

Full Council

Date: **9 February 2021****Title:** **DAF Trucks Ltd Kingsmead Business Park Thame OX9 3FB****Contact Officer:** **Graeme Markland, Neighbourhood Plan Continuity Officer****Background**

1. Members will recall that this site is identified as an employment area within the made Thame Neighbourhood Plan (TNP). The applicant secured two prior approval applications for the former DAF training and headquarters office building for 45 flats. A later hybrid application seeking outline permission for up to 129 dwellings, 1,511 sq. m. of office space and full planning permission for a 68-bed care home in C2 use was refused permission by the District Council in February of 2019. A subsequent appeal granted permission on 27 March 2020. The Town Council challenged this permission through the High Court and the trial was held on 20 January 2021. The decision is awaited.
2. The bulk of this report has, therefore, been written as if the outline permission granted through appeal stands. Should the Judge decide that permission should be repealed, both it and this reserved matters application will be rendered void. The recommendation at the bottom of this report has been phrased accordingly.
3. The District Council adopted the Local Plan 2035 (LP) on 10 December 2020. Notwithstanding the legal challenge to that adoption, this report has been written with reference to the policies and objectives of that plan, and those of the TNP. Most of the policies of the TNP continue to carry significant weight.

Proposed Development

4. Application P20/S4801/RM is seeking to provide the reserved matters details for the outline "up to" 129 dwellings of the outline permission, only, on a site of around 3.52 hectares. It aims to provide the following dwelling and tenure mix:
 1. Two-storey market housing consisting of:
 - 27 x 2-bedroom houses;
 - 56 x 3-bedroom houses;
 - 12 x 4-bedroom houses; and
 - 3 x 2-bedroom apartments across three storeys
 2. Two-storey affordable housing consisting of:
 - 9 x 2-bedroom houses;
 - 6 x 3-bedroom houses; and
 - 6 x 1-bedroom and 7 x 2-bedroom houses across three storeys.
5. In terms of car parking, 193 car parking spaces are allocated to housing plot and a further 4, allocated within garages. A further 81 spaces will be provided across the rest of the site without specific allocation.
6. A total of 0.32 hectares of public open space will be provided across the whole of the application site.

Discussion

7. **Employment loss.** This application covers an area of 3.52 hectares of land of which at least 3.1 are protected for employment use through TNP Policy WS12. It is expected that before sites are released for other uses, they will be advertised for alternative employment use within Classes B1, B2, B8, at a reasonable price for at least one year; and that following that, they should also be considered for other suitable employment or service trade uses.
8. The LP seeks through Policy EMP3 to protect and retain existing employment land to ensure a healthy mix of employment and service provision is retained. The policy is similar to WS12 in its scope and aims.
9. The marketing of the whole site was at the heart of the Town Council's challenge in the High Court. For the purpose of this report, it will be assumed that the appeal decision is valid and the principle of residential use on this site established through hybrid application P18/S3143/O.
10. The land set aside for the new office space (outside of this application area) appears to have been reduced. It is possible that the delivery of the proposed 1,511 square metres of floorspace will be compromised if the site cannot be adequately served in terms of parking, bin storage, etc. and this would be contrary to LP Policy EMP3.
11. **Design.** Within the applicant's Design and Access Statement it is claimed the scheme has been designed using the Building for a Healthy Life design code, which was supported by Homes England and the NHS and adopted in July 2020 as best practice for designing healthier neighbourhoods. This aims, among other matters, to encourage active travel and to create a place that is memorable. The Statement meets Policy ESDQ19 of the TNP in providing sufficient detail to allow the proposal to be fully understood.
12. The overall design approach in terms of access has been to provide one main circular route around the site, with narrower feeder roads off that. This, together with the design technique of continuing pavement materials across junctions, suggests greater levels of pedestrian priority to road users in those subordinate areas. The main route itself is only paved on the outer edge and this, together with tight 90 degree turns, is suggested as a method of slowing speeds to 20mph or below. This approach is considered to comply with TNP Policy ESDQ23 in giving equal emphasis to all modes of transport, designing to 20mph vehicle speeds, and in designing quieter streets to encourage social interaction.
13. The physical form of the development is split into three design styles (see character areas plan, 04176-BEL-TV-08.pdf). The first is seen at the entrance to the site. Known as The Pavilion, it seeks to tie in the design and materials from the dementia care unit on the south east of the site, which has full planning permission, with the office and apartment blocks in the east. Features such as quoins on the corners of buildings, splayed brick headers above windows and doors and circular design features on gables are intended to form a common theme across the three uses. This area will have the only 3-storey buildings on the whole site.
14. The second is an area known as The Street. This will be led by Edwardian/Victorian inspired forms, with formal brickwork details, reconstituted stone cills with white soffits. Tile-hung elevations will be used to link the houses at the junction with the final design form, The Lane. In that area, lighter brickwork with softer finishes and contrasting colour details will sit with earth-coloured elevations formed from tile hangings, with featured tiles in bands. There will

