

# Agenda

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## East Area Planning Committee

Date: **Wednesday 4 October 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 Sian Taylor	Northfield Brook;
<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 Sajjad Malik	Cowley Marsh;
	Councillor John Tanner	Littlemore;
	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

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# AGENDA

## Pages

1 **Apologies for absence and substitutions**

2 **Declarations of interest**

3 **17 01521 OUT - William Morris Close**

13 - 36

**Site Address:** Sports Field, William Morris Close, Oxford OX4 2SF

**Proposal:** Outline application with all matters reserved for 83 affordable dwellings (1, 2 and 3 bed units) for occupation by key workers, with new access, landscaping and publicly accessible recreation space.

**Recommendation:** East Area Planning Committee is recommended to **refuse** planning permission for the reasons set out below:

1. The proposed mix of dwelling types and provision for affordable housing would not create 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 Affordable Housing and Planning Obligations Supplementary Planning Document and 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, lack of detail relating to amenity space and an out of date Arboricultural Impact Assessment, has not demonstrated that 83 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 has submitted insufficient information to demonstrate that the proposal would not result in unacceptable impacts to air quality. As such the proposed development is contrary to Local Plan Policy CP23.
5. The application has submitted insufficient information to demonstrate that the proposal would not result in unacceptable impacts unacceptable impacts to biodiversity and does not include any proposed enhancement measures to mitigate against harm to biodiversity. As such the proposed development is contrary to Local Plan Policy CP12.

#### **4 17/01212/FUL: Nuffield Orthopaedic Centre, Windmill Road, Oxford, OX3 7HE**

37 - 44

**Site Address:** Nuffield Orthopaedic, Windmill Road, Oxford, Oxfordshire, OX3 7HE

**Proposal:** Retention of single storey building with ramped access to the east elevation and incorporating internal access to the main building.

#### **Recommendations:**

East Area Planning Committee is recommended to:

- (a) **Approve the application for the reasons given in the report and subject to the required planning conditions set out in section 12 of this report and grant planning permission.**
- (b) **Agree to delegate authority to the Head of Planning, Sustainable Development and Regulatory Services to:**

1. Finalise the recommended conditions as set out in this report

including such refinements, amendments, additions and/or deletions as the Head of Planning, Sustainable Development and Regulatory Services considers reasonably necessary;

**5      17/01792/VAR: Flat 1, Evenlode Tower, Blackbird Leys Road, Oxford, OX4 6JA**

45 - 56

**Site Address:** Evenlode Tower, Blackbird Leys, Oxford

**Proposal:** Removal of condition 4 (Landscape plan) and Variation of condition 2 (Develop in accordance with approved plans) of planning permission 14/02640/CT3 to allow alterations to parking layout and landscaping.

**Recommendations**

East Area Planning Committee is recommended to:

- (a) **Approve the application for the reasons given in the report and subject to the required planning conditions set out in section 12 of this report and grant planning permission.**
- (b) **Agree to delegate authority to the Head of Planning, Sustainable Development and Regulatory Services to:**

1. Finalise the recommended conditions as set out in this report including such refinements, amendments, additions and/or deletions as the Head of Planning, Sustainable Development and Regulatory Services considers reasonably necessary;

**6      17/01799/VAR: Foresters Tower, Wood Farm Road, Oxford, OX3 8PJ**

57 - 68

**Site Address:** Foresters Tower, Oxford

**Proposal:** Removal of condition 4 (Landscape plan) and Variation of condition 2 (Develop in accordance with approved plans) of planning permission 14/02643/CT3 to allow alterations to parking layout and landscaping. To allow 33 spaces

with 6 accessible spaces.

**Recommendation:** East Area Planning Committee is recommended to:

- (a) **Approve the application for the reasons given in the report and subject to the required planning conditions set out in section 12 of this report and grant planning permission.**
- (b) **Agree to delegate authority to the Head of Planning, Sustainable Development and Regulatory Services to:**

1. Finalise the recommended conditions as set out in this report including such refinements, amendments, additions and/or deletions as the Head of Planning, Sustainable Development and Regulatory Services considers reasonably necessary;

## **7 17/01793/VAR: Plowman Tower**

69 - 80

**Site Address:** Plowmans Tower, Westland Drive, Oxford

**Proposal:** Removal of condition 4 (Landscape plan) and Variation of condition 2 (Develop in accordance with approved plans) of planning permission 14/02642/CT3 to allow a change to parking and retention of stores.

**Recommendations:** East Area Planning Committee is recommended to:

- (a) **Approve the application for the reasons given in the report and subject to the required planning conditions set out in section 12 of this report and grant planning permission.**
- (b) **Agree to delegate authority to the Head of Planning, Sustainable Development and Regulatory Services to:**

1. Finalise the recommended conditions as set out in this report including such refinements, amendments, additions and/or deletions as the Head of Planning, Sustainable Development and Regulatory Services considers reasonably necessary;

## 8 Minutes

81 - 88

Minutes from the meetings of 6<sup>th</sup> September 2017

**Recommendation:** That the minutes of the meeting held on 6<sup>th</sup> September 2017 are approved as a true and accurate record.

## 9 Forthcoming applications

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

17/01338/OUT: 23 And Land To The Rear Of 25 Spring Lane, Littlemore, OX4 6LE	Called in	
17/00584/FUL: Cotuit Hall Old House, Pullens Lane, Oxford, OX3 0DA	Major application	
17/01480/FUL: 4 Lime Walk Oxford OX3 7AE	Called in	
17/01834/FUL: Land Adjacent Barton Manor 7 Barton Village Road Oxford Oxfordshire	Called in	
17/00991/OUT: Former Workshop At Lanham Way	Major application	
17/02140/FUL: British Telecom, James Wolfe Road, Oxford, OX4 2PY	Major development	
16/02549/FUL: Land Adjacent 4 Wychwood Lane, OX3 8HG	Non-delegated application (as at July, still awaiting additional information)	
17/01519/FUL: 55 Collinwood Road Oxford OX3 8HN	Called in	
17/00802/FUL: 78 Hugh Allen Crescent	Called in	
17/01791/VAR: Land Adjacent St George's, 31 Cowley Road, Littlemore, Oxford, OX4 4LE	In a conservation area	
17/02010/FUL: John Radcliffe Hospital, Headley Way, Oxford, OX3 9DU	Major Development	
17/02068/VAR: 70 Glebelands, Oxford, OX3 7EN	Committee decision	

## 10 Dates of future meetings

The dates of future meetings are:

8 November 2017

6 December 2017

17 January 2018

7 February 2018

7 March 2018

4 April 2018

23 May 2018



## **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 by noon on the working day before the meeting, 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 in person, via e-mail or telephone, to the Democratic Services Officer (whose details are on the front of the Committee agenda).

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

6. Any written statements that members of the public and Councillors wish to be considered should be sent to the planning officer by noon two working days before the day of the meeting. The planning officer will report these at the meeting. 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**

7. 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**

8. 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.
9. 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**

10. 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.
11. 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 Constitution changes agreed at Council in April 2017.**

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## EAST AREA PLANNING COMMITTEE

4<sup>th</sup> October 2017

**Application Number:** 17/01521/OUT

**Decision Due by:** 9<sup>th</sup> October 2017

**Extension of Time:** N/A

**Proposal:** Outline application with all matters reserved for 83 affordable dwellings (1, 2 and 3 bed units) for occupation by key workers, with new access, landscaping and publicly accessible recreation space.

**Site Address:** Sports Field, William Morris Close, Oxford, OX4 2SF

**Ward:** Cowley Marsh Ward

**Agent:** N/A

**Applicant:** Mr Patrick McDonald

**Reason at Committee:** Major Application

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## 1. RECOMMENDATION

1.1. East Area Planning Committee is recommended to **refuse** planning permission for the reasons set out below:

1. The proposed mix of dwelling types and provision for affordable housing would not create 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 Affordable Housing and Planning Obligations Supplementary Planning Document and 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, lack of detail relating to amenity space and an out of date Arboricultural Impact Assessment, has not

demonstrated that 83 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 has submitted insufficient information to demonstrate that the proposal would not result in unacceptable impacts to air quality. As such the proposed development is contrary to Local Plan Policy CP23.
5. The application has submitted insufficient information to demonstrate that the proposal would not result in unacceptable impacts unacceptable impacts to biodiversity and does not include any proposed enhancement measures to mitigate against harm to biodiversity. As such the proposed development is contrary to Local Plan Policy CP12.

## **2. EXECUTIVE SUMMARY**

- 2.1. This report considers an outline application with all matters reserved for 83 affordable dwellings (1, 2 and 3 bed units) for occupation by key workers, with new access, landscaping and publicly accessible recreation space.
- 2.2. The key matters for assessment set out in this report include the following:
  - Principle of development;
  - Quantum of Development and Residential Amenity;
  - Sustainability and Energy;
  - Air Quality;
  - Biodiversity;
  - Other Matters.
- 2.3. The application is recommended for refusal for the reasons set out in section 1 of this report.

## **3. LEGAL AGREEMENT**

- 3.1. If this application had been recommended for approval then a legal agreement may have been required to secure the provision of relevant matters.

## **4. COMMUNITY INFRASTRUCTURE LEVY (CIL)**

- 4.1. The proposed development would become liable for CIL on determination of any subsequent reserved matters application(s), following the granting of outline consent.

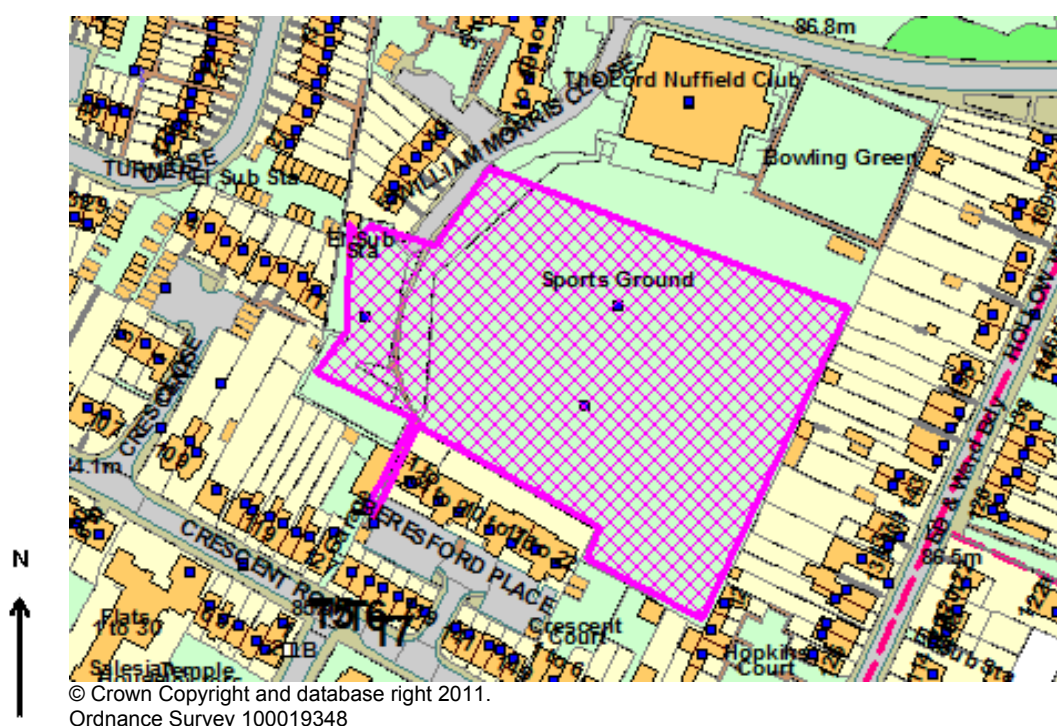
## **5. SITE AND SURROUNDINGS**

- 5.1. 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.

5.2. 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.

5.3. A site location plan is included below:



## 6. PROPOSAL

6.1. The application seeks outline consent with all matters except for access reserved. The application proposes the construction of 83 dwellings (comprising 23 x 1 bed units; 37 x 2 bed units and 23 x 3 bed units) and includes new access, landscaping and an area of publicly accessible recreation space.

6.2. The application proposes that 88% of the proposed dwellings (73 dwellings) would be available to "Key Worker" employees working within Oxford City at a rate of 77% of open market rent. 12% of the proposed dwellings (10 dwellings) are proposed as social rented units with a rate of 50% of open market rent.

- 6.3. 20% of the application site area (0.25ha) is proposed as publicly accessible open space. This would include an outdoor gym and would be located to the west of the site adjacent to the existing dwellings on William Morris Close.
- 6.4. The applicant has offered a financial contribution of between £400,000 and £450,000 (if the proposed outdoor gym is not delivered) towards leisure development elsewhere in the City.
- 6.5. The proposed development would be car-free with the exception of 5 disabled parking spaces and 11 visitor car parking spaces.
- 6.6. The indicative layout does not show cycle parking or bin storage/recycling facilities.

