

# Agenda

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## East Area Planning Committee

Date: **Wednesday 31 July 2019**

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Time: **6.00 pm**

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

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For any further information please contact the Committee Services Officer:

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

Telephone: 01865 252275

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

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

# East Area Planning Committee

## Membership

<b>Chair</b>	Councillor Sian Taylor	Northfield Brook;
<b>Vice-Chair</b>	Councillor John Tanner	Littlemore;
	Councillor Shaista Aziz	Rose Hill and Iffley;
	Councillor Nigel Chapman	Headington Hill and Northway;
	Councillor Mary Clarkson	Marston;
	Councillor Ben Lloyd-Shogbesan	Lye Valley;
	Councillor Christine Simm	Cowley;
	Councillor Roz Smith	Quarry and Risinghurst;
	Councillor Elizabeth Wade	Wolvercote;

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  search 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 18/03330/OUT: Sports Field William Morris Close Oxford OX4 2SF

11 - 80

**Site address:** Former Sportsground, William Morris Close, Oxford, OX4 2JX

**Proposal:** Outline Planning Application (landscaping subject to reserved matters submission) for development comprising 102 residential units (a mixture of private, socially rented and intermediate units) together with public and private amenity space, access, bin and cycle storage and car parking.

**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 outline planning permission subject to the satisfactory completion of a legal agreement under section.106 of the Town and Country Planning Act 1990 and other enabling powers to secure the planning obligations; and
2. **agree to delegate authority** to the Acting Head of Planning Services to:
  - (a) 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; and
  - (b) finalise the recommended legal agreement under section 106 of the Town and Country Planning Act 1990 and other enabling

powers as set out in the report, including refining, adding to, amending and/or deleting the obligations detailed in the heads of terms set out in this report (including to dovetail with and where appropriate, reinforce the final conditions and informatives to be attached to the planning permission) as the Acting Head of Planning Services considers reasonably necessary; and

- (c) Complete the section 106 legal agreement referred to above and issue the planning permission.

**4 19/01271/CT3: 66 Sandy Lane, Oxford, OX4 6AP**

81 - 96

**Site address:** 66 Sandy Lane, Oxford, OX4 6AP

**Proposal:** Erection of a 1 x 3-bed and 1 x 5-bed dwelling (Use Class C3), provision of private amenity space and car parking.

**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 and informatives set out in section 12 of the report and grant planning permission.
2. **agree to delegate authority** to the Acting Head of Planning Services to finalise the recommended conditions and informatives as set out in the report including such refinements, amendments, additions and/or deletions as the Acting Head of Planning Services considers reasonably necessary.

**5 19/01272/CT3: 9 Pauling Road, Oxford, OX3 8PU**

97 - 112

**Site address:** 9 Pauling Road, Oxford, OX3 8PU

**Proposal:** Demolition of existing single storey side extension and erection of a single storey rear extension to existing house; erection of a two storey building to create a 1 x 3-bed dwelling (Use Class C3); provision of private amenity space, car parking and bin and cycle storage.

**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 and informatives set out in section 12 of the report and grant planning permission; and
2. **agree to delegate authority** to the Acting Head of Planning Services to finalise the recommended conditions and informatives as set out in the report including such refinements, amendments, additions and/or deletions as the Acting Head of Planning Services considers reasonably necessary.

## 6 19/01142/CT3: Windrush Tower, Knights Road, Oxford, OX4 6HR

113 -  
120

**Site address:** Windrush Tower, Knights Road, Oxford

**Proposal:** Replacement of main front and side access doors to Windrush Tower.

**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. **agree to 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.

## 7 Minutes

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**Recommendation:** to approve the minutes of the meeting held on 3 July 2019 as a true and accurate record.

## 8 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 application
17/01519/FUL: 55 Collinwood Road Oxford OX3 8HN	Call in
18/03180/FUL: 108 Temple Road, Oxford, OX4 2HA	Called in
18/03405/FUL: Holy Family Church , 1 Cuddesdon Way, Oxford, OX4 6JH	Committee level application
19/00305/OUT: 295-301 London Road, Headington, Oxford, OX3 9HL	Committee level application
19/00779/FUL: Land at 1-7 Jack Straw's Lane/ 302-304 and 312 Marston Road, Oxford, OX3 0DL	Committee level application
19/01027/FUL and 19/01028/LBC: The White Hart, 12 St Andrew's Road, Oxford OX3 9DL	Called in
19/01038/FUL: Ivy Lane, Osler Road, Oxford, OX3 9DT	Committee level decision

19/01039/FUL: Site Adjacent Randolph Court, Churchill Drive, Oxford	Committee level decision
19/01058/CT3: 15 Devereux Place, Oxford, OX4 4RP	Council application
19/01059/CT3: 56 Dashwood Road, Oxford, OX4 4SH	Council application
19/01225/RES: University Of Oxford Old Road Campus, Roosevelt Drive, Oxford, OX3 7DQ	
19/01321/CT3: Even 54 To 60 , The Grates, Oxford, OX4 3YJ	Council application
19/01373/FUL: Former Royal Mail Sorting Office ,7000 Alec Issigonis Way, Oxford, OX4 2ZY	Committee level decision
19/01444/VAR: The Peeple Centre, The Oxford Academy Campus, Sandy Lane West, Oxford, OX4 5JY	Called in
19/01490/CT3: Site Of 1 To 7 Birchfield Close, Oxford	Council application
19/01842/FUL: 3 Lakefield Road	Called in

## 9 Dates of future meetings

Future meetings of the Committee are scheduled at 6.00pm on

<b>2019</b>	<b>2020</b>
4 September	15 January
2 October	5 February
6 November	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.**

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**East Area Planning Committee**

31<sup>st</sup> July 2019

<b>Application number:</b>	18/03330/OUT		
<b>Decision due by</b>	21 <sup>st</sup> March 2019		
<b>Extension of time</b>	TBA		
<b>Proposal</b>	Outline Planning Application (landscaping subject to reserved matters submission) for development comprising 102 residential units (a mixture of private, socially rented and intermediate units) together with public and private amenity space, access, bin and cycle storage and car parking		
<b>Site address</b>	Former Sportsground , William Morris Close, Oxford, OX4 2JX – see <b>Appendix 1</b> for site plan		
<b>Ward</b>	Cowley Marsh		
<b>Case officer</b>	Michael Kemp		
<b>Agent:</b>	Mr Simon Sharp	<b>Applicant:</b>	Cantay Estates Ltd
<b>Reason at Committee</b>	The is a major application		

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## 1. RECOMMENDATION

1.1. The East Area Planning Committee is recommended to:

1.1.1. **approve the application** for the reasons given in the report and subject to the required planning conditions set out in section 12 of this report and grant outline planning permission subject to:

- the satisfactory completion of a legal agreement under section.106 of the Town and Country Planning Act 1990 and other enabling powers to secure the planning obligations.

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; and
- 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 Acting Head of Planning Services considers reasonably necessary; and

- Complete the section 106 legal agreement referred to above and issue the planning permission.

## **2. EXECUTIVE SUMMARY**

- 2.1. This report considers the redevelopment of a 1.24 hectare site located within Temple Cowley, the site comprises of a former sports ground and surface level car park at William Morris Close. The application is in outline form seeking approval all matters relating to layout, scale, appearance, and means of access, and the only matter reserved for a later date is landscaping. The proposed development would comprise 102 dwellings, associated parking, access and areas of landscaped public and private amenity space. The site is predominantly greenfield land but also has areas of previously developed land and is an allocated site within the Councils Emerging Local Plan.
- 2.2. The application has been subject to some minor amendments since submission which relate principally to alterations to the elevational treatment of the flats and roof scape of these buildings, in addition to changes to the parking arrangement layout and indicative landscaping.
- 2.3. There is a considerable planning history to the site, which includes three refused applications all of which were for residential development. The present proposals in officer's opinion address the specific reasons for refusal of planning application 13/01096/FUL which were upheld following the applicants appeal against this refusal, namely the loss of the existing sports facility and the impact of the development on the character and appearance of the area. Since the determination of the previous planning applications, the site has been allocated within the Councils Emerging Local Plan (Policy SP66). Whilst the provisions of the Emerging Local Plan can be afforded only limited weight at the current time, the allocation is indicative of the Councils view that development on the site is acceptable in some form subject to the specific policy provisions.
- 2.4. The site as an open air sports facility is afforded protection under the provisions of Policy SR2 of the Oxford Local Plan, as a requirement of this policy it is expected that suitable alternative provision is made to mitigate the loss of the sports facility. In this instance the loss would be mitigated through a financial contribution which would be used to secure the provision of a new sports facility or improve an alternative sports facility. This would be secured by legal agreement. The current proposal with this financial contribution is for it to be spent on enhancements to existing sports facilities at St Gregory the Great school in Cowley. The existing sports pitch at William Morris Close is currently unused and has been unused for an extended period of time with public access restricted. Furthermore the cumulative development of adjacent sections of the former sports ground has impacted on the size and quality of the facility, restricting its usability for a range of sports. Taking these factors into account it is considered that the proposed financial contribution would adequately offset the loss of the sports pitch.

- 2.5. The site exists as open space; though this is not designated for this purpose under Policy SR5 of the Oxford Local Plan. Notwithstanding this the site provides an open aspect within a dense residential area, consequently the site specific provisions outlined under Policy of the Emerging Local Plan requires the provision of 10% of the site as open space, the provision of 17% open space across this site exceeds this requirement and the proposed space is considered to be of a high standard and located in a publically accessible location.
- 2.6. The matter of additional traffic generation as a result of the development has been considered, officers adjudge that the cumulative impact of this traffic generation would not have a severe impact on the function of the immediate highway network. It is understood that the surrounding roads have identified issues associated with on street parking and the area is not currently within a CPZ. Taking these factors into account parking provision is required in line with Policy HP16 of the Sites and Housing Plan in order to ensure that the development would not result in an accumulation of vehicles on the surrounding roads. Officers consider that the proposed parking provision would be sufficient to limit the likelihood of overspill parking.
- 2.7. The general scale of built form, density, design and layout is considered to be commensurate with the character and appearance of the surrounding area. The scale and siting of the development accounting for the separation distance of the proposed dwellings in relation to existing properties is considered sufficient to adequately safeguard the amenities of neighbouring properties.
- 2.8. Officers consider that the principle of residential development on the site is acceptable in terms of the loss of the existing sports pitch and open space provisions, matters which are appropriately mitigated respectively through a financial contribution towards alternative sports provision and through securing 17% of the site to be made available as public open space. Officers consider that the development is acceptable in all of other aspects and recommend that the committee resolve to approve the application subject to a legal agreement which is covered in the section below.

### **3. LEGAL AGREEMENT**

3.1. This application is subject to a legal agreement to cover:

- The provision of on-site affordable housing
- Financial contribution towards sports provision in the local area
- The provision of Public Open Space.

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

4.1. The proposal would be liable for CIL.

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

5.1. The site is located in Temple Cowley and comprises the former Sports Ground, which was previously part of the Morris Motors Social Club and an area of

surface level parking associated with the sports facility. The sports ground which comprises of a grass pitch is not in active sports use and is enclosed with security fencing preventing public access.

- 5.2. The site is accessed principally from William Morris Close, which is a residential cul-de-sac that joins Barracks Lane to the north. There is a footway to the south west providing pedestrian access to Beresford Place and Crescent Road. This footway is not a public right of way but is currently open and is used as a pedestrian through route between William Morris Close and Beresford Place.
- 5.3. Tyndale Community School which is a two storey red brick building is located to the north of the site. The school was developed on part of the former Morris Motors Sports Club, reducing the size of previous sports facility. An area to the east and south east of the school building is used as outdoor play space by the school. A car park serving the school is located to the south of the main school building.
- 5.4. Another section of the sports ground to the north west of the site was redeveloped in the early 2000's for residential development of which is currently William Morris Close, this development comprises three storey blocks of apartments and terraced houses of two and two and half storeys, constructed from red brick with pitched roofs. Beresford Place to the south comprises of red brick and white rendered three storey flats of a similar appearance to the flats in William Morris Close. The shared outdoor amenity space of the flats extend up to the southern edge of the site. The rear balconies of these flats overlook the application site.
- 5.5. Crescent Close is located to the west of the site and the existing surface level car park. Development in Crescent Close comprises of two storey dark brick 1970's properties. Crescent Road further to the south consists of more traditional mainly red brick terraces, with some modern infill development in the form of terraced houses and blocks of flats constructed from a red brick palette of materials.
- 5.6. The properties to the east of the site front Hollow Way and consist mainly of a mix of traditional and late 20<sup>th</sup> century houses generally comprising of small terraces and semi-detached pairs constructed from a mix of brick and render materials. The gardens of the residential dwellings on the western side of Hollow Way extend up to the boundary of the application site. Oxford Golf Club is located to the north of Barracks Lane and forms an extended area of green space.
- 5.7. The site does not fall within a Conservation Area; however the boundary of the Temple Cowley Conservation Area extends up to the southern side of Barracks Lane, around 50 metres to the south of the application site.
- 5.8. The site is devoid of significant natural features although there trees to the south east of the site along the rear boundaries of the adjoining properties in Hollow Way.

5.9. The site block plan is shown below, indicating the proposed layout of the development.



**6. PROPOSAL**

6.1. An outline application is proposed for a residential development on the former sports pitch and associated car park to comprise of 102 residential units within 2x 3 storey blocks, 4x 4 storey blocks and two sets of two and half storey terraced houses. Landscaping is the sole matter which would be reserved for consideration at a later date. Vehicular access to the development would be via William Morris Close. The existing pedestrian access to the south of the development linking the site with Beresford Place and Crescent Road would be retained.

6.2. It is proposed that 17% of the site would be made available as public open space; this would be sited adjacent to William Morris Close to the west of the 4 storey blocks of flats. The applicant would not be providing alternative sports provision on the site, but proposes to mitigate its loss through a financial contribution of £600,000 towards off-site sports provision. The preferred option for this contribution following discussions with the Councils Leisure Services would be for the contribution to be spent on enhancements to the existing sports facilities at St Gregory the Great School in Cowley. The financial contribution would be secured through a Section 106 legal agreement.

6.3. The proposal would provide 102 dwellings, of which 51 of these 38 (51%) would be available as affordable housing, with 38 dwellings (75%) socially rented, whilst 13 dwellings (25%) would be available as shared ownership affordable housing. The provision of on-site affordable housing would be secured through a legal agreement.

6.4. Vehicular access to the site would be provided via William Morris Close. Each of the houses would be served with allocated parking, whilst the apartments would be provided with 88 unallocated spaces, 1 per dwelling. The development would also be served by 2 car club parking spaces.

**7. RELEVANT PLANNING HISTORY**

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

<p>13/01096/FUL - Construction of two all-weather pitches, plus new residential development consisting of 6 x 1 bed, 15 x 2 bed, 15 x 3 bed and 4 x 4 bed residential units, 71 car parking spaces, access road and landscaping accessed off Barracks Lane (Amended plans)(Amended Description). Refused 18th September 2013 Appeal Dismissed.</p>
<p>13/02500/OUT - Outline application (seeking access, appearance, layout and scale) for residential development consisting of 6 x 1-bed, 15 x 2-bed, 15 x 3-bed and 4 x 4-bed residential units, together with 70 car parking spaces, access road and informal recreation area. (Amended Description). Refused 11th December 2013.</p>
<p>16/02651/OUT - Outline application with all matters reserved, seeking permission for 72 new affordable key worker dwellings, retention of and extension to existing parking area, together with private amenity space, access road, landscaping and new publicly accessible recreation space.. Refused 15th February 2017.</p>
<p>17/01521/OUT - Outline application with all matters reserved for 83 affordable dwellings (1, 2 and 3 bed units) for occupation by key workers, with new access, landscaping and publicly accessible recreation space.. Withdrawn 3rd October 2017.</p>

**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 2036
Design	11, 12	CP1 CP6 CP8 CP9	CS18_		DH1 DH2 DH5



		CP10 CP11 CP13			
Conservation/ Heritage	16	HE2 HE7 HE9			
Housing	2, 5		CS22_ CS23_ CS24_	HP2_ HP3_ HP9_ HP12_ HP13_ HP14_	H1 H2 H4 H10 H14 H15 H16 SP66
Natural environment	15	CP18 NE15 NE21 NE23	CS9_ CS11_ CS12_ CS21_		RE1 RE2 RE3 RE4 RE6 RE7 G2
Social and community	8	SR2 SR5	CS17_		G5 G7
Transport	9	TR1 TR2 SR9 SR10	CS13_ CS14_	HP15_ HP16_	M1 M2 M3 M4 M5
Environmental	11, 14	CP22	CS10_ CS2_		
Miscellaneous		CP.13 CP.24 CP.25		MP1	

## 9. CONSULTATION RESPONSES

9.1. Site notices were displayed around the application site on the 11<sup>th</sup> January 2019 and an advertisement was published in the Oxford Times newspaper on 10<sup>th</sup> January 2019.

9.2. The application was re-advertised by site notice on 27<sup>th</sup> June 2019 and an advertisement was published in the Oxford Times newspaper also on 27<sup>th</sup> June 2019.

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

#### Oxfordshire County Council (Highways)

Parking/sustainability

- 9.3. The site is located to take advantage of the walking and cycling routes as well as public transport. Therefore, the county council supports residential development at this location. However, careful consideration needs to be given to the transport challenges in these areas including the existing car parking issues on Barracks Lane and the impact on the Barracks Lane / Hollow Way / Horspath Road junction.
- 9.4. It is proposed to provide a total of 102 car parking spaces on site. Fourteen spaces would be allocated at one space per house and 88 spaces would be unallocated. This level of provision is in accordance with adopted standards.
- 9.5. The County Council is concerned that the car park for the development could be misused for parking which is not related to the development. Therefore, a suitably worded condition requiring a car park management plan has been requested.
- 9.6. A Controlled Parking Zone (CPZ) is planned for this area (Temple Cowley) and is currently marked as Priority 2 in the Future Programme for CPZs. An informal consultation has recently concluded for a Temple Cowley CPZ and other priority 1/ 2 CPZ areas. Implementation of a CPZ in Temple Cowley, including decisions on its layout including whether formal marked bays would be appropriate would be subject to a review of consultation feedback and gaining subsequent relevant approvals. If it is decided to proceed to implement a CPZ this will be, at the earliest, towards the end of 2019 and early part of 2020.
- 9.7. The alignment and width of Barracks Lane mean that vehicles find it difficult to negotiate parked cars resulting in vehicles reversing to allow another to pass or having to wait for a considerable amount of time. This problem will be exacerbated by this development which is adding 102 car parking spaces resulting in more trips being generated from William Morris Close. Therefore, the county council requires the development to provide contributions to install parking controls (separate from the CPZ) to potentially prevent parking on one side of Barracks Lane, to protect the junction at William Morris Close and to create passing places. The cost of these works are estimated to be £500 as well as £3,120 for the Traffic Regulation Order consultation and advertisement which will be undertaken by the county council.

#### Cumulative Highways Impacts

- 9.8. The trip rates accepted as part of the 2016 application have been used to assess the traffic generation of the site. This estimates that the site could generate 34 two-way vehicular trips in the AM peak and 31 vehicular trips in the PM peak. This level of traffic generation is higher than that assessed previously with the various proposals, however cannot be identified to cause 'severe harm' in the context of the NPPF on the operation of Barracks Lane or the Barracks Lane / Hollow Way / Horspath Road junction.

#### Cycle Parking

9.9. Concerns were expressed regarding the proposed location of the cycle parking and the number of spaces proposed. Cycle parking would need to conform with the requirements of Policy HP15.

Oxfordshire County Council (Education and Property)

9.10. The demands that will be placed on local infrastructure and services have been assessed in accordance with the increase in population and its age profile, based upon the net number of dwellings and the notified mix. Should the application be amended or the development mix changed at a later date, the County Council reserves the right to alter the above figures according to the nature of the amendment.

9.11. There is currently expected to be sufficient capacity at mainstream schools in the Oxford City area to accommodate this development, considering the planned new schools due to open within the next two years. There is an existing shortage of special education places, and in December 2018 the county council Cabinet approved a strategy to expand special school capacity, including the rebuilding and expansion of Northfield School in Oxford. The cumulative impact of housing development within the city will increase the need for special school places, and community infrastructure levy funding would be expected to contribute to the cost of this expansion.

Thames Water Utilities Limited

9.12. Thames Water has identified an inability of the existing foul water network infrastructure to accommodate the needs of this development proposal. Thames Water have contacted the developer in an attempt to agree a position for foul water networks but have been unable to do so in the time available, request appropriate condition be attached.

9.13. Following initial investigations, Thames Water has identified an inability of the existing surface water infrastructure to accommodate the needs of this development proposal. Thames Water have contacted the developer in an attempt to agree a position for surface water networks but have been unable to do so in the time available and as such Thames Water request conditions to control this.

Natural England

9.14. We consider that without appropriate mitigation the application would: damage or destroy the interest features for which Lye Valley Site of Special Scientific Interest (SSSI) has been notified.

9.15. In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required / or the following mitigation options should be secured: The applicant should provide a SUDS maintenance plan which will detail how the proposed SUDS will be maintained in perpetuity. Existing infiltration rates need to be maintained now and in perpetuity to ensure no damage to Lye Valley SSSI.

9.16. We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.

#### Sport England

9.17. The proposal is for housing which will completely remove the playing field. There has been a previous planning application on this site where we did object due to a lack of replacement facilities/mitigation or justification for the loss in relation to our planning policies and the National Planning Policy Framework.

9.18. The applicants have offered a mitigation of £600,000 towards replacement facilities, which to my mind would meet our planning policy exception E4 and the NPPF paragraph 97. This is supported by the Football Association and the Football Foundation. Oxford City Council are currently refreshing their Playing Pitch Strategy and once it is complete, the City Council will be able identify the site(s) where the mitigation sum can be best used to provide sporting opportunities for the residents of Oxford.

