

Agenda

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East Area Planning Committee

Date: **Wednesday 6 November 2019**

Time: **6.00 pm**

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

For any further information please contact the Committee Services Officer:

Jennifer Thompson, Committee and Member Services Officer

Telephone: 01865 252275

Email: democraticservices@oxford.gov.uk

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

East Area Planning Committee

Membership

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

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

13 - 88

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

Proposal: Outline Planning Application (landscaping subject to reserved matters submission) for development comprising 86 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.
2. **agree to delegate** authority to the 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 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 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 Head of Planning Services considers reasonably necessary; and

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

4 18/02401/OUT: The Bungalow, Garsington Road, Oxford, OX4 6NQ

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Site address: The Bungalow, Garsington Road, Oxford, OX4 6NQ

Proposal: 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, 257 sq. m of B1 office space and associated car parking, cycle parking, bin stores and landscaping (AMENDED)

Reason at Committee:

Members resolved at the East Area Planning Committee held on 3rd July 2019 to approve planning permission for the proposed development subject to a legal agreement to provide an off-site financial contribution towards affordable housing.

The Policy position in relation to the application of adopted Policy HP4 for decision making has been altered. Consequently an off-site financial contribution towards the provision of affordable housing is no longer required and therefore the application needs to be reported back to Committee.

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 the report and grant planning permission.
2. **agree to delegate** authority to the 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 Head of Planning Services considers reasonably necessary.

5 19/01038/FUL: Ivy Lane, Osler Road, Oxford, OX3 9DT

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Site address: Ivy Lane, Osler Road, Oxford

Proposal: Demolition of existing buildings. Phased construction of key worker housing comprising 56 cluster units, 21 x 1 bed studio apartments, 48 flats (17x1 bed, 31 x 2 beds), management office and associated works including parking and landscaping (additional/revised information).

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 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 set out in the set out in the report and;
2. **agree to delegate authority** to the 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 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 the report, including refining, adding to, amending and/or deleting the obligations detailed 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 Head of Planning Services considers reasonably necessary and;
 - complete the section 106 legal agreement referred to above and issue the planning permission.

6 19/01039/FUL: Site Adjacent Randolph Court, Churchill Drive, Oxford

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Site address: Site Adjacent Randolph Court, Churchill Drive, Oxford

Proposal: Demolition of existing buildings. Construction of key worker housing (19 cluster units) and associated works (additional/revised information).

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 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 set out in the set out in the report and;
2. **agree to delegate authority** to the 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 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 the report, including refining, adding to, amending and/or deleting the obligations 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 Head of Planning Services considers reasonably necessary and; complete the section 106 legal agreement referred to above and issue the planning permission.

7 19/01225/RES: University Of Oxford Old Road Campus, Roosevelt Drive, Oxford, OX3 7DQ

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Site address: Plot B3 University of Oxford Old Road Campus, Roosevelt Drive, Oxford

Proposal: Application for reserved matters of application 12/02072/OUT (appearance, landscaping, scale and layout) for plot B3 to create the Institute of Developmental Regenerative Medicine (IDRM)

Recommendation: East Area Planning Committee is recommended to:

1. **approve** the reserved matters application submitted in relation to condition 2 of outline planning permission for 12/02072/OUT 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.
2. **agree to delegate** authority to the 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 Head of Planning Services considers reasonably necessary.

8 19/02123/FUL: 76 Campbell Road, Cowley, Oxford OX4 3NU

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Site address: 76 Campbell Road, Oxford, OX4 3NU

Proposal: Demolition of existing single storey extension and garage. Erection of single storey extension and 1 X 2 bedroom dwellinghouse with associated parking, amenity space and bin and bicycle storage.

Recommendation: East Oxford Planning Committee is recommended to:

Refuse the application for the following reasons:

- 1) Because of its prominent site, excessive width and overall mass and bulk, as well as the unconventional position of the side extension relative to the existing house, the proposed extension would fail to achieve an appropriate and subservient visual relationship with the existing house, would unbalance the pair of semis and appear as an overly prominent, and visually jarring and incongruous addition to the street scene, to the detriment of visual amenity and contrary to Policies CP1 and CP8 of the adopted Oxford Local Plan 2001 - 2016, CS18 of the Core Strategy, HP9 of the Sites and Housing Plan and DH1 of the emerging Local Plan 2036.
- 2) Because of its limited size, awkward shape and disjointed provision of space, along with its proximity to boundary treatments and the side and rear wall of the proposed house, the private amenity space proposed for the proposed new dwelling would be experienced as overly enclosed and claustrophobic and would fail to provide an outside area of acceptable quality to serve a family dwelling, to the detriment of residential amenity and contrary to Policy HP13 of the Sites and Housing Plan.

9 Minutes

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Recommendation: to approve the minutes of the meeting held on 2 October 2019 as a true and accurate record.

10 Forthcoming applications

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

16/02549/FUL: Land Adjacent 4 Wychwood Lane, OX3 8HG	Non-delegated application
17/01519/FUL: 55 Collinwood Road Oxford OX3 8HN	Called 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 decision
19/00305/OUT: 295-301 London Road, Headington, Oxford, OX3 9HL	Committee level decision
19/00779/FUL: Land at 1-7 Jack Straw's Lane/ 302-304 and 312 Marston Road, Oxford, OX3 0DL	Committee level decision

19/01059/CT3: 56 Dashwood Road, Oxford, OX4 4SH	Council application
19/01502/FUL: 3 Comfrey Rd, Oxford, OX4 6SP	Called in
19/01871/CT3: 18 Lambourn Road, Oxford, OX4 4GN	Council application
19/02003/FUL: Plot 16, Oxford Science Park, Robert Robinson Avenue, Oxford, OX4 4GA	Committee level decision
19/02095/FUL: Holy Trinity Church, Trinity Road, Oxford	Call in
19/02210/CT3: Site Of 1 To 7 Birchfield Close, Oxford	Council application
19/02247/VAR: John Radcliffe Hospital, Headley Way, Oxford, OX3 9DU	Committee level decision
19/02453/FUL: Kassam Stadium And Land Adjacent , Falcon Close, Oxford, OX4 4XP	Called in
19/02620/FUL: 17, 17A, 17B and 19 Between Towns Road, Oxford, OX4 3LX	Committee level decision

11 Dates of future meetings

Future meetings of the Committee are scheduled at 6.00pm on

2019

2 December

2020

15 January

5 February

4 March

1 April

Councillors declaring interests

General duty

You must declare any disclosable pecuniary interests when the meeting reaches the item on the agenda headed "Declarations of Interest" or as soon as it becomes apparent to you.

What is a disclosable pecuniary interest?

Disclosable pecuniary interests relate to your* employment; sponsorship (ie payment for expenses incurred by you in carrying out your duties as a councillor or towards your election expenses); contracts; land in the Council's area; licenses for land in the Council's area; corporate tenancies; and securities. These declarations must be recorded in each councillor's Register of Interests which is publicly available on the Council's website.

Declaring an interest

Where any matter disclosed in your Register of Interests is being considered at a meeting, you must declare that you have an interest. You should also disclose the nature as well as the existence of the interest.

If you have a disclosable pecuniary interest, after having declared it at the meeting you must not participate in discussion or voting on the item and must withdraw from the meeting whilst the matter is discussed.

Members' Code of Conduct and public perception

Even if you do not have a disclosable pecuniary interest in a matter, the Members' Code of Conduct says that a member "must serve only the public interest and must never improperly confer an advantage or disadvantage on any person including yourself" and that "you must not place yourself in situations where your honesty and integrity may be questioned". What this means is that the matter of interests must be viewed within the context of the Code as a whole and regard should continue to be paid to the perception of the public.

*Disclosable pecuniary interests that must be declared are not only those of the member her or himself but also those member's spouse, civil partner or person they are living with as husband or wife or as if they were civil partners.

Code of practice for dealing with planning applications at area planning committees and planning review committee

Planning controls the development and use of land in the public interest. Applications must be determined in accordance with the Council's adopted policies, unless material planning considerations indicate otherwise. The Committee must be conducted in an orderly, fair and impartial manner. Advice on bias, predetermination and declarations of interest is available from the Monitoring Officer.

The following minimum standards of practice will be followed.

At the meeting

1. All Members will have pre-read the officers' report. Members are also encouraged to view any supporting material and to visit the site if they feel that would be helpful (in accordance with the rules contained in the Planning Code of Practice contained in the Council's Constitution).
2. At the meeting the Chair may draw attention to this code of practice. The Chair will also explain who is entitled to vote.
3. The sequence for each application discussed at Committee shall be as follows:-
 - (a) the Planning Officer will introduce it with a short presentation;
 - (b) any objectors may speak for up to 5 minutes in total;
 - (c) any supporters may speak for up to 5 minutes in total;
 - (d) speaking times may be extended by the Chair, provided that equal time is given to both sides. Any non-voting City Councillors and/or Parish and County Councillors who may wish to speak for or against the application will have to do so as part of the two 5-minute slots mentioned above;
 - (e) voting members of the Committee may raise questions (which shall be directed via the Chair to the lead officer presenting the application, who may pass them to other relevant Officers and/or other speakers); and
 - (f) voting members will debate and determine the application.

Preparation of Planning Policy documents – Public Meetings

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

Public requests to speak

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

Written statements from the public

6. Any written statements that members of the public and Councillors wish to be considered should be sent to the planning officer by noon two working days before the day of the meeting. The planning officer will report these at the meeting. Material received from the public at the meeting will not be accepted or circulated, as Councillors are unable to view give proper consideration to the new information and officers may not be able to check for accuracy or provide considered advice on any material consideration arising. Any such material will not be displayed or shown at the meeting.

Exhibiting model and displays at the meeting

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

Recording meetings

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

Meeting Etiquette

10. All representations should be heard in silence and without interruption. The Chair will not permit disruptive behaviour. Members of the public are reminded that if the meeting is not allowed to proceed in an orderly manner then the Chair will withdraw the opportunity to address the Committee. The Committee is a meeting held in public, not a public meeting.
11. Members should not:
 - (a) rely on considerations which are not material planning considerations in law;
 - (b) question the personal integrity or professionalism of officers in public;
 - (c) proceed to a vote if minded to determine an application against officer's recommendation until the reasons for that decision have been formulated; or
 - (d) seek to re-design, or negotiate amendments to, an application. The Committee must determine applications as they stand and may impose appropriate conditions.

**Code updated to reflect Constitution changes agreed at Council in April 2017.
Unchanged in last Constitution update agreed at Council November 2018.**

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East Area Planning Committee

6th November 2019

Application number:	18/03330/OUT		
Decision due by	21 st March 2019		
Extension of time	TBA		
Proposal	Outline Planning Application (landscaping subject to reserved matters submission) for development comprising 86 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		
Site address	Former Sportsground , William Morris Close, Oxford, OX4 2JX – see Appendix 1 for site plan		
Ward	Cowley Marsh		
Case officer	Michael Kemp		
Agent:	Mr Simon Sharp	Applicant:	Cantay Estates Ltd
Reason at Committee	The proposals are a major application		

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 a former sports ground and surface level car park at William Morris Close. The application is in outline form seeking approval of all matters relating to layout, scale, appearance, and means of access, and the only matter reserved for a later date is landscaping.
- 2.2. There is considerable planning history to the site, which includes three refused applications all of which were for residential development. Since the determination of these previous planning applications, the National Planning Policy Framework has been revised, and the site has also been allocated within the Council's Emerging Local Plan (Policy SP66). The revised National Planning Policy Framework is a material consideration in the determination of the application. However the policies of the Emerging Local Plan can be afforded only limited weight at the current time given that the Emerging Local Plan has not completed its examination and has not therefore yet been adopted.
- 2.3. This application was previously brought before members of the East Area Planning Committee on the 31st July 2019. Members expressed concerns in respect of issues relating to the transport/highways impacts of the development including traffic generation; overlooking of the adjacent Tyndale School and subsequent safeguarding concerns; in addition to the scale and density of development. Members resolved that a decision on the application should be deferred to allow for further information to be provided in respect of the technical analysis of traffic movements and highways impacts; parking provision and the implications associated with overlooking of the school and how this may be addressed.
- 2.4. Following the committee meeting and subsequent discussions with your officers and Oxfordshire County Council Highways officers, the applicants have revised the development proposals, reducing the number of dwellings from 102 units to 86 units, an overall reduction of 16 units. This has been achieved through the removal of a storey from each of the central four apartment buildings. The parking provision on site has also been reduced to a total of 86 spaces from 102 spaces.
- 2.5. 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 a legal

agreement. The current proposal is that the financial contribution would be put towards enhancing 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 reduced the size and quality of the facility, restricting its usability. Taking these factors into account it is considered that the proposed financial contribution would provide adequate mitigation for the loss of the existing sports pitch.

- 2.6. The site exists as open space; though the sports pitch is not designated as an area of public open space under Policy SR5 of the Oxford Local Plan as the pitch has not been accessible for a considerable period of time and is a private facility. Notwithstanding this, the site provides an open aspect within a dense residential area and the site specific provisions outlined within the emerging allocation policy would require the provision of 10% of the site as open space. The proposal would seek to provide 17% of the site as public open space which would comfortably exceed that requirement and is considered to be of a high standard and suitably accessible for future residents and existing residents in the area.
- 2.7. In relation to the originally submitted proposals for 102 units officers considered that the cumulative impact of the traffic generated by the development would not have a severe impact on the function of the immediate highway network, this was supported by Oxfordshire County Council. It is understood that the surrounding roads have issues associated with on street parking and the area is not currently within a CPZ. Officers noted the concerns expressed by members at the previous committee held on the 31st July 2019 in respect of the cumulative impact of additional vehicular traffic and adequacy of the proposed parking provision. The reduction in the number of units from 102 to 86 dwellings and subsequent reduction in on-site parking would reduce traffic generation from the scheme and thereby lessen the impact on the surrounding road network from the originally submitted scheme which the Oxfordshire County Council considered to be acceptable in highway terms. The revised parking provision of 86 spaces, which equates to one space per unit would be below the adopted maximum standards outlined under Policy HP16 of the Sites and Housing Plan. The proposed parking provision is considered to achieve an appropriate balance between providing adequate parking in order to ensure that the development would not result in an accumulation of vehicles on the surrounding roads, whilst not amounting to overprovision, so as to minimise trip generation and levels of car ownership.
- 2.8. The general scale of the built form, density, design and layout of the revised scheme 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. The reduction in the height of the four central apartment buildings and revisions to the site layout would enable the provision of an effective landscaping scheme, to form part of a future reserved matters application which would further mitigate any overlooking of the adjacent school.

2.9. Officers consider that the principle of residential development on the site is acceptable as the loss of the existing sports pitch and open space provision would be appropriately mitigated through a financial contribution towards alternative sports provision and through securing that 17% of the site 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 covered in the following section of this report.

3. LEGAL AGREEMENT

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

- The provision of on-site affordable housing at 50%.
- Financial contribution of £600,000 towards sports provision in the local area and a requirement for a community use agreement for the facility.
- The provision of Public Open Space.
- TRO and works to install parking controls on Barracks Lane and Travel plan monitoring. Oxfordshire County Council would be a party to this agreement.
- Secure that the proposed footpath link between William Morris Close and Barracks Lane is made available for public access.

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 is comprised 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 extends 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 is comprised 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 20th 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 are 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. The amended application is seeking outline planning permission for a residential development on the former sports pitch and associated car park comprising 86 residential units within 2x3 storey blocks, 4x 4 storey blocks and two sets of two and half storey terraced houses. This has been amended from the 102 units previously proposed. Landscaping is the sole matter which would be reserved. 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 Council's 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. A community use agreement would also be required in order to ensure that public access to this facility is secured.

6.3. The proposal would provide 86 dwellings, 43 of which (50%) would be available as affordable housing, with 34 dwellings (79%) of these affordable units being made available as socially rented accommodation, 9 dwellings (21%) would be available as shared ownership affordable housing. The remainder of the units would be privately rented accommodation.

6.4. Vehicular access to the site would be provided via William Morris Close. The development would be served by a total of 86 parking spaces. Each of the houses would be served with allocated parking, whilst the apartments would be provided with unallocated spaces, which includes visitor and disabled parking. The development would also be served by a car club parking space.

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>
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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	Emerging Local Plan 2036
Design	11, 12	CP1 CP6 CP8 CP9 CP10 CP11 CP13	CS18_		DH1 DH2 DH5

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 11th January 2019 and an advertisement was published in the Oxford Times newspaper on 10th January 2019.

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

9.3. The application was revised in September 2019 and the description of development amended to reflect the amendments. The application was subsequently re-advertised by site notice on the 16th September 2019 and in the Oxford Times newspaper.

Statutory and non-statutory consultees

Oxfordshire County Council (Highways) – Revised Response (October 2019)

9.4. This level of traffic generation is slightly 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.

- 9.5. The implementation of parking restrictions along Barracks Lane is required in order to address issues associated with vehicular parking. Funding would be secured through a Section 106 agreement.
- 9.6. It is proposed to provide a total of 86 car parking spaces on site. Fourteen spaces would be allocated at one space per house and 72 spaces would be unallocated. This level of provision is in accordance with adopted standards.
- 9.7. 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.
- 9.8. A Controlled Parking Zone (CPZ) is planned for this area (Temple Cowley) and is currently in the Future Programme for CPZs. Due to lack of funding the Temple Cowley CPZ will not be taken forward at this stage, however, should funding become available it is expected this will be implemented in the future.
- 9.9. Until this point, Oxfordshire County Council has objected to the application on highways grounds for a number of reasons. In the last response dated 30th July 2019, the county council upheld their objection on cycle parking, however, following the reposition of the site access junction it has accepted that the required visibility splays could now be achieved.
- 9.10. The applicant has since redesigned the cycle parking layout to meet the requirements stated within this response. This shows that each house will have 3 cycle spaces either to the rear or front of the houses and the flats will have dedicated cycle stores which have been located close to the access to each block which will be beneficial to the users. All spaces are covered, secure and accessible and therefore this is accepted by the highway authority and as such, the objection has now been removed.
- 9.11. A revised travel plan is required and would be requested by condition.
- 9.12. Officer Response – For clarification the previously assessed proposals relate to the previous planning applications on the site for a lower quantum or development, as opposed to the original proposals submitted under this application for 102 Units. The other reasons referenced in Paragraph 9.9 refer to the proposed inadequacy of cycle parking previously proposed, in addition to concerns associated with the location of the proposed access junction between the development site and William Morris Close.

Oxfordshire County Council (Education and Property)

- 9.13. 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.

- 9.14. 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

- 9.15. Request conditions to deal with surface water and foul drainage capacity issues in the area.

Natural England

- 9.16. 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.
- 9.17. 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.
- 9.18. Advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.

Sport England

- 9.19. 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.
- 9.20. 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.
- 9.21. 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.

9.22. Sport England had no further comments to make regarding the amended plans.

Oxford Civic Society

9.23. Oxford Civic Society raised concerns in relation to the original proposals including the adequacy of the recreation space, extent of car parking, impact of traffic on the adjacent Tynedale Community School, design aspects and cycle parking and bin storage.

9.24. Following the submission of the revised plans OCS commented that the present application seems to have reached a stage where it may be acceptable provided several remaining issues can be satisfactorily resolved. The contentious issue of provision of a sports facility may be approaching resolution in that it appears agreement may have been reached to fund an alternative sports pitch at Oxford Spires Academy.

9.25. Design issues too, may be approaching resolution although OCS note that the Oxford Design Review Panel has commented that the “low quality urban design and architecture in the site’s immediate vicinity” astound spur the applicant to make sure that this development has “its own distinctive character “. The siting of the cycle stores requires further improvement. The landscape character is not to be decided in this outline application but still require to be carefully assessed if this progresses to a full application for reserved matters.

9.26. OCS hope that this site will shortly be developed in a way which achieves a good quality design and resolves the outstanding issues of sports provision, cycle store location and achieves a high quality distinctive character of its own. This could make a helpful contribution to meeting housing need in the city and bring back into constructive use a site that has been neglected for too long.

9.27. Officer’s response – Section 9.24 of the OCS response references that an agreement may have been reached to fund a sports pitch at Oxford Spires Academy. This is not accurate as the provisional proposals are to fund improvements to the sports pitches at St Gregory the Great school. This is explained in further depth in the later sections of this report.

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 were received in relation to the original proposals from the following addresses in 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 comments received are summarised into the following categories:

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 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 issues associated with parking 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 in relation to the original proposals:

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 any re-zoning of this site for housing or any other development in future.

9.32. Following re-consultation on the amended proposals for 86 dwellings a further 43 representations have been received from members of the public from addresses in Maidcroft Road, Swinburne Road, Turner Close, Burshill Close, Abingdon Road, Crabtree Road, Fair View, Gaisford Road, Hollow Way, Manor Drive, Masons Road, Townsend Square, Troy Close, Turner Drive, Yeats Close, Dene Road, White Road, Town Furze, Teal Close, Lizmans Court, Leafield Road, Furlong Close, Cumberland Road, Crescent Road, Anemone Close, Norman Smith Road, Glanville Road, Blackstock Close, Cumberland Road,

Morrell Avenue and Ringwood Road. The public consultations responses can be summarised as follows:

- Plot size is insufficient to support the scale of development.
- Development would generate additional traffic and would be a risk to children at the adjacent school.
- Development would be overbearing when viewed from neighbouring properties.
- The proposals would have an adverse impact on the amenity of neighbouring properties.
- The development would overlook the Tynedale Community School and presents safeguarding risks.
- Development would be damaging for the welfare of children at the adjacent school.
- The car parking area has been used for dumping waste materials.
- The land should be used as a facility for the Tynedale School.
- The site should be used as a recreational space or sports pitch for the local community.
- Concerns about safeguarding from future occupation of the flats.
- The density of development proposed would be inappropriate.
- Development would put pressure on local services.
- There is insufficient green space within the area.
- Proposed alternative sports contribution would not be adequate as this is too distant from the site.

County Councillor John Sanders reiterated his objection to the application on the basis that the development was contrary to the Existing Local Plan and there were concerns in respect of parking and road safety. These concerns were also expressed by Councillors Arshad and Malik who both made representations on the amended proposals.

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. In light of the current stage in the examination process for the emerging Oxford Local Plan and the weight that can be attributed to its policy provisions, together with the requirements of Paragraph 11 of the revised NPPF 2019 and the consistency, or lack of consistency of the existing development plan with the NPPF, officers have clarified this section of the report from the previous report presented to members at the July 2019 East Area Planning Committee. Notwithstanding this, officers would make members aware that the same conclusions have been reached to that put forward in the previous report in that the principle of redeveloping this site would accord with the aims of the National Planning Policy Framework.
- 10.3. In relation to the national planning policy requirements, 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.
- 10.4. NPPF Paragraph 11 outlines the overarching requirement that in applying a presumption in favour of sustainable development Local Authorities should be approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or 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.
- 10.5. William Morris Close is principally a greenfield site consisting of a former sports pitch, but also includes a smaller area of hardstanding used for car parking. Policies CS2 and CS22 of the Core Strategy outline the Council's adopted strategy relating to the spatial delivery of housing in the city. Policy CS2 states that new development should be focused on previously developed land, with development only being permitted on Greenfield Land if it is specifically allocated for development 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. It is important to note that Policy CS2 of the Core Strategy pre-dates the NPPF and in accordance with Paragraphs 11 and 213 of the NPPF, the policy should be considered in relation to its relative consistency (or lack of consistency) with the NPPF.
- 10.6. Policy CS2 adopts a sequential approach to developing land within the city, and as stated is restrictive of developing greenfield sites unless in specified circumstances and applies a brownfield first approach. This approach is inconsistent with the NPPF. Although the NPPF promotes the use of previously developed brownfield sites and gives substantial weight towards the re-use of

such sites (Paragraphs 117 and 118), the Framework does not require a 'brownfield first' approach to new development or presumption against the development of greenfield sites. The NPPF also does not specify that the principle of housing development on greenfield sites is only appropriate, if development is required to maintain a five year supply of housing. As a result, officers consider that Policy CS2 is not consistent with the approach outlined in the NPPF and should therefore be afforded limited weight in the determination of this application as the provisions of this policy would prevent the bringing forward of an otherwise sustainable and under-used greenfield site. The site also includes a small area of previously developed land which is redundant car parking land, whose development would accord with the requirements of Paragraph 117 and 118 of the NPPF.

10.7. The site is not allocated for housing use within the existing development framework, however the site forms an allocation within the Councils Draft 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.

10.8. 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 1st November and 28th December 2018. The Draft Oxford Local Plan 2036 was submitted for examination in March 2019, however the plan has yet to complete its examination and there remains unresolved objections in respect of policy SP66. Consequently in accordance with paragraph 48 of the Framework, the statutory weight given to the Draft Oxford Local Plan 2036, including Policy SP66, remains limited.

10.9. Officers have also considered whether or not determining this application would raise issues of prematurity. The Framework provides clear guidance on this matter and sets out in paragraph 49 that arguments relating to whether an application is premature are unlikely to justify a refusal of planning permission other than in the limited circumstances where the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging plan. Officers consider that this site is not central to the strategy of the plan and do not consider that the grant of planning permission would act to undermine the plan making process. Therefore it is not considered to be premature for the Council to consider granting planning permission pursuant to the current application.

10.10. 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).

10.11. The provision of 86 dwellings would make an important contribution towards Oxford's housing need, notably 43 of the dwellings would be affordable and there would be significant public benefits associated with this provision. There are a number of important material considerations associated with development on the site, which are considered in depth in the following sections of this report, however officers consider that the provisions of Policy CS2 of the Core Strategy should not restrict development on this site given the policy's clear inconsistency with the NPPF.

Loss of Sports Facility and Sports Provision

10.12. 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.

10.13. In 2009 the Lord Nuffield Club closed leaving the clubhouse 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 sports facility, whilst the club buildings were also removed.

10.14. The site is afforded protection under Policy SR2 of the Oxford Local Plan (protection of open air sports facilities). 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.

10.15. 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.

- 10.16. Policy SR2 is broadly consistent with the NPPF in terms of the protection afforded to sports facilities and the requirement that alternative sports provision is made to at least an equivalent standard, though the NPPF would allow for the loss of existing sports facilities if they are deemed surplus to requirements. Officers consider that the sports pitch, though diminished in size and quality would not be surplus to requirements as the pitch still has an identified potential to accommodate sports use, namely football albeit that this potential is limited. It would in officers view be correct that the loss of the sports pitch is compensated.
- 10.17. It should be noted that Paragraph 97 of the NPPF does not require a need to demonstrate availability of non-greenfield sites when considering developments which would result in the loss of open air sports facilities. This element of Policy SR2 should not therefore be afforded weight in determining development on this site. Nevertheless, there is 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.
- 10.18. 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.
- 10.19. Policy G5 of the Draft Local Plan reflects the policy requirements of Paragraph 97 of the NPPF in terms of the need to compensate the loss of existing sports facilities in terms of quantity and quality. Policy G5 requires that replacement provision should be provided in a suitable location which is equally or more accessible by walking, cycling or public transport access and specifies that where the opportunity arises public access to private facilities should be secured.
- 10.20. 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 as proposed would have 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”

- 10.21. 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 it 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.
- 10.22. 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.
- 10.23. 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.
- 10.24. A new Playing Pitch Strategy for Oxford has been prepared as part of the evidence base to support the Emerging Local Plan. This provides evidence of the 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 can identify existing facilities in the immediate area that could be upgraded or provided in an accessible distance for the local community in order to provide mitigation for the loss of the existing sports pitch at William Morris Close. In order to achieve significant public benefits and benefit the local community it would be expected that the financial contribution is commuted towards a facility which has public

access or which can be made publically accessible through a community use agreement.

- 10.25. 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 site's 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 Council's perspective in taking ownership of the site and reusing it for sports purposes given the limitations of the site.
- 10.26. The Sports and Open Space Supporting Statement submitted with the application indicates that site would be incapable of supporting its former use as a cricket pitch. Though the site was historically used for this purpose the gradual 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. Theoretically the pitch could accommodate football or rugby uses though any use for these purposes would be highly restricted given the overall size of the site which 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, however the likelihood of this would be limited.
- 10.27. The applicant's 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 ("AWP"), 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 applicant has 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 applicant is 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 Council's Leisure Team. Notwithstanding this, the financial contribution would be equivalent to the cost of delivering a new AWP facility.
- 10.28. It is noted that on site provision of all-weather mini-pitches was proposed as part of a previous planning application on the site (13/01096/FUL) and was deemed inadequate. It is noted that the pitches proposed under this previous application were not of the standard of a full size 3G AWP, neither did the proposals make provision for community access or floodlighting, which would have greatly limited the capacity and usefulness of the pitches during the evenings, particularly during winter months.
- 10.29. The applicant's 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 meet the requirements of Policy SR2 of the Existing Local Plan and Paragraph 97 of the NPPF it would be vital in that any financial contribution is commuted towards a project in the near vicinity of the site which is readily accessible.

10.30. 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 the applicants were unable to reach an agreement with the landowner to provide a facility in this location.

10.31. The Council's 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 Council's Sports and Leisure Services team have advised that securing a community use agreement is a realistic prospect as the school is supportive of this. The pitch at St Gregory the Great School has floodlighting, which ensures that the facility can be used in the evenings and in the winter months giving the facility a greater playing capacity than the existing grass pitch at William Morris Close.

10.32. It is worth noting that the 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 site 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.

10.33. 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 provides a means of securing 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 and 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 Policy SR2 of the Existing Local Plan; Paragraph 97 of the NPPF and Paragraph G5 of the Emerging Local Plan. The proposal also accords with the provisions of site specific Policy SP66 of the Emerging Local Plan, albeit that this policy attracts only limited weight at this stage.

Loss of Open Space

10.34. Policy CS21 of the Core Strategy aims to protect and maintain publically accessible green space and should also be considered 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.

10.35. 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.

10.36. 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 be provided 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;

- 10.37. 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.
- 10.38. The importance of providing open space within any new development 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 (“POS”), 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 of 10% POS specified under Emerging Local Plan Policy SP66.
- 10.39. 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 in its current form provides a large and open green aspect within a relatively dense urban environment. This was acknowledged in the previous appeal on the site where the inspector commented on the site’s 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.
- 10.40. Though the provisions of the Emerging Local Plan and Policy SP66 can be afforded only limited weight, it is considered that the overriding need for housing, particularly affordable accommodation (43 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.
- 10.41. 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 pitch which is fenced off with no requirement to allow public access onto the pitch. The proposed space would be useable and would have amenity and recreational value, albeit that the open vista would be diminished to an extent.
- 10.42. The 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 therefore maximising the likelihood that this space would be used. Officers are satisfied that the proposed open space would be of a high standard. The proposals include play facilities as well as general open amenity 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.

10.43. When considering the inspector's comments relating to the previous application on the site (13/01096/FUL) it should be noted that this 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 that instance public views from William Morris Close would have been dominated by the proposed built form and its siting which was poorly considered. Public views on the previous scheme would have been dominated by surfaced car parking and the proposed all weather pitches and associated fencing. In contrast the present proposals maintain as much as possible an open, green aspect in public views from William Morris Close, even accounting for the density of built form.

10.44. 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 86 additional dwellings, 43 of which would be available as affordable accommodation. There would also be benefits from facilitating public access to an area of open space, given that the existing site 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 Policy 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

10.45. 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.

10.46. Socially rented accommodation is defined within the Council's 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.

10.47. Of the revised number of 86 units proposed on the site it is intended that 43 of the units (50%) would be made available as affordable accommodation, the remaining 43 units (50%) would be private tenure. In terms of the affordable units it is proposed that the tenure split would be 79% socially rented, with 21% provided as shared ownership units. The percentage of socially rented units, as a proportion of the total number of units has increased from the previous proposals for 102 units, where 75% of the units were proposed as socially rented accommodation. The development therefore broadly complies with the required affordable tenure split specified under Policy HP3 of the Sites and Housing Plan. The tenure layout is dictated by the management requirements of the housing operator. It should be noted that A2 Dominion, who were previously indicated as the being the operator who would be undertaking the management of the site are unlikely to be involved in the future management of the site, as the developers are understood to be considering a different operator for the private and affordable units.

10.48. The City Council’s 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.

Mix of dwellings

10.49. 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 %

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

Unit Size (Bedrooms)	Number of Units	Percentage
1	16	18.6%
2	56	65.1%
3	7	8.1%
4	6	7%
5	1	1.2%

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

10.52. The Council's Emerging Local Plan is afforded limited, but gradually increasing weight but nevertheless 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 to deliver an optimum number of dwellings. 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, a mix of dwelling sizes be provided, though this would apply only to the affordable element.

10.53. 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	16	37.2%	20-30%
2	17	39.5%	30-40%
3	6	14%	20-40%
4	4	9.3%	5-10%
5	0	0%	3-5%

10.54. The figures above indicate that there would be an overprovision of one 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 and no five bedroom affordable units are proposed.

10.55. 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, the Council's housing team have confirmed that they are satisfied with the type of affordable units proposed.

10.56. 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 Council's specific affordable housing needs.

Transport

Parking Provision

- 10.57. At the East Area Planning Committee held on the 31st July 2019 members expressed concerns in respect of issues relating to the transport and highways impacts associated with the development, including traffic generation and the suitability and extent of parking proposed. Members also requested that further information be provided in respect of the technical analysis of traffic movements and highways impacts.
- 10.58. Following the committee meeting and subsequent discussion with officers and Oxfordshire County Council, the applicant has revised the proposals, reducing the number of dwellings from 102 units to 86 units, an overall reduction of 16 dwellings. A revised Transport Assessment has been prepared in addition to a Car Park Management Plan. Following the reduction in the overall quantum of units, parking provision on site has been reduced to a total of 86 spaces. It is proposed that each of the 3, 4 and 5 bed dwellings would have 1 allocated parking space whilst the apartments would be served by unallocated parking. A car club space would also be provided.
- 10.59. 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.
- 10.60. 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 developments comply 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.
- 10.61. 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.

- 10.62. 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.
- 10.63. 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, though these are not fully funded and little weight can be afforded to the potential future implementation of a CPZ in the area at this particular time.
- 10.64. Whilst the site is not in an unsustainable location in terms of 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 raised no objection to the proposed level of parking provision within their consultation response to both the original proposals for 102 dwellings and the revised proposals for 86 dwellings.
- 10.65. 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.

Cumulative Highways Impacts

- 10.66. 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 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.
- 10.67. The trip rates accepted as part of the 2016 application have been used to assess the traffic generation of the site. The TRICS assessment has been

inspected and is considered to be an accurate evaluation of the site and expected trip rates.