be some rendered elevations and soffits, windows and porches will provide a common theme.

15. The Design & Access Statement declares that some inspiration for the above areas has been drawn from nearby streets such as Pickenfield and Hampden Gardens (safe, visible parking areas), Cotmore Gardens (simple renders and casement windows) and Thame Park and Chinnor Roads (diverse facing materials, strong detailing and chimneys). This is the least convincing part of the Statement and does not necessarily prove that development is showing compliance with TNP Policy ESDQ16, in responding well to fit its surroundings, or LP DES2: Enhancing Local Character.
16. In terms of density, the net site area has been calculated as being approximately 3.1 hectares in size. This gives rise to a density of 41.6 dwellings per hectare. The requirement within the TNP is for 25 dwellings per hectare (net), but this has been superseded by the standard that has emerged through the LP. The density requirement through Policy STRAT5: Residential Densities is for "more than" 45 dwellings per hectare (net) unless there is a clear conflict with delivering a high-quality design or other clearly justified planning reasons. It appears that the development does not meet the minimum requirement. No justification has been given for this within the application pack.
17. In spite of not meeting the new, higher density criteria, the site could not be described as anything other than cramped in places. For example, the adopted minimum standard of 25 metres between houses (back to back) cannot always be achieved, leading to a compromise agreed with the District Council of 21 metres. Wider gardens have been provided to offer some compensation for the shorter length. There appear to be very few opportunities for street trees across the whole development.
18. Individually, the plans show parking and bin storage areas, where appropriate, and sufficient detail on rainwater goods and soffits, etc. Cupboards for utility meters are absent, however, and their casual placement often harms otherwise attractive elevations. Their absence means the scheme does not fully comply with TNP Policy ESDQ27 in designing in the frequently forgotten elements of developments.
19. **Highways.** It is claimed that the County's parking standards would be met (278 spaces for an identified need of 277). Most are allocated although those serving the affordable homes are not. This could be because the allocation practices of the relevant housing association are unknown. Regardless, the design of the parking areas mostly fits the development well and meets the criteria of TNP Policy ESDQ29. The development may not be in full compliance with LP Policy TRANS5, however, in not providing for disabled parking bays. It is unknown if they would be required for use connected with the fully wheelchair compliant properties.
20. In terms of bicycle parking, all one-bed properties will have a single parking space, and all other properties, two. Provision will either be made within garden stores or garages, which have been specifically made larger to store bicycles (3m x 6m). The flats will have dedicated, secure bicycle storage available and will also benefit from bicycle parking stands for use by visitors.
21. Each dwelling is proposed to have a single electric power point (13A) "suitable for a fast charger to be installed" (page 38 of the Design & Access Statement). A 13A supply is believed to be incompatible with rapid chargers and this matter will need further investigation. It is stated that 10% of the unallocated spaces will have rapid EV chargers installed next to them. It is not clear if this includes the parking set aside to serve the affordable housing areas. Together, these may be considered inadequate for the purposes of meeting LP Policy

TRANS5, part of which looks for the provision of facilities that support the take up electric and / or low-emission vehicles.