## 7. RELEVANT PLANNING HISTORY

7.1. The table below sets out the relevant planning history for the application site:

Application Reference	Description of Development	Decision
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	Change of use from a Leisure Centre (use class D2) to a Community Free School (use class D1), works to the external appearance of the existing building, boundary treatments, provision of play areas including Multi Use Games Area, access and parking along with associated landscaping. (Amended plans) (Amended description).	Refused 14 <sup>th</sup> March 2013.
13/00014/REFUSE (Appeal ref: 2195679)	Change of use from a Leisure Centre (use class D2) to a Community Free School (use class D1), works to the external appearance of the existing building, boundary treatments, provision of play areas including Multi Use Games Area, access and parking along with associated landscaping. (Amended plans) (Amended	Allowed 11 <sup>th</sup> September 2013.



	description).	
12/02967/FUL	Construction of two all weather playing pitches, plus a new residential development consisting of 6 x 1 bed flats, 15 x 2 bed flats, 6 x 3 bed flats, 13 x 3 bed houses and 3 x 4 bed houses, together with access road, parking, landscaping etc accessed off Barracks Lane. (Amended plans)	Refused 18 <sup>th</sup> March 2013.
13/00037/REFUSE (Appeal ref: 2200800)	Construction of two all weather playing pitches, plus a new residential development consisting of 6 x 1 bed flats, 15 x 2 bed flats, 6 x 3 bed flats, 13 x 3 bed houses and 3 x 4 bed houses, together with access road, parking, landscaping etc accessed off Barracks Lane. (Amended plans)	Withdrawn 21 <sup>st</sup> November 2013.
13/01096/FUL	Construction of two all-weather pitches, plus new residential development consisting of 6 x 1 bed, 15 x 2 bed, 15 x 3 bed and 4 x 4 bed residential units, 71 car parking spaces, access road and landscaping accessed off Barracks Lane (Amended plans)(Amended Description)	Refused 18 <sup>th</sup> September 2013.
13/00062/REFUSE (Appeal ref: 2206058)	Construction of two all-weather pitches, plus new residential development consisting of 6 x 1 bed, 15 x 2 bed, 15 x 3 bed and 4 x 4 bed residential units, 71 car parking spaces, access road and landscaping accessed off Barracks Lane (Amended plans)(Amended Description)	Dismissed 11 <sup>th</sup> February 2014.
13/02300/OUT	Outline application (seeking access, appearance, layout and scale) for residential development consisting of 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. (Amended Description)	Refused 11 <sup>th</sup> December 2013.
14/01670/OUT	Outline application (seeking approval of access, appearance, layout and scale) for the erection of new buildings consisting of 2 x 2 bed flats (Use Class C3), 1 x 3 bed flat (Use Class C3), 2 x 3 bed house (Use Class C3) and 2 x 4 bed house (Use Class C3).	Refused 14 <sup>th</sup> August 2014.
15/00004/REFUSE (Appeal ref: 3004768)	Outline application (seeking approval of access, appearance, layout and scale) for the erection of new buildings consisting of 2 x 2 bed flats (Use Class C3), 1 x 3 bed flat (Use Class C3), 2 x 3 bed house (	Dismissed 20 <sup>th</sup> May 2015.

	(Use Class C3) and 2 x 4 bed house (Use Class C3).	
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).	Refused 14 <sup>th</sup> December 2016.
17/00036/REFUSE (Appeal ref: 3177694)	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).	Appeal in progress.
16/02651/OUT	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.	Refused 15 <sup>th</sup> February 2017.

## 8. RELEVANT PLANNING POLICY

8.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework (NPPF)	Local Plan	Core Strategy	Sites and Housing Plan	Other Planning Documents
<b>Design</b>	7	CP.1, CP8	CS18	HP9	

<b>Conservation / Heritage</b>	12	HE.2			
<b>Housing</b>	6	CP.6, CP.10	CS22, CS23, CS24	HP2, HP3, HP12, HP13, HP14	Balance of Dwellings SPD, Affordable Housing and Planning Obligations, Space Standards TAN,
<b>Natural Environment</b>	11	CP.11, CP.17, CP.18, NE.15	CS2, CS9, CS11, CS12	HP11	Natural Resource Impact Analysis SPD
<b>Social and community</b>	8	SR.2	CS21		
<b>Transport</b>	4	TR.1, TR.2, TR.3, TR.4	CS13	HP15, HP16	Parking Standards SPD
<b>Environmental</b>	10	CP.21			Energy Statement TAN
<b>Misc.</b>				MP1	

## 9. CONSULTATION RESPONSES

- 9.1. Site notices were displayed around the application site on 21<sup>st</sup> July 2017 and an advertisement was published in the Oxford Mail newspaper on 20<sup>th</sup> July 2017.

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

#### Oxfordshire County Council (Highways)

- 9.2. No objection subject to conditions to secure cycle parking provision, vehicle access to the central area of the development, details of turning areas for service vehicles, drainage details, a travel plan and a construction traffic management plan (CTMP). The Local Highways Authority also requested the implementation of a Controlled Parking Zone (CPZ) including a financial contribution of £57,000 to fund this; plus travel plan monitoring fees of £1,240.

#### Oxfordshire County Council (Education and Property)

- 9.3. Stated that education and other infrastructure requirements would be required to be met through CIL.

#### Oxfordshire County Council Members

- 9.4. Councillor John Sanders - raised concerns with the submitted Transport Assessment. Councillor Sanders suggested that the proposed development would increase the overcrowded and overpopulated nature of the area but was satisfied with the car free nature of the proposed development. It was requested that a section 106 agreement to secure the implementation of a CPZ be agreed.

#### Natural England

- 9.5. No objections to the proposal on the grounds that it would not have a significant impact on the Lye Valley SSSI.

#### Sport England

- 9.6. Objected to the proposal because it is not considered to accord with any of the exceptions to Sport England's Playing Fields Policy or with Paragraph 74 of the NPPF. Sport England stated that they would be willing to remove their objections if the applicant was to replace the playing area or if there was a robust playing pitch strategy to ensure there would be sufficient playing pitches within the city boundary.

#### Oxfordshire Playing Fields Association (OPFA)

- 9.7. Objected to the proposal due to the loss of open playing space with no exceptional circumstances. The OPFA welcomed the provision of 20% publically accessible open space but raised concerns that the proposed outdoor gym facility would not cater adequately for the needs of all, in particular young children and families.

#### Flood Mitigation Officer

- 9.8. No objections subject to conditions requiring additional details relating to drainage and Sustainable Urban Drainage (SUDs).

#### Air Quality Officer

- 9.9. Objected to the proposal due to insufficient information being submitted to establish whether there will be unacceptable impacts to air quality.

#### Ecology Officer

- 9.10. Objected to the proposal due to insufficient information being submitted to establish whether there will be unacceptable impacts to biodiversity and a lack of proposed enhancement measures.

#### Tree Officer

- 9.11. Requested additional information as the submitted Arboricultural Impact Assessment is dated July 2015 and appears to assess the impact of a previous iteration of the proposed residential scheme.

Land Quality Officer (Contamination)

- 9.12. No objections subject to conditions to secure the submission of a phased risk assessment, a validation report and requesting a watching brief for the identification of unexpected contamination.

Archaeological Officer

- 9.13. No objections subject to a condition securing the submission of a written scheme of investigation.

Other

- 9.14. The following consultees did not wish to comment:

- Historic England.

- 9.15. The following consultees did not respond:

- Environment Agency.

**Public representations**

- 9.16. 59 local people objected to this application from addresses in William Morris Close, Barracks Lane, Turner Close, Hollow Way, Beresford Place, Crescent Road, Leafield Road, Temple Road, Junction Road, Don Bosco Close, St Christopher's Place, The Sycamores, Kirby Place, Saunders Road, Fern Hill Road, Gaisford Road, Ringwood Road, Stanway Road, Villiers Road and Badgers Walk.
- 9.17. The Old Temple Cowley Residents' Association and the Tyndale Community School also objected.

In summary, the main points of objection were:

- The application site is designated as Protected Open Space under Local Plan Policy SR.2;
- It has not been demonstrated that the site is surplus to requirements for sport or recreation;
- The proposal would be contrary to Core Strategy Policy CS2 as the application site is not allocated for development within the Sites and Housing Plan and is not needed to meet 5 year housing land supply requirements;
- Need to retain open spaces for wildlife and the local community;
- The proposal would not be in alignment with Local Plan policies as the majority of the dwellings would be for Key Workers;

- Questioned how the housing would be guaranteed to Key Workers;
- The number of dwellings proposed is excessive and the area is already cramped and busy;
- The proposed number of dwellings would result in a bulky, overbearing, unattractive and “unneighbourly” development;
- The proposal is for 2.5-3.5 storey-high buildings at the top of the hill, some of which are 14.5 m in height. These would be unsightly and cause problems of overlooking;
- The proposal would result in a loss of privacy for the children in Tyndale School as they will be overlooked by the proposed development when playing outside;
- The development would result in many months/ years of building work and site traffic which will be detrimental to the education and health of children at Tyndale School;
- The proposal will put increased pressure on the existing busy roads and will result in traffic congestion especially considering that Tyndale School currently increases by 60 children each year;
- Concerns about road safety especially for residents and children travelling to and from Tyndale School;
- Concerns that the proposal would create additional car parking issues;
- Suggestions that the submitted Transport Assessment is misleading;
- Suggestions that it is unrealistic to expect future residents not to own cars and therefore the proposed 16 car parking spaces would not be enough to serve the proposed development;
- The proposed new dwellings would create a burden on local schools and GP services;
- The current application is unchanged since the last application was refused and the same planning policies still apply.

### **Officer Response**

- 9.18. In response to the comment about the proposal creating a burden on local schools and GP services Officers note that had the application been recommended for approval financial contributions through CIL would have been provided towards community infrastructure.
- 9.19. Other comments relating to the principle of development, transport and design are considered in more detail below.

## **10. PLANNING MATERIAL CONSIDERATIONS**

- 10.1. Officers consider the determining issues to be:

- i. Principle of development;
- ii. Quantum of Development and Residential Amenity;
- iii. Sustainability and Energy;
- iv. Air Quality;
- v. Biodiversity;
- vi. Other Matters.

## **vii. Principle of Development**

### *Open space and housing land supply issues*

- 10.2. The National Planning Policy Framework (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).
- 10.3. Paragraph 74 of the NPPF states that there should not be development on sports fields unless the following criteria is met:
- an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
  - the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
  - the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.
- 10.4. Oxford City Council development plan policies also emphasise support for the retention of sports pitches. Within the Core Strategy, Policy CS2 (Previously Developed and Greenfield Land) states that proposals for development on open space will only be acceptable where the need for the development of the land can be demonstrated and if the open space is not required for the well-being of the community it serves.
- 10.5. Core Strategy Policy CS21 (Green Spaces, Leisure and Sport) further states that permission will only be granted for development resulting in the loss of existing sports and leisure facilities if alternative facilities can be provided and if no deficiency is created in the area. Policy CS21 also identifies the Council's aspiration to achieve and maintain an average of 5.75ha of public accessible green space per 1,000 population which is to be achieved by refusing the grant of planning permission that would result in the loss of sports and leisure facilities.
- 10.6. Furthermore, within the Local Plan, Policy SR2 (Protection of Open Air Sports Facilities) states that planning permission will only be granted where:
- a) there is a need for the development;
  - b) there are no alternative non-greenfield sites; and
  - c) the facility can be replaced by either:
    - i. providing an equivalent or improved replacement facility; or
    - ii. upgrading an existing facility.

- 10.7. The application site is identified within the Local Plan as recreational open space with associated car parking. 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 or its planning policy protection.
- 10.8. 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.
- 10.9. 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.
- 10.10. The SR2 designation originally sought to protect a wider area and has already been reduced in size by new developments:
- 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,
  - 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.
- 10.11. 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.
- 10.12. 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.



- 10.13. 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. The applicant argues instead that the lack of public access means that the site is not a public open space resource and that 20% of the site area proposed to be retained as a landscaped open space (0.24ha), including an outdoor gym, would be open to the public.
- 10.14. 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.
- 10.15. 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.
- 10.16. As part of the emerging local plan process, evidence about the need and supply of public open space will be updated, however there are no indications that the position has improved. More likely, bearing in mind development in the local area in recent years, the ratio is likely to be worse than previously: 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.
- 10.17. In June 2017 the Council published the Local Plan Preferred Options document which was subject to public consultation. The consultation period has now finished and the LPA is reviewing the responses. The applicant suggests that the Preferred Options document indicates that the application site should be allocated for development. Officers note that the Preferred Options currently have no weight and are likely to significantly change as the LPA continues preparation work for the new Local Plan. As such, Officers find that the Preferred Options document has no impact on the assessment or the recommendation of the current planning application.
- 10.18. The retention of only 0.24ha of the site as open space, representing 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.
- 10.19. 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.
- 10.20. The proposal results in the loss of an existing playing field that could be used by the existing community. Officers are not convinced that the proposed outdoor gym facility would represent an equivalent or better provision of recreational facilities than currently exist (notwithstanding the current restricted access to the site). Additionally concerns have been raised by the Oxfordshire Playing Fields

Association that an outdoor gym would not adequately cater for the needs of all, in particular young children and families.

