

# Agenda

www.oxford.gov.uk



## East Area Planning Committee

Date: **Wednesday 6 March 2019**

---

Time: **6.00 pm**

---

Place: **The Old Library - Oxford Town Hall**

---

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)

---

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 Mark Lygo	Churchill;
	Councillor Shaista Aziz	Rose Hill and Iffley;
	Councillor Nigel Chapman	Headington Hill and Northway;
	Councillor Mary Clarkson	Marston;
	Councillor Stef Garden	Headington;
	Councillor Christine Simm	Cowley;
	Councillor Roz Smith	Quarry and Risinghurst;
	Councillor John Tanner	Littlemore;

The quorum for this meeting is five members. Substitutes are permitted. Substitutes for the Chair and Vice-chair do not take on these roles.

### Copies of this agenda

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

All agendas, reports and minutes are available online and can be:

- viewed on our website – [mycouncil.oxford.gov.uk](http://mycouncil.oxford.gov.uk)
- downloaded from our website
- viewed using the computers in the Customer Services, St Aldate's, or
- subscribed to electronically by registering online at [mycouncil.oxford.gov.uk](http://mycouncil.oxford.gov.uk)

# AGENDA

Pages

## Planning applications - background papers and additional information

To see representations, full plans, and supplementary information relating to applications on the agenda, please [click here](#) and enter the relevant Planning Reference number in the  box.

Any additional information received following the publication of this agenda will be reported and summarised at the meeting.

### 1 Apologies for absence and substitutions

### 2 Declarations of interest

### 3 18/03385/FUL - Cumberlege House Cumberlege Close Oxford Oxfordshire OX3 0QW

9 - 34

**Site Address:** Cumberlege Close, Oxford, OX3 0QW, – see **Appendix 1** for site plan

**Proposal:** Erection of 9no. residential dwellings (C3 Use Class) comprising 2no. 2-bed, 4no. 3-bed and 3no. 4-bed dwellings with associated access, parking and landscape arrangements.

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

**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.

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

### 4 Minutes

35 - 38

**Recommendation:** to approve the minutes of the meeting held on 6<sup>th</sup> February 2019 as a true and accurate record.

### 5 Forthcoming applications

Items currently expected to be considered 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.

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	Call in
18/02231/VAR: Littlemore Park, Armstrong Road, Oxford, OX4 4XG	Major development - variation to 14/02940/OUT
18/02303/RES - Littlemore Park Armstrong Road Oxford Oxfordshire OX4 4XG	Committee level decision
18/02442/FUL - 4 Lime Walk, OX3 7AE	Committee level decision
18/02587/FUL - Site Of Blocks C F G H J K L And M Clive Booth Hall, John Garne Way, Oxford OX3 0FN	Committee level decision
18/03287/FUL: Former Murco Service Station, Between Towns Road, Oxford, OX4 3LZ	Committee level decision
18/03330/OUT - Sports Field William Morris Close Oxford OX4 2SF	Committee Level Decision
18/03361/CT3 - 2-32 Green Road Oxford	Committee Level Decision
18/03385/FUL: Cumberlege House, Cumberlege Close, Oxford, OX3 0QW	Committee Level Decision

## 6 Dates of future meetings

Future meetings of the Committee are scheduled at 6.00pm on

2019	2020
3 April	2 October
1 May	6 November
3 June	4 December
3 July	15 January
31 July	5 February

4 September

4 March



## **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.  
Unchanged in last Constitution update agreed at Council November 2018.**



## East Area Planning Committee

6<sup>th</sup> March 2019

<b>Application number:</b>	18/03385/FUL
<b>Decision due by</b>	18 <sup>th</sup> February 2019
<b>Extension of time</b>	15 <sup>th</sup> March 2019
<b>Proposal</b>	Erection of 9no. residential dwellings (C3 Use Class) comprising 2no. 2-bed, 4no. 3-bed and 3no. 4-bed dwellings with associated access, parking and landscape arrangements.
<b>Site address</b>	Cumberlege Close, Oxford, OX3 0QW, – see <b>Appendix 1</b> for site plan
<b>Ward</b>	Marston
<b>Case officer</b>	Michael Kemp
<b>Agent:</b>	Mr James Cogan <b>Applicant:</b> Mr Stephen Clarke
<b>Reason at Committee</b>	The proposals are for major development and Oxford City Housing Limited are the applicants.

---

## 1. RECOMMENDATION

1.1. **East Area Planning Committee** is recommended to:

1.1.1. **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.

1.1.2. **agree to delegate authority** to the Acting Head of Planning Services to:

- finalise the recommended conditions as set out in this report including such refinements, amendments, additions and/or deletions as the Acting Head of Planning Services considers reasonably necessary.

## 2. EXECUTIVE SUMMARY

2.1. This report considers the proposed development of 9 dwellings (2x2 bed, 4x3 bed and 3x4 bed units) at Cumberlege Close on a previously developed brownfield site located on the edge of Old Marston.

2.2. The proposed development would bring about the positive reuse of a brownfield site for the purposes of providing much needed affordable housing for the city. The housing would be delivered as part of the Oxfordshire Housing and Growth Deal which is providing funding for the delivery of additional affordable housing.

The development would deliver 9 socially rented dwellings comprising of 7 larger (3+ bedroom) family dwellings to meet an identified need for larger family accommodation in the city.

- 2.3. The proposals are considered to be appropriately designed and in conjunction with the provision of landscaping to the front and rear of the buildings, would contribute positively to the character of the area and would not result in visual or landscape harm in respect of prominent views of the site from the west and the development would not result in harm to the openness of the Oxford Green Belt, or the wider setting of the Old Marston Conservation Area.
- 2.4. Accounting for the sites location and relative distance from existing public transport links, in addition to the lack of parking controls in the immediate area, it is considered that the level of parking proposed, which would be in line with maximum parking standards, would be appropriate.
- 2.5. There would be significant public benefits from the proposal which would provide an important windfall contribution towards local housing supply, in particular the supply of affordable accommodation in the city. It is considered that the development complies with the relevant provisions of the Oxford Local Plan, Core Strategy, the Sites and Housing Plan, Emerging Oxford Local Plan 2036 and NPPF.

### **3. LEGAL AGREEMENT**

- 3.1. This application would not be subject of a legal agreement, provision of affordable housing in this instance would be secured by condition as Oxford City Housing Limited are the applicants.

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

- 4.1. The proposal would be liable for a CIL contribution.