22. It is claimed within the Design and Access Statement (page 8) that the site benefits from a bus service that is “an extensive local and regional network (that) operates within the local vicinity of the site”. This is, of course, an exaggeration. It is likely, however, that the provision of the homes would reinforce existing provision and add to the likelihood of services expanding in future.
23. The site benefits from its proximity to the Phoenix Trail, part of National Cycle Route 57. Two immediate points of entry are proposed onto the Trail and provide an efficient route to the Town Centre, just over 1.5 km away, the Town’s Southern Road Recreation Area, the Cuttlebrook Nature Reserve, schools, and multiple places of work. Pedestrian access in the north west of the site would be opened again and would link the site and the Phoenix Trail to Pickenfield, Hunt Road and Towersey Road. The scheme’s location and convenient links make it compliant with TNP Policy GA2 and LP Policies TRANS2 and TRANS5 in terms of providing safe routes that enable active travel links to other facilities and in providing secure cycle parking.
24. Members may wish to consider the representation from the CPRE, which suggests the development would represent an opportunity to reopen public footpath 13, which links the Phoenix Trail and Howland Road to Cotmore Field and Cotmore Gardens.
25. **Affordable housing.** The provision is 28 homes, which is 22% of the total dwellings offered. Policy within the LP (H9) and the objective and and Policy within the TNP (H8) look for 40%. This application is, however, reacting to the Outline application which is covered by a S106 agreement that only requires 22%. This is due to the previous applicant’s use of vacant building credit, whereby they are rewarded for demolishing a vacant building by subtracting the gross demolished floorspace against what is being provided as new. This is a national policy and, it is believed, cannot be overridden, even by a newly adopted Local Plan that is accompanied by an evidence base proving all sites in South Oxfordshire could deliver at least 40%.
26. As required by Policy H11: Housing Mix of the LP, all of the affordable housing units will meet the minimum accessibility standards and be capable of further adaption to allow for the changing needs of its occupants. Four of the affordable apartments would also be fully wheelchair-accessible, in excess of the 5% required within Policy H11.
27. **Housing mix.** The outline permission has a condition requiring a Thame-specific mix of housing be provided. Discussions with the District and Thame Town Council led to fewer 4-bedroom properties being proposed, with gains in 1, 2 and 3 bedroom houses. Overall, 43% of homes have 1 or 2 bedrooms, with another 48% being 3-bedroom, leaving 9% of the units as having 4 bedrooms. This is believed compatible with TNP Policies H9 and H10, in providing a mix of market and affordable homes.
28. **Open Space.** It is claimed that the proposal would yield 0.32 hectare of public open space. Most of this is contained within the central open space area. This is shown as being a Local Equipped Area for Play (LEAP) and is claimed to offer a safe space for parents and children to relax. It is prominently, although perhaps incongruously, sited near the site entrance with the main loop road on three sides. The main play area is surrounded by a 1.2m high fence and a circuitous path. On three sides are unallocated parking spaces for 14 cars. The fenced LEAP area is relatively small and may not make best use of the area available.

Across the site as a whole, there are no practical casual areas for play suitable for older children. The proximity of parked cars to the small areas available for casual play may not lead to happy outcomes.

29. Two other areas are sited in the north east and north western corners, respectively. The former has been designed to act as a gateway to the development for pedestrians arriving from the footpath that serves Pickenfield, linking to Towersey Road. The area will be maintained as informal planted lawn with seating. The north-eastern open space will link to Howland Road, be planted with wildflowers and have some trim trail equipment to serve as a Local Area for Play (LAP). This does appear to be using a convenient space, rather than providing the most suitable solution for the LAP. Both areas will use a mix of existing trees and hedgerow and newly-planted trees to provide interest and shade.