9.19. Given the above assessment, Sport England does not wish to raise an objection to this application as it is considered to broadly meet exception E4 of the above policy.

#### Oxford Civic Society

9.20. Whilst providing welcome additional and much-needed housing, Oxford Civic Society consider that this application should be refused on the following grounds:

9.21. The public recreational space proposed is inadequate to make a realistic contribution to the local need, and much too great a proportion of the site is occupied by car parking and associated hard surfacing.

9.22. There is no justification for the level of provision of car parking proposed, and the Transport Assessment suggests that much lower provision, or even none (except for disabled and servicing) would be more consistent with existing and emerging policies aimed at reducing car use and encouraging active travel and use of public transport; such alternatives would necessitate implementation of a local CPZ, but would facilitate the provision of more useful and attractive recreational green space, with associated environmental benefits.

9.23. Associated with this, whilst predicted levels of traffic generation are low, any increase at all at this particular point in the road network would be detrimental to both traffic flows and the safety of staff and pupils of Tyndale Community School. The conclusions of the traffic effects are not borne out by anecdotal evidence, and the conflicts between traffic emerging from William Morris Close, visiting Tyndale Community School and using Barracks Lane are inadequately assessed.

9.24. There are aspects of the design which are not acceptable – the Oxford Design Review Panel has stated that the buildings should be of ‘high quality design and distinctive in character’, yet this proposal fails to meet these criteria, the designs being lumpen and formulaic. There is inadequate information provided on the significance of the buildings on the views of the city, but that provided suggests

that not only has the appearance of the buildings from the surroundings (remote from the site itself) been little considered, but that the effects could be significantly detrimental.

9.25. The proposals for cycle parking and bin stores are unacceptable, having the appearance of an afterthought, rather than an integral design consideration. In some cases the bike storage will thus become a significant feature of the aesthetics of the development, of which no details are provided; in other cases the positioning is inconvenient and impractical, at the back of gardens. The solutions suggested are inconsistent with policies aimed at the encouragement of active travel, and increased responsibility in waste management.

9.26. The proposed sustainability credentials are reasonable, as far as they go, but no consideration has been given to serious measures to reduce water consumption, for example by providing for rainwater harvesting or grey water recycling, to which the layouts would lend themselves. Such inclusions would contribute to the reduction of run-off and water treatment.

9.27. We would urge refusal of this application on the grounds of the deficiencies of the proposals in all these respects.

#### Thames Valley Police

9.28. Do not wish to object to the proposals. However some aspects of the design and layout are problematic in crime prevention design terms. Recommend a condition to achieve secured by design accreditation.

#### Historic England

9.29. Do not wish to comment.

#### **Public representations**

9.30. A total of 84 representations have been received in relation to this application from the following addresses Hollow Way, Anemone Close, Glebelands, White Road, Benson Road, Manor Drive, Owens Way, Fern Hill Road, Addison Road, Horspath Road, Raymund Road, Turner Drive, Yeats Close, Cranmer Road, Dene Road, Manor Drive, Townsend Square, Ridgefield Road, The Slade, Wilkins, Bulan Road, Glanville Road, Town Furze, Oliver Road, Wharton Road, The Sycamores (Cambridge), Gaisford Road, Beresford Place, Morrell Avenue, Barracks Lane, Beech Road, Cranmer Road, Crescent Road, Florence Park Road, Inott Furze, Knolles Road, Maidcroft Road, Ringwood Road, Selwyn Crescent (Abingdon), Stanway Road, Temple Road, Territorial Road, Troy Close, Don Bosco Close, Leafield Road, William Morris Close, Junction Road, Badgers Walk and Bennett Crescent.

9.31. The principle comments received are summarised below:

#### Principle of Development, Loss of Playing Fields, Open Space and Sports Facility

- The site should be retained as a playing field to serve the health and well-being of the local community.

- The site should be used as a community centre or social club.
- The site could be used as a playpark for the adjacent school.
- The sports pitch should be returned to its original use.
- The site is protected open space and should not be developed.
- The site would not be surplus to sports use. The proposed financial contribution would not compensate for this loss and may not benefit the local community.
- The site is not allocated for development in the Sites and Housing Plan.
- The site would be currently used as a sports facility if a fence had not been erected obstructing access.
- Oxford and Cowley are lacking in sports infrastructure and open space consideration is not given to the requirement for sporting facilities.
- Proposing replacement recreation facilities is inadequate and unacceptable.
- Housing need and provision should not override all other considerations. The development plan has not since the previous application on the site was refused.
- The development is contrary to Policy CS2 of the Core Strategy as the site is not allocated for development.
- The site is greenfield land and should remain undeveloped.
- Affordable housing provision would be lower than the local plan requirements.

#### Privacy, overlooking and Amenity

- Development would block light to the rear gardens in Hollow Way.
- The proposed dwellings would be too close to existing properties in the area.
- The development would overlook the flats in Beresford Place resulting in a loss of privacy for the occupiers of these properties.
- Insufficient detail is provided in respect of the overshadowing of existing properties.

#### Design Layout and Siting

- Proposals would be an overdevelopment of the site.
- There would be a lack of green open space.
- The development would be bulky, overbearing and unneighbourly.

#### Parking, Access and Highways

- The development should be car free as the site is in a sustainable location.
- The development would result in traffic congestion.
- Generation of traffic would result in safety issues for road users and pedestrians particularly given the proximity to Tyndale School.
- Additional traffic congestion would be detrimental to adjoining residents.
- The proposals would further parking problems in the surrounding roads.
- Impact on traffic congestion has been underestimated in the transport statement.
- Additional traffic generation would create pollution.
- Insufficient parking is proposed which will result in overspill parking.

- Residents are likely to be dependent on private vehicles in order to access local shops.
- The development will put pressure on road conditions in the immediate area.
- The development will result in congestion pressures in Crescent Road, Junction Road and Temple as these streets are currently used as a cut through.

#### Other Issues

- Part of the site should be used by Tyndale School.
- Development during construction would cause disruption to users of the school.
- Several respondents have raised safeguarding concerns associated with overlooking of Tyndale School.
- The surrounding area is being overdeveloped which is putting pressure on local services and facilities.
- Additional demand would be put on school places in the area.
- Insufficient detail is provided on air quality during construction phase.
- Surfacing the site would increase likelihood of surface water flooding.
- Affordable housing would be below policy compliant levels.
- The development and traffic generation would have a negative impact on air quality.

#### Comments made in support of proposals – 2 Representations

- Housing is much welcomed, Transport statement predicts low traffic generation and the sports facilities can be replaced elsewhere in the city.
- The development would provide much needed affordable and social housing.

#### County Councillor John Sanders made the following comments:

With 210 bedrooms, i.e. 210-250 new residents, in an already overcrowded area thus putting a strain on existing overstretched local amenities.

I dispute the traffic figures produced for the development. Currently it is extremely difficult for residents of Barracks Lane, William Morris Close and Turner Close to drive out of Barracks Lane between 08:00 and 09:00 due to the heavy traffic for Tyndale School. On a typical weekday morning it can take 45 minutes to leave the Lane. It is not feasible for more traffic to leave the Lane during that time. Unless the development were deemed "Car Free" new residents could presume to park outside the site (after the proposed 86 spaces were full) causing even more congestion. It would be a serious congestion problem to allow any parking on or off site.

There is no daylight and sunlight impact assessment. These relatively tall buildings will cut out light from gardens on Hollow Way and Beresford Place and the fronts of the houses on William Morris Close. No impact has been assessed how much of the day these properties will be put in shadow during the year.

I note that the developer has offered to "improve" the playing field at Oxford Spires Academy in supposed mitigation for loss of the playing field amenity on site. However, this improvement does not increase the area of playing field at the Academy and therefore there would be a net loss of recreational area as the William Morris site would be lost.

Cowley Area Transport Group submitted the following comments in objection, these comments have been summarised as follows:

Tyndale school parents have already complained to their local councillors that they have trouble exiting from Barracks Lane onto Hollow Way at school run times. We have observed the phenomenon of traffic jams in Barracks Lane at school run times.

The presence of 88 unallocated parking spaces indicates that the major problem of this development will be the movements of vehicles to and from these spaces at school run and rush hour times. In consequence, the car free housing element of these housing units should be 100% in order to restrict any vehicle movements to public utilities, taxis and deliveries, if the City Council decides to permit this application at all.

Low levels of car ownership in Oxford do not justify confidence in no traffic impacts from this development.

A Controlled Parking Zone covering this area alone would not be adequate. If the development occurred at all, it should be car free and this requires that it is ringed by Controlled Parking Zones. Since it is consistent with the Local Transport Plan that Oxford should have uniform Controlled Parking Zones, it should be possible to introduce them to protect residents from unwanted vehicle parking.

Bike storage for 2 bikes for houses in this development assumes none of these homes become HMOs in the medium term. Since this is quite possible, bike storage would need to be larger. A completely car free development allows more space for cycle storage and indeed homes, on any given site of which car parks are a neglected resource in Oxford: it is possible to build around and above the surface level of private and public car parks to create the very low cost housing that is a primary social need in the City.

The Tyndale School has not reached its full capacity yet; second, projected traffic growth overtime – particularly for Hollow Way – needed to be considered and does not seem have been, preferably for the lifetime of the homes proposed.

Site sustainability: Assessment of this would need to include the planned lifetime of these homes and projected traffic increases over time. This is not provided.

A five year observation of a travel plan takes no account of the lifetime of the homes being constructed and projected traffic increases over that far more relevant period of time. Meaningful transport impacts of development require that the long-term be incorporated into planning considerations, not least because it can mean – as in this case – a planning application should be refused on long-term traffic grounds.



Air pollution: Not only should any parking allowed in this development have electric charging points, but this adds to the case for a car free development so that air quality around the Tyndale School is in no way worsened by such a development.

High risk of the Cambridge-Oxford Expressway taking an eastern route around Oxford: It is really remarkable that the Traffic Impacts considered do not include the Cambridge-Oxford Expressway.

Risk to cyclists making use of the shared-space sections of Barracks Lane, with pedestrians.

Junction capacity at Hollow Way: This does not, curiously, seem to have been tested and the slightly staggered nature of the junction with Horspath Road and Barracks Lane should have been a major consideration in ruling out traffic generating new development at the William Morris Recreation Ground..

The Climate Emergency: All planning applications should take into account the current UK legislation and goals on Climate Change.. This planning application mentions sustainable transport modes, but this does not ensure emissions reductions which are essential..

#### Bullington Community Association

Objected to the planning application on the following grounds, the comments are summarised below:

- Traffic: Traffic from the proposed 102 new housing units will use the existing William Morris Close to access Barracks Lane and then the main road - Hollow Way. Residents use this area as cyclists and motorists and it is the site of severe traffic congestion in rush hours. We reject any suggestion that parking spaces for local businesses on Hollow Way could be taken away to accommodate additional traffic as wholly unacceptable as it would almost certainly lead to the loss of local businesses that are valued by the community. The existing proposals, if implemented, will add to seriously problematic traffic congestion around the Tyndale community school, in William Morris Close, at start-finish times. We fail to see how the City's support for an Air Pollution Charter is to be made meaningful by adding significantly to air pollution in this part of Oxford. We do not find the Traffic Impact Statement associated with this planning application to be credible.

- Loss of Green Space: Neither the locals nor ourselves will support loss of green space. A re-opened site, since it is currently barricaded, would offer public open space to residents of Hollow Way, Crescent Close, Crescent Rd, Turner Close and William Morris Close. The Tyndale School is aiming to expand its intake. If the Tyndale school did want to enlarge its area of open green space, then some form of shared space arrangement for the Recreation Ground could be considered. For example, the Rec could be closed during the school day but be left accessible at other times;

- **Price:** There is no affordable new housing for purchase in Oxford, or arguably in Oxfordshire, at current prices for homes. The primary demand for housing appears to us to be for very low cost housing since many households are unable to meet the difference between average incomes and mortgage costs at perhaps 16 times average incomes.

- **Other sites:** As City Councillor Craig Simmons has previously initiated with the founder of Bed Zed, The City Council should be looking at car parks as potential apartment sites. We also commend any attempts the City may make which allow the formation of new Housing Cooperatives.

- **Energy and Climate Change:** This Association notes that the proposals for this site assume that housing which is not Zero Carbon in both construction and operation is acceptable.

-**Space per person:** We cannot see any evidence that the proposed housing will be adequate in space per person.

-**Sustainable Urban Drainage systems:** Since this site is at the periphery of the catchment for the Lye Valley SSSI and nature reserve, we are concerned about how drainage in such a site will be maintained. The presence of permeable areas, and permeable pavers, is not guaranteed long-term.

The Bullingdon Community Association considers that these ecological concerns provide additional planning grounds for objection to ANY development on the William Morris Recreation Ground site AND to any re-zoning of this site for housing or any other development in future.

9.32. Further consultation was undertaken on 27<sup>th</sup> June following the submission of amended plans. In response to this an additional 26 public comments have been received from addresses in Junction Road, Bennett Crescent, Turner Close Temple Road, Crescent Road, Kirby Place, Don Bosco Close, Cranmer Road, Bulan Road, Grovelands Road, Hollow Way, Lye Valley, Maidcroft Road, Manor Drive, Knolles Road, Owens Way, Thomas Way and Town Furze.

9.33. Objections were raised in relation to the amended proposals for the following reasons:

#### Design

- Proposals would be an overdevelopment of the site.
- The density of development would be too high.

#### Highways

- Development would increase traffic congestion.
- Air pollution as a result of additional traffic generation.
- Development would worsen parking situation.
- Parking should be underground.

- Increased traffic will impact on pedestrian safety.

#### Amenity

- Overlooking of existing properties and Tyndale School.

#### Principle of Development

- Proposals would result in the loss of a sports facility.
- The site is greenfield land and should not be developed.
- Development would result in the loss of an important area of open space.

#### Other Issues

- The development would have a negative impact on the SSSI.
- Affordable housing would be lower than required.

## **10. PLANNING MATERIAL CONSIDERATIONS**

10.1. Officers consider the determining issues to be:

- Principle of development
- Loss of Sports Facility and suitability of alternative provision
- Loss of open space and re-provision
- Affordable Housing
- Mix of dwellings
- Design
- Neighbouring amenity
- Highways/access
- Ecology
- Drainage/Flooding

#### 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 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.

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

- 10.4. The site is predominantly greenfield land , with the exception of a small area of previously developed land which is used as car parking. The site is not allocated for housing use within the existing development framework, however the site forms an allocation within the Councils Emerging Local Plan under Policy SP66 (William Morris Close Sports Ground). The site specific policy provisions of Policy SP66 outline that permission will be granted for residential development and public open space on the application site on the condition that either the playing pitch is retained; or alternative sports provision is made, whereby the City Council are satisfied that alternative provision can be delivered. It is also required that a least 10% of the new development is allocated as public open space, which must be welcoming to existing residents.
- 10.5. The current submission draft of the emerging local plan was adopted by members in September 2018. Public consultation on the draft plan was carried out between 1<sup>st</sup> November and 28<sup>th</sup> December 2018. The Emerging Local Plan was submitted for examination in March 2019 and the policy provisions of the Plan are being afforded increased weight, however as the plan has yet to undergo examination the statutory weight given to the Emerging Plan remains limited. Notwithstanding this limited weight , the inclusion of the site within the draft document gives an indication that the Council considers that residential development on the site is broadly acceptable subject to any proposed development being in line with the general parameters outlined under Policy SP66.
- 10.6. The NPPF places great emphasis on the Government's objective to significantly boost the supply of homes, recognising that this requires a sufficient amount and variety of land to come forward where it is needed, and that land with permission is developed without unnecessary delay (paragraph 59). Moreover, local authorities should identify sites suitable for housing, including specific, deliverable sites for a five year period (paragraph 67).
- 10.7. The Oxfordshire Strategic Housing Market Assessment (SHMA) provides the most up to date assessment of Oxford's Housing Need and is used as the evidence base for the Emerging Local Plan which sets a target to deliver 8,620 new homes by 2036, this equates to 431 dwellings per annum and includes the various site allocations identified within the Emerging Local Plan.
- 10.8. In relation to Policies CS2 and CS22 of the Core Strategy there is a clear and evident housing need in the city, which would necessitate the consideration of suitable greenfield sites given that the Councils housing need cannot be met through brownfield sites alone. The site is not within the Oxford Greenbelt, is not listed as an area of protected open space and is within an area of low flood risk. Whilst there are obvious material planning considerations which would need to be addressed particularly in terms of the loss of the open air sports facility and open space, officers consider that the site at William Morris Close could represent a site whereby the principle of residential development could be supported in order to meet Oxford's identified housing need.

10.9. Whilst Oxford City Council are currently able to demonstrate a five year supply of housing this is dependent on the delivery of housing on sites allocated within the emerging plan framework, which includes the application site. Officers therefore consider there is a clear and demonstrable need for housing which would justify the principle of housing development on the site in line with Policies CS2 and CS22 of the Core Strategy.

#### Loss of Sports Facility and Sports Provision

10.10. The existing pitch formed part of the Lord Nuffield Club; formerly the Morris Motors Club. The size and quality of the facility has diminished considerably since 2001. Planning approval was granted in 2004 for the redevelopment of the North West area of the site for housing, this included the retention of the Lord Nuffield Club building. At this time a community use agreement was in place to allow members of the public access to the facilities in the club house building, though this did not extend to the outdoor sports facilities including the sports field subject of this application, where access was restricted only to private members of the club.

10.11. In 2009 club closed leaving the club building vacant for a period of three years. A planning application was submitted for the redevelopment of the northern section of the site for what is now the Tyndale Community School. This reduced both the size of the facility, whilst club buildings were also removed.

10.12. The site is afforded statutory protection under the provisions of Policy SR2 of the Oxford Local Plan (protection of open air sports facilities). The provisions of Policy SR2 states that planning permission will only be granted where there is no need at all for the facility for the purposes of open space, sport or recreation, or where:

- a. there is a need for the development;
- b. there are no alternative non-greenfield sites; and
- c. the facility can be replaced by either i. providing an equivalent or improved replacement facility; or ii. upgrading an existing facility.

10.13. Paragraph 97 of the NPPF requires that: existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless: a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.

10.14. Policy SP66 of the Emerging Local Plan specifies that the playing pitch at William Morris Close must be retained unless alternative sports provision is made and the City Council can be satisfied that this can be delivered. The subtext to this policy states that the loss of the majority of the sports facility is

justified because of the identified housing need. It is specified that sports provision must be retained on site unless alternative provision is made or contributions are made to improving a local facility such that the capacity increase and extent of the improvements are sufficient to outweigh the loss of the sports pitch. .

10.15. In relation to the specific provisions of Policy SR2 of the Oxford Local Plan, it is accepted that there is considered to be an objectively assessed need for the development in terms of the requirement to provide additional housing in the city, in particular affordable housing. The housing trajectory within the Emerging Local Plan assesses all sites in the city which have capacity to deliver residential development in order actively assess how Oxford's housing needs can be adequately met. As part of this assessment it is necessary to consider non-previously developed greenfield sites given the limited identified number of previously developed sites within the city.

10.16. The matter of alternative sports provision was considered in depth as part of the appeal against the refusal of planning application 13/01096/FUL, which similarly related to the redevelopment of the site for residential use. This particular application was refused partly on the basis that the proposed sports provision, which in that particular instance was on site and consisted of all-weather mini sports pitches, was inadequate and public access would be restricted. The committee report for 13/01096/FUL specifically addressed this issue:

*“The application site has been in use for formal and informal sport and recreation until recently. Although the site is now fenced it has not been clearly shown that the site is surplus to requirements for sport or recreation. The site retains the potential to provide for types of open air sport and recreation for which there is a need in the City. The replacement sports facilities in the form of all-weather mini-pitches with restricted community access are not equal to or better than retaining the potential of the site to provide for open air sport and recreation. Further it is not essential that the all-weather mini-pitches are provided on this particular site to satisfy local need”*

10.17. The present planning application does not directly propose the provision of a replacement facility on site. The applicant has instead proposed a financial contribution of £600,000 towards either the provision of a new sports facility in East Oxford within close proximity to the site, or the upgrade of an existing facility or facilities. The applicant proposes that the financial contribution would be made to Oxford City Council, which would be secured through a Section 106 agreement. The applicant has indicated that they would be supportive of the legal agreement being worded in such a way that development may not commence on the site until such time as the financial contribution has been made and until such time as a project(s) has been specifically identified and the funds allocated to a project. This would also be contingent on a community use agreement being in place. Sport England has raised no objection in principle to the provision of a financial contribution of £600,000 providing that this would be spent on providing a suitable alternative facility or improvements to an existing facility. In principle Sport England consider that this would not conflict with NPPF Paragraph 97.