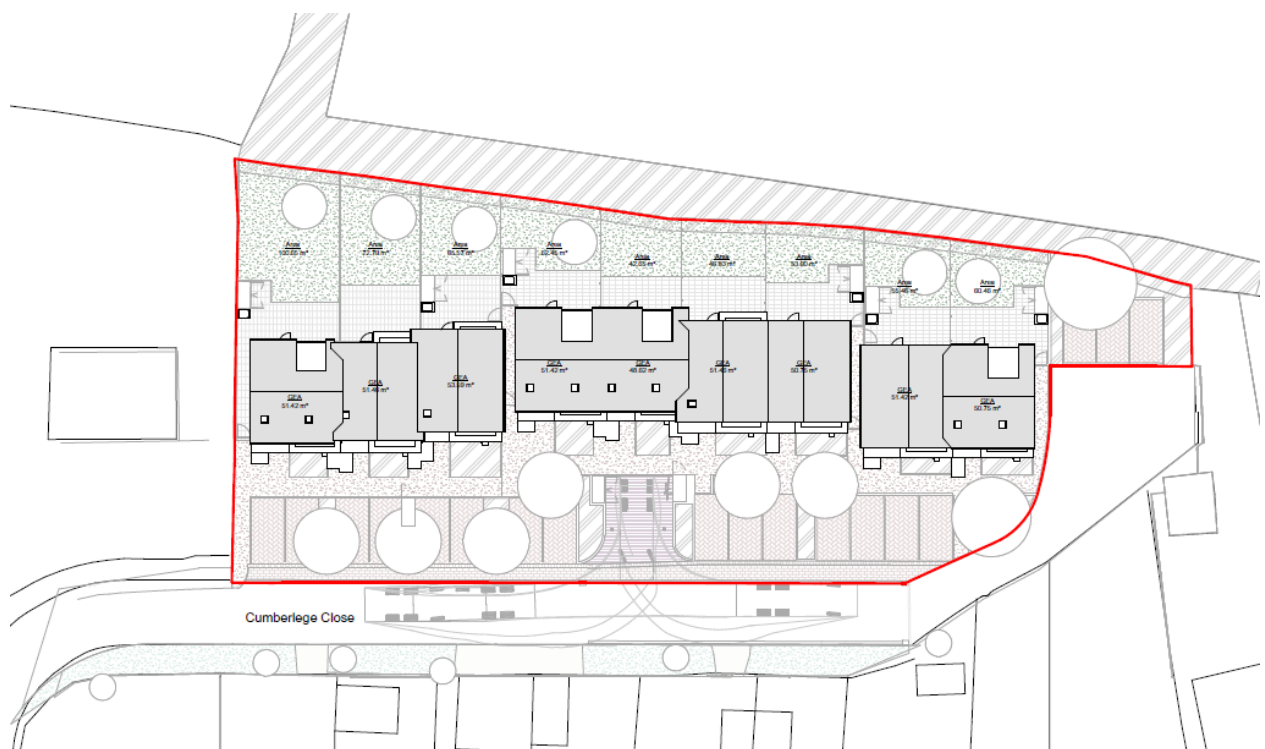
### **5. SITE AND SURROUNDINGS**

- 5.1. The site is located on the edge of Old Marston and comprises a rectangular plot of previously developed land. A 1970's sheltered housing block was previously located on the site which has since been demolished. The sheltered housing has been relocated to Bradlands which is located close to the site. The site is entirely cleared and is devoid of any significant natural features, a large fence has been erected surrounding the site to secure the land.
- 5.2. The site lies outside of the Old Marston Conservation Area which extends to a position around 100 metres to the south east of the site. The surrounding area is characterised by 1960's semi-detached rendered dwellings. The site faces the rear elevation and rear gardens of existing properties in Mill Lane. There is a two storey detached brick dwelling to the south of the site, this property is located 4.2 metres from the boundary of the site.
- 5.3. The land to the west comprises of agricultural fields. The Oxford Green Belt extends up to the western boundary of the site, though the site itself is outside of the designated Green Belt Land. There are views of the rear of the site from the

west from a nearby public right of way which runs from Mill Lane to the Victoria Arms Public House and the River Cherwell.

5.4. The land immediately to the west of the site forms an allocation within the Council's Emerging Local Plan 2036 under Policy SP27 (Land West of Mill Lane) whilst the land further to the north also forms part of another allocated site SP26 (Hill View Farm). The weight attributed to both allocations is discussed in further depth in this report; however the policy aspirations would be that 10% of the area of both sites should be retained as open space. The wording of Policies SP26 and SP27 further guides the parameters of potential future development on either adjacent site.

5.5. See block plan below:



## 6. PROPOSAL

6.1. The application proposes the development of 9 dwellings (2x2 bed, 4x 3 bed and 3x4 bed units) at Cumberlege Close on a previously developed brownfield site. The development would comprise of three storey dwellings in a linear arrangement comprising of two small terraces and a semi-detached pair of properties. Unallocated vehicular parking, comprising of 15 spaces would be located to the front of the dwellings with a further 3 spaces proposed to the north of dwelling 8. Private garden spaces would be sited to the rear of each of the properties, whilst landscaping is proposed to the front of the dwellings, with tree planting and the planting of a hedgerow proposed to the rear.

6.2. The proposed dwellings would be three storeys and would be constructed from a mix of buff brick and clay tiling. The properties would extend to total heights varying between 9.6 and 9.9 metres to the roof ridge and 6.4 and 7 metres to the eaves.

6.3. The proposals have been subject of revisions; these include a reduction in the ridge height of two of the proposed dwellings and an increase in the extent of landscaping to the front and rear of the properties which has been achieved in part through a reduction in the number of parking bays from 20 to 18 spaces. The extent of private landscaped amenity space to the front of the dwellings have also been increased to address concerns about the dominance of hardstanding as viewed in the street scene in Cumberlege Close.

6.4. The proposed units would all provide socially rented accommodation. For the purposes of affordable housing and mix of dwellings it is proposed that the application should be determined alongside an application (18/03384/FUL) at Elsfeld Hall which is nearby, this being for a development comprising of 26 residential flats.

**7. RELEVANT PLANNING HISTORY**

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

65/00833/M_H - Site for housing development and access road. Approved
68/00328/M_H - Erection of one block of 15 old people's flat. Approved
69/00148/M_H - One block of 15 old people's flats and 4 garages and access. Approved.
15/03672/DEM - Application to determine whether prior approval is required for the method of demolition. Prior Approval not required 18th January 2016.

**8. RELEVANT PLANNING POLICY**

8.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework	Local Plan	Core Strategy	Sites and Housing Plan	Oxford Local Plan 2036 – Proposed Submission Document
Design	12	CP1 CP6 CP8 CP9 CP10	CS18	CS18	DH1

		CP11 CP13 HE7			
<b>Housing</b>	5		CS23_ CS24_	HP2_ HP3_ HP9_ HP11_ HP12_ HP13_ HP14_	H1 H2 H4 H10 H14 H15 H16
<b>Natural environment</b>	9, 11, 13	CP11 CP22 NE15			RE1 RE2 RE3 RE4 RE6 RE7 RE9
<b>Transport</b>	4	TR1			Parking Standards SPD
<b>Environmental</b>	10	CS11_			
<b>Miscellaneous</b>		CP.13 CP.24 CP.25	CS13_ CS14_	HP15_ HP16_	M1 M3 M4 M5

## 9. CONSULTATION RESPONSES

9.1. Site notices were displayed around the application site on 11<sup>th</sup> January 2019.

### **Statutory and non-statutory consultees**

#### Oxfordshire County Council (Highways)

9.2. The proposal seeks to erect 9 new dwellings comprising of 2x2-beds, 4x3-beds and 3 x 4-beds. The site, whilst within acceptable walking distance to bus stops on local amenities, is not deemed to be highly sustainable. On-street parking in the area is not controlled and despite there being a Controlled Parking Zone (CPZ) proposed for the future, this does not currently have any funding or a timeframe.

9.3. Due to a CPZ not being in place, on-street parking cannot be enforced. Whilst the county council would push for a site such as this to be car-free in a sustainable location which was enforced, it is recognised that in this location a car-free development would lead to heavy on-street parking and potential highway safety concerns. Whilst the proposed car parking is slightly above standard, it is recognised that and on-street park occurring on Cumberlege Close would block refuse and emergency vehicular access. As Cumberlege Close is not public highway, double yellow line along Cumberlege Close could not be enforced, the higher level of parking is therefore deemed acceptable in this instance.

