

# Agenda

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## East Area Planning Committee

Date: **Wednesday 8 February 2017**

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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 the Committee  
Services Officer:

**Jennifer Thompson, Committee and Member Services Officer**

Telephone: 01865 252275

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

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If you intend to record the meeting, it would be helpful if you speak to the Committee Services Officer before the start of the meeting.

# East Area Planning Committee

## Membership

<b>Chair</b>	Councillor Van Coulter	Barton and Sandhills;
<b>Vice-Chair</b>	Councillor David Henwood	Cowley;
	Councillor Nigel Chapman	Headington Hill and Northway;
	Councillor Mary Clarkson	Marston;
	Councillor Ben Lloyd-Shogbesan	Lye Valley;
	Councillor Michele Paule	Rose Hill and Iffley;
	Councillor Sian Taylor	Northfield Brook;
	Councillor Ruth Wilkinson	Headington;
	Councillor Dick Wolff	St. Mary's;

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

### Copies of this agenda

Reference copies are available to consult in the Town Hall Reception. Agendas are published 6 working days before the meeting and the draft minutes a few days after.

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- subscribed to electronically by registering online at [mycouncil.oxford.gov.uk](http://mycouncil.oxford.gov.uk)

# AGENDA

## Pages

- 1 **Apologies for absence and substitutions**
- 2 **Declarations of interest**
- 3 **16/02651/OUT: William Morris Close Sports Field, Oxford, OX4 2SF**

15 - 58

**Site address:** Sports Field, William Morris Close

**Proposal:** Outline application with all matters reserved, seeking permission for 72 new affordable key worker dwellings, retention of and extension to existing parking area, together with private amenity space, access road, landscaping and new publicly accessible recreation space.

**Officer recommendation:** to **refuse** planning permission for the reason set out below:

1 The proposal does not include a mix of dwelling types and makes no provision for affordable housing. A mixed and balanced development which contributes to meeting the most pressing housing needs of the city would not result from this proposal. It is therefore contrary to Policies CS23 and CS24 of the Core Strategy and Policy HP3 of the SHP, and does not comply with the guidance set out in the Balance of Dwellings Supplementary Planning Document.

2 The site is protected open space (including associated car parking). It is not allocated for housing development nor is it needed to meet National Planning Policy Framework housing land availability requirements. It has not been clearly shown that the site is surplus to requirements for sport or recreation. It is not essential that the need for housing 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 necessary to retain the site as open space for the well-being of the local community, and its development is contrary to Policies CS2 and CS21 of the adopted Core Strategy, and Policy SR2 of the Oxford Local Plan.

3 The application, because of inadequacies in the indicative layout, the lack of cycle parking and waste storage facilities, the unacceptable car park location and design, and because of unresolved highway issues, has not satisfactorily demonstrated that 72 dwellings can be accommodated on this site in accordance with Policies CP1, CP6 and CP8 of the Oxford Local Plan, Policy CS18 of the Core

Strategy and Policies HP9, HP13 and HP14 of the Sites and Housing Plan.

4 The application does not propose to incorporate renewable energy or low carbon technologies and thus does not adequately seek to minimise its carbon emissions contrary to Policy CS9 of the adopted Core Strategy and Policy HP11 of the adopted Sites and Housing Plan.

#### **4 16/02618/FUL: Former Stansfeld Outdoor Education Centre, Quarry Road OX3 8SB**

59 - 86

**Site Address:** Former Stansfeld Outdoor Education Centre, Quarry Road OX3 8SB

**Proposal:** Demolition of redundant former outdoor education centre buildings; construction of a new science education centre and innovation centre with parking, access and landscape enhancement.

**Officer recommendation:** to grant planning permission subject to the suggested conditions and delegate authority to the Head of Planning and Regulatory to issue the permission on the satisfactory completion of a Section 106 agreement to secure the contributions set out in the report.

##### **Conditions**

1. Development begun within time limit.
2. Develop in accordance with approved plans.
3. Implementation of NRIA and Energy Strategy.
4. Samples.
5. Travel Plan.
6. Centre Management Parking.
7. Drainage.
8. Parking layout plan.
9. CTMP.
10. Delivery, Service and Collection/Drop Off Management Plan.
11. Landscape plan required.
12. Landscape: carry out by completion.
13. Landscape, hard surface design - tree roots.
14. Landscape, underground services - tree roots.
15. Tree Protection Plan (TPP) 1.
16. Arboricultural Method Statement (AMS) 1.
17. Biodiversity Management Plan.
18. Land Quality.
19. Provision of public art.

##### **Legal Agreement**

The County Highway Authority requires a legal agreement in

connection with this proposal (i) to secure a review of parking bays on Old Road and any subsequent measures to be implemented (£20,000), and (ii) for Travel Plan monitoring (£1,240).

**5      17/00139/CONSLT: Rover Sports And Social Club,  
Roman Way, Oxford, OX4 2QT**

87 - 130

**Site Address:** Rover Sports and Social Club, Roman Way, Oxford, OX4 2QT

**Proposal:** Application to seek the views of Oxford City Council as to the arrangements for reprovision of existing sporting facilities currently on the Rover Sports and Social Club, Roman Way. **This is not a planning application.**

**Officer Recommendation:**

to delegate to the Head of Planning and Regulatory Services, subject to the expiry of the consultation period without any new material issue being raised:

- I. the responsibility to notify the Applicant that, were the Council considering an application to redevelop this land for car manufacturing as described in Policy SP49, the arrangements effected by the draft legal agreement annexed would enable the Council to conclude that that application be permitted notwithstanding that all existing facilities would be reprovided given that those arrangements would procure a net benefit over reprovision as required by SP49; and
- II. the entry into a legal agreement with BMW in a form not materially different to that annexed.

**6      16/02586/FUL: Land Adjacent To Homebase, Horspath  
Driftway, Oxford**

131 - 146

**Site Address:** Land Adjacent To Homebase Horspath Driftway

**Proposal:** Erection of a single storey coffee shop unit (Sui Generis) with associated drive-thru facility, car parking, landscaping and associated works. (Additional Transport Assessment information, Flood Risk Assessment and Archaeology Assessment).

**Officer recommendation:** to grant planning permission and subject to and including conditions listed.

1. Time begun within time limit.
2. Develop in accordance with approved plans.

3. Materials – in accordance with plans.
4. Restricted use.
5. Landscape Plan: further details.
6. Landscape management Plan.
7. Flood Risk Assessment – in accordance.
8. Drainage infrastructure – in accordance.
9. SUDS - further details.
10. Damage to the culvert or pit structures.
11. Construction Traffic Management Plan.
12. Delivery and Service Management Plan.
13. Opening hours -0700hrs – 2200hrs daily.
14. Noise –mechanical plant – nearest sensitive receptor.
15. Energy & efficiency – further details.
16. Bin storage – as approved.
17. Cycle parking – further details.
18. Car parking/ turning/ barrier/ layout - as approved.

## **7      16/02017/FUL: 14 Holyoake Road**

147 - 158

**Site Address:** 14 Holyoake Road Oxford OX3 8AE

**Proposal:** Demolition of existing side extension. Erection of 2 x 4-bed semi-detached dwellinghouses (Use Class C3). Provision of new access with car parking for 2No. vehicles, private amenity space and bin and cycle store.

**Officer recommendation:** to grant planning permission subject to the following conditions.

1. Development begun within time limit.
2. Develop in accordance with approved plans.
3. Materials.
4. Obscure glazed side windows.
5. Boundary treatments.
6. Removal of PD rights.
7. Variation of local traffic order.
8. Cycle storage.
9. Vision splays.
10. Drainage details.
11. Refuse and Recycling Storage.
12. Landscaping.

8	<p><b>16/03129/FUL: 105 Green Road</b></p> <p><b>Site Address:</b> 105 Green Road Oxford OX3 8LE</p> <p><b>Proposal:</b> Change of use from dwellinghouse (Use Class C3) to a House in Multiple Occupation (Use Class C4)</p> <p><b>Officer recommendation:</b> to grant planning permission for the reasons below and subject to conditions:</p> <ol style="list-style-type: none"> <li>1. Development begun within time limit.</li> <li>2. Develop in accordance with approved plans.</li> <li>3. Secured Bicycle Parking.</li> </ol>	159 - 166
9	<p><b>16/03008/CT3: Sports Hall Recreation Ground, Court Place Farm , Marsh Lane, OX3 0NQ</b></p> <p><b>Site Address:</b> Sports Hall Recreation Ground Court Place Farm, Marsh Lane Oxford OX3 0NQ</p> <p><b>Proposal:</b> Overlaying the existing car park with bitumen macadam surfacing with the incorporation of SUDs drainage. Re-organisation of car park to provide an additional 48No. car parking spaces, 8No. disability spaces and 6No. motorbike spaces, with provision of lighting.</p> <p><b>Officer recommendation:</b> to grant planning permission subject to conditions:</p> <ol style="list-style-type: none"> <li>1. Development begun within time limit.</li> <li>2. Develop in accordance with approved plans.</li> <li>3. Colour and finish.</li> <li>4. SuDs.</li> <li>5. SuDs 2.</li> <li>6. Landscape hard surface design – tree roots.</li> <li>7. Tree Protection Plan (TPP) 1.</li> </ol>	167 - 174
10	<p><b>16/03065/CT3: Brasenose Farm Allotments, Eastern By-Pass Road, Oxford</b></p> <p><b>Site Address:</b> Brasenose Farm Allotments Eastern By-Pass Road Oxford</p> <p><b>Proposal:</b> Erection of shed for allotment storage.</p> <p><b>Officer recommendation:</b> to grant planning permission subject to conditions:</p>	175 - 180

1. Development begun within time limit.
2. Develop in accordance with approved plans.
3. Samples.

## **11 Lawn Upton House, Littlemore**

181 - 198

**Site:** Lawn Upton House: specifically listed below:

Blay's Cottage, 25 Lawn Upton Close, Oxford. OX4 4QF  
Clewer House, 26 Lawn Upton Close, Oxford. OX4 4QF  
Lawn Upton House, 27 Lawn Upton Close, Littlemore, Oxford,  
Oxfordshire, OX4 4QF

### **Officer Recommendation:**

to resolve to issue one or more listed building enforcement notices under s38 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and to delegate the issuing of the notices to the Head of Planning and Regulatory Services, for the following reasons:

1. The unauthorised works being unauthorised works of alteration to Listed Building(s) affecting its character as a building of special architectural or historic interest are a contravention of sections 7 and 9 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The unauthorised works as set out in this report fail to preserve the special architectural and historic interest of the Listed Building;
2. It is expedient to do so having regard to the effect of the works on the character of the building as one of special architectural or historic interest;
3. The unauthorised works as set out in this report fail to preserve the special architectural and historic interest of the Listed Building;
4. The unauthorised works cause harm to the Littlemore Conservation Area and fail to preserve or enhance the character or appearance of that Conservation Area;
5. The unauthorised works are contrary to local and national policies as set out below; and
6. Some of the unauthorised works carried out have started to and would continue to cause serious decay to the building fabric and should be remedied to prevent further irreversible decay.



## 12 Minutes

199 - 206

Minutes from the meetings of 11 January 2017 (attached) and 1 February 2017 (published separately)

**Recommendation:** That the minutes of the meetings held on 11 January and 1 February 2017 are approved as a true and accurate record.

## 13 Forthcoming applications

Items for consideration by the committee at future meetings are listed for information. They are not for discussion at this meeting. This is not a definitive list and applications may be added or removed at any point.

16/02885/FUL: Royal Mail Sorting Office And Vehicle Maintenance Depot , 7000 Alec Issigonis Way, Oxford, OX4 2ZY	Major application
Site Of Former Shelley Arms 114 Cricket Road: 16/00679/FUL	Non-delegated application/ also called in
16/03006/FUL: Templars Square, Between Towns Road, Oxford	Major application
16/03157/FUL: 53 Collinwood Road, Oxford,OX3 8HH	Non-delegated application
16/02624/FUL: 17 Kestrel Crescent	Called in
16/02549/FUL: Land Adjacent 4 Wychwood Lane, OX3 8HG	Non-delegated application
16/02998/FUL: 7 And 9 Leys Place, Oxford, OX4 3DE	Non-delegated application
16/01752/FUL: Land At Swan Motor Centre And To The East Between Towns Road, Oxford	Major application
15/03342/FUL: 16 Clive Road	Called in
16/03034/FUL 44 Town Furze	Called in
16/03275/FUL: 33 Church Hill Road Oxford OX4 3SG	Called in
16/02997/OUT: Land Adjacent , 2 Rymers Lane, Oxford, OX4 3LA	Major application

16/01049/FUL: 474 Cowley Road, OX4 2DP	Major application
16/01225/FUL: Temple Cowley Pools, Temple Road, OX4 2EZ	Major application
16/01894/FUL and 16/01895/LBD: Grove House, 44 Iffley Turn, Oxford, OX4 4DU	Called in
16/03008/CT3: Sports Hall Recreation Ground, Court Place Farm , Marsh Lane, OX3 0NQ	Council application
16/03007/FUL: The Manor Hospital, Beech Road, Oxford, OX3 7RP	Non-delegated application
16/03108/RES: Jack Russell, 21 Salford Road, OX3 0RX	Major application

## **14 Dates of future meetings**

The Committee will meet at 6.00pm on the following dates:

8 Mar 2017  
5 Apr 2017  
10 May 2017

## **Councillors 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. Advice on bias, predetermination and declarations of interest is available from the Monitoring Officer.

The following minimum standards of practice will be followed.

### **At the meeting**

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 (in accordance with the rules contained in the Planning Code of Practice contained in the Council's Constitution).
2. At the meeting the Chair may 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;
  - (d) 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;
  - (e) 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 Officers and/or other speakers); and
  - (f) voting members will debate and determine the application.

### **Preparation of Planning Policy documents – Public Meetings**

4. At public meetings Councillors should be careful to be neutral and to listen to all points of view. They should take care to express themselves with respect to all present including officers. They should never say anything that could be taken to mean they have already made up their mind before an application is determined.

### **Public requests to speak**

5. Members of the public wishing to speak must notify the Democratic Services Officer before the meeting starts giving their name, the application/agenda item they wish to speak on and whether they are objecting to or supporting the application. Notifications can be made via e-mail or telephone, to the Democratic Services Officer (whose details are on the front of the Committee agenda) or given in person before the meeting starts.

### **Written statements from the public**

6. Members of the public and councillors can send the Democratic Services Officer written statements and other material to circulate to committee members, and the

planning officer prior to the meeting. Statements and other material are accepted and circulated by noon, two working days before the start of the meeting.

7. Material received from the public at the meeting will not be accepted or circulated, as Councillors are unable to view give proper consideration to the new information and officers may not be able to check for accuracy or provide considered advice on any material consideration arising. Any such material will not be displayed or shown at the meeting.

### **Exhibiting model and displays at the meeting**

8. Applicants or members of the public can exhibit models or displays at the meeting as long as they notify the Democratic Services Officer of their intention by noon, two working days before the start of the meeting so that members can be notified.

### **Recording meetings**

9. Members of the public and press can record the proceedings of any public meeting of the Council. If you do wish to record the meeting, please notify the Committee clerk prior to the meeting so that they can inform the Chair and direct you to the best place to record. You are not allowed to disturb the meeting and the chair will stop the meeting if they feel a recording is disruptive.
10. The Council asks those recording the meeting:
  - Not to edit the recording in a way that could lead to misinterpretation of the proceedings. This includes not editing an image or views expressed in a way that may ridicule, or show a lack of respect towards those being recorded.
  - To avoid recording members of the public present unless they are addressing the meeting.

### **Meeting Etiquette**

11. 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.
12. 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; or
  - (d) seek to re-design, or negotiate amendments to, an application. The Committee must determine applications as they stand and may impose appropriate conditions.

***Code updated to reflect changes in the Constitution agreed at Council on 25 July 2016.***

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## EAST AREA PLANNING COMMITTEE

8<sup>th</sup> February 2017

**Application Number:** 16/02651/OUT

**Decision Due by:** 15th February 2017

**Proposal:** Outline application with all matters reserved, seeking permission for 72 new affordable key worker dwellings, retention of and extension to existing parking area, together with private amenity space, access road, landscaping and new publicly accessible recreation space.

**Site Address:** Sports Field, William Morris Close **Appendix 1**

**Ward:** Cowley Marsh Ward

**Agent:** none

**Applicant:** Openwell LLP, Oxford

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### Recommendation:

The East Area Planning Committee is recommended to REFUSE planning permission for the reason set out below

### Reasons for Refusal

1 The proposal does not include a mix of dwelling types and makes no provision for affordable housing. A mixed and balanced development which contributes to meeting the most pressing housing needs of the city would not result from this proposal. It is therefore contrary to Policies CS23 and CS24 of the Core Strategy and Policy HP3 of the SHP, and does not comply with the guidance set out in the Balance of Dwellings Supplementary Planning Document.

2 The site is protected open space (including associated car parking). It is not allocated for housing development nor is it needed to meet National Planning Policy Framework housing land availability requirements. It has not been clearly shown that the site is surplus to requirements for sport or recreation. It is not essential that the need for housing 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 necessary to retain the site as open space for the well-being of the local community, and its development is contrary to Policies CS2 and CS21 of the adopted Core Strategy, and Policy SR2 of the Oxford Local Plan.

3 The application, because of inadequacies in the indicative layout, the lack of cycle parking and waste storage facilities, the unacceptable car park location and design, and because of unresolved highway issues, has not satisfactorily demonstrated that 72 dwellings can be accommodated on this site in accordance with Policies CP1, CP6 and CP8 of the Oxford Local Plan, Policy CS18 of the Core Strategy and Policies HP9, HP13 and HP14 of the Sites and Housing Plan.

4 The application does not propose to incorporate renewable energy or low carbon technologies and thus does not adequately seek to minimise its carbon emissions contrary to Policy CS9 of the adopted Core Strategy and Policy HP11 of the adopted Sites and Housing Plan.

### **Legal Agreement and CIL:**

Were the application to be recommended for approval then a legal agreement may have been required to secure the provision of relevant matters. The proposal would become liable for CIL on determination of the subsequent reserved matters application(s).

### **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
- National Planning Guidance
- Affordable Housing and Planning Obligations SPD
- Parking standards, Transport Assessment and Travel Plans SPD
- Natural Resource Impact analysis SPD
- Balance of Dwellings SPD

#### **Public Consultation**

##### Statutory Consultees

**Thames Water Utilities Limited** – wastewater: unable to determine the infrastructure needs of this development due to insufficient information. Require a revised Drainage Strategy with details of foul water discharge points, confirmation of foul water flow from the site i.e. gravity or pumped. Pre-commencement Grampian condition requested; surface water: no concerns as the proposal is to dispose via infiltration.

**Oxfordshire County Council, Highways** – no objection subject to conditions concerning pedestrian and cycle access via Beresford Place, footways within the development, submission of a Travel Plan, Construction Traffic Management Plan, and Car Park Management Plan, provision of cycle parking, vehicle access to the central area, details of turning areas for service vehicles, and drainage.

**Sport England** – object: the proposal for housing on an existing playing field does not meet SE's adopted playing fields policy or NPPF paragraph 74. The proposal results in the loss of an existing playing field that could be used by the existing community.

##### Public representations

109 public representations have been made, 53 in support and 56 objecting, from the following addresses:-

- addresses within Oxford:

Crescent Road, William Morris Close, Beresford Place, Temple Road, Junction Road, The Gallery, St Christopher's Place, Temple Mews, Raymund Road, Temple

Cloisters, Leaffield Road, Hollow Way, Oxford Road, Don Bosco Close, Hengrove Close, Turner Close, Dene Road, James Street, Meyseys Close, Territorial Way, Monks Close, Headley Way, Bulan Road, Lye Valley, Birchfield Close, Glebelands, Owens Way, Waynflete Road, Knolles Road, Wilkins Road, Glebelands, Slade Close, Gaisford Road, Collinwood Road, Headington Road, Rivermead Road, Howard Street, Westbury Crescent, Catherine Street, Preachers Lane, Stonehill Road, Marlborough Court, Kimberley House, Barrett Street, Great Clarendon Street, Magdalen College, Ormerod Street, Manor Drive, Latimer Road, Bowness Avenue, Henley Avenue, Barton Village Road, Minster Road, Observatory Street, Harpes Road, Orchard Road, Woodlands Close, Edgeway Road, Apple Tree Close, Cavendish Road, Pinnocks Way, Webbs Close;

- addresses outside Oxford:

Old Road, Shotover; Stonehill Road, Derby; High Street, Standlake; Abercorne Grove, Ruislip; Sholebroke, Towcester; Williams Close, Aylesbury; Alexander Close, Kidlington; Beech Road, Wheatley; Marjoram Close, Haydon Wick, Swindon; Whites Lane, Radley, Abingdon; Faringdon Road, Cumnor; Westfields Avenue, Barnes, London; Cumnor Hill; Willow Lane, Stony Stratford, Milton Keynes; The Paddock, Kennington; Broad Field Road, Yarnton Kidlington; Elsfield.

Comments were also received from the following groups whose comments are included in the summaries below:

- Old Temple Cowley Residents Association - objection
- Oxford Civic Society – application worthy of serious consideration
- Oxfordshire Community Foundation – support.

### **Summary of comments in support**

- It is very important that there are more affordable homes for key workers and professionals such as teachers social workers nurses and other health professionals in Oxford city. Many such people cannot afford to rent or buy in Oxford and choose not to take jobs in the city opting to live and work in other parts of the South East. If they do take jobs the high cost of housing mean they choose to live in surrounding towns and commute into Oxford to work with associated environmental costs and traffic transport and pollution issues.
- Key workers and first-time buyers are key demographics in the economy and need to be supported for the sake of their long-term positive contribution
- Current policy is fundamentally flawed as it creates a few small-scale units that automatically become inflated by the housing bubble in Oxford. In approving the scheme Oxford city council would be seen as solving difficult problems in progressive and creative way.
- Affordable housing is a fundamental human right; this project should be supported. It is an amazing privilege to be able to live in Oxford: it is great to see projects trying to open that privilege up to the widest possible audience.

- Key worker housing should be prioritized over the social housing element. That all the new homes would be exclusively for key workers sets a great precedent for other sites.
- Oxford needs to do more to cater for the large proportion of young bright hard-working people who are key to its ongoing success. Current housing policies place the emphasis on families but there are single people who would love to have their own place so I welcome the emphasis on one bedroom units.
- This scheme has benefits for local employers who are struggling to attract employees to Oxford due to the high cost of living.
- There would be benefits for the environment in the reduction of traffic brought about by key workers needing to live long distances away.
- We love Oxford and want to remain here but rent rates do not make this easy; the idea of owning a home in Oxford is not even something to consider for couples like us in their 20s. For those who don't inherit money or property there is no choice but to rent indefinitely which offers no long-term security.
- These pod houses are fantastic and we should be building far more of them. This scheme tries to deal with a real issue of social justice in the local community and I heartily support it.
- The design, use of space and creation of community in this scheme are excellent and reflect an opportunity to create valuable way of living.
- Even with a combined salary of £70,000 my wife and I would only be able to consider purchasing property in Oxford if it is far out of the city centre and only with parental assistance. The needs of future generations should be prioritized.
- I am a community midwife in Oxford and I have three children but I would probably never be able to buy a home here.
- If this development is really for key workers with green space between the blocks then it would improve both the area and meet our need for key workers to live close to schools and hospitals for the benefit of all
- At present the land is fenced off and no use to anyone. It has been in deadlock for several years and would continue to be so unless social innovators make bold proposals of this kind. The local authority is simply too beholden to archaic policies and needs to make courageous decisions. If you really want a world-class city for everyone then this project is a must.
- The bus route up and down Cowley Road is frequent and a short walk from this site

- Traffic is an issue at school pickup times but with a little thought this can be alleviated. The plans show a good level of residents parking and the emphasis on commuting by cycle or on foot should also mean that these flats don't add to the congestion
- Must ensure that they are sold/rented only to key workers whose place of work is within the city. Suggest land is covenanted to sustain affordability in perpetuity.
- Hopefully this would release a few young people from paying a lot for often very mediocre rental accommodation whilst at the same time trying to save a deposit for house
- More houses make lower prices for everyone the best solution for improving affordability in Oxford is building more houses

### **Summary of Objections**

- Support the need for more housing but not on this site.
- This is not a “redundant sports field and car park” and has not been shown to be surplus to requirements for sport and recreation.
- The site is protected open-space; it is preferable to retain the site formally as open space for the well-being of the community which it serves. Open spaces are essential as part of a balanced urban environment and are vital to maintain local ecosystems and biodiversity.
- The proposed replacement recreation facilities are inadequate and unacceptable and it is preferable to retain the potential of the entire site to provide for open-air sport and recreation. The site should be opened up and made into a valuable local amenity. The site should be compulsory purchased to provide additional recreation space for local residents.
- Housing should be delivered within the context of the adopted local plan; the delivery of housing should be sustainable and should not override all other planning considerations
- The proposed housing is not affordable; local key workers would not be able to afford these flats; only social housing and key worker part-rent part-buy are likely to make an impact on the real housing needs of Oxford's people.
- The mix of units does not meet the city council's local plan requirements.
- There are no balancing reasons or mitigating circumstances why housing should be allowed on the site
- This is over development of the site. Existing houses in the vicinity would be overlooked by the new development. Four-storey buildings would block out

the light for surrounding buildings and would be bulky overbearing unattractive and un-neighbourly.

- Overlooking the school would create a safeguarding issue for children at school; it is a clear violation of the children's privacy. The noise dirt dust and disruption of the construction would harm the children's education. The school should buy this site and make use of it for recreation or other expansion.
- There is the possibility of increased flooding in this area due to more building
- There would be a dramatic increase in traffic and on-street parking in what is already a very congested area. It is unrealistic and naïve to suppose that couples inhabiting a one bedroom flat would have one car let alone none. The traffic impacts of the new development, combined with the traffic impacts of Tyndale School, which are greater than expected, and including air pollution, are too great and local roads would not cope.
- This proposal would only be acceptable if it were "Car Free" and supported by developer funding for a controlled parking zone that would not permit the residents to park anywhere nearby.
- In relation to this site there has been a campaign of attrition designed to exhaust local community's opposition
- The large number of comments in support of the application would appear to relate to social housing in general, made without reference to the planning issues affecting this particular site and made by members of the public who do not live nearby and are unfamiliar with the planning issues of this particular site.

### **Relevant Site History**

**02/02046/FUL** - Demolition of Morris Motors Sports and Social Club buildings, two houses, garages and outbuildings. Retention of sports ground and bowling green. Erection of new sports and social club (became the Lord Nuffield Club). Erection of 63 dwellings accessed from Barracks Lane with 97 car parking spaces (now William Morris Close); 11 houses fronting Crescent Road; and 21 flats with 32 car parking spaces accessed from Crescent Road (now Beresford Place). PERMITTED 8th December 2004.

**12/02935/FUL** – conversion of The Lord Nuffield Club building to a Free School with outdoor play area on adjacent land. Planning permission GRANTED following a call-in inquiry (hearing), and now the Tyndale Community School which opened in October 2013.

**12/02967/FUL** - Construction of two all-weather playing pitches, plus a new residential development consisting of 43 dwellings - 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. 50% of the dwellings to be affordable. REFUSED 18th March 2013.

*The reasons for refusal concerned:*

- i. unacceptable development of a protected open air sports facility and local green space;*
- ii. all-weather mini-pitches not an acceptable alternative sports provision;*
- iii. 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;*
- iv. overdevelopment and unacceptable design and layout of the housing proposals;*
- v. loss of amenity to adjacent properties;*
- vi. poor relationship to boundary trees; and,*
- vii. failure to meet sustainability and resource efficiency requirements.*

*An appeal was lodged but then withdrawn*

**13/01096/FUL** - Construction of two all-weather pitches, plus new residential development consisting of 40 dwellings - 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). 50% of the dwellings to be affordable. REFUSED 18th September 2013.

*The reasons for refusal in that case concerned:*

- i. unacceptable development of a protected open air sports facility and local green space;*
- ii. all-weather mini-pitches not an acceptable alternative sports provision;*
- iii. 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.; and,*
- iv. failure to meet sustainability and resource efficiency requirements – this reason was not to be pursued at the appeal in the light of subsequent negotiations which concluded that the outstanding sustainability issues could be resolved through the imposition of a condition.*

**Appeal (public inquiry) dismissed 11<sup>th</sup> February 2014** (Decision attached as Appendix 2) *the Inspector concluded that the land has value to the local area and potential to provide for open air sports facilities; the all-weather pitches would not add value to the character of the area; and community access would be limited. The site is not allocated for housing and the proposal conflicts with the Council's strategic approach to development albeit there was significant weight in favour of the scheme arising from the high proportion of affordable housing.*

**13/02500/OUT** - Outline application (seeking access, appearance, layout and scale) for residential development consisting of 40 dwellings - 6 x 1-bed, 15 x 2-bed, 15 x 3-bed and 4 x 4-bed residential units, together with 70 car parking spaces, access road and informal recreation area. 63% of the dwellings to be affordable; contribution offered of £250,000 towards leisure provision elsewhere in Oxford. REFUSED 11<sup>th</sup> December 2013

*The reasons for refusal in that case concerned:*

- i. the site not allocated for development in an adopted plan and which is not needed to meet NPPF 5 or 10 year housing land availability requirements; and,*
- ii. unacceptable development of a protected open air sports facility and local green space.*

**14/01670/OUT** - Outline application for the erection of 7 new dwellings on car parking area only. REFUSED 14<sup>th</sup> August 2014

*The reasons for refusal in that case concerned:*

- i. unacceptable development of part of a protected open air sports facility and local green space, 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;*
- ii. design;*
- iii. overlooking.*

***Appeal (written representations) dismissed 5<sup>th</sup> May 2015*** (Decision attached as Appendix 3) *the Inspector concluded that there was still a need to protect the site for open space uses and this would not be outweighed by the contribution to housing provision. The development would compromise the quality of the character and appearance of the area.*

**15/02402/OUT** - Outline application (fixing access only) for 45 residential units consisting of 4 x 1-bed flats, 14 x 2-bed flats, 10 x 3-bed flats, 10 x 3-bed houses and 7 x 4-bed houses. Provision of private amenity space, 79 car parking spaces, access road, landscaping and public recreation space. **DECLINED TO DETERMINE** 11th November 2015 (because the Secretary of State had dismissed an appeal within the last 2 years in respect of a similar application).

**16/00797/OUT** - Outline application for 45 new dwellings (4 x 1-bed flats, 14 x 2-bed flats, 10 x 3-bed flats, 10 x 3-bed houses and 7x 4-bed houses) together with private amenity space, parking, access road, landscaping and new publicly accessible recreation space, (all matters other than access reserved). £450,000 contribution to leisure and recreation provision elsewhere in the City also offered. REFUSED 14<sup>th</sup> December 2016

*The reasons for refusal in that case concerned:*

- i. the site not allocated for development in an adopted plan and which is not needed to meet NPPF 5 or 10 year housing land availability requirements; unacceptable development of a protected open air sports facility and local green space;*
- ii. adverse relationship to trees and unresolved highway issues.*

## **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, west and east by residential development (Crescent Close; properties in and accessed off

Crescent Road including Beresford Place; properties fronting Hollow Way including Hopkins Court; and William Morris Close). It is bounded to the north by the open air facilities of the Tyndale Community School. The site access via William Morris Close off Barrack's Lane also gives access to Tyndale Community School.

2. The site extends to 1.24ha. It is an open air sports field and associated car park which is fenced to prevent public use and not in use privately. It has a public footpath passing through it joining William Morris Close with Crescent Road via Beresford Place.

## **THE PROPOSAL**

3. The application stresses that this is intended to be a collaborative scheme, one that has thus far been co-created with councillors and officers. A request for pre-application advice was not however submitted; and no such planning advice has been given.
4. The applicant is a social innovation company called Openwell LLP. Openwell takes the view that meeting the housing needs of key workers in Oxford (for example nurses, teachers, mid-wives) is fundamental to the future of the City. In that context, Openwell states that it is seeking to develop collaboration between local government, employers, institutions, communities, architects and land owners in order to find new solutions and create more affordable housing. Openwell has created a brand called Oxford Smart Housing as the vehicle for this planning application. The owners of the site (Cantay Estates Ltd) have given Openwell permission to seek planning permission on the site. Oxford Smart Housing is working in collaboration with Danish architects, E + N.
5. The application is in outline with all matters reserved, access is however shown to be from William Morris Close. The proposal is to construct 72 one-bed flats each of approximately 50m<sup>2</sup> and designed to be suitable for single people or couples.
6. The indicative drawing shows flats constructed in six flat-roofed blocks of varying heights on a footprint of some 20% of the 1.24ha site. The blocks are shown in an informal arrangement around a central open space with green margins around all the blocks. A curving access road serves all the blocks. A 4-storey, 16-unit block is shown in the south-western corner of the site adjacent to the car park and lying north of the Beresford Place flats (which are 3 stories with a dual pitched roof); three 3-storey 12-unit blocks are shown along the eastern side of the site; a 3-storey 12-unit block is shown in the north-western corner of the site in proximity to 2-storey houses in William Morris Close; and a 2-storey 8-unit block is shown on the northern boundary of the site adjacent to the school car park and play area.
7. Landscaped green space is shown around the blocks which would be managed by Oxford Smart Housing, of which over 0.25ha would be publicly accessible. Existing trees on the site boundary would be retained and augmented by



additional native tree planting. A water feature would be incorporated as part of the SuDS approach, for biodiversity and as a visual feature.

8. Sustainable design would be encapsulated in the use of green roofs, natural heat and light, energy efficiency measures, and off-site modular construction. Renewable energy sources are not proposed.
9. 72 car parking spaces would be provided (one for each unit) in a single parking area shown where there is an existing parking area on the site which would be extended. The application makes reference to the sustainable location of the site in sufficiently close proximity to bus and cycle routes and being close enough to major public sector employers (the hospitals) for residents to walk to work.
10. The indicative layout does not show cycle parking or bin storage/recycling facilities.
11. Tenure would be exclusively intermediate affordable housing for key workers to rent or own at 20% below market prices - under current market prices this would equate to purchase prices between £160k and £185k or rented at £700-£850 per month. There would also be opportunities for shared ownership. Through restrictive covenants and the oversight of the management company this arrangement would be in perpetuity and, Openwell asserts, would not set an unhelpful precedent for housing development on the site. There would be no general market housing or affordable units on the site. Local key workers could be given preference to enable high rates of walking or cycling to work and minimise traffic.
12. For ease of reference, the Council's adopted Sites and Housing Plan contains the following definitions:

**Key worker:** the broad definition of key worker is someone employed in a frontline role delivering an essential public service where there have been recruitment and retention problems. The definition of a key worker which applies in Oxford is any person who is in paid employment solely within one or more of the following occupations:

- NHS: all clinical staff except doctors and dentists
- Schools: qualified teachers in any Local Education Authority school or sixth form college, or any state-funded Academy or Free School; qualified nursery nurses in any Oxfordshire County Council nursery school
- Universities and colleges: lecturers at further education colleges; lecturers, academic research staff and laboratory technicians at Oxford Brookes University or any college or faculty within the University of Oxford
- Police & probation: police officers and community support officers; probation service officers (and other operational staff who work directly with offenders); prison officers including operational support
- Local authorities & Government agencies: social workers; occupational therapists; educational psychologists; speech and language therapists; rehabilitation officers; planning officers; environmental health officers;

Connexions personal advisors; clinical staff; uniformed fire and rescue staff below principal level

- Ministry of Defence: servicemen and servicewomen in the Navy, Army or Air Force; clinical staff (with the exception of doctors and dentists).

**Key worker housing:** Housing that includes a condition of tenancy or lease that all least one full-time occupier of each unit or sub-unit must, at the point of that person's first occupation, be a key worker as defined in this document. Key worker housing can also be social rented housing, or intermediate affordable housing, but only if it complies with the definitions for affordable housing. This may be in the form of self-contained units or shared accommodation.

**Affordable housing:** Dwellings at a rent or price that can be afforded by people who are in housing need and would otherwise be accommodated by the City Council.

**Social rented housing:** homes that are let at a level of rent generally set much lower than those charged on the open market, available to those recognised by the Council as being in housing need, and offering long term security of tenure (through Secure or Assured tenancies). The rent should currently be calculated using the formula set out in Appendices C and D of Housing Corporation Circular 27/01 – Rent Influencing Regime – Implementing the Rent Restructuring Framework. Should this circular be revoked at any time, the City Council would use a weekly rent figure equivalent to 30% of the lower quartile net income (after deductions) for full-time employees working in Oxford, pending any revised formula adopted or supported by the Council.

**Intermediate affordable housing:** housing at prices and rents above those of social rent, but below market prices or rents. These can include shared ownership, affordable rented housing and intermediate rent. The Council will consider the suitability of other forms of intermediate housing, such as low-cost market housing, in light of its genuine affordability to those in housing need. (Key worker housing is defined separately from intermediate affordable housing.)

**Shared ownership housing:** a form of intermediate affordable housing which is partly sold and partly rented to the occupiers, with a Registered Provider (normally a housing association) being the landlord. Shared ownership housing should normally offer a maximum initial share of 25% of the open market value of the dwelling. The annual rental charges on the unsold equity (share) should be no more than 2.75% of this share.