- 10.18. Officers consider that a financial contribution would be acceptable in principle; however this would be dependent on whether delivery of equivalent or enhanced provision can feasibly be delivered in a location which is accessible and benefits the local community in this instance in the Temple Cowley area. The subtext to Policy SR2 of the Oxford Local Plan outlines that alternative sports provision should be of equivalent or improved community benefit in terms of size, utility and access, and should not lead to a shortage of recreation or amenity space in the local area. In suitable circumstances, the alternative provision could be in the form of significant improvements to existing outdoor sports facilities, such as the provision of changing facilities, improved drainage or an all-weather surface, which would enable it to be more intensively used as an all-weather facility.
- 10.19. A similar requirement is outlined within Policy G5 of the Emerging Local Plan. In terms of accessibility it is stated that: Any replacement provision should be provided in a suitable location equally or more accessible by walking, cycling and public transport, and accessible to local users of the existing site where relevant. Policy G5 also outlines that Consideration will be given to the need for different types of sports pitches as identified in the Playing Pitch Study.
- 10.20. A new Playing Pitch Strategy is being prepared as part of the evidence base to support the Emerging Local Plan. This will provide evidence of existing supply of sports facilities and demand, whilst also identifying where new facilities are required and where existing facilities can be enhanced. The playing pitch strategy would form a basis on which the Council could identify existing facilities in the immediate area that could be upgraded or provided in an accessible distance for the local community so that the contribution can provide direct mitigation to the local community for the loss of the existing sports pitch at William Morris Close. In order to achieve significant public benefits and in order to benefit the local community it would be expected that the financial contribution is made towards a facility which has public access or that can be made publically accessible through a community use agreement.
- 10.21. It is important to consider the relative value of the sports pitch at William Morris Close. The sports pitch is a private facility which is not publically accessible and there is no mechanism available currently to require the current owners to secure public access to the pitch. The applicants have indicated that there is no active interest in a private operator bringing the site back into use as a sports facility, this is in part due to the limited size and quality of the facility and the sites limited capacity to accommodate a range of sports uses and the associated facilities that would be expected to support sports uses on the site. The City Councils Community Services team have indicated that there would be no interest from the Councils perspective in taking ownership of the site and reusing it for sports purposes given the limitations of the site.
- 10.22. The Sports and Open Space Supporting Statement submitted with the application indicates that site would be incapable of supporting its former use for cricket. Even though the site was historically used for this purpose the reduction in the size of the site following the partitioning of sections of the site for development means that it is no longer large enough to support a cricket use. It recognises that theoretically there would be space for full size football or rugby pitches on the site, though this is compromised by the fact that the size of the

site would not realistically allow for changing facilities. This would prevent use of the site for adult football or rugby though it could still be used for junior sports but the likelihood of this would probably be limited.

10.23. The applicants proposed contribution of £600,000 is based on the cost of delivering a full size artificial 3G all weather sports facility. In terms of carrying capacity an all-weather pitch, particularly if floodlit has the potential to be an enhancement on a natural grass pitch as this can be used for a much greater length of time, including in evenings. In addition artificial pitches have a more durable surface which unlike grass are not be damaged by regular daily use. The applicants have liaised with the Oxfordshire Football Association who has advised that there is a need for two additional full size 3G AWP's within the city. It is worth noting that the applicants are not directly proposing to develop a new full size 3G AWP football facility rather the sum of money is likely to be spent on the upgrade of an existing sports facility in consultation with the Councils Leisure Team. Notwithstanding this, the financial contribution would be equivalent to the cost of delivering a new AWP facility.

10.24. It is noted that on site provision of all-weather mini-pitches was proposed as part of the previous planning application (13/01096/FUL) on the site and was subsequently deemed inadequate. It is noted that the pitches proposed under this particular application were not of the standard of a full size 3G AWP and the previous proposals did not make provision for community access, whilst also no provision was made for floodlighting, which would have greatly limited the capacity and usefulness of the pitches during the evenings, particularly during the winter months when floodlighting is vital.

10.25. The applicants draft heads of terms for a Section 106 agreement outlines that the financial contribution of £600,000 as proposed would be provided to the City Council prior to the commencement of development. It is proposed that this contribution would be spent on a project which would be specifically identified by the City Council in accordance with the findings of the playing pitch strategy in a location accessible to the local community in Temple Cowley and on a site where either a community use agreement is in place or where a community use agreement can be secured. In order to provide an alternative sports facility which meets the requirements outlined within Policy SR2 of the Existing Local Plan and Paragraph 97 of the NPPF it would be vital in officer's view that any financial contribution is commuted towards a project in the near vicinity of the site which is readily accessible.

10.26. The Interim Playing Pitch Strategy outlines local needs for specific sports and where a deficit exists in the provision of certain sports facilities and has informed the evidence base for the Emerging Local Plan. The Emerging Local Plan identifies that there are existing facilities in the vicinity of the site which require upgrading, this includes the all-weather surface at St Gregory the Great School in Cowley, which is approximately 1.3km from the site or approximately 17 minutes walking distance. Initially the proposals were to provide a new all-weather pitch facility at Oxford Spires, however no the applicants were unable to reach an agreement with the landowner to provide a facility in this location.



- 10.27. The Councils Sports and Leisure Team have indicated that they would support a financial contribution towards the upgrade of the facility at St Gregory the Great School and consider that this would be realistic and deliverable and there is support from the school for the upgrading of the facility. Upgrade of the facility would be contingent on a community use agreement being secured to ensure public access; otherwise there would be insufficient public benefits. The Councils Sports and Leisure Services team have advised that securing a community use agreement is a realistic prospect as the school are supportive of this. The pitch at St Gregory the Great School has floodlighting, this ensures that the facility can be used in the evenings and in the winter months which gives the facility a greater playing capacity than the existing grass pitch at William Morris Close where use is limited by the surface and to times when there is daylight.
- 10.28. It is worth noting that the applicants suggested draft heads of terms would require that the funds are allocated to a specific project(s) in the immediate vicinity prior to the commencement of development. This would ensure that the funding is delivered and can be committed to a suitable project eliminating the risk that the development may be carried out without the funds being committed to a suitable project and therefore remaining unspent. Officers have explored other options in the immediate vicinity of the sites but consider that in terms of carrying capacity, deliverability and the overall benefits which would be provided that the improvements to the sports pitches at St Gregory the Great School represents the best means of providing alternative sports provision to offset the loss of the sports pitch at William Morris Close.
- 10.29. The provision of a financial contribution offers the basis to develop the existing facility at St Gregory the Great School to a high standard and provide a means at which to secure community access to this facility, which is not the case at the present time therefore this would bring a currently private pitch into public use. The present pitch at William Morris Close has no public access and is understood to have never benefitted from public access as this was a private sports facility; it is considered that there is limited likelihood given the capacity of the pitch that this would be brought into use in the near future. Through the improvements to the existing facility which would be secured as part of the Section 106 financial contribution and through the facilitation of community access it is considered that the sports provision which would be secured would represent an enhancement on the existing sports provision at William Morris Close. Taking these factors into account the proposals are considered to be in accordance with the provisions of site specific Policy SP66 of the Emerging Local Plan and Policy SR2 of the Existing Local Plan as well as Paragraph 97 of the NPPF.

### Loss of Open Space

- 10.30. Policy CS21 of the Core Strategy aims to protect and maintain publically accessible green space, this policy should also be read in conjunction with Policy SR5 of the Existing Local Plan. The land at William Morris Close is not afforded protection under Policy SR5 of the Oxford Local Plan, mainly as this is not publically accessible; notwithstanding this, the site still has value as an area of open space, the loss of which must be given due consideration and as

referenced within the above section of this report, the site is afforded protection as a sports facility under SR2 of the Oxford Local Plan.

10.31. Policy CS21 of the Core Strategy states that other areas of open space will only be allocated for development if a need for the development of that land can be demonstrated, and if the open space is not required for the well-being of the community it serves.

10.32. The site is not afforded specific protection as an area of green infrastructure under the provisions of Emerging Local Plan Policy G2. Policy G7 of the Emerging Local Plan allows provision in exceptional circumstances for development on unprotected open spaces, though it is noted that this relates to unallocated sites and the site at William Morris Close is allocated under the provisions of Policy SP66 of the Emerging Local Plan. Policy G7 requires evidence to provide demonstrating that:

a) There is an exceptional need for the development that it can be demonstrated overrides the existing benefits it provides; and

b) the development will bring benefits to the community, for example through delivery of community-led housing; and

c) there are not suitable alternative sites where development could reasonably be located that would result in less or no harm; and

d) the proposals will lead to improvements in biodiversity or amenity value; and

e) consideration has been given to the layout of any proposed development in order to avoid impacts on biodiversity and any other important features of any green space within a development site, such as its contribution to townscape or the setting of a heritage asset;

10.33. Policy CS21 of the Core Strategy states that: opportunities will be sought for opening up access to new public spaces, for providing suitable new green spaces on or near to development sites, and for providing public access to private facilities.

10.34. The importance of providing open space within any new development on the site at William Morris Close is acknowledged under the provisions of Policy SP66, which requires that any development on the site should provide at least 10% new public open space, which should be sited to be welcoming to existing residents. It is worth noting that landscaping is a reserved matter; however the proposals allocate 17% of the site as an area of new public open space, which would exceed the minimum requirements (10%) specified under Emerging Local Plan Policy SP66.

10.35. The value of the site for sports and recreational use is addressed in the previous section of this report; however it is also important to consider the visual contribution that the site provides as an area of open space. The space provides a large and open green aspect within what is a relatively dense urban development. This was acknowledged in the previous appeal on the site where

the inspector commented on the sites value as an open vista, which was valued by local residents. It was considered in that appeal that the development, by reason of the introduction of built form into this space would result in some harm to the character and appearance of the area.

- 10.36. Given the status of the Emerging Local Plan the provisions of Policy SP66 can be afforded only limited weight, notwithstanding this it is considered that in line with Policy CS2 of the Core Strategy that the overriding need for housing, particularly affordable accommodation (51 units in this instance) would justify the principle of development on the site and the loss of what is an area of unprotected open space.
- 10.37. Officers would acknowledge that there would be some harm arising as a result of the loss of the existing open aspect which the space provides. The introduction of built form to the site would inevitably urbanise and increase the density of built form in the area, however the development would equally provide opportunity through the provision of landscaping and new open space to mitigate the impact of the additional built form. The proposed open space would also be publically accessible in contrast to the existing sports pitches which are fenced off and there is no requirement to allow public access onto the pitch. The proposed space would therefore be useable and would have amenity and recreational value, albeit that the open vista would be diminished to an extent.
- 10.38. The proposed public open space would be provided to the front of the central apartment blocks and to the south east of the existing properties in William Morris Close. Officers consider that this would be the optimum position for this space in terms of legibility for members of the public and accessibility from William Morris Close which maximises the likelihood that this space would be used. Officers are satisfied that the proposed open space would be of a high standard and includes play facilities as well as general open space and officers are satisfied that the space is useable and safe, as the design of both the houses and east facing elevations of the flats would provide active frontages to this space, providing natural overlooking.
- 10.39. Noting the inspectors comments relating to the previous application on the site (13/01096/FUL) it is noted that the previous development was less sympathetic in terms of its treatment of the public realm and allocated only a small area of land to the south of the proposed all weather pitches as open space. In this instance public views from William Morris Close would have been dominated by the proposed built form, which included development adjacent to the end of William Morris Close. In addition public views on the previous scheme would have been dominated by surfaced car parking and all weather pitches surrounded by fencing. In contrast the present proposals maintain to an extent an open, green aspect in public views from William Morris Close, even accounting for the relative high density of the proposed built form.
- 10.40. The proposals by virtue of the introduction of built form into what is currently an open undeveloped green space, would result in the loss of what is presently an open vista, though this would be somewhat mitigated through the provision of a new and prominent area of public open space. The loss of the existing open aspect and view must be considered alongside the public benefits of the

scheme, in particular the provision of 102 additional dwellings, 51 of which would be available as affordable accommodation. There would also be benefits from facilitating public access to an area of open space which is not publically accessible at present and is of diminished quality and currently enclosed by boundary fencing. The proposals would include the provision of additional landscaping which would contribute positively to the visual amenities of the area, whereas the space at present is unkempt and unmanaged. On balance officers consider that the public benefits associated with the provision of the proposed housing, alongside the provision of a new landscaped area of open space would outweigh the harm resulting from the loss of open space in its present form. Officers therefore consider that the proposals would comply with the requirements of Policies CS2 and CS21 of the Core Strategy, Policy SR5 of the Oxford Local Plan and Policies G2, G7 and SP66 of the Emerging Local Plan.

### Affordable Housing

- 10.41. Policy HP3 of the Sites and Housing Plan and Policy CS24 of the Core Strategy 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 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.
- 10.42. Socially rented accommodation is defined within the Councils Emerging Local Plan as Homes that are let at a level of rent set much lower than those charged on the open market. The rent will be calculated using the formula as defined in the Rent Standard Guidance of April 2015 (updated in May 2016) or its equivalent or replacement guidance (relevant at the time of the application). It serves as accommodation for those in the greatest housing need for persons who would typically be unable to afford to rent alternative accommodation. Intermediate housing or shared ownership accommodation is partly sold and partly rented to the occupiers, with a Registered Provider (normally a housing association) being the landlord. Shared ownership housing should normally offer a maximum initial share of 25% of the open market value of the dwelling.
- 10.43. Of the 102 units proposed on the site it is intended that 51 of the units (50%) would be made available as affordable accommodation, the remaining 51 units (50%) would be private tenure. In terms of the affordable units it is proposed that the tenure split would be 75% socially rented, with 25% provided as shared ownership units. It is noted that the tenure split of socially rented and intermediate accommodation would be slightly deviate from the requirements of this policy. It is understood that the split of affordable and socially rented units is due to the design specifics and layout of the development. There are management requirements on behalf of the housing operator (A2 Dominion) to locate the socially rented units within a single block and it is understood the registered operator is not able to accept a position where a block incorporates socially rented units as well as shared ownership or privately rented units. All of the larger family sized units (Houses 1-14) are intended for social rent, which units occupy the largest portion of the developed site and the layout offers no opportunities to increase that provision. The City Councils Housing team have

indicated that they are supportive of the proposed mix of affordable accommodation; particularly the provision of seven larger socially rented units which will meet the need specific needs of families on the housing register. Therefore in this instance officers are prepared to accept this minor deviation from the 80/20 split.

### Mix of dwellings

10.44. Policy CS23 of the Core Strategy states that new residential development should comply with the Balance of Dwellings Supplementary Planning Document (SPD) housing mix. The site is outside of the City Centre and does not fall within a district centre therefore column 2 of table 6 of the Balance of Dwellings SPD is applicable to the proposed development on this site.

**Table 6: Mix for other strategic sites**

Dwelling types	Sites of 25-74 dwellings (percentage range)	Sites of 75-249 dwellings (percentage range)	Sites of 250+ dwellings (percentage range)
1 bed	0-20 %	6-16 %	10-15 %
2 bed	10-35 %	20-30 %	25-30 %
3 bed	25-65 %	35-65 %	40-55 %
4+bed	5-20 %	6-17 %	10-15 %

10.45. The proposals would provide the following mix of units:

Unit Size (Bedrooms)	Number of Units	Percentage
1	16	15.6%
2	72	70.6%
3	7	6.9%
4	6	5.9%
5	1	1%

10.46. As a total provision the scheme would fail to comply with the BOD's SPD target mix. Notably there would be a significant overprovision of 2 bedroom units and under provision of 3 bedroom units.

10.47. The Councils Emerging Local Plan is afforded limited, but gradually increasing weight but reflects the shifting direction on the target housing mix on larger housing sites of 25+ dwellings reflecting the need to make best use of sites and deliver an optimum number of dwellings. Whilst the provisions of 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, this would apply only to the affordable element.

10.48. The table below outlines the proposed delivery of affordable housing units within the application scheme compared with the target numbers outlined within Policy H4 of the Oxford Emerging Local Plan.

Unit Size (Bedrooms)	Number of Units	Percentage	Emerging Plan Policy H4 requirement
1	13	27.1%	20-30%
2	21	43.8%	30-40%
3	7	14.6%	20-40%
4	6	12.5%	5-10%
5	1	2.1%	3-5%

10.49. The figures above indicate that there would be a minor overprovision of two bedroom units and under provision of three bedroom units in comparison to the requirements of Policy HP4 of the Emerging Local Plan. There are also a slightly higher number of four bedroom units than the target mix.

10.50. 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. The City's Housing Register identifies that the principle requirement is for 1 and 2 bedroom dwellings. The provision of smaller units also has the joint benefit of making available larger properties in the city which are currently under occupied for persons in need of these larger properties. The larger four and five bedroom units on the site are understood to be meeting the needs of families on the housing register in respect of the mix of units Councils housing team have confirmed that they are satisfied with the type of affordable units proposed.

10.51. On the basis of the above, officers consider that the proposed mix of dwellings would be acceptable and achieves an acceptable balance which makes best use of the site thereby achieving an optimum number of affordable units. Whilst the target mix of affordable dwellings is slightly out of line with the requirements of Policy H4 of the Emerging Local Plan it is considered that the development would provide a mix of units which adequately addresses the City Councils specific affordable housing needs.

### Transport

10.52. The application makes provision for a total of 88 unallocated parking spaces to serve the proposed flats. Each of the 3, 4 and 5 bed dwellings would have 1 allocated parking space.

- 10.53. 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.
- 10.54. Policy M3 of the Emerging Local Plan requires that in 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, car free development may be permitted, however this is dependent on the site specific circumstances and nature of development proposed.
- 10.55. The application site is located outside of the Central Transport Area and does not lie within a district centre. The Cowley Primary District Centre is located around 750 metres to the south of the application site, there is a supermarket located approximately 950 metres from the site at Templars Square. There are bus stops within 250 metres of the site on Hollow Way, which are served by regular services to Cowley Centre, Headington, the JR Hospital and the City Centre.
- 10.56. The proposals make provision for 1 unallocated parking space per flat, whilst each of the proposed dwellings would have 1 allocated space. The surrounding area is not within a Controlled Parking Zone (CPZ) and in the absence of parking controls in the area; there is a high risk that under provision of parking would result in an accumulation of vehicles within the surrounding streets.
- 10.57. It is noted that Oxfordshire County Council have proposed CPZ's at Hollow Way (South and North) and Temple Cowley, which are deemed as high priority. It was intended that consultation would be carried out in 2019, with a view towards implementation in 2020, though as of yet consultation has yet to be carried out in these areas. Accounting for this, it is considered that little weight can be afforded to the proposal to implement a CPZ at this particular time.
- 10.58. Whilst the site is not in an unsustainable location in terms of its proximity to public transport and local services and facilities, there are no substantial means of enforcing that future occupiers do not own private vehicles and subsequently park these vehicles in the surrounding roads. The overall quantum of development combined with the lack of a feasible means of enforcing the car free development would likely result in significant on street parking in the surrounding roads, which would have an adverse impact on highway safety and amenity. Officers therefore consider that the development should not be car free. In terms of the proposed parking provision officers consider that this would be acceptable in line with the requirements of Policy HP16 of the Sites and Housing

Plan, furthermore the Highways Authority have raised no objection to the proposed level of parking provision.

10.59. The matter of traffic generation resulting from development on this site, albeit a lower quantum of development (43 houses compared with 102 dwellings) was considered as part of the previous appeal decision on the site in 2014. The issues of parking pressure within the area and the accumulation of parking on the surrounding roads, particularly at pick up and drop off time outside the adjacent Tyndale School were all considered by the appeal inspector. Whilst recognising the pressures in the area, the inspector considered that a scheme which provided parking in accordance with maximum standards would not significantly add to parking pressures and whilst there would be an increase in traffic generation, this was not deemed to constitute harm to highway safety and amenity. The matters of the safety of pedestrians walking to the school was given due consideration, it was considered that the provision of existing continuous footways provides sufficient separation between road users and pedestrians and therefore the additional traffic generation would be unlikely to impact detrimentally on pedestrian safety.

10.60. The trip rates accepted as part of the 2016 application have been used to assess the traffic generation of the site. This estimates that the site could generate 34 two-way vehicular trips in the AM peak and 31 vehicular trips in the PM peak. This level of traffic generation is higher than that assessed previously with the various proposals, however cannot be identified to cause 'severe harm' in the context of the NPPF on the operation of Barracks Lane or the Barracks Lane / Hollow Way / Horspath Road junction.

10.61. It is noted that 2 car club spaces are proposed within the proposed scheme which would be accessible to future occupiers which reduces resident's dependency on private car ownership. In order to improve air quality within the vicinity and in accordance with the recommendations contained within the applicants Air Quality Assessment, a condition requiring the provision of EV charging infrastructure is recommended.

10.62. Policy HP15 of the Sites and Housing Plan requires the provision of cycle parking within all new residential developments in line with specified standards. Cycle parking is shown on the proposed plans within separate covered storage to serve the proposed flats and within separate stores within the gardens of the individual houses. The specific details of the cycle parking would be required by condition.

### Amenity and Overlooking

#### Existing Occupiers and Adjacent Land Uses

10.63. It is noted that a number of representations have referenced potential overlooking of the adjacent Tyndale school and outdoor spaces and playing fields associated with the school. Block B features a number of windows serving habitable rooms and balcony spaces which face northwards towards the school. It is noted that there would be a separation distance of 18 metres between the facing windows and balconies and the boundary of the school. Block E would be



much closer to the boundary, however there would be only minor secondary windows along the north side elevation, which could be conditioned to be obscure glazed in order to prevent overlooking of the school.

- 10.64. There are no specific planning guidelines in respect of acceptable distances and mitigating overlooking of schools. In terms of residential back to back distances 12 metres between a rear window and private garden would typically be considered acceptable. It would be considered good practice to ensure that steps are taken to reduce overlooking and it is considered that the development affords a significant distance between the facing windows and the boundary of the school. Landscaping is a reserved matter; however the proposals show indicative planting adjacent to the northern boundary of the site. It would be realistic to provide landscaping in the form of trees in this position which would limit views over the school outdoor space. Taking these factors into account, officers consider that the development would not result in unacceptable overlooking of the rear external play spaces at the adjacent school.
- 10.65. The site lies in close proximity to a number of existing residential properties. 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.
- 10.66. In respect of overlooking of adjacent residential properties, it is noted that the proposed houses 1 to 6 each have a rear garden depth of a minimum of 10 metres. There would be some increase in the overlooking of No.11 Crescent Close as the rear amenity space of this property would be overlooked by houses 1 and 2, there would be a minimum of 10.5 metres separation between the rear of houses 1 and 2 and the rear amenity space of this property. It is noted that there is a secondary side window on the east facing elevation of this property. There would be 12.9 metres distance between the rear windows of house No.3 and this side window, it is understood that this is a secondary window. It is noted that two dwellings are currently under construction in Crescent Road, however there would be a separation distance of at least 23 metres between the rear facing elevations of houses 5 and 6 and the boundary of the proposed dwellings.
- 10.67. In respect of the existing apartments at Beresford Place, a separation distance of at least 20 metres would be retained between the facing sets of windows in Blocks C and D and the existing apartments, this would be considered sufficient in officer's view in retaining the privacy of the existing occupiers of these properties.
- 10.68. There would be a separation distance of at least 39 metres between the rear elevation of houses 7 to 14 and Blocks E and F to the facing rear windows of the adjacent properties at Hollow Way. It is noted that these properties have very deep rear gardens. There would be a distance of 10 to 10.3 metres to the boundary of the private amenity area of these properties. There would be a separation distance of at least 39 metres between the rear windows and balcony spaces and the rear windows of the facing dwellings in Hollow Way, this is deemed to be sufficient in terms of retaining the privacy of existing occupiers.