- 10.68. When this application was first submitted for 102 residential units this estimated that the site could generate 34 two-way vehicular trips in the AM peak and 31 vehicular trips in the PM peak. Due to reduction in dwellings on site the expected two-way traffic generation at peak times is 29 in the AM and 26 in the PM.
- 10.69. The applicant undertook traffic surveys which showed that in comparison to existing traffic levels, the new movements are not deemed severe. For example, the predicted highest number of one way movements departing from the development are vehicles departing the site in the AM peak which is estimated to be 20.6. The traffic survey undertaken shows that the number of existing cars approaching the junction from Barracks Lane in the AM peak (08:00-09:00) is 108 vehicles.
- 10.70. The applicant has then undertaken junction capacity assessments using LinSig software. This shows that the junction operates within capacity following development traffic being added with a slight increase in degree of saturation on each arm (averaging approximately 3% per arm) the most impacted arm of the junction is Barracks Lane in the AM peak which shows a degree of saturation of 80.6%.
- 10.71. All arms are below a 10% increase in degree of saturation, this being the measure of demand relative to capacity and the added delay time per arm is considered appropriate. The largest increase in degree of saturation between modelled periods is the Barracks Lane in the PM peak (17:00-18:00) which has an increase of 8.9%, however, this only results in a 5 second delay for cars travelling through the junction. The AM peak from Barracks Lane which has the highest number of vehicle increase shows an increase of degree of saturation of 3.7% and an increase in queue length of 9 metres. The junction modelling is based on the original submission of 102 dwellings and the subsequent trip generation assessment, the impact would be greater than the actual scenario, which is also considered to be acceptable.
- 10.72. It should also be noted that in the recent guidance note published by TRICS on the changes in travel behaviour it states that there is a clear reduction in vehicle trips as sustainable transport infrastructure and local policy changes to promote walking and cycling. This shows that travel behaviours are continuing to change and vehicle trips continue to fall so in particular when there are high sustainable transport options (which this site has) it is likely the traffic generation from the development will continue to fall.
- 10.73. The site is in a sustainable location and there would be a high chance that a significant number of occupiers would not be using private cars during times which coincide with school drop off and pick up times, when most respondents specifically raised concerns about the impact of additional traffic generation. Good public transport access to the city centre and the site's proximity to a number of existing large employment sites would potentially negate the need for occupiers to use cars as a means of travelling to work during the busiest hours in

the morning, where traffic movements associated with occupiers may otherwise conflict with traffic movements associated with the adjacent school.

10.74. Officers and the Highways Authority consider that 'severe harm' in the context of the NPPF on the operation of Barracks Lane or the Barracks Lane / Hollow Way / Horspath Road junction cannot be demonstrated and as such there would be no reasonable grounds to refuse the application on highway impact.

Cycle Parking

10.75. Policy HP15 of the Sites and Housing Plan requires the provision of cycle parking within all new residential developments in line with specified standards. It is noted that the County Council had previously raised concerns in respect of the location of the proposed cycle parking. The applicant has since redesigned the cycle parking layout. Each house would have 3 cycle spaces either to the rear or front of the houses and the flats would have dedicated cycle stores which have been located close to the access to each block which will be beneficial to the users. All spaces are covered, secure and accessible and therefore this is accepted by the highway authority and as such, the objection has now been removed.

Pedestrian Access

10.76. The proposed plans include the provision of a public footpath through the site leading from William Morris Close to Beresford Place. Whilst this is in place at the current time and is open, this is not a public right of way. The proposals would ensure that this route is permanently provided which is considered to be beneficial as this is an important through route for pedestrians. The enhancements to this route would greatly improve permeability of access for future occupiers and existing residents in the area as a means of accessing Temple Cowley and the Cowley District Centre from Barracks Lane. Improvements to this access would be in line with Policy CS13 of the Core Strategy and TR4 of the Oxford Local Plan. The legal agreement associated with this application will require that this route is secured as a public right of way.

Amenity and Overlooking

Existing Occupiers and Adjacent Land Uses

10.77. It is noted that a number of representations have referenced potential overlooking of the adjacent Tyndale school, outdoor spaces and playing fields associated with the school. Further clarification was sought on this matter at the East Area Planning Committee held on the 31st July 2019 and members deferred determining the application until further details were provided in respect of this issue.

10.78. Block B features a number of windows serving habitable rooms (kitchen, bedroom and living spaces) 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 the windows on the side

elevation of this building serve bathrooms for the first floor flats and in the case of the second floor flats these are secondary windows serving living spaces, which are served by larger primary windows. The windows along the north facing side elevation of the flats can be conditioned to be obscure glazed in order to prevent overlooking of the school and doing so would not impact on the amenity of future occupiers of the flats.

10.79. There are no specific planning guidelines in respect of acceptable distances and guidance on 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 there would be a significant distance between the facing windows and the boundary of the school.

10.80. The amendments to the approved plans include the exclusion of the fourth storey of the previously proposed four storey central blocks. The exclusion of the fourth storey from Blocks A and B would reduce the number of units overlooking the school site, particularly those at a higher level. There would be habitable rooms on the first and second floor in Blocks A and B, which includes habitable windows which serving kitchens and bedroom spaces. Landscaping is a reserved matter; however the amended proposals include increased space for planting adjacent to the northern boundary of the site. Revisions to the parking and site layout allow additional space for planting within this area of the site to include larger species of trees, which would obscure views of the school play areas from the flats, dependent on the selection of species. This can be controlled at reserved matters stage and by planning condition. Taking these factors into account, officers consider that the development would not result in unacceptable overlooking of the external play spaces of the adjacent school.

10.81. 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.

10.82. 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.

10.83. 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.

10.84. 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 privacy for existing occupiers.

10.85. 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.

10.86. 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

10.87. 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 ²)
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) 47	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.

10.88. 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.

10.89. In terms of the 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 four blocks of flats would each have adjacent access to a sizeable area of communal private amenity space located in the centre of the site between the blocks. This centralised space would be also be accessible to all residents, including the occupiers of the houses and Blocks E and F. Blocks E and F would also have external amenity spaces to the rear of the buildings. Each of the units would also have access to public open space which would be created within the development. 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.

10.90. 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

10.91. 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.

10.92. 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. In summary the panel were positive in respect of the development and evolution of the scheme. A number of design alterations were suggested, which the applicants have proactively sought to address.

10.93. The site area covers roughly 1.24 hectares. It was noted that a number of objections in relation to the original proposals for 102 dwellings raised concerns

that the proposals would represent an overdevelopment of the site. This is repeated in a number of the representations received in relation to the revised plans for the reduced quantum of 86 dwellings.

10.94. It is noted that the Sites and Housing Plan bases site allocation density at 55 dwellings per hectare, though it is 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 density of development for the previously proposed development of 102 dwellings on the site would have been 82.2 dwellings per hectare. For the reduced quantum of 86 dwellings, density would equate to 66.2 dwellings per hectare, which is a considerable reduction in overall density.

10.95. 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.

10.96. Whilst the site lies outside of a district centre, it 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. Site 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.

10.97. 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 three storey flats with pitched roofs. The overall scale of development is responsive to the scale of the adjacent built form and general character of surrounding area.

10.98. There is no uniform architectural character in the immediate area which comprises of new build 2000's development in addition to late 20th 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 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. Notwithstanding the removal of one storey from each of the central blocks on the site, the amendments to the design do not fundamentally alter the appearance of the development, other than that the overall scale and mass of the central blocks is reduced. The scale of the central blocks, which are the highest buildings on the site are comfortable in relation to the proposed buildings and scale of the existing built form in William Morris Close and Beresford Place.

10.99. 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 a matter for consideration at this stage and would be subject of a further application. Notwithstanding this, 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 are beneficial in providing additional landscaping within the proposed parking layout, which helps to offset the visual impact of the surface level parking.

10.100. Overall officers are satisfied with the design approach in terms of the layout, 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

10.101. 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.

10.102. 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 any 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." As the development would not be located within the Conservation Area itself, it is worth noting that this provision is not expressly engaged, however as the site is

within the setting of the Conservation Area and development may impact on its significance it is appropriate to give this due weight.

10.103. 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.

10.104. 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 either from the setting or as part of the setting. The development would not be visible from 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.

10.105. 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.

10.106. 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.

10.107. 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 has been reduced and these buildings now extend to a maximum height 11.8 metres to the roof ridge reduced from 14.7 metres, as previously proposed, this is less than the adjacent three storey buildings in Beresford Place. 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.

10.108. In order to properly assess the visual impact of the development, the applicant prepared a landscape and visual impact assessment in relation to the originally proposed, larger scale development. 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. It should be noted that the Visual Impact Assessment has not been amended to account for the reduced height of the central blocks. The original proposals, as evidenced from the Visual Impact Assessment were not discernible in longer range views. The revised proposals which are of a reduced height would therefore have even less of an impact of wider views and 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. 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

10.109. 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

10.110. 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

10.111. 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.

10.112. 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

10.113. 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.

10.114. 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.

10.115. 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)

10.116. 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.

Air Quality

10.117. The applicants review of the Air Quality levels in the area states that pollutant concentrations at the façades of proposed residential receptors are predicted to be within the relevant health-based air quality objectives. On that basis, future occupants of the proposed development will be exposed to acceptable air quality and the site is deemed suitable for its proposed future use.

The ADMS-Roads dispersion model has been used to determine the impact of emissions from road traffic on sensitive receptors. Predicted concentrations have been compared with the air quality objectives. The results of the assessment indicate that annual mean nitrogen dioxide (NO₂) concentrations are below the objective in the 'without' and 'with' development scenario. Concentrations of particulate matter (PM₁₀) are also predicted to be below the annual mean objective in the 'without' and 'with' development scenario.

10.118. The AQA states that no air pollutant emitting on-site energy generation is planned. However, the sites energy & sustainability statement refers that energy supply will be provided by solar panels and an efficient gas fired boiler. Current IAQM Guidance considers all gas fired boilers to be high efficient (Low NO_x) all the boilers that have NO_x emission rates < 40mg/kWh. Since no evidence is provided with regards to the boilers' technical specifications, proof that the boilers that are going to be installed on-site emit NO_x emission rates within the referred threshold will be required by condition.

10.119. A dust risk assessment has been carried out using the IAQM's 'Guidance on the assessment of dust from demolition and construction' to determine the potential impacts from demolition and from earthworks, construction and track out. The implementation of suitable site specific mitigation measures and their inclusion in the site's CEMP will bring the construction phase air quality dust impacts of this development from medium risk to the status of negligible/non-significant.

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 86 residential dwellings, of which 43 units would be affordable accommodation. Policy CS2 of the Core Strategy outlines 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. These provisions are considered however to be out of date, as Policy CS2 is inconsistent with the NPPF, which does not require a sequential brownfield first approach to residential development. The site is not principally brownfield land but is allocated for residential development within the Council's Emerging Plan. The Emerging Plan is yet to undergo examination and the site's allocation is afforded limited weight at this stage. Notwithstanding this there is a clear and evident housing need within the city, particularly affordable housing.
- 11.4. 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 that the existing sports facility should be replaced 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 and community access to this facility would be secured through a Section 106 Agreement. Officers are satisfied that the financial contribution towards the upgrade of an existing publically accessible facility would represent an enhancement compared with the existing sports pitch which has not been actively used for an extended period of time, has limited playing capacity and no public access. Sport England has indicated that the alternative sports provision offered represents satisfactory mitigation in principle for the loss of the existing facility.
- 11.5. 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 a 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.
- 11.6. 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 and 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 be not result in harm to the heritage significance of the Temple Cowley Conservation Area.

11.7. The highways impacts of the development have been assessed in relation to the overall quantum of development and impact on the existing road network. The amendments to reduce the quantum of development from 102 units to 86 units, in conjunction with a reduction in associated parking would further lessen the cumulative impact on the adjacent highway network. County Highways as statutory consultee on highways matters have indicated that they consider 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 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 is 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

6. 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, will be submitted to and approved in writing by the Local Planning Authority. These details must include the terms agreed with the owners of Beresford Place over which pedestrians cyclists must pass, including lighting, dimensions, surfacing and drainage. Thereafter, and prior to the occupation of any dwellings, the access shall be constructed in accordance with the approved details.

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

7. A travel plan and travel information pack shall be submitted for approval in writing by the Local Planning Authority before first occupation of the site. The travel plan shall be updated within 3 months of occupation of 50% of the site. The Travel Plan shall be implemented in accordance with the agreed details.

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

8. Prior to occupation of the development, a car park management plan shall be submitted for approval by the Local Planning Authority in writing to ensure that the car parking within the site cannot be abused by nearby residential properties or the school. The approved plan 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.

9. 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.

10. Prior to the commencement of the development a phased risk assessment shall be carried out by a competent person in accordance with current government and Environment Agency Guidance and Approved Codes of Practice. Each phase shall be submitted in writing and approved by the Local Planning Authority (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 Local Planning Authority. The remediation shall be carried out in accordance with the approved scheme and the applicant shall provide written verification to that effect.

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.

11. 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 in writing by the Local Planning Authority.

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

12. A watching brief for the identification of unexpected contamination shall be 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 shall be informed and an investigation undertaken to determine the nature and extent of the contamination and any need for remediation. No occupation shall take place until details of the watching brief have been submitted to and been approved in writing by the Local Planning Authority.

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.

13. 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. The approved details shall be implemented and adhered to during the construction phase and thereafter.

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.

14. 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.

15. 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.

16. 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 Arboricultural Method Statement 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. 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.

18. 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

19. 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 badgers. Should the site be found to support any protected species, a scheme of mitigation measures shall be submitted to, and agreed in writing by, the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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.

20. Prior to the commencement of development, a scheme of ecological enhancements shall be submitted to and approved in writing by the Local Planning Authority to ensure an overall net gain in biodiversity will be achieved. The scheme shall 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 the 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.

21. 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 shall 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.

22. 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 houses as defined in Classes A, B, C, D, E of Part 1 of Schedule 2 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.

23. A Construction Traffic Management Plan shall be submitted to and be approved in writing by the Local Planning Authority prior to commencement of works. This should identify;

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

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

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.

24. The development hereby permitted shall not be occupied until the designated car club space 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.

25. 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.

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

Reason: To 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.

27. 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. The second floor balcony in Block E serving Flat E10 shall be fitted with obscured privacy screening to a minimum height of at least 1.8 metres along the north facing elevation prior to the first occupation of this unit 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.

28. No development shall take place until a Construction Environmental Management Plan (CEMP), containing the site specific dust mitigation measures identified for this development, has first been submitted to and approved in writing by the Local

Planning Authority. The specific dust mitigation measures that need to be included and adopted in the referred plan can be found in pages 19-20 of the reviewed Air Quality Assessment that was submitted with this application (document reference: AQ_assessment/2018/WMC_update, Version 2) developed by Aether. The agreed CEMP shall be adhered to at all times.

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

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

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

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

Reason: To promote the use of cycles thereby reducing congestion on adjacent roads in accordance with policies CP1, CP10 and TR4 of the Adopted Oxford Local Plan 2001-2016.

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.

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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

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's, 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 application¹ 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

¹ 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 Wheatcroft², 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

² 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 purpose³.

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

³ 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 out⁴ 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

⁴ 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 Framework⁵. 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

⁵ 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 decisions⁶ 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

⁶ 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* case⁷, 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

⁷ *R(Milne) v Rochdale BC* [2001] Env LR 22

Framework, which seeks the reuse of previously developed land⁸. 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

⁸ 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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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, B, 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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Tel: +44(0)20 7420 5264

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.

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

6th November 2019

Application number:	18/02401/OUT		
Decision due by	2nd November 2018		
Extension of time	15 th November 2019		
Proposal	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, 257 sq. m of B1 office space and associated car parking, cycle parking, bin stores and landscaping (AMENDED)		
Site address	The Bungalow , Garsington Road, Oxford, OX4 6NQ – see Appendix 1 for site plan		
Ward	Blackbird Leys Ward		
Case officer	Michael Kemp		
Agent:	Miss Annabel Drewett	Applicant:	Wheeler
Reason at Committee	Members resolved at the East Area Planning Committee held on 3 rd July 2019 to approve planning permission for the proposed development subject to a legal agreement to provide an off-site financial contribution towards affordable housing. The Policy position in relation to the application of adopted Policy HP4 for decision making has been altered. Consequently an off-site financial contribution towards the provision of affordable housing is no longer required and therefore the application needs to be reported back to Committee.		

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 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 a planning proposal relating to an existing but vacant mixed use site alongside the Garsington Road comprising a MOT service centre building and a bungalow. The application seeks outline planning permission, but seeks to determine access, scale, layout and landscaping at this stage, with appearance a reserved matter. The proposal is for the erection of a three storey apartment building to provide 9 x 2 bed flats with a separate B1 office building to provide 257 sqm of office space. To the front of the site is cycle and bin storage. A total of 14 car parking spaces are proposed, 7 of these would be located to the front of the proposed flats and 7 spaces would be located within an undercroft area below the proposed office building.
- 2.2. Members resolved at the East Area Planning Committee held on 3rd July 2019 to grant planning permission for the proposed development subject to a legal agreement to provide an off-site financial contribution towards affordable housing, which would be secured through a legal agreement. This report is to be read in conjunction with the original report attached at **Appendix 2**. The matters and conclusions set out in the attached report relating to the Principle of Development as well as the detailed matters (apart from Affordable Housing) remain valid.
- 2.3. The Policy position in relation to the application of adopted Policy HP4 for decision making has been altered following the receipt of an appeal decision at 4 Lime Walk and the conclusions from the Planning Inspectors examining the draft policy H2(a)(ii) in the emerging Oxford Local Plan 2036.
- 2.4. Since the adoption of policy HP4, Government planning policy has evolved in respect of securing affordable housing (including off site contributions) from small residential developments. Relevant Government policy on when affordable housing contributions can be sought is set out in the National Planning Policy Framework 2019 (Paragraph 63) and specifies that:
- “Provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer”*
- 2.5. Given the outcome of the Lime Walk appeal and the decision of the Inspectors on the soundness of policy H2(a)(ii) of the draft Oxford Local Plan 2036 and in light of legal advice, the Local Planning Authority can no longer reasonably continue to attach material weight to, and rely upon, policy HP4. This means that the Local Planning Authority would no longer seek affordable housing contributions when determining applications for planning permission for development on sites with capacity for between four and nine homes unless the site is greater than 0.5 hectare. The proposed development of nine dwellings falls below the threshold whereby affordable housing provision should be sought in accordance with Paragraph 63 of the NPPF and for the reasons outlined in this report affordable housing should not be sought under this planning application.

2.6. Officers recommend that approval should be granted for the development subject to the specified conditions, but without the requirement to secure an off-site financial contribution towards affordable housing.

3. LEGAL AGREEMENT

3.1. For the reasons cited within this report this application would no longer be subject to a legal agreement.

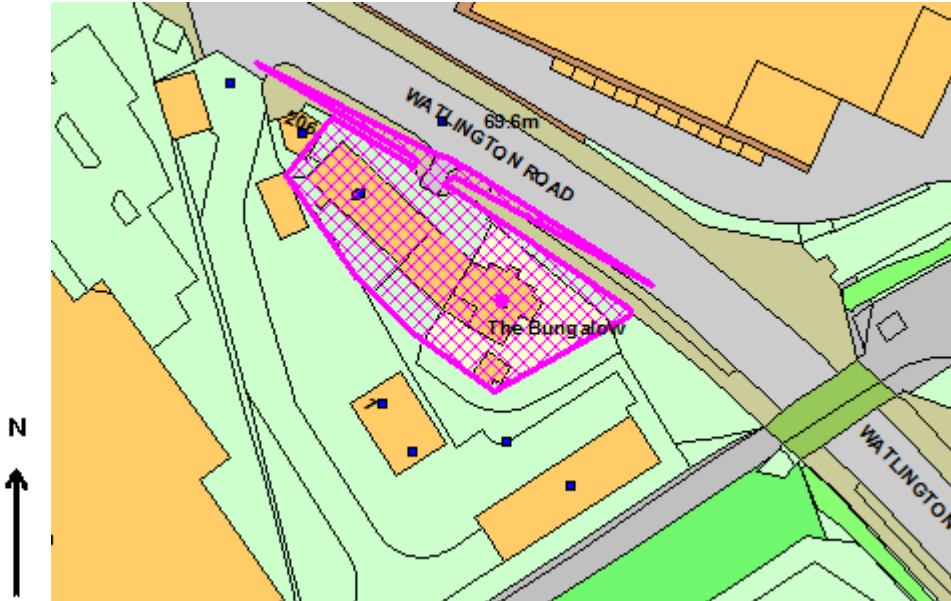
4. COMMUNITY INFRASTRUCTURE LEVY (CIL)

4.1. The proposal is liable for a CIL contribution.

5. SITE AND SURROUNDINGS

5.1. The site is a long narrow plot of land which runs parallel to the Garsington Road, opposite the BMW plant and is surrounded by a mix of sui generis employment uses including a plant hire company, a hand car wash, and a Class A5 pizza takeaway. The site is elevated from the road contained by a short perimeter wall and is occupied by a bungalow to the east of the site behind a row of trees, and a vacant MOT service centre to the west of the site. Within the middle of the site is a direct access from Garsington Road. Between the buildings is a hard surfaced area of parking.

5.2. See block plan below:



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Ordnance Survey 100019348

6. PROPOSAL

6.1. The application is in outline and seeks permission to demolish the bungalow and MOT service centre and to erect a mixed use development comprising 9 x 2 bed flats, 257sqm of B1 office space and associated car parking, cycle parking, bin stores and landscaping. The access, layout, scale and landscaping are all matters to be considered at this outline stage with appearance reserved.

- 6.2. The layout of the scheme is designed with the flats located to the south east of the site and the employment office space to the north west separated by the existing access from the Garsington Road. Between these two buildings is an area of hardstanding which will provide 7 car parking spaces, the other 7 car parking spaces would be located within an undercroft area below the proposed office building. The flats will be within a 3 storey building occupying a footprint of 718.7 square metres and would extend to a height of 8.6 metres to the roof ridge. The office block would be a 3 storey building occupying a footprint of 352 square metres which would extend to a total height of 8.7 metres to the roof ridge line. The application was amended since it was first submitted which was principally to increase the amount of car parking provision to be policy compliant and it was on this basis that Members previously considered the proposals.
- 6.3. Landscaping is proposed along the frontage and to the rear where a residual outdoor grassed area to serve the flats is shown. The majority of the existing trees on the site would be removed with the exception of a cedar tree located close to the front of the site which would be retained.
- 6.4. External appearance is a reserved matter, but indicative elevations have been submitted detailing the office and flats with a brick and rendered elevation and a recessed upper floor with a flat roof.
- 6.5. A bin collection point is shown to the front of the site as is a cycle parking store.

7. RELEVANT PLANNING HISTORY

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

58/07146/A_H - Caravan. Refused 30th July 1958.

61/10379/A_H - Two shops and stores. Refused 14th February 1961.

61/10861/A_H - Cycle and scooter store and sale and servicing of cycles and scooters. Refused 13th June 1961.

61/11073/A_H - Erection of building for sale and service of cycles and motor scooters.. Refused 15th August 1961.

64/15516/A_H - Outline application for rebuilding existing shop and erection of new workshop and stocks for mopeds with new show room. Refused 5th December 1964.

77/21008/A_H - Outline application for the erection of showroom and workshop for sale of motor cycles. Refused 9th December 1977.

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, CP8, CP9, CP10, CP11	CS18	HP9	DH1
Housing	5, 11		CS2	HP3, HP12, HP13, HP14, HP15, HP16	H1, H2, H14, H15, H16
Commercial	6		CS27, CS28, RC9		E1
Natural environment	14, 15	NE15			RE4, RE6, RE8, RE9, G2
Transport	9			HP15, HP16	M3, M4, M5
Environmental	11, 14	CP10, CP19, CP21	CS10, CS11, CS12		
Miscellaneous	7, 10	CP.13 CP.24 CP.25		MP1	

9. PLANNING MATERIAL CONSIDERATIONS

Affordable Housing

- 9.1. Members resolved at the East Area Planning Committee held on 3rd July 2019 to approve planning permission subject to a legal agreement to provide an off-site financial contribution towards affordable housing elsewhere in Oxford. This report is to be read in conjunction with the original report attached at **Appendix 2**. The matters and conclusions set out in the attached report relating to the Principle of Development as well as the detailed matters (apart from Affordable Housing) remain valid and are unaffected by the change in policy position.
- 9.2. The Policy position in relation to the application of adopted Policy HP4 for decision making has been altered following the receipt of an appeal decision at 4 Lime Walk and the conclusions of the Planning Inspectors examining the draft policy H2(a)(ii) in the emerging Oxford Local Plan 2036.
- 9.3. The proposals relate to the provision of 9 dwellings. The adopted Sites and Housing Plan includes a policy that seeks affordable housing contributions from sites with capacity for 4 to 9 dwellings (HP4). Since the adoption of policy HP4, Government planning policy has evolved in respect of securing

affordable housing (including off site contributions) from small residential developments. Relevant Government policy is now set out in the National Planning Policy Framework 2019 (“NPPF”). At paragraph 63, the NPPF provides as follows:

“Provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer ...”

“Major development” is defined in the NPPF, in respect of housing development, as “... development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more”.

- 9.4. In accordance with the NPPF, when determining planning applications, the City Council is required to determine the weight to be attached to policy HP4. One factor required to be considered when determining weight to be attached to a development plan policy is the degree of consistency of that policy with the NPPF (see NPPF para.213). Although the conflict is acknowledged, the City Council has, to date, been seeking to attach material weight to, and to rely upon, policy HP4, when determining applications for planning permission for residential development comprising less than 10 new homes and on sites of less than 0.5 ha. This has been on the basis that that the acute need for affordable housing in Oxford and limited opportunities to meet this need due to significant constraints on land within the City meant that there were locally specific circumstances that meant HP4 should continue to attract material weight notwithstanding the conflict with national policy.
- 9.5. The City Council were also pursuing the retention of this policy approach in the draft Oxford Local Plan 2036 for a similar reason. Draft policy H2(a)(ii) of the submitted plan provides that an off-site affordable housing contribution should be provided from development proposals on sites of between four and nine new homes. The draft Oxford Local Plan 2036 is currently being examined by 2 Government appointed Planning Inspectors.
- 9.6. The issue of weight to be attached to policy HP4 was the key issue for determination in an appeal made against the refusal by the City Council of planning permission for development of six flats on land at 4 Lime Walk.
- 9.7. In his decision letter, the Inspector addressed the City Council’s arguments and extensive evidence as to why, notwithstanding the conflict with the NPPF, weight should be attached to policy HP4 and, as such, a contribution towards off site affordable housing should be required from the development under consideration.
- 9.8. The Inspector rejected the City Council’s case and held that there was insufficient justification for weight to be given to policy HP4 given the conflict with national planning policy and based on the evidence put forward with the appeal. In effect, the Lime Walk Inspector held that national policy should prevail in those circumstances.

- 9.9. The Lime Walk decision is one which, acting reasonably, as local planning authority we must take into account in future decisions where policy HP4 is engaged (see *North Wiltshire District Council v Secretary of State for the Environment* (1993) 65 P. & C.R. 137).
- 9.10. The soundness of that element of Policy H2(a)(ii) has been the subject of extensive correspondence between the City Council and the Inspectors as part of the Local Plan examination process. The City Council has put before the Inspectors a body of evidence to demonstrate why, due to the particular circumstances which prevail in Oxford and most particularly affordable housing need, policy HP2(a)(ii) is sound notwithstanding the conflict with the NPPF. The Inspectors, in their response to submission OCC.1.AB, have concluded that Policy H2(a)(ii) is not sound. Subject to final consultation on main modifications, the Inspectors have directed that the policy H2(a)(ii) should be deleted from the Plan.
- 9.11. Given the outcome of the Lime Walk appeal and the decision of the Inspectors on the soundness of policy H2(a)(ii) of the draft Oxford Local Plan 2036 and in light of legal advice, the Acting Head of Planning advises that the Local Planning Authority can no longer reasonably continue to attach material weight to, and rely upon, policy HP4 in its decision making. This means that the Local Planning Authority would no longer seek affordable housing contributions when determining applications for planning permission for development on sites with capacity for between four and nine homes unless the site is greater than 0.5 hectare.
- 9.12. As the proposed development of nine dwellings falls below the threshold whereby a contribution towards affordable housing can be sought in accordance with Paragraph 63 of the NPPF, officers would no longer require the applicants to enter into a Section 106 agreement to provide a financial contribution towards off-site affordable housing. Conditional approval is therefore recommended, without the requirement for a legal agreement.

Other Matters

- 9.13. The recommendation to members, as outlined in the appended report to the 3rd July East Area Planning Committee was subject to the applicants satisfactorily demonstrating, through the submission of an Arboricultural Impact Assessment (AIA) that the development would not compromise the cedar tree shown to be retained. The applicants provided an Arboricultural Impact Assessment prior to the 3rd July East Area Committee which was considered to be satisfactory and Members were advised of this at the 3rd July meeting. Therefore the Committee resolution to approve was not subject to the provision of an AIA, though approval was subject to additional conditions in respect of a time limit for the submission of a reserved matters application, landscaping plan and tree protection plan. These conditions have been added to the list in Section 11 of this report.

10. CONCLUSION

- 10.1. 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.
- 10.2. 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
- 10.3. The Policy position in relation to the application of adopted Policy HP4 and the requirement on behalf of the applicants to make a financial contribution towards the provision of off-site affordable housing has been altered following the receipt of the appeal decision at 4 Lime Walk and the conclusions of the Planning Inspectors examining the draft policy H2(a)(ii) in the emerging Oxford Local Plan 2036. In relation to the requirements of Paragraph 63 of the NPPF, the proposed development, which comprises 9 units would fall below the 10 unit threshold, whereby an off-site financial contribution can be sought. Consequently an off-site financial contribution towards the provision of affordable housing elsewhere in the city would not be required.
- 10.4. For the reasons expressed in this report it is recommended that the Committee resolve to grant planning permission for the development subject to the conditions outlined below (and which are the same conditions as Members resolved to grant permission pursuant to previously).

11. **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 commencement of above ground works, a plan detailing the layout of the car parking area shall be submitted to, and approved in writing by, the Local Planning Authority. The Car Park Layout Plan must set out that all car parking spaces meet the minimum dimensions required and can be safely and easily accessed. The plan should also set out how the allocation of parking bays is to be managed on site. The approved details shall be implemented prior to first occupation/use of the development and retained as such thereafter.

Reason: In the interest of highway safety and to comply with policy HP16 of the Sites and Housing Plan.

6. Before the commencement of above ground works details of the cycle parking areas for 18 cycles including dimensions and means of enclosure, shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall not be brought into use until the cycle parking areas and means of enclosure have been provided within the site in accordance with the approved details and thereafter the areas shall be retained solely for the purpose of the parking of cycles.

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

7. Prior to the commencement of above ground works a phased risk assessment shall be carried out by a competent person in accordance with relevant British Standards and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR11) (or equivalent British Standards and Model Procedures if replaced). Each phase shall be submitted in writing and approved by the local planning authority.

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

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

Phase 3 requires that a remediation strategy, validation plan, and/or monitoring plan be submitted to and approved in writing by the local planning authority to ensure the site will be suitable for its proposed use.

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

8. 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 in writing by the local planning authority.

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

9. No occupation shall take place until the living space has been insulated against external noise sources in accordance with a scheme that has been submitted to, and approved in writing by, the Local Planning Authority. To gain approval a scheme must demonstrate that it meets the requirements set out in the Noise Impact Assessment prepared by REC dated 19th March 2019. Once approved there shall be no variation to the approved scheme unless otherwise agreed in writing beforehand by the Local Planning Authority.

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

10. Prior to the commencement of above ground works, details of ecological enhancements shall be submitted to and approved by the Local Planning Authority. The scheme will include details of new native landscape planting and provision of artificial roost features, including bat and bird nest boxes and a minimum of two swift nest boxes. The development shall only be carried out in accordance with the approved details.

Reason: In the interests of improving the biodiversity of the City in accordance with NPPF and policy CS12 of the Oxford Core Strategy 2026 and to ensure the survival of protected and notable species protected by legislation that may otherwise be affected by the development.

11. 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.

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 be carried out in accordance with the approved details.

Reason: In the interests of ensuring the adequate drainage of surface water to ensure compliance with Oxford Core Strategy Policy CS11

12. A SuDS maintenance plan shall 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. The development shall be carried out in accordance with the approved details.

Reason: In the interests of ensuring the adequate drainage of surface water to ensure compliance with Oxford Core Strategy Policy CS11.

13. Before the commencement of above ground works details of bin storage shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall not be brought into use until the refuse storage has been provided within the site in accordance with the approved details and the approved bin storage shall be retained thereafter solely for this purpose.

Reason: To ensure the adequate provision of refuse storage in accordance with Policy HP1 3 of the Sites and Housing Plan. Prior to the commencement of above ground works, details of the Electric Vehicle charging infrastructure shall be submitted to and approved in writing by the Local Planning Authority.

14. Prior to the commencement of above ground works, details of the Electric Vehicle charging infrastructure shall be submitted to and approved in writing by the Local Planning Authority. The electric vehicle infrastructure shall be formed, and laid out in accordance with these details before the development is first occupied and shall remain in place thereafter. The details shall include the following provision:

Provision of electric charging points for each residential unit with an allocated parking space. The amount of electric car charging points to be installed should

cover at least 25% of the amount of permitted non allocated parking of the development; Appropriate cable provision should also be installed to ensure that remaining parking is prepared for increased EV demand in future years.

Reason: To prepare for increased demand in future years, appropriate cable provision should be included in the scheme design and development, in agreement with the local authority. The recommended provision rate is 1 charging point per unit (house with dedicated parking) or 1 charging point per 10 spaces (unallocated parking, i.e. flat development). Provision is required in accordance with Policy HP16 of the Sites and Housing Plan.

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

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

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

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

17. A Construction Traffic Management Plan shall be submitted to and be approved in writing by the Local Planning Authority prior to commencement of works. The approved details shall be implemented during the construction phase of development. The CTMP shall 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.

18. The development shall be carried out in strict accordance with the approved 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.

INFORMATIVES :-

- 1 Removal of vegetation shall be undertaken outside of the bird nesting season (March to August inclusive). If this is not possible, then a suitability qualified ecologist shall check the areas concerned immediately prior to the commencement of clearance works to ensure no nesting or nest-building birds are present. If any nesting activity is confirmed, no clearance will be permitted within the area until the birds have fledged and the nest is considered inactive.

19. **APPENDICES**

- **Appendix 1** – Site location plan
- **Appendix 2** – 3rd July East Area Committee report for 18/02401/OUT.