- 10.21. Likewise, the proposed development predominantly would comprise of residential dwellings and therefore would not provide an alternative sports and recreational provision, the needs of which would clearly outweigh the loss of the existing provision. As such, the proposal fails to demonstrate compliance with paragraph 74 of the NPPF.
- 10.22. The applicant has offered between £400,000 and £450,000 (if the proposed outdoor gym is not delivered) towards leisure development elsewhere in the City. This stems from the clause in Policy SR2 that the loss of open air recreation space may be acceptable where there is a need for the development (in this case housing), there are no alternative non-greenfield sites and the facilities can be replaced by equal or improved replacement facilities. This is also echoed in paragraph 74 of the NPPF. However as set below above Officers do not consider that the need for housing is such that the loss of the existing open space is justified; particularly in light of the Council being able to demonstrate a 5 year Housing Land Supply.
- 10.23. Therefore Officers conclude that the proposal would contribute towards a deficiency of open space in the surrounding area and within Oxford City and therefore is contrary to Core Strategy Policy CS2.

#### *Housing Land Supply*

- 10.24. Turning now to the extent to which there is need for the development, Officers have considered the question of housing land supply. 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.
- 10.25. 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.
- 10.26. 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.

- 10.27. 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 dwellings, and specifically affordable units, did not outweigh the need to continue to protect site as an open space.
- 10.28. No other balancing reasons or mitigating circumstances are apparent which would justify 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.
- 10.29. 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. The submission fails to demonstrate that there is a need for the development on the application site and therefore is contrary to Local Plan Policy SR2.

#### *Affordable Housing and Key Worker Policies*

- 10.30. As demonstrated in the sections above, the principle of residential development on this area of protected open space is considered to be unacceptable. Notwithstanding this the applicant maintains that the development would result in benefits arising from the supply of affordable and Key Worker housing.
- 10.31. For ease of reference, the Council's adopted Sites and Housing Plan contains the following definitions:
- 10.32. **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).

- 10.33. **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.
- 10.34. **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.
- 10.35. **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.
- 10.36. **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.)
- 10.37. **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.
- 10.38. **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.
- 10.39. 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. 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).

10.40. 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).

10.41. 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.

10.42. 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".

10.43. 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.

10.44. 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.

10.45. 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.

- 10.46. 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).
- 10.47. 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 BoDS which, in respect of East Oxford states that a high proportion of family dwellings should be sought in new developments (para 81).
- 10.48. This application proposes 23 x 1-bed units (28%), 37 x 2-bed units (44%) and 23 x 3-bed units (28%). The BoDS sets out the mix of dwelling types required for different areas of the city depending on their need. The application site is located within the “East Oxford” area which is a Red Area however due to the size of the proposed development it is classified as a Strategic Site. The following table shows the acceptable mix within Strategic Sites:

Dwelling Types	Sites of 75-249 Dwellings (percentage range)
1 bed	6-16%
2 bed	20-30%
3 bed	35-65%
4+ bed	6-17%

- 10.49. The proposed mix would fail to meet the percentage mixes set out in the BoDS and would not provide any 4+ bed units as required by the above table. Therefore Officers conclude that the proposal would not deliver a mixed and balanced community which contributes to meeting the most pressing housing needs of the city. 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 BoDS.
- 10.50. The applicant argues that the Council's planning policies are out of date especially those relating to the supply of housing. The applicant cites the Housing White Paper (7<sup>th</sup> February 2017) and the emerging new Local Plan as relevant material considerations. As set out in paragraph 10.17 these documents do not carry any weight at this stage. Moreover 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.

10.51. The site should be retained for its potential to serve local recreational needs as discussed above. 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.

viii. **Quantum of Development and Residential Amenity**

10.52. 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.

10.53. This is an outline application with all matters reserved except for access however the submitted block plan also includes limited detail showing the proposed layout and scale of the development.

10.54. The proposal comprises 10 individual blocks with interconnecting footpaths and landscaped areas. The submitted Block Plan indicates that the blocks would be 2.5 storeys or 3.5 storeys in height whereas the submitted Design and Access Statement states the blocks would be between 3 and 4 storeys in height.

10.55. 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 20th 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.

10.56. 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.

10.57. In this context, 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.

10.58. 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.

10.59. Officers are not convinced that the indicative drawing shows an acceptable layout for the following reasons:

- a. 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.
- b. No provision for covered, secure cycle storage or for any waste and recycling storage has been shown. 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;
- c. It is not clear where the amenity space for the proposed units will be accommodated. All of the units would be expected to provide direct and convenient access to an area of private amenity space to comply with Sites and Housing Plan Policy HP13 (Outdoor Space). Considering the inclusion of 23 x 3-bed units which would be considered as 'Family Homes' (as defined in the Sites and Housing Plan) private balconies, terraces or private/ shared gardens must be provided for these larger units. Consequently, this is likely to impact on the proposed layout and potential would create overlooking, overshadowing and/or overbearing impacts for future occupiers.
- d. 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. Despite the submission of an Arboricultural Impact Assessment Officers would require further information as the submitted document is dated July 2015 and appears to assess the impact of a previous iteration of the proposed residential scheme.

10.60. For these reasons it is considered that it has not been demonstrated that 83 dwellings can be accommodated satisfactorily on this site in accordance with adopted policies.

**ix. Sustainability and Energy**

10.61. 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.

10.62. The submitted Design and Access Statement states that sustainable construction methods and PV panels would be likely to be used in the development. Currently the submitted details do not provide enough detail to meet the policy requirements; however it may be possible to address this through



reserved matters submission(s).

**x. Air Quality**

10.63. Insufficient information has been submitted to demonstrate that the proposal would not result in unacceptable impacts to air quality. As such the proposed development is contrary to Local Plan Policy CP23 (Air Quality Management Areas).

**xi. Biodiversity**

10.64. Insufficient information has been submitted to demonstrate that the proposal would not result in unacceptable impacts unacceptable impacts to biodiversity. Likewise, there is a lack of proposed enhancement measures to mitigate against harm to biodiversity. As such the proposed development is contrary to Local Plan Policy CP12 (Biodiversity).

**xii. Other**

10.65. Local consultations have been carried out concerning, land quality, archaeology, flooding 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.

**11. CONCLUSION**

11.1. The East Area Planning Committee is recommended to refuse the application on the grounds that.

- i. the proposal fails to comply with Sites and Housing Plan Policy HP3 (Affordable Homes from Large Housing Sites) and fails to create a balanced mix of dwelling types in accordance with the Balance of Dwellings Supplementary Planning Document;
- 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

**12. APPENDICES**

12.1. Appendix 1 – Block Plan

**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 refusal of planning permission, officers consider that the proposal will not undermine crime prevention or the promotion of community

# Appendix 1

## 17/01521/OUT – Block Plan

Not to scale



accommodation schedule:	
1 bed flats	23
2 bed flats	37
3 bed flats	23
<b>total</b>	<b>83</b>

5 car spaces for the disabled,  
11 car spaces for visitors and  
operational use

<span style="color: red;">●</span>	2.5 storeys (10.75-11.5m to ridge)
<span style="color: blue;">●</span>	3.5 storeys (13.75-14.5m to ridge)

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## EAST AREA PLANNING COMMITTEE

4<sup>th</sup> October 2017

**Application Number:** 17/01212/FUL

**Decision Due by:** 31.08.2017

**Extension of Time:** 13.10.2017

**Proposal:** Retention of single storey building with ramped access to the east elevation and incorporating internal access to the main building.

**Site Address:** Nuffield Orthopaedic, Windmill Road, Oxford, Oxfordshire, OX3 7HE

**Ward:** Headington

**Agent:** Carter Jonas

**Applicant:** Ms Sheila Aldred

**Reason at Committee:** Over 500m<sup>2</sup> of Non-Residential Floorspace

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## 1. RECOMMENDATION

1.1. East Area Planning Committee is recommended to:

**(a) Approve the application for the reasons given in the report and subject to the required planning conditions set out in section 12 of this report and grant planning permission.**

**(b) Agree to delegate authority to the Head of Planning, Sustainable Development and Regulatory Services to:**

1. Finalise the recommended conditions as set out in this report including such refinements, amendments, additions and/or deletions as the Head of Planning, Sustainable Development and Regulatory Services considers reasonably necessary;

## 2. EXECUTIVE SUMMARY

2.1. This report considers the retention of a single storey building with ramped access to the east elevation and incorporating internal access to the main building.

2.2. The key matters for assessment set out in this report include the following:

- Principle of development;
- Design;
- Highways;
- Amenity;

### 3. SITE AND SURROUNDINGS

- 3.1. The site is located within the Nuffield Orthopaedic site. The building for which retention is sought is located in the south eastern corner of the site between Windmill Road and Old Road and is an extension of the original hospital building within a car park. This corner of the site is well screened with mature planting and is not readily visible from the adjoining roads.

3.2.



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### 4. PROPOSAL

- 4.1. The application proposes the retention of a single storey building with ramped access to the east elevation and incorporating internal access to the main building.

### 5. RELEVANT PLANNING HISTORY

- 5.1. The table below sets out the relevant planning history for the application site:

Application Reference	Description of Development	Decision
05/02114/FUL	Erection of a single storey building for a period of 3 years to accommodate two operating theatres and ancillary accommodation and a link to the existing Mayfair Building – Option 1 (being a modular building (Amended Plans)).	PERMITTED 29 <sup>th</sup> November 2005
11/00456/FUL	Retention of single storey theatre suite for a further three years.	PERMITTED 4 <sup>th</sup> May 2011
12/01181/FUL	Relocation of modular building, incorporating two theatres and ancillary accommodation for a temporary period of five years. (Amended plans) (Amended description)	PERMITTED 11 <sup>th</sup> July 2012

### 6. RELEVANT PLANNING POLICY

- 6.1. The following policies are relevant to the application:

Topic	National Planning Policy	Local Plan	Core Strategy	Sites and Housing Plan	Other Planning Documents
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	Framework (NPPF)				
Design	7	CP.1, CP.6, CP8,	CS18		
Social and community	8	HH.2	CS30	SP38	
Transport	4	TR.3	CS13		Parking Standards SPD
Amenity	10	CP.10,			
Misc	5			MP1	

## 7. CONSULTATION RESPONSES

7.1. Site notices were displayed around the application site on 17<sup>th</sup> July 2017.

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

#### Natural England

7.2. No comment.

#### Oxfordshire County Council (Highways)

7.3. No objection has been received from the Local Highway Authority. Whilst the proposal would result in the permanent loss of parking spaces it is considered acceptable in an area where on street parking is controlled.

### **Public representations**

7.4. No third party comments were received.

## 8. PLANNING MATERIAL CONSIDERATIONS

8.1. Officers consider the determining issues to be:

- i. Principle of development;
- ii. Design;
- iii. Highways;
- iv. Amenity;
- v. Other Matters;

### **i. Principle of Development**

- 8.2. The site is an allocated site within the Sites and Housing Plan. Policy SP38 relates to the Nuffield Orthopaedic Site and supports further healthcare and medical research facilities on the site. The policy allows this development where car parking spaces are minimised on the site and alternative modes of transports are encouraged. The policy also puts emphasis on surface water run-off into the Lye Valley SSSI and increased pressure on the water and sewage network. The proposal meets the principle of development on the site by proposing a suitable use. Other material considerations are discussed within the report.
- 8.3. The temporary permission for the building expired on 11<sup>th</sup> July 2017 following the submission of this application. This permission stated that permission was granted on a temporary basis for 5 years as it was considered that the appearance was not suitable on a permanent basis. No further justification for a temporary permission was given in the officer's report, however only a temporary permission was sought. The modular building had been relocated from the south west corner of the Nuffield site where it had benefitted from two temporary 3 year permissions. This was in a more visible location.

ii. **Design and Impact on Character of Surrounding Area**

- 8.4. 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 in combination require that development proposals incorporate high standards of design and respect local character.
- 8.5. The modular building was designed as a temporary structure to house two operating theatres. However due to an increased number of referrals for hip and knee surgery there is a need to retain Theatres 7 and 8 at the Nuffield Orthopaedic Centre. Theatres 7 and 8 account for 25% of all activity at the centre. If the building were not to be retained it would result in patients having to wait over 18 weeks for treatment and the NHS would fail to meet targets.
- 8.6. Although the building was originally intended as a temporary addition to the centre it does not appear as an obtrusive addition and is well screened in its current location by mature planting. Whilst the proposal presents a missed opportunity to design an extension which integrates better with the well-designed circular patterns of the host building, this would be costly and it would be more environmentally sustainable to retain the existing building and make use of its lifespan.

iii. **Highways**

- 8.7. The Local Highway Authority note that the single storey building is located on an existing car park and this resulted in a loss of 26 car parking spaces and 2 disabled car parking spaces. The continued loss of car parking spaces may increase parking pressures on the site, however the surrounding area of the site is located with a Controlled Parking Zone and therefore any increase in overspill



parking will be restricted. The Local Highway Authority does therefore not object to the proposal.

