

# Agenda

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## East Area Planning Committee

Date: **Monday 9 September 2013**

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Time: **6.00 pm**

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Place: **The Old Library, Town Hall**

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For any further information please contact:

**Sarah Claridge, Democratic Services Officer**

Telephone: 01865 252402

Email: [sclaridge@oxford.gov.uk](mailto:sclaridge@oxford.gov.uk)

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# East Area Planning Committee

## Membership

<b>Chair</b>	<b>Councillor Roy Darke</b>	Headington Hill and Northway;
<b>Vice-Chair</b>	<b>Councillor David Rundle</b>	Headington;
	<b>Councillor Mohammed Altaf-Khan</b>	Headington Hill and Northway;
	<b>Councillor Mary Clarkson</b>	Marston;
	<b>Councillor Van Coulter</b>	Barton and Sandhills;
	<b>Councillor Steven Curran</b>	Northfield Brook;
	<b>Councillor Sam Hollick</b>	Holywell;
	<b>Councillor Ben Lloyd-Shogbesan</b>	Lye Valley;
	<b>Councillor Michele Paule</b>	Rose Hill and Iffley;

The quorum for this meeting is five members. Substitutes are permitted.

### **HOW TO OBTAIN AGENDA**

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# AGENDA

Pages

1 **APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

2 **DECLARATIONS OF INTEREST**

3 **AFFORDABLE HOUSING APPLICATIONS FROM MEETING HELD ON 4 SEPTEMBER 2013**

To consider any application that was not determined at the Affordable Housing meeting on 4 September 2013:

- 13/01815/CT3 & 13/01814/CT3 - Parks Depot, Bury Knowle Park
- 13/01557/CT3 - Garage Block, Leiden Road
- 13/01558/CT3 - Land to the rear of 1 and 3 Thomson Terrace
- 13/01603/CT3 - Land at Cardinal Close
- 13/01555/CT3 - Land East of Warren Crescent
- 13/01592/CT3 - Alice Smith House, Alice Smith Square
- 13/01610/CT3 - East Minchery Allotments, Grenoble Road

4 **LAWN UPTON HOUSE, SANDFORD ROAD, LITTLEMORE: 13/00739/FUL AND 13/00740/CAC**

1 - 28

The Head of City Development has submitted a report which details a conservation area consent and planning application to:

(i) 13/00740/CAC: Conservation Area Consent for demolition of existing buildings on site

(ii) 13/00639/FUL: Erection of 22 residential units consisting of 5 x 1-bed, 9 x 2-bed and 8 x 3-bed flats. Provision of 29 car parking spaces, cycle parking and landscaping. (Amended plans and description and additional information) to erect 24 residential units consisting of 5 x 1-bed, 9 x 2-bed and 10 x 3-bed flats. Provision of 34 car parking spaces, 58 cycle parking spaces and landscaping and demolition of existing buildings

**Officer recommendation**: That the Committee GRANT planning permission, subject to the satisfactory completion of an accompanying legal agreement and to delegate to the Head of City Development the issuing of the Notice of Permission upon its completion. Subject to the following conditions and legal agreement:

Conservation Area Consent 13/00740/CAC

**Condition**

- 1 Commencement of works LB/CAC consent

**Conditions**

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Samples of materials for all exterior surfaces to be approved
- 4 Archaeological investigation
- 5 Phased Risk Assessment for land contamination
- 6 Ground resurfacing - SUDS compliant
- 7 Car and cycle parking to be laid out prior to use of buildings
- 8 First floor window in northern elevation of block C and first floor window in south-western elevation of block A to be obscure glazed and fixed shut below 1.7 metres
- 9 Details of all boundary treatments required
- 10 Level access to communal entrances to be provided
- 11 Details of posts to prevent parking on the open spaces
- 12 Details of footpath – surfacing
- 13 Vehicle and pedestrian access laid out before occupation
- 14 Highway improvement works to be carried out before occupation of flats
- 15 Details of a Construction Traffic Management Plan to be approved
- 16 Landscape plan to be approved
- 17 Landscape proposals to be carried out upon completion of development
- 18 Landscape Management Plan to be approved
- 19 Details of design of all new hard surfaces and a method statement for their construction
- 20 Details of the location of all underground services and soakaways, taking account of the need to avoid tree roots
- 21 Tree Protection Plan
- 22 Arboricultural Method Statement
- 23 Details of balconies and screening
- 24 Details to be submitted showing how ‘Secured by Design’ principles have been incorporated
- 25 A further wildlife survey to be carried out if development not commenced within 12 months
- 26 Details of street lighting
- 27 Design and method statement for ground works that could have an impact on archaeology
- 28 No felling/lopping/chopping of retained trees
- 29 Replacement planting in the event that any trees/hedges are removed/damaged

**Legal Agreement:**

- Provision of 11 units of affordable housing
- Financial contributions totalling £191,299, broken down as follows:

Education (County Council) - £119,341  
Community Infrastructure (City Council) - £5,908  
Transport (County Council) –  
£5,000 for traffic management  
£10,000 for a new bus shelter  
£51,050 for transport

Should, however, the Community Infrastructure Levy (CIL) charging schedule come into force prior to the completion of the legal agreement, then it shall exclude any items included on the list of infrastructure published in accordance with regulation 123 of the CIL regulations.

If the required legal agreement is not completed within a reasonable period, then the Committee delegates the issuing of a notice of refusal to the Head of City Development, on the grounds that the development has failed to adequately mitigate its impacts.

## 5 LAND TO THE REAR OF WILLIAM MORRIS CLOSE: 13/01096/FUL

29 - 52

The Head of City Development has submitted a report which details a planning application to construct two all-weather pitches, plus new residential development consisting of 6 x 1 bed, 15 x 2 bed, 15 x 3 bed and 4 x 4 bed residential units, 71 car parking spaces, access road and landscaping accessed off Barracks Lane.

**Officer recommendation:** That the Committee REFUSE the planning application for the following reasons:

- 1 The application site has been in use for formal and informal sport and recreation until recently. Although the site is now fenced it has not been clearly shown that the site is surplus to requirements for sport or recreation. The site retains the potential to provide for types of open air sport and recreation for which there is a need in the City. The replacement sports facilities in the form of all-weather mini-pitches with restricted community access are not equal to or better than retaining the potential of the site to provide for open air sport and recreation. Further it is not essential that the all-weather mini-pitches are provided on this particular site to satisfy local need. For these reasons the proposal does not accord with the NPPF, Policy CS21 of the Core Strategy, or Policy SR2 of the Oxford Local Plan.
- 2 The site meets the requirements of the NPPF as a local green space, a valued local amenity which will be lost by developing housing on part of the site and diminished on the mini-pitches part of the site. The all-weather mini-pitches do not form an acceptable alternative to retention of this green space. This is contrary to guidance in the NPPF and Policies CS21 of the Core Strategy and SR2 of the Oxford Local Plan.
- 3 The development is contrary to Policy CS2 of the Core Strategy in that the site is not allocated for development nor is it needed to meet the NPPF 5 or 10 year housing land availability requirements. There are no other balancing reasons or mitigating circumstances why housing should be allowed on this site. It is not essential that the housing or all-weather mini-pitch developments are developed on his particular site which it is preferable to retain as open space for the well-being of the community it serves.
- 4 The proposed development fails properly to demonstrate how the renewable energy element of the NRIA SPD will be complied with, and as such fails to meet the standards of resource efficiency required by the Council's adopted planning policies on energy, natural

resources, waste and recycling, namely Core Strategy Policy CS9, Sites and Housing Plan Policy HP11, and Local Plan Policies CP17 and CP18

## 6 FORMER DHL SITE, SANDY LANE: 13/01119/FUL

53 - 64

The Head of City Development has submitted a report which details a planning application to erect 3 units providing 3509sqm of accommodation for Class B1 (Business), Class B2 (General Industrial) or Class B8 (Storage or Distribution) use. Provision of 31 car parking spaces and 15 cycle parking spaces

**Officer recommendation:** That the Committee GRANT planning permission, subject to the satisfactory completion of an accompanying legal agreement and to delegate to the Head of City Development the issuing of the Notice of Permission upon its completion, subject to the following conditions and legal agreement:

### Conditions

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Materials as specified
- 4 Drainage details
- 5 No soakaway in contaminated ground
- 6 Soakaway depth
- 7 Landscaping/Biodiversity
- 8 Public Art
- 9 fixed plant and machinery noise
- 10 No external operations
- 11 Doors and windows closed at night
- 12 Night time internal noise
- 13 Noise barrier

### Legal Agreement

Financial contributions are sought for the following:

Affordable Housing: £54,472

Highways: £9,975

Should, however, the Community Infrastructure Levy (CIL) charging schedule come into force prior to the completion of the legal agreement, then it shall exclude any items included on the list of infrastructure published in accordance with regulation 123 of the CIL regulations.

If the required legal agreement is not completed within a reasonable period, then the Committee delegates the issuing of a notice of refusal to the Head of City Development, on the grounds that the development has failed to adequately mitigate its impacts.

**7 51 LITTLEMORE ROAD: 13/01516/FUL**

65 - 78

The Head of City Development has submitted a report which details a planning application to demolish the existing garage structures. Erection of 1 x 3 bedroom dwelling with associated off street parking, cycle storage and bin stores.

**Officer recommendation:** That the Committee APPROVE the planning application subject to the following conditions:

- 1 Development begun within time limit
- 2 Develop in accordance with approved plns
- 3 Samples
- 4 Vision splays
- 5 SUDS
- 6 Remove outbuildings
- 7 Cycle parking details required
- 8 Design - no additions to dwelling
- 9 Amenity no additional windows side and rear,
- 10 no outbuildings at No. 51

**8 28 QUARRY HIGH STREET: 12-01340-CND**

79 - 86

The Head of City Development has submitted a report which details the pre-commencement conditions for planning permission 12/01340/FUL. Details submitted in accordance with conditions 3 (exterior materials), 4 (sample panel), 5 (existing stone), 8 (landscape plan), 10 (boundary details), 11 (new boundary wall), 12 (highway specifications), 14 (construction travel plan), 15 (permeable parking and driveway areas), 16 (desktop survey), 17 (cycle parking details), 18 (SAP calculations), 20 (provision of bat boxes) and 21 (omit bin store).

**Officer recommendations:**

(1) That the Committee APPROVE the details submitted pursuant to conditions 3 [external materials], 8 [landscaping plan], 10 [boundary details], 12 [highway specifications], 14 [construction travel plan], 15 [permeable parking and driveway areas], 16 [contamination desk top study], 17 [cycle parking details], 18 [sustainable construction and design details], 20 [provision of bat boxes] and 21 [omit bin store] of planning permission 12/01340/FUL.

(2) That the Committee delegate to officers the approval of the stone, the mortar mix and the sample panel conditions 4 [sample panel], 5 [existing stone to be used in new front wall] and 11 [new boundary wall].

**9 RECEIPT AND EXPENDITURE ON S106 CONTRIBUTIONS FOR THE YEAR 2012-13**

87 - 104

The Head of City Development has submitted a report which details the receipt and expenditure of developer contributions in the last financial year 2012/13.

**Officer recommendation:** That the Committee NOTE the receipt and expenditure of developer contributions in the last financial year (2012/13) and the proposed expenditure of developer contributions for 2013/14 plus future years.

## 10 PLANNING APPEALS

105 - 110

To receive information on planning appeals received and determined during July 2013

The Committee is asked to NOTE this information.

## 11 MINUTES

111 - 118

Minutes from 3 July and 7 August 2013

**Recommendation:** That the minutes of the meeting held on 3 July 2013 be APPROVED as a true and accurate record.

**Recommendation:** That the minutes of the meeting held on 7 August 2013 be APPROVED as a true and accurate record.

## 12 FORTHCOMING APPLICATIONS

The following items are listed for information. They are not for discussion at this meeting.

12/02848/OUT - Land North Of Littlemore Healthcare Trust, Sandford Road - Outline application (fixing access) for up to 140 residential units together with 258 car parking spaces, 356 cycle parking spaces, landscaping and open space.

13/00302/FUL – Oxford Stadium, Sandy Lane - 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.

13/00757/FUL – 8 Jersey Road – Internal alterations to an existing, lawfully extended, building to provide enlarged flats (2 x 2-bed and 2 x 1-bed). Provision of vehicle parking, bin/cycle storage, communal amenity space and landscaping.

13/01643/FUL – 43 Gladstone Road - Change of use from a residential dwelling house (use class C3) to a House of Multiple Occupation (use class C4).

13/01811/FUL – 98 London Road - Installation of two aluminium louvres to rear elevation in association with internal plant machinery. (Amended plan and Additional Information)

13/01800/FUL – St Cross College, St Giles - Demolition and rebuilding of



existing boundary walls. Erection of 53 study bedrooms, lecture theatre, library, seminar rooms and ancillary accommodation on 4 floor plus basement.

13/01796/FUL – 34 Mill Lane - Change of use from dwellinghouse (use class C3) to HMO (use class C4) (retrospective).

13/01777/FUL - Tyndale House, 134A Cowley Road - Change of use of unit 1 from A1 (shop) to A3 (restaurant/cafe)

13/01502/FUL – 255 Marston Road - Demolition of existing three storey building and redevelopment of the site to create a retail unit on the ground floor (use class A1) and 1 x 2 bed maisonette above (use class C3) and erection of 2 x 2 storey, 2 bed dwelling houses (use class C3). (Amended description)

13/01792/FUL – 23 Nowell Road - Erection of two storey side and rear extension. Creation of 2 bed dwelling house to the side (use class C3) with associated parking and self-contained garden.

13/01940/CT3 - Rose Hill Sports Ground Ashhurst Way - Demolition of existing sports pavilion. Erection of 2 storey community centre involving replacement sports pavilion, car and cycle parking, entrance square, multi-use games area and children's play area.

## **13 DATES OF FUTURE MEETINGS**

The Committee NOTES the following future meeting dates:

12 September – Q&A session\_ Barton application

16 September (provisional Spill-over meeting)

24 September- Special meeting\_ Barton application

Wednesday 2 October 2013 (and Thursday 10 October if necessary)

## **DECLARING INTERESTS**

### **General duty**

You must declare any disclosable pecuniary interests when the meeting reaches the item on the agenda headed "Declarations of Interest" or as soon as it becomes apparent to you.

### **What is a disclosable pecuniary interest?**

Disclosable pecuniary interests relate to your\* employment; sponsorship (ie payment for expenses incurred by you in carrying out your duties as a councillor or towards your election expenses); contracts; land in the Council's area; licenses for land in the Council's area; corporate tenancies; and securities. These declarations must be recorded in each councillor's Register of Interests which is publicly available on the Council's website.

### **Declaring an interest**

Where any matter disclosed in your Register of Interests is being considered at a meeting, you must declare that you have an interest. You should also disclose the nature as well as the existence of the interest.

If you have a disclosable pecuniary interest, after having declared it at the meeting you must not participate in discussion or voting on the item and must withdraw from the meeting whilst the matter is discussed.

### **Members' Code of Conduct and public perception**

Even if you do not have a disclosable pecuniary interest in a matter, the Members' Code of Conduct says that a member "must serve only the public interest and must never improperly confer an advantage or disadvantage on any person including yourself" and that "you must not place yourself in situations where your honesty and integrity may be questioned". What this means is that the matter of interests must be viewed within the context of the Code as a whole and regard should continue to be paid to the perception of the public.

\*Disclosable pecuniary interests that must be declared are not only those of the member her or himself but also those member's spouse, civil partner or person they are living with as husband or wife or as if they were civil partners..

## **CODE OF PRACTICE FOR DEALING WITH PLANNING APPLICATIONS AT AREA PLANNING COMMITTEES AND PLANNING REVIEW COMMITTEE**

Planning controls the development and use of land in the public interest. Applications must be determined in accordance with the Council's adopted policies, unless material planning considerations indicate otherwise. The Committee must be conducted in an orderly, fair and impartial manner.

The following minimum standards of practice will be followed. A full Planning Code of Practice is contained in the Council's Constitution.

1. All Members will have pre-read the officers' report. Members are also encouraged to view any supporting material and to visit the site if they feel that would be helpful
2. At the meeting the Chair will draw attention to this code of practice. The Chair will also explain who is entitled to vote.
3. The sequence for each application discussed at Committee shall be as follows:-

- (a) the Planning Officer will introduce it with a short presentation;
- (b) any objectors may speak for up to 5 minutes in total;
- (c) any supporters may speak for up to 5 minutes in total;

Speaking times may be extended by the Chair, provided that equal time is given to both sides. Any non-voting City Councillors and/or Parish and County Councillors who may wish to speak for or against the application will have to do so as part of the two 5-minute slots mentioned above;

- (d) voting members of the Committee may raise questions (which shall be directed via the Chair to the lead officer presenting the application, who may pass them to other relevant Officer/s and/or other speaker/s); and

- (e) voting members will debate and determine the application.

4. Members of the public wishing to speak must send an e-mail to [\*\*sclaridge@oxford.gov.uk\*\*](mailto:sclaridge@oxford.gov.uk) giving details of your name, the application/agenda item you wish to speak on and whether you are objecting to or supporting the application or complete a 'Planning Speakers' form obtainable at the meeting and hand it to the Democratic Services Officer or the Chair at the beginning of the meeting.
5. All representations should be heard in silence and without interruption. The Chair will not permit disruptive behaviour. Members of the public are reminded that if the meeting is not allowed to proceed in an orderly manner then the Chair will withdraw the opportunity to address the Committee. The Committee is a meeting held in public, not a public meeting.
6. Members of the public are reminded that the recording of the meeting (audio or visual) is not permitted without the consent of the Committee, which should be sought via the Chair.
7. Members should not:-
  - (a) rely on considerations which are not material planning considerations in law;
  - (b) question the personal integrity or professionalism of officers in public;
  - (c) proceed to a vote if minded to determine an application against officer's recommendation until the reasons for that decision have been formulated; and
  - (d) seek to re-design, or negotiate amendments to, an application. The Committee must determine applications as they stand and may impose appropriate conditions.

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East Area Planning Committee

9th September 2013

**Application Numbers:** (i): 13/00740/CAC  
(ii): 13/00739/FUL

**Decision Due by:** 3rd July 2013

**Proposal:** (i) 13/00740/CAC: Conservation Area Consent for demolition of existing buildings on site

(ii) 13/00639/FUL: Erection of 22 residential units consisting of 5 x 1-bed, 9 x 2-bed and 8 x 3-bed flats. Provision of 29 car parking spaces, cycle parking and landscaping.  
(Amended plans and description and additional information)

**Site Address:** Lawn Upton House, Sandford Road, Littlemore, **Appendix 1**

**Ward:** Littlemore

**Agent:** Mr Henry Venners

**Applicant:** Vanderbilt Homes Ltd

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## Recommendation:

Committee is recommended to resolve to grant planning permission, subject to the satisfactory completion of an accompanying legal agreement and to delegate to the Head of City Development the issuing of the Notice of Permission upon its completion. Should, however, the Community Infrastructure Levy (CIL) charging schedule come into force prior to the completion of the legal agreement, then it shall exclude any items included on the list of infrastructure published in accordance with regulation 123 of the CIL regulations.

If the required legal agreement is not completed within a reasonable period, then the Committee delegates the issuing of a notice of refusal to the Head of City Development, on the grounds that the development has failed to adequately mitigate its impacts.

(i) 13/00740/CAC

## Reason For Approval

1 The proposed demolitions relate to timber outbuildings which do not positively

contribute to the setting of the listed building, or the character and appearance of the Littlemore Conservation Area. No part of the main listed house would be demolished and officers consider that their removal would not be harmful to the character and appearance of the conservation area or the listed building. The proposal is considered to comply with policies CP1 and HE7 of the Oxford Local Plan 2001-2016 and policy CS18 of the Core Strategy 2026.

- 2 The Council considers that the proposal, subject to the conditions imposed, would accord with the special character and appearance of the conservation area. It has taken into consideration all other material matters, including matters raised in response to consultation and publicity.

Subject to the following condition, which has been imposed for the reasons stated:-

- 1 Commencement of works LB/CAC consent

(ii) 13/00639/FUL

**Reasons for Approval**

- 1 The proposed scheme would provide 50% on site affordable housing and an acceptable mix of dwellings. The size and positioning of the buildings along with the retention of important trees would preserve the character and appearance of the listed building and its parkland setting. An adequate level of car parking is proposed and the design would not appear out of character in the area. The proposal complies with adopted policies contained in the Oxford Core Strategy 2026, the Sites and Housing Plan 2012 and the Oxford Local Plan 2001 - 2016.
- 2 Letters of objection have been received from a number of local residents and the comments made have been carefully considered. However the Council takes the view that the issues raised, either individually or cumulatively, do not constitute sustainable reasons for refusing planning permission and that the imposition of appropriate conditions will ensure the provision of a good quality development
- 3 The Council considers that the proposal accords with the policies of the development plan as summarised below. It has taken into consideration all other material matters, including matters raised in response to consultation and publicity. Any material harm that the development would otherwise give rise to can be offset by the conditions imposed.

**Conditions**

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Samples of materials for all exterior surfaces to be approved
- 4 Archaeological investigation

- 5 Phased Risk Assessment for land contamination
- 6 Ground resurfacing - SUDS compliant
- 7 Car and cycle parking to be laid out prior to use of buildings
- 8 First floor window in northern elevation of block C and first floor window in south-western elevation of block A to be obscure glazed and fixed shut below 1.7 metres
- 9 Details of all boundary treatments required
- 10 Level access to communal entrances to be provided
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- 14 Highway improvement works to be carried out before occupation of flats
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- 27 Design and method statement for ground works that could have an impact on archaeology
- 28 No felling/lopping/chopping of retained trees
- 29 Replacement planting in the event that any trees/hedges are removed/damaged

### **Legal Agreement:**

- Provision of 11 units of affordable housing
- Financial contributions totalling £191,299, broken down as follows:

Education (County Council) -	£119,341
Community Infrastructure (City Council) -	£5,908
Transport (County Council) -	£5,000 for traffic management
	£10,000 for a new bus shelter
	£51,050 for transport

### **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  
CP18 - Natural Resource Impact Analysis  
TR1 - Transport Assessment  
TR2 - Travel Plans  
TR5 - Pedestrian & Cycle Routes  
NE16 - Protected Trees  
HE2 - Archaeology  
SR10 - Creation of Footpaths & Bridleways

#### Core Strategy

CS20 - Cultural and community development  
CS9 - Energy and natural resources  
CS10 - Waste and recycling  
CS12 - Biodiversity  
CS13 - Supporting access to new development  
CS17 - Infrastructure and developer contributions  
CS18 - Urban design, town character, historic environment  
CS19 - Community safety  
CS22 - Level of housing growth  
CS23 - Mix of housing  
CS24 - Affordable housing

#### Sites and Housing Plan

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
- Balance of Dwellings SPD
- Parking Standards, Transport Assessments and Travel Plans SPD
- Affordable Housing SPD
- Planning Obligations SPD

#### **Site History:**



04/02293/FUL - Demolition of sheds and outbuildings. Erection of three buildings containing 18 flats: East block - 2 and 3 storey - 10 flats (9x2, 1x1 bed), 10 parking spaces. South block - 2 storey - 6 flats (6x2 bed), 6 parking spaces. West block - 2 storey - 2 flats (2x2 bed), 2 parking spaces. New access road, footpaths, bin store for East block, children's play area.(amended plans). REF 2nd March 2005.Allowed on appeal.

04/02294/CAC - Conservation Area Consent to demolish prefabricated teacher's building, timber sheds and brick outbuildings. REF 1st March 2005.Allowed on appeal.

## **Public Consultation**

### Statutory Consultees Etc.

- Drainage Team Manager – development should be drained using SUDs techniques
- Thames Water Utilities Limited – no objection. Several informatives added
- Environment Agency Thames Region – no objection
- English Heritage Commission – no objection
- Thames Valley Police – no objection but request a condition showing how the development meets Secured by Design accreditation
- Littlemore Parish Council – object. Increase in number of bedrooms would lead to cramped development. Inadequate parking provision. Parking bays should be dedicated. Balconies overlook school site, could lead to safeguarding issues. Overlooking to 13 and 14 Vicarage Close. Object to use of materials.
- Oxfordshire County Council – comments received from Highways, see report. Contributions required

### Individual Comments:

14 Letters of objection were received from local residents. The main points raised were:

- Amount of development – an increase in the number of units/bed spaces over the previously approved scheme
- Impact on listed building and conservation area
- Impact on wildlife
- Impact on sewers
- Impact on traffic, parking, pedestrian safety and visibility in David Nicholls Close
- Lack of parking spaces to serve flats
- Management of grounds and planting
- Lack of recreation areas for new residents
- Impact on trees

- Design and scale out of proportion with surrounding developments
- Overlooking to neighbours gardens and houses
- Loss of sunlight
- Trees will reduce natural light to new properties
- Noise and disruption from construction traffic
- Parking area for block C located too close to gardens
- Rats from buildings to be demolished
- Overlooking to school
- Is there adequate bin storage
- Number of units should be reduced
- Access across the site to the school should not be given
- Object to use of materials

The following comments were made specifically in relation to the amended scheme:

- Still too many bedrooms
- No visitor parking provided
- Parking bays not practical
- No. of parking spaces still inadequate
- Damage to fence from new parking spaces
- Position of gate unclear
- Little provision for green space/gardens
- Cramped development
- Parking on open parkland will occur

One letter of support was received from the Principal of the John Henry Newman Academy, on the proviso that an access gate is preserved to enter the school site.

### **Officers Assessment:**

### **Background to Proposals**

1. The application site comprises the grounds and outbuildings of Lawn Upton House in Littlemore. The site is accessed off Sandford Road via David Nicholls Close and lies within the Littlemore Conservation Area. Lawn Upton House is a Grade II listed building which has had planning permission to be converted from a former school into residential use. The listed building sits in a mature parkland setting, with a number of trees subject to Tree Preservation Orders (TPO's) and the remainder benefiting from protection due to their position within a conservation area. The related land and timber outbuildings around the site are the subject of this separate application for planning permission for flats. The site was used as a school up until 2010 but has been vacant since then.
2. In 2005 an application was allowed on appeal for 18 flats (17 x 2bed, 1 x 1bed) on this site, but this scheme has not been built. This current scheme proposes 22 flats, with a mix of 1, 2 and 3 bed units. Bin and cycle storage and car parking are provided with shared gardens and public open space. An access road would lead into the site from David Nicholls Close and a footpath would run through the site, providing pedestrian access to

The John Henry Newman Academy to the south-east of the site. The site is not allocated in the local development plan, but the principle of a residential development on this site has been established through the granting of planning permission by the Planning Inspectorate in 2005.

3. Historically, the grounds of Lawn Upton House extended to the northwest along Sandford Road where there is a former lodge still standing. Between the Lodge and the present Lawn Upton House grounds there has been residential development in the form of 11 dwellings known as David Nicholls Close. To the north is Littlemore Church and its graveyard, and the northwest and west is predominantly residential in nature. To the south east of the site is the John Henry Newman Academy, a primary school.
4. Lawn Upton House had been a Church of England School which closed in 2003 when it became the Iqra School, an Islamic faith school which itself closed in 2010. The building has been vacant since then with work recently started to converting the building into residential use.
5. The timber buildings were constructed in the mid to late 20th century when the house was transformed into a school. They form an L-shaped building in the north-eastern corner of the site which has a number of minor appendages. Parts of the structure are single storey, while other parts are two storeys in height. The external part of the building is predominantly covered in a weatherboard covering.