30. Other improvements will be made to the Phoenix Trail, mostly to help with ecology and biodiversity; it is not formal open space and is not covered in this section.

31. Ecology and biodiversity. The application is accompanied by an Ecological Appraisal report (December 2020). Within this, existing features of biodiversity are noted. Surveys of the site have been carried out in 2013, 2014, 2017 and again in August 2020. It is claimed that most of the habitat types (grassland and amenity areas, etc.) are of negligible importance. Features of note include the more mature trees on site, including the woodland belts. Three tree belts are identified, the major one on the western flank, a second to the south of the site adjacent to the Phoenix Trail and a third, further to the west along the Phoenix Trail, away from the development.

32. Policy ENV2: Biodiversity – Designated Sites, Priority Habitats and Species of the Local Plan 2035 has significance for this application. The western woodland belt is identified as a Priority Habitat but the report states that, as it was planted with mostly non-native trees to act as a screen on top of a bund as part of the DAF site, it should not have been recorded as such. It is proposed that this long strip of woodland be removed and replaced with native tree and shrub species. LP Policy ENV2 seeks protection for Priority Habitat and it is likely that the District's Landscape / Tree Officers will look carefully at this proposal to replace this strip. The other two belts, adjacent to the Phoenix Trail, are marked as having priority habitat potential. It has been suggested within the report that they are reinforced with native trees to improve their value.

33. It is similarly proposed that the hedgerow along the northern boundary, which is considered species-poor and of low significance, is retained and bolstered with new native tree and shrub planting. One mature tree, an oak, has been proposed for removal as part of the outline application within the main site. It is stated this is the sole loss in terms of mature trees.

34. General means of improving the site for biodiversity have included a mix of treatments involving new native planting of species of value to wildlife. Areas of the Phoenix Trail will be thinned of vegetation to provide basking space for reptiles.

35. In terms of fauna, the site may currently offer some nesting opportunities for birds and the site has some foraging and commuting value for bats. Two bats have been observed in association with one building, but extensive surveys indicate they used the site for overnight roosting in summer and were temporary residents. It is stated that the whole site does not currently offer much roosting space. What is described as a small, and seemingly persistent population of slow worms is present.

- 36.** Proposals to improve fauna include bat boxes and roosts in established trees and new buildings; nest boxes for birds; invertebrate boxes and hedgehog domes; and rubble piles and invertebrate refuges on the Phoenix Trail. The improvements in flora and habitats may indicate that a net gain in biodiversity on the site will be achieved in line with Policy ENV3 of the LP. The Ecological Appraisal does not, however, appear to contain a “biodiversity accounting metric” in line with that Policy.
- 37. Noise.** A Noise Impact Assessment (December 2020) has been submitted alongside the application. Likely noise from within the development, and from the adjacent Howland Road and industrial area, has been modelled against the expected building construction methodology and fenestration types.
- 38.** One property, Plot 18 (north of the proposed office building and adjacent to Howland Road) will need to be adapted in terms of glazing and the installation of mechanical ventilation. Plots 18 – 21 will all have acoustic fencing surrounding their gardens on the office and Howland Road sides. It is suggested that this will make the noise levels within their gardens tolerable and also help reduce noise internally, at least at ground level.
- 39. Drainage.** An Engineering Technical Note and Drainage Report, together with a submitted plan (20-342-001A), shows the proposed approach to handling surface waters arising from roofs and parking areas. Some parking areas will be permeable, and waters will percolate through to drains underneath. This approach will help slow the rate at which water enters the drainage system. This water, together with that arising from impermeable surfaces, will be channeled into a caged underground water store that will be constructed underneath the central play area. These systems are successfully used beneath roadways, buildings and car parking areas in constrained urban areas.
- 40.** On larger sites, Members will recall that seasonal / storm attenuation ponds have been used to slow and delay the release of surface waters from a site. These are often associated with planting aimed at boosting flora and fauna. The downside to these is that they frequently end up being less usable for public open space. The proposed solution is sensible, given the constraints on this site.
- 41.** The water store will delay the release of water into the local surface water sewage system. The system's performance has been built with increased rainfall associated with climate change. If overreached, the development's highways have been designed to channel surplus water away from properties and onto Howland Road. The overall solution may meet the criteria of TNP Policies ESDQ11 and ESDQ12 (incorporate sustainable drainage and provide a drainage strategy). The relevant District and County officers will assess the assumptions and proposed solutions in judging if these, and LP Policy EP4: Flood Risk have been complied with. It is likely that whatever is approved will be a significant improvement over the site's current drainage strategy.

