

Agenda

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East Area Planning Committee

Date: **Wednesday 3 April 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

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

Chair	Councillor Sian Taylor	Northfield Brook;
Vice-Chair	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

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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 18/03287/FUL: Former Murco Service Station, Between Towns Road, Oxford, OX4 3LZ

9 - 46

Site address: Former Murco Service Station, Between Towns Road, Oxford

Proposal: Demolition of existing structures, and the erection of a part 3, 4 and 5 storey apartment block comprising 35 residential flats (Use Class C3) and 3 x 3 storey townhouses (Use Class C3) with associated access, parking and landscape arrangements.

Applicant: Oxford City Housing Limited

Recommendation: East Area Planning Committee is recommended to:

1. **approve the application** for the reasons given in the report and subject to the 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.

4 17/03101/FUL: Ashlar House, Glanville Road, Oxford, OX4 2DD

47 - 74

Site Address: Ashlar House Adjacent 2 Glanville Road, Oxford, OX4 2DD

Proposal: Erection of 4 x 2 bed flats, 2 x 1 bed flats, 2 x 4 bed dwellinghouse, 1 x 3 bed dwellinghouse (Use Class C3) and associated external works, and provision of amenity space, car parking and bin/cycle stores.

Reason at Committee: The proposal was previously reported to the East Area Planning Committee on 7th March 2018 who resolved to grant permission subject to a S106 Agreement which secured the affordable housing provision. Since that time, the applicants have confirmed that they are now not willing to enter into the S106 Agreement to secure a contribution towards off site affordable housing provision so the application needs to be reported back to Committee

Recommendation: East Area Planning Committee is recommended to:

1. refuse the application for the reasons:

The proposal fails to make provision for financial contributions towards the delivery of off-site affordable housing in Oxford or to robustly justify on viability grounds why a lesser financial contribution towards off-site affordable housing provision would be appropriate. Consequently the proposal fails to meet the requirements of Policy HP4 of the Sites and Housing Plan 2011-2026, Policy CS24 of the Oxford Core Strategy 2026 and the principles set out in the Affordable Housing and Balance of Dwellings SPD.

2. agree to delegate authority to the Acting Head of Planning Services to finalise the reasons for refusal as set out in the report (and above) including such refinements, amendments, additions and/or deletions as the Acting Head of Planning Services considers reasonably necessary and issue the decision notice.

5 Minutes

75 - 78

Recommendation: to approve the minutes of the meeting held on 6 March 2019 as a true and accurate record.

6 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	Committee level decision
17/01519/FUL: 55 Collinwood Road Oxford OX3 8HN	Call in
18/02303/RES - Littlemore Park Armstrong Road Oxford 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
18/03330/OUT: Sports Field William Morris Close Oxford OX4 2SF	Committee level decision
18/03405/FUL: Holy Family Church , 1 Cuddesdon Way, Oxford, OX4 6JH	Committee level decision
19/00220/FUL: 1a Mortimer Drive, Old Marston, OX3 0RR	Called in
19/00233/FUL: 60 Mortimer Drive, Oxford, OX3 0RU	Called in
19/00305/OUT: 295-301 London Road, Headington, Oxford, OX3 9HL	Committee level decision
19/00366/CT3: Green Spaces And Hardstanding, Furlong Close, Oxford	Council application
19/00508/CT3: 2-32 Green Road Oxford	Committee level decision
19/00219/FUL: 4 Woodlands Road, Oxford, OX3 7RU	Called in
19/00518/RES: Land At Barton, Northern By-pass Road, Oxford, OX3 9SD	Committee level decision
19/00211/CEU; 305 Marston Road, Oxford	Called in
19/00472/FUL: 55 Stanway Road, Risinghurst	Called in
18/03180/FUL: 108 Temple Road, Oxford, OX4 2HA	Committee level decision

7 Dates of future meetings

Future meetings of the Committee are scheduled at 6.00pm on

2019

1 May
5 June
3 July
31 July

2019

4 September
2 October
6 November
2 December

2020

15 January
5 February
4 March
1 April

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

6th February 2019

Application number:	18/03287/FUL
Decision due by	15th March 2019
Extension of time	12 th April 2019
Proposal	Demolition of existing structures, and the erection of a part 3, 4 and 5 storey apartment block comprising 35 residential flats (Use Class C3) and 3 x 3 storey townhouses (Use Class C3) with associated access, parking and landscape arrangements.
Site address	Former Murco Service Station, Between Towns Road, Oxford, Oxfordshire – see Appendix 1 for site plan
Ward	Cowley Ward
Case officer	Michael Kemp
Agent:	Mr James Cogan Applicant: C/o Agent
Reason at Committee	The application is for major development and Oxford City Housing Limited is the applicant

1. RECOMMENDATION

1.1. 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 redevelopment of the former Murco garage site, which comprises a brownfield plot of land to the north of Between Towns Road and is located within the Cowley Primary District Centre. The proposal would comprise the demolition of the remaining small scale buildings on the site and its redevelopment to provide 38 residential dwellings (17 one bedroom apartments, 18 two bedroom apartments and 3, three bedroom townhouses).

- 2.2. The proposed development would bring about the positive reuse of a brownfield site for the purposes of providing 38 new residential units, 19 (50%) of which would be made available as affordable accommodation. The housing would be delivered as part of funding towards additional affordable housing provided from the Oxfordshire Housing and Growth Deal. Provision of affordable housing would be secured by planning condition as the applicants who are Oxford City Housing Limited.
- 2.3. This long standing vacant site is located in a prominent position in the Cowley Primary District Centre and at present visually detracts from the street scene and surrounding area. The design of the development would contribute positively to the character of the area and make a positive contribution to the area in line with the wider redevelopment of the Cowley Primary District Centre and adjacent proposed development at Templars Square. The scale of the development responds to the varying scale of the surrounding built form and the topographic differences across the site and is considered to successfully negotiate the transition between the larger scale urban grain of development on Between Towns Road and the suburban character of the adjacent St Omer Road. The proposals make provision for a new and enhanced area of public realm and public open space, whilst also providing a greatly enhanced pedestrian route between St Omer Road and Between Towns Road which will improve connectivity within the area.
- 2.4. Officers consider that the respective separation distances between the new development and existing properties would adequately safeguard the amenity of existing occupiers, whilst the proposals would afford an adequate standard of amenity for existing occupiers accounting for the size and quality of internal and external amenity spaces.
- 2.5. The site is in a highly sustainable location within the Cowley Primary District Centre and has excellent access to public transport as well as service, facilities and shops. Whilst it is likely that the surrounding streets including St Omer Road will be implemented into a CPZ in the near future it is accepted that this can be afforded very limited weight at this time although it is noted that there are existing time limited parking controls within the area. Notwithstanding the fact that the site does not fall within a CPZ at present it is considered that the overall sustainability of the location of the site provides justification for the car free nature of the apartments, furthermore each of these properties would have access to the car club scheme which would be available on site. Officers consider that the car free nature of the proposed development would not have a severe impact on highway safety or amenity.
- 2.6. For the reasons outlined within this report it is considered that the proposed development would be acceptable and would comply with the relevant requirements of the Oxford Local Plan; Oxford Core Strategy; Sites and Housing Plan; Emerging Local Plan; as well as the relevant provisions of the NPPF.

3. LEGAL AGREEMENT

- 3.1. This application would not be subject to a legal agreement, affordable housing provision would be secured by condition.

4. COMMUNITY INFRASTRUCTURE LEVY (CIL)

4.1. The proposal is liable for a CIL contribution of £316,663.58.

5. SITE AND SURROUNDINGS

- 5.1. The site is previously developed land which was formerly occupied by a petrol station, garage building, forecourt and other structures including a car wash. The forecourt canopy and pumps have been removed and the former sales kiosk and car wash are the only structures remaining on site. The site is located to the north of Between Towns Road and to the south of St Omer Road and lies within the Cowley Primary District Centre. High close boarded hoardings have been erected around the perimeter of the site along Between Towns Road and adjacent to a pedestrian footpath to the west.
- 5.2. Surrounding development comprises of a mix of uses and buildings of varying height, scale and architectural design. The buildings to the south of the site, which front Between Towns Road comprise of three storey office buildings constructed from dark red brick. Templars Square shopping centre is located to the south west of the site, the buildings in the north east corner of the shopping centre comprise of ground floor retail units and upper floor office space, constructed from a mix of dark brick with external cladding.
- 5.3. A mixed use redevelopment of the northern part of Templars Square, which would comprise of retail, residential and hotel uses is proposed under planning application 16/03006/FUL, members resolved to approve this application subject to the completion of a Section 106 agreement.
- 5.4. Templars shopping park is located to the north west of the site and comprises of large retail sheds with surface level parking. There is also a public park to the west of the site. The New Testament Church is located to the north east of the site; which is a two storey brick building. The Conservative Club is located to the east of the site and lies at the junction of St Luke's Road; this is a two storey dark brick building.
- 5.5. There is a notable variance in levels between St Omer Road to the north of the site and Between Towns Road to the South of the site, consequently St Omer Road sits at a much lower level compared with Between Towns Road. There is also a notable change in the character of the development and built form, which transitions from larger three storey buildings used for commercial and retail purposes in Between Towns Road, which would be typically associated with an urban district centre to two storey characteristically suburban semi-detached dwellings in St Omer Road. St Omer Road terminates in a T shaped turning head, which extends up to the northern boundary of the site. Currently there is a two metre high brick wall adjacent to the turning head, which also extends along a narrow pedestrian alleyway which runs between St Omer Road and Between Towns Road.

5.6. There is a large mature horse chestnut tree to the front of the site, adjacent to Between Towns Road and two semi-mature birch trees also to the front of the site.

5.7. See block plan for the development below:



6. PROPOSAL

6.1. The application proposes the demolition of all of the existing buildings on the site. The proposed development would comprise of 38 residential dwellings (17 one bedroom apartments, 18 two bedroom apartments and 3 three bedroom townhouses).

6.2. The development would consist of a single large linear frontage block fronting Between Towns Road and a row of three, three storey, three bedroom houses located at the northern end of the site, fronting St Omer Road in the position of the existing turning head. The frontage apartment building would be five storeys in the north east corner of the site at the highest point, opposite Barns Road, the building at this point would extend to a total height of 17.5 metres to the roof ridge. The building would step down to four storeys along the remainder of the frontage owing to the land levels the height of the building in this section would vary between 13.7 and 14.5 metres to the roof ridge dependent on the point of measurement and site topography. The rear of the apartment building would

face St Omer Road. An area of private amenity space serving the flats would be located to the rear of the building.

- 6.3. The three storey houses would feature flats roofs and have private amenity space in the form of a ground floor external space and terraces at second floor level to both the front and rear of the properties. The houses would extend to a height of 9.4 metres to the roof ridge. The three houses each include integral garage parking for one vehicle.
- 6.4. It is proposed that the apartments would be car free, with the exception of two disabled parking spaces and one car club space which would be made available to residents. Vehicular access would be exclusively from St Omer Road. The proposals include retaining and widening the existing public right of way from Between Towns Road and St Omer Road, this would include the creation of a new area of public space. All existing trees on the site would be removed, with replacement planting proposed in the western area of the site adjacent to the pedestrian route.

7. RELEVANT PLANNING HISTORY

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

64/15395/A_H - Petrol filling station and motor showrooms. Approved
66/18119/A_H - Development of site to provide petrol filling station and vehicle service building. Approved
67/18717/A_H - Outline application for the erection of a building to provide car safety centre with showroom and tyre fitting area. Approved
80/00596/NF - Extension to existing sales kiosk and change of use of car wash bay to M.O.T. Bay. Approved
92/00712/NF - New pump islands and forecourt alterations. (Amended Plans). Approved
16/01631/DEM - Application to determine whether prior approval is required for the method of demolition. Prior approval granted
18/02142/DEM - Application to determine whether prior approval is required for the method of demolition. Prior approval granted

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	Emerging Local Plan 2016-2036
Design	12	CP1 CP6 CP8 CP9 CP10 CP11 CP13	CS18_		DH1
Conservation/ Heritage	16	HE2 HE7 HE9 HE10			
Housing	5		CS22_ CS23_ CS24_	HP2_ HP3_ HP9_ HP11_ HP13_ HP14_ HP15_ HP16_	H1 H2 H4 H10 H14 H15 H16
Commercial	6		CS28		
Natural environment	9, 11, 13	NE15			RE1 RE2 RE3 RE4 RE6 RE7 RE9
Social and community	8		CS17_ CS19_		
Transport	9	TR1 TR2 TR4 TR5	CS13_		M1 M3 M4 M5
Environmental	14, 15	CP21 CP22 CP23	CS10_ CS11_ CS12_		
Miscellaneous		CP.13 CP.24 CP.25		MP1	

9. CONSULTATION RESPONSES

9.1. Site notices were displayed around the application site on 21st December 2018 and an advertisement was published in The Oxford Times newspaper on 27th December 2018.

Statutory and non-statutory consultees

Oxfordshire County Council (Highways)

Oxfordshire County Council have confirmed in writing that they do not intend to object to the proposed development however as formal comments have not been received at the time of the preparation of this report updates will be provided verbally to members prior to the committee meeting.

Oxford Preservation Trust

9.2. We note that the Planning and Consultation Statement, submitted as part of the supporting application documentation does not make reference to the Technical Advice Note, nor considers the proposed developments potential to impact upon longer distance views out of the City.

9.3. OPT would urge the Council to consider the potential of this development to break the skyline, especially specifically with regard to views out the city. We would draw your attention to Appendix 3 within the TAN which identified areas of greater sensitivity to high buildings. Whilst the application site itself is not located within an identified area of greater potential, it is located directly in the foreground of the South-Eastern Suburbs when considering views out of the city.

9.4. Appendix 3 identifies that views out from St Mary's Church within the city centre, could be sensitive to skylining from developments over 12m. It may therefore be prudent, prior to the determination of the application to ask the applicants to provide a modelling of the potential impacts of the proposed development on these views so a robust analysis can be made.