## Proposal

6. Conservation Area Consent is sought to demolish the timber and brick outbuilding in the eastern corner of the site and a smaller building in the western corner. Planning permission is sought to erect 3 buildings housing a total of 22 flats with associated bin and cycle provision, car parking and communal and public open spaces.
7. The scheme has been amended since its submission. Amended plans were received in July which reduced the number of 3-bed flats by 2 to make a total of 22 units on site. The number of car parking spaces has been reduced by 5 from 34 to 29. Internal alterations at ground floor level have allowed for the provision of 4 garages, and 3 of the car parking spaces are in the northern corner of the school site, next to the parking spaces allocated for the main Lawn Upton House development. This amended scheme arose from officer concerns that the original scheme had too much parking which dominated the landscape, adversely affecting the parkland setting of the site.
8. The housing would be provided in 3 blocks. Block A would provide 2 flats and would be market housing. Block B would provide a total of 9 flats for market housing and block C would provide 11 flats of affordable housing.
9. The blocks have been positioned on almost the same footprint as the previous scheme allowed on appeal. Block C would be located generally

on the site of one of the outbuildings to be demolished. Blocks A and B would be two-stories and block C would be two and a half stories with the second floor of accommodation in the roofspace. The height of the buildings closely match the massing of the previously approved buildings, and would not be significantly higher than the existing building in the north-eastern corner to be demolished (which is two-stories high).

10. Officers consider the principal determining issues to be:

- planning policy and the principle of development
- design and appearance
- heritage
- parking
- landscaping
- biodiversity
- sustainability

### **Affordable Housing**

11. Policy HP3 of the Sites and Housing Plan (SHP) requires proposals for residential development of 10 dwellings or greater to provide a minimum of 50% of the dwellings as affordable units on the same site. In this case, 11 units are proposed to be affordable housing, i.e the whole of block C, which translates as exactly 50% of the total units. Policy HP3 of the SHP requires 80% of the affordable housing to be social rented in tenure with the remainder being intermediate housing (including shared ownership). As such, it is proposed that 9 of the 11 units are social rented flats through a Registered Social Landlord, and 2 of the flats would be for shared ownership. The remainder of the units will be available as market housing. This application meets the Council's development plan policies in this respect and as such would make an important contribution to meeting the high demand for affordable housing as well as market housing with the City.

12. When compared to the previously approved scheme, which would have provided 8 units of affordable housing, this scheme would provide an additional 3 units of affordable housing, out of the additional 4 units that are proposed.

### **Housing Mix**

13. The Balance of Dwellings Supplementary Planning Document (BoDS) was formally adopted in January 2008 to elaborate upon the provisions of policy CS23 of the Core Strategy and to ensure the provision of an appropriate mix of dwelling sizes in the different neighbourhood areas. Littlemore is designated an 'amber' area where pressure of family units is considerable and where the Council needs to achieve a reasonable proportion of new family dwellings as part of the mix for new developments. For new residential developments of between 10 – 24 units, such as the one proposed, the mix the Council will seek is set out in the table below:

**Table 8: Mix for 'amber' areas**

Dwelling types	Residential developments of 10-24 units (percentage range)	Residential developments 4-9 units (percentage range)	Residential developments 1-3 units
1bed	0-20%	0-30%	Nonetloss of 'family units'
2bed	10-35%	0-50%	
3bed	30-75%	30-100%	
4+bed	0-35%	0-50%	

14. The proposed mix of 5 x 1-bed, 9 x 2-bed and 8 x 3-bed equates to 23% of 1-beds, 40% of 2-beds and 36% of 3 beds. No 4-bed units are proposed. The proportion of 1 and 2-bed units are slightly over the maximum required amount but only marginally. The proportion of 3-bed units falls within the correct percentage range. Overall, officers are of the view that the development would provide a satisfactory mix of housing that would cater for a range of households. The previously approved scheme (allowed before the adoption of BODS) provided 17 x 2-bed flats and 1 x 1bed flat, so by comparison, the current proposals provided a significantly improved mix of housing that is generally in line with current policy.

**Design and Appearance**

15. The previously approved scheme affectively established locations for three new buildings on this site that formed acceptable relationships with both the listed building and the most significant trees on the site. The proposed buildings have been designed so as to allow Lawn Upton House to remain as the dominant building in the site, and are of very similar sizes and in the same locations as the previously approved scheme.

16. In terms of design and appearance, the buildings are traditional in style using a mixture of brick, timber and render. These materials are familiar in the local area and will break up the elevations by providing interest. Design features that pick up on details from Lawn Upton House such as the gable ends have been incorporated into the design that helps to tie it in with its surroundings, without competing with the listed building. The new blocks are positioned so that on entering the site Lawn Upton House would remain as the dominant feature. Block A is the first block seen and is the smallest of the three blocks so does not draw the eye away from Lawn Upton house. The size is representative of a large detached dwelling and would be two-stories in height. There would then be a large group of established trees that would provide a break between blocks A and B as well as providing natural screening of block B when viewed from the entrance of the site and following the access road though the site. Block C is located in the position of the building to be demolished and varies in height, with single, two and two and half storey elements. The element closest to Lawn Upton House is single storey in height. The retention of existing mature trees between blocks B and C and Lawn Upton House again provide natural screening between the buildings and ensure the site

retains its parkland setting and does not appear overdeveloped.

17. In approving the previous application, the Inspector acknowledged that:  
*'the proposed roads, areas of hardstanding and provision of bin storage buildings and the like could, in themselves, intrude upon the present sense of openness. However, if carefully landscaped and detailed, matters that could be addressed by suitably worded conditions, I do not think that these elements or the additional activity that would be a consequence of the development would diminish the openness of the setting of the listed building or have the feeling of an intensive overdevelopment of the site'*.
18. A copy of the full text of the appeal decision is attached as **Appendix 2**. Conditions are suggested requiring details of all hard and soft landscaping to be approved.

### **Residential Amenity**

19. Policies HP12 and HP13 of the SHP require all new dwellings to be of a reasonable quality both internally and externally. Each flat proposed meets the minimum floor areas required by policy HP12, (all flats are greater than 39m<sup>2</sup> in floorspace and all the 3bed flats are at least 75m<sup>2</sup>), with good lighting to each habitable room and a sensible, accessible layout. All the 3bed flats in blocks B and C are on the ground floor and have direct access to either a private or shared garden. Block A has a shared garden for the two 3bed flats. The first floor flats of blocks B and C all have private balconies, as well as access to the shared communal spaces. The three 1bed flats in the roofspace of block C do not have balconies but they do have access to the communal garden areas. This amenity area would be available to all residents and provide a pleasant communal environment for them to enjoy. Cumulatively therefore the quality of accommodation provided by and for the flats proposed is considered to be of a good standard.
20. Policy HP2 of the SHP requires all new dwellings to be constructed to Lifetime Homes standards and for 5% of units to be fully wheelchair accessible. In this case two of the units on the ground floor of Block C are suitable for wheelchair users with level access between the disabled parking spaces outside and the flats. The layout of the flats is also such that it is easy for wheelchair users to navigate around the flats and officers consider them to accord with the Council's technical guidance on wheelchair accessible dwellings. Similarly the remainder of the flats are all considered to comply with the main principles of Lifetime Homes standards due to their size and layout.

### **Heritage**

21. Conservation principles, policy and practice seek to preserve and enhance the value of heritage assets. The National Planning Policy Framework (NPPF) explains the government's aim that the historic environment and its heritage assets should be conserved and enjoyed for the quality of life

they bring to this and future generations.

22. In relation to development affecting a designated heritage asset (e.g. a conservation area or listed building) the NPPF explains that (heritage) significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.
23. The NPPF explains that this does not preclude development but that the objective should be to secure good quality design in a manner that demonstrates understanding of a site's context and that will sustain what is important about an area's character and appearance. In this case it is the parkland setting of the listed building which is important to retain.
24. The design of the proposed buildings are 'traditional' in approach with pitched roofs and would use a mix of brickwork, timber and render. A condition is suggested requiring samples of all exterior materials to be approved to ensure that only good quality materials suitable for the site are used throughout.
25. As the position, height and massing of the buildings are very similar to those already approved, the most significant change was the proposed number of car parking spaces. The pre-amended scheme proposed 34 spaces, all of which were 'on-street', whereas the previously approved scheme had 18. This increase in parking spaces would have an adverse impact on the open parkland feel of the site by introducing too much hard landscaping and disrupting the balance of development to open land that the previously approved scheme achieved. By losing two of the 3bed units, re-siting some of the spaces and accepting a reduced number of parking spaces for the development, the scheme would now have a total of 29 spaces with only 22 of these being 'on-street'. This is only four more spaces than the previously approved scheme and officers are of the view that the right balance has been struck between providing a good quality development whilst still preserving the setting of the listed building.
26. The proposed buildings are well spaced within the site so that the openness would not be significantly diminished, and they would not overwhelm Lawn Upton House, which would remain the dominant feature as you enter the site.
27. The large vehicular gates at the entrance to the site have been omitted as this is not required except for private gated, locked communities, which would be inappropriate.
28. A Building Recording of the timber structure to be demolished (under the Conservation Area Consent) has been carried out by John Moore Heritage Services which provides a measured survey and photographic record of the buildings to be demolished. This survey concludes that the building had *'very little architectural merit and was undoubtedly a cheap functional building erected after the Second World War to provide a necessary*

*function rather than provide artistic inspiration*'. Officers conclude therefore that the loss of the outbuildings would not be harmful to the listed building or conservation area.

## **Trees**

29. The development can be carried out without the loss of any significant trees. The retention of the mature trees provide important breaks between the proposed buildings and retain a sense of the original parkland setting which is vital to the preservation of the character of Lawn Upton House. In allowing the appeal in 2005 the Inspector noted that:  
*'the proposed development would not, in landscape terms, affect the setting of the listed building, the character and appearance of the conservation area in which it stands, or the visual, historical or horticultural character of the park'*.
30. Officers take the view that the proposals do not differ to any significant degree to make this no longer the case.
31. The submitted Tree Survey report demonstrates that if adequate care is taken during the construction phase of development and soft and hard landscaping is appropriately designed and detailed, then the proposals should not be any more harmful on existing TPO trees than the scheme that was granted planning permission on appeal.
32. The site has been left unmanaged for some time, so as would be expected quite a number of self-seeded trees (mostly sycamore) have grown since 2004. It is not reasonable for all of these trees to be surveyed, so decisions about which of these should be retained and/or removed will be taken as part of the landscaping of the site.
33. The scheme as originally submitted introduced car parking into the soft landscape area north of the access road which would have intruded on the sense of openness of the site. The amended plans removed three car parking spaces from this area, as well as six parking spaces to the south outside block B. This reduction in the number of spaces helps to preserve the balance between soft and hard landscape that was a feature of the previously approved development.
34. Officers consider that through the use of conditions, a successful landscape scheme can be achieved and the most significant trees can be protected and retained to the benefit of the development.

## **Access and parking**

35. As indicated above a total of 29 car parking spaces are provided, two of which are to disabled standard. All of the 3bed units would have allocated spaces (two of the 3beds units would have 2 spaces due to the tandem nature of the spaces in front of the garages for block B, the rest of the 3-bed units would have one allocated space). The remaining 19 spaces



would be unallocated but this equates to one space each for the remaining 14 units and 5 spare/visitor spaces. The previously approved scheme had one space per unit, so this scheme offers additional spaces.

36. The level of parking proposed does fall below the levels set out in line with policy HP16 of the SHP. Officers are of the view however, that in this case, where providing more parking would be harmful to the setting of the listed building, a more flexible approach can be adopted which balances the requirement for parking against the requirement to protect heritage assets. On balance, the proposal still provides at least one space per flat, plus 5 extra spaces and this is an improvement over the previous scheme. The proposal would also deliver a total of £66,050 towards highway improvements, a new bus shelter and transport infrastructure, to mitigate against the impacts of the development. These contributions are in line with the Planning Obligations SPD.
37. Four garage spaces are to be provided – 2 each in blocks B and C. These would be allocated to the 3bed units. Providing garage spaces reduces the number of on-street parking bays helping to retain the open parkland setting of the site.
38. Three parking spaces will be provided in an existing parking area for the new houses in Lawn Upton House, in the northern corner of the school site. This area is not within the application site as denoted by the red line, but is within the same ownership, as denoted by the blue line. The additional three spaces will be achieved by amending the layout of the parking area and is the subject of a separate application for a 'Non-Material Amendment'. The spaces will be marked out for use only by the residents/visitors of this scheme. The amended parking layout will involve the loss of three trees, but these are small trees and their loss would not adversely impact the character and appearance of the site. Replacement planting would be incorporated in place of the trees to be removed.
39. In order to prevent parking on the open spaces around the site, low posts are proposed to be dotted around the edges of the open space. A condition is suggested requiring details of these to be approved.
40. The Local Highway Authority raised no objection to the proposal allowed on appeal for 18 residential units as the likely level of traffic and parking which could be created by the proposal would have less impact than the previous uses of the site as education and offices. The Local Highway Authority does not therefore object to this proposal to increase the number of residential units by four, to a total of 22 residential units. The difference in the likely trip generation from the school use to residential use is indicated in the submitted Transport Statement which concludes that the number of trips would be reduced and that the increase in units from 18 to 22 would result in negligible additional trip generation.
41. The site layout is considered to provide satisfactory road widths and turning provision. The plans indicate speed reduction measures will be

provided within the site. The Local Highway Authority would seek that the private road be constructed, drained, surfaced and marked out to an adoptable standard. The details will need to be submitted to and approved by the Local Planning Authority and a condition is suggested requiring these details, as well as a condition requiring details of street lighting to be approved.

42. The access into and along David Nicholls Close was designed taking into account the potential future development of this site. David Nicholls Close has a 20mph speed limit and is relatively narrow, to limit vehicle speeds. However, there are incidents of parking within sight lines at the junction of David Nicholls Close with Sandford Road and the Highways Authority would therefore seek a contribution of £5,000 for traffic management measures and parking controls to carry out highway improvement works. A condition is suggested requiring these works to be approved and carried out before occupation of the flats.
43. A public footpath would run through the site from David Nicholls Close to the John Henry Newman Academy. A footpath used to run through this site to the school so this would re-instate this, something the Academy is keen to see. Some local residents object to the footpath as it is believed this would lead to increased traffic in David Nicholls Close. Officers take the view that the footpath, which would be for pedestrian access only, would improve the permeability of the site and provide a useful short cut through to the school for parents and students.
44. Internal and external cycle storage areas are provided for the storage of 58 bikes. The number of spaces provided complies with minimum requirements in policy HP15 of the SHP. The Plans also show that cycle parking meets the requirement of the policy that 'all residential cycle storage must be secure, undercover, preferably enclosed, and provide level, unobstructed external access to the street.'

### **Impact on neighbours**

45. Policies CP1 and CP10 of the Local Plan as well as policy HP14 of the SHP state that planning permission will only be granted where proposals adequately safeguard neighbouring residential amenity. It is against this planning policy requirement that the application should be considered in this regard.
46. The development has been designed to minimise any opportunities for overlooking into neighbouring properties and gardens. Block C is located close to the boundary with properties on Vicarage Close. There is one first floor north facing window that could give rise to overlooking to the rear gardens of no's 13 and 14 Vicarage Close due to its height and proximity to the boundary. The window in question serves a kitchen and is a secondary window as there is a large window opening on the eastern elevation that serves the same space. It is therefore suggested that a condition is added requiring this window to be obscure glazed and fixed

shut below 1.7 metres above floor level to prevent any overlooking or loss of privacy to these properties. The height of the building closest to the northern boundary is no higher than the previously approved scheme, and the building steps up away from this boundary to prevent the building from appearing unduly overbearing.

47. Block A is located close to the boundary of no. 7 David Nicholls Close and would introduce a first floor window that could allow for overlooking into the rear garden of no. 7. The window serves a kitchen/living area but this space is also served by large windows on the front and rear elevations so officers consider that it would be reasonable to condition this window to be obscure glazed and fixed shut below 1.7 metres to safeguard the privacy of no. 7 David Nicholls Close.
48. The first floor flats in block C have balconies facing east. The balcony closest to the properties on Vicarage Close has a wall on the northern elevation that is of sufficient height above the floor level of the balcony to prevent any overlooking. In order to secure the details of the screening of the balconies to ensure no undue overlooking occurs between properties it is suggested a condition is added requiring details of the screening to be approved by the LPA.
49. Comments have been made regarding the east facing balconies of block B overlooking the John Henry Newman Academy (a primary school) playground. Officers do not consider that the situation between these flats and the school is any different from countless other schools that are in close proximity to housing, and do not believe that this would lead to any harmful levels of overlooking.
50. The layout and positioning of the flats ensures that no significant overlooking would occur between units.

## **Biodiversity**

51. A bat survey was carried out in order to ascertain whether the buildings to be demolished showed any sign of activity. The survey concluded that the site had no potential for bat inhabitation and as such no further license or survey was required. In the case that the development is not commenced within 12 months from the date of any permission, a further survey should be carried out to check that the situation has not changed. A condition is suggested to this effect.
52. All the mature trees in the site will be retained, and the buildings are well spaced.

## **Archaeology**

53. This application involves the demolition of outbuildings associated with the

19th century Grade II listed Lawn Upton House and is located in the vicinity of recorded Roman and medieval features. Furthermore a landscaped mound in the garden is of unknown origin and appears to pre-date 19th century planting schemes.

54. The National Planning Policy Framework states the effect 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 directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. Where appropriate local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible.

55. In this case, bearing in mind the scale and character of the development and in line with the advice in the NPPF, it is recommended that any consent granted for this development should be subject to a conditions requiring an archaeological investigation to be carried out, as well as a method statement to minimise the impact of any engineering works.

## **Sustainability**

56. Roof mounted solar photovoltaic panels have been incorporated into the development, sufficient to generate 20% of the energy demand for the scheme. This complies with policy HP11 of the SHP which requires qualifying developments to provide 20% of their energy needs from on-site renewable or low-carbon technologies. Due to the sensitive nature of the site within the grounds of a listed building, care has been taken to place the panels on the least visible elevations.

57. Other measures will be incorporated into the development to improve the energy efficiency of the buildings as follows:

- High performance double glazing
- 'A' rated condensing gas boilers
- High levels of insulation to floors, walls and roofs
- High levels of natural lighting and ventilation
- Grade 'A' appliances where provided
- Integrated energy management controls
- User information, highlighting energy efficiency

## **Other Matters**

### Contaminated land

58. The Council has considered the application with respect to contaminated land and would recommend that a condition requiring a phased risk assessment is attached. This recommendation has been made due to the sensitive nature of the proposed development i.e. the creation of new residential properties with landscaping. Whilst the site is not known to be contaminated, it is important that the developer demonstrates that the site is suitable for use. As a minimum, a desk study and documented site walkover are required to ensure that there are no sources of contamination on or near to the site and that the site is suitable for its proposed use.

#### Rats

59. Concern has been raised by a local resident that the removal of the outbuilding would displace rats into neighbouring gardens. There is other legislation that deals with pest control, and this is not a matter that can be dealt with through the planning process.

#### Sewers

60. Concerns have been raised regarding the impact of the development on existing sewers. Thames Water has assessed the application and make no objection. Several informatives have been added however at their request regarding connection to sewers.

**Conclusion:** The proposals provide good quality housing for Oxford that makes a contribution towards meeting the City's affordable and market housing need, within an established residential area. The design of the development and the retention of important trees would preserve the parkland setting of the site, as well as the character and appearance of Lawn Upton House. The number of parking spaces provided, together with highway improvements secured by contributions ensure the development is acceptable in highway terms. The proposals are not considered to result in significant harm to established residential amenity and consequently Committee is recommended to resolve to grant planning permission subject to the conditions set out at the beginning of the report and to delegate to officers the issuing of the decision notice once the necessary legal agreements are completed.

### **Human Rights Act 1998**

Officers have considered the Human Rights Act 1998 in reaching a recommendation to grant planning permission, subject to conditions. 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.

Officers have also considered the interference with the human rights of the applicant under Article 8 and/or Article 1 of the First Protocol caused by imposing conditions. Officers consider that the conditions are necessary to protect the rights and freedoms of others and to control the use of property in accordance with the general interest. The interference is therefore justifiable and 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 approve, officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

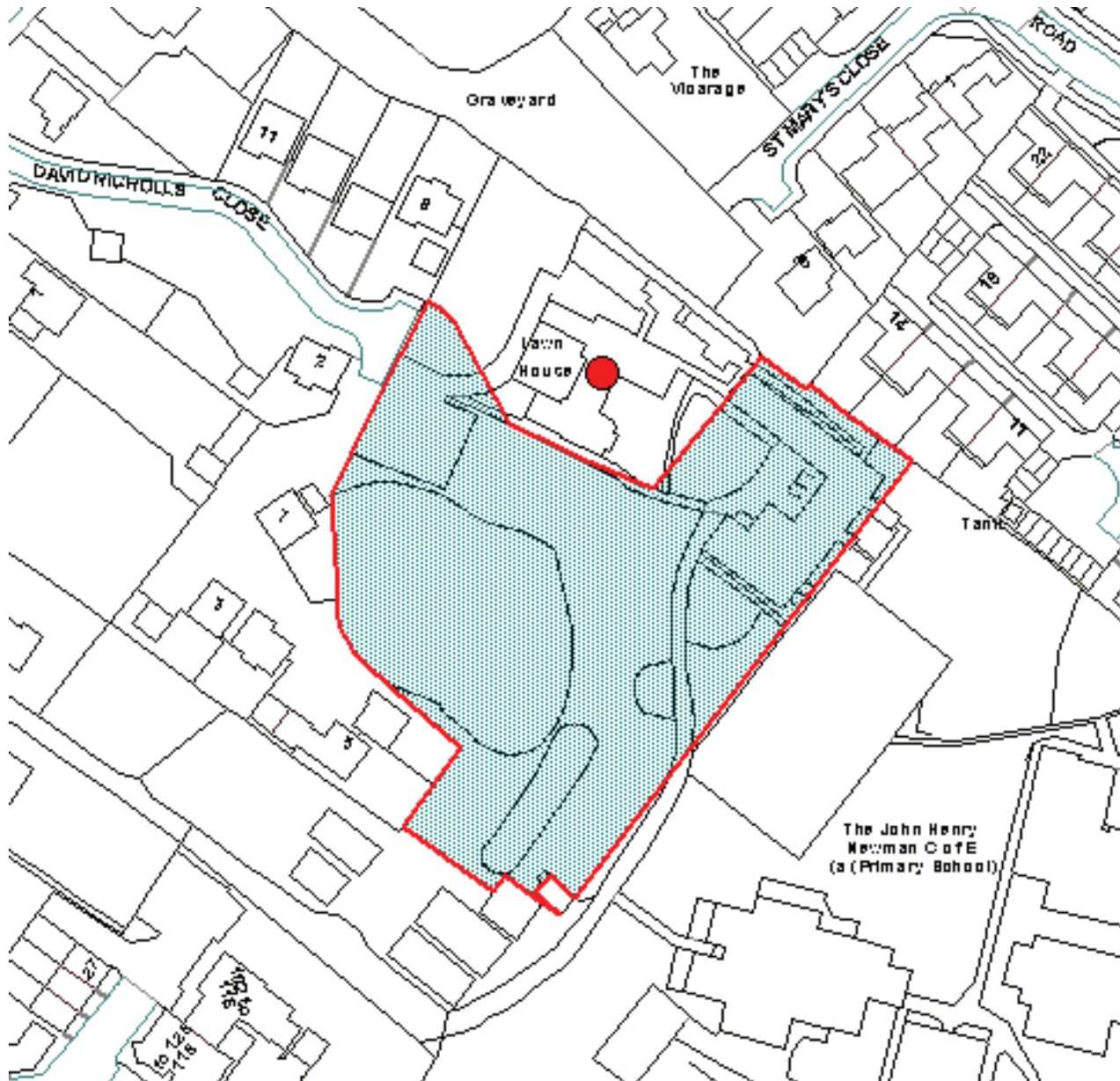
**Contact Officer:** Rona Knott

**Extension:** 2157

**Date:** 29th August 2013

# Appendix 1

## 13/00739/FUL & 13/00740/CAC - Lawn Upton House



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Ordnance Survey 100019348

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# Appeal Decision

Site visit made on 11 October 2005

By **Philip Willmer BSc Dip Arch RIBA.**

an Inspector appointed by the First Secretary of State

The Planning Inspectorate  
4/09 Kite Wing  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6PN  
☎ 0117 372 6372  
e-mail: enquiries@planning-  
inspectorate.gsi.gov.uk

Date

18 NOV 2005

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## Appeal A Ref: APP/G3110/A/05/1183423

**Lawn Upton House (Grounds), David Nicholls Close, Littlemore, Oxford, OX4 4QX.**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by The Trustees of J.H Newman School against the decision of Oxford City Council.
- The application (Ref.04/02293/FUL), dated 20 November 2004, was refused by notice dated 2 March 2005.
- The development proposed is construction of 18 flats and access. Demolition of existing sheds and associated landscaping.

**Summary of Decision: -The appeal is allowed and planning permission granted subject to conditions set out in the Formal Decision below.**

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## Appeal B Ref: APP/G3110/E/05/1183422

**Lawn Upton House (Grounds), David Nicholls Close, Littlemore, Oxford, OX4 4QX.**

- The appeal is made under sections 20 and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant conservation area consent.
- The appeal is made by The Trustees of J.H Newman School against the decision of Oxford City Council.
- The application (Ref.04/02294/CAC), dated 20 November 2004, was refused by the Council by notice dated 1 March 2005.
- The demolition proposed is prefabricated teachers' building, timber sheds and brick outbuildings.

**Summary of Decision: The appeal is allowed and conservation area consent is granted in the terms set out in the Formal Decision below.**

---

### Procedural Matters

1. In respect of Appeal B I have adopted the description of the development used by the Council in their decision notice as this more accurately describes the buildings that would be demolished. I have proceeded accordingly.

### Main Issue

2. The site is situated adjacent to a grade II listed building, Lawn Upton House. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses. Further, the appeal site lies within the Littlemore Conservation Area. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of such areas.

3. I consider therefore that the main issue in both appeals is the effect of the proposed development on the setting of the listed building on the character and appearance of the conservation area in which it stands.

#### **Planning Policy**

4. The development plan for the area includes the Oxford Local Plan 1991-2001 adopted in September 1997 (LP). The LP is currently being revised. The emerging LP, the Second Draft Oxford Local Plan, has been subject to public inquiry. The Inspector's report has been received and published and accordingly I can afford the emerging plan significant weight.
5. My attention has been drawn to a number of policies, however, I consider the following to be most pertinent to my consideration of this appeal: LP Policies EN27, EN31, EN45, EN50 and EN52 as well as emerging LP Policies CP2, CP7A, CP9 and HE10.
6. Adopted LP Policies EN27 and EN31 as well as emerging LP Policy HE10 reflect national policy guidance relevant to the appeal in PPG15. LP Policy EN45 has the primary aim of providing a good standard of environment within and outside the dwelling. LP Policy EN50 addresses the design of new housing in existing residential areas where it should be in sympathy with the essential character of the area and on new sites, especially those which are larger; designs should attempt to create a distinctive character with clear points of interest. LP Policy EN52 advises that planning permission will normally be refused for proposals which lead to an overdevelopment of potential housing sites.
7. Emerging LP Policies CP2, CP7A, CP9 and HE10 carry forward broadly similar objectives to adopted LP Policies EN27, EN31, EN45, EN50 and EN52.
8. Planning Policy Guidance 15 (PPG15) *Planning and the Historic Environment* refers to duties under Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
9. In addition to PPG15 I have also had regard to the guidance in PPS1 *Delivering Sustainable Development* and PPG3 *Housing* as material considerations.

