

East Area Planning Committee

5th June 2013

Application Number: 12/03278/FUL

Decision Due by: 1st May 2013

Proposal: Erection of 4 storey building comprising community centre (215 sq.m), retail and workshop unit (Emmaus) on ground floor together with 40 "car-free" residential flats (19 x 1-bed, 21 x 2-bed). Provision of 3 x customer car parking spaces and 3 x delivery spaces to serve Emmaus, 2 x car club parking spaces and 3 x disabled car parking spaces. Includes 100 cycle parking spaces, bin storage and associated landscaping works.

Site Address: Former Cowley Community Centre, Barns Road (Appendix 1)

Ward: Cowley Ward

Agent: AHMM

Applicant: Green Square Group

Recommendation:

Committee is recommended to grant planning permission subject to conditions but to defer the issuing of the decision notice and delegate it to the Head of City Development following the satisfactory completion of the associated Section 106 legal agreement.

For the following reasons:

- 1 The proposed development will have a form, scale and appearance that is appropriate to the site and its setting without resulting in unacceptable harm to nearby residential amenity whilst providing much needed good quality affordable and market housing in a sustainable location. The proposals are considered to be provide a good quality community centre as replacement for the poor quality pre-existing facility as well as provide improved commercial premises for the Emmaus charity, an important local organisation. As a result of the sustainable location, the nature of the likely occupiers of the flats, access to public transport as well as sufficient on-street controls the proposals are not considered to be likely to give rise to highway safety concerns or a significant increase in parking congestion in the immediate area. Consequently the proposals are considered to accord with the

requirements of policies CP1, CP5, CP6, CP8, CP9, CP10, CP11, CP13, CP14, CP18, CP19, CP21, CP22, TR1, TR2, TR3, TR4, TR7, TR13, TR14, NE15, HE2, EC1, RC4 and RC10 of the Oxford Local Plan 2001-2016, policies CS2, CS9, CS11, CS13, CS17, CS18, CS19, CS20, CS21, CS23, CS24, CS27 and CS28 of the Oxford Core Strategy 2026 as well as policies MP1, HP2, HP3, HP9, HP11, HP12, HP13, HP14, HP15, HP16 and SP11 of the Sites and Housing Plan.

- 2 Officers have considered carefully all objections to these proposals. Officers have come to the view, for the detailed reasons set out in the officers' report, that the objections do not amount, individually or cumulatively, to a reason for refusal and that all the issues that have been raised have been adequately addressed and the relevant bodies consulted.
- 3 The Council considers that, by virtue of the provisions to be made under the section 106 agreement, the proposal accords with the policies of the development plan as summarised below. It has taken into consideration all other material matters, including matters raised in response to consultation and publicity. Any material harm that the development would otherwise give rise to can be offset by the conditions imposed.

subject to the following conditions, which have been imposed for the reasons stated:-

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Samples Materials
- 4 Archaeology – mitigation
- 5 Suspected contamination – Phased risk assessment
- 6 Variation of road traffic order - Car Club Spaces
- 7 Car and cycle parking to be laid out prior to use of building in accordance with details to be agreed in writing by the Council beforehand
- 8 Bin storage facilities
- 9 Wheelchair accessible spaces allocated and retained
- 10 No development to commence until signage erected on Knolles Road and in application site dissuading parking by residents and visitors
- 11 Real time pedestrian information points to be installed in all flats
- 12 Drainage details required
- 13 Balcony details required
- 14 Pedestrian Link required at all times between Barns Road and Knolles Road
- 15 Landscape plan required
- 16 Landscape carry out by completion
- 17 SuDS Compliant Hardsurfacing
- 18 Details of boundary treatment required
- 19 Details of layout of community centre required prior to commencement
- 20 Construction Traffic Management Plan required prior to commencement
- 21 Travel Plan required
- 22 Environmental Management Plan required prior to work commencing
- 23 Public Art - Scheme Details & timetable