- 8.8. Furthermore the centre is located on well serviced bus routes (No. 4 and 10 and the Park and Ride which passes through the site) and is therefore easily accessible by public transport. In accordance with the requirements of policy SP58, sustainable modes of transports are promoted and patients are given public transport information with their appointment details.

**iv. Amenity**

- 8.9. The modular building is located within the Nuffield Orthopaedic Site and sited a good distance from residential properties in Windmill Road and Old Road with a mature tree buffer. The proposal is therefore not considered to have a detrimental impact on the amenity of neighbouring occupiers in terms of loss of light, overbearing impact, noise or nuisance. The proposal is therefore considered to comply with policy CP10 of the Oxford Local Plan.

**v. Other Matters**

- 8.10. Policy SP38 puts emphasis on surface water run-off into the Lye Valley SSSI and increased pressure on the water and sewage network. Since the building is existing and has been on the site for over 10 years this proposal is not considered to have an adverse impact on utility networks or additional surface water run-off to the Lye Valley SSSI.

**9. CONCLUSION**

- 9.1. The proposed retention of the modular building containing theatres 7 and 8 at the Nuffield Orthopaedic Centre on a permanent basis results in the sustainable reuse of an existing building which does not cause significant harm to the character and appearance of the host building and the surrounding area and improves the health care facilities available in the city.
- 9.2. It is recommended that the Committee resolve to grant planning permission for the development proposed subject to the approval of conditions listed below.

**10. CONDITIONS**

1. The development permitted shall be constructed in complete accordance with the specifications in the application and approved plans listed below, unless otherwise agreed in writing by the local planning authority.

Reason: To avoid doubt and to ensure an acceptable development as indicated on the submitted drawings in accordance with policy CP1 of the Oxford Local Plan 2001-2016.

**Informatives**

1. In accordance with guidance set out in the National Planning Policy Framework,

the Council tries to work positively and proactively with applicants towards achieving sustainable development that accords with the Development Plan and national planning policy objectives. This includes the offer of pre-application advice and, where reasonable and appropriate, the opportunity to submit amended proposals as well as time for constructive discussions during the course of the determination of an application. However, development that is not sustainable and that fails to accord with the requirements of the Development Plan and/or relevant national policy guidance will normally be refused. The Council expects applicants and their agents to adopt a similarly proactive approach in pursuit of sustainable development.

## **APPENDICES**

### **Appendix 1 – Block Plan**

#### **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.

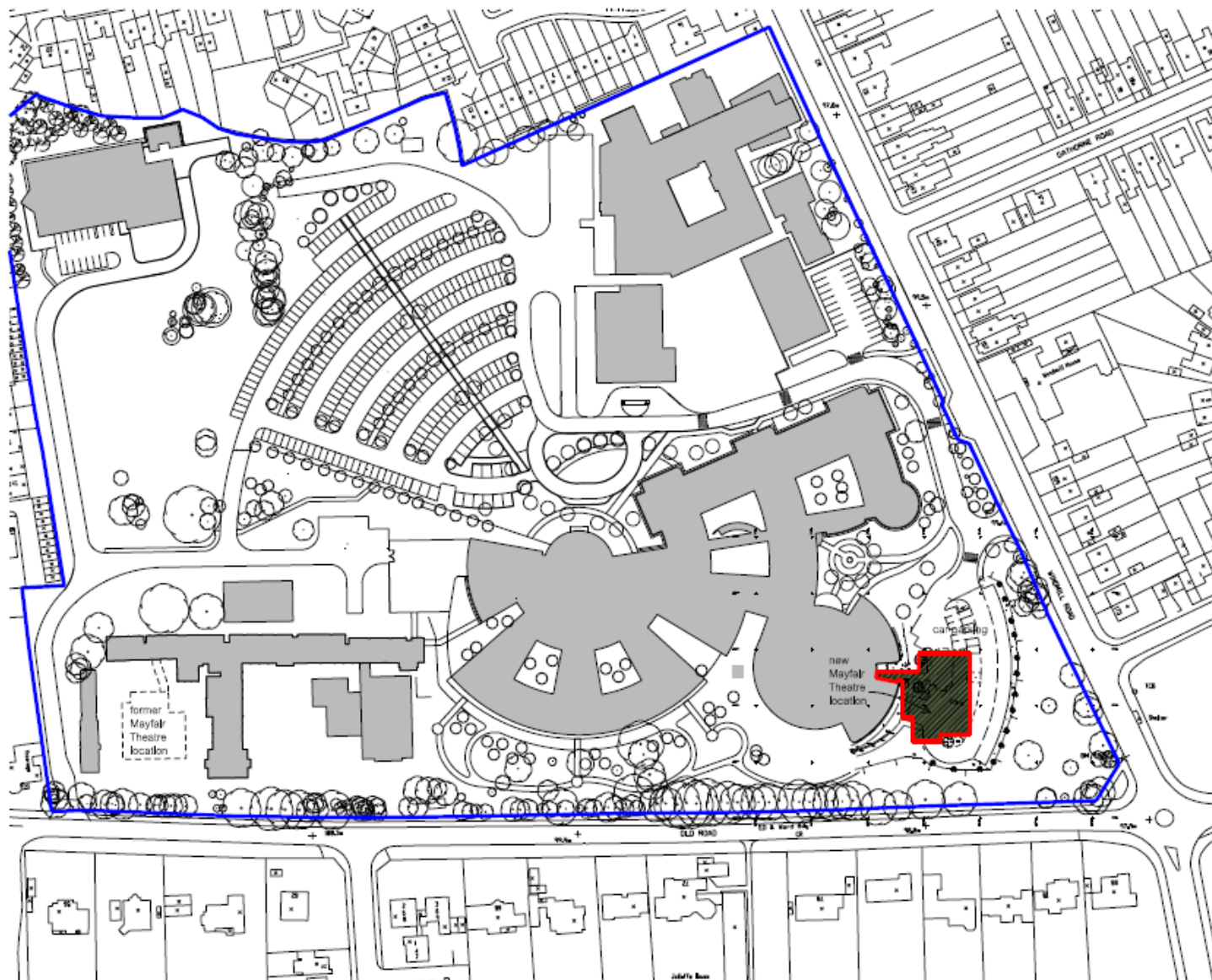
#### **SECTION 17 OF THE CRIME AND DISORDER ACT 1998**

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

# Appendix 1

## 17/01212/FUL - Nuffield Orthopaedic Centre

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## EAST AREA PLANNING COMMITTEE

4<sup>th</sup> October 2017

**Application Number:** 17/01792/VAR

**Decision Due by:** 06.09.2017

**Extension of Time:** 13.10.2017

**Proposal:** Removal of condition 4 (Landscape plan) and Variation of condition 2 (Develop in accordance with approved plans) of planning permission 14/02640/CT3 (Thermal upgrade and recladding. Erection of single storey front extension to form new entrance lobby. Provision of landscaping and carparking. Replacement windows and provision of windows to balconies. Demolition of roof top parapet structure. Installation of feature corner parapet to South West elevation.) to allow alterations to parking layout and landscaping.

**Site Address:** Evenlode Tower, Blackbird Leys, Oxford

**Ward:** Blackbird Leys

**Agent:** BM3 Architecture

**Applicant:** Oxford City Council

**Reason at Committee:** The application is on behalf of Oxford City Council

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## 1. RECOMMENDATION

1.1. East Area Planning Committee is recommended to:

**(a) Approve the application for the reasons given in the report and subject to the required planning conditions set out in section 12 of this report and grant planning permission.**

**(b) Agree to delegate authority to the Head of Planning, Sustainable Development and Regulatory Services to:**

1. Finalise the recommended conditions as set out in this report including such refinements, amendments, additions and/or deletions as the Head of Planning, Sustainable Development and Regulatory Services considers reasonably necessary;

## 2. EXECUTIVE SUMMARY

2.1. This report considers a proposal to vary a previous grant of planning permission. These variations relate only to the parking and access arrangements and other landscaping details, and do not vary the works already approved to the tower itself. The number of parking spaces remains unchanged and whilst there will be some small trees lost, there will be replacement trees.

2.2. The key matters for assessment set out in this report include the following:

- Parking
- Landscaping

### 3. LEGAL AGREEMENT

3.1. This application is not subject to a legal agreement.

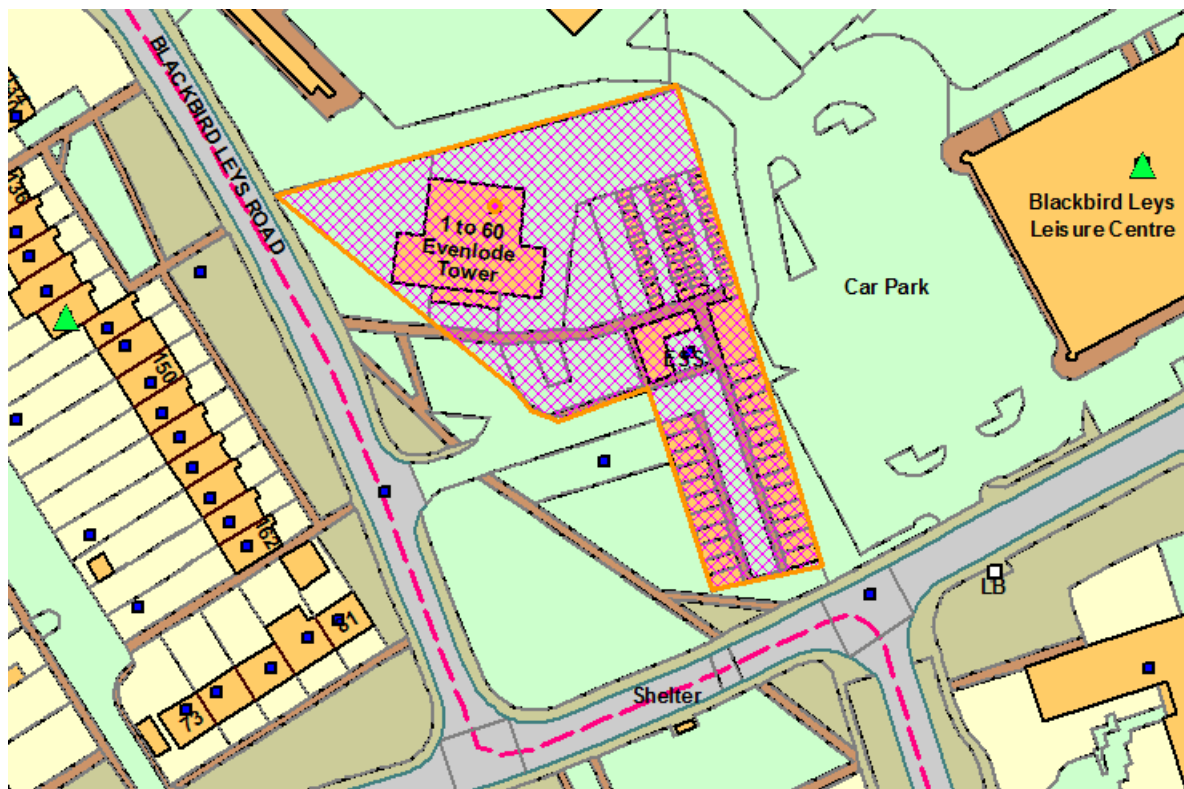
### 4. COMMUNITY INFRASTRUCTURE LEVY (CIL)

4.1. The proposal is not liable for CIL

### 5. SITE AND SURROUNDINGS

5.1. Evenlode Tower is situated on the corner of Blackbird Leys Road and Pegasus Road, approximately 5 miles south east of Oxford City centre. The surrounding area is mainly residential along with a number of educational buildings and leisure facilities.

5.2.



### 6. PROPOSAL

6.1. The application proposes that Condition 2 be varied to allow a change to the parking layout and allow retention of a feature tree, along with associated changes to the pathways and landscaping, removal of smaller trees to allow for

the revised access and updated details to the substation following re survey.  
Condition 4 is therefore redundant and it is proposed that it is removed.

## 7. RELEVANT PLANNING HISTORY

7.1. The table below sets out the relevant planning history for the application site:

Application Reference	Description of Development	Decision
14/02640/CT3	Thermal upgrade and recladding. Erection of single storey front extension to form new entrance lobby. Provision of landscaping and carparking. Replacement windows and provision of windows to balconies. Demolition of roof top parapet structure. Installation of feature corner parapet to South West elevation.	PERMITTED 12th November 2014

## 8. RELEVANT PLANNING POLICY

8.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework (NPPF)	Local Plan	Core Strategy	Sites and Housing Plan	Other Planning Documents
Design	7	CP.1, CP8, CP.9,	CS18	HP9	
Housing	6	CP.10	CS3,	HP5, HP9, HP12, HP13, HP14	
Natural Environment	9, 11, 13	CP.11, NE.22,	CS9, CS12		Natural Resource Impact Analysis SPD
Transport	4			HP15, HP16	Parking Standards SPD
Environmental	10	CP.22,	CS10		
Misc	5	CP.13,		MP1	External Wall Insulation TAN,

## 9. CONSULTATION RESPONSES

9.1. Site notices were displayed around the application site on 19.07.2017 and an

advertisement was published in the Oxford Times newspaper on 20.07.2017.