#### **Reasons**

10. The appeal site is accessed from Standford Road via David Nicholls Close, a development of some 12 detached houses constructed in the last 20 years. Lawn Upton House, built in the Gothic style, dates circa 1846, is listed grade II, has planning permission for conversion to five residential units and, along with other buildings, sits in a mature parkland setting. A number of trees within the appeal site are the subject of a Tree Preservation Order; others are protected by virtue of the site's location within the conservation area.
11. The site is surrounded in the most part by residential development but also by a graveyard, Council Depot and the John Newman C of E Primary School. I noted that there is currently pedestrian access to the primary school across the site.
12. It is proposed to demolish a substantial two, but in part single, storey brick and timber clad building in the eastern corner of the site along with a covered link to Lawn Upton House. Three individual blocks comprising 18 flats are proposed. Vehicular access would be from a new road from David Nicholls Close. Car parking would be located adjacent to the block of flats.
13. The eastern block, containing ten flats, would be located generally on the site of the building to be demolished. The south block, of six flats, would be sited in the southern corner of the site while the west block, of two flats, would be in the western corner adjacent to 7 David Nicholls

Close. The southern and western blocks would be two storeys while the eastern block would be three storeys. In terms of their overall height they would not be significantly higher than the existing building to be demolished and similar in height to Lawn Upton House to the north west.

14. From my observations on site and consideration of the design proposals I believe that, due to the proposed siting of the buildings within the existing landscaping, the development could be undertaken without the loss of any significant trees. Indeed some additional strategic tree planting is proposed. However, if I were minded to allow this appeal appropriately worded conditions would be required to ensure that the existing landscape was protected, enhanced and maintained. In my view therefore the proposed development would not, in landscape terms, affect the setting of the listed building, the character and appearance of the conservation area in which it stands, or the visual, historical or horticultural character of the park.
15. Although the existing teaching block would be replaced by a three storey building and two additional two storey blocks I consider that, due to the mature nature of the landscape, and the carefully articulated and modelled three dimensional form of the buildings, that the openness of the park would not be significantly diminished.
16. While a vernacular form is proposed for the new buildings the feel would nevertheless, due to the detailed design and materials proposed, be of a contemporary nature. I believe therefore that the new buildings would in this way both respect and reinforce the individual historic and design integrity of Lawn Upton House.
17. As the east block would not be located significantly closer to Lawn Upton House than the building to be removed and, further, the existing linking structure would be demolished, I do not believe that this building would be detrimental to the setting of the listed building as suggested by the Council. Indeed, I consider that the appearance would be more open due to the removal of the link, thereby enhancing the building's setting.
18. I acknowledge that the proposed road, areas of hardstanding and provision of bin storage buildings and the like could, in themselves, intrude upon the present sense of openness. However, if carefully landscaped and detailed, matters that could be addressed by suitably worded conditions, I do not think that these elements or the additional activity that would be a consequence of the development would diminish the openness of the setting of the listed building or have the feeling of an intensive overdevelopment of the site.
19. The proposed development would have a density just below 30 dwellings per hectare. This would not accord with the advice contained in PPG3. Nevertheless, I consider it to be appropriate in this open parkland setting. Although the density of this proposal might be higher than that found in David Nicholls Close, or indeed existing residential development in the Littlemore Conservation Area, I consider that, because of the imaginative design of the buildings and their spacing within the existing mature parkland, the proposal would not appear as a high density form of development, it would be neither visually dominant nor overlarge within the setting of the listed building as implied by the Council. Further, I do not believe that the development of this site, which is not located on a road frontage, would adversely affect the village atmosphere, or traditional buildings, original street and plot patterns which are contribute to be the special character of Littlemore.
20. I consider that the proposed buildings have been designed to a high standard having due regard to the site constraints. Accordingly I consider that they would be suitable replacement buildings and would enhance both the character and appearance of the conservation area. Further, for the

reasons that I have given, the proposed development would in my view preserve the setting of Lawn Upton House, a building of special architectural or historic interest.

21. For the reasons given above I conclude, in respect of the main issue, that the proposed development would preserve the setting of the listed building and the character and appearance of the conservation area in which it stands. The proposal is therefore in accord with both the development plan policies to which I have referred, as well as with central Government advice contained in PPS1, PPG3 and PPG15.

#### **Other Considerations**

22. The Highways Authority raises no objections in terms of highway safety due to an increase in traffic movements along David Nicholls Close and at the junction with Standford Road, as a result of the proposed development. However, there are concerns in respect of the potential for parking within the site lines at the junction which could, I agree, be overcome by the provision of bollards and waiting restrictions, as proposed.
23. It is proposed that 45% social housing be provided on the site. The south block would provide six 2 bedroom flats for rent, in association with a Registered Social Landlord (RSL), and the west block would provide housing for sale in joint equity with the RSL. A minimum of 5 flats (10%) being provided for key worker housing.
24. A unilateral undertaking has been prepared which seeks to secure the payment of a financial contribution towards the promotion and implementation of road markings and bollards at the junction of David Nicholls Close and Standford Road, as well as the provision of the element of affordable and key worker housing proposed. I am aware that the Council do not consider that the undertaking would meet the terms and requirements of the obligations. If I were minded to allow this appeal, I see no reason why these matters could not be addressed by way of suitably worded conditions.
25. I can understand why some neighbours have concerns about the possible impact of the proposal on their living conditions in terms of the potential for loss of light and privacy by overlooking. However, taking account of the detailed design of the proposed buildings, the relationship of windows relative to adjoining properties and site boundaries, and the existing mature planting, I am satisfied that there would be no undue loss of light, overlooking or loss of privacy.
26. Local residents have expressed concern about the provision of on site parking and about highway safety due to the limited width of David Nicholls Close. The Highways Authority has raised no objections in relation to these matters. However, provided measures are taken to control parking within the sight lines at the main road junction, I would be satisfied that there is no justification to support the contention that the proposed development would provide either inadequate parking or be detrimental to highway safety.
27. I am aware of concerns that this proposal might have an impact on existing services in the area. There is however appropriate legislation to protect any acknowledged interests in this respect. Accordingly this matter falls outside the scope of this appeal.

#### **Conditions**

28. The conditions set out in my formal decision below arise from those suggested by the Council. I have amended the wording of the conditions to accord with the advice contained in Circular 11/95.

29. I agree that samples of external materials should be subject to approval in the interests of the appearance of the buildings. A landscaping scheme, as well as a proposal for the treatment of boundaries is necessary, the landscaping scheme to include amongst other things details of trees to be retained, proposals for their protection during the works together with additional planting. In this regard detailed consideration would need to be given to both the removal of existing trees and the provision of new ones to mitigate the possibility of visual impact arising for the occupiers of David Nicholls Close as a result of the building of the west block.
30. The Council have proposed a condition in respect of surface water drainage works. I am not aware of any special considerations in this respect and, therefore, as such works would ordinarily be dealt with under the Building Regulations, I do not feel it appropriate to condition this element of the works. As site access would be direct to David Nicholls Close it is important that adequate provision for vehicle and cycle parking is provided and retained for this purpose. For similar reasons I consider that it would not be appropriate for the apartments to be occupied before on site parking has been provided.
31. As I have already indicated, from my observations on site and inspection of the plans I do not consider that the proposed development might give rise to any significant opportunities for overlooking that would adversely affect the privacy of the occupiers of adjoining residential properties. However, in line with the local planning authority's suggestion I shall require all windows shown on the drawings as obscure glazed to be so glazed and thereafter retained to safeguard the amenity of adjoining occupiers.
32. I am advised that parts of the site may contain evidence of Roman activity (the existing mound adjacent to the west block and in the area of the proposed south block). I therefore agree with the Council that it would be reasonable seek to minimise, by way of a condition, the impact of any engineering works upon the archaeology of the site. Further, I agree with the local planning authority that a record should be made of the existing buildings on the site prior to their demolition.
33. The parties agree that the development should include an element of affordable and key worker housing. As the unilateral undertaking provided would not appear to meet the objectives of the obligation I shall include a condition requiring a scheme to be submitted to, and approved by, the Council to secure this provision.
34. I consider that improvements are required at the junction of David Nicholls Close and Stanford Road. Accordingly a Grampian style condition would be appropriate to secure the works required.

#### **Conclusions**

35. Appeal A: For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.
36. Appeal B: For the reasons given above and having regard to all other matters raised, I conclude that the appeal should succeed.

#### **Formal Decision**

##### **Appeal A**

37. I allow the appeal and grant planning permission for the construction of 18 flats and access, demolition of existing sheds and associated landscaping at Lawn Upton House (Grounds), David Nicholls Close, Littlemore, Oxford, OX4 4QX in accordance with the terms of the

application (Ref.04/02293/FUL), dated 20 November 2004 and the plans submitted subject to the following conditions:

- 1) The development hereby permitted shall be begun before the expiration of five years from the date of this decision.
- 2) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved by the local planning authority. The development shall be carried out in accordance with the approved details.
- 3) Details of all external and internal boundary treatments shall be submitted to, and approved by, the local planning authority prior to commencement of development. The development shall be carried out in accordance with the approved details.
- 4) The occupation of the buildings shall not commence until the vehicle and pedestrian access has been constructed in accordance with the details submitted to, and approved by, the local planning authority prior to commencement of development.
- 5) The occupation of the buildings shall not commence until vehicle and cycle parking space has been constructed, drained, surfaced and marked out in accordance with details submitted to and approved by the local planning authority and those areas shall not thereafter be used for any purpose other than parking, loading and unloading of vehicles exclusively for the occupants of the flats without the prior written consent of the local planning authority.
- 6) No development shall take place, nor shall any equipment, machinery or materials be brought on to the site for the purpose of development until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority.

These details shall include an indication of all existing trees and hedgerows on the land, details of any to be retained, together with measures for their protection in the course of development, proposed finished levels and/or contours, means of enclosure of un-built open areas, car parking, cycle parking, other vehicle and pedestrian access and circulation areas, hard surfacing materials, street lighting and artefacts and structures (including but not exhaustively bin and cycle storage units, external services, soakaways and manholes), planting plans, specifications (including cultivation and other operations associated with plan establishment), schedules of plants, noting species, plant sizes and proposed densities where appropriate, and a timetable for planting and laying of hard surfaces. The landscaping works shall be carried out in accordance with the approved details prior to first occupation of the flats.

- 7) No retained tree or hedgerow shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the prior written approval of the local planning authority.
- 8) If any retained tree or hedgerow is removed, uprooted, destroyed or dies, another tree or hedge shall be planted at the same place and that tree or hedge shall be of such size and species, and shall be planted at such times as may be specified in writing by the local planning authority.
- 9) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the completion of the flats. Any trees or plants which within a period of 5 years from completion of the development

die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives prior written consent to any variation.

- 10) A management plan, including long term design objectives, management responsibilities and a schedule of maintenance for landscape areas shall be submitted to and approved in writing by the local planning authority before development commences and shall be accompanied by a written undertaking including arrangements for its implementation.
- 11) No development shall take place (including site clearance), until a detailed design and method statement for the implementation of the following works have been submitted to, and approved by, the local planning authority in areas of archaeological potential. The works shall include: excavation for and construction of foundations; other ground works; and, physically intrusive landscaping. The work shall, unless the local planning authority gives prior written consent, then be carried out in accordance with the approved details.
- 12) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), the windows marked on the approved plans as obscure glazed shall be glazed with obscure glass and thereafter retained.
- 13) No part of the proposed development shall be first occupied until highway improvement works have been completed to restrict parking within the site lines at the junction of David Nicholls Close with Standford Road in accordance with a scheme, submitted to and approved in writing by the local planning authority.
- 14) The development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme. The scheme shall include:
  - i) the numbers, type, and location on the site of the affordable housing provision to be made;
  - ii) the timing of the construction of the affordable housing;
  - iii) the arrangements to ensure that such provision is affordable for both initial and subsequent occupiers of the affordable housing; and
  - iv) the occupancy criteria to be used for determining the identity of prospective and successive occupiers of the affordable housing, and the means by which such occupancy criteria shall be enforced.

#### **Appeal B**

38. I allow the appeal and grant conservation area consent to demolish prefabricated teachers' building, timber sheds and brick outbuildings at Lawn Upton House (Grounds), David Nicholls Close, Littlemore, Oxford, OX4 4QX. in accordance with the terms of the application (Ref.04/02294/CAC), dated 20 November 2004 and the plans submitted subject to the following conditions:
- 1) The development hereby permitted shall be begun before the expiration of five years from the date of this decision.

- 2) This consent shall specifically grant Conservation Area consent under section 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended, to remove those buildings/structures indicated on the application drawings.
- 3) The demolition of the buildings shall not take place until the applicant has undertaken a measured survey and a photographic record of the buildings to be demolished. The photographs shall be black and white, printed to archive standard, to a measurement of 254mm x 203mm (10 x 8 inches). 2 copies of each of the photographs (which shall be both internal and external views) together with plans, marked and cross referenced with each other to show the areas photographed and the direction from which the photographs were taken shall, together with the measured survey drawings, be submitted to the local planning authority for the Council's archive and onward deposit to the Centre for Oxfordshire Studies, or its equivalent.



INSPECTOR



East Area Planning Committee

-9th September 2013

**Application Number:** 13/01096/FUL

**Decision Due by:** 7th August 2013

**Proposal:** Construction of two all-weather pitches, plus new residential development consisting of 6 x 1 bed, 15 x 2 bed, 15 x 3 bed and 4 x 4 bed residential units, 71 car parking spaces, access road and landscaping accessed off Barracks Lane (Amended plans)(Amended Description)

**Site Address:** Land to the rear of William Morris Close **Appendix 1**

**Ward:** Cowley Marsh

**Agent:** Mr Nik Lyzba

**Applicant:** Cantay Estates

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## Recommendation:

APPLICATION BE REFUSED

## Reasons for Refusal

- 1 The application site has been in use for formal and informal sport and recreation until recently. Although the site is now fenced it has not been clearly shown that the site is surplus to requirements for sport or recreation. The site retains the potential to provide for types of open air sport and recreation for which there is a need in the City. The replacement sports facilities in the form of all-weather mini-pitches with restricted community access are not equal to or better than retaining the potential of the site to provide for open air sport and recreation. Further it is not essential that the all-weather mini-pitches are provided on this particular site to satisfy local need. For these reasons the proposal does not accord with the NPPF, Policy CS21 of the Core Strategy, or Policy SR2 of the Oxford Local Plan.
- 2 The site meets the requirements of the NPPF as a local green space, a valued local amenity which will be lost by developing housing on part of the site and diminished on the mini-pitches part of the site. The all-weather mini-pitches do not form an acceptable alternative to retention of this green space. This is contrary to guidance in the NPPF and Policies CS21 of the Core Strategy and SR2 of the Oxford Local Plan.
- 3 The development is contrary to Policy CS2 of the Core Strategy in that the site

is not allocated for development nor is it needed to meet the NPPF 5 or 10 year housing land availability requirements. There are no other balancing reasons or mitigating circumstances why housing should be allowed on this site. It is not essential that the housing or all-weather mini-pitch developments are developed on his particular site which it is preferable to retain as open space for the well-being of the community it serves.

- 4 The proposed development fails properly to demonstrate how the renewable energy element of the NRIA SPD will be complied with, and as such fails to meet the standards of resource efficiency required by the Council's adopted planning policies on energy, natural resources, waste and recycling, namely Core Strategy Policy CS9, Sites and Housing Plan Policy HP11, and Local Plan Policies CP17 and CP18

## **Legal Agreement**

As the development consists of 40 dwellings, in the event of planning permission being granted, contributions would be sought towards supporting facilities which are based on the adopted Planning Obligations Supplementary Planning Document (SPD) and are all index linked. They are as follows and all are agreed by the applicant:

- Primary school - £116,339 (County)
- Secondary School - £115,544 (County)
- SEN school Capacity - £6,131 (County)
- Social and Community Resource Centre - £8124 (County)
- Library - £7,839 (County)
- Strategic Waste Management - £3,719 (County)
- Museum Resource Centre - £460 (County)
- Transport Infrastructure - £ 93,023 (County)
- Indoor sport - £8,442 (City)
- Play Area - £4,471 (City)
- Allotments - £393 (City)
- Public Art - £16,620 (may be by condition) (City)
- 50% affordable housing
- Community Access Agreement

## **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

**CP10** - Siting Development to Meet Functional Needs

**CP11** - Landscape Design

**CP17** - Recycled Materials

**CP18** - Natural Resource Impact Analysis

**CP21** - Noise

**TR1** - Transport Assessment  
**TR2** - Travel Plans  
**TR3** - Car Parking Standards  
**TR4** - Pedestrian & Cycle Facilities  
**NE15** - Loss of Trees and Hedgerows  
**HE2** - Archaeology  
**SR2** - Protection of Open Air Sports Facilities

### Core Strategy

**CS2\_** - Previously developed and greenfield land  
**CS9\_** - Energy and natural resources  
**CS11\_** - Flooding  
**CS12\_** - Biodiversity  
**CS13\_** - Supporting access to new development  
**CS18\_** - Urban design, town character, historic environment  
**CS21\_** - Green spaces, leisure and sport  
**CS22\_** - Level of housing growth  
**CS23\_** - Mix of housing  
**CS24\_** - Affordable housing

### Sites and Housing Plan

**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
- Planning Obligations Supplementary Planning Document (SPD)
- Draft Affordable Housing and Planning Obligations SPD
- Parking Standards, Transport Assessment and Travel Plans SPD
- Natural Resource Impact Analysis SPD
- Balance of Dwellings SPD

### **Relevant Site History**

02/02046/FUL - Demolition of sports and social club buildings, two houses, garages and outbuildings. Retention of sports ground and bowling green. Erection of new sports and social club, 63 dwellings comprising 23 x 2 bedroom flats in a 3 storey block and a terrace of 6 houses, 4 x 3 bedroom and 2 x 4 bedrooms in a 2 storey block (some with accommodation in roof space) 2 caretakers flats in the sports and

social club building, accessed from Barracks Lane, with associated car parking (97 spaces). cycle parking and bin storage. Erection of 7 x 3 bedroom and 4 x 4 bedroom 2 storey terraced houses (some with accommodation in roof space) fronting Crescent Road and two 3 storey blocks of 21 x 2 bedroom flats, with associated car parking (32 spaces) accessed from Crescent Road. (Amended Plans). PER 8th December 2004.

12/02967/FUL - Construction of two all-weather playing pitches, plus a new residential development consisting of 6 x 1 bed flats, 15 x 2 bed flats, 6 x 3 bed flats, 13 x 3 bed houses and 3 x 4 bed houses, together with access road, parking, landscaping etc. accessed off Barracks Lane. (Amended plans). REF 18th March 2013. Appeal lodged against refusal.

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

Leisure Services - the proposed 2 all-weather pitches with limited community access are not regarded as meeting local needs effectively because the locality is already provided with pitches such as those found at Cowley Marsh. The Council's policy is to protect this site as a playing field and is not in a position to suggest alternative recreational uses which are contrary to that policy. For reasons of resource limitations, it is very unlikely that the Council would become involved in the ownership or management of this site as a recreational facility no matter what type of facility is proposed. The pitches are likely to be too close to residential properties to be acceptable for floodlighting.

Sport England - in accordance with Circular 02/09 Sport England objects because there is a deficiency in the provision of playing fields in Oxford, and the development results in the loss of a playing field and the alternative or replacement does not match (whether in terms of quantity, quality or accessibility) that which would be lost.

English Heritage – no objection determine in line with local policy.

Thames Water – no objection, subject to comments on surface water drainage and a water supply informative.

Natural England – no objection particularly in light of paragraph 7.6 of the Surface Water Drainage Strategy in relation to sustainable surface water infiltration measures.

Oxfordshire County Council – subject to conditions and contributions: Highways, no objection; Drainage, no objection; fire hydrants will be required but these can be requested by condition.

### **Third Party Comments**

Local people have commented on a previous application for a similar residential and all-weather pitches development under reference 12/02967/FUL together with the application for a Free School in the Lord Nuffield Sports and Social Club building (12/02935/FUL). In relation to the current application there have been responses from 39 local householders many of whom have stated that their previous comments still apply and have asked that they be taken into account in the consideration of this

application. The summary of public response in those two previous cases is therefore reproduced as **Appendix 2** to this report. Notwithstanding the reproduction comments on previous applications which also encompass comments on an adjacent site, in this report, the current application is assessed separately on its own merits.

There have been additional comments, not covered in the previous summary, which can be summarised in the following terms:

- the current scheme is not an improvement on the previous scheme in terms of overdevelopment, density, overlooking, loss of views, loss of privacy, loss of light, design, sense of place;
- no need or demand for additional housing in this locality as evidenced by empty properties in William Morris Close;
- insufficient parking provision in the proposed housing layout;
- once developed the open space is lost forever;
- the Supplemental Planning Statement at paragraph 2.3 refers to anti-social behaviour occurring on the playing fields – this is disputed by local residents who say they used it for informal sport and recreation;
- noise pollution from the additional housing (and school) traffic; and,
- there will be disruption during construction period particularly from heavy lorries.

#### **Officers Assessment:**

#### **THE SITE AND SURROUNDINGS**

1. The site is located within a primarily residential area accessed from Barracks Lane via William Morris Close. It is bounded to the south, east and west by residential development (properties in Crescent Road, Turner Close, William Morris Close and Hollow Way); and to the north by the former Lord Nuffield Club building and open space around it with Barracks Lane and the Southfield Golf Course beyond.
2. The application site extends to 1.24ha. It is a large level playing field (fenced off since November 2011 and now effectively disused) and disused car park both associated with the former Lord Nuffield Sports and Social Club. The eastern boundary and part of the southern boundary are formed by mature trees.
3. The recreational open space, of which this application site is a part, is a remnant of the larger recreational open space associated with the Morris Motors Social Club which previously owned and occupied the space (site plan prior to redevelopment attached at **Appendix 3**).
4. In 2004 planning permission was given to demolish the Morris Motors Club buildings on Crescent Road and build a new club building (the former Lord Nuffield Club which is now the subject of a planning appeal for a Free School). Housing development on part of the open space not used as playing pitches (William Morris Close) and on the demolished club house site on Crescent Road helped to facilitate the redevelopment of the club (the block plan from that application is attached as **Appendix 4**). This was contrary to planning policy

which aimed to protect recreational open space but was regarded as acceptable given that the social club use would be relocated and upgraded on the site, and the main area of playing pitches would not be developed. Other benefits included social housing and community access.

5. A scheme for 43 dwellings and 2 all-weather pitches was submitted in November 2012 and refused by the Committee in March 2013 (12/02967/FUL). This now the subject of an appeal which is due to be heard at a Public Inquiry later in the autumn although the date is not yet fixed. The reasons for refusal in that case concerned:
  - i. unacceptable development of a protected open air sports facility and local green space;
  - ii. development on a site which is not allocated for development in an adopted plan and which is not needed to meet NPPF 5 or 10 year housing land availability requirements;
  - iii. unacceptable design and layout of the housing proposals; and,
  - iv. failure to meet sustainability and resource efficiency requirements.

## **THE PROPOSAL**

6. The proposal is in two parts:
  - i. to develop 40 dwellings (28 flats, 12 houses) and 60 parking spaces on the southern part of the playing field and on the disused car park in the south-west corner of the site. The residential access road will be an extension of William Morris Close. 15 dwellings are to be open market units. 25 dwellings are to be affordable homes (63%), provided and controlled by the South Oxfordshire Housing Association (SOHA) (16 social rented, 9 shared ownership); and,
  - ii. to develop two all-weather mini pitches and a small parking area (11 spaces) across the northern part of the site with access from William Morris Close. This is in an effort to respond to the Council's Playing Pitch Strategy which identifies the need for youth football provision in the City. Floodlighting is not proposed as part of the planning application but the applicant has offered future provision which would have to be the subject of a further planning application.
7. The applicant has agreed to conclude a legal agreement securing the provision of the affordable houses, a community access package for the pitches (either in relation to the adjacent Free School or without it) and financial contributions towards service infrastructure and transport infrastructure. It should be noted however that the Council's Leisure Services team has indicated that the Council will be unable to take any involvement in the ownership or running of a leisure facility on this site whether that is a built facility or open space.

## **ISSUES**

8. This report argues that the design and layout of the housing has been improved in this application when compared to the 2012 application which is at appeal, and could be considered to be acceptable if the application were otherwise

supportable. The revised proposals are however still considered to be unacceptable in principle in terms of loss of protected open space, development on un-allocated land, and sustainability - the issues referred to in paragraph 5(i) (ii) and (iv) above.

9. The report is therefore broadly the same as the previous report but has been updated to reflect the revised housing design and layout and to include new evidence or new or revised submissions by the applicant and other interested parties. The issues covered are:
- the principle of housing and all-weather pitch development on this protected open space;
  - impact on local highways;
  - design and layout of the proposed housing; and,
  - sustainability

## **PRINCIPLE**

10. There is strong national and local planning policy protection for existing recreational and open green space. The National Planning Policy Framework (NPPF) states that the Government considers that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. Sport England advises that the NPPF seeks to protect all playing field and sports facilities from development, whether in public or private ownership. The NPPF states that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:
- an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
  - the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
  - the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.
11. The NPPF also indicates that urban green space may be worthy of protection as Local Green Space if it is:
- in reasonably close proximity to the community it serves;
  - demonstrably special to the local community and hold a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and
  - local in character.
12. At the local level this site is identified on the Local Plan Proposals Map and protected as an open space under Policy SR2 of the Oxford Local Plan. This resists the loss of open space where there is a need for the facility to be retained in its current location, or the open area provides an important green space for local residents. Exceptions to this policy can only be made where there is no

need at all for the facility for the purposes of open space, sport or recreation or where there is a need for the development and there are no alternative green field sites and the facility can be replaced by equal or improved replacement facilities.

13. This site is also protected as an open space under Policies CS2 and CS21 of the Core Strategy. Policy CS2 allows the development of green field and previously developed land only if it is allocated for the proposed use or, in the case of housing proposals it is needed to maintain a five-year housing land supply. Policy CS2 only allows the allocation of open space for development if a need for the development can be demonstrated and if the open space is not needed for the well-being of the community it serves. Policy CS21 seeks to maintain an overall average of 5.75 ha of publicly accessible green space per 1,000 population. Under this policy losses of sports and leisure facilities will only be acceptable if alternative facilities can be provided of equal accessibility and if no deficiency is created in the local area.
14. The 2004 planning permission represented a significant reduction of the size of this open recreation area to allow improvements to the community and sporting potential of the site to be brought about through the inclusion of on-site enabling housing development. The current application represents a further significant reduction in the available area of recreational open space. The applicants wish to justify this on the basis of providing 63% affordable housing, and two all-weather pitches with community access as a replacement for the area of playing field lost.
15. Given the planning history of the site and the open space protection policies described above, the determining issues in relation to development on this protected open space may be summarised as:
  - i. whether the existing playing field is surplus to sport and recreational requirements;
  - ii. whether the open space has value to the local community as a green open space;
  - iii. whether it is essential to meet the City's housing needs on this site; and whether meeting those needs on this site outweighs the protection of the open space;
  - iv. whether it is essential that the all-weather mini-pitches are provided on this site; and,
  - v. whether the proposed replacement provision would be equal to or better than the existing provision.
16. The first determining issue is whether the playing field is surplus to sport and recreational requirements. Sport England regards this as a versatile grass pitch and has identified a range of sporting uses to which the land could be put. For many years and until recently the playing field was used for formal recreation: cricket and football, in association with the sports and social club. Local people comment that they made active use of the land for informal recreation prior to its being fenced in mid-November 2012. The applicant has reiterated that no formal or informal arrangements exist for this informal recreational use which is therefore unauthorised.



