

Law and Governance

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Central Number: 01865 249811

31 December 2013

Dear Councillors

EAST AREA PLANNING COMMITTEE - WEDNESDAY 8 JANUARY 2014

Attached are additional papers for the above meeting. Please bring these with you to the meeting

Yours sincerely

Sarah Claridge
Democratic and Electoral Services Officer

Agenda No Item

Agenda Item 3 - Oxford Stadium, Sandy Lane : 13/00302/FUL (Pages 1 - 44)

The Head of City Development has submitted a report which details a planning application to demolish the existing structures. Erection of 220 x residential units (37 x 1 bed flats, 43 x 2 bed flats, 24 x 2 bed houses, 90 x 3 bed houses, 26 x 4 bed houses) (use class C3 - single family dwellings), new site accesses, parking, landscaping, public open space and ancillary works.



INVESTORS
IN PEOPLE



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East Area Planning Committee

8th January 2013

Application Number: 13/00302/FUL

Decision Due by: 12th July 2013

Proposal: Demolition of existing structures. Erection of 220 x residential units (37 x 1 bed flats, 43 x 2 bed flats, 24 x 2 bed houses, 90 x 3 bed houses, 26 x 4 bed houses) (use class C3 - single family dwellings), new site accesses, parking, landscaping, public open space and ancillary works.

Site Address: Oxford Stadium Sandy Lane Oxford Oxfordshire (**see site plan at Appendix 1**)

Ward: Blackbird Leys Ward

Agent: Mr Andrew Raven

Applicant: Galliard Homes

Recommendation: REFUSE

For the following reasons:-

- 1 The proposal to demolish all the buildings and structures on the site and redevelop the land for housing would result in the complete loss of all the community facilities. The community facilities include the buildings and infrastructure that support a venue of exceptional quality for both greyhound racing and for speedway and spectators of these pursuits can be counted in their thousands across Oxford, the wider County and beyond. In addition, a number of other community facilities provided at the venue and add to its viability and many more thousands of people from Oxford and surrounding areas have been able to enjoy these supplementary activities. Cumulatively, the loss of all of these would amount to the loss of a highly valued community facility which would result in severe harm to the wellbeing, community cohesion, social interaction and social inclusion of the wider Oxford community and would be contrary to the provisions of policy CS20 of the Core Strategy.
- 2 The proposal to remove all the buildings and structures comprising the heritage asset would cause substantial harm to its significance by removing the features that contribute to its architectural interest and much of its historic interest resulting in the loss of the historical and communal value these provide. The loss

of the stadium would have a significant negative impact on the character of the local area through the loss of a valued historic sporting and cultural venue with strong associations for the local community and city as a whole. As such, the proposal would be contrary to the provisions of the NPPF, saved policy HE6 of the Oxford Local Plan and policy CS18 of the adopted Core Strategy.

- 3 The lack of the full provision of affordable housing would cause material harm to the mix and balance of the communities within the site and in Oxford, and this harm has not been justified by a robustly prepared and evidenced viability appraisal. The proposal is therefore contrary to the objectives of the Core Strategy and the Sites and Housing Plan, and fails to comply with Policy CS24 of the Oxford Core Strategy 2026, and Policy HP3 of the Sites and Housing Plan.
- 4 There are a number of features of the proposed design of the scheme that would lead to poor living conditions for future occupants in terms of garden sizes or where design leads to other unacceptable consequences, including inadequate levels of sunlight and daylight entering habitable rooms, unacceptable outlook from habitable rooms and poor natural surveillance onto the street or other public spaces along with elements of the proposed layout where opportunities for crime have not been designed out such that the scheme could achieve 'secured by design' accreditation. The proposal is therefore contrary to saved policies CP1, CP6, CP8, CP9 and CP12 of the Oxford Local Plan 2001 – 2016 and policies CS18 and CS19 of the Oxford Core Strategy and policies HP9, HP12, HP13 and HP14 of the Sites and Housing Plan.
- 5 The long rows of terraces with little visual relief, uninterrupted bays of parking along street frontages and buildings fronts dominated by parking and bin and bike stores in combination with the inadequacies of living conditions result in an unacceptably poor urban environment that comprises an over-development of the site contrary to saved policies CP1, CP6, CP8, CP9 and CP10 of the Oxford Local Plan, policy HP9 of the Sites and Housing Plan along with policy CS18 of the Oxford Core Strategy.
- 6 Access for pedestrian, cycle and vehicular movement to the site is restricted to those vehicular access points proposed onto Sandy Lane. Although indicative potential future pedestrian accesses are shown on plans through to the industrial area off Ashville Way to the west of the site and up to the railway embankment to the north where the applicants indicate that a future pedestrian bridge can be provided over the railway line and into the adjoining retail park, there is nothing to indicate whether these accesses can or will be provided by this application. As such the proposal does not provide the necessary connections to the surrounding areas (or evidence to demonstrate why this was not possible), that would reasonably be expected for a development of this size as set out in pre-application advice from the City and County Councils and supported by the South East Design Review Panel. The proposal is therefore contrary to saved policies CP8, CP9, CP10 and CP13 of the Oxford Local Plan 2001 – 2016, policy HP9 of the Sites and Housing Plan and policies CS13, CS14, CS18 and CS19 of the Oxford Core

Strategy.

- 7 There is not enough information to demonstrate that all options for renewable technology have been properly investigated or that the requirement for 20% renewable energy is not feasible. As such the proposal would fail to meet the requirements of policy CS9 of the Core Strategy, policy HP11 of the Sites and Housing Plan and the Natural Resource Impact Analysis Supplementary Planning Document.

Legal Agreement:

The application is recommended for refusal but if planning permission were to be granted a legal agreement would be required to secure the provision of the affordable housing and how this was spread throughout the different tenures and for the provision of public art.

Community Infrastructure Levy

The application is recommended for refusal but if planning permission was granted the new housing would be liable to a levy of £100/m² and with a total floor area of around 19,000m² this would equate to a payment of approximately £1,900,000. The applicant would be entitled to apply for relief for the houses that are proposed as 'affordable'.

Principal Planning Policies:

Oxford Local Plan 2001-2016

- CP1 - Development Proposals
- CP6 - Efficient Use of Land & Density
- CP8 - Design Development to Relate to its Context
- CP9 - Creating Successful New Places
- CP10 - Siting Development to Meet Functional Needs
- CP11 - Landscape Design
- CP13 - Accessibility
- CP14 - Public Art
- CP17 - Recycled Materials
- CP18 - Natural Resource Impact Analysis
- CP19 - Nuisance
- CP21 - Noise
- CP22 - Contaminated Land
- TR1 - Transport Assessment
- TR2 - Travel Plans
- TR3 - Car Parking Standards
- TR4 - Pedestrian & Cycle Facilities
- TR5 - Pedestrian & Cycle Routes
- TR6 - Powered Two-Wheelers
- TR7 - Bus Services & Bus Priority
- NE6 - Oxford's Watercourses
- NE11 - Land Drainage & River Engineering Works
- NE12 - Groundwater Flow

NE14 - Water and Sewerage Infrastructure
NE15 - Loss of Trees and Hedgerows
NE20 - Wildlife Corridors
NE23 - Habitat Creation in New Developments
HE2 - Archaeology
HE6 - Buildings of Local Interest
SR10 - Creation of Footpaths & Bridleways

Core Strategy

CS2_ - Previously developed and greenfield land
CS3_ - Regeneration areas
CS9_ - Energy and natural resources
CS10_ - Waste and recycling
CS11_ - Flooding
CS12_ - Biodiversity
CS13_ - Supporting access to new development
CS14_ - Supporting city-wide movement
CS17_ - Infrastructure and developer contributions
CS18_ - Urban design, town character, historic environment
CS19_ - Community safety
CS20_ - Cultural and community development
CS21_ - Green spaces, leisure and sport
CS22_ - Level of housing growth
CS23_ - Mix of housing
CS24_ - Affordable housing

Sites and Housing Plan

MP1 - Model Policy
HP2_ - Accessible and Adaptable Homes
HP3_ - Affordable Homes from Large Housing Sites
HP9_ - Design, Character and Context
HP11_ - Low Carbon Homes
HP12_ - Indoor Space
HP13_ - Outdoor Space
HP14_ - Privacy and Daylight
HP15_ - Residential cycle parking
HP16_ - Residential car parking

Other Planning Documents

National Planning Policy Framework

Affordable Housing and Planning Obligations Supplementary Planning Document (SPD)

Natural Resources Impact Analysis Supplementary Planning Document (SPD)

Parking Standards Supplementary Planning Document (SPD)

Balance of Dwellings Supplementary Planning Document (SPD)

Accessible Homes Technical Advice Note (TAN)

Community Infrastructure Levy (CIL) Charging Schedule

Public Consultation

Statutory and Internal Consultee

- Strategic Planning Consultations Team
- Oxford Sports Council

The Sports council is unanimously backing all efforts to save the stadium, as it is believed to be an invaluable sporting and community facility, which would/could not be replaced. It is also noted that a city councillor made a comment in January 2013: “That Oxford City Council had looked at many sites and the stadium will not be built on” and encouragement to continue with this stance is given.
- Thames Valley Police Chief Constable (Operations)

No objection – but serious concerns that significant opportunities to design out crime and/or the fear of crime and to promote community safety need to be addressed. Serious concerns relate to the need for the proposal to demonstrate how ‘Secured by Design’ accreditation will be achieved and include:-

 - increase natural surveillance from dwellings
 - Parking courts not ‘Secure’
 - court in the north east portion of the site has an alley running from it
 - significant concerns regarding the ‘potential future link to the east’
 - alley running from the Sandy Lane edge of the site should be made secure.
 - Concerned with proximity of refuse bin and cycle stores to front of house
 - Other boundary treatments could also be improved
 - unclear what defensible space has been provided for fronts of the flat blocks,
 - Landscaping should not compromise natural surveillance
 - The play areas require careful design
 - The same can be said for the Centre Plaza in terms of careful design;

Comments from Police Infrastructure team

Request contribution of £12,600 to mitigate against the impact of the development and to allow a standard level of policing and needed infrastructure.

- Blackbird Leys Parish Council

“The roadways would be unable to cope with the increase of traffic with the only access points on Sandy Lane [...].Unacceptable pressure on infrastructure including

schools and doctors. It would increase the pressure on other roads throughout the Estate with them becoming “rat runs”. A lack of facilities are included in the development. A mass overdevelopment with no proposal to offset the loss to the community.” (Malcolm Anderson: Clerk to Blackbird Leys Parish Council)

- Drainage Team Manager
No objection subject to conditions
- Highways Authority
No overall objection – some concerns over parking provision but extensive research has demonstrated that this is acceptable. The pedestrian link is essential, existing bus stop needs to be relocated nearer the site, visibility splays need to be increased.
- County Council - summary
No objection subject to the conditions, legal agreement and in-formatives in the annexes (monetary contributions)
- Environment Agency Thames Region
No objection subject to conditions of investigation and associated report of potential contamination risk.
- Oxford Civic Society
There is no non-overlooked public space, and the overall density, at 64.7 dwellings/ha suggests that the allocation of Public Open Space is minimal, at 10%-overdevelopment. The layout plans are misleading. The dominant feature of the design is the parking, and the accommodation of vehicular traffic; use of the streets by the resident communities or for cycling or walking is not prioritised. The refuse/recycling stores sheltering bike parking are visually intrusive (except that they will be obscured by cars). The cycle routes as marked are quite meaningless, though if the density of development leads to a bridge link being provided as part of the development then that might be positive. The proposed building heights and density will make substantial overshadowing inevitable. The proposal is for very dense development. The assertions relating to the encouragement of cycling and use of public transport are not borne out by the design. The clear priority given to motor vehicle traffic
- Environmental Development
No objection subject to conditions.