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

Oxfordshire County Council (Highways)

- 9.2. No comments.

### **Public representations**

- 9.3. No comments have been received from members of the public.

## **10. PLANNING MATERIAL CONSIDERATIONS**

- 10.1. Officers consider the determining issues to be:

- i. Parking,
- ii. Landscaping

### **i. Parking**

- 10.2. The previously approved scheme provided 18 car parking spaces plus 3 disabled spaces, plus the existing garages. The layout currently proposed would provide 18 car parking spaces plus 3 disabled spaces, plus the existing garages. There is therefore no change in the level of provision, the Local Highway Authority has indicated they have no objection and the amended scheme continues to be acceptable in this regard.

### **ii. Landscaping**

- 10.3. The revised scheme has been developed in order to retain a large feature tree to the centre of the site and the resultant loss of smaller trees is mitigated by replacement trees to the fringes of the new parking area.

## **11. CONCLUSION**

- 11.1. These variations relate only to the parking and access arrangements and other landscaping details, and do not vary the works already approved to the tower itself. The number of parking spaces remains unchanged, the Local Highway Authority has no comments to make and whilst there will be some small trees lost, there will be replacement trees and in any event, the proposed changes are informed by the desire to retain a significant focal tree that would otherwise be threatened.
- 11.2. It is recommended that the Committee resolve to grant planning permission for the development proposed subject to the recommended conditions.

## **12. CONDITIONS**

### **1. Time Limit**



The development to which this permission relates must be begun not later than the expiration of three years from the date of permission 14/02640/CT3.

Reason: In accordance with Section 91(1) of the Town and Country Planning Act 1990 as amended by the Planning Compulsory Purchase Act 2004.

## **2. Develop in accordance with approved plans**

The development permitted shall be constructed in complete accordance with the specifications in the application and approved plans listed below, unless otherwise agreed in writing by the local planning authority.

Reason: To avoid doubt and to ensure an acceptable development as indicated on the submitted drawings in accordance with policy CP1 of the Oxford Local Plan 2001-2016.

## **3. Bat and bird boxes integrated into build**

Prior to the commencement of any development details of biodiversity enhancement of integrated bat / bird boxes to be incorporated into the building shall have been submitted to, and approved in writing by the Local Planning Authority. The development shall proceed in accordance with the approved integrated bat / bird box scheme, which shall have been installed prior to the first occupation of the development and retained thereafter unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of improving biodiversity in accordance with Policy CS12 of the Oxford Core Strategy 2016 and Saved policy NE23 of the Oxford Local Plan 2001-2026

## **4. This condition has been removed**

## **5. Landscape carry out after completion**

The landscaping proposals as approved by the Local Planning Authority shall be carried out in the first planting season following substantial completion of the development if this is after 1st April. Otherwise the planting shall be completed by the 1st April of the year in which building development is substantially completed. All planting which fails to be established within three years shall be replaced.

Reason: In the interests of visual amenity in accordance with policies CP1 and CP11 of the Adopted Local Plan 2001-2016.

## **6. Hard surface design : Tree roots**

Prior to the start of any work on site including site clearance, details of the design of all new hard surfaces and a method statement for their construction shall be submitted to and approved in writing by the Local Planning Authority.

Details shall take into account the need to avoid any excavation within the rooting area of any retained tree and where appropriate the Local Planning Authority will expect "no-dig" techniques to be used, which might require hard surfaces to be constructed on top of existing soil levels using treated timber edging and pegs to retain the built up material.

Reason: To avoid damage to the roots of retained trees. In accordance with policies CP1, CP11 and NE16 of the Adopted Local Plan 2001-2016.

## **7. Materials as specified**

The materials to be used in the new development shall be as specified in the application. There shall be no variation of these materials without the prior written consent of the Local Planning Authority.

Reason: To ensure the satisfactory visual appearance of the new development in accordance with policies CP1 and CP8 of the Adopted Oxford Local Plan 2001-2016.

## **8. Car parking management plan**

Prior to the first use of the car parking areas a management plan shall have been submitted to and approved in writing by the local planning authority to control the use of the car parking spaces and restricting their use to residents and visitors of residents.

Reason: To ensure that the parking spaces provide parking for tower block residents and not for other local residents to avoid residents parking being displaced onto the public highway to the detriment of highway safety and convenience in accordance with policies CP1, CP10 and TR3 of the Oxford Local Plan.

## **9. Landscape underground services - tree roots**

Prior to the start of any work on site, details of the location of all underground services and soakaways shall be submitted to and approved in writing by the Local Planning Authority (LPA). The location of underground services and soakaways shall take account of the need to avoid excavation within the Root Protection Areas (RPA) of retained trees as defined in the British Standard 5837:2012- 'Trees in relation to design, demolition and construction-Recommendations'. Works shall only be carried in accordance with the approved details.

Reason: To avoid damage to the roots of retained trees; in support of Adopted Local Plan Policies CP1, CP11 and NE15.

## **10. Tree Protection Plan (TPP) 1**

Detailed measures for the protection of trees to be retained during the development shall be submitted to, and approved in writing by, the Local

Planning Authority (LPA) before any works on site begin. Such measures shall include scale plans indicating the positions of barrier fencing and/or ground protection materials to protect Root Protection Areas (RPAs) of retained trees and/or create Construction Exclusion Zones (CEZ) around retained trees. Unless otherwise agreed in writing by the LPA the approved measures shall be in accordance with relevant sections of BS 5837:2012 Trees in Relation to Design, Demolition and Construction- Recommendations. The approved measures shall be in place before the start of any work on site and shall be retained for the duration of construction unless otherwise agreed in writing by the LPA. Prior to the commencement of any works on site the LPA shall be informed in writing when the approved measures are in place in order to allow Officers to make an inspection. No works or other activities including storage of materials shall take place within CEZs unless otherwise agreed in writing by the LPA.

Reason: To protect retained trees during construction. In accordance with policies CP1, CP11 and NE16 of the Adopted Local Plan 2001-2016.

## **11. Arboricultural Method Statement (AMS) 1**

A detailed statement setting out the methods of working within the Root Protection Areas of retained trees shall be submitted to and approved in writing by the Local Planning Authority (LPA) before any works on site begin. Such details shall take account of the need to avoid damage to tree roots through excavation, ground skimming, vehicle compaction and chemical spillages including lime and cement. The development shall be carried out in strict accordance with of the approved AMS unless otherwise agreed in writing by the LPA.

Reason: To protect retained trees during construction. In accordance with policies CP1, CP11 and NE16 of the Adopted Local Plan 2001-2016.

## **12. Suspected contamination - Risk assess**

It is suspected that this site and/or nearby land and water may be contaminated as a result of former industrial or other use. Prior to the commencement of the development a phased risk assessment shall be carried out by a competent person in accordance with current government and Environment Agency Guidance and Approved Codes of Practice. Each phase shall be submitted in writing and approved by the Local Planning Authority.

Phase 1 shall incorporate a desk study and site walk over to identify all potential contaminative uses on site, and to inform the conceptual site model. If potential contamination is identified in Phase 1 then a Phase 2 investigation shall be undertaken.

Phase 2 shall include a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals.

Phase 3 requires that a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use be submitted and approved in writing by the Local Planning Authority. The remediation shall be carried out in accordance with the approved scheme and the applicant shall provide written verification to that effect.

The development shall not be occupied until any approved remedial works, have been carried out and a full validation report has been submitted and approved to the satisfaction of Local Planning Authority.

Reason: To ensure that any ground and water contamination is identified and adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use.

### **13. Boundary details before commencement**

A plan showing the means of enclosure for the new development including details of the treatment of all the boundaries of the site shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of the development. The approved treatment of all of the site boundaries shall be completed prior to first occupation of the approved development and retained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and to safeguard the privacy of adjoining occupiers in accordance with policies CP1, CP8, CP9 and CP10 of the Adopted Oxford Local Plan 2001-2016 as well as policy HP14 of the Sites and Housing Plan 2011-2026.

#### Informatives

1. In accordance with guidance set out in the National Planning Policy Framework, the Council tries to work positively and proactively with applicants towards achieving sustainable development that accords with the Development Plan and national planning policy objectives. This includes the offer of pre-application advice and, where reasonable and appropriate, the opportunity to submit amended proposals as well as time for constructive discussions during the course of the determination of an application. However, development that is not sustainable and that fails to accord with the requirements of the Development Plan and/or relevant national policy guidance will normally be refused. The Council expects applicants and their agents to adopt a similarly proactive approach in pursuit of sustainable development.

#### **APPENDICES**

##### **Appendix 1 – Block Plan**

##### **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 refusal of planning permission, officers consider that the proposal will not undermine crime prevention or the promotion of community

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## EAST AREA PLANNING COMMITTEE

4<sup>th</sup> October 2017

**Application Number:** 17/01799/VAR

**Decision Due by:** 06.09.2017

**Extension of Time:** 13.10.2017

**Proposal:** Variation of condition 2 (Develop in accordance with approved plans) and removal of condition 4 (Landscape carry out after completion) of planning permission 14/02643/CT3 (Thermal upgrade and recladding. Formation of new entrance lobby. Provision of car parking and landscaping. Replacement windows and provision of windows to balconies. Demolition of roof top parapet structure) to allow 33 no spaces with 6no accessible spaces.

**Site Address:** Foresters Tower, Oxford

**Ward:** Churchill

**Agent:** BM3 Architecture

**Applicant:** Oxford City Council

**Reason at Committee:** The application is on behalf of Oxford City Council

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## 1. RECOMMENDATION

1.1. East Area Planning Committee is recommended to:

**(a) Approve the application for the reasons given in the report and subject to the required planning conditions set out in section 12 of this report and grant planning permission.**

**(b) Agree to delegate authority to the Head of Planning, Sustainable Development and Regulatory Services to:**

1. Finalise the recommended conditions as set out in this report including such refinements, amendments, additions and/or deletions as the Head of Planning, Sustainable Development and Regulatory Services considers reasonably necessary;

## 2. EXECUTIVE SUMMARY

2.1. This report considers a proposal to vary a previous grant of planning permission. These variations relate only to the parking and landscaping details, and do not vary the works already approved to the tower itself. The number of parking spaces has reduced from 36 to 33 (with 6 accessible in both cases) but the Local Highway Authority has no objection.

2.2. The key matters for assessment set out in this report include the following:

- Parking
- Landscaping

### 3. LEGAL AGREEMENT

3.1. This application is not subject to a legal agreement.

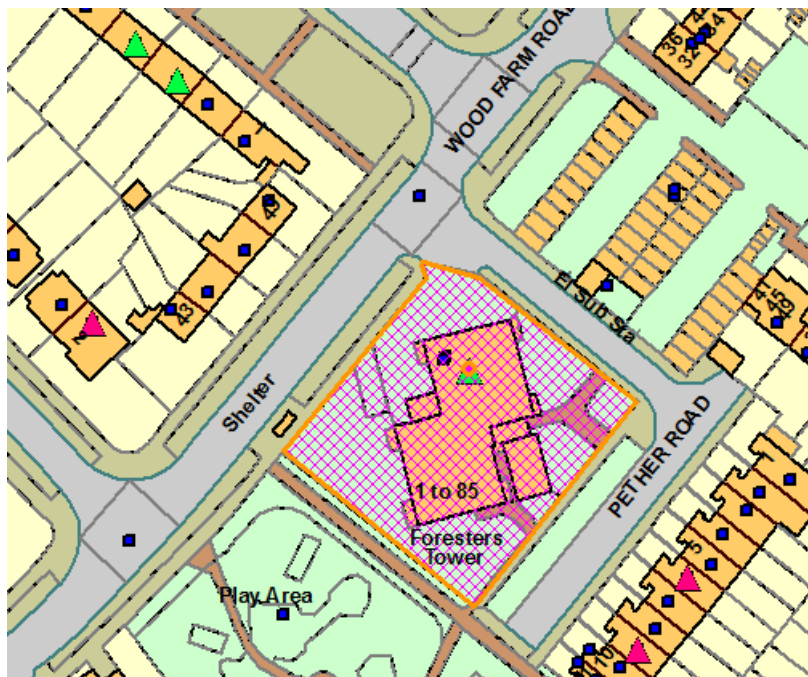
### 4. COMMUNITY INFRASTRUCTURE LEVY (CIL)

4.1. The proposal is not liable for CIL

### 5. SITE AND SURROUNDINGS

5.1. Foresters Tower is located on the Wood Farm estate on the corner of Wood Farm Road and Pether Road in a predominantly residential area. There is a parade of local shops nearby and Wood Farm Road carries buses into Oxford city centre.

5.2.



### 6. PROPOSAL

6.1. The application proposes that Condition 2 be varied to allow a change to the parking and the retention of stores (subject to pre-existing lease) It is proposed that Condition 4, which requires the landscaping to be carried out within certain timeframes, is removed.