17. The space is not therefore surplus to sport and recreation requirements or redundant for sports and recreation use. Although in private ownership and fenced off, the site retains the potential to be brought back as high quality provision for active formal or informal outdoor recreation.
18. The second determining issue is whether the open space has value to the local community as a green open space. It meets the requirements of the NPPF to be regarded as a Local Green Space (although its formal designation as such could only occur through the Local Plan process) in that:
  - it is local in character and is adjacent to and bounded by the community it serves; and,
  - it is demonstrably special to the local community: local people have commented that:
    - until recently it was in active use by local people for formal recreation in association with the Club;
    - until it was fenced when the current planning applications were submitted (mid-2012) it was in regular use for spontaneous informal recreation, and dog walking;
    - it has visual amenity value as a green space, in defining the character of the area, as a relief to the density of development in the local area, and as a place for wildlife.
19. The third determining issue is in 2 parts: whether it is essential to meet the City's housing needs on this site; and whether meeting those needs on this site outweigh the protection of the open space.
20. There is huge unmet need in the City and for general and affordable housing but the scale of need is not reason alone to build on green field recreational sites. Through the NPPF, the government requires that local authorities take a plan-led approach to satisfying housing needs. The need for affordable housing existed before, during and after the production of the Core Strategy and Sites and Housing Plan. It is not a new exceptional issue that has emerged which requires a change in approach from the recently adopted plans and policies. These Plans were produced with the evidence of the need for affordable housing available and this evidence was balanced against the need to maintain green field sites.
21. The Sites and Housing Plan did however allocate some housing on previously open private sports grounds. These sites did not come forward as a result of a general review of open spaces: the Council's policy was to retain a presumption in favour of developing previously developed land. They were sites put forward to the Council by landowners, which, in turn gave some indication to the Council that they could be deliverable or developable. They were responded to by the Council in the context of the plan-making process: each site was subjected to a rigorous and detailed assessment of its value and potential for formal and informal sport and its amenity value as green space. Each site was also subjected to public scrutiny through consultation and examination in public. The previously open private sports grounds which have in part been allocated for development were required to retain at least 25% of the site area as unrestricted publicly accessible open space, suitably located and designed for practical public use. The Local Plan Inspector was content with this approach and did not

suggest that further green field sites were required. The current application site was not put forward for consideration as part of this plan-making process because it was the subject of receivership. The Sites and Housing Plan does not allocate it for housing development.

22. The NPPF housing land supply requirements are met, and indeed exceeded in the policies of the Core Strategy (adopted in March 2011) and the Sites and Housing Plan (adopted 18<sup>th</sup> February 2013). Preparation of the Sites and Housing Plan was a plan-making process specifically geared to identify enough housing sites to demonstrate a 5 and 10 year housing land supply. All the available options for delivering housing land supply were researched, the relevant issues were balanced and sound and robust allocations were made. As a planning policy document the Sites and Housing Plan is as up to date as possible. Further, the latest review of the Strategic Housing Land Availability Assessment (SHLAA), December 2012 concludes that the 5-year NPPF requirements can be met on deliverable sites with no reliance on windfall sites; the 10-year target is exceeded.
23. Core Strategy Policy CS2 is clear therefore that non-allocated green field land is only to be developed if a five year housing land supply cannot be demonstrated. The applicant refers to the boost to housing supply which the NPPF aims to secure and argues that the exceptional reasons why development of the site should be allowed result in part from the lack of progress on securing affordable housing in the city in the last few years: the provision of 25 affordable homes in this scheme would provide more affordable homes than have been provided in the last two or three years. Planning is not however reactionary to short term market fluctuations. Planning policy takes a long term view of housing provision and a short term dip in affordable housing completions is not a reason for developing sites contrary to policies. The City Council does not dispute that affordable housing completions have dipped in recent years. However, the pattern of housing delivery is cyclical and completions will pick up again as the market improves. Proposals for housing proposals on larger sites are noticeably increasing in number.
24. The applicant further states that this site is deliverable in the 5 year period but adduces evidence to question whether the units included in the SHLAA are all deliverable suggesting that this could form an exceptional reason for allowing development on this site. An objector at the Sites and Housing Plan Inquiry attempted to undermine the City Council's SHLAA using similar arguments. At the hearing sessions the Inspector asked for clarification from the City Council on the methodology used and why sites had been classified as such. Having heard all the evidence the Inspector was entirely satisfied that the five-year land supply was robust and this is clarified in her report. Similarly, the City Council's SHLAA process was considered robust by the two Core Strategy Inspectors.
25. No other balancing reasons or mitigating circumstances are apparent which would predicate housing development on this site and it can therefore be concluded that there is no need for housing development to take place on this site.

26. Given that the site is not allocated for development in the Sites and Housing DPD and there is no need to develop this site in order to meet the NPPF housing land supply requirements, it can be concluded that any benefits arising from housing development on the site do not outweigh its qualities and justifiable protection as open space. The current proposal would not solve the need for affordable housing in Oxford, indeed using the evidence from the latest Strategic Housing Market Assessment, Oxford would need to double in size to meet all its housing need. If housing were to be allowed on this privately owned site, it would encourage others to similarly seek development on further non-allocated green field sites, and all non-allocated green field land could thereby be under threat. This is particularly important in Oxford because, as Sport England has noted, an unusually significant proportion of Oxford's playing fields are in private ownership.
27. The fourth determining issue is whether it is essential that all-weather mini-pitches are provided on this site. There is an identified need for all-weather mini-pitches for youth sport in the City but these could be provided on smaller sites elsewhere in the city and not necessarily on green field sites. The view of the Council's Leisure Services team is that this is not a good strategic location for such pitches given similar provision some 600 metres away at Cowley Marsh, and they are not aware of any groups requesting such provision in the locality. It is not essential therefore that the need for all-weather mini-pitches is met on this site. Further, the Planning Statement for the Free School proposed on the adjacent site indicates that although the school would be prepared to use and manage the pitches, the operation of the school is not dependent on provision of the pitches. Whilst meeting the need for all-weather mini-pitches might be welcomed in principle, the City's needs for sport and recreation are better met by retaining the potential of this particular site for larger scale open air sports which require a green field setting.
28. The fifth determining issue is whether the proposed replacement provision would be equal to or better than the existing provision and can therefore be regarded as an exception to the normal policy of protection. The applicants argue that with a community access package in place, authorised community access to 'recreation' on the site will be achieved for the first time (given that such an agreement was never concluded with the previous occupiers) and that this is better than existing provision. Moreover more intensive community use of the site will be possible given the all-weather nature of the pitches.
29. Now that the playing field has been fenced off from public access it could be argued that any community access to the site is better than none. This is not accepted for two reasons:
- i. because, as noted by Sport England, the value of this open space is in it being a grass pitch of a size and configuration which has the potential to be brought back into use for sports which require a high quality large(r) scale pitch(es). Such sites with good accessibility for local communities are limited in this part of the City and once lost to development cannot be regained; and,

- ii. the provision of 2 all-weather pitches on this site is not regarded as meeting an essential local need and therefore the “suitable circumstances” do not exist to justify an exception to Policy SR2 (paragraph 11.2.7 of the Oxford Local Plan) by reason of all-weather pitches replacing a grass pitch. Thus the community would not be in receipt of real gain from its development for pitches whatever level of community access is proposed.
30. Additionally, there are a number of factors which restrict community access to the proposed all-weather mini-pitches:
  - if the proposed Free School on the adjacent site uses and manages the pitches, community use of the pitches will be restricted to times when the school does not require them;
  - if the Free School does not take on the ownership and management of the pitches, the Council is not in a position to do so (indeed this is the case whatever recreational provision is made on the site) and there is no proposal for private ownership, management and community use of the pitches;
  - floodlighting is not proposed and so community access will not be available in the evenings or in bad light. The applicant has indicated that floodlighting could form part of the development. Because of the proximity of housing floodlighting would have to be the subject of a further specific planning application, not, as the applicant suggests dealt with by condition. There is no certainty that it would be approved. Given that the pitches are aimed at youth sport which is likely to be in the evenings fulfilment of the stated aim will be limited;
  - no changing facilities are proposed which is a specific concern of Sport England.
31. It is therefore concluded that the proposed housing and mini-pitch development with limited or uncertain levels of community access do not outweigh the value to the community of retention of the potential of this site to accommodate larger scale outdoor sports. The pitches do not therefore represent replacement facilities of equal or improved provision.
32. It can be concluded therefore that the proposed housing and all-weather mini-pitch development on this site is unacceptable in that it does not accord with national and local planning policies:
  - it does not accord with the NPPF, Policy CS21 of the Core Strategy, or Policy SR2 of the Oxford Local Plan in that it has not been clearly shown that the site is surplus to requirements for sport or recreation, the replacement mini-pitches with restricted community access are not equal to or better than the potential of the site to provide for larger scale open air sport and recreation, and it is not essential that the housing and mini-pitches are provided on this particular site;

- the development is contrary to Policy CS2 of the Core Strategy in that the site is not allocated for development nor is it needed to meet the NPPF 5 or 10 year housing land availability requirements. It is not essential that the need for housing or mini-pitch development should be met on this particular site, and there are no other balancing reasons or mitigating circumstances why housing should be allowed. It is therefore preferable to retain the site as open space for the well-being of the community it serves; and,
- the site meets the requirements of the NPPF as a local green space, a valued local amenity which will be lost by developing housing on part of the site and diminished on the mini-pitches part of the site. No acceptable alternative facilities are proposed. This is contrary to guidance in the NPPF and Policies CS21 of the Core Strategy and SR2 of the Oxford Local Plan.

### **IMPACT ON LOCAL HIGHWAYS**

33. Many local people are extremely concerned that the proposed housing and Free School developments on this site will adversely impact on the local highway network. Most objectors to the schemes raised highways impact as their first and often principle objection. They offer much anecdotal evidence of local traffic problems and have submitted a residents' survey of rat-running in the area. They consider that the Transport Assessment is flawed (and that the school's Green Travel Plan is inadequate). A wide range of detailed comments about traffic, parking and circulation are made, the principal ones being:
- there will be increased traffic generally on already heavily congested local roads and at junctions (Hollow Way/Barracks Lane/Horspath Road; Hollow Way/Cowley Road/Garsington Road; and The Slade/Horspath Driftway) with more traffic to come because of developments in the wider locality which use this route including the Business Park;
  - Barracks Lane is unsuitable for access to these developments; and that,
  - the access point for new developments from Barracks Lane to William Morris Close will be dangerous and will adversely affect the amenities of local residents.
34. The Local Highway Authority however regards the submitted Transport Assessment to be robust and agrees with the assumptions used and conclusions drawn. The Authority has considered the transport impacts of the housing/pitches application together with and aside from those of the Free School application on adjacent land. The Authority has concluded that the housing/pitches proposals are acceptable subject to conditions relating to submission of cycle parking details, and a Construction Traffic Management Plan. Developer contributions for transport infrastructure are also required. The footpath leading out of the site into Beresford Place would become an adopted route.
35. In the light of these considerations and subject to conditions and the conclusion of a legal agreement to secure transport contributions, this application can be considered to be acceptable in highway terms.

## HOUSING MIX, LAYOUT, DESIGN AND AMENITIES

36. Balance of Dwellings: the proposed mix of dwellings is 15% 1-bed, 35% 2-bed, 40% 3-bed, and 10% 4-bed. This complies with Policy CS23 of the Core Strategy and the Balance of Dwellings SPD.
37. Affordable housing: of the 50% required to be affordable under Policy CS24 of the Core Strategy and Policy HP 3 of the Sites and Housing Plan, 80% are required to be social rented and 20% intermediate tenure. The Draft Affordable Housing and Planning Obligations SPD specifies dwelling mixes within those categories. The proportion of affordable housing proposed in this scheme is 63% which exceeds policy requirements; and the proposed tenure mix, and the mix of dwelling sizes within those tenures meet policy requirements.
38. Accessible and adaptable homes: Policy HP2 of the Sites and Housing Plan requires all dwellings to meet the Lifetime Homes Standard and, on sites of 4 or more dwellings, at least 5% (in this case 2 units) should be fully wheelchair accessible or easily adaptable for wheelchair use. The agent for the application has confirmed that all the proposed dwellings meet the Lifetime Homes Standard and has identified 2 plots suitable for wheelchair adaptation, one social rented and one intended for the open market and this therefore meets the policy requirements.
39. Design and layout: the NPPF requires that local 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.
40. The proposed residential layout is generally oriented northwards facing over the proposed pitch development with the access road running along the north side of the residential area. Plots 1-16 are arranged around a shared access and parking area in the form of a residential 'square' at the western end of the site; plots 17-20 front onto the pitches area and have south facing gardens; and plots 21-40 are arranged in two blocks facing each other at the eastern end of the site with plots 25-40 backing onto properties in Hollow Way. Car parking is generally located at the fronts of properties and a line of visitor parking is proposed on the north side of the access road. To mitigate the potential for the scheme to become overly car dominated, tree planting and landscaping is proposed adjacent to many of the proposed parking spaces. There is also some additional potential for tree planting and landscaping the site which is shown indicatively including two small areas where landscaped features may be possible. The layout is unlikely directly to affect the viability of the important amenity trees on the site periphery although this will be subject to appropriate tree protection measures and appropriate hard landscaping treatment both of which can be secured by condition. Pollarding of some of the trees on the eastern boundary has taken place and a tree management scheme submitted. It is therefore

considered that Plots 25-40 will not suffer undue shading from the retained boundary trees. The proposed external appearance of the houses and flats will be in keeping with existing residential properties in William Morris Close and Beresford Place. Thus, the layout will create a degree of sense of place both from within the site and when viewed from William Morris Close and will not detract from the existing character and appearance of the area.

41. In accordance with Policy HP14 of the Sites and Housing Plan, the layout has been arranged to preserve the amenities of adjacent and nearby properties. In particular the scheme proposes additional garden areas for the Beresford Place flats and a landscaped strip between those flats and the new development: there is a 30m gap between the existing 3-storey flats and the proposed 2-storey dwellings.
42. The amenities available to the future residents are acceptable. Gardens, shared amenity space, private balconies and bin storage are proposed to the standards required in Policy HP13 of the Sites and Housing Plan. Cycle storage conforms to Policy HP15 of the Sites and Housing Plan. Details of bin and cycle stores will be secured by condition.
43. Policy HP9 requires that in a scheme of this size, 10% of the site area should become public open space. Were the scheme to be approved, this requirement could be met on the retained open areas around the proposed pitches. Given however that the Council's Leisure Services' consider that the pitches do not meet local effectively there would need to be further negotiation as to the form of leisure provision, and the amount of public access and how that access could be secured.
44. It is concluded therefore, that judging the scheme against NPPF guidelines and the Council's adopted policies on the design of residential development, the scheme could form the basis of an approval.

## **ENERGY EFFICIENCY**

45. 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).
46. The adopted NRIA SPD requires that a minimum of 20% of the total energy required on site should come from renewable or low carbon technologies. The drawings show PV panels on the roof slopes, and the submitted NRIA checklist (amended version) appears to achieve 7 out of 11 by asserting that 20% of energy requirements will be met by on-site renewables. This assertion is not however supported by relevant details, calculations and appropriate technical

and financial appraisals to demonstrate how the NRIA SPD requirement will be met. As such, it is considered that the scheme fails to demonstrate properly how the renewable energy element of the NRIA SPD will be complied with. This therefore forms a reason for refusal of the scheme.

## **OTHER ISSUES**

47. Archaeology - Policy CS18 of the Core Strategy safeguards the City's archaeological assets. This site is of archaeological interest and if the application is to be approved a condition is recommended requiring an archaeological investigation consisting of a watching brief.
48. Noise - 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. The Council's Environmental Development service has been consulted on the proposals and do not raise concerns or recommend refusal on the grounds of noise from use of the all-weather pitches given that this is already an outdoor sports area.
49. Drainage – Policy CS11 of the Core Strategy requires all developments to incorporate SUDS and preferably to reduce the existing rate of run-off. Local people in commenting on these proposals raised concerns about flooding from surface water run-off. A Surface Water Drainage Strategy was therefore submitted in relation to this application which concludes that: the site will not be at risk of flooding from fluvial sources; is able to discharge surface water via infiltration drainage techniques; and is able to employ a surface water drainage design based upon the principles of sustainable drainage. The Highways Authority as the relevant agency has reviewed this Strategy and considers it acceptable.
50. Biodiversity – Policy CS 12 of the Core Strategy 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 biodiversity terms is intrinsically 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. While badgers evidently use the site for foraging, no protected species have been confirmed as resident and as such no constraints have been identified in relation to such species that could represent an overriding constraint to development. Should the development be permitted the landscaping scheme should incorporate some species that produce fruit, such as yew, crab apple and hawthorn to provide a foraging resource for garden bird species and badgers post-development. Installation of bird and bat boxes on retained trees and/or new buildings would also offer opportunities for such species to utilise the site post development. Native species, preferably of local provenance, should be used wherever possible throughout the development.

## **CONCLUSIONS**

51. There are fundamental objections to the development of this site for housing and all-weather pitches:



- the site retains the potential to help meet the City's outdoor recreational needs and is not surplus to requirements. As a recreational asset and for its green openness it is valued by local people living in close proximity. The proposed all-weather pitches will not be effective in meeting local need and are not replacement facilities of equal value to the potential of the open space that would be lost through development;
- it is not essential to develop housing and all-weather pitches on this site to meet housing land availability or recreational requirements, and there are no other mitigating or balancing reasons why those developments should take place on this site; and,
- there are concerns about the scheme in terms of its implications for the use of natural resources.

52. For these reasons the scheme is not supported and is recommended for refusal.

### **Human Rights Act 1998**

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

### **Section 17 of the Crime and Disorder Act 1998**

Officers have considered, with due regard, the likely effect of the proposal on the need to reduce crime and disorder as part of the determination of this application, in accordance with section 17 of the Crime and Disorder Act 1998. In reaching a recommendation to refuse planning permission, officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

**Background Papers:** 12/02935/FUL; 12/02967/FUL; 13/01096/FUL

**Contact Officer:** Fiona Bartholomew

**Extension:** 2774

**Date:** 29<sup>th</sup> August 2013

## Appendix 1

### 13/01096/FUL - Land to the rear of William Morris Close

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Ordnance Survey 100019348

MAPDOC

## Appendix 2

### Summary of Public Response to applications 12/02935/FUL and 12/02967/FUL

Comments of Objection
<p>Increased traffic generally on already heavily congested local roads and specifically at junctions (Hollow Way/ Barracks Lane/ Horspath Road; Hollow Way/Garsington Road; and The Slade/Horspath Driftway) with more traffic to come because of developments in the wider locality which use this route including at the Business Park:</p> <ul style="list-style-type: none"><li>• Extra traffic dangerous for the many users of the local road network with narrow footways</li><li>• Already suffer long waits at the traffic lights at the Hollow Way/ Barracks Lane/ Horspath Road junction – this has potential for gridlock</li><li>• Restricted access for emergency vehicles</li><li>• Difficult for local residents to get out of the area to go to work at peak times</li><li>• The urban clearway in Hollow Way not well enforced creates extra local traffic difficulties</li><li>• Already suffer from pollution from waiting traffic in the area – will get worse</li><li>• The development is against Core Strategy Policy CS19 because there will be more accidents on Hollow Way</li></ul>
<p>Barracks Lane unsuitable for access to school/housing/pitch developments:</p> <ul style="list-style-type: none"><li>• Will become bottleneck because Barracks Lane is dead end so people have to turn round in the access way</li><li>• Poor visibility around many parked cars on Barracks Lane</li><li>• Parking on both sides of Barracks Lane mean only one vehicle can pass along it</li><li>• Parking on Barracks Lane will get worse and problems will arise as they did when the Club was running</li><li>• Can't restrict parking on Barracks Lane because local people need it to park their cars who have no other option</li><li>• Is heavily used by pedestrians, children and cyclists – access to Oxford Spire Academy – will become more dangerous</li></ul>
<p>Access point for new developments from Barracks Lane to William Morris Close:</p> <ul style="list-style-type: none"><li>• Dangerous for children</li><li>• Will adversely affect amenity of flats</li><li>• There will be parents and staff school parking in nearby residential areas</li><li>• There is often ice on the road at this junction</li><li>• Poor visibility because of high wall at the junction</li></ul>
<p>Inadequacy of traffic assessments:</p> <ul style="list-style-type: none"><li>• This will be the largest primary school in East Oxford</li><li>• Wide catchment, people will come from far away – a much greater proportion will drive to school, too far for many to walk</li><li>• Walking overestimated, driving underestimated</li><li>• Unrealistic to expect primary school children to use alternative local transport</li></ul>

<p>Green Travel Plan inadequate:</p> <ul style="list-style-type: none"> <li>• no real positive measures are suggested for achieving reduced car travel</li> <li>• Can penalties be introduced if the aims are not met?</li> </ul>
<p>Transport Assessment poor:</p> <ul style="list-style-type: none"> <li>• makes erroneous/misleading comparisons with non-free schools with a narrower catchment</li> <li>• Need better/more traffic surveys – one day not enough</li> </ul>
<p>Open space should be retained:</p> <ul style="list-style-type: none"> <li>• Has been well used by local people for 80 years and valued as an open green space, it is not redundant</li> <li>• Adds to the character of the area, part of green image of the city</li> <li>• Local and Government planning policy indicates it should be kept open</li> <li>• Previous planning permission (for the Lord Nuffield Club) was conditional on retention of the open space – this should be upheld</li> <li>• It should be safeguarded land for long term use</li> <li>• The all-weather pitches do not allow for the informal recreation that people enjoy on this land</li> <li>• No floodlighting means that public use restricted</li> <li>• Need to retain footpath from Crescent Road to Beresford Close</li> <li>• Negative impact on local wildlife</li> </ul>
<p>Retain the former club building in community use:</p> <ul style="list-style-type: none"> <li>• Needed locally with the closure of Temple Cowley Pools and Gym</li> <li>• Can find a user who will make it viable, many clubs looking for premises</li> <li>• A valuable local facility</li> <li>• Use for old people's clubs</li> <li>• Removal of essential local community sports facility unacceptable in view of Olympic legacy</li> </ul>
<p>The need for the school:</p> <ul style="list-style-type: none"> <li>• No need for a school – there are enough locally, will lead to other schools closing</li> <li>• Agree need for school but this is the wrong site for traffic reasons</li> <li>• Objection to faith based school – 40% Oxford residents not Christian</li> </ul>
<p>The school and its site:</p> <ul style="list-style-type: none"> <li>• Parents will also park in Crescent Road (unacceptable and dangerous)</li> <li>• Use of the footpath through Beresford Close is unsuitable because it goes through a car park not along a path; also not adopted and unlit, suffers anti-social behaviour</li> <li>• Significant impact to privacy of local residents</li> <li>• Inadequate on-site turning, set-down/drop-off area and parking for staff</li> <li>• Design unacceptable – bright modern colours and materials not appropriate</li> <li>• Future extensions to the school should be restricted</li> <li>• Noise from school will affect amenity of rear gardens to properties in Hollow Way</li> <li>• Loss of parking around field for residents of William Morris Close</li> </ul>
<p>Housing:</p> <ul style="list-style-type: none"> <li>• No need for this given developments locally and at Barton</li> <li>• Too high density, area already high density – this will make it worse</li> <li>• Poor design – windows too small, roof blank, needs to incorporate solar panels etc., question need for chimneys</li> <li>• Adversely affects the amenities of properties adjacent – Crescent Road, Hollow Way and Beresford Place: loss of privacy, light, outlook, overshadowing</li> <li>• 3-storey is out of scale and overbearing, out of keeping with locality</li> <li>• Access road less than 10m from ground floor bedrooms in Beresford Place, intrusive</li> </ul>

vehicle headlights.
Drainage: <ul style="list-style-type: none"> <li>• Steep hill, surface water run-off already a problem causing flooding down Barracks Lane to Boundary Brook</li> <li>• More hard surface area will exacerbate this</li> </ul>
Local house prices will fall
Statement of Community Involvement misleading

<b>Comments of Support</b>
Need for school: <ul style="list-style-type: none"> <li>• Desperate need for primary places, other schools full, many people have to travel out of the area to school, pressure will increase due to population growth,</li> <li>• educational underachievement leads to poverty: need a good school to raise achievement</li> </ul>
A good re-use of a redundant building with the added bonus of community use of the building and grounds
A good site for a school, well connected to transport and for walking
Extended school hours will spread the traffic implications. Can monitor traffic problems and adjust as the school grows.
Great need for new housing
There will be better use of the open space if developed for all-weather pitches

13/01096/FUL

Appendix 3

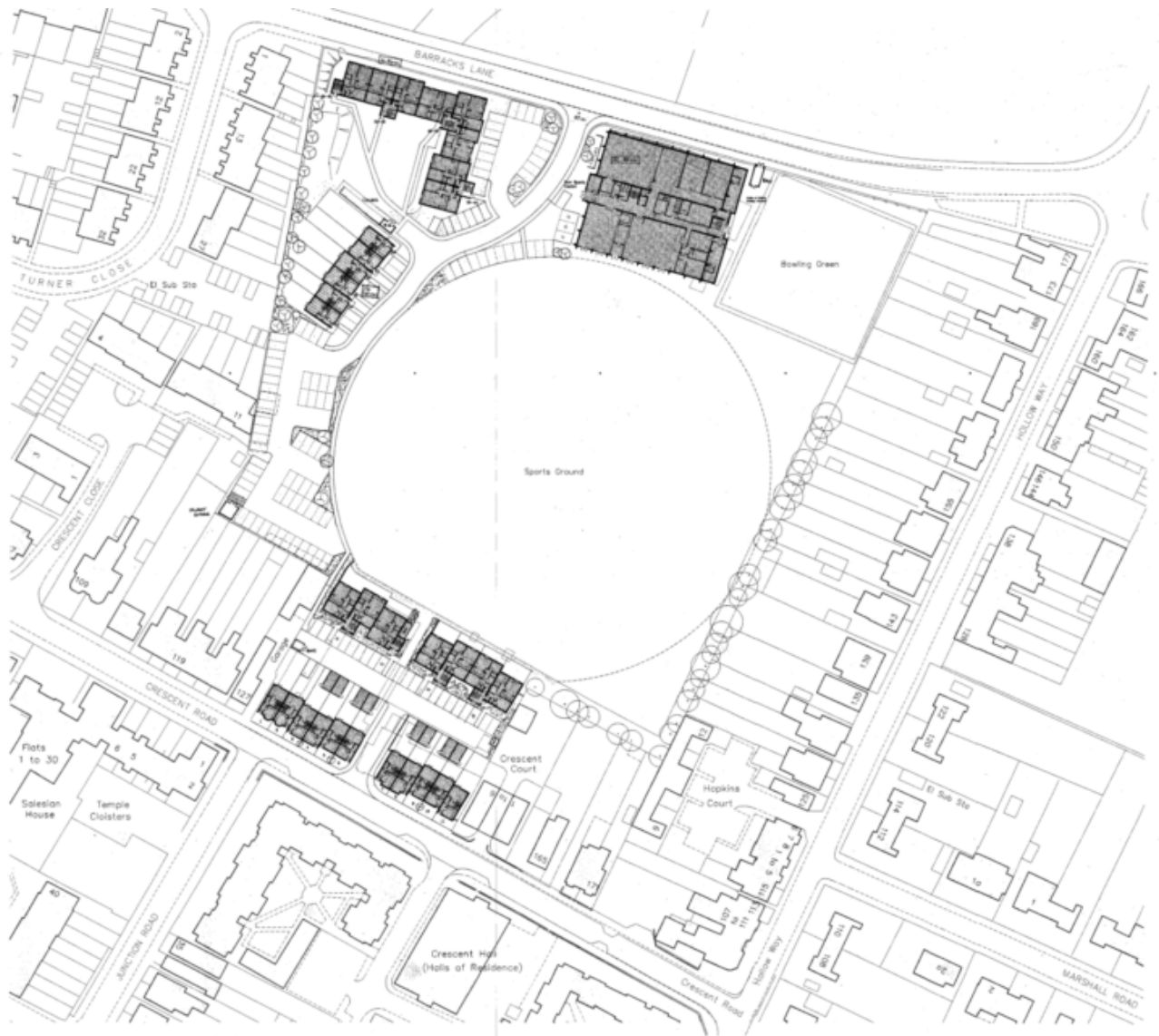
Original Morris Motors Club site



13/01096/FUL

Appendix 4

Block plan of the 2004 permission showing housing development on part of the previous open space and the re-sited Lord Nuffield Club building



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East Area Planning Committee

9<sup>th</sup> September 2013

**Application Number:** 13/01119/FUL

**Decision Due by:** 3rd September 2013

**Proposal:** Erection of 3 units providing 3509sqm of accommodation for Class B1 (Business), Class B2 (General Industrial) or Class B8 (Storage or Distribution) use. Provision of 31 car parking spaces and 15 cycle parking spaces

**Site Address:** Former DHL Site Sandy Lane West Oxford (site plan at **Appendix 1**)

**Ward:** Littlemore

**Agent:** Mr Philip Brown

**Applicant:** Rego(Oxford) Ltd

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**Recommendation:** Committee is recommended to resolve to grant planning permission, subject to the satisfactory completion of an accompanying legal agreement and to delegate to the Head of City Development the issuing of the Notice of Permission upon its completion. Should, however, the Community Infrastructure Levy (CIL) charging schedule come into force prior to the completion of the legal agreement, then it shall exclude any items included on the list of infrastructure published in accordance with regulation 123 of the CIL regulations.