**Affordable rented housing:** rented housing that has similar characteristics as social rented housing (see below) except that it is outside the national rent regime, thus subject to other rent controls that require it to be offered to eligible households at a rent of up to 80% of local market rents, on a minimum 2-year fixed-term tenancy. Providers will be expected to consider the Local Housing Allowance for the area, and any cap on total household benefit

payments, when setting rents. Affordable rented housing not the same as social rented housing, and cannot therefore be substituted for social rented.

## **DETERMINING ISSUES**

13. Officers' consider the principal determining issues in this case are:

- principle of development: meeting housing needs - should key worker housing be given greater priority than affordable housing that meets the needs of those in greatest housing need in the city?;
- principle of development: loss of protected open space – should the provision of key worker housing outweigh the site's protection as an open space?;
- quantum of development – do the indicative drawings demonstrate that the site has the capacity to accommodate the proposals in a satisfactory way?;
- low carbon homes; and
- other site specific issues.

### **Principle - affordable housing and key worker policies**

14. The adopted Core Strategy sets out Key Challenges for spatial planning. The overriding challenge (para 1.3.6) is to meet essential needs and to determine which other needs can be met within Oxford's restricted land supply.

15. The Core Strategy states that the foremost issue is to tackle homelessness and the affordability gap by increasing the supply and choice of housing especially affordable housing; and secondly to ensure that key sectors of the economy (including the universities and hospitals) can continue to thrive (para 1.3.7). A further key challenge is to improve health and social inclusion by ensuring that development benefits all of Oxford's communities (para 1.3.9). Linked to all of this is the challenge of ensuring that development does not prejudice the outstanding quality of Oxford's built and natural environment (para 1.3.8).

16. The vision for housing development which is drawn from these challenges is to maintain a balanced housing supply which focusses on providing more affordable and family homes in mixed communities with a sense of place and local identity (page 22). The strategic objective is to plan for an appropriate mix of housing tenures, types and sizes to meet existing needs and future growth (page 24).

17. Policy CS23 of the Core Strategy requires housing development to provide a balanced mix of housing to meet projected needs (within each site and across the City as a whole). The appropriate mixes are determined following detailed analysis at neighbourhood level and are set out in the Balance of Dwellings SPD (BoDS). Policy CS24 states that residential developments should provide a minimum of 50% affordable housing.

18. The role of and need for Key Worker housing (which, in line with the definitions above, is distinguishable from affordable housing) is acknowledged in paragraph 7.2.7 with the conclusion drawn that it will be *“supported where its provision is in addition to the required level of affordable housing”*.
19. The policies of the adopted Sites and Housing Plan (SHP) are based on housing objectives including: (i) to increase the supply of affordable housing reflecting local demand for different types of tenure; (ii) to improve the balance of accommodation types across the city; and (iii) to deliver high quality design and enhance or preserve the existing character and amenity of residential areas. Policy HP3 of the SHP requires large sites to deliver 50% affordable housing of which 80% is to be social rented with the remaining 20% intermediate housing.
20. These policies, their implementation and outcomes are kept under review through annual housing and economic monitoring, housing market studies, and other relevant housing data including the Housing Register for Oxford.
21. The strategic vision, objectives, policies and implementation of the Core Strategy and Sites and Housing Plan are evidence-based, adopted and up to date. They accord with the NPPF at paragraph 50 which requires local authorities to plan for delivery of a wide choice of homes in inclusive mixed communities; with affordable housing normally provided on-site; and with flexibility to take account of changing market conditions over time.
22. In summary Oxford has a huge housing need and because of the shortage of land available for housing (when balanced against competing uses needed for employment, services and for the wellbeing of its residents) the City Council prioritises housing for those households in greatest need. 50% affordable housing is therefore required on all large sites: of which 80% must to be for social rented housing, and 20% for intermediate housing (as defined in the SHP). Key worker housing which does not meet the definition of affordable housing would only be accepted if it is in addition to the required level of affordable housing. Housing should be developed according to the mixes of dwelling types set out in the Balance of Dwellings SPD which, in respect of East Oxford states that a high proportion of family dwellings should be sought in new developments (para 81).
23. This proposal does not include a mix of dwelling types and makes no provision for affordable housing. A mixed and balanced community which contributes to meeting the most pressing housing needs of the city would not result from this proposal. It is therefore contrary to Policies CS23 and CS24 of the Core Strategy and Policy HP3 of the SHP, and does not comply with the BoD SPD.
24. The applicant and some of the representations in support of the application challenge the Council to be courageous and innovative and to allow this proposal contrary to policy on the basis that:
  - i. the site is in a very degraded state and with no prospect of the owner returning it to recreational use. A sustainable redevelopment is urgently required; and that,

- ii. key worker housing should be given greater priority than affordable housing. The Council's housing policies are said to be flawed and not to produce the intended outcomes. Without submission of any credible local research the applicant asserts that key workers on modest wages make Oxford's knowledge economy possible, they are 'key' in running the institutions that make Oxford successful, and fundamental to the future of the city.
25. In response officers can demonstrate that the Council's housing policies are up to date and relevant to current circumstances, and supported through regular research and monitoring. The site should be retained for its potential to serve local recreational needs as discussed below. There is no case, on the submitted evidence, for giving greater priority to key worker housing over and above meeting affordable housing and local recreational needs. There is therefore no case for approving this proposal contrary to adopted housing policies.

### **Principle – open space and housing land supply issues**

#### *The need for this site to be retained as open space*

26. The NPPF states that planning decisions should be plan-led (paragraph 11) and that there is a presumption in favour of sustainable development (paragraph 14). It sets out the need for local authorities to boost significantly the supply of housing (paragraph 47) but also that existing open space, sports and recreation land (whether publicly or privately owned) should not be built on unless the land is surplus to requirements or the loss could be replaced by equivalent provision or by other sport or recreation development (paragraph 74).
27. Sport England has considered the application in the light of the NPPF and their policy on planning applications affecting playing fields 'A Sporting Future for the Playing Fields of England' which applies to any land in use as playing field or last used as playing field, irrespective of whether that use ceased more than five years ago. Sport England opposes granting planning permission for any development which would lead to the loss of, or prejudice the use of, all or any part of a playing field or land last used as such, unless one or more of five exceptions stated in its policy apply: in this case Sport England has concluded that none of those exceptions apply.
28. The site is currently green open space with associated car parking. At the local level it is protected by Policy SR2 of the adopted Oxford Local Plan 2016 which states that planning permission will not be granted for development that would result in the loss of open-air sports facilities where there is a need for the facility to be retained or the open area provides an important green space for local residents. Complementary to this, Policy CS21 of the adopted Core Strategy 2026 identifies the Council's aspiration to achieve and maintain an average of 5.75ha of public accessible green space per 1,000 population. This is to be achieved by refusing the grant of planning permission that would result in the loss of sports and leisure facilities.
29. The subdivision of the site through the introduction of fencing that presently

precludes public access, does not change the status of the site for planning purposes (recreational open space) or its planning policy protection. Sport England advises that lack of use should not be seen as necessarily indicating an absence of need for playing fields in the locality. Such land can retain the potential to provide playing pitches to meet current or future needs. This position was upheld in the 2014 and 2015 appeal decisions, which confirmed that both the open space and car parking areas of the site are recreational open space, and that the policy protection afforded by Policies SR2 and CS21 should be applied to them.

30. The SR2 designation originally sought to protect a wider area and has already been reduced in size by new developments:

- iii. in 2004 when the redevelopment of the former Morris Motors Club was allowed as a balanced decision in order to enable the upgrading of recreational facilities offered even though there was a reduction in the open space available on the site; and,
- iv. in 2013 when approving the change of use of the former Lord Nuffield Club (the club building and part of the playing field) to a free school, the Secretary of State accepted that the area of playing field would be diminished in size (by 27%) but considered that the integrity and viability of the retained area (the current application site) as open space would not be compromised.

31. Subsequently Inspectors determining two recent planning appeals on the whole of the current site (2014) and the car parking part of the current site (2015) have supported the need to protect the site for open space uses.

32. The site retains the physical capability to be used as an open air active recreational resource even though it cannot accommodate full-sized adult pitches. In relation to previous housing applications on the site, Sport England has commented that within the City there are current and latent demands for pitch sports which this retained open space could help to satisfy. Evidence has also previously been provided that the site could help to meet the demand for football mini-pitches and for football-specific Artificial Grass Pitches.

33. The current application proposals would result in the loss of 80% of the site to development but the applicant has not put forward evidence that the site is clearly surplus to requirements for open space, sports or recreation. This evidence is a requirement of the NPPF and adopted local policies. The applicant argues instead that the lack of public access means that the site is not a public open space resource, and that the fencing precludes its utility as a visual amenity; that the 20% of the site area proposed to be retained as a landscaped open space (0.24ha) would be open to the public and can be used for formal and informal sport.

34. In the view of officers, the site is not surplus to requirements because there are identified outdoor sports and recreation needs in the locality that this site can help to serve; there is an identified substantial shortfall of public open space in this

area, with only approximately 2.95ha per 1000 population compared to the target 5.75ha per 1000; and there is a need to retain the site as a valued green space within this relatively densely developed part of the City. Local people have given evidence of the value they place on this site for recreation and as a green space. The recreational needs of the area have not diminished since the recent consideration of site for development by the Secretary of State, Inspectors and the Council.

35. As part of the emerging local plan process, evidence about the need and supply of public open space would be updated, however there are no indications that the position would have improved. More likely, bearing in mind development in the local area in recent years, the ratio is likely to worsen: the need for open space would be even stronger in this part of Oxford as there is a greater number of residents and a relatively smaller amount of open space.
36. The retention of only 0.24ha of the site as open space, which is only 20% of the area which Inspectors have recently concluded should be protected as open space, is not sufficient to serve the identified needs of the area.
37. Moreover, while accepting that that the proposed 0.24ha open space would be freely open to the public, its utility to serve the wider identified recreational needs of the locality is questionable. It would be central to the new blocks of flats. It would undoubtedly be an attractive visual amenity for the housing surrounding it, and of great importance for informal recreation for immediately local residents. Its use for sport and recreation for an incoming user group from the wider community however would be limited by the competing demands for the space including changing and the noise nuisance caused to residents that formal sports might cause in such an enclosed area. There would be no scope for floodlighting. Sport England has commented that the proposed recreation spaces are all very close either to proposed housing or to existing housing which, without sufficient space to play ball sports, could lead to conflict with residents and are not adequate replacement for what would be lost from the site. The proposal results in the loss of an existing playing field that could be used by the existing community.

#### *Housing Land Supply*

38. The NPPF requires local planning authorities, through local plan-making and decision-making, to boost the supply of housing significantly, to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities. The NPPF also stresses that the planning system is plan-led and that planning decisions should be taken in accordance with up to date plans unless material considerations indicate otherwise. The Council's local plan is up to date albeit currently the subject of review.
39. Through its adopted policies (Core Strategy CS2 and CS24, and policies of the Sites and Housing Plan) and through its planning decisions the Council demonstrates that it accords great weight to meeting housing needs but it is well understood that Oxford cannot achieve the whole housing requirement within its area. Through monitoring, the rate of delivery of housing is also understood.

These issues are being addressed through the Oxford Local Plan Review which is in progress and through on-going housing market work.

40. The Council affords great weight to the valuable contribution that this scheme could make to the total supply of housing in the city in the short term. However the Council is currently able to demonstrate an acceptable housing land supply in accordance with the requirements of the National Planning Policy Framework, and there are no overriding housing land supply or housing delivery reasons why this site should be developed as proposed when it is still needed to serve green open space needs and is protected as such.
41. This approach is supported by the 2014 and 2015 appeal decisions on the application site: the Inspectors concluded that the benefits of those schemes in terms of the delivery of affordable units did not outweigh the need to continue to protect site as an open space.
42. 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 overriding need for housing development to take place on it.

#### *Conclusion on protection of open space*

43. In all these circumstances, the recommendation is that this site should continue to be retained as a whole as open space to help serve the recreational needs of this part of Oxford and as a green space which can contribute to the character of the area and the quality of life.

#### **Quantum of Development and Residential Amenity**

44. 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, HP13 and HP14 of the Sites and Housing Plan in combination require that development proposals incorporate high standards of design and respect local character.
45. This is an outline application with all matters reserved. While wishing to see the best use of the site's capacity were it to be recommended for approval, the indicative drawing raises concerns about the capacity of the site to achieve this level of development if national and adopted local design policies are to be achieved. Indeed the submitted illustrative drawings differ in terms of layout and quantum (some drawings show 7 blocks with no access roads within the site). The subsequent analysis is based on a drawing showing 6 blocks with a curved access road within the site giving access to the individual blocks.
46. The development surrounding and abutting the site is a mixture of modern 2-storey and 3-storey dual pitched roofed residential properties in close proximity to



the western and southern boundaries; and, on the eastern boundary, mostly early 20<sup>th</sup> century 2-storey dual pitched housing fronting Hollow Way with long back gardens to the site. Tyndale School, adjacent to the northern boundary, is housed in an imposing 2-storey building of large mass and bulk. The site itself is featureless save for boundary trees along the eastern boundary and in the south-east corner. The site is level but with a slightly upward, southward sloping landform. In this context a 'campus' style development of 3 storey blocks is likely to create a development of visual interest and distinctive character if the blocks are appropriately located and their external appearance carefully detailed particularly in respect of materials and the positioning of windows and other openings to prevent overlooking into adjacent residential properties. 4-storey blocks are likely to be too prominent and jarring in the context of the surrounding properties.

47. While the principle of campus style development may prove to be acceptable, the indicative drawing does not show an acceptable layout – improving the layout may affect the quantum of development that is possible if an attractive, spacious, campus style of development with sufficient shared amenity space and retained recreational facilities for the wider area is to be generated:

- i. the rationale for the layout of the blocks shown in the indicative drawing is not explained in the application and alterations may be required to create acceptable relationships between the blocks themselves, between the blocks and the adjacent development, and to achieve greater natural lighting and sunlight to certain of the units. There appears to be a poor relationship between the 3-storey unit adjacent to existing 2-storey housing in William Morris Close: the flats are likely to be too close to the housing and may overlook and overbear it;
- ii. there is no provision at all for covered, secure cycle storage (144 cycles), nor for any waste and recycling storage. Housing these facilities is likely to require significant structures which may affect the quantum and appearance of the development that can be accommodated on the site;
- iii. the car park, although accommodating an acceptable number of spaces (policy HP16 of the SHP) is remote from the flats, separated from them by a public footpath which gives access to Crescent Road, with little natural surveillance and with no landscaping – this is not an acceptable design and may lead to indiscriminate parking along the access road. A greater proportion of the site may be required to create an acceptable car parking solution with landscaping – a more dispersed parking layout may be required relating the parking spaces to the dwellings which they are intended to serve;
- iv. the relationships of the blocks to the boundary trees needs careful site planning to safeguard the trees and prevent trees overshadowing and obscuring light penetration into rooms; and,
- v. the Highway Authority, while not objecting to the principle of the

development has raised concerns which may impact on the capacity of the site, namely:

- a. in order to retain permeability through the site, it needs to be demonstrated that the pedestrian and cycle access between the south-west of the proposed development and Crescent Road can be provided and upgraded via third party land within Beresford Place;
- b. vehicle tracking analysis is required which shows that Fire Engines and refuse collection vehicles can safely enter and exit the development in forward gear.

48. For these reasons it is considered that it has not been demonstrated that 72 dwellings can be accommodated satisfactorily on this site in accordance with adopted policies.

49. The units themselves, 1-bed units at 50m<sup>2</sup>, meet the Council's standards for internal amenity as set out in Policy HP12 of the SHP; and the amount of shared amenity space looks adequate in accordance with policy HP13 of the SHP although this amount and configuration may be eroded if other changes to the layout as described above are to be accommodated.

### **Low Carbon Homes**

50. Policy CS9 of the Core Strategy and Policy HP11 of the SHP seek to minimise the carbon emissions of new developments. Policy HP11 requires large scale residential developments to include at least 20% of their energy needs from on-site renewable or low carbon technologies unless it can be robustly demonstrated that such provision is either not feasible or makes the development unviable.

51. The application does not include renewable or low carbon technologies and does not meet the policy requirements.

### **Other site specific issues**

52. Local consultations have been carried out concerning air quality, land quality, archaeology, ecology and drainage. No objections have been raised to the principle of this development subject in most cases to conditions were the application otherwise to be recommended for approval.

### **Conclusion:**

The East Area Planning Committee is recommended to refuse the application on the grounds that (i) the proposals make no provision for affordable housing or a balanced mix of dwelling types; (ii) the site is not allocated for housing and should be retained as an open space for recreation and for its value as a green space; and (iii) it has not been demonstrated that the quantum of development proposed can be achieved satisfactorily in accordance with adopted policies concerning design and residential amenity.

## 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:** 02/02046/FUL; 12/02935/FUL; 12/02967/FUL; 13/01096/FUL; 13/02500/OUT; 14/01670/OUT; 15/02402/OUT; 16/00797/OUT; 16/02651/OUT.

**Contact Officer:** Fiona Bartholomew

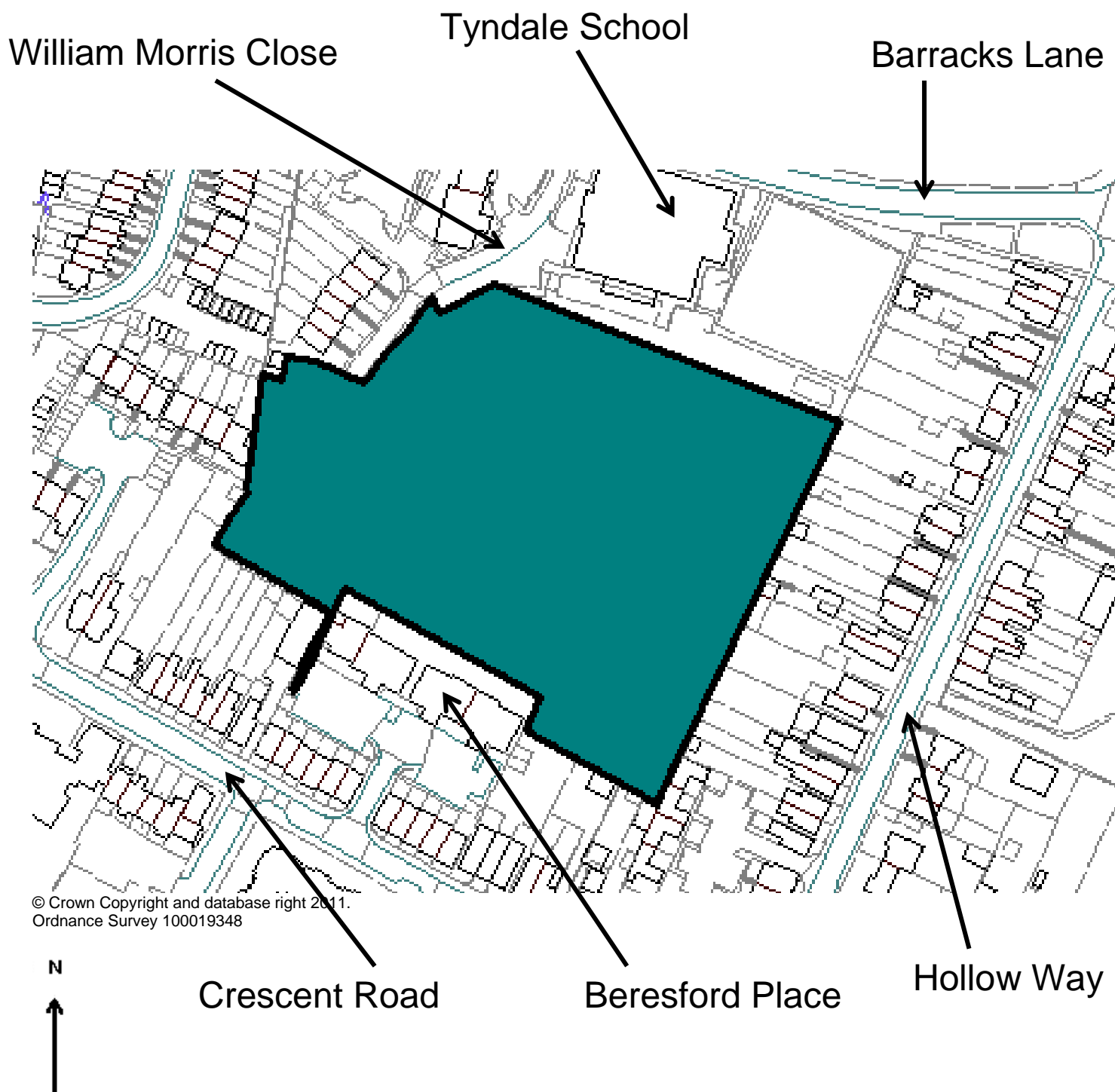
**Extension:** 2774

**Date:** 19th January 2017

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## Appendix 1

16/02651/OUT - William Morris Close



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## Appeal Decision

Inquiry held on 14 - 16 January 2014

Site visit made on 16 January 2014

**by Mike Robins MSc BSc(Hons) MRTPI**

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

**Decision date: 11 February 2014**

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**Appeal Ref: APP/G3110/A/13/2206058**

**Land to the rear of William Morris Close, Oxford, OX4 2JX**

- 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 Cantay Estates against the decision of Oxford City Council.
  - The application Ref 13/01096/FUL, dated 18 May 2013, was refused by notice dated 18 September 2013.
  - The development proposed is two all weather playing pitches. New residential development (6 x 1 bedroom, 15 x 2 bedroom, 15 x 3 bedroom and 4 x 4 bedroom), 71 car parking spaces, access road and landscaping.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The description of development set out above varies slightly from that originally put forward. This is as a result of the revision to the scheme agreed with the Council prior to their determination of the application.
3. A Unilateral Undertaking (UU), signed and dated 15 January 2014, was provided by the appellant. This sought to address the affordable housing and all weather pitch (AWP) elements of the scheme.
4. While the description of development refers explicitly to the provision of two AWP, the appellant offered an alternative at the Inquiry. Instead of the AWP, this would provide for a publically accessible grassed area with trim trail and exercise area and the ability to lay out grass pitches. The scheme also proposed a contribution towards replacement sports pitches or the improvement of existing sports facilities elsewhere in Oxford.
5. A planning application<sup>1</sup> was submitted to the Council which, in outline form, reflected the housing part of the proposal now at appeal, but substituted this alternative approach to the non-housing element. This was considered by the Council, who refused this application on the 4 December 2013, citing similar reasons, in part, to the appeal scheme.
6. The appellant has requested that were the AWP provision considered to be unacceptable, and I was minded to prefer the alternative proposal, then a split decision could be considered. This could, it was suggested, be achieved

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<sup>1</sup> 13/02500/OUT

through a condition and an alternative UU, which was also submitted at the Inquiry, signed and dated 15 January 2014.

7. It is not possible for this appeal to address the later application directly, as this has not been formally appealed; nor has the appellant modified their scheme, merely offered an alternative. Although parties should rely on their original submissions at appeal, this does not mean that the appropriateness of accepting a revision to the original scheme to reflect the alternative should not be assessed. Such assessments generally refer to the case of *Wheatcroft*<sup>2</sup>, which, in essence, sets out the principles of whether a change to a development is so substantial as to lead to prejudice to any party.
8. The appellant considered that, as part of the outline application, local residents and statutory consultees would have had the opportunity to comment on this alternative as part of the scheme. Sport England maintained an objection to the proposed alternative scheme, although the Council's Leisure Services Section would appear to have welcomed the proposal. The Council accepted, during the course of the Inquiry, that, setting aside their in principal objection to the proposal, the alternative open space provision would be preferable.
9. However, this does not mean that there would be no prejudice in my considering the alternative, and I note the concerns of the local residents. Indeed I can understand that for local residents, presented with a scheme that was refused and then appealed, while another earlier scheme had also been appealed but withdrawn, and then presented with a revised scheme for consideration by the Council, which is not the subject of the appeal, but was introduced at the start of the Inquiry, this could have been somewhat confusing. This was borne out in comments made at the Inquiry.
10. With the AWP's explicitly referred to in the description and therefore clearly stated in the notification letters related to the appeal and Inquiry, I consider there to have been a risk of confusion and potential prejudice for local residents. Furthermore, despite the Leisure Services Section's position, Sport England or another statutory consultee may have wished to comment further at appeal, on what would be a significant change to almost a third of the site area.
11. Furthermore, although a split decision is an option available to an Inspector, it can only be used where the two parts of the scheme are clearly severable, both physically and functionally. A condition cannot be used on its own to achieve a split decision. In this case, the introduction of housing onto part of the site and open, sporting or recreational space on the other part is linked by policy requirements. While the appellant suggests that the condition and UU gives reassurance that some form of publically accessible area will be provided, I am not persuaded that this can adequately separate the parts of the scheme. Overall, I consider that the scheme cannot be severed in this way and the introduction of this substantial change to the proposal cannot be considered at this appeal.
12. A Statement of Common Ground (SoCG) was submitted, signed and dated on the first day of the Inquiry. In this it was agreed that the development plan for the area comprises the Oxford City Local Plan (the Local Plan), adopted 2005, the Oxford City Core Strategy (the Core Strategy), adopted 2011 and the

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<sup>2</sup> *Wheatcroft (Bernard) Ltd v. Secretary of State for the Environment and Harbrough DC* [1982] P&CR 233



Oxford City Council Sites and Housing Plan (SHP), adopted 2013. The National Planning Policy Framework (the Framework) reaffirms, at paragraph 2, the statutory duty to determine planning applications and appeals in accordance with the development plan unless material considerations indicate otherwise. The Framework itself is a material consideration.

## **Main Issues**

13. Accordingly I consider the main issues in this case to be:

- The effect of the proposal on the provision of open space for formal and informal sport, recreation and amenity;
- The effect on the character and appearance of the area;
- The effect on the highway safety of users of the local road network.

## **Reasons**

14. The appeal site is an area of open land of approximately 1.24 Hectares, mostly laid to grass, but with an area of car parking to the west. The site was formerly part of a sports and social club, most recently the Lord Nuffield Club, but for many years preceding that, the Morris Motors Club. In recent years, the original clubhouse was replaced with a new facility, with housing provided on part of the site. Following the club going into receivership, the new clubhouse was taken over by the Tyndale Free School. Planning permission, granted on appeal by the Secretary of State, has established full use of the clubhouse and some surrounding land for this purpose<sup>3</sup>.
15. The remaining grassed area is now fenced to prevent access, although the car park areas remain open. Barracks Lane lies to the north, beyond the school, and provides the only access to the site. It is a cul-de-sac, leading to William Morris Close, Turner Close and a few properties on the road itself. At its western end it provides a footpath link to Oxford Spires Academy and the Cowley Marsh Playing Fields. It is signposted as a walking and cycling route at the junction with Hollow Way.
16. The proposal comprises housing to the southern part of the site with two AWP's proposed to the northern part adjacent to the school.

### *The Effect on Open Space Provision*

17. Policy CS2 of the Core Strategy sets out the strategic approach to development in this area, with a clear focus on previously developed land. It accepts that there is a need for some greenfield areas to be identified for development and allocated as such. The policy explicitly allows for the development of greenfield land only where it is specifically allocated or is required to maintain a five year rolling housing land supply (HLS).
18. Although the appellant pointed to a 'huge' unmet need for market and affordable homes, which the Council acknowledged, it was agreed by the appellant that the Council have a five year HLS. The Council argued that, taking account of the constraints in the area, this approach balanced the conflicting demands in Oxford; it was an approach found sound in the recent development plan examinations. Specific allocations on greenfield sites were

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<sup>3</sup> APP/G3110/A/13/2195679

set out in the recent SHP; the appeal site was not allocated. The appellant considered that there was a clear reason for this in that the site was in receivership. They also argued that the circumstances of the appeal site are very similar to those sites that were allocated, in terms of the Council's reasoning for such allocations. I deal with these matters in more detail later.

19. The whole of the original Morris Motors Club site is also identified in the Local Plan as Protected Open Space, with particular reference to Policy SR2, which deals with the protection of open air sports facilities. The accompanying text to this policy identified that Oxford's playing fields are an important recreational resource and that most are of special significance for their amenity value and their contribution to the green space of the urban environment. It notes that many are privately owned by Colleges or private schools and are not necessarily available for public use, but considers that the policy applies equally.
20. Green spaces for leisure and sport are also addressed through Policy CS21 of the Core Strategy. It was common ground that exceptions to the preclusion of development on such sites were generally consistent with Policy SR2, which I agree. The Framework similarly sets out<sup>4</sup> that existing open space, sports and recreational land, including playing fields should not be built on unless they are surplus to requirements, they can be appropriately replaced or the proposed development clearly outweighs the loss.
21. A former member and officer of the sports and social club gave evidence that the once thriving club provided not only a facility for workers at the nearby motor works, but for the local community. Associate membership would have allowed direct access to the facilities, and the open space itself was generally accessible for use by local residents. Following closure of the club, although there was a period when this open access remained, since the erection of the fence there has been no public access onto the grassed area.
22. It is necessary at this point to draw some distinction between the appeal before me and that recently considered for the Free School. In that scheme the Council acknowledge a direct need for primary school places in the area, and it involved only a relatively small part of the open air sport facility. Indeed the Secretary of State's decision explicitly concluded, on the evidence in that case, that the reduction in open space would not compromise the integrity or viability of the remaining area of open space. Any loss was accepted to be mitigated by the public access that could be provided to the school facilities that were to be developed.
23. Notwithstanding this, evidence was provided to this Inquiry, and accepted by the Council, that the open land remaining, following the confirmation of the school development, is insufficient to meet Sport England's comparative sizes for senior cricket and rugby pitches and only just sufficient for a football pitch. Nonetheless, the Council considered that the site has the potential to provide for football or hockey or indeed junior or mini pitches for various sports.
24. The Council have produced a Playing Pitch and Outdoor Sports Strategy which categorises in some detail the provision and need for facilities across Oxford. Main parties were generally in accord that the need was for junior or mini football pitches. However, the Strategy also outlines the high numbers of

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<sup>4</sup> Paragraph 74

- facilities that are privately owned and acknowledges the risk of undersupply should the informal or adhoc basis for community access be withdrawn.
25. In this context there was a general acceptance of an ongoing need for certain open air sport facilities, and the appellant argued that the AWP's would provide a qualitative and quantitative improvement over the existing site, offering community access where there is currently none, and a greater capacity on the all weather surface, as opposed to grass pitches.
26. While an all weather surface has the potential to allow for longer periods of use, such use would be contingent on access. In this proposal the AWP's would be passed to the school to be managed and a Community Access Agreement set up under condition. The Council may be able to influence this agreement, but I have no evidence indicating the school's acceptance of this role, nor what such an agreement would entail. Although the appellant argues that the Council did not require submission of this detail, it is for the appellant to supply appropriate information to support their application.
27. Furthermore, no floodlighting for the pitches is proposed within this appeal application. I consider that permission for such could not be guaranteed to be forthcoming, in light of the position of the pitches relatively close to surrounding residential development. In light of these matters, and assuming that community access may be limited to periods outside of the school's use, there are questions over whether the full capacity envisaged by the appellant could realistically be achieved. Furthermore, this is only part of the reason why such areas were protected under policy; I turn therefore to the effect on informal recreation.
28. The Council suggested that the appeal site is of socio-historic value to the community and has potential to provide for community use, analogous to a Local Green Space (LGS) as set out in the Framework<sup>5</sup>. I do not consider that the protection of open space under the Local Plan can be considered to be directly related to the Framework's intention for the designation of LGS; as it says such designation will not be appropriate for most green or open space. Nonetheless, the policy protection afforded by Local Plan Policy SR2 and Core Strategy CS21 extends beyond just the functional sporting provision to the wider amenity value, and many local residents will have enjoyed the benefits of this facility over the years, either as a member or informal user. Furthermore they will have appreciated the presence of a large and open area within what is a relatively densely developed area.
29. The appellant points out that the land has no public access now and therefore no public benefit at present; something, it was argued, that could be rectified, in part, by the proposal. Furthermore, they stated the Council was unwilling to assume responsibility for the site and no-one had come forward to take on any part of the site, to continue its use, following the club going into receivership. To my mind, these points would carry more weight if the specific use of the appeal site as an open air sports facility had been tested.
30. The appellant indicated that the whole site had been clearly marketed, including a large banner on the clubhouse. However, I consider that there is a difference between the offer of an open space with a very large clubhouse facility, and the open space on its own, not just in terms of the overall value of

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<sup>5</sup> Paragraphs 76 and 77

the site, but also in its implications for ongoing maintenance and costs. While a member of the local community did indicate at the Inquiry that he was prepared to purchase the site, I have no evidence on which to base the likelihood of such an offer being completed, and can therefore give this little weight. Nonetheless, the absence of marketing of the land on its own limits the weight I can give to the presumption that a community use for the land is either not needed or not wanted.

31. The plans submitted to the appeal, associated with the Oxford Green Space Study 2012, indicate that there are areas near the appeal site outside of the 400m walking distance to formal and informal sites. However, the development of the appeal site will not directly affect the measures set out in the Council's Green Space Strategy for unrestricted use, and as referred to in Policy CS21. Nevertheless, the AWP's would provide little benefit to this measure, as they also would not be unrestricted. It is necessary therefore to also consider the role the site plays in the overall character and appearance of the area.

#### *Character and Appearance*

32. The fact that an otherwise significant open space has been fenced and is becoming overgrown is not a good reason in itself for allowing it to be developed. In my opinion, there is value in open vistas and open character in a residential area. This site is undeveloped and the fact that it enjoys views from surrounding development and, to a small part, from Barracks Lane means that, even in its current slightly overgrown state, it makes a contribution to the character and appearance of the area. Local residents place a high value on this open space.
33. The level of access previously enjoyed by the community to the area is not now available, nor can it be considered to be something that will be reinstated. Nonetheless I consider that there is value to the site, and the proposed development would introduce some harm to the character and appearance of the area.

#### *Highway Safety*

34. Local residents set out their concerns regarding the potential increase in traffic that the development would generate, particularly when considered against that potentially arising from the new school, and the effect that it would have on the safety of the local road network. The Council have appraised the appellant's Transport Assessment, which takes account of projected traffic associated with the school and 43 houses, as proposed in an earlier scheme, and have accepted that it was robust; no issue was taken on this matter by the Council.
35. I have some sympathy with local residents, as prior to the building of the new clubhouse, traffic using the lane would have been solely for the residents of Turner Close and the lane itself. Since that time housing has been introduced at William Morris Close and the school has opened; to this it is now suggested that there would be 40 further houses and two sports pitches. Nonetheless, it is not a change in traffic levels that is determinative, but whether they result in material harm.
36. Although the school has only been open since September 2013, and therefore has only a small proportion of the overall numbers that will attend, local

residents suggest that it is already causing significant traffic problems. I took the opportunity during the course of the Inquiry to carry out unaccompanied visits to the site during the morning school drop off period, from approximately 8,30am to 9.00am. Furthermore, the timing of the accompanied site visit allowed observation of the afternoon pick up period.

37. While these can only reveal a snapshot of activity, I have no reason to believe that these days would have had any less children attending the school, or any altered pattern of transport. While there was activity, it was not, in my view, such as to significantly interfere with traffic flows here or with safety. However, I am aware that the existing parking is not part of the school's long term provision.
38. Looking forward, the traffic associated with the school will grow, but the impacts of this have been assessed as part of the recent Secretary of State's decision and are not before me. My decision must focus on whether the traffic from the 40 houses, either alone or in combination with the school, would lead to harm.
39. There are some existing issue with the road network here, including the level of parking in Turner Close. The houses here are terraces with only a few having off-road parking in front of the properties. Although there would appear to be a nearby garage block, there was evidently a considerable level of on-street parking which narrowed the road significantly. However, the proposal would not materially affect this, as it would be unlikely that future residents of the proposed scheme would choose to park their cars in Turner Close, particularly as parking in this application has been increased to 71 spaces, which the Council accept is in line with their parking standards.
40. At the top of Barracks Lane informal parking takes place near to the traffic light junction with Hollow Way. It is not clear as to why there is parking here, but the absence of driveways and off-road parking for some houses on Hollow Way may be a reason. Nonetheless, this does narrow the road here, although this is an existing situation, which, for the reasons I refer to on parking above, the proposal is unlikely to exacerbate.
41. During the Inquiry, I was provided with a copy of an Oxfordshire County Council consultation response, dated 29 October 2013, to the later outline application. This appeared to raise concerns regarding the parking, although this related to the scheme with 55 car parking spaces. Matters relating to the projected traffic from the school and its impact on queuing lengths were also referred to. This response does not appear to reflect the position set out in the committee report for that scheme, which states that there were no highways objections to the revised plans. On the evidence before me, I must accept that there was a change in that view, possibly resulting from the revision to the plans for parking, such that this position was neither taken forward by the Highway Authority in relation to that scheme, nor introduced by them or the Council as an issue in this appeal.
42. This does not mean that there will be no impact from these schemes. It is likely that there will be some delays and queues associated with the free school, much as there is at many schools during the drop off periods. The question for me is whether the additional traffic would lead to an unacceptable level of congestion, or direct highway safety risks associated with conflict with the school traffic or children walking to school.