### 7. RELEVANT PLANNING HISTORY

7.1. The table below sets out the relevant planning history for the application site:

Application Reference	Description of Development	Decision
14/02643/CT3	Thermal upgrade and recladding. Formation of new entrance lobby. Provision of car parking and landscaping. Replacement windows and provision of windows to balconies. Demolition of roof top parapet structure.. PER 12th November 2014.	PERMITTED 12th November 2014

## 8. RELEVANT PLANNING POLICY

8.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework (NPPF)	Local Plan	Core Strategy	Sites and Housing Plan	Other Planning Documents
Design	7	CP.1, CP8, CP.9,	CS18	HP9	
Housing	6	CP.10	CS3,	HP5, HP9, HP12, HP13, HP14	
Natural Environment	9, 11, 13	CP.11, NE.22,	CS9, CS12		Natural Resource Impact Analysis SPD
Transport	4			HP15, HP16	Parking Standards SPD
Environmental	10	CP.22,	CS10		
Misc	5	CP.13,		MP1	External Wall Insulation TAN,

## 9. CONSULTATION RESPONSES

9.1. Site notices were displayed around the application site on 19.07.2017 and an advertisement was published in the Oxford Times newspaper on 20.07.2017.

### 9.2. Statutory and Non-Statutory Consultees

Oxfordshire County Council (Highways) - No comments.

Internal - Trees: No objection but should retain Condition 4 to ensure landscaping carried out in accordance with approved plans.

### **Public representations**

9.3. No comments have been received from members of the public.

## **10. PLANNING MATERIAL CONSIDERATIONS**

10.1. Officers consider the determining issues to be:

- i. Parking,
- ii. Landscaping

### **i. Parking**

10.2. The previously approved scheme provided 36 car parking spaces plus 3 disabled spaces, plus the existing garages. Due to current leases on some of the existing stores, not all the land earmarked for parking is available and the layout currently proposed would provide 33 car parking spaces plus 3 disabled spaces, plus the existing garages. There is therefore a reduction of 3 spaces in the level of provision, however the Local Highway Authority has indicated they have no objection and the amended scheme continues to be acceptable in this regard.

### **ii. Landscaping**

10.3. The revised scheme has been reviewed by officers and is considered to be acceptable in terms of visual and public amenity. With regard to the removal of Condition 4, it is recommended that it be removed, but replaced with a new condition that specifies the new drawing, to ensure the landscaping is carried out in accordance with these plans.

## **11. CONCLUSION**

11.1. The variations relate only to the parking and access arrangements and other landscaping details, and do not vary the works already approved to the tower itself. The number of parking spaces has reduced from 36 to 33 but the Local Highway Authority has no objection.

11.2. It is recommended that the Committee resolve to grant planning permission for the development proposed subject to the recommended conditions.

## **12. CONDITIONS**

### **1. Time Limit**

The development to which this permission relates must be begun not later than the expiration of three years from the date of permission 14/02643/CT3.

Reason: In accordance with Section 91(1) of the Town and Country Planning Act 1990 as amended by the Planning Compulsory Purchase Act 2004.

## **2. Develop in accordance with approved plans**

The development permitted shall be constructed in complete accordance with the specifications in the application and approved plans listed below, unless otherwise agreed in writing by the local planning authority.

Reason: To avoid doubt and to ensure an acceptable development as indicated on the submitted drawings in accordance with policy CP1 of the Oxford Local Plan 2001-2016.

## **3. Landscape plan required**

A landscape plan shall be submitted to, and approved in writing by, the Local Planning Authority before development starts. The plan shall include a survey of existing trees showing sizes and species, and indicate which (if any) it is requested should be removed, and shall show in detail all proposed tree and shrub planting, treatment of paved areas, and areas to be grassed or finished in a similar manner.

Reason: In the interests of visual amenity in accordance with policies CP1, CP11 and NE15 of the Adopted Local Plan 2001-2016.

## **4. This condition has been removed**

## **5. Hard surface design : Tree roots**

Prior to the start of any work on site including site clearance, details of the design of all new hard surfaces and a method statement for their construction shall be submitted to and approved in writing by the Local Planning Authority. Details shall take into account the need to avoid any excavation within the rooting area of any retained tree and where appropriate the Local Planning Authority will expect "no-dig" techniques to be used, which might require hard surfaces to be constructed on top of existing soil levels using treated timber edging and pegs to retain the built up material.

Reason: To avoid damage to the roots of retained trees. In accordance with policies CP1, CP11 and NE16 of the Adopted Local Plan 2001-2016.

## **6. Materials as specified**

The materials to be used in the new development shall be as specified in the application. There shall be no variation of these materials without the prior written consent of the Local Planning Authority.

Reason: To ensure the satisfactory visual appearance of the new development in accordance with policies CP1 and CP8 of the Adopted Oxford Local Plan 2001-2016.

## **7. Car parking management plan**

Prior to the first use of the car parking areas a management plan shall have been submitted to and approved in writing by the local planning authority to control the use of the car parking spaces and restricting their use to residents and visitors of residents.

Reason: To ensure that the parking spaces provide parking for tower block residents and not for other local residents to avoid residents parking being displaced onto the public highway to the detriment of highway safety and convenience in accordance with policies CP1, CP10 and TR3 of the Oxford Local Plan.

## **8. Landscape underground services - tree roots**

Prior to the start of any work on site, details of the location of all underground services and soakaways shall be submitted to and approved in writing by the Local Planning Authority (LPA). The location of underground services and soakaways shall take account of the need to avoid excavation within the Root Protection Areas (RPA) of retained trees as defined in the British Standard 5837:2012- 'Trees in relation to design, demolition and construction- Recommendations'. Works shall only be carried in accordance with the approved details.

Reason: To avoid damage to the roots of retained trees; in support of Adopted Local Plan Policies CP1, CP11 and NE15.

## **9. Tree Protection Plan (TPP) 1**

Detailed measures for the protection of trees to be retained during the development shall be submitted to, and approved in writing by, the Local Planning Authority (LPA) before any works on site begin. Such measures shall include scale plans indicating the positions of barrier fencing and/or ground protection materials to protect Root Protection Areas (RPAs) of retained trees and/or create Construction Exclusion Zones (CEZ) around retained trees. Unless otherwise agreed in writing by the LPA the approved measures shall be in accordance with relevant sections of BS 5837:2012 Trees in Relation to Design, Demolition and Construction- Recommendations. The approved measures shall be in place before the start of any work on site and shall be retained for the duration of construction unless otherwise agreed in writing by the LPA. Prior to the commencement of any works on site the LPA shall be informed in writing when the approved measures are in place in order to allow Officers to make an inspection. No works or other activities including storage of materials shall take place within CEZs unless otherwise agreed in writing by the LPA.

Reason: To protect retained trees during construction. In accordance with policies CP1, CP11 and NE16 of the Adopted Local Plan 2001-2016.

## **10. Arboricultural Method Statement (AMS) 1**

A detailed statement setting out the methods of working within the Root Protection Areas of retained trees shall be submitted to and approved in writing by the Local Planning Authority (LPA) before any works on site begin. Such details shall take account of the need to avoid damage to tree roots through excavation, ground skimming, vehicle compaction and chemical spillages including lime and cement. The development shall be carried out in strict accordance with of the approved AMS unless otherwise agreed in writing by the LPA.

Reason: To protect retained trees during construction. In accordance with policies CP1,CP11 and NE16 of the Adopted Local Plan 2001-2016.

## **11.Suspected contamination - Risk assess**

It is suspected that this site and/or nearby land and water may be contaminated as a result of former industrial or other use. Prior to the commencement of the development a phased risk assessment shall be carried out by a competent person in accordance with current government and Environment Agency Guidance and Approved Codes of Practice. Each phase shall be submitted in writing and approved by the Local Planning Authority.

Phase 1 shall incorporate a desk study and site walk over to identify all potential contaminative uses on site, and to inform the conceptual site model. If potential contamination is identified in Phase 1 then a Phase 2 investigation shall be undertaken.

Phase 2 shall include a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals.

Phase 3 requires that a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use be submitted and approved in writing by the Local Planning Authority. The remediation shall be carried out in accordance with the approved scheme and the applicant shall provide written verification to that effect.

The development shall not be occupied until any approved remedial works, have been carried out and a full validation report has been submitted and approved to the satisfaction of Local Planning Authority.

Reason: To ensure that any ground and water contamination is identified and adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use.

## **12.Boundary details before commencement**

A plan showing the means of enclosure for the new development including details of the treatment of all the boundaries of the site shall be submitted to, and approved in writing by, the Local Planning Authority prior to the

commencement of the development. The approved treatment of all of the site boundaries shall be completed prior to first occupation of the approved development and retained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and to safeguard the privacy of adjoining occupiers in accordance with policies CP1, CP8, CP9 and CP10 of the Adopted Oxford Local Plan 2001-2016 as well as policy HP14 of the Sites and Housing Plan 2011-2026.

### **13. Landscaping carry out after completion**

The landscaping proposals as shown on sheet L(9-)103 P6 shall be carried out in the first planting season following substantial completion of the development if this is after 1st April. Otherwise the planting shall be completed by the 1st April of the year in which building development is substantially completed. All planting which fails to be established within three years shall be replaced.

Reason: In the interests of visual amenity in accordance with policies CP1 and CP11 of the Adopted Local Plan 2001-2016.

#### Informatives

1. In accordance with guidance set out in the National Planning Policy Framework, the Council tries to work positively and proactively with applicants towards achieving sustainable development that accords with the Development Plan and national planning policy objectives. This includes the offer of pre-application advice and, where reasonable and appropriate, the opportunity to submit amended proposals as well as time for constructive discussions during the course of the determination of an application. However, development that is not sustainable and that fails to accord with the requirements of the Development Plan and/or relevant national policy guidance will normally be refused. The Council expects applicants and their agents to adopt a similarly proactive approach in pursuit of sustainable development.

## **APPENDICES**

### **Appendix 1 – Block Plan**

#### **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 refusal of planning permission, officers consider that the proposal will not undermine crime prevention or the promotion of community

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## EAST AREA PLANNING COMMITTEE

4<sup>th</sup> October 2017

**Application Number:** 17/01793/VAR

**Decision Due by:** 06.09.2017

**Extension of Time:** 13.10.2017

**Proposal:** Removal of condition 4 (Landscape carry out after completion) and variation of condition 2 (Develop in accordance with approved plans) of planning permission 14/02642/CT3 (Thermal upgrade and recladding. Formation of new entrance lobby. Provision of carparking and landscaping. Replacement windows and provision of windows to balconies. Demolition of roof top parapet. Provision of canopy to provide covered walkway from car park to secondary entrance.) to allow drawings to be added and remove condition 4 to which the drawing partially pertains.

**Site Address:** Plowmans Tower, Westland Drive, Oxford

**Ward:** Headington Hill and Northway

**Agent:** BM3 Architecture

**Applicant:** Oxford City Council

**Reason at Committee:** The application is on behalf of Oxford City Council

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## 1. RECOMMENDATION

1.1. East Area Planning Committee is recommended to:

**(a) Approve the application for the reasons given in the report and subject to the required planning conditions set out in section 12 of this report and grant planning permission.**

**(b) Agree to delegate authority to the Head of Planning, Sustainable Development and Regulatory Services to:**

1. Finalise the recommended conditions as set out in this report including such refinements, amendments, additions and/or deletions as the Head of Planning, Sustainable Development and Regulatory Services considers reasonably necessary;

## 2. EXECUTIVE SUMMARY

2.1. This report considers a proposal to vary a previous grant of planning permission. These variations relate only to the parking and landscaping details, and do not vary the works already approved to the tower itself. The number of parking spaces has reduced from 36 to 33 (with 6 accessible in both cases).

