

Central South and West Area Committee

9 March 2010

**Application Number:** 09/02842/FUL

**Decision Due by:** 18 February 2010

**Proposal:** Demolition of existing building and erection of a replacement three storey building to provide a nursery on the ground floor and 6 self-contained flats (3 x 2 bed, 2 x 3 bed and 1 x 1 bed) on the first and second floors.

**Site Address:** Turbo Teds Nursery, 1 Roger Dudman Way. (Appendix 1)

**Ward:** Jericho And Osney Ward

**Agent:** Savills

**Applicant:** Mr Tariq Khuja

---

**Recommendation:**

APPLICATION BE REFUSED

For the following reasons:

1. Having regard to the scale and massing of the proposal, it is considered that the development would appear as over dominant within the plot and have an overbearing impact on the character of the area and open land adjacent to the River Thames and Oxford Green Belt, contrary to policies CP1, CP6 and HS.19 of the Oxford Local Plan 2001 to 2016.
2. By virtue of its design, bulk and massing, and prominent location, the proposed development would appear as an overbearing and incongruous element in the street scene, contrary to policies CP.1, CP.7 and CP.8 of the Oxford local plan 2001 to 2016.
3. The proposed redevelopment does not provide adequate quality or quantity external amenity space for the proposed nursery, contrary to policy ED1 of the Oxford Local Plan 2001-2016.

**Main Local Plan Policies:**

**Oxford Local Plan 2001-2016**

**CP1 - Development Proposals**

**CP6** - Efficient Use of Land & Density  
**CP7** - Urban Design  
**CP8** - Design Development to Relate to its Context  
**CP9** - Creating Successful New Places  
**CP10** - Siting Development to Meet Functional Needs  
**CP11** - Landscape Design  
**CP12** - Designing out Crime  
**CP13** - Accessibility  
**CP15** - Energy Efficiency  
**TR3** - Car Parking Standards  
**TR4** - Pedestrian & Cycle Facilities  
**TR5** - Pedestrian & Cycle Routes  
**NE1** - Purpose of Oxford's Green Belt  
**NE2** - Control of Development Oxford's Green Belt  
**NE6** - Oxford's Watercourses  
**NE7** - Development in the Undeveloped Flood Plain  
**NE9** - Flood Risk Assessment  
**NE10** - Sustainable Drainage  
**NE15** - Loss of Trees and Hedgerows  
**NE16** - Protected Trees  
**NE17** - Biodiversity  
**HS4** - Gen Requirement - Provide Afford Housing  
**HS5** - Proportion/Mix Afford Dwellings Provided  
**HS8** - Balance of Dwellings  
**HS19** - Privacy & Amenity  
**HS20** - Local Residential Environment  
**HS21** - Private Open Space  
**ED1**- Nursery Accommodation and Childcare Facilities in non-residential buildings and new purpose built facilities.

### **Core Strategy – Proposed Changes**

**CSP19** - Urban design townscape char & hist env  
**CSP20** - Community safety  
**CSP10** - Energy & natural resources  
**CSP4** - Green belt  
**CSP12** - Flooding  
**CSP13** - Biodiversity  
**CSP2** - Prev developed land & greenfield land  
**CSP24** - Mix of housing

### **Other Material Considerations:**

Planning Policy Statement 1- Delivering Sustainable Development.  
Planning Policy Statement 3- Housing.  
Balance of Dwellings Supplementary Planning Document  
Parking Standard, Transport Assessments and Travel Plans SPD (Adopted February 2007)

### **Relevant Site History:**

03/01116/FUL- Single storey infill extension. New ramped entrance and covered buggy store. Replacement timber shed. (Approved)

62/12940/A H- Staff amenity building and offices. (Approved)

92/00184/NF- Demolition of 1 existing building & change of use of remaining building to provide creche facilities for B.R. staff & local residents including extensions & alterations, landscaping & fencing (amended plans) (Approved).