Thames Water Utilities Limited

9.5. Following initial investigations, Thames Water has identified an inability of the existing foul water network infrastructure to accommodate the needs of this development proposal. Condition recommended in respect of wastewater upgrades.

9.6. Following initial investigations, Thames Water has identified an inability of the existing surface water infrastructure to accommodate the needs of this development proposal. Condition recommended in respect of surface water network upgrades.

Public representations

9.7. 14 letters of comment have been received from the following addresses. Their comments are summarised below:

- St Omer Road – 7, 9, 11, 15, 21, 22,
- St Luke's Road – 13, 48

- Barns Road – 242A Flat 34
- Coleridge Close – 5
- Florence Park Road – 35
- Lawrence Road – 3
- Cleveland Drive – 9

9.8. In summary, the main points of objection were:

- Density of development is too high.
- Height of the front building is excessive and should be reduced.
- No service parking.
- The Horse Chestnut tree on the site should be retained.
- Parking should be provided
- Low parking provision will increase on street parking in surrounding roads.
- The CPZ must be in place before the development is constructed.
- No evidence of how the car free nature of the development will be enforced has been provided.
- The public right of way must remain and needs to be well lit.
- The building will reduce the privacy of the properties in St Omer Road and would result in a loss of light.
- The three storey houses will differ from the design of the properties in St Omer Road.
- There are issues with the sewage system in St Omer Road, the development would exacerbate this.
- The bin stores should be moved away from the boundary of 21 St Omer Road.
- Construction access should be from Between Towns Road. Concerns raised about space for construction vehicles and equipment.
- The development would fail to comply with the BOD's requirement as there are no 4+ bed units being provided and an overprovision of 1 and 2 bed flats.
- All of the dwellings do not meet Lifetime Homes standard.
- The three bed dwellings would be overshadowed by the flat buildings.
- The size of the gardens for the 3 bed houses is inadequate.
- Refuse and recycling arrangements are inadequate.
- The proposed design, including the flat roof and cladding does not respect the character and appearance of development in the area.
- The application does not adequately assess and/or provide mitigation measures to address the moderate to high risk of residual petroleum hydrocarbons, various metals and asbestos identified within the preliminary geo-environmental risk assessment.
- In light of Thames Water's comments dated 27th December 2018, the applicant should be requested to submit a foul water and surface water drainage impact study to demonstrate that the development will not result in either on or off site flooding.
- The development at Templars Square has only been granted a resolution to approve subject to a S106, therefore this can be given limited weight.
- The attached plans showing the refuse vehicle and fire appliance swept path analysis within the Transport Assessment ref: 70037512-V1 does not take into account legally parked vehicles in the parking area outside no. 19 St Omer Road.

- Clause 4.7 page 14 of the Planning & Consultation Statement states that upon full occupation the development can cater for up to 122 people. This appears incorrect as the design layouts for the bedrooms would indicate that up to 133 people could be accommodated.
- The development will put strain on existing community facilities.
- Underground parking could be provided or an undercroft.
- There needs to be short term parking for delivery drivers and essential visitors.
- Additional secure cycle parking should be provided.
- Limited space is provided for the storage of recycling and waste.
- The environmental and ecological credentials of the buildings could be enhanced.

9.9. General third party comments were also made, these being:

- A high quality segregated cycle lane should be provided.
- There should be on site provision for delivery vehicles
- Secure storage for cargo bikes and e-bikes should also be provided.
- More than one car club space should be provided.
- The design achieves a high quality building on a prominent site.
- A formalised crossing point between Barns Road and Between Towns Road should be provided.
- The proposed loss of mature trees is unfortunate and should be properly compensated for by planting new semi-mature trees along the frontage of the development with additional off-site tree planting along Barns Road.
- The proposals present further opportunities to enhance the existing streetscene through new landscaping and other elements to encourage wildlife and improve biodiversity.

9.10. County Councillor John Sanders commented that the development is too high and overbearing on the residents of St Omer Road and would overlook these properties. There is a concern that two of the proposed dwellings would be overshadowed. The smaller flats that face onto St Omer Road have a third floor structure that is not in keeping with the houses in the road it is not sufficient to disguise the third storeys with cladding to match roofs in the road, the shape is still unpleasant and detracts from the appeal of the street. I therefore propose that the third storeys be altered to be sloping facing North. The existing right of way should be retained and should be well lit. The development must be car free. This must entail an agreement with the appropriate issuing authority that no on-street parking permits will be issued for residents of the development and it must also be a condition that residents will not occupy the development until and unless a Controlled Parking Zone is introduced in St Omer Rd, Cleveland Dr and Gerard Pl.

9.11. Thames Valley Police raised no objection to the proposals but raised the following matters:

- Secured by design accreditation should be achieved in the development.

- The right of way should be excluded as this may generate crime or antisocial behaviour, if retained this should be designed in such a way which reduces opportunities for crime.
- The boundary treatment adjacent to No.38 St Omer Rd, the defensible space along Between Towns Road and the design of the entrances to the flats and houses should be amended.

Two representations received object to the proposals raised by TVP to exclude a right of way from Between Towns Road to St Omer Road.

9.12. Comments were received from Old Temple Cowley Residents Association, the key points are summarised below:

- The development would result in the loss of a commercial employment site.
- No additional infrastructure or facilities have been planned in the area and existing facilities are stretched and over capacity. No residential development should be permitted until this deficiency is corrected.
- The site is contaminated from its former use. No provision is made for the re-routing of existing services namely water and sewage capacity.
- The proposals represents overdevelopment of the site, the scale is excessive and will have an overbearing impact on the properties in St Omer Road which will impact on the amenity of these occupiers.
- The mix of dwellings is unacceptable, more family homes are required.
- The proposal will create a tall building alongside the alleyway, which will create a dark tunnel which will feel unsafe.
- This proposal lacks residential parking provision and there is no on-site provision for delivery, emergency, or service vehicles, or for visitors.
- The site contains a mature horse chestnut tree, which is valued by residents and passers-by as a significant amenity tree for the area. Residents wish to see this tree retained; this proposal intends to remove this tree.

10. PLANNING MATERIAL CONSIDERATIONS

10.1. Officers consider the determining issues to be:

- Principle of development
- Affordable Housing
- Balance of Dwellings
- Design
- Neighbouring amenity
- Parking, highways and accessibility
- Heritage and Conservation
- Trees
- Drainage

- Contamination

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. In a similar vein Paragraph 117 of the NPPF states that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land. 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.
- 10.5. 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.
- 10.6. The application site is previously developed land, the redevelopment of which is supportable in line with the provisions of Policy CS2 of the Core Strategy and Paragraph 117 of the NPPF. In addition to the provision of new housing, including affordable housing to meet an identified need, the proposals would also provide visual benefits in bringing back into use a longstanding vacant site, the present condition of which is detrimental to the visual amenities of the area. The provision of 38 dwellings on the site would make a significant windfall contribution towards meeting local housing need in accordance with Policy H1 of the Emerging Local Plan.
- 10.7. The sites last use was as a petrol filling station which would be classified as a sui-generis employment use. Policy CS28 of the Core Strategy states that Planning permission will only be granted for the change of use or loss of other

employment sites (i.e. those not key protected employment sites), subject to the following criteria: overriding evidence is produced to show the premises are presently causing and have consistently caused significant nuisance or environmental problems that could not have been mitigated; or no other future occupiers can be found despite substantial evidence to show the premises or site has been marketed both for its present use and for potential modernisation or regeneration for alternative employment-generating uses; and the loss of jobs would not reduce the diversity and availability of job opportunities; and it does not result in the loss of small and start-up business premises, unless alternative provision is made in Oxford.

10.8. The site is not listed as a protected employment space and has not been used for an employment use for several years since the former filling station closed on the site. It is understood that the site has not been marketed for an employment based use in the intervening period. Though the site would be classified as employment land the number of employees on this site was low owing to the nature of the former use (petrol station). The site is currently vacant and would realistically need to be comprehensively redeveloped in order to facilitate an alternative employment use on the land. In addition to this the sites close proximity to residential dwellings in St Omer Road has the potential to cause significant issues depending on the nature of the employment use, rendering the site unsuitable for a range of uses including any use which is likely to be noisy or disruptive. Considering the location of the site at the heart of the Primary District Centre redevelopment for a residential use would be considered preferential on amenity and visual grounds.

10.9. Accounting for the significant visual and amenity benefits which would arise from a comprehensive redevelopment of the site for a residential use, in addition to the significant public benefits arising from the delivery of 38 new homes, which would include policy compliant delivery of affordable housing it is considered that there would be sufficient justification for the loss of the existing employment use of the site in line with the provisions of Policy CS28 of the Core Strategy.

b. Provision of Affordable Housing

10.10. Policy HP3 of the Sites and Housing Plan specifies that Planning permission will only be granted for residential development on sites with capacity for 10 or more dwellings, or which have an area of 0.25 hectares or greater, if generally a minimum 50% of dwellings on the site are provided as affordable homes. In terms of the tenure split of affordable housing, it would be expected that 80% of these affordable units should be socially rented.

10.11. The proposals include a tenure mix which would comprise of 50% affordable and 50% private tenure. Of the affordable units it is proposed that 18 of the dwellings (95%) would be socially rented, with a single intermediate dwelling (5%). The proposed tenure mix in terms of affordable provision and in terms of the intermediate/social split of this housing is deemed to be acceptable and compliant with Policy HP3 of the Sites and Housing Plan.

c. Balance of Dwellings

- 10.12. 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 family dwellings typically comprising of 3+ bedroom units. The site falls within a district centre, table 5 of the Balance of Dwellings SPD specifies that the target housing mix of 3 bedroom dwellings within developments of 10 or more units should be 20-30% within district centres.
- 10.13. The proposed development would comprise of 17 one bedroom apartments (45%), 17 two bedroom apartments (47%) and 3 three bedroom houses (8%). The proposed mix would be inconsistent with the target mix of dwellings specified within the BOD's SPD. In justifying this discrepancy, it is specified within the planning statement that the departure from the BOD's requirement is due to two principle factors, firstly affordable housing needs, specifically the need for units of a certain size; and secondly maximising the number of units which can be delivered on the site. Policy CP6 of the Oxford Local Plan and Policy HP9 of the Sites and Housing Plan requires that new development should make efficient use of land. A mix which strictly complies with the BOD's requirement would deliver fewer units, including fewer affordable units and in this sense is deemed to be counterproductive.
- 10.14. Policy HP3 of the Sites and Housing Plan, which relates to the provision of affordable housing specifies that the applicant should demonstrate that the mix of dwelling sizes meets the City Council's preferred strategic mix for affordable housing. The City Council maintains a housing register which is used to manage the mix of dwelling sizes on new developments, according to housing need. It is important that the mix of dwellings best reflects the city's specific social and affordable housing requirements.
- 10.15. The Councils Affordable Housing Register identifies that there is limited need for additional 3 bedroom dwellings in the city and identifies high under occupancy of existing 3 bedroom affordable units in the city (41.6%). The City's Housing Register identifies that the principle requirement for affordable housing, including for families in need is for 1 and 2 bedroom dwellings. The provision of smaller units also has the joint benefit of making available larger properties which are currently under occupied for persons in need of these larger properties.
- 10.16. Policy H4 of the Emerging Plan requires that for new developments of 25 or more units outside of the City Centre and District Centres provide a mix of dwelling sizes for the affordable element, the specific percentages of this mix of are detailed. The application site is within the Cowley Primary District Centre and under the provisions of the Emerging Plan, which are to be afforded increased weight; there would be no strict requirement to provide larger dwellings as part of a proposal, this reflects the limited quantity of space in district centres and the need to make best use of sites in achieving an optimum density of development. Policy H4 requires that it is demonstrated that the development has had regard to local housing demand, including for affordable housing demonstrated by the housing register.

- 10.17. The development includes three 3 bedroom houses; these particular dwellings would be for private sale, rather than socially rented or shared ownership. The affordable units would comprise wholly of one and two bedroom units, the Councils Housing Officers have indicated that this best meets the demand for affordable housing giving regard to the Councils Affordable Housing Register. It has been indicated that the lowest demand in terms of affordable housing is for three bedroom flats. It has been indicated that were the three houses proposed on the site to be made available as affordable accommodation this would make the scheme unviable and the provision of further houses on the site would have a limiting impact on the overall quantum of units and site capacity as the site is clearly physically constrained in terms of its size and a development which presents difficulties in delivering larger dwellings.
- 10.18. Officers consider that the development strikes an acceptable balance between providing an optimum number of units on the site, particularly socially rented accommodation and meeting a locally identified need for smaller socially rented units. The provision of additional larger units would result in an overall reduction in the number of affordable units, which in officer's view would be counterproductive. Taking these above factors into account, officers consider that the proposed mix of dwellings would be acceptable.

d. Design

- 10.1. 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.
- 10.2. The apartment building to the front of the site is a large linear building which fronts Between Towns Road. The frontage building would be 5 storeys at its highest point adjacent to the junction of Barns Road and Between Towns Road. The scale and massing of the building takes cues from the surrounding sizeable built form along Between Towns Road which consists mainly of fairly large scale three storey buildings.
- 10.3. There is an existing cluster of larger scale buildings at Templars Square furthermore this area is likely to be subject of fairly extensive change, as a resolution to approve redevelopment of the northern part of the Templars Square centre, to include a 15 storey tower for residential and a hotel use has been made by members. There have also been a number of recent developments in the area of a sizeable scale, comparable to the proposals including the redevelopment of the Swan Motor Centre site to the north east, which varies between 4 and 5 storeys and the recent residential development at Barns Road on the site of the former community centre.