Other Organisations:

- West Oxfordshire District Council
“ I would strongly urge your Council’s Planning Committee to refuse the application for housing development on the site in order to preserve an important leisure and employment generating facility which has always ensured that Oxford has an ability to offer a wide choice of sport and leisure activities to the general public” (Barry Norton: Leader of West Oxfordshire District Council)

- OSSC Committee (Oxford Speedway Supporters Club)
 Objection is expressed and the concern about the owners' refusal for renewing the speedway license despite continuous efforts to renew, which efforts defy the claims that the speedway and stadium business is not economic. The importance of the sport and the venue for community and heritage has been highlighted.
 The committee concludes that they "live in hope that if the stadium finds a more proactive owner without an agenda to run the facility down for redevelopment, speedway can once again be a success in Oxford."
- Wimbledon Greyhound Owners Association
"The stadium was a viable business which was run down on purpose by the present owners, who have now submitted plans for housing on the site [...] The plans do not meet the Unitary Plan of the Local Authority, and are not wanted, they do not bring any investment to the local area, or help the local community [...] The stadium should be developed as a sporting venue of mixed use including Greyhound Racing. Such a scheme would bring employment and prosperity to the area, and leave a lasting legacy for future generations" (Robert Boswell: Chairman Wimbledon Greyhound Owners Association)
- Oxford Karting Ltd
 The company and all its employees oppose the redevelopment plans. This is the only karting business within a 20mile radius. The stadium houses the business premises and its location and offer of facilities is unique and no alternatives can be found. The representation is very thorough and detailed in terms of business operations and its close connection with the stadium and its reasons for objection.
- Oxford Study Courses
 Oxford study courses uses the go karting facility for all its summer course participants each week of the summer programme, as no suitable alternative activities for their scope can be found. It is thought that the survival of the karting business and thus the stadium is vital for the leisure environment.
- Greyhound safe petition-
 A petition signed online by 2301 signatures. The petition was signed by people who were against animal cruelty and consider that greyhound racing resulted in cruelty to greyhounds. The wording of the petition was 'Keep Oxford Greyhound Track closed'. The petition has not been referred to Full Council as it does not conform to procedure Rule 11.13 of the Council's Constitution.

Individual Comments:

The main points raised were:

341 representations have been received. 22 have been submitted by either statutory

consultees or third party organisations. The large majority however has come from private persons in the UK as well as abroad (Sweden, Germany, Slovakia and Australia etc.).

Comments received can be summarised as follows:

The private individuals that have made presentations are from a multi county region as well as UK and worldwide and have commented predominantly on the benefits of the Oxford Stadium as a sport and recreation venue (239) as well as the impact of the proposed development on the local character (98) and effect of facilities (182).

There have been three dominating groups within the objectors

1. Community users (dance,)
2. Motorsport supporters (speedway racing, go karting, motorcycle training)
3. Dog racing supporters

The large majority has written on this application to keep the stadium for its diverse community facilities and uses and its value to the community. As well as the negative impact on the existing community in terms of traffic flow, parking and facilities such as schools.

Other issues that have been raised include:

Loss & effect of facilities

Objectors fear the loss of valuable community facilities like the R&R dance studios, space for community groups as well as go-karting and motorsport facilities, all which are second to none in the region. The stadium is home to the only motorcycle training school in and around the city. No replacement facilities are being proposed or planned.

Adverse effects on community and facilities

The representations received have strong concerns about existing community facilities such as schools that are currently not sufficient as some children are already being taken by taxis to schools that are further away, and an increase in population would have an adverse effect on this.

Doubts about alleged negative economic feasibility of stadium

Former speedway promoter, amongst others, voiced his concerns about the economic feasibility. It is stated that attempts for take overs have been made and opinions have been voiced that the commercial operations have been made to decrease to favour residential development.

General dislike of application

Objectors have not only stated concerns about the loss of facilities but also generally a dislike of the proposed development.

Impact on heritage

Representations have been made in favour of the speedway and greyhound racing history and its associated culture and have highlighted the sports heritage as such. The stadium is central to those sports not just locally but nationally.

Impact on character of the area

It has been pointed out that the stadium and its current facilities are central to the wider locally as well as region as a major leisure venue and as such dominates the character of this area. The loss and redevelopment of said facilities are feared to detrimentally and irrevocably to alter the character of the area.

Impact on open space

The representations received have objected to the lack of open space for this dense development, as well as the loss of space for leisure for the community.

Impact on traffic & Congestion

Objectors have concerns about the impact on local traffic that the increase in population would bring as opposed the off-peak leisure use. Concerns have been raised of peak-time congestion to worsen and other local alternative roads being impacted as this development is only accessed through minor roads.

Parking provision

Objections have been raised against the proposed parking provision as being not sufficient.

Site not in local plan designated as a housing site

Representations have been made that the proposed site for development has not been designated as a housing site by the council in its local plan, but moreover has been marked as a site for leisure uses.

The following points have been expressed as concerns via the online process but have not been expanded upon:

- Impact on adjoining properties
- Impact on noise in the area
- Impact in access routes
- Pollution
- Impact on privacy
- Consultation process
- Impact on biodiversity
- Flood risk
- Contamination

Since the report was compiled there has been a further succession of representations made on the application, almost all in **favour** of the application. An update on these comments will be provided at the committee meeting.

PLANNING HISTORY

There is an extensive planning history to the site including numerous applications for various buildings and extensions, ancillary works and supplementary uses of the surrounding land which were mostly approved between 1948 and 1981. Of note were an outline planning permission granted on appeal to redevelop the land as housing in 1973 along with subsequent similar applications for redevelopment for housing and light industrial that were all refused in 1973 and 1974. Also of note were permissions to use the open areas for Sunday markets and car auctions.

Relating to the main stadium building

83/01031/NO - Outline application to erect new leisure centre building incorporating a gymnasium and dance hall and improved car parking.. PER 19th December 1984.

84/01071/NR - New leisure centre, incorporating gymnasium and dance hall, and improved car parking (Reserved Matters of NO-/1031/81) (Amended Plans). PER 15th May 1985.

85/00231/NF - Change of use of rear garden of 'White Buffalo' to provide additional car parking for the new Leisure centre, gymnasium and dance hall (Amended plans). PER 15th May 1985.

85/00992/A - Internally illuminated sign over central entrance. Externally illuminated letters (a) at high level on front elevation, and (b) to squash courts (Amended Plans). PER 24th December 1985.

86/00275/NF - Single storey extension to Leisure Centre building to form tote room. PER 2nd May 1986.

87/00742/NF - Single storey extension to kitchen. PER 13th August 1987.

88/00524/NF - Extension to Leisure Centre building. REF 18th August 1988.

89/00857/NF - Extension to Leisure Centre Building, new additional vehicular access to Sandy Lane and alterations to car park to provide 250 public spaces. 32 for directors and guests and 100 for competitors and other official visitors (Amended Plans). PER 28th September 1990.

90/00485/NF - Erection of single storey stand to replace existing north stand. PER 23rd August 1990.

99/00160/NF - Demolition of existing stand. New stand, 3 executive boxes, kitchen, terraced seating, bar. New public entrance, office, fitness centre & entrances to main stand. Reorganisation of car park to provide 332 spaces. PER 31st March 1999.

Relating to the open areas of the site and ancillary buildings

85/00232/V - Variation of Condition 8 of outline planning permission NO-/1031/83 - Overflow car parking for the Sunday Market.. PER 15th May 1985.

89/00744/NF - Demolition of dwelling house. Erection of two and three storey office building (Class B1a) and provision of 33 car parking spaces (amended plans) (Holly Court, 101 Sandy Lane and part Oxford Stadium). ALW 20th December 1989.

90/00736/NF - Use of car park for motorcycle training, Monday- Saturday 9.00 am-6.00 p.m. (only when other events not operating) and provision of storage hut and portable building for associated office use (amended plans). REF 4th January 1991.

90/01135/NF - Use of car park for motorcycle training Monday - Saturday 9.00an -

6.00pm (only when other events not operating) and provision of storage portastore and portacabin for associated office use.. ALW 4th March 1991.

91/01327/NF - Change of use of part of car park for open air Thursday market for a temporary period. WDN 28th February 1992.

93/00455/NF - Permanent use of land for motor cycle training Monday to Saturday 9.00am - 6.00pm (only when other events are not operating) and provision of storage portakabin for associated office use). PER 23rd June 1993.

95/01775/NT - Retention of portable buildings ancillary to CSM Motorcycle Training. (Renewal of 93/455/NF). PER 6th February 1996.

96/00643/NF - Change of use of part of building from disused squash courts to car auctions, including external alterations to provide new windows and vehicular access. PER 15th January 1997.

97/00178/NF - Change of use of 1st floor from space ancillary to car auctions on the ground floor, to casino, including use of existing car park accessed from Sandy Lane.. PER 30th October 1997.

97/00788/NF - Construction of tarmac inner circuit for go-karting.. PER 2nd July 1997.

97/01210/VF - Variation of condition 4 of planning permission 96/643/NF to allow the additional use of the site for the auction of cars between the hours of 18.30 & 20.30 on Mondays.. PER 11th September 1997.

97/01903/NT - Retention of portable buildings ancillary to CSM Motorcycle Training. (Renewal of 95/1775/NT). PER 16th January 1998.

99/00487/NF - Retention of use from car auction to office use (B1). PER 16th September 1999.

01/00021/B - Application to determine whether prior approval is required for the erection of a 15m lattice telecommunications mast with 6 antennae & 4 dishes, equipment cabin, ancillary equipment & fencing.. 5PA 14th February 2001.

01/00440/NF - External alterations including erection of entrance canopy, insertion of external fire escape doors and glazed frontage to Sandy Lane elevation.. PER 25th May 2001.

01/00441/A - High level internally illuminated signage panel 2 no. internally illuminated fascia signs.
. REF 17th May 2001.

01/00643/B - Application to determine whether prior approval is required for siting and design for erection and design for erection of a 15 metre monopole with directional antennas and dish antennas, and ground based equipment cabin. 2PA 21st May 2001.

04/02507/T56 - Prior approval for siting and appearance of a mobile phone base station. Comprising 15m monopole, 6 antennae, 1 dish, cabin and associated development.. 1PA 14th February 2005.

10/00252/PDC - PERMITTED DEVELOPMENT CHECK - To use the existing speedway track at Oxford Stadium for up to 20 stockcar racing meetings.. PRQ 12th March 2010.

Relating to the separate application for demolition of the buildings

13/00528/DEM - Application to determine whether prior approval is required for the method of demolition and redevelopment of site for residential use. Prior Approval Required 15th March 2013.

13/00528/CND - Details submitted in compliance with the request for a demolition statement to accompany the prior approval for demolition application 13/00528/DEM. PCO. An appeal has been submitted against the non-determination of this application. At the time of writing, the appeal had not been confirmed as valid by the Planning Inspectorate.

Officers Assessment:

Background to Proposals.