### **Representations Received:**

Buffer Bear Nurseries-wish to oppose the planning application. They raise strong concern about the arrangements for alternative accommodation on the site, and express no confidence that it would be possible for satisfactory interim arrangements to be made to enable existing childcare provision to continue. Concern is expressed following the landlord and applicants approach to alternative accommodation, which would need to be Ofstead compliant. Ofstead currently consider the existing accommodation at the nursery as 'good', and it is well used by local families, therefore contrary to the Design and Access Statement, the existing accommodation is not a rabbit warren of cramped rooms. The nursery would be very happy to stay in the existing accommodation and do not see the alternative being proposed as an improvement in certain fundamental areas such as the significant loss of outdoor play areas, specifically for the babies. At present separate areas are provided for this age group, but the demands of the new proposed development for bicycle and bin accommodation for the flats has removed this facility. Outdoor space for the over 2's seems to have been reduced through the overall constraints of the development to a narrow strip of land which is not consistent with the Early Years Foundation Stage increased emphasis on the value to the under fives of outdoor play. The Nursery have also not been consulted on the detailed design of the ground floor, and the current design does not take into account the Nurseries key concerns regarding the proposal, which they request be addressed in order to provide continued support for the scheme. The space which the nursery occupies has to be squeezed to the minimum because of the constraints imposed by the rest of the development. Concern is expressed that the rooms for the children do not have space for built in storage and children's sinks etc. which are part of a high quality childcare service. Moreover, the number of children able to attend at any one time in the popular under two's group has also been reduced by three, meaning a reduction of about half a dozen babies able to use the nursery. There are also risks which the Nursery would wish to avoid in placing children's outdoor play areas directly below roof gardens and balconies of flats due to accidental or deliberate dropping of items onto the childrens play area, which was a significant problem in a nursery which used to be managed in Westminster. Strong objections are expressed to the increasing and significant reductions in the amount and quality of outdoor playspace available as the design for the new proposed development proceeds. The Nursery also express surprise by the contents of the FRA as in July 2007, the nursery was closed for a week due to the perceived risk to children and staff from the level of flooding at that time in Roger Dudman Way

Oxfordshire County Council (Countryside Services)- comment that the construction of the steps into the development should stay within the curtilage of the property and

should not encroach onto the footpath in any way. There should be a smooth transition between the surface of the footpath and the steps. No materials, plant or temporary structures of any kind should be deposited on or adjacent to the path that may obstruct or dissuade the public from using the route while development takes place. Where this is unavoidable a temporary closure or diversion should be obtained prior to work proceeding. Any damage to the surface of the path caused by the construction/demolition of the development will be the responsibility of the applicants or their contractors to put right/make good. As this proposal encourages greater access over the footpath it would seem appropriate that the applicants put a contribution to improve the footpath due to the size of the development. Oxford City Council Development Team have a proposed scheme that Roger Dudman Way and the railway leading to Rewley Road thus improving non-motorised access for cyclists and pedestrians both to the nursery and the wider area.

### **Statutory and Internal Consultees:**

Environment Agency Thames Region- Comment that the proposed development would only be acceptable if the following conditions are attached to any planning permission regarding flood risk, contamination and drainage.

Thames Water Utilities Limited- raise no objections to the sewerage infrastructure. With regard to surface water drainage they comment that it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground water. Where the developer proposes to discharge to a public sewer prior approval from Thames Water Developer Services will be required.

Network Rail-raise no objections in principle to the development subject to certain requirements for the safe operation of the railway and the protection of Network Rails adjoining land, in respect of fencing, drainage, safety, environmental issues and ground levels.

Thames Valley Police- express some concerns about this type of development, in respect of a) location and design of bike and bin store for residential properties.

### **Site Description and Surrounding Area:**

The application site occupies an area of approximately 806m<sup>2</sup> and is situated on the western side of Roger Dudman Way on a triangular parcel of land adjacent to the railway line and to the north of Rewley Abbey Stream. The river Thames or Isis runs to the west with towpath, and to the north of the site, is the location of the recently approved footbridge from Roger Dudman Way to Fiddlers Island. To the south of the site is a small pumping station, with gated access, which is to be removed as part of the development.

The nursery is currently a single storey building that was formerly a staff amenity building and offices associated with the railway. The building has undergone several alterations and improvements since to accommodate the nursery.

A cycle track runs from Botley Road to Port Meadow past the site. The Oxford footpath runs to the south of the site leading onto the Thames Path National Trail and Oxford Canal towpath.

Two-storey Victorian terraced housing lies to the south of the site on the southern side of Rewley Stream.

### **Proposed Development:**

The application proposes the redevelopment of the Turbo Teds nursery on Roger Dudman Way, comprising a three-storey development with a nursery on the ground floor and a total of six flats on the two floors above. The mix proposes 1 x 1 bed, 3 x 3 bed and 2 x 3 bed apartments with balconies and roof gardens on the upper two floors. The apartments would be accessed via a separate access via a stairwell running along the spine of the east elevation, level with Roger Dudman Way.

Flat 1 would provide 1 en-suite bedroom with access to balcony, central kitchen/living/dining area with access to balcony, second bedroom and main bathroom. Flat 3 would be mirror image of this. Flat 3 would be situated in the middle of the block with a central kitchen/diner/living room, main bathroom and 2 double bedrooms (one with en-suite) and both with access to a balcony. On the second floor, Flat 4 would have a central kitchen/living/dining area with bedrooms either side, and a main bathroom. Bedroom 1 would be en-suite, and a further 2 bedrooms would be situated the other side of the main living area with access to a roof garden wrapping around the apartment. Flat 6 would be a mirror of this. Flat 5 in the middle of the second floor would be the smallest unit providing a kitchen/living/dining area with access to balcony, 1 double bedroom and main bathroom.