2.2. The key matters for assessment set out in this report include the following:

- Parking
- Landscaping

### 3. LEGAL AGREEMENT

3.1. This application is not subject to a legal agreement.

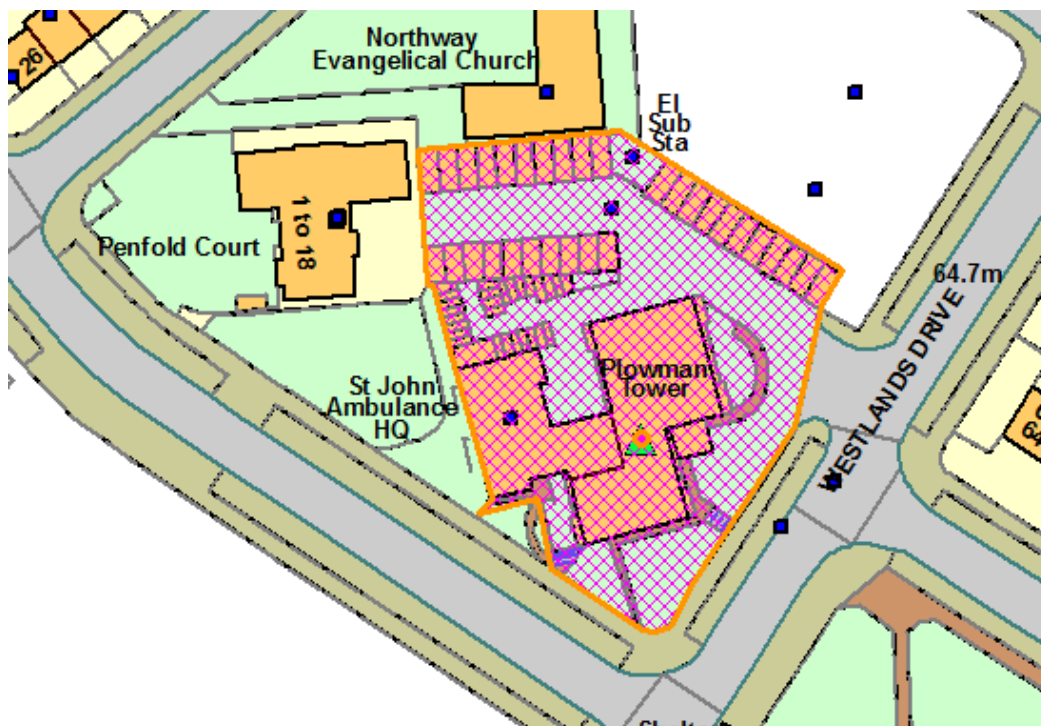
### 4. COMMUNITY INFRASTRUCTURE LEVY (CIL)

4.1. The proposal is not liable for CIL

### 5. SITE AND SURROUNDINGS

5.1. Plowman Tower is located in Northway on the corner of Westlands Road and Maltfield Road. It is also within a predominantly residential area but with a parade of shops close by in Westlands Drive.

5.2.



### 6. PROPOSAL

6.1. The application proposes that Condition 2 be varied to allow a change to the parking and the retention of stores (subject to pre-existing lease). It is proposed that Condition 4, which requires the landscaping to be carried out within certain timeframes, is removed.

## 7. RELEVANT PLANNING HISTORY

7.1. The table below sets out the relevant planning history for the application site:

Application Reference	Description of Development	Decision
14/02642/CT3	Thermal upgrade and recladding. Formation of new entrance lobby. Provision of carparking and landscaping. Replacement windows and provision of windows to balconies. Demolition of roof top parapet. Provision of canopy to provide covered walkway from car park to secondary entrance.	PERMITTED 12th November 2014

## 8. RELEVANT PLANNING POLICY

8.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework (NPPF)	Local Plan	Core Strategy	Sites and Housing Plan	Other Planning Documents
Design	7	CP.1, CP8, CP.9,	CS18	HP9	
Housing	6	CP.10	CS3,	HP5, HP9, HP12, HP13, HP14	
Natural Environment	9, 11, 13	CP.11, NE.22,	CS9, CS12		Natural Resource Impact Analysis SPD
Transport	4			HP15, HP16	Parking Standards SPD
Environmental	10	CP.22,	CS10		
Misc	5	CP.13,		MP1	External Wall Insulation TAN,

## 9. CONSULTATION RESPONSES

9.1. Site notices were displayed around the application site on 19.07.2017 and an advertisement was published in the Oxford Times newspaper on 20.07.2017.

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

Oxfordshire County Council (Highways)

9.2. No objection.

**Public representations**

9.3. No comments have been received from members of the public.

**10. PLANNING MATERIAL CONSIDERATIONS**

10.1. Officers consider the determining issues to be:

- i. Parking,
- ii. Landscaping

**i. Parking**

10.2. The previously approved scheme provided 36 car parking spaces plus 3 disabled spaces, plus the existing garages. Due to current leases on some of the existing stores, not all the land earmarked for parking is available and the layout currently proposed would provide 33 car parking spaces plus 3 disabled spaces, plus the existing garages. There is therefore a reduction of 3 spaces in the level of provision, however the Local Highway Authority has indicated they have no objection and the amended scheme continues to be acceptable in this regard.

10.3.

**ii. Landscaping**

10.4. The revised scheme has been reviewed by officers and is considered to be acceptable in terms of visual and public amenity. With regard to the removal of Condition 4, it is recommended that it be removed, but replaced with a new condition that specifies the new drawing, to ensure the landscaping is carried out in accordance with these plans.

**11. CONCLUSION**

11.1. The variations relate only to the parking and access arrangements and other landscaping details, and do not vary the works already approved to the tower itself. The number of parking spaces has reduced from 36 to 33 but the Local Highway Authority has no objection.

11.2. It is recommended that the Committee resolve to grant planning permission for the development proposed subject to the recommended conditions.

**12. CONDITIONS**

**1. Time Limit**

The development to which this permission relates must be begun not later than the expiration of three years from the date of permission 14/01642/CT3.



Reason: In accordance with Section 91(1) of the Town and Country Planning Act 1990 as amended by the Planning Compulsory Purchase Act 2004.

## **2. Develop in accordance with approved plans**

The development permitted shall be constructed in complete accordance with the specifications in the application and approved plans listed below, unless otherwise agreed in writing by the local planning authority.

Reason: To avoid doubt and to ensure an acceptable development as indicated on the submitted drawings in accordance with policy CP1 of the Oxford Local Plan 2001-2016.

## **3. Landscape plan required**

A landscape plan shall be submitted to, and approved in writing by, the Local Planning Authority before development starts. The plan shall include a survey of existing trees showing sizes and species, and indicate which (if any) it is requested should be removed, and shall show in detail all proposed tree and shrub planting, treatment of paved areas, and areas to be grassed or finished in a similar manner.

Reason: In the interests of visual amenity in accordance with policies CP1, CP11 and NE15 of the Adopted Local Plan 2001-2016.

## **4. This condition has been removed**

## **5. Hard surface design : Tree roots**

Prior to the start of any work on site including site clearance, details of the design of all new hard surfaces and a method statement for their construction shall be submitted to and approved in writing by the Local Planning Authority. Details shall take into account the need to avoid any excavation within the rooting area of any retained tree and where appropriate the Local Planning Authority will expect "no-dig" techniques to be used, which might require hard surfaces to be constructed on top of existing soil levels using treated timber edging and pegs to retain the built up material.

Reason: To avoid damage to the roots of retained trees. In accordance with policies CP1, CP11 and NE16 of the Adopted Local Plan 2001-2016.

## **6. Materials as specified**

The materials to be used in the new development shall be as specified in the application. There shall be no variation of these materials without the prior written consent of the Local Planning Authority.

Reason: To ensure the satisfactory visual appearance of the new development in accordance with policies CP1 and CP8 of the Adopted Oxford

## **7. Car parking management plan**

Prior to the first use of the car parking areas a management plan shall have been submitted to and approved in writing by the local planning authority to control the use of the car parking spaces and restricting their use to residents and visitors of residents.

Reason: To ensure that the parking spaces provide parking for tower block residents and not for other local residents to avoid residents parking being displaced onto the public highway to the detriment of highway safety and convenience in accordance with policies CP1, CP10 and TR3 of the Oxford Local Plan.

## **8. Landscape underground services - tree roots**

Prior to the start of any work on site, details of the location of all underground services and soakaways shall be submitted to and approved in writing by the Local Planning Authority (LPA). The location of underground services and soakaways shall take account of the need to avoid excavation within the Root Protection Areas (RPA) of retained trees as defined in the British Standard 5837:2012- 'Trees in relation to design, demolition and construction- Recommendations'. Works shall only be carried in accordance with the approved details.

Reason: To avoid damage to the roots of retained trees; in support of Adopted Local Plan Policies CP1, CP11 and NE15.

## **9. Tree Protection Plan (TPP) 1**

Detailed measures for the protection of trees to be retained during the development shall be submitted to, and approved in writing by, the Local Planning Authority (LPA) before any works on site begin. Such measures shall include scale plans indicating the positions of barrier fencing and/or ground protection materials to protect Root Protection Areas (RPAs) of retained trees and/or create Construction Exclusion Zones (CEZ) around retained trees. Unless otherwise agreed in writing by the LPA the approved measures shall be in accordance with relevant sections of BS 5837:2012 Trees in Relation to Design, Demolition and Construction- Recommendations. The approved measures shall be in place before the start of any work on site and shall be retained for the duration of construction unless otherwise agreed in writing by the LPA. Prior to the commencement of any works on site the LPA shall be informed in writing when the approved measures are in place in order to allow Officers to make an inspection. No works or other activities including storage of materials shall take place within CEZs unless otherwise agreed in writing by the LPA.

Reason: To protect retained trees during construction. In accordance with policies CP1, CP11 and NE16 of the Adopted Local Plan 2001-2016.

## **10. Arboricultural Method Statement (AMS) 1**

A detailed statement setting out the methods of working within the Root Protection Areas of retained trees shall be submitted to and approved in writing by the Local Planning Authority (LPA) before any works on site begin. Such details shall take account of the need to avoid damage to tree roots through excavation, ground skimming, vehicle compaction and chemical spillages including lime and cement. The development shall be carried out in strict accordance with of the approved AMS unless otherwise agreed in writing by the LPA.

Reason: To protect retained trees during construction. In accordance with policies CP1, CP11 and NE16 of the Adopted Local Plan 2001-2016.

## **11. Suspected contamination - Risk assess**

It is suspected that this site and/or nearby land and water may be contaminated as a result of former industrial or other use. Prior to the commencement of the development a phased risk assessment shall be carried out by a competent person in accordance with current government and Environment Agency Guidance and Approved Codes of Practice. Each phase shall be submitted in writing and approved by the Local Planning Authority.

Phase 1 shall incorporate a desk study and site walk over to identify all potential contaminative uses on site, and to inform the conceptual site model. If potential contamination is identified in Phase 1 then a Phase 2 investigation shall be undertaken.

Phase 2 shall include a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals.

Phase 3 requires that a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use be submitted and approved in writing by the Local Planning Authority. The remediation shall be carried out in accordance with the approved scheme and the applicant shall provide written verification to that effect.

The development shall not be occupied until any approved remedial works, have been carried out and a full validation report has been submitted and approved to the satisfaction of Local Planning Authority.

Reason: To ensure that any ground and water contamination is identified and adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use.

## **12. Boundary details before commencement**

A plan showing the means of enclosure for the new development including details of the treatment of all the boundaries of the site shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of the development. The approved treatment of all of the site boundaries shall be completed prior to first occupation of the approved development and retained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and to safeguard the privacy of adjoining occupiers in accordance with policies CP1, CP8, CP9 and CP10 of the Adopted Oxford Local Plan 2001-2016 as well as policy HP14 of the Sites and Housing Plan 2011-2026.

### **13. Landscaping carry out after completion**

The landscaping proposals as shown on sheet L(9-)103 P6 shall be carried out in the first planting season following substantial completion of the development if this is after 1st April. Otherwise the planting shall be completed by the 1st April of the year in which building development is substantially completed. All planting which fails to be established within three years shall be replaced.

Reason: In the interests of visual amenity in accordance with policies CP1 and CP11 of the Adopted Local Plan 2001-2016.

#### Informatives

1. In accordance with guidance set out in the National Planning Policy Framework, the Council tries to work positively and proactively with applicants towards achieving sustainable development that accords with the Development Plan and national planning policy objectives. This includes the offer of pre-application advice and, where reasonable and appropriate, the opportunity to submit amended proposals as well as time for constructive discussions during the course of the determination of an application. However, development that is not sustainable and that fails to accord with the requirements of the Development Plan and/or relevant national policy guidance will normally be refused. The Council expects applicants and their agents to adopt a similarly proactive approach in pursuit of sustainable development.