- 24 Details of sound proofing of workshop
- 25 Vision Splays required
- 26 Compensatory landscaping along Barns Road to be agreed with Council and Highway Authority prior to commencement of development
- 27 Wheel Washing Facilities to be agreed to prevent mud on highway
- 28 To be undertaken in accordance with the Natural Resource Impact Analysis document
- 29 Furniture construction, repair, treatment, demolition to take place only within sound attenuated building
- 30 Personal permission for use of retail/workshop restricted to Emmaus only
- 31 Details of cycle parking required prior to commencement of development
- 32 No development to take place until a replacement freestanding bus shelter on Barns Road has been erected to the County Council's standards and specifications
- 33 Prior to first occupation of the development the existing dropped kerbs allowing vehicular access to the site from Barns Road shall be reinstated to the County Council's standards and specifications

Legal Agreement

A total of £395,000 in Section 106 contributions over the 3 application sites [Northway Centre, Westlands Drive and Barns Road] will be secured as follows:

- £250,000 towards primary and secondary education;
- £100,000 towards highway improvements, £37,500 of which will be safeguarded for a possible CPZ or other traffic enforcement measures in the Barns Road area, otherwise to be used for other highway infrastructure such as cycle safety;
- £45,000 towards a variety of Oxford City infrastructure (e.g. indoor and outdoor sports provision, libraries and environmental improvements).

A number of other matters would need to be secured by legal agreement including the following:

- Arrangement for temporary changes to the TRO governing Barns Road (£3,600 to be paid to the County Council to cover the cost of this);
- £3000 to the County Council to cover the cost of a number of parking/traffic surveys on roads in the vicinity of the Barns Road site;
- Developer to meet the costs of the replacement bus shelter along Barns Road which must be to Oxfordshire County Council's standards and specifications;
- Car club provision at the Barns Road site with all new occupiers eligible for free membership of the car club scheme for a minimum of 12 months funded by the developer;
- Replacement landscaping required on either side of Barns Road to mitigate loss of existing on-site trees to be implemented by the County Council with the full costs met by the developer;
- All marketing information for the flats to clearly specify that no car parking is provided and that occupiers are expected not to own or keep a car at or close to the Barns Road site;

- Long-term maintenance of biodiversity measures including newt pond at Dora Carr Close.

This level of contribution does not fully comply with the requirements detailed in the Council's Planning Obligations SPD but has regard to the high provision of affordable housing [69%] of which 64% would be social rented accommodation and 36% shared ownership.

Main Planning Policies:

Oxford Local Plan 2001-2016

- CP1** - Development Proposals
- CP5** - Mixed-Use Developments
- CP6** - Efficient Use of Land & Density
- CP8** - Design Development to Relate to its Context
- CP9** - Creating Successful New Places
- CP10** - Siting Development to Meet Functional Needs
- CP11** - Landscape Design
- CP13** - Accessibility
- CP14** - Public Art
- CP18** - Natural Resource Impact Analysis
- CP19** - Nuisance
- CP21** - Noise
- CP22** - Contaminated Land

Core Strategy

- CS2_** - Previously developed and greenfield land
- CS9_** - Energy and natural resources
- CS11_** - Flooding
- CS13_** - Supporting access to new development
- CS14_** - Supporting city-wide movement
- CS17_** - Infrastructure and developer contributions
- CS18_** - Urban design, town character, historic environment
- CS19_** - Community safety
- CS20_** - Cultural and community development
- CS21_** - Green spaces, leisure and sport
- CS23_** - Mix of housing
- CS24_** - Affordable housing
- CS27_** - Sustainable economy
- CS28_** - Employment sites

Sites and Housing Plan

- MP1** - Model Policy
- HP2_** - Accessible and Adaptable Homes
- HP3_** - Affordable Homes from Large Housing Sites
- HP9_** - Design, Character and Context

HP11_ - Low Carbon Homes
HP12_ - Indoor Space
HP13_ - Outdoor Space
HP14_ - Privacy and Daylight
HP15_ - Residential cycle parking
HP16_ - Residential car parking
SP11_ - Cowley Community Centre, Barns Road

Other Material Considerations:

National Planning Policy Framework
Balance of Dwellings SPD
Parking Standards, Transport Assessments and Travel Plans SPD
Natural Resource Impact Analysis SPD
Affordable Housing SPD
Planning Obligations SPD

Site History:

59/07771/A_H - Outline application for Cowley Community Centre - Permitted 10th February 1959.

60/08871/A_H - Community Centre - Permitted 26th January 1960.

