the advice in the National Planning Policy Framework and related policies in the Development Plan, it is appropriate to consider and assess whether a reasonable quality living environment would be provided for future occupiers of the units. In this regard, there are a number of factors to be considered, including:

- Whether the predominance of units with a single aspect only creates an appropriate quality internal living environment;

- Whether sufficient levels of amenity space (including the communal lounge) are provided for future occupiers;
- Whether the relationship with surrounding land uses, particularly the Waitrose Store and associated car park and access road, is such that these uses do not intrude on the quality of living environment created in terms of privacy and noise and disturbance;
- Whether, and taking account of their single aspect, the south-facing units at ground floor level in the southern wing of the building would have an appropriate outlook given that this would be on to a retaining wall up to 1.5m high with the access road to Waitrose a further 0.5m higher and with a 0.9m high wall along the boundary with the access road;
- Whether the Air Source Heat Pump units would have an adverse impact on amenity.

5.24 Councillors should consider the above issues in assessing and determining whether an appropriate quality environment is created, having regard to the advice in the South Oxfordshire Design Guide.

### ***Affordable Housing***

5.25 The application is accompanied by an Affordable Housing Statement that recognises that the quantum of proposed development exceeds the Policy threshold for the provision of affordable housing. However, it is the applicant's case (with reference to a number of other examples and appeal decisions) that the provision of affordable housing on-site would be both inappropriate and impractical. In particular, the applicant contends that the size of the site is simply too small to accommodate separate affordable and private sheltered accommodation leading to management

- difficulties and excessive communal charges, and that, by virtue of its limited size, the relationship would give rise to animosity and resentment amongst residents. Whilst these factors are acknowledged and recognised, and may well lead to the same conclusion, there is no evidence to suggest that this has been explored in any great detail on this site, rather (from the applicant's perspective) that the approach and outcome is known irrespective of site specific considerations.
- 5.26 That being so, the applicant is, instead, proposing a financial contribution towards the provision of affordable housing elsewhere. At this stage, the formula and framework for determining the level of contribution has not been agreed, nor has the applicant indicated a suggested sum based on their preferred formula/framework for determining such. Nevertheless, in the event that Councillors are content that the evidence proves that on-site provision is not appropriate or deliverable, it would be appropriate to ensure (in the event that there are no other planning matters outstanding) that such contribution delivers affordable housing in Thame. To that extent, and having regard to existing provision of affordable sheltered accommodation in the town (which numbers 199 units spread across 8 sites) it would be appropriate for the applicant to demonstrate how and where such could be provided. At this stage, however, there appears to be no evidence of discussions with existing providers of affordable sheltered accommodation demonstrating how this could be delivered on existing sites, or if new sites are required to be purchased off the open market, how these will realistically be delivered.
- 5.27 Nevertheless, as set out above, Councillors should first consider whether the evidence and information is sufficient to justify the lack of on-site affordable provision and thus a financial contribution towards off-site provision.

***Highways, Access and Parking***

- 5.28 The application is accompanied by a detailed Transport Statement that considers the full range of issues connected with the development, including access arrangements, traffic generation/conditions, accessibility, travel demands, parking requirements,

public transport and sustainable travel. As part of the normal processing of the planning application the Statement will be subject to assessment by the County Council and, as such, specialist input will be provided at this level. Nevertheless, the following paragraphs identify some of the key factors outlined in the Statement.

5.29 As shown on the site plan, the proposed development would be served by 14 parking spaces (with two additional spaces serving the police counter). Information submitted within the Transport Statement indicates that the overall level of parking provision (0.31 spaces per unit) would be consistent with other comparable developments undertaken by the applicant, and that (with a legal restriction on the age of occupancy of a minimum of 60 years old) this level of provision would be appropriate to meet (in full) the parking demands arising from the development. Whilst such matters, and the evidence underpinning such, will be reviewed in full by the County Highway Authority, this evidence, combined with the sustainable, central location of the site, indicates that appropriate levels of parking provision are being made on-site. Whilst the sufficiency of such is a matter for Councillors to consider, there would need to be good evidence to prove that the level of parking is insufficient and that, if it is, that this gives rise to other parking and related highway safety issues.

5.30 Similarly, the Transport Statement considers and assesses the level of traffic generated by the proposed development and concludes that this would be no greater than (and in fact less than) the existing situation. That being so it is unlikely that the proposals would give rise to any highway capacity issues.

***Other Matters:***

5.31 A range of other issues are considered and assessed in the various documentation submitted with the application, including:

- Trees and Landscaping;
- Archaeology;
- Site Conditions;



- Ecology; and
- Flood Risk.

5.32 There are no significant issues or constraints raised in respect of these matters with any recommendations contained in the accompanying reports capable of resolution via planning conditions.

## **6.0 Concluding Remarks**

- 6.1 This Report reviews and summarises the information submitted by Churchill Retirement Living in respect of an application for the demolition of all existing buildings on the site and its re-development to form 45 sheltered apartments for the elderly with communal facilities, access, car parking, landscaping and a police counter, at Thame Police Station, Greyhound Lane, Thame, Oxfordshire. The report outlines the proposed scheme, identifies the key planning issues and highlights relevant Development Plan policies and other material considerations to assist Councillors when assessing the planning application. Where appropriate, commentary on the key issues has been incorporated to enable full assessment of the issues at the forthcoming Town Council meeting.