- 10.4. Accounting for the general scale of the existing built form in the immediate area, officers consider that a frontage development along Between Towns Roads, which varies between 4 and 5 storeys, would be reasonably appropriate accounting for the site context. From the street level viewpoints along Between Towns Road and Barns Road, a 4-5 storey development along the southern edge of the site in this location sits comfortably with the massing of adjacent properties.
- 10.5. The apartment building along the southern edge of the site at the 'tail' of the scheme is well designed with active frontage, a strong vertical emphasis and has a good relationship with the public realm. The entrances onto the street are well designed and there is an efficient layout and well integrated cycle and refuse storage.
- 10.6. The higher 5 storey element of the building would be sited in the south west part of the site; this is deemed appropriate in design terms. This element is prominent in public views as this would sit on a key corner with the enlarged public right of way and public space adjacent to Between Towns Road. Key views along Barns Road terminate at the site. It therefore seems reasonably appropriate that a more prominent and larger scale element of the building is focussed in this location to give the building some presence in the street scene; officers consider that the building has the potential to be landmark building in this location. The larger five storey element would also be sited opposite existing larger scale development on the southern side of Between Towns Road. The development would also relate appropriately with the scale and siting of the proposed development at Templars Square, which if brought forward will transform the character of the surrounding built form. The building would step down to 4 storeys which relates appropriately to the existing development opposite, which though this is 3 storeys but sits at a higher level. The massing of the building also helps to achieve a more comfortable transition with the adjacent 2 storey Church building to the north east.
- 10.7. There is a notable differentiation between both the scale of the existing development at Between Towns Road and the scale of development at St Omer Road to the rear of the site, which is suburban in scale and consists of two storey houses. The transition in scale of the surrounding built form as well as topographic differences across the site forms one of the most complex aspects of designing an appropriate built form on the site, as any development must achieve an appropriate transition between the urban, much larger scale of development to the south, whilst respects the much more modest suburban built form to the north east.
- 10.8. St Omer Road currently terminates with a T shaped turning head and blank 2 metre high wall, there is a narrow, poorly designed alleyway in this position which is enclosed, poorly lit and is generally unsafe. Redevelopment of the site provides the opportunity to significantly enhance the quality of the street scene in this particular part of St Omer Road. The three townhouses would provide an active frontage which would be an enhancement on the existing very negative treatment in the form of the blank 2 metre high brick wall. The siting of the three storey houses also assist in achieving an appropriate transition in scale between

the larger 4/5 storey frontage development and the more suburban 2 storey dwellings in St Omer Road.

- 10.9. The development includes significant improvements to the public realm in the form of the enlargement of the existing pedestrian route which would include additional landscaping, planting of trees and lighting improvements which would enhance what is currently a poor quality and unsafe route. The addition of residential development would provide natural surveillance along this route which would be of benefit to public safety and would reduce opportunities for crime. The improvements within this area of the site would significantly enhance the quality of the street scene in what is a prominent location in the Cowley District Centre.
- 10.10. In terms of materials, the apartment building would feature a materials palette comprising of dark red brick and painted white brick, whilst the houses would feature a white brick elevational treatment. The materials palette is considered to be consistent with the surrounding built form. The buildings opposite the site in Between Towns Road are constructed from a darker brick, whilst the properties in St Omer Road are predominantly of a white rendered finish. In officers view the materials palette would ensure a degree of harmony with the surrounding built form.
- 10.11. The application includes internal bin storage for the 35 flats, this would be located within 3 dedicated stores accessed from the internal cores and located on the ground floor of each of the blocks. Each of the proposed houses would have external bin stores located to the front of the properties. Waste would be collected from St Omer Road. The proposed bin storage is considered to be adequate and would comply with the requirements of Policy HP13 of the Sites and Housing Plan.
- 10.12. In summary officers consider that the development would be appropriately designed and consider that the scale of the proposed development responds appropriately to the varying scale of the built form in the vicinity of the site. The development would bring forward the redevelopment of a long term vacant brownfield site which presently detracts from the character of the area and there would be significant benefits arising from this. The development is considered to comply with the provisions of 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

e. Impact on Heritage Assets

- 10.13. The Oxford Local Plan recognises the importance of views of Oxford from surrounding high places, both from outside Oxford's boundaries but also in shorter views from prominent places within Oxford. As a result there is a high buildings policy (HE9), which states that development should not exceed 18.2m in height or ordnance datum 79.3m, whichever is the lower, within a 1,200m radius of Carfax except for minor elements of no great bulk and a View Cones Policy (HE10) which protects views from 10 recognised viewpoints on higher hills surrounding the City to the east and west and also within the City. There are also a number of public view points within the city centre that provide views across

and out of it, for example Carfax Tower, St Georges Tower and St Marys Church.

- 10.14. The site is spatially distant from Carfax and lies outside the datum area specified under Policy HE9 of the Oxford Local Plan. The application site also falls outside of the specified city view cones. The proposed apartment building would at its highest point of 17.5 metres be below the height limit of 18.2 metres referenced under Policy HE9, however the building exceeds the 12 metre datum identified in the Oxford High Buildings Study TAN for Temple Cowley Centre and would result in skylining in views out of the city from St Marys Tower, therefore there would be a visual impact which needs to be assessed accordingly.
- 10.15. Policy DH2 of the Emerging Local Plan requires that design choices about building heights are informed by an understanding of the site context and the impacts on the significance of the setting of Oxford's historic skyline, including views in to it, and views within it and out of it. In order to achieve this it is expected that all of the following criteria should be met: a) design choices regarding height and massing have a clear design rationale and the impacts will be positive; and b) any design choice to design buildings to a height that would impact on character should be fully explained, and the guidance on design of higher buildings set out in the High Buildings Study TAN should be followed. In particular, the impacts in terms of the four visual tests of obstruction, impact on the skyline, competition and change of character should be explained; and c) it should be demonstrated how proposals have been designed to have a positive impact through their massing, orientation, the relation of the building to the street, and the potential impact on important views including both in to the historic skyline and out towards Oxford's green setting.'
- 10.16. The applicant has prepared a visual analysis (Between Towns Road Tall Buildings Assessment 21/03/2019). The assessment includes a number of verified views of the site from several vantage points which indicates the sites visibility and in cases lack of visibility. The visual analysis indicates that the proposed development would be visible in views from St Marys Tower, however from other viewpoints (Westgate and Carfax) views of the site would be obstructed by existing buildings and in the case of views from the Church of St Michael, St George's Tower and the Sheldonian, views of the site would be so distant that the impact of the building would be negligible and would be barely perceived.
- 10.17. It is noted that the development when viewed from St Marys Tower would resulting in skylining by reason of the development exceeding the datum point of 12 metres as outlined within the Tall Buildings Technical Advice Note (TAN) 2018 and the development would consequently result in a level of harm. There is however a number of points to note in relation to the wider visual impact of the development from this identified view. Firstly the proposed development would sit against a backdrop of existing built form at Between Towns Road and Barns Road which albeit of a lesser height, is located on higher ground. The development would also be located adjacent to the existing buildings at Templars Square including the Hockmore Tower which is substantially higher than the proposed building. Approval was granted for a 15 storey tower which would form part of the redevelopment of the Templars Square centre, which at

52 metres would significantly exceed the height of the proposed development at the former Murco Garage site. The development would not obstruct views of any heritage assets or natural landscape features of significance in views out of the city and the overall siting would not be significantly detrimental in this respect.

10.18. External views from outside the city from Shotover Hill are provided which indicate that the building would not be visible owing to the presence of substantial existing tree cover, which the development would sit behind. It is therefore considered that the development would have no significant impact on views into the city and would not obstruct views of any heritage assets.

10.19. To summarise the proposed development would sit adjacent to existing sizeable buildings of a comparative and larger scale with potentially development of a much greater height in the form of the Templars Square tower. Within the present and potential future context it is considered that the height of the proposed building would not be excessive or incongruous in its siting or scale. The upper sections of the building, most notably the five storey section would be visible and discernible in the views out of the city from St Marys Tower, notwithstanding this accounting for the scale of development and the context of the surrounding built form the overall impact would not result in significant harm and would be unlikely to be of significant detriment to the townscape of Oxford. In weighing up the limited level of harm against the public benefits of the proposals notably the provision of 38 dwellings (50%) of which would be affordable accommodation it is considered that the harm would be demonstrably outweighed by these benefits. The development would not consequently conflict with the provisions of Policies HE9 or HE10 of the Oxford Local Plan as well as the provisions of Policy DH2 of the Emerging Local Plan.

10.20. The development would be located within the wider setting of two Conservation Areas these being the Beauchamp Lane Conservation Area which is located 300 metres to the West of the site and the Temple Cowley Conservation Area which is located 180 metres to the north east of the site, both areas are therefore spatially distant from the site. The application is accompanied by a Heritage Assessment which provides an analysis of the impact of the development on both adjacent Conservation Areas.

10.21. 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.”

10.22. 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.

10.23. 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.

- 10.24. In terms of views from the Temple Cowley Conservation Area, this would be limited to views from Oxford Road, adjacent to the junction of Between Towns Road. Views from this position are likely to be glimpsed at most as both trees and existing buildings including the adjacent church and Cowley Workers Social Club would restrict views of the proposed building. Given that the building would be of a similar scale to much of the surrounding urban built form and given the very limited views of the development it is considered that the development would have no impact on the setting of the Temple Cowley Conservation Area and would not result in harm to the setting of this heritage asset. The building would be well designed and its overall contribution to the Conservation Area would likely be positive.
- 10.25. The development would not largely be perceived from the Beauchamp Lane Conservation Area, owing to the presence of existing buildings. Glimpsed views of part of the development would be discernible from the junction of Beauchamp Lane and Crowell Road, though these views are not prominent and the development would sit alongside the more substantial built form of Templars Square and the Hockmore Tower. The overall impact on the setting of the Beauchamp Lane Conservation Area is deemed to be negligible and consequently it is considered that the development would not result in harm to the setting of this heritage asset.
- 10.26. Officers consider that the development would not result in harm to the setting of either the Beauchamp Lane or Temple Cowley Conservation Areas and 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.
- 10.27. In terms of archaeology this site is of interest because of the potential for remains relating to the Oxford Roman pottery industry, the National Planning Policy Framework states that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation (NPPF paragraph 128). As additional conditioned contamination survey work will be required before archaeological evaluation work can take place a conditioned approach to archaeological trial trenching and mitigation is recommended and appropriately worded conditions are attached. Subject to condition it is considered that the development would comply with the provisions of Policy HE2 of the Oxford Local Plan and the development would not result in harm to assets of archaeological interest.

f. Transport

Car Parking

- 10.28. The provisions of Policy HP16 of the Sites and Housing Plan set maximum standards relating to vehicle parking provision; these requirements are outlined within appendix 8. Car free and low parking developments are encouraged in appropriate locations, though this is dependent on evidence that low parking and the car free nature of development can be enforced such as within a CPZ. Additionally the sustainability of the location is taken into account, in particular access to public transport and other facilities including a local supermarket.
- 10.29. Policy M3 of the Emerging Local Plan requires that within Controlled Parking Zones (CPZs) or employer-linked housing areas (where occupants do not have an operational need for a car) where development is located within a 400m walk to frequent (15minute) public transport services and within 800m walk to a local supermarket or equivalent facilities (measured from the mid-point of the proposed development) planning permission will only be granted for residential development that is car-free. In all other locations it is expected that development complies with the specified maximum parking standards.
- 10.30. The application site lies within a Transport District Area of the city, which is considered to be a highly sustainable location as it lies within close proximity to a wide range of facilities, including shops, supermarkets and a primary school and excellent public transport links with multiple bus stops within 50 metres of the site, which provide access to regular services to the City Centre and other areas of the city.
- 10.31. It is proposed that the apartments would be car free, with the exception of two disabled parking spaces and a car club space. The surrounding area is not within an area specified as a Controlled Parking Zone (CPZ) this means that the area is not permit restricted. Many of the surrounding residential roads, including St Omer Road, Gerard Place, St Luke's Road and Knolles Road are however subject of parking restrictions in the form of double yellow lines restricting all parking in various locations with single yellow line time restrictions preventing all parking Monday – Saturday from 8am to 6:30pm on most of the surrounding roads. Between Towns Road is subject of a similar mix of double yellow and time restricted single yellow lines.
- 10.32. Oxfordshire County Council has future proposals to make all of the surrounding roads part of a CPZ though the surrounding roads fall under different CPZ proposals and consultation and funding is at different stages. The proposed Cowley Centre East CPZ is listed as a high priority for implementation and is fully funded. The parameters of this include roads to the south and east of the site consultation carried out in respect of implementing a CPZ in St Omer

Road was carried out as part of a consultation exercise in respect of the proposed Florence Park CPZ, though Oxfordshire County Council have indicated that the site could be included within the Cowley Centre East proposed CPZ, which could bring forward the implementation of a CPZ in St Omer Road.

- 10.33. The County Council have indicated that there is an aspiration to implement a CPZ by early 2020. Notwithstanding this minimal weight at this time can be attributed to this as there are no firm guarantees that a CPZ will be brought forward and if brought forward it is unclear which streets would be covered within the CPZ. It is worth noting however that if brought forward within the aspirational timescale a CPZ may be in place prior to first occupation of the proposed development, given that the applicants have indicated that the timescale for completion of the proposed development would be 2021.
- 10.34. Whilst the site and surrounding streets do not presently fall within a CPZ, the presence of restrictive parking controls in the form of double yellow and time restrictive single yellow lines and the overall lack of on street capacity is likely to have a greatly discouraging effect on occupants who may otherwise consider owning a vehicle. There are also two large public car parks in the immediate area at Templars Square and Templars Shopping Park which can be used by visitors as these are in close walking distance. The proposals make provision for one car club parking space, which would provide residents with flexible access to a car if required.
- 10.35. Members should also be aware that there are other car free developments in the area. The recent Green square development at Barns Road (12/03278/FUL) on the former Cowley Community Centre site which was of a comparative scale (40 residential apartments) was permitted in 2013 as a car free development, with the exception of 3 disabled spaces and 2 car club spaces. The recently approved development at Templars Square also included elements of residential development which were car free.
- 10.36. Notwithstanding that the surrounding roads are not within a CPZ it is considered that in terms of access to public transport and services that aside from the City Centre this would be one of if not the most sustainable location for car free development in Oxford, reflected in the status of the area as a primary district centre. The provisions of policy HP16 of the Sites and Housing Plan and to an even greater extent Policy M3 of the Emerging Local Plan recognise that in sustainable locations in close proximity to services and public transport, car free development should be supported to encourage sustainable methods of travel and to discourage ownership of private vehicles. Encouraging development to provide parking to maximum standards would run contrary to the aims of these respective policies. Given the present very limited on street capacity and existence of existing parking controls it is considered that the development would not worsen the existing situation. The existing situation would therefore be a limiting factor that would serve to discourage car ownership even in the present absence of a CPZ. Officers therefore consider that the development would not impact adversely on highway safety or amenity.
- 10.37. The three houses would each be served by a single integral garage parking space. Each of the houses would be three bedroom family properties and

consequently it is considered that it would be more likely that occupants of these properties would own a vehicle than the occupiers of the apartments. Taking into account the fact that many of the surrounding streets are not within a CPZ, whilst also accounting for the dwelling size, likelihood of car ownership and balancing these factors against the general sustainability of the location and access to public transport, it is considered that provision of one parking space per dwelling would be appropriate in accordance with Policy HP16 of the Sites and Housing Plan.