10.69. There would be a separation distance of 35 metres between the south facing side elevation of block F and the rear elevation of Nos.167 and 171 Crescent Road. At the closest point there would be 5 metres separation distance between the side of block F and the rear gardens of these existing properties, however these properties have substantial rear gardens and accounting for the relative separation distance between south elevation of block F and the rear elevations of the existing properties it is considered that the overall scale of development would not have an overbearing and compromising impact on the amenity of the occupiers of these properties. In terms of overlooking of Nos.167 and 171 Crescent Road it is noted that the only windows proposed on the south facing elevation of the proposed dwellings would be secondary windows serving bathrooms which would be conditioned to be obscure glazed.

10.70. There are two bungalows located to the south east of block F in John Hopkins Court. The rear elevations of these buildings adjoin the boundary of the application site.

10.71. In summary whilst the proposals would result in a material increase in overlooking of some adjacent occupiers, officers consider that the development would not substantially compromise the amenity of existing occupiers of properties surrounding the development site. The proposals would not result in significant loss of light to neighbouring properties and it is considered that the overall scale of development would not be overbearing. Taking the above factors into account it is considered that the proposed development would comply with the provisions of Policies HP9 and HP14 of the Sites and Housing Plan; Policies CP1, CP8 and CP9 of the Oxford Local Plan and Policy CS18 of the Core Strategy.

#### Future Occupiers

10.72. Policy HP12 of the Sites and Housing Plan sets internal space standards for new residential development, compliance with the Governments Nationally Described Space Standards is also required. The proposed dwellings would each be of a standardised size, this is indicated in the table below:

UNIT SIZES	
Type	Area (m <sup>2</sup> )
Flat - 1 Bed 2 Person	50
Flat - 2 Bed 4 Person	70
Flat - 3 Bed 5 Person	86
House - 3 Bed 5 Person (Two Storey)	93
House - 4 Bed 7 Person (Three Storey)	121
House - 5 Bed 9 Person (Three Storey)	135

The above table indicates that each of the proposed units would comply with Nationally Described Space Standards. Individual rooms would also be NDSS compliant. The internal spaces of the proposed units are considered to be adequate and would comply with the requirements of Policy HP12 of the Sites and Housing Plan.

10.73. Policy HP13 of the Sites and Housing Plan requires that Planning permission will only be granted for new dwellings that have direct and convenient access to an area of private open space, to meet the following specifications. For houses this would generally be an area of private garden space, whilst for flats of 1 and 2 bedrooms this would comprise of an external balcony and/or access to an area of private communal amenity space.

10.74. In terms of the proposed flats, each of these would be served by external balcony areas, each of which would exceed the size requirements specified under Policy HP13 of the Sites and Housing Plan. The central block of four flats would each have access to a sizeable area of communal private amenity space in the centre of the development whilst Blocks E and F would also have external amenity spaces to the rear of the buildings. There would also be close access for all properties to the new area of public open space.

10.75. The subtext relating to Policy HP13 specifies that external amenity spaces for houses should be equivalent to the footprint of the dwelling; this would be the case in each of the proposed houses. Consequently officers are satisfied that the amenity standards for all future occupiers would comply with the requirements of Policy HP13 of the Sites and Housing Plan.

#### Design, scale and massing

10.76. 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.

10.77. The application was subject of a design review workshop with the Oxford Design Review Panel held in July 2018 and a follow up review held in October 2018, the advice provided following the design review is attached to this report in Appendix 3. In summary the panel were positive in respect of the development and evolution of the scheme. A number of design alterations were suggested, which officers consider the applicants have proactively sought to address.

10.78. The site area covers roughly 1.24 hectares. It is noted that a number of objections raise concerns that the proposals would represent an overdevelopment of the site. It is noted that the Sites and Housing Plan bases site allocations at 55 dwellings per hectare, though it is also noted that higher densities may be appropriate in certain locations such as in the City Centre or District Centres. This is partly to achieve a balanced mix of dwellings whilst making best use of the land, though there are other material considerations and the design of the development must account for the general

character of the area. The proposed density of development would be 82.2 dwellings per hectare.

- 10.79. Policy RE2 of the Emerging Local Plan states that development proposals must make best use of site capacity, in a manner compatible with the site itself, the surrounding area and broader considerations of the needs of Oxford. This includes exploring opportunities for developing at the maximum appropriate density accounting for the site context and all other material planning considerations. Higher density developments of 100 dwellings per hectare are encouraged within the City Centre and District Centres.
- 10.80. Whilst the site lies outside of a district centre, the site is a compact urban plot surrounded by a mix of high density development, including apartments at William Morris Close and Beresford Place and lower density two storey houses in Crescent Close and Turner Close. Accounting for the urban grain and surrounding scale of development it is considered that the overall quantum of dwellings and density of development would be commensurate with the character of the area. The layout incorporates a significant quantity of open space provision, both public and private, which breaks up the overall density of the built form and the density would in officer's view feel comfortable and not oppressive. Policy SP66 of the Emerging Local Plan requires that 10% of the site is allocated as open space, whilst the proposals allocate 17% of the site as public open space.
- 10.81. The development includes a mix of three storey houses and six blocks of flats. A row of six houses is proposed adjacent to No.59 William Morris Close; these properties would be three storeys and would be of a single gabled fronted form. The general scale of the dwellings would relate appropriately with that of the adjacent two storey dwellings to the north and would continue the existing street pattern along William Morris Close and would also relate logically to the adjacent development to the west in Crescent Close. In terms of the proposed apartments, it is considered that these would be of an appropriate scale accounting for the adjacent built form in Beresford Place and William Morris Close, which comprises of three storey flats with pitched roofscapes. The overall scale of development is considered to be responsive to the scale of the adjacent built form and general character of surrounding development in the immediate context of the site.
- 10.82. There is no uniform architectural character in the immediate area which comprises of new build 2000's development in addition to late 20<sup>th</sup> century and more traditional red brick dwellings in Crescent Road on the edge of the Temple Cowley Conservation Area. The materials palette comprises principally of red brick which is consistent with the predominant use of materials in the area, in both the newer development in William Morris Close and traditional dwellings in Crescent Road. The proposed development would be contemporary in its general design character and whilst taking some characteristics the development would not replicate the existing adjacent development, which is considered to be an acceptable approach given that the surrounding development is not of any notable architectural standard. Amendments have been made to the design of the proposed dwellings to improve the relationship between the proposed flats and the area of public open space in terms of the west facing elevational

treatment of these buildings to enhance activity adjacent to the open space. The roof scape of the proposed flats has also been amended, which helps to reduce the perception of the scale of the built form and decreases the prominence of the buildings in wider public views.

- 10.83. Landscaping is an important consideration in terms of the treatment of the public and private realm. As landscaping is a reserved matter this is not an matter for consideration at this stage and would be subject of a further application. Notwithstanding an indicative landscaping plan has been provided which would indicate the feasibility of delivering high quality landscaping across the site. The amendments which have been made to the proposed plans are considered beneficial in providing additional landscaping within the proposed parking layout, which would help to offset the visual impact of the surface level parking.
- 10.84. Overall officers are satisfied with the design approach taken by the applicants in terms of the layout, overall density of development and the architectural character and appearance of the proposed dwellings. Officers consider that the development would comply with 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.

#### Heritage and Conservation

- 10.85. The Temple Cowley Conservation Area extends to a position approximately 60 metres to the south of the site to a position adjacent to the junction of Crescent Road and Junction Road. Whilst the site falls outside of the designated Conservation Area officers consider that the development site would broadly fall within the setting of the Conservation Area.
- 10.86. 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."
- 10.87. 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. 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.
- 10.88. Views of the application site from the Conservation Area are highly limited owing to the presence of existing buildings along the northern side of Crescent Road, Crescent Close and the development at Beresford Place. It is unlikely that

the development would be perceived within the setting of the Conservation Area other than in possible glimpsed views between existing buildings and in any event officers consider the overall impact on the setting of the Temple Cowley Conservation Area would be negligible and the development would not result in harm to the significance of the Conservation Area as a heritage asset, consequently the development would preserve the setting of the Temple Cowley Conservation Area in accordance with Policy HE7 of the Oxford Local Plan and Paragraph 193 of the NPPF.

10.89. 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. The elevated viewpoints as public views are considered to contribute to the significance of the Central Conservation Area.

10.90. 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.

10.91. 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 lies outside, but nevertheless close to the Crescent Road view cone and lies in what is a relatively elevated position. The tallest buildings on the site would be the central block of four storey flats. The majority of the development on the site would be relatively low rise. The heights of the central flats, which are the highest building on the site, vary between 12.5 and 14.7 metres to the roof ridge of the buildings. Whilst the height and scale of the buildings is not substantial, as the development is located on higher ground close to the Crescent Road View Cone, officers consider that it is appropriate to consider the impact of the development in relation to wider views within the City Centre in accordance with Policies HE9 and HE10 of the Oxford Local Plan.

10.92. In order to properly assess the visual impact of the development, the applicants have prepared a landscape and visual impact assessment. It is noted that the elevations of the proposal have been amended and refined to consider the potential effects on long range views, notably the roof scape of the buildings has been broken up into three distinct elements to break up the overall mass of the upper sections of the building. The applicant's landscape and visual assessment takes into account the impact of the development from six identified viewpoints within the city. The evidence provided in terms of the visual images and supporting analysis concludes that the impact of the development is likely to be minor as the development is unlikely to be discernible in these longer range views. Officers consider that the development would not result in harm to the significance of the Central Conservation Area in respect of the overall setting and views experienced from within the centre of the city.

10.93. The development would not consequently conflict with the provisions of Policies HE7, HE9 or HE10 of the Oxford Local Plan as well as the provisions of Policy DH2 of the Emerging Local Plan.

#### Ecology

10.94. Policy CS12 of the Oxford Core Strategy requires that Development will not be permitted where this results in a net loss of sites and species of ecological value. Where there is opportunity, development will be expected to enhance Oxford's biodiversity.

10.95. The site has been subject to a number of surveys and found to be of negligible to low ecological value. The changes in management of the site are however creating habitats of increasing value to wildlife such as reptiles, therefore prior to any development, an updated walkover survey will be required to assess the site in respect of any further changes. Subject to appropriate conditions to secure adequate ecological mitigation and enhancement, the development would not impact adversely on site biodiversity and the development would comply with the provisions of Policy CS12 of the Oxford Core Strategy.

#### Drainage

10.96. The application site is at the periphery of the surface water and groundwater catchment for the Lye Valley SSSI. Natural England has indicated that the proposed increase in built development on the application site has the potential to impact negatively on the hydrology of this site. Concern was expressed that without the submission of an appropriate SUDS's maintenance plan that the development could damage or destroy the Lye Valley SSSI.

10.97. The site is within Flood Zone 1 and is deemed to be at a low risk of surface water flooding. To protect biodiversity within the Lye Valley SSSI and to prevent surface water flooding as a result of the development a surface water SUD's scheme for the site is required by condition, which will include a maintenance scheme. Subject to the provision of a satisfactory scheme as required by condition it is considered that the development would comply with the requirements of Policies CS12 and CS13 of the Oxford Core Strategy.

## Sustainability

10.98. Policy CS9 of the Core Strategy requires that all developments should seek to minimise their carbon emissions. Proposals for development are expected to demonstrate how sustainable design and construction methods will be incorporated. All development must optimise energy efficiency by minimising the use of energy through design, layout, orientation, landscaping and materials, and by utilising technologies that help achieve Zero Carbon Developments.

10.99. 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%.

10.100. The application is accompanied by an Energy and Sustainability Statement; this outlines a series of measures which would be incorporated to meet the 20% target identified under Policy HP11 of the Sites and Housing Plan. The Energy Statement indicates that the following measures would be incorporated into the design of the development to meet this requirement:

- Low air permeability of facade
- Improved U value
- High performance Low E glazing
- High efficient heating system
- Energy efficient lighting (LED)

10.101. Subject to the developments compliance with the details outlined in the energy statement it is considered that the development would comply with the requirements of Policy HP11 of the Sites and Housing Plan; Policy CS9 of the Core Strategy and Paragraphs 153 and 154 of the NPPF.

## **11. CONCLUSION**

11.1. On the basis of 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. In the context of all proposals Paragraph 11 of the NPPF requires that planning decisions apply a presumption in favour of sustainable development, this means approving development 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 development of 102 residential dwellings, of which 51 units would be affordable accommodation. 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.
- 11.4. The site is not principally brownfield land but is allocated for residential development within the Councils Emerging Plan. The Emerging Plan is yet to undergo examination and the sites allocation is afforded limited weight at this stage, notwithstanding this there is a clear and evident housing need within the city and the allocation of the site within the Emerging Local Plan for residential use is evidence of this need.
- 11.5. The matter of the loss of the existing sports pitch is considered in depth within the relevant section of this report. As a sports and recreation facility there is a clear policy requirement as outlined within Policy SR2 of the Oxford Local Plan, Paragraph 97 of the NPPF and the site specific requirements of Policy SP66 of the Emerging Local Plan to ensure that the any replacement provision is to an equivalent or enhanced standard. In order to satisfy these requirements the applicants have proposed a financial contribution of £600,000 towards the upgrade of the existing all weather sports pitches at the nearby St Gregory the Great School in Cowley, this financial provision as well as community access to this facility would be secured by way of a Section 106 Agreement. Officers are satisfied that the financial contribution towards the upgrade of an existing publically accessible facility would represent an enhancement in terms of sports provision compared with the existing inaccessible sports pitch which has not been actively used for an extended period of time and has a limited playing capacity. Sport England has indicated that the alternative sports provision offered represents satisfactory mitigation in principle for the loss of the existing sports pitch.
- 11.6. The development would result in the loss of an area of open space, which whilst not publically accessible provides an important visual break within a relatively dense area of built form. The loss of the open aspect formed a basis for the refusal of the previous planning application on this site. Whilst the loss of a perception of openness would be inevitable within any development on the site, the proposals in officer's view provide mitigation through the delivery of public open space, which would be sited in the optimum location and comprises 17% of the total site area, exceeding the 10% requirement specified within Policy SP66 of the Emerging Local Plan.
- 11.7. Officers are satisfied that the development preserves an appropriate standard of residential amenity for existing occupiers and would not compromise neighbouring properties by reason of overlooking, loss of light or the scale of the proposed built form. Officers are also satisfied that the design of the dwellings

affords appropriate standards of amenity for future occupiers. Officers consider that the development would be of a high design standard and the development would not result in harm to the heritage significance of the nearby Temple Cowley Conservation Area.

The transport impact of the development has been assessed in relation to the overall quantum of development and the impact on the existing road network. County Highways as statutory consultee on highways matters have indicated that they consider that the cumulative impact of the development on the existing road network would not be severe; consequently there would be no conflict with Paragraph 109 of the NPPF.

11.8. For the reasons expressed within this report 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. Application for the approval of reserved matters must be made to the Local Planning Authority before the expiration of three years from the date of this outline permission.

Reason: In accordance with Section 92(2) of the Town and Country Planning Act 1990.

2. The development permitted shall be begun either before the expiration of five years from the date of this outline permission or from the expiration of two years from the date of approval of the last reserved matters to be approved, whichever is the later.

Reason: In accordance with Section 92(2) of the Town and Country Planning Act 1990.

3. 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.

4. 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.

5. Prior to the commencement of the development hereby approved full details (lighting, dimensions, surfacing) of the proposed pedestrian and cycle link

between the development, Beresford Place and Crescent Road, shall be submitted to and approved in writing by the Local Planning Authority. and details of the lighting, surfacing, dimensions and drainage of the access. The access shall be constructed in accordance with the approved details before the development hereby permitted is brought into use, and shall be retained thereafter.

Reason: To encourage the use of sustainable modes of transport.

6. Prior to the commencement of the development hereby approved, full details of the access road, including layout, construction, lighting, and drainage shall be submitted to and approved in writing by the Local Planning Authority. These details must demonstrate that adequate forward visibility in both directions are achieved in accordance with the intended design speed of the proposed development. The means of access shall be constructed in accordance with the approved details prior to the first occupation of the development and be retained thereafter.

Reason: In the interests of highway safety in accordance with the National Planning Policy Framework

7. Details of covered and secure cycle parking for a minimum of 218 bicycles on-site shall be provided within close proximity to the entrance to each block of flats or within the curtilage of the houses prior to first occupation of the dwellings hereby permitted. The location and type of this provision should be submitted and agreed by the Local Planning Authority in writing and the scheme shall be implemented in accordance with the approved details.

Reason: To encourage the use of sustainable modes of transport in accordance with Policy HP15 of the Sites and Housing Plan.

8. A full Travel Plan prior to occupation of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. This will be sent to the Travel Plan Team at Oxfordshire County Council for approval. The Travel Plan shall be implemented upon first occupation of the development.

Reason: To encourage the use of sustainable modes as a means of transport.

9. Prior to occupation of the development, a car park management plan must be submitted for approval by the Planning Authority to ensure that the car parking within the site cannot be abused by nearby residential properties or the school. The details agreed details shall be implemented on first occupation of the development hereby permitted.

Reason: In in the interest of highway safety and to protect car park for residents' use only.

10. Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, has been submitted to and

approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include:

- Calculations of current and proposed runoff from the development area
- Discharge point and evidence of agreement for discharge point and rate
- Detailed Drainage Scheme Plan showing the layout of the proposed drainage network, the location of the storage within the proposed development and how these relate to the submitted calculations, including any chamber, pipe numbers, direction of flow, invert and cover levels, gradients diameters and dimensions. The methods of flow control must be detailed as should non-conventional elements such as pond and permeable paving.
- Soakaways tests and Infiltration estimation in accordance with BRE365; the depth of water strikes. To be undertaken at different part of the site should the infiltration devices to be used
- Sizing of features - calculation of attenuation volume
- Explanation of how the drainage discharge hierarchy has been followed
- Maintenance and management of SUDS features
- SUDS - Permeable Paving, Rainwater Harvesting, Green Roof
- Network drainage calculations
- Minimum discharge limit of 5 l/s does not apply in Oxfordshire. Appropriate consideration of filtration features could remove suspended matters and suitable maintenance regime could minimise the risk of blockage.
- A qualitative assessment of flood flow routing in exceedance conditions
- An assessment of residual risk (what would happen if part of proposed SuDS fails).

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

11. Prior to the commencement of the development a phased risk assessment shall be carried out by a competent person in accordance with current government and Environment Agency Guidance and Approved Codes of Practice. Each phase shall be submitted in writing and approved by the LPA.

Phase 1 has already been submitted to the LPA under a previous application  
Phase 2 shall include a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals.

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

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 the requirements of policy CP22 of the Oxford Local Plan 2001-2016.

12. The development shall not be occupied until any approved remedial works have been carried out and a full validation report has been submitted to and approved by the 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 the requirements of policy CP22 of the Oxford Local Plan 2001-2016.

13. A watching brief for the identification of unexpected contamination is undertaken throughout the course of the development by a suitably qualified engineer. If unexpected contamination is found to be present on the site, an appropriate specialist company and Oxford City Council should be informed and an investigation undertaken to determine the nature and extent of the contamination and any need for remediation. Prior to occupation, details of the watching brief shall be submitted to and approved by the LPA.

Reason - To ensure that any unexpected contamination is identified and appropriately addressed to ensure the safety of the development, the environment, and to ensure the site is suitable for the proposed use, Oxford Local Plan CP22.

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

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

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

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

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

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

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

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

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

18. No properties shall be occupied until confirmation has been provided that either:- all surface water 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. The development shall be carried out in accordance with the agreed measures.

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.

19. No properties shall be occupied until confirmation has been provided that either:- all water 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 no / low water pressure and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional demand anticipated from the new development

20. Prior to the commencement of development, an updated walkover survey of the site shall be undertaken to identify any change in its suitability to support rare and protected species, including reptiles and badger. Should the site be found to support any protected species, a scheme of mitigation measures must be presented to, and agreed in writing by, the Local Planning Authority.

Reason: To comply with the requirements of The Conservation of Habitats and Species Regulations 2017, the Protection of Badgers Act 1992, the Wildlife and Countryside Act 1981 (as amended) and to protect species of conservation concern.

21. Prior to the commencement of development, a scheme of ecological enhancements shall be submitted to and approved by the Local Planning Authority to ensure an overall net gain in biodiversity will be achieved. The scheme will include details of native landscape planting of known benefit to wildlife, including nectar resources for invertebrates. Details shall be provided of artificial roost features, including bird and bat boxes and a minimum of ten dedicated swift boxes. A quantifiable net gain in biodiversity will be required, presented using a suitable biodiversity offsetting metric, including details of any offsetting measures required. The agreed details shall be implemented prior to the first occupation of development and shall be retained thereafter.

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.

22. A landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the Local Planning Authority prior to the occupation of the development.

The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed within the scheme and off-site compensatory habitat if relevant;
- b) Ecological trends and constraints on site that might influence management;
- c) Aims and objectives of management;
- d) Appropriate management options for achieving aims and objectives;
- e) Prescriptions for management actions;
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
- g) Details of the body or organization responsible for implementation of the plan; and
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery.

The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

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.

23. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-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. A Construction Traffic Management Plan shall be submitted to the Local Planning Authority and agreed prior to commencement of works and shall be approved in writing. 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.



25. The development hereby permitted shall not be occupied until the designated car club spaces as set out in approved plans has been provided. The car 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.