66/17367/A_H - Additional use of foyer, dining area, and toilets on ground floor for children's play group (maximum 30) - Permitted 22nd March 1966.

72/26399/A_H - Extension to form store and entrance lobby - Permitted 12th September 1972.

74/01056/A_H - Extension to existing foyer and alterations - Permitted 28th November 1974.

91/01185/NF - Single storey extension – Permitted 31st January 1992.

11/01298/ADV - Display of non-illuminated painted advertisement hoardings (retrospective) - Permitted 12th July 2011.

Representations Received:

The proposals as submitted were subject to significant pre-application consultation with local residents where the scheme was amended across a variety of iterations to reflect concerns of local residents. Following submission of the application consultation was carried out by the Council and the applicants attended a public meeting at a local community centre to help present the proposals.

489 third party objections were then received in relation to the original proposals of which 464 were signed pro formas distributed by the local residents' association to houses in the surrounding area. The concerns raised by the objectors can be summarised as follows:

- The proposed building would dominate the streetscene as a result of its significant height and extreme mass which will only be exacerbated by the lack of meaningful street landscaping. A previous application for
- The proposed building would dominate the site and is far larger than the previous community centre;
- 16 of the flats have a single aspect eastwards so would enjoy little sunlight and provide poor living conditions for future occupiers;
- The significant height, rear facing balconies and close proximity of the building to the rear gardens of residential properties in Knolles Road will be detrimental to the privacy and pleasant outlook that these gardens currently enjoy;
- The sun path analysis undertaken is inadequate and it is clear that the rear gardens of Knolles Road properties will suffer from significant overshadowing in the afternoon and evening further exacerbating the overbearing impact of the building;
- The proposed community centre is not an adequate replacement for the previous centre both in terms of its size but also in its layout which prevents larger social functions and will primarily provide several office sized meeting rooms;
- The retail/light industrial unit is inappropriate given the residential area to the rear of the site and will result in dust, fumes and general traffic disturbance at various times of the day including at weekends;
- The proposed community centre and 40 flats would be served by just three disabled parking spaces. The surrounding roads are already congested and, with no off-street parking provision, residents and their visitors will simply park in Knolles Road, Bailey Road or Boswell Road or further afield worsening existing parking pressure. Various elements of the Travel Plan and Transport Assessment are vague and include measures that are not enforceable;
- Discussions and an informal agreement with owners of the nearby car park is not sufficient as it provides no security that such a formal arrangement will be reached prior to occupation of the flats. A car park that closes at 7pm means that residents cannot physically access their cars for a significant proportion of the day/night which would deter them from using it;
- Marketing the flats as car-free places no obligation whatsoever on future residents not bringing cars;
- The north end of the proposed building would delete an area currently occupied by the shelter and seats for a very busy bus stop which is set back from the pavement to the benefit of waiting passengers and passing pedestrians alike. The proposed building would force passengers to wait on the pavement of Barns Road competing for space with pedestrians trying to pass the bus stop. This would obstruct the pavement and make waiting for a bus uncomfortable.
- The existing school and local facilities are overburdened and cannot take additional capacity from the new flats proposed.

Revised proposals were submitted to the Council in an attempt to, primarily, elaborate on and amend the proposed car parking strategy as well as extend the proposed community centre at the expense of part of the floor area of one of the two ground floor flats. Public consultation on these amended proposals began on 22nd

April 2013 running for a period up until the 7th May 2013. Nine additional individual third party objections were received along with two petitions consisting of 77 and 250 signatures respectively. The concerns raised by the representations in response to the amended proposals are summarised as follows:

- The community centre proposed is far too small in comparison to the previous community centre and merely consists of a number of meeting rooms – “it is actually smaller in size than a tennis court!”. There is no space for weddings, birthday parties or larger community events;
- The community centre will be smaller than that in any other comparable area of Oxford and would be one-ninth the size of that proposed in Rose Hill – it would be unfit for purpose;
- The community centre proposed would be about 15% of the size of the previous one which the Council saw fit to demolish without securing an appropriate replacement;
- The parking issues have not been resolved at all. It is likely that each flat would generate at least one car and sometimes two for its residents and these cars would have to park along Knolles Road, Boswell Road and Bailey Road exacerbating existing parking problems;
- The Templars Square Car Park on the opposite side of Barns Road is not a realistic alternative as no residents of the flats will pay to park when they can park for free along Knolles/Boswell and Bailey Roads. In addition the car park is closed in the evenings and part of the weekends so it is not a viable alternative;
- Relocating the bus shelter will significantly reduce the space available for pedestrians, prams/pushchairs and wheelchairs;
- Mixing customer parking, delivery vans for Emmaus, car club vehicles as well as access to the Wolseley House Garages and Riley House flats represents an unacceptable risk for users and pedestrians;
- Refuse collection from the flats will require occupiers to move their bins manually down to the end of Knolles Road to meet the refuse vehicles which need to reverse along this length of overcrowded road;
- There is no provision for service, delivery or removal vehicles to attend the flats and there is nowhere for such vehicles to park;
- Increasing the height of the balcony fins will have no effect on overlooking or the perception of significant loss of privacy;
- The proposals make no change to the building which is still too large and overbearing to the residential properties behind it;
- The area is unsuitable for a light industrial use which will cause disruption and nuisance to occupiers of surrounding dwellings;
- The three car parking spaces in the Emmaus service yard are for customer use. The Transport Statement / Travel Plan (TS/TP) incorrectly considered these spaces as for staff use and assessed vehicle movements on that basis i.e. six per day. The reality is therefore that the spaces are likely to change hands much more frequently. The mix of customers (both in and out of cars) and reversing Luton vans in a cramped service yard is “a recipe for disaster”;
- The total height of the building to the top of the plant room has been increased, making it in excess of 20% taller than the adjacent flats. The height and proximity of the proposed building will still result in a lack of privacy, potential noise disturbance, and loss of enjoyment of sunlight for

existing residents in Knolles Road and Barns Road. This would be contrary to the Human Rights Act as residents will not be able to enjoy the peace and quiet of their homes as they do at present.

A further objection has been received from Stagecoach Oxfordshire which states that the loss of the existing bus shelter which serves a busy route is not shown to be adequately replaced as insufficient space would be left on the pavement leading to conflict between the various highway users to the detriment of the bus service.

A letter of support has been received from Emmaus citing the following points:

- The present premises in Northway is too far out of the city centre and not large enough for the charity to be entirely self-sufficient – the new larger premises should enable this as well as be close to where ex-homeless people are house on Oxford Road enabling staff to travel more easily to work;
- Our existing store in Northway has been much appreciated by the local neighbourhood who enjoy the facilities there and we have never had any complaints about the store's location in that area. We hope that the facility in Barns Road will also find similar appreciation;
- Whatever happens the existing premises in Northway will have to be pulled down (it is collapsing) and if we lose the existing store without a new one the charity won't be able to pay its bills which would mean that it would eventually have to close - depriving the Oxfordshire area of 28 beds for the homeless as well as 28 jobs for them.

Statutory and Other Consultees:

Environment Agency – No objection as the proposal represents low environmental risk and is not at particular risk of flooding or exacerbating flood risk elsewhere. No additional comments raised on amended proposals.

Thames Valley Police – No objection though a number of improvements could be made including ensuring secure boundary treatment along the northern boundary, enclosed and secure bin and cycle storage as well as incorporating secure entrance into the building, secure post arrangements as well as utility meters. Concern is raised about the lack of residents' and visitors' designated parking which could create conflict with existing residents. No additional comments raised on amended proposals.

Thames Water – No objection. No additional comment on amended proposals.

Environmental Development – A phased contamination risk assessment is required to be carried out prior to commencement of the development to remediate any contaminants on site and provide proof of this to the Council. No additional comments on amended proposals.

County Drainage Officer – A condition should be imposed requiring details of Sustainable Drainage techniques to be incorporated into the development to prevent surface water run-off and reduce risk of localised flooding. No additional comments on amended proposals.

City Council Developer Funding Team – Prior to the commencement of the development the financial contributions set out at the beginning of this report should be paid to Oxford City Council to offset the impact of the development on local infrastructure. This should be secured through a legal agreement completed prior to issuing of planning permission. No additional comments on amended proposals.

County Council Environment & Economy – The financial contributions set out at the beginning of this report are required to be paid via a legal agreement to ensure the proposals offset harm to local infrastructure provided by the County Council. No additional comments on amended proposals.