Site location and description

- 1 The site comprises the Oxford Greyhound Stadium located on the edge of Blackbird Leys to the south-east of the City and covering an area of approximately 3.4 hectares. It lies to the north of Sandy Lane and is accessed from it currently by three vehicular accesses. The site is roughly triangular in shape with a long boundary to the north-north-east with a mostly continuous line of mature trees and bushes, ditch and embankment separating the site from the railway line (the Cowley Branch line serving the BMW mini plant) with Tescos and the various retail outlets of Cowley Retail Park on the other side of the track. There is a shorter boundary to the south along Sandy Lane where the frontage is punctuated with a small oblong area of land where there once existed a petrol filling station (which has been granted planning permission for 6 houses).
- 2 Sandy Lane effectively serves as the northern boundary of the Blackbird Leys Estate with a few roads connecting it to Balfour Road, which together with Pegasus Road serve as the inner ring road for Blackbird Leys. There is a much shorter boundary to the east adjoining the bus depot and other industry along Ashville Way (which itself has a small oblong of land protruding into the bus depot site) and there is a small residential development called Holly Court that nestles between the oblong of land, the south-east corner of the site and Sandy Lane. Further afield to the east lies the Watlington Road (leading to Garsington Road), one of the principle arterial routes into the City with the BMW Mini Plant and Cowley Trading Estate beyond. To the west the site tapers away adjacent to the bend in

Sandy Lane and abuts the land surrounding the 35th Oxford Scout Hut. The location is therefore on the peripheries of the large residential suburb of Blackbird Leys, is close to transport links, retail hubs and close to some of Oxford's major industrial areas.

- 3 Currently the site houses a number of buildings, structures and tracks that have been used for the various activities associated with the stadium and its various activities. The main building on the site is the grandstand building. It is laid out on two floors with the foyers, bar areas, galleries and other areas that have been used in connection with speedway and greyhound racing over the years. The building has been extended to the north-east to provide further accommodation as executive suites but can be used as multi-functional areas. To the rear of the grandstand building facing out onto Sandy Lane and set out over two floors is the former gym area. This covers a number of suites of varying sizes. One area is used in connection with the security firm operating from the site, whilst the majority of the spaces are used by the dance school and other recreational groups. The areas are serviced by offices, changing rooms, showers and locker areas and there is a Jacuzzi and sauna rooms left over from the former gym use.
- 4 Also on the site are a number of older buildings that were developed over time in connection with speedway and greyhound racing. These include the former Tote or Totaliser building, where odds were previously displayed on the tall front elevation of the building and now used as the offices, changing area and workshop for the go-carting business, located adjacent to the eastern boundary of the site. To the north of the Tote building tucked into the north-eastern corner of the site is the area of kennels used in connection with greyhound racing. To the west of the grandstand building are older buildings formerly used as offices and a cafeteria and more recently as workshops and stores. Further to the north-west are rows of open fronted garages formerly used for maintenance and repairs in connection with speedway racing.
- 5 All the above buildings either look out onto, or are connected to, the central area where the outer and inner sand tracks that were used for greyhound racing and speedway respectively are located. Original terraces used by spectators before the grandstand was built surround the tracks. The western part of the site is taken up with the main parking area for spectators. This area is used for motorcycle training when not being used for spectator parking and portacabins are located within the north-eastern part of the car park in connection with this use.
- 6 The boundaries of the site onto Sandy Lane are constructed of steel palisade fencing punctuated with gates for vehicular accesses and the same steel fence continues along the eastern boundary adjacent to the Bus Depot and along the short western boundary. To the north the boundary with the railway line is also of steel palisade fencing but with sections of corrugated steel as fencing. There are some mature trees on all the boundaries but none within any of the central areas of the site.

Pre-application advice and Community Consultation

- 7 A Statement of Community Involvement has accompanied the application. It sets out that pre-application discussions were held with the Council prior to submission and a public exhibition held for the local community. The public exhibition was held in Blackbird Leys Leisure Centre on the 24th and 25th July 2012 and was attended by local residents, employees of businesses operating at the stadium and representatives of the applicants and their agents. Details submitted with the application indicate that 70 people attended the events and 55 questionnaires were completed. The details state that responses indicate that there was widespread opposition to the loss of the stadium building as a community facility, that the business had been made unviable, but that setting aside the issue of the loss of the stadium, the housing scheme was generally acceptable. Concerns are stated to have been expressed about potential traffic and parking issues that would exacerbate existing parking problems in Sandy Lane and traffic congestion at the junction with Watlington Road and with traffic queuing at all junctions around the junction of Garsington Road and the Eastern Bypass.
- 8 The applicants have been engaged in pre-application advice with the Council for a considerable period of time. The dialogue with the applicants has been on the basis that the stadium was no longer viable as an on-going concern. Officers have continued with the dialogue on the basis that this was the case. Over a series of meetings and communications during the course of 2012, evolving designs were commented upon. On the assumption that the stadium was not viable the principle of a residential scheme on the site was considered acceptable, albeit with a number of provisos and at a lower density. These included that a substantial financial contribution towards a replacement community facilities possibly onsite but certainly within the locality, the provision of a pedestrian / cycle link across the railway line to the Tescos superstore and retail park to the north and linking in with the underpass across the Eastern Bypass and employment sites beyond, along with a requirement to provide 50% of the residential units as affordable dwellings. In addition there was of course the need to comply with the Council's detailed planning policies on all other relevant issues.
- 9 In addition to the *in-principle* issues mentioned above, some more detailed comments were offered on the design and layout of the pre-application proposals. In particular, concerns were expressed at the low levels of car parking, the relatively high density of the site, the treatment of the site frontage onto Sandy Lane, the design and location of some of the parking courts and the interrelationship of open spaces on the site and their relationship to the existing area of open space to the south of Sandy Lane. Overall, given the issues that were identified in terms of design, the applicants assertions that the scheme would not be viable if a financial contribution towards replacement community facilities along with pedestrian / cycle link across the railway line, no officer support for the scheme was given and the applicants were urged to revisit the design to lower the density, increase car parking levels and address the design related concerns. As part of the pre-application process officers were not able to visit the site.
- 10 Along with pre-application advice from the Council the applicants were also

encouraged to ask the South East Regional Design Panel to comment on the pre-application proposals. Panel Members visited the site on 29th June 2012 but were only able to view it from public vantage points and were advised that entry onto the site would be concerning for the current employees. Following the subsequent presentations on the design and some discussion between Panel Members, the applicants and officers, a written response to the pre-application scheme was received on 13th July. The response indicated that the Panel was not placed to comment on the closure of the stadium and if the principle of the redevelopment of the stadium was accepted by the Council then a worthwhile residential scheme should be perfectly possible. The Panel made it very clear that the scheme appeared to disregard its surroundings and failed to enhance the Blackbird Leys area. The Panel considered that '*Securing a crossing over the railway line is an imperative for the success of the project and should not be left as a future option*'. This was considered to be crucial in integrating the site with its surroundings and needed to be secured through any planning permission and delivered early in the redevelopment programme. The Panel also considered that a future link to the industrial land to the east should be provided in the event that that land was also redeveloped in the future. The Panel further considered that the scheme was much denser than surrounding areas but acknowledged that some intensification in terms of density would be justified if it helped to support local services. As well as comments on the detail of the design, the Panel stressed that the scheme lacked definable character and that the sustainability of the scheme '*should be given immediate attention*'.

- 11 In summary, there were a number of both fundamental and more detailed aspects of the principle of the redevelopment proposals that were identified both by officers and Members of the Panel that needed to be addressed before support could be given to the scheme.

Environmental Impact Assessment

- 12 In September 2009 the Council was asked to provide a 'Screening Opinion' as to whether the redevelopment of the site for up to 250 new dwellings would constitute development requiring an Environmental Impact Assessment (EIA) to be submitted as part of any planning application. The Council issued an Opinion that the redevelopment would not require an EIA, albeit indicating that '*the current social benefits that the Greyhound Stadium provides the community will need to be considered as part of any forthcoming planning application*'. No inspection of the site was made in connection with the Opinion.
- 13 Since that time emerging studies on the heritage significance of various sites in a number of areas of Oxford not normally studied in terms of heritage (and including Blackbird Leys) had identified the stadium site as possessing heritage importance because of its association with the pursuits of greyhound racing and speedway for over 70 years. As a result of these studies the site was later on added to the Council's 'Heritage Assets Register' in recognition of its heritage importance as set out below in the 'Heritage' section of the report.

- 14 In addition to the heritage significance, officers had the opportunity to visit the site and understand the quality of the facilities that were contained within the main grandstand building and also understand the wide ranging uses that were made of the facilities by community groups; in particular a dance school with over 350 students. This was in addition to the greyhound racing and speedway activities that formed the core activities at the stadium.
- 15 Therefore, on the basis of this improved understanding of the extensive community benefit and cultural and historical importance, officers considered that the loss of the stadium would have significant environmental impacts on Oxford's cultural landscape such that the loss of the facility would constitute the type of development that would require an EIA as part of a planning application and consequently the Council issued a further Screening Opinion that an EIA was required shortly after the planning application was submitted. The applicants then asked the Secretary of State for a Screening Direction, which is essentially an appeal against the Council's decision. However, unfortunately, despite a number of representations in connection with this matter and after many months, the Secretary of State issued a Screening Direction that the development was not EIA development and therefore no Environmental Statement was required.

The proposal

- 16 The proposed development is for the demolition of all the existing buildings on the site and its redevelopment with 220 new dwellings. Three vehicular accesses are to be provided into the site along with a new pedestrian access. The new dwellings would be in a range of different sized houses (2, 3 and 4 bedrooms) almost entirely arranged in terraces and 4 separate flatted blocks are included.
- 17 The proposal is complemented by three areas of public open green space each with areas of play equipment for younger children. The two larger open spaces are connected by a centrally located hard surfaced plaza with benches and cycle parking. There is a single road that stretches all through the site and passes the edge of the central plaza with a series of short *cul-de-sacs* set out as 'Home Zones' each with level and shared surfaces.
- 18 The two bed houses are two storey but with 'potential mezzanines' in the roofspace. The three bed houses are two and half storey with a bedroom and bathroom in the roofspace, the smallest bedroom at ground floor level looking out onto the front parking area and a living room at first floor. The four bed houses are three storeys with two bedrooms and a bathroom at second floor level, the smallest bedroom at ground floor level and also with a living room at first floor. All but a handful of the houses have an off-street parking space on the frontage and all have a bin store located adjacent to the pavement, a small bicycle store where a bicycle can be stored vertically and covered porch. On street parking is a feature of the majority of the roads.
- 19 The four flatted blocks contain the 37 one bed flats and 43 two bed flats. Of

the four flatted blocks, three are set over four floors and one is over three floors. Flats on the first, second and third floors have private balconies. The three largest blocks have parking courts to the rear. The buildings are proposed with brick and render walls with the odd area of timber boarding and roofs of plain tiles for 2 and 3 bed houses and slate for 4 bed houses and all the flatted blocks. All windows are powder coated metal windows along with powder coated balustrades to balcony fronts.