10.38. Appendix 8 of the Sites and Housing Plan, which relates to Policy HP16 requires that disabled parking must be provided for 5% of all dwellings on developments of 20 or more dwellings. The proposals provide 2 parking spaces; this would exceed the 5% requirement.

10.39. In terms of general vehicular access it is considered that the proposed access from St Omer Road represents the most appropriate means of accessing the site as Between Towns Road is a heavily trafficked primary through route and any access would likely result in safety issues. St Omer Road is a cul-de-sac with low vehicular use and whilst this is a narrow road traffic usage as a direct result of the development is likely to be low as the majority of the development is car free with the exception of the three houses each of which would have a single integral parking space. There are no visitor spaces; therefore other vehicle use would be limited to occupiers of the disabled bays, the car club and services/deliveries. Refuse collection would be carried out from St Omer Road, with sufficient room provided for a refuse truck to turn.

10.40. In summary whilst the concerns around accumulation of vehicles on the surrounding roads are recognised, it is considered that the site represents a sustainable location in terms of its proximity to key facilities and services including shops, supermarkets and schools. The area is well served by regular busses and the development also includes parking space for a car club vehicle. Taking these factors into account there would be no specific requirement for occupants to own private vehicles and the lack of on street parking in the area would actively discourage occupiers from owning a car. The development is therefore considered to comply with Policy HP16 of the Sites and Housing Plan and Policy M3 of the Emerging Local Plan.

Cycle Parking

10.41. Policy HP15 of the Sites and Housing Plan requires the provision of a minimum quantity of cycle parking to be provided in all new residential developments. 70 cycle parking spaces would be provided within communal stores located within the north east area of the site. This would equate to 2 spaces per dwelling which would comply with minimum standards. Each of the three bedroom houses would have cycle parking for 3 bikes which also would comply with minimum standards and the requirements of Policy HP15 of the Sites and Housing Plan.

Pedestrian Access

- 10.42. Officers note the comments received by Thames Valley Police in relation to the existing pedestrian access between St Omer Road and Between Towns Road. Whilst noting the basis on which the Police have advised on the closure of this route, officers consider that closure would be substantially counterproductive in terms of achieving permeability of access within the immediate area. The existing route is well used by pedestrians and cyclists and provides a direct access through to the Cowley Centre and for this reason it is considered that it should be retained. The County Council have indicated that they would be prepared to adopt a section of the access; this would exclude the section of the site which includes planting and other landscaped features.
- 10.43. The existing route is narrow and of a poor quality and the standard of this space in terms of public realm as well as in accessibility terms would be significantly enhanced by the proposed widening, public realm enhancements and the addition of additional natural surveillance and lighting all of which would reduce the likelihood of crime and the unsafe perception of this space at present. The proposals are therefore considered to be beneficial in terms of accessibility for pedestrians and cyclists and the development is considered to comply with the requirements of Policies TR4 and TR5 of the Oxford Local Plan and Policy CS13 of the Core Strategy.

g. Amenity

- 10.44. Each of the individual flats would comply with Nationally Described Space Standards in terms of both total floor space and individual room sizes. The majority of the flats are dual aspect and would benefit from adequate standards of natural light.
- 10.45. Each of the flats would have external balconies which each exceed 5 sqm in external area and consequently would comply with the relevant standards for external amenity spaces, as outlined under Policy HP13 of the Sites and Housing Plan. There would additionally be access to communal private external amenity space to the rear of the flats.
- 10.46. The three houses would each benefit from three external amenity spaces, comprising of a small ground floor patio, a larger first floor front facing terrace and smaller rear facing first floor terrace. Whilst the rear facing spaces, notably in the case of the southernmost of the two dwellings would be overshadowed to a degree by the proposed apartment block, the front facing terraces would benefit from an adequate amount of sunlight. Cumulatively it is considered that the external spaces provide an appropriate standard of amenity for future occupiers, which would comply with the requirements of Policy HP13 of the Sites and Housing Plan. In terms of the rear amenity space serving the apartments it is noted that this would be overshadowed though this would to a large degree be an unavoidable consequence as this is north facing and is located to the rear of the apartment blocks. Other than through a large reduction in the scale of the front facing built form, which would not be positive in design terms as this would result in a development which would fail to relate to the scale of the form opposite, it is unlikely that this space would realistically benefit from significant natural light. Furthermore each of the apartments would have external balconies

so occupiers would not be dependent on this communal area as a sole area of external amenity space.

- 10.47. In terms of overlooking of existing properties it is considered that there would be a relatively substantial degree of separation between the apartments to the front of the site and the existing properties in St Omer Road. The properties which would be most affected would be No.38 and No.21 St Omer Road. It is noted that there are no clear glazed side windows in either property serving habitable rooms, which may otherwise be overlooked.
- 10.48. The side wall of the five storey apartment building would face the rear garden of No.38 St Omer Road; effort has been made to limit the number of window openings on this elevation of the building. There would however be a separation distance of 19 metres between the side windows in the apartments serving a kitchen area and the rear garden space of No.38. Notwithstanding this, as the kitchen windows and side facing balcony spaces would directly face the rear garden area of this property, officers consider it appropriate to require that the side facing windows serving the kitchen spaces are fitted with obscured glass and the side facing balconies with privacy screens to safeguard the privacy of adjacent occupiers.
- 10.49. A minimum distance of 13.7 metres would be retained between the side elevation of the flats and the side and rear elevation of No.38 St Omer Road. A distance of 13.5 metres would be retained between the southernmost of the proposed houses and the side wall of this property. Minimum distances of 7.7 to 9.3 metres would be retained between the proposed dwellings and the side elevation of No.21 St Omer Road. It is considered that the respective separation distances would be sufficient to ensure that the siting of the flats and proposed houses would not have a significantly compromising impact on the residential amenity of either property. The development would comply with the Councils 45 degree code in respect of retention of an acceptable degree of natural light to surrounding dwellings.
- 10.50. Taking into account the above factors it is considered that the development would comply with the relevant requirements of Policies HP12, HP13 and HP14 of the Sites and Housing Plan.

h. Trees

- 10.51. The site contains one mature tree; a large Horse Chestnut and two smaller semi-mature Birch trees, there are also some smaller trees of no significant value. The existing trees along the frontage of the site are indicated for removal. Of the three frontage trees, the Horse Chestnut Tree provides a significant contribution to the street scene. The tree is understood to be in poor physical health and consequently its life expectancy is deemed to be short. Taking this into account the Councils Tree Officer has advised that the removal of the tree could be justified providing that suitable new planting is provided.
- 10.52. It is intended that the loss of the Horse Chestnut tree and two moderate quality birch trees could be mitigated in part through the provision of replacement planting, which would principally be provided in the south west corner of the site,

adjacent to the proposed public space and along the frontage of Between Towns Road. The provision of new street trees within the highway verge was explored, however Oxfordshire County Council have advised that the provision of trees in this location have the potential to obstruct the route of a potential cycle way and in this instance it would not be considered worthwhile to proposed planting in this location if the trees may need to be removed at a later date.

10.53. Planting in the western part of the site would provide a visual enhancement to the appearance of the area alongside the associated works to the public realm and trees in this location would be publically visible. Planting would be subject to a condition as the precise location of the trees would need to be agreed in conjunction with the County Council in conjunction with the envisaged adoption of the route through as a public right of way and any associated lighting scheme.

10.54. Overall officers consider that the proposals provide a basis on which to partially mitigate the loss of the existing street facing trees. When balancing the public benefits of the proposed development in terms of the provision of 38 units, 50% of which would be affordable accommodation, alongside the wider visual enhancements to the character of the area and public realm, whilst also taking into account the existing condition of the Horse Chestnut Tree it is considered that the proposals are considered to comply with the requirements of Policy NE15 of the Oxford Local Plan.

i. Sustainability

10.55. 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. An Energy statement is provided alongside this application as required, which incorporates a series of recommendations in order to meet the required target of 20%.

10.56. Principally to meet the renewable requirement it is proposed that solar panels are installed to the south and south east facing roofs of the flats and houses in order to maximise solar gain, the position of the solar panels are identified in the architectural drawings accompanying the application.

10.57. In addition to the solar panels the accompanying energy statement details a list of measures proposed in order to meet compliance with building regulations part L to achieve energy efficiency. The proposed measures would be as follows:

- Optimised glazing g values
- Improved insulation levels
- Accredited thermal bridging details
- Improved air tightness
- High efficiency combination gas boilers in dwellings with time and temperature zone controls and smart thermostats
- High efficiency LED lighting throughout

- High efficiency heating, time controls and lighting presence detection controls in communal areas

10.58. Officers are satisfied that the measures outlined demonstrate that the proposed development would incorporate high standards of energy efficiency which comply with the requirements of Policy HP11 of the Sites and Housing Plan.

j. Flooding

10.59. The application site is located within Flood Zone 1 and is considered to be at a low risk of flooding. Policy CS11 of the Oxford Core Strategy requires that on all developments of over 1 hectare and/or development in any area of flood risk, developers must carry out a full Flood Risk Assessment (FRA).

10.60. In this instance the site is considered to be at a low risk of flooding and the application site is less than 1 hectare in area. An FRA has however been provided.

10.61. The applicants have provided a drainage plan which is adjudged by the Councils Flooding Officer to be viable, the development is therefore considered to comply with the requirements of Policy CS11 of the Core Strategy.

k. Ecology

10.62. The kiosk building scheduled for demolition and horse chestnut tree scheduled for removal are both identified as having the potential for roosting bats though no bat roosts were recorded during the surveys conducted on the site. The Councils ecologist has identified that the surveys conducted are sufficient subject to the condition that enhancement opportunities are provided within the new development, this would be secured by condition. The development is therefore considered to comply with the provisions of Policy CS12 of the Oxford Core Strategy.

l. Air Quality

10.63. As the development would be principally car free, the proposals would be unlikely to impact detrimentally on air quality. In terms of future occupiers the review of the Air Quality Assessment states that for the majority of receptors within the application site, concentrations will meet the AQS objective. However, concentrations at ground floor of blocks 4, 5 and 6 facing Between Towns Road just exceed the annual mean limit value for nitrogen dioxide. In order to mitigate for this, a condition is required to ensure that a mechanical ventilation system with NOx filtration is fitted to ensure that future occupiers are not impacted negatively.

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 would bring forward the redevelopment of a prominent vacant brownfield site in the Cowley Primary District Centre to provide 38 dwellings, 50% of which would be made available as affordable accommodation, which would comply with the affordable housing requirements outlined under Policy HP3 of the Sites and Housing Plan.
- 11.4. It is considered that the development is of an appropriate scale, relative to the surrounding development in the immediate area, notably the larger scale development fronting Between Towns Road and Barns road and it is considered that the design of the scheme achieves an appropriate transition between the more urban larger scale development in this location and the suburban scale and grain of development at St Omer Road to the rear. The overall design of the development is considered to reasonably relate to the character and appearance of the surrounding built form. Though the site would be visibly discernible in views from St Marys Tower out of the city, the overall level of harm is considered to be limited and would be demonstrably outweighed by the public benefits of the scheme. It is considered that the scale and siting of the development retains appropriate standards of amenity for existing occupiers, whilst providing acceptable amenity standards for future occupiers of the development.
- 11.5. With the exception of the car club space and disabled parking bays it is proposed that the development would be car free. The concerns raised regarding the car free nature of the development is noted, it is also noted that the surrounding roads are not within a CPZ and the potential for the development to result in an accumulation of vehicles in the surrounding streets is given due consideration. The lack of parking provision is balanced against the overall sustainability of the site in terms of the location within a primary district centre, which is well served in terms of services and facilities and is well served in terms of accessibility to public transport. Taking the aforementioned factors into account, it is considered that car free development in this location would be acceptable and would not unacceptably compromise highway safety or amenity.
- 11.6. For the reasons expressed above it is recommended that the Committee resolve to grant planning permission for the development proposed subject to the satisfactory completion (under authority delegated to the Acting Head of

Planning Services) of a legal agreement under section 106 of the Town and Country Planning Act 1990.

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. 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 work on the site 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.

4. 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.

5. 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.

6. No properties shall be occupied until confirmation has been provided that either:- all wastewater network upgrades required to accommodate the additional flows from the development have been completed; or- a housing and infrastructure phasing plan has been agreed with Thames Water to allow additional properties to be occupied. Where a housing and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed housing and infrastructure phasing plan.

Reason - The development may lead to sewage flooding and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional flows anticipated from the new development. Any necessary reinforcement works will be necessary in order to avoid sewer flooding and/or potential pollution incidents."

7. No properties shall be occupied until confirmation has been provided that either:- all surfacewater network upgrades required to accommodate the additional flows from the development have been completed; or - a housing and infrastructure phasing plan has been agreed with Thames Water to allow additional properties to be occupied. Where a housing and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed housing and infrastructure phasing plan.

Reason - The development may lead to flooding and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional flows anticipated from the new development. Any necessary reinforcement works will be necessary in order to avoid sewer flooding and/or potential pollution incidents."

8. No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:

1. A site investigation scheme, based on preliminary risk assessment to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.

2. The results of the site investigation and the detailed risk assessment referred to in (1) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
3. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To protect groundwater quality with the Beckley Sands aquifer.

9. No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the local planning authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.