20. **HUMAN RIGHTS ACT 1998**

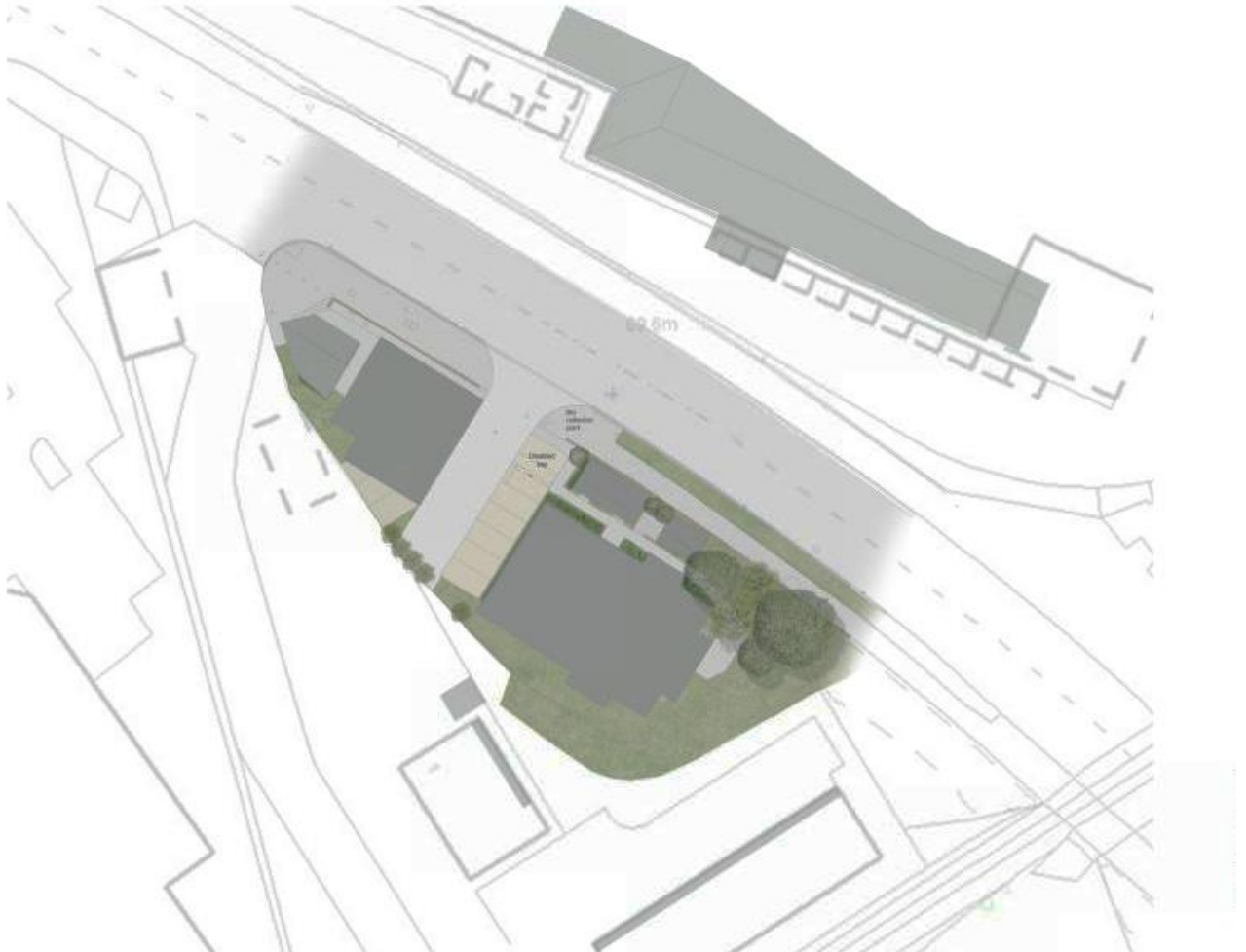
- 20.1. Officers have considered the implications of the Human Rights Act 1998 in reaching a recommendation to approve this application. They consider that the interference with the human rights of the applicant under Article 8/Article 1 of Protocol 1 is justifiable and proportionate for the protection of the rights and freedom of others or the control of his/her property in this way is in accordance with the general interest.

21. **SECTION 17 OF THE CRIME AND DISORDER ACT 1998**

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

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Appendix 1 – Site Plan



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Appendix 2 – Report to East Area Planning Committee – July 2019

EAST AREA PLANNING COMMITTEE

3rd July 2019

Application number:	18/02401/OUT		
Decision due by	2nd November 2018		
Extension of time	12 th July 2019		
Proposal	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.		
Site address	The Bungalow , Garsington Road, Oxford, OX4 6NQ – see Appendix 1 for site plan		
Ward	Blackbird Leys Ward		
Case officer	Clare Gray		
Agent:	Miss Annabel Drewett	Applicant:	Wheeler
Reason at Committee	The application is for a scheme of units in excess of 5		

1. RECOMMENDATION

1.1. The East Area Planning Committee is recommended to:

1.1.1. **Approve the application** subject to their being no further objections being received following consultation, for the reasons given in the report, the submission of an Arboricultural Impact Assessment which satisfactorily demonstrates that the development would not by reason of its siting compromise the cedar tree shown to be retained and 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 set out in this report. The development would also be subject to the required planning conditions set out in section 12 of this report.

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 a planning proposal relating to an existing but vacant mixed use site alongside the Garsington Road comprising a MOT service centre building and a bungalow. The application seeks outline planning permission, but seeks to determine access, scale, layout and landscaping at this stage, with appearance a reserved matter. The proposal is for the erection of a three storey apartment building to provide 9 x 2 bed flats with a separate B1 office building to provide 257 sqm of office space. To the front of the site is cycle and bin storage. A total of 14 car parking spaces are proposed, 7 of these would be located to the front of the proposed flats and 7 spaces would be located within an undercroft area below the proposed office building.
- 2.2. The report considers the principle of the development taking into account the planning policy framework and emerging policies relating to residential and employment use, affordable housing, the character of the area, the proximity to neighbouring commercial and industrial land uses as well as the Garsington Road in respect of the living environment of these residents, the quality of indoor and outdoor amenity, the highways impact and impact on trees.
- 2.3. It is concluded that the proposal would deliver an efficient use of this previously developed site, which would provide an important contribution towards meeting local housing needs in accordance with Policies CS2 and CS22 of the Core Strategy. Whilst the proposals would result in the loss of a small amount of employment space in the form of Class A1 retail and Class B2 industrial space, Class B1 Office space would be retained on the site and therefore a quantity of employment space would be re-provided within the proposed development.
- 2.4. The comprehensive redevelopment of the site would enhance the visual appearance of the area through the removal of the existing relatively poorly designed buildings and their replacement with buildings of a much higher design standard. The development would make provision for an acceptable quantity of car and cycle parking and would not impact adversely on highway safety and amenity. Further information is required in respect of trees and can be secured as part of the recommendation.

2.5. It is considered that the development complies with the relevant provisions of the Oxford Local Plan, Core Strategy, the Sites and Housing Plan, Emerging Oxford Local Plan 2036 and NPPF.

3. LEGAL AGREEMENT

3.1 This application would be required to enter into a legal agreement to secure an off-site financial contribution towards affordable housing in accordance with policy HP4 of the Sites and Housing Plan 2011-2026.

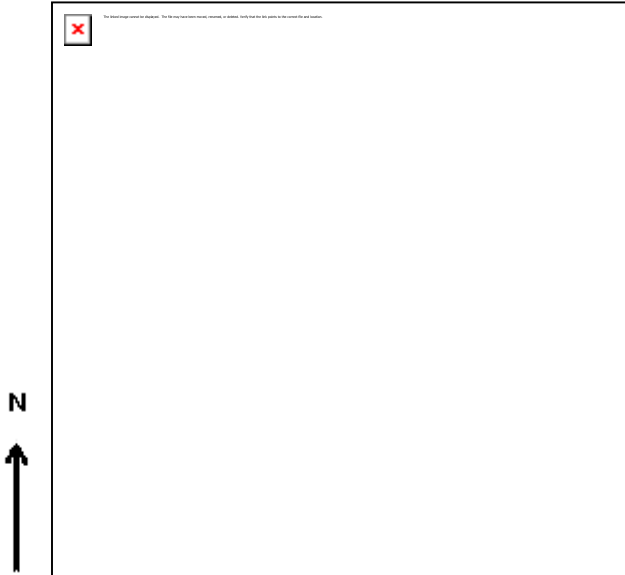
4. COMMUNITY INFRASTRUCTURE LEVY (CIL)

4.1. The proposal would be liable for CIL, but the amount would not be known or collected until reserved matter stage.

5. SITE AND SURROUNDINGS

5.1. The site is a long narrow plot of land which runs parallel to the Garsington Road, opposite the BMW plant and is surrounded by a mix of sui generis employment uses including a plant hire company, a hand car wash, and a Class A5 pizza takeaway. The site is elevated from the road contained by a short perimeter wall and is occupied by a bungalow to the east of the site behind a row of trees, and a vacant MOT service centre to the west of the site. Within the middle of the site is a direct access from Garsington Road. Between the buildings is a hardsurfaced area of parking.

5.2. See block plan below:



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Ordnance Survey 100019348

6. PROPOSAL

6.1. The application is in outline and seeks permission to demolish the bungalow and MOT service centre and to erect a mixed use development comprising 9 x 2 bed flats, 257sqm of B1 office space and associated car parking, cycle parking, bin

stores and landscaping. The access, layout, scale and landscaping are all matters to be considered at this outline stage with appearance reserved.

- 6.2. The layout of the scheme is designed with the flats located to the south east of the site and the employment office space to the north west separated by the existing access from the Garsington Road. Between these two buildings is an area of hardstanding which will provide 7 car parking spaces, the other 7 car parking spaces would be located within an undercroft area below the proposed office building. The flats will be within a 3 storey building occupying a footprint of 718.7 square metres and would extend to a height of 8.6 metres to the roof ridge. The office block would be a 3 storey building occupying a footprint of 352 square metres which would extend to a total height of 8.7 metres to the roof ridge line. The application has been amended since it was first submitted which has been principally to increase the amount of car parking provision to be policy compliant.
- 6.3. Landscaping is proposed along the frontage and to the rear where a residual outdoor grassed area to serve the flats is shown. The majority of the existing trees on the site would be removed with the exception of a cedar tree located close to the front of the site which would be retained.
- 6.4. External appearance is a reserved matter, but indicative elevations have been submitted detailing the office and flats with a brick and rendered elevation and a recessed upper floor with a flat roof.
- 6.5. A bin collection point is shown to the front of the site as is a cycle parking store.

7. RELEVANT PLANNING HISTORY

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

58/07146/A_H - Caravan. Refused 30th July 1958.

61/10379/A_H - Two shops and stores. Refused 14th February 1961.

61/10861/A_H - Cycle and scooter store and sale and servicing of cycles and scooters. Refused 13th June 1961.

61/11073/A_H - Erection of building for sale and service of cycles and motor scooters.. Refused 15th August 1961.

64/15516/A_H - Outline application for rebuilding existing shop and erection of new workshop and stocks for mopeds with new show room. Refused 5th December 1964.

77/21008/A_H - Outline application for the erection of showroom and workshop for sale of motor cycles. Refused 9th December 1977.

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, CP8, CP9, CP10, CP11	CS18	HP9	DH1
Housing	5, 11		CS2	HP3, HP12, HP13, HP14, HP15, HP16	H1, H2, H14, H15, H16
Commercial	6		CS27, CS28, RC9		E1
Natural environment	14, 15	NE15			RE4, RE6, RE8, RE9, G2
Transport	9			HP15, HP16	M3, M4, M5
Environmental	11, 14	CP10, CP19, CP21	CS10, CS11, CS12		
Miscellaneous	7, 10	CP.13 CP.24 CP.25		MP1	

9. CONSULTATION RESPONSES

9.1. Site notices were displayed around the application site on 18th October 2018. The application has since been subject of re-consultation following the receipt of amended plans and further site notices were displayed on the 6th June. The current consultation period runs until the 27th June, any further consultation responses received following the publishing of this report shall be reported verbally to members at the committee meeting.

Statutory and non-statutory consultees

Oxfordshire County Council (Highways)

9.2. The County Council made the following comments in relation to the original proposals. Comments have not been received following the receipt of amended plans though officers consider that an increase in the number of parking spaces and arrangement of spaces is considered to be an improvement on the originally submitted plans in terms of access, parking provision and manoeuvrability.

9.3. The application form states there are to be 12 car parking bays available, however, the Access Statement then states there will be 11 and then the amended site plan submitted only shows 10 bays. Clarification is needed as to

which is correct. The dimensions of the spaces as measured on the proposed Ground Floor Plan also only measure 4.6m x 2.3m. This is well below standard which requires all bays to be 5m x 2.5m if unobstructed or 5m x 2.7m if obstructed on one side, which several spaces are. There is also no indication as to how the parking bay use is to be enforced. Oxfordshire County Council recommend that signage is put up making users of the office and flats know the allocation of the bays. If this is not done correctly it could lead to informal parking and highway safety concerns. Whilst the number of bays for the flats is in line with adopted standards, the number of spaces for the office use is below standard, however, with the sustainable access to site available, and parking restrictions in the area, this is deemed adequate.

9.4. The applicant proposes the provision of cycle storage for up to 12 bikes for the 9 flats. This is below the adopted standards (Policy HP15) which states for 2 bed dwellings, a minimum of 2 bikes is required. Covered and secure cycle storage should therefore be provided for a minimum of 18 bikes. Whilst the cycle storage provision of the office is in line with adopted standards, due to the under provision of car parking, Oxfordshire County Council recommend further cycle storage is provided.

9.5. Oxfordshire County Council do not object to the application on highway grounds providing conditions are included in any permission which is granted

Thames Water Utilities Limited

9.6. No objections on water and waste water grounds.

Natural England

9.7. No comments

Public representations

9.8. Comments have been received from Councillor Linda Smith who raises concerns that the proposals would represent underdevelopment of the site and a greater density of development should be sought to provide more homes. It is also suggested that one of the parking bays be used for the purposes of a car club.

9.9. A letter was received from Oxford Civic Society who raise objections to the proposal as follows:

Although this promises a sensible use of a piece of unused land, there are several issues which will require attention. There seems to be provision for only 11 (eleven) parking spaces to serve 9 x 2 bed flats and over 400 sq.m of office space. Not only is this number insufficient, but apparently none of the spaces is large enough to accommodate modern cars. There also appears to be no designated provision for bicycles.

10. PLANNING MATERIAL CONSIDERATIONS

10.1. Officers consider the determining issues to be:

- Principle of development
- Scale, layout and impact on the character of the area
- Affordable Housing
- Indoor and outdoor amenity
- Noise, air quality and impact on occupiers amenity
- Highway matters
- Cycle parking

Principle of development

10.2. The National Planning Policy Framework has a presumption in favour of sustainable development, of which there are 3 distinct objectives in achieving sustainable development, with a social, economic and environmental objective.

10.3. Paragraph 80 of the NPPF states that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

10.4. Paragraph 121 of the NPPF states Local planning authorities should also take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans, where this would help to meet identified development needs. In particular, they should support proposals to use retail and employment land for homes in areas of high housing demand, provided this would not undermine key economic sectors or sites or the vitality and viability of town centres, and would be compatible with other policies in this Framework.

10.5. The Oxford Core Strategy encourages development proposals to make an efficient use of land in built up areas through Policy CS2. Policy CS28 of the Core Strategy relates to the protection of key employment sites to ensure that there is a retention of adequate employment space across the city.

10.6. The site lies adjacent to the Garsington Road and lies opposite the BMW garage to the north and is surrounded by sui generis uses to the south, by way of a plant hire company and a hand car wash company. To the west is a Class A5 takeaway.

10.7. Policy CS28 of the Core Strategy states that planning permission will not be granted for development that results in the loss of key protected employment sites. The policy goes onto state that in respect of other employment sites, that planning permission will only be granted for the change of use or loss of other employment sites subject to the following 3 criteria:

- Overriding evidence is produced to show that premises are causing and have consistently caused significant nuisance or environmental problems that could not have been mitigated,

- No other future occupiers can be found despite substantial evidence to show the premises or site has been marketed both for its present use and for potential modernisation or regeneration for alternative employment generating uses,
- The loss of jobs would not reduce the diversity and availability of job opportunities and it does not result in the loss of small and start up business premises , unless alternative provision is made in Oxford.

10.8. In the emerging Local Plan which is at consultation stage, this site is identified as a category 3 employment site. In the pretext to policy E1 it states

“Category 3 sites mainly comprise smaller sites and those not performing as well as Category 2 sites, for example because they are not as well located, or because they do not perform such an important economic function, nor are likely to be able to in the future. Should these sites become available for redevelopment, they will be first required to explore the potential for other employment uses, and then subject to criteria to explore alternative uses in order to help deliver the broader aims and strategy of this Local Plan.”

10.9. Policy E1 states in respect of employment sites

“Planning permission will only be granted for the loss of any employment floorspace on Category 3 sites to residential development subject to the following criteria: g) the site or building is no longer suitable for its existing business use owing to its changing operational needs; and h) no other future occupiers can be found through the production of evidence to show the premises or site has been marketed unsuccessfully both for its present use and for potential modernisation or regeneration for alternative employment generating uses, including start-up businesses or local community uses, for a period of at least 6 months (see Appendix 2.3 for details of the marketing evidence expected).”

10.10. The application site is defined as mixed employment and residential. It is not defined as a key protected employment site for the purposes of the Core Strategy. The existing site comprises of a mix of planning uses, including office space, retail and Class B2 use though each of these uses was connected with the former business on the site and the function of the site as an MOT centre. The latter of the two uses i.e. retail and B2 would be lost on the site, however the Class B1 office use would be re-provided with a minor increase of 19 square metres.

10.11. The re-provision of the office space would retain employment use on the site and the quality of the Class B1 provision which would be provided within a modern, purpose built building would be to a much higher standard than is provided within the existing building. The existing building has been vacant for an extended period of time and the quality of the premises are notably not of a high standard.

10.12. In terms of the retail element, this space arguably forms an ancillary function to the former use of the building as an MOT test centre and the building is not located within an area or street front which has any specific protection in terms of

the retention of retail premises. The existing mix of uses is wholly specific to the sites former use and it would be unlikely that a future employment based occupier would require a similar mix of uses on the site. The criteria of Policy RC9 of the Oxford Local Plan which applies to individual retail premises is relevant in relation to these premises. Policy RC9 requires that no other suitable retail occupier can be found following a realistic effort to market the site for a Class A1 (shop) use; substantial evidence of non-viability has been demonstrated; and changes of use to residential use are supported by substantial proof that commercial uses are not viable. The premises have been vacant since 2016. It is understood that marketing of the site for continued commercial use has taken place, though it is understood that no interest was expressed in the use of the premises for commercial purposes and as such other options for the redevelopment of the site has been pursued. In any event the A1 element in this case is very much regarded as an ancillary use and it would be difficult to demonstrate that the loss would be harmful in terms of the policy.

10.13. On balance as the proposals would retain employment use on the site to an enhanced standard whilst also providing residential accommodation to meet an identified housing need (which is explored in more detail below), officers consider that this adequately justifies the relatively low amount of employment and retail space which would be lost on this site, in accordance with policy CS28 of the Core Strategy and RC9 of the Oxford Local Plan.

10.14. In respect of housing use on this site, the development of a previously developed site for housing within a sustainable location is considered an objective that accords with established planning principles, and intensification of dwellings on any appropriate site will contribute to boosting the supply of homes as required by the NPPF, but will assist in making the most efficient use of land. The NPPF also recognises that small and medium sites make an important contribution to housing supply, Policy CS22 of the Core Strategy recognises the important contribution of windfall sites such as the application site in meeting local housing need, with a specific preference to this delivery of additional units being provided on brownfield sites. The proposal is therefore considered to accord with Policy CS2 and CS22 of the Oxford Core Strategy.

Balance of Dwellings

10.15. The proposed development would comprise solely of 2 bedroom flats. Policy CS23 of the Core Strategy states that development should comply with the Balance of Dwellings Supplementary Planning Document (SPD). This document highlights that across Oxford, new development should include a certain percentage of family dwellings typically comprising of 3 bedroom units. The site is within the Blackbird Leys neighbourhood area which is identified as a 'green' area with less pressure in terms of the loss of, or undersupply of family dwellings. Notwithstanding this the BOD's SPD requires that 25% of the units should be 3 bed units.

10.16. It is accepted that the mix proposed within the development would not strictly accord with the preferred mix set out within the SPD. The Councils Emerging Local Plan was submitted for examination in March 2019. Whilst the weight attributed to the policy provisions of the Emerging Plan framework are afforded

limited weight at this stage as the plan has yet to undergo examination, this remains a material planning consideration and provides an intention as to the direction of travel for policy in respect of the housing mix in new developments. Policy H4 of the Emerging Local Plan outlines a housing mix, which applies only to the affordable element of the housing on developments of 25+ units. As the proposed development would comprise 9 units, it would clearly be below this threshold.

10.17. NPPF Paragraph 11 states that in applying a presumption in favour of sustainable development Local Authorities should be approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or 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.

10.18. The Councils Core Strategy and Balance of Dwellings SPD predate the NPPF and as such the policy provisions of the existing framework must be read in conjunction with the NPPF in terms of their compatibility. Policy H4 of the Emerging Local Plan, unlike the Balance of Dwellings SPD does not predate the NPPF and as such takes into account all other material planning considerations outlined within the framework. In officers view there a clear requirement to balance the provision of a mix of housing in order to achieve balanced communities with other fundamental material planning considerations, including the need to make effective use of land which forms a fundamental element of the NPPF (Chapter 11).

10.19. Chapter 11 of the NPPF makes clear that development should make effective use of land. NPPF Paragraph 123 states that where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimum use of the potential of each site. The site is a small and compact brownfield site and it would be reasonable to consider that a development which provides larger three bedroom properties would likely result in the delivery of less units on the site substantially reducing the capacity of the site to deliver its optimum density and number of units, which would fundamentally be at odds with the requirements of Paragraph 123 of the NPPF. Also given its location in amongst commercial units., it would not be necessary to insist on a particular mix in terms of the grain, form and character of the area which will be explored in more detail. Therefore it is appropriate in this case to maximise the density as this can clearly be accommodated on this site and within this area.

10.20. Giving weight to the provisions of the NPPF and provisions of Policy H4 of the Emerging Local Plan, officers consider that deviation from the Councils BOD's mix is justified.

Scale, layout and impact on the character of the area

- 10.21. The surrounding area is characterised by a mix of employment uses comprising of principally utilitarian buildings of varying size, ranging from the large scale factory buildings to the north of the BMW site and smaller commercial and industrial buildings to the south. Typically surrounding buildings are two storeys in scale.
- 10.22. Within the prevailing context of industrial and employment based buildings, the existing buildings on the site do not fundamentally appear out of place, however equally the existing buildings are not of significant quality and do not actively contribute to the visual appearance of the area, the site is also currently vacant and has become neglected. Redevelopment of the site is considered to provide an opportunity to generally enhance the appearance of the area.
- 10.23. The application proposes the erection of two new buildings, the scale of which would not appear out of place within the context of the surrounding built form. Officers consider that both buildings would be appropriately designed and would be an enhancement on the existing relatively low quality buildings on the site at present. Furthermore a landscaping scheme is proposed, which would include the provision of planting and soft landscaping which would enhance the visual appearance of the street scene along Garsington Road.
- 10.24. In summary it is considered that the development is of an appropriate design standard and meets the requirements of Policies CP1, CP6 and CP8 of the Oxford Local Plan, together with Policy CS18 of the Core Strategy; Policy HP9 of the Sites and Housing Plan and Policy DH1 of the Emerging Local Plan.

Landscaping and Impact of Existing Trees

- 10.25. Policy NE15 of the Oxford Local Plan states that planning permission will not be granted for development proposals which include the removal of trees, hedgerows and other valuable landscape features that form part of a development site, where this would have a significant adverse impact upon public amenity or ecological interest. Planning permission will be granted subject to soft landscaping, including tree planting, being undertaken whenever appropriate.
- 10.26. The application is accompanied by a Predevelopment Tree Survey, which provides an assessment as to the impact of the development on the existing trees on the site. The tree survey provides an assessment of the quality of the trees on the site alongside recommendations for development; however the survey does not address the impact of the proposed development on the existing trees.
- 10.27. There are a number of existing trees on the site, though the majority of these are of a relatively low quality (Category C). There is a cedar tree which is identified as being of a higher standard (Category B) which is indicated to be retained. The proposals would also include the provision of additional planting and soft landscaping.
- 10.28. In the absence of an Arboricultural Impact Assessment (AIA) which assesses the impact of the proposed development on the cedar tree, which is indicated as

being of a good standard and contributes positively to the character of area, Officers cannot be satisfied that the development would unduly compromise this tree. For this reason officers would propose a recommendation that permission be granted subject to the submission of an Arboricultural Impact Assessment which satisfactorily demonstrates that the development would not by reason of its siting compromise the cedar tree shown to be retained.

Sustainability

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

10.30. 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.

10.31. The applicants indicate that the fabric specification across both buildings will be improved above and beyond the Part L Building Regulation base line reducing CO₂ emissions and energy demand by improving the thermal performance of the building. This development will achieve compliance with Approved Document L1A of the Building Regulations (2013) without relying upon the contribution of renewable energy. Officers consider that the incorporation of these measures would ensure compliance with Policy CS9 of the Core Strategy.

Affordable Housing

10.32. Policy HP4 states planning permission will only be granted for residential development on sites with capacity for 4-9 dwellings, if a financial contribution is secured towards delivering affordable housing elsewhere in Oxford. The contribution will be 15% of the total sale value of the development. The provision of affordable housing would be secured by way of a Section 106 legal agreement. The applicants have confirmed their agreement to provide an off-site financial contribution towards affordable housing which would be secured through a Section 106 Legal Agreement.

Indoor and Outdoor Amenity

10.33. Policy HP12 of the Sites and Housing Plan states that planning permission will only be granted for new dwellings that provide good quality living accommodation and developments are required to meet the National Space Standards.

10.34. Whilst this is an outline application, the layout and scale is sought to be addressed through this application. The building as shown indicates a 3 storey dwelling with 9 x 2 bed dwellings with occupancy of 4 persons per flat. The National Minimum Space Standards requires 70 sqm per flat and all but one flat

complies with this standard, which is 69.5 sqm, which whilst contrary to the requirements of policy HP12 is a very minor deviation from the Governments Technical Housing Standards and would not be considered harmful to the amenity standards of future occupiers.

10.35. Policy HP13 of the Sites and Housing Plan states that planning permission will only be granted for new dwellings that have direct and convenient access to an area of private open space. Private outdoor areas should allow space for a table and chairs, and/or clothes drying space, plus reasonable circulation. For flats there should be balconies providing 1.5m x 3m of outdoor space.

10.36. The proposed plans previously indicated that not all of the units would have access to external amenity space in the form of balconies. The plans have been amended to address this and each of the proposed flats would now have access to external balcony space, which would be sited so far as practically possible away from Garsington Road and the BMW works opposite so as to minimise noise disruption and exposure to pollution. The proposed flats would also be served by an area of communal amenity space sited to the south and east of the residential building. Taking these factors into account officers consider that the development would comply with the provisions of Policy HP13 of the Sites and Housing Plan.

10.37. In summary it is considered that the development would provide appropriate standards of amenity for future occupiers and there would consequently be no conflict with the requirements of Policies HP12 and HP13 of the Sites and Housing Plan. Owing to the location of the development there would be no impact on any residential properties.

Noise, air quality and impact on occupiers amenity

10.38. In respect of air quality and noise impacts Policy CP19 states that:

“Planning permission will not be granted for residential development where the future occupiers would be likely to suffer from substantial nuisance from noise, dust, fumes, vibration, light or proximity to hazardous materials, unless adequate protective measures can be implemented before the development is occupied.”

10.39. In respect of noise Policy CP21 of the Existing Local Plan states

“Planning permission will be refused for developments which will cause unacceptable noise. Particular attention will be given to noise levels: a. close to noise-sensitive developments; and b. in public and private amenity space, both indoor and outdoor. The City Council will impose easily enforceable conditions to control the location, design, layout and operation of development proposals to minimise any adverse impact as a result of noise and its transmission. Proposals for noise sensitive developments should have regard to: c. the existing sources of noise, e.g. from roads, railways and other forms of transport; industrial and commercial developments; sporting, recreation and leisure facilities; d. internally generated noise or associated externally generated noise; and e. the need for appropriate sound insulation measures.”

- 10.40. The site is surrounded by B2 uses, comprising the BMW garage across the Garsington Road, and is bound by the Garsington Road itself which is a key route into the city from east Oxford. Furthermore the site is surrounded by sui generis uses to the west and south west, comprising a plant hire company and a hand car wash. As these are potentially noisy and disruptive uses, officers would require that the applicants can demonstrate that measures can be applied to protect future occupiers from noise and disruption.
- 10.41. Environmental Health officers raised concerns at the time of the initial consultation in respect of the developments proximity to sources of adverse or significant adverse noise and air pollution which could reasonably impact on prospective residential and office uses. Initially no assessment had been made of noise and pollution levels on the site.
- 10.42. Following a request for further information, the applicants have provided a noise impact assessment (NIA) which identifies existing sources of noise in the vicinity of the site and the potential impact on the proposed residential and office development. The NIA has been assessed by the Councils Environmental Health Officer who has indicated that the recommended mitigation measures will ensure that future occupier's amenity is not unacceptably compromised by noise disturbance subject to the installation of appropriate insulation which would be required by planning condition. The Councils Air Quality Officer has advised that there would be no significant concerns in respect of air quality.
- 10.43. Taking the above factors into consideration it is considered that the amenity of future occupiers would not be unacceptably compromised by reason of noise, pollution, disturbance or disruption arising from the developments proximity to existing land uses and there is considered to be no conflict with Policies CP19 or CP21 of the Oxford Local Plan.

Highway Matters

- 10.44. The site is within a sustainable location being within the confines of the city; however, there is no Controlled Parking Zone (CPZ) in place in the area.
- 10.45. Whilst there is an intensification of use on site, County Highways have indicated that the additional traffic generation can be accommodated within the site. County Highways have also indicated that visibility is good in both directions from the site access. Officers are therefore satisfied that adequate access can be provided to the site.
- 10.46. The originally submitted plans indicated the provision of a total of 10 parking spaces, which would be unallocated and shared between the office and residential uses. The site is located beyond the ring road on the Garsington Road. Access to this site via public transport is gained via either the T1 bus service to Garsington or number 12 to Greater Leys, which is located to the south east 644m (0.4miles). Whilst the T1 bus service which serves the Garsington Road is only 100m walk from the site to the bus stop, this service is only hourly until 8pm. The number 12 service to Greater Leys is not in the

vicinity of the site, being on Sandy Lane 644m away, which is not considered to be directly convenient although this service runs later until 1220am, at 2 buses an hour until 8pm, then one bus an hour until 1220am. In terms of local services, there is a Lidl off the Garsington Road and a Tesco Superstore at Oxford Retail Park. Whilst the site is in close proximity to two supermarkets, the site is in a peripheral location in relation to district centres in the city and is not regularly served by public transport. Whilst there are restrictive parking controls in the area in the form of double yellow lines, the site does not fall within a CPZ. Officers consider that a car free or low car development would not be appropriate within this particular peripheral location.

10.47. Policy HP16 of the Sites and Housing Plan outlines maximum parking standards relating to residential developments, in accordance with appendix 8 of the Sites and Housing Plan, whilst Policy TR3 of the Oxford Local Plan outlines parking standards relating to Class B1 Office development. The maximum parking standards for the commercial floor space would be 1 space per 35 m² or 1 space per 2 staff. In terms of the proposed development (257sqm) this would be 7.34 spaces, though the applicant has indicated that the building would be used by 8 staff members, therefore the maximum standards in accordance with Policy TR3 would be 4 spaces.

10.48. The applicants have amended the proposed plans to provide an additional 4 parking spaces, in total 14 parking spaces would be provided. The proposed parking provision would allow for 1 space per two bedroom flat with an additional 5 spaces provided for the office building. Officers consider that the overall level of parking provision would be adequate and would comply with the requirements of Policies TR3 of the Oxford Local Plan and Policy HP16 of the Sites and Housing Plan.

Cycle parking and bin storage:

10.49. Cycle parking is shown to the front of the site parallel to the Garsington Road and scope is made for 12 spaces for the flats and 5 cycle spaces for the offices

10.50. The Sites and Housing Plan makes clear in policy HP15 that a minimum of 2 spaces per dwelling is required and therefore a provision of 12 is below that standard of a minimum of 18. There is scope for this to be increased as there would be sufficient space within the site to provide additional secure cycle parking, this would be sought by way of planning condition. Overall it is considered that the development would comply with the requirements of Policy TR4 of the Oxford Local Plan and Policy HP15 of the Sites and Housing Plan.

10.51. Bin storage is proposed to the front of the site, which is considered to be adequate and suitably located. It is considered that this would comply with the requirements of Policy HP13 of the Sites and Housing Plan.

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 about the redevelopment of a previously developed site for the purpose of providing 9 new dwellings to meet local housing need in line with Policies CS22 and CS2 of the Core Strategy, whilst also providing a financial contribution towards the off-site provision of affordable housing in accordance with Policy HP4 of the Sites and Housing Plan. The proposals would re-provide employment space on site within higher quality purpose built office accommodation, which is considered to be an enhancement on the existing Class B1 space on site. It is considered that the joint benefits of the delivery of 9 dwellings and enhanced Class B1 provision would outweigh the loss of the existing relatively low quality Class B2 space and Class A1 retail space on site.
- 11.4. The redevelopment of the site is considered to be a significant visual enhancement and would contribute positively to the appearance of the immediate vicinity. It is considered the proposals make appropriate amenity provision for future occupiers and there would be no adverse impacts in respect of highway safety or amenity.
- 11.5. For the reasons expressed in this report it is recommended that the Committee resolve to grant planning permission for the development subject to their being no further objections being received following consultation and subject to the submission of an Arboricultural Impact Assessment which satisfactorily demonstrates that the development would not by reason of its siting compromise the cedar tree shown to be retained and subject to the completion of a legal agreement to secure a contribution towards off site affordable housing provision.

12. CONDITIONS

1. 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.

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

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

3. Samples of the exterior materials to be used shall be submitted to, and approved in writing by, the Local Planning Authority before the start of work on the site and only the approved materials shall be used.

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

4. Prior to commencement of above ground works, a plan detailing the layout of the car parking area shall be submitted to, and approved by, the Local Planning Authority. The Car Park Layout Plan must set out that all car parking spaces meet the minimum dimensions required and can be safely and easily accessed. The plan should also set out how the allocation of parking bays is to be managed on site. The agreed details shall be implemented prior to first occupation/use of the development and retained as such thereafter.

Reason: In the interest of highway safety and to comply with policy HP16 of the Sites and Housing Plan.

5. Before the commencement of above ground works details of the cycle parking areas for 18 cycles including dimensions and means of enclosure, shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall not be brought into use until the cycle parking areas and means of enclosure have been provided within the site in accordance with the approved details and thereafter the areas shall be retained solely for the purpose of the parking of cycles.

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

6. Prior to the commencement of above ground works a phased risk assessment shall be carried out by a competent person in accordance with relevant British Standards and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR11) (or equivalent British Standards and Model Procedures if replaced). Each phase shall be submitted in writing and approved by the local planning authority.

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

Phase 3 requires that a remediation strategy, validation plan, and/or monitoring plan be submitted to and approved by the local planning authority to ensure the site will be suitable for its proposed use.

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

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

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

8. No occupation shall take place until the living space has been insulated against external noise sources in accordance with a scheme that has been submitted to, and approved in writing by, the Local Planning Authority. To gain approval a scheme must demonstrate that it meets the requirements set out in the Noise Impact Assessment prepared by REC dated 19th March 2019 . Once approved there shall be no variation to the approved scheme unless otherwise agreed in writing beforehand by the Local Planning Authority.