## **APPENDICES**

### **Appendix 1 – Block Plan**

#### **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 refusal of planning permission, officers consider that the proposal will not undermine crime prevention or the promotion of community

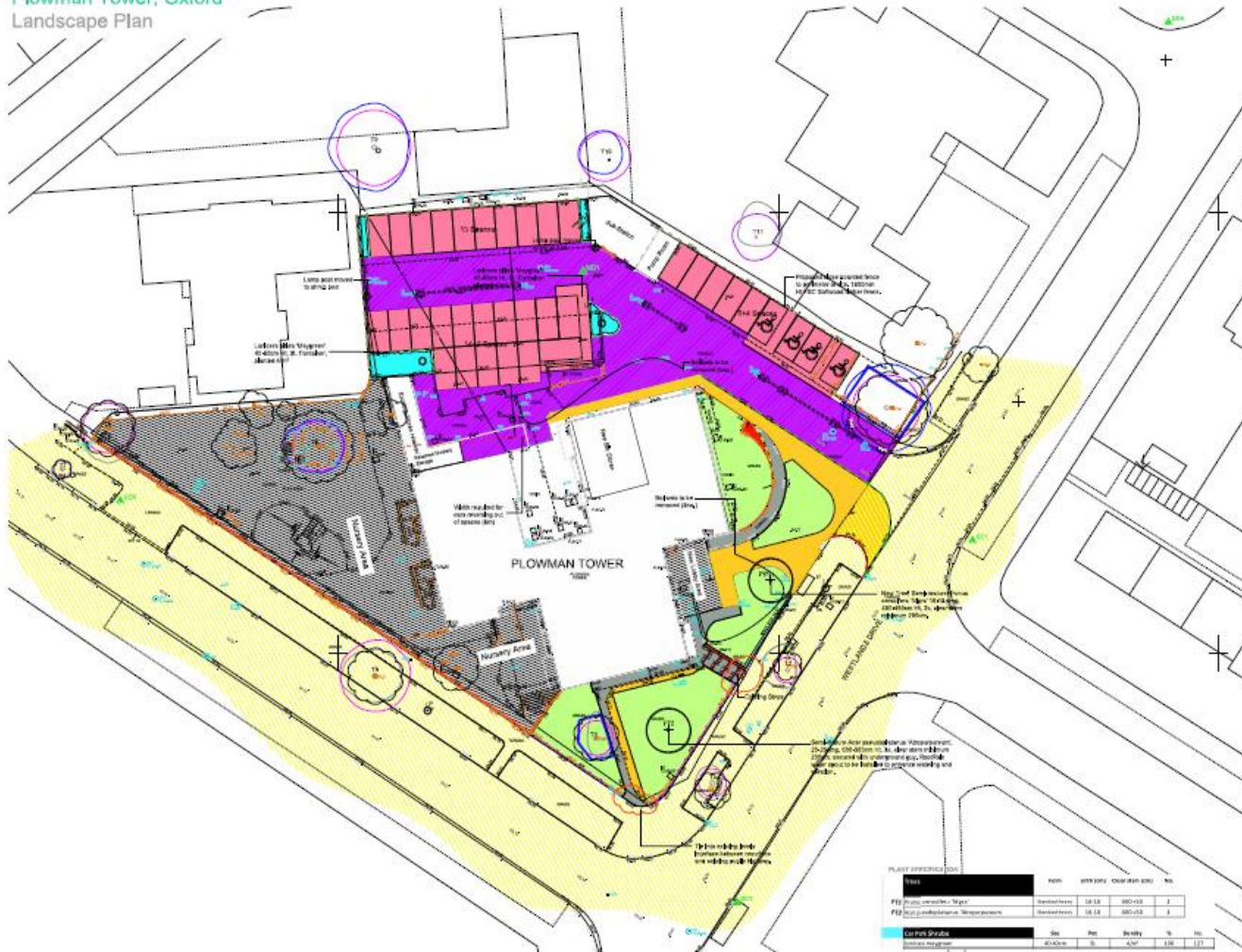
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# Appendix 1

## 17/01793/VAR - Plowman Tower

Not to scale

Plowman Tower, Oxford  
Landscape Plan



<p>Legend</p> <ul style="list-style-type: none"> <li>Plowman Tower</li> <li>Nursery Area</li> <li>Play Area</li> <li>Path</li> <li>Paved Area</li> <li>Grass Area</li> <li>Tree Area</li> <li>Water Feature</li> <li>Bicycle Rack</li> <li>Bin Store</li> <li>Landscaped Area</li> <li>Paved Area</li> <li>Grass Area</li> <li>Tree Area</li> <li>Water Feature</li> <li>Bicycle Rack</li> <li>Bin Store</li> </ul>	<p>Scale</p> <p>0 10m</p>
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## **Minutes of a meeting of the EAST AREA PLANNING COMMITTEE on Wednesday 6 September 2017**



### **Committee members:**

Councillor Taylor (Chair)  
Councillor Chapman  
Councillor Lloyd-Shogbesan  
Councillor Tanner  
Councillor Wolff

Councillor Henwood (Vice-Chair)  
Councillor Clarkson  
Councillor Malik  
Councillor Wilkinson

### **Officers:**

Adrian Arnold, Development Management Service Manager  
Sian Saadeh, Development Management Team Leader  
Adrian Henderson, Legal adviser  
Catherine Phythian, Committee Services Officer

### **Apologies:**

No apologies were received

## **28. Declarations of interest**

17/01463/FUL: 474 Cowley Road – Councillor Clarkson stated that her relatives had been the previous owners of the development site and on advice from the Monitoring Officer she would not participate in the determination of that application and would leave the room.

17/01463/FUL: 474 Cowley Road – Councillor Malik said that he had met with the agent to discuss the outline planning permission. He confirmed that he had no-preetermined view and would participate in the determination of the application.

## **29. 32 Jack Straw's Lane (No.1) Tree Preservation Order 2017**

The Chair stated that this item had been withdrawn from the agenda and would be determined under delegated powers as the objection to the Tree Preservation Order had been withdrawn.

The Committee noted that the Tree Preservation Order would be confirmed under delegated powers.

Councillor Clarkson left the room at the end of this item.

### **30. 17/01463/FUL: 474 Cowley Road, Oxford, OX4 2DP**

Chair took this item next.

The Committee considered an application (17/01463/FUL) for planning permission for the construction of a 64 bed Care Home (Class C2) together with the ancillary accommodation; lounge and dining facilities; car parking facilities and landscaping, demolition of existing structures.

The Planning Officer presented the report and highlighted the main changes from the earlier outline planning permission:

- The provision of undercroft covered parking
- The more contemporary design of the elevation and fenestration
- The increased width of the rear of the building

In response to questions from the Committee about the details of the application the Planning Officer gave the following responses:

- The site would remain a Key Employment Site as it would retain and expand its employment base.
- The site met the physical access standards for highways
- the future operator of the care home had a duty to safeguard its residents and staff with regard to access
- provision of a banksman was a requirement of Condition 15: Construction Traffic Management Plan
- Details of the working hours for construction and demolition would be required; these would normally be set for 8am – 7pm; reasonable work could be undertaken outside those hours and if this was found to create a nuisance for the neighbourhood it would be addressed under environmental legislation.

The wider Committee discussion centred on concerns about general road safety issues on the busy Cowley Road and the Committee stressed the need for a clear and robust traffic management plan. On this basis the Committee requested that the Planning Officer make the following amendments to Condition 15:

- Replace all instances of “*should*” with “*will*”
- Details of working hours would be required and take into account the concerns raised about work (particularly demolition work) causing a nuisance

In reaching its decision, the Committee considered all the information put before it.

On being put to the vote the Committee agreed with the officer recommendation.

## **Recommendation:**

### **The East Area Planning Committee resolved to:**

- a) **Approve** the application for the reasons given in the report and subject to the required planning conditions set out in section 11 of this report and as amended by the Committee
- b) grant planning permission; and
- c) **Agree to delegate authority to the Head of Planning, Sustainable Development and Regulatory Services** to finalise the recommended conditions as set out in this report including such refinements, amendments, additions and/or deletions as the Head of Planning, Sustainable Development and Regulatory Services considers reasonably necessary.

Councillor Clarkson returned at the end of this item.

### **31. 17/00984/FUL: clinic surgery for Marston Medical Centre on the John Radcliffe site**

The Committee considered an application (17/00984/FUL) for planning permission for a single storey extension to the Centre for Occupational Health and Well-being to provide a clinic surgery for Marston Medical Centre on the John Radcliffe site.

The Planning Officer presented the report and advised the Committee that the clinic surgery was now open to patients.

The Committee asked questions of the officers about the details of the application, in particular about the details of the traffic management plan (Condition 3). The Planning Officer explained that the traffic management plan would focus on the specific traffic flows at the site (which would be based on actual data) and that it would require an annual reduction. However, although it would be cognisant of the wider traffic context it would not address specific concerns relating to construction traffic or safety considerations beyond the application site.

The wider Committee discussion included the following points:

- This was a permanent planning application although it was noted that the health practice would probably continue to look for a suitable location for a single site
- Concerns about road safety, volume of traffic and parking pressures across the wider area adjacent to the site
- Recognition of the demand for GP services in the area

In reaching its decision, the Committee considered all the information put before it.

On being put to the vote a majority of the Committee agreed with the officer recommendation.

**East Area Planning Committee resolved to:**

- (a) Approve the application for the reasons given in the report and subject to the required planning conditions set out in section 10 of this report and grant planning permission; and
- (b) Agree to delegate authority to the Head of Planning, Sustainable Development and Regulatory Services to finalise the recommended conditions as set out in this report including such refinements, amendments, additions and/or deletions as the Head of Planning, Sustainable Development and Regulatory Services considers reasonably necessary.

**32. 17/00963/FUL: Land Adjacent to 2, Rymers Lane, Oxford, OX4 3LA**

The Committee considered an application (17/00963/FUL) for planning permission for a purpose built student accommodation facility of 39 study bedrooms with ancillary facilities for use during academic term time and vacation periods.

The Planning Officer presented the report and reminded the Committee that they had granted outline planning permission for an identical scheme in May 2017.

The Committee asked questions of the officers about the objections raised by Oxfordshire County Council Highways. The officers referred the Committee to paragraphs 10.30 – 10.32 of the report. They explained that the ‘car-free’ nature of student accommodation and the method for controlling this through tenancy agreements is a long-standing development plan policy for student accommodation, which has been accepted by Inspectors, and implemented across the city. The County Council has provided no evidence to corroborate their assertions as to the enforcement of these tenancy agreements. As such officers consider that it would be unreasonable to seek additional controls beyond those set out within the adopted development plan policies for student accommodation.

Although the County Council have made a request for a financial contribution towards the implementation of a CPZ, this cannot be secured as part of this planning permission because the mechanism for raising such funds is through the Community Infrastructure Levy (CIL). It would be a matter for the applicant to take up directly with the Highways Authority as to whether they are prepared to provide a financial contribution through a S278 agreement outside of the CIL regime but planning permission could not be withheld on that basis.

In reaching its decision, the Committee considered all the information put before it.

On being put to the vote the Committee agreed with the officer recommendation.

**Recommendation:**

The East Area Planning Committee resolved to:

**(a) Approve the application for the reasons given in the report and subject to the required planning conditions set out in section 12 of this report and grant planning permission subject to:**

1. The satisfactory completion of a legal agreement under s.106 of the Town and Country Planning Act 1990 and other enabling powers to secure the planning obligations set out in the recommended heads of terms which are set out in this report; and

**(b) Agree to delegate authority to the Head of Planning, Sustainable Development and Regulatory Services to:**

1. Finalise the recommended conditions as set out in this report including such refinements, amendments, additions and/or deletions as the Head of Planning, Sustainable Development and Regulatory Services considers reasonably necessary;
2. Finalise the recommended legal agreement under section 106 of the Town and Country Planning Act 1990 and other enabling powers as set out in this report, including refining, adding to, amending and/or deleting the obligations detailed in the heads of terms set out in this report (including to dovetail with and where appropriate, reinforce the final conditions and informatives to be attached to the planning permission) as the Head of Planning, Sustainable Development and Regulatory Services considers reasonably necessary; and
3. Complete the section 106 legal agreement referred to above and issue the planning permission.

### **33. 17/01516/CT3: Land To The Rear Of 2 To 24 High Cross Way, Oxford**

The Committee considered an application (17/01516/CT3) for planning permission to demolish and rebuild existing outbuilding and the erection of a refuse store with planting areas and a new grassed garden area with seating and the erection of fencing and a garden wall to the boundary of the site.

The Planning Officer presented the report.

In reaching its decision, the Committee considered all the information put before it. The Committee commended the scheme for its landscaping and the improvement to community amenity and safety.

On being put to the vote the Committee agreed with the officer recommendation.

#### **Recommendation:**

The East Area Planning Committee resolved to:

- a. **Approve** the application for the reasons given in the report and subject to the required planning conditions set out in section 10 of this report and grant planning permission; and

- b. **Agree to delegate authority to the Head of Planning, Sustainable Development and Regulatory Services to finalise the recommended conditions as set out in this report including such refinements, amendments, additions and/or deletions as the Head of Planning, Sustainable Development and Regulatory Services considers reasonably necessary.**

### **34. 17/01275/CT3: Rose Hill Pavilion, Rose Hill Sports Ground**

The Committee considered an application (17/01275/CT3) for planning permission to raise the height of the existing MUGA fencing by 4m at the Rose Hill Pavilion, Rose Hill Sports Ground.

The Planning Officer presented the report.

In reaching its decision, the Committee considered all the information put before it.

On being put to the vote the Committee agreed with the officer recommendation.

#### **Recommendation:**

The East Area Planning Committee resolved to:

- a. **approve** the application for the reasons given in the report and subject to the required planning conditions set out in section 12 of the officer's report; and
- b. **agree to delegate authority to the Head of Planning, Sustainable Development and Regulatory Services to finalise the recommended conditions as set out in this report including such refinements, amendments, additions and/or deletions as the Head of Planning, Sustainable Development and Regulatory Services considers reasonably necessary.**

### **35. Minutes**

The Committee resolved to approve the minutes of the meeting held on 2 August 2017 as a true and accurate record.

### **36. Forthcoming applications**

The Committee noted the list of forthcoming items.

### **37. Dates of future meetings**

The Committee noted the dates of future meetings.

**The meeting started at 6.00 pm and ended at 7.15 pm**

**Chair .....**

**Date: Wednesday 4 October 2017**

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