26. The development hereby permitted shall not be occupied until details of the electric vehicle charging infrastructure has been submitted to and approved in writing by the Local Planning Authority. The infrastructure shall be formed, and laid out in accordance with the approved details before usage of the parking spaces commences and shall remain in place thereafter.

Reason: To contribute to improving local air quality in accordance with CP23 of the Oxford Local Plan 2001- 2016 and enable the provision of low emission vehicle infrastructure.

27. 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 a safe environment for existing and future occupiers which reduces opportunities for crime in accordance with Policies CP1 and CP9 of the Oxford Local Plan.

28. Prior to the first occupation of the units hereby permitted the windows on the north facing elevation of Block E and the south elevation of Block F shall be fitted with obscure glazing and shall be retained in that condition thereafter.

Reason: To prevent overlooking of existing residential dwellings and overlooking of the adjacent school in the interest of safeguarding and preserving the residential amenity of existing occupiers in accordance with Policies CP1 and CP10 of the Oxford Local Plan and Policy HP14 of the Sites and Housing Plan.

### **13. APPENDICES**

- **Appendix 1** – Site location plan
- **Appendix 2** – 2014 Appeal Decision
- **Appendix 3** – ODRP Letter

### **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.

# Appendix 1

## 18/03330/OUT - Proposed Site Plan



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## Appeal Decision

Inquiry held on 14 - 16 January 2014

Site visit made on 16 January 2014

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

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

**Decision date: 11 February 2014**

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

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

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Cantay Estates against the decision of Oxford City Council.
  - The application Ref 13/01096/FUL, dated 18 May 2013, was refused by notice dated 18 September 2013.
  - The development proposed is two all weather playing pitches. New residential development (6 x 1 bedroom, 15 x 2 bedroom, 15 x 3 bedroom and 4 x 4 bedroom), 71 car parking spaces, access road and landscaping.
- 

### Decision

1. The appeal is dismissed.

### Procedural Matters

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

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

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

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

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

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

### **Main Issues**

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

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

### **Reasons**

14. The appeal site is an area of open land of approximately 1.24 Hectares, mostly laid to grass, but with an area of car parking to the west. The site was formerly part of a sports and social club, most recently the Lord Nuffield Club, but for many years preceding that, the Morris Motors Club. In recent years, the original clubhouse was replaced with a new facility, with housing provided on part of the site. Following the club going into receivership, the new clubhouse was taken over by the Tyndale Free School. Planning permission, granted on appeal by the Secretary of State, has established full use of the clubhouse and some surrounding land for this purpose<sup>3</sup>.

15. The remaining grassed area is now fenced to prevent access, although the car park areas remain open. Barracks Lane lies to the north, beyond the school, and provides the only access to the site. It is a cul-de-sac, leading to William Morris Close, Turner Close and a few properties on the road itself. At its western end it provides a footpath link to Oxford Spires Academy and the Cowley Marsh Playing Fields. It is signposted as a walking and cycling route at the junction with Hollow Way.

16. The proposal comprises housing to the southern part of the site with two AWP's proposed to the northern part adjacent to the school.

#### *The Effect on Open Space Provision*

17. Policy CS2 of the Core Strategy sets out the strategic approach to development in this area, with a clear focus on previously developed land. It accepts that there is a need for some greenfield areas to be identified for development and allocated as such. The policy explicitly allows for the development of greenfield land only where it is specifically allocated or is required to maintain a five year rolling housing land supply (HLS).

18. Although the appellant pointed to a 'huge' unmet need for market and affordable homes, which the Council acknowledged, it was agreed by the appellant that the Council have a five year HLS. The Council argued that, taking account of the constraints in the area, this approach balanced the conflicting demands in Oxford; it was an approach found sound in the recent development plan examinations. Specific allocations on greenfield sites were

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

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

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

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<sup>4</sup> Paragraph 74



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

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

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

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

#### *Character and Appearance*

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

#### *Highway Safety*

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

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

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

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

#### *Other Considerations*

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

- delivering 25 out of 40 units as affordable, should carry very substantial weight in its favour.
49. The data on permissions was updated by the Council at the Inquiry for the period 2013 to date. These figures indicate a considerable upturn in permissions including affordable housing. While the appellant questioned the inclusion of Luther Court, where a larger number of affordable homes were to be replaced, this showed that permissions were in place for over 600 affordable homes. Permissions cannot be taken as a guarantee of delivery; nevertheless, this does show a considerable uplift in potential delivery.
50. My own review of the submitted evidence suggests that there is a genuinely pressing need for affordable housing in Oxford, borne out not just by the number of houses that have been assessed as being needed, but also by the demand for properties when they do become available. However, it is acknowledged by the main parties that the amount required far exceeds that which can be practically delivered within the City itself, and indeed the Council identify that they are actively working with surrounding councils for solutions.
51. Three previous appeal decisions<sup>6</sup> were submitted by the appellant, showing that a need for affordable housing should carry substantial or significant weight. I do not disagree, and consider that significant weight does arise in this case in relation to the potential for delivery of a relatively higher proportion of affordable housing than sought by policy. However, the issue is whether this weight should be considered to be overriding of the identified policy conflict, and in this the submitted decisions do not assist, as in each case the decision maker was also considering development in locations where there was no identified five year HLS.
52. I have no reason to doubt that the Council, when considering this application, were aware of the very considerable need facing Oxford in terms of affordable housing. It was an issue that was understood during the preparation and adoption of the Core Strategy and the SHP. In these, the Council had to take a balanced view in assessing the demand for housing against the considerable constraints within their area. This balancing act was played out in the preparation and examinations of these plans, which lead to the housing targets currently within the development plan, which is accepted to be up-to-date.
53. The Framework seeks to significantly boost the supply of housing, but requires that Council's meet their objectively assessed needs as far as is consistent with the policies set out in the Framework itself. I have found consistency between the relevant development plan policies and the Framework in terms of open space protection and a priority on the strategic development of previously developed sites.
54. The housing target of 400 units should not be considered as a maximum and the Council should strive to overachieve against that level, particularly in light of the acknowledged need. However, housing delivery in such circumstances cannot override all other considerations, and should be considered within the context of a plan led system. Nonetheless, I have accorded significant weight in favour of the scheme, as regards the provision of affordable homes.

### *Other Matters*

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

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

### **Planning Balance and Conclusion**

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

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

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

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

*Mike Robins*

INSPECTOR

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

## **APPEARANCES**

### FOR THE LOCAL PLANNING AUTHORITY:

Simon Pickles of Counsel	Instructed by the Head of Law and Governance, Oxford City Council
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He called

Fiona Bartholomew BA(Hons) DMS MSc MRTPI	Planning Officer – Oxford City Council
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Laura Gioddard BSc(Hons) PGDip MRTPI	Planning Officer – Oxford City Council
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### FOR THE APPELLANT:

Richard Kimblin of Counsel	Instructed by The John Phillips Planning Consultancy
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He called

George Venning MA(Cantab)	Affordable Housing Consultant Levvel Ltd
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Richard Grady BA(Hons)	Sports Consultant
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Nicholas Lyzba DipTP DipCP MRTPI	Planning consultant The John Phillips Planning Consultancy
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### INTERESTED PERSONS:

Councillor Malik	Ward councillor
Mr Konopka	Local resident
Mrs Konopka	Local resident
Mr Davies	Local resident
Mr Smitham	Former treasurer and chairman of the Lord Nuffield Club
Mr Ali	Local resident and businessman
Mrs Harley	Local resident



## **DOCUMENTS**

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

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## CONFIDENTIAL

Jim Smith and Tony Nolan  
Cantay Estates Ltd  
25 St Thomas Mews  
Oxford  
OX1 1JA

12 October 2018

Our reference: DCC/0935

### **Oxford County Council: William Morris Close**

Dear Jim Smith and Tony Nolan,

Thank you for providing the Oxford Design Review Panel with the opportunity to advise on this proposal through a Design Review on 4 October 2018.

#### **Summary**

The design team has made significant progress on the proposal at William Morris Close since the Oxford Design Review Panel commented on the scheme in July 2018. The evolution of many parts of the design mean that one can now see the potential for a residential community that actively contributes to quality of life for its residents and raises the standard of design in the local area.

We now believe the design team must focus on a number of key design moves to refine the overall proposal to ensure it can deliver on the applicant's aspirations for a sustainable and attractive residential development. In summary we believe further thought is required on: the internal layout of the central blocks of flats, particularly at ground floor level; the elevational treatment; the approach to landscape and parking, to ensure public space functions well and the impact of parking is minimised; the arrangement of housing, car parking and landscape at the west boundary, and the heights of buildings. We offer the following comment in the development of the proposal towards the planning application.

#### **Landscape approach**

An even stronger landscape character could help to ensure the entire scheme works to build a coherent and enjoyable sense of place across the site. We welcome the improved ratio of soft to hard landscaping in the proposal but consider the landscape character to require further work and refinement. We recommend a stronger landscape character is developed which is reflected in the soft and hard landscaping across the site and in the choice of distinctive materials and features (lamp posts, bollards etc.).

The current alignment of paths that lead to the southern pedestrian route appears unresolved. We recommend exploring alternative paths that works with the shape of the southern site boundary. A more intuitive path layout would help to ensure the pedestrian

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route through this part of the site is well used, providing a crucial connection for those passing through the site.

### **Function and hierarchy of open space**

The public open space has progressed well, and we consider it to be more usable as an amenity space. We strongly recommend emphasising the play space to help enhance the public identity and use of this space. While playable space can be a sound approach, it will be important to incorporate designated play spaces. This can act as an invitation for children and families into the space. A more legible hierarchy of use within this space could ensure it is well-used and contribute to the requirement to provide open space on this site.

We support the initiative to provide allotments on site for semi-public use, but suspect that they may not function as intended, as often interest in their use can diminish quickly. We recommend the design team considers how this space could remain green and active in the long term, perhaps by designating it as an extension to the proposed public open space. Understanding how the public and semi-public spaces function together could ensure that all the open spaces are used appropriately while also supporting the requirement for public open space on the site.

### **Parking**

We are encouraged by the reduced and improved parking arrangement in the proposal, but it requires further thought. We recommend further reducing the volume of parking across the site where possible. To help break up the long row of car parking, particularly to the north of the site, we recommend exploring different soft and hard landscaping treatments to the car parking in this location. The row of car parking could be separated into a few car parking bay areas with more greenery and pergolas, for example. Continuing to minimise the intrusion of vehicles on this site could contribute to a pleasant street environment and help to ensure the streets are safer places for residents of all ages.

### **Options for west of the site**

The site layout to the west of the site is currently unresolved due to a number of issues and therefore we recommend further exploration of building and parking layouts in this area. Primarily, parking seems to be prioritised over pedestrian routes in this key entrance area which can undermine the calm residential character of the site. The turning circle for the car parking also impedes on the public open space. A proportion of parking could be moved to the south or within the plots, with the terraced housing positioned at the end of William Morris Close, for example. We also recommend moving the parking away from the edge of the public open space. In terms of the terraced housing, the access to bins appears to be inconvenient and potentially unsafe. Addressing these concerns could improve the overall character of the scheme and provide clear views of

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terraces in each direction through the central square to improve passive surveillance and navigability.

### **Central Blocks A, B, C, and D**

#### *Height*

Within the site, we feel that the massing is beginning work well, although we think that each of blocks A-D may work better if there were no variation in height. The changes in height to the apartment blocks in the corners of the site plan also seems to overcomplicate these buildings.

At this stage we believe there is insufficient information to assess the impact on long range views. However, as things stand, the building heights appear to intrude on long range views from the city. We recommend testing these heights against the agreed views from the centre of Oxford. A further exploration of heights for blocks A-F could reveal ways in which the design of the buildings can mitigate against harm to long views into the site whilst retaining the desired quantum. In terms of colour, a darker colour brick appears to be more amenable in terms of long range views from the city. A Landscape and Visual Impact Assessment (LVIA) should be used to inform the design team's thinking on massing, height and materiality.

#### *Layout and footprint*

The current plan for the central blocks (A, B, C, D) has the potential to look and feel like pavilions in a landscape and we encourage the team to build on this theme. However, the blocks currently appear too close to one another which may mean that they are read as one block up close and from a distance. Their close proximity also results in narrow routes between the buildings. As such, we recommend separating the blocks more which can help to signal the entrances to the central courtyard. Splaying the wall facing the public open space could also help to slightly break the formality of the scheme and better signal the entrances. We strongly recommend reconsidering the siting of the bin stores and the bike stores, and possibly integrating them into the blocks themselves.

Currently the entrance strategy to the apartment blocks is confusing as the current position of entrances to Blocks A, B, C, and D undermines the entrances in the central square. We think that the central square will work best if all the entrances to blocks A, and C face the square, rather than from the public open space. We recommend testing other positions for entrances onto public open space. This could ensure that both entrances are used equally frequently, new options for internal layouts are revealed, and the hierarchy of public space is maintained.

We welcome the fact that there is now a defined semi-private central square. However, we think that it lacks a clear aspiration for its function, and a developed landscape strategy. To help ensure that it is well used, we recommend that the design team find ways to bring more informality into its character and function. Ensuring the central square provides an attractive and comfortable environment for residents could be crucial for

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many of the aspirations of permeability and make the best of open space on the site. Wild planting could help to contribute to the informal look and feel of the space to create a more intimate private space, with seating places in sunny spots, for example.

### *Internal layout*

We feel that the internal layout of flats would benefit from considerable development. In particular, different internal ground floor layouts within blocks A, B, C and D should be tested at this stage. We are concerned about the location of the balconies in terms of residents' privacy; some ground floor balconies are also adjacent to the bin stores. This may result in the balconies and central open space not being used. We recommend the ground floor balconies should relate better to the ground floor context and are also made more generous. The perpendicular parking to the north of blocks A and B appears to be too close to those blocks, and therefore can create unpleasant internal living environment for ground floor residents. We therefore encourage the team to allow for more space between them parking and the blocks.

### *Elevations and facades*

A more coherent elevational treatment could create a legible identity for the central blocks. We support the use of textured brick in the elevational treatment but recommend testing only one brick colour rather than both red and beige. We encourage the team to continue to refine the fenestration to help ensure the elevations appear more confident in their arrangement, by either aligning them perfectly or with a clearer sense of rhythm in their alternating position. We recommend also considering how the textures and tones of the bricks works with the fenestration to find a balanced rhythm. A unique and attractive elevational treatment could create a clearer narrative and differentiate this proposal from the architecture of the local area.

### **Sustainability**

The proposed heating strategy of these dwellings, and proposals for renewable sources of energy will be beneficial at this stage to help test to urban and building design.

Thank you for consulting us and please keep us informed of the progress of the scheme. If there is any point that requires clarification, please contact us.

Yours sincerely,

**Theo Harrison**  
Design Council Cabe Advisor

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### Review process

Following a site visit, (and) discussions with the design team and local authority and a pre-application review, the scheme was reviewed on 4 October 2018 by Jo van Heyningen, Jane Dann, Noel Farrer, Dorian Crane, Gillian Horn, John Rowland. These comments supersede any views we may have expressed previously.

### Confidentiality

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

cc (by email only)

### Attendees

Andrew Murdoch	Oxford City Council
Michael Kemp	Oxford City Council
Ian Felgate	Brookes Architects
Simon Sharp	JPPC
Tony Nolan	Cantay Estates Ltd
Jim Smith	A2 Dominion
Mike Habermehl	Adams Habermehl

### Design Council Cabe

Theo Harrison	Design Council Cabe
Victoria Lee	Design Council Cabe

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## East Area Planning Committee

31st July 2019

**Application number:** 19/01271/CT3

**Decision due by** 10th July 2019

### Extension of time

**Proposal** Erection of a 1 x 3-bed and 1 x 5-bed dwelling (Use Class C3). Provision of private amenity space and car parking.

**Site address** 66 Sandy Lane, Oxford, OX4 6AP, – see **Appendix 1** for site plan

**Ward** Blackbird Leys Ward

**Case officer** Sarah Orchard

**Agent:** Jessop and Cook Architects      **Applicant:** Oxford City Housing Ltd

**Reason at Committee** The application is made by Oxford City Council.

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## 1. RECOMMENDATION

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

1.1.1. **approve the application** for the reasons given in the report and subject to the required planning conditions and informatives 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 and informatives 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 erection of a 1 x 3-bed and 1 x 5-bed dwelling (Use Class C3), provision of private amenity space and car parking.

2.2. The report considers the impact of the design on the character and appearance of the host dwelling and the surrounding area (including the setting of the Oxford Stadium, Sandy Lane Conservation Area), loss of open green space, energy efficiency, drainage, impact on trees and planting, provision of parking, bin

and bicycle storage, impact on neighbouring occupiers and quality of internal and external space.

2.3. The report concludes that the proposal forms a justified departure from the Local Plan and an appropriate form of development which respects the character of the area without causing any harm and would result in adequate indoor and outdoor space for the future occupants.

**3. LEGAL AGREEMENT**

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

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

4.1. The proposal is liable for CIL.

**5. SITE AND SURROUNDINGS**

5.1. The site is located within the Blackbird Leys area of Oxford to the south-east of the city centre. The area is characterised by terraced dwellings many of which are characterised by use of brick and hanging tiles to front elevations. The application site is an end of terrace dwelling on a corner plot which fronts Sandy Lane and also comprises the adjacent open space outside of the fenced garden on the bend in Sandy Lane to the north. This land to the north of the garden is green open space which currently contains trees and a ‘short-cut’ between pavements. The property benefits from a generous side and rear garden.

5.2. See site location plan below:



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Ordnance Survey 100019348

**6. PROPOSAL**

- 6.1. The application proposes to erect 2no. end of terrace dwellings to the north of 66 Sandy Lane both with private amenity space to the rear and bin and bicycle storage to the front of the mid terrace and side of the end terrace. The mid terrace dwelling would provide three bedrooms on the first floor (two doubles and one single) with living room, kitchen/diner, WC and hall on the ground floor. The larger five bedroom end of terrace dwelling would provide four double bedrooms, one of which would be a wheelchair accessible bedroom on the ground floor with three doubles and a single located on the first floor. The remainder of the ground floor would provide a living room, kitchen/diner, hall and washroom.
- 6.2. The dwellings would measure approximately 6 metres by 10 metres (about 1.8 metres deeper than the existing dwellings in the terrace). The larger unit would have an additional two storey side element measuring approximately 3 metres by 4.7 metres. The proposal would result in the removal of the ‘short-cut’ path across the greenspace to the north of the site but would retain the public highway/pavement around the application site. The applicant has been made aware that a stopping up order may be required for the removal of this short-cut which would be separate to the planning process.

**7. RELEVANT PLANNING HISTORY**

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

<p>58/06833/A_H - 45 dwellinghouses. Approved 8th April 1953.</p> <p>57/06434/A_H - Outline application for housing and ancillary purposes including the stopping up of part of Long Lane and Sandy Lane. Approved 8th October 1957.</p>
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**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	Other planning documents	Emerging Policy (Oxford Local Plan 2036)
Design	7, 8, 117, 118, 124, 127	CP1 CP6 CP8	CS2_ CS18_	HP9_ HP10_		DH1, G6, G7, RE2
Housing				HP2_		H10

Natural environment	7, 8, 170	CP11 NE15				G1, G8, G9
Transport				HP15_ HP16_	Parking Standards SPD	M3, M4, M5
Environmental	127	CP10 CP22	CS9_ CS11_	HP11_ HP12_ HP13_ HP14_		RE1, RE3, RE4, RE7, RE9, H14, H15, H16
Miscellaneous				MP1		
Conservation/ Heritage	189-202	HE.7				

## 9. CONSULTATION RESPONSES

- 9.1. Site notices were displayed around the application site on 3<sup>rd</sup> June 2019 and an advertisement was published in The Oxford Times newspaper on 20th June 2019. The application was advertised as a departure from the Local Plan as the proposal involves the partial development of green open space/previously undeveloped land contrary to policy CS2 of the Core Strategy.

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

#### Oxfordshire County Council (Highways)

- 9.2. The site is not located within a Controlled Parking Zone (CPZ) and is in a sustainable location with good access to public transport and local amenities. The plans indicate a potential parking space to the front of each of the proposed dwellings. Given that there is parking stress in the area, these would be required. Further cycle storage provision would be required, above that shown on the plans. The existing disabled parking bay on the street may need to be removed at the expense of the applicant. A detailed parking plan, cycle storage details and a construction traffic management plan are requested by condition.

#### Natural England

- 9.3. No comment.

#### Blackbird Leys Parish Council

- 9.4. No comments received.

### **Public representations**

- 9.5. No third party comments received.

## 10. PLANNING MATERIAL CONSIDERATIONS

10.1. Officers consider the determining issues to be:

- Principle of development/justification for departure
- Design
- Amenity
- Internal and external space
- Highways/parking
- Water/energy efficiency
- Drainage
- Land quality
- Trees

### a. Principle of development/Justification for departure

10.1. The proposal involves the partial development of garden land to 66 Sandy Lane and also open green space to the north of the garden. In relation to the garden land, policies CP6 of the Oxford Local Plan (to become policy RE2 of the Oxford Local Plan 2036) and the NPPF support making a more efficient use of sites and policy HP10 of the Sites and Housing Plan (to become policy G6 of the Oxford Local Plan 2036) supports developing new dwellings on residential gardens subject to other material considerations. In this case this primarily relates to impact on the character of the area, quality of internal and external space and provision of adequate car parking, highway safety, energy and water efficiency, adequate drainage and bin and bicycle storage.

10.2. In respect of the open space to the north of 66 Sandy Lane, Policy CS2 of the Core Strategy supports development on undeveloped land where it has been allocated within the development plan or it is residential development required to maintain a five year rolling housing-land supply. Neither of these applies in this case therefore the proposal is considered a departure from the development plan. The policy does state that greenfield land will be allocated for development where it is not within flood zone 3b, is of no ecological value and is no-longer required for the well-being of the community it serves. Whilst the land to the north of no. 66 and within the application site would meet these criteria, it remains that the site has not been allocated so policy CS2 does not apply.