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

9. Prior to the commencement of above ground works, details of ecological enhancements shall be submitted to and approved by the Local Planning Authority. The scheme will include details of new native landscape planting and provision of artificial roost features, including bat and bird nest boxes and a minimum of two swift nest boxes. The development shall only be carried out in accordance with the approved details.

Reason: In the interests of improving the biodiversity of the City in accordance with NPPF and policy CS12 of the Oxford Core Strategy 2026 and to ensure the survival of protected and notable species protected by legislation that may otherwise be affected by the development.

10. 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.

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 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: In the interests of ensuring the adequate drainage of surface water to ensure compliance with Oxford Core Strategy Policy CS11

11. Before the commencement of above ground works details of bin storage shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall not be brought into use until the refuse storage has been provided within the site in accordance with the approved details and retained solely for this purpose

Reason: To ensure the adequate provision of refuse storage in accordance with Policy HP1 3 of the Sites and Housing Plan.

12. Prior to the commencement of above ground works, details of the Electric Vehicle charging infrastructure shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the following provision:

Provision of electric charging points for each residential unit with an allocated parking space. The amount of electric car charging points to be installed should cover at least 25% of the amount of permitted non allocated parking of the development; Appropriate cable provision should also be installed to ensure that remaining parking is prepared for increased EV demand in future years.

The electric vehicle infrastructure shall be formed, and laid out in accordance with these details before the development is first occupied and shall remain in place thereafter.

Reason: To prepare for increased demand in future years, appropriate cable provision should be included in the scheme design and development, in agreement with the local authority. The recommended provision rate is 1 charging point per unit (house with dedicated parking) or 1 charging point per 10 spaces (unallocated parking, i.e. flat development). Provision is required in accordance with Policy HP16 of the Sites and Housing Plan.

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

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

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

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

15. 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.

13. APPENDICES

- **Appendix 1 – Site location plan**

14. HUMAN RIGHTS ACT 1998

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

15. SECTION 17 OF THE CRIME AND DISORDER ACT 1998

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

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EAST AREA PLANNING COMMITTEE

6th November 2019

Application number: 19/01038/FUL

Decision due by 23rd July 2019

Extension of time

Proposal Demolition of existing buildings. Phased construction of key worker housing comprising 56 cluster units, 21 x 1 bed studio apartments, 48 flats (17x1 bed, 31 x 2 beds), management office and associated works including parking and landscaping (additional/revised information).

Site address Ivy Lane, Osler Road, Oxford, Oxfordshire – see **Appendix 1** for site plan

Ward Headington Ward

Case officer Sarah Orchard

Agent: JPPC (Lucy Smith) **Applicant:** A2Dominion South Limited

Reason at Committee Major development

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 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 set out in the set out in this report and;

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 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 loss of the existing key worker housing and the replacement of the existing four blocks with new key worker housing, landscaping and a management office. The report takes into consideration the principle of development, affordable housing, design and impact on the conservation area and listed buildings, neighbouring amenity, indoor and outdoor space, highway impact, trees and landscaping, energy efficiency, land quality, air quality and impact on utilities, ecology and drainage.

2.2. The application is also considered a justified departure from the existing affordable housing policy HP3 as the proposal is considered to deliver affordable housing in a different manner to the requirements set out in the policy.

2.3. In summary it is considered that the proposal would result in a more efficient use of the site and provide an increased number of units of accommodation for key workers primarily at the NHS without causing harm to the amenity of neighbouring occupiers, highway network, drainage or landscaping/trees. Whilst less than substantial harm is identified to the conservation area and setting of listed buildings and great weight has been given to the conservation of these designated heritage assets, the benefits of the scheme and the special case being put forward provides adequate justification for a departure from policy HP3 of the Sites and Housing Plan and addresses the less than substantial harm by providing adequate public benefits in accordance with the NPPF. The application is therefore recommended for approval.

3. LEGAL AGREEMENT

3.1. This application would be subject to a legal agreement to cover a financial contribution towards monitoring of the travel plan and also an agreement to ensure that the proposal is retained as employer linked housing. The agreement would include details of rents to ensure that the accommodation remains affordable in relation to NHS salaries and a nominations hierarchy to prioritise who is housed.

4. COMMUNITY INFRASTRUCTURE LEVY (CIL)

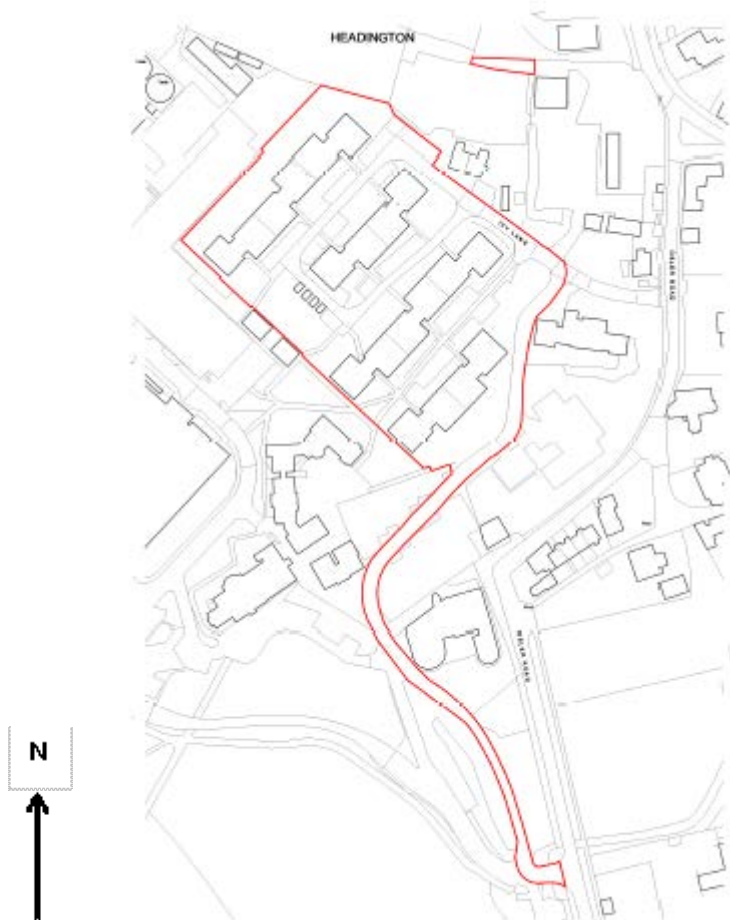
4.1. The proposal is liable for a CIL contribution of £650,876.67. The proposal is for a phased development therefore the CIL payment would be split and due on the commencement of each phase.

5. SITE AND SURROUNDINGS

5.1. The site is located within the John Radcliffe Hospital site. Ivy Lane sits to the east of the site adjacent to the Old Headington Conservation Area. The access route as shown within the application red outline does fall within the

Conservation Area. Ivy Lane itself connects Osler Road to the east of the site to the existing blocks of key worker housing. These blocks lie to the north east of the Grade II listed Manor House and listed walls on the John Radcliffe site. To the north of the site lies residential accommodation and Old Headington Village Hall. The land slightly slopes away to the north.

5.2. See site location plan below:



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Ordnance Survey 100019348

6. PROPOSAL

6.1. The application proposes the demolition of the existing key worker housing and erection of a phased development of key worker/employer linked housing with an A2 Dominion management office with associated parking, cycle storage and landscaping.

6.2. The proposal would be formed of 7no. blocks which pick up on the existing form of four blocks which sit on the site. To the north west of the site Block A would be 5 storeys in height, as would Block C to the west of the site. Blocks D (to the east of the site and F (to the south of the site) would be 4 storey, whilst Block G to the south east would be 3 storey. Block E to the middle of the site would be a combination of 5 storeys to the west and 4 storeys to the east. To the centre of the site would be a communal park. The blocks are formed of a mixture of cluster flats, studio flats and 1 and 2 bedroom flats. To the ground floor of Block D to the

east of the site would be an office and meeting space for A2 Dominion (the applicant and housing provider).

6.3. The existing blocks are approximately 8 metres high and would be replaced by blocks ranging from approximately 9.8 metres high to 16 metres high.

6.4. The application is considered a departure from the existing affordable housing policy HP3. This requires 50% of key worker housing developments to be provided as affordable housing. In this case the proposal seeks to comply with the emerging policy H3 to which limited weight is currently afforded. This policy would allow for 100% employer linked housing on key employment sites providing it can be demonstrated that it would be affordable for the intended occupants. Therefore the proposal is considered a departure from the current policy due to the limited weight afforded to the emerging policy and has been advertised as such.

7. RELEVANT PLANNING HISTORY

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

02/02058/FUL - Change of use from residential institution (Class C2) to residential accommodation (Class C3). Approved 7th January 2003.
03/00632/VAR - Variation to Condition 2 of notice of permission 02/02058/FUL to allow staff accommodation to be used by other NHS Trust workers, key workers, and people on the City Council's waiting list. Approved 25th July 2003.
03/01577/VAR - Variation to Condition 2 of application no. 03/632/VAR to allow staff accommodation to be used other than by Oxford Radcliffe Hospitals NHS Trust employees. Approved 12th February 2004.
04/01851/FUL - BLOCKS 1 - 4; JOHN RADCLIFFE HOSPITAL: Replacement of existing single glazed windows and staircase screens with double glazed units. Approved 27th October 2004.
11/01685/FUL - Alterations to roof to create pitched roofs and provision of photovoltaics on 4 accommodation blocks in conjunction with internal alterations and re-landscaping (Additional Information). Approved 2nd August 2011.

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	Neighbourhood Plan (Headington):

Design	8, 117, 127	CP1, CP6, CP8, CP9,	CS2, CS18	HP9		CIP1, CIP3, GSP4
Conservation/ Heritage	193-197	HE3, HE7				CIP4,
Housing	62-64, 123,		CS23, CS24	HP2, HP3, HP12, HP13		
Natural environment	150-153, 170, 175	CP11, CP17, CP18, NE14, NE15, NE21, NE23	CS9, CS12			GSP3
Social and community	91	CP13, CP14,	CS19			
Transport	108-111	TR1, TR2, TR3, TR4, TR13, TR14, TR15	CS13,	HP15, HP16,	Parking Standards SPD	TRP2, TRP3, TRP4
Environmental	155, 163, 165, 178, 180-183	CP10, CP22, CP23,	CS10, CS11,	HP11, HP14	Energy Statement TAN	GSP2
Miscellaneous			CS17, SP23	MP1		

The following emerging Oxford Local Plan 2036 policies are also of particular relevance. Limited weight is currently afforded to the policies within this plan, however where relevant they are identified in the body of this report along with any conflict with existing policy.

- H3 – Employer linked affordable housing
- H4 – Mix of dwelling sizes
- H10 – Accessible and adaptable homes
- H15 – Internal space standards
- H16 – Outdoor amenity space standards
- RE1 – Sustainable design and construction
- RE2 – Efficient use of land
- RE4 – Sustainable drainage, surface and groundwater flow
- RE5 – Health, wellbeing, and Health Impact Assessment
- RE6 – Air quality
- RE7 – Managing the impact of development
- RE8 – Noise and vibration
- RE9 – Land quality
- G2 – Protection of biodiversity and geodiversity
- DH1 – High quality design and placemaking
- DH2 – Views and building heights
- DH3 – Designated heritage assets
- DH7 – External servicing features and stores
- M1 – Prioritising walking, cycle, and public transport

M2 – Assessing and managing development
M3 – Motor vehicle parking
M4 – Electric charging points
M5 – Cycle parking
V8 – Utilities
SP42 – John Radcliffe Hospital Site

9. CONSULTATION RESPONSES

9.1. Site notices were displayed around the application site on 20th May 2019 and 3rd June 2019 and advertisements were published in The Oxford Times newspaper on 23rd May 2019 and 6th June 2019.

Statutory and non-statutory consultees

Oxfordshire County Council (Highways)

9.2. A financial contribution of £1240 would be required for Travel Plan Monitoring for a period of 5 years. There is a significant reduction in parking on the site which is well below maximum standards (85 spaces down to 56). 25% of the spaces should be EV ready in line with emerging policy M4. Some parking spaces shall need to be provided with a hardstanding strip around the bays to delineate them from turning heads. Cycle parking spaces would be provided across the entire site, with 246 set to be located within the accommodation blocks (specifically for residents) and 128 spaces in external but covered cycle stores for use by both residents and visitors. Further details were requested to demonstrate that the spaces could accommodate this number of bicycles. The traffic impact on the highway would be reduced due to the reduction in parking. A construction traffic management plan and travel plan would be required by condition.

Oxfordshire County Council (Education and Property)

9.3. Given the low number of pupils expected to be generated by a development of this nature, it is not expected to have a significant impact on the need for school places in the local area.

Oxfordshire County Council (Drainage)

9.4. The outline drainage plan is acceptable in principle, however there is a reliance on pipes and tanks which goes against the local requirement for more natural sustainable drainage. Following this concern, the design was amended to use more natural infiltration and the objection was removed.

Natural England

9.5. No comment.

Thames Water Utilities Limited

9.6. No concerns with network capacity for foul sewer capacity or surface water network capacity. Developer is advised to contact Thames water in relation to building close to water mains. Thames Water will aim to provide customers with

a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes.

Historic England

9.7. No comment.

Friends of Old Headington

9.8. Neutral response to the proposal. Recognise the need for the Trust to update housing stock. Buildings are reasonable in design, despite suspected budget constraints. Support the use of brick and the proposed colour. Parking is reduced but people will be able to walk and cycle to work. The block nearest the Conservation Area is no higher than existing. Very few views of the proposed development from surrounding streets. Lack of detail about the construction phase. This should avoid residential streets in Headington. Consideration should be given to using Headley Way.

Headington Heritage

9.9. Objection to the application.

- The development does not provide a sense of place or adequately address heritage issues, it is a bland, artificial, kit home estate with as much character as motorway, any effort to improve it would be beneficial. Impact on the Conservation Area has not been significantly addressed. Proposal does not create a sense of place.
- The transport plan is incompetent and developer contributions to public transport, in particular, cycling must be sought. No detail of how parking will be controlled.
- The loss of 18 trees is regrettable, these must be replaced by natural distribution and not just lining pathways - to preserve the character of the area.
- The flood risk to Barton Park has not been adequately assessed.
- Noise carries and even low levels can be very apparent in the local area even if within statutory limitations.
- There needs to be a greater improvement over the existing 1970s development.

Environment Agency

9.10. No comments received.

Headington Action

9.11. No comments received.

Central North Headington Association

9.12. No comments received.

Barton Community Association

9.13. No comments received.

Public representations

9.14. 1no. neighbour comments received (from address in Dunstan Road).

- Appreciate that the housing needs to be improved.
- Concern with the height of the proposal in relation to Dunstan Road. If this exceeds the height of the trees they would object to the application due to impact on the Conservation Area.

Officer response

9.15. Officer's response to these comments, where material planning considerations, are dealt with within the report below.

10. PLANNING MATERIAL CONSIDERATIONS

10.1. Officers consider the determining issues to be:

- Principle of development
- Affordable housing
- Design/Impact on the Conservation Area and listed buildings
- Neighbouring amenity
- Indoor and outdoor space
- Highways
- Trees and landscaping
- Energy efficiency
- Land quality
- Air quality
- Utilities
- Ecology
- Drainage

a. Principle of development

10.1. The John Radcliffe Hospital (Ivy Lane flats) fall within a hospital site allocation policy (SP23 of the Sites and Housing Plan, which is to become policy SP42 of the Oxford Local Plan 2036). Policy SP23 of the SHP allows for the development of the hospital site to provide complementary residential accommodation and key worker housing. This is subject to other material considerations, primarily focussed on impact on adjoining conservation areas and listed buildings, impact on transport and minimisation of parking, impact on drainage and impact on water supply and sewerage network.

10.2. Therefore as the proposal is for key worker housing which is specifically supported by policy SP23 of the Sites and Housing Plan, the proposal is considered acceptable in principle subject to the material considerations set out below.

b. Affordable housing

10.3. The application site is considered to be a major development for housing which falls under policy HP3 of the Sites and Housing Plan. The policy highlights that key worker housing plays an important role in housing provision but should be provided alongside on-site provision of affordable housing which is a high priority in the city.

10.4. In this case 100% key worker housing is proposed. This would be contrary to policy HP3 of the Sites and Housing Plan as it is not proposed in addition to any affordable housing provision. Any proposal put forward for key worker housing without affordable housing is considered to be a departure from the development plan. Any departure also needs to be accompanied with a strong justification as to why the departure should be allowed and why the policy should not apply in this case.

10.5. At present full weight is still afforded to policy HP3 of the Sites and Housing Plan. Whilst the new local plan is emerging, only limited weight is afforded to the emerging policy at this stage. The emerging plan currently includes a policy for Employer Linked Housing (policy H3). This policy would allow for provision of 100% employer linked housing on site (e.g. to the NHS Trust) but rents would need to be agreed with the Local Authority to ensure that they are affordable in relation to NHS Trust employees.

10.6. Evidence has been submitted in order to justify the departure from the development plan. Affordability of Oxford is considered to be a key obstacle in staff retention and recruitment at the hospital. The proposal is designed to replace the existing key worker housing with higher quality housing in order to house primarily NHS workers who are in need of housing. The affordability of the existing accommodation is not currently controlled but is subject to agreed nominations. This is a three tier priority system in which accommodation is offered and is proposed to be carried through to this proposal.

“First Priority Residents” means (1) staff employed directly by the Trust (2) staff employed by any other body who provide a service at the Hospital (3) students working or studying medicine nursing or health care related disciplines at any of the Trust’s institutions within Oxford (4) workers employed by other Oxfordshire NHS Trusts

“Second Priority Residents” means (1) students studying at higher education within Oxford and hospices in Oxford (2) researchers undertaking study in the healthcare and health sciences (3) other NHS or Department of Health employees (4) volunteers to the Trust (5) key workers employed by (i) Thames Valley Police (ii) Oxfordshire Fire & Rescue Service (iii) Oxfordshire Education Service & Care Directorate (iv) teachers employed by Oxfordshire Education Service and (v) operational staff employed by local public transport providers and (6) contractors working on sites in Oxford owned by the Trust

“Third Priority Residents” – means any suitable persons as defined by the current local authority definition of a keyworker which may be updated from time to time.

- 10.7. Within each category there is a points based system which prioritises who is housed. This includes considerations such as staff turnover in a certain job role, ability to recruit to the role and salary. This helps ensure that the accommodation houses those in most need and also helps staff recruitment and retention by providing rooms or flats at an affordable rent.
- 10.8. In order for accommodation to be considered affordable, in accordance with Oxford City Council’s Tenancy Strategy, rent (excluding bills) should be no more than 35% of net income. The proposed rent and nominations has been agreed by Oxford City Council Housing Officers. Whilst the rent would exceed 35% of median NHS salaries, the A2 Dominion rents include all services including utilities, Wi-Fi and maintenance. Since A2 Dominion rents always include services, it is difficult to identify the rent without services. An exercise has however been carried out and only a one bedroom flat would exceed 35% of income. In this case a one bedroom flat could be occupied by two people and the NHS when nominating rooms ensure that the room would be affordable in relation to the employee’s salary. Affordable rent is also considered to be a maximum of 80% of open market rent (OMR), the Trust and A2 Dominion have demonstrated that this would be the case. It is therefore considered acceptable and affordable for NHS workers and other key workers.
- 10.9. A S106 agreement would be required to ensure that the accommodation remains available for key workers in accordance with the proposed nominations and also at a rent which remains affordable (reviewed at least on a 5 yearly basis). The S106 agreement would also ensure that the accommodation is available to a cross section of employees and that at least one of the employees in a self-contained flat falls within the nominations for allocation. Subject to this agreement the proposal is considered a justifiable departure from the existing development plan policy HP3.

c. Design/Impact on the conservation area and listed buildings

- 10.10. Discussions have evolved through pre-application meetings particularly in relation to the impact on the conservation area and setting of listed buildings/structures. The proposal has also been reviewed by the Oxford Design Review Panel. The design and layout of the development would also take into consideration the masterplan for the site to ensure the development would integrate into this.
- 10.11. The site currently has a linear form of four blocks all of which are three storeys in height. The series of blocks create three main avenues through the site creating avenues of parking. There is little outdoor amenity space or sense of place. Initially it was indicated at pre-application stage the proposal would follow a similar form but make a more efficient use of the site through an increase in height and would be a phased development which would be carried out in two halves. It was felt that the design of the proposal was overly driven by the phasing of the development.
- 10.12. The design has evolved and the blocks have been broken up to free up space between the buildings which was also strongly advised by the Design Review Panel. The blocks have become more articulated to address spaces and pedestrian desire lines through the site. This is particularly evident with Block C which acts as a gateway building into the site from the hospital and addresses both the amenity space and avenue to the north of the site. Primarily these alterations to the scheme has allowed for a central communal park which helps create a sense of place which was also a key outcome of the Design Review. It also helps create a defined way through the site from the hospital to Ivy Lane.
- 10.13. The blocks were indicated to be a mixture of lighter and darker brick. Design Review suggested the darker brick did not relate to the surrounding context so has now been removed from the scheme which has been brought forward in this application. To break up the mass of the blocks a different shade of lighter brick would be used on entrance features. The lighter brick is considered to relate to the use of stone commonly found in Old Headington.
- 10.14. The proposed blocks all vary in height ranging from three to five storeys. This layering impact ensures that the development is not seen as a whole in longer ranges views of the site. Concerns have been raised about longer range views, however in these views from the east, the proposal would be seen with the existing hospital buildings as a backdrop which are taller. From views from the city, the taller hospital buildings would obscure views of the proposed accommodation and it would therefore not appear as a dominant feature in long range views from the city. The proposed variation in height helps the site transition from the campus character of the hospital to the east of the site to a more rural village character to the north and east of the site. To the south west of the site is also the Grade II listed Manor House so height is also reduced in relation to the setting of this building.
- 10.15. Given the increase in height on the site, the development would be more visible than the existing flats at Ivy Lane, especially in more local views. Key views were identified at pre-application stage and have been assessed. The proposal does not impact any locally important views, as identified in the Headington Neighbourhood Plan, as are all orientated away from the site. The

increase in height would mainly become more visible in the context of the Manor House and stables when accessed from the Osler Road entrance. There would be glimpsed views from Osler Road into the site and glimpsed views from St Andrew's Road to the north of the site where additional tree planting is proposed behind the Scout Hut.

- 10.16. The increased amount of buildings visible will further change the sense of the "agricultural/country estate" which the application site was historically part of. This will therefore result in harm, which is considered to be less than substantial, to the setting of the conservation area and consequently to its significance - the rural setting of the settlement of Old Headington.
- 10.17. 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). 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).
- 10.18. In this case, great weight has been given to the conservation of these designated heritage assets but this less than substantial harm would be outweighed by the public benefit of providing accommodation for NHS workers which would be affordable and help staff recruitment and retention. The proposal also seeks to make a more efficient use of the site as possible without causing more than less than substantial harm to the neighbouring heritage assets. In more sensitive locations within the site, buildings have been kept to a lower level. Harm has also been mitigated by more appropriate tree planting which reintroduces more of a parkland setting to the Manor House and stables which has been largely lost to the development of the John Radcliffe Hospital.
- 10.19. It is therefore considered that the improved hospital accommodation which makes a more efficient use of the site, helping to recruit and retain NHS workers and also ease pressure on market housing stock in the city would outweigh the less than substantial harm to the setting of the Grade II listed Manor House and stables and the Old Headington Conservation Area in accordance with policies HE3 and HE7 of the Oxford Local Plan and the NPPF.
- 10.20. Special attention has also been paid to the statutory test of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses and the statutory test of preserving or enhancing the character and appearance of the conservation area under sections 66 and 72 respectively of the Planning (Listed Buildings and Conservation Areas) Act 1990, which it is accepted is a higher duty. It has been concluded that the development whilst the proposal would not entirely preserve the setting of the listed building and the character and appearance of the Conservation Area, any harm would be a low level (as addressed above) which would be outweighed by public benefits and therefore special attention has been paid to the statutory test as required.

10.21. The proposal is therefore also considered to comply with policies CP1, CP6 and CP8 of the Oxford Local Plan, CS18 of the Core Strategy, HP9 of the Sites and Housing Plan and CIP1 and GSP4 of the Headington Neighbourhood Plan.

d. Neighbouring amenity

10.22. The proposed development has been designed to ensure it will not cause harm to the amenities of neighbouring occupiers in terms of loss of light, overbearing impact or loss of privacy.

10.23. In relation to daylight and sunlight, the application has been accompanied by a daylight/sunlight assessment. This concludes that their review of the residential neighbouring properties (the nearest being in Osler Road to the south and east, St Andrew's Road to the north east and Dunstan Road to the north) has confirmed that the proposal is at too great a distance to be of concern with regard to any reduction of daylight and sunlight. This study has been carried out in accordance with BRE recommendations.

10.24. Policy HP14 of the Sites and Housing Plan also requires privacy between neighbouring properties to be taken into consideration. This states that a distance of at least 20 metres should be retained between the development and windows of neighbouring properties with habitable rooms. The development sits on a very similar footprint to the existing buildings. Blocks F and G sit closest to the southern boundary of the site. Block F would sit closer to the boundary of the site at an increased 4 storey height. However it would be orientated to face south west and north east, away from the nearest residential properties which lie to the south east in Osler Road, with only high level windows in end elevations. Block G would sit on a similar footprint to part of the existing southern block at three storeys high, approximately 1.8 metres higher than the existing 8 metre high block. The proposed Block G would have balconies; however these would overlook a parking area. Block G would also be sited over 60 metres from habitable windows of neighbouring properties in Osler Road. All other blocks are also sited well in excess of 80 metres from properties in St Andrew's Road and Dunstan Road and would therefore not be considered to result in a loss of privacy.

10.25. The proposal sits on the John Radcliffe Hospital site, a source of noise primarily from plant. Given the 24 hour nature of the site, it does provide a source of noise which could be a nuisance and disturbance to residential properties. A noise report accompanies the application and sets out mitigation measures consisting of façade and window treatment on the northern and western sides of Block A to ensure insulation is sufficient to mitigate plant noise which would be secured by condition.

10.26. The proposal is therefore considered to comply with policies CP10 and HP14 of the Sites and Housing Plan which are to become policies RE7 and H14 of the Oxford Local Plan 2036.

e. Indoor and outdoor space

- 10.27. The proposed units are required to comply with national space standards, except for the case of cluster flats where there is no national space standard. The en-suite rooms within a cluster flat measure approximately 16.5m² or 13.5m² excluding the bathroom and storage. Whilst the rooms in cluster flats are only designed for single occupancy, the space provided is in excess of the national space standard for a double bedroom of 11.5m² and the minimum bedroom size of 6.5m² for a single occupancy room or 8.5m² for a study bedroom in an HMO and therefore is considered more than adequate. In addition to this space additional kitchen/dining and living accommodation is provided between 4-5 bedrooms within each cluster flat.
- 10.28. Each of the studio (single occupancy), one bedroom flats (double occupancy) and two bedroom flats for 3 or 4 occupants also all meet the minimum national space standards.
- 10.29. Whilst policy CS23 of the Core Strategy requires a certain mix of dwelling sizes in a development, in this case the mix of unit sizes proposed is designed to accommodate the demand/need of NHS workers and is considered an acceptable approach and officers would not request a specific mix in this instance.
- 10.30. Flats are required to either have a private balcony or terrace, or access to a private or shared garden. For flats of three or more bedrooms they must have a balcony or be on the ground floor with direct access to communal or private outdoor space. All the flats have access to private balconies or a terrace as well the communal grounds and therefore comply with this standard.
- 10.31. The plans show that bicycle and bin storage will primarily be provided within the blocks accessed via designated external doors, separate from the main living areas. This is supported and ensures that bicycle storage is covered and secure and that bin storage is integrated into the design of the building and is therefore not an unsightly external addition which could add to clutter of external areas.
- 10.32. The scheme will contribute to creating a more sustainable community by following best practice in inclusive design including, but not limited to, Approved Document Part M and the National Technical Housing Standards.
- 10.33. Level access is provided to all entrances and level or gently sloping paths are incorporated across external spaces and routes.
- 10.34. Four wheelchair accessible flats and fourteen wheelchair accessible bedrooms (in cluster flats) are provided within the scheme which all meet requirements of Approved Document Part M4(3). All other dwellings meet the requirements of M4(2).
- 10.35. The proposal is therefore considered to comply with policies HP2, HP12 and HP13 of the Sites and Housing Plan.

f. Highways

Car Parking

10.36. In consideration that the site is well served by very good public transport with equally good provision for walking and cycling, the application proposes to reduce the level of on-site car parking spaces which policy SP23 of the Sites and Housing specifically encourages as part of the site allocation. The reduction shall bring the current 85 car parking spaces down to 56 which is significantly below the adopted maximum level and is compliant with the standards as set out in the adopted Sites and Housing Plan (2013).

Type of Development	Maximum number of unallocated spaces when no allocated spaces	Maximum Parking Requirement	Parking Provision
Parking Provision Outside the Transport Central Area	1 space per 1 bed unit	38 spaces	56 spaces
	1.5 spaces per 2 bed unit	47 spaces	
	2.1 spaces per 4+ bed unit	118 spaces	
Total		203 spaces	56 spaces

Table 4: Car Park Provision

10.37. The applicant is providing 56 parking spaces (0.4 spaces per unit). Of these parking spaces 49 are for residents (with 11 of the 49 residential parking spaces being for persons with reduced mobility), 2 are for servicing and 5 for car club/visitors (with 1 of the 5 car club/visitor spaces being for persons with reduced mobility).

10.38. The Local Highway Authority strongly encourage the development to provide electric charging points in line with the city council's emerging Local Plan 2036 Policy M4: Provision of electric charging points. For the allocated spaces these must be provided with passive provision (cabling for) 3.6kW/ 16A electric vehicle charge points. For non-allocated spaces, at least 25% of these must have a rapid 3-phase charge point provision. This would be secured by condition to also meet air quality standards as discussed later on in the report.

10.39. Some parking spaces shall need to be provided with a hardstanding strip around the bays – suitable ground for drivers or passengers stepping out of the cars. Identified spaces with respect to this are bays numbered 26, 27, 35, 36 and 37 which would also be secured by the more detailed landscaping condition.

10.40. It is unlikely that such a development with lower parking levels would lead to overspill parking immediately outside the site noticing that roads within the John Radcliffe hospital site are private with private parking control measures being operational. The surrounding highway network is under enforceable parking control zones that ensure that car parking is not just displaced to the local roads.

10.41. Concerns have been raised about how non-residents will be stopped from parking within the development. Given the parking pressures at the John Radcliffe Hospital it is considered reasonable to request a car park management plan by condition to ensure that the residents parking would not be used as an overspill for the main John Radcliffe site.

Cycle parking

- 10.42. The proposal is to provide 374 cycle parking spaces across the entire site, with 246 set to be located within the accommodation blocks (specifically for residents) and 128 spaces in external but covered cycle stores for use by both residents and visitors.
- 10.43. Concerns were raised with the internal and external storage whether the spaces could accommodate the required number of bicycles. Further information has been given of the design and type of storage (cycle hoop semi-circular bike racks) proposed within the residential blocks. The Local Highway Authority is therefore now satisfied that the storage space can accommodate the number of spaces indicated.
- 10.44. The proposed cycle parking would also be convenient, secure, covered and provide level, unobstructed external access to the street.
- 10.45. Not all cycle storage is to be located within blocks, some is to be located in external stores. The Local Highway Authority has raised concerns that residents within blocks without internal cycle storage facilities would not find cycling attractive to use. They have therefore suggested that a lockable and sheltered cycle store is at least provided as close to each block entrance that has not had provision for internal storage. The cycle storage is located within the application site and is not an unreasonable distance from the blocks. If they were to be relocated it would interrupt the design and layout of the site. Despite the concern, the Local Highway Authority were re-consulted on further cycle storage details and raised no objection.

Traffic Impact

- 10.46. While the development would result in an increase in households on site, the level of parking will significantly reduce. It is therefore not considered likely that the proposed development as a whole would result in an increase in vehicular traffic to the detriment of the safe operation of the highway network.

Turning areas

- 10.47. The servicing and delivery arrangements as well as emergency vehicle turning are set out in appendix D and E of the Transport Assessment. The swept path analysis demonstrates tracking for a 9.86m refuse vehicle could safely access and egress the site.
- 10.48. It is nevertheless observed that the design of the turning heads reserved for these vehicles is unorthodox/ freestyle nature at the end of the car parking areas abutting bays 1/13 and 49/50. It is feared that without delineation of these turning heads, and as expansive as they are, their design may encourage car parking along their sides. Either kerbing the turning area or introducing landscape features that would maintain the freestyle nature yet restrict car parking within them would overcome this, details of which would be secured by the more detailed landscaping condition.

Construction Traffic

10.49. Should planning permission be granted, then a detailed Construction Traffic Management Plan (CTMP) shall be required before the commencement of the development. The surrounding area is sensitive to an increase in traffic movement and the site is restricted which means careful consideration must be given to ensure that adequate mitigation is put in place to minimise construction related traffic on the local network. The comment regarding the lack of detail in the application in relation to construction phases from the Friends of Old Headington is acknowledged however this detail would be required within a CTMP and could be secured by condition.

Travel Plan

10.50. 125 dwellings would trigger the requirement for a residential travel plan to be produced. This should be produced prior to first occupation and then be updated within 3 months of full occupation when adequate survey data is available.

10.51. The site already houses key workers and so it is recommended that data from these residents is used to inform the pre-occupation plan.

10.52. The JR has its own travel plan and so reference to this existing travel plan and its aims, and objectives should also be included in the residential document.

10.53. A travel plan monitoring fee of £1,240 is required to enable the travel plan to be monitored for a period of five years which would be secured through the S106 agreement.

10.54. A Residential Travel Information Pack is also required by condition. This should be produced prior to first occupation and then distributed to all residents at the point of occupation to ensure all residents are aware of the travel choices available to them from the outset including public transport and cycle spaces.

10.55. Subject to these conditions the proposal is considered to have an acceptable impact on highway safety and the highway network in accordance with policies CP1, TR1, TR2 and TR14 of the Oxford Local Plan, HP15 and HP16 of the Sites and Housing Plan and TRP1, TRP3, TRP4 and TRP5 of the Headington Neighbourhood Plan.

g. Trees and landscaping

10.56. The proposal results in the loss of some B category trees. The general principle is that B category trees should be regarded as a constraint on development and should be retained in accordance with the recommendations of BS5837:2012, unless there is a clear over-riding justification for removing any of them. Therefore the specific benefits of the removal of the trees have to be identified and appropriate mitigation needs to be provided.

10.57. In this case the removal of a small number of trees results in significant design benefits and also offers a tree and landscape strategy with appropriate new tree planting by way of mitigation. It is also reasonable to remove the B category Poplar trees as they are not well suited for retention because of their inherent characteristics and management history and requirements going forward. Also,

the removal of the horse chestnut (T53) is justified because of its probable shortened life expectancy as a result of pest and disease issues.