- 9.4. The Transport Statement states that each property will have covered and secure cycle storage for 3 bikes. Whilst the number is in line with Policy HP15, the submitted plans do not show this and therefore the access cannot be determined acceptable. Before this can be agreed, plans showing the cycle storage and means of access for each dwelling are required and will be conditioned.
- 9.5. The swept path analysis shows refuse and emergency vehicles can safely access Cumberlege Close and turn around using the reserved bay.
- 9.6. Oxfordshire County Council do not object to this application on highway grounds providing the following condition is included in any permission which is granted:

Old Marston Parish Council

- 9.7. Accept the need for housing but raise concerns about the impact associated with an increase of traffic as a result of the development and the impact on the privacy of adjacent occupiers.

RSPB

- 9.8. This site would therefore be an excellent opportunity to enhance the biodiversity of the area surrounding the proposed development site through the provision of nesting opportunities for swifts. Moreover, the ongoing RSPB swift nesting survey within Oxford has provided evidence of swifts in the neighbouring areas of Summertown and New Marston. Numerous sites where swifts have nested in recent years have been recorded in these locations. The RSPB urges the Local Planning Authority to ensure that the potential to attract these remarkable birds to nest on this site is not lost and that this major development is used as an opportunity to increase the biodiversity of this urban location and surrounding area.
- 9.9. Designing for and installing swift bricks into the fabric of the buildings during the construction phase and alterations is easy, inexpensive, and will last the life-time of the building.

Oxford Preservation Trust

- 9.10. OPT have assisted the City Council and have been working at pre-application stage to achieve a development which would be supportable. The scheme addresses earlier concerns about design and massing of the proposed buildings.
- 9.11. It is important to consider the visual impact of the development in terms of short and long distance views. The development is in the setting of the Conservation Area and the impact on the setting of the Conservation Area needs to be considered. OPT supports the general principles of the layout, design and massing of the residential accommodation subject to a robust assessment of the proposals visual impact.
- 9.12. OPT however comment on the design of the west (rear) elevations and suggest that these echo the front (east) elevations, as the extent of tiling on the west elevations appears excessive, reduction in the extent of tiling and re-

configuration would provide more variety and articulation to the rear end elevations.

### Oxford Civic Society

9.13. Oxford Civic Society welcomes both this development and the concurrent scheme at Elsfeld Hall, for their welcome housing proposals and modest contribution to affordable housing in the City.

9.14. However, regarding the Cumberlege Close scheme, Oxford Civic Society shares the local concerns regarding the adequacy and safety of the access route between the proposed development and the major highway network. We look forward to the report of the Highways Authority in this regard.

### **Public representations**

9.15. 4 public representations have been received in relation to the proposed development from the occupiers of the following properties 17 and 54 Mill Lane; 1 and 17 Cumberlege Close and 74 Wharton Road.

9.16. In summary, the main points are as follows:

- There are concerns about the impact of the development on highway safety and increased traffic generation. The width of the road would be insufficiently wide for two vehicles to pass.
- Parking spaces on the site would be excessive
- The development should be car free.
- Some planters, bin & cycle stores appear to be sited in locations where they could impede opening of car doors or wheelchair access.
- The height of the dwellings should not exceed the height of the previous buildings on the site. The scale of development as proposed would be overbearing and should be reduced.
- Views of the development are not fully reflected and presented within the design and access statement.
- Development would obscure views of the field behind.
- Lighting should be carefully designed to avoid intrusion into the gardens of the Mill Lane houses.
- The stepped frontage to the middle block suggests that the houses have been pushed back to make room for turning area which in turn effectively reduces back the depth of the rear private amenity area to a level which may be unacceptable and needs to be checked against the council's criteria, with private gardens that seem smaller than the dwelling house footprint.
- The use of grey tiling is considered to be out of character.
- There is insufficient variation in the use of hardstanding materials.
- It would be most unwise to connect further properties to the sewerage and

water infrastructure without a full investigation and necessary repairs or upgrades.

- Heights and levels need to be enforced. The change in level between the site and No.1 Cumberlege Close needs to be addressed.
- The Council must insist on a construction traffic management plan that is both realistic and fully enforceable, together with a full schedule of condition of the road/fences/trees and hidden services with money held against full reinstatement costs with the intensification of road use.

## **10. PLANNING MATERIAL CONSIDERATIONS**

10.1. Officers consider the determining issues to be:

- Principle of development
- Affordable Housing
- Balance
- Landscape and Visual Impact
- Design
- Sustainability
- Neighbouring amenity
- Highways, access and parking
- Drainage

### **a. Principle of development**

10.2. Paragraph 59 of the NPPF requires that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.

10.3. Policy H1 of the Councils Emerging Local Plan identifies that provision will be made for at least 8620 new homes to be built in Oxford over the plan period 2016-2036. This equates to a delivery of 431 dwellings per annum. It is envisaged that the majority of these units would be provided within the various sites allocated within the Emerging Local Plan; however there would be a requirement to deliver at least 60 dwellings per annum (1020 across the plan period) through windfall sites which are not allocated within the Local Plan. Within this context the development of 9 dwellings on this site would provide an important windfall contribution towards meeting local housing need.

10.4. Policy CS2 of the Core Strategy outlines that new development should be focused on previously developed land and that development will only be permitted on Greenfield Land if it is specifically allocated for the use in the local



development framework; or in the case of residential development, it is required to maintain a rolling five year supply of housing, as outlined within Policy CS22. This is also reflected within Paragraph RE2 of the Emerging Local Plan.

- 10.5. Paragraph 118 of the NPPF requires that in making planning decisions local authorities should give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs.
- 10.6. The site was previously used as sheltered housing and has remained vacant since this accommodation was demolished and rebuilt at Bradlands to the North East of the site. The site therefore clearly falls under the definition of previously developed land and redevelopment of the site for a residential use would be considered supportable in line with the provisions of Paragraph 118 of the NPPF; Policy CS2 of the Core Strategy and Paragraph RE2 of the Emerging Local Plan.

#### **b. Provision of Affordable Housing**

- 10.7. Policy HP4 of the Sites and Housing Plan which is applicable on developments comprising of 4-9 units requires the provision of either a financial contribution towards affordable housing, or alternatively that 50% of the dwellings on site should be made available as affordable accommodation. The development makes provision for all of the dwellings to be made available as socially rented accommodation; therefore the development clearly exceeds the requirements of Policy HP4.
- 10.8. The applicant has developed the scheme in conjunction with a housing scheme at Elsfield Hall (18/03384/FUL) which comprises 26 residential flats and specifically with respect to the affordable housing and balance of dwellings mix for the total number of units from both schemes. It is proposed that all of the dwellings at Cumberlege Close would be affordable homes, and would all be of socially rented tenure. The Elsfield Hall development is proposing 34.6% provision of affordable housing and 65.4% private units. When taken together the two developments at Cumberlege Close and Elsfield Hall would provide a total of 35 dwellings, 51% of which would be affordable housing and 49% privately occupied. Of the affordable accommodation across both sites 83% would be socially rented and 17% intermediate. Taken in conjunction the two sites meet the requirements of Policy HP3 of the Sites and Housing Plan in terms of the proposed tenure mix and levels of affordable housing proposed across a joint development of 35 dwellings.

#### **c. Balance of Dwellings**

- 10.9. Policy CS23 of the Core Strategy states that development should comply with the Balance of Dwellings Supplementary Planning Document (SPD). This document highlights that across Oxford, new development should include a certain percentage of dwelling of 3 or more bedrooms. The site falls within the Marston Neighbourhood Area, which is identified as an 'Amber' where *'pressure is considerable, so the Council needs to safeguard family dwellings and achieve a reasonable proportion of new family dwellings as part of the mix for new development'*.