Officers consider the principal determining issues to be:

- Principles of development - policy history; affordable housing, balance of dwellings
- Community facilities
- heritage
- design - site layout and built forms including landscaping;
- transport;
- Sustainability and lifetime homes.
- Other planning issues (flood risk and drainage, land contamination, biodiversity, archaeology, noise and vibration and air quality)

Principles of development

Policy history of the site

Strategic Housing Land Availability Assessment

20 The City Council publishes a Strategic Housing Land Availability Assessment (SHLAA) annually. The first SHLAA was published in 2008 and in relation to the Oxford Stadium it concluded that it was “*Unsuitable [for housing]. The facility is specialised and its loss will be very detrimental to the Blackbird Leys area and Oxford*”. As a result the site was not included in the subsequent SHLAAs in 2009. The whole of the Blackbird Leys area was reconsidered in 2010 which identified a number of broad areas where there may be potential for some housing. One of these areas was the Northern Opportunity Area (land around the Oxford Retail Park and Oxford Stadium). The 2010 and 2011 SHLAA considered a cautious capacity of 200 new dwellings across the broad area but also referred to the retention of leisure facilities. The 2012 SHLAA reflected that the owners of the Oxford Stadium were undertaking more detailed work and consultation on the development of the site. The SHLAA indicated that development of the Oxford Stadium may be a source of housing but expected community uses to be re-provided.

21 It is important to note the SHLAAs are not policy documents. The technical information provided on capacities, constraints, suitability and deliverability provide a high level overview of Oxford’s housing potential and as such does not prejudice any decision that may be taken by the City Council or indicate the overall acceptability of the proposal. SHLAAs are not expected to be accurate representations of what housing will and will not come forward for development as that will be decided through the plan making and planning application processes.

Sites and Housing Plan

- 22 Alongside the production of the SHLAA, the City Council produced the Sites and Housing Plan with an aim to allocate sites for housing. The first stage was to draw up a long list of sites which used a number of sources. These sources included sites already allocated in the Local Plan, protected key employment sites, sites identified in the SHLAA, map searches of the local area and a call for sites to landowners including the City Council as a landowner. One of the sites that rightly needed to be considered through this process was the Oxford Stadium because the Blackbird Leys Northern Opportunity Area had been considered in the SHLAA.
- 23 The site was taken forward for consideration in the Options document (July 2011) which concluded that the “Preferred Option” of the City Council at the time was to allocate the site for housing but with the community uses either retained or a contribution provided. When considering whether to take sites forward to the next stage, the City Council also had to consider deliverability as it would be unlikely for a planning inspector to support the allocation of a site if the landowner was not considering releasing the site.
- 24 Efforts were made to contact the Greyhound Racing Association, as owners of the land, to understand their future plans for the site. However, despite this approach, officers had received no contact from them for over a year. For this reason the City Council could get no information on whether or not the stadium was going to close and when the site might be available. The site was therefore not considered deliverable and was not taken forward in the Proposed Submission of the Sites and Housing Plan (reported to and approved by Council on 11 Dec 2011). As such, the site is not an allocated housing site within the local plan.
- 25 It should not be assumed that if the Oxford Stadium had been taken forward into the Sites and Housing Plan Proposed Submission that it would have been deemed suitable for allocation as it is not possible to know what the outcome of the Proposed Submission consultation and the Examination in Public by an independent Inspector would have been.
- 26 As a result of the public consultation on the planning application, further details on the level of community activities that currently take place on the site have emerged which the City Council was unaware of during the Sites and Housing process. (Further details of the nature of the community facilities are provided below under that heading). This is information that is also likely to have emerged had the Oxford Stadium been included in the Proposed Submission for the Sites and Housing Plan consultation and is very likely to have led to the City Council taking a stronger view on the loss of community facilities on the site in any housing allocation. The strong level of public objection to the loss of the stadium may have also affected the City Council’s and the Inspector’s decision in relation to the level of community facilities to be retained on the site.
- Five year housing land supply
- 27 Through the NPPF, the government requires that local authorities take a plan-led approach to satisfying housing needs. In a constrained urban area

like Oxford, the approach to planning for housing is one of a capacity-led approach and this approach was considered appropriate by the Core Strategy inspector. The housing target for Oxford was set by considering the constraints upon Oxford in the form of its intrinsic designations and sustainability objectives. Any housing target in the future will consider objectively assessed need and will continue to reflect Oxford's capacity to deliver housing without compromising sustainability objectives. That is to say that housing targets are set at least in part on the basis of what can reasonably be delivered over the period.

- 28 The Sites and Housing Plan (along with other identified sites in the Strategic Housing Land Availability Assessment) allocated sites to ensure that Oxford has a five and ten year supply of deliverable and developable housing sites in line with the NPPF. Through the Strategic Housing Land Availability Assessment (SHLAA) published in Dec 2012, the Council concludes that the 5-year NPPF requirements can be met on deliverable sites with no reliance on windfall sites. (Deliverable sites are those which are available, achievable and suitable) The 10-year target of developable sites is also exceeded. Therefore this site is not required for the Council to meet its housing targets.
- 29 The SHLAA process was considered robust by the two Core Strategy Inspectors and the Sites and Housing Plan inspector. The Sites and Housing Plan was produced to determine suitable sites for housing and other uses. Each site went through the full plan making process of Options and consultation, Proposed Submission and consultation and Examination by an independent Inspector as well as Sustainability Appraisal. The Sites and Housing Plan Inspector was content with the City Council's approach and did not suggest that further sites were required. The Sites and Housing Plan ensured that Oxford took a planned approach to new housing and as a result does not need to accept speculative housing proposals on sites considered unsuitable for other policy reasons.

Affordable Housing

- 30 The requirement for affordable housing is set out in Policy CS24 of the Oxford Core Strategy 2026. Supporting text to Policy CS24 states that the City Council will seek to maximise the contribution to affordable housing provision from each site, having regard to the characteristics of the site, the viability of the development and the Affordable Housing and Balance of Dwellings SPDs. The policy states that planning permission will only be granted for residential developments that generally provide a minimum of 50% of the proposed dwellings as affordable housing on all qualifying sites. The policy also sets out the general approach required should viability be an issue, based on an open book approach.
- 31 Policy HP3 of the Sites and Housing Plan applies to sites of 10 or more dwellings, and expands on the Core Strategy Policy CS24. The policy reiterates the minimum 50% affordable housing requirement, and also requires that at least 80% of the affordable homes should be social rented, with the remainder being intermediate tenure. Exceptions will be made only

if it can be robustly demonstrated that this this level of provision makes a site unviable, in which case developers and the City Council will work through a set cascade approach, progressively reducing the requirement until the scheme is made viable. The supporting text also expects a strategic mix of dwelling sizes based on the Council's understanding of current housing needs, and adopted planning guidance (SPDs). The application proposes only 35% of the units to be affordable on the basis that providing the full 50% in combination with the other financial contributions would make the scheme unviable.

- 32 The Affordable Housing and Planning Obligations SPD adds further detail and clarification to Policies CS24 and HP3. In particular it gives more detail on the cascade mechanism (paragraphs 2.22 and 2.23), and guidance on the strategic mix of affordable dwelling types (paragraphs 2.26-2.28 and Table 2). Appendix 3 of the SPD provides guidance on viability appraisal.

Viability appraisal

- 33 The Council's preferred methodology for assessing viability is based on Residual Land Value (RLV). In simple terms, this works out what a developer could afford to pay for a site it wishes to develop (the RLV). This is calculated as the difference between the Gross Development Value (GDV) – i.e. what the completed development is worth when sold – and the total cost of carrying out the development, including an appropriate margin of developer profit. The RLV is then compared with the Existing Use Value (EUV), which is the value of the site, should it be sold in its current use and condition. If the RLV is greater than the EUV, plus a reasonable uplift to motivate the landowner to bring the site to the market, then the scheme is viable.

- 34 However, it is important to point out that a robust viability appraisal necessitates that a number of assumptions and estimates are made to be fed into the appraisal model. Even small differences in these assumptions can make a significant difference to the outcome of the appraisal. Therefore, it is important that all figures fed into the appraisal are clearly evidenced. The assessment methodology is set out in the Affordable Housing and Planning Obligations SPD.

Affordable housing proposed

- 35 In this case, the applicant has submitted a viability appraisal using the Argus Developer model, seeking to demonstrate that the maximum affordable housing achievable on the site is 35% of the total, such that the following tenure mix would be achieved:

Open market dwellings	143	65%	(Affordable only)
Social rented dwellings	62	28%	81%
Shared ownership dwellings	15	7%	19%
<i>Total</i>	<i>220</i>	<i>100%</i>	<i>100%</i>

There are three key issues in respect of the proposed provision of affordable housing, which are dealt with in turn below.

Cascade approach to viability

- 36 The cascade approach to affordable housing is referred to in Core Strategy Policy CS24, and set out in full in Sites and Housing Plan Policy HP3. It applies where the full 50% requirement, together with CIL and any Section 106 requirements, would make the development unviable. This process should show how the provision of affordable housing has been maximised, to a point where no less than 40% of the total homes are provided as social rented.
- 37 The viability appraisal does not go through this process, but starts from the assumption that 35% affordable housing, of which 80% are social rented and 20% shared ownership, is the maximum provision possible. There have been no other options tested, despite this being required by the cascade approach. Bearing in mind the conclusions below regarding the viability appraisal assumptions, indicating that the overall provision of affordable housing could be increased, it is considered that the cascade approach has not been followed. This is contrary to Policy HP3 of the Sites and Housing Plan.

Robustness of viability appraisal

- 38 An initial review of the viability appraisal by officers raised grave doubts that the viability evidence was robust. It was also noted that the appraisal assumed no planning obligations to provide financially or otherwise, for either compensatory off-site community and leisure facilities, or for a new pedestrian and cycle crossing across the railway to Tesco. It was therefore decided to invite the applicant to engage in a collaborative review of the appraisal assumptions and methodology. This was accepted, and the City Council instructed an expert consultant to work with the applicant's agent towards achieving a robust viability appraisal. The Council sought to ensure that this would re-visit the appraisal workings, and re-assess the level of affordable housing achievable, to ensure that the Council's policies were fully complied with.
- 39 Despite discussions between these parties, there has been no further viability evidence submitted by the applicant in the period since the applicant's original appraisal was received in January 2013. On 15th October 2013, the consultant instructed by the City Council sent a letter outlining the Council's unresolved concerns regarding the viability appraisal. This sought further work, with a view to submission of a revised appraisal to address the concerns raised. At the time of writing this report, no response has been received to the letter.
- 40 The key areas in which the viability appraisal has failed to demonstrate robustness are:
- The appraisal estimates the Gross Development Value (GDV) as £33,116,200. However this does not sufficiently factor in the strong growth

seen in Oxford residential sales values since 2011 (as reported in Savills' latest Oxford Market Insight report highlighting a significant increase in average values since 2012), and does not recognise the additional value typically achieved by newbuild schemes, both of which could increase viability;

- The appraisal includes a significant cost arising from planning obligations, which now needs replacing with the Community Infrastructure Levy: it is believed this will have a positive effect on viability;
- The scale of development is expected to allow further efficiencies on the cost of construction and professional fees, which if reflected in the appraisal would have a positive impact on viability;
- The cost of borrowing money to fund the development (i.e. the rate of finance, or interest) may have been over-estimated and therefore needs full justification;
- The assumption within the appraisal on profit level is potentially too high and open for question, therefore should be more fully justified. A profit margin over and above contractor's profit is assumed for the affordable housing, which is not accepted by the Council;
- The Existing Use Value of the site (what it is worth in its current use and condition) is assumed to be £880,000, which may be too high. The Greyhound Stadium is claimed by the applicant to be an unviable business, which would therefore have minimal value.

Therefore the viability appraisal is not considered to be robust, and therefore does not demonstrate that the maximum contribution to affordable housing whilst maintaining viability has been achieved.