- 10.58. A key objective of the tree and landscape strategy for mitigation is normally to improve tree canopy cover in the area within an appropriate time period of about 20 years. In this case this may not be achieved as the setting of the listed building outweighs this desirable gain in canopy. Mitigation for the loss of the existing trees requires the planting of large growing parkland trees to provide an appropriate setting for the new buildings that is also appropriate to the historic landscape setting of the listed buildings.
- 10.59. Initially the proposal included the planting of a large number of smaller trees which was not appropriate to the parkland setting of the listed buildings. The design was therefore amended to plant a smaller number of larger trees which is considered more appropriate.
- 10.60. It was encouraged at pre-application stage to expand the tree and landscape strategy beyond the red line of the immediate Ivy Lane site, for example to include the boundary with the Scout Hut in Dunstan Road, which is currently marked by a line of very low quality and value cypress trees. A more successful boundary treatment in this location is now included as part of this development.
- 10.61. The proposal has therefore taken a reasonable approach and used the loss of the trees on the site as an opportunity to provide more approach species and a parkland setting to the Manor House listed building and also provide enhancement planting along the Scout Hut boundary. The loss of the existing category B trees is therefore justified in accordance with policies CP11, NE15 and NE16 of the Oxford Local Plan. The replacement planting and landscaping would also be secured by condition.

h. Energy efficiency

- 10.62. Policy CS9 of the Core Strategy requires all developments to reduce carbon emissions through the use of design, construction and renewable technologies. The application has been accompanied by an Energy Statement. Given that it is a qualifying site (e.g. a major development), it is required to demonstrate that 20% of energy needs are met by on site renewables or reduction in energy consumption. The submitted energy statement demonstrates compliance with this target around carbon and energy and is therefore in compliance with this policy. This is achieved through improved fabric insulation, improved air tightness, central plant designed to be energy efficient and the heating distribution pipework would be well insulated to reduce standing losses, high efficiency balanced whole house heat recovery units, and low energy lighting throughout.
- 10.63. The development would also be provided with air source heat pumps to pre-heat the domestic cold water feed and meet 45% of the domestic hot water demand. This renewable technology would generate 360,000 kWhrs of renewable energy and reduce the overall energy demand of the development by 20%. In addition, provision would be made for the future installation of PV panels on the roof. Buildings are orientated to avoid north facing balconies and to

minimise north facing cluster bedrooms and habitable rooms. Most flats are dual aspect with most of the windows facing either south east or north west. Wall and roof thicknesses are generous to enable the external envelope to achieve high U-values.

10.64. The proposal is therefore considered to comply with policy CS9 of the Core Strategy. Compliance with the measures set out in the energy statement would be secured by condition.

i. Land quality

10.65. The submitted land quality risk assessments have not identified any potentially significant ground contamination risks across the site and it is deemed that no remedial works would therefore be necessary. However Officers are mindful that the existing building structures remain in place, so there remains a slight risk that unexpected or hidden contamination could be present below ground that has not yet been discovered due to access restrictions. In this regard, and to ensure that any unexpected contamination is identified and risk assessed following site clearance and demolition, a watching brief planning condition is recommended to be included on any permission granted in accordance with policy CP22 of the Oxford Local Plan.

j. Air quality

10.66. The site lies within a city-wide Air Quality Management Area (AQMA) declared by Oxford City Council for exceedances of the annual mean nitrogen dioxide (NO₂) objective. The development would lead to a reduction in vehicle flows on local roads of 110 vehicle movements per day, as compared to the existing use. The proposals include centralised boiler plant (“energy plant”) in Block A and Block D, the emissions from which could impact upon air quality at existing residential properties and the hospital, as well as at the new accommodation units. There is also the potential for the construction activities to impact upon existing sensitive receptors.

10.67. The application has been accompanied by an air quality assessment. The review of this document allows Officers to conclude that there would be no negative air quality impacts over current and future receptors as a result of the new development. The effects of local traffic on the air quality for residents living in the proposed development, as well as emissions from the proposed energy plant, are judged to be acceptable, with concentrations for future residents being well below the air quality objectives. This conclusion is supported by the following:

1- The proposed development is located away from main roads, within an area/ location where current air pollution baselines levels are well within air quality limit values;

2- An assessment of emissions from the centralised boilers within the development has demonstrated that the off-site impacts of these emissions would be negligible. On-site, the emissions from the boilers would not lead to any of the units experiencing unacceptable air quality.

3- The proposed development would lead to a reduction in vehicle trips compared with the current use of the site, and would be beneficial to local air quality. Trips on the local road network would decrease as a result of an increase in keyworker accommodation adjacent to the John Radcliffe Hospital and a limited number of parking spaces to reduce reliance on the private car. There are currently 85 existing parking spaces for the 91 units of staff accommodation at Ivy Lane. 56 spaces are proposed for the new 125 units of staff accommodation at the application site with 2 of these being allocated to delivery vehicles. This demonstrates that the proposed development is anticipated to lead to a reduction of 28 trips in the AM peak, 28 trips in the PM peak and 110 trips across the day in comparison to the existing staff accommodation. Therefore, the proposals are anticipated to lead to betterment of the operation of the local road network.

4- A dust assessment was conducted and is part of the air quality assessment that was submitted. The dust assessment identifies a range of best practice mitigation measures that would need to be implemented to reduce on-site dust emissions.

10.68. To ensure that the overall dust impacts during the construction phase of the proposed development would be “not significant”, in accordance with Core Policy 23 of the Oxford Local Plan 2001- 2016, a construction environment management plan is required by condition. Also a key theme of the NPPF is that development should enable future occupiers to make “green” vehicle choices and “incorporate facilities for charging plug-in and other ultra-low emissions vehicles” (paragraph 35). Oxford City Council’s Air Quality Action Plan 2013 and the new Local Plan 2016-2036 commits to seeking to ensure that new developments make appropriate provision for walking, cycling, public transport and low emission vehicle infrastructure e.g. Electric Vehicle charging points. Therefore, as a minimum requirement, new development schemes should include the provision of electric vehicle charging points. This would also be secured by condition. Subject to this and other identified conditions, the impact on air quality would accord with policy CP23 of the Oxford Local Plan.

k. Utilities

10.69. Thames Water has reviewed the submitted information and advise that with regard to Foul Water sewage network infrastructure capacity, they would not have any objection to the planning application. They also advise that with regard to surface water network infrastructure capacity, they would not have any objection to the planning application, based on the information provided. Informatives are advised in relation to developing close to water mains and expected water pressure if the development were to be built.

l. Ecology

10.70. The initial ecology report was only valid for 12 months and was considered out of date having been undertaken in 2017. Update surveys were therefore requested and have been reviewed by the Local Authority Ecologist who is

satisfied that the potential presence of protected habitats and species has been given due regard.

10.71. Surveys have confirmed the likely absence of roosting bats, however these surveys are valid for no longer than 12 months. Should works in any phase not commence within this period, an updated walkover survey would be required to assess the site in respect of protected species prior to development commencing on that phase. This would be secured by condition.

10.72. Core Policy CS12: Biodiversity of the Core Strategy also states “Opportunities will be taken (including through planning conditions or obligations) to: ensure the inclusion of features beneficial to biodiversity (or geological conservation) within new developments throughout Oxford.”

10.73. In addition to local policy, the NPPF sets out that Plans should promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity”.

10.74. Given this, it is considered appropriate to require conditions in relation to ecological enhancements, an ecological and landscape management plan and a Lighting design strategy for light-sensitive biodiversity to ensure compliance with policy CS12 of the Core Strategy and the NPPF.

m. Drainage

10.75. An outline drainage plan was initially submitted and concerns were raised with the design. The drainage plan was primarily focussed around use of pipes leading to tanks. This was due to the quoted “low” permeability of the soil, however this does not exclude the use of shallow basins for temporary storage. It was therefore suggested that this SuDS technique should be considered and justification provided. The use of pipes and tanks would go against local drainage requirements which encourages more natural infiltration. Due to these concerns the drainage proposal was amended to remove the focus on attenuation tanks and has introduced a swale. It is therefore now considered that the drainage plan is acceptable and should be secured by condition.

10.76. There has been an objection due to the potential impact of drainage on Barton Park. Policy CS11 of the Core Strategy seeks an improvement on existing run-off rates; therefore the finalised drainage plan would certainly not have an increased impact or increase the flood risk on Barton Park. The proposal is therefore considered to comply with the requirements of policy CS11 of the Core Strategy.

n. Public Art

10.77. Policy CP14 of the Oxford Local Plan requires a scheme of public art for developments of 20 or more residential units or more than 2,000 square metres of floor space. The policy states that this will be secured by planning condition or planning obligation. In this case it is considered appropriate to secure this through the recommended condition in order to meet the aims of the policy.

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 (b) 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 (b) 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 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 provide an increased number of units of accommodation for key workers primarily at the NHS without causing harm to the amenity of neighbouring occupiers, highway network, drainage or landscaping/trees. Whilst less than substantial harm is identified to the conservation area and setting of listed buildings, the benefits of the scheme and the special case being put forward provides adequate justification for a departure from policy HP3 of the Sites and Housing Plan and addresses less than substantial harm by providing adequate public benefits in accordance with the NPPF.
- 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 and subject to the satisfactory completion (under authority delegated to the Acting Head of Planning Services) of a legal agreement under section 106 of the Town and Country Planning Act 1990.

12. CONDITIONS

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

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

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

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

- 3 Samples of the exterior materials to be used shall be submitted to, and approved in writing by, the Local Planning Authority before their installation on site and only the approved materials shall be used.

Reason: In the interests of visual amenity in accordance with policies CP1, CP8, HE and HE7 of the Adopted Oxford Local Plan 2001-2016.

- 4 A Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of works. The development shall only be constructed in accordance with the approved CTMP. The CTMP should follow Oxfordshire County Council's template if possible. This should identify;

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

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

- 5 Prior to the first occupation of the development hereby permitted, a residential travel plan and travel information pack shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be occupied in accordance with the approved details. The Travel Plan shall be updated within 3 months of full occupation with new survey data details which shall be first submitted to and approved in writing by the Local Planning Authority and provided to all occupants thereafter.

Reason. To limit the number of journeys by private motor car in accordance with policies CP1, TR2 and TR12 of the Adopted Oxford Local Plan 2001-2016.

- 6 Prior to occupation of the development, a Car Park Management Plan shall be submitted to and approved in writing by the Local Planning Authority. This shall set

out the enforcement measures to be put in place to control on-site car parking. The car parking must be managed in accordance with the approved plan thereafter.

Reason: In the interest of highway safety and to encourage sustainable transport use, in accordance with policies HP15 and HP16 of the Sites and Housing Plan.

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

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

- 8 The landscaping proposals as approved by the Local Planning Authority shall be carried out upon substantial completion of the development and be completed not later than the first planting season after substantial completion. Any trees or plants indicated on the approved proposals which, within a period of five years from the date of the development being completed, die, are removed or become seriously damaged or diseased shall be replaced during the next planting season with other trees or plants of a species and size to be first approved in writing by the Local Planning Authority.

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

- 9 A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned domestic gardens, shall be submitted to, and approved in writing by, the Local Planning Authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.

Reason: In the interests of amenity and the appearance of the area in accordance with policies CP1, CP11 and NE17 of the Adopted Local Plan 2001-2016.

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

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.

- 11 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.

- 12 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.

- 13 An Arboricultural Method Statement (AMS) 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 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.

- 14 An Arboricultural Clerk of Works (ACoW) appointed by the applicant shall oversee implementation of the approved Tree Protection Plan and Arboricultural Method Statement. Prior to the start of work on site, a Tree Protection Monitoring Plan (TPMP) shall be submitted to and approved in writing by the Local Planning Authority which includes details of:
- I. The role and responsibilities on site of an arboricultural clerk of works (ACoW) or similarly competent person;
 - II. Responsible persons and lines of communication and reporting including with the LPA Tree Officer;
 - III. The times during construction when ACoW will be present on site to oversee works;
- The works shall only be carried out in accordance with the approved TPMP.

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

- 15 The development shall be carried out in accordance with the energy efficiency measures proposed within the revised energy statement by Silcock Dawson & Partners received 19 August 2019. The energy efficiency measures shall be retained thereafter.

Reason: In the interests of energy efficiency in accordance with the requirements of policy CS9 of the Core Strategy.

- 16 A watching brief shall be undertaken throughout the course of the development to identify any unexpected contamination and details of the approach taken shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. Any unexpected contamination that is found during the course of construction of the approved development shall be reported immediately to the local planning authority. Development on that part of the site affected shall be suspended and a risk assessment carried out by a competent person and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development (or relevant phase of development) is resumed or continued.

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

- 17 No development shall take place until a Construction Environmental Management Plan (CEMP), containing the specific dust mitigation measures identified for this development, has first been submitted to and approved in writing by the Local Planning Authority. The specific dust mitigation measures to be included in the plan can be found on Annex 6 (pages 62-65) of the air quality assessment that was submitted with this planning application. The development shall only be implemented in accordance with the CEMP.

Reason: To ensure that the overall dust impacts during the construction phase of the proposed development will be "not significant", in accordance with Core Policy 23 of the Oxford Local Plan 2001- 2016.

- 18 Prior to the commencement of development, details of the Electric Vehicle charging infrastructure shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the following provision:
- The amount of electric car charging points to be installed should cover at least 25% of the amount of permitted parking of the development
 - Appropriate cable provision should also be installed to ensure that remaining parking is prepared for increased EV demand in future years.
- The electric vehicle infrastructure shall be formed, and laid out in accordance with these details before the development is first in operation and shall remain in place thereafter.

Reason: In the interests of air quality in accordance with policy CP23 of the Oxford Local Plan.

- 19 Protected species surveys shall be valid for no longer than 12 months. Should works in any phase not commence within this time, updated surveys of the site shall be undertaken to identify any change in its suitability to support rare and protected species, including reptiles and badger. These updated surveys shall be submitted to and approved in writing by the Local Planning Authority. Should the site be found to support any protected species, a scheme of mitigation measures shall also be submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details.

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.

- 20 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 landscape planting of known benefit to wildlife, including nectar resources for invertebrates. Details shall be provided of artificial roost features, including hedgehog domes, bird and bat boxes and a minimum of twenty dedicated swift boxes. Any new fencing shall include holes suitable for the safe passage of hedgehogs. A quantifiable net gain in biodiversity will be required, presented using a suitable biodiversity offsetting metric, including details of any offsetting measures required. The development shall not be occupied until the approved enhancements have been implemented.

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.

- 21 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 shall 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.

- 22 Prior to occupation, a "lighting design strategy for biodiversity" for buildings, features or areas to be lit shall be submitted to and approved in writing by the local planning authority. The strategy shall:

a) identify those areas/features on site that are particularly sensitive for wildlife and that are likely to cause disturbance in or around breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places. All external lighting shall be installed in accordance with the specifications and locations set out in the approved strategy, and these shall be maintained thereafter in accordance with the approved strategy. Under no circumstances shall any other external lighting be installed without prior written consent from the local planning authority.

Reason: The prevention of disturbance to species of conservation concern within the site during operation in accordance with 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 The drainage shall be constructed as detailed in the revised FRA reference REF: CP/18/0808/5914 by MJA Consulting and drawings associated to the Flood Risk Assessment.

Reason: In the interests of flooding and sustainable drainage in accordance with policy CS11 of the Core Strategy.

- 24 No part of the development hereby permitted shall be occupied until details of a scheme of public art have been submitted to and approved in writing by the Local Planning Authority and a timetable agreed for its implementation. The public art as approved and implemented shall be retained at all times following its erection unless otherwise agreed in writing beforehand by the Local Planning Authority.

Reason: In the interests of visual amenity and in accordance with Policy CP14 of the adopted Oxford Local Plan 2001 - 2016.

- 25 Prior to the occupation of the accommodation hereby permitted, details of the external cycle store including means of enclosure, shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall not be brought into use until the cycle parking areas and means of enclosure have been provided within the site in accordance with the approved details and thereafter the areas shall be retained solely for the purpose of the parking of cycles.

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

- 26 The development shall be carried out in accordance with the mitigation measures proposed within the noise assessment by Noise.co.uk Ltd. The mitigation measures shall be retained thereafter.

Reason: In the interests of energy efficiency in accordance with the requirements of policies CP19 and CP21 of the Oxford Local 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
- 3 Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

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



+EAST AREA PLANNING COMMITTEE

6th November 2019

Application number: 19/01039/FUL

Decision due by 23rd July 2019

Extension of time

Proposal Demolition of existing buildings. Construction of key worker housing (19 cluster units) and associated works (additional/revised information).

Site address Site Adjacent Randolph Court, Churchill Drive, Oxford, Oxfordshire – see **Appendix 1** for site plan

Ward Churchill Ward

Case officer Sarah Orchard

Agent: JPPC (Lucy Smith) **Applicant:** A2Dominion South Limited

Reason at Committee Major development

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 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 set out in the set out in this report and;

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 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 loss of the existing pharmacy distribution centre and the erection of two blocks of key worker housing, landscaping, bin and cycle storage and parking. The report takes into consideration the principle of development, affordable housing, design impact on the neighbouring amenity, archaeology, indoor and outdoor space, highway impact, trees and landscaping, energy efficiency, land quality, air quality, impact on utilities, ecology and drainage. It is concluded that the proposal would be acceptable in all regards, making a more efficient use of the site.
- 2.2. The application is also considered a departure from the existing affordable housing policy HP3 as the proposal is considered to deliver affordable housing in a different manner to the requirements set out in the policy.
- 2.3. In summary it is considered that the proposal would result in a more efficient use of the site and provide an increased number of units of accommodation for key workers primarily at the NHS without causing harm to the amenity of neighbouring occupiers, highway network, drainage or landscaping/trees. The benefits of the scheme and the special case being put forward provide adequate justification for a departure from policy HP3 of the Sites and Housing Plan. The application is therefore recommended for approval.

3. LEGAL AGREEMENT

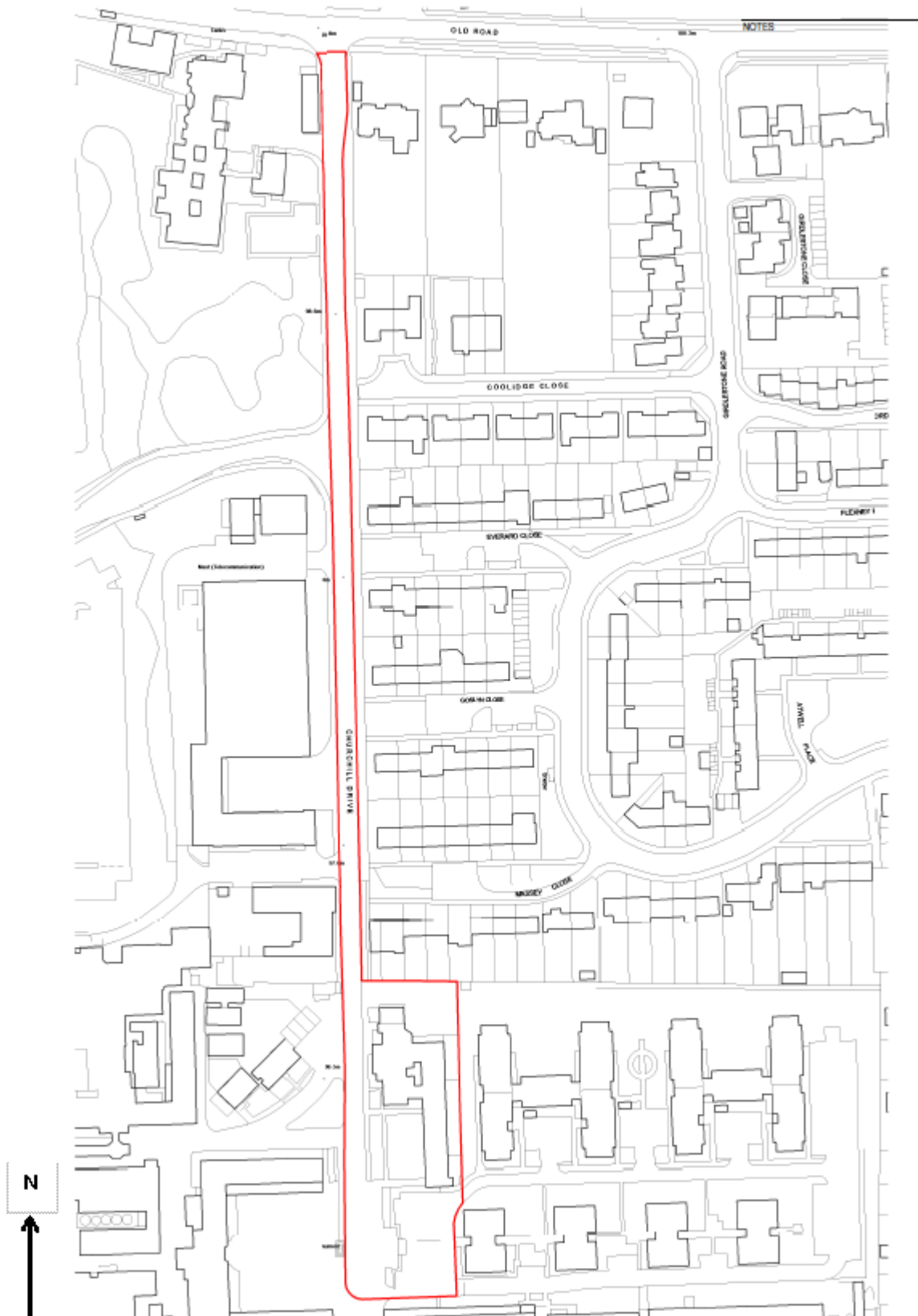
- 3.1. This application is subject to a legal agreement to cover a financial contribution towards monitoring of the travel plan and also an agreement to ensure that the proposal is retained as employer linked housing. The agreement would include details of rents to ensure that the accommodation remains affordable in relation to NHS salaries and a nominations hierarchy to prioritise who is housed.

4. COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 4.1. The proposal is liable for a CIL contribution of £320,966.94.

5. SITE AND SURROUNDINGS

- 5.1. The site is located within the Churchill Hospital site. The site is adjacent to Churchill Drive which lies to the west within the hospital campus. To the east is existing key worker housing (Randolph Court). To the north of the site are existing residential dwellings in Massey Close which are accessed via Girdlestone Road. The site is currently occupied by a part single storey, part two storey pharmacy purchasing and distribution unit which has been vacated to make way for the proposed development.
- 5.2. See site location plan below:



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Ordnance Survey 100019348

6. PROPOSAL

- 6.1. The application proposes the demolition of the pharmacy purchasing and distribution unit and erection of 2no. blocks of key worker/employer linked housing with associated parking and landscaping. Each flat would be comprised of 3 to 5 ensuite bedrooms with a communal kitchen, living and dining area.
- 6.2. The proposal would be formed of 2no. blocks, one of which would be 4 storeys in height, reducing to 3 storeys in height on the southern block. Block A would be sited 12 metres from the Massey Close boundary to the north and 23 metres from Randolph Court to the east and Block B would be sited approximately 18 metres from Chartwell Flats to the east of the site. Block A measures a maximum height of 12.8 metres to the parapet whilst Block B to the south measures a maximum height of 10 metres to the parapet.
- 6.3. The existing building in comparison is approximately 9 metres high in the two storey section to the south of Massey Close and up to 4 metres high at single storey level to the south of the building.
- 6.4. The application has been considered a departure from the existing affordable housing policy HP3. This requires 50% of key worker housing developments to be provided as affordable housing. In this case the proposal seeks to comply with the emerging policy H3 to which limited weight is currently afforded. This policy would allow for 100% key worker housing on key employment sites providing it can be demonstrated that it would be affordable for the intended occupants. Therefore the proposal is considered a departure from the current policy due to the limited weight afforded to the emerging policy and has been advertised as such.

7. RELEVANT PLANNING HISTORY

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

No relevant planning history.

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	Neighbourhood Plan (Headington):
Design	8, 117, 127	CP1, CP6, CP8, CP9,	CS2, CS18	HP9		CIP1, CIP3, GSP4
Conservation/Heritage		HE2				CIP4,

Housing	62-64, 123,		CS23, CS24	HP2, HP3, HP12, HP13		
Natural environment	150-153, 170, 175	CP11, CP17, CP18, NE14, NE15, NE21, NE23	CS9, CS12			GSP3
Social and community	91	CP13, CP14,	CS19			
Transport	108-111	TR1, TR2, TR3, TR4, TR13, TR14, TR15	CS13,	HP15, HP16,	Parking Standards SPD	TRP2, TRP3, TRP4
Environmental	155, 163, 165, 178, 180-183	CP10, CP22, CP23,	CS10, CS11,	HP11, HP14	Energy Statement TAN	GSP2
Miscellaneous			CS17	SP8, MP1		

The following emerging Oxford Local Plan 2036 policies are also of particular relevance. Limited weight is currently afforded to the policies within this plan, however where relevant they are identified in the body of this report along with any conflict with existing policy.

- H3 – Employer linked affordable housing
- H4 – Mix of dwelling sizes
- H10 – Accessible and adaptable homes
- H15 – Internal space standards
- H16 – Outdoor amenity space standards
- RE1 – Sustainable design and construction
- RE2 – Efficient use of land
- RE4 – Sustainable drainage, surface and groundwater flow
- RE5 – Health, wellbeing, and Health Impact Assessment
- RE6 – Air quality
- RE7 – Managing the impact of development
- RE8 – Noise and vibration
- RE9 – Land quality
- G2 – Protection of biodiversity and geodiversity
- DH1 – High quality design and placemaking
- DH2 – Views and building heights
- DH3 – Designated heritage assets
- DH4 – Archaeological remains
- DH7 – External servicing features and stores
- M1 – Prioritising walking, cycle, and public transport

9. CONSULTATION RESPONSES

9.1. Site notices were displayed around the application site on 20th May 2019 and 3rd June 2019 and advertisements were published in The Oxford Times newspaper on 25th May 2019 and 6th June 2019.

Statutory and non-statutory consultees

Oxfordshire County Council (Highways)

9.2. No objection subject to conditions requiring the submission of a construction traffic management plan, a car park management plan and a travel plan. A financial contribution of £1240 is also required for Travel Plan Monitoring for a period of 5 years. Concerns were raised with the cycle storage but it was subsequently demonstrated that the stores could accommodate the indicated number of bicycles and the objection was removed.

Oxfordshire County Council (Education and Property)

9.3. The development consists of 19 cluster units, so pupil generation, if any, is expected to be minimal. As a result, this application is not expected to have an impact on the need for school places in the local area.

Oxfordshire County Council (Drainage)

9.4. The outline drainage plan is acceptable in principle. Subsequently a more detailed plan was drawn up and found to be acceptable.

Natural England

9.5. No objection subject to appropriate mitigation being secured. With appropriate mitigation the proposal would not damage or destroy features of the Lye Valley SSSI. Mitigation required would be use of infiltration through SuDs and appropriate management and maintenance of the SuDs.

Thames Water Utilities Limited

9.6. No concerns with network capacity for foul sewer capacity. Surface water is not to be discharged into the public network so there is no objection. The developer is advised to contact Thames Water in relation to building close to water mains and underground water assets. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes.

Historic England

9.7. No comments received.

Environment Agency

9.8. No comments received.

Headington Action

9.9. No comments received.

Bullington Community Association

9.10. No comments received.

Central North Headington Residents Association

9.11. No comments received.

Public representations

9.12. 1no. neighbour comments received (from address in Massey Close).

- Impact on light due to the height of the proposal.
- The height should be no higher than the existing three storey key worker housing blocks.

Officer response

9.13. The above concerns are dealt with in the report below.

10. PLANNING MATERIAL CONSIDERATIONS

10.1. Officers consider the determining issues to be:

- Principle of development
- Affordable housing
- Design
- Amenity
- Indoor and outdoor space
- Highways
- Trees and landscaping
- Energy efficiency
- Land quality
- Air quality
- Utilities
- Ecology
- Drainage
- Archaeology

a. Principle of development

10.1. The existing pharmacy building on the site falls within a hospital site allocation policy (SP8 of the Sites and Housing Plan, which is to become policy SP20 of the Oxford Local Plan 2036). This policy allows for the development of the hospital site to provide complementary residential accommodation and key worker housing. This is subject to other material considerations, primarily focussed on design, impact on transport and minimisation of parking, impact on drainage (particularly the Lye Valley SSSI) and impact on water supply and sewerage network.

10.2. Therefore the proposal which is specifically supported by policy SP8 of the Sites and Housing Plan is considered acceptable in principle subject to the material considerations set out below.

b. Affordable housing

10.3. The application site is considered to be a major development for housing which falls under policy HP3 of the Sites and Housing Plan. The policy highlights that key worker housing plays an important role in housing provision but should be provided alongside on-site provision of affordable housing which is a high priority in the city.

10.4. In this case 100% key worker housing is proposed. This would be contrary to policy HP3 of the Sites and Housing Plan as it is not proposed in addition to any affordable housing. Any proposal put forward for key worker housing without affordable housing is considered a departure from the development plan. Any departure also needs to be accompanied with a strong justification as to why the departure should be allowed and why the policy should not apply in this case.

10.5. At present full weight is still afforded to policy HP3 of the Sites and Housing Plan. Whilst the new local plan is emerging, only limited weight is afforded to the emerging policy. This currently includes a policy for Employer Linked Housing (H3). This policy would allow for provision of 100% employer linked housing on site (e.g. to the NHS Trust) but rents would need to be agreed with the Local Authority to ensure that they are affordable in relation to NHS Trust employees.

10.6. Evidence has been submitted in order to justify the departure from the development plan. Affordability of housing in Oxford is considered to be a key obstacle in staff retention and recruitment at the hospital. The proposal is designed to provide additional key worker housing in order to house primarily NHS workers who are in need of housing. The NHS Trust and A2 Dominion has agreed nominations for allocating existing key worker housing, including that at Randolph Court. This is a three tier priority system in which accommodation is offered and is proposed to be carried through to this proposal.

“First Priority Residents” means (1) staff employed directly by the Trust (2) staff employed by any other body who provide a service at the Hospital (3) students working or studying medicine nursing or health care related disciplines at any of the Trust’s institutions within Oxford (4) workers employed by other Oxfordshire NHS Trusts

“Second Priority Residents” means (1) students studying at higher education within Oxford and hospices in Oxford (2) researchers undertaking study in the healthcare and health sciences (3) other NHS or Department of Health employees (4) volunteers to the Trust (5) key workers employed by (i) Thames Valley Police (ii) Oxfordshire Fire & Rescue Service (iii) Oxfordshire Education Service & Care Directorate (iv) teachers employed by Oxfordshire Education Service and (v) operational staff employed by local public transport providers and (6) contractors working on sites in Oxford owned by the Trust

“Third Priority Residents” – means any suitable persons as defined by the current local authority definition of a keyworker which may be updated from time to time.

- 10.7. Within each category there is a points based system which prioritises who is housed. This includes considerations such as staff turnover in a certain job role, ability to recruit to the role and salary. This helps ensure that the accommodation houses those in most need and also helps staff recruitment and retention by providing rooms at an affordable rent.
- 10.8. In order for accommodation to be considered affordable, in accordance with Oxford City Council’s Tenancy Strategy, rent (excluding bills) should be no more than 35% of net income. The proposed rent and nominations has been agreed by Oxford City Council Housing Officers. Whilst the rent would exceed 35% of median NHS salaries, the A2 Dominion rents include all services including utilities, Wi-Fi and maintenance. Since A2 Dominion rents always include services, it is difficult to identify the rent without services. An exercise has however been carried out and demonstrates that room rents would not exceed 35% of income. NHS when nominating rooms also ensure that the room would be affordable in relation to the employee’s salary. Affordable rent is also considered to be a maximum of 80% of open market rent (OMR). The Trust and A2 Dominion have demonstrated that this would be the case. It is therefore considered acceptable and affordable for NHS workers and other key workers.
- 10.9. A S106 agreement would be required to ensure that the accommodation remains available for key workers in accordance with the proposed nominations and also at a rent which remains affordable (reviewed at least on a 5 yearly basis). The S106 agreement would also ensure that the accommodation is available to a cross section of employees and the occupant must fall within the nominations for allocation. Subject to this agreement the proposal is considered a justifiable departure from the existing development plan policy HP3.

c. Design

- 10.10. Discussions have evolved through pre-application meetings particularly in relation to the relationship with Churchill Drive, landscaping and planting and pedestrian movement through the site. The proposal has also been reviewed by

the Oxford Design Review Panel who echoed the desire to improve the planting along Churchill Drive, the rear amenity space and pedestrian movement through the site. Unfortunately the masterplan for the Churchill site has not yet been developed so the scheme tries to anticipate what this may involve, primarily in relation to height and landscaping of Churchill Drive.

- 10.11. The site is currently occupied by a predominantly single storey pharmacy distribution unit with a two storey element to the north of the building. The south of the site is currently dominated by trees and parking. There is currently access through the site to the residential key worker blocks of Randolph Court and Chartwell Flats. Given the current use there is little outdoor amenity space or sense of place.
- 10.12. The design has evolved and the development has been broken up into two blocks, mainly due to constraints of services but this allows for an additional pedestrian way through the site. The landscaping plan was also improved to allow a pedestrian way through the north of the site to the rear amenity space which also now links through Randolph Court. Due to these design improvements which have come through to application stage it is considered that the proposal now successfully integrates with the existing key worker housing creating a better sense of place.
- 10.13. Block A to the north of the site would be an additional storey higher than existing accommodation blocks to the east. Whilst this is higher than existing buildings on the Churchill site and existing key worker accommodation, the site allocation policy (SP8 of the Sites and Housing Plan) seeks to make a more efficient use of the site. The proposal would not be significantly higher than existing three storey buildings on the site and would not stand out as a dominant feature within long range views due to its limited footprint.
- 10.14. The proposal also seeks to enhance tree planting along Churchill Drive through the planting of more appropriate species to create a tree lined avenue along Churchill Drive.
- 10.15. Materials have been chosen which relate to the surrounding area. The buildings would be faced in a red brick which relates to the character of existing accommodation blocks to the rear but there is also a wide use of brick in varying colours to residential properties in Old Road to the north and the Girdlestone Road area to the east.
- 10.16. The proposal is therefore considered to be an appropriate addition to the existing context, improvements pedestrian movement through the site, help create a greater sense of place and provides an active and more appropriately planted frontage to Churchill Drive and therefore complies with policies CP1, CP6 and CP8 of the Oxford Local Plan, CS18 of the Core Strategy, HP9 of the Sites and Housing Plan and CIP1 and GSP4 of the Headington Neighbourhood Plan.

d. Amenity

- 10.17. The proposed development has been designed to ensure it will not cause harm to the amenities of neighbouring occupiers in terms of loss of light, overbearing impact or loss of privacy.
- 10.18. In relation to daylight and sunlight, the application has also been accompanied by a daylight/sunlight assessment. Their review of the residential neighbouring properties in both Randolph Court and Chartwell Flats to the east of the site and Massey Close to the north of the site concludes that, with only a few minor exceptions, all the daylight and sunlight results to the neighbouring properties would be retained to a level that would satisfy the BRE criteria. The daylight within the proposed residential accommodation would satisfy the BRE criteria. Sunlight availability would vary in response to aspect and the layout ensures that BRE recommendations would be fully satisfied.
- 10.19. In summary, the scheme has been designed to respect BRE's criteria and therefore the relevant policies within the Oxford Local Plan.
- 10.20. Specifically in relation to non-key worker housing outside of the site. The daylight/sunlight assessment has given regard to properties in Massey Close facing onto the development. The results confirm that in all locations there would be no adverse effect in relation to BRE criteria. The proposal would also comply with 45% degree guidelines taken upwards from the cill of windows facing onto the development in accordance with policy HP14 of the Sites and Housing Plan.
- 10.21. Policy HP14 of the Sites and Housing Plan also requires privacy between neighbouring properties to be taken into consideration. This states that a distance of 20 metres should be retained between the development and windows of neighbouring properties with habitable rooms. This is achieved with all neighbouring properties with habitable rooms except between Block B and Chartwell Flats to the east where approximately 18 metres is retained. Whilst this is slightly below what is ideal, it is considered acceptable in this instance as it is only a slight compromise and is also greater than the existing spacing between the existing Chartwell Flats.
- 10.22. The proposal is therefore considered to comply with policies CP10 and HP14 of the Sites and Housing Plan which are to become policies RE7 and H14 of the Oxford Local Plan 2036.
- 10.23. The proposal sits close to Churchill Drive a primary route into the Churchill Hospital site. Given the 24 hour nature of this route, it does provide a source of noise which could be a nuisance and disturbance to residential properties. A noise report accompanies the application and sets out mitigation measures. Where possible bedrooms have been located to the rear of the building. However there are a number of bedrooms which would front onto Churchill Drive in both blocks A and B. In this instance to ensure adequate noise levels in a bedroom, the windows may have to be non-opening with use of mechanical ventilation. Whilst this is not ideal, it is considered that since the proposal is providing affordable accommodation on the hospital site which is designed to be shorter term accommodation (of 1-2 years), it is considered acceptable in this situation.