On the ground floor the development incorporates a new nursery which would be designed in two halves flanking a central corridor. Play/classrooms are to be placed on the western side of the site. Offices and ancillary rooms are to be positioned on the eastern side of the building. A covered area is to be provided between the entrance to the playground and the nursery's main entrance to provide space for secure bicycle parking, bin storage and also for buggies and prams.

The development is proposed to be car free, and 20 cycle parking spaces are to be provided as part of the proposals.

The applicant states that he has consulted the Nursery on the proposals and is prepared to provide temporary accommodation during the course of the construction works, to be secured via an appropriate planning condition or S106 Planning Obligation.

The application is accompanied by a Flood Risk Assessment

### **Determining Issues:**

- Principle of Development
- Alternative accommodation for Nursery
- Balance of Dwellings
- Design/Layout
- Impact on adjacent Green Belt land.
- Quality of light into apartments.
- Highways/Cycle parking

### **Officers Assessment:**

1. Whilst the plans show reuse of the site to provide much needed additional residential accommodation, concern is expressed as to how a replacement nursery and six flats this could fit on what is a relatively small site, without appearing over developed, top-heavy and more importantly adversely impacting upon the temporary and longer-term function of the nursery below.
2. The site is clearly surrounded by a number of constraints, adjacent Green Belt land, Rewley Stream and the railway line, although both the Environment Agency and Network Rail appear satisfied that the development could take place without any adverse impact on these land uses subject to the imposition of planning conditions.
3. The matter of the existing use of the site needs to be considered. Whilst the applicant is of the view that alternative temporary nursery accommodation could be secured appropriately under a Section 106 Agreement, no indication has been made in the application as to where this might be and even if this is possible.
4. In terms of the replacement facility, Policy ED1 indicates that planning permission will be granted for the provision of new purpose- built facilities where the proposed development meets the following criteria: a) the development will not cause unacceptable noise and nuisance to the adjoining properties; b) adequate internal and external play space is provided, c) adequate provision is made for access, parking and dropping off facilities; and d) the location is realistically accessible by walking, cycling or public transport for the majority of people travelling to the site.
5. Concern has been expressed by the Nursery owners that a) the internal space would not be acceptable as proposed and b) the external play space would be much reduced. Health and safety concerns are also raised regarding the presence of flats and balconies above.
6. With regard to policy ED1, as a result of the design and massing of the replacement building, the amount of external amenity space currently enjoyed by the nursery would be much reduced, and the quality of this environment would also be affected by the height and massing of the higher building in general. The nursery operators have also indicated that the replacement internal environment would also not be to standard.
7. With regard to policies CP1, CP7 and CP8, in terms of its impact upon the site

itself, the new development would occupy a similar footprint to the existing building. However this is single storey and the new development would be three storey, emphasising the strong horizontal massing created by the two upper floors, the elevational treatment and proposed materials.

8. The western elevation of the building has been designed to maximise open views across the river and beyond, however the eastern elevation is less successful appearing as a monolithic mass of brickwork facing out over the railway lines and flats beyond. The design is not in keeping with the character of the surrounding area, which comprises Victorian terraced properties to the south, water and woodland habitats, contemporary flats opposite.
9. It is also important to consider that the site is adjacent to the Green Belt. Policy NE2 of the Oxford Local Plan states that "The City Council will ensure that the visual amenity of the Green Belt is not harmed by development within, or conspicuous from, the Green Belt which, although not prejudicial to the Green Belts main purposes, might be inappropriate by reason of siting, materials or design". Concern is expressed that the building as proposed by virtue of its massing and design, may have a detrimental impact upon the Green Belt.
10. Whilst the site is separated from houses on Abbey Road by Rewley Stream, it is only some 21m from the gable end of no 82 Abbey Road. It is considered that the southern elevation would appear bulky and there are potential issues of overlooking.
11. The application form states that there are no trees or hedges on the development site or on land adjacent to the proposed development site that could influence the development or that might be important as part of the local landscape character. However, it is clear there are trees on land immediately adjacent to the site that could be affected by development on the site. Therefore it is not considered that this has been adequately addressed.
12. Given the proposed layout of the development, the quality of light into flats 2 and 5 is questioned where the only natural light would be from west facing windows.
13. It is suspected that this site and/or nearby land and water may be contaminated as a result of former industrial or other use. Prior to the commencement of the development a phased risk assessment shall be carried out by a competent person in accordance with current government and Environment Agency Guidance and Approved Codes of Practice.
14. In respect of concerns raised by the County Council, the applicant confirms that the proposals are designed to avoid encroachment onto the adjoining footpath.
15. In respect of concerns raised by Thames Valley Police, the applicant is of the view that that the finer details could be dealt with via planning condition.