If the required legal agreement is not completed within a reasonable period, then the Committee delegates the issuing of a notice of refusal to the Head of City Development, on the grounds that the development has failed to adequately mitigate its impacts.

## Reasons for Approval

- 1 The Council considers that the proposal accords with the policies of the development plan as summarised below. It has taken into consideration all other material matters, including matters raised in response to consultation and publicity. Any material harm that the development would otherwise give rise to can be offset by the conditions imposed.
- 2 Officers have considered carefully all objections to these proposals. Officers have come to the view, for the detailed reasons set out in the officers report, that the objections do not amount, individually or cumulatively, to a reason for refusal and that all the issues that have been raised have been adequately addressed and the relevant bodies consulted.

## **Conditions**

- 1 Development begun within time limit
- 2 Develop in accordance with approved plns
- 3 Materials as specified
- 4 Drainage details
- 5 No soakaway in contaminated ground
- 6 Soakaway depth
- 7 Landscaping/Biodiversity
- 8 Public Art
- 9 fixed plant and machinery noise
- 10 No external operations
- 11 Doors and windows closed at night
- 12 Night time internal noise
- 13 Noise barrier

## **Legal Agreement:**

Financial contributions are sought for the following:

Affordable Housing: £54,472.

Highways: £9,975.

## **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
- CP20** - Lighting
- CP21** - Noise
- TR1** - Transport Assessment
- TR2** - Travel Plans
- TR3** - Car Parking Standards
- TR4** - Pedestrian & Cycle Facilities
- TR14** - Servicing Arrangements
- NE23** - Habitat Creation in New Developments

### Core Strategy

- CS2\_** - Previously developed and greenfield land

**CS9** - Energy and natural resources  
**CS10** - Waste and recycling  
**CS12** - Biodiversity  
**CS13** - Supporting access to new development  
**CS17** - Infrastructure and developer contributions  
**CS18** - Urban design, town character, historic environment  
**CS24** - Affordable housing  
**CS28** - Employment sites

### Other Planning Documents

Supplementary Planning Document: Affordable Housing Nov 2006  
Supplementary Planning Document: Parking Standards, Transport Assessments and Travel Plans Feb 2007  
Supplementary Planning Document: natural Resources Impact Analysis Nov 2006

### **Public Consultation**

#### Statutory Consultee

Thames Water: no objections

#### Oxfordshire County Council

Drainage: no objection subject to SUDs methods inc. porous surfaces for parking areas

Transport Development Control: no objection subject to conditions, legal agreement and informatives

Economy, Skills & Training: since the development is relatively minor and will either retain existing jobs, or create new ones, the proposal is supported.

Minerals & Waste Policy: no comment

#### Third Parties

Littlemore Parish Council: raise objections due to noise issues, impact on neighbouring properties, loss of visual amenity, operation outside normal working hours, flooding, contaminated land,

#### Individual Comments:

Comments were received from the following:

39 Spring Lane, 27 Spring Lane, 34 Spring Lane, 11 Spring Lane, 23 Spring Lane, 29 Spring Lane, 36 Spring Lane, 13 Spring Lane, 19 Spring Lane, 7 Spring Lane,

The main points raised were:

- Height exceeds previously approved scheme, much larger development than previously accepted
- Loss of light due to height
- Spring Lane suffers from blocked drains
- Parking issues along Sandy Lane West which impact on Spring Lane
- No EIA has been submitted
- Noise from night deliveries/forklift trucks
- Acoustic fence will not protect first floor windows
- Amount of development on site
- Effect on adjoining properties
- Effect on character of area
- Effect on pollution
- Effect on privacy
- Flooding risk
- Information missing from plans
- Not enough info given on application
- Open space provision
- Fire break for building not large enough/fire risk
- Planting needs to be maintained along the boundary

#### **Relevant Site History:**

07/02809/FUL - Redevelopment of the existing employment site to provide 18 x B1(c), B2, B8 industrial units and warehouse units (8 with ancillary trade sales) and one builders merchant (Sui Generis), and a parking area for Stagecoach vehicles. Floodlighting. PER 18th June 2008.

11/01550/FUL - Change of use from class B8 (storage and distribution) to a builders merchant (sui generis) for the display, sale and storage of building, timber and plumbing supplies, plant and tool hire, including outside display and storage and associated external alterations, together with the demolition of adjacent redundant buildings (Amended Plans). PER 21st September 2011.

11/02492/VAR - Variation of condition 10 (Hours of deliveries and fork lift truck activity) of planning permission 11/01550/FUL to enable activity from 07:30hrs to 17:00hrs Monday-Friday and 08:00hrs to 12:00hrs on Saturdays. PER 20th December 2011.

12/01981/VAR - Variation of condition 4 of planning permission 07/02809/FUL to allow limited trade counter for unit 2 for the hire of construction tools and equipment. PER 26th October 2012.

#### **Officers Assessment:**

#### **Site Description**

1. The application site lies south of the eastern bypass and is accessed from Sandy Lane West via Ledgers Close. Spring Lane, bounds the site to the east. To the south and southeast are the playing fields of Peers School, to

the north is Sandy Lane West and to the west is Ledgers Close. On the northern side of Sandy Lane and to the east of Spring Lane the area is residential in use and character. Further to the east along Sandy Lane West is a primary school. The buildings on the adjoining commercial estate include a Royal Mail sorting office and a number of industrial units.

## **Proposal**

2. The application is seeking permission for the erection of 3 units providing 3509sqm of accommodation for Class B1 (Business), Class B2 (General Industrial) or Class B8 (Storage or Distribution) use. Provision of 31 car parking spaces and 15 cycle parking spaces

## **Background**

3. Planning permission was granted in June 2008 for the redevelopment of the whole site to provide 18 x B1(c), B2, B8 industrial units and warehouse units (8 with ancillary trade sales) and one builders merchant (Sui Generis), and a parking area for Stagecoach vehicles.
4. The development was taken under a phased approach with phase 1 consisting of 2 units and the parking area for Stagecoach vehicles, and phase 2 being the remaining 16 units to be constructed once phase 1 was completed. Phase 1 was completed with unit 1 now being occupied
5. As part of the 2008 permission it was proposed to demolish the existing buildings on the site. However the existing large warehouse building was not removed and an application was submitted for a change of use of the building to a builders merchant in 2011. This was granted permission and fitted out and is now occupied by Travis Perkins. As a result of this permission it was not possible to complete phase 2 of the 2008 permission.
6. This current application therefore seeks to complete the development of the site by replacing units 3-14 of the permitted applications (07/02809/FUL and 11/01550/FUL) with 3 units.

## **Officers consider the principal determining issues to be:**

- Employment Use
- Highway Issues
- Design
- Residential Amenity
- Sustainability
- Flooding/Drainage
- Public Art
- Other

## **Employment Use**

7. The site was originally occupied by B1(c)/B2/B8 employment units and the principle of modernising the site was granted under the 2008 permission (07/02809/FUL). At the time policy EC3 of the Oxford Local Plan applied. This has now been superseded by policy CS28 of the Core Strategy. However the overriding principles still remain the same where policy CS28 allows for the modernisation of existing employment sites (land and premises in Class B or closely related Sui Generis uses, such as builders yards; transport operators; local depots; and retail warehouse clubs) subject to the proposal securing or creating employment, allows for higher-density development that seeks to make the best and most efficient use of the land and does not cause unacceptable environmental intrusion or nuisance
8. Whilst smaller units would be preferable, taking into account the surrounding sites which have smaller units, the current market requirements for medium sized units and the proposal will still be provide a range of units with the B1(c), B2, and B8 use class thus creating employment opportunities within Oxford. The modernisation and redevelopment of this site is therefore still considered acceptable. It will help secure and create employment uses important to Oxford's economy and will regenerate and complete the redevelopment of the site that was run down and under used site.

### **Highway Issues**

9. A transport statement has been submitted including a trip generation assessment. This has been reviewed by the Highway Authority. The Highway Authority are of the opinion that as the overall gross floor area of the completed development as a whole will be less than the total permitted under previous applications and the applicant has demonstrated that there will be no increase in the number of associated traffic movements the proposal is acceptable. Also they acceptable are the proposed access, layout, manoeuvring and parking arrangements.
10. The number of car parking spaces proposed is based on appendix 3 of the OLP for B2/B8 uses and are considered acceptable and they also include 1 disabled space per unit.
11. Cycle parking needs to be provided at 1 space per 90 m<sup>2</sup> or 1 space per 5 staff (or other people) up to 235 m<sup>2</sup>; 1 space per 500 m<sup>2</sup> thereafter; or 1 space per 5 staff (or other people). This is based on appendix 4 of the OLP. The level of cycle parking proposed meets the OLP requirements. The cycle parking is within each unit therefore it is secure and sheltered which is in accordance with the Parking Standards Supplementary Planning Document.

### **Design/Residential Amenity**

12. The external appearance of the three units will adhere to the palette of materials used on the two built units (units 1 and 2) as approved which

consist of mainly horizontal profiled steel panels, silver in colour with feature blue bands and the roofs are profiled steel cladding in goose wing grey.

13. Unit A is to be located behind the Travis Perkins building as a standalone unit with its side elevation facing Spring Lane. Units B and C are to be located in the south east corner of the site and are combined as one overall unit divided into two with its rear elevation facing Spring Lane.
14. Unit A will have a maximum height of 10.679m to the top of the roof and unit B/C a maximum height of 9.261m. Both units have shallow sloping hipped roofs in order to keep the mass and bulk to a minimum.
15. The height of the eaves of unit B/C is at 7.8m which is higher than those previously approved by 1-2m. However the building is shorter and angled away from the common boundary with No. 34 Spring Lane, the minimum distance from the boundary is 5.8m, thus the overall impact is considered to be less than the approved scheme. The side elevation of No. 34 is gabled with non-habitable room windows in it. Notwithstanding this applying the 45 degree uplift to ground floor windows in the side elevation reveals that unit B/C only just clips the 45 degree uplift and applying it to first floor windows it is not breached at all. The garden of No.34 is west facing garden therefore receiving maximum sunlight/daylight.
16. Having regard to the other properties along Spring Lane who face the site overall mass and bulk of the scheme is similar to that of the approved scheme. The residential properties are set back on the opposite of the highway. The site before any of the current development started had three large buildings on it with one running along the boundary with Spring Lane. Whilst this current scheme has two building along the Spring Lane Boundary they are separated by some 30m thus breaking up the mass and bulk
17. The units are therefore considered acceptable in terms of policy CS18 of the Core Strategy 2026 and CP1, CP6 and CP10 of the Oxford Local Plan 2001-2016 in that they respect the character and appearance of the area, use materials of a quality appropriate to the nature of the development and the site and will not have a significant detrimental impact on the neighbouring properties.

## **Sustainability**

18. A Natural Resource Impact Analysis (NRIA) has been submitted in response to the Natural Resource Impact Analysis SPD and Policy CP18, which requires developments of 10 or more dwellings or non-residential developments of 2,000m<sup>2</sup> or more to submit an NRIA. Policy CP18 goes on to say that planning permission will only be granted for developments, if through the NRIA, the proposal demonstrates careful attention to, and exploitation of opportunities for the reduction in energy use; efficiency in the use of energy; the generation of energy from renewable energy sources; the use of

renewable resources in general; and the use of recycled or reclaimed materials in their construction.

19. A NRIA was completed and submitted as part of the planning application with an overall score of 8 out of 11. The buildings are proposed to be energy efficient including enhanced fabric thermal performance and energy efficient building engineering systems where provided. The proposals include the provision of photovoltaic panels on the roof of the buildings off setting 20% of the developments predicated annual energy use.

### **Flooding/Drainage**

20. The site lies within Flood Zone 1, which for planning purposes is a low risk zone i.e. the land has a less than 1 in 1000 annual probability of river or sea flooding in any year (<0.1%).
21. The Drainage Team at Oxfordshire County council have assessed the application and the conditions previously imposed in relation to drainage and sustainable urban drainage systems shall be carried forward as information for the drainage of the site needs to be seen and any increase in impermeable area will need to be drained via sustainable methods

### **Public Art**

22. New development offers the opportunity for introducing art into the environment and Policy CP14 of the OLP will seek the provision of public art in association with major developments (20 or more dwellings or for more than 2,000m<sup>2</sup> floorspace). Public art must be incorporated within the development site, or be provided near to the development. Proposed public art should be accessible for the public enjoyment, enhance and enliven the environment and contribute to the cultural identity of its location. Public art can be designed as part of the proposed development, or a planning condition can seek further details of its location and design in relation to the development.
23. Previously the applicant had proposed to provide public art in the form of 'arts and craft' fencing along the Sandy Lane West and Ledgers Close site boundary. As the redevelopment of the northern end of the site was not proposed until phase 2 it was intended that the new fencing will be provided in conjunction with phase 2. As this phase did not happen a condition can be added to ensure some form of public art is provided as part of the scheme.

### **Other**

24. EIA  
Although the development exceeds the minimum size threshold indicated at 10(a) of Schedule 2 of the 2011 Regulations is it not considered to be of a sensitive nature and it is judged that no Environment Statement is



required in this case.

25. Biodiversity/Landscaping

In regard to policy NE23 of the OLP this seeks biodiversity enhancement in new developments. The suggested planting is totally non-native plants. A condition will be added to ask for at least 50% of the planting to be native species of local provenance. This would be more consistent with the existing hedges that are to be retained. Colour, fruit and flower will be possible from 50% native species planting.

Existing well established landscaping along the northern, eastern and southern boundaries currently screens the site. This consists mainly of coniferous hedges and trees adjacent to the playing fields and Sandy Lane with deciduous climbers to Spring Lane. Whilst this landscaping does not completely screen the site it does add to the visual amenity of the area especially along Spring Lane. This landscaping will be retained, reinforced and enhanced in particular along Spring Lane.

26. Noise

A noise assessment has been submitted and identifies the main difference with this current scheme compared to the approved 2008 scheme is the type of vehicles coming to the three new units. Previously with the smaller units it was anticipated large vans would service the units whilst with this proposal it is anticipated more HGV's will access the site thus creating more noise. However the noise is for a relatively short duration and the majority of the time from deliveries of loading and unloading. The three units all have level access loading for HGV's which will result in much of the noise associated with deliveries being contained within the units.

Within the landscape strip two sections of acoustic fencing are proposed. One section is to be incorporated in to the eastern boundary to screen the service yard to unit A from Spring Lane and the second is to be incorporated into the eastern and southern boundaries to screen the service yard of unit C from the playing field and neighbouring residential properties. The acoustic fence is to be a 3m Fencetel acoustic reflective barrier fence with no gaps in it.

The noise restriction placed on the 2008 permission will be carried forward onto this application. These include restrictions on fixed plant and machinery and internal activity with  $40\text{dB}_{\text{L}_{\text{aeq}}15}$  mins between 0700 hours and 2300 hours and  $35\text{dB}_{\text{L}_{\text{aeq}}15}$  mins at any other time, no external operations to take place within the service yards between 2300 hours and 0700 hours and all windows and doors shall remain closed, except for emergencies and whilst loading and unloading between the hours of 23:00 and 07:00. During nighttime deliveries/collections no industrial processes or works other than the loading or unloading of goods shall take place whilst loading bay doors are open.

These measures along with the noise barrier, the improved landscaping/screening and orientation of the units should minimise any

adverse impact as a result of noise and its transmission and prevent the problems experienced in the past.

27. Contaminated Land

The development involves the creation of new commercial buildings on land with a former industrial use. The risk of any significant contamination being present on the site is low. However, it is the developer's responsibility to ensure that the site is suitable for the proposed use.

If unexpected contamination is found to be present on the application site, an appropriate specialist company and Oxford City Council should be informed and an investigation undertaken to determine the nature and extent of the contamination and any need for remediation.

**Conclusion:**

28. It is Officers opinion that the proposal accords with the policies within the Oxford Local Plan 2001-2016 and will not cause any demonstrable harm and therefore approval is recommended.

**Human Rights Act 1998**

Officers have considered the Human Rights Act 1998 in reaching a recommendation to grant planning permission, subject to conditions. 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.

Officers have also considered the interference with the human rights of the applicant under Article 8 and/or Article 1 of the First Protocol caused by imposing conditions. Officers consider that the conditions are necessary to protect the rights and freedoms of others and to control the use of property in accordance with the general interest. The interference is therefore justifiable and 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 grant planning permission, officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

**Background Papers:**

**Contact Officer:** Lisa Green

**Extension:** 2614

**Date:** 23rd July 2013

# Appendix 1

## 13/01119/FUL Former DHL Site Sandy Lane West



Scale : 1:2500

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<b>Organisation</b>	Not Set
<b>Department</b>	Not Set
<b>Comments</b>	Not Set
<b>Date</b>	29 August 2013
<b>SLA Number</b>	Not Set

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East Area Planning Committee

9<sup>th</sup> September 2013

**Application Number:** 13/01516/FUL

**Decision Due by:** 14th August 2013

**Proposal:** Demolition of existing garage structures. Erection of 1 x 3 bedroom dwelling with associated off street parking, cycle storage and bin stores.

**Site Address:** 51 Littlemore Road (site plan at **Appendix 1**)

**Ward:** Littlemore

**Agent:** Mr Marc Chenery

**Applicant:** Mr Patrick Carney

**Application Called in –** by Councillors – Tanner, Lygo, Turner and Fry for the following reasons – application is controversial locally and should be decided in public

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## **Recommendation:**

APPLICATION BE APPROVED

For the following reasons:

- 1 The site lies within an accessible urban area and its development is consistent with policies encouraging the efficient use of land and it will add to the balance and mix of dwellings within the area. It is considered to form an appropriate relationship with and respect the character and appearance of the area and does not impact on the immediate neighbours in a detrimental way. It also provides adequate amenity space, cycle parking and car parking. Given the plot can adequately provide all the requirements of the Local Plan it is not considered to be an overdevelopment of the site.
- 2 The Council considers that the proposal accords with the policies of the development plan as summarised below. It has taken into consideration all other material matters, including matters raised in response to consultation and publicity. Any material harm that the development would otherwise give rise to can be offset by the conditions imposed.
- 3 Officers have considered carefully all objections to these proposals. Officers have come to the view, for the detailed reasons set out in the officers report, that the objections do not amount, individually or cumulatively, to a reason for refusal and that all the issues that have been raised have been adequately

addressed and the relevant bodies consulted.

Conditions:-

- 1 Development begun within time limit
- 2 Develop in accordance with approved plns
- 3 Samples
- 4 Vision splays
- 5 SUDS
- 6 Remove outbuildings
- 7 Cycle parking details required
- 8 Design - no additions to dwelling
- 9 Amenity no additional windows side and rear,
- 10 no outbuildings at No. 51

**Main Local Plan Policies:**

**Oxford Local Plan 2001-2016 (OLP)**

**CP1** - Development Proposals

**CP6** - Efficient Use of Land & Density

**Core Strategy (CS)**

**CS2\_** - Previously developed and greenfield land

**CS9\_** - Energy and natural resources

**CS12\_** - Biodiversity

**CS18\_** - Urb design, town character, historic env

**CS22\_** - Level of housing growth

**CS23\_** - Mix of housing

**Sites and Housing Plan (SHP)**

**MP1** - Model Policy

**HP2\_** - Accessible and Adaptable Homes

**HP9\_** - Design, Character and Context

**HP10\_** - Developing on residential gardens

**HP11\_** - Low Carbon Homes

**HP12\_** - Indoor Space

**HP13\_** - Outdoor Space

**HP14\_** - Privacy and Daylight

**HP15\_** - Residential cycle parking

**HP16\_** - Residential car parking

**Other Material Considerations:**

National Planning Policy Framework (NPPF)

Supplementary Planning Document: Parking Standards, TAs and TPs Adopted Feb 2007.

Technical Advice Note 1: Accessible Homes

**Relevant Site History:**

76/00219/A\_H - Erection of garage and extension to house to form Loggia, W.C., porch and extension to kitchen. Approved 11th August 1976.

76/00245/SON\_H - Formation of vehicular access. Approved 13th July 1976.

94/00030/NF - Two storey side extension and single storey front and rear extension including new pitch roof over existing rear addition (Amended plans). Approved 12th May 1994.

11/01564/FUL - Sub-division of existing garden serving 51 Littlemore Road. Demolition of existing garages, erection of a detached two-storey 4 bedroom dwelling, creation of 2 car parking spaces accessed from a existing vehicular access onto Van Diemens Lane (Amended Plans). Withdrawn 3rd August 2011.

11/02885/FUL - Subdivision of existing garden serving 51 Littlemore Road. Demolition of existing garages and erection of detached 2 storey, 4 bedroom dwelling provision of 2 car parking spaces access off Van Diemens Lane. Provision of bin and cycle stores and private amenity space. Refused 10th February 2012. Dismissed at appeal 20th September 2012.

**Representations Received:**

1 Van Diemens Lane: Amount of development on site; effect on adjoining properties; height of proposal; light - daylight/sunlight; improvement on the previous scheme; properties in Van Diemens Lane are 1950s not 1930s as stated; height of eaves is 0.525m above adjacent property therefore will be more imposing on next door (1A) and also when viewed from the lane; still over two floors; may have an impact on loss of light to side of house.

1A Van Diemens Lane: Amount of development on site; effect on adjoining properties; effect on privacy; still an imposing house, entrance opposite kitchen window unnecessary intrusion on privacy from people coming and going.

**Statutory and Internal Consultees:**

Thames Water Utilities Limited: no objection

Oxfordshire County Council Drainage Team: the development is to be drained using SUDS methods including porous surfaces for parking and driveways.

Highway Authority: no objection subject to conditions on SUDS, surface water and vision splays

**Issues:**

Principle  
Design  
Residential Amenity  
Lifetime Homes  
Highway Issues  
Cycle Parking  
Sustainability  
Biodiversity  
Other

## **Officers Assessment:**

### **Site Description**

1. The application site comprises the rear half of the garden to 51 Littlemore Road which has access of Van Diemens Lane. Van Diemens Lane comprises a mix of semi-detached and detached residential properties. The site currently has a detached garage located on it for two cars.

### **Proposal**

2. The application is seeking permission for the erection of a three bed detached residential property with two car parking space and access off Van Diemens Lane.
3. A previous application (11/02885/FUL) was dismissed at appeal with the main issues being the effect on the living conditions of the occupiers of adjoining properties and whether there would be satisfactory parking provision for the existing property at No 51 Littlemore Road. The appeal decision can be found at **Appendix 2**.

### **Assessment**

#### **Principle**

4. The NPPF requires LPAs to reconsider the development of garden areas, whilst policy CS2 of the CS resists development on large areas of greenfield land. Policy HP10 of the SHP is designed to strike a balance between the contribution of gardens to local character, and the need to ensure that suitable land can be used for well-designed residential development. The policy therefore indicates that development can continue to come forward on appropriate sites in residential areas. The existing garages on the site do not contribute the local character of the area therefore the redevelopment of the site is considered acceptable.

#### **Design**

5. The new dwelling has a similar appearance when viewed from the front as those with Van Diemens Lane. It has a double height bay window and is of a similar scale. Red bricks are proposed with timber cladding on the bay window and standard clay roof tiles. The palette of materials is not dissimilar to the surrounding area and will create a more take on the traditional dwellings.
6. The proposals is considered acceptable in terms of policy CS18 of the Core Strategy 2026, CP1 of the Oxford Local Plan 2001-2016 and HP9 of the Sites and Housing Plan in that it respects the character and appearance of the area and use materials of a quality appropriate to the nature of the development, the site and its surroundings and creates an appropriate visual relationship with the form, grain, scale, materials and



details of the surrounding area.

## Residential Amenity

7. Policy HP12 of the SHP requires good quality internal living accommodation, with the policy stipulating that any single family dwelling which provides less than 75m<sup>2</sup> floor space will not be granted permission, where a family home is described 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 proposed dwelling, measured internally is 99m<sup>2</sup> and therefore complies with policy HP12
8. Policy HP13 of the SHP requires amenity space of adequate size and proportions for the size of house proposed. The City Council will expect an area of private garden for each family house which is at least equivalent to the original building footprint. The proposed amenity space is equivalent to the footprint of the new dwelling and of an adequate size for a family. The remaining garden for 51 Littlemore Road is also considered to be of an acceptable size and proportion to the dwelling it will serve.
9. Policy HP14 of the SHP require the siting of new development to protect the privacy of the proposed or existing neighbouring, residential properties and proposals will be assessed in terms of potential for overlooking into habitable rooms or private open space. It also sets out guidelines for assessing development in terms of whether it will allow adequate sunlight and daylight to reach the habitable rooms of neighbouring dwellings and whether a proposal will create a sense of enclosure or being of an overbearing nature.
10. The impact on the living conditions of the adjoining properties was the main issue raised at the appeal of the previous scheme. The Inspector noted  
  
*...it seemed to me that having viewed the proposal from No. 49, there would be a significant level of overlooking from the first floor bedroom windows in the rear of the proposed dwelling. These windows would overlook the private garden area to the rear of the property and to a lesser extent enable views into the rear rooms of the dwelling itself. Whilst I was unable to view the site from No. 51, I would expect a similar level of overlooking to be introduced in relation to that property.*
11. This issue has been overcome by removing one window completely, that closest to No. 49 and recessing the other window facing No.51. The recessed window is 26m away from its direct counterpart at No. 51. The preamble to policy HP14 states there should be at least 20 metres' distance between directly facing windows to habitable rooms in separate dwellings. The proposal is therefore considered acceptable in terms of overlooking/loss of privacy.
12. With regards to sunlight and daylight the 45/25-degree code is applied. The proposal does not breach the 45/25-degree code in relation to the properties

fronting Littlemore Road. There are windows in the side elevation of 1A Van Diemens Lane; these serve a hall, a cloak room and a kitchen. The kitchen window is the only window which the 45/25-degree code of practice should be applied too. In the case of windows in side elevations development will not normally be allowed to intrude over a line drawn at an angle of 45 degrees in the vertical plane from the sill. The 45 degree line is not breached when applied to this kitchen side window. The kitchen also has a window and part glazed door on the rear elevation so it is Officers opinion that the kitchen at 1A Van Diemens Lane will receive adequate sunlight and daylight.

13. In considering the appeal against the previous refusal the Inspector also noted

*...The proposed dwelling would .... have a close relationship with adjoining properties in Littlemore Road, particularly by virtue of its position almost right on the boundary with No. 49. The long, high flank elevation of the dwelling would extend for a considerable length along the common boundary, and in my view this would have a particularly oppressive and unneighbourly impact on this adjoining property...*

14. In order to deal with this concern the proposed dwelling has been moved within the plot when compared to the dismissed scheme. It has been moved away from the common boundary with No. 49 and forward within the site i.e. towards Van Diemens Lane. It has also been reduced in height which also lowers the eaves. The side (north) elevation facing No. 49 has had further alterations made to it in that it is broken up with a dropped eaves and a timber clad section. This reduces the mass and bulk and is therefore not overly oppressive or overbearing.