43. The existing road network issues slow the traffic, where parking creates pinch points on Barracks Lane, and there would be further traffic to the school, and potentially this development. However, on the evidence before me, I have no reason to consider that flows would become saturated such that congestion would extend significantly beyond the peak hour periods.
44. In terms of potential conflict there may be some overlap of peak traffic movements during the morning period, although school traffic will often be slightly later. The school, when it has implemented its planning permission and Travel Plan, will have a dedicated drop off area, away from the access road, and while some queuing may occur, visibilities are good both along the access and at the exit onto Barracks lane; I do not see material harm arising from the additional traffic for the scheme in relation this. There are footways along the length of Barracks Lane, and ones proposed to link the footpath to Crescent Road and the access road from the appeal site past the school. Consequently, there should not be significant increased risk for those walking to the school.
45. I have no reason to disagree with the Council and the Appellant's professional advice that the proposal would benefit from a safe means of access to and egress from the site. Some queuing may occur, and there would be higher levels of traffic during the drop off and pick up periods, albeit the proposal's contributions to this would not be significant. Overall, the proposal before me would not conflict with the Framework, paragraph 32, which states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

#### *Other Considerations*

46. The appellant considered that Policy CS2 is a coarse grained policy that needs be read in light of other policies and, in particular, Policy CS21 and Local Plan Policy SR2, and that the scheme responded to the overall objectives of the plan and the Framework to boost housing supplies. The appellant indicated that the Council had significantly underplayed the important issue of housing need in Oxford, and in particular affordable housing, for which the scheme exceeded the policy requirements set out in Core Strategy Policy CS24. On balance, it was argued that the scheme was in accordance with the development plan, and that material considerations outweighed any conflict with individual policies.
47. To support this, evidence was given on the very significant levels of need identified for housing and, in particular, affordable housing. The Council acknowledged that there is a need for housing greater than the target set out initially in the Core Strategy, and supported now with the SHP. Over the plan period, this target was for 8,000 homes, 400 per year, and reflects a figure based on constraint, notably Green Belt, flood plain and open space protection in the city area. The Council have policy that seeks 50% of these homes to be affordable. Despite some variation in individual year performance, it was accepted by the appellant that the completions over the period 2006 and 2013, had averaged over 400 per year.
48. Much was made of the fact that no residential permissions were granted, which included affordable homes, in the years from 2010/11 to 2012/13; a position also accepted by the Council. It is also relevant that during these periods completions included a much lower proportion of affordable homes than the 50% sought by policy. In this context, the appellant suggested that a scheme

delivering 25 out of 40 units as affordable, should carry very substantial weight in its favour.

49. The data on permissions was updated by the Council at the Inquiry for the period 2013 to date. These figures indicate a considerable upturn in permissions including affordable housing. While the appellant questioned the inclusion of Luther Court, where a larger number of affordable homes were to be replaced, this showed that permissions were in place for over 600 affordable homes. Permissions cannot be taken as a guarantee of delivery; nevertheless, this does show a considerable uplift in potential delivery.
50. My own review of the submitted evidence suggests that there is a genuinely pressing need for affordable housing in Oxford, borne out not just by the number of houses that have been assessed as being needed, but also by the demand for properties when they do become available. However, it is acknowledged by the main parties that the amount required far exceeds that which can be practically delivered within the City itself, and indeed the Council identify that they are actively working with surrounding councils for solutions.
51. Three previous appeal decisions<sup>6</sup> were submitted by the appellant, showing that a need for affordable housing should carry substantial or significant weight. I do not disagree, and consider that significant weight does arise in this case in relation to the potential for delivery of a relatively higher proportion of affordable housing than sought by policy. However, the issue is whether this weight should be considered to be overriding of the identified policy conflict, and in this the submitted decisions do not assist, as in each case the decision maker was also considering development in locations where there was no identified five year HLS.
52. I have no reason to doubt that the Council, when considering this application, were aware of the very considerable need facing Oxford in terms of affordable housing. It was an issue that was understood during the preparation and adoption of the Core Strategy and the SHP. In these, the Council had to take a balanced view in assessing the demand for housing against the considerable constraints within their area. This balancing act was played out in the preparation and examinations of these plans, which lead to the housing targets currently within the development plan, which is accepted to be up-to-date.
53. The Framework seeks to significantly boost the supply of housing, but requires that Council's meet their objectively assessed needs as far as is consistent with the policies set out in the Framework itself. I have found consistency between the relevant development plan policies and the Framework in terms of open space protection and a priority on the strategic development of previously developed sites.
54. The housing target of 400 units should not be considered as a maximum and the Council should strive to overachieve against that level, particularly in light of the acknowledged need. However, housing delivery in such circumstances cannot override all other considerations, and should be considered within the context of a plan led system. Nonetheless, I have accorded significant weight in favour of the scheme, as regards the provision of affordable homes.

### *Other Matters*

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<sup>6</sup> APP/M2325/A/13/2196027, APP/C3105/A/13/2189896 and APP/A0665/A/11/2167430

55. The Council and interested parties emphasised their concern that were this site, currently an area of protected open space, allowed to be developed for housing, it would set a precedent for other privately owned areas of open space or sport facilities, to similarly argue that the need for housing should lead to their development for such purposes.
56. No similar sites to which this might apply have been put forward, and each application and appeal must be determined on its individual merits. Consequently, I do not consider that such a generalised fear of precedent can be central to my decision.
57. In relation to the UUs submitted, I have addressed that relating to the proposed alternative in this case. That submitted to support the affordable housing element and delivery of the AWP was accepted by the Council. In light of my decision on the main issues in this case, it is not necessary for me to address compliance of this UU with the Framework.

### **Planning Balance and Conclusion**

58. This proposal needs to be considered against the development plan policies, and in particular Policy SR2 of the Local Plan and Policies CS2, CS21 and CS22 of the Core Strategy. The appellant, by direct reference to the *Rochdale* case<sup>7</sup>, indicates that it is necessary for the decision maker to have regard to the plan as a whole, and conflict with one or more relevant policies does not necessarily mean the proposal would not be in accordance with the development plan.
59. Turning to Policies SR2 and CS21, there remains a need for sporting facilities in the city and an acknowledgement that the loss of existing facilities should be resisted because of the reliance on private facilities to provide for community use. I consider that the loss of this site, which has value to the local area, as well as the potential to provide for open air sports facilities, would not be adequately mitigated by the provision of the AWP. They would be hard surfaced, hard edged features with little opportunity for sympathetic landscaping and would add little value to the character of the area. Community access would be limited to only a small part of that community, and, even then, restricted by the proposed relationship with the school and the lack of floodlighting. On balance, I consider that the proposal would conflict with Policies SR2 of the Local Plan and CS21 of the Core Strategy.
60. With regard to Policy CS2, the site is not allocated for housing. It was accepted that there is a five year HLS and the housing completions have not reached the trigger of 15% below the trajectory that would lead to a review of the planned sites, as set out in Policy CS22. The fact that the justification for the allocation of other areas of open space or open air sports facilities, is considered by the appellant to apply equally to this site does not, in my view, carry significant weight. The site was not proffered at the time, nor was it therefore reviewed by the Council, who have confirmed in their adopted SHP that sufficient sites are now available to meet the five year HLS. While a need for a review of allocations may prompt the site's inclusion, it is not currently allocated and therefore conflicts with Policy CS2.
61. Policy CS2, supported by the recently adopted SHP, sets out the clear strategic approach to development in Oxford, an approach that is consistent with the

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<sup>7</sup> *R(Milne) v Rochdale BC* [2001] Env LR 22



Framework, which seeks the reuse of previously developed land<sup>8</sup>. In this case, the site is specifically protected. I have identified conflict with the policies relevant to this protection. These are not minor policies, but ones that go to the heart of the Council's strategic approach to development; consequently, I conclude that the proposal is not in accordance with the development plan.

62. For reasons set out above, while there may be some improvement to the scheme associated with the proposed alternative, I considered that it was not appropriate to take it into account in my decision. While I noted significant weight in favour of the scheme arising as a result of the delivery of affordable housing, I find that this does not outweigh conflict with the recently adopted development plan.
63. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

*Mike Robins*

INSPECTOR

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<sup>8</sup> Framework Core Principles and Paragraph 111

## **APPEARANCES**

### **FOR THE LOCAL PLANNING AUTHORITY:**

Simon Pickles  
of Counsel

Instructed by the Head of Law and Governance,  
Oxford City Council

He called

Fiona Bartholomew  
BA(Hons) DMS MSc MRTPI

Planning Officer – Oxford City Council

Laura Gioddard  
BSc(Hons) PGDip MRTPI

Planning Officer – Oxford City Council

### **FOR THE APPELLANT:**

Richard Kimblin  
of Counsel

Instructed by The John Phillips Planning  
Consultancy

He called

George Venning  
MA(Cantab)

Affordable Housing Consultant  
Levvel Ltd

Richard Grady  
BA(Hons)

Sports Consultant

Nicholas Lyzba  
DipTP DipCP MRTPI

Planning consultant  
The John Phillips Planning Consultancy

### **INTERESTED PERSONS:**

Councillor Malik  
Mr Konopka  
Mrs Konopka  
Mr Davies  
Mr Smitham

Ward councillor  
Local resident  
Local resident  
Local resident  
Former treasurer and chairman of the Lord  
Nuffield Club  
Local resident and businessman  
Local resident

## **DOCUMENTS**

- 1 Updated figures for affordable housing permissions
- 2 Extract from Sites and Housing Plan examination report
- 3 Local Plan Policies Map
- 4 Extract from Oxford City Green Space Study (2005)
- 5 Appellant's opening statement
- 6 Council opening statement
- 7 Oxford City Council Playing Pitch and Outdoor Sports Strategy
- 8 Environment Agency comment on Wolvercote Mill application
- 9 Oxford Green Space Study 2012 update
- 10 Oxford Green Spaces Strategy 2013 - 2027
- 11 Aerial view of area (approx 1993) (Mrs Harley)
- 12 Mr Davies written submission
- 13 Mrs Harley written submissions
- 14 Unilateral Undertaking – original scheme
- 15 Unilateral Undertaking – alternative scheme
- 16 Suggested condition
- 17 Policy CS17
- 18 Council closing submission
- 19 Appellant's closing submission

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# Appeal Decision

Site visit made on 5 May 2015

**by Kenneth Stone Bsc(Hons) DipTP MRTPI**

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

**Decision date: 20 May 2015**

**Appeal Ref: APP/G3110/W/15/3004768**

**William Morris Close, Cowley Marsh, Oxford OX4 2JX**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Cantay Estates Ltd against the decision of Oxford City Council.
- The application Ref 14/01670/OUT, dated 17 June 2014, was refused by notice dated 14 August 2014.
- The development proposed is described as 'erection of 7 dwellings (2x2 bedroom flats, 1x3 bedroom flat, 2x3 bedroom houses and 2x4 bedroom houses) car parking, access and landscaping.

## Decision

1. The appeal is dismissed.

## Procedural matter

2. The application was submitted in outline but on the application form landscaping was the only matter indicated for which approval was being sought. In the planning statement submitted in support of the application paragraph 1.6 notes that the application seeks full planning permission. The Council have considered the matter on the basis that the application was for outline consent with all matters except for landscaping to be determined at this stage (paragraph 3 of the Officers' assessment in the Officers' report). The Council's description of development as notified to the applicant, on which consultation was undertaken, and as used on the decision notice reflect this interpretation of the nature of the application. Given the plans and details submitted with the application, which are not indicated to be illustrative, and that the matter has not been questioned by the appellant in their grounds of appeal, I have concluded that the application sought outline consent along with approval for access, appearance, layout and scale; and that only landscaping was a reserved matter for which approval was not being sought. I have considered the appeal on this basis.

## Main Issues

3. The main issues are the effect of the proposed development on:
  - the provision of open space for sport and recreation;
  - the character and appearance of the surrounding area; and

- the living conditions of the occupants of the properties in Crescent Close, with particular reference to privacy.

## **Reasons**

4. The appeal site is located at the end of William Morris Close, a cul-de-sac providing access to existing residential development, a free school, and an area of open space. It was formerly a car park in connection with the Lord Nuffield Club. This was a sports facility the club house of which was accommodated in the building that is now the free school, and which incorporated the open space area of the playing fields and the car park. The site is presently enclosed by temporary fencing, however this has not secured it, and there were vehicles parked on the site at the time of my site visit. The open grassed space area has been secured by fencing which restricts public access.
5. To the south and west the site abuts existing residential development.

### *Open space provision*

6. Policy SR2 of the Adopted Oxford Local Plan 2001-2016 (OLP) states that planning permission will not be granted for development that would result in the loss of open-air sports facilities where there is a need for the facility to be retained or the open area provides an important green space for local residents. The policy also provides for exceptions which include circumstances where there is a need for the proposed development.
7. Policy CS21 in the Oxford Core Strategy 2026 (OCS) identifies the Council's aspiration to achieve and maintain an overall average of 5.75 ha of public accessible green space per 1,000 population. This is to be achieved by restricting the grant of planning permission that result in the loss of sports and leisure facilities, with exceptions to the restriction of development that are similar to those identified for Policy SR2
8. The sports facilities protected by policy SR2 are as identified on the proposals map and the parties agree that the site is washed by the relevant colour on the map. However, the appellant has questioned the extent of the annotation in this location as it still covers the free school and recent residential developments. The contention is that the car park area is covered by the colour wrongly; and that the map should have been updated to reflect current development in the area which would remove this car parking site from the open space designation.
9. It is clear that this designation was in place to protect a wider area which has been the subject of developments over time that have reduced its size and scale. Whilst there are developments that have been introduced which are no longer related to the original designation it does not follow that this is the case for the appeal site. The area the subject of this appeal was part of a wider sports facility made up of a club house, car park and playing fields, each contributing to that facility. Whilst the club house has been extracted from that facility, and is now a free school, the remainder of the site remains as the sports facility. The further subdivision of that site, through the introduction of fencing, to detach the remaining elements from each other and preclude public access does not change the use of the area or the policy protection. Whilst the appeal site was previously used as a car park, secured by condition on the permission for the sports facility, the loss of the club house does not change

the use of that area of land, which remains an ancillary use to the main use as a sports facility. On this basis I am satisfied that the policy protection afforded by policies SR2 of the OLP and CS21 of the OCS apply to the site.

10. The proposed development of the site for residential purposes would result in the loss of a section of the remaining open air sports facility and as such would conflict with policies SR2 of the OLP and CS21 of the OCS. The appellant has provided no evidence to demonstrate that the site is not required and there is no indication of any market testing. The Council have confirmed that the area is significantly under provided with accessible green space at 2.95 ha per 1000 population compared to the City average suggested appropriate in policy CS21. The appellant has contested this and directed, my attention to two other close by spaces, that I visited at the end of my site visit. Whilst these were large useable publicly accessible spaces, including playing pitches, there is no indication of the contribution they make to the level of provision required under the policy. Moreover, whilst that on Holloway Road would be the more readily accessible of the two to the future residents of the development this does not address the issue of the overall level of provision per head of population, which is significantly below the policy aspiration, or the contribution the existing open space makes to the quality of the existing area, a further policy objective.
11. The policy protection for open spaces does afford an exception for development that is needed. In this regard the appellant has contended that the significant pressure for housing and the low level of housing provision in the City would amount to such a demonstrable need. The Council have stated that they are meeting the Housing requirement set out in policy CS22 of the OCS and that it can demonstrate a five year housing land supply based on the constrained figure in the OCS. The appellant contests that the Council is providing a five year housing land supply, which they say the Council have provided no evidence for and is simple assertion, and suggests that the substantial shortfall between the objectively assessed need, as demonstrated in the latest Strategic Housing Land Availability Assessment, and the housing supply figures demonstrate significant unmet demand.
12. Oxford is a tightly constrained City with significant pressure for development and particularly housing. The OCS, adopted in 2011 was produced with an understanding of that development pressure, and has been found to be compliant with the National Planning Policy Framework by previous inspectors<sup>1</sup>. The Council acknowledge that there is a significant unmet need and there is continuing dialogue with adjoining Councils to explore ways to address this. I note in this regard the report provided by the appellant by Cundall entitled Unlocking Oxford's Development Potential produced on behalf of surrounding Authorities. I have not been provided with figures to either support the Council's position that a five year housing land supply is available, or evidence to the contrary from the appellant to demonstrate such is not available.
13. What is evident is that the Council are providing a constrained housing supply figure and that there is significant pressure remaining from unmet need. In these circumstances additional housing provision would be a significant positive benefit. However, the limited additional number of units proposed in this scheme would not make a significant contribution to address that need and the policy protection to provide a balanced approach to economic, environmental

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<sup>1</sup> APP/G3110/A/13/2206058

and social development is crucial to ensure an appropriate plan in the context of a plan led system. On this basis I am not convinced that the benefit that would result from this small number of housing units is such that it would outweigh the harm that would arise from the conflict with the protection of the open space.

14. It is a fact that the site would be previously developed land however whilst there is positive support for the reuse of such land this does not necessarily have to be for housing development. Further development to help support or underpin the open area recreational use of the remainder of the site would also comply with that objective. This does not therefore outweigh the concerns I have identified above.
15. For the reasons given above I conclude that the proposed development would materially harm the provision of open space for sport and recreation in the City. Consequently it would conflict with policy SR2 of the OLP and Policy CS21 of the OCS.

#### *Character and appearance*

16. William Morris Close has a variety of buildings of differing heights, bulk, mass and design. At the entrance to the close there are three storey blocks of flats and the free school which is of a similar height to those flats. There is a small terrace of two storey houses between the flats and the appeal site. East of the appeal site and towards the south three storey flats, addressed into Beresford Place, have a principal elevation facing onto the playing fields. To the south and west of the appeal site there are two storey terraced houses. In this regard the provision of a small development of two and three storey buildings is not of itself out of character with the scale of development in the locality.
17. The isolated location of the three storey block however sits forward of the building line of the short terrace formed by 49-59 William Morris Close and presents a significant proportion of its flank elevation to view from the road. The forward position associated with the alignment of the adjoining terrace and the relatively limited detailing on the flank elevation would make this an austere negative feature in the street scene. When viewed in the close relationship with the adjoining terrace the abrupt change in scale would be noticeable and this would be emphasised by the change in levels between the appeal site and the adjoining properties in William Morris Close. I do not accept this would be successfully addressed by the limited difference in the elevational heights of the buildings suggested by the appellant.
18. For the reasons given above I conclude that the proposed development would result in material harm to the character and appearance of the surrounding area. Consequently it would conflict with policy CS18 of the OCS and Policy HP9 of the Oxford City Council Sites and Housing Plan 2011-2026 (OSHP) and policies CP1, CP6 and CP8 of the OLP. Collectively these seek development demonstrating a high quality design that responds to local character including the form and layout of surrounding properties.

#### *Living conditions*

19. The proposed flats have their principal elevations orientated east west. The main frontage faces towards the open grassed playing fields and the flats on the upper floors are laid out with their main outlook in that direction. The rear



elevation, facing properties in Crescent Close, contains the windows to a store, bathroom and kitchen for each of the upper floor flats. This elevation would look across the rear gardens and rear elevations of the properties in Crescent Close at very close order. The building elevation would contain a number of windows which would increase the perception of overlooking for the occupants in those properties both in their gardens and within the houses. Although there would be a relatively acute angle between the façades of the properties the very close relationship would still potentially afford a significant degree of overlooking. The fact that this would be over that element of the garden closest to the houses, and therefore the area of greatest sensitivity would amplify this concern.

20. The appellant has sought to mitigate this impact by obscure glazing. Whilst this may be appropriate on the store and bathrooms, I am concerned about obscure glazing the kitchen windows in the context of the future living conditions for the occupants of the proposed flats. The lack of outlook from this part of the flats main habitable space would not be compensated for by the open plan design of the property given the depth of the flats. Moreover the narrow window on the side elevations would provide only very limited outlook. If the kitchen windows were not obscure glazed it would lead to unacceptable overlooking and loss of privacy for the occupants of the properties in Crescent Close. Even with the obscure glazing I am concerned that the detailing and fenestration on this elevation, given its very close relationship with those properties, would lead to a perception of overlooking that would be uncomfortable for the occupants of the adjoining properties.
21. For the reason given above I conclude that the proposed development would result in material harm to the living conditions of the occupants of the properties in Crescent Close, with particular reference to privacy. Consequently it would conflict with HP12 and HP14 of the OSHP which seek to ensure new development provides reasonable privacy for the occupants of existing properties and that there is a good quality of living accommodation for new developments.

### **Overall conclusions**

22. The proposed development would result in the loss of an area that would compromise land for the use of open space and recreation in a tightly constrained City with significant competing demands for development. This is not outweighed by the limited contribution the development would make to housing provision. The development would compromise the quality of the character and appearance of the area and harm the living conditions of the occupants of adjoining properties. The proposal does not therefore represent sustainable development as required by the National Planning Policy Framework, and conflicts with a number of the core principles set out in paragraph 17, including bullet points 3, 4, 9 and 12.
23. For the reasons given above I conclude that the appeal should be dismissed.

*Kenneth Stone*

INSPECTOR

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## EAST AREA PLANNING COMMITTEE

8th February 2017

**Application Number:** 16/02618/FUL

**Decision Due by:** 12th January 2017  
with extension of time to 15<sup>th</sup> February 2017

**Proposal:** Demolition of redundant former outdoor education centre buildings; construction of a new science education centre and innovation centre with parking, access and landscape enhancement.

**Site Address:** Former Stansfeld Outdoor Education Centre, Quarry Road OX3 8SB (Appendix 1)

**Ward:** Quarry And Risinghurst Ward

**Agent:** Kemp and Kemp LLP                      **Applicant:** The Oxford Trust

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### Recommendation:

The East Area Planning Committee is recommended to GRANT planning permission for the reasons set out below in the report, subject to the suggested conditions and delegate authority to the Head of Planning and Regulatory to issue the permission on the satisfactory completion of a Section 106 agreement to secure the contributions set out in the report.

### Reasons for Approval

- 1 This proposal represents a sustainable re-use of a partially previously developed site. The development would help to maintain and strengthen the local economy and broaden formal and community educational opportunities. It conforms to the NPPF and the relevant policies of the adopted Core Strategy 2026 and Oxford Local Plan 2001-2016.
- 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.
- 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 Implementation of NRIA and Energy Strategy
- 4 Samples
- 5 Travel Plan
- 6 Centre Management Parking
- 7 Drainage
- 8 Parking layout plan
- 9 CTMP
- 10 Delivery, Service and Collection/Drop Off Management Plan
- 11 Landscape plan required
- 12 Landscape: carry out by completion
- 13 Landscape, hard surface design - tree roots
- 14 Landscape, underground services - tree roots
- 15 Tree Protection Plan (TPP) 1
- 16 Arboricultural Method Statement (AMS) 1
- 17 Biodiversity Management Plan
- 18 Land Quality
- 19 Provision of public art

## **Legal Agreement/CIL**

The County Highway Authority requires a legal agreement in connection with this proposal (i) to secure a review of parking bays on Old Road and any subsequent measures to be implemented (£20,000), and (ii) for Travel Plan monitoring (£1,240).

This proposal is liable for a CIL payment of £47,266.15p.

## **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  
**CP23** - Air Quality Management Areas  
**TR1** - Transport Assessment  
**TR2** - Travel Plans  
**TR3** - Car Parking Standards  
**TR4** - Pedestrian & Cycle Facilities  
**TR6** - Powered Two-Wheelers  
**TR12** - Private Non-Residential Parking  
**TR13** - Controlled Parking Zones  
**TR14** - Servicing Arrangements  
**NE12** - Groundwater Flow  
**NE13** - Water Quality  
**NE14** - Water and Sewerage Infrastructure  
**NE15** - Loss of Trees and Hedgerows  
**NE16** - Protected Trees  
**NE20** - Wildlife Corridors  
**NE21** - Species Protection  
**NE22** - Independent Assessment  
**NE23** - Habitat Creation in New Developments  
**SR2** - Protection of Open Air Sports Facilities

### Core Strategy

**CS1** - Hierarchy of centres  
**CS2** - Previously developed and greenfield land  
**CS9** - Energy and natural resources  
**CS10** - Waste and recycling  
**CS11** - Flooding  
**CS12** - Biodiversity  
**CS13** - Supporting access to new development  
**CS18** - Urban design, town character, historic environment  
**CS19** - Community safety  
**CS21** - Green spaces, leisure and sport  
**CS27** - Sustainable economy

## **Other Planning Documents**

National Planning Policy Framework  
National Planning Practice Guidance  
Parking standards SPD  
Natural Resource Impact Assessment (NRIA) SPD

## **Site History**

60/01145/M\_H - New dormitory block with staff and ancillary accommodation and use as camp school for girls. PERMISSION 9th November 1960.

66/00455/M\_H - Caretaker's house to replace existing.. PERMISSION 29th July 1966.

69/00444/M\_H - Store and garages. PERMISSION 20th August 1969.

83/00103/SON - Temporary classroom unit. TEMPORARY PERMISSION 13th April 1983.

98/00783/NF - Demolition of cottage. Erection of 2 storey detached building to provide accommodation and environmental education facilities for 12 students & 2 staff in association with Field Study Centre.. PERMISSION 29th July 1998.

00/00405/NF - Single storey conservatory extension to study centre recreation room.. PERMISSION 18th April 2000.

00/00919/NO - Outline application (seeking siting and means of access only) for 2/3 bedroom bungalow accessed via Quarry Road, for use in connection with Study Centre.. PERMISSION 13th September 2000.

01/01154/NF - Demolition of existing garage/store. Proposed replacement store.. PERMISSION 30th July 2001.

01/01829/FUL - Erection of two storey (with first floor in roof space) 3 bedroom detached house for Centre Manager. PERMISSION 27th November 2001.

03/00472/FUL - Extension of time of application 98/00783/NF re: Demolition of cottage. Erection of 2 storey detached building to provide accommodation and environmental education facilities for 12 students & 2 staff in association with Field Study Centre.. PERMISSION 17th April 2003.

03/01572/FUL - Erection of 2 storey 3 bedroom detached house for site manager.. PERMISSION 26th September 2003.

03/02451/TPO - Fell sycamore subject of Oxford City Council TPO (No. 1) Quarry Road.. PERMISSION 5th January 2004.

05/00217/FUL - Erection of double garage. PERMISSION 8th March 2005.

## **Statutory Consultees**

- Environment Agency Thames Region – no response
- Thames Water Utilities Limited – no objection subject to proper provision for drainage and sewer connections.
- Highways Authority – no objection subject to a legal agreement relating to a review of parking bays on Old Road and any subsequent measures to be implemented, and for Travel Plan monitoring; and, conditions regarding approval of an amended Travel Plan, details of the parking layout and drainage (SuDS), and a Construction Traffic Management Plan and Deliveries Servicing Collection and Drop-off Plan.

## **Public Consultation**

8 individual residents commented from addresses in Douglas Downes Close, St Ebba's Close, Stansfeld Close, Quarry Road and Speedwell Street. Comments were also received from community groups: The Friends of Quarry, The Friends of Stansfeld, Headington Planning Group and the Oxford Civic Society. These comments may be summarised as follows:

- Support for the aims of the Trust subject to conditions.
- While there are many positive aspects to the scheme it seems fundamentally inappropriate to place such a large scale commercial operation in a residential area where roads are already under significant pressure.
- Disagree that the development would not have a material impact on the local or wider road network. The only access to the site is via residential areas and there is no good route to it. Suggest that the site should be accessed from the by-pass
- The TA underestimates traffic generation because it is based on the number of parking spaces provided – those spaces could be used multiple times each day. While permits are to be issued drivers would not use other modes of transport but would simply park in residential streets – displacing a parking problem onto residential streets.
- Also, for comparison it uses estimates of traffic generation when the Study Centre was open but there has been traffic growth since then – need to compare traffic generation with current traffic flows. It does not reflect the experience of local people. Residents estimate that there would be a 10% increase in traffic on local roads which is not negligible.
- In addition, large numbers of coaches would be arriving – large vehicles are not suited to these local roads.
- Should be aiming to reduce travel by cars and vans not just to reduce number of single occupancy vehicles. The stated targets for this are not at all ambitious.
- Prefer to see less parking on-site but accept that it is a balance, and welcome the parking booking and management proposals.
- Additional car parking at this major employment site should only be supported if it can be demonstrated that Headington's road network has spare capacity at peak times. The TA does not produce such evidence.

- The TA contains no indication of levels of staff working at the site – could be as many as 400 including ancillary staff. Those who cannot park on-site would park in Quarry or Wood Farm (where there is no CPZ) or they would use the Park and Ride. Parking in residential streets would be reduced if an attractive and regular means for moving staff from the P and R is not introduced.
- Information on public transport is incorrect, and current arrangements for accessing the site from the P and R are not satisfactory. Need new bus route along Quarry Road
- No mention of cycling in the TA. Need information on how to increase cycling and walking to the site. Suggest a cycle path alongside the steps at the top of Old Road to encourage cycling to the site.
- The likely vehicle routes to the site are Beaumont Road and Old Quarry High Street because they are the most direct but they are unsuited to any further increase in traffic. It is impractical to dictate the routes which drivers would take. Given local conditions there would undoubtedly be effects on residential roads. The intention to censure car park pass holders who do not use approved routes necessitates local people reporting such activity and this cannot be relied upon.
- The TA should be reviewed to allow the full impact of the traffic generated to be taken into account.
- Suggest conditions to cover: amendments to the Travel Plan, payment to Highways Authority to investigate a CPZ in Quarry, measures to alleviate Old Road congestion and improve pedestrian safety across Quarry Road/Old Road junction, contributions to an improved bus service, placing an upper limit on the numbers of people working at the site.
- Need pedestrian crossing over Old Road (after turning from Old Road) because it is already dangerous to cross at that point – would help school parties access the site; also another pedestrian crossing along Quarry Road to help pupils and staff from Margaret Road primary School and would also calm traffic;
- Douglas Downes Close unsuitable for this traffic (narrow, single track with limited visibility) and hazardous for pedestrians because no segregated walking route. Particularly difficult in winter because dark and unlit. Also junction with Quarry Road is a sharp turn into a narrow opening with poor visibility – likelihood of accidents resulting from increased traffic unfamiliar with the layout of the junction.
- The development would exacerbate current problems of private non-residents parking in Douglas Downes Close. Need more information on how on-site parking would be enforced.
- The Landscape and Visual Impact Assessment is poor. Concern about the visual impact of the development given that there are no photomontages to assist analysis.
- The proposed buildings are much higher than the existing buildings – effective screening is necessary or the positions of the buildings reviewed. Need to explore reducing the mass or moving the buildings further back from the boundary. Concerned about the structural impact of the development on existing nearby residential properties.
- Noise from ground/air source heat pumps.
- Need rules during construction phase regarding noise, fumes, dust etc.



- Concern is expressed about overlooking, late evening noise from decking areas, and night time light from windows. Request conditions dealing with: hours of use of decking areas, automatic blinds on upper windows, decking position and screening, a process to take account of residents' views in the future.
- The environmental implications and opportunities need to be taken fully into account.
- Woodland Management Plan vague particularly with respect to increasing biodiversity: the associated work should be carried out prior to occupancy and occupancy denied if not.
- Access to the woodland should be free of charge even accepting that controlled access is needed. More details of how access would be managed and when it would be allowed is required. There needs to be an assessment of the impact of woodland access on bio-diversity.
- Question what the loss of meadowland would have on the aquatic life of the ponds.
- Need reassurance that the water run-off from the car park, traffic fumes and noise, the presence of nearby seating and development of the car park would not harm the Great Crested Newt population.
- Concerns have been expressed by a resident about water and electricity utilities crossing their property – these are issues that need to be taken up with the developer and or utilities provider, they are not material planning issues.
- Concern about the amount of weekend use and the loss of amenity that would cause.
- Needs more than 2 vehicle charging points when there is likely to be a move to electric cars.

## **Officers Assessment**

### **Site and Surroundings**

1. The former Outdoor Education Centre is located off Quarry Road on the east side of Oxford in the suburb of Headington. The site as a whole extends to 7.28 hectares. It occupies a slightly elevated position in relation to surrounding development and has an undulating landform resulting from quarrying and subsequent land fill.
2. The existing buildings on the site are a mixture of single- and 2-storey buildings formerly used for short-stay residential and educational use, together with areas of hard standing and recreational grassland. The existing use is within Use Class C2.
3. Beyond this 'campus' the majority of the site is extensive semi-natural deciduous woodland that has colonised the former quarry site, also with ponds and grassland glades. This area, including the woodland is designated as a Site of Local Importance for Nature Conservation (SLINC).
4. Access to the site is from a single track private road with passing places which is heavily wooded on either side. The lane winds up the hill from Quarry Road and past Douglas Downes Close, for some 120m to a gate

marking the existing buildings campus, and a further 52 metres to the buildings themselves.

5. Beyond and outside the site to the north, the open pasture is designated as a Wildlife Corridor. This general area is also recognised as a Conservation Target Area of County-wide importance.
6. There is loose knit residential development adjacent to the south and west of the site, and the close knit development of Headington Quarry to the north. The A40 eastern by-pass runs along the eastern side of the site.

## **The Proposals (design and operation)**

### *Design*

7. It is proposed by The Oxford Trust to demolish the existing outdoor education centre buildings at the unoccupied former Stansfeld Outdoor Education Centre and construct a new Innovation Centre, Science Education Centre, and Auditorium on the footprint of the demolished buildings. The proposed total gross internal floor area extends to some 3,000m<sup>2</sup> (excluding covered external spaces). The existing Caretaker's house is to be retained. The site is proposed to be named Stansfeld Park.
8. The Innovation Centre (2285m<sup>2</sup>) is proposed to be 2-storey with a split pitched roof. It comprises flexible office units of between 30m<sup>2</sup> and 90m<sup>2</sup> (respectively 4-12 workstations in each) a co-working area, meeting rooms and ancillary facilities. It is located in the south of the site on an east-west orientation and presents a two-storey elevation and deep pitched roof with solar PV panels towards the residential properties to the south (in Stansfeld Close). A belt of mature trees between 15 and 19 metres deep intervenes in the 40-47 metre gap between the proposed building and the back walls of the houses in Stansfeld Close.
9. The Science Education Centre (458m<sup>2</sup>) is proposed to be single storey with a flat 'biodiverse' (green) roof. It is oriented north-south extending north from the Science Education Centre via a 'knuckle' element which is the main entrance and reception area to the whole facility and includes a café. The Science Education Centre comprises an interactive exhibition space, flexible workshop/classrooms, and ancillary spaces. It is surrounded by a canopy covering a narrow space for external circulation. This canopy extends on the north elevation to a large covered outdoor seating area with direct footpath access to the woodland and associated access to interior changing and toilet facilities for cleaning up after outdoor activities. Linked to the classrooms there is also a part-covered outdoor amenity space facing the woodland and ponds.
10. The long single storey façade to the Science Education Centre is interrupted by the Auditorium (107m<sup>2</sup>) which is proposed to be a building of 1½ storeys with a flat roof and green 'living wall' front façade.

11. Together the Innovation Centre and Science Education Centre with main entrance in the knuckle between them, 'embrace' an area of paved and landscaped pedestrian public realm which provides the pedestrian welcome and entrance area to the whole facility, adjacent to the landscaped oval parking area (vehicles, cycles and motorcycles) and vehicle circulation space.
12. The external materials include timber cladding, glass external windows and doors in aluminium frames, metal standing seam pitched roof, and some metal exterior finishes and structural elements. The Innovation Centre is designed with vertical bands of timber cladding with vertical window and other openings. The Science Education Centre and entrance has a contrasting horizontal emphasis with a strong roof line, vertical timber cladding and metal canopy supports.
13. Loss of existing vegetation is minimised. There would be general planting in accordance with the submitted Woodland Strategy. Landscaping of public realm areas includes porous SuDS compliant surfaces with planting of native tree species; ground cover of wildflowers, perennials and ornamental species; and climbing plants. There are to be biodiversity enhancements including the utilisation of built-in bat and bird boxes/tubes in the new buildings.
14. Close to the buildings and in an oval formation with side spurs, a landscaped parking area is to be provided for 56 cars: 34 to be rented/reserved by Innovation Centre occupiers, 14 visitor spaces, 2 electric car bays, 2 mini-bus bays and 4 disabled bays; plus parking for 6 motorcycles and some 50 cycles. To prevent unplanned visits by vehicle, access is to be controlled via a barrier located at the top of the access road just before the main building campus; and there is to be CCTV control for monitoring/managing the usage and congestion (if any) along the access road.
15. The access road is to be improved and re-paved with non-porous tarmac. Parking bays and external circulation spaces would be of SuDS compliant materials/design. Existing and proposed footpaths throughout the site would be surfaced/re-surfaced in hoggin or similar material to maintain/create an informal appearance.
16. The acceptability of the design is discussed in more detail under a separate heading below.

### *Operation*

17. The Innovation Centre would follow a model pioneered by The Oxford Trust at various sites in Oxford and beyond, most recently at the Oxford Centre for Innovation (OCFI), on New Road. The basic operating principle is that small, early stage, technology companies can obtain office and workshop (not laboratory) space on terms (a license, as opposed to a lease) more flexible than traditional office space. This allows them to expand and/or move to larger premises in line with their organisational growth helping to keep young companies in the Oxford area and add to the wealth creation of the city and county.