Reason: Infiltration is only acceptable in areas of uncontaminated land to protect groundwater from leaching of contaminants.

10. Prior to commencement of development, an application shall be made for Secured by Design accreditation on the development hereby approved. The development shall be carried out in accordance with the approved details, and shall not be occupied or used until confirmation of SBD accreditation has been received by the authority.

Reason: To create safe and secure spaces which limit opportunities for crime in compliance with Policies CP1 and CP9 of the Oxford Local Plan.

11. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological evaluation in accordance with a project design approved by the planning authority. Following the completion of the evaluation if important archaeological remains are found then the development plan shall be amended to minimise damage to important archaeological deposits. No development shall take place until a method statement for archaeological mitigation and investigation measures, has been submitted to and approved in writing by the Local Planning Authority. The development shall only take place in accordance with the approved method statement.

Reason: Because the development may have a damaging effect on known or suspected elements of the historic environment of the people of Oxford and their visitors, including Roman remains (Local Plan Policy HE2).

12. No occupation shall take place until the building(s) has been insulated against external noise sources in accordance with a scheme that has been submitted to, and approved in writing by, the Local Planning Authority. To gain

approval a scheme must demonstrate that it follows the recommendations of the Planning Noise Assessment by WSP reference no 70037512-005 dated 4th December 2018. Once approved there shall be no variation to the approved scheme unless otherwise agreed in writing beforehand by the Local Planning Authority.

Reason: To safeguard the amenities of existing and future occupiers of properties in accordance with policies CP9, CP19 and CP21 of the Oxford Local Plan 2001-2016.

13. 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.

14. Prior to the commencement of development, a scheme of ecological enhancements shall be submitted to, and approved in writing by, the Local Planning Authority to ensure an overall measurable net gain in biodiversity will be achieved. The scheme will include details and locations of landscape planting of known benefit to wildlife, artificial roost features, including bird and bat boxes, and a minimum of two dedicated swift boxes. The approved scheme shall be implemented prior to the first occupation of the development.

Reason: To comply with the requirements of the National Planning Policy Framework, the Conservation of Habitats and Species Regulations 2017, Wildlife and Countryside Act 1981 (as amended) and Policy CS12 of the Oxford Core Strategy 2026.

15. 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.

16. 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.

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-

18. No development shall take place until a Construction Environmental Management Plan (CEMP), containing the site specific dust mitigation measures identified for this development, has first been submitted to and approved in writing by the Local Planning Authority. The specific dust mitigation measures that need to be included and adopted in the referred plan can be found in chapter 6 pages 23-25 of the Air Quality Assessment that was submitted with this application (PROJECT NO. 70037512-004), developed by WSP.

Reason - to ensure that the overall dust impacts during the construction phase of the proposed development will remain as "not significant", in accordance with the results of the dust assessment, and with Core Policy 23 of the Oxford Local Plan 2001- 2016.

19. Prior to the occupation of the development, evidence that proves that all emission gas fired boilers that are going to be installed on-site are going to be ultra-low NOx (and meet a minimum standard of <40mg/kWh for NOx) needs to be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason - to ensure that the expected NO₂ emissions of the combustion system to be installed at the proposed development will be negligible, in accordance with Core Policy 23 of the Oxford Local Plan 2001- 2016.

20. No development shall take place until specific details of a proposed mechanical ventilation system with NOx filtration has been submitted to and approved in writing by the Local Planning Authority. This shall include details of the proposed maintenance and monitoring schedule for the installed system. The development shall be carried out in accordance with the approved details.

Reason: to protect the occupiers of the development from exposure to air pollutants in exceedance of the National Air Quality Objectives.

21. The development shall not be occupied until the approved ventilation system has been installed and evidence provided to this authority that it is working in accordance with its specification and air quality does not present a risk to site users. The development shall be carried out in accordance with the approved details.

Reason: to protect the occupiers of the development from exposure to air pollutants in exceedance of the National Air Quality Objectives.

22. Prior to commencement of development, an application shall be made for Secured by Design accreditation on the development hereby approved. The development shall be carried out in accordance with the approved details, and shall not be occupied or used until confirmation of SBD accreditation has been received by the local planning authority.

Reason: To ensure that the development is a safe and secure environment and to minimise the risks of crime, in accordance with Policies CP1 and CP9 of the Oxford Local Plan.

23. 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.

24. The integral garages shall not be changed or adapted for living purposes or used for any other purpose except as a private domestic garage, without the prior written permission of the Local Planning Authority.

Reason: To ensure that a garage is always available for use with the house in accordance with policies CP1, CP6, CP10 and TR3 of the Adopted Oxford Local Plan 2001-2016.

25. The west elevation windows serving the living/kitchen/dining spaces at first, second, third and fourth floor level in flat Nos. 101, 201, 301 and 401 shall be glazed in obscure glass be non-opening below 1.7 metres above finished floor levels in the room(s) they serve and shall thereafter be retained. The side west facing elevations of the external balconies shall be fitted with privacy screens to a minimum height of 1.8 metres and shall thereafter be retained.

Reason: To safeguard the amenities of the adjoining occupiers in accordance with policies CP1, CP10 and HS19 of the Adopted Oxford Local Plan 2001-2016.

26. Before the development permitted is commenced details of the cycle parking areas, including 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 promote the use of cycles thereby reducing congestion on adjacent roads in accordance with policies CP1, CP10 and TR4 of the Adopted Oxford Local Plan 2001-2016.

27. A Construction Traffic Management Plan should be submitted to the Local Planning Authority and agreed prior to commencement of works. 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,
- Details of times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours,
- Engagement with local residents and neighbours.

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.

28. The development hereby permitted shall not be occupied until the designated car club space as set out in approved plans has been provided. The club space shall be laid out as set out in the approved plan prior to occupation of the development and retained as such thereafter.

Reason: To ensure that the development does not generate a level of vehicular parking which would be prejudicial to highway safety, or cause parking stress in the immediate locality, in accordance with policies CP1, CP6, CP10 and TR13 of the Adopted Oxford Local Plan 2001-2016.

29. No occupation of the development shall take place until details of a scheme of lighting plus the means to control excessive light spillage and glare from both internal and external light sources within the development shall have been submitted to and approved in writing by the local planning authority and implemented on site. There shall be no variation to the approved details without the further prior written approval of the local planning authority.

Reason: In the interests of the visual and residential amenities of neighbouring occupiers, in accordance with policy CP20 of the adopted Oxford Local Plan 2001 - 2016.

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.

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Appendix 1 – Site Plan

18/03287/FUL – Former Murco Service Station - Between Towns Road



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EAST AREA PLANNING COMMITTEE

3rd April 2019

Application Number: 17/03101/FUL

Decision Due by: 23rd January 2018

Extension of Time: 11th April 2019

Proposal: Erection of 4 x 2 bed flats, 2 x 1 bed flats, 2 x 4 bed dwellinghouse, 1 x 3 bed dwellinghouse (Use Class C3) and associated external works. Provision of amenity space, car parking and bin/cycle stores.

Site Address: Ashlar House Adjacent 2 , Glanville Road, Oxford, OX4 2DD

Ward: Cowley Marsh Ward

Case Officer Tim
Hunter/Hayley
Jeffery

Agent: Simon Sharp **Applicant:** Cantay Estates Ltd
JPPC

Reason at Committee: The proposal was previously reported to the East Area Planning Committee on 7th March 2018 who resolved to grant permission subject to a S106 Agreement which secured the affordable housing provision. Since that time, the applicants have confirmed that they are now not willing to enter into the S106 Agreement to secure a contribution towards off site affordable housing provision so the application needs to be reported back to Committee

1. RECOMMENDATION

1.1. East Area Planning Committee is recommended to:

1.1.1. **refuse the application** for the reasons given in the report, and

1.1.2. **agree to delegate authority** to the Head of Planning, Sustainable Development and Regulatory Services to:

- Finalise the reasons for refusal 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 and issue the decision notice.

2. EXECUTIVE SUMMARY

- 2.1. This report considers the applicant's unwillingness to enter into a S106 Agreement to provide a financial contribution towards off-site affordable housing provision in line with policy HP4 of the Sites and Housing Plan. At its meeting on 7th March 2018, the EAPC resolved to grant planning permission subject to the conditions set out in the report and the completion of a S106 Agreement to secure a contribution towards off site affordable housing provision. A copy of this previous report is attached at Appendix 2 and should be read in conjunction with this current report in terms of the detailed matters (bar affordable housing which is updated in this current report).
- 2.2. Following the resolution by EAPC and after much negotiation relating to the S106 Agreement, the applicant's new agent has advised Officers that they are unwilling to pay a contribution towards off site affordable housing provision. As there is no viability case being put forward, the absence of a contribution towards off site affordable housing would be contrary to policy HP4 of the Sites and Housing Plan. The acute affordable housing need in Oxford is a material consideration to which significant weight should be attributed to this adopted development plan policy and outweighs the provisions of the NPPF and any conflict with it. It is therefore recommended that the application be refused for the reason given.

3. LEGAL AGREEMENT

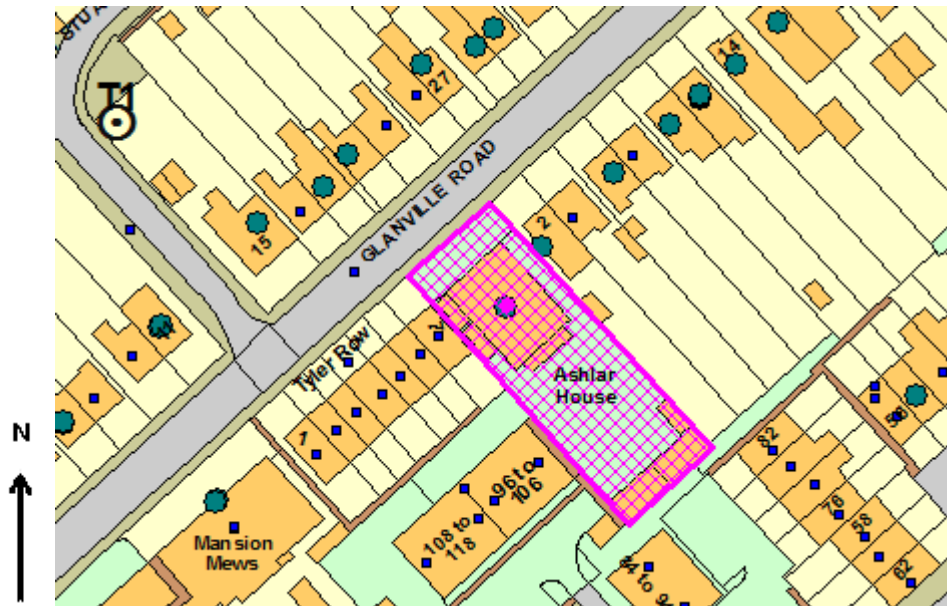
- 3.1. As set out previously, a S106 Agreement is required to secure financial contributions towards the delivery of affordable housing off-site but the applicant is unwilling to pay such a contribution and enter into the necessary Agreement under the terms of Section 106 of the Town & Country Planning Act 1990 to secure this. As such the application should be refused.

4. COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 4.1. The proposal would be liable for a CIL payment if otherwise found to be acceptable.

5. SITE AND SURROUNDINGS

- 5.1. The site is located within a residential area just off the Cowley Road. Whilst there were formally a variety of commercial uses in the area, most of these have now been replaced by housing and student accommodation.
- 5.2. One of the last is the current application site, which was last in use as a builders yard. There was previously a single storey, somewhat utilitarian building towards the front of the site but this has been demolished since the application was previously reported to Committee. All of the site is therefore open and devoid of built form.
- 5.3. Ashlar House, Glanville Road:



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6. PROPOSAL

6.1. The application proposed the erection of nine new dwellings following the demolition of the builder's yard and associated building. The dwellings would be created as; a block of six flats with a frontage onto Glanville Road and one terrace of three dwellings to the rear, served off a new access, adjacent no.2 Glanville Road, along the line of the entrance used previously to access the storage area for the builder's yard. Full details can be found in the previous report attached at **Appendix 2**.

6.2. The main body of the report below will assess what has happened since EAPC last considered to the application.

7. UPDATED RELEVANT PLANNING POLICY

7.1. 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	Emerging Local Plan
Design	12	CP6, CP8, CP11, HE9,	CS18_	HP9_		DH1
Housing	5		CS23_	HP2_ , HP4_ , HP12_ , HP13_ , HP14_	Affordable Housing and Planning Obligations SPD	HP2 in particular and HP1 H4 H10 H14

					Balance of Dwellings SPD	H15 H16
Commercial	6		CS28_			E1
Transport	9	CP1, TR1, TR3, TR4,		HP15_, HP16_	Parking Standards SPD	M1 M3 M4 M5
Environmental and Natural Environment	11, 13, 14 and 15	CP18	CS9_, CS11_, CS12		Energy Statement TAN	RE1 RE2 RE3 RE4 RE6 RE7 RE9
Misc		CP.13, CP.24, CP.25		MP1	Waste Bin Storage and Access Requirements for New and Change of Use Developments Technical Advice Note	

8. PLANNING MATERIAL CONSIDERATIONS

8.1. Officers consider the determining issues to be:

i. Affordable Housing

i. Affordable Housing

8.2. This report is to be read in conjunction with the original report attached at **Appendix 2**. The matters and conclusions set out in the attached report relating to the Principle of Development as well as the detailed matters (apart from Affordable Housing) remain valid.

8.3. In terms of Emerging Local Plan Policy while this has limited weight at the present time, for completeness it is necessary to briefly comment on the emerging policies with regards to the principle of the development. Previously the principle of development was assessed against the Oxford Core Strategy Policy CS28 and the proposals were considered to have satisfied this policy with supporting evidence being submitted. The evidence demonstrated that the then vacant builder's yard had been marketed for over two years without a suitable commercial occupant being secured and it was concluded that the loss of the

vacant builder's yard would not lead to a loss of existing jobs nor would it result in the loss of small business units. The Emerging Policy is consistent with this and policy CS28 of the Core Strategy. Under the emerging policies, the site would be regarded as a Category 3 employment site under draft policy E1 of the Oxford Local Plan 2016-2036. Policy E1 states that planning permission will only be granted for the loss of any employment floorspace on Category 3 sites to residential development subject to the site or building no longer being suitable for its existing business use owing to its changing operational needs; and no other future occupiers can be found through the production of evidence to show the premises or site has been marketed unsuccessfully both for its present use and for potential modernisation or regeneration for other employment generating uses. The previous evidence submitted would also satisfy the emerging policy which as stated only has limited weight at the present time in any event.