- 10.10. The proposed development would comprise of 9 dwellings, where typically it would be expected that 30-100% of the proposed dwellings would be 3 bed units. The scheme complies with the BOD's requirement as the proposed development provides for 2no. 2-bedroom (22%), 4no. 3-bedroom (44%) and 3no. 4-bedroom houses (34%). Consequently the proposed development would comply with the requirements of Policy CS23 of the Core Strategy.
- 10.11. It should however be noted that it is intended that this planning application for the purposes of providing a mix of dwellings should be determined in conjunction with the proposed development at Elsfield Hall, which would comprise of 26 dwellings, all of which would be one and two bedroom properties.
- 10.12. The proposed application at Elsfield Hall would consist of 9 one bedroom units (35%) and 17 two bedroom units (65%). Taken in conjunction the proposed mix of dwellings across both sites would consist of 26% one bedroom; 54% two bedroom; 11% three bedroom; and 9% four bedroom units. Table 6 of the Balance of Dwellings Supplementary Planning Document specifies that 25-65% of dwellings on sites of 25-74 dwellings should be three bedroom units. The proposed provision of three bedroom units (11%) across both sites falls short of this target.
- 10.13. Policy H4 of the Emerging Oxford Local Plan specifies that proposals for 25 or more homes should provide a specified mix of dwellings for the affordable element of the housing only. Of the 18 affordable units across both sites; 33% of these would be one bedroom; 27% would be two bedroom units; 22% would be three bedroom units; and 17% would be 4 bedroom units. The provision across both sites closely aligns with Policy H4 of the Emerging Local Plan though there is a minor overprovision of one bedroom units and under provision of two bedroom units, whilst no five bedroom units are proposed. Whilst it is important to acknowledge that limited weight is attributed to the policies of the Emerging Local Plan at present given that the plan is yet to undergo examination the Policy is indicative of the direction of travel in terms of the affordable housing mix on schemes of this scale.
- 10.14. In respect of the two sites it is also considered that the application site at Cumberlege Close lends itself more comfortably to a development comprising of family houses, accounting for the character of the surrounding development which is characterised by two storey houses and also accounting for the landscape and visual sensitivities of what is an edge of settlement site. The related site at Elsfield Hall on the other hand which is more contained surrounded by built form including three storey townhouses and three storey flats to the south lends itself more naturally to development comprising of flats. It is considered that development on both sites achieves an acceptable mix of units appropriate to the context of the respective sites.

#### **d. Landscape Impact, Impact on Greenbelt and adjacent Sites**

- 10.15. The application site lies on the settlement edge of Oxford and is adjacent to an area of open countryside, which lies within the Oxford Green Belt, though the parameters of the Green Belt do not include the application site itself. Notwithstanding that the site lies outside land designated within the Green Belt,

as the development lies immediately adjacent to Green Belt land, the proposals should be considered in relation to the relevant policy governing green belt development as this is an edge of settlement site where development would have a discernible landscape and visual impact. Policy CS4 of the Core Strategy and Policy G3 of the Emerging Local Plan requires that determination of the appropriateness of development in the Green Belt should be considered in line with relevant national policy.

10.16. Paragraph 144 of the NPPF states that: A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. One exception however is development which constitutes limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:

*Not have a greater impact on the openness of the Green Belt than the existing development; or not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.*

10.17. Notwithstanding the fact that the site lies outside of the designed Green Belt land, it is considered that the development would comply with Paragraph 144 of the NPPF in all respects as the site is previously developed land and the development would clearly meet an identified affordable housing need by providing 9 socially rented dwellings.

10.18. In terms of assessing the overall visual impact of the proposed development it is noted that the site is visible from two principal vantage points, these being a public right of way, which leads to the Victoria Arms public house to the south west and an access road leading to industrial units to the North West at Hill View Farm. There are also views towards the site from Mill Lane between the semi-detached pairs of dwellings.

10.19. The site is clearly discernible from both public rights of way, most prominently from the public right of way to the south west of the site which is less than 70 metres from the site boundary. The site is slightly elevated in relation to the surrounding countryside to the west and any development on the site would be visible. From both vantage points the site sits adjacent to the developed settlement edge and redevelopment would not result in further encroachment into the undeveloped land to the west. Any development would therefore be set against a backdrop of an existing residential built form and therefore would not appear incongruous or out of character.

10.20. The site was formerly occupied by a linear two storey block of sheltered housing, the height of this former building was roughly equivalent to that of the adjacent two storey detached property, though this sat at a slightly lower level, owing to slight differences in site topography. The proposed built form would be at a higher level comparative to the previous sheltered housing, though the previous built form comprised of a single linear block, whereas the proposed development would be split and there would be a differentiation in the ridge heights and orientation of the roofs of the buildings which breaks to an extent the visual mass of the development.

- 10.21. Officers consider that the proposed development would merge visually with the adjacent built form and would not have an adverse impact in terms of the local landscape setting and wider and medium public views of the site. Officers have requested the provision of additional landscaping and planting along the western boundary of the site, this would be in both the form of tree planting in the rear gardens large enough to accommodate these features and in the form of maintaining the native hedgerow along the western boundary, with the planting of further hedgerow to reinforce this feature. The combination of these soft landscaping features, which would be secured by way of an appropriate landscaping condition which achieve a softer edge to the site and will assist in mitigating the impact of the development.
- 10.22. It is noted that the adjacent parcel of land to the west forms an allocation within the Councils Emerging Local Plan 2036 under Policy SP27 (Land West of Mill Lane) whilst the land to the land further to the north also forms part of another allocated site SP26 (Hill View Farm). Both allocations would involve development in the Green Belt. As the Emerging Local Plan has yet to be submitted for examination the weight which can be attributed to these policies is very limited at this stage. The adjacent land is located within the Cherwell Valley, though the wording of Policy SP27, whilst acknowledging the contribution of the site to Oxfords historic setting and special character considers that the adjacent land is somewhat peripheral in terms of the Cherwell Valley.
- 10.23. Within a context where both allocated sites were to be developed, though to a greater extent if SP27 were to be developed the character of the site and surrounding land will inevitably change from a rural semi/rural edge to a more urban context. Within such a context the visual impact of development on the Cumberlege Close site would be limited as the site would likely be surrounded by additional built form and the settlement edge would be extended. At the present time given the limited weight attributable to Policy SP27 and SP28 the development should be assessed within its present context as an edge of settlement site as it remains uncertain whether firstly the adjacent sites would remain allocated following examination of the Local Plan; secondly whether in the case that the site is allocated that this would be developed; and thirdly the potential timescale for development. In any event it would be difficult to prejudge how this site would be developed in terms of the siting of the built form and open space.
- 10.24. Officers however consider that development on the application site would be acceptable in all scenarios. Whilst the weight attributed to the adjacent allocations is limited at this stage consideration must be given so as to ensure that development on the application site would not prejudice future development on the adjacent site. Within this context it is considered that the siting of the built form as proposed on the application site would be conducive with development with development on the adjacent site as the siting of the built form allows sufficient separation distance to the boundary.
- 10.25. Accounting for the previously developed nature of the site, the provision of appropriate landscaping, the spatial relationship of the site to the existing settlement edge and the sites location outside of the Green Belt parameters, officers consider that the development would not result in harm to the character

of the adjacent landscape and the openness of the Oxford Green Belt. The development is therefore considered to be compliant with the provisions of Paragraph 144 of the NPPF, Policy CS4 of the Core Strategy and Policy G3 of the Emerging Local Plan.