18. Based on the available area if it were to be occupied as offices, some 200 to 250 people could work in the IC. It is not possible to say how many people (at peak) would be based in the innovation centre at one time and the nature of the occupants means this would not necessarily be static. There would be booked visits only to the facilities where vehicular access might be required; and charged business parking (to encourage alternative transport) for the IC with subsidised rates for low emission vehicles and penalties for users who persist in using unauthorised travel routes in peak hours.
19. The Science Education Centre (SEC) would principally serve primary school pupils on organised visits from schools during term time. The majority of visitors are likely to come from this source, supplemented by weekend and holiday activities carried out sympathetically to the use of the site as a working innovation centre throughout the year regardless of the school calendar.
20. By the fourth year of operation some 25,000 visitors to the SEC are anticipated, of which 15,000 would be from schools. The centre is designed for up to 100 school pupils (3 classes) per day max during term time.
21. Public weekend activities: the Trust's weekend programme revolves around the highly successful family-oriented "Saturday Science Club", which is currently run in The Discovery Zone at The Oxford Centre for Innovation most weekends and at Abingdon School roughly once a month. At Stansfeld Park, the Trust plans to host a wider programme of bookable weekend events, making use of the purpose-designed facilities both indoor and out, which would include access to the hands-on part of the centre with each booking. It is initially proposed to open the SEC for one day per weekend to evaluate demand.
22. Woodland access: the site would remain a private site at all times. Access to the woodland (and café) by the local community would be managed and free of charge (under proposals yet to be developed). Managed access (as opposed to open access) is essential for the protection of the woodland, for the protection of school children and for the privacy of neighbouring properties. The Trust's intention is to inform the local community of its plans for the woodland as they evolve, and how public access would operate as and when as they are agreed. When the site is in operation, the impact of visitors on the local environment would be closely monitored to ensure the ongoing preservation and enhancement of the bio-diversity of the woodland. Work on improving the woodland and ponds has already begun in partnership with the Oxford Conservation Volunteers.

### **Determining Issues**

23. Officers consider the determining issues to be:
- Principle
  - Highway impacts
  - Impact on Landscape and Trees
  - Ecology

- Design
- Sustainability
- Other matters – archaeology, air quality, land quality and public art

## **Principle**

24. A strategic objective of the adopted Core Strategy 2026 (paragraph 3.1.3) is to maximise the use of previously developed land, and make full and efficient use of all land in order to help protect environmental assets. Policy CS2 of the Core Strategy explicitly focusses new development on previously developed land; and Policy CP6 of the adopted Oxford Local Plan 2001-2016 states that maximum and appropriate use should be made of land. Policy CS1 of the Core Strategy 2026 directs new development towards accessible, sustainable sites in existing urban centres. The application site is on the urban edge and not within an existing urban centre; it is however in part a previously developed site and as such a sustainable new use for it is required.
25. Policy CS27 of the adopted Core Strategy states that the Council would support Oxford's key employment sectors whilst maintaining necessary infrastructure and services to ensure a sustainable economy. Policy CS16 of the adopted Core Strategy 2026 states that the Council would work with the County Council and other agencies to improve accessibility to all levels of education in locations accessible by walking, cycling and public transport. Provision for community as well as educational use would be sought.
26. The Core Strategy 2026 therefore supports the science research and enterprise innovation work of the Trust that is proposed for this site, and also the educational activities. The proposed scheme concentrates the new buildings on the previously developed part of the site, with landscaped car parking on some of the undeveloped area of the site (a level grassland area that was previously used for pitch sports). The woodland area is not proposed for development other than in connection with woodland activities.
27. The principal activities which are to take place on the site: in the Innovation Centre (Use Class B1) and in the Science Education Centre (Use Class D1) are regarded as acceptable in principle in residential areas.
28. In principle therefore the scheme may be regarded as an acceptable, sustainable re-use of the site subject to satisfactory environmental and other impacts.

## **Highways**

29. A Trip Rate Information Computer System (TRICS) analysis of the site's extant use is regarded as acceptable by the local highway authority as the basis for assessing the traffic impact of the proposed development. The Transport Assessment (TA) concludes that when compared with the extant use of the site and in a worst case scenario, assuming that all car parking spaces on site are fully occupied:

- the development would be expected to generate 28 additional two-way vehicular trips during the morning peak and 16 additional two-way trips during the evening peak. This would not be regarded as a severe residual cumulative impact on the local road network (the conditions regarded as unacceptable in the NPPF);
  - the Science Education Centre (SEC) would generate about 10 two-way trips per day, but because visitors to the SEC would arrive after 9:30 and depart before 15:30 (indeed that most SEC visitors would arrive by coach or mini-bus), these trips would not occur during the morning or evening peak network times; and,
  - the proposed café, which is intended to serve staff and visitors to the site as a whole, is not considered to be a destination attracting trips in its own right.
30. The highway authority is satisfied with this analysis but considers that the resulting increase in vehicle movements along the section of Old Road between Quarry Road and the junction with Windmill Road / The Slade during the peak hours as a result of this development (potentially up to 8% in the morning peak) could have a detrimental impact upon the operation of the highway network. The highway authority is therefore requesting a legal agreement with the developer to secure £20,000 in order to review the layout and location of the parking bays along that part of Old Road; and, after public consultation, to amend the Traffic Regulation Order and the physical layout / location of parking bays.
31. The highway authority is also satisfied with:
- the accessibility of the site via the local highway network by means of walking, cycling and public transport although the highway authority is requesting a condition that the Travel Plan be revised explaining:
    - how travel to and from the different elements of the development (the IC, SEC and the woodland) would be managed and improved and how sustainable travel promoted to each set of users;
    - how the on-site parking spaces would be managed to be efficient and equitable thus ensuring no overspill parking takes place (and appropriate steps are taken if this does happen);
    - management of any parking on Quarry Road (limited to drop-off and pick-up only) through a Delivery Service Collection and Drop-off Plan (DSCDP); and
    - how it would be ensured that all businesses, staff, and visitors are continually made aware of all travel options available to them in the most appropriate and timely way. More innovative measures should be explored including subsidising public transport tickets, which may be required to make bus use more attractive particularly given distances to some bus stops are beyond what many would consider to be a reasonable walking distance.

- proposals for vehicle, pedestrian and cyclist access to the site along the private access lane although it supports a separate pedestrian route if that can eventually be created. It notes that the route and junction configuration and visibility are satisfactory;
- the proposed car parking (56 spaces) - this is less than the maximum 65 spaces indicated in the adopted parking standards but the highway authority is nonetheless satisfied that the potential for overspill parking on nearby residential streets would be minimised as a result of the proposals for managing/renting/reserving the proposed parking spaces and parking passes, other elements of the Travel Plan, and the location of the site within a CPZ. In response to representations the highway authority has commented verbally that Headington Quarry is 500m away from the site and with few opportunities for additional parking given the existing levels of parking there: it is therefore unlikely to prove attractive as a place to park for working at or visiting Stansfeld Park and so contributions from this development towards a CPZ there cannot be justified. Consultation on a CPZ for Wood Farm is imminent;
- the amount of cycle parking (50 spaces) and facilities for cyclists (showers, changing/locker facilities) requesting that use of these be monitored and increased provision be made if required. Strong support is given to proposals for pedal and electric bike hire schemes; and,
- arrangements and facilities for construction traffic subject to approval of a Construction Traffic Management Plan (CTMP).

32. The highway authority therefore raises no objection to the proposals subject to:

- a legal agreement relating to parking bays on Old Road as referred to above, and for Travel Plan monitoring; and,
- conditions regarding approval of an amended Travel Plan, details of the parking layout and drainage (SuDS), and a CTMP and DSCDP.

33. In representations (as summarised above) local people have raised issues about the methodology and data/assumptions used in the Transport Assessment and have voiced serious concerns that the traffic impacts are greatly underestimated. They consider that the site is not appropriate for this use because it is accessed via unsuitable residential roads which are already suffering significant traffic flows and congestion which would be made worse as a result of this development; and because of the likelihood of overflow parking which in their view would occur on local roads and those in Headington Quarry.

34. The context for considering highway impacts is the NPPF which lays down a presumption in favour of sustainable development, and in terms of accessibility states that significant development should be focussed in

locations “which are or can be made sustainable”. Specifically in relation to sustainable transport the NPPF states that:

*“Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe”*

35. The case officer has given weight to residents’ concerns and has reviewed the scheme with the highway authority. The conclusions drawn are that the methodology and data/assumptions used in the TA are reasonable; and that there is no case for refusing the scheme on highway grounds: the residual cumulative impact would not be severe given the mixture of on-site controls of vehicle access and limitations on parking, the local CPZ, the significant on-site provision for cycles and cyclists, proposals for pedal and electric bike hire, and elements of the Travel Plan (as to be revised) which include working with bus providers to ensure that the level of public transport service in proximity to the site is maintained or improved. Further, that residents’ requests for conditions to be applied are either already covered in the conditions proposed or cannot be supported.

### **Impact on Trees and Landscape**

36. The majority of the site comprises semi-natural deciduous woodland that has colonised the former quarry site. This woodland has high landscape value; trees that are growing around the boundaries of the site feature in a number of public views from surrounding streets and developments. The woodland on this site is therefore a visual asset to the area. Some of the trees and landscape/ecological features are of particular significance:

- trees on the east and south sides of the entrance drive are protected under the Oxford City Council – Quarry Road (No.1) TPO, 1997;
- the woodland is within a designated Site of Local Importance for Nature Conservation (SLINC); and,
- the woodland is within the Shotover Conservation Target Area (CTA): UK Biodiversity Action Plan targets associated with this CTA include lowland mixed deciduous woodland (management).

37. Consideration of impacts on trees/woodland is also therefore a wider consideration of landscape impact and of the new landscaping that may be required to mitigate adverse effects. Policy NE11 of the Oxford Local Plan expects landscape design to relate to the character of the spaces, to incorporate existing significant landscape features, to ensure sub-surface works avoids damage to trees and hedges, to integrate boundary treatments into the development, and to enhance ecological value wherever possible. Policies NE15 and NE16 deal with the protection of trees. Policies CP1, CP6 and CP8 of the Oxford Local Plan, together with Policy CS18 of the Core Strategy require that development proposals incorporate high standards of design and respond appropriately to the site and its surroundings.



38. The development requires a number of trees to be removed from within the main part of the site and also along the access drive as identified in the Arboricultural Impact Assessment (AIA). Although the number of trees (approximately 53 identified in the AIA) to be removed appears to be high, it represents a very small proportion of the large number of trees on site and the majority are low quality and low value specimens. Many new trees would be planted as part of the soft landscaping of the site that would mitigate the losses.
39. None of trees that would be removed from the main part of the site for the building, circulation road and car park and other associated external works such as the decked area east of the building, is prominent in existing external public views of the site. The presence of many other trees in these views and the proposed new tree planting would ensure that the tree losses would not be significantly detrimental to public amenity in the area.
40. Removal of some trees might affect the existing outlook from some private properties. Most significantly, following construction of the new building it is proposed to remove the Leyland Cypress hedge that is behind the existing building. It is acknowledged that the hedge currently provides a screening function in views from the rear of private properties nearby in Stansfield Close, but it is incongruous in the woodland in biodiversity and landscape terms. The woodland would be enhanced by the removal of this hedge as is proposed. It is intended that most of the hedge would be retained as a screen during the construction phase of development, the remainder to removed following completion of construction.
41. Highways concerns require the existing access road to be widened and 3 vehicle passing places to be constructed and this requires trees to be removed. The proposed tree removals have been designed to minimise the impacts on existing trees, but removal of the large, mature Sycamore and Norway Maple trees (T1 and T16) in particular, from near to the junction of the access road with Quarry Road would alter the existing public views of this area from the street. The remaining trees within the woodland area behind would however ensure that mature tree canopy remains visible from the street in Quarry Road.
42. These impacts are regarded as being acceptable subject to the imposition of conditions regarding landscaping and tree protection. Of note:
- the landscape plan would be expected to include new tree planting as appropriate to re-stock the rather neglected woodland area along the entrance drive as part of the mitigation for removal of trees which has been necessary to provide vehicle passing places. This needs to be incorporated with the Woodland Management Plan;
  - hard surface details would need to include design and construction details of all hard surfaces within the Root Protection Area (RPA) of any retained tree including the retaining structure that is necessary to

support the new passing places where this encroaches within the woodland and also any upgrading of the existing access road;

- the underground utility services and drainage should be routed/located outside of the RPAs of retained trees;
- specific Arboricultural Method Statements would be required in respect of each encroachment of construction activity within the RPA of any retained tree;
- the Tree Protection Plan would need to include ground protection along the access drive unless there is evidence that the existing surface is strong enough to bear the weight of construction vehicles and prevent compaction of the soil below within the RPA of retained trees along the drive.

## **Ecology**

43. Policy CS12 of the adopted Core Strategy and Policies NE20-NE23 of the Oxford Local Plan require the protection and enhancement of biodiversity.

44. Ecological information supplied with this application has been reviewed and found to be acceptable. The potential impacts of the proposed development (including impacts from lighting the development) upon Great Crested Newts, bats and woodland birds and other ecological assets have been considered fully.

45. An analysis of the habitats that would be lost and of their significance has been undertaken, and how their loss would be mitigated or compensated for. Proposals have been submitted for biodiversity enhancements which are assessed as being acceptable. With the appropriate management of remaining habitats it is assessed that there would be a net gain for biodiversity.

46. The applicant has provided a draft Biodiversity Management Plan, which the applicant intends to consult on with local naturalists. The Woodland Management Plan would then be revised in line with the Biodiversity Management Plan. It is therefore suggested that by means of a condition, time be allowed (until end June 2017) for this revision and consultation, the provision of a final Biodiversity Management Plan, and revised Woodland Management Plan.

## **Design and neighbourliness**

47. 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 require that development proposals

incorporate high standards of design and respond appropriately to the site and its surroundings.

### *Design*

48. The proposal has been the subject of pre-application negotiation including submission to the Oxford Design Review Panel (ODRP) whose comments following a workshop which examined early stage designs are reproduced in Appendix 2. The applicant responded positively to the pre-application comments and the design is now in an acceptable form.

49. Taking into account the adjacent residential development, the site's undulating land forms and landscape with woodland setting, and the functional requirements of the buildings and external areas:

- the site layout draws on and responds well to the landscape/woodland setting. The orientation of buildings makes appropriate use of daylighting potential;
- the buildings are of acceptable heights, scale and massing: they would create a strong, inspiring presence on the site while being of a scale which is not un-neighbourly (see below) and not intimidating to visitors especially children;
- the extensive use of timber and the visual rhythm of the vertical timber banding and vertical window openings of the 2-storey Innovation Centre reflects the verticality of the surrounding woodland and new planting: it would assimilate the building with the landscape/woodland setting and would create a pleasing external appearance;
- the contrasting horizontality of the single storey Science Education Centre together with the living wall of the Auditorium and views of the woodland above and beyond the building (and to an extent through the glazed entrance/café) would create visual interest and draw the eye towards the facility entrance. The use of timber on these elevations is also reflective of the setting;
- the proposed hard and soft landscaping would augment the connection between the new buildings and their landscape setting and provide an interface between the formality of the buildings and the informality of the woodland setting;

50. It is concluded on design matters that this scheme would be visually stimulating; the buildings would be of interesting character and distinctive; and overall the scheme would make an appropriate response to the characteristics of the unique qualities of this very characterful site.

### *Neighbourliness*

51. The 2-storey Innovation Centre with pitched roof would be of greater height

(between 4.4m and 7.8m higher), bulk and scale than the existing single- and 2-storey flat-roofed buildings currently in that location. It would thus be more evident in the landscape when viewed from roads and residential areas outside the site. It would not however be unacceptably intrusive or dominating in relation to nearby residential properties or the landscape/streetscape of the area given the separation between the existing and proposed buildings and the height of trees in the tree belt (between 10m and 22m high, with the upper canopies mostly being considerably higher than the proposed buildings). The roof slopes away from the residential properties: the full height at the ridge would not dominate the view of the building; and the light and noise potentially emanating from the Innovation Centre towards the residential areas to the south would not be of an excessive order given the nature of the operations taking place in the Innovation Centre (Use Class B1) which are compatible with and appropriate in a residential area. The distance between the proposed building and the nearby residential properties is between 32m and 44m meaning that direct visibility into habitable rooms would not arise. All these effects would additionally be mitigated by the presence of the tree belt in winter and in summer.

52. Properties in Douglas Downes Close would not be affected by visual impacts from the buildings. Car parking is proposed closer to the boundary but this would be screened effectively by augmentation of existing boundary vegetation. There would be additional traffic on the un-adopted private access lane but this would not be of such a magnitude that it would unacceptably harm the residential amenity of the area.

## **Sustainability**

53. The site is in a sustainable location with good pedestrian and cycle accessibility to the wider area; and some public transport opportunities.
54. A Natural Resource Impact Analysis (NRIA) and an Energy Strategy have been submitted to show how the scheme would include measures to minimise carbon emissions in line with Policy CS9 of the adopted Core Strategy. The scheme meets the minimum standards of the NRIA SPD and exceeds the 20% renewable energy requirement (24%). Implementation of these measures would be secured by condition.

## **Other matters**

55. Local consultations have been carried out concerning drainage, air quality, land quality, and archaeology. No objections have been raised to this development subject in most cases to conditions.
56. A condition would be applied seeking the provision of public art in association with this development in accordance with Policy CP14 of the Oxford Local Plan.

**Conclusion** – this proposal represents a sustainable re-use of a partially previously developed site. The development would help to maintain and strengthen the local

economy and broaden formal and community educational opportunities. It is recommended for approval as being in conformity with the NPPF and the relevant policies of the adopted Core Strategy 2023 and Oxford Local Plan 2001-2016.

#### 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.

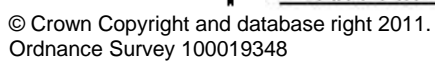
**Background Papers:** 16/02618/FUL

**Contact Officer:** Fiona Bartholomew

**Extension:** 2774

**Date:** 30<sup>th</sup> January 2017

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## CONFIDENTIAL

# Stansfield Park, Oxford Design Workshop

## Notes from 18 August 2016

Thank you for attending the Oxford Design Review Panel (ODRP) Design Workshop on 18 August 2016. We welcome the opportunity to offer our advice and look forward to engaging in future dialogue as the proposal develops. We offer the following suggestions in taking the design principles forward.

### Summary

A Science and Innovation Centre builds on Oxford's strong history and reputation in learning. The land uses work well on the site and would make good use of the site's rich landscape character.

However, further work on the building and landscape design is required before a planning application is submitted. A bolder design and stronger rationale for the layout of the internal and external spaces is needed. As a Science and Innovation Centre on an ecologically important site in Oxford, it will set a precedent for similar proposals. In terms of its architectural design, the building has a monotonous, industrial look that does not reflect its unique function and appears at odds with its woodland setting. More work is required on the detail and materials to celebrate the landscape and sustainability aspects of the development and deliver an affordable but inspiring building.

### Vision for a Science/Innovation Centre

Use the design, in particular sustainability principles and the landscape, to promote the concept and ethos of the building. This includes:

- Thinking long term not short term – investment in the construction of the building may reduce its operating costs in the long term.
- Developing strategies for surface water management and drainage within the site – include SUDs.
- Exploring options to reduce solar heat gain – for example, by including an overhanging roof to deflect sunlight.
- Considering the long term cost benefits of incorporating a green roof into the new building.

We think that it is essential that you take the longer term growth of the Science and Innovation Centre into account in the formulation of this proposal. If additional capacity may be required in the future, consider where and how this could be accommodated within the site.

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### **Context and site layout**

In the next iteration of the scheme, drawings to show how the building will relate to the wider neighbourhood are essential, especially at ground floor level. The topography of the site should be used in the development of the proposal, and it should be acknowledged and addressed on the plans and drawings.

The site's location is an asset as there are no buildings within close proximity and limited views into the site. Within this context, there is scope to be creative with the position, footprint, layout and scale and mass of the building. We are not convinced that building on the existing building's footprint is the optimum siting of the new building, and suggest further exploring alternative site layouts and positioning of buildings, including a central position.

Utilising a consistent height of two storeys would create more open space and would ensure that the available land for development is used efficiently. Options to add additional height to the building could be explored.

### **Landscaping and parking**

Creating safe and successful movement routes for vehicle users, cyclists and pedestrians within and into the site should be a key focus of the development. To achieve a place in which active travel is easy and comfortable, an assessment of how different members of the community with different mobility requirements will move around the site is required. In particular consideration should be given to:

- the purpose, function and use of the path in the car parking area in the middle of the site.
- the access and approach into the site – which should create a sense of arrival and a safe and welcoming route for pedestrians and vehicle users. Particular consideration should be given to the location of passing points.

The inclusion of cycle parking and the proposal to stagger car parking charges, with reduced rates for hybrid and electric cars is positive as it will encourage sustainable modes of travel.

The amount and need of on site parking space should be clearly assessed and justified. The proposed number of car parking spaces on site may be inadequate, given the number of employees, limited range of alternative modes of transport and infrequent bus services. We recommend carrying out a transport assessment to help inform the landscape design and layout for the site. In addition, alternative parking strategies should be explored in order to rationalise the site layout and enable the car parking to better integrate with the surrounding landscape. The parking could be re-located to the edge of the site where it would be

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screened from view by the existing trees on the site. Permeable surfacing for the car park will soften its impact and mitigate surface water flooding.

The development should capitalise on the biodiversity, landscape and setting which are valuable assets and would attract occupiers to the Science and Innovation Centre. Climbing plants on the building could be an educational resource for young children, and provide a habitat for wildlife for example. The existing woodland will be complemented by the planting of indigenous species. A landscape management plan should be developed in conjunction with the proposal to maximise biodiversity and increase the landscape value.

### **Building design**

The building has a poor relationship with its context and has a monotonous, industrial look that does not reflect its unique function nor integrate well with the woodland landscape.

In terms of architectural design quality, we recommend being more creative:

- Re-considering the building's cladding materials, including questioning whether the proposed timber cladding is having the desired effect. Taking into account the building's external appearance and cost and how this might impact the budget – for example there may be cheaper alternatives to copper.
- Considering alternative roof forms to add interest.
- Exploring options to introduce light and permeability within the building to create a pleasant internal environment with views of the surrounding woodland.
- Playing with rhythm and layout – possible different elevational treatments and detailing on different floors/levels.
- Being more flexible with the elevation – glazed strips could be replaced by windows, for example, whilst retaining internal flexibility.

### **Internal layout**

The proposal to construct a single building that would accommodate both land uses is acceptable. However, it is important to consider whether the different uses should be accommodated within a single block, particularly as the Science Centre will be frequently visited by young children. Consider the interaction between the innovation and science uses and how they might be logically accommodated within the new block, for example the building could have a central reception/entrance area with two wings and different entrances for different users. We would recommend exploring options to rationalise access in and out of the new block.

Create a more prominent, welcoming entrance to the building – consider the use of double-height entrance and the relocation of the main stair core to a more central location. The inclusion of the 'knuckle' (key point of connection between both wings) is a sound design

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concept as it creates a central meeting point within the building and a space for people to congregate, so consider whether it should be bigger. Include a visible/prominent entrance to the theatre from this room. Investigate ways to make the theatre a focal point within the building and assist with way-finding. Consider whether the size of the café is adequate for the proposed number of occupiers. Develop the relationship between the inside and outside: is the café in the right place fully to enjoy its surroundings and orientation?

The internal layout feels cramped and more internal circulation space at all levels would be beneficial. Include more communal areas for innovation, collaboration and social interaction. Wider corridors would be beneficial as they would facilitate interaction between users who are likely to meet in these areas.

A follow-up review of this scheme is recommended before a planning application is submitted.

### **Attendees**

#### **Design Workshop Panel**

Joanna van Heyningen – Chair  
Alan Berman  
Deborah Nagan  
Peter Studdert

#### **Scheme presenters**

Justin Metcalfe - ADP Architects  
Wayne Dobbins - ADP Architects  
Katherine Jones - Kemp & Kemp  
Steven Sensecall - Kemp & Kemp  
Helen Palmer - LandShape  
Chris Allington - Oxford Innovation  
Felipe Castro - Ridge  
Steve Burgess - The Oxford Trust  
William James - The Oxford Trust (Trustee)

#### **Local Authority**

Fiona Bartholomew - Oxford City Council

#### **Review process**

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Following a site visit, and discussions with the design team and local authority and a pre-application review, the scheme was reviewed on 18 August 2016 by Jo van Heyningen – Chair, Alan Berman, Deborah Nagan and Peter Studdert. These comments supersede any views we may have expressed previously.

### **Confidentiality**

Since the scheme is not yet the subject of a planning application, the advice contained in this letter is offered in confidence, on condition that we are kept informed of the progress of the project, including when it becomes the subject of a planning application. We reserve the right to make our views known should the views contained in this letter be made public in whole or in part (either accurately or inaccurately). If you do not require our views to be kept confidential, please write to [cabe@designcouncil.org.uk](mailto:cabe@designcouncil.org.uk).

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**East Area Planning Committee**

**8 February 2017**

**Application Number:** 17/00139/CONSLT

**Decision Due by:** N/A

**Proposal:** Application to seek the views of Oxford City Council as to the arrangements for reprovision of existing sporting facilities currently on the Rover Sports and Social Club, Roman Way. THIS IS NOT A PLANNING APPLICATION.

**Site Address:** Rover Sports and Social Club, Roman Way, Oxford, OX4 2QT

**Ward:** Lye Valley Ward

**Agent:** Winkworth Sherwood

**Applicant:** BMW (UK) Manufacturing Limited

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## **Recommendation:**

The East Area Planning Committee is recommended to delegate to the Head of Planning and Regulatory Services, subject to the expiry of the consultation period without any new material issue being raised,:

- i. the responsibility to notify the Applicant that, were the Council considering an application to redevelop this land for car manufacturing as described in Policy SP49, the arrangements effected by the draft legal agreement annexed would enable the Council to conclude that that application be permitted notwithstanding that all existing facilities would be reprovided given that those arrangements would procure a net benefit over reprovision as required by SP49; and
- ii. the entry into a legal agreement with BMW in a form not materially different to that annexed.

## **Main Local Plan Policies:**

### **Core Strategy**

**CS21** Green Spaces, Leisure and Sport

### **Sites and Housing Plan**

**SP49** Rover Sports and Social Club

**SP21** Horspath Site

**Other Material Considerations:**

National Planning Policy Framework  
Planning Practice Guidance

**Relevant Site History:**

16/00215/DEM - Application to determine whether prior approval is required for the method of demolition. PRIOR APPROVAL NOT REQUIRED. March 2016.

**Application Purpose and Background:**

The Applicant is anxious to seek comfort as to the prospects of a future application for the development of this land as allocated by Policy SP49 (car manufacturing). That policy requires the reprovision of the leisure facilities currently on the land.

The Applicant proposes to effect this by making provision for the Council to deliver the scheme considered at the meeting of this Committee on 1 February 2017 at Horspath Road for grass and floodlit artificial sports pitches; a pavilion building including changing facilities and cycle tracks. The mechanism proposed is a legal agreement in the form at Appendix 2 to this Report.

Proceeding in this manner will not dispense with the need for planning permission to be granted if and when the Applicant wishes to proceed with the development of the land for car manufacturing. What it would deliver is a formal decision of the Council as local planning authority in substance as to whether or not the policy requirement to reprovide the existing leisure facilities would be an outstanding impediment to the grant of planning permission. It would not discharge the policy requirement and any subsequent consideration of an application for planning permission would have to reconsider whether or not that policy requirement was an impediment to the grant of permission.

The decision would however be a material consideration in the determination of a subsequent application for planning permission and, in the absence of a relevant change of circumstances, it could reasonably be expected that the later reconsideration would reach the same conclusion as that currently before the Committee. The meeting of the Committee dealing with the later application for planning permission would not be obliged to come to the same decision.

In order to place the Committee in the best possible position to consider this matter it has been taken forward replicating so far as possible the normal processes applicable to a planning application, specifically as to public involvement and consultation.

The proposed arrangements for the reprovision of sporting facilities are being consulted on for 21 days as they would if they formed part of a normal planning application. Consultation has included site notices, a newspaper advertisement, inclusion on the weekly list and the Council's online electronic notification system. The statutory consultees that would normally be notified of a major development that includes sporting facilities and the development of this land for car manufacturing have also been consulted. This has provided members of the public and other consultees with an opportunity to comment on the proposals.



**Representations Received:**

No representations received at the time of writing this report.

As the consultation period ends on 16 February 2017, any representations received in the time between producing this report and the East Area Planning Committee meeting will be verbally shared with the Committee. The East Area Planning Committee is recommended to approve the proposed arrangements for the re-provision of existing sports facilities at Rover Sports and Social Club, Roman Way on the basis of there being no new material comments received by the end of the consultation period. Should there be such comments the matter will be brought back to this Committee.

**Statutory Consultees:**Sport England

Should an application to redevelop the Rover Sports and Social Club be submitted, Sport England will assess the proposals against their Playing Fields Policy. Sport England will wish to be satisfied that the proposed development should meet exception 4 of this policy which states;

*E4 – The playing field or playing fields which would be lost as a result of the proposed development would be replaced by a playing field or playing fields of an equivalent or better quality and of equivalent or greater quantity, in a suitable location and subject to equivalent or better management arrangements, prior to the commencement of development*

Sport England has given its support to the proposals at Horspath as the intended replacement site for the playing fields and ancillary facilities that will be lost at the BMW sports Ground. Therefore Sport England advise the Council to ensure that all of the monies secured through this draft Section 106 are used to bring forward the replacement site at Horspath (planning application 16/03078/FUL).

**Internal consultees:**Community Services

Comments were submitted on behalf of Oxford City Council Community Services (which includes the Sports and Leisure Department) confirming that they are satisfied that the re-provision scheme is deliverable and an acceptable leisure provision.

Tree Officer

Comments were submitted setting out the arboricultural issues that would need to be considered if the Rover Sports and Social Club site were to be redeveloped in the future.

Archaeology

Comments were submitted setting out the archaeological issues that would need to be considered if the Rover Sports and Social Club site were to be redeveloped in the future.

## **Officers Assessment:**

### Site Location and Description:

1. The site is located on the eastern edge of Oxford, adjoining Roman Way and Oxford Road in Horspath having an area of 9.92 hectares. Until recently it has been used as a sports and social club, with outdoor pitches for football, cricket and softball and some associated indoor facilities operated and managed by Oxford Sports and Social Club (OSSC) with a lease from BMW (the landowner). The main users were Oxford United Football Club, Oxford Cricket Club and Oxford Softball. Unfortunately OSSC were unable to continue operating the facilities and the lease expired in June 2016. Oxford City Council then secured a short term lease to operate the site in order to enable the use by various sports clubs to continue. The majority of buildings on the site were demolished in summer 2016 having reached the end of their lifetimes.
2. Large scale industrial development surrounds the site to the west and south. This includes the BMW car manufacturing plant. Directly to the east lies a disused allotment and agricultural land owned by Oxford City Council, the majority of which forms part of the Oxford Green Belt. Directly to the north lies other outdoor sporting facilities and the Horspath athletics track which are also within the Oxford Green Belt.

### Planning Policy Context

3. The Sites and Housing Plan (Feb 2013) continues the policy presumption in the Oxford Local Plan 2001-16 which recognises that BMW are expected to need to expand the adjacent car manufacturing plant onto the Rover Sports and Social Club site and, that being a large employer, this will help to support the managed economic growth of Oxford. Policy SP49 of the Sites and Housing Plan therefore allocates the site for car manufacturing purposes provided that all outdoor sports facilities and associated indoor facilities are reprovided elsewhere in the locality.
4. This is closely linked to Policy SP21 of the Sites and Housing Plan (Feb 2013) which allocates the area of disused allotments and agricultural land directly to the east of the site, known as the 'Horspath site', for outdoor sports and social facilities. The Horspath site is owned by Oxford City Council and the Sites and Housing Plan identifies this site as a potential location for the reprovion of sports facilities currently on the Rover Sports and Social Club.

### Proposal

5. BMW are seeking to provide for the reprovion of the existing outdoor sports facilities and associated indoor facilities before they have final plans for the redevelopment of the Rover Sports and Social Club site for car manufacturing purposes. This would allow BMW to plan the expansion of their existing car manufacturing plant with a certain degree of confidence as to the requirement for reprovion.

6. The proposed reprovion takes the form of a financial contribution of £4.9 million provided through a s106 legal agreement to the City Council to reprovide the sports facilities on the adjoining disused allotments and agricultural land to the east (the 'Horspath Site' as defined by Policy SP21). The draft s106 legal agreement would be completed should officers' recommendations be accepted (and no new material issues raised within the consultation period). The financial contribution would be paid six weeks after the determination of the application relating to the Horspath sports facility.
7. In terms of replacing the existing sports facility at the Rover Sports and Social Club site, the proposed arrangements set out in planning application 16/03078/FUL for the Horspath site would be substantially larger than the existing site with approximately 15ha of useable open space compared to the 10ha at the Rover Sports and Social Club site. The proposed layout would also allow for a better mix of sports pitches, more modern facilities, along with greater access for the local community and potential for future investment into the site making it more sustainable in the long term.
8. Sport England supports the proposals set out in planning application 16/03078/FUL on the basis that it would meet their objectives to address established deficiencies in playing pitch provision within the city. They have recommended conditions be imposed to ensure that it would provide an adequate replacement for the proposed loss of the BMW sports ground. These include requiring an assessment of the ground conditions to be undertaken in order to ensure that the playing fields will meet their specification; the pavilion is provided as shown on the plans; and a management and maintenance plan is developed for the facility.
9. This arrangement is also acceptable to officers of the Council's Community Services Directorate whose views on the matter are at Appendix 3. They are satisfied that the reprovion scheme is deliverable and an acceptable leisure provision.
10. Officers would advise members that the proposal would therefore represent a significant improvement to the provision of sport and leisure facilities in Oxford, and also on the existing facilities at the Rover Sports and Social Club site, thereby increasing community access and helping to secure the long term sustainability of the key stakeholders based on the existing site. Moreover the proposal would also have a very important role in strengthening Oxford's economy by helping to safeguard the future of the BMW plant in Oxford.

#### Relationship to Planning Application 16/03078/FUL

11. Planning application 16/03078/FUL details Oxford City Council's proposals for the reprovion of sporting facilities on the adjoining Horspath Site. The application is being considered by the East Area Planning Committee on 1 February 2017. Applications 16/03078/FUL and 17/00139/CONSLT are being considered completely separately. The officer's report for application 16/03078/FUL is at Appendix 4.

12. The 1 February 2017 meeting of this Committee will consider application 16/03078/FUL. This meeting will consider whether the mechanism provided for in the draft s106 and the delivery of the 16/03078/FUL scheme facilitated by that draft s106 is capable of satisfying the reprovion policy requirement of SP49. The advice of officers and statutory consultees who commented upon application 16/03078/FUL is that it is.

#### Officer Assessment

13. There are two key matters to be considered in assessing the acceptability of the proposed arrangements for the reprovion of existing sporting facilities at Rover Sports and Social Club:
- i. Whether the proposed sports facilities at the Horspath Site as detailed in planning application 16/03078/FUL are adequate/appropriate to prevent the reprovion requirements of Policy SP49 resulting in refusal of a planning application for car manufacturing on the land on the basis that they provide outdoor sports facilities and indoor sports facilities superior to those currently on the Rover Sports and Social Club site; and
  - ii. Whether the financial contribution proposed would allow the City Council to be able to reprovion the facilities on the Horspath site.
14. The Head of Community Services has confirmed that both the proposed reprovion of the sporting facilities at the Horspath site as detailed in planning application 16/03078/FUL and the financial contribution of £4.9 million to allow this reprovion are both acceptable and appropriate.
15. Given that the operations of Oxford Sports and Social Club have ceased and that the condition of the existing sporting facilities on the Rover Sports and Social Club site fall below standard in a number of areas, there are also benefits to the community in reprovion facilities in advance as local people and sports clubs will have use of modern, high quality facilities that comply with sporting standards.

#### **Conclusion:**

16. The proposed legal agreement is considered to provide acceptable arrangements for the reprovion of existing outdoor and indoor sporting facilities at Rover Sports and Social Club, Roman Way as might be expected if the site were being redeveloped for car manufacturing purposes. Therefore officers' recommendation to the Members of the East Area Planning Committee is to find the proposed arrangements for the reprovion of existing sports facilities at Rover Sports and Social Club, Roman Way adequate on the basis of there being no new material comments received by the end of the consultation period (16 February 2017) and to authorise officers to enter into a legal agreement with BMW to secure this funding for the purposes outlined in this report.

## Human Rights Act 1998

Officers have considered the Human Rights Act 1998 in reaching the recommendations in this report. 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 potential for interference with the human rights of the applicant under Article 8 and/or Article 1 of the First Protocol caused by the decisions recommended. Officers consider that there is no such interference.