Highway Authority (Oxfordshire County Council) – The Highway Authority initially had concerns about the proposals and objected to the development due to the likely increase in on-street parking given that on-street parking in the area cannot currently be adequately controlled. In response to the amended proposals however the Highway Authority has withdrawn its objection and considers the scheme to be acceptable for the following reasons and subject to the following safeguards:

- Small flats in city or district centres of Oxford generally result in little car parking per unit;
- The site is located close to good bus service links and everyday amenities such that there are good alternatives available to the private car;
- Car club spaces are provided and free membership will be provided for one year at least to ensure the use of such a facility is encouraged;
- Disabled access is catered for in accordance with the County and City Council's parking standards with good level access between the spaces and the wheelchair accessible flats;
- The flats will be marketed as car-free and, whilst this would only apply to first time sales of private units, affordable units can be marketed as such thereafter by Greensquare. Providing information to all occupiers of new flats through the Travel Plan should help to alleviate this.
- There is an in-principle agreement with the owners of the neighbouring Templars Square Shopping Centre car park to allow future residents to park in public car parks. Whilst this overlooks the likely reluctance of occupiers' of the flats to use this facility after dark and that such arrangements can be terminated, as part of a package of measures it can be acceptable provision so long as not relied upon on a more permanent basis;
- Very generous cycle parking provision is provided to encourage alternative sustainable travel and an alternative to the private car – though specific details of this cycle parking provision should be submitted for approval by condition;
- Details of any proposed scheme for planting (trees/planters etc.) on or near the highway boundary would need to be agreed by the Local Highway Authority (LHA) before works began. This would need to be secured by imposition of an appropriately worded condition;
- The proposed customer and staff parking and access arrangements for Emmaus are shown to be acceptable in the amended plans
- Ordinarily Oxford City Council's Oxford Supplementary Planning Document would require the following payments of: 18 x 1 bed units @ £1,600 unit and 22 x 2 bed units @ £2,450 unit towards cycle safety measures making a total

sum of £82,700 however this is to be discounted in light of other community/social development/provisions including the highway contributions offered.

- The road traffic order governing Barns Road will need to be amended to allow the introduction of car club spaces and funding will need to cover the costs of this process. A condition as appropriate is recommended ensuring that the new flats could not be occupied until such car club spaces are in place;
- The applicant shall arrange the repositioning of the existing bus shelter and real time information installation so as not to obstruct the entrances to the proposal, or the footway. This may require alteration to the highway. Drawings must be submitted and agreed with the Highway Authority prior to implementation of the permission. The works must be undertaken prior to occupation. To carry out the works the applicant will need to enter into a s278 agreement under the Highways Act with the County Council as Highway Authority.
- The applicant will revert the current dropped kerb/ vehicular access on Barns Road to the north of the site back to the standard footway in accordance with the County Council's standards and specifications;
- A full Travel Plan to be produced and submitted for consideration and approval by the LHA prior to occupation of the development. This is required to minimise the number of car trips at the site and should include a 6 month period of free bus passes for all occupiers of the flats;
- A Construction Traffic Management Plan (CTMP) should be submitted to be approved by the LHA prior to any demolition and construction works being carried out at the site. This is required to minimise the impact of construction, for highway safety.

Despite the car-free strategy set out by the developer, the proposal may still have the potential to materially increase on-street parking and congestion within immediately roads at the expense of highway safety. In order to ensure this does not occur the following safeguards are required:

- Funding of £37,500 to the Highway Authority should be secured through a legal agreement to cover the potential cost of the introduction of a future Controlled Parking Zone (CPZ) or other appropriate parking enforcement measure if required to control any significant increase in indiscriminate parking on nearby residential roads as a result of the development. It should be noted that no CPZ would be introduced without full consultation with local residents in line with the County Council's standard practice;
- Interim parking restriction measures on Barns Road in the immediate vicinity of the site will require studies and amendments to the existing Traffic Regulation Orders (TRO) prior to occupation of the development For this the developer must pay a contribution of £3000 to fund the costs of the County Council in this respect. This funding should be secured through a legal agreement completed prior to issuing of planning permission.
- It will be necessary for the Highway Authority to use objective and quantitative measures to ascertain whether on-street parking has increased in surrounding roads during the months after the development has been occupied. This will require a number of surveys to be undertaken and the results used to inform whether parking enforcement measures are required. The developer should pay £3600 for parking studies to be undertaken by the

Local Highway Authority. Payment should be secured through a legal agreement with sufficient time for the first survey to be undertaken prior to the application of the interim TRO on Barns Road. The surveys will be 1. Prior to introduction of interim TROs, 2. Prior to first occupation of the development, and 3. Directly after last occupation. The legal agreement should ensure that first occupation of the flats proposed shall not occur until after the first and second surveys have been undertaken.