#### **e. Impact on Heritage Assets**

10.26. The application site is not located within a Conservation Area, though the site lies approximately 100 metres from the Old Marston Conservation Area, the boundary of which is located to the South East and extends to a position close to the access road serving the Victoria Arms Public House. The immediate area is characterised by mainly mid to late 20<sup>th</sup> century dwellings of no significant architectural merit. The sites spatial relationship to the Conservation Area is peripheral and the development would not be discernible within the Conservation Area itself save for some glimpsed views from Mill Lane. Notwithstanding this it is important to assess the sites contribution to the Conservation Area and the potential impact of the development on its setting.

10.27. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that:

*“In the exercise, with respect to any buildings or other land in a conservation area, of any [functions under or by virtue of] of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.”*

10.28. For development within Conservation Areas, the NPPF requires special attention to be paid towards the preservation or enhancement of the Conservation Area’s architectural or historic significance.

10.29. Paragraph 193 of the NPPF requires that: When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. In terms of development which affects the setting of Conservation Areas Policy HE7 of the Oxford Local Plan requires that development should preserve or enhance the setting of the Conservation Area.

10.30. The main consideration is whether the development would impact on views into and towards the Conservation Area from the surrounding landscape, notably public vantage points from the west and North West. The immediate area outside of the Conservation Area is characterised as a semi-rural settlement edge generally consisting of lower level two storey semi-detached and small terraces, the Conservation Area Appraisal for Old Marston identifies this form of development as being a negative feature. Old Marston has the character of a rural historic village.

10.31. The importance in officer’s view is that development re-enforces the semi-rural character of the area, this in officer’s view has been achieved through the provision of new planting and the retention of a characteristic boundary

hedgerow. Furthermore there is a need to reinforce high standards of design given the prominence of the site; officers consider that this has appropriately been achieved.

10.32. Whilst the building would be higher than the surrounding built form, officers consider that the development would not have an adversely urbanising impact as the provision of landscaping would mitigate the impact of the development and it is important to consider that the proposed development would be a substantial enhancement on the previous linear sheltered housing block previously located on the site, which was poorly designed and detracted from the setting of the Conservation Area.

10.33. Officers consider that the development would protect and reinforce the semi-rural settlement edge as experienced within this location and the development would preserve the setting of the Conservation Area and would not result in harm in terms of views into and out of the Old Marston Conservation Area. Officers therefore consider that the development would comply with the provisions of Policy HE7 of the Oxford Local Plan, Policy DH3 of the Emerging Local Plan and Paragraph 192 of the NPPF.

#### **f. Design**

10.34. In terms of design the NPPF requires high quality design and a good standard of amenity for all existing and future occupants of land and buildings. It suggests that opportunities should be taken through the design of new development to improve the character and quality of an area and the way it functions. Policies CP1, CP6 and CP8 of the Oxford Local Plan, together with Policy CS18 of the Core Strategy and Policies HP9 and HP14 of the Sites and Housing Plan in combination require that development proposals incorporate high standards of design and respect local character. This is also reflected within Policy DH1 of the Emerging Local Plan, which specifies that Planning permission will only be granted for development of high quality design that creates or enhances local distinctiveness.

10.35. The proposed development would comprise of three storey dwellings and would be constructed from a mix of buff brick and clay tiling. The properties would extend to heights varying between 9.6 and 9.9 metres to the roof ridge and 6.4 and 7 metres to the eaves. The ridge height of the proposed buildings would exceed the height of the adjacent two storey dwelling (No.1 Cumberlege Close) by 1.6 metres though the overall heights are considered to not be excessive or overbearing in relation to the adjacent built form.

10.36. The buildings are considered to be well designed and there is sufficient variation in the use of materials and elevational treatment of the front and rear of the buildings to create visual interest. The proposed development would be a significant enhancement on the appearance of the previous poorly designed linear sheltered housing block which was previously located on the site. The variation in ridge heights and breaks in the proposed built form help in reducing the mass of the building as experienced within the street scene. Alterations have been made to reduce the extent of tiling on the rear elevation of the buildings which is considered to be beneficial in design terms.

10.37. The area is surrounded by buildings of a uniform design and it is considered that the development would improve the overall character of the area given the relative lack of visual interest at present. Amendments have been made to the proposed plans to reduce the extent of hardstanding proposed to the front of the dwellings through the provision of additional tree planting, landscaping and defensible space to the front of the dwellings. This is considered to be beneficial in creating a softer and more attractive streetscape and would represent an enhancement to the public realm.

10.38. In summary it is considered that the development is of an appropriate design standard and meets the requirements of Policies CP1, CP6 and CP8 of the Oxford Local Plan, together with Policy CS18 of the Core Strategy; Policy HP9 of the Sites and Housing Plan and Policy DH1 of the Emerging Local Plan.

#### **g. Residential Amenity**

10.39. The Oxford Local Plan Policy seeks to safeguard the amenities of the occupiers of properties surrounding any proposed development. As a result Policy CP10 requires development to be sited in a manner which ensures that the amenities of the occupiers of properties surrounding any proposed development are safeguarded.

10.40. The development would be sited an appropriate distance from the rear boundary and rear elevations of the neighbouring properties to the east on Mill Lane so as to not cause undue overlooking and loss of privacy to the occupants of these properties. The relative separation distances between the two facing sets of dwellings varies between 23 and 37 metres, whilst distances varying between 10 and 19 metres would be retained between the proposed dwellings and the boundary of the rear amenity spaces of the adjacent properties to the east. The residential amenity impact associated with the proposed development is considered to be no greater than that of the sheltered housing block previously located on the site.

10.41. The proposed siting of the dwellings would align with the side elevation of the adjacent property to the south (1 Cumberledge Close) and the nearest proposed dwellings to this property would not project beyond the front or rear elevations of this dwelling, thereby the proposals would not result in a loss of light to habitable rooms and complies with the 45 degree code. There are no side facing windows in the adjacent property and no side facing windows are proposed in the end elevation of either the southernmost property which may otherwise overlook the property or private amenity spaces of this neighbouring dwelling.

10.42. Policy HP13 of the Sites and Housing Plan requires that houses of two or more bedrooms must provide a private garden of adequate size and proportions for the size of house proposed, this space must be made available for exclusive use of the occupants of that house. The related subtext specifies that the City Council would expect that the private garden space would be at least equivalent to the footprint of the building. Space must also be provided for refuse storage.

10.43. Each of the proposed dwellings would be provided with an area of private garden space to the rear. Bin storage would be located to the front of the

dwellings. It is noted that the external amenity space of two of the smaller dwellings, these being the two mid terrace properties in the central terrace of four dwellings would have an area of rear garden space which would be marginally smaller than the footprint of the dwellings. Whilst it is noted that the dwellings would not be strictly compliant with the subtext requirements relating to Policy HP13 of the Sites and Housing Plan in terms of area, officers consider that the spaces would be of a reasonable standard and would benefit from adequate privacy and natural light, these properties would also benefit from an area of private amenity space to the front.

10.44. The internal dimensions and spaces of the dwellings in terms of overall floor area and in terms of the individual room sizes would comply with the requirements of Policy HP12 of the Sites and Housing Plan as well as the Governments National Space Standards.

#### **h. Transport**

10.45. Access to the site would be provided from Cumberlege Close which is a small cul-de-sac. The proposed development would be served by a total of 18 unallocated parking spaces; this has been reduced from the originally proposed provision of 20 spaces in order to enable the provision of additional landscaping to the front of the development.

10.46. Policy HP16 of the Sites and Housing Plan outlines that planning permission will only be granted for residential development where the relevant maximum parking standards outlined within appendix 8 of the SHP are complied with. Disabled parking must also be provided.