- 10.24. Consideration has also been given within the report to the impact on neighbouring occupiers in relation to plant noise proposed within the development. The new noise sources (plant room) have been given specific noise limits so that the existing background sound level is not exceeded.
- 10.25. The proposal is therefore considered to comply with policies CP19 and CP21 of the Oxford Local Plan.

e. Indoor and outdoor space

- 10.26. Residential units are required to comply with national space standards; however there is no national space standard for cluster flats. The en-suite rooms within a cluster flat measure at least 15.6m² or 12.6m² excluding the bathroom and storage. Whilst it is intended that the rooms in cluster flats would be for single occupancy, this is in excess of the national space standard for a double bedroom of 11.5m² and the minimum bedroom size of 6.5m² for a single occupancy room or 8.5m² for a study bedroom in an HMO and therefore is considered more than adequate. In addition to this space additional kitchen/dining and living accommodation is provided between 3-5 bedrooms within each cluster flat.
- 10.27. Whilst policy CS23 of the Core Strategy requires a certain mix of dwellings sizes in a development, in this case the mix of unit sizes proposed is designed to accommodate the demand/need of NHS workers and is considered an acceptable approach and officers would not request a specific mix in this instance.
- 10.28. The sites and housing plan does not set out a standard for outdoor amenity space for cluster flats. However flats of three or more bedrooms must have a balcony or be on the ground floor with direct access to communal or private outdoor space. All the cluster flats have access to private balconies or a terrace as well the communal grounds and therefore comply with this standard.
- 10.29. The plans show that bicycle and bin storage will primarily be provided within the blocks, accessed via designated external doors, separate from the main living areas. This is supported and ensures that bicycle storage is covered and secure and that bin storage is integrated into the design of the building and is therefore not an unsightly external addition which could add to clutter of external areas.
- 10.30. The scheme will contribute to creating a more sustainable community by following best practice in inclusive design including, but not limited to, Approved Document Part M and the National Technical Housing Standards.
- 10.31. Level access is provided to all entrances and level or gently sloping paths are incorporated across external spaces and routes.
- 10.32. Five wheelchair accessible bedrooms are provided within the scheme which all meet requirements of Approved Document Part M4(3). All other dwellings meet the requirements of M4(2).

10.33. The proposal is therefore considered to comply with policies HP2, HP12 and HP13 of the Sites and Housing Plan.

f. Highways

10.34. The site is situated within the Churchill Hospital site, on the east side of Churchill Drive and approximately 390 metres from Old Road. The number 4 bus connects the Churchill Hospital with the city centre, the nearest bus stop which residents can access the no. 4 bus is approximately 260 metres away on Girdlestone Road, which is considered an acceptable distance to walk.

10.35. As the proposal is for key worker housing, the presumption is that residents will largely be working at the Churchill Hospital and therefore will not have to travel far, however, for all other activities residents will need to leave the site which is possible easily by bus.

10.36. Cycle infrastructure in the area is also good and allows residents of the proposed units to access local amenities in the wider area.

Car Parking

10.37. The proposal would result in the loss of 12 pay and display parking bays on the site and a further 20 bays which are currently allocated to Randolph Court and Chartwell Flats. The flats which currently have 120 bays only use 95 of these.

10.38. The proposed development would provide 8 parking bays which consist of 6 reduced mobility bays, 1 car club and 1 management bay. This is below maximum standards and is acceptable.

10.39. With the loss of 32 bays and the provision of only 8 bays for 17 x 5-bed and 2 x 3-bed cluster flats there is some concern over the on-site enforcement. Despite this the County Council support the reduction of car-parking in general and it is considered that more information is needed regarding the management of the site to ensure indiscriminate parking is not allowed. These details can be secured by condition.

Cycle parking

10.40. The applicant proposes to provide 57 cycle parking spaces which is in line with Policy HP15 of the Sites and Housing Plan and is acceptable. More information was provided in relation to the form of cycle parking (cyclehoop semi vertical bike racks or similar) to demonstrate the spaces could adequately accommodate the required number of bicycles. These details were found acceptable.

10.41. There was also some concern over the location of the cycle stores. The cycle store housing 26 spaces for Block B is considered acceptable as it is directly adjacent to the units. However, the remaining cycle spaces are all within stores at the north of the site. The Local Highway authority raised concern that this is a considerable distance to the units within the southern end of Block A and could

likely result in informal cycle parking which could block access. This concern has been taken into account but it considered that the proposed cycle shelter is in close proximity to flat entrances, would be covered and secure and is therefore far more attractive than leaving a bike outside, open to the elements with a lack of security. Given that there is no formal design guidance for bicycle storage the proposed solution is acceptable and attractive to future occupiers. No further concerns were raised by County Highways when consulted on the detailed design of the cycle parking.

Construction Traffic

- 10.42. The area around the Churchill Hospital, including Churchill Drive, Old Road and The Slade is very sensitive to traffic growth, particularly at peak times. The development is unlikely to generate a substantial traffic impact from the residential units; however, a Construction Traffic Management Plan is required by condition to ensure construction vehicles do not negatively impact the local highway network.
- 10.43. Subject to the conditions highlighted above, the proposal is considered to comply with policies. Subject to these conditions the proposal is considered to have an acceptable impact on highway safety and the highway network in accordance with policies CP1, TR1, TR2 and TR14 of the Oxford Local Plan, HP15 and HP16 of the Sites and Housing Plan, TRP1, TRP3, TRP4 and TRP5 of the Headington Neighbourhood Plan and the NPPF.

g. Trees and landscaping

- 10.44. The proposals require the removal of several existing trees from within the site as identified in the submitted Tree Survey and Arboricultural Impact Assessment. Most significantly this includes a large eucalyptus tree; identified as T2. The tree is visually prominent from within the hospital site in views along Churchill Drive, but it has no wider landscape significance. Given the inherent characteristics (fast growing, short lived and unstable in sandy soil) of the species, advice has been received against designing a development around this tree. Given the constraints that its protection would impose on the layout of development on the site, its removal is justified to help deliver a better design solution.
- 10.45. The proposals include a Landscape Framework Plan that indicates intended tree planting that is proposed as part of the soft landscaping of the development. If species and nursery stock sizes are appropriate, then this new planting can be expected to mitigate the impact on public amenity in the area that will arise from removal of existing trees, including the eucalyptus, and should help enhance the appearance and character of the area. These final details would be secured by condition.
- 10.46. The proposals also include a new bike store that is to be constructed within the notional Root Protection Areas of a group of trees that are off-site in the gardens of neighbouring properties, but the ground in this area is already hard surfaced and the viability of the trees should not be significantly harmed if reasonable care is taken in the construction of the bike store to avoid damage to tree roots that might be growing into the site.

10.47. Any planning permission granted needs to ensure that retained trees will be robustly protected. Details of tree protection measures, methods for working and also the design of hard surfaces and location of underground utility services and drainage are required by planning condition to ensure compliance with policies CP11 and NE15 of the Oxford Local Plan.

h. Energy efficiency

10.48. Policy CS9 of the Core Strategy requires all developments to reduce carbon emissions through the use of design, construction and renewable technologies. The application has been accompanied by an Energy Statement. Given that it is a qualifying site (e.g. a major development), it is required to demonstrate that 20% of energy needs are met on site renewables or reduction in energy consumption. The submitted energy statement demonstrates compliance with this target around carbon and energy and is therefore in compliance with this policy. This is achieved through improved fabric insulation including, improved air tightness, central plant designed to be energy efficient and the heating distribution pipework would be well insulated to reduce standing losses, high efficiency balanced whole house heat recovery units, and low energy lighting throughout.

10.49. The development would also be provided with air source heat pumps to pre-heat the domestic cold water feed to help meet domestic hot water demand. This renewable technology would generate 96,000 kWhrs of renewable energy and reduce the overall energy demand of the development by 20%. In addition, provision would be made for the future installation of PV panels on the roof. Buildings are orientated to avoid north facing balconies and to minimise north facing cluster bedrooms and habitable rooms. The site constraints result in the buildings being orientated on a north-south axis with the bedspace windows facing either west or east. Solar gains would be reduced by the use of high performance glazing and internal blinds. Good ventilation via the opening windows would help to dissipate any build-up of heat.

10.50. The proposal is therefore considered to comply with policy CS9 of the Core Strategy. Compliance with the measures set out in the energy statement would be secured by condition.

i. Land quality

10.51. The submitted land quality risk assessments have not identified any potentially significant ground contamination risks across the site and it is deemed that no remedial works would therefore be necessary. However Officers are mindful that the existing building structures remain in place, so there remains a slight risk that unexpected or hidden contamination could be present below ground that has not yet been discovered due to access restrictions. In this regard, and to ensure that any unexpected contamination is identified and risk assessed following site clearance and demolition, a watching brief planning condition is recommended to be included on any permission granted, in accordance with policy CP22 of the Oxford Local Plan.

j. Air quality

10.52. The site lies within a city-wide Air Quality Management Area (AQMA) declared by Oxford City Council for exceedances of the annual mean nitrogen dioxide (NO₂) objective. The development will lead to changes in vehicle flows on local roads, which may impact on air quality at existing residential properties and the hospital. The new residential properties will also be subject to the impacts of road traffic emissions from the adjacent road network. The proposals for the development include boiler plant (“energy plant”), the emissions from which could impact upon air quality at existing residential properties and the hospital, as well as at the new residential properties within the development itself. There is also the potential for the construction activities to impact upon existing sensitive receptors.

10.53. The application has been accompanied by an air quality assessment. The review of this document, allows Officers to conclude that there would be no negative air quality impacts over current and future receptors as a result of the new development. The effects of local traffic on the air quality for residents living in the proposed development, as well as emissions from the proposed energy plant, are judged to be acceptable, with concentrations for future residents being well below the air quality objectives. This conclusion is supported by the following:

1- The proposed development is located away from main roads, within an area/location where current air pollution baselines levels are well within air quality limit values; The proposed development is located well away from any busy roads, in an area where air quality is expected to be good. The monitoring site DT12 is considered representative of baseline concentrations at the site. This is located at the main entrance to the hospital site and also on Old Road which is judged to have higher traffic flows than Churchill Drive. Measured concentrations at DT12 and all monitoring sites on Old Road are well below the objectives.

2- An assessment of emissions from the centralised boilers within the development has demonstrated that the off-site impacts of these emissions would be negligible. On-site, the emissions from the boilers would not lead to any of the units experiencing unacceptable air quality.

3- The boilers that would be installed on site fulfil the minimum standard emissions for NO_x, which are recommended in Oxford City Council’s air quality planning application and the Institute of Air Quality Management (IAQM) guidances;

4- The proposed development comprises eight car parking spaces; six disabled spaces and two for service vans. The number of vehicle movements generated by the proposed development, including servicing trips is predicted to be 74 Annual Average Daily Traffic (AADT) vehicle movements per day. This guidance recommends that a detailed assessment of potential air quality impacts would be required where a development will “cause a significant change in Light Duty Vehicle (LDV) traffic flows on local roads with relevant receptors”. The proposed development is located within

an Air Quality Management Area (AQMA) and the screening criteria for locations inside an AQMA is a change of LDV movements of “more than 100 Annual Average Daily Traffic (AADT)” on any one road.

5 - A dust assessment was conducted and is part of the air quality assessment that was submitted. The dust assessment identifies a range of best practice mitigation measures that would need to be implemented to reduce on-site dust emissions, so that the overall effects of dust in the proximity of the development can be considered “*not significant*” - This would be secured by condition.

10.54. To ensure that the overall dust impacts during the construction phase of the proposed development would be “not significant”, in accordance with Core Policy 23 of the Oxford Local Plan 2001- 2016, a construction environment management plan is required by condition. Also a key theme of the NPPF is that development should enable future occupiers to make “green” vehicle choices and “incorporate facilities for charging plug-in and other ultra-low emissions vehicles” (paragraph 35). Oxford City Council’s Air Quality Action Plan 2013 and the new Local Plan 2016-2036 commits to seeking to ensure that new developments make appropriate provision for walking, cycling, public transport and low emission vehicle infrastructure e.g. Electric Vehicle charging points. Therefore, as a minimum requirement, new development schemes should include the provision of electric vehicle charging points. This would also be secured by condition.

k. Utilities

10.55. Thames Water has reviewed the submitted information and advise that with regard to Foul Water sewage network infrastructure capacity, they would not have any objection to the planning application. They also advise that with regard to surface water network infrastructure capacity, they would not have any objection to the planning application, based on the information provided. Informatives are advised in relation to developing close to water mains and expected water pressure if the development were to be built.

l. Ecology

10.56. The initial ecology report was only valid for 12 months and was considered out of date. Updated surveys were therefore requested and have been reviewed by the Local Authority Ecologist who is satisfied that the potential presence of protected habitats and species has been given due regard.

10.57. Surveys have confirmed the likely absence of roosting bats, however these surveys are valid for no longer than 12 months. Should works in any phase not commence within this period, an updated walkover survey would be required to assess the site in respect of protected species. This would be secured by condition.

10.58. Core Policy CS12: Biodiversity of the Core Strategy also states “Opportunities will be taken (including through planning conditions or obligations) to: ensure the

inclusion of features beneficial to biodiversity (or geological conservation) within new developments throughout Oxford.”

- 10.59. In addition to local policy, the NPPF sets out that Plans should promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity”.
- 10.60. Given this, it is considered appropriate to require conditions in relation to ecological enhancements, an ecological and landscape management plan and a lighting design strategy for light-sensitive biodiversity to ensure compliance with policy CS12 of the Core Strategy and the NPPF.

m. Drainage

- 10.61. An outline drainage plan was initially submitted and concerns were raised with the design. The drainage plan was primarily focussed around use of pipes leading to tanks. This was due to the quoted “low” permeability of the soil, however this does not exclude the use of shallow basins for temporary storage. It was therefore suggested that this SuDS technique should be considered and justification provided. The use of pipes and tanks would go against local drainage which encourages more natural infiltration. Due to these concerns the drainage proposal was amended to remove the focus on attenuation tanks. It is therefore now considered that the outline drainage plan is acceptable and should be developed through to a detailed plan which is requested by condition.
- 10.62. Whilst the drainage plan is considered acceptable by the Lead Flood Authority (Oxfordshire County Council) and internal officers, Natural England still wish to explore further options to see if there can be further enhancements to the scheme which would be beneficial to the Lye Valley SSSI which is sensitive to water volumes and pH levels. Therefore notwithstanding the submitted drainage plan, the drainage details would be finalised by condition to ensure that the best scheme is achieved in relation to the impact on the Lye Valley SSSI in accordance with policies CS11 and CS12 of the Core Strategy.

n. Archaeology

- 10.63. This application is of archaeological interest because it involves the construction of a substantial building in an area with the moderate potential for Roman remains. The submitted desk based assessment notes that “the site does have the potential to contain previously unidentified archaeological remains dating to the Roman period, suggested by the abundance of Roman material recorded within the study area, including several pottery production sites located to the east and south-east of the proposed development.
- 10.64. The National Planning Policy Framework states the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. Where appropriate local planning authorities should require

developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible.

10.65. In this case, bearing in mind the results of the archaeological desk based assessment and the current site constraints, it is requested that, in line with the advice in the National Planning Policy Framework, any consent granted for this application should be subject to an archaeological condition requiring a written scheme of investigation because the development may have a damaging effect on known or suspected elements of the historic environment of the people of Oxford and their visitors, including Roman remains (Local Plan Policy HE2 and submission Draft Policy DH4). Subject to this condition, the proposal would comply with policy HE2 of the Oxford Local 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 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 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 provide an increased number of units of accommodation for key workers primarily at the NHS without causing harm to the amenity of neighbouring occupiers, highway network, drainage or landscaping/trees. The benefits of the scheme and the special case being put forward provide adequate justification for a departure from policy HP3 of the Sites and Housing Plan.

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 and subject to the satisfactory completion (under authority delegated to the Acting Head of Planning Services) of a legal agreement under section 106 of the Town and Country Planning Act 1990.

12. CONDITIONS

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

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

- 2 Subject to conditions 19 and 23, the development permitted shall be constructed in complete accordance with the specifications in the application and approved plans listed below, unless otherwise agreed in writing by the local planning authority.

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

- 3 Samples of the exterior materials to be used shall be submitted to, and approved in writing by, the Local Planning Authority before their installation on 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, CS18 of the Core Strategy, HP9 of the Sites and Housing Plan and CIP1 and GSP4 of the Headington Neighbourhood Plan.

- 4 A Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of works. The development shall only be constructed in accordance with the approved CTMP. The CTMP should follow Oxfordshire County Council's template if possible. This should identify;

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

Reason: In the interests of highway safety and to mitigate the impact of construction vehicles on the surrounding network, road infrastructure and local residents, particularly at peak traffic times in accordance with policy CP1 of the Oxford Local Plan.

- 5 Prior to the first occupation of the development hereby permitted, a residential travel plan and travel information pack shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be occupied in accordance with the approved details.

Reason. To limit the number of journeys by private motor car in accordance with policies CP1, TR2 and TR12 of the Adopted Oxford Local Plan 2001-2016.

- 6 Prior to occupation of the development, a Car Park Management Plan shall be submitted to and be approved in writing by the Local Planning Authority. This shall set out the enforcement measures to be put in place to control on-site car parking. The car parking on the site must be managed in accordance with the approved plan thereafter.

Reason: In the interest of highway safety and to encourage sustainable transport use in accordance with policy CP1 of the Oxford Local Plan.

- 7 Prior to the occupation of the accommodation hereby permitted details of the external cycle store including means of enclosure, shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall not be brought into use until the cycle parking areas and means of enclosure have been provided within the site in accordance with the approved details and thereafter the areas shall be retained solely for the purpose of the parking of cycles.

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

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

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

- 9 The landscaping proposals as approved by the Local Planning Authority shall be carried out upon substantial completion of the development and be completed not later than the first planting season after substantial completion. Any trees or plants indicated on the approved proposals which, within a period of five years from the date of the development being completed, die, are removed or become seriously damaged or diseased shall be replaced during the next planting season with other trees or plants of a species and size to be first approved in writing by the Local Planning Authority.

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

- 10 A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small,

privately owned domestic gardens, shall be submitted to, and approved in writing by, the Local Planning Authority prior to the occupation of the for its permitted use. The landscape management plan shall be carried out as approved.

Reason: In the interests of amenity and the appearance of the area in accordance with policies CP1, CP11 and NE17 of the Adopted Local Plan 2001-2016.

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

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.

- 12 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.

- 13 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.

- 14 An Arboricultural Method Statement (AMS) 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.

- 15 The development shall be carried out in accordance with the energy efficiency measures proposed within the revised energy statement by Silcock Dawson & Partners received 19 Aug 2019. The energy efficiency measures shall be retained thereafter.

Reason: In the interests of energy efficiency in accordance with the requirements of policy CS9 of the Core Strategy.

- 16 A watching brief shall be undertaken throughout the course of the development to identify any unexpected contamination and details of the approach taken shall be submitted to and approved in writing by the local planning authority prior to commencement of the development. Any unexpected contamination that is found during the course of construction of the approved development shall be reported immediately to the local planning authority. Development on that part of the site affected shall be suspended and a risk assessment carried out by a competent person and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development (or relevant phase of development) is resumed or continued.

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

- 17 No development shall take place until a Construction Environmental Management Plan (CEMP), containing the specific dust mitigation measures identified for this development, has first been submitted to and approved in writing by the Local Planning Authority. The specific dust mitigation measures to be included in the plan can be found on Annex 6 (pages 62-65) of the air quality assessment that was submitted with this planning application. The development shall only be implemented in accordance with the approved CEMP.

Reason: To ensure that the overall dust impacts during the construction phase of the proposed development will be "not significant", in accordance with Core Policy 23 of the Oxford Local Plan 2001- 2016.

- 19 Protected species surveys shall be valid for no longer than 12 months. Should works in any phase not commence within this time, updated surveys of the site shall be undertaken to identify any change in its suitability to support rare and protected species, including reptiles and badger. These updated surveys shall be submitted to and approved in writing by the Local Planning Authority. Should the site be found to support any protected species, a scheme of mitigation measures shall also be submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details.

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.

- 20 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 landscape planting of known benefit to wildlife, including nectar resources for invertebrates. Details shall be provided of artificial roost features, including hedgehog domes, bird and bat boxes and a minimum of twenty dedicated swift boxes. Any new fencing shall include holes suitable for the safe passage of hedgehogs. A quantifiable net gain in biodiversity will be required, presented using a suitable biodiversity offsetting metric, including details of any offsetting measures required. The development shall not be occupied until the approved enhancements have been implemented.

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.

- 21 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.

- 22 Prior to occupation, a "lighting design strategy for biodiversity" for buildings, features or areas to be lit shall be submitted to and approved in writing by the local planning authority. The strategy shall:

- a) identify those areas/features on site that are particularly sensitive for wildlife and that are likely to cause disturbance in or around breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and

b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places. All external lighting shall be installed in accordance with the specifications and locations set out in the approved strategy, and these shall be maintained thereafter in accordance with the approved strategy. Under no circumstances should any other external lighting be installed without prior written consent from the local planning authority.

Reason: The prevention of disturbance to species of conservation concern within the site during operation in accordance with 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 submitted drainage scheme, prior to the commencement of ground works, a drainage scheme shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved scheme thereafter.

Reason: In the interests of flooding, sustainable drainage and the Lye Valley SSSI in accordance with policies CS11 and CS12 of the Core Strategy.

- 24 No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the local planning authority in writing. All works shall be carried out and completed in accordance with the approved written scheme of investigation, unless otherwise agreed in writing by the Local Planning Authority.

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

- 25 The development shall be carried out in accordance with the mitigation measures proposed within the noise assessment by Noise.co.uk Ltd. The mitigation measures shall be retained thereafter.

Reason: In the interests of energy efficiency in accordance with the requirements of policies CP19 and CP21 of the Oxford Local 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
- 3 Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

13. APPENDICES

- **Appendix 1 – Site plan**

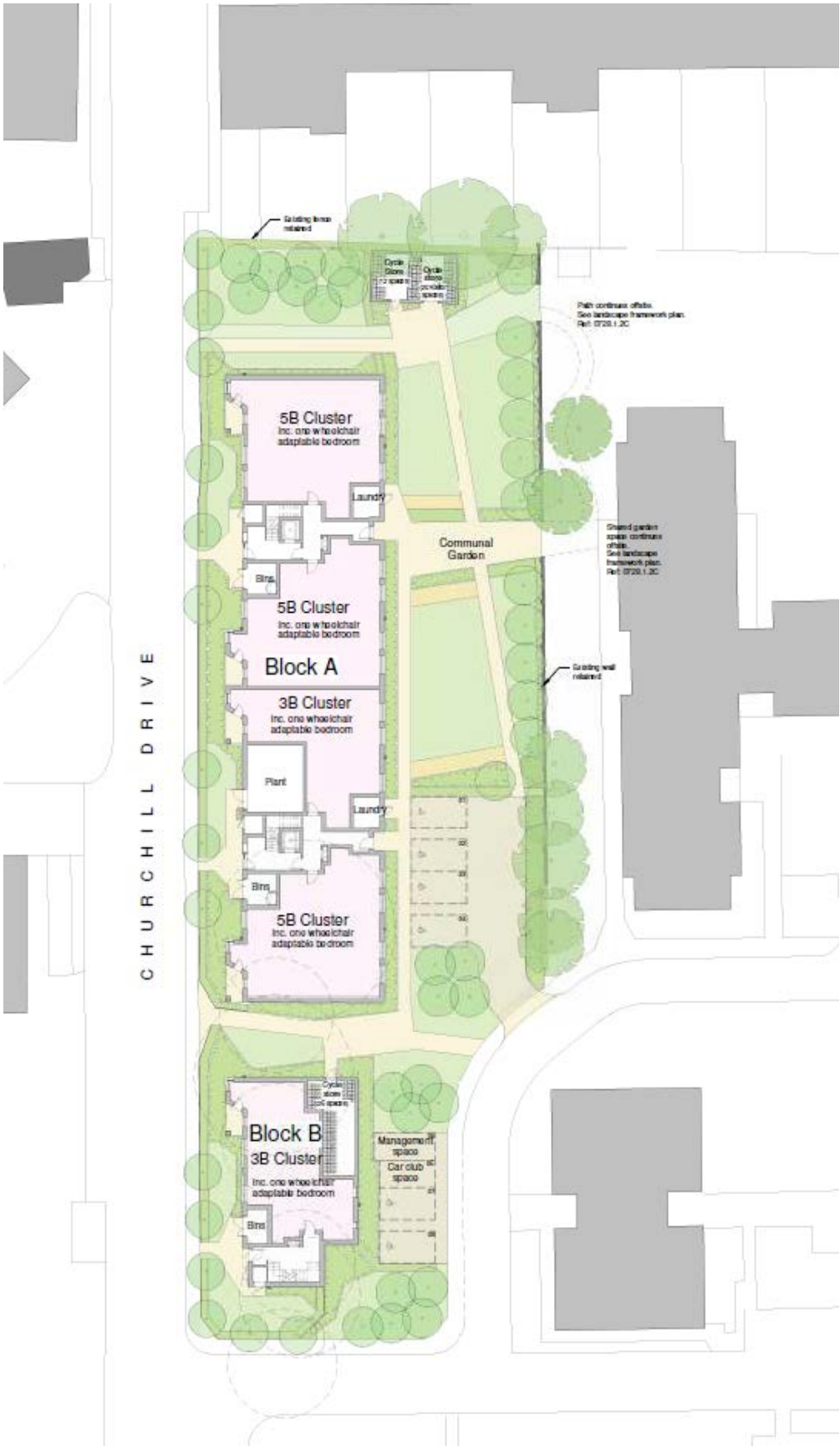
14. HUMAN RIGHTS ACT 1998

- 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



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EAST AREA PLANNING COMMITTEE

6th November 2019

Application number: 19/01225/RES

Decision due by 3rd October 2019

Extension of time

Proposal Application for reserved matters of application 12/02072/OUT (appearance, landscaping, scale and layout) for plot B3 to create the Institute of Developmental Regenerative Medicine (IDRM)

Site address University Of Oxford Old Road Campus, Roosevelt Drive, Oxford, Oxfordshire – see **Appendix 1** for site plan

Ward Churchill Ward

Case officer Sarah Orchard

Agent: Savills **Applicant:** The Chancellor,
Masters And
Scholars Of The
University Of
Oxford

Reason at Committee This is a Major Development

1. RECOMMENDATION

1.1. East Area Planning Committee is recommended to:

1.1.1. **approve the reserved matters application submitted in relation to condition 2 of outline planning permission for 12/02072/OUT** 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 a reserved matters application following the grant of planning permission for the provision of an academic research building which

would be used by the Institute of Developmental Regenerative Medicine (IDRM). The application is seeking approval for the layout, scale, appearance, and landscaping of the proposal.

- 2.2. The report takes into consideration the principle of development, design and impact on the neighbouring amenity, indoor and outdoor space, highway impact, trees and landscaping, energy efficiency, land quality, air quality, impact on utilities, ecology and drainage. It is concluded that the proposal would be acceptable in all regards, making a more efficient use of the site and is therefore recommended for approval.
- 2.3. The development would accord with the aims and objectives of the National Planning Policy Framework. It would constitute sustainable development, and, given conformity with the development plan as a whole, paragraph 11 advises that the development proposal should be approved without delay. Furthermore there are not any material considerations that would outweigh the compliance with these national and local plan policies.

3. LEGAL AGREEMENT

- 3.1. This application is subject to a legal agreement secured under the outline planning permission 12/02072/OUT. This is an agreement between Oxfordshire County Council and the land owners to secure financial contributions towards highway improvements. This is currently being reviewed with the County Council as the boundary between the two plots (B3a and B3b) has been altered and it has been requested to distribute the financial contributions between the two plots proportionately to their sizes.

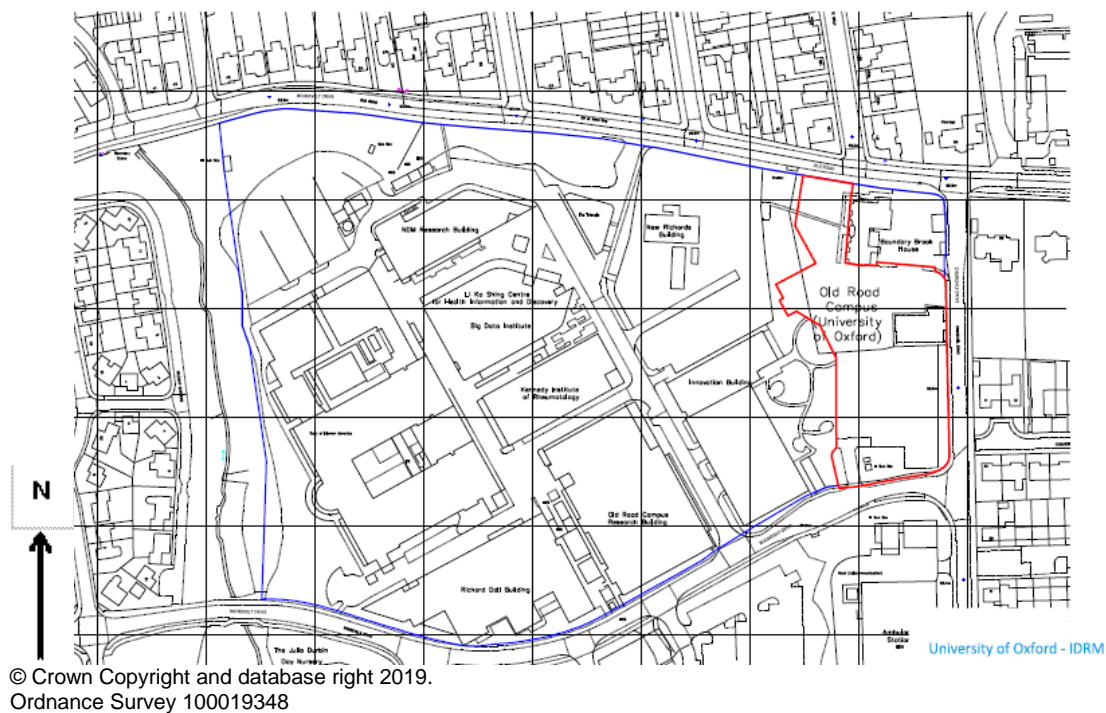
4. COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 4.1. The proposal is liable for CIL which was calculated under the outline application.

5. SITE AND SURROUNDINGS

- 5.1. The site is located within Old Road Campus to the south of Old Road in Headington. It is bounded by Churchill Drive to the East; Roosevelt Drive to the south; the campus of buildings secured by the outline to the west. The site has been developed to have a campus feel divided into a series of Plots.
- 5.2. The north and east of the site were subject to an outline planning permission for redevelopment (12/02072/OUT) of which a number of plots have been built out. The reserved matters application relates to Plot B3 which is located to the eastern side of the site and borders Old Road and Churchill Drive. Plot B3 has now also been in split into two parts, B3a and B3b. This application relates to B3a which sits on the southern end of the plot to the south of Boundary Brook House. To the north and east of the site is primarily residential accommodation with the Churchill Hospital site to the south.
- 5.3. There are a number of mature trees throughout the site which are subject to a Tree Preservation Order. Pedestrian and footpath access is from Old Road to the north of the site.

5.4. See site location plan below:



6. PROPOSAL

- 6.1. The application proposes the development of Plot B3a on Old Road Campus for the Institute of Developmental Regenerative Medicine (IDRM) with associate landscaping.
- 6.2. The building would be three stories high with an additional plant room on the roof, as indicated at outline stage. The building would be formed in a 'L shape' with the building running north to south through the site with a wing to the north east corner of the building projecting towards Churchill Drive.
- 6.3. The building would provide approximately 5,921m² of floor space over the three floors. The southern wing would be primarily used as laboratory and write-up space with a northern wing running west to east containing plant rooms, seminar rooms, a café, administration space and further laboratories. The northern and southern wings would sit either side of the central atrium which serves as the main entrance to the building and collaboration spaces. The development would also include a small services building and cycle shelter with approximately 231m² and 78m² respectively.
- 6.4. The development does not propose to provide any car parking on site other than two disabled spaces. The parking provision for the site will be delivered by the multi-storey car park adjacent to the site. There would be 89 covered and secure cycle parking spaces plus 12 visitor cycle parking spaces.
- 6.5. The layout, siting, form and design have been the subject of much consideration and positive discussion at pre-application stage with officers. These discussions included presentations to Oxford Design Review Panel.