Strategic mix of unit sizes

41 The strategic mix of social rented dwelling types (as a proportion of all affordable dwellings) is as follows: 6% 1-bedroom, 10% 2-bedroom, 49% 3-bedroom, 14% 4-bedroom. The mix of shared ownership homes is 9% 1-bedroom and 10% 2-bedroom. This does not strictly comply with the strategic mix set out in Table 2 of the Affordable Housing and Planning Obligations SPD adopted September 2013, as there are less 2-bedroom homes, and more 3-bedroom homes, than would normally be sought. The proposal departs from Policy HP3 on this basis. However it is recognised that the SPD was not published at the time the application was submitted, and that the strategic mix complies with the previous Affordable Housing SPD adopted in 2006. For the current application, it is considered this material consideration outweighs the departure from policy.

42 Therefore, notwithstanding the conclusions regarding the viability appraisal, indicating that the overall provision of affordable housing could be increased, it is considered that, given other material considerations, the strategic mix of unit sizes (expressed as proportions of the total) is acceptable.

Conclusion on affordable housing

- 43 The lack of the full provision of affordable housing would cause material harm to the mix and balance of the communities within the site and in Oxford, and this harm has not been justified by a robustly prepared and evidenced viability appraisal. The proposal is therefore contrary to the objectives of the Core Strategy and the Sites and Housing Plan, and fails to comply with Policy CS24 of the Oxford Core Strategy 2026, and Policy HP3 of the Sites and Housing Plan.

Balance of Dwellings

- 44 Policy CS23 of the Oxford Core Strategy 2026 requires residential development to deliver a balanced mix of housing to meet the projected future household need. The Balance of Dwellings Supplementary Planning Document (BoDSPD) identifies the site as being within the Blackbird Leys Neighbourhood Area. The BoDSPD classes this as a 'strategic site' because it exceeds 25 residential units.
- 45 The application is seeking permission for 220 units, which the application indicates would be made up of the following dwelling types – 37 one bed dwellings (16.8%), 67 two bed dwellings (30.5%), 90 three bed dwellings (41%), and 26 four bed dwellings (12%). Although the percentages for the one bed units at 16.8% are slightly above the threshold set out in the SPD as 6 - 16% and the percentage for the two bed units is also at 30.5% slightly higher than the threshold of 20 - 30% there is still considered to be a good mix of housing such that the proposed mix would not adversely affect the balance of dwellings within the neighbourhood area. As such the proposal is considered to comprise an appropriate mix of units for a residential development of this size and would satisfy the aims of Core Strategy Policy CS23 and the BoDSPD.

Community Facilities

The existing community facilities

- 46 The existing layout of the site and the uses made of the various buildings and areas of the site were described in paragraphs 3, 4 and 5 above. The site has been used extensively for greyhound racing and speedway for many decades. A more detailed commentary on the history of greyhound racing and speedway at the stadium can be found at paragraphs 60 to 66 below. The main grandstand building and subsequent extensions to it along with ancillary buildings represent a significant investment that has resulted in a community facility of exceptional quality.
- 47 Moreover, the main stadium building has incorporated within it extensive studio rooms with accompanying changing rooms, sauna facilities, Jacuzzi, showers, WCs and lockers which were originally intended to be used as a gym and are now used primarily as a series of dance studios. The Dance School, Dance Connection, had previously operated from a series of village hall locations and had struggled to find a suitable location that allowed the school to function in a way that provided complimentary tuition to its

students. Since moving to the stadium and the studios that it now occupies, known as 'Frontline Studios', the school has gone from strength to strength and is able to provide dance tuition simultaneously to a number of different age groups allowing siblings to dance at the same time and fostering a 'family' approach with students of different ages dancing together as they progress through the classes. The school is recognised as one of regional quality and boasts successes in terms of progressing youngsters from the local areas into professional dancers. The school also boasts successes with children who had been in trouble and also being able to turn their lives around as a result of dance tuition.

- 48 The applicants have provided a report on the facilities provided at the stadium by specialist consultants that indicates that the school could relocate to other premises within the Blackbird Leys area. However, there are a number of reasons why the relocation would not be able to provide facilities of equivalent quality, including those mentioned above, combined with a number of factors relating to the specific facilities provided at the stadium which were in part designed specifically as a dance hall. The applicants have very recently indicated that as part of the planning proposal it would be possible to provide a replacement facility of equivalent quality at another location nearby as mitigation for the loss of the facilities provided by the stadium but no formal proposals have been submitted. Any update on this will be given at the meeting. Use of the studios is also made by a local martial arts club and church group and until recently a local street dance club (Messy Dance).
- 49 The layout and nature of the site also allows for the car park to be used for motorcycle training and detailed comments have been provided by Lightning Motorcycle Training who operates the training school there. The report provided by the applicants indicates that the school could be relocated to another location in Oxford or further away without there being any adverse impact. However, the point is made by the training school, that there are no other suitable locations in or around Oxford that would be able to be used at times when students require tuition or that could provide the necessary space to comply with the legal requirements relating to motorcycle tuition. The school has trained over 20,000 motorcyclists in the 20 years that it has been located on the site and is an organisation that runs on a not-for-profit basis with any surplus profit going into road safety. Without a local facility of this size offering training for all sizes of motorcycles road safety in Oxford would most likely be compromised.
- 50 The centre of the track has been laid out as a go cart track. The go-cart business offers go-carting as a recreational pursuit and also brings in groups of people as part of stag parties, work 'away days' and as a pastime for enthusiasts. Although the loss of the go-cart track may not result in as much harm to the well-being of Oxford's communities compared to the loss of some other activities currently or previously conducted at the site, it nevertheless provides a valued complimentary recreational activity that adds to the viability of the stadium complex and would deprive Oxford of any prospect of a similar facility without travelling a substantial distance.

Regeneration and the retention of community facilities

- 51 Part of the Core Strategy's vision is to promote social inclusion and improve quality of life in Oxford. The Core Strategy identifies Blackbird Leys as a regeneration area where regeneration will be focused to bring about positive change. A key element of the spatial strategy is to harness growth and development to help regenerate deprived areas. The Core Strategy also talks about housing-led regeneration being supported by improvements to community facilities.
- 52 The Core Strategy (para 3.3.19) explains that regeneration is about more than new housing and other physical improvements and that other key aspects of regeneration to be targeted include:
- improving health and social inclusion
 - reducing inequalities and breaking the cycle of deprivation
 - improving education and skills levels
 - providing employment opportunities and training.

The retention and enhancement of community facilities is extremely important to delivering regeneration in the non-physical ways listed above by providing sites that enable such activities.

- 53 This site is considered by the City Council as an important community facility because of the range of community uses that took place on the site and the range of community uses that could continue to take place on the site, with or without the current buildings in place. Its importance is heightened by the fact that it is located within the regeneration area of Blackbird Leys where the Core Strategy specifically refers to the importance of enhancing and adding to community facilities.
- 54 The Core Strategy policy CS20 states *"The City Council will seek to protect and enhance existing cultural and community facilities. Planning permission will not be granted for development that results in the loss of such facilities unless equivalent new or improved facilities, where foreseeable need justifies this, can be provided at a location equally or more accessible by walking, cycling and public transport."* The intention of the policy is to retain community facilities in any form or with any potential community function. Some examples of buildings are given in Core Strategy paragraph 6.3.2 but it also states that *"Further facilities that are not listed may provide for social interaction and community cohesion."*
- 55 A site with no physical buildings can retain a function for the community for outdoor uses such as cycle training, kick about, a community garden, street theatre and markets. As such the loss of the site to residential would be contrary to Core Strategy policy CS20. The threat of the demolition of the buildings does not remove the obligation on the developer to retain the community use.

Heritage impact

56 Oxford Stadium has been designated a heritage asset on the Oxford City Council's Heritage Asset Register by the City Executive Board. The Stadium was registered in recognition of its heritage significance including its historic and architectural interest and historical and communal value, as a feature of the historic landscape that is rare within the city, county and country, that represents an early phase of development in the context of the surrounding landscape, that has integrity as a stadium that includes elements of construction spanning the past seventy years and that makes a strong contribution to the identity of Oxford and the local neighbourhoods. It was decided that the stadium's significance merited consideration in planning. The registration followed a process of public consultation and review by a panel of local councillors.

Heritage Policy Background

57 The National Planning Policy Framework (NPPF) sets out a presumption in favour of sustainable development (NPPF para 14). It identifies sustainable development as being characterised by economic, social and environmental dimensions, which give rise to corresponding needs in the planning system. The NPPF defines the environmental role as: "contributing to protecting and enhancing our natural, built and historic environment" (NPPF para. 7).

58 The NPPF sets out 12 core principles that should underpin both plan making and decision-taking. Among these are that planning should "conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations" (NPPF para. 17). The NPPF states that heritage assets are an irreplaceable resource and that local planning authorities should conserve them in a manner appropriate to their significance, including those at risk through neglect, decay or other threats (NPPF para 126).

59 The NPPF requires local planning authorities to have regard to an assessment of the significance of a heritage asset affected by a proposal in order to avoid or minimise any conflict between the conservation of the heritage asset and any aspect of the proposal (NPPF para. 129). It sets three principal concerns that planning authorities should take into account when making decisions affecting heritage assets which are:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness. (NPPF para. 131)

As heritage assets are irreplaceable the, NPPF requires that harm or loss through alteration or destruction should require clear and convincing justification (NPPF para. 132).

60 The effects of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In

weighing applications that affect non designated heritage assets either directly or indirectly, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset (NPPF para. 135). Where there is evidence of deliberate neglect of, or damage to, a heritage asset the NPPF states that the deteriorated state of the heritage asset should not be taken into account in any decision (NPPF para. 130).

61 In terms of the local plan the most relevant policy is Core Strategy policy CS18 which deals with urban design, townscape character and the historic environment. With regard to the historic environment CS18 states that “Development proposals should respect and draw inspiration from Oxford’s unique historic environment ... responding positively to the character and distinctiveness of the locality. Development must not result in loss of or damage to important historic features”.

62 In addition to policy CS18, saved local plan policy HE6 states that planning permission for demolition of a building of local interest will only be granted if the applicant can justify why the existing building cannot be retained in the proposal and how the development will make a more positive contribution to the character and appearance of the area. The saved local plan policy provides clarification of how the NPPF’s requirement to weigh the harm of proposals against the significance of a heritage asset will be delivered locally.

Assessing the significance of the heritage asset

63 The stadium has been registered as a heritage asset and building of local interest on the Oxford Heritage Assets Register. This followed the preparation of a report to the Council’s City Executive Board (CEB) based on a factual statement and assessment of significance prepared by the City Council in collaboration with local community representatives and the submission of a Heritage Assessment prepared by Montague Evans LLP on behalf of the applicant, Galliard Homes as prospective developers of the stadium.

64 The report to CEB set out the significance of the stadium, which can be summarised as follows. The stadium contributes to the character of Blackbird Leys through its associations with a considerable sporting heritage including the historic interest of its connections with local sports (Greyhound Racing and Speedway) and associated teams, events, competitions and promoters that have been noted locally and nationally. The buildings, structures and spaces of the stadium illustrate this historic interest by preserving elements that have provided the setting of sporting events over the past seventy years and a record of the stadium’s development during this time, including the addition of further sporting uses and other activities. The simple aesthetic of the buildings illustrates their historic use and the historic status of these sports and relates to the social status of the communities who attended them. These retain some evidential value for their potential to reveal more about the development of the stadium and its uses.