## 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. Officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

### **Background Papers:**

**Contact Officer:** Rebekah Knight

**Extension:** 2612

**Date:** 27 January 2017

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# Appendix 1

17/00139/CONSLT – Rover Sports and Social Club, Roman Way,  
Oxford, OX4 2QT



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## Appendix 2: Draft s106 Agreement

**DATED** \_\_\_\_\_ **2016**

**OXFORD CITY COUNCIL (1)**

**and**

**BMW (UK) MANUFACTURING LIMITED (2)**

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### **DEED OF AGREEMENT**

**Pursuant to Section 106 of the Town and County  
Planning Act 1990 and other related powers in relation  
to Land adjacent to Horspath Road, Oxford**

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**THIS AGREEMENT** is made as a Deed the                      day of                      2016  
**BETWEEN**

- (1) **OXFORD CITY COUNCIL** of St Aldate's Chambers St Aldate's Oxford OX1 1DSW (the **Council**)
- (2) **BMW (UK) MANUFACTURING LIMITED** (company registration number 03950868) whose registered office is situated at Summit One Summit Avenue Farnborough Hampshire GU14 0FB (the **Owner**)

**RECITALS**

- (A) The Council is the local planning authority for the purposes of the Town and Country Planning Act 1990 (as amended) (**the Act**) for the area within which the Site is situated and by whom the obligations contained in this Deed are enforceable.
- (B) The Owner is the registered freehold proprietor of the Site which is registered with Title Absolute under Title Number ON53223 at the Land Registry free from encumbrances (subject to those matters listed in the Charges Register).
- (C) Oxford Sports and Social Club operated sporting facilities on part of the Site pursuant to the Lease.
- (D) The obligations contained in this Deed are planning obligations for the purposes of Section 106 of The Town and Country Planning Act 1990 as amended.
- (E) The Owner has a requirement to create long-term strategic expansion land for its neighbouring manufacturing facilities and acknowledges that Policy SP49 of the Council's Sites and Housing Plan (adopted February 2013) (**Policy SP49**) is applicable to the Site. That policy requires the re-provision of the sports facilities on the Site.
- (F) The Owner wishes to enter into this Deed to provide funds to the Council for the provision of the Sports Fields in order that when an application by the Owner to develop the Site is considered the Sports Fields will already have been provided (or arrangements put in place to effect that such provision) in a manner which would allow the Council to conclude that such provision is qualitatively and quantitatively equivalent or better than that required by the relevant requirement of Policy SP49. The provision of the Sports Fields will be in accordance with Schedule 2 and 3 of this Deed.
- (G) The Council acknowledges that the obligations in this Deed will be a material consideration in any future planning application submitted by the Owner on the Site in its consideration as to whether or not the above mentioned policy requirement is met.
- (H) The Owner in agreement with the Council has therefore entered into this Deed to deliver the obligations contained herein in advance of the Planning Application to develop the Site. The Council acknowledges that there is a benefit to the Council in receiving and utilising the Sportsfield Reprovision Contribution in advance of the possible future Planning Application as it supports the Council to deliver improved sporting facilities in the City.
- (I) The Council is satisfied that if it was determining an application for manufacturing planning permission to develop the Site in the manner stated by Policy SP49, the restrictions and provisions contained in this Deed will be necessary to develop the Site by the Owner pursuant to the Planning Application are acceptable in planning terms and are directly related to the Site and fairly and reasonably related in scale and kind to the Site. The provisions contained in this Deed would have allowed the Council to conclude that the Sportsfield Reprovision Contribution as described above being in planning terms a net benefit over re-provision as required by Policy SP49 would have allowed planning permission to be granted for a manufacturing application notwithstanding not

all existing facilities on the Site being re-provided. This is the view of the Council at the time of entry into this agreement.

- (J) At the point of determining the Planning Application the Council will determine that application in accordance with the development plan and any other material considerations.

**NOW THIS AGREEMENT WITNESSES** as follows:

1. **DEFINITIONS**

<b><i>City</i></b>	means the administrative area of Oxford City Council
<b><i>City Planner</i></b>	means the Council's Director of Planning and Regulatory Services for the time being or such other duly authorised officer of the Council as may have managerial and budgetary responsibility for the functions of the Council under Part III of the Act
<b><i>Council</i></b>	means Oxford City Council
<b><i>Deed</i></b>	means this Deed of agreement
<b><i>Lease</i></b>	means the lease dated [       ] between Oxford Sports and Social Club and the Owner
<b><i>Legal Challenge</i></b>	means an application by judicial review of the Deed or the Planning Permission
<b><i>Longstop Date</i></b>	means 30 June 2017
<b><i>Parties</i></b>	means the signatories and any successor in title to this Deed
<b><i>Plan A</i></b>	means the plan marked "Plan A" attached to Schedule 1 to this Deed
<b><i>Planning Application</i></b>	means the planning application made by the Owner for the development of the Site for manufacturing purposes pursuant to recitals E and F of this Deed
<b><i>Planning Permission</i></b>	means the planning permission pursuant to the Sports Fields Planning Application
<b><i>Site</i></b>	means the land shown for the purposes of identification only outlined in red on Plan A
<b><i>Sports Fields</i></b>	means sports provision qualitatively and quantitatively equivalent or better than those on the Site as at the date of adoption of Policy SP49 to be delivered by the Council on land within its ownership to the east of the Site as identified marked cross hatched green for identification purposes on Plan A or an alternative location to be agreed between the Parties

<b><i>Sports Fields Operator</i></b>	means the operator of the Sports Fields as appointed by the Council
<b><i>Sports Fields Planning Application</i></b>	means a detailed planning application for the provision of new sports fields submitted by the Council as the applicant or as joint applicants with the Sports Fields Operator
<b><i>Sportsfield Reprovision Contribution</i></b>	means the sum of £4,900,000.00 (Four Million Nine Hundred Thousand Pounds) to be used as a contribution to deliver the Sports Fields as set out in schedule 2 to this Deed and for no other purpose
<b><i>Target Date</i></b>	means 1 October 2016
<b><i>Working Days</i></b>	means Monday to Friday inclusive but excluding days which are Public Holidays

## 2. INTERPRETATION

- 2.1 Reference in this Deed to a clause paragraph or recital means a clause or paragraph or recital to this Deed
- 2.2 Headings in this Deed are for ease of reference only and shall not affect construction or interpretation of any of the provisions of this Deed
- 2.3 In this Deed where the context so admits:
  - 2.3.1 words importing one gender shall include all other genders and
  - 2.3.2 words importing the singular shall include the plural and vice versa
- 2.4 Any references to any particular statute or regulation (except for the Use Classes Order) include any statutory extension, modification, amendment or re-enactment of such statute and also include any subordinate instruments, regulations or orders made in pursuance of it
- 2.5 Where under this Deed any notice, consideration, confirmation, approval, consent, certificate, direction, authority, agreement, action or expression of satisfaction is required to be given or reached or taken by any party or any response is requested any such notice, consideration, confirmation, approval, consent, certificate, direction, authority, agreement, action or expression of satisfaction or response shall not be unreasonable or unreasonably withheld or delayed and in writing
- 2.6 Wherever there is more than one person as a party to this Deed and where more than one party undertakes an obligation all their obligations can be enforced against all of them jointly and against each individually

## 3. LEGAL BASIS

- 3.1 This Deed is made pursuant to:
  - 3.1.1 Section 106 of the Act and in respect of any provision of this Deed which does not constitute a planning obligation under Section 106 of the Act; and
  - 3.1.2 Section 111 of the Local Government Act 1972

- 3.2 The obligations (howsoever expressed) of the Owner are planning obligations for the purposes of Section 106 of the Act , they relate to the interest of the Owner in the Site and are entered into by the Owner as such and, subject to clauses 3.3 and 3.4 shall be enforceable by the Council:
- 3.2.1 in its capacity as local planning authority;
- 3.2.2 subject to clause 8, without limit of time; and
- 3.2.3 not only against the Owner but also against its successors in title and any person corporate or otherwise claiming through or under them an interest in the Site or any part of it as if that person had also been an original covenanting party in respect of such of the obligations, covenants and restrictions which relate to the freehold or leasehold or other such interest or estate for the time being held by that person
- 3.3 This Deed shall not be enforceable against any tenant pursuant to the Lease on the Site
- 3.4 This Deed shall not be enforceable against any statutory undertaker or utilities provider holding an interest in the Site
4. **CONDITIONALITY**
- This Deed shall come into effect upon delivery hereof
5. **GENERAL PROVISIONS**
- 5.1 It is hereby agreed and declared that:
- 5.1.1 nothing in this Deed shall prejudice or affect the rights, powers, duties and obligations of the Council in the exercise by it of its statutory functions and the rights, powers, duties and obligations of the Council under private or public statutes, bye-laws, orders and regulations may be as fully and effectively exercised as if it were not a party to this Deed; and
- 5.1.2 no waiver (whether expressed or implied) by the Council of any breach or default in performing or observing any of the covenants terms or conditions of this Deed shall constitute a continuing waiver and no such waiver shall prevent the Council from enforcing any of the relevant terms or conditions or for acting upon any subsequent breach or default
- 5.2 Nothing in this Deed shall prohibit or limit the Owner's right to develop any part of the Site in accordance with a planning permission
6. **OWNER COVENANTS AND COUNCIL COVENANTS**
- 6.1 The Owner covenants with the Council to observe and carry out its obligations, covenants and restrictions contained within this Deed and Schedule 3
- 6.2 The Council covenants with the Owner to observe and carry out its obligations, covenants and restrictions contained within this Deed and Schedule 2
- 6.3 In the event that the Planning Permission is not secured by the Longstop Date then either Party may terminate this Deed or if both Parties agree then the Longstop Date may be extended to the agreement of both Parties which may be entered into either before or after the Longstop Date
- 6.4 If the Deed is terminated pursuant to clause 6.3, 6.5 or 6.6 of this Deed then the Owner will reimburse the Council within 30 Working Days of the termination of the Deed the reasonable costs incurred in relation to the design and planning fees of the Sports

Fields Planning Application and the costs of pre planning site preparation (including the clearing and removing of vegetation and site testing) up to a cap of £100,000 provided that the costs are submitted and agreed in writing by the Owner AND the Council will reimburse any other funds that it may have received hereunder

- 6.5 The Parties agree that in the event of a Legal Challenge to either the Deed or the Planning Permission then either Party may by notice terminate the Deed within 28 Working Days of notification to that Party of the Legal Challenge

- 6.6 In the event that the Council concludes that the costs of delivering the Sports Fields will exceed the Sportsfield Reprovision Contribution and provides evidence substantiating that to the Owner it may terminate the Deed by notice to the Owner no later than 30 days after grant of the Planning Permission

## **7. DETERMINATION OF DISPUTES**

- 7.1 In the event of there being a dispute arising out of this Deed or the subject matter thereof the following provisions shall apply:

7.1.1 The parties to this Deed and their successors in title will attempt in good faith to negotiate a settlement to any claim or dispute between them arising out of or in connection with this Deed and if the matter is not resolved by negotiation the parties shall refer the dispute to mediation in accordance with the Centre for Effective Dispute Resolution procedures;

7.1.2 Notwithstanding the provision of clause 7.1.1 the parties to this Deed and their successors in title shall reserve all their respective rights in the event that no agreed resolution shall be reached in the mediation and no party shall be deemed to be precluded from taking such interim formal steps as may be considered necessary to protect such party's position while the mediation or other procedure is pending or continuing.

## **8. LIMIT OF LIABILITY**

The Owner shall not be liable for any breaches of the obligations or other covenants contained in this Deed after it has parted with any relevant interest in the Site or the relevant part of it but without prejudice to the liability of the Owner or for any breach subsisting prior to parting with such interest provided that the release contained in this clause shall not become effective in favour of any such person

## **9. SERVICE OF NOTICES**

- 9.1 Any notice, letter, approval, consent, certificate or other document given or served under the terms of this Deed shall be:

9.1.1 in writing and

9.1.2 sufficiently served if sent by pre-paid recorded delivery or registered post addressed in the case of the Council at the address shown in this Deed to the City Planner or in the case of service on the Owner at the address shown in this Deed

- 9.2 Any notice consent or approval given pursuant to this Deed shall be deemed to have been validly served:

9.2.1 if personally delivered at the time it is handed over; and

9.2.2 if sent by recorded delivery at the time it is recorded as having been delivered

10. **REGISTRATION AND MEMORANDA**

10.1 The Owner consents hereby to apply to register a notice of the terms of this Deed on the Charges Register of the Land Registry against Title Numbers ON53223 within 28 Working Days of completion of this Deed and will inform the Council's solicitors as soon as such registration has been notified by the Land Registry and will supply the Council's solicitors at no expense to the Council or its solicitors with office copies of such registration as soon as reasonably practicable of the completion of the said registration

10.2 At any time after an obligation in this Deed has been discharged or performed the Owner may request in writing for the Council to provide a notice of compliance with such obligation and within 10 Working Days of receipt of such request Council shall issue such notice

11. **CONTRACTS (RIGHTS OF THIRD PARTIES) ACT 1999**

A person who is not named in this Deed (other than successors in title to the parties to this Deed) does not have any right to enforce any term of this Deed under the Contracts (Rights of Third Parties) Act 1999

12. **VALUE ADDED TAX**

All consideration given in accordance with the terms of this Deed shall be exclusive of any value added tax properly payable and at any time that value added tax is or becomes chargeable in respect of any consideration paid in accordance with the terms of this Deed and to the extent that such value added tax has not been previously charged and/or paid the person making the supply shall issue a value added tax notice to the person to whom the supply was made and the value added tax shall be paid accordingly

13. **COSTS**

The Owner covenants that on or before completion of this Deed it shall pay to the Council its reasonable and proper legal costs and disbursements of preparing and completing this Deed up to a maximum of £2,000 (Two Thousand Pounds)

14. **JURISDICTION**

This Deed is governed by and interpreted in accordance with the law of England



## **SCHEDULE 1**

### **Plans**

Plan A – redline boundary of the Site

## **SCHEDULE 2**

### **Council Covenants**

1. The Council covenants with the Owner to:
  - 1.1 use reasonable endeavours to submit the Sports Fields Planning Application by the Target Date
  - 1.2 as applicant for planning permission to use reasonable endeavours to secure the Planning Permission by 31 January 2017
  - 1.3 to give written notice (to include an invoice for the Sportsfield Reprovision Contribution) to the Owner within 30 days of the grant of Planning Permission that it has entered into a valid contract with the Sports Field Operator for delivery of the Sports Fields and that it will proceed with the delivery of the Sports Fields and will accept the Sportsfield Reprovision Contribution from the Owner
  - 1.4 not to use the Sportsfield Reprovision Contribution other than for the purposes specified in this Deed
  - 1.5 on receipt of the Sportsfield Reprovision Contribution pursuant to Paragraph 1 of Schedule 3 of this Deed it will acknowledge receipt of the Sportsfield Reprovision Contribution and place the Sportsfield Reprovision Contribution into an escrow account operated by the Council for the purpose of holding the Sportsfield Reprovision Contribution
  - 1.6 use the Sportsfield Reprovision Contribution to facilitate the delivery of the Sports Fields
  - 1.7 use reasonable endeavours to complete the Sports Fields by January 2018 or as otherwise agreed with the Parties

### **SCHEDULE 3**

#### **Payments for Sportsfield Reprovision**

1. The Owner will pay the Sportsfield Reprovision Contribution to the Council
  - 1.1 six weeks and one day following publication of the decision notice of the Planning Permission pursuant to the Sports Fields Planning Application or
  - 1.2 30 days after receipt by the Owner of the written notice by the Council pursuant to paragraph 1.3 of Schedule 2 to this Deed

whichever is the later to occur
2. The Owner agrees that it will give the Council written notice of any change in ownership of its respective legal and equitable interests in the Site

The **COMMON SEAL** of  
**OXFORD CITY COUNCIL**

was affixed hereunto

in the presence of:

.....

**SIGNED AS A DEED**

by **BMW (UK) MANUFACTURING LIMITED**

acting by:

Signature of Company Secretary

.....

Print name of Company Secretary

.....

Signature of Director

.....

Print name of Director

.....

## Appendix 3: Community Services Comment

31 January 2017

Dear Sir / Madam

### RE: Delivery of proposed scheme within £4.9 million budget

This statement is made on behalf of Oxford City Council Community Services (which includes the Sport and Leisure department) in support of the proposal for the development of a new sports park on Horspath Road, Oxford.

#### Introduction and background

The facilities that will be included at the new development are:

- Modern fit for purpose pavilion facility that includes 6 changing rooms, officials changing, kitchen, social space and storage.
- Space for Oxford United's modular buildings
- 2 grass cricket pitches
- 3 full size grass football pitches
- 3 9v9 grass pitches
- 3 mini pitches
- 6 small sided 3G pitches
- 2 7v7 3G pitches
- 4 Softball diamonds (summer only)

The proposal represents a significant improvement to the facility mix from the existing site. There will be more usable space, greater access for the local community and the potential for future investment into the site making it much more sustainable.

Fusion Lifestyle has been selected as the preferred bidder to design, build and operate the new sports park following a procurement process.

Oxford City Council have a great deal of experience working with Fusion; particularly through the delivery of the city wide leisure contract with Fusion managing multiple key leisure sites across Oxford. The contract has greatly improved the user experience with a 95% customer satisfaction rating across the cities leisure centres, alongside increased cumulative cash savings of around £1.94 million per year.

Over this period, facilities have also been greatly improved with around £15 million of capital investment; funded in the main by the contract savings.

## Benefits

The key benefits we expect to achieve through the delivery include (but are not limited to) –

- Increased participation in sport and physical activity through the delivery of new facilities above and beyond what was available at the previous site such as the artificial pitches. Including wider health impacts on key areas such as reducing obesity, inactivity etc.
- High quality sports facilities that meet modern day guidance
- Greater levels of access to the sports facilities for the local community and more inclusive targeting of key groups such as the inactive and children and young people.
- Securing the long term future for key users of the previous site.
- A facility mix that delivers a more effective business case to ensure better long term sustainability
- Expert management of the site through Fusion Lifestyle who are the market leading sport and leisure operator within the industry

## Business case and £4.9 million contribution

In 2014 BMW and Oxford City Council commissioned a suitably experienced and qualified consultancy called Sports Solutions GB (SSGB) to undertake feasibility and provide a business case for the development of Horspath Sports park.

The development included transferring the above facilities from the Oxford Sports and Social Club (Rover) to the new development site. It also included the introduction of 6 new small sided 3G pitches and 2 x 7v7 3G pitches. To meet BMW timescales the project needs to have partial operation by January 2018.

The business case that was undertaken by SSGB clearly detailed that the delivery of the sports park including fees, taking into consideration potential inflation and effective contingency was achievable within the £4.9 million budget. BMW's level of contribution was set by this.

In the summer of 2016 we undertook a thorough and competitive procurement exercise with the market. Fusion Lifestyle was the preferred bidder for the design, build, operation and management of the sports park. Within the process Fusion have confirmed that the above facilities can be delivered within the £4.9 million contribution.

## Summary

In summary we believe that the proposal offers an improvement in the quality provision of sport and leisure facilities in Oxford and in line with work that has been undertaken to date that we believe that this should be achievable within the £4.9 million.

Yours sincerely



Hagan Lewisman





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## Appendix 4: 16/03078/FUL Committee Report

East Area Planning Committee

1<sup>st</sup> February 2017

**Application Number:** 16/03078/FUL

**Decision Due by:** 28<sup>th</sup> February 2017

**Proposal:** The change of use of land for purposes within Class D2 'Assembly & Leisure' of the Town & Country Planning (Use Classes) Order 1987 (as amended) including the development of: a new vehicular access; an internal road and vehicle parking area; grass and floodlit artificial sports pitches; a pavilion building including changing facilities; cycle tracks; drainage infrastructure including surface water storage; means of enclosure; & the creation of wildlife habitat.

**Site Address:** Land At Eastings 456292 Northing 204452 Oxford Road Oxford OX4 2PG (**site plan: appendix 1**)

**Ward:**

**Agent:** Mr Timothy Pope

**Applicant:** Fusion Lifestyle

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### Recommendation:

The East Area Planning Committee is recommended to grant planning permission for the following reasons:

### Reasons for Approval

- 1 The change of use of this agricultural land to an outdoor sports and recreation facility would accord with the aims of the site allocation policy, and represent a significant improvement for the provision of sport and leisure facilities in Oxford, and also on the existing facilities at Roman Way. The proposal would constitute appropriate development within the Green Belt and has been designed in a manner that would preserve its openness and the use would not conflict with the purposes of including land within the Green Belt. The proposal would not introduce any significant impacts in terms of highway safety, noise and disturbance for adjoining properties, biodiversity, flood risk, archaeology, or contaminated land and any such impacts could be successfully mitigated by appropriately worded conditions. It would be consistent with the aims and objectives of the National Planning Policy

Framework, and the relevant policies of the Oxford Core Strategy 2026 and Oxford Local Plan 2001-2016.

- 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.

### **Conditions**

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Materials as specified
- 4 Playing Fields and Pitches to required standards
- 5 Restriction of use of playing field
- 6 Landscape plan required
- 7 Landscape carried out by completion
- 8 Landscape hard surface design - tree roots
- 9 Landscape underground services - tree roots
- 10 Tree Protection Plan (TPP) 1
- 11 Arboricultural Method Statement (AMS) 1
- 12 Ecological Mitigation and Enhancement Plan
- 13 Drainage Scheme
- 14 Sustainable Drainage Maintenance Plan
- 15 Details of Visibility Splays
- 16 Site Access Arrangements
- 17 Turning Area and Swept Path Analysis
- 18 Details of Coach Parking
- 19 Details of cycle parking areas
- 20 Access Road Dedicated Footpath
- 21 Construction Traffic Management Plan
- 22 Event Travel Management Plan
- 23 Electric Charging Points in Parking Area
- 24 Playing Field Survey
- 25 Management and Maintenance Plan
- 26 Details of all means of enclosure on sit
- 27 Details of all Floodlighting
- 28 Contaminated Land Risk Assessment
- 29 Archaeological Written Scheme of Investigation

### **Main Local Plan Policies:**

Oxford Local Plan 2001-2016

**CP1** - Development Proposals

**CP8** - Design Development to Relate to its Context

**CP11** - Landscape Design

**CP13** - Accessibility

**CP20** - Lighting

**CP21** - Noise

**CP22** - Contaminated Land  
**CP23** - Air Quality Management Areas  
**TR1** - Transport Assessment  
**TR2** - Travel Plans  
**TR3** - Car Parking Standards  
**TR4** - Pedestrian & Cycle Facilities  
**NE4** - Loss of Agricultural Land  
**NE13** - Water Quality  
**NE15** - Loss of Trees and Hedgerows  
**NE21** - Species Protection  
**NE22** - Independent Assessment  
**NE23** - Habitat Creation in New Developments  
**HE2** - Archaeology  
**EC1** - Sustainable Employment

#### 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  
**CS27\_** - Sustainable economy

#### Sites and Housing Plan

**SP21\_** - Horspath Site, Land South of Oxford Road  
**SP49\_** - Rover Sports and Social Club, Roman Way

#### **Other Material Considerations:**

National Planning Policy Framework – Paragraphs 14, 88, and 89

#### **Representations Received:**

##### Statutory Consultees:

Oxfordshire County Council: No objection

Natural England: No objection.

Thames Water: No objection

Network Rail: No objection

Sport England: Sport England supports this application but has requested planning conditions to ensure that the facility meets relevant design guidance standards and is fit for purpose so that it provides adequate replacement for the proposed loss of the BMW sports ground.

Horspath Parish Council:

The Council is unanimous in their support of this project to improve the sports facilities in the area and approved of the change of the use of this land within the Oxford Green Belt. However some concerns were expressed, which you may wish to take account of when finalising the details of your plan:

1. Any floodlighting of the pitches in the far south-west side of site should be configured so that it does not shine light towards Horspath village, and there should be no over-spill of any floodlighting so that it is distracting to motorists using Oxford Road/Horspath Road at night.
2. Any car parks should be located within that south-west part of the site in the rectangle of land which is not within the Green Belt.
3. Any future major building developments on the site must be confined to that south-west part of the site in the rectangle of land which is not within the Green Belt.
4. The vehicular entrance and exit from the site in Horspath Road should be designed with due regard to maintaining road safety, and for the avoidance of traffic congestion, as this road carries almost 1,000 vehicles an hour in the two peak rush hours during the 5-day working week.

Overall, Horspath Parish Council is very supportive of this proposed development, and would be happy to send a representative to join any stakeholders' group to help Oxford City Council finalise the design of the Sports Park and to assist Fusion in its subsequent operation for the benefit of the wider community.

#### Third Parties

None

#### **Officers Assessment:**

#### **Background to the Proposal**

1. The site is located on the southern side of Oxford Road, on the edge of the city between Cowley and Horspath Village. The site is bordered by the Rover Sports & Social Club facilities to the west; the Cowley Branch Railway Line to the south, with BMW and Unipart beyond; Oxford Road and Horspath Road to the north (**site plan: appendix 1**)
2. The site comprises approximately 15.85ha of agricultural land, including some disused allotments in the north-western corner. The site is relatively flat and the perimeter defined by hedgerows with a number of mature trees along the southern boundary.
3. The majority of the site is located within Oxford's Green Belt, apart from a small piece of land (approximately 2ha) in the south-west corner. There are no preservation orders on site for any of the perimeter trees.
4. The planning application is seeking full planning permission for the change of use of the land to a mixed outdoor sports complex, which would be operated and managed by Fusion Lifestyle. The complex would include the following:
  - A single-storey pavilion and changing facilities building which would include a function room, kitchen, and associated storage area, 6 x team changing

rooms, 2x officials changing rooms, public WCs, maintenance/equipment store room, main entrance, and external covered viewing area.

- 16 new football pitches
    - 3 x full size football pitches (100m x 65m)
    - 2 x 9v9 football pitches (73.2m x 45.7m)
    - 3 x 7v7 football pitches (54.9m x 36.6m)
    - 8 x artificial 3G small sided football pitches (varying sizes)
    - 1 x goal keeper training area
  - 2 cricket pitches and cricket practice nets
  - External works to provide a site entrance from Oxford Road, access road, 150 space car park, and access to the pavilion
  - New perimeter fencing and landscaping to improve visual appearance and security on site
  - Landscape works to provide a dedicated habitat area and wildlife balancing pond
5. The proposal is also intended as a replacement for the sports facilities that are currently located on the adjoining Rover Sports & Social Club. This sports ground has a site area of approximately 9ha, and includes 2 cricket pitches, 5 senior football pitches and additional junior pitches. It has a pavilion, cricket nets, and formerly a bowls club (which ceased use 8 years ago). The main users of the site in recent years have been Oxford United Football Club, Oxford Cricket Club, and Oxford Softball. The relocation of the facilities from this adjoining site will then enable BMW Mini Plant to consider redeveloping that site for manufacturing purposes as envisaged in Sites and Housing Plan Policy SP49.
6. Officers consider that the principle determining issues are as follows
- Principle of development
  - Need for the Multi-Sports Facility
  - Site Layout, Built Form, and Impact on Openness of Green Belt
  - Transport
  - Landscaping
  - Ecology
  - Archaeology
  - Air Quality
  - Other Matters – Land Contamination, Noise, Lighting, CIL

### **Principle of Development**

7. The National Planning Policy Framework (NPPF) paragraph 14 has a presumption in favour of sustainable development, which for decision makers means approving development proposals that accord with the development plan without delay.

8. In terms of the general principle of development, the majority of the site is located within Oxford's Green Belt. The NPPF places great importance on Green Belt's to prevent urban sprawl by keeping land permanently open. Paragraph 88 goes on to state that substantial weight should be given to any harm to the Green Belt when considering planning applications. This view is also supported by Oxford Core Strategy Policy CS4.
9. Paragraph 89 of the NPPF identifies the provision of facilities for outdoor sport and recreation as appropriate development within the Green Belt provided that it preserves the openness of the Green Belt, and does not allow conflict with the purposes of including land within it. The Sites and Housing Plan recognises that essential facilities for outdoor sport and recreation are considered acceptable uses within the Green Belt by allocating the site for these purposes within Policy SP21.
10. On this basis, officers would advise Members that there would be no objection to the general principle of providing a multi-sports complex involving the outdoor sports proposed within the scheme. However in order to support the scheme consideration would need to be given as to whether the facility would preserve the openness of the Green Belt.

### **Need for a Multi-Sports Complex**

11. The provision of a Multi-Sports Complex on this site is considered an important strategic development for the city for the following reasons
12. The development would provide a multi-sports hub for the community, as part of the Councils overarching Leisure & Wellbeing Strategy 2015-2020 and Playing Pitch & Outdoor Sport Strategy 2012-2026, which seek to increase adult participation in sport and meet an identified demand for community access to quality natural grass sports pitches and artificial sports pitches within the city. This would also align with national priorities and strategies such as Sport England's 'Towards an Active Nation', and Oxford Core Strategy Policy CS21 which seeks to encourage improvements to the provision of outdoor sports facilities.
13. The proposal would also play an important part in meeting the Oxford Core Strategy's aims to strengthen Oxford's economy by safeguarding the future of the BMW plant at Cowley. BMW have been looking at a number of options to expand its operations over the years, with the most feasible being to develop the existing sports pitches at Roman Way. The Sites and Housing Plan acknowledges this by allocating the existing sports pitches for car manufacturing under Policy SP49 and the application site for outdoor sports and recreation under Policy SP21.
14. The existing sports site adjacent to the BMW plant on Roman Way was previously operated and managed by Oxford Sports and Social Club with a lease from BMW. This site included a poor quality indoor space that did not meet

modern standards or guidance, and approximately 9ha of outdoor pitches used for Football, Cricket and Softball. The main users of the site in recent years have been Oxford United Football Club, Oxford Cricket Club, and Oxford Softball. The Oxford Sports and Social Club were subsequently wound up, and since that time the Council has worked closely with BMW and the various clubs operating at the site to secure a short-term lease whilst the project for a new facility on the adjoining site was developed. This short-term lease has enabled the main users such as Oxford United to remain on site.

15. In terms of replacing the existing sports facility at Roman Way, the proposed complex would be substantially larger than the existing site with approximately 15ha of useable open space compared to the 10ha at Roman Way. The proposed layout would also allow for a better mix of sports pitches, more modern facilities, along with greater access for the local community and potential for future investment into the site making it more sustainable in the long term.
16. Sport England supports the proposal on the basis that it would meet their objectives to address established deficiencies in playing pitch provision within the city. They have recommended conditions be imposed to ensure that it would provide an adequate replacement for the proposed loss of the BMW sports ground. These include requiring an assessment of the ground conditions to be undertaken in order to ensure that the playing fields will meet their specification; the pavilion is provided as shown on the plans; and a management and maintenance plan is developed for the facility.
17. Officers would advise members that the proposal would therefore represent a significant improvement to the provision of sport and leisure facilities in Oxford, and also on the existing facilities at Roman Way, thereby increasing community access and helping to secure the long term sustainability of the key stakeholders based on the existing site. Moreover the proposal would also have a very important role in strengthening Oxford's economy by safeguarding the future of the BMW plant in Oxford.

### **Site Layout, Built Form, and Impact on Openness of Green Belt**

18. Policy CS18 of the Oxford Core Strategy 2026 requires development to demonstrate high-quality urban design responding appropriately to the site and surroundings; creating a strong sense of place; contributing to an attractive public realm; and providing high quality architecture. This is supported through Policy CP6 and CP8 which emphasise the need to make an efficient use of land in a manner that suits the sites capacity and where the siting, massing, and design of new development creates an appropriate visual relationship with the built form of the surrounding area.
19. In accordance with the requirements of the site allocation policy (SP21) and Paragraph 88 and 89 of the NPPF, the site layout has been designed in such a manner to not physically alter the openness of the Green Belt or conflict with the purposes of designating land within the Green Belt. The site layout would primarily consist of open air sports pitches, which would maintain the open character of the existing land which is within the Green Belt. The main built

elements of the development – such as the single-storey pavilion, parking area, AGP pitches with its associated fencing and lighting - would be sited within the 2ha of the site that lie outside of the Green Belt as recommended within the allocation policy for the site. Nevertheless officers recognise that despite this part of the site not technically lying within the Green Belt, it would still be viewed as part of the entire site.

20. With this in mind, the south-western corner of the site would represent the most sensible location for the main built elements of the development in terms of preserving the open setting of the site. The relatively flat nature of the site and the surrounding public realm restricts views of this part of the site, and the visible elements such as the pavilion building, AGP fencing, and lighting would all be viewed against the backdrop of the large scale industrial buildings of the BMW plant and Unipart that lie beyond the rail line. The overall size, scale, and design of the pavilion would be appropriate for the site and would sit comfortably within its setting. Similarly the AGP fencing would have little visual impact given its siting and is a type of built form normally associated with an outdoor sports facility. The main built elements are modest and appropriately designed features that serve the function of the complex, and considered 'essential' facilities for this type of development. Subject to conditions requiring approval of the materials for the pavilion building, AGP fencing, and lighting columns, officers consider that these elements would create an appropriate visual relationship with the site and its setting in accordance with the respective design policies of the development plan and significantly the requirements of paragraphs 88 and 89 of the NPPF.
21. Although an access road would be required to provide a link between the Oxford Road and the parking area and pavilion building in the south-western corner of the site, it would constitute an 'engineering operation' required as part of the facility. It has been located as tight to the western boundary as possible in order to provide suitable access, and considering the need to retain a habitat area along this boundary. In this location, built at grade, and situated alongside the playing fields and the backdrop of the surrounding buildings, officers consider this element will have little or no impact on the openness of the Green Belt.
22. In summary, officers would advise members that the site layout and built form would be appropriate for this setting and be considered appropriate development which preserves the openness of the Green Belt and the purposes for including land within it and therefore with the Councils design policies of the Oxford Core Strategy and Local Plan and also national planning guidance.

## **Landscaping**

23. The site is relatively flat with the existing hedgerows and trees limited to the boundaries of the site. The new vehicular access is likely to require the removal of a section of the hedgerow alongside Oxford Road, and ground works and construction activities for other parts of the development will be required in close proximity to the boundary hedgerows and trees. In order to preserve the existing perimeter planting, a condition should be attached which ensures that there are adequate tree protection measure in place during construction works, and that any new hard surfaces, underground utilities and drainage are routed outside of



the root protection areas of trees.

24. The hedgerow along the northern boundary with Oxford road is currently low rise with gaps and lacks diversity. Officers consider that this boundary could make a positive contribution to the development in terms of providing screening from the public realm and enhancing biodiversity value through the planting of a variety of new native hedge plants into the gaps and allowing it to grow taller. The planting of new large growing native trees along the Oxford Road boundary would deliver additional significant landscape and visual and biodiversity benefits to the area. Therefore a condition should be imposed seeking approval of a landscape plan for the site which includes new planting along this boundary.

## **Transport**

25. The application has been accompanied by a Transport Assessment that considers the highway impacts of the proposal.
26. Site Accessibility: The proposed development site is located around 1km from the Eastern By-pass Road, in close proximity to the Horspath Sports Ground and the Horspath Youth Football Club. A shared footway and cycle lane is present along the southern side of Oxford Road, which runs for the length of the road and is part of the National Cycle Route 57.
27. The Transport Assessment suggested that the application site is well related to residential and employment areas. However, only Horspath village and a small portion of the residential areas within east Oxford are within what is usually considered to be an acceptable walking distance (of 2km) to the site. Notwithstanding this the site is within an acceptable cycle distance for much of south and east Oxford and that being a sports related development, cycling, and to some extent walking, is likely to be an attractive mode for travel to the site.
28. The Transport Assessment has stated that the nearest bus stop to the site is within Horspath village and that, through the use of the service which serves this stop (service number 103) the development site would be within a 60 minute journey time by public transport for large areas of southeast Oxfordshire. The Local Highways Authority has confirmed that this service is no longer running and there is currently no bus service serving the village of Horspath. Therefore the nearest bus stop to the proposed site is the stop on Horspath Road, to the west of the Eastern By-pass, around 1km from the development site. This is within a reasonable walking distance from the proposed site. The service number 10 which stops at this stop serves the city centre, Cowley, Headington and the JR hospital. The site would therefore be accessible by public transport to a large area of Oxford city, but not as easily accessible for those traveling from beyond the city.
29. While the development may be accessible by sustainable modes for much of Oxford City, it is likely that many visitors to the site will travel by car, minibus or coach. The Local Highways Authority have raised no objections to the general accessibility of the site, however, it is important to understand how the site will be accessed when considering the traffic impacts of the development.

30. Traffic Generation: The Transport Assessment sets out that the forecasted trip generation under normal operating circumstances would be substantially less than the day-to-day traffic flows on both the A4142 and Oxford Road.
31. The Assessment identifies that over the course of a weekday evening on which the proposed 5 a-side football league games will be held, a total of 236 vehicle movements can be expected to be generated from this use on the site. While the youth / academy football training that is also likely to take part during weekday evenings, will generate up to 136 vehicle movements.
32. The Local Highways Authority have stated that the Transport Assessment provides robust figures regarding traffic generation which assume that all site users arrive by car and that all pitches would be in use at the same time. It is not entirely clear from the Transport Assessment whether the 5-a-side matches and youth / academy football training would take place on the same weekday evenings. Should this be the case, the proposed site could be expected to generate up to 372 vehicle movements over the course of a weekday evening. To this end the Local Highways Authority accepts that these vehicle movements are likely to be spread over the course of an evening and that the peak arrival and departure times for the proposed site are not likely to coincide with the peak network hours of the local highway network, and present a worst case scenario that is still within the observed daily fluctuation in traffic volumes. Furthermore, as the proposed development is intended to relocate and replace the existing sports facilities at the adjoining Oxford Sports and Social Club it would be reasonable to accept that a proportion of the trips anticipated to the facility could already be generated by the adjacent Oxford Sports and Social Club and thereby on the surrounding network, even if the proposal is likely to generate a higher number of trips.
33. The Local Highways Authority has therefore not raised any objection in terms of the development having an adverse impact upon the local highway. However in order to promote the use of sustainable transport for the site's users and minimise the site's potential traffic impact, the provision of an Event Travel Management Plan which focuses on both day to day travel to and from the site as well as any special events that will be held at the site such as tournaments where more people are expected to require access the site simultaneously. This should be secured by condition.
34. Site Access & Layout: The proposal includes the provision of a new vehicle access onto the Oxford Road to the east of the existing access to the Horspath Sports Ground. To the west of the proposed vehicle access, Oxford Road is subjected to a 40mph speed limit. Between the existing access to Horspath Sports Ground and the proposed new vehicle access to the development site Oxford Road becomes unrestricted. To the west of the proposed vehicle access the road remains unrestricted until it reaches the village of Horspath.
35. The Local Highways Authority have recommended that for the benefit of highway safety the 40mph speed limit on Oxford Road should be extended to around 90m

from the eastern end of the proposed hatching for the right turn lane, east of the new access. This would require an amendment to the Traffic Regulation Order (TRO). With an extension of the 40mph speed limit to the east to the access the visibility splays of 2.4m x 120m as set out in the Transport Assessment would be considered appropriate and in line with the standards set out in the Design Manual for Roads and Bridges (DMRB) for speeds of up to 40mph.