### **Lifetime Homes**

15. Achieving mixed and balanced communities requires the City Council to plan for people's different physical needs. The City Council wishes to see new homes built that are accessible to all who may wish to live in them, and visit them, including those with disabilities. The Lifetime Homes Standard is a widely used national standard, which goes further than statutory building regulations. Lifetime Homes specifications ensure that the spaces and features in new homes can readily meet the needs of most people, including those with reduced mobility.
16. Policy HP2 of the SHP states planning permission will only be granted for new dwellings where all the proposed new dwellings meet the Lifetime Homes standard. It is not considered to be appropriate to add a condition requesting information relating to Lifetime Homes as significant changes may be required to the scheme as a result of Lifetime Homes standards. Therefore it needs to be demonstrated the scheme meets Lifetime Homes standards. The Planning, Design and Access statements indicates the new dwelling is designed to Lifetime Homes standards and this has been demonstrated by the submission of a Lifetime Homes conformity statement.

## Highway Issues

17. The parking provision for the new dwelling is two spaces accessed off Van Diemens Lane. This is in accordance with car parking standards within the SHP.
18. The other issue raised in the appeal was parking provision. The Inspector noted

*...The appellant indicates that parking provision for the existing dwelling at No. 51 Littlemore Road could be made within the existing front garden of that property and on my site visit I saw that many of the adjoining properties have such arrangements. This would seem to me to be an entirely appropriate and acceptable arrangement ...*

19. This arrangement has not changed with this current scheme and the highway authority has not raised any objections.

## Cycle Parking

20. Policy HP15 of the SHP requires houses and flats of 3 or more bedrooms to have at least 3 cycle spaces per dwelling. According to the Parking Standards SPD secure, and preferably sheltered, cycle parking should be integrated in the design of residential developments. Cycle parking is shown to the rear but with no details of cover or shelter. A condition is therefore recommended to seek details should permission be granted.

## Sustainability

21. Policy CS9 of the OCS sets out a commitment to optimising energy efficiency through a series of measures including the utilisation of technologies that achieve Zero Carbon developments.
22. The Council will require an assessment of energy demand from all proposals for residential development and student accommodation. This assessment must demonstrate that energy efficiencies, including renewable or low carbon technologies, have been incorporated into the proposals. This is reiterated via policy HP11 of the SHP which states all development proposals must submit an energy statement to show how energy efficiencies have been incorporated into the development.
23. An energy statement has been submitted that outlines measure to reduce energy demand and carbon emissions.

## Biodiversity

24. Due to the construction method and form of the building to be demolished it is unlikely to be used by bats for roosting and therefore unlikely to have an impact on a European protected species.

## **Other**

25. The application has been considered with respect to contaminated land. Residential dwellings are considered to be sensitive uses. Land use maps do not show any sources of contamination on or near to the site. The risk of any significant contamination being present on the site is low. However, it is the developers responsibility to ensure that the site is suitable for the proposed use.
26. Therefore an informative is recommended on any planning permission regarding unexpected contamination which shall state:
27. If unexpected contamination is found to be present on the application site, an appropriate specialist company and Oxford City Council should be informed and an investigation undertaken to determine the nature and extent of the contamination and any need for remediation.

## **Conclusion:**

28. Approve subject to conditions

## **Human Rights Act 1998**

Officers have considered the Human Rights Act 1998 in reaching a recommendation to grant planning permission, subject to conditions. 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.

Officers have also considered the interference with the human rights of the applicant under Article 8 and/or Article 1 of the First Protocol caused by imposing conditions. Officers consider that the conditions are necessary to protect the rights and freedoms of others and to control the use of property in accordance with the general interest. The interference is therefore justifiable and 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 grant planning permission, officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

## **Background Papers:**

**Contact Officer:** Lisa Green

**Extension:** 2614

**Date:** 24th July 2013

# Appendix 1

## 13/01516/FUL 51 Littlemore Road



Scale : 1:1250

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<b>Organisation</b>	Not Set
<b>Department</b>	Not Set
<b>Comments</b>	Not Set
<b>Date</b>	29 August 2013
<b>SLA Number</b>	Not Set

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## Appeal Decision

Site visit made on 15 August 2012

by **P Jarvis Bsc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 20 September 2012

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**Appeal Ref: APP/G3110/A/12/2171348**

**51, Littlemore Road, Oxford OX4 3SS**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr P Carney against the decision of Oxford City Council.
  - The application Ref 11/02885/FUL was refused by notice dated 10 February 2012.
  - The development proposed is the subdivision of the existing garden serving No. 51 Littlemore Road, demolition of existing garages and erection of detached two-storey four bedroomed dwelling and creation of two parking spaces accessed from an existing vehicular access onto Van Diemens Lane.
- 

### Decision

1. The appeal is dismissed.

### Main issues

2. The main issues are (a) the effect on the living conditions of the occupiers of adjoining properties and (b) whether there would be satisfactory parking provision for the existing property at No 51 Littlemore Road.

### Reasons

3. The appeal site comprises the rear half of the garden area of No. 51 Littlemore Road, a semi-detached dwelling located along a road of similar properties within a residential suburb of Oxford. The site has a frontage onto Van Diemens Lane at the rear with vehicular access off it to a double garage which serves the existing property.

#### *Effect on living conditions*

4. Whilst most of the surrounding properties are two-storey, the proposed dwelling would be of substantial scale compared to the existing relatively modest semi-detached dwellings which surround the site, particularly those which front Littlemore Road. The adjoining dwelling at 1a Van Diemens Lane, which appears to have been built on the former rear garden areas of Nos. 53 and 55 Littlemore Road, is a larger detached dwelling. However, that occupies a wider plot and with a lower eaves level appeared to sit comfortably within it.
5. The proposed dwelling would, by contrast, have a close relationship with adjoining properties in Littlemore Road, particularly by virtue of its position almost right on the boundary with No. 49. The long, high flank elevation of the dwelling would extend for a considerable length along the common boundary, and in my view this would have a particularly oppressive and unneighbourly

impact on this adjoining property and, in particular, would unacceptably dominate the rear section of the garden which, whilst not the most 'used' part, is nevertheless an integral part of the private garden area of the property. In my opinion its use would be severely compromised by the proximity and overbearing nature of the proposed dwelling.

6. Furthermore, it seemed to me that having viewed the proposal from No. 49, there would be a significant level of overlooking from the first floor bedroom windows in the rear of the proposed dwelling. These windows would overlook the private garden area to the rear of the property and to a lesser extent enable views into the rear rooms of the dwelling itself. Whilst I was unable to view the site from No. 51, I would expect a similar level of overlooking to be introduced in relation to that property. Currently there is little overlooking of these rear garden areas as the existing dwelling at 1a Van Diemens Lane, did not appear to contain any first floor windows in the rear elevation.
7. Policy HS19 of the Oxford Local Plan (2005) seeks to protect the privacy and amenity of the occupants of existing dwellings in relation to overlooking and in terms of whether a development would be overbearing. I have noted that the Council appears to apply a 'rule of thumb' with regard to back to back distances of a minimum of 20 metres. However, this does not appear to be set down in any adopted guidance and whilst this would appear to be satisfied in this instance, it seemed clear to me from the site visit that the neighbours' amenity would be unacceptably compromised having regard to the current level of amenity and the wider character of the area.
8. The Council also considers that the proposal would be overbearing in relation to 1a, but having regard to the relative position of the dwellings and garden areas, I do not find that an unacceptable relationship would be introduced in this respect. Similarly having viewed the site from No. 47, I find this property to be sufficiently distant so as to maintain an acceptable level of amenity.
9. I therefore find that the proposal would have a harmful effect on the living conditions of the occupiers of adjoining properties. It would thus conflict with Policies CP1, CP6, CP8, CP10 and HS19 of the Oxford Local Plan (2005) which seek high quality development in a manner which is compatible with its surroundings and which safeguards the amenity of existing properties. In my view significant weight can be afforded to these policies in accordance with paragraph 215 of the National Planning Policy Framework (the Framework) as they are generally consistent with it.

#### *Parking provision*

10. The appellant indicates that parking provision for the existing dwelling at No. 51 Littlemore Road could be made within the existing front garden of that property and on my site visit I saw that many of the adjoining properties have such arrangements. This would seem to me to be an entirely appropriate and acceptable arrangement and I note that the highway authority raised no objection in this regard.
11. Therefore, subject to a condition to require the provision of a suitable parking area which is sustainably drained and finished with an appropriate surface, the full details of which could be secured via condition, I find that there would be no conflict with LP Policies CP1, CP10 and TR3 which seeks to ensure that



development provides appropriate and safe access and parking to meet the Council's adopted standards.

### **Other Matters**

12. Both the appellant and the Council have made reference to policies within the Oxford Core Strategy (2011) (CS) although none had been cited in the decision notice. CS Policy CS2 seeks to make effective use of previously developed land (PDL) by focussing development on it. However, garden land is no longer defined as PDL and whilst this should not be taken as implying that the land should not be built on at all, the key test is whether the development would harm the local area assessed in the context of relevant policies and all material considerations.
13. The Council has also referred to policies within the emerging Sites and Housing Development Plan Document (2012) which although submitted to the Secretary of State has yet to be subject to Examination in Public. However, on the basis of the information provided it seems to me that only limited weight can be given to these policies albeit I note that Policy HP14, which appears to be the only one relied on by the Council, does not seem to be significantly at variance to existing policies nor inconsistent with the wider aims of the Framework.
14. I note from the evidence provided that the city has a significant housing problem and that, particularly in the area in which the appeal site is located, there is a need for family housing. Furthermore, the appellant has highlighted the shortfall in the Council's five year supply and the contribution that sites such as this can make. It is also clear that the site lies in a sustainable location. However, whilst noting the benefits in this regard, I do not find them sufficient to outweigh the significant level of harm that would be introduced as a result of this development.

### **Conclusion**

15. I therefore conclude that this appeal should be dismissed.

*P Jarvis*

INSPECTOR

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**East Area Planning Committee**

9<sup>th</sup> September 2013

**Application Number:** 12/01340/CND

**Decision Due by:** 3rd September 2013

**Proposal:** Details submitted in accordance with conditions 3 (exterior materials), 4 [sample panel], 5 (existing stone), 8 (landscape plan), 10 (boundary details), 11 (new boundary wall), 12 (highway specifications), 14 (construction travel plan), 15 (permeable parking and driveway areas), 16 (desktop survey), 17 (cycle parking details), 18 (SAP calculations), 20 (provision of bat boxes) and 21 (omit bin store) of planning permission 12/01340/FUL. (Amended plans)

**Site Address:** 28 Quarry High Street Oxford Oxfordshire OX3 8JX

**Ward:** Quarry And Risinghurst

**Agent:** Daniel Lembo

**Applicant:** Malcolm Griffiths  
Renovations

Application called in by Councillors Sinclair, Price, Coulter and Van Nooijen on grounds that the site has a long planning history and has been highly controversial. As all other matters relating to the site have been considered by Committee, it is appropriate that this application for the discharge of conditions also be heard in public.

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## **Recommendation:**

East Area Planning Committee is recommended to approve the details submitted pursuant to conditions 3 [external materials], 8 [landscaping plan], 10 [boundary details], 12 [highway specifications], 14 [construction travel plan], 15 [permeable parking and driveway areas], 16 [contamination desk top study], 17 [cycle parking details], 18 [sustainable construction and design details], 20 [provision of bat boxes] and 21 [omit bin store] of planning permission 12/01340/FUL.

Discussions regarding the type of natural stone and the details of the mortar mix to be used for the external walls of the dwellings and for the new frontage wall are on-going and a sample panel will be erected on site for officer approval in due course. East Area Planning Committee is therefore recommended to delegate to officers the approval of the stone, the mortar mix and the sample panel [conditions 4 [sample

panel], 5 [existing stone to be used in new front wall] and 11 [new boundary wall].

### Background

1. Planning permission was granted by East Area Planning Committee by notice dated 11<sup>th</sup> October 2012 for the erection of two detached dwellings, the demolition of the existing boundary wall and the erection of a new stone boundary wall [using the existing stone in conjunction with new stone], the erection of a replacement garage to serve 32 Quarry High Street and the erection of a two storey extension to the rear of 28 Quarry High Street. [12/01340/FUL].
2. The permission is subject to a total of 21 planning conditions, 14 of which are pre-commencement conditions and it is these conditions that the current application seeks to discharge. The remaining 7 conditions are statements and do not require the submission of any details. The conditions which require discharge are set out below:

### Representations

3. Three letters have been submitted and the comments made can be summarised as follows:
  - The plans show the access, wall and vision splays different to the that approved – amended plans have now been received
  - There is a large amount of decking and this reduces the amount of open space – amended plans have now been received that reduces the extent of the external decking
  - There is no Construction Traffic Management Plan – this has now been submitted
  - All tree works should be as agreed – the agent has now met with the Council's Tree Officer and agreed new tree and hedge planting
  - County Highways must be involved in the new wall and access – full discussions have taken place between the agent and County Highways
  - Access to this site will be very difficult – the CMTP sets out the routes large vehicles will take
  - There is no mention of the above ground sewer on the site – this is a matter for the developer to deal with in association with Thames Water
  - Visibility will be very poor – the plan submitted shows the necessary 2.4 x 33 visibility splays required by County Highways

### Condition 3 – External Materials

4. Samples of a natural slate roof tile and cedar cladding board have been submitted and these are considered to be acceptable.

Condition 4 – Sample Panel

Condition 5 – Existing Stone to be used for New Stone Wall

Condition 11 – New Boundary Wall

5. Discussions regarding the type of natural stone and mortar mix to be used for the external walls of the houses and the new boundary wall are still on-going and Committee is recommended to delegate to officers the approval of the stone, the mortar mix and the sample panel when agreement has been reached.

Condition 8 – Landscape Plan

6. The Council's Tree Officer has met with the agent on site and discussed new tree planting, new hedge planting, the protection of the Root Protection Areas of retained trees and details of tree protection. As a result of these discussions plan no. 220 – C has been submitted which sets out the species of new trees to be planted together with their stem girth, the composition of both a new mixed species hedge and a hornbeam hedge together with low shrubs and indigenous grasses. The plan also includes all details of site finishes [gravel, timber edging, timber decking, stone paving, grassed parking and close boarded fencing]. A further plan [D13 – 0859] shows the location of the protective fencing which would be Heras 151 fencing which is sufficient for the tree protection measures required on the application site.
7. The Tree Officer has confirmed that he is satisfied with the details submitted.

Condition 10 – Boundary Details

8. The boundaries of the site that are not currently walled along Coopers Alley and on part of the eastern boundary would be enclosed using 1.8 metre high close boarded fencing. It is considered that this is acceptable.

Condition 12 – Highway Specifications

9. The agent has undertaken discussions with Oxfordshire County Council as Local Highway Authority in respect of the proposed widened access, footways, rumble strip and all proposed highway works and has submitted plan 225 – A showing these details together with the required visibility splays of 2.4 x 33 metres. A highways officer has confirmed that these details are acceptable.

Condition 14 – Construction Traffic Management Plan

10. A revised Construction Traffic Management Plan has also been submitted and reviewed by the County Council. The document is considered to be acceptable in terms of the movements of construction vehicles with car parking arranged at The Chequers Inn for site operatives. The Highway Authority has suggested that the reference to signage in the form of "finger board" directional signs should be removed as the use of satellite navigation devices make these essentially redundant. In all other respects however the County Council is satisfied with the Construction Traffic Management Plan.

### Condition 15 – Permeable Parking and Driveway Areas

11. Details have been submitted of a product called Bodpave 85 Paving Grids which includes a full specification and design with installation guidance for gravel surfaces. It is proposed to use this product on the parking and driveway areas to ensure satisfactory drainage. Officers consider this information to be acceptable.

### Condition 16 – Contamination Desktop Survey

12. A “Site Investigation” [Report no. BRD1890-OR1-A dated 20<sup>th</sup> June 2013] has been submitted as part of this conditions discharge application. Officers have read the report and can confirm that it meets the requirements of a Phase 1 Desk Study with regard to contaminated land and a Phase 2 Site Investigation. No significant risks from identified pollutant linkages were found and the findings are acceptable for the proposed end use with no further works necessary.

13. However should any unexpected contamination be encountered during the site work, an appropriate specialist company and the City Council need to be informed and an investigation undertaken to determine the nature and extent of the contamination and any need for remediation.

### Condition 17 – Cycle Parking Details

14. Cycle parking to serve the two new dwellings would be by way of purpose built, individual, timber cycle sheds that would be erected to the rear of each dwelling. The sheds would measure 1.8 metres in width, 2.4 metres in length and would have a height of 2.1 metres. Officers consider these details to be acceptable.

### Condition 18 – Sustainable Construction and Design Details

15. The following information has been submitted pursuant to the above condition:

- The new buildings will have accredited thermal construction details
- Carbon neutral secondary heating in the form of wood burning stoves will be installed in each dwelling
- Gas saver flues will be connected to the main boiler which results in approximately 30% saving on gas consumption
- There will be full zone controls to space heating
- Parking bays and driveways into homes will be constructed using Bodpave grid to SUDS specification [Sustainable Urban Drainage Systems] and will be laid in both grass and gravel.
- Provision of rainwater butts

16. Officers are satisfied that the information submitted satisfactorily addresses the requirement of this condition.

### Condition 20 – Bat Boxes

17. Plan 220 – C shows the provision of two wooden bat boxes in the existing trees marked as T7 and T14 which are both established trees located on the southern boundary of the site. Officers are satisfied with these details.

### Condition 21 – Omit Bin Store

18. This condition specifically requires that the bin store originally proposed as an integral part of the new garage to serve 32 Quarry High Street be removed and that bin stores are provided in the individual garden areas serving the new dwellings. Plan 220 – C shows the removal of the bin store from the new garage and the provision of bin facilities adjacent to the rear walls of the new dwellings. This is considered to be acceptable

### **Conclusion:**

19. The details submitted pursuant to conditions 3, 8, 10, 12, 14, 15, 16, 17, 18, 20 and 21 are considered to be acceptable. The only unresolved issue is the natural stone to be used for the external walls of the dwellings and the new stone boundary wall which involves conditions 4, 5 and 11. If this issue is resolved by the date of the Committee meeting, a verbal update will be made at the meeting.

### Human Rights Act 1998

Officers have considered the Human Rights Act 1998 in reaching a recommendation to grant planning permission, subject to conditions. 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.

Officers have also considered the interference with the human rights of the applicant under Article 8 and/or Article 1 of the First Protocol caused by imposing conditions. Officers consider that the conditions are necessary to protect the rights and freedoms of others and to control the use of property in accordance with the general interest. The interference is therefore justifiable and 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 grant the discharge of conditions 3,8,10,12,14,15,16,17,18,20 and 21 officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

**Background Papers:**

12/01340/FUL

12/01340/CND

**Contact Officer:** Angela Fettiplace

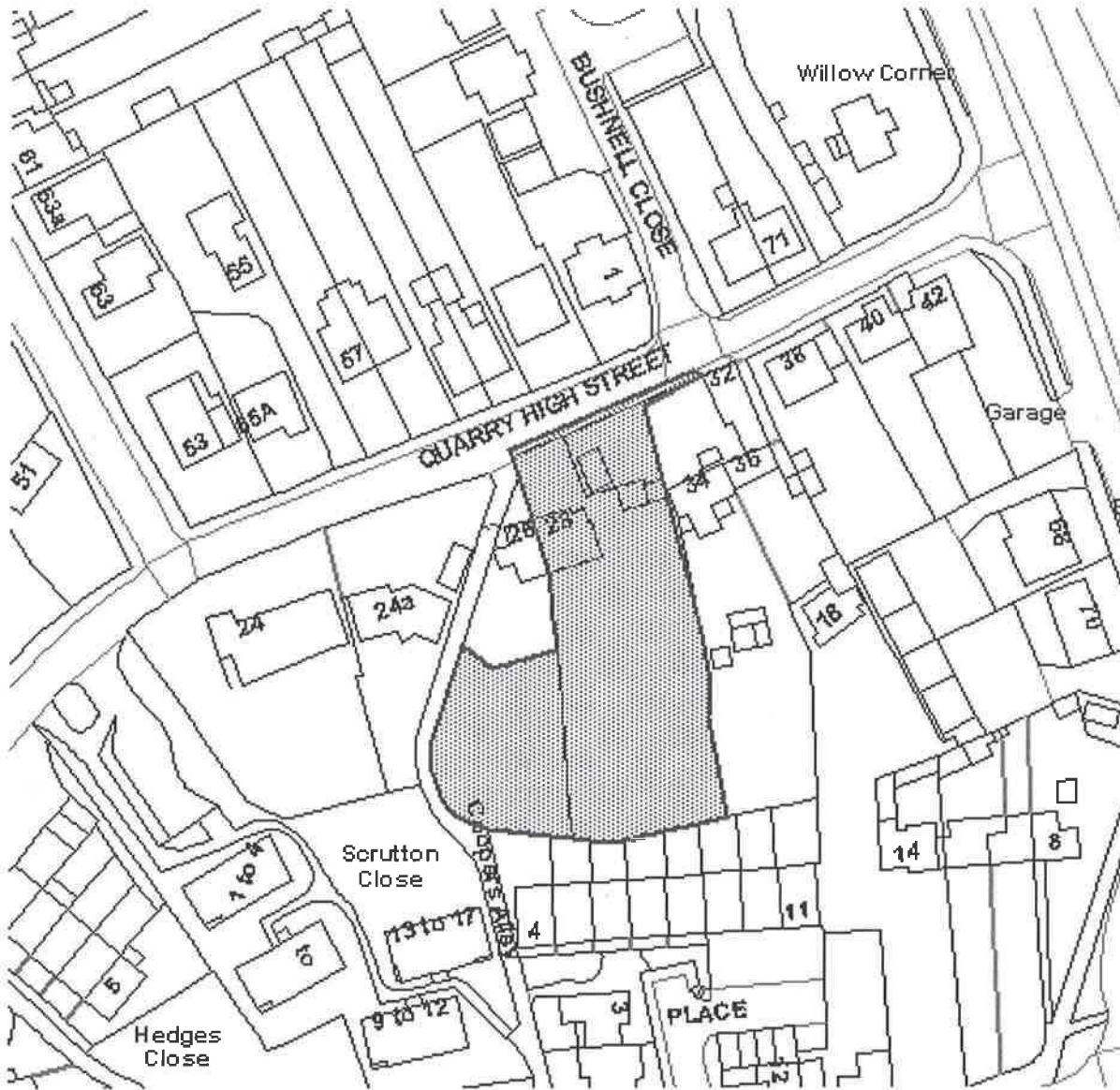
**Extension:** 2445

**Date:** 15th August 2013



# Appendix 1

12/01340/FUL - 28 Quarry High Street



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Ordnance Survey 100019348

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**To:** East Area Planning Committee

**Date:** 4<sup>th</sup> September 2013

**Report of:** Head of City Development

**Title of Report:** Receipt and Expenditure of Developer Contributions 2012/13

## Summary and Recommendations

**Purpose of report:** This report summarises the receipt and expenditure of developer contributions in the last financial year (12/13)

**Report Approved by:**

**Finance Jonathan Marks**

**Legal: Michael Morgan**

**Policy Framework:**

Oxford City Council corporate priorities:

- Meeting Housing Needs
- Strong Active Communities
- Cleaner, Greener Oxford

Local Development Framework

- Planning Obligations SPD

Core Strategy 2026

- Policy CS17 Infrastructure and developer contributions
- Policy CS24 Affordable housing

**Recommendation:** That the East Area Planning Committee note the receipt and expenditure of developer contributions in the last financial year (2012/13) and the proposed expenditure of developer contributions for 2013/14 plus future years.

## Summary

1. The report summarises the receipt and expenditure of developer contributions in the last financial year (12/13) and reviews progress to date of schemes in the Capital Programme for 2013/14 and future years. The report also lists legal agreements where the contributions are yet to be triggered and draft legal agreements yet to be finalised.

## Introduction

2. Developer contributions are sought to mitigate the impact of development, compensate for loss or damage caused by a development and overcome what would otherwise be a potential reason to refuse a planning application. The contributions are received under the terms of legally binding planning agreements that restrict the purpose for which the contributions can be used. The expenditure of the contribution can only be used on schemes that cover the purpose for which the contribution was received.

## Summary of all Council Expenditure

3. In 12/13 £591,198 of developer contributions held by the City Council has been spent and nine schemes were completed. The main expenditure has been on the following types of scheme:

Leisure/City Development	Highway/County	Housing/Community Facilities
£325,813	£245,753	£19,632

4. At the start of this financial year there was £2,313,759 of developer funding held by the City Council, which is due for expenditure (subject to Council approval) as set out below on the following types of scheme (The figures for the years of expenditure are only approximate and may change due to slippage or early completion of schemes):

Year for expenditure	13/14	14/15 forward
Affordable Housing/Community	£ 33,926	£ 549,642
Highways	£ 237,946	£ 0
Leisure	£ 436,653	£ 101,887
West End Infrastructure/Other	£ 378,120	£ 575,585
<b>Total</b>	<b>£ 1,086,645</b>	<b>£ 1,227,114</b>

## **City Council Schemes for East Area Planning Committee Area**

5. In this Area Committee area five schemes were completed which included:
  - Bullington (Peat Moors) – Improvements to the all weather pitch
  - Fry's Hill – relocation of skate park/street sports site
  - Slade work of art – located on the corner of Blackstock Close and Horspath Driftway
  - Lenthall Road Allotments improvements
  - Medhurst Way work of art – (former Speedwell School site )
6. **Appendix 1** sets out the schemes in the Capital Programme for the East Area Planning Committee area funded by developer contributions according to the type of scheme, and the approximate year of implementation. It also explains the current position on schemes to be implemented by the City Council. There is currently £1,182,477.26 of developer contribution funds held specifically to be used in this area committee area.
7. **Appendix 2** sets out the agreements that:
  - require a contribution to be paid to the Council under a sealed agreement but the trigger to receive the contribution (such as commencement of development) has not yet occurred; plus
  - do not require a financial contribution but require the developer to provide on-site measures with which the Committee may have future involvement such as a work of art, community facilities, or travel plan details etc;
  - sets out on-site affordable housing to be provided within the development.
8. **Appendix 3** lists the proposed legal agreements that have been reported to the Area Committee but the legal agreements have not yet been sealed.

## **County Contributions**

9. **Appendix 4** sets out the contributions received, spent and held by the County Council between 1<sup>st</sup> April 2012 and 31<sup>st</sup> March 2013. The list is set out by County Council Members responsibility. The County currently hold £4,838,180 of developer contributions.
10. List of appendices:
  - Appendix 1 – Developer funded schemes included in Capital Programme with current position and contributions not as yet allocated to a scheme.
  - Appendix 2 - List of legal agreements completed but the clauses in the agreement have not been triggered.
  - Appendix 3 - List of planning applications approved subject to legal agreements which have not yet been completed.
  - Appendix 4 - Contributions paid or payable to the County Council.

**Name and contact details of author:**

Lorraine Freeman 252178 lfreeman@oxford.gov.uk

**Background papers:**

Legal Agreements for the developer contributions listed, copies of which are held in Planning Policy – (THESE ARE DOCUMENTS IN THE PUBLIC DOMAIN AND SO DO NOT NEED TO BE STATED TO BE BACKGROUND PAPERS).