65 The stadium is a rare historic stadium complex in the context of Oxford and,

indeed, within the county and has particular resonance for its associations with the people of the 'town' of Oxford. The only comparable site, the Iffley Road sports complex, is more associated with Oxford University's communities and so has a heritage significance that does not represent the same range of interest and value that is provided by the stadium (although it may also be considered as suitable for designation as a heritage asset). The rapid decline of the number of historic greyhound and speedway stadia in the country also makes it rare at a national level. The stadium has integrity as a complex of structures that illustrate the development of the use of the site over its lifetime.

- 66 The stadium contributes to the character and identity of the communities of Oxford and the neighbourhoods of Blackbird Leys and Cowley. It is no accident that the stadium is located on the periphery of the former manufacturing district of the city, historically serving the market of thousands of working men (and women), for whom sports such as greyhound racing and speedway were a form of entertainment that they could afford to enjoy and even participate in. For the communities that subsequently developed around the stadium, it has formed a venue for social interaction and a valued amenity. This has been enhanced by the history of the speedway team, Oxford Cheetahs, who have been associated with the stadium since the 1950s and have represented the city in competitions at all levels of the domestic sport, whilst individual sportsmen have achieved international renown. This is sustained through the preservation of buildings and spaces that have provided the venue for sporting events attended by local people as a cohesive community of supporters over the past seventy years and has contributed to the identity, distinctiveness, social interaction and coherence of these communities through their use of the stadium and its association with the teams they have supported. The history of campaigns by the local community to protect the use of the stadium since the mid-1970s has reinforced this communal value and has added further to the historic interest of the stadium.
- 67 The stadium contributes to the character of Cowley and Blackbird Leys by illustrating the development of a landscape of sports and recreational uses on the fringes of the industrial suburb of Cowley in the early 20th century. This has otherwise been largely lost through later redevelopment of other former sporting venues, recreation grounds and allotments. As such, the stadium provides a rare feature that illustrates the early origins of the modern landscape in the early 20th century and its subsequent development.
- 68 The heritage assessment submitted by the applicants concedes that the stadium has limited local historical interest and some communal value. In registering the stadium as a heritage asset the Council's CEB has indicated that the stadium has a level of heritage significance meriting consideration in planning decisions. Based on the assessment above the stadium is considered to have a special level of significance locally. It is a unique resource with significance for the whole city, although with particular significance for a large area of the south eastern part of it. It also has significance, for the county and, for the speedway and greyhound racing

community, at the national and even international level, as demonstrated by the public comments received in relation to this application.

The impacts of the proposal

- 69 The proposal would require demolition of all buildings within the stadium complex, levelling of the site and construction of a network of streets, housing and public open spaces. The loss to the significance of the heritage asset would be the total loss of architectural interest and substantial loss of historic interest, based on the loss of spaces, structures, buildings and the venue for activities that contribute to the asset's significance. This would be considered substantial long term and permanent harm to the significance of the heritage asset, which as a result, would no longer be considered suitable for inclusion on the Heritage Assets Register. There would be a substantial impact on the character of the area.

The public benefits of the proposal

- 70 The benefits of the proposal are generating short term jobs during construction and creating 220 housing units (143 market dwellings and 77 affordable dwellings – providing 35% affordable housing), in addition to public realm improvements on Sandy Lane and provision of public open space within and serving the development.

Measures to minimise harm

- 71 The Heritage Assessment submitted in support of the proposal recommends that recording of the structures of the stadium prior to their demolition should be secured as a condition of planning permission and would be an appropriate response to the proposals. This does not constitute mitigation of harm but would be a requirement where benefits of the proposal outweighed the harm to the heritage asset resulting from it and loss of all or part of the asset was an unavoidable consequence of their realisation.

Assessment of the harm against the benefits of the scheme

- 72 The public benefits do not relate to or address the harm to the significance of the heritage asset and its impacts on the area's character resulting from the proposal. As such the harm to the significance of the asset remains as substantial, long term and permanent. A small number of proposals have been suggested to mitigate the loss of the significance of the heritage asset and its contribution to local character. These would not mitigate this loss and as a net result the development would be considered harmful to the character of the area.

- 73 The amount of affordable housing the scheme generates is below the 50% required of new housing schemes by Policy HP3 of the City's Sites and Housing Development Plan Document, and might be delivered through development of allocated sites. As windfall development it would be regarded as an unnecessary minor benefit.

- 74 The economic impact of development of housing through addition of jobs in the local economy through construction of the housing would be considered a moderate benefit given the scale of the proposal. However, given the short

term nature of the benefit this would be regarded as a minor benefit in the long term. The provision of market housing could be secured through development of allocated sites within the city. As such this is considered a minor benefit only. Enhancement of the frontage to Sandy Lane would be expected as part of the maintenance of the site within its current use and therefore is considered a negligible benefit. As such, the series of minor long term benefits of the scheme is not considered to outweigh the substantial long term and permanent harm to a heritage asset of high significance to the city.

Conclusion on Heritage

- 75 The long term and permanent substantial harm to the significance of the heritage asset resulting from its total destruction and the inadequacy of the mitigation measures to minimise this harm means that the benefits of the proposal are not considered to outweigh the harm to the heritage asset's significance that would result. The loss of the heritage asset has not been clearly and convincingly justified within the application. As such the proposal does not meet the requirement of the National Planning Policy Framework. The proposals would result in the loss of an important historic feature that makes an important contribution to the character and distinctiveness of the locality and is not considered to have either drawn inspiration from Oxford's unique historic environment or to have responded positively to the character and distinctiveness of the locality. As such, it does not meet the requirement of Core Strategy Policy CS18. The application does not set out how the proposal will make a more beneficial contribution to local character than the heritage asset and therefore does not meet the requirement of Saved Local Plan Policy HE6.
- 76 The proposal to remove all the buildings and structures comprising the heritage asset would cause substantial harm to its significance by removing the features that contribute to its architectural interest and much of its historic interest resulting in the loss of the historical and communal value these provide. The loss of the stadium would have a significant negative impact on the character of the local area through the loss of a valued historic sporting and cultural venue with strong associations for the local community and city as a whole. As such, the proposal would be contrary to the provisions of the NPF and policies HE6 of the Oxford Local Plan and CS1 of the adopted Core Strategy.

Design

Site Layout and Built Forms.

- 77 The layout and overall design rationale of the proposed scheme is described at paragraphs 16 to 19 above. The NPPF requires that local planning authorities seek high quality design and a good standard of amenity for all existing and future occupants of land and buildings. It suggests that opportunities should be taken through the design of new development to improve the character and quality of an area and the way it functions. Policies CP1, CP6 and CP8 of the Oxford Local Plan, together with Policy CS18 of the Core Strategy and Policies HP9 and HP14 of the Sites and

Housing DPD in combination require that development proposals incorporate high standards of design and respect local character.

- 78 The proposed scheme is for 220 new dwellings on a site of 3.4 hectares giving a density of 64.7 dwellings per hectare. The Design and Access statement submitted with the application sets out the design principles and the amount of development on the site. The existing surrounding area is stated to be of low density and the proposed scheme seeks to make more efficient use of the land. This is an approach supported by officers and the South East Regional Design Panel who reviewed the design also commented that there was room for a more dense development. However, whilst a higher density of development is considered appropriate, officers question the actual density as being rather high and not allowing for the extent of openness, private amenity space, parking and gaps between buildings that would be considered appropriate in this suburban location, even allowing for an increase in density.
- 79 The minimum 10% of public open space is achieved but there is a minimal amount of space left in the front curtilages of houses after the provision of one parking space, bin stores and cycle parking in vertical stores. The houses almost all have narrow frontages and are set out in rows of terraces with little relief. It is therefore considered that the built form is too dense to provide an urban environment that provides all of the expected qualities in terms of the perception of open space, suitable contingencies of car parking, acceptable living conditions for future residents and achieving an urban landscape that reduces crime and the fear of crime. These issues are explored in more detail below.

Living conditions

- 80 The Sites and Housing Plan sets out the required standards for residential accommodation. Policy HP2 requires all residential development to be designed to Lifetime Homes Standards, with at least 5% of all new dwellings in schemes of this size to be fully wheelchair accessible or easily adaptable for full wheelchair use and at least 50% of these to be provided as open market dwellings. Policies HP12, HP13, and HP14 then set the indoor and outdoor space requirements for dwellings.
- 81 HP12 sets a minimum of 75m² for any family dwelling and 39m² for any single dwelling. The Sites and Housing Plan defines a family dwelling as a self-contained house (or bungalow) of 2 or more bedrooms, or a self-contained flat either with 3 or more bedrooms or otherwise deemed likely to encourage occupation by a family including children. The two bed houses are 75m², the three bed houses are 99m² and the four bed houses are 112.5m². The proposed one and two bed flats are a variety of sizes but all the flats exceed 39m² and the two bed flats are much more spacious. As such the proposal meets the requirements of HP12 in terms of internal spaces.
- 82 HP13 sets out the requirements for outdoor space. Houses of two or more bedrooms must have access to a private garden of adequate size and proportions and one or two bed flats should have access to a private balcony

or terrace or direct access to a shared or private garden. The private gardens for the two, three and four bedroom properties are at best minimal with a few examples of where the private space provided is inadequate. Examples of this inadequacy are in terms of the new houses at the very western corner of the site where the width of gardens is minimal and the lengths of the gardens for three of the terrace of four houses ranges from 7.5m down to 5m. The flats at first floor level and above all have access to private balconies that are of the minimum size to meet the policy requirements.

- 83 However, ground floor flats in some case are shown as having a terrace outside a habitable room but no indication of privacy. In most cases there is no indication of private amenity space. Although the proposed layout of the development includes public open spaces in close proximity to the flatted blocks and occupants of the flats would be likely to make some use of these spaces, the policy requirement is nevertheless that some private or shared space is directly accessible to ground floor flats. The combination of inadequate garden sizes for some of the houses and the lack of directly accessible amenity space for ground floor flats means that the occupants of those proposed dwellings would not enjoy satisfactory living conditions and the proposal would not meet the policy requirements of HP13.
- 84 Policy HP14 of the Sites and Housing Plan seeks to ensure that new development provides adequate levels of privacy. Most of the new dwellings have the minimum 20m separation distances for direct window to window overlooking to meet the policy requirement. There are, however, a few examples where the overlooking of bedroom windows from balconies in flatted block A is unacceptable. In addition, again in flatted block A all of the ground floor flats have inadequate levels of privacy due to the proximity of the habitable rooms and particularly bedrooms to the public highway and also due to the lack of any defensible space. The 3rd floor flat in flatted block D overlooks neighbouring gardens to the north-east and there are a number of instances where windows in the gable ends of houses would unacceptably overlook either nearby windows or neighbouring gardens. The level of overlooking of habitable room windows or private gardens is unacceptable and would be harmful to living conditions and the proposal therefore fails to meet the objectives of Policy HP14.
- 85 Policy HP14 also seeks to ensure that new development enjoys adequate levels of outlook and daylight. For the most part the terraces of houses and the majority of flats enjoy adequate levels of outlook and daylight. However, there are numerous examples of windows serving habitable rooms of flats where the levels of light and outlook are not acceptable to provide adequate living conditions for future occupants. In particular, flats in block A where north facing windows are restricted by the return in the building, light from above is restricted by balconies above and on the third floor where a bedroom window has an outlook of only 1.5 metres onto a solid wall. There is also unacceptable outlook and daylight for flats at first floor in block C, at third floor in block D and for living rooms and bedrooms in Houses D and E. There are also discrepancies between plans and elevations where no

windows are shown on plans but they are shown on elevations for both the ground floor flats in Block C and Block D. Notwithstanding the discrepancies in the plans which may or may not result in unacceptable levels of daylight or outlook, the cases where unacceptable daylight and sunlight have been identified above are sufficient enough to conclude that living conditions for occupants in those dwellings would be unacceptable and contrary to the objectives of policy HP14.