36. However, since the extension of the 40mph speed limit and amendment to the TRO would be subject to statutory consultation, this cannot be predetermined. With this in mind the Local Highways Authority requires that visibility splays are provided in accordance the standards for an unrestricted road, namely 2.4m x 215m in order to ensure that the development provides a safe access in the event that the extension to the 40mph speed limit is not approved. These visibility splays could be accommodated although the boundary fence / hedge may have to be set slightly further back from the carriageway at the site access in order to achieve this. Officers would recommend a condition be attached which requires details of the visibility splays to be agreed depending on which set are required.
37. The proposed access arrangements also include some highway works on the Oxford Road outside of the new entrance and the entrance to the Horspath Sports Ground. These include the provision of right turn lanes into both facilities and islands on the hatched areas. The provision of the islands could deter possible overtaking, but will add to on-going maintenance requirements which the Local Highways Authority are concerned about. With this in mind they have recommended that a revised access plan is submitted with the central island between the two turning bays remaining but with the two islands at either end of the right turn lanes removed. The proposed site access arrangement also indicates give way markings from the new access are to be set back in order to give priority to cyclists using the shared cycle lane / footway along the southern side of Oxford Road. The Local Highways Authority would agree with the aims of this arrangement but are concerned that the proposed surface treatment would not be strong enough to ensure compliance by turning traffic. Therefore, they have requested that the give way markings are installed on the cycle track at the access junction, as has been done at the junction of Horspath Road and Roman Way further west.
38. The other site access arrangements shown on the plans indicate that appropriate dropped kerbs and tactile paving is to be provided at the site access for the benefit of pedestrians crossing from the shared cycle lane / footway. There is already street lighting present along the southern side of Oxford Road up to a point just east of the existing access the Horspath Sports Ground and west of the proposed access (the same point at which the road becomes unrestricted). The Local Highways Authority has indicated that the street lighting should be extended to the east of the proposed vehicle access.
39. Within the site, the drawings indicate that the footways from Oxford Road on either side of the access road will not continue on alongside the access road into the site. In the absence of a dedicated footway into the site it is likely that the access road will be used as a shared surface between pedestrians, cyclists and

motor vehicles. Having regards to the distance between the Oxford Road and sports pavilion, a dedicated footway is also to reduce the potential for conflict between pedestrians and cyclists or motorists and provide a safe area for pedestrians to pass without stepping out onto the grassed area. This would be particularly important for disabled visitors to the site as well as parents with young children in pushchairs. The footpath must be appropriately lit. This should be secured by condition.

40. The Transport Assessment has included Swept Path plans to demonstrate that the largest vehicles expected to require access to the site (in this case coaches, refuse vehicles and emergency vehicles) can safely enter, turn and exit the site in a forwards gear. However, it is noted that these manoeuvres can only be undertaken with the suspension of six parking spaces. This arrangement would be difficult to manage should coaches need to turn on in the car park on a match day when the car park is likely to be well used. Furthermore the instances in which emergency vehicles will require access the site cannot be anticipated and so the suspension of those bays could not be ensured at those times. A dedicated turning area is therefore required for such vehicles and so officers would recommend a revised plan be provided by condition showing the turning area.

41. Car Parking: The Local Plan states in Policy TR3 that developments should provide an appropriate level of car parking although the Local Plan does not include any set standards for this type of facility. The proposal would provide a total of 150 parking spaces. The Transport Assessment sets out that the anticipated peak parking demand on the site for the various uses could reach the following levels:

- 59 - 61 spaces on weekday evenings associated with the proposed 5 a-side league
- 68 spaces on weekday evenings for youth / academy training sessions
- Up to 129 spaces if the weekday training sessions and 5 a-side league games take place on the same weekday evening and all pitches are in use
- 145 during the weekend while football matches are taking place

42. The provision of 150 parking spaces is likely to be sufficient given the assumptions contained within the Transport Assessment. The Local Highways Authority has raised no objection to the level of parking or assumptions in the Transport Assessment, but has rightly stated that it is vital all the parking demand associated with the facility can be accommodated on site. Therefore they have recommended that an area is set aside for overflow parking in the event that demand for car parking exceeds capacity in order to ensure that vehicles do not park on the access road to the facility impacting on emergency vehicles or coaches arriving to the facility. This point is accepted by officers, however, it is also important to bear in mind that the Horspath Road Sports Ground is sited on the opposite side of the Oxford Road which could provide overflow parking for the facility and clearly the Event Travel Management Plan can provide details of the parking management for the facility including actively promoting options such as car sharing.

43. The County Council also requests that Double Yellow Lines are included along

the Oxford Road as part of the proposed highway works in order to ensure that overspill parking cannot occur along the Oxford Road outside of the site. This would also be secured by condition.

44. In addition to vehicle parking, it is also likely that coaches will require access to the site, particularly on match days, however the site plans do not show where coaches are expected to park on the site. Therefore a condition should be imposed requiring details of the coach parking area.
45. Cycle Parking: The development would provide 60 secure and covered cycle parking spaces on the site. Having regards to the potential for trips to the proposed site to be made by cycling and the anticipated numbers of people to be on the site during peak times, the Local highways Authority would recommend that a higher provision of cycle parking be provided in order to encourage cycling as a preferred mode for travel to the site.
46. The cycle parking provision must be located in an easily visible and accessible location within the site with a clear and level access from the internal access road to the cycle parking area. There is sufficient space to provide more cycle parking spaces, and also to locate this area in a convenient location for users. Therefore officers would recommend a condition be attached requiring approval of these details.
47. Officers would therefore recommend to members that subject to appropriately worded conditions, the proposed development would be acceptable in highway terms in accordance with Policies CP3, TR1, TR3, and TR4 of the Oxford Local Plan 2001-2016.

### **Flood Risk and Drainage**

48. A Flood Risk Assessment has been submitted with the application. It identifies that the site is located within Flood Zone 1, but that an area along the southern boundary of the site parallel with the railway line is susceptible to surface water flooding.
49. Having regards to the nature of the development and the layout, it is not anticipated that the buildings or other facilities will be at an increased risk of flooding or create further unacceptable risk of flooding elsewhere.
50. A Drainage Strategy has also been submitted with the application, which primarily deals with pitch drainage. The strategy identifies that the surface water drainage scheme for the access road, hardstanding, and building will need to be developed as part of the strategy for the whole site. However, considering that only 7% of the site will be impermeable ground, the size of the development site and the estimated attenuation volume likely to be required it is considered that an appropriate drainage strategy could be developed to ensure that the built elements of the development do not adversely impact on surface water flooding. This could be secured by condition.
51. Thames Water has reviewed these documents and has raised no objections to

the proposal with respect to surface water drainage, wastewater, and foul water.

## **Ecology**

52. An Ecological Appraisal has been submitted which considers the potential impacts upon biodiversity and any mitigation measures that are necessary within the site layout.
53. The site is not subject to any statutory designations of nature conservation interest. The Phase 1 survey identified that the hedgerows on the perimeter of the site were species poor, but that suitable habitat is present for ground and tree nesting birds, foraging and commuting badgers, and bats within the site. A total of six bat species were recorded on site, but activity is generally low, and there was only one tree with bat roosting potential. The site also includes some habitat in the west that supports slow-worm and common lizard.
54. In order to mitigate any ecological impact, the appraisal recommends that the layout of the site retains and restores the open mosaic habitat and hedgerows on the site for the creation and enhancement of habitat to offset / compensate for that which is lost. The site layout has identified a habitat area in the west where this could be achieved and the landscaping plan will encourage planting along the hedgerows. The development of an appropriate lighting scheme that is sensitive to bats (i.e. avoiding lighting boundary features and any newly created habitat areas such as ponds and swales). To avoid killing or injury to badgers and reptiles through appropriate mitigation and for the reptiles translocation to a prepared receptor site. This would all be achieved through an Ecological Management and Enhancement Plan.
55. Officers would concur with the findings of the appraisal and consider that the proposal would accord with the aims of Oxford Core Strategy Policy CS12 subject to a condition which requires the development of an Ecological Mitigations and Enhancement Plan.

## **Archaeology**

56. The application has been accompanied by an Archaeological Desk Based Assessment and Field Evaluation Report.
57. This site is of interest because evaluation trenching has demonstrated the presence of localised Late-Iron Age and early Roman settlement activity. The site is located within a wider landscape of extensive and dispersed Roman manufacturing compounds and associated infrastructure orientated on the Dorchester-Alchester Road. Limited activity of Late Bronze Age-Early Iron Age in the form of a single 2m wide ditch was recorded during extensive trenching at the adjacent Rover VQ building site in 1995 (OAU 1995). The Oxford pottery industry can be considered of national importance in the field of Roman studies and therefore well preserved kilns or related infrastructure have the potential to be significant archaeological interest. The application site has previously been subject to archaeological field walking survey and phased evaluation trenching in

relation to a previous application 001/1001/NFY. The 2001 surface collection recovered a random scattering of Roman and medieval pottery. The volume of finds recovered was small with no evidence for kiln waste and no particular concentration of activity noted. In April 2002 a field evaluation in the north-west corner of the site recorded a 1st century east-west ditch and to the south of this two further undated gullies, posthole and pit. In September 2002 four further trenches were excavated targeted on proposed impacts, these did not reveal any further features.

58. The applicant is currently undertaking further investigations in the form of evaluation trial trenching on site. Having regards to the results of the desk based assessment a condition should therefore be attached requiring full details of the scheme of archaeological investigations taking into account the work that is underway and programme for post-investigation assessment.

### **Air Quality**

59. An Air Quality Assessment has been submitted with the application which considers the impacts potential impacts of vehicle exhaust emissions on air quality during the operational phase of the proposed development.
60. Having reviewed the assessment officers consider that the development would not have an adverse impact on air quality. However, a key theme of the National Planning Policy Framework is that development should enable future occupiers to make “green” vehicle choices and “incorporate facilities for charging plug-in and other ultra-low emissions vehicles”. Oxford City Council’s Air Quality Action Plan 2013 commits to seeking to ensure that new developments make appropriate provision for walking, cycling, public transport and low emission vehicle infrastructure e.g. Electric Vehicle charging points.
61. As a minimum requirement, new development schemes should include the provision of electric vehicle recharging provision and any mitigation requirements arising from the exposure assessment, where applicable. The recommended provision rate is at least 1 Electric Vehicle (EV) charging point per 10 parking spaces. Therefore officers would recommend a condition be imposed which seeks the provision of charging points within the parking area.

### **Other Matters**

62. Noise: An Operational Noise Management Plan has been submitted which outlines key noise areas in general terms but with only limited information relating to this particular proposal. The plan identifies that the nearest residential accommodation is some 400m away and therefore it is extremely unlikely that the intended use would present a noise problem for surrounding residents.
63. In light of this, officers would raise no objections in terms of noise pollution. However, in order to mitigate any possible noise pollution, officers would request a management plan which includes operating times for the facility, so as to reduce general ambient noise levels in the area.

64. Lighting: A lighting plan has been included with the application. Although the site is agricultural land, it is not entirely dark at night due to the surrounding industrial and highways lighting required for these uses. During the consultation process, the Horspath Parish Council has raised a concern about the potential impact of floodlighting upon their local residents. The lighting plan shows that the access road, parking area, and AGP would need to be lit. The plan indicates that the light spillage from this lighting would be extremely limited and contained well within the site. A condition should be attached which requires details of the lighting columns for the site, and the method of ensuring that the lighting plan spillage is achieved (i.e. lighting hoods etc)
65. Land Contamination: A Phase 1 desk study has been submitted with the application. The report identified numerous potential contamination sources both on and off site and assessed the risks from contamination on site to be low to moderate. A phase 2 intrusive site investigation is recommended to characterise the ground conditions on site and further assess the risks to future end users. Officers would therefore raise no objection to the proposal subject to a condition requiring the further phase 2 and 3 surveys being carried out on site.
66. Community Infrastructure Levy: The Community Infrastructure Levy (CIL) is a standard charge on new development. The amount of CIL payable is calculated on the basis of the amount of floor space created by a development and applies to developments of 100 square metres or more. Based on the floor area of the proposed development the proposal will be liable for a CIL payment of £13,878.

### **Conclusion:**

67. The proposal is considered to be in accordance with the relevant policies of the Oxford Core Strategy 2026 and the Oxford Local Plan 2001-2016 and therefore Members of the East Area Planning Committee are recommended to grant planning permission for the proposed development.

### **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.

**Contact Officer:** Andrew Murdoch

**Extension:** 2228

**Date:** 18<sup>th</sup> January 2017

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**East Area Planning Committee**

8<sup>th</sup> February 2017

**Application Number:** 16/02586/FUL

**Decision Due by:** 24th November 2016

**Proposal:** Erection of a single storey coffee shop unit (Sui Generis) with associated drive-thru facility, car parking, landscaping and associated works.(Additional Transport Assessment information, Flood Risk Assessment and Archaeology Assessment).

**Site Address:** Land Adjacent To Homebase Horspath Driftway Site plan,  
**Appendix 1**

**Ward:** Lye Valley Ward

**Agent:** Mr Leigh Thomas

**Applicant:** S.I Pension Trustees Ltd

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## **Recommendation:**

The East Area Planning Committee is recommended to GRANT planning permission for the reasons set out below and subject to and including conditions listed.

## **Reasons:**

- 1 It is considered that proposed development would be acceptable in principle in this existing out of centre location. The proposals would not have a detrimental impact on the existing retail centres, highway network or car parking, archaeology or other environmental impacts such as noise. There would be no harm to adjoining residential amenities. The proposal accords with the Policies contained within the Local Development Framework and NPPF.
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. Time begun within time limit
2. Develop in accordance with approved plans
3. Materials – in accordance with plans
4. Restricted use
5. Landscape Plan: further details
6. Landscape management Plan

7. Flood Risk Assessment – in accordance
8. Drainage infrastructure – in accordance
9. SUDS - further details
10. Damage to the culvert or pit structures
11. Construction Traffic Management Plan
12. Delivery and Service Management Plan
13. Opening hours -0700hrs – 2200hrs daily
14. Noise –mechanical plant – nearest sensitive receptor
15. Energy & efficiency – further details
16. Bin storage – as approved
17. Cycle parking – further details
18. Car parking/ turning/ barrier/ layout - as approved

**CIL:**

The site is liable for CIL: £19,429.20

**Main Local Plan 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
- CP19** - Nuisance
- CP20** - Lighting
- CP21** - Noise
- CP22** - Contaminated Land
- TR1** - Transport Assessment
- TR3** - Car Parking Standards
- TR4** - Pedestrian & Cycle Facilities
- TR5** - Pedestrian & Cycle Routes
- NE11** - Land Drainage & River Engineering Works
- NE12** - Groundwater Flow
- NE13** - Water Quality
- NE14** - Water and Sewerage Infrastructure
- NE15** - Loss of Trees and Hedgerows
- NE23** - Habitat Creation in New Developments
- HE2** - Archaeology

**Core Strategy (CS)**

- CS2\_** - Previously developed and greenfield land
- CS9\_** - Energy and natural resources
- CS10\_** -Waste and Recycling
- CS11\_** Flooding
- CS12\_** - Biodiversity

**CS13\_** - Supporting access to new development  
**CS18\_** - Urban design, town character, historic environment  
**CS19\_** - Community safety  
**CS31\_**-Retail

**Other Material Considerations:**

National Planning Policy Framework  
Planning Practice Guidance

**Relevant Site History:**

90/985/NFY Sainsbury Homebase – 2 non food retail units, service area, parking for 1096 cars and vehicular access. Approved January 1991.

92/00652/NFY - Currys - Single storey non food retail store (10,000 square foot) with 48 car parking spaces and access from Horspath Driftway (Amended Plans). Approved December 1992.

15/03709/FUL – Currys - Erection of two storey side extension and first floor front extension. Installation of new shop front and plant enclosure. Provision of glazed canopy to south west elevation. Re-configuration of car park and associated landscaping.(amended plans). Approved February 2016.

**Representations Received:**

Representations from 1 Fletcher Road, 12 Wetland Road, 32 Dene Road, 17 Meyseys Close, 12 Kenedy Close, 29 Gleblands, 88 Normandy Cres and Bullingdon Res Assoc can be summarised as follows:

- At present there is separate pedestrian and cycle access to the retail park direct from the Eastern Bypass - next to the pedestrian continuation of Brasenose Driftway. There is no specific mention of this access on the plans - and given that this access means pedestrians and cyclists can avoid the busy road junction on Horspath Driftway then a condition of giving planning consent should be that this access continues to be maintained at all times
- Not convinced that there would be "no effect on the highway network".
- Aldi store is currently being built and the trip figures for this are not included or considered in the transport statement. The new store could potentially double the number of vehicles entering and exiting onto Horspath Driftway, both towards Headington and the Eastern Bypass. Additionally, the changes proposed within the Access to Headington for the junction onto the bypass need to be considered.
- Unacceptable impact on congestion of Horspath Driftway
- Pedestrian safety when crossing at the junction of the access road with Horspath Driftway is already a hazard. The footpath stops, and visibility is restricted by a dense hedge. It is not possible to see traffic coming along Horspath Driftway from the ring road, and then turning speedily into the retail

park. A pedestrian crossing should be installed at the junction of the access road and Horspath Driftway.

- The site would generate noise and pollution.
- The removal of three large trees would take away some of the screening effect in place at the moment.

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

Natural England Statutory nature conservation sites – no objection

Natural England has assessed this application using the Impact Risk Zones data (IRZs) and is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, would not damage or destroy the interest features for which Brasenose Wood & Shotover Hill SSSI and Lye Valley SSSI have been notified.

Highways Authority: No objection subject to a condition requiring a Construction Traffic Management Plan.

### **Officers Assessment:**

### **Site Description and Proposal:**

1. The site lies within an existing retail park on the edge of the ring road accessed off Horspath Driftway. Currently there is a Homebase and Carpet Right and vacant stores including former Currys that is being re-developed for the Aldi supermarket store.
2. The site lies beside Homebase in the far southern corner of the retail park. It is surrounded on the boundary by thick vegetation and trees. The other side of the south – south eastern boundary is a public footpath access from the ring road to Brasenose Driftway. There is also a small informal access for pedestrian and cyclists to the retail park from the ring road at the eastern end of the site. To the west is the residential properties on Fletcher Road and to the south a bungalow the other side of the footpath.
3. It is proposed to erect a Costa Coffee café with ancillary drive through facility. It would measure approximately 11m wide by 17m long and 4.8m to 5.7m high with a mono pitched roof. Three trees and a number of existing car parking spaces would be lost within the existing car park. Additional cycle parking and four replacement car parking spaces are proposed, including two disabled, together with outdoor seating, bin storage and additional planting.

### **Issues:**

4. Officers consider the main determining issues to be:
  - Principle of development

- Design
- Highways and Parking
- Flooding and Drainage
- Contamination
- Archaeology
- Landscaping and trees
- Residential Amenities
- Energy Efficiency
- Refuse
- Noise and Pollution
- Biodiversity

### **Principle of Development:**

5. The site is within an existing out of town retail park. The proposed development operated by Costa is their 'drive-thru' format and is considered sui generis use as it combines a mixed use A1 (shop)/ A3 (café) with a drive-thru facility and as such does not fall completely within one use class. The retail park is an unallocated site in the Development Plan and is located on the by-pass outside the Cowley Primary District Centre and Headington Secondary District Shopping Centre. It is accessible by vehicle, walking and cycling.
6. Firstly in relation to this proposal national planning guidance (NPPF) seeks to 'positively drive and support sustainable economic development' and 'encourage the effective use of land by re-using land that has been previously developed' and 'promote mixed-use developments'. Paragraph 20 goes on to emphasise the importance of helping 'to achieve economic growth' and the need for local planning authorities 'to meet the development needs of business and support an economy fit for the 21st Century.'
7. In assessing main town centre uses that are not within an existing centre, there are two key tests that need to be applied. This includes the 'sequential test' and 'impact assessment test' as set out in the NPPF. However since this proposal falls under 2,500sqm threshold the 'impact assessment test' does not need to be applied. The Core Strategy 2026 together with the 'saved policies' includes Policy CS31(retail hierarchy), which is similar to the NPPF in seeking to direct main town centre uses to existing centres and seeking to ensure no adverse impact on existing centres. An additional policy, RC13 of the OLP, also refers to the environmental impact of food and drink uses on the immediate area. As such it makes reference amongst other things to the sequential test and impact assessment. CP6 seeks to ensure the efficient and effective use of previously developed land.
8. In relation to the 'sequential test' Planning Practice Guidance provides some useful supporting advice on how to apply this test. It states that Local Planning Authorities should consider the relative priorities and needs for main

town centre uses, particularly recognising 'their different operational and market requirements'. For example a hotel which is likely to cater for a different market at a motorway service station than within a town centre. Furthermore recent legal cases are also important in providing guidance on how the sequential test should be applied in practise which includes a recognition of the applicants' specific 'business model,' which would ultimately impact on the size of the site being searched for 'viability' / deliverability of the development. It is considered that whilst a sequential test should be carried out for this mixed retail use, in practise given the operational requirements of the applicant and their 'business model' for this particular type of use i.e. mixed use 'drive-thru' format, Officers consider that such an assessment is unlikely to be able to identify a site within an existing centre that would be able to meet the specific needs of this type of use. Indeed the Applicant has made such a sequential assessment and is unable to identify any other available sites that could accommodate their drive-thru format within a sequentially preferable location. Cowley shopping centre whilst closest (1.5km away) does not offer a suitable site, and furthermore Costa already operate a site there which they do not want to change format on (John Allen centre). Officers concur with this assessment.

9. It is also considered that the proposed Costa unit would provide an additional service to the local community as there is limited amenity locally, particularly in the form of cafes. The only other local shops nearby are in Hollow Way, Horspath Rd, the neighbourhood centres at The Slade and Wood Farm Way, the burger van on Pony Road in the Industrial Estate on the other side of the By-Pass, and Shotover View residential care home (Craufurd Road) which has a "community café". Residents would be able to walk to the facility from the surrounding area, as would those persons working in the Industrial Estate opposite. This use is considered likely to serve existing users of the highway network by reason of the drive through facility. The majority of customers would therefore be already on the highway network either as pass-by trips or visiting Horspath Driftway (see below in the report on this aspect). The proposed use would create new jobs, promote economic growth and provide a sustainable form of development, given its urban context and the local market, which would be served by this proposal. Issues relating to adverse environmental impact are dealt with further below, however Officers consider there would be no adverse impact contrary to policy.
10. In conclusion therefore Officers consider on balance that given the nature of the proposal it would provide sustainable economic development in a way that makes effective use of previously developed land and would not be harmful to existing retail centres and is therefore acceptable in principle in this location, in accordance with the NPPF and Development Plan Policies.

### **Design:**

11. Policy CP1 of the Oxford Local Plan states that planning permission will only be granted for development that shows a high standard of design that



respects the character and appearance of the area and uses materials of a quality appropriate to the nature of the development, the site and its surroundings. Policy CP8 suggests that the siting, massing and design of any new development should create an appropriate visual relationship with the form, grain, scale, materials and detailing of the surrounding area.

12. The proposed design of the unit is a standard Costa Coffee design and materials used. The building is single storey in height with a mono pitched roof. Materials proposed are blue brick plinth with white render walls and horizontally timber clad elements, anthracite grey aluminium glazing. A large indoor seating and serving area is provided together with the drive through element to the rear. External seating area is also provided.
13. It is considered that the design of the building, whilst standard, is functional and would acceptably relate to other existing buildings adjacent within the retail park. It is heavily screened from residential properties and only visible to the ring road. The materials are also acceptable for the area within which it sits and appropriate to the retail park itself. It is therefore considered that it would not be harmful to the character and appearance of the area in which it sits, and is therefore in accordance with CP1, CP8, CP9 and CP10 of the OLP. A condition would secure the materials as proposed.

### **Highways and parking:**

14. The site plan shows that there are a total of 245 car parking spaces available on the retail park (including the 55 car parking spaces associated with the Currys / Aldi unit). The proposal would result in the net loss of 40 car parking spaces leaving 205 spaces left for all units. 2 disabled & 2 limited waiting car parking spaces (for the drive-thru part) and 10 cycle parking spaces would be provided close to the café. The conversion of the former Currys to an Aldi is currently under construction.

#### *Car Parking and Highway Impact*

15. A Transport Assessment was submitted and further additional information was submitted including car park surveys, traffic movements and accumulation surveys generated by the Aldi supermarket at the request of the County HA. The County and residents were re-consulted. The comments of residents regarding parking and impact on the roads have been taken into account. Further comments as a result of the neighbour re-consultation on additional information will be verbally updated at Committee.
16. The HA has commented that in the first instance the submitted TA did not make reference to the Aldi store that has planning permission or its associated parking demand, and therefore the TA assumed the parking demand at the retail park to be at its current level i.e. with the Curry's store empty. They also queried the accuracy of the trip generation estimates in the TA since they were splitting the results from 'Drive -Thru' surveys with those from 'Road Side Services' (in this case Little Chefs) and queried why the estimates should be split with road side services. Using just 'Drive-Thru'

surveys a higher number of trips would be expected. The TA also assumed that shared trips (i.e. trips that are already being made to the site and are not new trips) would account for 50% of the trips to the development. The HA have always accepted that a number of trips would likely be shared but queried on what basis it is assumed that these would account for 50%.

17. The HA were therefore concerned that, should the number of shared trips be a lower proportion than stated and when looking at the number of trips expected based purely on 'Drive Through' surveys and taking into account the parking demand from the Aldi store, the parking demand for the retail park at peak times (on a Saturday afternoon) could exceed capacity which could lead to blocking of the Horspath Driftway.
18. Further to the request by County for the submission of more evidence and justification to address their above concerns, the applicant submitted a parking accumulation exercise which took into account the parking demand expected from the Aldi development, and information which based the trips generated from the proposed development purely on drive through trip rates (not road side services) and which assumed all new trips generated i.e. no shared trips. This evidence demonstrated that even if no trips were shared the parking demand for the retail park would not be expected to exceed capacity. This was considered robust by the HA and they have therefore removed their initial objection.
19. In response also to concerns raised by residents, the HA comments that in terms of the impact on the junction at peak network times (not peak time for the proposed development which is expected to be a Saturday afternoon) the development would be expected to generate 28 two-way trips in the AM peak and 40 in the PM. Even if these were all new trips, this number is within the daily fluctuation of traffic flow at that junction and so the impact would not be considered severe. Furthermore, not all of these trips would pass through this junction (some would come from Headington / Hollow Way).
20. The 28 AM and 40 PM trips does include shared trips so the number of 'new trips' is likely to be less than 28 and 40. Whilst the proportion of shared trips may not be 50%, the HA consider that even if none were shared trips (which in reality they accept some would) the impact of the proposed development on the road network (including Horspath Driftway and the Slade) would not be considered severe.
21. In conclusion therefore, further to the information submitted and the advice of the HA in respect of impact on the highway/ road network and car park capacity, it is considered that there would be no significant adverse impact on either as a result of the proposal and it accords with Policies TR1 and TR3 of the OLP.

#### *Cycle parking*

22. The 10 cycle spaces exceeds the minimum policy requirement and it is therefore considered that adequate cycle parking would be provided in

accordance with TR4 of the OLP, further details of which can be secured by condition.

### **Flooding and Drainage:**

23. From review of the Environment Agency's Flood Mapping the proposal is located within Flood Zone 1 and according to the SFRA level 2 the proposal would not be located within a critical drainage area. The proposed structure would be within 8m of the culverted watercourse.
24. A Flood Risk Assessment has been submitted. The proposed surface water drainage utilises permeable paving with granular sub-base for water quality and quantity management. The discharge would be restricted to the practicable 5l/s during all events up to and including the 100-year plus 40% climate change storm event. The proposed system would discharge by gravity to the existing drainage system serving the car park and associated shops adjacent to the development. The proposed surface water drainage system would reduce the runoff rates and volumes when compared against the existing scenario and decrease the flood risk in the wider catchment. The finished floor levels of the proposed building should be set at least 150mm above the surrounding ground levels to prevent runoff entering through doorways. The site levels should be designed to facilitate safe Overland exceedance flow routes directing the flow away from the building and towards less vulnerable areas (e.g. road and landscape areas). The proposed foul drainage would be gravity based and connect to the existing foul drain at the southwest corner of Carpet Right.
25. Officers agree with the FRA conclusions and with regards to the Sustainable Drainage Strategy proposed and a condition requiring further details of the SUDS can be secured via condition.
26. The County as Lead Local Flood Authority has given the direction that the proposal should follow the guidelines of the Environment Agency with regards to the distance of interest to an adjacent watercourse. As the plans show that the proposed structure would be within 8m of the watercourse, details should be submitted which ensure that during construction and on completion the proposal would not affect the culvert. This can be secured by condition.
27. The proposal therefore accords with Policy CS12 of the CS.

### **Contamination:**

28. The phase 1 environmental assessment and the geotechnical investigation did not identify any significant contamination on this site for a proposed commercial end use. Officers agree with the findings in this report and recommend an informative is placed any planning permission relating to topsoil and if unexpected contamination is found. The proposal therefore accords with Policy CS22 of the OLP.

### **Archaeology:**

29. This site is of interest because it is located directly to the north of the site of a 2003 archaeological excavation at Eastfield House which produced evidence for Bronze Age, Iron Age and Roman activity. The Eastfield House site produced a small assemblage of pottery dating to the 2nd-1st century BC and at least one pit of this date. The evidence would suggest that cereal crops were processed on site. Subsequent early Roman ditches and gullies forming a paddock or field system and enclosure were found. The plan of the ditches suggests that a sizable enclosure may project into the proposed Costa Coffee site. These ditches contained residual Iron Age pottery and it is possible that they represent Roman re-use and re-cutting of Late Iron Age boundaries (Challis 2005: 99). The remains of two perinatal infants and part of an adult skeleton were also found in a gully terminus. Several sherds from a Bronze Age vessel were also recovered.
30. The full extent of the Iron Age and Roman settlement and related field systems in this area is not known, although the evidence from Eastfield House suggests that activity extended well beyond the investigated area and the Eastfield House site may form part of a more extensive settlement landscape associated with a possible nearby roadside settlement orientated on the nearby Dorchester-Alchester Roman Road .
31. The application site is also located within an extensive dispersed landscape of Roman pottery manufacturing compounds orientated on the Dorchester-Alchester Road. These compounds formed part of a regional pottery industry that is of national significance in the field of Roman studies.
32. A Written Scheme of Investigation has been submitted and approved and field evaluation in the form of trial trenching would be done. At the time of writing the report the trenching has not begun and therefore the findings/ results are not known. However it will be done prior to Committee and therefore Committee will be verbally updated.
33. Officers are recommending approval on the basis that successful field evaluation is done and in the event of any archaeology being found it could be satisfactorily secured or mitigated against in the form of suitable conditions in accordance with Policy HE2 of the OLP and the NPPF. However, in the event of something being revealed that cannot be dealt with by condition it may be that Officers change their recommendation.

### **Landscape and Trees:**

34. The proposed development would require the removal/loss of 2 mature Italian Alders within the existing car park area. These are important in the context of the landscape mitigation of the car park itself, but being internal to the site their loss would not have a significant adverse impact to public visual amenity locally and could be adequately mitigated through replacement planting proposals secured under conditions of any granted planning consent. The existing mature trees and vegetation on the boundary of the retail park adjoining the footpath to Brasenose Driftway and Fletcher Road is not

removed but supplemented by additional planting, the details of which can be secured by condition, together with a landscape management plan. The proposal therefore accords with Policies CP1, CP11 and NE15 of the OLP.

#### **Residential Amenities:**

35. The development is well screened around the south/ south-eastern to western perimeter by existing trees and vegetation. Residential properties are further separated by existing roads (e.g. Fletcher Road) and the footpath between the Bypass and Brasenose Driftway. The proposed building would still be well screened and separated by a distance in excess of 30m. It is therefore considered that there would be no harm to residential amenities as a result of overlooking, loss of privacy, visual intrusion or sunlight or overshadowing. The proposal accords with Policy CP1 and CP8 of the OLP.

#### **Energy efficiency:**

36. An Energy Analysis statement has been submitted which indicates that through the use of a heat pump for heating or hot water would provide in excess of 20% renewable energy. It is considered that adequate energy efficiency measures are shown as being provided in accordance with CS9, CP14 and the SPD and further details of the heat pumps and their implementation in accordance with the statement can be secured by condition.

#### **Refuse:**

37. Refuse would be collected between the hours of 07.00hrs and 22.00hrs by a private contractor that takes the wet refuse (coffee grounds) to be turned in Biomass and mixed papers, plastic etc. to a general recycling plant. Bins are provided behind a screen, adjacent to the building. Adequate bins and refuse collection would be provided in accordance with Policy CS10 of the CS.

#### **Noise & Pollution:**

38. Concern has been raised by residents regarding noise and pollution as a result of the proposal. The site is an existing retail park which already generates a level of vehicular movements etc. and it is also located beside the Eastern By-Pass. Following the above advice of the HA in respect of trips and shared trips to/ from the site from the proposal and its location within a retail park on the By-Pass, it is considered that the proposal is unlikely to generate significant additional noise or pollution such that would cause unacceptable nuisance (e.g. noise, dust, fumes) that would adversely affect neighbouring properties. It therefore would accord with Policy CP19 and 21 of the OLP.
39. A Plant Noise Assessment has been submitted, which states that the projected value would be 10dB below the measured background level, 1m from the nearest sensitive receptor (i.e. residential property). This is considered acceptable in accordance with Policy CP19 of the OLP. A condition could be imposed that ensures this level is maintained at all times.

40. In respect of odour extraction equipment based on the proposed use i.e. heating of food such as sandwiches/ soup/ panini as opposed to cooking of food for consumption, then there would be no requirement for odour extraction equipment in this case.

**Biodiversity:**

41. The proposal would not damage or destroy the interest features for which Brasenose Wood & Shotover Hill SSSI and Lye Valley SSSI in accordance with CS12 of the CS.

**Conclusion:**

42. It is considered that the proposed development would be acceptable in principle in this existing out of centre location. The proposals would not have a detrimental impact on existing retail centres, highway network or car parking, archaeology or other environmental impacts such as noise. There would be no harm to adjoining residential amenities. The proposal accords with the Policies contained within the Local Development Framework and NPPF. East Area Planning Committee is recommended to grant planning permission, subject to and including 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 approve, officers consider that the proposal would not undermine crime prevention or the promotion of community safety.

**Background Papers:** 16/02586/FUL

**Contact Officer:** Felicity Byrne

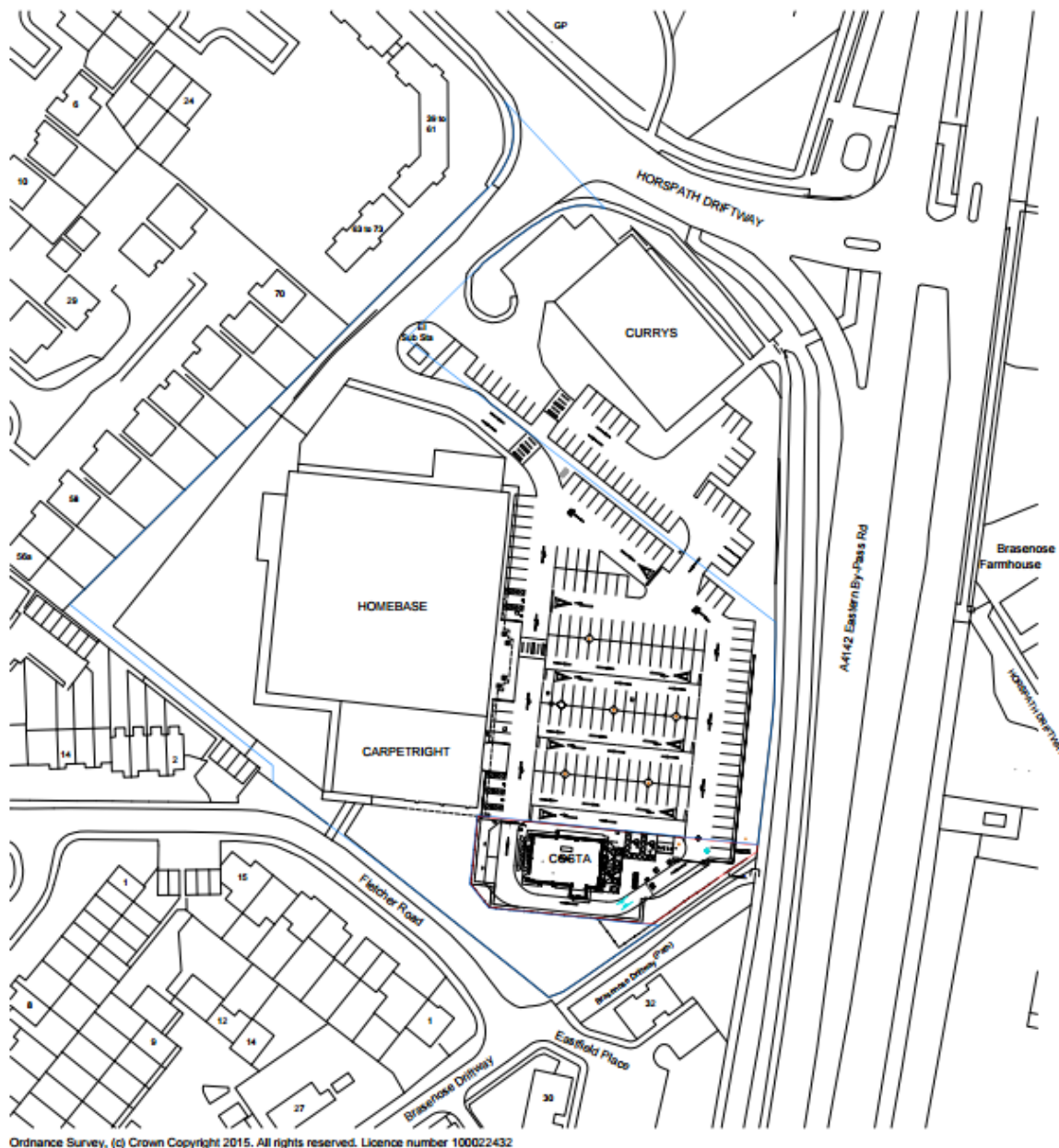
**Date:** 23rd January 2017

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# Appendix 1

## 16/02586/FUL Land Adj to Horspath Driftway



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## East Area Planning Committee

8th February 2017

**Application Number:** 16/02017/FUL

**Decision Due by:** 26th September 2016

**Proposal:** Demolition of existing side extension. Erection of 2 x 4-bed semi-detached dwellinghouses (Use Class C3). Provision of new access with car parking for 2No. vehicles, private amenity space and bin and cycle store.