Officers' Assessment:

Site Description and Locality

1. The application site consists of an unoccupied plot at the northern end of Barns Road near to its junction with Between Towns Road and opposite the Templars Square Shopping Centre. A location plan is appended to this report. The site was, until recently, home to the Cowley Community Centre though it has in the past couple of years been cleared so that it now features just a handful of trees along its western boundary with Barns Road.

2. The site is in a prominent location on Barns Road where it curves as it runs north towards Between Towns Road. The site currently benefits from two existing vehicle entry points, one from Barns Road through Wolseley House Gardens and the other from Knolles Road at the rear. The northern end of Barns Road features mainly three storey buildings including the eastern entrance to the Templars Square Shopping Centre as well as a small parade of shop. To the north of the site lies the main office of Greensquare Housing Association (the applicant), to the east the semi-detached houses of Knolles Road and Boswell Road and to the south a row of garages connected to four storey residential buildings.

Description of Proposed Development

3. The application seeks permission for the erection of a four storey building incorporating a roof terrace garden that features a community centre and a retail/workshop facility on the ground floor along with two wheelchair accessible one bedroom flats. 38 x one and two bedroom flats are proposed on the three upper floors. The proposals also include landscaping to the rear of the building along with the provision of three wheelchair accessible parking spaces to serve both the community centre and flats as well as dedicated bin and cycle storage facilities. Two car club spaces are proposed on the adopted highway adjacent to Wolseley House Garages and it is through here that staff and customers would gain access to the proposed Emmaus facility where three van/lorry spaces are proposed as well as three customer parking/pick-up car parking spaces.

Background to the Proposal

4. The application forms part of a wider scheme incorporating three City Council owned sites and involves two other applications for development at Northway. The scheme is primarily intended to deliver a significant number of affordable dwellings in the City along with much needed and improved community facilities as part of the Council's wider objectives to improve the City's housing stock and provide an improved environment for the residents of the City. A proportion of market housing is proposed within the scheme with the majority proposed on the Barns Road site (50%) to ensure the development remains financially viable. It should be recognised

by Members that this application forms part of a package of three applications that have been designed as part of one scheme and it is on this basis that a number of planning issues should be considered.

5. Officers consider the principal determining issues in this case to be:

- Principle of Development;
- Affordable Housing;
- Mix of Dwellings;
- Planning Obligations;
- Design and Appearance;
- Amenity
- Impact on Neighbouring Properties;
- Community Facilities;
- Highway Implications/Parking;
- Trees/Landscaping;
- Energy Efficiency/Sustainability;
- Land Contamination;
- Archaeology; and
- Flood Risk.

Principle of Development

6. The site formerly comprised the Cowley Community Centre as well as associated hardstanding areas such that it represents previously developed land as defined in Government guidance. The principle of development on previously development land in sustainable locations is considered acceptable and is indeed supported by policies CS2 of the Core Strategy and policy CP6 of the Local Plan which seek greater efficiency of use of land provided it is appropriate to its context.

7. In addition the site is allocated through policy SP11 of the Sites and Housing Plan (SHP) for a replacement community facility and residential development. The policy also makes it clear that a retail use on the ground floor would also be acceptable and stresses the importance of high quality design given the prominent nature of the site. Consequently the mixed use development proposed for the site fully complies with the uses for which it is allocated.

Affordable Housing

8. The application proposals are part of a larger scheme covering three sites that are all being considered at the 5th June 2013 East Area Planning Committee. The scheme seeks to provide a significant number of affordable homes (74) on City Council owned land as well as replacement community facilities. It is on the basis of the overall scheme that officers consider the proposals should be assessed in this regard. Policy HP3 of the Sites and Housing Plan (SHP) requires proposals for residential development of 10 dwellings or greater to provide a minimum of 50% of the dwellings as affordable units on the same site. In this case the scheme as a whole provides 69% of the dwellings as affordable units with the Barns Road development in particular providing 50%. The remainder of the units will be available as market housing.