8.4. In terms of affordable housing, as set out in the previous report the site area is below the 0.25 hectare threshold and is not required to make any on-site affordable housing provision under Policies CS24 of the Core Strategy or HP3 of the Sites and Housing Plan. Policy HP4 of the Sites and Housing Plan however, requires smaller sites of less than 0.25 hectares to provide a financial contribution towards off-site affordable housing.

8.5. Notwithstanding the original committee resolution, the applicant's newly appointed agent has recently sought to argue that a contribution towards off site affordable housing is no longer required for a number of reasons. In summary, firstly the agent relies on the revised NPPF published in July 2018 and in particular paragraph 63 which states that the provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer). Selected appeal decisions are also relied on. Secondly, the agent argues that there is strong evidence to suggest that the continued application of Policy HP4 is having a deleterious effect upon the supply of housing coming forward on sites of 4-9 units in Oxford, and does not actually deliver any meaningful contributions. Thirdly that policy HP4 of the Sites and Housing Plan is not NPPF compliant so should have reduced weight with greater weight being given to the NPPF. The agents conclude that a planning obligation should not be sought because it is unnecessary to make the development acceptable in planning terms with the issue of affordability being one which afflicts the City as a whole, rather than being directly resultant from one development i.e. this proposal.

8.6. In response to this, Officers maintain their position that it remains appropriate to continue applying policy HP4 of the Sites and Housing Plan and seeking affordable housing contributions because of the exceptional affordability issues in Oxford, taking into account the local evidence of affordable housing need supporting the LPA's application of the policy. The decision maker has discretion in applying his or her judgment as to where the balance should lie, drawing on the evidence presented.

8.7. In this instance the evidence taken into account is contained within the City Council's Position Statement on Exceptional affordable housing need in Oxford dated March 2017. This statement is a material consideration as to why the Council regard policy HP4 as being applicable. Crucially, the statement brings together the various evidence documents and data which explains the scale of the affordable housing crisis in Oxford; why the need for affordable housing is so great in Oxford and the significance of small sites in the supply of affordable housing which together explains why an exception to the NPPF is justified when considering affordable housing contributions from small sites (less than 10 units) in Oxford. In summary:

- a) The level of need for affordable housing (as identified in the Strategic Housing Market Assessment (SHMA)) is extremely high, both as a proportion of the Objectively Assessed Housing Need (OAN) for Oxford, and also in comparison with the affordable housing needs of the rest of Oxfordshire or the wider region. The very high need for affordable housing implies a pressure to continue to apply the Council's existing policy in full;
- b) Oxford suffers from extortionate house prices, the highest house price to earnings ratio in the country for the last few years, and very high private rent levels. These factors mean many households cannot and will not be able to afford market housing to buy or privately rent in Oxford. Many traditional 'affordable' housing tenures or government-backed initiatives such as starter homes are also out of reach for many Oxford residents, and social rent plays a key role in meeting housing needs. This means that around 40,000 people have to commute into work in Oxford every day, because they are forced to live further distances away in order to be able to afford a home to rent or buy;
- c) Similar but less extreme conditions existing in several other authorities in the south-east region, however Oxford additionally faces huge challenges in providing any supply of affordable housing: Its urban nature, its very tight administrative boundaries, and the almost complete absence of greenfield sites and heavy reliance on small sites for supply means that there are no 'easy' sites where policy-compliant provision of affordable housing can be achieved. In recent years small sites have provided up to 100% of completions;
- d) Financial contributions from development towards affordable housing are essential in tackling the affordability crisis in Oxford, and there is no evidence that local policies for small sites adopted in 2013 have negatively affected the rate of housing delivery (as shown in the housing land supply and housing trajectory) or on the engagement of small and medium sized developers in the local housing market. The policies are robustly evidenced and have been tested through examination (Sites & Housing Plan 2013), confirming they are compliant with the NPPF and the flexibility in the policies ensures they do not place disproportionate burden on developers. The peaks and troughs in delivery during this period are within normal parameters of variation for an urban authority and Oxford's past delivery rates; and
- e) Changes in government policy in recent years, which has had particular implications for urban areas such as Oxford, has also severely reduced the ability

of the City Council to deliver affordable housing from either developer contributions or directly from City Council programmes. Initiatives including Right to Buy, Welfare reform, and permitted development changes, have all negatively impacted on the supply of affordable homes in Oxford. It is clear that the Council will have to consider all means of achieving affordable housing provision in Oxford if it is to tackle the need for affordable housing. The provision of contributions towards affordable housing on small sites will be an essential part of this delivery alongside other programmes.

8.14 The culmination of these factors in the context of Oxford is that the financial contributions from small sites is making an essential contribution to the provision of affordable housing in the face of exceptional need and supply issues. As such, the City Council consider that local circumstances exist to justify its continued operation of local policies seeking the provision of affordable housing on sites of 10 or less dwellings, as an exception to the 2018 revised version of National Planning Policy Framework. Local circumstances are a material planning consideration and the issue of off-site affordable housing provision from small sites under policy HP4 for all of the above reasons is an issue that should be attributed significant weight. While the revised NPPF is also a material planning consideration which weighs in the balance, Officers believe the significant weight that should be given to affordable housing provision and policy HP4 outweighs the revised NPPF and the conflict with it.

8.15 It is also highly relevant that previous Planning Inspectors have had regard to this issue in Oxford. An appeal at 8 Hollybush Row Oxford 16/01541/FUL, APP/G3110/W/16/3165091, had regard to this issue and on presentation of evidence of Oxford's acute housing problems, the Inspector in dismissing the appeal for 7 dwellings stated in para 14

“For all the above reasons, the exceptional level of need for affordable housing in Oxford warrants full weight being applied to DPD Policy HP4. Therefore, a financial contribution towards the provision of affordable housing elsewhere in Oxford would satisfy the tests in Section 122(2) of the Community Infrastructure Regulations 2010 and paragraph 204 of the Framework. As a result, in the absence of a completed Planning Obligation the proposed development would not accord with DPD Policy HP4 and it would not contribute to creating sustainable, inclusive and mixed communities as required by paragraph 50 of the Framework.”

The date of this appeal decision was 12th July 2017.

8.16 In terms of the passage of time since the application was previously considered at Committee in excess of a year ago, it is important to note the actions of the applicant throughout this period. Initially following Committee, discussions took place with the applicant's agent at that time and solicitor in terms of the drafting and wording of the S106 Agreement. The applicant themselves made contact in July last year and negotiations continued until the end of the October. These negotiations with the applicant centred around the interpretation of the Council's Affordable Housing SPD and how the affordable

housing contribution would be calculated. At no time did the applicant advise that they did not want to enter into a S106 Agreement and instead appeared willing subject to the detailed matters which Officers were doing their best to assist with. Officers then became aware that the applicant was trying to sell the land towards the end of 2018 and communications with the applicant stalled. Officers were surprised therefore to receive the latest communication from the applicant's new agent setting out their new position and unwillingness to secure a contribution via a S106 Agreement, asking for the application to be reconsidered and that they would appeal against a refusal if Officers were not in agreement or against non-determination if progress was not made.

8.17 Policy HP4 of the Sites and Housing Plan states that if it can be demonstrated that a full contribution would make the development unviable, the Council will accept a lower contribution in accordance with Appendix 2 of the Sites and Housing Plan. No such argument is being advocated in this case. Accordingly and in light of all of the above, the proposals are now considered to be contrary to policy HP4 of the Sites and Housing Plan.

8.18 In terms of the emerging policy position with regards to affordable housing this is set out in policy H2 of the draft Oxford Local Plan 2016-2036. This is consistent with policy H4 of the Sites and Housing Plan. The emerging policy continues to seek a financial contribution from sites of 4-9 units equivalent to 15% of the gross development value unless an applicant can demonstrate particular circumstances that justify the need for a viability assessment, and through an open book exercise demonstrate the affordable housing requirement to be unviable, a cascade approach should be worked through with the City Council until development is viable. While limited weight can be given to this policy, it is important to note that the emerging policy maintains the Council's position with respect to affordable housing contributions on sites of 4-9 units.

9. CONCLUSION

9.1. As a starting point the correct approach for the determination of the application is in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004 which requires proposals to be assessed in accordance with the development plan unless material considerations indicate otherwise.

9.2. The National Planning Policy Framework recognises the need to take decisions in accordance with Section 38(6) but also makes clear that it is a material consideration in the determination of any planning application. The main aim of the NPPF is to deliver Sustainable Development, with Paragraph 14 the key principle for achieving this aim. The NPPF also goes on to state that development plan policies should be given due weight depending on their consistency with the aims and objectives of the Framework. That is to say that development plan policies should not necessarily be considered out of date merely because they have been adopted prior to the publication of the framework. There is a judgement that needs to be made with respect to their degree of consistency with the Framework when determining what weight should be attributed to them in the decision making process, or whether they should be

deemed out-of-date

9.3. The relevant development plan policies listed in this report and suggested reason for refusal and their consistency with the aims of the framework are set out in detail above. The policies are considered to be consistent with the general aims of the Framework in terms of seeking affordable housing generally and where there are inconsistencies in terms of the off site provision from smaller sites, for the reasons detailed and the particular circumstances of Oxford which has been heavily evidenced, it is considered that this justifies an exception from the NPPF and still delivers on the overall aim of the NPPF to deliver affordable housing. Therefore the inconsistency with the NPPF due to the particular circumstances does not reduce the weight or make them out-of-date with the resultant effect being to engage the second bullet point in the second “decision taking” part of Paragraph 14 of the NPPF. This is because such a balancing exercise could still be carried out as an assessment of the impact of any material considerations relating to a development proposal under Section 38(6) of the Planning and Compulsory Purchase Act 2004.

9.4. Therefore while being acceptable in all other respects, when balancing the material considerations the proposals are considered contrary to policy HP4 of the Oxford Local Plan by failing to secure a contribution towards off site affordable housing provision. Officers consider that the very valid material consideration of the acute affordable housing need in Oxford coupled with the contribution off site affordable housing provision from smaller sites makes to this, is a matter to which significant weight can be attached. In balancing this with the provisions of the revised NPPF to which weight must also be attached, Officers consider that the affordable housing need in Oxford outweighs any conflict with the NPPF for the reasons given.

9.5. It is recommended that the Committee resolve to refuse planning permission for the development proposed for the following reason:

The proposal fails to make provision for financial contributions towards the delivery of off-site affordable housing in Oxford or to robustly justify on viability grounds why a lesser financial contribution towards off-site affordable housing provision would be appropriate. Consequently the proposal fails to meet the requirements of Policy HP4 of the Sites and Housing Plan 2011-2026, Policy CS24 of the Oxford Core Strategy 2026 and the principles set out in the Affordable Housing and Balance of Dwellings SPD.

10. APPENDICES

Appendix 1 – Block Plan

Appendix 2 - Previous report to EAPC on 7th March 2018

11. HUMAN RIGHTS ACT 1998

11.1. 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.

12. SECTION 17 OF THE CRIME AND DISORDER ACT 1998

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

APPENDIX 1 – Block Plan for 17/03101/FUL



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EAST AREA PLANNING COMMITTEE

7th March 2018

Application Number: 17/03101/FUL

Decision Due by: 23rd January 2018

Extension of Time: 14th March 2018

Proposal: Erection of 4 x 2 bed flats, 2 x 1 bed flats, 2 x 4 bed dwellinghouse, 1 x 3 bed dwellinghouse (Use Class C3) and associated external works. Provision of amenity space, car parking and bin/cycle stores.

Site Address: Ashlar House Adjacent 2 , Glanville Road, Oxford, OX4 2DD

Ward: Cowley Marsh Ward

Case Officer Tim Hunter

Agent: Mrs Dawn Brodie **Applicant:** Cantay Estates Ltd

Reason at Committee: The proposal is for nine residential units and determination at committee is therefore required in accordance with the City Council's Constitution.

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 subject to:

1. The satisfactory completion of a legal agreement under s.106 of the Town and Country Planning Act 1990.

(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.

2. EXECUTIVE SUMMARY

2.1. This report considers the demolition of the existing building and replacement with nine new dwellings in two blocks with a total of 14 car parking spaces provided to the frontage and between the blocks. The front block will provide four two bed flats and two one bed flats, with the rear block providing two 3 bed houses and one 4 bed house, all with small gardens behind.

2.2. The proposed redevelopment is considered to secure an efficient use of previously developed land within a predominantly residential area and would facilitate the removal of a vacant, disused and semi-derelict former builder's yard which is no longer fit for purpose and detracts significantly from the appearance of the locality and street-scene. The overall layout, scale and design of the proposed buildings are sympathetic to the site and its surroundings whilst safeguarding the residential amenities of neighbouring properties. The proposed dwellings would provide good quality housing for future occupants and deliver contributions towards new affordable housing in accordance with policy. The proposal is acceptable in highways terms, will be energy efficient and does not create any biodiversity, environmental or flooding impacts. The development therefore accords with the National Planning Policy Framework and policies of the Oxford Core Strategy 2026, Oxford Local Plan 2001-2016 and the Sites and Housing Plan 2011-2026.

3. LEGAL AGREEMENT

3.1. To secure financial contributions towards the delivery of affordable housing off-site, the applicant will need to provide an undertaking under the terms of Section 106 of the Town & Country Planning Act 1990.