**Site Address:** 14 Holyoake Road Oxford OX3 8AE

**Ward:** Quarry And Risinghurst Ward

**Agent:** H Venners

**Applicant:** JPPC

**Application Called in –** by Councillors – Sinclair, Munkonge, Taylor and Lygo for the following reason – Impact on neighbouring amenity

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### Recommendation:

The East Area Planning Committee is recommended to GRANT planning permission for the reasons set out below in the report and subject to the suggested conditions.

For the following reasons:

- 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.

### Conditions

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Materials
- 4 Obscure glazed side windows
- 5 Boundary treatments
- 6 Removal of PD rights
- 7 Variation of local traffic order
- 8 Cycle storage
- 9 Vision splays
- 10 Drainage details
- 11 Refuse and Recycling Storage
- 12 Landscaping

## **Main Local Plan 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
- CP13** - Accessibility
- CP19** - Nuisance
- CP20** - Lighting
- CP21** - Noise
- CP22** - Contaminated Land

### **Core Strategy**

- CS2\_** - Previously developed and greenfield land
- CS9\_** - Energy and natural resources
- CS10\_** - Waste and recycling
- CS11\_** - Flooding
- CS12\_** - Biodiversity
- CS17\_** - Infrastructure and developer contributions
- CS18\_** - Urban design, town character, historic environment
- CS23\_** - Mix of housing

### **Sites and Housing Plan**

- HP2\_** - Accessible and Adaptable Homes
- MP1** - Model Policy
- 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  
Planning Practice Guidance

### **Relevant Site History:**

14/02688/FUL - Change of use from Chiropractor's Clinic (D1 use) to dwelling house (C3 use) (retrospective) – PERMISSION 20 November 2014

14/03474/FUL - Demolition of existing side extension and garage at 14 Holyoake Road. Erection of 2 x 5 bed dwellings (Use Class C3). Provision of dropped kerb,

car parking, private amenity space and bin stores. – WITHDRAWN

15/02096/FUL - Demolition of existing side extension. Erection of 2 x 5-bed dwellings (Use Class C3). Provision of dropped kerb, car parking, private amenity space and bin stores. – WITHDRAWN

16/00174/VAR - Variation of condition 2 (Cycles and Bins) and 3 (Car Parking Plan) of planning permission 14/02688/FUL to allow discharge of conditions post compliance period. (Amended plan) – PERMISSION 15 June 2016

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

Oxfordshire County Council Highways: No objections subject to conditions. Conditions should include removal of eligibility for resident's and visitor's parking permits. Additional conditions should include cycle storage details and vision splays to be provided prior to first occupation.

Natural England: No comments.

### **Representations Received:**

(no address provided), 1, 2 (2 comments received) and 4 Linden Court, 15, 23, 32 Holyoake Road, objections:

- Site should be excluded from residents parking permits
- Plans are inaccurate
- Impact on daylight/sunlight
- Effect on privacy
- Height of development
- Information missing from plans
- Impact on parking
- Impact on highway safety
- Impact on traffic
- Impact on character of area
- Impact on trees
- Cycle storage provision
- Heritage value of site
- Impact during construction

### **Site Description**

1. The application site consists of an existing dwellinghouse, 14 Holyoake Road and its substantial side, rear and front gardens. The property is a detached dwellinghouse constructed of red brick with a tiled roof. On the southern elevation of the dwellinghouse is a lean to extension which comprised a garage but has subsequently been converted to provide additional living accommodation.
2. Holyoake Road is characterised by two storey houses with a variety of sizes and architectural styles. The east side of the road contains some terraced houses dating from the early 20<sup>th</sup> Century with properties on the west side of the road containing some larger properties, including semi-detached and

detached houses. To the south of the application site is Linden Court which runs perpendicular to Holyoake Road and has a generous area for car parking that is accessed from Holyoake Road. Linden Court is a block of ten one bedroom houses that have small gardens abutting the application site's southern boundary.

3. The application is not in a Conservation Area. It should be noted that the application property has been previously put forward for local listing on account of its historic interest because it was once occupied (for a short-time) by the writer CS Lewis.

### **Proposed Development**

4. It is proposed to demolish the small existing single storey side extension at 14 Holyoake Road and erect 2 x 4 bedroom semi-detached dwellinghouses on the site of the extension and generous side garden of the property. The proposed dwellinghouses would have accommodation across three floors; incorporating a loft accommodation. The ground floor of the property would have a single storey element at the rear to provide more accommodation at that level. The proposed dwellings would be constructed from brick to match 14 Holyoake Road and areas of render on the sides. The proposed development would have a similar overall height as the existing property at 14 Holyoake Road.
5. The proposals also include an area for car parking at the front of the properties with a shared access from Holyoake Road. The proposals include car parking on the site with one car parking space provided for each property. Small areas of front garden are also proposed with side accesses provided for each of the new dwellings.

### **Officer Assessment**

6. Officers recommend that the principal issues to consider in the determination of the application are:
  - Design
  - Impact on neighbours
  - Flooding and surface water drainage
  - Access and parking

### **Principle**

7. Policy CP2 of the Core Strategy requires that the majority of development should take place on previously developed sites where appropriate. The proposed development would take place on land that currently contains a side extension though large parts of the site that would be developed are currently residential garden land. Residential garden land is not defined as previously developed land as set out in the National Planning Policy Framework (NPPF). However, in the scope of the Council's adopted planning policies, specifically Policy CP6 of the Oxford Local Plan 2001-

2016 and Policies HP9 and HP10 of the Sites and Housing Plan (2013) there is scope to accept the principle of development on garden land where there is sufficient residual garden land provided and subject to all other constraints. In this case, Officers consider that 14 Holyoake Road has a significant area of garden land that provides ample outdoor amenity space and that there is scope to consider that more efficient use of this land could be made. The resulting development would not create a harmful deficit in amenity space on the site and Officers therefore recommend that the development is acceptable in principle.

## **Design**

### Streetscene

8. Officers have had regard to the existing dwellinghouse on the site, the character and appearance of nearby houses and the overall character of the streetscene when considering the acceptability of the design of the proposed dwellings. It is considered that the form, scale and massing of the proposed development would form a visually acceptable addition to the streetscene. This part of Holyoake Road is characterised by a variety of different design types and styles that provide contrast and visual interest. It is considered that the dwellings proposed would make a positive contribution, particularly as a result of the use of matching materials that are proposed.

### Building Heights and Roof Design

9. The proposed height of the development would be similar to the existing dwelling and the resulting development would form a visually acceptable relationship with the streetscene.

### Permitted Development Rights

10. As a result of being new dwellinghouses, the development would normally benefit from permitted development rights if planning permission is granted. This would otherwise enable future occupiers to carry out some extensions without the need for planning permission. Officers have considered the acceptability of some of those developments and have concerns that given the constrained nature of the site; specifically the depth of the proposed dwellings and the development resulting from being infill development, some extensions could have a detrimental impact on neighbouring amenity or the appearance of the area. As a result, permitted development rights have been removed for extensions, dormers and porches (as set out in Part 1, Classes A, B and D of Schedule 2 of the Town and Country (General Permitted Development) Order 2015).

### Landscaping

11. The application proposes the retention of the existing hedge along the southern boundary of the site. This landscaping adds to the quality of existing site by providing a verdant boundary but also would soften the appearance of

the development when viewed from properties in Linden Court. As a result, a condition has been included that would require the submission of a landscaping scheme prior to commencement that should include the retention (or replacement) of planting along the southern boundary.

## **Living conditions**

### Indoor Space and Lifetime Homes

12. The proposed development would provide a high quality living accommodation. The proposed dwellings, which would be large family homes would provide a very good standard of accommodation having taken into account the internal layout, quantity of indoor floorspace and the availability of natural light and ventilation. The generous proportions of the development mean that the development would also meet some of the lifetime homes standards that are required by Policy HP2 of the Sites and Housing Plan. Officers recommend that the development is considered to comply with the Council's requirements for new dwellings in terms of the indoor space provided, as set out in Policy HP12 of the Sites and Housing Plan (2013).

### Outdoor Space

13. The proposed dwellings would benefit from rear gardens of 13.5m. The resultant spaces would be suitable for family dwellings and would meet the requirements of Policy HP13 of the Sites and Housing Plan.
14. Officers have recommended a condition that would require the submission and consideration of boundary treatments prior to commencement and the approved scheme to be installed prior to the first occupation of the dwellings to ensure that adequate fences are provided for privacy.

### Refuse and Recycling Stores

15. Refuse and recycling stores are proposed for the front gardens of the proposed dwellinghouses on the site. Officers recommend a condition is included that would require the submission of the design of the refuse and recycling stores prior to commencement and their installation prior to occupation. Subject to this condition, Officers recommend that the proposals would meet the requirements of Policy HP13 of the Sites and Housing Plan (2013).

## **Impact on Neighbours**

16. Officers have carefully considered the comments raised in relation to the proposed development and have responded to the specific concerns relating to the impact on neighbouring amenity set out below.

### Impact on Light

17. Concerns have been received about the impact on light arising from the



proposed development. The proposed development would be largely in line with existing adjacent dwellinghouse and therefore would not impact on the light conditions for that property. The size of the front garden and distance across Holyoake Road would ensure that there would be no loss of light to properties on the opposite side of the road to the proposed development. In relation to Linden Court the proposed development would chiefly extend along the part of the boundary that is adjacent to the car park that serves properties in Linden Court. The single storey element at the rear of the proposed dwellings would be adjacent to Linden Court but would comply with the requirements of Policy HP14 of the Sites and Housing Plan (2013) and specifically with the 25/45 degree code set out in that policy. As a result, the proposed development would not cause a detrimental impact on light for the occupiers of Linden Court. In reaching this view, Officers have been mindful that the proposed development would be sited to the north of Linden Court which would further decrease the potential impact on light for those properties.

#### Impact on Privacy

18. The length of the rear garden of the proposed dwellinghouses means that the development would not have a detrimental impact on the rear gardens or rear aspects of properties in Windmill Road in terms of a loss of privacy. No transparent side windows are proposed for the new dwellings, only bathrooms windows which would provide limited light without resulting in a loss of privacy. Officers have recommended a condition that would require these windows to be obscure glazed in this way in order to protect the privacy of surrounding occupiers (including those at Linden Court).

#### **Access and Parking**

##### Access

19. The proposed development would involve the creation of an access onto Holyoake Road. The new access would serve a parking area for the proposed dwellings. There are no highway objections to these proposals subject to a condition requiring that appropriate visibility splays are included; Officers have included this condition as part of the officer recommendation.

##### Car Parking

20. The existing property (14 Holyoake Road) would continue to benefit from a small area of off-street parking at the front of the property. The proposed new dwellings would benefit from a single car parking space each at the front of the application site. The proposed parking provision would be acceptable have had regard to the location of the site which benefits from being in close proximity to nearby shops and services in Headington District Centre and good access to public transport on London Road and Windmill Road. There are no objections from the Highway Authority in relation to the car parking provision though this is an area that has significant levels of on-street parking stress. As a result of concerns about the potential impact that additional car parking could have on on-street parking (if occupiers of the proposed

dwellings made use of on-street parking) a condition has been included in the officer recommendation that would remove eligibility for parking and visitor permits for the proposed dwellings. This approach is recommended by Oxfordshire County Council as the Highway Authority and is based on the current local parking conditions in the Holyoake Road area.

#### Cycle Parking

21. The application specifically proposes cycle stores, however there are no details provided. Officers recommend that this could be adequately addressed by condition by requiring the submission of a covered, secure cycle store for each of the dwellings in the rear gardens prior to commencement. A condition has been included in the officer recommendation.

#### **Flooding and Surface Water Drainage**

22. The application site does not lie in an area of high flood risk. The proposals have provided a detailed scheme of drainage that incorporates sustainable drainage measures (SUDs). The technical details for this scheme are acceptable and are recommended to be included by condition. Officers recommend that the proposed development would comply with the requirements of Policy CS11 of the Core Strategy (2011).

#### **Contaminated Land**

23. The existing site is mostly composed of garden land and there are no objections in relation to land contamination. Officers recommend that the development would be acceptable subject to an informative to require unexpected contamination to be appropriately dealt with.

#### **Conclusion:**

24. On the basis of the above, Officers recommend that planning permission should be granted subject to the conditions included above. In reaching this view, officers have been mindful of all the comments raised through public consultation and where appropriate these issues have been responded to in the recommended 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:**

16/02017/FUL

**Contact Officer:** Robert Fowler

**Extension:** 2104

**Date:** 20th January 2017

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# Appendix 1

16/02017/FUL – 14 Holyoake Road, Oxford, OX3 8AE



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**East Area Planning Committee**

8<sup>th</sup> February 2017

-

**Application Number:** 16/03129/FUL

**Decision Due by:** 31st January 2017

**Proposal:** Change of use from dwellinghouse (Use Class C3) to a House in Multiple Occupation (Use Class C4)

**Site Address:** 105 Green Road Oxford OX3 8LE

**Ward:** Quarry And Risinghurst Ward

**Agent:** Jim Driscoll

**Applicant:** Mr Farooq Ghulam

**Application Called in –** by Councillors - Dee Sinclair  
for the following reasons – Concern with on street parking pressures

---

## **Recommendation:**

The East Area Planning Committee is recommended to GRANT planning permission for the reasons below and subject to conditions:

### Reasons

- 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.

### Conditions:

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Secured Bicycle Parking

## **Main Local Plan Policies:**

### **Oxford Local Plan 2001-2016**

**CP1** - Development Proposals

**CP8** - Design Development to Relate to its Context

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

**Core Strategy**

**CS18\_** - Urban design, town character, historic environment

**CS23\_** - Mix of housing

**Sites and Housing Plan**

**MP1** - Model Policy

**HP7\_** - Houses in Multiple Occupations

**HP12\_** - Indoor Space

**HP15\_** - Residential cycle parking

**HP16\_** - Residential car parking

**Other Material Considerations:**

National Planning Policy Framework

Planning Practice Guidance

Oxford City Council: Amenities and Facilities for Houses in Multiple Occupation:  
Good Practice Guidance for Landlords.

**Relevant Site History:**

64/14973/A\_H: Conservatory - PERMISSION 26th May 1964.

76/00650/A\_H: Two storey extension to form garage and extension to kitchen with bedroom over - PERMISSION 29th October 1976.

89/01235/NF: Single storey rear and front extensions - PERMISSION 19th March 1990.

**Representations Received:**

One representation was received from a neighbouring dwelling at No.107 Green Road Risinghurst, Headington Oxford, raising concerns on the following issues:

- Access
- Effect on traffic
- On-street parking
- Accommodation size in relation to proposed occupant
- Parking provision

**Statutory and Internal Consultees:**

Risinghurst & Sandhills Parish Council - raised objection making the following points:

- Access
- Effect on traffic
- On-street parking
- Parking provision

Barton Community Association – No comment received.

Oxfordshire County Council Highway - No objection

**Issues:**

Density of HMOs

Amenities and facilities

Parking



## **Officers Assessment:**

### **Site Description**

105 Green Road is a two storey semi-detached single family dwellinghouse. The site is located in a sustainable location with frequent public bus services, cycle network, shops and other local facilities/amenities. The application site is not within a conservation area nor a listed building.

The application site is not within a controlled parking zone.

### **Proposal**

The application seeks change of use of the existing single family dwelling house (Use Class C3) to house in Multiple Occupation (Use Class C4).

### **Principle**

The application site is located within the built-up area of Quarry and Risinghurst. The proposed change of use between use classes C3 dwelling houses and C4 HMO's usually benefits from permitted development rights and does not require a planning application to be submitted. However, the Government has given individual Councils the power, through the use of an Article 4 Direction, to introduce controls locally. Oxford City Council has since removed such rights and has made an Article 4 Direction allowing it to introduce local planning controls in terms of the change of use of a C3 dwelling to an HMO and as of 24 February 2012 planning permission is required to change the use of a C3 dwelling house to a shared rented house (C4 HMO).

### **Density of HMOs**

There are around 42 buildings within a 100m street length of the site, counting both directions along the road itself and the adjoining streets to a distance of 100m including the application site. There appear to be 3 HMO licensing records for any of these buildings. The actual number of HMOs in the area may be higher, due to some HMOs not being licensed. The records indicate that around 7.5% of buildings in the relevant area are HMOs, which is below the 20% concentration defined in Policy HP7, even if permission is granted for the current proposal. As a result the change of use would be acceptable in the context of that policy. The proposal is not therefore likely to result in a further over-concentration of HMOs in the area.

### **Amenities and facilities**

The first floor includes study room and a separate bathroom, while on the ground floor there is a toilet behind the kitchen and an integral garage. Given the overall floor space, the building is acceptable as a six persons HMO and satisfies the set guideline as indicated in the Council's Landlord's Guide to Amenities and Facilities for HMOs.

It is considered that the proposed dwellinghouse has the potential to provide a high level of internal facilities and amenities for its likely number of occupants and that the development would not therefore have a detrimental impact upon the living conditions for the future occupants. The proposal therefore complies with Policies CP1, CP8, CP10, CS18 and HP9.

The submitted plan shows details of the provision waste and recycling bins on site, located to the front of the property in the small paved front garden space. It was noted that most properties along this stretch of Green Road have their bins similarly stored and collection is from Green Road. The bin capacity shown meet the required number for this proposed size of HMO.

The submitted plan does not show any provision for secure and covered cycle parking spaces. However, a condition would be imposed to ensure secure cycle storage is provided and detail submitted to the local planning authority.

The proposals therefore would comply with Policies HP7, HP12, HP13 and HP15 of the Sites and Housing Plan in this regard.

### **Parking**

Oxfordshire County Council, as the Local Highway Authority, has not objected to the proposed change of use. The application provides two off street parking at the front of the application dwelling and there is an integral garage that could be used for vehicle parking proposed on site. Oxfordshire County Council Highway has concluded that given the available parking space, the proposed change of use meets local standards and that roads immediately surrounding the application site are not known to suffer from parking stress and that most developments within the area have access to off-street parking spaces. The proposal is therefore considered unlikely to restrict existing residents' access to on-street parking.

The proposed change of use would have no parking implications with regard to the council's parking standards.

### **Conclusion:**

On the basis of the above, planning permission should be granted 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 approve, officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

**Background Papers:**

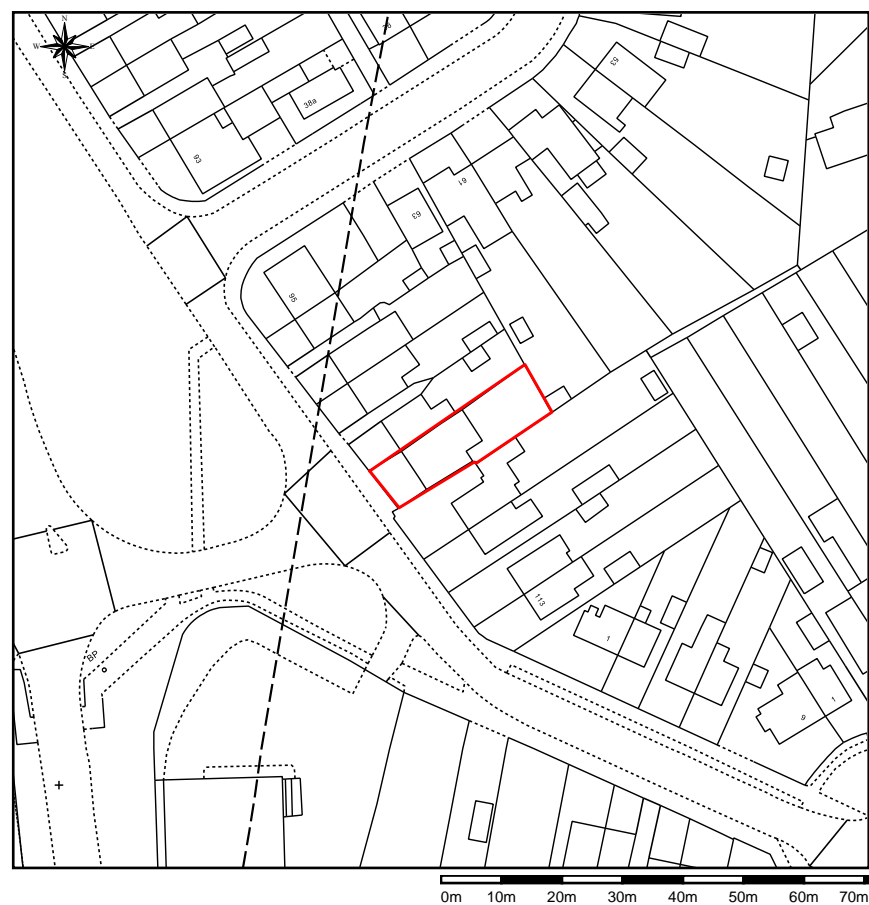
**Contact Officer:** Ade Balogun

**Extension:** 2153

**Date:** 26th January 2017

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# Location Plan of 105 green road, oxford



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**East Area Planning Committee**

- 8th February 2017

**Application Number:** 16/03008/CT3

**Decision Due by:** 17th January 2017

**Proposal:** Overlaying the existing car park with bitumen macadam surfacing with the incorporation of SUDs drainage. Re-organisation of car park to provide an additional 48No. car parking spaces, 8No. disability spaces and 6No. motorbike spaces, with provision of lighting.

**Site Address:** Sports Hall Recreation Ground Court Place Farm Marsh Lane Oxford OX3 0NQ

**Ward:** Marston Ward

**Agent:** Mr Satwant Sandhu

**Applicant:** Oxford City Council

---

## **Recommendation:**

The East Area Planning Committee is recommended to GRANT planning permission for the reasons below, subject to conditions

### Conditions

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Colour and finish
- 4 SuDs
- 5 SuDs 2
- 6 Landscape hard surface design – tree roots
- 7 Tree Protection Plan (TPP) 1

## **Main Local Plan 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

**NE15** - Loss of Trees and Hedgerows

**NE16** - Protected Trees

## **Core Strategy**

**CS11\_** - Flooding

**CS12\_** - Biodiversity

**CS18\_** - Urban design, town character, historic environment

## **Sites and Housing Plan**

**MP1** - Model Policy

### **Other Material Considerations:**

National Planning Policy Framework  
Planning Practice Guidance

### **Relevant Site History:**

None.

### **Representations Received:**

No third party comments received.

### **Statutory and Non-Statutory Consultees:**

Highways – No objection subject to conditions regarding the users of the site and sustainable drainage.  
Old Marston Parish Council – No objection  
Sport England – No objection received to date.

### **Issues:**

Design  
Amenity  
Biodiversity  
Drainage  
Arboriculture

### **Officers Assessment:**

#### Site and proposal:

1. Sports Hall Recreation Ground/Court Farm Place is an Oxford City Council owned site close to the northern bypass in Marston. The site is accessed from Marsh Lane. The existing car park surfacing is worn and in need of replacement. This also prevents the opportunity to formalise parking spaces to make a more efficient use of the space and incorporate SuDs drainage to reduce run-off from the site. It is also proposed to add floodlights to car park.



### Design:

2. The proposed resurfacing is considered to have minimal visual impact on the surrounding area and does not increase the area of hard standing. Whilst the addition of floodlights would be visible from outside of the site, these are not located in a sensitive area, are located a good distance away from the nearest residential occupiers and kept to a height of just over 8 metres which is lower than existing buildings on the site. The proposal would also improve the security of the car park.
3. The proposal is therefore considered to comply with policies CP1, CP6 and CP8 of the Local Plan and CS18 of the Core Strategy.

### Amenity:

4. Due to the level of luminance proposed and the location in proximity to neighbouring occupiers the proposal is not considered to have a detrimental impact on the amenity of neighbouring occupiers in terms of light spill and is therefore considered to comply with policy CP10 of the Oxford Local Plan.

### Drainage:

5. The proposal has the potential to convert an area of existing permeable grasses area, and permeable gravel area (approximately 3170m<sup>2</sup>) into a formalised car parking area.
6. The Flood Risk Assessment (referenced above) states the following in regards to Sustainable Drainage (SuDs);

*“The existing unbound gravel surface will be trimmed and grated to fall to the proposed cellular soakaway drains.*

*“The unbound gravel base course will be overlaid with a binder course consisting of dense bitumen macadam in the vehicle circulation lanes, porous bitumen macadam in the central parking bays which will extend over the central drainage trench.*

*“The top surface layer will consist of dense macadam surface over the dense binder course and permeable macadam surface over the parking bays.*

*“The outer parking bays will be constructed with a polymer grass grid pavement system filled with open gravel to facilitate fast drainage from the surface into the below ground storage and exfiltration system.*

*“A high level overflow connection is proposed to the highway drain located in Marsh Lane. This will come into operation when the storage/filtration capacity of the system is exceeded.”*

7. A plan titled Proposed SuDs Drainage Scheme layout (referenced above) has been provided. The plan contains what appears to be a conventional pit and pipe drainage layout. Furthermore, the plans contain no details in regards to the actual Sustainable Drainage measures which will be put in place, nor does it provide details of the actual location of such measures.
8. Policy CS11 stated the following in regards to surface water drainage;
9. *Unless it is shown not to be feasible, all developments will be expected to incorporate sustainable drainage systems or techniques to limit runoff from new development, and preferably reduce the existing rate of run-off.*  
  
*Development will not be permitted that will lead to increased flood risk elsewhere, or where the occupants will not be safe from flooding.*
10. As outlined above developments are expected to incorporate sustainable drainage systems or techniques to limit runoff from new development, and preferably reduce the existing rate of run-off.
11. The proposal does not provide any plans calculations or details of how the proposal will meet the requirements of CS11, “*reducing the existing rate of run-off*”. Given this, the proposal has potential to lead to increased flood risk elsewhere.
12. However considering the proposal is for a car parking area and does not include any building or other hardstand restriction on the site, it is considered that the proposal could facilitate a sufficient Sustainable Drainage measure to accommodate the proposal.
13. Details, plans and calculations of the actual drainage infrastructure required to accommodate the proposal and ensure it does not lead to increased flood risk elsewhere will be required prior to commencement of the development. Given this, it is proposed that a prior to commencement condition, requiring the provision and approval of these details is recommended.
14. Furthermore, no details of the actual maintenance or management of the proposed sustainable drainage system have been submitted. Given the significant scale of the development, it is also recommended that a condition be imposed requiring the provision and approval of a sustainable drainage maintenance management plan prior commencement of the development and a separate condition requiring that the proposal is constructed and maintained in accordance with the approved plans.
15. It is also noted that the applicant has recommend that the proposal have a “*high level overflow connection to the highway drain located in Marsh Lane*”. It is noted that Thames Water may not accept such a connection. Given this, it is recommended that an informative is included within the approval. Informing the applicant that if Thames Water are the owner of the drainage infrastructure in Marsh Lane approval for the connection will need to be sort prior to construction.

16. Subject to SuDs conditions the proposal is considered to comply with policy CS11 of the Core Strategy.

Arboriculture:

17. Concerns were raised during the course of the application that the proposals appeared to require construction activity within the Root Protection Area (RPA as defined by BS5837:2012) of a high quality and value lime tree (incorrectly identified as an ash on the drawings) and that the root damage incurred will be detrimental to its viability. The layout of the car park was then amended to remove works from this RPA.

18. The RPA of the tree should be protected as a Construction Exclusion Zone, details of this are requested through recommended conditions for a detailed Tree Protection Plan and Arboricultural Method Statement to ensure the protection of this tree. The proposal is therefore considered to comply with policies NE15 and NE16 of the local plan.

Biodiversity:

19. Bats are sensitive to lighting and the proposal has been considered with this in mind. In this instance it is not considered that the proposal will have an adverse impact on protected species and is in compliance with policy CS12 of the Core Strategy.

**Conclusion:**

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

**Background Papers:**

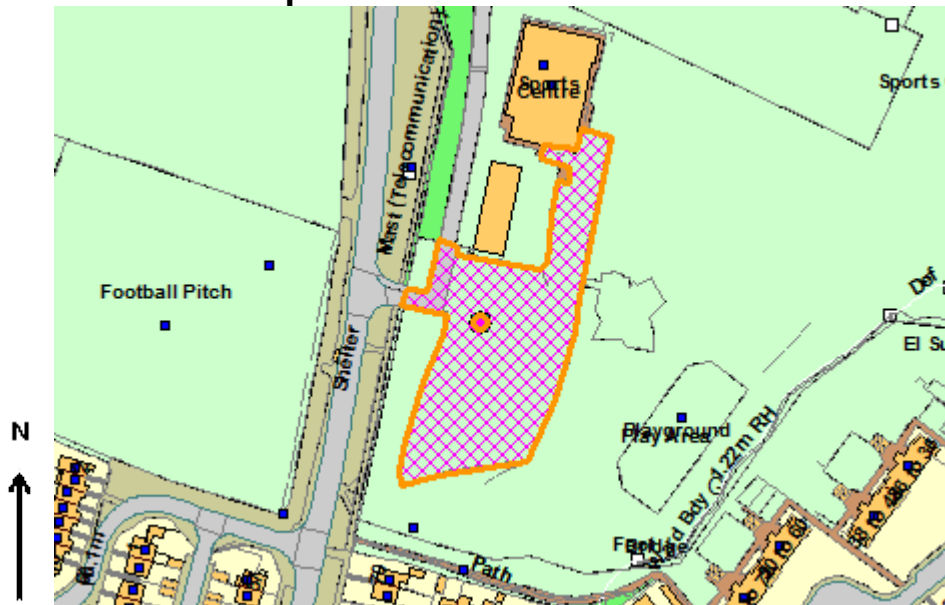
16/03008/CT3

**Contact Officer:** Sarah Orchard

**Date:** 20th January 2017

## Appendix 1

### 16/03008/CT3 - Sports Hall Recreation Ground Court Place Farm



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**East Area Planning Committee**

- 8th February 2017

**Application Number:** 16/03065/CT3

**Decision Due by:** 7th February 2017

**Proposal:** Erection of shed for allotment storage.

**Site Address:** Brasenose Farm Allotments Eastern By-Pass Road Oxford  
Oxfordshire

**Ward:** Lye Valley Ward

**Agent:** N/A

**Applicant:** Oxford City Council

---

## **Recommendation:**

The East Area Planning Committee is recommended to GRANT planning permission for the reasons below, subject to conditions

### **Reasons:**

- 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.

### **Conditions:**

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

## **Main Local Plan Policies:**

### **Oxford Local Plan 2001-2016**

**HE6** - Buildings of Local Interest

**SR8** - Protection of Allotments

**CP1** - Development Proposals

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

**CP8** - Design Development to Relate to its Context

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

## **Core Strategy**

**CS4\_** - Green Belt

**CS18\_** - Urban design, town character, historic environment

## **Sites and Housing Plan**

**MP1** - Model Policy

### **Other Material Considerations:**

National Planning Policy Framework  
Planning Practice Guidance

### **Relevant Site History:**

88/00084/GF - Brasenose Farm Allotments Eastern By-Pass - New agricultural storage shed (Amended Plans). WDN 6th August 1990.

12/02391/PDC - PERMITTED DEVELOPMENT CHECK - Erection of polytunnel. PRQ 11th October 2012.

### **Representations Received:**

No third party comments received.

### **Statutory Consultees:**

Highways – no comment.

### **Issues:**

Design  
Impact on a building of local historic interest  
Amenity  
Greenbelt

### **Officers Assessment:**

#### Site and proposal:

1. Brasenose Farm Allotments sits in the setting of Brasenose Farm to the east of the Eastern Bypass. Planning permission was granted in 2015 for the Conversion of farm buildings to create 2 x 2-bed dwellinghouses and erection of 2 x 3-bed two storey dwellinghouses (Use Class C3) with provision of private amenity space and associated landscaping, formation of double carport to existing dwelling and alterations to access and provision of additional parking. Due to this conversion the existing store and facilities which serve the allotments will be loss. This application therefore seeks permission for a storage shed incorporating a WC.



#### Design/Impact on the locally important building/Greenbelt:

2. The development is considered acceptable in principle as it support an existing allotment and does not result in the loss of this facility which are protected by policy SR8 of the Local Plan.
3. The proposed shed is a fairly large structure (8 by 4 metres), but is only 2.5 metres high. Given the context of the site, it is considered that you would expect to find a shed on an allotment site, however due to sensitive location next to a building of local historic interest it is considered appropriate to request samples of materials before the commencement of development to check they are a suitable appearance and quality. The proposal is therefore considered to comply with policies CP1, CP6, CP8 and HE6 of the Local Plan and CS18 of the Core Strategy.
4. The proposed structure also sits within the Oxford greenbelt. It is considered that the development is justified due to the loss of the existing storage facilities, the site does not fall within the undeveloped floodplain, is not an intensive development which will lead to an increase in built up areas surrounding Oxford and does not change the use of the site but is designed to support it. The proposal is therefore considered to comply with policy CS4 of the Core Strategy.

#### Amenity:

5. The proposed development is not considered to have a detrimental impact on the amenity of neighbouring occupiers of the site in terms of loss of light, overbearing impact or loss of outlook. Whilst residential units have been permitted in the adjacent building, the proposed shed is set a good distance away and does not sit directly in front of windows of habitable rooms.
6. The proposal is therefore considered to comply with policy CP10 of the Local Plan.

#### **Conclusion:**

Officers recommend that the application is approved.

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

**Background Papers:**

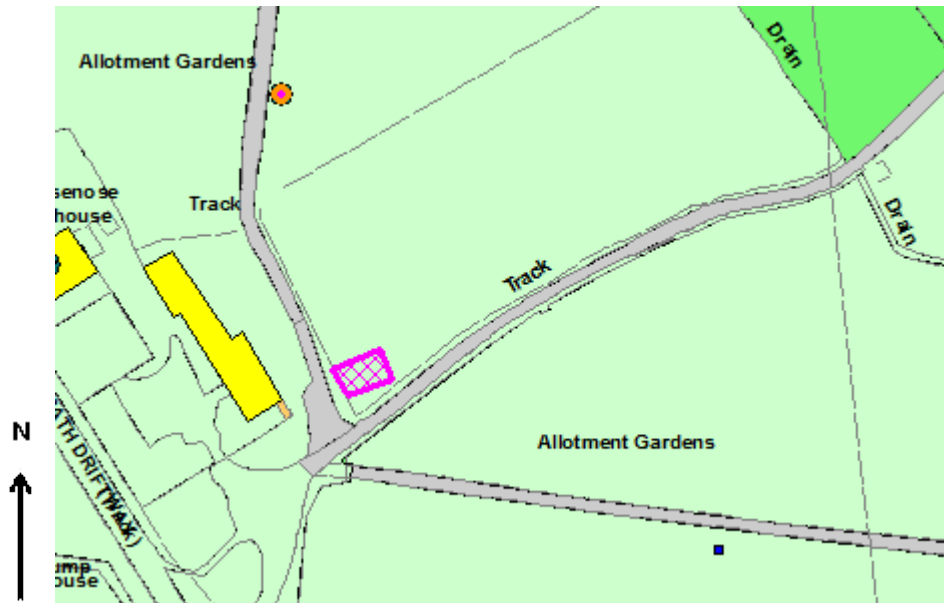
16/03065/CT3

**Contact Officer:** Sarah Orchard

**Date:** 24th January 2017

## Appendix 1

### 16/03065/CT3 - Brasenose Farm Allotments



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**East Area Planning Committee**

8 February 2017

## **REPORT RECOMMENDING ENFORCEMENT ACTION**

**Site:** Lawn Upton House: specifically listed below:

Blay's Cottage, 25 Lawn Upton Close, Oxford. OX4 4QF

Clewer House, 26 Lawn Upton Close, Oxford. OX4 4QF

Lawn Upton House, 27 Lawn Upton Close, Littlemore, Oxford, Oxfordshire, OX4 4QF

**Ward:** Littlemore

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### **Recommendation:**

The East Area Planning Committee is recommended to resolve to issue one or more listed building enforcement notices under s38 of the Planning (Listed Buildings and Conservation Areas) Act 1990, for the following reasons:

- 1 The unauthorised works being unauthorised works of alteration to Listed Building(s) affecting its character as a building of special architectural or historic interest are a contravention of sections 7 and 9 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The unauthorised works as set out in this report fail to preserve the special architectural and historic interest of the Listed Building;
- 2 It is expedient to do so having regard to the effect of the works on the character of the building as one of special architectural or historic interest;
- 3 The unauthorised works as set out in this report fail to preserve the special architectural and historic interest of the Listed Building;
- 4 The unauthorised works cause harm to the Littlemore Conservation Area and fail to preserve or enhance the character or appearance of that Conservation Area;
- 5 The unauthorised works are contrary to local and national policies as set out below; and
- 6 Some of the unauthorised works carried out have started to and would continue to cause serious decay to the building fabric and should be remedied to prevent further irreversible decay.

and to delegate the issuing of the notices to the Head of Planning and Regulatory Services.