- 86 Of lesser importance, though notable, is the lack of bin and cycle stores for houses A, B and C.

Crime (and fear of crime) prevention

- 87 The NPPF at paragraph 58 refers to the requirement to achieve good design and paragraph 69 refers to promoting healthy communities. The Framework states that development should create '*Safe and accessible environments where crime and disorder, and the fear of crime do not undermine quality of life or community cohesion*'. In addition, the section at the end of the report requires the Council as local planning authority to comply with its obligations under Section 17 of the Crime and Disorder Act 1998 in doing all it reasonably can in each of its functions to prevent crime and disorder in its area. Furthermore, policy CS19 states that new developments are expected to promote safe and attractive environments, which reduce the opportunity for crime and the fear of crime. Planning permission will only be granted for development that meets the principles of 'Secured by Design' (SBD), including:

- providing for well-designed public spaces and access routes, which are integrated with their surroundings and respond to the needs of the community;
- maximising natural surveillance;
- providing for appropriate lighting of public spaces and access routes.

- 88 The comments from the Thames Valley Police Crime Prevention Design Advisor state that 'SBD' is an Association of Chief Police Officers (ACPO) initiative which has a proven track record in assisting with the creation of safer places by providing guidance on Crime Prevention Through Environmental Design (CPTED). The scheme has two levels of accreditation; an SBD Award, which is achieved by whole developments that demonstrate conformity to design principles and security standards across the entire site and; Part Two compliance, which is achieved when the physical features (windows, doors, locks etc) of the structures themselves meet specified, Police preferred standards. Although achievement of an award can sometimes be more of a challenge due to other planning considerations and/or site constraints, achievement of Part Two compliance is simply a matter of supplying and fitting the required features to accepted and tested specifications. Therefore, a level of accreditation can be achieved by all development.

- 89 The comments provided also indicate that there are a number of elements of the scheme that are not acceptable in achieving 'SBD' principles and preventing crime or the fear of crime. Firstly, although the Design and

Access statement makes the claim that '*public open space is provided with a clear sense of ownership via over-looking by surrounding homes*', this is not accepted because only the two bed houses have kitchen windows looking out onto the street with the three and four bed houses having a small bedroom in this location and living rooms to the rear and on the first or even second floor. As such, an acceptable level of over-looking by homes has not been achieved as there are only 23 houses throughout the development where small active rooms are presented to their front aspects.

- 90 In addition to the issue of overlooked public spaces, there are number of elements of the proposed layout which would encourage crime. There is a suggested future link to the east of the site which leads to a dead end and is not overlooked by any active rooms and only one door; a parking court to the north-east of the site is not overlooked or gated and has an unnecessary alleyway from it, several of the other parking courts are not gated nor is the alleyway leading behind dwellings from Sandy Lane. Vehicle crime in the area has been a problem with 17 vehicle crimes in the last three years just in Sandy Lane itself. Other reported crimes are also high in the area, justifying the need to pay extra care to crime prevention. In conclusion there are a number of aspects of the scheme that would need to be redesigned to resolve concerns about crime prevention and achieve SBD accreditation.

Trees and landscaping

- 91 The application is supported by a Tree Inspection Report which provides an adequate record of the quality and value of the trees at the site and the constraints they impose on the layout of any development. Unfortunately, the application does not include an Arboricultural Impact Assessment. However, it appears that the proposals require 12 individual existing trees to be removed; of these 10 (11,12,13,14,27,33,35,37,43,47) are U category trees according to criteria set out in BS5837:2012 i.e. trees in such condition that they cannot realistically be retained as living trees in the context of the current land use for longer than 10 years, and another 2 (T36, T49) are C category i.e trees of low amenity value.
- 92 Most significantly the trees that would be removed include 3 large Lombardy Poplar trees and a sycamore (35,37,43 and 33) that stand along the Sandy Lane frontage and 4 hybrid Black Poplars (11,12,13,14) in the north eastern corner of the site adjacent to the railway line. In addition several hedges will be removed. These include the hawthorn/cherry plum/elder hedges (G48, G46, G40, G42, G34) alongside Sandy Lane. Although some of the trees that will be lost are large and have some presence in public views, their low quality and value and the presence of other trees means that the effect on public amenity in the area will not be significantly harmful and will be adequately mitigated by new planting. As such, there is not considered to be conflict with saved local plan policies CP1, CP11 and NE15 which seek to preserve and enhance existing planting and provide for new planting in new developments where appropriate.
- 93 The proposals include a landscape plan that proposes a number and variety of trees which appear to be appropriate to the site and layout of the

development. A detailed planting plan and a landscape management plan should be secured by condition if planning permission is granted. Retained trees should not be damaged if underground services, drainage soakaways and hard surfaces are all carefully designed and located and appropriate tree protection measures are put in place throughout the construction phase of development. A method statement should be required for all construction activity undertaken within the Root Protection Area of any retained tree.

Highways, Access and parking

Traffic generation

- 94 A Transport Assessment has been submitted with the application and detailed comments have been provided by the County Council as Local Highway Authority. The traffic generation associated with the existing or former uses of the site are not comparable to the proposed residential use because traffic generation would be concentrated around events during the evening and weekends and would not have conflicted with the peak traffic periods during the early morning and evening rush hours. The Transport Assessment indicates that the proposed housing scheme would generate around 70 vehicles in the morning peak period and around 84 vehicles in the evening peak period. In total throughout the whole day 728 vehicles are anticipated. The extra vehicles indicated as being anticipated during peak hours would equate to a little more than one extra vehicle per minute and the local highway network capacity is considered to be able to cope with that additional traffic.

Parking

- 95 The required parking standards for residential development are set out in Policy HP16 of the Sites and Housing Plan and the accompanying Appendix 8. The supporting text to this policy makes clear that large scale housing development in areas such as this should provide allocated and unallocated parking spaces. Allocated spaces should generally have at least 1 allocated space per dwelling, although in certain areas it may be necessary to achieve the maximum standards which is 1 parking space for a 1 bed house or flat and 2 spaces per 2-4 bed house or flat. Unallocated provision should be totalled according to the number and mix of dwellings. These spaces must be available to be shared between all residents and visitors in the development.
- 96 The details accompanying the application indicate that a total of 271 parking spaces would be provided within the development, although the plans showing parking spaces indicate 270 spaces in total. The breakdown of parking spaces equates to 134 allocated 'on curtilage' spaces, 7 allocated 'off-curtilage' spaces, 62 spaces in private courtyards and 68 unallocated 'on-street' spaces. The planning statement suggests that this level of parking would accord with Policy HP16. The methodology used has been to compare the site with areas on the periphery of Oxford city centre and having regard to car ownership levels in the Blackbird Leys ward. The policy requirement for residential parking is set out in maxima with the Appendix. The number of allocated spaces (141) reaches the maximum required (140) but the number of unallocated spaces (129) is significantly less than the maximum required

figure of 240. The required numbers of disabled parking spaces (14) are provided in appropriate locations.

- 97 There have been problems with parking generally in Sandy Lane, with unauthorised verge parking along the road and commuter parking exacerbating the problem. The County Council has recently introduced some parking restrictions on sandy Lane. With unallocated parking at a level only slightly above the required maximum, officers do have doubts that the numbers of unallocated spaces will not be sufficient to serve the development. Whilst it is acknowledged that Oxford does have a significantly lower car ownership rate than the rest of the south-east and there are generally lower levels of car ownership within Blackbird Leys there are other factors that indicate that the low levels of unallocated parking may cause a problem. Firstly, the car ownership levels for this new development are likely to be greater than Blackbird Leys due to the levels of private ownership that will occur within the development and secondly the occupants of the new dwellings may come from outside and be more likely to have a tradition of car ownership compared to Oxford residents.
- 98 The consequences of insufficient car parking will, however, be much more acute in the proposed development if there is an undersupply of unallocated parking due to the design and layout of the residential scheme. This is because of the high density of development, with long rows of terraces, narrow plot widths and parking spaces with accesses off every dwelling, combining with on-street parking utilising most of the opportunities for parking there is little or no opportunity for the road network within the development to absorb any additional demand for residential parking, forcing this parking out onto Sandy Lane and surrounding roads.
- 99 However, there is no objection to the level of parking provision expressed by the County Council, but officers are concerned that the potential for parking problems within the locality to be exacerbated through insufficient parking on this development is another potential outcome of a scheme that is designed at a density that is too high, leaving insufficient space for it to be serviced correctly. Therefore, whilst parking provision alone may not constitute sufficient harm to comprise a reason for refusal itself, it is another feature of the development where there is insufficient tolerance to be sure that the details will be acceptable and cumulatively, with other design issues described above, this is likely to contribute to making the scheme unacceptable.

Cycle Parking

- 100 The required cycle parking standards for residential development are set out in Policy HP15 of the Sites and Housing Plan. The minimum provision would be at least 2 spaces for houses and flats of up to 2 bedrooms, and 3 spaces for houses and flats up to 3 bedrooms. All cycle storage must be secure, under cover and preferably enclosed and provide level unobstructed external access to the street. Details accompanying the application indicate that a total of 556 spaces would be provided with 2 spaces for 1 and 2 bed dwellings and 3 spaces for 3 and 4 bed units. This level of cycle parking

accords with these minimum standards and is considered acceptable. In the event that permission is granted a condition would secure the implementation of the cycle provision.

Access

- 101 As set out in paragraph 16 above, there are three vehicular accesses along with a new pedestrian access into the site. There is no objection to this arrangement; however, the advice from the highway authority is that the vision splays for the new accesses into the development from Sandy Lane need to reflect actual speed limits rather than the legal speed limit. If permission is granted amended details can be secured by condition.
- 102 As is also mentioned in the section on pre-application advice above, it had been made clear to the applicants that the provision of a pedestrian / cycle link across the railway line to the north would be an essential requirement. This was emphasised by officers and by Members of the South East Regional Design Panel. Although the scheme shows indicative routes leading up to a potential future link across the railway line, this is wholly inadequate for the development to successfully integrate with its surroundings in the way that Core Strategy policies CS13, CS14, CS18 and CS19 require. The potential route through to the east as an alleyway is also unacceptable for community safety reasons as set out in paragraph 86 above.

Public transport

- 103 The area is relatively well served by public transport with an infrequent bus service along Garsington Road and very frequent bus services located around a five minute walk away along Balfour Road providing good connectivity with the city centre with bus journeys taking around 20 minutes. As part of the consultation response from the highway authority it would be necessary to relocate the existing bus stop on Balfour Road to a location closer to the site. The applicants have confirmed the proposed relocation of the current bus stop on Balfour Road (currently opposite the junction with Poulton Place), to a location further to the west adjacent to the junction with Tucker Road. They state that this would result in the bus stop being 115 metres closer to the site than the existing bus stop. This equates to a walking distance of approximately 235 metres from the centre of the site (rather than 350 metres to the existing bus stop). The improved access to the public transport network is considered acceptable.