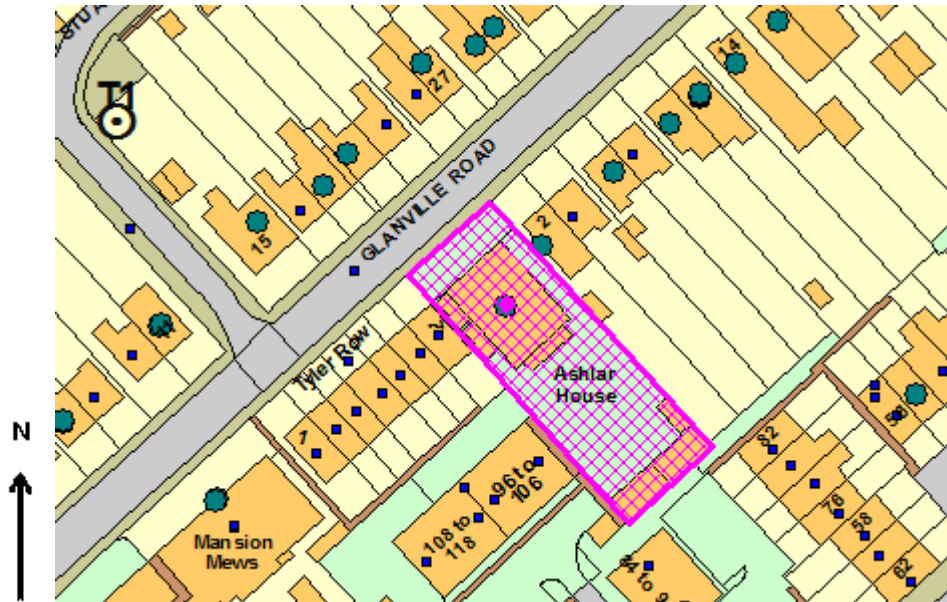
4. COMMUNITY INFRASTRUCTURE LEVY (CIL)

4.1. The proposal will be liable for a CIL payment.

5. SITE AND SURROUNDINGS

5.1. The site is located within a residential area just off the Cowley Road. Whilst there were formerly a variety of commercial uses in the area, most of these have now been replaced by housing and student accommodation.

- 5.2. One of the last is the current application site, which was last in use as a builders yard with a single storey, somewhat utilitarian building towards the front of the site, the rest of which is mainly open.
- 5.3. Ashlar House, Glanville Road:



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6. PROPOSAL

- 6.1. The application proposes the erection of nine new dwellings following the demolition of the builder's yard and associated building. The dwellings would be created as; a block of six flats with a frontage onto Glanville Road and one terrace of three dwellings to the rear, served off a new access, adjacent no.2 Glanville Road, along the line of the entrance used previously to access the storage area for the builder's yard.
- 6.2. The new dwellings proposed are all 2.5 storey in height, (11m to the ridge of the flats and 10m to the ridge of the proposed dwellings). All of the dwellings are designed to have their own garden space, with the flats provided with balconies or terraces to the rear. Parking is provided to the frontage and within a courtyard between the flats and the houses.
- 6.3. The current scheme is an amended version of that originally submitted and provides an additional parking space along with some changes to the frontage to accommodate a temporary bin store.
- 6.4. Permission was granted for a somewhat similar scheme in 2016 that would have provided 6 terraced houses in two blocks.

7. RELEVANT PLANNING HISTORY

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

75/00718/A_H - Advance Towelmaster Glanville Road - Formation of 2 office toilets and loading bay and demolition of old garages. PER 29th August 1975.

08/02529/FUL - Change of use from Business use (class B1) to Education and Training (class D1).. PER 26th January 2009.

09/01766/CND - Details of car and cycle parking submitted in compliance with conditions 2 and 3 of planning permission 08/02529/FUL.. PER 8th September 2009.

14/02103/FUL - Demolition of existing builder's yard. Erection of 1 x 2 bed flat (use class C3), 2 x 3 bed flat (use class C3), 3 x 3 bed flat (use class C3), 3 x 3 bed house (use class C3). Provision of private amenity space, carparking, cycling and bins storage.. WDN 19th March 2015.

15/00955/FUL - Demolition of existing builder's yard. Erection of 3 x 3 bed dwellinghouse (Use Class C3) and 3 x4 bed dwellinghouse (Use Class C3). Provision of private amenity space, car parking, cycling and bins storage. (Amended plans 16/09/15). PER 30th September 2016.

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	CP6, CP8, CP11, HE9,	CS18_,	HP9_,	
Housing	6		CS23_,	HP2_, HP4_, HP12_, HP13_, HP14_,	Affordable Housing and Planning Obligations SPD Balance of Dwellings SPD
Commercial	1, 2		CS28_,		
Natural Environment	9, 11, 13	CP18,	CS12_,		
Social and community	8	CP13,	CS13_, CS19_,		

Transport	4	CP1, TR1, TR3, TR4,		HP15_, HP16_,	Parking Standards SPD
Environmental	10		CS9_, CS11_,		Energy Statement TAN
Misc	5	CP.13, CP.24, CP.25		MP1	Waste Bin Storage and Access Requirements for New and Change of Use Developments Technical Advice Note

9. CONSULTATION RESPONSES

9.1. A site notice was displayed on the application site on 7th December 2017.

Statutory and Non-Statutory Consultees

Oxfordshire County Council (Highways)

9.2. The Local Highway Authority had originally raised concerns about the number of parking spaces proposed, and recommended refusal due to insufficient level of parking which could result in increased levels of on-street parking and have a detrimental impact on the local residents, but has withdrawn that objection in response to the amended proposal.

Natural England

9.3. No comments

Internal (Land Quality)

9.4. No objection subject to conditions

Public representations

9.5. Two local people commented on this application from addresses in Glanville Road.

In summary, the main points of objection were:

- Over development
- Inability of site to provide what is proposed
- Access
- Amount of development on site
- Effect on adjoining properties
- Effect on character of area

- Effect on traffic
- Height of proposal
- On-street parking
- Open space provision
- Parking provision

Officer Response

9.6. In response to the suggestion that the site is too small to contain the proposed development, the plans have been checked and no discrepancy has been found. In any event, if approved, the development would need to be carried out entirely in accordance with the approved plans.

10. PLANNING MATERIAL CONSIDERATIONS

10.1. Officers consider the determining issues to be:

- i. Principle of development;
- ii. Mix of housing
- iii. Design
- iv. Inside and outside space
- v. Neighbouring amenity
- vi. Transport
- vii. Flooding

i. Principle of Development

10.2. The National Planning Policy Framework (NPPF) and Oxford Core Strategy Policy CS2 encourages the reuse/redevelopment of previously developed land. Redevelopment of this site would provide a useful 'windfall' of new housing development and therefore make a contribution towards meeting the Council's identified housing requirement.

10.3. When considering the redevelopment of former employment sites however, Policy CS28 of the Core Strategy makes clear that the loss of employment land will only be acceptable if either:

- the current or permitted employment use is or has a history of causing significant nuisance or environmental problems or;
- no suitable commercial occupiers have been found to enable an employment-generating use to continue and;
- the loss of jobs would not reduce the diversity and availability of job opportunities or the loss of small, start-up business premises available.

10.4. There is no record of the previous employment use of the site creating a significant nuisance or environmental problems in the area although use as a builders yard is not desirable or particularly compatible with residential uses. The applicant must therefore demonstrate that no suitable alternative employment use can be found for the property and the loss of jobs or premises would not be unacceptable.

- 10.5. In this context, evidence has been submitted which shows that the vacant builder's yard has been marketed for over two years without a suitable commercial occupant being secured. Many enquiries were received showing interest in redeveloping the property to residential use (as proposed by this application), along with other enquiries for a variety of commercial uses, including car workshop/servicing, taxi depot, scaffolding yard, car tyre sales, storage, pre-school nursery, youth club, gym etc. Some of those uses would not be considered suitable in what is now a predominantly residential location, because of the noise, traffic and nuisance they would have the potential to create. However, none of the more acceptable uses enquired about led to a firm proposal or offer.
- 10.6. It is also clear that the loss of the vacant builder's yard would not lead to a loss of existing jobs nor would it result in the loss of small business units. Even as a going concern the permitted use as a builders yard would have only provided a minimal number of jobs with such uses requiring sizeable areas for storage with job numbers being low.
- 10.7. In this context, the principle of demolition and residential redevelopment of the builder's yard is considered acceptable with regard to policy CS28 of the Core Strategy.

ii. Design and Impact on Character of Surrounding Area

- 10.8. The NPPF considers that good design is a key aspect of sustainable development. This means that the level of development within any scheme should suit the site's capacity and respond appropriately and realistically to the site constraints and its surroundings. This is reflected in Oxford Local Plan Policy CP6 which requires development to make the best use of the sites capacity in a manner compatible with the site itself and the surrounding area.
- 10.9. Policy CS18 of the Oxford Core Strategy 2026 requires development to demonstrate a high-quality urban design that responds to the site and its surroundings; creates a strong sense of place; attractive public realm; and provide high quality architecture. Policy CP8 of the Oxford Local Plan 2001-2016 also states that the siting, massing, and design of development should create an appropriate visual relationship with the form, grain, scale, materials, and details of the surrounding area. This is supported by Sites and Housing Plan Policies HP9 and HP10.
- 10.10. The character and age of residential development in the area is mixed but includes some modern redevelopment.
- 10.11. The redevelopment of the former bus depot, immediately adjacent to the application site is predominantly a flatted development of three and four storeys. Part of that redevelopment includes frontage development onto Glanville Road of three storeys which at its ridge is higher than this scheme. In terms of height and scale therefore, the application would not look out of keeping with the locality or street scene. The inclusion of what would be considered as backland housing in the street is a little unusual, though the positioning of the rear block reflects the

adjacent development in Reliance Way, and due to the depth of the site is considered to sit comfortably within its surroundings. It also represents an efficient use of the site.

10.12. In terms of style, the scheme proposes a sympathetic modern design which is interesting but also complements the original character of the street and what could be regarded as the more pastiche development style of the adjacent redevelopment of the former bus garage site station. The elevation which presents itself to Glanville Road, includes gabled dormers, to echo the more traditional detailing of adjacent properties, whilst flat-roofed dormers are proposed to elevations within the courtyard created to the rear.

10.13. A mixed palette of materials has been put forward to create further interest. The rear terrace is intended to be built in a combination of buff brick, rough-cast render and grey slate, with timber detailing, and the materials have been chosen to reflect similar materials used within the adjacent flatted scheme in Reliance Way. The front terrace however, is to be built in red brick, with a red/brown tile roof, to reflect the materials of properties fronting Glanville Road. The rough-cast render and timber detailing on both terraces will provide continuity of materials across the scheme. The design and materials are considered to be acceptable, and ensure that the development sits comfortably within the site and its surroundings. Overall the proposals are considered to accord with policy CP6 of the Oxford Local Plan, CS18 of the Core Strategy, Sites and Housing Plan Policies HP9 and HP10 and the NPPF.

iii. Mix of Housing

10.14. To be acceptable, the proposal must provide a mix of housing that complies with the mix prescribed for the East Oxford Neighbourhood Area, as identified within the Balance of Dwellings Supplementary Planning Document (BoDSPD).

10.15. The BoDSPD states that residential development of 4-9 units should seek to provide a significant proportion of any new homes proposed as 'family homes'. Although the proportion of one beds, two beds and four beds proposed are all acceptable, the new homes proposed in this case are family-sized 3 & 4-bed homes and in this context, the application only proposes two three bedroom homes, below the 45% minimum suggested by the BoDSPD. However this alone is not considered to be of sufficient concern to warrant refusal as the scheme as a whole is considered reflective of the mix of dwellings in the area and would provide a balanced scheme.

10.16. Furthermore Officers note that there is no loss of family dwellings proposed and that most of the current pressure on such properties is from their loss to become HMOs, a situation that is not controlled by the SPD. Indeed, comments have been received suggesting that the family homes currently proposed may be at risk of becoming HMO themselves. It is though noted that the provision a larger number of more modest homes may reduce the pressure for HMOs in the area and as such the provision should be supported.

10.17. In terms of affordable housing, the site area is below the 0.25 hectare

threshold and is not required to make any on-site affordable housing provision under Policies CS24 of the Core Strategy or HP3 of the Sites and Housing Plan.

10.18. Policy HP4 of the Sites and Housing Plan however, requires smaller sites of less than 0.25 hectares to provide a financial contribution towards off-site affordable housing. A Government announcement in November 2014, sought to exempt small housing sites of less than 10 dwellings from contributing towards new affordable housing however, this has now been overturned in the High Court. Hence, Policy HP4 remains applicable and an affordable housing contribution is required. The applicant has indicated that they are content to enter into a S106 Agreement to provide financial contribution towards off-site affordable housing provision, in full compliance with the Council's policy.

10.19. Policy HP2 of the Sites and Housing Plan also indicates that on sites of 4 or more dwellings, at least one dwelling should be either fully accessible or easily adapted to full wheelchair use. The plans confirm that half the units are designed to be easily accessible and therefore Policy HP2 is met.

iv. i. Impact on Neighbouring Amenity

10.20. To be acceptable, new development must demonstrate that it can be developed in a manner that will safeguard the residential amenities of the adjoining properties in terms of loss of amenity, light, outlook, sense of enclosure, and loss of privacy in accordance with Policy CP10 of the Oxford Local Plan 2001-2016 and Policy HP14 of the Sites and Housing Plan.

10.21. In terms of noise and disturbance, officers' judge that reuse of the premises as a builder's yard would have the potential to create a greater level of noise and activity than that from residential use, particularly when taking account of the potential for vans and trucks to be loaded with materials from the rear of the yard. The current scheme does provide parking for 10 parking spaces within the site and the resultant vehicle movements will have some impact on adjacent occupiers, but given the current legal use of the site, this is likely to be less intrusive than the potential use as a builders yard and is not considered to have an unacceptable impact on the amenity of neighbouring occupiers.

10.22. In terms of overlooking and privacy issues, the relationship between the new development and no.2 Glanville Road is considered acceptable subject to existing boundary walls being retained and appropriate tree planting/landscaping and fencing. The flats to the front are offset from the boundary by the proposed access and the dwellings to the rear are a sufficient distance so as to not cause interlocking of habitable rooms or unduly overlook the main private amenity area to the rear of no. 2.