**Sustainability:**

16. The proposals make use of a brownfield site which is within walking distance of the City Centre and railway station. Where possible the application proposes the use of recycled/reused/reclaimed or renewable materials. Flat roof areas at first floor level are proposed as sedum green roof construction.

**Conclusion:**

17. It is considered that the development proposed is too large for the site, accentuated by the poor design and massing. The redevelopment of the site should not be considered until such time as alternative accommodation has been sought for the nursery during construction operations.

**Human Rights Act 1998**

Officers have considered the implications of the Human Rights Act 1998 in reaching a recommendation to refuse this application. They consider that the interference with the human rights of the applicant under Article 8/Article 1 of Protocol 1 is justifiable and proportionate for the protection of the rights and freedom of others or the control of his/her property in this way is in accordance with the general interest.

**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 refuse this application, officers consider that whilst there are concerns regarding crime prevention, revised details could be addressed via planning condition.

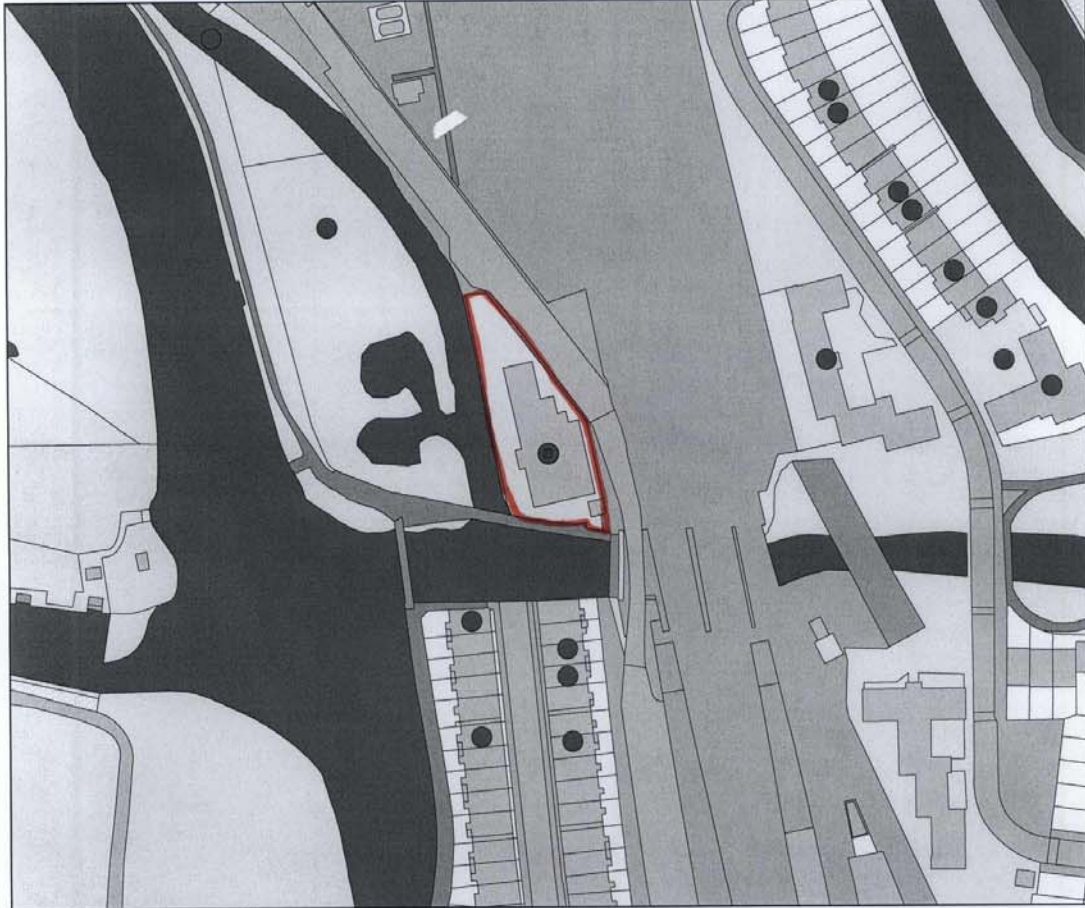
**Background Papers:** 09/02842/FUL

**Contact Officer:** Amanda Rendell

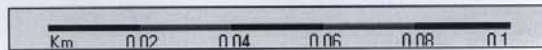
**Extension:** 2477

**Date:** 22 February 2010

# Appendix 1



Legend	
<b>Scale:</b>	1:1250



Reproduced from the Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright 2000.

Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

<b>Organisation</b>	Oxford City Council
<b>Department</b>	City Development
<b>Comments</b>	09/02842/FUL
<b>Date</b>	24 February 2010
<b>SLA Number</b>	LA100019348