10.3. Policy G7 of the emerging Oxford Local Plan 2036 recognises that there are unprotected green spaces or those which have not been allocated for development which have the potential to be developed subject to adequate justification. Since only limited weight can be afforded to the emerging policy G7 which allows for these spaces to be developed, where justified, the primary policy consideration is still Policy CS2 of the Core Strategy.

10.4. Since the development on the land to the north would not accord with Oxford Core Strategy Policy CS2 any approval would represent a departure from this policy. The proposal would not accord with the encouragement that development be located on previously developed land as provided in the NPPF.

- 10.5. Notwithstanding this conflict, Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires development proposals to be determined in accordance with the development plan, unless material considerations state otherwise. The policies of the development plan therefore need to be considered as a whole in the determination of any application, and of course the development plan includes policies which support the provision of housing. The statutory test also requires an assessment of any material considerations that may outweigh conflict with these development plan policies.
- 10.6. In this case, the proposal would result in two additional family sized dwellings available for social rent in a city where there is a shortage of affordable homes as evidenced by the current and emerging Local Plans. The Council also has a shortage of larger homes (e.g. with more than 3 bedrooms) to accommodate larger families.
- 10.7. Furthermore the development would primarily be located on residential garden land and would not fully enclose the green open space. The open space currently measures approximately 238m<sup>2</sup> and the proposal would reduce it to approximately 98m<sup>2</sup> (approximately 41% of the original area). The area has some visual amenity value in that it provides a welcome break in the built form of the area, but due to its limited size it does not contribute to useable amenity space in the area. The scheme has been designed so that part of this area would remain and the visual amenity is retained with trees and green space retained either side of the public footpath. Thus there would still be a contribution in visual terms.
- 10.8. Given the shortage of affordable homes in the city, especially of a reasonable size, the gain of these units would therefore be considered to outweigh the loss of part of the small area of green space. Since limited weight can be afforded to the emerging policy G7 which allows for these spaces to be developed, where justified, the proposal is considered a justified departure from the current policy, CS2 of the Core Strategy.

**b. Design/Impact on the setting of the Oxford Stadium, Sandy Lane Conservation Area**

- 10.9. Due to the wider than average plot size, the site is capable of accommodating additional dwellings without them appearing cramped and unduly overbearing on properties to the rear, also in Sandy Lane. The proposal would still retain some sense of openness of the corner with open green space retained both to the north and south of the pedestrian highway. The proposal would also not protrude forward of the building line of properties to the rear/east in Sandy Lane.
- 10.10. The proposed dwellings have been designed to read as proportionate end of terrace dwellings which relate to the character of the host terrace and continue its general linear form. Whilst the dwellings are deeper than the original terrace (approximately 1.8 metres), leading to an asymmetric roof, this is primarily visible at the rear and would not appear as an overly prominent feature which would detract from the character and appearance of the area. The deeper plan form is also required to ensure that the properties meet modern space

standards and while the plan form is deeper, it is not so deep as to appear uncharacteristic and would sit comfortably within the street scene.

- 10.11. The proposed end of terrace dwelling to the north of the plot is designed as a larger five bedroom dwelling, due to the shortage of these available to rent from the council for larger families as identified earlier in this report. To ensure this property relates to the grain of the area, it has been designed with the traditional proportions of a dwelling in the terrace with a subservient two storey side element to the north elevation.
- 10.12. The proposed design of the dwellings is simple in character to reflect that of the area with hanging tiles to the principal elevations. The property widths, height, fenestration pattern in the principal elevation and use of materials relate to that of the existing properties in the terrace and as such would be acceptable and in-keeping.
- 10.13. The proposal sits within the setting of the Oxford Stadium, Sandy Lane Conservation Area which sits to the north of the application site. The National Planning Policy Framework states 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. The more important the asset, the greater the weight should be (paragraph 193). And that any harm to, or loss of, the significance of a designated heritage asset, requires clear and convincing justification (paragraph 194). Where a proposed development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use (paragraph 196). Given the material considerations set out in this report and that the proposal sits comfortably within the existing grain of development in the area, the proposal is not considered to result in harm to the setting of the Conservation Area.
- 10.14. The proposal is therefore considered to comply with policies CP1, CP6, CP8 and HE7 of the Oxford Local Plan, CS18 of the Core Strategy and HP9 of the Sites and Housing Plan (which are to become policy DH1 of the Oxford Local Plan 2036) and the NPPF.

**c. Impact on neighbouring amenity**

- 10.15. The proposed development has been designed to ensure it would not have a detrimental impact on the amenity of the neighbouring occupiers in terms of loss of light, overbearing impact or loss of privacy. The additional dwellings would be attached to 66 Sandy Lane. Whilst they would project beyond the rear elevation of this property this would only be 1.8 metres and has been designed to ensure it would comply with 45 degree guidelines from the rear facing windows to habitable rooms of 66 Sandy Lane.
- 10.16. Given that the site occupies a corner plot, the relationship between the proposed dwellings and no. 68 would be that the rear of the proposed dwellings face onto the side of no. 68 and the side boundary of its rear garden. The rear elevations of the proposed dwellings would be situated between 6 and 14 metres from the boundary of 68 Sandy Lane to the rear which is separated from

the application site and proposed gardens by a rear footpath. The proposed dwelling 66a Sandy Lane (mid terrace) dwelling would be located an adequate distance from neighbouring properties with a garden of 9 to 12 metres in depth ensuring adequate distance retains privacy between properties.

10.17. The proposed end of terrace dwelling 66b Sandy Lane, would sit between 6 and 10 metres from the boundary with 68 Sandy Lane to the rear. Any overlooking of this dwelling from the two rear facing bedroom windows would be primarily to the roof of the extension to 68 Sandy Lane and the side elevation of the dwelling which does not benefit from first floor windows and there would be no direct overlooking of windows serving habitable rooms.

10.18. The properties to the rear of the proposed development are also south facing and the proposal would not intersect 45 or 25 degree guidelines to the windows serving habitable rooms of these properties and there would therefore not be a detrimental loss of light to these neighbouring occupiers.

10.19. The proposal is therefore considered to comply with policies CP10 of the Oxford Local Plan and HP14 of the Sites and Housing Plan (to become policy H14 of the Oxford Local Plan 2036).

#### **d. Internal and external space**

10.20. Any new proposed residential units, in accordance with policy HP12 of the Sites and Housing Plan, should comply with National Space Standards, should provide natural lighting and outlook and have a separate lockable entrance and kitchen and bathroom facilities. A two storey, three bedroom unit for five occupants should be 93m<sup>2</sup>. The proposed unit complies with this standard. A two storey five bedroom dwelling for up to 9 occupants should be 128m<sup>2</sup>. The five bedroom dwelling also complies with this standard.

10.21. New dwellings, as required by policy HP2, are expected to be accessible and adaptable and meet the lifetime homes standard. This is now replaced by the nearest equivalent of Part M of building regulations, optional requirement M4(2). A condition is therefore recommended to ensure the homes are built to this standard to ensure compliance with this policy.

10.22. In terms of outdoor space, policy HP13 of the Sites and Housing Plan sets out a space requirement of a garden equivalent to the footprint of the dwelling for a family dwelling. The proposal ensures that this is the case for both the existing dwelling in terms of the garden retained and the gardens for the proposed dwellings. In addition to this, bin storage would be located to the front of the dwelling for the mid terraced property and to the side of the dwelling for the end of terrace dwelling and which details of which can be secured by condition.

10.23. To ensure adequate amenity space is retained to the proposed dwellings in relation to its size, permitted development rights for extensions to the dwellings are sought to be removed by condition to ensure that adequate space is retained and the amenities of neighbours are not harmed.



10.24. The proposal is therefore considered to comply with policies HP2, HP12 and HP13 of the Sites and Housing Plan (to become policies H10, H15 and H16 of the Oxford Local Plan 2036).

**e. Highways/parking**

10.25. The Local Highway Authority (Oxfordshire County Council) has raised no objection to the proposal in terms of highway safety.

10.26. The proposal would include two new car parking spaces on the frontages, one for each of the proposed dwellings. The Local Highway Authority notes that these state 'potential' on the proposed plans. They have requested that given the area is not within a controlled parking zone and there is a degree of parking pressure, these would need to be provided, which would be secured by condition.

10.27. The proposal shows two cycle storage spaces per dwelling which is below the required standard of three spaces required by policy HP15. Details would be required by condition to demonstrate the provision of three spaces per dwelling which are Officers are satisfied can be accommodated.

10.28. Subject to a condition for provision of the parking spaces and details of bicycle storage for the proposed dwellings prior to occupation, the proposal is considered to comply with policies HP15 and HP16 of the Sites and Housing Plan and the NPPF.

**f. Water/energy efficiency**

10.29. Policies CS9 and HP11 expect the applicant to demonstrate how sustainable design and construction methods will be incorporated and how energy efficiencies have been incorporated into the design. Given the proposal is a small scale development that is not a qualifying site to provide 20% of energy consumption through renewals it is considered appropriate to deal with energy and water efficiency by condition to ensure compliance with Policies HP11 of the Sites and Housing Plan and CS9 of the Core Strategy (these are to become policy RE1 of the Oxford Local Plan 2036). The applicant has already stated that the scheme is proposed to be compliant with Level 4 Code for Sustainable homes, using sustainable construction methods and features and PV panels are shown on the rear roofslopes on the plans.

**g. Drainage**

10.30. Policy CS11 of the Core Strategy relates to drainage and flooding. Whilst the proposed development is located in flood zone 1 and is at a low risk from flooding, it results in the loss of green garden land and increases impermeable areas on the site. To ensure that the proposed development does not result in an increase in surface water run-off which could contribute to flooding elsewhere, sustainable drainage would need to be incorporated into the site. Drainage plans, calculations and drainage details are requested by condition to demonstrate that this would be the case.

10.31. Subject to this drainage condition, the proposal is considered to comply with policy CS11 of the Core Strategy which is to become policy RE3 and RE4 of the Oxford Local Plan 2036.

#### **h. Land Quality**

10.32. Whilst it is very unlikely that any contamination is present on this site, the development involves the creation of new residential dwellings which is considered to be a sensitive end-use and it is the developer's responsibility to ensure that the site is suitable for the proposed use. Given the low possibility of contamination being found, if the proposal were to be acceptable it is considered appropriate to place an informative on any permission advising the developer of their responsibilities if any contamination is found. The proposal is therefore not considered contrary to policy CP22 of the Oxford Local Plan (to become policy RE9 of the Oxford Local Plan 2036).

#### **i. Trees/landscaping**

10.33. The proposals require 4 existing trees (a whitebeam, purple plum, an oak and a holly which are all category B-C2 or C2 trees and therefore of lesser amenity value and quality) to be removed from the existing garden and open green space. The existing category B goat willow to the north of the application site and crab apple to the frontage would be retained. Tree impacts identified in the submitted Arboricultural Impact Assessment will not have a significant detrimental effect on public amenity in the area; in accordance with adopted Local Plan policies CP1, CP11 and NE15 (to become policies G1 and G8 of the Oxford Local Plan 2036).

### **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. The NPPF 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 (paragraph 2). 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. The relevant development plan policies are considered to be consistent with the NPPF despite being adopted prior to the publication of the framework.

11.3. Therefore in conclusion it would be necessary to consider the degree to which the proposal complies with the policies of the development plan as a whole and whether there are any material considerations, such as the NPPF, which is inconsistent with the result of the application of the development plan as a whole.

- 11.1. In summary it is considered that the proposal would result in a more efficient use of the site and the gain two additional family sized dwellings without causing harm to the character and appearance of the area, amenity of neighbouring occupiers, highway network or landscaping/trees. The special case being put forward provides adequate justification for a departure from policy CS2 of the Core Strategy.
- 11.2. Officers would advise members that having considered the application carefully that the proposal is considered to be acceptable in terms of the aims and objectives of the National Planning Policy Framework, and relevant policies of the Oxford Core Strategy 2026, and Oxford Local Plan 2001-2016, when considered as a whole, and that there are no material considerations that would outweigh these policies and therefore the material considerations and public benefit of the scheme justify a departure from the plan.
- 11.3. It is recommended that the Committee resolve to grant planning permission for the development proposed subject to the conditions and informatives set out below.

## 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 Prior to their installation samples of the exterior materials to be used shall be submitted to or be made available on site for inspection by the Local Planning Authority and approved in writing 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 The dwelling(s) shall not be occupied until the Building Regulations Part M access to and use of building, Category 2 accessible and adaptable dwellings, Optional requirement M4(2) has been complied with.  
  
Reason: To ensure that new housing meets the needs of all members of the community and to comply with the Development Plan, in particular Local Plan policies CP1, CP13, Core Strategy Policy CS23 and Sites and Housing Plan Policy HP2.

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

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

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

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

- 7 Prior to the commencement of development, plans, calculations and drainage details to show how surface water will be dealt with on-site through the use of sustainable drainage methods (SuDS) shall be submitted to and approved in writing by the Local Planning Authority (LPA). The plans, calculations and drainage details will be required to be completed by a suitably qualified and experienced person in the field of hydrology and hydraulics.

The plans, calculations and drainage details submitted shall demonstrate that:

I. The drainage system is to be designed to control surface water runoff for all rainfall up to a 1 in

100 year storm event with a 40% allowance for climate change.

II. The rate at which surface water is discharged from the site may vary with the severity of the storm event but must not exceed the greenfield runoff rate for a given storm event.

III. Excess surface water runoff must be stored on site and released to receiving system at greenfield runoff rates.

IV. Where sites have been previously developed, discharge rates should be at greenfield rates. Any proposal which relies on Infiltration will need to be based on on-site infiltration testing in accordance with BRE365 or alternative suitable methodology, details of which are to be submitted to and approved by the LPA. Consultation and agreement should also be sought with the sewerage undertaker where required.

The development shall only be carried out in accordance with the approved details.

A SuDS maintenance plan shall also be submitted and approved in writing by the LPA. The Sustainable Drainage (SuDS) Maintenance Plan will be required to be completed by a suitably qualified and experienced person in the field of hydrology and hydraulics. The SuDs maintenance plan will be required to provide details of the frequency and types of maintenance for each individual sustainable drainage structure proposed and ensure the sustainable drainage system will continue to function safely and effectively in perpetuity.

Reason: To ensure compliance with Oxford Core Strategy Policy CS11

- 8 The development shall be carried out in strict accordance with the approved methods of working and tree protection measures contained within the planning application details unless otherwise agreed in writing by the LPA.

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

- 9 Prior to the occupation of the dwellings details of the bin and bicycle storage including the means of enclosure shall be submitted to and approved in writing by the Local Planning Authority, provided on site in accordance with the approved details and retained thereafter for the storage of bins and bicycles only.

Reason: In the interests of the character and appearance of the streetscene and promotion of sustainable modes of transport in accordance with policies HP13 and HP15 of the Sites and Housing Plan.

- 10 Notwithstanding the 'potential parking' annotation on the approved plans, prior to the occupation of the dwellings the proposed parking shall be laid out in accordance with the approved plans and retained thereafter for the parking of private motor vehicles only.

Reason: To ensure that sufficient provision is made for off-street parking in the interests of highway safety and to comply with policy HP16 of the Sites and Housing Plan.

- 11 A Construction Traffic Management Plan shall be submitted to the Local Planning Authority and agreed in writing prior to commencement of works. This shall identify;
- The routing of construction vehicles,
  - Access arrangements for construction vehicles,
  - Details of times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours (to minimise the impact on the surrounding highway network)

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 in accordance with policy CP1 of the Oxford Local Plan.

- 12 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or enacting that Order) no structure including additions to the dwelling houses as defined in Classes A and B 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 Oxford Local Plan 2001-2016 and the amenities of the occupiers and neighbours in accordance with policies CP10 of the Oxford Local Plan 2001-2016 and HP14 of the Sites and Housing Plan.

### INFORMATIVES :-

- 1 In accordance with guidance set out in the National Planning Policy Framework, the Council tries to work positively and proactively with applicants towards achieving sustainable development that accords with the Development Plan and national planning policy objectives. This includes the offer of pre-application advice and, where reasonable and appropriate, the opportunity to submit amended proposals as well as time for constructive discussions during the course of the determination of an application. However, development that is not sustainable and that fails to accord with the requirements of the Development Plan and/or relevant national policy guidance will normally be refused. The Council expects applicants and their agents to adopt a similarly proactive approach in pursuit of sustainable development.
- 2 The development hereby permitted is liable to pay the Community Infrastructure Levy. The Liability Notice issued by Oxford City Council will state the current chargeable amount. A revised Liability Notice will be issued if this amount changes. Anyone can formally assume liability to pay, but if no one does so then liability will rest with the landowner. There are certain legal requirements that must be complied with. For instance, whoever will pay the levy must submit an Assumption of Liability form and a Commencement Notice to Oxford City Council prior to commencement of development. For more information see: [www.oxford.gov.uk/CIL](http://www.oxford.gov.uk/CIL)
- 3 If unexpected contamination is found to be present on the application site, an appropriate specialist company and Oxford City Council should be informed and an investigation undertaken to determine the nature and extent of the contamination and any need for remediation. If topsoil material is imported to the site the developer should obtain certification from the topsoil provider to ensure that the material is appropriate for the proposed end use.

Please note that the responsibility to properly address contaminated land issues, irrespective of any involvement by this Authority, lies with the owner/developer of the site.

### **13. APPENDICES**

- **Appendix 1 – Site plan**

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

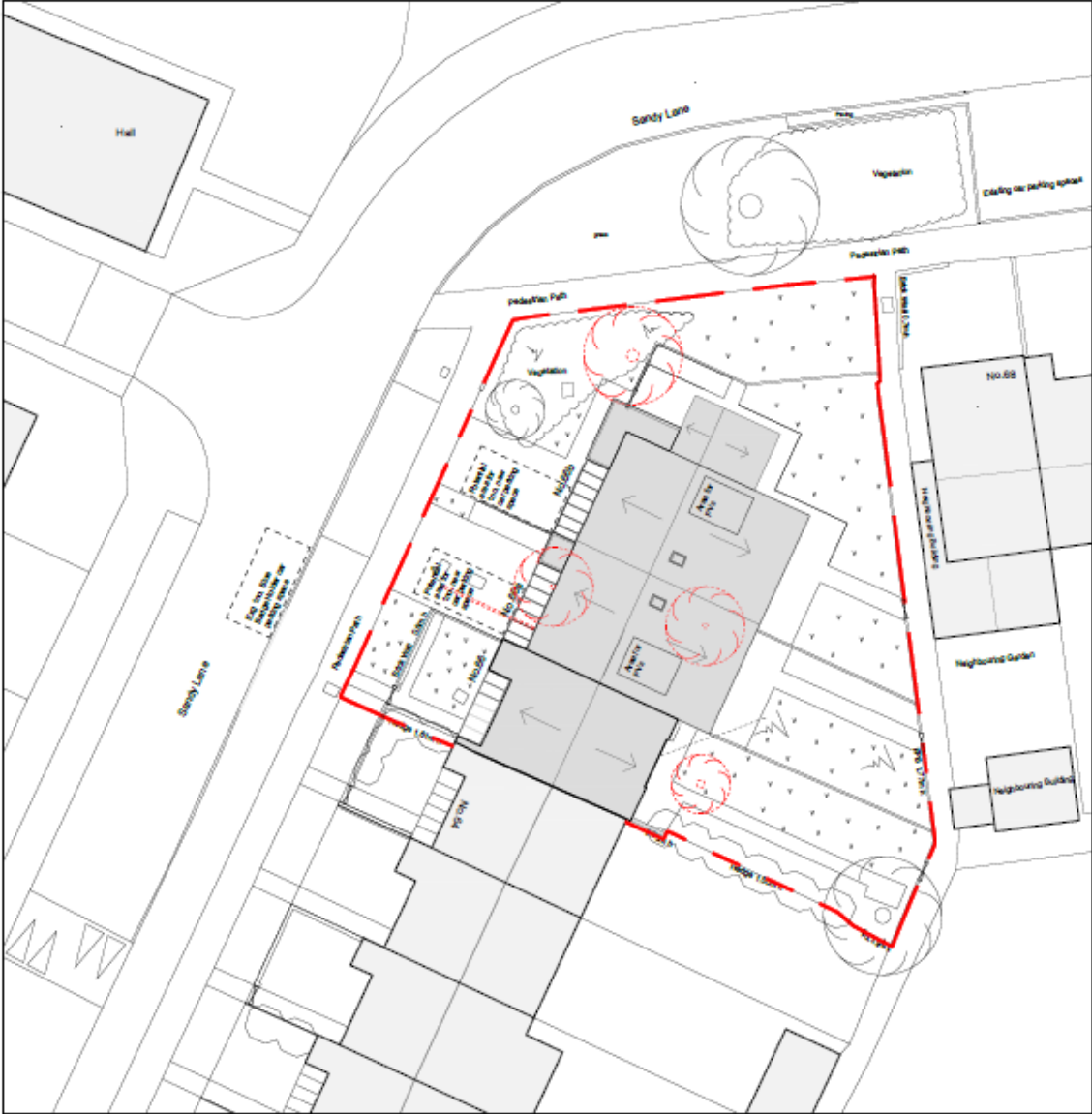
14.1. Officers have considered the implications of the Human Rights Act 1998 in reaching a recommendation to approve this application. They consider that the interference with the human rights of the applicant under Article 8/Article 1 of Protocol 1 is justifiable and proportionate for the protection 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.

Appendix 1 – Site Plan



**SITE AND ROOF PLAN**  
 Scale 1:200

A north arrow is located to the left of the scale bar. The scale bar is marked with 0, 2000, 4000, 8000, and 10000 units.



## East Area Planning Committee

31st July 2019

**Application number:** 19/01272/CT3

**Decision due by** 17th July 2019

### Extension of time

**Proposal** Demolition of existing single storey side extension and erection of a single storey rear extension to existing house. Erection of a two storey building to create a 1 x 3-bed dwelling (Use Class C3). Provision of private amenity space, car parking and bin and cycle storage.