## **Main Local Plan Policies:**

### **Oxford Local Plan 2001-2016**

**CP1** - Development Proposals  
**HE3** - Listed Buildings and Their Setting  
**HE7** - Conservation Areas  
**CP7** - Urban Design  
**CP11** - Landscape Design

### **Core Strategy**

**CS18** - Urban design, town character, historic environment

### **Other Material Considerations:**

National Planning Policy Framework  
Planning Practice Guidance  
In Littlemore Conservation Area

### **Relevant Site History:**

96/00084/NFH - Installation of door in place of existing window to provide new entrance to 1st floor flat. PER 19th April 1996.

96/00085/L - Door in existing window at ground in north for new entrance to & upgrading to meet fire safety standards of 1st floor flat. Internal alterations including new staircase, alterations to close off staircase & convert to ground floor cupboard. PER 19th April 1996.

04/02282/FUL - Change of use of Lawn Upton House from school offices and flat to 3 houses. Change of use from disused Garden House to 1 house. Change of use from stables/chapel/learning resource building to one house with pitched roof over existing single storey building. Boundary walls, gates and free standing bin store. 9 car parking spaces (see application no. 04/02293/FUL for 18 flats and access in grounds). (Amended Plans). PER 15th February 2005.

04/02292/LBC - Listed Building Consent for 1) Removal of timber sheds and modern external steel fire-escape. 2) Pitched roof over single storey building part of stables/chapel/resource building. 3) Alterations to Lawn Upton House, Garden House and stables/chapel to form 4 houses/1 flat. 4) Boundary walls and gates. PER 15th February 2005.

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.

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

10/00235/EXT - Renewal of planning permission 04/02282/FUL (Change of use of Lawn Upton House from school offices and flat to 3 houses. Change of use from disused Garden House to 1 house. Change of use from stables/chapel/learning resource building to one house with pitched roof over existing single storey building. Boundary walls, gates and free standing bin store. 9 car parking spaces.. PER 22nd April 2010.

10/00236/EXT - Renewal of Listed Building Consent 04/02292/LBC ( 1) Removal of timber sheds and modern external steel fire-escape. 2) Pitched roof over single storey building part of stables/chapel/resource building. 3) Alterations to Lawn Upton House, Garden House and stables/chapel to form 4 houses/1 flat. 4) Boundary walls and gate). PER 22nd April 2010.

10/02424/CND - Details submitted in compliance with conditions 2,3,4,5,6,10 and 11. of planning permission 04/02293/FUL. PER 1st March 2011.

10/02526/CND - Application for the compliance of condition 14 (affordable housing) of planning permission 04/02293/FUL. PER 5th January 2011.

11/00227/CND - Details submitted in compliance with appeal conditions 1, 5, and 10 relating to planning permission 04/02293/FUL. INV.

13/00269/EXT - Application to extend the time limit for implementation of planning permission 04/02282/FUL (Change of use of Lawn Upton House from school offices and flat to 3 houses. Change of use from disused Garden House to 1 house. Change of use from stables/chapel/learning resource building to one house with pitched roof over existing single storey building. Boundary walls, gates and free standing bin store. 9 car parking spaces.). WDN 26th April 2013.

10/00235/CND - Details submitted in compliance with conditions 2 (landscape plan), 5 (hard standings), 6 (tree protection), 7 (method statement), 8 (stone wall) and 9 (cycle parking) of planning permission 10/00235/EXT. PER 9th April 2013.

10/00236/CND - Details submitted in compliance with condition 6 of listed building consent 10/00236/LBC. PER 26th April 2013.

13/00739/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). PER 18th October 2013.

13/00740/CAC - Demolition of existing buildings on site. (Amended plans and additional information). PER 26th September 2013.

10/00236/CND2 - Details submitted in compliance with condition 8 (details of internal doors/screens) of listed building consent 10/00236/EXT. PER 3rd October 2013.

10/00235/NMA - Non-material amendment to planning permission 10/00235/EXT involving reconfiguration of parking, relocation of bin and cycle stores, and changes to landscaping. PER 20th September 2013.

13/00739/CND - Details submitted in compliance with conditions 1 (time limit), 2 (approved plans), 3 (materials), 4 (Archaeology), 5 (Phased Risk Assessment), 6 (drainage), 7 (car and cycle parking), 8 (windows), 9 (boundary treatments), 10 (level access), 11 (details of posts), 12 (footpath), 13 (access), 14 (replacement trees), 15 (CTMP), 16 (Landscape Plan), 17 (landscape planting), 18 (landscape management plan), 19 (landscape hard surface design), 30 (landscape underground services), 21 (Tree Protection Plan), 22 (Arboricultural Method Statement), 23 (balconies), 24 (security by design), 25 (highways improvement works), 26 (design and method statement), 27 (street lighting), 28 (renewable energy provision), 29 (tree protection) and 30 (bat survey) of planning permission 13/00739/FUL.. FDO 22nd January 2014.

14/00828/FUL - Demolition of existing garden building and erection of new single storey dwelling (Use Class C3). PER 19th May 2014.

14/00829/LBD - Demolition of existing garden building (for erection of new single storey dwelling). PER 19th May 2014.

14/00829/CND - Details submitted in compliance with condition 3 (notice of commencement) of Listed Building Demolition 14/00829/LBD. PER 25th August 2014.

14/00828/CND - Details submitted in compliance with conditions 4 (window and door details), 5 (replacement chimney and sample), 6 (archaeological work), 7 (landscape design), 8 (underground services) and 11 (foundations) of planning permission 14/00828/FUL. PER 7th October 2015.

NB: In this report, the original whole building is referred to as 'Lawn Upton House' as it was sub-divided into three dwelling houses, now called according to the Land Register:

25- Blay's Cottage, 26- Clewer House and 27- Lawn Upton House.

## **1. Special architectural and historic interest:**

(Significance as set out in 'Conservation Principles' by Historic England).

1.1 Historic Significance: Lawn Upton House has important associations with nationally important people. The house was built in 1846 by Charles Crawley, having close associations with John Henry Newman, (later Cardinal Newman) and with the Oxford Movement.

1.2 Lawn Upton House was built on a plot of land south of the church of St Mary and St Nicholas, on land owned by Charles Crawley and bought from his friend, John Henry Newman. Sir William Herschel purchased Lawn Upton House and Herschel extended the house to the north and built outbuildings, probably between 1876 and 1899.

1.3 Newman arrived in Littlemore in 1828 holding cottage services in rented



rooms together with his Sunday evening lectures; eventually a new church was built, extended courtesy of Charles Crawley in 1848. Littlemore now become an independent parish.

1.4 Lawn Upton House was extended in 1881 to the north, with a wing built by Sir William James Herschel. Herschel was the inventor the Finger-Print Identity System (which revolutionised identification of criminals) and part of the astronomer family of Herschel, of world importance.

1.5 Eventually, after a chequered history, the building was run by the Community of St John the Baptist and run as St Mary's Home as part of the Oxford Penitentiary for so-called fallen women and the Clewer nuns. Later on the house was converted into a school with timber outbuildings, finally being divided into three houses.

1.6 The property was set in what were its own substantial landscaped gardens and grounds with mature trees, some planted by Rev Newman. The lodge building is at Sandford Road/David Nicholls Close and is listed grade II. The driveway was long and the lodge was indicative of the comparative opulence of this house, compared to the small rural form of the majority of the houses in the village.

1.7 Aesthetic and Architectural significance: The large stone built house is of Gothic design in the form of a Cotswold Manor house, in an 'H' plan form, with tiled roof, multiform ashlar ridge stacks, coped gables, octagonal staircase turret in corner between main range and south wing, 1st floor oriel window to south wing, bas relief next to the front door, roof finials, gargoyle, Crawley Coat of Arms over oriel window, casement windows some with stone mullions and front garden with low stone wall. It was built of coursed squared local rubble lime stone with stone dressings and lead windows some with diagonal lead comes.

1.8 The significance derives also from the use of natural materials including stone, timber, lead, and pointing material. The craftsmanship was high as befitted a high status building and techniques were of a traditional form.

1.9 Evidential and Communal significance: Lawn Upton House was the largest new house in Littlemore at its time and illustrates changing social history and also illustrates higher convenience and status. Its design sits well in its local context using appropriate materials including local stone.

1.10 Reverend Newman had many trees planted at Lawn Upton House and to Sandford Road so as to improve the appearance of the village.

## **2. Relevant recent history**

2.1 Listed building consent was granted as part of application 04/02292/LBC for 1) Removal of timber sheds and modern external steel fire-escape. 2) Pitched roof over single storey building part of stables/chapel/resource building. 3) Alterations

to Lawn Upton House, Garden House and stables/chapel to form 4 houses/1 flat.  
4) Boundary walls and gates; approved on 15th February 2005.

2.2 This consent was later renewed under 10/00236/EXT, Renewal of Listed Building Consent 04/02292/LBC, approved on 22nd April 2010.

2.3 Lawn Upton House was listed grade II on 23 September 1985 and is in the Littlemore Conservation Area.

2.4 The context is that unauthorised works are understood to have been undertaken as part of the conversion of the properties by a party who has now sold their interest on. Enforcement notices seeking rectification of the works can only be served on the owners of the relevant land, therefore in order to enable remedial action to happen officers are recommending that enforcement notices are issued against the current owners. This is an unfortunate quirk in the operation of the law in this situation but officers have been in discussions with each of the property owners to explain the situation and to advise where appropriate.

2.5 There have also been some delays in identifying the full extent of the unauthorised works due to staff changes in Planning and Regulatory Services earlier in 2016 but the buildings have now all been surveyed and a schedule of all of the unauthorised works and the measures needed to address them are attached to this report.

2.6 In recognition of the circumstances, officers are recommending a pragmatic approach to those works to be remedied. The recommendations for remedial action have been focussed where the harm to the significance and fabric of the listed buildings is the most substantial. Officers will continue to work with all parties to find the most appropriate solutions.

2.7 Members will be aware that in certain circumstances, a person who executes unauthorised works to a listed building may have committed an offence. The expediency of pursuing action in relation to the parties who undertook the original works is also being investigated. This issue is not before the Committee at this stage.

### **3. Breaches of listed building control.**

3.1 The Planning (Listed Buildings and Conservation Areas) Act 1990 Section 38, 'Power to issue listed building enforcement notice' states:

'Where it appears to the local planning authority-

(a) That any works have been or are being executed to a listed building in their area; and

(b) That the works are such as to involve a contravention of section 9(1) or (2), they may, if they consider it expedient to do so having regard to the effect of the works on the character of the building as one of special architectural or historic interest, issue a notice under this section' (in this Act referred to as a "listed building enforcement notice")

- 3.2 Section 9(1) is contravened where works are executed for the demolition of a listed building or for its alteration or extension in any manner which would affect its character as a building of special architectural or historic interest, unless the works are authorised. The works are authorised if they are carried out in compliance with listed building consent (including conditions attached to that consent). Section 9(2) is contravened where works are carried out to a listed building under a listed building consent without complying with conditions attached to that consent.
- 3.3 Officers have investigated this case, having inspected the interiors, exteriors and boundary walls and found there to be serious breaches of listed building control which are considered sufficient to warrant formal enforcement action.
- 3.4 A schedule of unauthorised works is at the Appendix with their harmful impacts. A presentation of relevant photographs will be separately circulated and exhibited at the committee meeting.
- 3.5 A listed building enforcement notice must set out the alleged contravention(s) and the remedial steps required. Those steps can be;
- a) for restoration of the building to the state it would have been in has the contravention(s) not taken place; or
  - b) if restoration would not be reasonably practicable or would be undesirable, for executing such further works specified in the notice as considered necessary to alleviate the effect of the works which were carried out without listed building consent; or
  - c) for bringing the building to the state in which it would have been if the terms and conditions of any listed building consent which has been granted for the works had been complied with.
- 3.6 The works must be remedied because of the harm caused to the special architectural and historic interest of the listed building, the harm to the Littlemore Conservation Area and the failure to preserve or enhance the character or appearance of that Conservation Area. Officers advise that the conditions for issuing notices under section 38 are met.
- 3.7 Some of the unauthorised works carried out have started to, and would continue to cause serious decay to the building fabric and should be remedied to prevent further irreversible decay.

#### **4. Harm**

4.1 The harm can be summarised thus:

- Much work carried out that has started to (and will continue to) cause serious damage and decay with rainwater and moisture being trapped;
- Loss of original materials;
- Highly incongruous modern materials;
- Loss of original features;
- Loss of high quality craftsmanship;
- Some very poor quality workmanship in contrast to the high quality of the original;
- Damage to the understanding of the house being a high quality building having

- with historic associations with nationally important people;
- Loss of aesthetic value; and
- Loss of communal values.

4.2 The remedial works set out in the Appendix would not effect full restoration. That is considered by officers to be neither reasonably practical nor desirable. Officers consider that those remedial works are necessary to alleviate the effect of the works which were carried out without listed building consent.

## **5. Conclusion:**

5.1 That committee is asked to resolve that enforcement action to be taken under s38 of the Planning (Listed Buildings and Conservation Areas) Act in relation to the properties as listed above and seeking the remediation as set out in the Appendix in relation to the contraventions also as set out in the Appendix.

## **6. References**

Littlemore Conservation Area Appraisal, Oxford City Council, April 2008  
 Listed building consent and planning application documents  
 The Statutory List of Buildings of Special Architectural or Historic Interest  
 Historic England 'Good Practice Advice' (GPA) Notes  
 'Conservation Principles', Historic England, 2008  
 'Oxford, an Architectural Guide', G Tyack, OUP, 1998  
 'The Buildings of England: Oxfordshire', J Sherwood and N Pevsner, Penguin, 1975

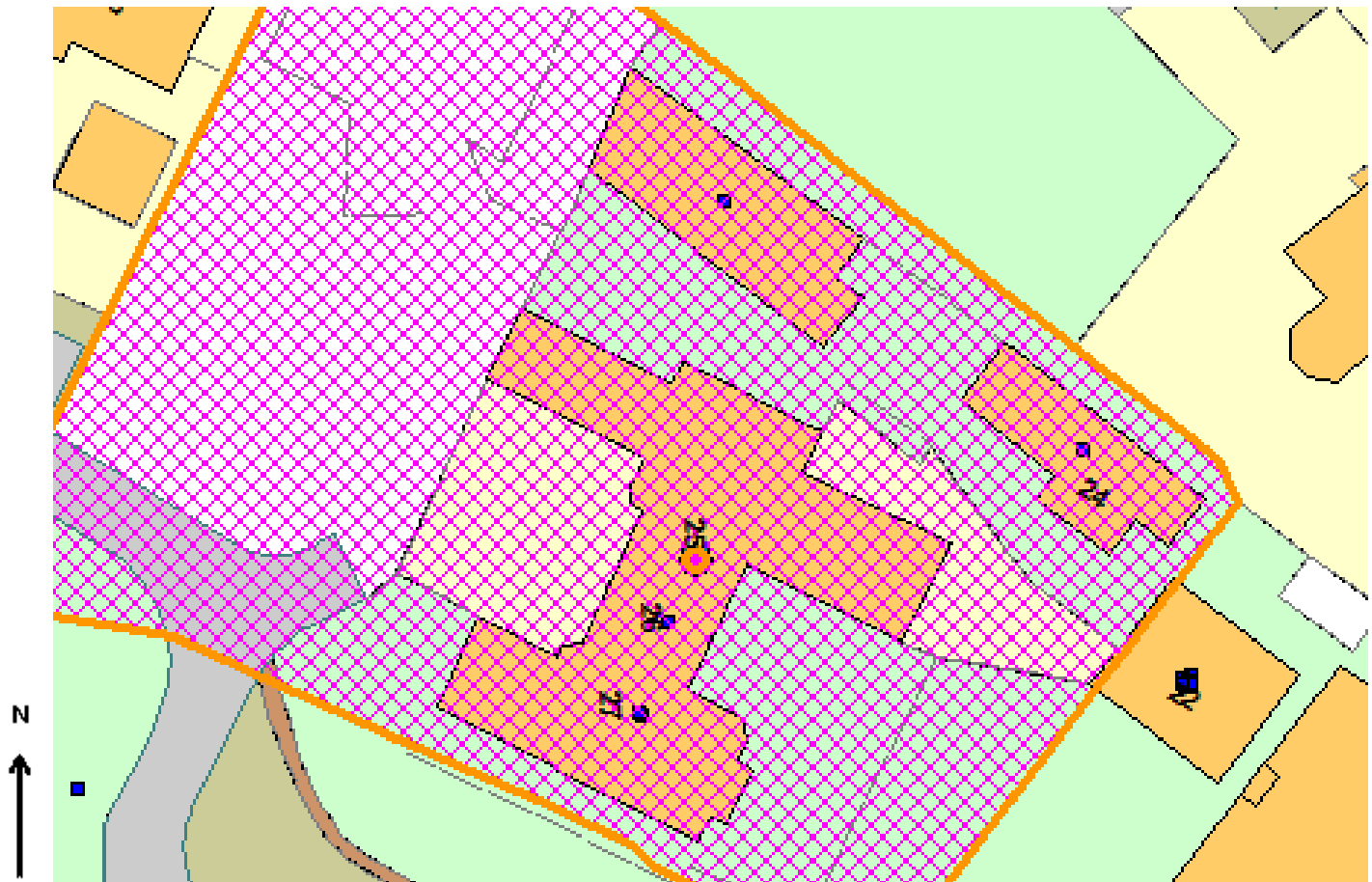
**Contact Officer:** Katharine Owen

**Extension:** 2148

**Date:** 30 January 2017

## Appendix 1

### Lawn Upton House, Littlemore



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## APPENDIX 1

**Lawn Upton House Unauthorised works: harmful impacts.**

**Unauthorised works where enforcement action seeking remediation is considered to be essential to ensuring preservation of the building's significance as identified in committee report.**

ITEM	HOUSE	REMEDY
Stone external walls repointed inappropriately and with cement rich mortar <i>Harm: repointing with cement-rich mortar causes long-term frost damage to stonework; the effect is very crude; pointing should be applied with clean lines, but has been applied</i>	All three	<i>Carefully remove the mortar using hand tools only, to a suitable depth to provide an adequate key and repoint in a traditional lime mortar mix. All to be carried out in line with the technical guidance by the Society for the Protection of Ancient Buildings and to relevant British Standards.</i>
Lead cladding to stone parapets, wrapping round edges <i>Harm- stone will decay with moisture being trapped in (not able to escape) if not remedied; bulky, inappropriate appearance</i>	All three	<i>Carefully remove lead, taking care to minimise physical damage to stone underneath. Survey surviving stone parapets and effect appropriate repairs which may comprise a combination of replacement and repair in compliance with Historic England technical guidance and guidance from the Stone Roofing Association. All to be carried out in line with the technical guidance by the Society for the Protection of Ancient Buildings and to relevant British Standards.</i>
Lead flashings to abutments, base of "truncated turret" and chimney stacks <i>Harm- highly incongruous</i>	Lawn Upton House	<i>Carefully remove straight lead flashings. Strip back section of roof tiles to create appropriate working area. Install stepped lead flashing under tiles, relay tiles and point abutment in traditional lime mortar mix. All to be carried out in line with the technical guidance by the Society for the Protection of Ancient Buildings and to relevant British Standards</i>

<p>Rainwater goods, downpipes, guttering are plastic; gutters poorly placed  <i>Harm- highly incongruous; use of inappropriate modern materials instead</i>  <i>Gutters appear to be coming away from fascias which can lead to rainwater not being drained correctly and causing damp problems</i></p>	All three	<p><i>Carefully remove all plastic gutters and downpipes including brackets and fixings. Fix new cast iron gutters, downpipes and adjustable brackets to match those evident on photographs of building prior to development taking place to be rise and fall brackets set on an appropriate arm length to catch the water run-off from the steep roofs. Rainwater goods to have painted finish to colour RAL 7011. All to be carried out in line with the technical guidance by the Society for the Protection of Ancient Buildings and to relevant British Standards.</i></p>
<p>Vent pipes; external meter boxes; plastic pipes; lights  <i>Harm- inappropriate and could have been placed more sympathetically</i></p>	All three	<p><i>Carefully remove all external plastic fittings, pipes and vents to be fixed with traditional lime mortar to match existing traditional lime mortar in walls and replace plastic vents with traditional style stone vents. Paint external meter boxes and light cases and fittings (specifically wall bosses or plates) in a colour to match external wall colour immediately surrounding. All to be carried out in line with the technical guidance by the Society for the Protection of Ancient Buildings and to relevant British Standards.</i></p>
<p>Existing low stone garden wall- some cap stones re-laid and some very poor repointing  <i>Harm- these appear highly incongruous and works are of very low quality</i></p>	In front of garden area between Lawn Upton House/ Clewer House	<p><i>Carefully remove badly laid capping stones and hard mortar repointing with hand tools. Ensure joint depth sufficient to enable mortar key and repoint joints in approved, traditional lime mortar to flush joint, brushed back to raise aggregate in an approved, traditional manner. Re-lay capping stones on traditional mortar bed. All to be carried out in line with the technical guidance by the Society for the Protection of Ancient Buildings and to relevant British Standards.</i></p>
<p>New high stone wall to east has capping material not approved by condition: plasticised mortar applied very badly  <i>Harm- plasticised mortar is impervious and would lead</i></p>	New boundary wall to Lawn	<p><i>Carefully remove plasticised mortar capping to boundary wall taking care to use hand tools where in close proximity to wall stones. Lay new coping to match that of the low, front wall detail on traditional lime mortar bed. All to be carried out</i></p>



<i>to damp problems as moisture cannot escape; looks highly inappropriate and is wrong material</i>	Upton House/ Clewer	<i>in line with the technical guidance by the Society for the Protection of Ancient Buildings and to relevant British Standards.</i>
Internal walls dry lined – most walls, covering cornices (probably removed) and skirting boards (probably removed).  <i>Harm- loss of original fabric; covering up of original fabric; reduction in size of rooms; would continue to cause serious decay to the building fabric and should be remedied to prevent further irreversible decay.</i>	All three	No action
Issues with blocking natural ventilation: no vents inserted into chimney breasts; no vents in rooms seen <i>Harm- lack of vents and stuffing roofing material prevents ventilation; the rooms are sealed; moisture is trapped leading to decay</i>	All three	No action
Damp proofing- owner of Herschel said Vanderbilt Homes inserted. (internal staircase has moved) <i>Harm- Significant area of damp to external west wall of Herschel with clear demarcation line; damage to walls if not remedied</i>	All three	No action
Bas relief removed and not on site (west elevation to left of front door); niche to left of front door <i>Harm- loss of interest and fabric</i>	Lawn Upton House	No action
Most windows replaced with double-glazed windows having inappropriate joinery, thick/deep glazing bars,	All three	No action

inappropriate window surrounds and window furniture <i>Harm- loss of interest and fabric</i>		
Lead casement window replaced <i>Harm- loss of interest and fabric</i>	Herschel	No action
Ceilings dry lined, thus lowered ceilings abut window arches etc and cuts off ceiling coving.  <i>Harm- loss of original fabric; covering up of original fabric; reduction in size of rooms; would continue to cause serious decay to the building fabric and should be remedied to prevent further irreversible decay.</i>	All three	No action
Some finials missing <i>Harm- loss of interest and fabric</i>	All three	No action
Modern off the peg Georgian style doors replacing originals not as per approved drawings <i>Harm- loss of interest and fabric</i>	All three	No action
Modern off the peg Georgian style doors replacing originals not as per approved drawings <i>Harm- loss of interest and fabric</i>	All three	No action
Replacement door architraves and linings <i>Harm- loss of interest and fabric</i>	All three	No action
Replacement windows have mastic applied to corners with reveals <i>Harm- loss of interest and fabric</i>	All three	No action
Window stone surrounds painted, meant to be exposed stone (not all) <i>Harm- loss of interest and fabric</i>	All three	No action
Secondary glazing to stained glass window <i>Harm- loss of interest and fabric</i>	Lawn Upton House	No action

Some fireplaces have new surrounds <i>Harm- loss of interest and fabric</i>	All three	No action
Attic: some exposed beams/ends of beams boxed in <i>Harm- loss of interest and fabric</i>	All three	No action

**Time for compliance for all items: Six months after the enforcement notices take effect.**

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## **APPENDIX 2**

### **LAWN UPTON HOUSE**

Listing Text  
SP 50 SW LITTLEMORE SANDFORD ROAD

SP/57 Lawn Upton House  
0/57  
II

House in Gothic style C1846; built for Charles Crawley (Crawley Coat of Arms over oriel window). 2 storeys H plan, the wings on the north side added by W Herschel in the later C19. Coursed, squared limestone rubble with freestone dressings. Tiled roof with coped gables and multiform ashlar ridge stacks. Coped, gabled dormers. Casement windows with mullions and glazing bars. 1st floor oriel window to south wing. Octagonal staircase turret in corner between main range and south wing. Arched doorway with panelled door. The site has associations with John Henry Newman who proposed to found a monastic house here before his conversion to Rome in 1845.

Listing NGR: SP5378802684

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## **Minutes of a meeting of the EAST AREA PLANNING COMMITTEE on Wednesday 11 January 2017**

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### **Committee members:**

Councillor Coulter (Chair)	Councillor Henwood (Vice-Chair)
Councillor Chapman	Councillor Clarkson
Councillor Lloyd-Shogbesan	Councillor Taylor
Councillor Wilkinson	Councillor Wolff
Councillor Azad (for Councillor Paule)	

### **Officers:**

Michael Morgan, Lawyer  
Adrian Arnold, Development Management Service Manager  
Robert Fowler, Planning Team Leader  
Sian Saadeh, Development Management Team Leader  
Jennifer Thompson, Committee and Members Services Officer

### **Apologies:**

Councillor(s) Paule sent apologies. Their appointed substitutes are shown in the attendance.

## **77. Declarations of interest**

There were no declarations.

## **78. 16/01726/FUL: Unit 5, Ashville Way, Oxford, OX4 6TU**

Councillor Clarkson arrived shortly after the start of the officer's presentation on this item and in accordance with the Constitution took no part in the discussion or voting on this item.

The Committee considered an application for planning permission for the change of use from Storage and Distribution (Use Class B8) to Assemble and Leisure (Use Class D2) on ground floor and Offices (Use Class B1a) on first floor; and provision of additional car parking, bin and cycle store at Unit 5 Ashville Way.

The application was considered at East Area Planning Committee on 12 October 2016. The Committee noted it was before them for a fresh determination following

advertisement of the development as a departure from the development plan and a new consultation period, and noted the officer's supplementary report.

Cameron Thomson, representing Mayfield Press, occupants of the neighbouring units, spoke against the application. He explained the firm's recent merger and potential for a further merger and their proposals to expand their current premises into Unit 5 and retain the unit in Use Class B8. He explained that the second increase in employees (from 85 to 110) would not be possible in the existing space and that the firm may need to relocate outside the city with the consequent costs to the firm and loss of employment within the city. He commented on traffic problems at the site after 6pm caused by large delivery lorries and parked BMW lorries.

Michael Crofton Briggs, the agent, and Hazel Walsh, the club chairman, spoke in support of the application. They explained the reason for the club's decision to apply for permission; the gymnastic club's ability to provide facilities at this location for a large number of young people; that the provision of a new sporting facility met a number of local and national policies on leisure and exercise; the unique nature and needs of the club; their difficulty in finding a permanent home; and that they considered the change of use retained the site for employment use by providing office and leisure jobs. They explained the activities on the site, the proposals for letting the office space, and their management of traffic by staggering class times and encouraging cycling and car sharing.

The Committee asked questions of the officers and the speakers to clarify the material planning issues. They took account of the different employment uses proposed by the gymnastics club and the printing firm, the loss of employment sites elsewhere in the area, and the relevance of policy CS28. They accepted the officer advice that policy CS21 did not in fact apply in this case. In considering the evidence before them from the officer's report, supplementary report including advice on policy and presentation, and from the speakers, and the material planning considerations, the Committee determined that permission for the application should be refused.

**The Committee resolved to refuse** planning permission for application 16/01726/FUL the following reason:

The proposed development would result in the loss of a key protected employment site, which would be harmful to the range of job opportunities in the city and contrary to Policy CS28 of the Oxford Core Strategy 2026.

## **79. 16/02695/FUL: Nuffield Orthopaedic Centre, Windmill Road, OX3 7HE**

The Committee considered an application for planning permission for the demolition of temporary office building; erection of freestanding two storey research building (Botnar 3) with glazed footbridge link to existing Botnar Research Centre building, and provision of 4 disabled car parking spaces and covered cycle store for 200 bicycles at the Nuffield Orthopaedic Centre, Windmill Road, OX3 7HE.

Paul Semple, the agent for the applicant, spoke in support of the application.



**The Committee resolved to grant** planning permission for application 16/02695/FUL with the following conditions:

1. Development begun within time limit.
2. Develop in accordance with approved plans.
3. Materials.
4. Replacement Tree.
5. Landscaping implementation.
6. Landscape Management Plan.
7. CTMP.
8. Travel plan.
9. Noise controls.
10. Contaminated Land.
11. Remedial Work.
12. Watching Brief.
13. Cycle storage.
14. Protection of Tree.
15. Drainage Details.
16. Drainage Infrastructure.
17. Air Quality.
18. Biodiversity Enhancement.
19. Energy Efficiency and On-Site Generation.

**80. 16/01150/VAR: 36, 38 and 40 London Road, and 2 Latimer Road, Oxford (Variation of Condition 12 of 15/00858/FUL)**

The Committee considered an application for the variation of condition 12 (Student accommodation) of planning permission 15/00858/FUL to enable the student accommodation to be occupied by cultural and academic visitors and by conference and summer school delegates outside of term time at 36, 38 and 40 London Road, and 2 Latimer Road, Oxford.

Roger Smith, the agent for the applicant, spoke in support of the application.

The Committee questioned the planning officer and the agent to confirm the detailed wording and implementation of condition 12.

**The Committee resolved** to grant planning permission for application 16/01150/VAR with the following conditions:

1. Development in time limit.
2. Development in accordance with plans.
3. Samples.
4. Tree protection.
5. Arboricultural Watching Brief.
6. Underground Services.
7. Hard standing – trees.
8. Landscaping.

9. Landscape completion.
10. Landscape Management.
11. Travel plans.
12. Student accommodation - no cars, and management.
13. Construction Travel Management Plan.
14. Strategy for arrivals and departures.
15. Bin and cycle stores.
16. Car/cycle parking provision before use.
17. Variation of Road Traffic Order - Headington West.
18. Biodiversity enhancements.
19. Surface Water Drainage.
20. Safeguarding scheme.

### **81. 16/02614/FUL: 21 Kestrel Crescent, OX4 6DY**

The Committee considered an application for planning permission for the erection of a two storey side extension to form one 2-bed dwellinghouse (Use Class C3), provision of private amenity space, car parking and bin and cycle store at 21 Kestrel Crescent, OX4 6DY.

**The Committee resolved to grant** planning permission for application 16/02614/FUL with the following conditions:

1. Development begun within time limit.
2. Develop in accordance with approved plans.
3. Materials – matching.
4. Car Parking Provision.
5. Visibility Splays.

### **82. 16/02625/FUL: 19 Kestrel Crescent, OX4 6DY**

The Committee considered an application for planning permission for the erection of a two storey side extension to form one 2-bed dwellinghouse (Use Class C3), provision of private amenity space, car parking and bin and cycle store at 19 Kestrel Crescent, OX4 6DY.

The Planning Officer explained that an application for a similar development at 17 Kestrel Crescent was currently awaiting decision with the Council. The application at 19 Kestrel Crescent would be acceptable subject to a similar scheme being approved at 17 Kestrel Crescent. Alterations were required to the current application at 17 Kestrel Crescent in order to make it acceptable. She recommended that application 16/02625/FUL was only approved subject to a legal agreement to ensure that this proposal is carried out in conjunction with a suitable complementary proposal at 17 Kestrel Crescent to ensure that it has an acceptable impact on that property; as if it were developed in isolation it would have an unacceptable impact on the living conditions of the occupiers of no17.

The Planning Officer therefore recommended, and the Committee agreed, a change to the proposed recommendation to take account of this.

**The Committee resolved to grant** planning permission for application 16/02625/FUL subject to the reasons and conditions set out below and to delegate to officers the issuing of the planning permission on the satisfactory completion of a Section 106 legal agreement to ensure that the development is carried out in conjunction with an approved development at 17 Kestrel Crescent:

1. Development begun within time limit.
2. Develop in accordance with approved plans.
3. Materials – matching.
4. Car Parking Provision.
5. Visibility Splays.

### **83. 16/02822/FUL: Land to the Rear of 79 and 81 Wilkins Road, Oxford, OX4 2JB**

The Committee considered an application for planning permission for the erection of one 1-bed bungalow (Use Class C3) on land to the rear of 79 and 81 Wilkins Road, OX4 2JB.

The Planning Officer reported that the access to the site is currently shown as being outside the red line of the application site and no evidence was submitted with the application to demonstrate that this access is in the control of the applicant. The access needs to be confirmed prior to the grant of planning permission being issued to ensure that the development can be carried out in accordance with the plans. The Planning Officer therefore recommended, and the Committee accepted a change to the recommendation to address this.

The Committee asked questions of the Planning Officer to satisfy themselves about the details of the proposal. The Committee were concerned that the proposed parking arrangements were impractical and agreed that these should be reviewed before issuing permission.

**The Committee resolved** to grant planning permission for application 16/02822/FUL subject to the reasons and conditions set out below, and to delegate to officers the issuing of the planning permission on the receipt of satisfactory evidence that the access to the site is within the control of the applicant, and following further consultation with the Highways Authority on that evidence and on the confirmation that the proposed parking arrangements are satisfactory:

1. Development begun within time limit.
2. Develop in accordance with approved plans.
3. Materials as specified.
4. Landscaping plan.
5. Cycle parking details required.
6. Bin storage details required.
7. Access to be permanently maintained for residential unit

#### **84. 16/02727/FUL: 18 Gorse Leas, Oxford, OX3 9DJ**

The Committee considered an application for planning permission for the erection of a two storey side and rear extension and a single storey front extension at 18 Gorse Leas, Oxford, OX3 9DJ.

Peter Woodward, local resident, spoke about his concerns with the application.

**The Committee resolved to grant** planning permission for application 16/02727/FUL with the following conditions:

1. Development begun within time limit.
2. Develop in accordance with approved plans.
3. Materials – matching.
4. No windows to side.
5. Sustainable drainage.

#### **85. 16/02151/CT3: 331 Cowley Road, OX4 2AQ**

The Committee considered an application for the replacement of windows at 331 Cowley Road, Oxford, OX4 2AQ.

**The Committee resolved to grant** planning permission for application 16/02151/CT3 with the following conditions:

1. Development begun within time limit.
2. Develop in accordance with approved plans.
3. Materials – samples.

#### **86. 16/02804/CT3: 114 - 136 Barton Road**

The Committee considered an application for planning permission for the demolition of existing storage sheds and entrance canopy; erection of refuse store and 12 storage sheds to north of site; and formation of canopy to entrance at 114-136 Barton Road, Oxford.

**The Committee resolved to grant** planning permission for application 16/02804/CT3 with the following conditions:

1. Development begun within time limit.
2. Develop in accordance with approved plans.

## **87. 16/02803/CT3: 102 - 112 Barton Road**

The Committee considered an application for planning permission for the demolition of existing storage sheds and entrance canopy; erection of refuse store and 6 storage sheds to north of site; and formation of canopy to entrance at 102-112 Barton Road, Oxford.

**The Committee resolved to grant** planning permission for application 16/02803/CT3 with the following conditions:

1. Development begun within time limit.
2. Develop in accordance with approved plans.

## **88. 16/02802/CT3: 78 - 100 Barton Road, Oxford**

The Committee considered an application for planning permission for the demolition of existing storage sheds and entrance canopy; erection of refuse store and 12 storage sheds to north of site; and formation of canopy to entrance at 78-100 Barton Road, Oxford.

**The Committee resolved to grant** planning permission for application 16/02802/CT3 with the following conditions:

1. Development begun within time limit.
2. Develop in accordance with approved plans.

## **89. Minutes**

The Committee resolved to approve the minutes of the meeting held on 7 December 2016 as a true and accurate record.

## **90. Forthcoming applications**

The Committee noted the list of forthcoming applications.

## **91. Dates of future meetings**

The Committee noted the meeting dates and that there was an additional special meeting on 1 February at 6.00pm to consider application 16/03078/FUL (Horspath Sports Ground).

**The meeting started at 6.00 pm and ended at 8.35 pm**

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