10.47. The site is not within a Controlled Parking Zone (CPZ) and there is a risk that under provision of parking could result in an accumulation of vehicles on the surrounding roads, including on Cumberlege Close, which is narrow and further on street parking would be detrimental to highway safety and amenity.

10.48. The site is in a less sustainable location in terms of accessibility and access to public transport and services. The neighbourhood centre for Marston is more than 1km from the site on Cherwell Drive which is a considerable distance. There are bus stops located approximately 400 metres from the site on Oxford Road and Elsfield Road, though these are served by less regular hourly services. Bus stops with more regular services to the city centre are located around 800 metres away on Cherwell Drive.

10.49. Accounting for the general sustainability of the location and lack of parking controls in the vicinity of the site, a level of parking provision close to maximum standards is considered appropriate and would be in line with the Policy requirements of Policy HP16 of the Sites and Housing Plan. The reduction in the number of spaces is considered acceptable and provision of 2 spaces per dwelling is considered to be in line with maximum parking standards.

10.50. Whilst Cumberlege Close is a relatively narrow road, it is considered that the existing road is sufficient to accommodate the relatively low additional traffic generation which would result from the development of 9 dwellings. It is



considered that the development and resulting traffic generation would not have a severe impact on the surrounding roads and development would not be contrary to Paragraph 109 of the NPPF. The junction with Mill Lane benefits from adequate visibility and would be suitable to accommodate the proposed development. Officers note that the County Highways Authority have raised no objection to the proposed development.

10.51. The proposed plans indicate the provision of cycle storage for each of the properties in line with the requirements of Policy HP15 of the Sites and Housing Plan.

#### **i. Sustainability**

10.52. Policy HP11 of the Sites and Housing Plan requires that developments of 10 or more dwellings are accompanied by an Energy Statement in order to demonstrate that 20% of all energy needs are obtained from renewable or low carbon resources. The proposed development of 9 dwellings is below this threshold; however Policy CS9 of the Core Strategy requires the incorporation of sustainable design in all developments.

10.53. Proposals for development are expected to demonstrate how sustainable design and construction methods will be incorporated. All development must optimise energy efficiency by minimising the use of energy through design, layout, orientation, landscaping and materials, and by utilising technologies that help achieve Zero Carbon Developments.

10.54. A condition is also be recommended in relation to energy efficiency to ensure that the new dwelling meets an energy performance equivalent to ENE1 level 4 of the Code for Sustainable Homes in accordance with Policies HP11 of the Sites and Housing Plan and CS9 of the Core Strategy.

#### **j. Ecology**

10.55. The application site comprises principally of cleared rubble and hardstanding and is generally considered to be of low ecological potential and potential to support protected species. Subject to appropriate biodiversity conditions it is considered that the development would not result in ecological harm. The development is considered to comply with the requirements of Policy CS12 of the Oxford Core Strategy.

### **11. CONCLUSION**

11.1. Having regards to the matters discussed in the report, officers would make members aware that the starting point for the determination of this application is in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004 which makes clear that proposals should be assessed in accordance with the development plan unless material considerations indicate otherwise.

11.2. Paragraph 11 of the NPPF requires that planning decisions apply a presumption in favour of sustainable development, this means approving development proposals which means approving development proposals that

accord with an up-to-date development plan without delay; or approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

- 11.3. The proposals are considered to make an effective use of vacant previously developed land in line with the provisions of Paragraph 118 of the NPPF; Policy CS2 of the Core Strategy and Paragraph RE2 of the Emerging Local Plan. The proposals which would deliver 9 family dwellings, all of which would be socially rented would provide an important windfall contribution towards local affordable housing needs in line with Policies H1 and H2 of the Emerging Local Plan 2036.
- 11.4. The site lies within the settlement boundary and outside of the Oxford Green Belt and was previously occupied by housing, it is considered that the scale of development is appropriate accounting for the context of the surrounding built form and the proposed provision of landscaping it is considered that the development would not have an adverse landscape and visual impact.
- 11.5. It is considered that the development would not result in significant adverse impacts in respect of the residential amenity of any neighbouring properties, or in respect of the highway safety and amenity.
- 11.6. In the context of Paragraph 11 (c) of the NPPF it is considered that the development accords with the relevant provisions of the Oxford Local Plan, Sites and Housing Plan, Core Strategy and the Emerging Oxford Local Plan 2036. There would be significant public benefits of the development in terms of the provision of 9 socially rented dwellings in addition to the visual benefits associated with the development of a prominent brownfield site.
- 11.7. It is recommended that the Committee resolve to grant planning permission for the development proposed.

## **12. CONDITIONS**

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

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. The development referred to shall be constructed strictly in complete accordance with the specifications in the application and the submitted plans.

Reason: To avoid doubt as no objection is raised only in respect of the deemed consent application as submitted and to ensure an acceptable

development as indicated on the submitted drawings.

3. Before the commencement of above ground works details of the cycle parking areas, including dimensions and means of enclosure, shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall not be brought into use until the cycle parking areas and means of enclosure have been provided within the site in accordance with the approved details and thereafter the areas shall be retained solely for the purpose of the parking of cycles.

Reason: To encourage the use of sustainable modes of transport in line with policy HP15.

4. Before the development permitted is brought into use the areas for parking and manoeuvring of vehicles shall be constructed and laid out in accordance with the approved plans and thereafter such areas shall be retained solely for such purposes.

Reason: In the interests of highway safety in accordance with policies CP1, CP6, CP10, TR3 and TR4 of the Adopted Oxford Local Plan 2001-2016.

5. Samples of the exterior materials to be used shall be submitted to, and approved in writing by, the Local Planning Authority before the start of above ground works and only the approved materials shall be used.

Reason: In the interests of visual amenity in accordance with policies CP1 and CP8 of the Adopted Oxford Local Plan 2001-2016.

6. A landscape plan shall be submitted to, and approved in writing by, the Local Planning Authority before the commencement of above ground works. 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.

7. The landscaping proposals as approved by the Local Planning Authority shall be carried out upon substantial completion of the development and be completed not later than the first planting season after substantial completion.

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

8. 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 above ground works. 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.

9. A Construction Traffic Management Plan should be submitted to the Local Planning Authority and agreed prior to commencement of works. The CTMP should follow Oxfordshire County Council's template if possible. This should identify;

- The routing of construction vehicles and management of their movement into and out of the site by a qualified and certificated banksman
- Access arrangements and times of movement of construction vehicles (to minimise the impact on the surrounding highway network),
- Details of wheel cleaning / wash facilities to prevent mud, etc from migrating on to the adjacent highway,
- Contact details for the Site Supervisor responsible for on-site works,
- Travel initiatives for site related worker vehicles,
- Parking provision for site related worker vehicles,
- Details of times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours,
- Engagement with local residents

Reason: In the interests of highway safety and to mitigate the impact of construction vehicles on the surrounding network, road infrastructure and local residents, particularly at peak traffic times.

10. Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include:

- Discharge Rates
- Discharge Volumes
- Soakaways test and infiltration/percolation calculations
- Proposal of SuDS
- Detailed drainage layout with pipe numbers, invert and cover levels and --
- SuDS specifications/dimensions
- Network drainage calculations related to the proposed SuDS features
- An qualitative assessment of flood flow routing in exceedance conditions
- An assessment of residual risk (what would happen if part of the proposed Drainage System fails)

Reason: To ensure acceptable drainage of the site and to mitigate the risk of flooding in accordance with Policy CS11 of the Oxford Core Strategy.