42. Planning considerations. There are several key areas of concern:

1. Density – LP H11
2. Design approach – LP DES2 and TNP ESDQ15, ESDQ16
3. Design of open space – LP CS5
4. Supporting the take up of low emission vehicles – TRANS5

43. The proposed design has had to work hard to fit the 129 units approved through the outline planning permission, and find room for open space, and nature. The development does not, however, meet the minimum requirement for density identified within the new LP. To be policy-compliant, the site should as a minimum yield about 140 dwellings. The proposed, lower figure of about 41 dwellings per hectare may be explained by the applicant treating the “up to” 129 units as a hard target that must not be moved away from, while also having to respond to a local housing mix.

44. Given that the site does not meet minimum density requirements on a site that is not sensitive in terms of heritage, landscape or biodiversity concerns, it is reasonable to consider if working to a higher density could improve the scheme. The site is currently well screened from neighbouring properties and the application proposes to further reinforce and improve those boundary screens. The identified housing mix, focusing on smaller units is welcome, given that Thame has to some extent undershot in delivery of smaller units on its allocation sites. A higher number of dwellings focused towards one or two-bedroom apartments, may permit a relaxing of density across the wider site. This could allow for policy-compliant spacing between properties, more open space, and perhaps room for more trees on street frontages.

45. Aside from appearing cramped, the overall design approach is not readily understood. The design code chosen to provide a memorable place, with distinct character areas within it, is a welcome approach that should be supported. However, without an explanation as to why the three, individual character areas were chosen to sit alongside one another, it is difficult to be convinced of the solution. It has not been adequately explained how the development works as a whole to reinforce Thame’s character, contrary to TNP Policy ESDQ15. The Pavilion frontage responds to the care home which has full planning permission. A question arises as to how well that area sits with the choice of a formal Victorian/Edwardian core and more ambiguous, casual “Lane” areas. Taken individually, each area may be considered pleasant. The transition between the 3 build forms may confuse the observer, and the site’s overall form may add to this confusion. The site is bordered by 3 straight sides that meet at 90 degrees, with only the gently curving Howland Road alleviating this. This is not a normal form for a large area of housing and will be readily identified as an area of housing infill within an area with a prior use. The development may not be seen to relate well to its site, contrary to TNP ESDQ16.

46. An alternative design approach to each character area, perhaps even reflecting the former industrial use, may be more appropriate and, given the site’s screened nature, would not conflict with the surrounding built environment. Members may wish to consider if the scheme meets the criteria of LP Policy DES2 in demonstrating how the design has been informed by and responds positively to the site and its surroundings and reinforces the site’s identity by enhancing local character, or whether that approach is appropriate, given the location.

47. The proposed open space may meet the requirement of TNP Policy ESDQ4 and LP Policy CF5 in providing open space to the District’s adopted standards. It is felt provision has focused on meeting the exact standards for the LEAP and the remaining open space around it would not be sensibly utilised. The central LEAP is constrained by its fenced area and car parking spaces are adjacent to areas potentially usable for casual play. The north east LAP could be better placed elsewhere, away from the traffic noise of Howland Road.

Recommendation:

It is recommended that Thame Town Council objects to this application for the grounds listed above. This recommendation should be made subject to the outcome of the Town Council's S288 challenge to the appeal decision of 27 March 2020.