**Site address** 9 Pauling Road, Oxford, Oxfordshire, OX3 8PU – see **Appendix 1** for site plan

**Ward** Churchill Ward

**Case officer** Sarah Orchard

**Agent:** Jessop and Cook Architects      **Applicant:** Oxford City Housing Ltd

**Reason at Committee** The application is made by Oxford City Council.

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## 1. RECOMMENDATION

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

1.1.1. **approve the application** for the reasons given in the report and subject to the required planning conditions and informatives 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 and informatives 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 erection of a single storey rear extension to the existing house and of a two storey building/extension to the south of the existing dwelling to create a 1 x 3-bed dwelling (Use Class C3) with provision of private amenity space, car parking and bin and cycle storage.

- 2.2. The report considers the impact of the design on the character and appearance of the host dwelling and the surrounding area, energy efficiency, drainage, impact on trees and planting, provision of parking, bin and bicycle storage, impact on neighbouring occupiers and quality of internal and external space.
- 2.3. The report concludes that the proposal forms an appropriate form of development which respects the character of the area without causing any harm and would result in adequate indoor and outdoor space for the future occupants in accordance with the policies identified.

**3. LEGAL AGREEMENT**

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

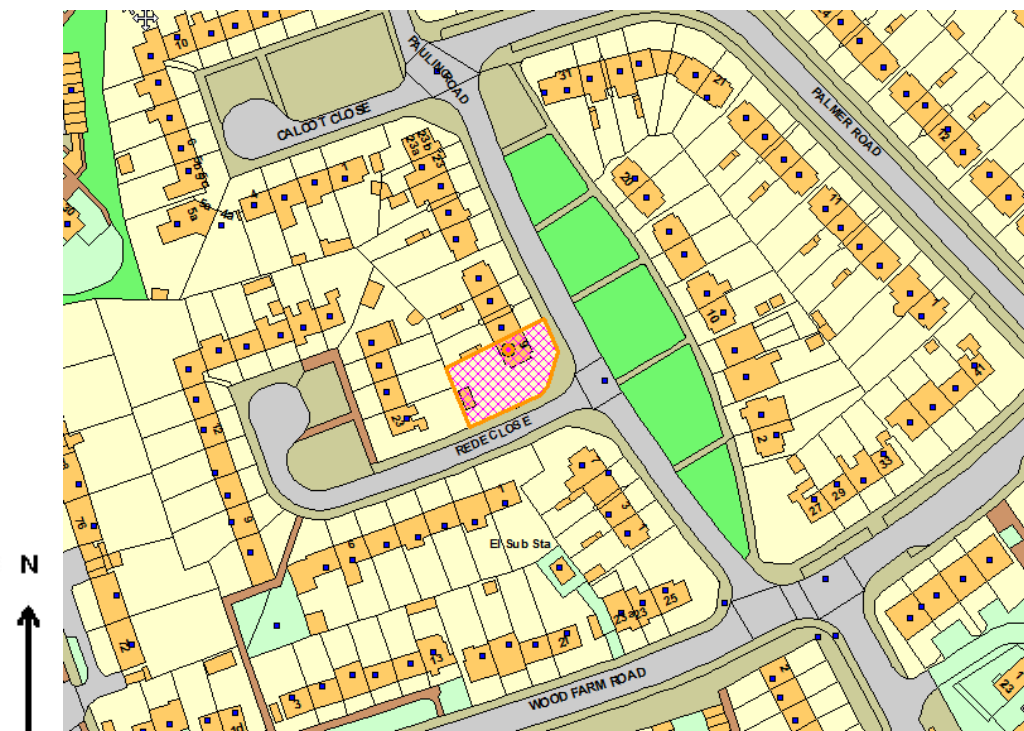
**4. COMMUNITY INFRASTRUCTURE LEVY (CIL)**

4.1. The proposal is liable for CIL.

**5. SITE AND SURROUNDINGS**

5.1. The site is located within the Wood Farm area of Oxford to the east of the city centre. The area is characterised by terraces and pairs of semi-detached dwellings which are fairly plain in character. There is also a significant and attractive area of open space opposite. The application site is an end of terrace dwelling which fronts Pauling Road and forms a corner plot on the northern side of Rede Close. The property benefits from a generous side and rear garden, the majority of which is currently inaccessible to the tenant due to maintenance reasons.

5.2. See site location plan below:



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## 6. PROPOSAL

6.1. The application proposes to demolish the existing single storey projection to the south elevation of the dwelling and erect a single storey rear kitchen extension and a two storey, three bedroom dwelling to the south elevation. The proposed single storey rear kitchen extension would measure 2.36 metres in depth and 3.52 in width. The proposed dwelling would measure approximately 8.4 metres by 6.7 metres wide. This dwelling would form an end of terrace addition which is set back from the principal elevation of the existing terrace by approximately 2 metres. The existing parking area to the rear, accessed from Rede Close, would also be extended to allow for parking of two cars, one for the existing and one for the proposed dwelling following the demolition of the existing garage. Bin and cycle storage for both dwellings would also be located in this area.

## 7. RELEVANT PLANNING HISTORY

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

51/01745/A_H - 116 Easiform houses Wood Farm Estate. PERMIT 22nd May 1951.
52/02693/A_H - Garage. PERMITTED DEVELOPMENT. 18th December 1952.
63/13382/A_H - Garage. PERMITTED DEVELOPMENT. 5th April 1963.

## 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	Other planning documents	Emerging Policy (Oxford Local Plan 2036)
Design	7, 8, 117, 118, 124, 127	CP1 CP6 CP8	CS2_ CS18_	HP9_ HP10_		DH1, G6, G7, RE2
Housing				HP2_		H10
Natural environment	7, 8, 170	CP11 NE15				G1, G8, G9

<b>Transport</b>				HP15_ HP16_	Parking Standards SPD	M3, M4, M5
<b>Environmental</b>	127	CP10 CP22	CS9_ CS11_	HP11_ HP12_ HP13_ HP14_		RE1, RE3, RE4, RE7, RE9, H14, H15, H16
<b>Miscellaneous</b>				MP1		

## 9. CONSULTATION RESPONSES

9.1. Site notices were displayed around the application site on 3<sup>rd</sup> June 2019 and an advertisement was published in The Oxford Times newspaper on 20<sup>th</sup> June 2019.

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

#### Oxfordshire County Council (Highways)

9.2. The existing garage and parking space are substandard and therefore do not amount to a loss of parking to the existing dwelling. The two replacement parking spaces are acceptable, one per dwelling subject to the removal of eligibility for on street parking permits. Visibility splays would also be required by condition before they are brought into use. Cycle storage would also be required.

#### Natural England

9.3. No objection subject to the submission of an appropriate SuDs strategy by condition to demonstrate how a reduction in quantity or quality of groundwater recharge, or an increase in surface water run-off would be avoided to ensure there is no harm to the Lye Valley SSSI.

#### Bullingdon Community Association

9.4. No comments received.

### **Public representations**

9.5. 1no. third party comment was received on this application from an address in Rede Close.

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

- The widening of the existing parking area accessed from Rede Close would result in the loss of on street parking and on-street parking could occur opposite the driveway to 1 Rede Close making it inaccessible. Parking should be located to the front of the dwelling with access from Pauling Road.

### **Officer response**

9.7. This matter is addressed in the Highways/parking section of the report.

## 10. PLANNING MATERIAL CONSIDERATIONS

10.1. Officers consider the determining issues to be:

- Principle of development
- Design
- Amenity
- Internal and external space
- Highways/parking
- Water/energy efficiency
- Drainage
- Land quality
- Trees

**a. Principle of development**

10.1. Policies CP6 of the Oxford Local Plan (to become policy RE2 of the Oxford Local Plan 2036) and the NPPF support making a more efficient use of sites and policy HP10 of the Sites and Housing Plan (to become policy G6 of the Oxford Local Plan 2036) supports developing new dwellings on residential gardens subject to other material considerations. In this case this primarily relates to impact on the character of the area, quality of internal and external space and provision of adequate car parking, highway safety, energy and water efficiency, adequate drainage and bin and bicycle storage. Therefore the principle is acceptable subject to the consideration of these detailed matters which will be explored in more detail below.

**b. Design**

10.2. Due to the wider than average plot size, the site is capable of accommodating an additional dwelling without the addition appearing cramped and unduly overbearing on the junction with Rede Close. The proposal would still retain some sense of openness of the junction (between 3.6 and 4.6 metres from the proposed dwelling to the site boundary). The set back of 4.6 metres from Rede Close would also relate to the building line of Rede Close to the rear and the grain of development in the area.

10.3. The proposed dwelling has been designed to read as a proportionate end of terrace dwelling which relates to the character of the host terrace. Whilst the dwelling has been set back from the principal elevation of the existing terrace fronting Pauling Road, this successfully addresses the chamfered nature of the corner plot of the corner of Rede Close and ensures that the development does not feel cramped within the subdivision of the plot.

10.4. The proposed design of the dwelling is a simple character to reflect that of the area. The property width, height, fenestration pattern in the principal elevation and use of materials relate to that of the existing properties in the terrace. The proposed dwelling measures 8.4 metres in depth whereas the existing dwellings in the terrace are 7.8 metres in depth. Since the proposal would be 0.6 metres deeper it does result in a slightly shallower roof pitched. However, since the property is proposed to be staggered from the rest of the terrace, this difference would not be overly noticeable in the streetscene thus it would not be detrimental to the character and appearance of the area.

10.5. The proposed single storey rear extension to the existing dwelling is simple in character, would sit comfortably on the rear elevation of the existing dwelling and would appear as a subservient addition. It would not be readily apparent from the public realm given the relationship with the proposed dwelling and its set back nature.

10.6. The proposal is therefore considered to comply with policies CP1, CP6 and CP8 of the Oxford Local Plan, CS18 of the Core Strategy and HP9 of the Sites and Housing Plan (which are to become policy DH1 of the Oxford Local Plan 2036 and the NPPF).

**c. Impact on neighbouring amenity**

10.7. The proposed development has been designed to ensure it would not have a detrimental impact on the amenity of the neighbouring occupiers in terms of loss of light, overbearing impact or loss of privacy. The additional dwelling would be attached to 9 Pauling Road. Whilst it would project beyond the rear elevation of this property it has been designed to ensure it would comply with 45 degree guidelines from the rear facing windows to habitable rooms of 9 Pauling Road. For the same reasons and given the limited projection to the rear, the proposals would not be overbearing or affect outlook. The relationship of rear facing windows would be typical in a residential area such as this and not affect privacy.

10.8. The proposed dwelling would be situated at least 12 metres from the rear boundary of the site and over 22 metres from neighbouring properties at the rear which front Rede Close and set at 90 degrees to this site, ensuring adequate privacy would be retained and nor would there be any other impacts in terms of loss of light, outlook or being overbearing. The front and side elevations would overlook the adjoining roads to the site and would therefore not result in a loss of privacy to other neighbouring occupiers.

10.9. The single storey extension to the existing dwelling, 9 Pauling Road, would only extend 2.36 metres from the rear elevation of the property and would be set off the boundary with 11 Pauling Road by 2.5 metres which ensures the proposal would comply with 45 degree guidelines from the rear facing windows of the neighbouring property and would therefore not result in a detrimental loss of light, outlook, privacy or be overbearing.

10.10. The proposal is therefore considered to comply with policies CP10 of the Oxford Local Plan and HP14 of the Sites and Housing Plan (to become policy H14 of the Oxford Local Plan 2036).

**d. Internal and external space**

10.11. Any new proposed residential units, in accordance with policy HP12 of the Sites and Housing Plan, should comply with National Space Standards, should provide natural lighting and outlook and have a separate lockable entrance and kitchen and bathroom facilities. A two storey, three bedroom unit for five occupants should be 93m<sup>2</sup>. The proposed unit complies with this standard.

- 10.12. New dwellings, as required by policy HP2, are expected to be accessible and adaptable and meet the lifetime homes standard. This is now replaced by the nearest equivalent of Part M of building regulations, optional requirement M4(2). A condition is therefore recommended to ensure the homes are built to this standard to ensure compliance with this policy.
- 10.13. In terms of outdoor space, policy HP13 of the Sites and Housing Plan sets out a space requirement of a garden equivalent to the footprint of the dwelling for a family dwelling. The proposal ensures that this is the case for both the existing dwelling in terms of the garden retained and the garden for the proposed dwelling. This policy also requires the provision of bin storage in addition to this. This is to be located adjacent to the rear parking area, details of which are requested by condition.
- 10.14. To ensure adequate amenity space is retained to the proposed dwelling in relation to its size, permitted development rights for extensions to the dwelling are sought to be removed by condition to ensure that adequate space is retained the amenities of neighbours are not harmed.
- 10.15. The proposal is therefore considered to comply with policies HP2, HP12 and HP13 of the Sites and Housing Plan (to become policies H10, H15 and H16 of the Oxford Local Plan 2036).

**e. Highways/parking**

- 10.16. The Local Highway Authority (Oxfordshire County Council) has raised no objection to the proposal. The proposal results in the loss of a garage and alterations to an existing parking space. Since both the garage and the parking space are below current standard (and currently unused) the Local Highway Authority considers that there is no net loss of parking spaces as a result of the proposed development.
- 10.17. The proposal would include two new car parking spaces, one each for the proposed and existing dwellings from Rede Close which the Local Highway Authority consider acceptable subject to the provision of vision splays before their installation.
- 10.18. The Local Highway has also requested that the proposed dwelling be exempt from on street parking permits. Given that the situation with the existing dwelling is gaining an adequately sized space and the proposed dwelling would have one off road space per dwelling which is below the current maximum standard, this condition is considered reasonable for the additional dwelling to prevent any on street parking pressure. The Sites and Housing Plan states that this would be sought where off road parking standards cannot be met.
- 10.19. An objection has been received from a neighbour that the off road parking space would reduce on street capacity for parking. The parking space could be installed under permitted development for the existing dwelling and therefore it is not considered reasonable to object to the application on this basis. There is also an existing dropped kerb measuring 3.08 metres which

would only need to be widened by 2.22 metres. Any obstruction of driveways caused by on-street parking is a civil matter and the proposed dwelling would not amount to an increase in street parking pressure on street due to the removal for eligibility for parking permits.

10.20. In order to comply with policy HP15 in relation to cycle storage, three cycle storage spaces are proposed to the rear garden. This would comply with the minimum standard under this policy. Details are requested by the recommended condition to ensure that it is covered and secure and of a suitable appearance.

10.21. Subject to a condition for provision of the parking spaces with adequate vision splays, removal of eligibility of parking permits for the proposed dwelling and details of bicycle storage for the proposed dwelling prior to occupation, the proposal is considered to comply with policies HP15 and HP16 of the Sites and Housing Plan and the NPPF.

**f. Water/energy efficiency**

10.22. Policies CS9 and HP11 expect the applicant to demonstrate how sustainable design and construction methods will be incorporated and how energy efficiencies have been incorporated into the design. Given the proposal is a small scale development that is not a qualifying site to provide 20% of energy consumption through renewals it is considered appropriate to deal with energy and water efficiency by condition in accordance with Policies HP11 of the Sites and Housing Plan and CS9 of the Core Strategy (these are to become policy RE1 of the Oxford Local Plan 2036).

**g. Drainage**

10.23. Policy CS11 of the Core Strategy relates to drainage and flooding. Whilst the proposed development is located in flood zone 1 and is at a low risk from flooding, it results in the loss of green garden land and increases impermeable areas on the site. To ensure that the proposed development does not result in an increase in surface water run-off which could contribute to flooding elsewhere, sustainable drainage would need to be incorporated into the site. Drainage plans, calculations and drainage details are requested by condition to demonstrate that this would be the case. Given that the proposal also falls within the Lye Valley SSSI catchment area, Natural England have also requested a SuDs strategy by condition to demonstrate how a reduction in quantity or quality of groundwater recharge, or an increase in surface water run-off would be avoided to ensure there is no harm to the Lye Valley SSSI.

10.24. Subject to this drainage condition, the proposal is considered to comply with policy CS11 of the Core Strategy which is to become policy RE3 and RE4 of the Oxford Local Plan 2036.

**h. Land Quality**



10.25. The risk of any significant contamination being present on the site is low. However, the proposed use is a sensitive use and it is the developer's responsibility to ensure that the site is suitable for the proposed use. Given the low possibility of contamination being found if the proposal were to be acceptable it is considered appropriate to place an informative on any permission advising the developer of their responsibilities if any contamination is found. The proposal is therefore not considered contrary to policy CP22 of the Oxford Local Plan (to become policy RE9 of the Oxford Local Plan 2036).

#### **i. Trees/landscaping**

10.26. The proposals require 3 existing trees (2 cherry trees and a hawthorn) to be removed from the boundary of the site with Rede Road and this will be detrimental to public views from the street. However, planting of 2 new cherry trees is proposed to mitigate this impact so that the residual harm to public amenity in the area will be minor; in accordance with adopted Local Plan policies CP1, CP11 and NE15 (to become policies G1 and G8 of the Oxford Local Plan 2036). This replanting is proposed to be secured by condition.

### **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. The NPPF 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 (paragraph 2). The main aim of the NPPF is to deliver Sustainable Development, with paragraph 11 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. The relevant development plan policies are considered to be consistent with the NPPF despite being adopted prior to the publication of the framework.

11.3. Therefore in conclusion it would be necessary to consider the degree to which the proposal complies with the policies of the development plan as a whole and whether there are any material considerations, such as the NPPF, which are inconsistent with the result of the application of the development plan as a whole.

11.4. In summary, the proposed development would be an acceptable addition to the existing dwellinghouse and the surrounding area making a more efficient use of the site. The proposals are suitable in design terms and comply with policies CP1, CP8 and CP10 of the Oxford Local Plan 2001-2016, HP9 of the Sites and Housing Plan, CS18 of the Core Strategy. The proposals would not result in any harm to neighbouring amenity and are compliant with HP14 of the Sites and Housing Plan and H14 of the emerging Oxford Local Plan. The proposals would replace any trees which make an important contribution to

public amenity and are compliant with NE15 and NE16 of the Oxford Local Plan and G8 of the emerging Oxford Local Plan 2036. The proposal would also have an acceptable impact on the highway network in accordance with policy CP1 of the Oxford Local Plan and provide adequate internal and external space in accordance with policies HP12 and HP13 of the Sites and Housing Plan.

11.5. Therefore officers consider that the proposal would accord with the development plan as a whole.

#### *Material consideration*

11.6. The principal material considerations which arise are addressed below, and follow the analysis set out in earlier sections of this report.

11.7. National Planning Policy: the NPPF has a presumption in favour of sustainable development.

11.8. NPPF paragraph 11 states that proposals that accord with the development plan should be approved without delay, or where the development plan is absent, silent, or relevant plans are out of date, granting permission unless any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole; or specific policies in the framework indicate development should be restricted.

11.9. Officers consider that the proposal would accord with the overall aims and objectives of the NPPF for the reasons set out within the report. Therefore in such circumstances, paragraph 11 is clear that planning permission should be approved without delay. This is a significant material consideration in favour of the proposal.

11.10. Officers would advise members that, having considered the application carefully, the proposal is considered to be acceptable in terms of the aims and objectives of the National Planning Policy Framework and relevant policies of the Oxford Core Strategy 2026, and Oxford Local Plan 2001-2016, and the emerging Local Plan 2036, when considered as a whole, and that there are no material considerations that would outweigh these policies.

11.11. Therefore it is recommended that the Committee resolve to grant planning permission for the development proposed subject to the conditions and informatives set out in Section 12 of this report.

## **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 Prior to their installation samples of the exterior materials to be used shall be submitted to or be made available on site for inspection by the Local Planning Authority and approved in writing 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 The dwelling(s) shall not be occupied until the Building Regulations Part M access to and use of building, Category 2 accessible and adaptable dwellings, Optional requirement M4(2) has been complied with.

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

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

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

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

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

- 7 Prior to the commencement of development, plans, calculations and drainage details to show how surface water will be dealt with on-site through the use of sustainable drainage methods (SuDS) shall be submitted to and approved in writing by the Local Planning Authority (LPA). The plans, calculations and drainage details will be required to be completed by a suitably qualified and experienced person in the field of hydrology and hydraulics. The works shall only be carried out in accordance with the approved details.

The plans, calculations and drainage details submitted shall demonstrate that;

I. The drainage system is to be designed to control surface water runoff for all rainfall up to a 1 in

100 year storm event with a 40% allowance for climate change.

II. The rate at which surface water is discharged from the site may vary with the severity of the storm event but must not exceed the greenfield runoff rate for a given storm event.

III. Excess surface water runoff must be stored on site and released to receiving system at greenfield runoff rates.

IV. Where sites have been previously developed, discharge rates should be at greenfield rates. Any proposal which relies on Infiltration will need to be based on on-site infiltration testing in accordance with BRE365 or alternative suitable

methodology, details of which are to be submitted to and approved by the LPA. Consultation and agreement should also be sought with the sewerage undertaker where required.

A SuDS maintenance plan shall also be submitted and approved in writing by the LPA. The Sustainable Drainage (SuDS) Maintenance Plan will be required to be completed by a suitably qualified and experienced person in the field of hydrology and hydraulics. The SuDs maintenance plan will be required to provide details of the frequency and types of maintenance for each individual sustainable drainage structure proposed and ensure the sustainable drainage system will continue to function safely and effectively in perpetuity.

Reason: To ensure compliance with Oxford Core Strategy Policy CS11.

- 8 Unless otherwise agreed in writing by the Local Planning Authority 2no. new bird cherry (*Prunus padus*) trees, shall be planted at appropriate locations along the boundary of the application site with Rede Close during the first planting season ( i.e. between November and March) following substantial completion of the approved dwelling. Both of the new trees shall be at least extra heavy standard specimens with a minimum stem girth of 14-16cm at the time of planting and they shall be container grown. If either of the trees dies or fails to become established for whatever reason within 5 years of planting it shall be replaced within the next planting season.