11. Prior to the commencement of the development a phased risk assessment shall be carried out by a competent person in accordance with relevant British Standards and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR11) (or equivalent British Standards and Model Procedures if replaced). 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 and preliminary risk assessment. If potential contamination is identified in Phase 1 then a Phase 2 investigation shall be undertaken.

THE PHASE 1 REPORT HAS BEEN COMPLETED AND APPROVED.

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 remediation strategy, validation plan, and/or monitoring plan be submitted to and approved by the local planning authority to ensure the site will be suitable for its proposed use.

Reason- To ensure that any ground and water contamination is identified and adequately addressed to ensure the site is suitable for the proposed use in accordance with the requirements of policy CP22 of the Oxford Local Plan 2001-2016.

12. The development shall not be occupied until any approved remedial works have been carried out and a full validation report has been submitted to and approved by the local planning authority.

Reason- To ensure that any ground and water contamination is identified and adequately addressed to ensure the site is suitable for the proposed use in accordance with the requirements of policy CP22 of the Oxford Local Plan 2001-2016.

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or enacting that Order) no structure including additions to the dwelling house as defined in Classes A, B, C, D, E of Schedule 2, Part 1 of the Order shall be erected or undertaken without the prior written consent of the Local Planning Authority.

Reason: The Local Planning Authority considers that even minor changes in the design or enlargement of the development should be subject of further consideration to safeguard the appearance of the area and the

amenity of neighbouring properties and occupiers of the dwellings in accordance with policies CP1, CP8 and CP10 of the Adopted Oxford Local Plan 2001-2016, HP9 and HP14 of the Sites and Housing Plan and CS18 of the Core Strategy.

14. The dwellings shall not be occupied until the relevant requirements of level of energy performance equivalent to ENE1 level 4 of the Code for Sustainable Home have been met and the details of compliance provided to the local planning authority.

Reason: To ensure that new dwellings are sustainable and to comply with the Development Plan, in particular Core Strategy Policy CS9 and Sites and Housing Plan Policy HP11.

15. The dwelling(s) shall not be occupied until the Building Regulations Part G sanitation, hot water safety and water efficiency, Category G2 water efficiency, Optional requirement G2 36 (2) (b) has been complied with.

Reason: To ensure that new dwellings are sustainable and to comply with the Development Plan, in particular Core Strategy Policy CS9 and Sites and Housing Plan Policy HP11.

16. The dwelling(s) shall not be occupied until the dwellings hereby approved comply with the Building Regulations Part M access to and use of building, Category 2 accessible and adaptable dwellings, Optional requirement M4(2) has been complied with.

Reason: To ensure that new housing meets the needs of all members of the community and to comply with the Development Plan, in particular Local Plan policies CP1, CP13, Core Strategy Policy CS23 and Sites and Housing Plan Policy HP2.

17. The development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definitions and requirements for affordable housing as set out within the Sites and Housing Plan 2011-2026 or any future guidance that amends or replaces it unless otherwise agreed in writing by the Local Planning Authority. The scheme shall include:

- i) the numbers, type, and location on site of the affordable housing provision to be made which shall consist of not less than 50% of the housing units as detailed in the application.
- ii) details as to how the affordable tenure split for the affordable housing accords with the requirements of the policies of the Sites and Housing Plan 2001-2026 and the Affordable Housing and Planning Obligations Supplementary Planning Document 2013 unless otherwise agreed in writing by the Local Planning Authority.

- iii) the arrangements for the transfer of the affordable housing to an affordable housing provider, or for the management of the affordable housing (if no RSL involved);
- iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- v) the occupancy criteria to be used for determining the identity of the occupiers of the
- vi) affordable housing and the means by which such occupancy criteria shall be enforced

Reason: In order to secure the affordable housing provision on site in accordance with Policy CS24 of the Oxford Core Strategy 2026, and Policy HP3 of the Sites and Housing Plan 2011-

### **13. APPENDICES**

- **Appendix 1** – Site location plan

### **14. HUMAN RIGHTS ACT 1998**

14.1. Officers have considered the implications of the Human Rights Act 1998 in reaching a recommendation to approve 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.

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

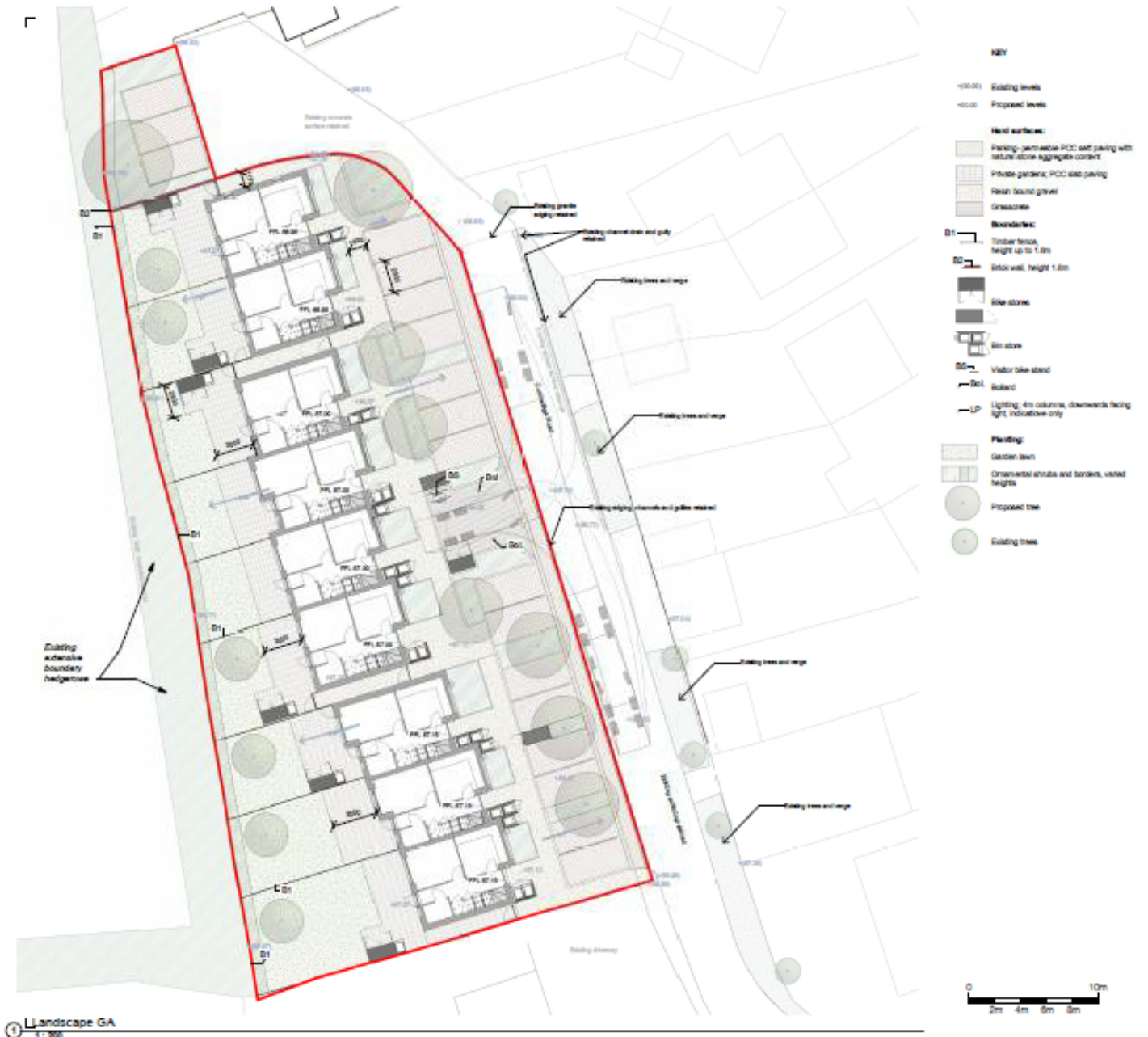
15.1. Officers have considered, with due regard, the likely effect of the proposal on the need to reduce crime and disorder as part of the determination of this application, in accordance with section 17 of the Crime and Disorder Act 1998. In reaching a recommendation to grant planning permission, officers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