DEVELOPER FUNDED SCHEMES INCLUDED IN CAPITAL PROGRAMME WITH CURRENT POSITION AND CONTRIBUTIONS NOT AS YET ALLOCATED TO SCHEMES

CAPITAL PROGRAMME SCHEME	CAPITAL PROG. REF.	YEAR SCHEME TO BE IMPLEMENTED	WARD	SCHEME FUNDING (due to be updated with interest)	SITE	DEVELOPER	REASON FOR CONTRIBUTION	DATE WHEN CONTRIBUTION NEEDS SPENDING	COMMENTS
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**COMMUNITY HOUSING & DEVELOPMENT**

unallocated affordable housing contributions	M5013	13/14	Littlemore	16,428.83	Yamanouchi Research Institute, 33 Armstrong Road	RO Developments Ltd	Provision of Affordable Housing		Currently unallocated - awaiting further funds
			Cowley	15,960.00	Former bus depot 395 Cowley Road	Berkley Homes	Provision of Affordable Housing		
				<b>32,388.83</b>					
Bullingdon Community Centre - provision or enhancement of facilities	F6013	13/14	Lye Valley	1,536.99	TA Centre, Slade Barracks, Mascall Avenue, Headington	Berkeley Homes	Towards the provision or enhancement of community facilities in the vicinity of the land.	22.07.18	Report to Cowley Area Committee 1st April 2009 approved scheme for improvements to Bullingdon Community Centre - on-going
Rose Hill - provision or enhancement of community facilities and programmes	F6014	14/15	Rose Hill & Iffley	255,820.00	Orlit Housing, Rose Hill	Ox. Citizens Housing Assoc.	Towards provision of or enhancement of community facilities and programmes in the Rose Hill area of the City.		New Community Centre
				173,935.00	Various sites in Rose Hill	Ox. Citizens Housing Assoc.	Community Facilities and programmes in Rose Hill		
				<b>429,755.00</b>					
Wood Farm/Headington Community Centre - improvement of facilities	F7007	13/14	Headington	19,886.60	Windmill School, Margaret Road	Rectory Homes Ltd	Towards improvement of facilities at Wood Farm Community Centre &/or Headington Community Centre		Scheme to be drawn up
<b>TOTAL COMMUNITY HOUSING &amp; DEVELOPMENT</b>				<b>483,567.42</b>					

**CITY LEISURE**

CAPITAL PROGRAMME SCHEME	CAPITAL PROG. REF.	YEAR SCHEME TO BE IMPLEMENTED	WARD	SCHEME FUNDING (due to be updated with interest)	SITE	DEVELOPER	REASON FOR CONTRIBUTION	DATE WHEN CONTRIBUTION NEEDS SPENDING	COMMENTS
Town Furze Allotments - enhancement of facilities	F6009	12/13	Churchill	338.50	TA Centre, Slade Barracks, Mascall Avenue, Headington	Berkeley Homes	Towards provision or enhancement of allotments in the vicinity of the land.	22.07.2018	Contribution to be split 50/50 between Fairview and Town Furze allotments. SF meeting with allotment associations. Fairview have received their contribution of £338.50. Awaiting Town Furze
Recreation/Sports in City of Oxford - Blackbird Leys Competition Pool	F7017	13/14	Churchill	200,000.00	Highfield Adolescent Unit, Warneford	Ox & Busks Mental Health NHS Trust	Towards provision, improvement or replacement of sports and recreation facilities in the City of Oxford		To use towards Blackbird Leys Competition Pool
Girdlestone Rd - Provision/improvements to public open space within the vicinity	A3127	13/14	Churchill	500.00	Former play area between 12 & 14 Dynham Place	Home Group	Provision or improvements to public open space		Scheme to be drawn up
Blackbird Leys Competition Pool 92	F6002	13/14	Churchill	24,150.00	TA Centre, Slade Barracks, Mascall Avenue, Headington	Berkeley Homes	Towards the provision or enhancement of indoor leisure facilities in the vicinity of the land.	22.07.18	Towards Blackbird Leys Competition Pool.
			Cowley Marsh	2,322.84	12-27 Salesian Gardens	Cherwell Housing Trust	Provision or enhancement of indoor facilities in the vicinity of the land.	17.09.18	
				<b>26,472.84</b>					
Horspath Road Recreation ground - Installation of Adizone		13/14	Cowley	1,265.00	162-164 Hollow Way	Imran Khan T/A Speedy Property Solutions	Towards indoor sport to be used towards outdoor sports as per ctte minutes of East Area Planning ctte 3rd Aug 2011- adiZone installed in the Horspath Rd recreation ground		Scheme to be drawn up - further funds needed
Blackbird Leys Competition Pool	F7003	13/14	Cowley	780.00	231 and 233 Cowley Rd	Mr Singh	Towards indoor sports facilities that serve the site		To use towards Blackbird Leys Competition Pool
			St Marys	540.00	239 Ifley Road	Exeter College, University of Oxford	Towards the cost of the infrastructure (indoor sports facilities).		
			Cowley Marsh	240.00	379 Cowley Road	Mr Clive Smith	Towards the provision of indoor sports facilities		
			Cowley Marsh	528.00	379 Cowley Road	Mr Clive Smith	Towards the provision of indoor sports facilities		
			St Marys	2,640.00	145-146 Magdalen Road	Vanderbilt Homes Ltd	Towards the provision of indoor sports facilities		
			Littlemore	504.00	Cardinal House, Cardinal Close	Oxford City Council - Housing	Towards the provision of indoor sports facilities		



CAPITAL PROGRAMME SCHEME	CAPITAL PROG. REF.	YEAR SCHEME TO BE IMPLEMENTED	WARD	SCHEME FUNDING (due to be updated with interest)	SITE	DEVELOPER	REASON FOR CONTRIBUTION	DATE WHEN CONTRIBUTION NEEDS SPENDING	COMMENTS
			Cowley	300.00	258-262 Cowley Road	Mr P Patel	Towards indoor sport		
				<b>5,532.00</b>					
Cowley Marsh Pavilion/Recreation Ground Improvements	A4816	13/14	Cowley Marsh	1,543.00	381 Cowley Road	Greenings (Oxford) Ltd	Towards cost of sports facilities.		Cowley Marsh Pavilion to be completed September 2013
			Cowley Marsh	420.00	381 Cowley Road	Greenings (Oxford) Ltd	Towards indoor sport		
			Cowley Marsh	6,360.00	Former bus depot, 395 Cowley Rd	Berkeley Homes	Towards indoor sport		
			Cowley Marsh	360.00	Former bus depot, 395 Cowley Rd	Berkeley Homes	Towards indoor sport		
			St Clements	1,920.00	Part Manzil Way Gardens & 205 Cowley Road	Crampton Smith	Towards indoor sport		
			St Clements	11,400.00	Travis Perkins, Chapel Street	Dominion Dev Ltd	Towards indoor sport		
			St Marys	1,080.00	220 & 222 Cowley Road	RMA Properties	Towards indoor sport		
				<b>23,083.00</b>					
Margaret Road Recreation Ground - Improvements	F7002	13/14	Headington	7,603.70	Windmill School, Margaret Road	Rectory Homes Ltd	Towards improvements to Margaret Road Recreation Ground	22/04/18	Towards Margaret Rd Pavilion
Margaret Road pavilion		13/14	Headington	16,620.00	Dorset House, London Road	Berkley Homes	Towards indoor sport		Towards Margaret Rd Pavilion
			Lye Valley	7,649.00	Shotover View, Crauford Road	bpha	Towards indoor sport	14.06.2022	
				<b>24,269.00</b>					
Milham Ford Park Land and Recreational Facilities	A3125	13/14	Headington & Northway	13,189.47	Milham Ford School, Harbourton Mead	Brookes University	Park Land contribution for laying out of Park Land and other recreational purpose which shall include the Court Place Farm Artificial Turf Pitch	20.02.2014	Further expenditure to take place this financial year. Stuart Fitzsimmons to discuss with 'Friends of Milham Ford Park'
Court Place Farm/Ferry Pool		14/15	Headington & Northway	3,480.00	Cavalier Public House, 148-150 Copse Lane	I & O Ltd	Towards indoor sport		Leisure dealing

CAPITAL PROGRAMME SCHEME	CAPITAL PROG. REF.	YEAR SCHEME TO BE IMPLEMENTED	WARD	SCHEME FUNDING (due to be updated with interest)	SITE	DEVELOPER	REASON FOR CONTRIBUTION	DATE WHEN CONTRIBUTION NEEDS SPENDING	COMMENTS
Oxford Road Park, Littlemore - Improvements (parish council)	F7005	13/14	Littlemore	17,624.00	Beenham, Railway Lane	Smith & Williamson Ltd	Towards provision & enhancement of public open space, park/ecology area, childrens play area, sports ground and allotment facilities.	22/10/19	Parish Council looking at expenditure
Herchel Crescent Recreation Ground Improvements	F7016	13/14	Littlemore	7,002.00	Cardinal House, Cardinal Close	Oxford City Council - Housing	Towards open space within Littlemore in the vicinity of the development		Parish Council looking at expenditure
Thomson Terrace Allotments improvements	F7008	13/14	Littlemore	126.00	Cardinal House, Cardinal Close	Oxford City Council - Housing	Towards improvements to allotment facilities within the vicinity of Littlemore		Allotment Association to discuss scheme for expenditure
Fairview Allotments		13/14	Lye Valley	366.00	Shotover View, Crauford Road	bpha	Towards allotment improvements		Allotment Association to discuss scheme for expenditure
Blackbird Leys Competition Pool 94	A1161	13/14	Northfield Brook	140,073.71	Brake Hill & Frys Hill BBL	Willmott Dixon Ltd	Provision of recreation facilities incl. all weather pitch, small court, changing rooms, car park, footpath + spindleberry footbridge		Remainder of this contribution to be used towards the new competition pool at Blackbird Leys.
Rose Hill Play Area Improvements	F7013	13/14	Rose Hill	3,050.00	Lambourn Road	Oxford City Council - Housing	Towards play area		Leisure to discuss (Stuart Fitzsimmons)
Rose Hill Recreation Ground/Pavilion Improvements	F7012	14/15	Rose Hill	3,300.00	Lambourn Road	Oxford City Council - Housing	Towards sports ground		Leisure to discuss (Hagan Lewisman)
Rose Hill Indoor Sports - improvements		14/15	Rose Hill	4,620.00	Lambourn Road	OCC (Housing)	Towards the provision of indoor sports facilities		To be used in conjunction with new community centre
Donnington Recreation Ground Improvements	A3129	13/14	Rose Hill & Iffley	13,374.79	St Augustines of Canterbury School, Iffley Turn	Banner Homes	Towards costs of improvements to Donnington Rec. Ground		Leisure to discuss re possible use towards new community centre on site.
				31,000.00	St. Augustine of Canterbury School	Banner Homes Ltd	Towards the cost of improvements to Donnington play area and Meadow Lane play area		
				<b>44,374.79</b>					

TOTAL CITY LEISURE

**526,270.01**

ENVIRONMENTAL IMPROVEMENT MEASURES

CAPITAL PROGRAMME SCHEME	CAPITAL PROG. REF.	YEAR SCHEME TO BE IMPLEMENTED	WARD	SCHEME FUNDING (due to be updated with interest)	SITE	DEVELOPER	REASON FOR CONTRIBUTION	DATE WHEN CONTRIBUTION NEEDS SPENDING	COMMENTS
CCTV - in vicinity of Brookes University	F7009	13/14	Churchill	60,000.00	Student Services Building. Gipsy Lane Campus, Gipsy Lane - Erection of new library building (NLTB) consisting of lecture theatre, library, teaching accommodation and social facilities, plus linked extension to the Abercrombie building and arcaded building to new entrance piazza to Headington Road.	Oxford Brookes University	For the installation and maintenance of CCTV equipment within a radius of one mile of the applicant's Gipsy Lane campus or for such other purpose arising from the development.	13.01.2021	Karen Crossan (CCTV Manager) advised they will be installing approx 3 cctv cameras in 13/14 . Email 4/6/13 advised it will be completed by Chistmas 2013.
Environmental Improvements - Headington area	F7011			60,000.00			For environmental improvements (which may include CCTV) within the public realm of the central Headington shopping area on London Road and Windmill Road or for such other purpose arising from the development.	13.01.2021	Scheme to be drawn up
Mabel Pritchrd - tree planting		13/14	Littlemore	5,000.00	Former Mabel Pritchard School, St. Nicholas Road	Persimmon Homes & catalyst Communities Housing Association	Towards the cost of tree planting adjacent to land		Alan Sheldon from leisure met Kevin Caldicot on site Dec 12 - to plant 15 trees in verge and use remainder for improv to open space.- to commence in the autumn

**ENVIRONMENTAL IMPROVEMENTS - CONTRIBUTIONS RECEIVED BUT NOT YET ALLOCATED TO A SCHEME**

Public Safety			Cowley	10,000.00	Templar Retail Park, Cowley	Kyarra SARI	Towards public safety measures - incl. enhancement of footpaths and/or lighting in the open space/recreation grnd to the east of Templars Retail Park		
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**TOTAL ENVIRONMENTAL IMPROVEMENTS**

**135,000.00**

**CITY DEVELOPMENT - WORK OF ART**

Work of Art - Littlemore	F7006	13/14	Littlemore	17,717.00	Beenham, Railway Lane	Smith & Williamson Ltd	Towards provision of a work or works of art on the development site or within the vicinity of the land	22.10.2019	Parish Council would like to use towards woa incorporated in refurb of Oxford Rd Park
Work of Art Shotover	F7020	13/14	Lye Valley	14,635.00	Shotover View, Crauford Road	bpha	Towards WOA	14.06.2022	
Rosehill work of art	F7019	13/14	Rose Hill	5,287.83	Lambourn Road	OCC (Housing)	Towards work of art		Scheme in progress. Artist Tiffany Black working with local school, associations and residents. Final work of art to be integrated within the new community centre

CAPITAL PROGRAMME SCHEME	CAPITAL PROG. REF.	YEAR SCHEME TO BE IMPLEMENTED	WARD	SCHEME FUNDING (due to be updated with interest)	SITE	DEVELOPER	REASON FOR CONTRIBUTION	DATE WHEN CONTRIBUTION NEEDS SPENDING	COMMENTS
TOTAL				37,639.83					

TOTAL FUNDING FOR AREA COMMITTEE AREA

1,182,477.26

List of legal agreements completed but the clauses in the agreement have not been triggered.

(financial contributions payable to the City Council on-site affordable housing and on-site measures)

Planning Permission	Application No	Contributor	Date of Agreement	Date pl. perm. Expires	Ward	Amount	Trigger for Clause	Purpose	Comment
97	Oxford & Cherwell Valley College, Cuddesdon Way - Demolition of existing buildings. Outline application for new college and residential development with car parking and associated landscaping (Amended plan)	Oxford & Cherwell Valley College	07.06.10	3 Yrs	Blackbird Leys (SE)	Indoor Sport 1 bed £125, 2 bed £168, 3 bed £240, 4/5 bed £393 Public open space 1 bed £444, 2 bed £631, 3 bed £969, 4/5 bed £1666  £40,000  £15,000	Prior to commencement	For the provision or enhancement of public open space (inclusive of open space park/ecology-play areas, sports ground allotments) and upgrading the leisure centre close to the land and other indoor sports facilities close to the land which relate to the development  For provision/ improvements to community facilities and/or nursery facilities in the vicinity of the Land.  For environmental improvements in the vicinity of or for such other purposed arising from the Development.	Not triggered

Planning Permission	Application No	Contributor	Date of Agreement	Date pl. perm. Expires	Ward	Amount	Trigger for Clause	Purpose	Comment
Temple Court Business Centre, 107 Oxford Road	11/02960/FU L	Cantay Estates Ltd	29.11.12	3 Yrs		£25,779	Prior to occupation £25,779 to be paid within 5 working days of exchange of contracts for the disposal of each dwelling to give Council notice in writing. Or not to cause or permit occupation of dwellings in question until the sum due has been paid (see agreement clauses 14.1.1 - 15)	Affordable Housing	JB confirmed commenced 23/04/2013 with completion poss late Oct/Nov 2013
Network Oxford, Sandy Lane West (DHL)	07/02809/FU L	Naus Albion (Ox) Ltd	13.06.08	3 Yrs	Littlemore	£67,968	Prior to commencement of Phase 2	Towards the provision of affordable housing in Oxford - <i>NB to be spent within 10 yrs from due date of payment</i>	Not triggered
Land known as plot 8600 and part of plot 8400 Alec Issigonis Way	12/03115/FU L	Ridgeway Garage (Newbury Ltd)	22.05.13	3 Yrs	Lye Valley	£60,034	Prior to commencement of development	Towards the provision of affordable housing	
						£18,876		Towards provision of public art within Oxford	
						£2,000		Towards off-site compensation for the improvement of Sky Lark habitats on site.	
Travis Perkins Builders Yard, Chapel Street & nos. 1,11,37 & 41 Iffley Road & 85,87,175 &177 Iffley Road	09/02518/OU T (11/01712/FU L)	WE Black Ltd & St. Hilda's College	21.09.10	3 Yrs	St Clements (East)	£60 per student room	Prior to commencement	For the provision or enhancement of indoor sports facilities in the vicinity of the land and which relates to the Development	11/01712/FUL approved at ctte 12 October 2011 Not Triggered

Planning reference	Address	Proposal	Obligation / value (and comments on agreements prior to 05 permissions)
66 13/00631/FUL	Former cricket ground Barton Road	Erection of 30 residential units (8 x 4 bed houses, 17 x 3 bed houses, 2 x 2 bed flats and 3 x1 bed flats) together with access road, 51 car parking spaces, 60 cycle parking spaces, public open space and landscaping	County £188,557 towards Education £7,498 towards Library facilities £3,175 towards Waste Management £74,925 towards Transport £436 towards Museum facilities £4,891 towards Social Care Total: £279,482 plus 5% administrative fee City £8,185 towards Indoor Sport £365 towards Allotments Total: £8,550 plus 5% administrative fee £100,000 for loss of the former sports ground
12/03280/FUL	Northway Centre, Maltfield Road	Demolition of existing buildings. Erection of 47 residential units (9 x 1-bed, 14 x 2-bed, 15 x 3-bed, 4 x 4-bed, 5 x live/work units) plus community centre in 5 blocks on 2, 3 and 4 levels. Provision of 78 car parking spaces, 102 cycle parking spaces and landscaping. Relocation of hard play court, provision of newt pond, wetland habitat, Aunt Sally court, outdoor seating for the social club and playing field terrace. Amended ridge heights of terraced houses, removal of stair core to mansion block and provision of foul water drainage system comprising on site storage and flow control device.	Draft agreement from applicant with OCC - to discuss Contribution agreed for all 3 sites - £250,000 towards primary and secondary education £100,000 towards highways, £37,500 of which will be safeguarded for a possible CPZ in the Barnes Road area, otherwise to be used on other highways
12/03278/FUL	Cowley Community Centre, Barns Road	Erection of 4 storey building comprising community centre (215 sq.m), retail and workshop unit (Emmaus) on ground floor together with 40 "car-free" residential flats (19 x 1-bed, 21 x 2-bed). Provision of 3 x customer car parking spaces and 3 x delivery spaces to serve Emmaus, 2 x car club parking spaces and 3 x disabled car parking spaces. Includes 100 cycle parking spaces, bin storage new free-standing bus stop and associated landscaping works.	infrastructure such as cycle city £45,000 towards a variety of City section106 matters, e.g. indoor and outdoor sport facilities, allotments and play areas.
12/03281/FUL	Community Centre, Westlands Drive	Demolition of existing building. Erection of 21 flats (14 x 1-bed, 7 x 2-bed) on 3 floors, together with 21 car parking spaces, 56 cycle spaces and landscaping. (Removal of stair core to mansion block, revised landscaping and provision of foul water drainage system including on-site storage flow control device)	

The contribution types incorporate various infrastructure and service provisions such as:

Adult Care	Day care centres, resource centres & transport provision
Adult Learning	Facilities
C/side Service	The Countryside Service delivering improved access to Rights of Way, and to the Windrush Valley Project
Education	Primary schools, Secondary schools and Special Educational Needs provision
Fire	Fire hydrant provision where not secured by condition
Library	Static and mobile library services including bookstock provision
Minerals	Aftercare and site monitoring of minerals extraction proposals
Museums	Museum Resource Centre at Standlake
Transport	Highway infrastructure (roads, crossings etc.), bus service support & rail infrastructure
Waste	Strategic waste reception and recycling centres

Table 1 - County Contributions Received, Spent and Held Shown by County Member Division and Types of Proposed Use

	Contribution Type	Opening Balance	Income	Interest	Expenditure	Closing Balance
<b>County Member Division</b> Barton, Sandhills & Risinghurst	Adult Care	-	-	-	-	-
	Adult Learning	-	-	-	-	-
	C/side Service	-	-	-	-	-
	Education	- 283.84	- 27,016.55	- 53.79	-	- 27,354.18
	Fire	-	-	-	-	-
	Library	- 30,006.68	- 6,117.84	- 128.96	-	- 36,253.48
	Minerals	-	-	-	-	-
	Museums	-	-	-	-	-
	Transport	- 17,668.46	- 35,225.01	- 137.60	-	- 53,031.07
Waste	-	-	-	-	-	
<b>Total</b>		- <b>47,958.98</b>	- <b>68,359.40</b>	- <b>320.35</b>	-	- <b>116,638.73</b>
<b>County Member Division</b> Churchill & Lye Valley	Adult Care	- 15,916.08	-	- 62.07	-	- 15,978.15
	Adult Learning	-	-	-	-	-
	C/side Service	-	-	-	-	-
	Education	- 69,098.03	-	- 264.38	2,618.07	- 66,744.34
	Fire	-	-	-	-	-
	Library	- 29,769.80	-	- 91.90	12,409.68	- 17,452.02
	Minerals	-	-	-	-	-
	Museums	-	-	-	-	-
	Transport	- 939,007.53	-	- 2,364.59	681,085.56	- 260,286.56
Waste	- 7,304.24	-	- 28.49	-	- 7,332.73	
<b>Total</b>		- <b>1,061,095.68</b>	-	- <b>2,811.43</b>	<b>696,113.31</b>	- <b>367,793.80</b>
<b>County Member Division</b> Cowley	Adult Care	- 1,181.58	-	- 4.61	-	- 1,186.19
	Adult Learning	-	-	-	-	-
	C/side Service	-	-	-	-	-
	Education	- 95,067.67	-	- 370.76	-	- 95,438.43
	Fire	-	-	-	-	-
	Library	- 13.86	-	- 0.02	13.86	- 0.02
	Minerals	-	-	-	-	-
	Museums	- 0.04	-	-	0.04	- 0.00
	Transport	- 276,400.56	- 25,000.00	- 1,122.19	5,817.05	- 296,705.70
Waste	- 523.89	-	- 2.04	-	- 525.93	
<b>Total</b>		- <b>373,187.60</b>	- <b>25,000.00</b>	- <b>1,499.62</b>	<b>5,830.95</b>	- <b>393,856.27</b>
<b>County Member Division</b> Headington & Quarry	Adult Care	-	-	-	-	-
	Adult Learning	-	-	-	-	-
	C/side Service	-	-	-	-	-
	Education	- 55,233.38	-	- 109.91	54,101.41	- 1,241.88
	Fire	-	-	-	-	-
	Library	- 59,717.87	-	- 232.91	-	- 59,950.78
	Minerals	-	-	-	-	-
	Museums	-	-	-	-	-
	Transport	- 905,167.17	- 13,427.65	- 2,939.68	394,648.69	- 526,885.81
Waste	-	-	-	-	-	
<b>Total</b>		- <b>1,020,118.42</b>	- <b>13,427.65</b>	- <b>3,282.50</b>	<b>448,750.10</b>	- <b>588,078.47</b>
<b>County Member Division</b> Iffley Fields & St Mary's	Adult Care	- 438.35	-	- 1.71	-	- 440.06
	Adult Learning	-	-	-	-	-
	C/side Service	-	-	-	-	-
	Education	- 10,366.41	-	- 40.43	-	- 10,406.84
	Fire	-	-	-	-	-
	Library	- 10.37	- 1,134.00	- 0.01	1,144.37	- 0.01
	Minerals	-	-	-	-	-
	Museums	- 0.05	-	-	0.05	- 0.00
	Transport	- 68,562.79	- 2,484.00	- 219.07	27,266.79	- 43,999.07
Waste	- 1,803.51	-	- 7.03	-	- 1,810.54	
<b>Total</b>		- <b>81,181.48</b>	- <b>3,618.00</b>	- <b>268.25</b>	<b>28,411.21</b>	- <b>56,656.52</b>
<b>County Member Division</b> Ileie	Adult Care	-	-	-	-	-
	Adult Learning	-	-	-	-	-
	C/side Service	-	-	-	-	-
	Education	-	-	-	-	-
	Fire	- 98.17	-	- 0.38	-	- 98.55
	Library	- 9.95	-	- 0.02	9.95	- 0.02



	Minerals	-	-	-	-	-
	Museums	-	-	-	-	-
	Transport	- 123,684.00	-	- 511.42	-	- 124,195.42
	Waste	-	-	-	-	-
<b>Total</b>	<b>- 123,792.12</b>	<b>-</b>	<b>- 511.82</b>	<b>9.95</b>	<b>- 124,293.99</b>	
<b>County Member Division</b> Jericho and Osney	Adult Care	- 1,188.58	-	- 4.64	-	- 1,193.22
	Adult Learning	-	-	-	-	-
	C/side Service	-	-	-	-	-
	Education	- 99,406.90	-	- 387.68	-	- 99,794.58
	Fire	-	-	-	-	-
	Library	- 2,460.71	- 5,355.00	- 4.79	7,815.71	- 4.79
	Minerals	-	-	-	-	-
	Museums	- 0.06	-	-	0.06	- 0.00
	Transport	- 676,180.31	- 27,424.00	- 2,622.68	34,818.90	- 671,408.09
Waste	- 1,488.86	-	- 5.81	-	- 1,494.67	
<b>Total</b>	<b>- 780,725.42</b>	<b>- 32,779.00</b>	<b>- 3,025.60</b>	<b>42,634.67</b>	<b>- 773,895.35</b>	
<b>County Member Division</b> Leys	Adult Care	-	-	-	-	-
	Adult Learning	-	-	-	-	-
	C/side Service	-	-	-	-	-
	Education	- 0.33	-	-	-	- 0.33
	Fire	-	-	-	-	-
	Library	- 30,343.96	-	- 115.71	1,351.20	- 29,108.47
	Minerals	-	-	-	-	-
	Museums	-	-	-	-	-
	Transport	- 201,807.52	-	- 787.04	-	- 202,594.56
Waste	-	-	-	-	-	
<b>Total</b>	<b>- 232,151.81</b>	<b>-</b>	<b>- 902.75</b>	<b>1,351.20</b>	<b>- 231,703.36</b>	
<b>County Member Division</b> Marston and Northway	Adult Care	-	-	-	-	-
	Adult Learning	-	-	-	-	-
	C/side Service	-	-	-	-	-
	Education	-	-	-	-	-
	Fire	-	-	-	-	-
	Library	- 14,588.84	-	- 38.10	9,636.31	- 4,990.63
	Minerals	-	-	-	-	-
	Museums	-	-	-	-	-
	Transport	- 96,183.50	- 10,177.80	- 387.27	3,948.01	- 102,800.56
Waste	-	-	-	-	-	
<b>Total</b>	<b>- 110,772.34</b>	<b>- 10,177.80</b>	<b>- 425.37</b>	<b>13,584.32</b>	<b>- 107,791.19</b>	
<b>County Member Division</b> Rose Hill & Littlemore	Adult Care	- 8,642.76	-	- 33.71	-	- 8,676.47
	Adult Learning	-	-	-	-	-
	C/side Service	-	-	-	-	-
	Education	- 209,613.37	-	- 627.28	97,538.52	- 112,702.13
	Fire	-	-	-	-	-
	Library	- 12,712.42	-	- 49.48	52.81	- 12,709.09
	Minerals	-	-	-	-	-
	Museums	- 405.96	-	- 0.79	405.96	- 0.79
	Transport	- 432,211.75	- 30,000.00	- 1,744.13	-	- 463,955.88
Waste	- 7,144.48	-	- 27.87	-	- 7,172.35	
<b>Total</b>	<b>- 670,730.74</b>	<b>- 30,000.00</b>	<b>- 2,483.26</b>	<b>97,997.29</b>	<b>- 605,216.71</b>	
<b>County Member Division</b> St Clements & Cowley Marsh	Adult Care	- 305.57	-	- 1.19	-	- 306.76
	Adult Learning	-	-	-	-	-
	C/side Service	-	-	-	-	-
	Education	-	-	-	-	-
	Fire	-	-	-	-	-
	Library	- 1,702.39	- 19,264.63	- 3.32	20,967.02	- 3.32
	Minerals	-	-	-	-	-
	Museums	- 101.14	-	- 0.20	101.14	- 0.20
	Transport	- 63,354.58	- 71,078.12	- 403.29	-	- 134,835.99
Waste	- 1,055.12	-	- 4.11	-	- 1,059.23	
<b>Total</b>	<b>- 66,518.80</b>	<b>- 90,342.75</b>	<b>- 412.11</b>	<b>21,068.16</b>	<b>- 136,205.50</b>	
<b>County Member Division</b> St Margaret's	Adult Care	-	-	-	-	-
	Adult Learning	-	-	-	-	-
	C/side Service	-	-	-	-	-
	Education	- 24,308.85	-	- 94.81	-	- 24,403.66
	Fire	- 70.21	-	- 0.27	-	- 70.48
	Library	- 4,649.60	-	- 9.06	4,649.60	- 9.06
	Minerals	-	-	-	-	-
	Museums	-	-	-	-	-
	Transport	- 106,922.05	-	- 311.39	54,155.08	- 53,078.36
Waste	-	-	-	-	-	
<b>Total</b>	<b>- 135,950.71</b>	<b>-</b>	<b>- 415.53</b>	<b>58,804.68</b>	<b>- 77,561.56</b>	
<b>County Member Division</b> University Parks	Adult Care	-	-	-	-	-
	Adult Learning	-	-	-	-	-
	C/side Service	-	-	-	-	-
	Education	-	-	-	-	-
	Fire	-	-	-	-	-
	Library	- 400.48	-	- 0.77	400.48	- 0.77