Reason: To mitigate the impact on public amenity that will result from removing existing trees in accordance with policies CP11 and NE15 of the Oxford Local Plan.

- 9 The development shall be carried out in strict accordance with the approved methods of working and tree protection measures contained within the planning application details unless otherwise agreed in writing by the Local Planning Authority.

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

- 10 Prior to the occupation of the dwelling details of the bin and bicycle storage including the means of enclosure shall be submitted to and approved in writing by the Local Planning Authority, provided on site in accordance with the approved details and retained thereafter for the storage of bins and bicycles only.

Reason: In the interests of the character and appearance of the streetscene and promotion of sustainable modes of transport in accordance with policies HP13 and HP15 of the Sites and Housing Plan.

- 11 Prior to the occupation of the dwelling the proposed parking shall be laid out in accordance with approved plans and retained thereafter for the parking of private motor vehicles only.

Reason: To ensure that sufficient provision is made for off-street parking in the interests of highway safety in accordance with policies CP1 of the Oxford Local Plan and HP16 of the Sites and Housing Plan.

- 12 Prior to occupation of the dwelling visibility splays measuring 2m by 2m shall be provided to each side of the access. This visibility splay shall not be obstructed by any object, structure, planting or other material with a height exceeding or growing above 0.6 metres as measured from carriageway level.

Reason: To provide and maintain adequate visibility in the interest of highway safety in accordance with policy CP1 of the Oxford Local Plan.

- 13 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or enacting that Order) no structure including additions to the dwelling house as defined in Classes A and B 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 Oxford Local Plan 2001-2016 and the amenities of the occupiers and neighbours in accordance with policies CP10 of the Oxford Local Plan 2001-2016 and HP14 of the Sites and Housing Plan.

### INFORMATIVES :-

- 1 In accordance with guidance set out in the National Planning Policy Framework, the Council tries to work positively and proactively with applicants towards achieving sustainable development that accords with the Development Plan and national planning policy objectives. This includes the offer of pre-application advice and, where reasonable and appropriate, the opportunity to submit amended proposals as well as time for constructive discussions during the course of the determination of an application. However, development that is not sustainable and that fails to accord with the requirements of the Development Plan and/or relevant national policy guidance will normally be refused. The Council expects applicants and their agents to adopt a similarly proactive approach in pursuit of sustainable development.
- 2 The development hereby permitted is liable to pay the Community Infrastructure Levy. The Liability Notice issued by Oxford City Council will state the current chargeable amount. A revised Liability Notice will be issued if this amount changes. Anyone can formally assume liability to pay, but if no one does so then liability will rest with the landowner. There are certain legal requirements that must be complied with. For instance, whoever will pay the levy must submit an Assumption of Liability form and a Commencement Notice to Oxford City Council prior to commencement of development. For more information see: [www.oxford.gov.uk/CIL](http://www.oxford.gov.uk/CIL)
- 3 If unexpected contamination is found to be present on the application site, an appropriate specialist company and Oxford City Council should be informed and an investigation undertaken to determine the nature and extent of the contamination and any need for remediation. If topsoil material is imported to the site the developer should obtain certification from the topsoil provider to ensure that the material is appropriate for the proposed end use.

Please note that the responsibility to properly address contaminated land issues, irrespective of any involvement by this Authority, lies with the owner/developer of the site.

- 4 Any alterations to the public highway will be at the applicant's expense and to Oxfordshire County Council's standards and specifications. Written permission must be gained from the Oxfordshire County Council (Contact - 0845 310 1111 or refer to <https://www.oxfordshire.gov.uk/cms/content/dropped-kerbs> for this action).

### **13. APPENDICES**

- **Appendix 1 – Site 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. O  
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.

Appendix 1 – Site Plan



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<b>Application number:</b>	19/01142/CT3		
<b>Decision due by</b>	3rd July 2019		
<b>Extension of time</b>	TBA		
<b>Proposal</b>	Replacement of main front and side access doors to Windrush Tower.		
<b>Site address</b>	Windrush Tower, Knights Road, Oxford, Oxfordshire – see <b>Appendix 1</b> for site plan		
<b>Ward</b>	Northfield Brook Ward		
<b>Case officer</b>	Alice Watkins		
<b>Agent:</b>	N/A	<b>Applicant:</b>	Mr Bill Chamberlain
<b>Reason at Committee</b>	Application is made by Oxford City Council		

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## 1. RECOMMENDATION

1.1. East Area Planning Committee is recommended to:

1.1.1. **approve the application** for the reasons given in the report and subject to the required planning conditions set out in section 12 of this report and grant planning permission.

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

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

## 2. EXECUTIVE SUMMARY

2.1. This report considers the replacement of front and side doors to the existing entrance block at Windrush Tower. The doors will increase the security of the building.

2.2. The development is considered to be appropriately designed and would not have a detrimental impact to neighbouring properties. Overall, the development is considered acceptable in accordance with the identified policies and approval is recommended.

## 3. LEGAL AGREEMENT

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

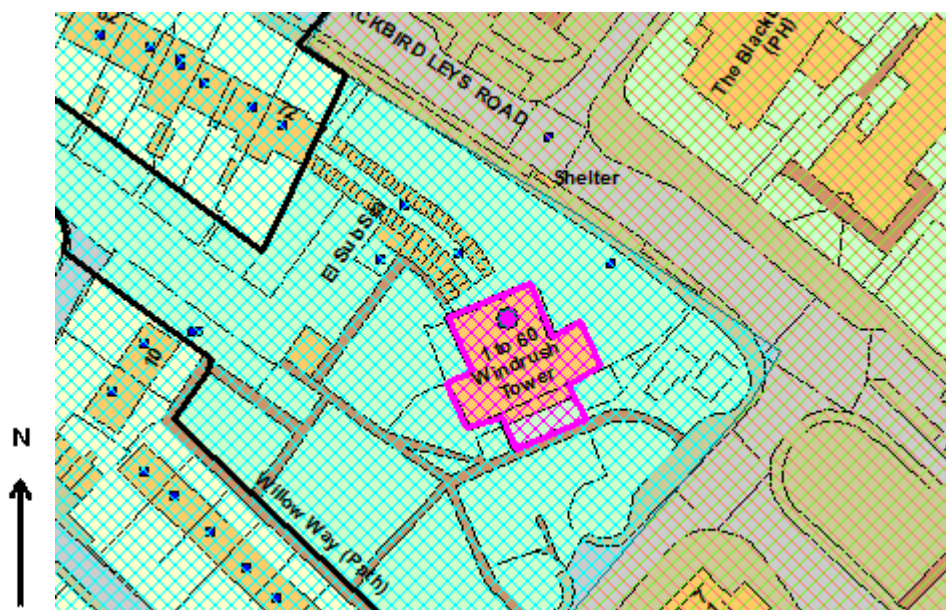
#### 4. COMMUNITY INFRASTRUCTURE LEVY (CIL)

4.1. The proposal is not liable for CIL.

#### 5. SITE AND SURROUNDINGS

5.1. Windrush Tower is a 1960s tower block located on the south-east side of Blackbird Leys Road and at the junction with Knights Road. The block has recently been updated and external cladding installed. The block sits within a generous plot and there is a sense of openness around the site.

5.2. See block plan below:



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Ordnance Survey 100019348

#### 6. PROPOSAL

6.1. The application proposes to replace the front and side entrance doors within the existing entrance lobby. The existing front and side doors to the foyer are of aluminium materials with full glazing finished with a brown frame. The proposed doors are to be integrated into the existing aluminium frame and will be finished with powder coat brown to match the existing.

#### 7. RELEVANT PLANNING HISTORY

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

57/06434/A_H - Outline application for housing and ancillary purposes including the stopping up of part of Long Lane and Sandy Lane. APPROVED 8th October 1957.
-----------------------------------------------------------------------------------------------------------------------------------------------------------------

61/11275/A\_H - 60 stores, 1 hobbies room, 1 covered play space, 1 sub-station, 1 pump house and garages for private cars at each of the two fifteen storey blocks of flats.. APPROVED 26th September 1961.

97/01617/B - Application to determine if prior approval is required for removal of existing telecommunication equipment cabinet and erection of replacement.. PRIOR APPROVAL REQUIRED – SITING AND DESIGN ACCEPTABLE 10th October 1997.

98/01013/B - Determination as to whether prior approval is required for siting and design of separately sited single storey equipment room at ground level.. WITHDRAWN 21st July 1998.

98/01277/NF - Demolition of store. Erection of telecommunications equipment room.. APPROVED 14th October 1998.

99/02098/B - Application to determine whether prior determination of siting and design is required for the installation of one omni antenna on roof of Windrush Tower.. PRIOR APPROVAL REQUIRED – SITING AND DESIGN ACCEPTABLE 27th January 2000.

60/09631/A\_H - Outline application for two blocks of 15 storey flats.. APPROVED 12th July 1960.

60/09925/A\_H - 15 storey block of flats each having 60 stores, 1 covered play space, 1 booster pump room, 1 electricity sub-station and 1 hobbies room.. APPROVED 27th September 1960.

14/02641/CT3 - Thermal upgrade and recladding. Formation of new entrance lobby. Provision of carparking and landscaping. Replacement windows and provision of windows to balconies. Demolition of roof top parapet structure. Installation of feature corner parapet to South East elevation.. APPROVED 12th November 2014.

16/00760/PDT - Replacement of 3no antennas with 6no new antennas, the replacement of 1no existing dish with 1No dish on new antenna support pole.. PERMISSION NOT REQUIRED 18th March 2016.

16/00827/PDT - Removal of 3no. antennas and replacement with 6no. antennas mounted to 3no. wall mounted poles, replacement of 1no. dish with 1no. dish on antenna support pole and ancillary works.. PERMISSION NOT REQUIRED 22nd March 2016.

17/02391/VAR - Variation of condition 2 (Develop in accordance with approved plans) of planning permission 14/02641/CT3 (Thermal upgrade and recladding. Formation of new entrance lobby. Provision of car parking and landscaping. Replacement windows and provision of windows to balconies. Demolition of roof top parapet structure. Installation of feature corner parapet to South East elevation.) to allow change in material to be used for cladding.. APPROVED 6th October 2017.

## 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
Design	12	CP1 CP6 CP8 CP10	CS18_	HP9_	DH1 DH2 DH5
Environmental	15			HP14_	H14
Miscellaneous	5			MP1	

## 9. CONSULTATION RESPONSES

9.1. Site notices were displayed around the application site on 29th May 2019 and an advertisement was published in The Oxford Times newspaper on 23rd May 2019.

### Statutory and non-statutory consultees

Oxfordshire County Council (Highways)

9.2. No comments received.

### Public representations

9.3. No public representations were received.

## 10. PLANNING MATERIAL CONSIDERATIONS

- Design
- Neighbouring amenity

### a. Design

10.1. The proposal involves the replacement of the existing front and side facing doors to the entrance lobby. The existing front door features two large glazed panels whilst the front features a single glazed panel. The proposed front door features a glazed panel either side of the three panel glazed door, whilst the side door consists of three glazed panels. The proposed doors are of the same dimensions as the existing and are to be finished with brown powder coating to match existing. The doors will not detract from the character and appearance of the building and are considered acceptable in design terms.

10.2. The proposal is considered to comply with CP1, CP8 and CP10 of the Local Plan, HP9 of the Sites and Housing Plan and CS18 of the Core Strategy and the NPPF.

**b. Impact on neighbouring amenity**

10.3. The replacement doors will serve an entrance lobby serving a tower block of residential flats. The proposal will not detrimentally impact the residential properties in terms of impact on light or loss of outlook within the block or any surrounding properties either given the distances involved.

10.4. The proposals would also offer enhanced security to existing residents. The proposed doors would be integrated into the existing aluminium frame with a door fob entry system incorporated into a side panel and with vertical security locks into the frames. This compares to the existing front doors which are double, fully glazed doors with a stand alone key fob and the side door being single glazed only.

10.5. The proposal is considered to comply with HP14 of the Sites and Housing Plan.

**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 Purchased 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 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 replacement doors are considered acceptable in design terms and will not detract from the character and appearance of the area. The proposal will not detrimentally impact upon the amenity of neighbouring properties. Overall, the development is considered acceptable in accordance with the identified planning policies and in accordance with the NPPF.

11.4. It is recommended that the Committee resolve to grant planning permission for the development proposed subject to the conditions and informative set out below.

**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 The materials to be used in the external elevations of the new development shall match those of the existing building.

Reason: To ensure that the new development is in keeping with existing building(s) in accordance with policies CP1 and CP8 of the Adopted Oxford Local Plan 2001-2016.

#### INFORMATIVES :-

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

#### **13. HUMAN RIGHTS ACT 1998**

- 13.1. 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.

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

- 14.1. 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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## Minutes of a meeting of the EAST AREA PLANNING COMMITTEE on Wednesday 3 July 2019

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### Committee members:

Councillor Taylor (Chair)	Councillor Tanner (Vice-Chair)
Councillor Azad (for Councillor Lloyd-Shogbesan)	Councillor Aziz
Councillor Chapman	Councillor Cook (for Councillor Clarkson)
Councillor Garden (for Councillor Wade)	Councillor Simm
Councillor Roz Smith	

### Officers:

Sally Fleming, Planning Lawyer  
Hayley Jeffery, Development Management Team Leader  
Mike Kemp, Senior Planning Officer  
Andrew Murdoch, Development Management Service Manager  
Jennifer Thompson, Committee and Members Services Officer

### Apologies:

Councillors Clarkson, Lloyd-Shogbesan and Wade sent apologies.

Their substitutes are shown above.

## 11. Declarations of interest

**Minute 16 19/01029/CT3:** Councillor Roz Smith declared that as she was a trustee of the Headington Community Association she would leave the room and take no part in the decision on that application.

Councillor Cook stated that as a Council appointed trustee for the Oxford Preservation Trust and as member of the Oxford Civic Society, he had taken no part in those organisations' discussions or decision making regarding any of the applications before the Committee and was approaching the applications with an open mind, would listen to all the arguments and weigh up all the relevant facts before coming to a decision.

## **12. 19/00518/RES: Land At Barton, Northern By-pass Road, Oxford, OX3 9SD**

Councillor Azad joined the meeting after the start of this item and accordingly took no part in the debate or decision.

The Committee considered an application for planning permission setting out the details of reserved matters (layout, scale, appearance, and landscaping) for the third phase of the Barton Park development, pursuant of condition 3 of the outline planning permission 13/01383/OUT, on Land at Barton, Northern By-pass Road, Oxford

The works comprise the construction of 207 residential units (Class C3) with associated means of access and highways works; car and cycle parking; hard and soft landscaping; public realm works and ancillary structures, including a substation.

The Planning Officer recommended, and the Committee accepted, changes to the recommendation to take account of information received after the agenda was published and to clarify the delegations as set out in the decision below.

The Planning Officer confirmed that the statement of conformity to the outline Environmental Statement (ES) that had been submitted by the applicant was adequate to assess the effects of the reserved matters application as it confirmed that those details had been developed within the parameters of the ES and it concluded that the reserved matters would not give rise to any significant effects over those considered at the time of the outline application.

Paul Comerford, Jonathan Hill, and David Owens (representing the applicant) spoke in support of the application and answered questions from the Committee.

After questions were answered by the speakers and by officers and on being proposed, seconded, and put to the vote the Committee agreed to accept the Planning Officer's amended recommendations as below.

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

1. **delegate approval** of the reserved matters application submitted in relation to condition 3 of the outline planning permission 13/01383/OUT as amended by the modification order made on the 8<sup>th</sup> October 2018 and confirmed on the 14<sup>th</sup> November 2018 subject to the satisfactory receipt of amended plans to the Acting Head of Planning Services, for the reasons given in the report and subject to the 8 required planning conditions; and
2. **defer** the discharge of the following conditions of outline consent 13/01383/OUT (as modified) to be dealt with on a delegated basis by the Acting Head of Planning Services:

- Condition 6 – Materials
- Condition 9 – Landscape and Public Realm
- Condition 11 – Tree Protection Measures
- Condition 12 – Landscape Management Plan
- Condition 15 – Lifetime Homes Standards
- Condition 16 – Car Parking Standards
- Condition 17 – Cycle Parking Standards
- Condition 20 – Travel Plan
- Condition 23 – Sustainability
- Condition 25 – Phased Surface Water Drainage
  - Condition 26 – Foul Water Drainage
  - Condition 27 – Flooding
  - Condition 28 – Ground Contamination and Remediation
  - Condition 32 – Noise Attenuation
  - Condition 38 – Repeat Ecological Surveys
  - Condition 39 – Habitat Creation

**3. and delegate authority to the Acting Head of Planning Services to**

- (a) Finalise the recommended conditions set out in the report including such refinements, amendments, additions, and/or deletions as the Acting Head of Planning considers reasonably necessary; and
- (b) Approve the reserved matters application; and
- (c) Discharge the conditions referred to above.

### **13. 18/02401/OUT: The Bungalow, Garsington Road, Oxford**

The Committee considered an outline application (seeking the approval of access, landscaping, layout and scale) for the demolition of a bungalow and MOT garage and erection of proposed mixed use development comprising 9 x 2 bed flats, 433 sq. m of B1 office space and associated car parking, cycle parking, bin stores and landscaping at The Bungalow, Garsington Road, Oxford, OX4 6NQ.

The Planning Officer reported that officers had received and assessed the arboricultural impact assessment and were satisfied that the existing cedar tree would not be compromised. He recommended removing reference to this and adding three conditions to the decision: agreement of a landscape plan; agreement of a tree protection plan; and a time limit for submission of a reserved matters application.

Janine Wheeler (the applicant) came to the table to answer questions from the Committee.

A proposal to refuse the application because the site was capable of accommodating 10 dwellings and hence deliberately underdeveloped was seconded. Officers advised that the policy referred to, and the discussions with the applicant following their original proposals, did not support that view. The proposal was lost on being put to the vote.

On being proposed, seconded, and put to the vote the Committee agreed to accept the Planning Officer's amended recommendations.

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

1. **approve the application** for the reasons given in the report, subject to:
  - (a) there being no further objections received following consultation, and
  - (b) the satisfactory completion of a legal agreement under section 106 of the Town and Country Planning Act 1990 and other enabling powers to secure the planning obligations set out in this report; and
  - (c) the 15 required planning conditions set out in section 12 of this report; plus 3 conditions requiring agreement of a landscape plan; agreement of a tree protection plan; and setting a time limit on the submission of a reserved matters application; and
  
2. **delegate authority** to the Acting Head of Planning Services to:
  - (a) 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; and
  - (b) finalise the recommended legal agreement under section 106 of the Town and Country Planning Act 1990 and other enabling powers as set out in the report, including refining, adding to, amending and/or deleting the obligations detailed in the heads of terms set out in the report (including to dovetail with and where appropriate, reinforce the final conditions and informatives to be attached to the planning permission) as the Acting Head of Planning Services considers reasonably necessary; and
  - (c) complete the section 106 legal agreement referred to above and issue the planning permission.

#### **14. 19/00933/CT3: Land At The Junction Of Blackbird Leys Road And Balfour Road, Oxford**

The Committee considered an application for planning permission for the formation of 10 parking spaces on land at the Junction of Blackbird Leys Road and Balfour Road, Oxford.

James Axford and Bill Chamberlain (representing the applicant) came to the table to answer questions from the Committee.

The Committee debated whether to add an informative asking the applicant to consider how best to allocate spaces to residents of houses adjoining the parking. On being proposed, seconded, and put to the vote, this was lost on the Chair's casting vote.

On being proposed, seconded, and put to the vote the Committee agreed to approve the application with the conditions set out in the report.

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

1. **approve the application** for the reasons given in the report and subject to the 6 required planning conditions set out in section 12 of the report and grant planning permission;
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.

#### **15. 19/01057/CT3: 2 Devereux Place, Oxford, OX4 4RP**

The Committee considered an application for planning permission for the erection of a two storey side extension at 2 Devereux Place, Oxford, OX4 4RP.

Christopher Leach (representing the applicant) spoke in support of the application.

On being proposed, seconded, and put to the vote the Committee agreed to approve the application.

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

1. **approve the application** for the reasons given in the report and subject to the 3 required planning conditions set out in section 12 and the informative set out in Section 13 of the report and grant planning permission;
1. **delegate authority** to the Acting Head of Planning Services to finalise the recommended conditions and informative as set out in the report including such refinements, amendments, additions and/or deletions as the Acting Head of Planning Services considers reasonably necessary.

## **16. 19/01029/CT3: Headington Community Centre, 39 Gladstone Road, Oxford, OX3 8LL**

Councillor Roz Smith left the meeting at the start of this item and took no part in the debate or decision.

The Committee considered an application for planning permission for the construction of a single storey front extension to house a disabled toilet; installation of extract fan, high level ducting and replacement inspection chamber at Headington Community Centre, 39 Gladstone Road, Oxford.

James Axford and Bill Chamberlain (representing the applicant) came to the table to answer questions from the Committee.

On being proposed, seconded, and put to the vote the Committee agreed to approve the application.

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

1. **approve the application** for the reasons given in the report and subject to the 3 required planning conditions set out in section 12 and the informative set out in Section 13 of the report and grant planning permission;
1. **delegate authority** to the Acting Head of Planning Services to finalise the recommended conditions and informative as set out in the report including such refinements, amendments, additions and/or deletions as the Acting Head of Planning Services considers reasonably necessary.

## **17. Minutes**

The Committee resolved to approve the minutes of the meeting held on 5 June 2019 as a true and accurate record.

## **18. Forthcoming applications**

The Committee noted the list of applications due to come before them.

## **19. Dates of future meetings**

The Committee noted the meeting dates.

**The meeting started at 6.00 pm and ended at 8.10 pm**

**Chair .....**

**Date: Wednesday 31 July 2019**