10.23. There will be some loss of light to side facing windows at the adjoining properties, however these windows do not appear to be the primary source of light to principle habitable rooms and in any event, the effect will be similar to that of the scheme approved in 2016.

10.24. The relationship and distance between the two new buildings being created is

also considered to be sufficient to maintain privacy and avoid overlooking between them. Officers note that the proposal indicates that the distance between the main walls will be 20m, although it is noted that the bay windows to the rear building and the balcony/terraces to the flats at the front will fall within this 20m distance. Comments have been received stating that this distance will not be achievable but having checked the plans, officers consider that there is sufficient space on site to provide this 20m distance. It should also be remembered that this is a rear to front relationship as opposed to a rear to rear relationship where the 20m would be expected.

10.25. All other properties are considered a sufficient distance away so as not to be directly impacted upon. Overall the proposals are considered to accord with policies CP10 of the Oxford Local Plan and HP14 of the Sites and Housing Plan.

v. **Inside and outside space**

10.26. Policy HP12 of the Sites and Housing Plan has now been updated by the Nationally Described Space Standard, which requires minimum spaces for dwellings dependant on their number of bed spaces and characteristics. The proposed dwellings are designed to provide an appropriate level of internal space (63sqm for the 1-beds, 66sqm for the 2-beds, 119sqm for the 3-bed and 130sqm for the 4-beds) and comply with the National Space Standards.

10.27. The proposals also provide satisfactory external amenity space with gardens to the houses of a similar size to the footprint and well-proportioned balconies / terraces to the flats and comply with this aspect of Policy HP13.

10.28. Policy HP13 also states that adequate provision needs to be made for safe and accessible refuse and recycling storage. The Waste Bin Storage and Access Requirements for New and Change of Use Developments Technical Advice Note (TAN) guides that residents should not be required to carry waste more than 30m to a collection point, whilst refuse vehicles should be able to get within 25m of the storage point. It also guides that bins should not have to be moved through a dwelling and that where appropriate, appropriately sized and designed bin storage should be provided.

10.29. To ensure that the scheme complies with the TAN, the application proposes covered bin storage facilities to the front of each dwelling and a bin collection point along the new access where bins can be collected and left on collection days from the rear plots. Overall it is considered that the proposals comply with policies HP12 and HP13 of the Sites and Housing Plan.

vi. **Transport**

Transport Sustainability

10.30. There are 14 car parking spaces proposed, which equates to 2 allocated spaces for each of the houses and 1 space for each of the flats, although the intention is that the parking for the flats be unallocated, to allow for visitor parking.

10.31. Officers consider that this is an appropriate number of spaces, but that it would be more appropriate to provide one allocated space for each dwelling, allowing three unallocated spaces, to include visitor parking. This would discourage potential family occupiers from being over-reliant on use of the private car and recognises the sustainability of this location and its convenience to local facilities, the city centre and bus services and could if necessary be secured by condition.

10.32. To fully comply with Policy HP16, there is also a need to provide at least one allocated car parking space as a disabled space, with greater width of 3.3m. No compliant disabled space is proposed, however the Local Highway Authority has not objected on this basis. Officers note that if the number of spaces were to be reduced or some of the landscaping removed, a disabled space could be provided and if the proposal were to be otherwise acceptable, this could be secured as a condition of planning permission. The proposals in parking terms and subject to the necessary conditions are considered to comply with policy HP16 of the Sites and Housing Plan.

Cycle Parking

10.33. In terms of cycle parking, Policy HP15 requires that a total of 21 cycle parking spaces are provided. The application proposes a secure cycle store to the central courtyard with 24 spaces. The proposal therefore complies with Policy HP15.

Refuse, Delivery and Servicing Arrangements

10.34. The Local Highway Authority has expressed concerns of refuse vehicles needing to enter the site. However this will not be necessary, as a temporary bin store is provided to the front of the site for bins to be placed in for collection day, and then returned to a more convenient position for the occupants for the rest of the week.

vii. Landscaping

10.35. The existing site has no landscaping and redevelopment presents an opportunity to provide new landscaping both within the street scene along Glanville Road and to the rear of the site. The application proposes new hedgerow and shrub planting along the access and along the frontage of the development. There is also the opportunity to plant several new trees to the rear, strategically planted to soften the development and restrict direct views between the development and neighbouring gardens. It will be important that these trees are properly managed and retained in the long term. The precise location and species of trees and shrubs to be planted can be dealt with by condition and accord with policy CP1 and CP10 of the Oxford Local Plan.

viii. Flooding

10.36. Policy CS11 of the Core Strategy seeks to limit the effect of development on

flood risk and expects all developments to incorporate sustainable drainage systems or techniques to limit or reduce surface water run-off.

10.37. The development will add to the level of non-porous surfaces on the site, resulting in an increased level of rain water run-off. However the increase is relatively modest and subject to a condition to ensure the development is carried out in accordance with the principles of Sustainable urban Drainage Systems, the proposals will not result in an unacceptable risk of flooding and comply with Policy CS11 of the Core Strategy.

ix. Sustainability

10.38. The application makes clear that the development is designed to make best use of previously developed land. The applicant also makes clear that the development is designed to accord with the most up to date building regulations to reduce energy and water consumption (with solar panels being proposed to the flats) and where possible, will be built using materials from sustainable sources.

10.39. The levels of car parking proposed are designed to discourage potential occupiers from being over-reliant on use of the private car and recognise the convenience of this location to local facilities and bus services into the city centre etc. The proposals are therefore considered acceptable in sustainability terms and accord with the NPPF in that regard.

x. Contaminated Land

10.40. The information submitted with the application does not reveal any contamination however; the site is a former builder's yard and has been in commercial/industrial use since the 1930s. It is also immediately adjacent the former bus depot that was found to be contaminated during redevelopment and remediation was required. In this context and given that the development involves the creation of new residential dwellings, a sensitive use, it is considered prudent that any permission is conditioned to require site investigations and agreement to appropriate remediation, should any contamination be found during the course of development in accordance with policy CP22 of the Oxford Local Plan and the NPPF.

xi. Biodiversity

10.41. There are no protected species impacted by this proposal. However, in line with recognised good practice and governmental policy on biodiversity and sustainability (NPPF & NERC 2006), all practical opportunities should be taken to harmonise built development with the needs of wildlife. The NPPF seeks to provide a net enhancement to biodiversity through sustainable development and Policy CS12 of the Oxford Core Strategy 2026 states: Opportunities will be taken (including through planning conditions or obligations to): ensure the inclusion of features beneficial to biodiversity within new developments throughout Oxford.

10.42. Certain bat and bird species are urban biodiversity priority species almost

entirely dependent on exploiting human habitation for roosting. In this context, an appropriate provision for this development might include; bat roosting tubes and bird boxes should reasonably be provided as part of the completed development. This can be dealt with by condition in accordance with policy CS12 of the Core Strategy and the NPPF.

xii. Planning Obligations

10.43. It is considered that the following matters should be secured through a s106 legal agreement:

- Financial contribution to off site affordable housing

11. CONCLUSION

11.1. The proposed redevelopment is considered to secure an efficient use of previous developed land within a predominantly residential area and would facilitate the removal of a vacant, disused and semi-derelict former builder's yard which is no longer fit for purpose and detracts significantly from the appearance of the locality and street-scene. The overall layout, scale and design of the proposed buildings are sympathetic to the site and its surroundings whilst safeguarding the residential amenities of neighbouring properties. The proposed dwellings would provide good quality housing for future occupants and delivers contributions towards new affordable housing in accordance with policy. The proposal is acceptable in highways terms, will be energy efficient and does not create any biodiversity, environmental or flooding impacts. The development therefore accords with the National Planning Policy Framework and policies of the Oxford Core Strategy 2026, Oxford Local Plan 2001-2016 and the Sites and Housing Plan 2011-2026.

11.2. It is recommended that the Committee resolve to grant planning permission for the development proposed subject to the satisfactory completion (under authority delegated to the Head of Development Management) of a legal agreement under section 106 of the Town and Country Planning Act 1990.

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 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 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 work on the site 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.

- 4 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.

- 5 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 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.

- 7 The sight lines shown on the approved plans shall be provided free of all obstructions which exceed the height of the adjacent carriageway by more than 1.0 metre before the approved development comes into use and shall be maintained to the satisfaction of the Local Planning Authority thereafter.

Reason: To provide and maintain adequate visibility in the interests of highway safety in accordance with policies CP1, CP9 and CP10 of the Adopted Oxford Local Plan 2001-2016.

- 8 Before the development permitted is commenced details of the cycle parking and bin storage areas, including 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 and bin storage 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 and storage of bins.

Reason: To promote the use of cycles thereby reducing congestion on adjacent roads in accordance with policies CP1 and CP1 of the Adopted Oxford Local Plan 2001-2016, HP13 and HP15 of the Sites and Housing Plan 2011-2026.

- 9 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 LPA.

A Phase 1 has already been undertaken and has identified the potential for contamination to exist on the site. A phase 2 shall be undertaken and 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 LPA. 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 LPA.

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 in accordance with Policy CP22 of the Oxford Local Plan 2001-2016.

- 10 Prior to the commencement of any development details of biodiversity enhancement of 1 integrated bat tube and 1 bird box to be incorporated into each 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 enhancement 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

- 11 All extensions / developments which increase the size of the hard areas must be drained using Sustainable Urban Drainage measures (SuDS), including porous pavements to decrease the run off and volumes to public surface water sewers and thus reduce flooding. The applicant should carry out soakage tests to prove the effectiveness of soakaways or filter trenches. Where this is not feasible surface water should be attenuated on site and discharged at a controlled discharge rate no greater than prior to development using appropriate SuDS Techniques.

Reason: To avoid increasing surface water run-off and volumes to prevent an increase in flood risk in accordance with policy CS11 of the Oxford Core Strategy 2011-2026

12 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or enacting that Order) no structure including additions to the existing dwelling house at 2A Ramsay Road, 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 in accordance with policies CP1 and CP8 of the Adopted Oxford Local Plan 2001-2016.

13. APPENDICES

Appendix 1 – Site Location Plan

Appendix 2 - etc.

14. HUMAN RIGHTS ACT 1998

14.1. 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.

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

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

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Committee members:

Councillor Taylor (Chair)	Councillor Lygo (Vice-Chair)
Councillor Aziz	Councillor Cook (for Councillor Clarkson)
Councillor Garden	Councillor Tarver (for Councillor Chapman)
Councillor Simm	Councillor Tanner
Councillor Wade (for Councillor Roz Smith)	

Officers:

Adrian Arnold, Acting Head of Planning Services
Sally Fleming, Lawyer
Jennifer Thompson, Committee and Members Services Officer
Andrew Murdoch, Development Management Service Manager
Mike Kemp, Senior Planning Officer

Apologies:

Councillors Chapman, Clarkson and Roz Smith sent apologies. Their substitutes are shown above.

95. Declarations of interest

Application 18/03385/FUL

Councillor Cook - as a Council appointed trustee for Oxford Preservation Trust and a member of the Oxford Civic Society stated that he had taken no part in any discussions or decision making by those organisations that may have taken place regarding these applications.

Councillor Lygo stated that in his capacity as County Councillor he attended Old Marston Parish Council and was aware that they had discussed the application, but he had had no involvement.

Councillors Chapman and Clarkson had given apologies for this meeting as they were precluded from taking part in the only application on the agenda because of their role as part of the shareholder group of the Oxford City Housing Limited company which could give rise to a public perception of bias should they take part in the decision.

Councillor Simm took part in the decision as she had stepped down from her temporary role as part of the shareholder group and had taken no part in the shareholders' decisions.

96. 18/03385/FUL - Cumberlege House Cumberlege Close Oxford Oxfordshire OX3 0QW

The Committee considered an application for planning permission for the erection of 9 residential dwellings (C3 Use Class) comprising 2x 2-bed, 4x 3-bed and 3x 4-bed dwellings with associated access, parking and landscape arrangements at Cumberlege Close, Marston, Oxford, OX3 0QW.

The Planning Officer proposed a change to the wording of the recommendation in the report to allow officers flexibility over the means of ensuring the delivery of the whole affordable housing allocation spread between this application (for 9 affordable units) and application 18/03384/FUL at Elsfield Hall providing 26 flats (9 of which would be affordable) to provide an overall allocation of 18 affordable units out of a total of 35 units. As Oxford City Council owns the land where the development would be sited, further consideration was required as to the best means of securing affordable housing across both sites; by way of conditions and/or a legal agreement.

The Committee agreed to change the resolution to that set out in the decision below. They agreed that the planning officer should amend conditions (condition 2) to secure the electric charging points (shown on section 8.0 of the submitted 20/02/19 Design and Access Statement 8.0), and to secure inclusion of swift nesting bricks in the design.

Lila Harcaz (representing the applicant) spoke in support of the application and she and Victoria Harrison (architect) and James Cogan (planning consultant) answered questions from the committee.

After debate and on being proposed, seconded and put to the vote the Committee agreed to approve the application and the officer's revised recommendation, and including in condition 2 specific provision electric car charging points (as shown in the design and access statement plans) and of swift nesting bricks.

The East Area Planning Committee resolved to:

1. **approve application 18/03385/FUL** for the reasons given in the report and subject to the 17 required planning conditions set out in section 12 of this report (*amending Condition 2 to specify provision of swift nesting bricks and electric car charging points*) and grant planning permission; and
2. **delegate authority to** the Acting Head of Planning Services:
 - a) if required, to decide the best means of controlling the provision of affordable housing across both this site and the site at Elsfield Hall (18/03384/FUL) whether through a planning condition and/or a legal agreement made pursuant to section 106 of the Town and Country Planning Act 1990 and other enabling powers; and
 - b) 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 if necessary, the terms of any legal agreement referred to above.

97. Minutes

The Committee resolved to approve the minutes of the meeting held on 6 February 2019 as a true and accurate record.

98. Forthcoming applications

The Committee noted the list of applications.

99. Dates of future meetings

The Committee noted the meeting dates.

The meeting started at 6.00 pm and ended at 6.30 pm

Chair

Date: Wednesday 3 April 2019

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