Archaeology

- 104 A desk based assessment has been produced for this site by CgMs (2012). This notes low-moderate potential for prehistoric, Roman and medieval remains in this location and highlights the likely impact of previous development and land-forming on any below ground remains. However, officers consider that whilst the submitted information suggests localised disturbance, there remains a question mark over the extent of this disturbance, notably in the car park area. Given the size and character of development and the general potential for Roman archaeology in this location, the site being located in a zone of activity associated with the

nationally important Roman pottery industry orientated on the Dorchester-Alchester Road, it is considered that, in the event that planning permission is granted, a condition be added to secure post demolition trial trenching and further mitigation as appropriate. The archaeological investigation should consist of a level 3 record (English Heritage 2006) of the stadium prior to demolition and post demolition archaeological trial trenching followed by further work if required. The work should be undertaken by a professionally qualified archaeologist working to a brief issued by the Council.

Sustainability and lifetime homes

Energy

- 105 The NPPF gives a definition of sustainable development part of which is the environmental role which development plays in using natural resources prudently, minimising waste and pollution, adapting to climate change and moving to a low carbon economy. A core planning principle of the NPPF is to support the transition to a low carbon future. The Council's Core Strategy Policy CS9, Sites and Housing Plan Policy HP11, and Local Plan Policies CP17 and CP18 reflect the requirements of the NPPF in those regards. These policies are supported by the Natural Resource Impact Analysis Supplementary Planning Document (NRIA SPD). Oxford Core Strategy Policy CS9 has a commitment to optimising energy efficiency through a series of measures including the utilisation of technologies that achieve zero carbon developments. The Sites and Housing Plan Policy HP11 then goes on to state that a development of this size will need to include at least 20% of its total energy needs from on-site renewables or low carbon technologies.
- 106 The adopted NRIA SPD also requires that a minimum of 20% of the total energy required on site should come from renewable or low carbon technologies '*unless it can be robustly demonstrated that such provision is either not feasible or makes the development unviable.*' An NRIA checklist and energy strategy are provided with the application. To show that policy requirements are met, it is necessary to achieve a score in all parts of the NRIA checklist, including for renewable energy. No score is achieved in the renewable energy section of the checklist, because 20% of energy requirements are not proposed to be met by on-site renewables. Some renewable energy technology is proposed; solar water systems on the houses and photovoltaic panels (PV) on the flats. The energy strategy predicts that these solar panels will achieve a 13.4% whole energy reduction from Efficient Baseline. The report says that the failure to reach the 20% requirement is because of the limited hot water demand and space available for the PVs on the flats. The energy strategy concludes that PV is the most feasible technology for the flats and solar hot water for the houses, but the reasons for these conclusions are not properly explained. It is not explained, for example, whether the potential for PV on the houses was investigated. There is not enough information to demonstrate that all options for renewable technology have been properly investigated or that the requirement for 20% renewable energy is not feasible.

Lifetime homes

- 107 Policy HP2 of the Sites and Housing Plan states that Planning permission will

only be granted for new dwellings where:-

- a. all the proposed new dwellings meet the Lifetime Homes standard, and
- b. on sites of 4 or more dwellings (gross), at least 5% of all new dwellings (or at least 1 dwelling for sites below 20 units) are either fully wheelchair accessible, or easily adapted for full wheelchair use. 50% of these must be provided as open market dwellings.

Consideration also needs to be given to the Council's Technical Advice Note (TAN) on Accessible homes which provides more detail on how the specific requirements of HP2 can be met.

- 108 Information submitted with the application indicates that the majority of the 16 criteria for lifetime homes have been met. However, there are a few criteria that have not been met, mostly relating to the circulation space around beds, distances around kitchen units, the provision of 'nibs' for doors to open more widely, the widths of doors and slightly smaller turning circles for wheelchairs. These could be secured by condition.

Other issues

Flood risk and drainage

- 109 Policy CS11 of the Core Strategy requires all developments to incorporate SUDS and preferably to reduce the existing rate of run-off. A Flood Risk Assessment has been submitted with the application. The site is located within Flood Zone 1 which is considered an area where there is a very low probability of flooding. The Oxfordshire County Council Drainage Authority has indicated that in order to ensure the effective and sustainable drainage of the site, a fully designed drainage strategy with all design calculations would need to be submitted.

Biodiversity.

- 110 The NPPF makes clear that new developments should minimise the impacts upon biodiversity and take the opportunity to incorporate biodiversity enhancements. There is also legislation and European directives to avoid harm to biodiversity interests and to have regard to conserving habitats. At a local level Oxford Core Strategy Policy CS12 protects the City's biodiversity. An ecology report was submitted with this application. The principal conclusions of this are that the site's value in ecological terms is low and the loss of the site's habitats through development would not be considered to result in a significant ecological impact at local level.
- 111 The site is within 2 km of Brasenose Wood Site of Special Scientific Interest (SSSI) and Lye valley Local nature Reserve, but given the separation distances and lack of connectivity there is no material harm to these sites. No protected species were located on the site, including bats. The survey indicates that no evidence of badgers was found but third parties have indicated the presence of a badger's set between the site and the railway embankment to the north. The report recommends that roosting opportunities for bats are introduced by way of bat roost ridge tiles in the new development. This could be secured by condition.

Contamination

- 112 A land contamination “Desk Study Report” from 2009 was submitted with the application and identifies that there is the potential for contamination to be present on site and concludes that an intrusive site investigation will be required. A Phase 2 intrusive site investigation would demonstrate compliance with the methodologies set out in the Environment Agencies Model Procedures for the Management of Contaminated Land, CLR 11, British Standard 10175 and other relevant up to date guidance. A condition would be required to ensure that the subsequent phases of the risk assessment are undertaken appropriately.

Noise and vibration

- 113 Policy CP 21 of the Oxford Local Plan specifically protects noise sensitive developments (including residential areas and education facilities) from new development which causes unacceptable levels of noise and also requires that consideration be given to existing sources of noise when dealing with applications for new noise sensitive development such as this residential scheme. An environmental noise and vibration assessment report has been submitted with the application. Whilst it is acknowledged that there were no freight trains to the BMW plant operating at the time of the survey, the report has predicted that the noise from freight movements will be within recommended criterion and that no mitigation is required.

Air Quality

- 114 An air quality assessment has been provided with the application. Its conclusions indicate that the area of the application site lies within an area of elevated pollutant levels. In addition there is the potential for airborne dust pollution from the demolition of buildings and the construction of the new dwellings. However, provided good practice dust control measures are implemented the impact on surrounding residential properties would be minimal. In addition, NO₂ concentrations as a result of the traffic generated by the development were also considered to be negligible. As such air quality was not considered to be a constraint to the development. Controls over dust emissions can be secured by condition.

Conclusion:

The proposed demolition would result in the loss of a community facility and heritage asset of local significance that provided a range of much loved pastimes and that is capable of continuing to provide those pastimes again. Although the provision of new homes, including affordable would help to meet the housing need within Oxford, the new homes are not required to meet Oxford’s 5 and 10 year housing supply targets and insufficient affordable homes are offered. There are a number of design issues in terms of the site being too dense resulting in a poor urban environment, poor living conditions for future occupants and lack of pedestrian permeability to neighbouring areas. The design is also not suitably sustainable in terms of energy generation on site. Therefore for the specific reasons set out in the recommendation above and supported by the policies referred to the application is not acceptable and refusal is recommended.

Human Rights Act 1998

Officers have considered the Human Rights Act 1998 in reaching a recommendation to refuse planning permission. Officers have considered the potential interference with the rights of the owners/occupiers of surrounding properties under Article 8 and/or Article 1 of the First Protocol of the Act and consider that it is proportionate.

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, officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

Background Papers:

13/00302/FUL

Contact Officer: Martin Armstrong

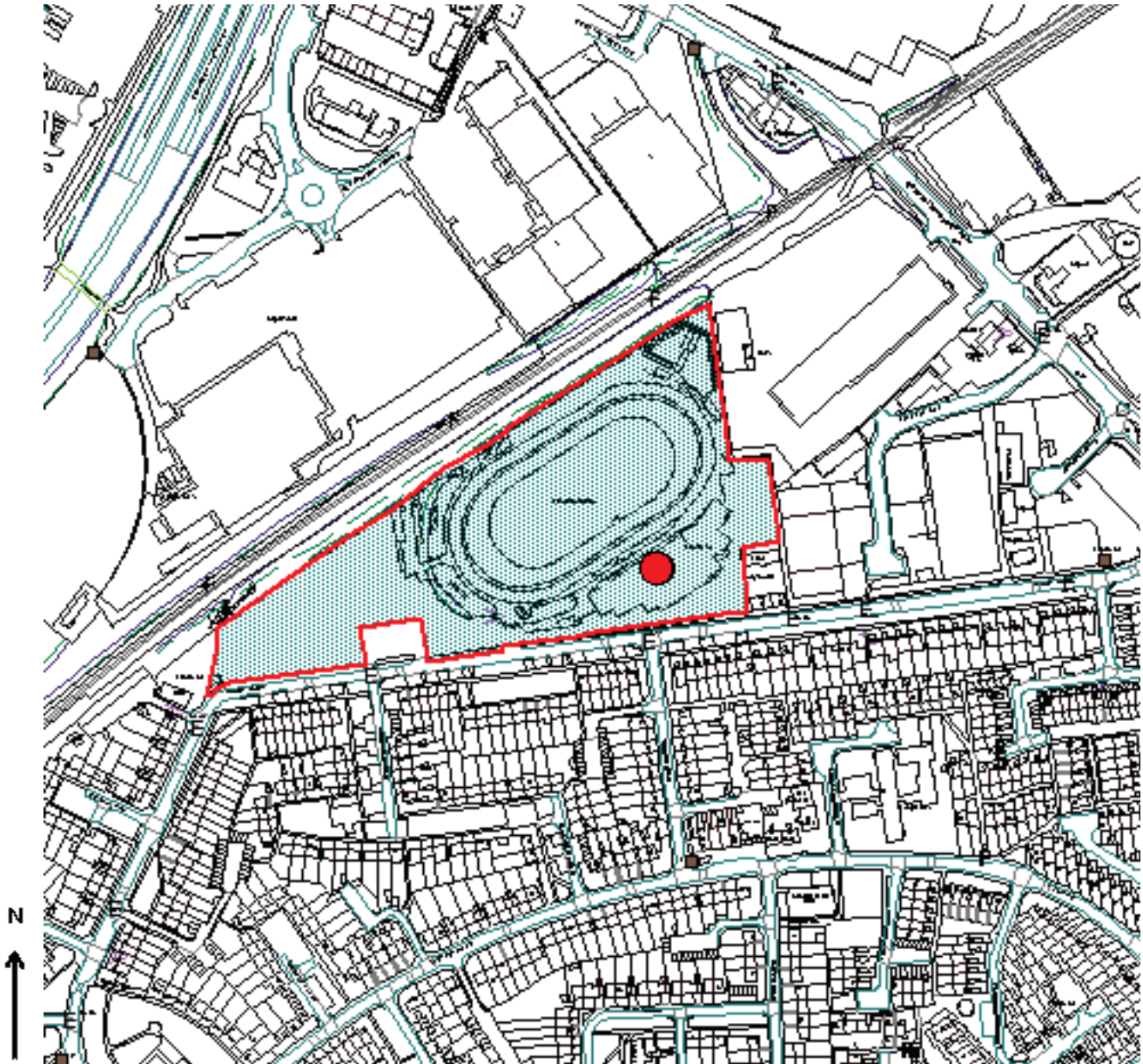
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Date: 11th December 2013

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Appendix 1

13/00302/FUL - Oxford Stadium



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