University Parks	Minerals	-	-	-	-	-
	Museums	-	-	-	-	-
	Transport	- 1,188,542.94	-	- 4,497.40	70,735.76	- 1,122,304.58
	Waste	-	-	-	-	-
<b>Total</b>	<b>- 1,188,943.42</b>	<b>-</b>	<b>- 4,498.17</b>	<b>71,136.24</b>	<b>- 1,122,305.35</b>	
County Member Division Wolvercote and Summertown	Adult Care	- 7,821.67	-	- 30.50	-	- 7,852.17
	Adult Learning	-	-	-	-	-
	C/side Service	-	-	-	-	-
	Education	- 13,074.24	-	- 50.99	-	- 13,125.23
	Fire	-	-	-	-	-
	Library	- 215.28	-	- 0.42	215.28	- 0.42
	Minerals	-	-	-	-	-
	Museums	- 0.07	-	-	0.07	- 0.00
	Transport	- 67,694.44	- 414.00	- 264.81	-	- 68,373.25
Waste	- 5,861.23	-	- 22.86	-	- 5,884.09	
<b>Total</b>	<b>- 94,666.93</b>	<b>- 414.00</b>	<b>- 369.58</b>	<b>215.35</b>	<b>- 95,235.16</b>	
Non Division Specific Interest	Transport	- 44,285.51	-	- 159.08	3,496.70	- 40,947.89
<b>Total</b>	<b>- 44,285.51</b>	<b>-</b>	<b>- 159.08</b>	<b>3,496.70</b>	<b>- 40,947.89</b>	
<b>Oxford Total</b>		<b>- 6,032,079.96</b>	<b>- 274,118.60</b>	<b>- 21,385.42</b>	<b>1,489,404.13</b>	<b>- 4,838,179.85</b>

Table 2 - Details of Expenditure by County Member Division and Expenditure Type

County Council Division	Contribution Type	Amount	Scheme
Churchill & Lye Valley	Education	2,618.07	Wood Farm School
	Library	1,376.55	Cowley Library (RFID)
		245.36	Central Library (RFID)
		10,787.77	Cowley Library (RFID)
	Transport	120,843.28	Divinity & Magdalen Road area CPZs
		13,970.06	Thornhill P & R Extensions
		38,139.22	Thornhill P & R Extensions
		390,435.74	Thornhill P & R Extensions
		8,580.87	Thornhill P & R Extensions
		11,196.27	Thornhill P & R Extensions
9,552.56		Thornhill P & R Extensions	
27,284.17		Thornhill P & R Extensions	
61,083.39	Thornhill P & R Extensions		
<b>Total</b>	<b>696,113.31</b>		
Cowley	Library	1.07	Central AV Stock & Scanners (RFID)
		10.50	Central AV Stock & Scanners (RFID)
		2.29	Central AV Stock & Scanners (RFID)
	Transport	821.05	Thornhill P & R Extensions
		4,996.00	Crescent & Leafield Rd Junction
Museums	0.04	Museum Resource Centre - standlake	
<b>Total</b>	<b>5,830.95</b>		
Headington & Quarry	Education	54,101.41	Oxford St Nicholas
	Transport	10,398.09	Jack Straws Lane Safety Measures
		31,865.40	Thornhill P & R Extensions
		2,058.10	Thornhill P & R Extensions
		6,525.42	Thornhill P & R Extensions
		53,947.02	Thornhill P & R Extensions
		201,457.63	Thornhill P & R Extensions
		4,852.66	Thornhill P & R Extensions
83,544.37	ORHT JR - Water Eaton P & R Service		
<b>Total</b>	<b>448,750.10</b>		
Iffley Fields & St Mary's	Library	0.27	Central Library (RFID)
		1.33	Central Library (RFID)
		6.45	Central AV Stock & Scanners (RFID)
		1,134.00	Cowley Library (RFID)
		0.48	CM0003113 Central AV Stock & Scanners (RFID)
		1.84	CM0003113 Central AV Stock & Scanners (RFID)
	Transport	27,266.79	Thornhill P & R Extensions
Museums	0.05	Museum Resource Centre - standlake	
<b>Total</b>	<b>28,411.21</b>		
Isis	Library	9.95	Central Library (RFID)
<b>Total</b>	<b>9.95</b>		
Jericho and Osney	Library	17.62	Central Library (RFID)
		578.34	Central Library (RFID)
		1,863.54	Central Library (RFID)
		5,355.00	Central Library (RFID)
		1.21	Central Library (RFID)
	Transport	24,212.75	Thornhill P & R Extensions
		6,682.45	Org agree terms met (West Way)
	1,186.74	Org agree terms met (West Way)	
	2,736.96	Org agree terms met (West Way)	

	Museums	0.06	Museum Resource Centre - standlake
<b>Total</b>		<b>42,634.67</b>	
<b>Leys</b>	Library	1,351.20	Cowley Library (RFID)
<b>Total</b>		<b>1,351.20</b>	
<b>Marston and Northway</b>	Library	9,636.31	Central Library (RFID)
	Transport	3,371.67	Org agree terms met (West Way)
		576.34	Marston Road Cycle Lane Improvmnts
<b>Total</b>		<b>13,584.32</b>	
<b>Rose Hill &amp; Littlemore</b>	Education	97,538.52	Rose Hill
	Library	10.60	Central AV Stock & Scanners (RFID)
		7.59	Central Library (RFID)
		19.61	Central Library (RFID)
		13.03	Central Library (RFID)
		1.98	Central Library (RFID)
	Museums	148.92	Museum Resource Centre - standlake
257.04		Museum Resource Centre - standlake	
<b>Total</b>		<b>97,997.29</b>	
<b>St Clements &amp; Cowley Marsh</b>	Library	0.83	Central Library (RFID)
		8,977.50	Central Library (RFID)
		2,992.50	Cowley Library (RFID)
		30.41	Central AV Stock & Scanners (RFID)
		1,670.76	Cowley Library (RFID)
		6,475.63	Cowley Library (RFID)
		441.00	Cowley Library (RFID)
		378.00	Cowley Library (RFID)
		0.39	Central AV Stock & Scanners (RFID)
	Museums	9.58	Museum Resource Centre - standlake
91.56		Museum Resource Centre - standlake	
<b>Total</b>		<b>21,068.16</b>	
<b>St Margaret's</b>	Library	2.39	Central Library (RFID)
		14.95	Central Library (RFID)
		4,048.38	Central Library (RFID)
		205.58	Summertown Library (RFID)
		378.30	Summertown Library (RFID)
	Transport	41,959.28	Org agree terms met (West Way)
	12,195.80	Org agree terms met (West Way)	
<b>Total</b>		<b>58,804.68</b>	
<b>University Parks</b>	Library	2.28	Central Library (RFID)
		3.34	Central Library (RFID)
		2.06	Central Library (RFID)
		6.13	Central Library (RFID)
		385.56	Central Library (RFID)
		1.10	Central Library (RFID)
		0.01	Central Library (RFID)
	Transport	10,181.34	Thornhill P & R Extensions
		22,011.11	Oxford: Woodstock Rd ROQ
		12,965.25	Org agree terms met (West Way)
	24,900.29	Thornhill P & R Extensions	
	677.77	Fairfax Ave/Purcell Rd Link	
<b>Total</b>		<b>71,136.24</b>	
<b>Wolvercote and Summertown</b>	Library	93.66	Summertown Library (RFID)
		121.62	Summertown Library (RFID)
	Museums	0.07	Museum Resource Centre - standlake
<b>Total</b>		<b>215.35</b>	
<b>Non Division Specific Interest</b>	Transport	3,496.70	West Way / A34 Junction
<b>Total</b>		<b>3,496.70</b>	
<b>Oxford Total</b>		<b>1,489,404.13</b>	

RFID = Radio Frequency Identification

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# Agenda Item 10

## Monthly Planning Appeals Performance Update – July 2013

Contact: Head of Service City Development: Michael Crofton-Briggs.  
Tel 01865 252360.

1. The purpose of this report is two-fold: a) to provide an update on the Council's planning appeal performance; and b) to list those appeal cases that were decided and also those received during the specified month.
2. The Government's Best Value Performance Indicator BV204 relates to appeals arising from the Council's refusal of planning permission and telecommunications prior approval refusals. It measures the Council's appeals performance in the form of the percentage of appeals allowed. It has come to be seen as an indication of the quality of the Council's planning decision making. BV204 does not include appeals against non-determination, enforcement action, advertisement consent refusals and some other types. Table A sets out BV204 rolling annual performance for the year ending 31 July 2013, while Table B does the same for the current business plan year, ie. 1 April 2013 to 31 July 2013.

Table A. BV204 Rolling annual performance (to 31 July 2013)

A.	Council performance		Appeals arising from Committee refusal	Appeals arising from delegated refusal
	No.	%	No.	No.
Allowed	15	(33%)	4 (50%)	11 (30%)
Dismissed	30	67%	4 (50%)	26 (70%)
<i>Total BV204 appeals</i>	45		8	37

Table B. BV204: Current Business plan year performance (1 April to 31 July 2013)

B.	Council performance		Appeals arising from Committee refusal	Appeals arising from delegated refusal
	No.	%	No.	No.
Allowed	3	(23%)	1(33%)	2 (20%)
Dismissed	10	77%	2 (67%)	8 (80%)
<i>Total BV204 appeals</i>	13		3	10

3. A fuller picture of the Council's appeal performance is given by considering the outcome of all types of planning appeals, i.e. including non-determination, enforcement, advertisement appeals etc. Performance on all appeals is shown in Table C.

Table C. All planning appeals (not just BV204 appeals): Rolling year to 31 July 2013

	Appeals	Percentage performance
Allowed	17	(33%)
Dismissed	35	67%
All appeals decided	52	
Withdrawn	2	

4. When an appeal decision is received, the Inspector's decision letter is circulated (normally by email) to all the members of the relevant committee. The case officer also subsequently circulates members with a commentary on the decision if the case is significant. Table D, appended below, shows a breakdown of appeal decisions received during July 2013.
5. When an appeal is received notification letters are sent to interested parties to inform them of the appeal. If the appeal is against a delegated decision the relevant ward members receive a copy of this notification letter. If the appeal is against a committee decision then all members of the committee receive the notification letter. Table E, appended below, is a breakdown of all appeals started during July 2013. Any questions at the Committee meeting on these appeals will be passed back to the case officer for a reply.

**Table D****Appeals Decided Between 1/7/13 And 31/7/13**

**DECTYPE KEY: COMM - Area Committee Decision, DEL - Delegated Decision, DELCOM - Called in by Area Committee, STRACM - Strategic Committee;**  
**RECM KEY: PER - Approve, REF - Refuse, SPL - Split Decision; NDA - Not Determined; APP DEC KEY: ALC - Allowed with conditions, ALW - Allowed**  
**without conditions, ALWCST - Allowed with costs, AWD - Appeal withdrawn, DIS - Dismissed**

DC CASE	AP CASE NO.	DECTYPE:	RECM:	APP DEC	DECIDED	WARD:	ADDRESS	DESCRIPTION
12/02105/FUL	13/00005/REFUSE	DEL	REF	DIS	01/07/2013	LITTM	3 David Nicholls Close Oxford Oxfordshire OX4 4QX	Change of use of garage to 1-bedroom dwelling (class C3). (Amended plans)
12/03277/FUL	13/00020/REFUSE	DEL	REF	ALC	03/07/2013	STMARG	14 Bainton Road Oxford Oxfordshire OX2 7AF	Extension to create 3rd storey on existing 2 storey dwelling
12/01608/VAR	13/00004/COND	DELCOM	PER	ALWCST	16/07/2013	HEAD	77-77a Sandfield Road Headington Oxford OX3 7RW	Application to remove conditions 7, 11, 15, 18 and 19 from planning permission 12/00077/FUL (for 2 bed dwelling)
13/00023/FUL	13/00011/REFUSE	DEL	REF	DIS	16/07/2013	HEAD	106 London Road Headington Oxford Oxfordshire OX3 9AJ	Change of use from retail unit (Use Class A1) to licensed betting office (Use Class A2). Alterations to side elevation and shopfront.
12/01978/FUL	13/00016/REFUSE	DEL	REF	AWD	25/07/2013	BARTSD	295-301 London Road Headington Oxford Oxfordshire OX3 9HL	Change of use of existing ground floor office to provide 1x5 bed house of multiple occupancy (Use Class C4 HMO). (Retrospective)
13/00036/FUL	13/00012/REFUSE	DEL	REF	DIS	29/07/2013	HHLNOR	Land Rear Of 2-14 Jack Straws Lane Headington Oxford OX3 0DL	Erection of three detached two-storey dwellings with parking, access and amenity space. (Amended plans)
12/03016/FUL	13/00007/NONDET	DELCOM	REF	DIS	29/07/2013	HINKPK	81 Wytham Street Oxford Oxfordshire OX1 4TN	Erection of single storey side extension and single storey rear extension.

**Total Decided: 7**

**Table E****Appeals Received Between 1/7/13 And 31/7/13**

**DECTYPE KEY: COMM - Area Committee Decision, DEL - Delegated Decision, DELCOM - Called in by Area Committee, STRACM - Strategic Committee;**  
**RECMND KEY: PER - Approve, REF - Refuse, SPL - Split Decision, NDA - Not Determined; TYPE KEY: W - Written representation, I - Informal hearing, P - Public Inquiry, H - Householder**

<b>DC CASE</b>	<b>AP CASE NO.</b>	<b>DEC TYPE</b>	<b>RECM</b>	<b>TYPE</b>	<b>ADDRESS</b>	<b>WARD:</b>	<b>DESCRIPTION</b>
12/02967/FUL	13/00037/REFUSE	COMM	REF	P	Parking Area And Part Sports Field William Morris Close Oxford Oxfordshire OX4 2SF	COWLYM	Construction of two all weather playing pitches, plus a new residential development consisting of 6 x 1 bed flats, 15 x 2 bed flats, 6 x 3 bed flats, 13 x 3 bed houses and 3 x 4 bed houses, together with access road, parking, landscaping etc accessed off Barracks Lane. (Amended plans)
12/03195/FUL	13/00036/REFUSE	DEL	REF	W	Land Adjacent 30A Union Street Oxford Oxfordshire	STCLEM	Erection of a two storey extension to 30A Union Street to create a semi detached dwelling (class C3)
13/00317/CPU	13/00034/REFUSE	DEL	REF	P	29 Old High Street Oxford Oxfordshire OX3 9HP	HEAD	Application to certify that proposed conversion and extension of existing house to form 2x2 bed flats (Class C3) and erection of 3 new buildings to form 2x2 bed and 1x1 bed dwellings (Class C3) is lawful development.
13/00654/FUL	13/00031/REFUSE	DEL	REF	H	11 Cornwallis Road Oxford Oxfordshire OX4 3NP	COWLE	Erection of conservatory to rear.
13/00950/FUL	13/00032/REFUSE	DEL	REF	W	6 Bursill Close Headington Oxford OX3 8EW	BARTSD	Erection of a single storey extension along with internal alterations to create an additional 1 x 1 bedroom dwelling (Use Class C3) (amended plans)
13/00953/FUL	13/00035/REFUSE	DEL	REF	W	Land Rear Of 187 Iffley Road Oxford Oxfordshire OX4 1ER	STMARY	Erection of single storey building to form 1 x 1-bed dwelling (use class C3). Provision of private amenity space, bin and bicycle stores.
13/01001/FUL	13/00033/REFUSE	DEL	REF	W	Land To The Rear Of 1 And 2 Longwall Oxford Oxfordshire OX4 4PG	LITTM	Erection of 2 x single storey storage buildings, fencing and gates and change of use to storage (Class B8). Provision of vehicle parking.
13/01289/FUL	13/00038/REFUSE	DEL	REF	W	24 Milton Road Oxford Oxfordshire OX4 3EF	COWLYM	Erection of part single storey, part two storey, side extension to create 1 x 2-bed dwellinghouse (use class C3). Provision of private amenity space, car parking spaces and bin and cycle store.





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## EAST AREA PLANNING COMMITTEE

**Wednesday 3 July 2013**

**COUNCILLORS PRESENT:** Councillors Darke (Chair), Rundle (Vice-Chair), Altaf-Khan, Clarkson, Hollick, Lloyd-Shogbesan, Paule, Khan and O'Hara.

**OFFICERS PRESENT:** Martin Armstrong (City Development), Michael Morgan (Law and Governance) and Sarah Claridge (Trainee Democratic and Electoral Services Officer)

### **20. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

Apologies for absence were received from Councillor Coulter (substitute Councillor Khan) and Councillor Curran (substitute Councillor O'Hara)

### **21. DECLARATIONS OF INTEREST**

There were no declarations of interest made

### **22. FORMER CRICKET GROUND, BARTON ROAD: 13/00631/FUL**

The Head of City Development submitted a report (previously circulated now appended) which detailed a planning application to erect 30 residential units (8 x 4 bed houses, 17 x 3 bed houses, 2 x 2 bed flats and 3 x1 bed flats) together with access road, 51 car parking spaces, 60 cycle parking spaces, public open space and landscaping.

In accordance with the criteria for public speaking, the Committee noted that Francis Marshall, Fiona Livingstone, Mark Pitt, (Headington Heritage) and Nicholas Fell spoke against the application and Nik Lyzba spoke in favour of it.

The Committee wished to record that notwithstanding the fact that the amount of open space incorporated in the development is slightly below the requirements of policy SP3 of the Sites and Housing Policy, which requires the site to have 25% open space, the Committee accepted the officers' recommendation because of the number of affordable homes the application will provide and the large proportion of family dwellings provided.

The Committee resolved to SUPPORT the proposal in principle with conditions, but defer the application to allow an accompanying legal agreement to be drawn up and to delegate to officers issuing of the notice of planning permission on its completion.

#### Conditions

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Samples of all materials to be agreed – to include a range of materials
- 4 Public Art - Scheme details & timetable

- 5 No Personal Development Rights to extend dwellings
- 6 No additional windows
- 7 Landscape plan required
- 8 Landscape carry out by completion
- 9 Details of public open space
- 10 Landscape management plan – to include ongoing management of open space
- 11 Boundary details
- 12 Sustainability design/construction
- 13 SUDS drainage
- 14 Details of photo-voltaic systems
- 15 Variation of Road Traffic Order
- 16 Permeable paving for parking areas
- 17 Cycle parking details required
- 18 Vision splays
- 19 Pedestrian vision splays
- 20 Provision of bin stores
- 21 Construction details
- 22 Details of metal fencing
- 23 Details of grassed berms
- 24 Use Class C3 only
- 25 Archaeological investigation – trial trenching
- 27 Remove permitted development Rights for – enclosures within the open space.
- 28 Disabled parking bays outside designated dwellings.
- 29 No development until studies have been undertaken and approved by the PA in conjunction with Thames Water to demonstrate that the water pressure and sewerage infrastructure are adequate for the development on site.

**Legal Agreement:**

Additional clauses to require social housing to be affordable housing and to protect the long term access to the public space – clauses to be agreed with the Chair.

County

£188,557 towards Education  
 £7,498 towards Library facilities  
 £3,175 towards Waste Management  
 £74,925 towards Transport  
 £436 towards Museum facilities  
 £4,891 towards Social Care  
 Total: £279,482 plus 5% administrative fee

City

£8,185 towards Indoor Sport  
 £365 towards Allotments  
 Total: £8,550 plus 5% administrative fee

In addition, the sum of £100,000 has been agreed as an appropriate compensation for the permanent loss of the former sports ground and the applicant has agreed to pay this sum as part of the Section 106 Planning Obligation.

The Chair and Vice Chair to clarify with officers the following issues before planning approval is issued:

- The legal status of public space
- Will the £74,925 towards transport for Oxfordshire County Council be used on transport needs in the North East Oxford area?
- Will the £100,000 compensation money to Oxford City Council be used on refurbishing the Margaret Road Cricket Pavilion?

### **23. PLANNING APPEALS**

The Committee resolved to NOTE the report on planning appeals received and determined during May 2013

### **24. MINUTES**

The Committee resolved to APPROVE the minutes of the meeting held on 5 June 2013 as a true and accurate record.

The Committee resolved to APPROVE the minutes of the meeting held on 13 June 2013 as a true and accurate record.

### **25. FORTHCOMING APPLICATIONS**

The Committee resolved to NOTE the list of forthcoming applications.

### **26. DATES OF FUTURE MEETINGS**

The Committee NOTED the next meeting will be held on Wednesday 7 August 2013.

**The meeting started at 6.00 pm and ended at 7.20 pm**

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# **EAST AREA PLANNING COMMITTEE**

**Wednesday 7 August 2013**

**COUNCILLORS PRESENT:** Councillors Darke (Chair), Rundle (Vice-Chair), Altaf-Khan, Coulter, Hollick, Lloyd-Shogbesan, Paule, Canning and Clack.

**OFFICERS PRESENT:** Martin Armstrong (City Development), Michael Morgan (Law and Governance) and Sarah Claridge (Trainee Democratic and Electoral Services Officer)

## **27. CHAIR'S ANNOUNCEMENTS**

1. The Chair explained to the Committee that the audio equipment was not working and that the extension cable for the projector was missing which meant the planning officer could not present the applications at the committee table.

The Committee resolved to NOTE to the Human Resources and Facilities Manager that they felt the technical equipment supplied to the committee was unsatisfactory. Having no audio equipment and not being able to discuss the items with the planning officer at the committee table was not acceptable and was detrimental to the Committee's ability to determine the agenda items and for the public to adequately engage in committee proceeding.

2. A member of the public had requested the right to video the committee meeting for veracity. The Committee were concerned over the reason for the videoing and explained that it could be used only for personal use.

The Committee resolved NOT to allow the videoing to occur as several Councillors were not happy being videoed by a member of the public, and Council was still discussing whether videoing committee meetings was appropriate.

## **28. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

Apologies for absence were received from Councillor Clarkson (substitute Councillor Canning) and Councillor Curran (substitute Councillor Clack).

## **29. DECLARATIONS OF INTEREST**

There were no declarations of interest.

## **30. BLACKBIRD LEYS LEISURE CENTRE, PEGASUS ROAD: 13/01397/CT3**

The Head of City Development submitted a report (previously circulated now appended) which detailed a planning application which detailed a planning

application to erect a single storey extension to accommodate additional change room facilities to the north elevation.

In accordance with the criteria for public speaking, the Committee noted that Nigel Gibson spoke against the application and no one spoke in favour of it.

The Committee resolved to APPROVE the planning application subject to the following conditions:

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Samples of materials
- 4 Sustainable Urban Drainage Scheme
- 5 Details of sustainability measures

### **31. 30 COWLEY ROAD, LITTLEMORE: 13/00811/FUL**

The Head of City Development submitted a report (previously circulated now appended) which detailed a planning application which detailed a planning application for a change of use of ground floor from shop (Class A1) into 1x1 bed flat (Class C3). Demolition of rear extension to accommodate garden.

In accordance with the criteria for public speaking, the Committee noted that no one spoke on the application.

The Committee resolved to DEFER the planning application to allow for further marketing to be done (a total of six months) to comply with policy RC8 of the Oxford Local Plan. The Committee was not prepared to determine the application by granting permission in contravention of policy RC8

The Committee further resolved to delegate refusal to officers on the basis of non-compliance with the provisions of the Development Plan (specifically policy RC8), in the event that the applicant was not prepared to comply with policy RC8 of the Oxford Local Plan by carrying out the further marketing or to withdraw the application.

### **32. 114 KESTREL CRESCENT: 13/01102/FUL**

The Head of City Development submitted a report (previously circulated now appended) which detailed a planning application to erect a two storey side extension to form 1 x 1 bed dwelling (Class C3). Provision of associated parking, bin store and amenity space.

In accordance with the criteria for public speaking, the Committee noted that no one spoke on the application.

The Committee resolved to APPROVE the planning application subject to the following conditions:

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Materials - matching



- 4 Amended parking layout
- 5 Submission of further matters of cycle and bin stores

### **33. GREHAN HOUSE, 190-196 GARSINGTON ROAD: 13/01740/T56**

The Head of City Development submitted a report (previously circulated now appended) which detailed an application for prior approval for change of use from offices (use class B1a) to 12 x 1-bed apartments and 15 x studio apartments (use class C3).

The Planning officer explained to the Committee that this class of permitted development rights under the General Permitted Development Order was the result of a recent legislative change. Permission for the change of use is granted by the development order subject to conditions preventing the development unless the Council has determined that its prior approval as to:

- transport and highway impacts of the development,
- contamination risks on the site, and
- flooding risks on the site

is required and, if required, is refused.

In accordance with the criteria for public speaking, the Committee noted that no one spoke on the application.

The Committee resolved that PRIOR APPROVAL be required and REFUSED for the following reason:

1 At present, there is insufficient information submitted with the applications to determine, as a result of the proposed use, whether the sites will be contaminated land as described under Part 2A of the Environmental Protection Act 1990.

### **34. PLANNING APPEALS**

The Committee resolved to NOTE the report on planning appeals received and determined during June 2013

### **35. MINUTES**

The Committee requested an addition to be made to minute 22 Former Cricket Ground, Barton Road 13/00631/FUL which meant that the minutes for 3 July 2013 were not approved:

The Committee resolved to delegate to the Chair and Vice Chair the amendment of the minutes of the meeting held on 3 July 2013.

### **36. FORTHCOMING APPLICATIONS**

The Committee NOTES the list of forthcoming application.

### **37. DATES OF FUTURE MEETINGS**

The Chair explained that extra meetings in September were needed so that the Council's affordable housing schemes could be determined in time to meet the Government's grant deadline.

It was unfortunate that this coincided with the Barton application also needing to be determined in September. It was suggested that if members couldn't make either the 12<sup>th</sup> or 24<sup>th</sup> that they try and get the same substitute for both meetings.

The Committee resolved to NOTE the following meeting dates:

Wednesday 4 September 2013 – Normal meeting  
Monday 9 September - provisional spill over date  
Monday 16 September – provisional spill over date  
Thursday 12 September - Q&A session for Barton application  
Tuesday 24 September – Special meeting for Barton application

**The meeting started at 6.00 pm and ended at 7.20 pm**