7. RELEVANT PLANNING HISTORY

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

<p>12/02072/OUT - Demolition of existing buildings on application site. Outline planning application (fixing details of access) for the erection of 48,000sqm of class D1 research floorspace and ancillary facilities on 2 to 5 storeys over 5 building plots as an extension to University of Oxford Old Road Campus. Provision of 459 car parking spaces, cycle parking, hard and soft landscaping and boundary treatment. Approve 10th July 2013.</p> <p>14/01586/RES - Erection of medical research building (Big Data Institute) on 3 levels plus basement and plant enclosure at roof level, together with landscaping and ancillary works. (Part reserved matters of outline planning permission 12/02072/OUT relating to plot B5, seeking approval of appearance, landscaping, scale and layout). Approve 13th August 2014.</p> <p>15/00996/RES - Erection of Bioescalator/Amenities Building, together with landscaping and ancillary works. (Part reserved matters of outline planning permission 12/02072/OUT relating to Plot B4, seeking approval of appearance, landscaping, scale and layout.). Approve 11th June 2015.</p> <p>16/01153/FUL - Formation of Link Street within Old Road Campus. Provision of hard and soft landscaping. Erection of cycle parking and bin storage (amended plans). Approved 15th June 2016.</p> <p>16/01595/RES - Reserved matters application seeking approval for the appearance, landscaping, layout and scale of cycle parking for outline permission 12/02072/OUT (amended plans). Approved 20th October 2016.</p> <p>19/00145/FUL - Formation of link road to East Street to facilitate access to Plots B2 and B3 (amended plans and additional information). PERMIT 10th May 2019.</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	Headington Neighbourhood Plan:
Design	8, 117, 127	CP1, CP6, CP8,	CS18			CIP1, GSP4 CIP3,

Conservation/ Heritage		HE2, HE6				CIP4
Natural environment	150-153, 170, 175	CP11, CP17, CP18, NE6, NE11, NE12, NE13, NE14, NE15, NE16, NE21, NE22	CS9, CS10, CS12,			
Social and community	91	CP14	CS19			
Transport	108-111	CP13, TR1, TR2, TR3, TR4, TR5, TR13	CS13, CS14,		Parking Standards SPD	TRP1, TRP2, TRP3, TRP4, TRP5
Environmental	155, 163, 165, 178, 180-183	CP10, CP19, CP21, CP22, CP23,	CS11,		Energy Statement TAN	
Miscellaneous		EC1	CS17, CS30	MP1, SP39		

Limited weight is also currently afforded to policies in the emerging Oxford Local Plan 2036. Relevant policies are listed below:

Oxford Local Plan 2036 (Draft)

S1 – Presumption in favour of sustainable development

E2 – Teaching and research

H9 – Linking the delivery of new/redeveloped and refurbished university academic facilities to the delivery of university provided accommodation

RE1 – Sustainable design and construction

RE2 – Efficient use of land

RE3 – Flood risk management

RE4 – Sustainable drainage, surface and groundwater flow

RE5 – Health, wellbeing and Health Impact Assessments

RE6 – Air quality

RE7 – Managing the impact of development

RE8 – Noise and vibration

RE9 – Land quality

G1 – Protection of green and blue infrastructure network

G2 – Protection of biodiversity and geo-diversity

G8 – Protection of existing green infrastructure features

G9 – New and enhanced green and blue infrastructure network

DH1 – High quality design and placemaking

DH2 – Views and building heights

DH4 – Archaeological remains

DH5 – Local heritage assets

DH7 – External servicing features and stores

M1 – Prioritising walking, cycling and public transport

M2 – Assessing and managing development

M3 – Motor vehicle parking

M5 – Cycle parking

9. CONSULTATION RESPONSES

9.1. Site notices were displayed around the application site on 22nd July 2019 and an advertisement was published in The Oxford Times newspaper on 18th July 2019.

9.2. The consultation responses received in relation to the application are summarised below. Officers would make members aware that copies of all the consultation responses listed below are available to view in full on the Council's public access website.

Statutory and non-statutory consultees

Oxfordshire County Council (Highways)

9.3. No objection. The proposal is in line with the standards set out at outline stage and the parking has already been established.

Oxfordshire County Council (Education and Property)

9.4. No comment.

Thames Water Utilities Limited

9.5. No objection subject to a condition preventing development being carried out within 5 metres of a water main.

Natural England

9.6. No comment.

Environment Agency

9.7. No comment.

Bullington Community Association

9.8. Concerns with the level of car parking proposed, impact on the Lye Valley SSSI and lack of planting to encourage biodiversity.

Thames Valley Police

9.9. No objection, however improvements are suggested to improve crime reduction and anti-social behaviour including a security management strategy (including CCTV, access controls, alarms, secure deliveries and post etc.), pedestrian scale lighting instead of bollard lighting, reduced access to the rear courtyard area with more secure boundaries, additional CCTV and anti-skateboarder benches. Finally a condition was requested that a Secured By Design Accreditation is obtained.

Headington Action

9.10. No comments received.

Public representations

9.11. No third party neighbour comments received.

PLANNING MATERIAL CONSIDERATIONS

9.12. Officers consider the determining issues to be:

- Principle of development
- Design
- Neighbouring amenity
- Highways
- Trees and landscaping
- Energy efficiency
- Land quality
- Air quality
- Utilities
- Ecology
- Drainage
- Archaeology

a. Principle of development

9.13. The principle of development was established through outline application 12/2072/OUT which set out the redevelopment of the north and east of Old Road Campus through an indicative masterplan to provide 5 building plots to extend the campus.

9.14. The redevelopment of the site would also be supported by the site allocation policy SP39 which is to be carried through to the emerging Oxford Local Plan 2036 as policy SP22. The outline application identified Plot B3 as a site suitable for a three storey building with basement to provide a laboratory research building.

9.15. The reserved matters application is submitted as part of condition 2 of outline planning permission 12/02072/OUT which required these matters to be submitted for the respective blocks by the 10th July 2020.

- 9.16. The principle of development secured through the outline planning permission would still accord with the requirements of the site allocation policy SP22 within the Sites and Housing Plan. It would also accord with the overall aims of the NPPF in terms of making an efficient use of previously developed land.
- 9.17. The outline planning application set the parameters for development. This included condition 4 of the outline permission which confirmed the proposed heights of buildings within the scheme.

Maximum levels as per Condition 4 of outline planning consent:	
Ground datum:	98.0m AOD
Main parapet height:	111.5m AOD (+13.5m from ground)
Rooftop plant:	116.5m AOD (+18.5m from ground)

- 9.18. Officers would make members aware that the proposed development would deviate slightly from the scale parameters set out in the outline approved.

Ground datum:	98.3m AOD (0.30m higher than outline consent)
Main parapet height:	112.15m AOD (+13.85m from ground) 0.65m higher than outline consent
Rooftop plant:	116.65m AOD (+18.35m from ground) 0.15m higher than outline consent

- 9.19. These slight deviations from the approved scale parameters have been justified in the Design and Access Statement. Firstly the ground datum of the building has changed by 30cm to avoid conflict with tree roots and foundations of the adjoining Boundary Brook House which is currently being retained. The height of the building has also slightly increased, including the rooftop plant, partly due to the increased ground level datum, increased insulation within the building to improve energy efficiency whilst retaining adequate floor to ceiling heights internally for equipment required. Whilst the plant would be higher than previously indicated, the actual plant height is 50cm lower than allowed but would sit higher due to the increased ground level datum and building height.
- 9.20. The condition states that any development on this plot must abide by these scale parameters unless otherwise agreed in writing by the Local Planning Authority. It is considered that this reserved matters application is an appropriate mechanism to agree this deviation, if found to be acceptable. It is therefore considered that the proposed development is acceptable in principle subject to the material considerations set out below which includes assessing the increased impact in height.
- 9.21. The outline planning permission was also heavily conditioned requiring further details of certain matters to be approved prior to the commencement of each plot. Alongside this reserved matters application, a separate application (12/02072/CND9) seeking discharge of the conditions has been submitted. The application is seeking approval of the proposed materials, landscaping and public realm, protection of trees, an arboricultural method statement, landscape

management, boundary treatments, sustainability, foul and surface water drainage, sustainable drainage, ground contamination, vibration and piling, petrol/oil interceptors, noise attenuation, internal and external lighting, cooking odours, repeat ecological surveys, habitat creation and an archaeological watching brief. Much of this information has also been duplicated into the reserved matters application for clarity.

b. Design

- 9.22. The NPPF together with policies CP1, CP6 and CP8 of the Oxford Local Plan, CS18 of the Core Strategy and CIP1, CIP3 and GSP4 of the Headington Neighbourhood Plan promote high quality and innovative design.
- 9.23. The site forms much of the eastern portion of the Old Road Campus which was formerly the parkland/gardens associated with Highfield House (subsequently Boundary Brook House) originally designed in the late C19 possibly by architect George Gardiner who designed a number of villas at the east end of Linton Road, North Oxford. The building has been subjected to substantial alterations, most of which occurred during the latter part of the C20 and early C21 when it was used for research into childhood psychiatry, including epilepsy. A number of buildings were added incrementally to the south of the principal house, but have now been demolished and although the original masterplan proposed a single building on this part of the overall site, it is currently proposed to build in two phases with the larger, southern building being proposed as this application.
- 9.24. The site was originally, prior to Highfield being built, open fields with the Boundary Brook running along the west side of the eastern part of the overall campus site. A distinctive and important belt of mixed tree species run, north/south separating this site from the built Amenities building and the yet to be built B2 plot to the north west of the site. The original masterplan 12/02072/OUT sought to preserve this important tree belt through the siting of buildings and the design of access road, courtyard and pedestrian/cycle routes in such a manner that would enable them to be retained.
- 9.25. The site is bounded on its east side by Churchill Drive, the principal vehicular access to the hospital site in addition to the Old Road Campus itself. There are proposals to widen the road on this boundary at some point in order to provide an ambulance priority lane/ left turn at the junction with Old Road itself.
- 9.26. To the east of Churchill Drive are a number of C20 suburban housing developments which sit behind the larger, early C20 villas that front Old Road on its southern side.
- 9.27. The proposal seeks to develop a detailed design that builds on the parameters set out in the outline proposals and masterplan of 2012. The original masterplan identified clearly the importance of the landscape. In particular the surviving parkland/garden landscape of Highfield House, provides an important and valuable area of outdoor space between the Amenities building and the site and that formed a significant element of a hierarchy of outdoor spaces which the masterplan sought to identify across the site. Whilst the original plan identified a

vehicular route from the principal spine road running east to the front of this later building it also stressed the importance of pedestrian and cycle priorities across the campus, evidenced by the placing of the Amenities building, principally a car park at the main vehicular entrance to the campus area. Unfortunately the consequences of a developing topography have resulted in a greater loss of important/ valuable trees than what was anticipated at outline stage.

9.28. The original masterplan had intended landscaped courtyards on the eastern side of the new building which would be intended to provide a setting for the building in the context of Churchill Drive and to contribute to the sense of a “greener” entrance to the overall hospital site. The current proposal seeks to provide a series of outdoor courtyard area to be used by occupants of the building and potentially the wider campus for activities such as outdoor recreation and ultimately proposed to be beneficial to / a catalyst for collaboration (one of the principal aims of the building/site). However access to this string of outdoor spaces is not direct (a functional protected/utility corridor within the building intervenes) and they are on the east side of the building adjacent to a busy road that provides access for emergency ambulances through day and night. Therefore the successful functioning of this space appears to be compromised and suggestions were made that it might be more helpful were it to be considered as a borrowed landscape to those working in than primarily read as a functional space. The applicant has chosen to retain this as a functional space and while regrettable, officers do not feel that this concern alone would be sufficient enough to warrant refusal of the application.

9.29. The intentions for the buildings’ architecture are clear in terms of placing an emphasis on collaborative working and opportunities for staff and students to mix with each other in communal spaces. The separation of functions into the two wings of building achieves this. The atrium is located centrally in the building and serves as the entrance and collaborative space where researchers can come together. Internally there is also creation of a hierarchy of different types of spaces for collaboration. The full height glazing breaks up the western façade of the building and also helps mark the main entrance to the building. The building is primarily clad in corten steel which gives a brown/red colour which relates to the brickwork of many residential properties on Old Road.

9.30. Concerns were raised at the Oxford Design Review Panel that there appears to be a sense of vehicular priority at the entrance to the building whereas priority should be given to pedestrians and cyclists. However the main access to the building is a shared space, which due to the limited number of direct deliveries to the building would primarily be dominated by pedestrians with occasional vehicular use. The materials of this space link with those for the approved ‘East Street’, immediately to the west of the application site which also tie into the wider Old Road Campus. The outline scheme set out the only vehicular access into the site and also the pedestrian access points. Now that Plot B3 has been broken into two phases, the service yard area provides a natural way through to Churchill Drive and a bus stop on this road. Unfortunately as this area and building needs to be made secure, a way through in this location cannot be achieved.

- 9.31. Whilst the building would be 0.65 metres higher than outline consent and the plant would be 0.15 metres higher than outline consent, in relation to a building of this scale, this is not considered to be a significant alteration which would be harmful to the character and appearance of the area or the Old Road Campus.
- 9.32. The proposed cycle shed would sit to the north of the site inside the existing campus boundary wall (and marginally exceed this in height) and would therefore not appear as a dominant feature from outside of the site. It would be clad in cedar to match the proposed ancillary services building which would sit to the south of the proposed building. This building would sit inside of a boundary hedge and also be largely obscured from outside of the site.
- 9.33. Whilst there are elements of the scheme which officers feel could work better particularly in relation to place making, it is considered that on balance the proposed siting, scale, layout and appearance would be acceptable in design terms and are considered to comply with policies CP1, CP6 and CP8 of the Oxford Local Plan, CS18 of the Core Strategy and CIP1, CIP3 and GSP4 of the Headington Neighbourhood Plan.

c. Impact on neighbouring amenity

- 9.34. The principle of a building of this scale in this location has already been established by the outline planning permission. Whilst the scale parameters would be exceeded by 0.65 metres at parapet level and 0.15 metres at plant level, these are not considered substantial in relation to the scale of the building as a whole and would therefore not be detrimental to the amenities of neighbouring occupiers. The closest neighbouring occupiers are those on Old Road and Coolidge Close to the north and east of the application site and Churchill Drive. The proposal has been designed to reduce impact on neighbouring properties. The development is focussed primarily to the west of the plot with only the north east wing projecting towards Churchill Drive. Suggestions were made at Oxford Design Review Panel (ODRP) to flip the long element to the east of the site but this was not encouraged by officers in order to ensure there would not be any perceived overlooking of neighbouring properties. The north east wing, whilst closer to neighbouring properties would be plant rooms which wouldn't result in overlooking due to the lack of people using this wing.
- 9.35. The main research laboratories would face east and would be located over 30 metres from the gardens of neighbouring properties whilst write up spaces would primarily face west into Old Road Campus overlook the 'green spine' to the site. Windows to the north overlook Boundary Brook House and its car park (which are to become Plot B3b) and to the south they overlook Roosevelt Drive which separates Old Road Campus and the Churchill Hospital Site. Therefore the proposal would not create any loss of privacy and is considered acceptable in this regard.
- 9.36. The original outline permission was conditioned that prior to the commencement of each plot the noise, odour and lighting impacts of the development should be assessed to protect the amenities of neighbouring occupiers. The proposal has the potential to cause disturbance to neighbouring

properties due to the level of plant. A noise assessment has been assessed by officers who have concluded that the noise mitigation measures are appropriate and should be secured by condition.

9.37. The proposal does not propose any cooking on the site. The café within the building would only involve drinks and cold or reheated food. Therefore there would be no requirement for odour treatment which would also add to additional noise pollution.

9.38. The lighting assessment has also been assessed and found to be at an appropriate level.

9.39. The proposal is therefore considered to comply with policies CP10, CP19 and CP21 of the Oxford Local Plan.

d. Transport

9.40. The outline planning permission (Ref: 12/02072/OUT) was granted for the Old Road Campus Framework Masterplan for the erection of 48,000sqm of class D1 research floorspace and ancillary facilities on 2 to 5 storeys over 5 building plots as an extension to University of Oxford Old Road Campus to include provision of 459 car parking spaces, cycle parking and associated landscaping.

9.41. Vehicular access to the proposed development is taken from the access road to the north of the Amenities and Facilities building as agreed and implemented under the outline consent.

9.42. A number of pedestrian accesses were also secured between the site and the adjacent areas. In accordance to the condition of the outline planning consent, there have been four pedestrian and cyclist access provisions. The proposed additional pedestrian and cycling accesses off Old Road are welcomed.

Traffic Generation

9.43. The traffic generation associated with the level of development was accepted as part of the outline application. Therefore no objection can be raised on grounds of highways impact. The Local Highways Authority has raised no objection on highway grounds

Car Parking

9.45. In terms of car parking, this will be provided mainly in the new multi-storey car park (Amenities and Facilities Building) off the access on Roosevelt Drive which also incorporates a centralized goods delivery area as agreed through the outline application. A further two Disability Discrimination Act (DDA) parking spaces are proposed adjacent and close to the building entrance.

9.46. There are no highways concerns on parking on the basis there is no change to the overall parking provision on site and that the agreed ratio of staff to parking spaces would not be affected.

Cycle parking

- 9.47. The proposed site plan Drwg No. 3446-XXX-01-00-M2-A-PL-005 Rev E shows a total of 12 cycle parking stands of Sheffield type for visitors. Up to 89 cycle parking spaces are proposed to the north of the site, together with a footpath running between the shelter and the building entrance.
- 9.48. Page 47 of the Design and Access Statement gives details of the cycle parking design, where it is suggested that a Broxap Hi-Rise 2 tier cycle rack system shall be used. This is considered sufficient for the type and scale of development.
- 9.49. Subject to a condition relating to a construction traffic management plan (which is requested by the outline application), there is no objection the proposal on highway grounds.

Construction Environmental Management Plan

- 9.50. A Construction Environmental Management Plan has not been submitted with the application but is a requirement of the outline permission to be submitted by condition and implemented accordingly.

e. Trees and landscaping

- 9.51. The outline planning consent agreed in principle the loss of trees associated with the connection of the plot to the rest of the site to the west. The scheme involves the loss of 12 individual trees and 3 tree groups of low quality category.
- 9.52. Two additional trees, T-142-London Plane and T172-Lime which were to be retained under the outline planning consent are now lost to the scheme as currently proposed. This is considered acceptable, on balance, because they place too great a design constraint upon the site and the form of the building, which their value to amenity does not justify.
- 9.53. Their loss can be mitigated through replacement planting secured under landscape conditions, this would primarily take place along the boundary with Churchill Drive helping to create a tree line avenue into the Churchill Hospital site.
- 9.54. The preservation and protection of all retained trees within the central landscape tree belt should be achievable subject to the detailed Tree Protection Plans which would be secured by condition.

f. Energy Efficiency

- 9.55. Concerns were initially raised with the submitted energy strategy that the proposed strategy did not take into account regulated and unregulated energy. A subsequent addendum was submitted and officers are now satisfied that 20% of energy needs would be either met on the site or through reduced energy consumption. This has been achieved through using Passivhaus principles looking at glazing, walls, roofing, flooring and air tightness to reduce energy consumption. In addition to this PV arrays are to be installed to the roof.

9.56. The proposal is therefore considered to comply with policy CS9 of the Core Strategy.

g. Land quality

9.57. The submitted reports have been reviewed and officers consider that there is a requirement to ensure that a watching brief approach to site development occurs and that any site won materials are tested prior to reuse on site to ensure that they are free from significant contamination which would be secured by condition in accordance with the requirements of policy CP22 of the Oxford Local Plan.

h. Air quality

9.58. As part of the reserved matters planning application, an updated air quality assessment has been submitted to assess for any changes in the magnitude of impacts as a result of the construction and operation of the proposed development. The application seeks permission on the southern-most two thirds of Plot B3. The outline planning consent included a single building on Plot B3. Eventual occupancy is estimated at 250 staff and 40 car park spaces.

Introduction of new receptors on an AQMA

9.59. The Air Quality Assessment states that the baseline pollutant concentrations at the façades of proposed residential receptors are currently within the relevant health-based air quality objectives. On that basis, current and future occupants of the proposed development will be exposed to acceptable air quality and the site is deemed suitable for its proposed future use in this respect.

Potential Emissions from traffic increase

9.60. The wider Old Road Campus development was granted planning permission in 2013 (ref: 12/02072/OUT) which included the provision of 459 car parking spaces. Potential impacts associated with road traffic emissions were assessed at the time, as part of the Air Quality chapter of the Environmental Statement (ES) submitted at outline stage. An updated Transport Statement (March 2019) has been completed for the IDRM building and states in paragraph 2.8 of the document that “the staff parking strategy for the Old Road Campus does not need to be adjusted to accommodate IDRM”. As such, the IDRM will not further increase traffic associated with the Old Road Campus beyond that already permitted. As a result, it is not considered necessary to undertake further assessment of potential air quality impacts associated with traffic from the IDRM building as there is no change compared to that which is already consented and the allocated car parking spaces for the IDRM building is below the relevant guidance criteria requiring assessment.

Potential Emissions from On-site centralised combustion systems

9.61. The energy systems proposed for this development include the installation of PV panels and the use of high efficiency boilers. An assessment of impacts on annual and hourly mean NO₂ concentrations as a result of emissions from the

proposed boiler systems has been undertaken using dispersion modelling techniques. The results of the assessment show negligible impacts at existing sensitive receptor locations in the vicinity of the site and are not predicted to exceed the relevant air quality objectives across the Site.

9.62. The review of all the above documents, allow officers to conclude that there will be not negative air quality impacts over current and future receptors as a result of the new development in accordance with policy CP23 of the Oxford Local Plan.

i. Utilities

9.63. Thames Water is aware of some network constraints in the vicinity of the proposed development. They are however confident that should the planning application be approved, any investigations to understand the network performance in more detail and if required, associated upgrades can be delivered in time to serve the development. They are therefore not seeking any planning conditions relating to foul water network matters.

9.64. The application indicates that surface water will not be discharged to the public network and as such Thames Water has no objection.

9.65. The proposed development is located within 5m of a strategic water main. Thames Water does not permit the building over or construction within 5m, of strategic water mains. Thames Water request that the a condition be added to any planning permission stipulating that no construction shall take place within 5m of the water main. Information detailing how the developer intends to divert the asset / align the development, so as to prevent the potential for damage to subsurface potable water infrastructure, must be submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any construction must be undertaken in accordance with the terms of the approved information. Unrestricted access must be available at all times for the maintenance and repair of the asset during and after the construction works.

9.66. Subject to this condition, Thames Water advises that with regard to water network and water treatment infrastructure capacity, they would not have any objection to the planning application in accordance with policy NE14 of the Oxford Local Plan.

j. Ecology

9.67. A separate application has been submitted to satisfy conditions 27 and 29 of application 12/02072/OUT. These required repeat ecology surveys to be carried out and submission of a biodiversity enhancement plan for the development. The repeat surveys have been reviewed by officers and found to be acceptable. No evidence of protected species were found within or immediately adjacent to the proposed development footprint during the survey. This is due to the suitability of the site and lack of connectivity with other suitable sites. Enhancement opportunities for bat and bird nesting can be secured by the condition to the outline application.

9.68. Subject to the outstanding condition, the proposal is considered acceptable in accordance with policy CS12 of the Core Strategy.

k. Drainage

9.69. The scheme was accompanied by a drainage strategy which is also required by condition 19 of application 12/02072/OUT prior to the commencement of each plot to be developed on the campus in accordance with policy CS11 of the Core Strategy. Both the Lead Local Flood Authority and Officers raised concerns with the strategy due to the reliance on attenuation tanks and the high discharge rate of 110l/s from the Old Road Campus Site. Current drainage standards require the use of more natural drainage and seek a betterment to existing discharge rates from a site or where possible greenfield discharge rates.

9.70. Under the outline planning permission 12/02072/OUT, condition 20 required the submission of a drainage strategy for the entire site to be submitted prior to the commencement of the first reserved matters application (The Big Data Institute –BDI). The detailed drainage strategy for this application focussed solely on the BDI site and an objection was raised by the Environment Agency as it did not cover the whole site. In response to this a letter was submitted with a plan indicating that the whole site could be fitted with up to 9 attenuation tanks. Whilst this letter and plan were not specifically approved, no indication was given at the time that this would not be acceptable and therefore it is difficult to raise an objection at this stage..

9.71. The submitted drainage strategy also commits to a discharge rate of 2l/s, which is a great improvement to what was indicated at outline stage and whilst it is disappointing that more natural drainage cannot be incorporated at this stage, it considered reasonable to accept the drainage proposal put forward.

l. Archaeology

9.72. In this instance, given the negative results of the recent 2019 archaeological evaluation by Oxford Archaeology, the submitted reserved matters details for this scheme have no significant archaeological implications and no further archaeological recording is warranted in relation to the proposed development in accordance with policy HE2 of the Oxford Local Plan.

m. Environmental Statement

9.73. The outline planning application for the Old Road Campus was accompanied by an Environmental Statement. This reserved matters application would constitute a 'subsequent application' under Regulation 2(1) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. As such the likely significant effects of the proposed development need to be considered. The application has assessed the impact of the development in accordance with the approved Environmental Statement and identified that whilst the scale parameters have changed the development does not give rise to any new or different significant effects to those identified and assessed previously.

10. CONCLUSION

- 10.1. 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.
- 10.2. 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.
- 10.3. 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.
- 10.4. In summary, the proposed development would be an acceptable development, already established by the outline permission and would also make an 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 and CIP1, CIP3 and GSP4 of the Headington Neighbourhood Plan. The proposals would not result in any harm to neighbouring amenity and are compliant with CP10 of the 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. The proposal would also have an acceptable impact on the highway network in accordance with policy CP1 of the Oxford Local Plan. Consideration has also been given to impact on biodiversity under policy CS12 of the Core Strategy, drainage under policy CS11 of the Core Strategy, contaminated land under policy CP22 of the Oxford Local Plan, archaeology in accordance with policy HE2 of the Oxford Local Plan, utilities in accordance with policies NE14 of the Oxford Local Plan, air quality in accordance with policy CP23 of the Oxford Local Plan and energy efficiency under policy CS9 of the Core Strategy.
- 10.5. Therefore officers consider that the proposal would accord with the development plan as a whole.

Material consideration

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

- 10.7. National Planning Policy: the NPPF has a presumption in favour of sustainable development.
- 10.8. 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.
- 10.9. 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.
- 10.10. 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 Headington Neighbourhood Plan, when considered as a whole, and that there are no material considerations that would outweigh these policies.
- 10.11. 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 hereby permitted shall be begun either before the expiration of 7 years from the date of outline planning permission 12/02072/OUT or from the expiration of 5 years from the date of approval of the last reserved matters to be approved for the final phase, whichever is the later.

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

2. Subject to conditions 6 and 10, 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 the occupation of the building, the cycle shelter shall be provided in accordance with the approved plans and shall be retained thereafter for the storage of bicycles.

Reason: In the interests of the promotion of sustainable modes of transport in accordance with policy TR4 of the Oxford Local Plan.

4. No construction shall take place within 5m of the water main on the site. Prior to the

commencement of development, information detailing how the developer intends to divert the water main / align the development, so as to prevent the potential for damage to subsurface potable water infrastructure, shall be submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any construction must be undertaken in accordance with the terms of the approved information. Unrestricted access must be available at all times for the maintenance and repair of the water main during and after the construction works.

Reason: The proposed works will be in close proximity to underground strategic water main, utility infrastructure. The works has the potential to impact on local underground water utility infrastructure in accordance with policy NE14 of the Oxford Local Plan.

5. The development shall be carried out in strict accordance with the approved 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.

6. Notwithstanding the approved plans, a landscape proposal shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the building. The landscaping proposals as approved by the Local Planning Authority shall be carried out no later than the first planting season after first occupation or first use of the development hereby approved unless otherwise agreed in writing beforehand by the Local Planning Authority.

Reason: In the interests of visual amenity in accordance with policies CP1 and CP11 of the Oxford Local Plan 2001-2016 and CS12 of the Oxford Core Strategy 2011-2026.

7. Any existing retained trees, or new trees or plants planted in accordance with the details of the approved landscape proposals that fail to establish, are removed, die or become seriously damaged or defective within a period of five years after first occupation or first use of the development hereby approved shall be replaced. They shall be replaced with others of a species, size and number as originally approved during the first available planting season unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity in accordance with policies CP1 and CP11 of the Oxford Local Plan 2001-2016 and CS12 of the Oxford Core Strategy 2011-2026.

8. A watching brief shall be undertaken throughout the course of the development to identify any unexpected contamination. Any unexpected contamination that is found during the course of construction of the approved development shall be reported immediately to the local planning authority. Development on that part of the site affected shall be suspended and a risk assessment carried out by a competent person and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development (or relevant phase of development) is resumed or continued.

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

9. Prior to occupation of the development, evidence shall be submitted to the Local Planning Authority to demonstrate that any site won materials re-used on site are appropriate for use and do not present a significant contamination risk, such as through the provision of a materials management plan. In addition, evidence shall be submitted to the Local Planning Authority for written approval that any materials imported to site for landscaping purposes are suitable for use and of sufficient depth.

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

10. Notwithstanding the approved plans, prior to occupation of the development hereby approved, details shall be submitted to and be approved in writing by the Local Planning Authority to demonstrate that the proposed development would comply with Secured by Design principles. The development shall be carried out in accordance with the approved details.

Reason: In the interests of community safety in accordance with policy CS19 of the Core Strategy.

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 Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

If you are planning on using mains water for construction purposes, it's important you let Thames Water know before you start using it, to avoid potential fines for improper usage. More information and how to apply can be found online at thameswater.co.uk/buildingwater.

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



East Area Planning Committee

6th November 2019

Application number:	19/02123/FUL
Decision due by	14th October 2019
Extension of time	14 th November 2019
Proposal	Demolition of existing single storey extension and garage. Erection of single storey extension and 1 X 2 bedroom dwellinghouse with associated parking, amenity space and bin and bicycle storage.
Site address	76 Campbell Road, Oxford, OX4 3NU, – see Appendix 1 for site plan
Ward	Cowley Ward
Case officer	Tim Hunter
Agent:	Mr Simon Sharp Applicant: Mr Rameez Ali
Reason at Committee	This application has been called in to East Area Planning Committee by Councillors Tanner, Munkonge, Clarkson, Simm, Azad and Arshad so that the proposal can be considered in public.

1. RECOMMENDATION

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

1.2. Refuse the application for the following reasons:

1) Because of its prominent site, excessive width and overall mass and bulk, as well as the unconventional position of the side extension relative to the existing house, the proposed extension would fail to achieve an appropriate and subservient visual relationship with the existing house, would unbalance the pair of semis and appear as an overly prominent, and visually jarring and incongruous addition to the street scene, to the detriment of visual amenity and contrary to Policies CP1 and CP8 of the adopted Oxford Local Plan 2001 - 2016, CS18 of the Core Strategy, HP9 of the Sites and Housing Plan and DH1 of the emerging Local Plan 2036.

2) Because of its limited size, awkward shape and disjointed provision of space, along with its proximity to boundary treatments and the side and rear wall of the proposed house, the private amenity space proposed for the proposed new dwelling would be experienced as overly enclosed and claustrophobic and would fail to provide an outside area of acceptable quality to serve a family dwelling, to

the detriment of residential amenity and contrary to Policy HP13 of the Sites and Housing Plan.

2. EXECUTIVE SUMMARY

- 2.1. This report considers a planning proposal relating to a semi detached house on the corner of Campbell Road and Florence Park Road. The application seeks planning permission for the demolition of an existing single storey extension and garage and the erection of a single storey extension to the rear of the existing house and the erection of a two storey side extension to form a 2 bedroom dwellinghouse with associated parking, amenity space and bin and bicycle storage.
- 2.2. The report considers the principle of the development taking into account the planning policy framework and emerging policies relating to residential and visual amenity, the provision of housing, the character of the area, the public open space as well as the living environment of existing and future residents, the quality of indoor and outdoor amenity and the highways impact.
- 2.3. It is concluded that the proposal would result in unacceptable harm to visual amenity and would provide an area of private open space for the new dwelling that would be of inadequate size, shape and quality to meet the needs of the future occupants of the proposed new dwelling. Whilst the proposals would provide a contribution towards meeting local housing needs in accordance with Policies CS2 and CS22 of the Core Strategy, this is not a consideration that would outweigh the harm to visual amenity or the inadequate provision of private outside space, contrary to Policies CP1, CP8 and CP10 of the Oxford Local Plan 2001-2016, Policy CS18 of the Core Strategy (2011), Policies HP9 and HP13 of the Sites and Housing Plan (2013), DH1 of the emerging Local Plan 2036 and paragraph 127 of the NPPF.

3. LEGAL AGREEMENT

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

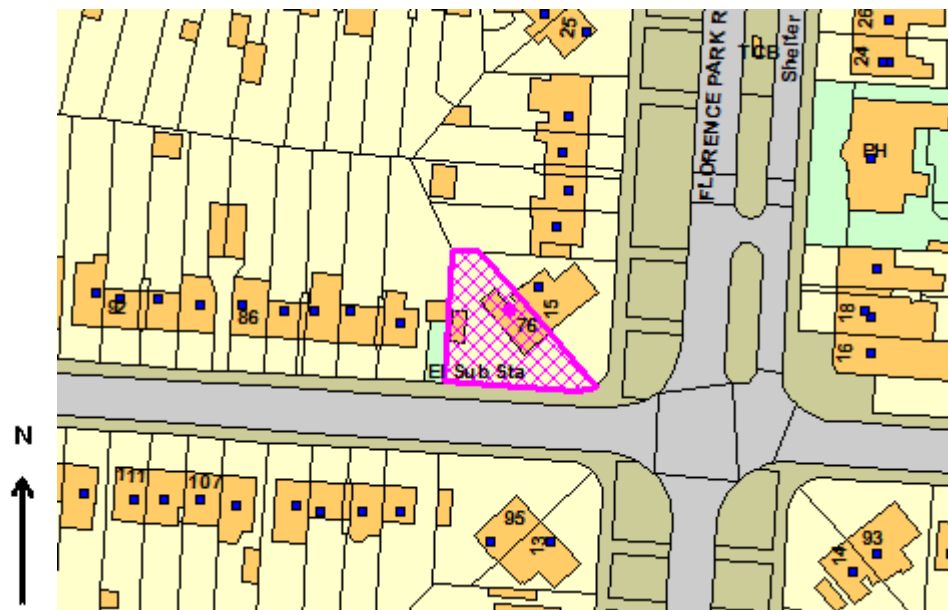
4. COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 4.1. The proposal is liable for a CIL payment of £11,295.84

5. SITE AND SURROUNDINGS

- 5.1. The site is located within the Florence Park residential area, on a prominent corner site next to Florence Park Road, the main thoroughfare through Florence Park that has the characteristics of a tree lined avenue leading to Florence Park itself. The character of the area is residential with the properties being characterised by a mix of terraced and semi-detached dwellings, with a parade of local shops and public house on the eastern side of Florence Park Road.
- 5.2. The plots are generally quite generous in size with many properties benefiting from sizeable gardens. The street-scene has a strong suburban character and benefits from some mature vegetation in the street-scene.

5.3. See block plan below:



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Ordnance Survey 100019348

6. PROPOSAL

6.1. The application proposes the demolition of an existing single storey extension and garage and the erection of a single storey extension to the rear of the existing house and the erection of a two storey side extension to form a 2 bedroom dwellinghouse with associated parking, amenity space and bin and bicycle storage. In an effort to avoid an unacceptable projection beyond the building line, the side extension “turns the corner” in that it is set at an angle to the existing house and faces directly onto Campbell Road. The current scheme has been amended from that originally proposed, in an effort to address concerns of the Local Highway Authority and to increase the useable area of private open space.