This page is intentionally left blank



# Appendix 1 – Site Plan

## 18/03385/FUL – Cumberlege House, Cumberlege Close



This page is intentionally left blank

## Minutes of a meeting of the EAST AREA PLANNING COMMITTEE on Wednesday 6 February 2019

www.oxford.gov.uk



### Committee members:

Councillor Taylor (Chair)	Councillor Lygo (Vice-Chair)
Councillor Clarkson	Councillor Garden
Councillor Gotch (for Councillor Roz Smith)	Councillor Hollingsworth (for Councillor Chapman)
Councillor Simm	Councillor Tanner

### Officers:

Adrian Arnold, Acting Head of Planning Services  
Sarah Chesshyre, Assistant Planner  
Sally Fleming, Lawyer  
Hayley Jeffery, Development Management Team Leader  
Mike Kemp, Senior Planning Officer  
Nadia Robinson, Principal Planning Officer  
Jennifer Thompson, Committee and Members Services Officer  
Alice Watkins, Planning Officer

### Apologies:

Councillors Aziz, Chapman and Roz Smith sent apologies. Substitutes are as shown above.

### 87. Declarations of interest

**Minutes 90 and 91** (18/02783/FUL and 18/02776/FUL): Councillor Tanner said that although he had called these applications to committee he did not have a predetermined position and approached these with an open mind.

### 88. 18/02231/VAR: Littlemore Park, Armstrong Road, Oxford, OX4 4XG

The Committee considered an application for the variation of:

- condition 3 (approved plans and documents) to revise indicative parameters plans; and
- condition 18 (noise levels) to revise residential noise levels of planning permission 14/02940/OUT (as varied by 14/02940/NMA and 14/02940/NMA2) at Littlemore Park, Armstrong Road, Littlemore.

*Planning permission was previously given for outline application 14/02940/OUT (with all matters reserved and as varied by 14/02940/NMA and 14/02940/NMA2) for up to 270 residential dwellings to incorporate a maximum of 92 houses on 2 to 3 floors of 1 to 4 bedrooms with one dwelling being a house with 5 bedrooms and 178 flats of 1 to 4*

bedrooms on 2 to 5 floors; provision of car parking, cycle and bin storage, landscaping and ancillary works.

The Planning Officer reported:

- Para 1.1.1 of the report (the first recommendation) should be amended to insert: ...subject to the satisfactory completion of a deed of variation to the outline consent S106 legal agreement (the agreement with this Council in respect of this site) securing planning obligations and the required ...
- Para 9.3 - the Environment Agency had confirmed they had no objections to the application.

Chris Struthers (representing the applicant) spoke in support of the application and he and Tanya Jordan and Ian Stuart (also representing the applicant) were available to answer questions.

After confirming that the effect of the changes in conditions was satisfactory; and on being proposed, seconded and put to the vote; the Committee agreed with the officer's recommendation to approve the application with the changes to the report and resolution set out above.

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

1. **approve application 18/02231/VAR** for the reasons given in the report and subject to the satisfactory completion of a deed of variation to the outline consent S106 legal agreement (the agreement with this Council in respect of this site) securing planning obligations and the varied planning conditions as set out in section 12 of this report together with any of the other previous conditions which were applied to the outline consent (updated where necessary) and **grant planning permission**; and
2. **delegate authority** to the Acting Head of Planning Services to:
  - finalise the recommended conditions as set out in this report including such refinements, amendments, additions and/or deletions as the Acting Head of Planning Services considers reasonably necessary; and
  - finalise the Deed of Variation to the outline consent legal agreement under section 106 of the Town and Country Planning Act 1990 (the agreement with this Council in respect of this site) 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 Acting Head of Planning Services considers reasonably necessary; and
  - complete the Deed of Variation to the section 106 legal agreement referred to above and issue the planning permission.

### **89. 18/03060/FUL: U Y S Ltd, Garsington Road, Oxford, OX4 2BW**

The Committee considered an application for the erection of aluminium framed loading bay building on rear section of the car park at U Y S Ltd, Garsington Road, Oxford, OX4 2BW.

After debate and on being proposed, seconded and put to the vote, the Committee agreed with the officer's recommendation to approve the application.

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

1. **approve application 18/03060/FUL** for the reasons given in the report and subject to the 3 required planning conditions set out in section 12 of the report and grant planning permission; and
2. **delegate authority** to the Acting Head of Planning Services to finalise the recommended conditions as set out in the report including such refinements, amendments, additions and/or deletions as the Acting Head of Planning Services considers reasonably necessary.

### **90. 18/02783/FUL - Beaumont House, Sandy Lane West Oxford OX4 6LB**

The Committee considered an application for the erection of a single storey extension to the west elevation including provision of plant equipment above; installation of electrical substation and plant compound; provision of cycle parking including installation of glazed canopy, and associated landscaping works (amended description, additional Information, amended plans) at Beaumont House, Sandy Lane West, Oxford, OX4 6LB.

Niall McAndrew (representing the applicant) attended to answer questions from the Committee.

After debate and on being proposed, seconded and put to the vote, the Committee agreed with the officer's recommendation to approve the application.

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

1. **approve application 18/02783/FUL** for the reasons given in the report and subject to the 7 required planning conditions set out in section 12 of the report and grant planning permission; and
2. **delegate authority** to the Acting Head of Planning Services to finalise the recommended conditions as set out in the report including such refinements, amendments, additions and/or deletions as the Acting Head of Planning Services considers reasonably necessary.

## **91. 18/02776/FUL - Emmanuel Christian School, Sandford Road, Littlemore, Oxford OX4 4PU**

The Committee considered an application for the retention of temporary classroom for a further 3 years at Emmanuel Christian School, Sandford Road, Littlemore, Oxford.

The Planning Officer recommended that on re-consideration it would be more appropriate for the information to be set out in a letter instead of in an informative as proposed in the report

Elizabeth Nesbitt (representing the school) attended to answer questions from the Committee.

A proposal was made and seconded to refuse the application because the public benefit of early years provision was not considered to outweigh the harm to the settings of the listed church and conservation area heritage assets and so the test in the 2018 NPPF para 196 (*where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal*) was not met.

This was declared **lost** on the Chair's casting vote.

On being proposed, seconded and put to the vote, and on the Chair's casting vote the Committee **agreed with** the officer's recommendation to approve the application with one condition but with the recommended informative communicated by letter.

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

1. **approve application 18/02776/FUL** for the reasons given in the report and subject to the one required planning condition set out in section 12 of the report and grant planning permission; and
2. **delegate authority** to the Acting Head of Planning Services to finalise the recommended condition as set out in the report including such refinements, amendments, additions and/or deletions as the Acting Head of Planning Services considers reasonably necessary.

## **92. Minutes**

The Committee resolved to approve the minutes of the meeting held on 16 January 2019 as a true and accurate record.

## **93. Forthcoming applications**

The Committee noted the list.

## **94. Dates of future meetings**

The Committee noted the meeting dates

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

Chair .....

**Date: Wednesday 6 March 2019**