7. RELEVANT PLANNING HISTORY

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

60/09445/A_H - Private garage. Permitted Development 16th June 1960.

64/15713/A_H - Extension to form kitchen. Permission Granted 10th November 1964.

08/01055/FUL - Two storey side extension to form 3-bed house. Parking on frontage for existing and proposed house (2 spaces each). Bin/cycle storage.. Permission Refused 16th July 2008.

08/02498/FUL - Two storey side extension.. Permission Granted 20th January 2009.

8. RELEVANT PLANNING POLICY

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 Local Plan
Design	122, 124, 127, 128, 130, 131	CP1 CP6 CP8 CP9 CP10 CP11	CS18	HP12 HP13 HP14 HP9		H14, H15, H16, DH1
Housing	67		CS2 CS23	HP10 HP1		H1, G6
Natural environment	163	NE15 NE21	CS11 CS12			RE4
Transport	108,109, 110	TR3 TR4 TR13		HP15 HP16	Parking Standards SPD	M3, M5
Environmental	175		CS10 CS9	HP11	Energy Statement TAN	
Miscellaneous	38,47,48,54	CP.13 CP.19 CP.20 CP.21		MP1		S1,

The Oxford Local Plan 2036 is currently in draft. Limited weight is currently afforded to the policies within this plan. Where relevant the emerging policies are referred to and any conflict is identified.

9. CONSULTATION RESPONSES

9.1. Site notices were displayed around the application site on 29th August 2019.

Statutory and non-statutory consultees

Oxfordshire County Council (Highways)

9.2. The site is situated in a residential area and not currently within a Central Parking Zone (CPZ). However, it sits within the proposed Florence Park CPZ which may come into operation in the winter of 2019 to address parking issues and road safety. Campbell Road presently suffers from heavy on-street parking demand, and insufficient parking capacity, such that highway safety is compromised. The proposed implementation of the Florence Park CPZ means

that the site will be excluded from eligibility for on-street parking permits. Nevertheless, the site is in a highly sustainable location within an area with excellent access to public transport and within walking/cycling distance of local services and facilities.

- 9.3. The applicant has specified that two off-street car parking spaces associated with the new development will be provided. However, Oxfordshire County Council standards state that an off street parking bay must be a minimum of 5 metres in length and 2.7 metres in width if obstructed on one side. The area specified as two car parking spaces, can only accommodate a single car due to an available width of only 4.5 metres at minimum length, to eliminate possibility of overhanging onto the footway which compromises pedestrian safety.
- 9.4. Adopted Policy standards also state that pedestrian visibility splays measuring 2m by 2m shall be provided to each side of the both accesses (serving an existing and a new dwelling) and 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.
- 9.5. It has been noted that Cycle Parking is provided in line with Policy HP15 of the Sites and Housing Plan.
- 9.6. Oxfordshire County Council raises no objection subject to conditions.

Oxford City Council (Flooding)

- 9.7. The site is not at significant risk of flooding from any sources. In accordance with Policy CS11 of the Oxford Core Strategy, all new developments should be drained via a sustainable drainage system. The drainage strategy should be in accordance with Oxford City Council SuDS Design and Evaluation Guide, Non-statutory technical standards for SuDS, and CIRIA C753 -the SuDS Manual.

Public representations

- 9.8. No local people or members of the public have commented on this application.

10. PLANNING MATERIAL CONSIDERATIONS

- 10.1. Officers consider the determining issues to be:

- i. Principle of development
 - ii. Design
 - iii. Residential amenity and impact on neighbouring amenity
 - iv. Highways
 - v. Biodiversity and trees
 - vi. Flooding and drainage
 - vii. Sustainability
- i. Principle of development**

- 10.2. The application seeks planning permission for the erection of a single storey rear extension and a two storey side extension to form a new 2 bedroom dwelling. The existing site is made up of an existing dwellinghouse and the surrounding residential garden land. On this basis, whilst part of the application site represents previously developed land (the existing house) the majority of the site is considered to be residential garden land. Policy HP10 of the Sites and Housing plan and G6 of the emerging Local Plan relates to development on residential gardens. The policy states that planning permission will be granted for new dwellings on residential gardens provided that the proposal responds to the character and appearance of the area and that the size of the plot is of an appropriate size.
- 10.3. The National Planning Policy Framework (NPPF) encourages the effective use of land by reusing land that has been previously developed provided that it is not of high environmental value. Whilst the NPPF does not identify residential garden land as previously developed land there is considerable scope within the City Council's local planning policies (particularly Policy CP6 of the Oxford Local Plan (2001-2016), HP10 of the Sites and Housing and the emerging Policy G6 of the Oxford Local Plan 2036).
- 10.4. The existing dwelling is not listed and the site does not fall within a Conservation Area.
- 10.5. Whilst the site may be able to accommodate some additional development, and perhaps even a new dwelling, Officers consider that the application site is not appropriate for the scale of the proposed development. On this basis it is considered that the proposed development would be unacceptable in principle having had regard to the requirements of Policies CP1, CP6 and CP8 of the Oxford Local Plan 2001-2016 and Policies HP9 and HP10 of the Sites and Housing Plan (2013). The proposed development would also not meet the requirements of emerging local plan policies and specifically Policy G6 of the Oxford Local Plan 2036.
- 10.6. The proposal would see an increase of an additional dwelling on the site and this is below the threshold where an off-site affordable housing contribution would be required.
- 10.7. The proposed development would provide a new dwelling and help to contribute towards meeting Oxford's unmet housing need. This is a material consideration to which limited weight has been given due to the fact it would represent only a very minor contribution.

ii. Design

- 10.8. Policy CS18 of the Core Strategy, HP9 of the Sites and Housing Plan and Policies CP1, CP6 and CP8 of the adopted Oxford Local Plan require that planning permission will only be granted for development which shows a high standard of design and which respects the character and appearance of an area and uses materials appropriate to the site and surroundings. Paragraph 127 of the NPPF states that decisions should ensure that developments are

visually attractive as a result of good architecture, layout and appropriate and effective landscaping.

- 10.9. Oxford City Council Planning Design Guides 1 and 2 – Corner Site Extensions and Side Extensions seek to ensure that houses on corner sites are not unbalanced by excessively wide side extensions that dominate the existing houses.
- 10.10. Two storey side extensions on corner plots are relatively common in the surrounding area. There are 7 properties that face onto the junction of Campbell Road and Florence Park Road. One is part of a parade of shops, one is the application site and of the remaining five houses, three of them have a two storey side extension. All of these extensions have front walls in line with the front wall of the original house, incorporate a bay window and appear as double fronted houses.
- 10.11. The proposed extension to the side of the existing house is proposed as a new two bedroom house and as such is considerably larger than most side extensions in the area. As mentioned, the proposed new dwelling would be set at an angle to the existing house and the main frontage would face directly onto Campbell Road. This frontage would measure 10m in total width – 4.5m wider than the frontage of the existing house. The proposal would therefore fail to achieve an appropriate and subservient relationship with the existing house, would unbalance the pair of semis and would fail to accord with the recommendations or aims of design guide 2.
- 10.12. The turning of the corner to face Campbell Road rather than the junction, whilst perhaps not problematical in itself, does serve to increase the visual impact by failing to reflect the prevailing pattern and grain of development on surrounding sites and taken as a whole, the proposed side extension would appear as an alien and visually jarring addition to the street scene that would be overly imposing in its context, particularly when viewed from Campbell Road.
- 10.13. An effort to break up the main stretch of wall with the provision of a two storey bay window has been made and this does provide some visual interest to what would otherwise be a somewhat stark and oppressive element, however it does little to reduce the overall bulk and mass of the addition.
- 10.14. It is believed that Florence Park Road was the first road in the area to be developed and the houses along Florence Park Road itself, whilst similar in style to the surrounding streets, are of a noticeably better visual appearance, with higher quality materials. The road now takes the form of a tree lined avenue leading to the park from which the area takes its name and is one of the more attractive thoroughfares in the Cowley ward.
- 10.15. Although the postal address of the application site is 76 Campbell Road, it appears to have been built at the same time as the houses along Florence Park Road and indeed the attached semi is 15 Florence Park Road. As such, the quality of materials to the original house is rather better than other houses along Campbell Road and the house makes a positive contribution to the

street scene. Matching materials are proposed to the extensions and this is welcome.

- 10.16. However, whilst the materials may be similar and the proposed bay reflects that of the original house, the form of the proposed side extension does not achieve a comfortable visual relationship with the existing house. The side extension would therefore detract from the positive visual contribution of the existing house.
- 10.17. The application seeks to use the frontage to provide parking for the properties. This reflects other development in the area and it would not be considered inappropriate or out of keeping in this location.
- 10.18. The rear extension features a flat roof, but would not be easily visible from the street and is considered acceptable.
- 10.19. On the basis of the above officers conclude that the proposal would be out of keeping with the surrounding pattern and grain of development and the design and specifically width of the new dwelling would form a visually inappropriate relationship with the existing house, the street scene along Campbell Road and Florence Park Road site and the wider Florence Park Road area. The width and overall bulk and mass of the side extension would fail to accord with Design Guides 1 and 2 and would visually unbalance the pair of semis. Overall, the proposal would result in unacceptable harm to visual amenity. The position of the site on a prominent corner site on the key (and possibly most attractive) road through the area exacerbates the impact.
- 10.20. Officers are mindful of other development on corner plots where an extension (often a new dwelling) that “turns the corner” has been approved. In particular, the applicant has drawn attention to 55 Stanway Road, 116a Campbell Road and 13 Outram Road.
- 10.21. 55 Stanway Road is in Risinghurst rather than Florence Park and directly faces onto a large block of shops and flats. The available plot is also wider. The context of the site is therefore materially different. The approved dwelling is also a one bedroom house rather than two and as a result is less wide.
- 10.22. 13 Outram Road is set further into the Florence Park area and there are similar extensions on the surrounding corner plots, whereas extensions around Florence Park Road are generally conventional and do not turn the corner. The context of the site is therefore materially different. The approved dwelling is also a one bedroom house rather than two and as a result is less wide.
- 10.23. 116a Campbell Road is also set on a less visible and prominent site. It was also approved in 2005, under the previous Local Plan. In addition, whilst that permission was for a two bedroom house, it was 7.5m wide – 2.5m less than the current proposal so again is not comparable.
- 10.24. Officers also consider that the two examples in Florence Park demonstrate that this type of extension are generally not visually successful and do give

rise to visual harm. This should not justify further harm to visual amenity and certainly not where the current proposal is wider, on a more prominent site and would affect a more sensitive location.

- 10.25. Officers have also had regard to an appeal decision at 1 Outram Road, where the inspector found that “Whilst there are other large extensions to houses in the area, in those cases... the extensions generally appear as subservient elements.” The inspector had considerable regard to the quality of corner sites and their contribution to the sense of openness that Florence Park has, and found that “the extension would have a harmful effect on the appearance of the street scene” and refused the appeal. Officers accept that the proposal in front of the inspector was for a different form of extension that did not “turn the corner”, but the current proposal is also not subservient to the original house and would result in a built form that would not be characteristic of the area.
- 10.26. Given this, the design is considered unacceptable and fails to comply with the Council’s planning policies relating to high quality design as required by Policies CP1, CP8 and CP10 of the Oxford Local Plan 2001-2016, Policy CS18 of the Core Strategy (2011), Policy HP9 of the Sites and Housing Plan (2013), DH1 of the Local Plan 2036. and Paragraph 127 of the NPPF.

iii. Residential amenity and impact on neighbouring amenity

Residential amenity

- 10.27. Policy HP12 of the Sites and Housing Plan and H15 of the emerging Local Plan states that planning permission will only be granted for new dwellings that provide good quality living accommodation. Oxford City Council’s Technical Advice Note 1A: Space Standards for Residential Development. The minimum space for a 2 bedroom, four person house over 2 floors is 79m² and the proposed new house would measure 88m². The proposed dwelling therefore complies with the requirements of the space standard and officers are satisfied that it would allow for sufficient internal space for any future occupiers.
- 10.28. Policy HP13 of the Sites and Housing Plan and Policy H16 of the emerging Local Plan refers to outdoor space. It states that planning permission will only be granted for new dwellings that have direct and convenient access to an area of private open space. The accompanying text makes it clear that for dwellings of two bedrooms or more, which are likely to be occupied by children, the area of private open space should be at least the footprint of the house.
- 10.29. The proposal allows for the dwelling to have direct and convenient access to a private garden. At 52.3m², the total area of garden would be marginally less than the 53m² footprint of the house. Perhaps of more concern is the way the space would be provided, with a little more than half of the space provided in a sharply narrowing triangle to the rear of the house and a secondary area between the side wall of the proposed house and an adjacent electrical substation.

10.30. Officers consider that having regard to the restricted nature of the spaces, proximity to the two storey walls of the house and likely boundary treatments, the outside space would be experienced as small, enclosed, disjointed and whilst perhaps capable of performing limited functions such as sitting out or drying clothes, its suitability for outside play or entertaining would be limited. For these reasons, officers consider that the proposed private outside space would fail to provide an outside area of acceptable quality to serve a family dwelling, to the detriment of residential amenity and contrary to Policy HP13. The presence of a public park nearby is not a consideration that would outweigh this harm, given that the proposals are for a family dwelling which is defined as having two or more bedrooms.

Impact on residential amenity

10.31. Policy CP1 and CP10 of the Oxford Local Plan, Policy HP14 of the Sites and Housing Plan and Policy H14 of the Emerging Plan refer to safeguarding neighbouring amenity. Policy HP14 states that planning permission will only be granted for new residential development that provides reasonable privacy and daylight for the occupants of both existing and new homes. Appendix 7 of the Sites and Housing Plan sets out further information with regard to the 45/25 degree guidance.

10.32. To the west of the site lies 78 Campbell Road and to the east, the attached semi at 15 Florence Park Road. The impact of the proposed new house on the existing house at 76 Campbell Road also needs to be assessed.

10.33. 78 Campbell Road lies over 7m away from the proposed new dwelling, on the other side of an electrical sub-station and benefits from side windows facing on to the development site. When the 45 degree line is applied to these windows the development would comply. With regard to the rear facing windows at that house, the proposed development would lie outside of the 45 degree arc.

10.34. Partly because of an existing rear extension at 15 Florence Park Road, the proposed rear extension lies outside of the 45 degree arc with regards to ground floor windows at that house, whilst the proposed two storey element lies well beyond the 45 degree arc from the both the ground and first floor windows at that house.

10.35. The adjacent rear facing window at number 76 serves a bathroom and not a habitable room, whilst the 45 degree line indicates no material loss of light to the rear facing bedroom window at that house. There are a number of side facing windows at 76, at least one of which is the main source of light and outlook to a habitable room. These windows would be completely blocked by the proposed new dwelling, resulting in an unacceptable loss of light and outlook to the existing house. Officers note that the proposed rear extension to the existing house would move the main source of light and outlook to the rear, to avoid an unacceptable impact. Any grant of permission should therefore be conditional on the changes to the existing house being substantively complete before first occupation of the new house.

- 10.36. The development would therefore comply with the 45/25 degree guidance and officers are satisfied that the development would not have an unacceptable impact on the light available to the neighbouring windows.
- 10.37. The proposed development would look out onto the rear parts of well-proportioned gardens and would not give rise to unacceptable levels of overlooking, loss of privacy or be overbearing.
- 10.38. Officers therefore consider that the development would be acceptable with regard to impact on neighbouring amenity and specifically meets the requirements of Policy CP1 and CP10 of the Oxford Local Plan 2001-2016, Policy HP14 of the Sites and Housing Plan (2013) and Policy H14 of the Emerging Local Plan (2036).

vi. Flooding and drainage

- 10.39. The site is within Flood Zone 1 and is deemed to be at a low risk of surface water flooding. If the application were to be otherwise acceptable, a condition of any grant of planning permission could have been imposed requiring a surface water drainage scheme to be provided. 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 CS11 of the Oxford Core Strategy.

vii. Parking

- 10.40. Policy CP1 of the adopted Oxford Local Plan 2001 - 2016 states that permission will only be granted for development that is acceptable in terms of access, parking and highway safety. The Sites and Housing Plan makes it clear that different levels of parking will be suited to different areas, and that developers should have regard to current best practice. Oxfordshire County Council has published "Car parking standards for new residential developments" (parking standards) which includes detailed technical guidance on parking space dimensions and visibility, along with a guide to maximum parking provision in Appendix A.
- 10.41. Appendix A of the above parking standards suggests that a maximum of two parking spaces should be provided for a house of more than one bedroom. The house currently benefits from two parking areas, both served by existing gates and dropped kerbs. The amended plans propose that the new two bedroom house utilise one of these accesses to provide one space and the existing house use the other to provide two spaces.
- 10.42. The site is in a highly sustainable area with good access to local shops and bus services. The Local Highway Authority has not responded to an invitation to comment on the revised plans, but bearing in mind the sustainability of the location, officers consider that the proposed provision of car parking (specifically one space for the new two bed house) is acceptable, indeed the emerging Local Plan (2036) specifies a maximum parking standard of one parking space for houses outside a Controlled Parking Zone.

- 10.43. Although the accesses both exist, the proposed development would likely result in a more intensive use, and the access is not entirely compliant in terms of width. This would result in obscured views of the highway for vehicles leaving the site, to the detriment of highway safety.
- 10.44. It may not be possible to provide fully compliant visibility splays on the site, but the situation could certainly be improved and bearing in mind that the accesses already exist, this issue could be dealt with by a conditional planning permission, if the application were to be otherwise acceptable,

viii Refuse and recycling bin stores

- 10.45. Policy HP13 of the SHP states that permission will not be granted for dwellings unless adequate provision is made for the safe, discrete and conveniently accessible storage of refuse and recycling.
- 10.46. Dedicated bin storage areas are shown for the new dwelling on the proposed plans allowing level access out to the road. However no elevations are supplied and access to the street is through one of the parking spaces, which would be impractical at best.

Officers consider that the site is capable of providing acceptable access for the bins and if the application were to be otherwise acceptable, this issue could be dealt with by a conditional planning permission.

ix Cycle parking

- 10.47. Policy HP15 of the SHP states that permission will only be granted for dwellings of up to 2 bedrooms that provide at least 2 cycle parking spaces per dwelling and that this storage should be secure, undercover, preferably enclosed and provide level, unobstructed access to the street.
- 10.48. A dedicated cycle storage area is shown on the proposed plans allowing level access out to the road. However no elevations are supplied and access to the street is through one of the parking spaces, which would be impractical at best.
- 10.49. Officers consider that the site is capable of providing acceptable access for the cycles to the street and if the application were to be otherwise acceptable, this issue could be dealt with by a conditional planning permission

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. On balance, and having particular regard to the width of the proposed new dwelling, the characteristics of the surrounding area and the limited, disjointed and enclosed nature of the private open space, the proposals would result in unacceptable harm to visual amenity and the residential amenity of future occupants. The provision of one unit of new accommodation is not a benefit that would outweigh this harm.
- 11.4. Therefore, the proposals are not considered to comply with national and local policies and Paragraphs 11 of the NPPF, in that the adverse impacts on visual and residential amenity would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 11.5. It is therefore recommended that the Committee resolve to refuse planning permission for the development for the reasons outlined above.

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.

12.APPENDICES

- **Appendix 1 Block plan**
- **Appendix 2 - Appeal decision, 1 Outram Road**

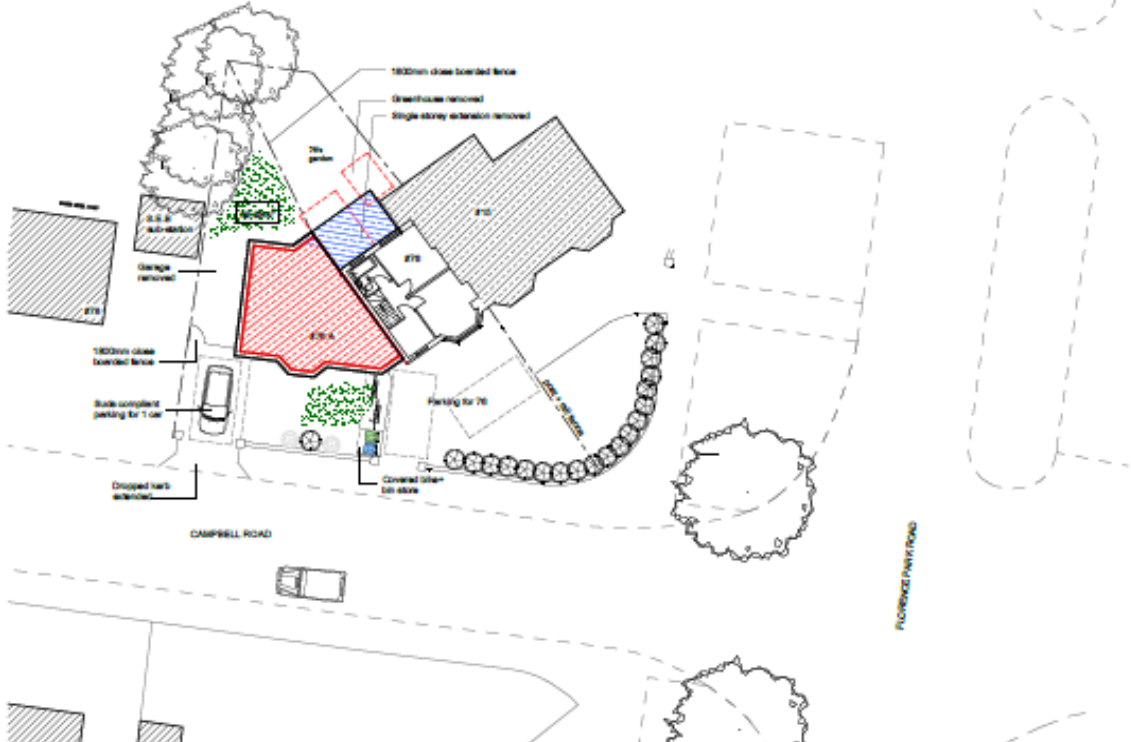
13.HUMAN RIGHTS ACT 1998

13.1. Officers have considered the implications of the Human Rights Act 1998 in reaching a recommendation to refuse this application. They consider that the interference with the human rights of the applicant under Article 8/Article 1 of Protocol 1 is justifiable and proportionate for the protection of the rights and freedom of others or the control of his/her property in this way is in accordance with the general interest.

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

Appendix 1





Appeal Decision

Site visit made on 25 June 2019

by Sarah Dyer BA BTP MRTPI MCI

an Inspector appointed by the Secretary of State

Decision date: 3 July 2019

Appeal Ref: APP/G3110/D/19/3227623

1 Outram Road, Oxford, Oxfordshire OX4 3PE

- 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 Mr Ghuzanfar Hussain against the decision of Oxford City Council.
 - The application Ref 18/03021/FUL, dated 8 November 2018, was refused by notice dated 21 February 2019.
 - The development proposed is described as 'double storey extension to the side and rear'.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the development on the character and appearance of the site and the surrounding area.

Reasons

3. Outram Road is one of a number of streets serving an established residential area. The predominant characteristic of the area is of two storey semi-detached and terraced houses. Generally, houses are set back from the road with front gardens which soften the otherwise very regimented appearance of the street scene. At road junctions' pairs of houses or short terraces are angled to face the intersection which increases the sense of openness where roads meet. Some houses in the area have been extended to the side and there are examples of subsequent subdivisions to create additional dwellings.
4. 1 Outram Road (No.1) is located at the junction with Campbell Road. Together with its attached neighbour, it is typical of the style and appearance of houses at road junctions in the area. No. 1 has an existing two storey side extension; nevertheless, space is maintained around the house which makes a positive contribution to the sense of openness around the junction and the street scene more widely.
5. The appeal scheme would introduce a two-storey extension which would wrap around the side and rear of No. 1. Given the relationship of the house to the road and the amount of space between No. 1 and the end of the terrace of which 3 Outram Road forms part, the full extent of the side extension would be visible in the street. The extension would appear overly dominant in the street

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and this adverse impact would be exaggerated by the fact that the majority of the ridge height of the extension would equate to the ridge height of the house.

6. Given the importance which I have placed on the contribution which the space around the existing house makes to the open nature of the road junction and the surrounding area, in combination with front gardens, the extension would have a harmful effect on the appearance of the street scene.
7. Whilst there are other large extensions to houses in the area, in those cases the form of the original building has not been completely subsumed into the mass and scale of the extended structure and the extensions generally appear as subservient elements. That would not be the case in respect of the appeal proposals which in combination with the existing two storey addition, would result in a built form that would be uncharacteristic of the area.
8. The appellant cites the need for larger bedrooms and a garage in order to meet a reasonable standard of living for his family. I have had due regard to the Public Sector Equality Duty (PSED) contained in section 149 of the Equality Act 2010 and to the evidence regarding the appellant's family circumstances and the reasons for requiring the extension. Notwithstanding these important considerations, it does not follow from the PSED that the appeal should succeed, and in this instance the appellant's circumstances do not outweigh the significant harm I have found. Dismissing the appeal would mean that the appellant may have to consider other options for meeting his accommodation/living needs. However, there is no evidence before me to demonstrate that the appeal development is the only means by which such needs may be met. Accordingly, dismissing the appeal would be a proportionate response given the identified harm.
9. I conclude that the appeal proposals would have a harmful effect on the character and appearance of the site and the surrounding area. The development is contrary to Policies CP1, CP6, CP8, and CP10 of the Oxford Local Plan 2001-2016 (2005), Policy CS18 of the Oxford Core Strategy 2026 (2011) and Policy HP9 of the Sites and Housing Plan 2011-2026 (2013). These policies jointly amongst other things require residential development to respect and respond appropriately to the overall character of the area, that extended buildings to retain features which are important to the character of the local area and that the street frontage is maintained.

Conclusion

10. For the reasons set out above, the appeal is dismissed.

Sarah Dyer

Inspector

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Minutes of a meeting of the EAST AREA PLANNING COMMITTEE on Wednesday 2 October 2019

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Committee members:

Councillor Taylor (Chair)	Councillor Tanner (Vice-Chair)
Councillor Aziz	Councillor Chapman
Councillor Clarkson	Councillor Garden
Councillor Simm	Councillor Roz Smith

Officers:

Sarah Chesshyre, Senior Planner
Sally Fleming, Planning Lawyer
Hayley Jeffery, Development Management Team Leader
Andrew Murdoch, Development Management Service Manager
Sarah Orchard, Senior Planner
Jennifer Thompson, Committee and Members Services Officer

Apologies:

Councillor Lloyd-Shogbesan sent apologies.

35. Declarations of interest

Minute 37 - 19/01790/FUL

Councillor Roz Smith declared that this application related to an entry in her register of interests. She was Chair of the village hall trustees who had made the application. As she had an interest in the outcome, she would leave the meeting while this application was considered.

Councillor Garden declared that she knew one of the speakers, Paul Rogers, but that this did not prevent her approaching the application with an open mind

Minute 38 - 19/02106/FUL

Councillor Tanner stated that although he was a signatory to the call-in of this application he was approaching the application with an open mind, would listen to all the arguments and weigh up all the relevant facts before coming to a decision

Minute 39 - 15/02282/OUT

Councillor Clarkson stated that although she had initially called-in another application on this matter she was approaching the present item with an open mind, would listen to all the arguments and weigh up all the relevant facts before coming to a decision

Minute 40 - 19/01444/VAR

Councillor Tanner and Councillor Taylor stated that although they were signatories to the call-in of this application they were approaching the application with an open mind, would listen to all the arguments and weigh up all the relevant facts before coming to a decision

Councillor Chapman stated for the record that a family member worked at the adjacent Oxford Academy. He was approaching the application with an open mind, would listen to all the arguments and weigh up all the relevant facts before coming to a decision.

36. 19/01373/FUL: Former Royal Mail Sorting Office ,7000 Alec Issigonis Way, Oxford, OX4 2ZY

The Committee considered an application for permission for external alterations to the building including:

- relocating a cycle store from NW to SW corner; and
- to the East elevation:
 - Installation of two flues and a flue support
 - 6 new windows
 - External fire escape staircase
 - Replacement of 5 roller shutter doors with cladding
 - Formation of 3 external plant compounds and screening
 - 1 louvre
- to the North elevation
 - Insertion of 3 doors
 - Formation of a waste compound
 - Formation of 2 external stores and screening
 - 1 louvre
- to the west elevation
 - 6 mechanical/ electrical units
 - 4 louvres
- to the south elevation
 - 4 new windows
 - 1 louvre

at Oxford BioMedica “OxBox” (the Former Royal Mail Sorting Office), 7000 Alec Issigonis Way, Oxford, OX4 2ZY.

The planning officer reported two corrections to the report: in paras 6.1 (point 4) and 10.6 (first sentence) references to ‘south’ should read ‘west’.

Peter Jones (representing the applicant) outlined the company’s work and 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 application 19/01373/FUL** for the reasons given in the report and subject to the 4 required planning conditions and informative set out in section 12 of the report and grant planning permission; and
2. **delegate authority** to the Acting Head of Planning Services to finalise the recommended conditions 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.

37. 19/01790/FUL: Quarry Village Hall, 67 Quarry Road, Oxford, OX3 8NX

Councillor Roz Smith, having declared that this affected a declared interest on her register of interests, left the room and took no part in the debate or decision.

The Committee considered an application for permission for the demolition of two existing sheds; erection of two sheds; and formation of one notice board at Quarry Village Hall, 67 Quarry Road, Oxford.

Paul Rogers and Glenys Gaskin (trustees for the Quarry Village Hall) 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 application 19/01790/FUL** for the reasons given in the report and subject to the 3 required planning conditions set out in section 12 of the report and grant planning permission; and
2. **delegate authority** to the Acting Head of Planning Services to finalise the recommended conditions as set out in the report including such refinements, amendments, additions and/or deletions as the Acting Head of Planning Services considers reasonably necessary.

38. 19/02106/FUL: 65 Alice Smith Square, Oxford, OX4 4NQ

Councillor Roz Smith returned to the Committee at the start of this item.

The Committee considered an application for permission for the demolition of the existing outbuilding; erection of a part single, part two storey front, side and rear

extension and formation of balcony and porch canopy to front elevation (Amended Description) at 65 Alice Smith Square, Oxford, OX4 4NQ.

The Planning Officer reported that the plans were correct, apart from the block plan which incorrectly overstated the scale of the extensions. She recommended that planning permission be issued only when the corrected block plan was received and validated.

Tania Dandy-Minto (the applicant) spoke in support of the application.

On being proposed, seconded, and put to the vote the Committee agreed to approve the application subject to receipt of an accurate block plan, and to delegate the final decision to the Acting Head of Planning Services.

East Area Planning Committee resolved to:

1. **delegate approval of application 19/02106/FUL** to the Acting Head of Planning Services for the reasons given in the report and subject to the 5 required planning conditions set out in section 12 of the report; and subject also to receipt of an accurate block plan; and
2. **delegate authority** to the Acting Head of Planning Services to finalise the recommended conditions as set out in the report including such refinements, amendments, additions and/or deletions as the Acting Head of Planning Services considers reasonably necessary before granting planning permission.

39. 15/02282/OUT Jack Russell Public House, 21 Salford Road, OX3 0RX (Deed of variation to a S106 agreement)

The Committee considered an application for a Deed of Variation to the S106 planning obligation agreement associated with permission **15/02282/OUT** (for the demolition of a public house: outline application (with all matters reserved) for the erection of 16 flats (6 x 3bed, 8 x 2 bed, 2 x 1 bed) on 3 floors; provision of 19 car parking spaces) at the Jack Russell, 21 Salford Road, Oxford.

The planning officer altered the recommendation to the Committee so that the variations could be dealt with either by varying the existing planning obligation agreement previously secured OR by securing a replacement S106 planning obligation agreement; and delegate the decision as to which route to take to the Acting Head of Planning Services.

Henry Venners (the agent for the applicants) explained the reasons for the application.

The Committee considered carefully the options open to them as set out in the report and as explained by the planning officers and the legal adviser, and the information presented by the agent for the applicants.

The Committee also considered options to ensure that the affordable housing contribution was paid: requiring a bond or changing the point at which the contribution was payable to an earlier stage in the development.

A motion to refuse the request for a variation of the existing planning obligation agreement because the development no longer provided the on-site affordable housing originally agreed through the S106 for the outline permission was seconded, but LOST on being debated and put to the vote.

A motion to allow the variation of the planning obligation by either method, with the requirement for a bond of £300,000 to cover the affordable housing contribution or (if that was proved to be unachievable) a requirement for the payment of the contribution before occupation of the 5th flat, with the decisions on these matters being delegated to the Acting Head of Planning Services, was seconded, and CARRIED on being debated and put to the vote.

East Area Planning Committee resolved to:

1. **authorise the variation of** the planning obligation previously secured from the provision of on-site affordable housing to a financial contribution towards off site affordable housing provision for the reasons given in the report:
 - **to include the requirement for a bond of £300,000 to cover the affordable housing contribution**
 - **or (if that was proved to be unachievable) to include a requirement for the payment of the contribution before occupation of the 5th flat,**
 - **either through a Deed of Variation to the existing agreement;**
 - **or through a replacement agreement**
2. **and delegate** authority to the Acting Head of Planning Services to:
 - decide which of the options in 1. above it was appropriate to pursue;
 - finalise the deed of variation or new agreement referred to above under sections 106 and 106A(1)(a) 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 and as set out in 1 above as the Acting Head of Planning Services considers reasonably necessary; and
 - complete the deed of variation or the new agreement as referred to above.

40. 19/01444/VAR: The Peep Centre, The Oxford Academy Campus, Sandy Lane West, Oxford, OX4 5JY

The Committee considered an application for the Variation of condition 1 (Temporary consent for buildings) of planning permission 16/01048/VAR (which was itself a variation of condition 1 (Temporary consent for buildings) of planning permission 13/00380/VAR) to extend the temporary planning permission by a further 3 years at The Peep Centre, The Oxford Academy Campus, Sandy Lane West, Oxford.

The application was to allow the permission for the temporary building consent to be extended to enable more time to raise funds to build permanent premises.

The officer's recommendation was to allow the extension of time for a further 18 months in line with Council policy.

A proposal to amend the time limit to allow the permission to run for 3 years was seconded, put to the vote, and agreed. The Committee agreed to approve the application with the amended time limit.

East Area Planning Committee resolved to:

1. **approve application 19/01444/VAR** for the reasons given in the report and subject to the one required planning condition (**limiting the permission to 3 years**) and informative set out in section 12 of the report; and
2. **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.

41. Planning Appeals - Summary report October 2019

The Committee considered and noted a report providing an overview of recent appeal performance including key appeal decisions and the issues raised in the appeals.

42. Minutes

The Committee resolved to **approve** the minutes of the meeting held on 4 September 2019 as a true and accurate record.

43. Forthcoming applications

The Committee noted the list of applications due to come to the committee for consideration.

44. Dates of future meetings

The Committee noted the dates.

The meeting started at 6.00 pm and ended at 8.10 pm

Chair

Date: Wednesday 6 November 2019