9. Therefore this application when assessed individually and the scheme as a whole

comfortably meets the Council's development plan policies in this respect and as such they will collectively make a significant contribution to meeting the high demand for affordable housing as well as market housing with the City.

10. Policy HP3 of the SHP typically requires 80% of the affordable housing on a site to be social rented in tenure with the remainder being intermediate housing (including shared ownership). For a scheme providing 50% affordable housing (as required by policy HP3) this would translate to 40% of the overall dwellings proposed being social rented units and 10% intermediate housing. The application proposals meet this requirement with 40% of the dwellings being social rented affordable units and 29% intermediate in tenure. The remaining 31% is proposed to be market housing. Consequently officers are satisfied that the proposals accord with the affordable housing policies set out within the Council's development plan.

Mix of Dwellings

11. The application site is of an unusual and elongated shape making it unsuitable to provide any meaningful number of family sized houses and therefore make a significant contribution towards meeting housing need within the City. In addition, with the requirement to deliver a community centre and an Emmaus workshop on the ground floor it was considered to be only reasonable to expect one and two bedroom flats on the upper floor flats so as to be able to continue to provide a significant number of new dwellings as part of efforts to meet the City's affordable housing need. Officers therefore considered it inappropriate to directly apply the requirements of policy CS23 of the Core Strategy or the associated requirements of the Balance of Dwellings SPD (BoDs SPD) to the application proposals. Such an approach was agreed as reasonable during extensive negotiations between officers and the applicant at pre-application stage. As a consequence the mix of 19 x 1 bedroom flats and 21 x 2 bedroom flats is considered to be appropriate given the site circumstances and the significant number of good quality sustainably located affordable dwellings that it will provide.

Planning Obligations

12. As a result of the occupation of the proposed dwellings proposed across the three sites there will be a consequent impact on local public services. Policy CS17 of the Core Strategy states that developer contributions will be sought where needs arise as a result of new development. The Council's Planning Obligations SPD sets out the financial contributions required for a development of the size and type proposed. In this case it was considered to be more appropriate for the developer to make a contribution based on the scheme as a whole (all three sites) rather than individually. Between the County and City Councils the developer has agreed to make contributions of £395k towards, primarily, primary and secondary education, highway improvements as well as sports facilities and libraries. Such a contribution will need to be secured by legal agreements prior to the issuing of any planning permission. Whilst the figure of £395k is lower than required by a strict interpretation of the Council's Planning Obligations SPD it should be recognised that the scheme provides 69% affordable housing and it would not be financially viable for the developer to provide a greater financial contribution and continue to include such a high proportion of affordable housing. In light of this, officers consider the impact of the proposals to be adequately mitigated by the financial contributions offered and find the proposals acceptable in this regard.

Design and Appearance

13. The site is highly prominent along the busy Barns Road as it curves around at its western end towards Between Towns Road. It is particularly important therefore that the design of any development enhances the public realm as required by policy CP8 of the Local Plan as well as the site allocations policy SP11 of the SHP. The design is clearly contemporary and innovative in form and appearance utilising an interesting choice of materials (glass, a variety of brick and mortar colours as well as powder coated metal balconies, windows and external stairs) as well as recessed balconies. A central glazed stair shaft helps to break up and add interest to the front façade. At ground floor level the glazed frontage to the Emmaus premises and the community centre provide an active façade with Barns Road and should generate a positive interaction with the street. The main block will be bookended by enclosed stairwells allowing additional entry/egress of the flats partly to ensure the development complies with fire safety requirements of building regulations. The amended proposals feature the extension of the lift shaft up to the roof garden to allow disabled access to the roof garden so that the wheelchair accessible flats enjoy the same standard of outdoor amenity space as all of the other flats within the building.

14. The surrounding area features a mix of building forms with the commercial buildings on the opposite side of the road and to the north of the site being predominantly three storey in scale and rather more utilitarian in form and appearance in contrast to the more contemporary approach now proposed. To the south of the site are terraces of residential flats that are four storeys in height with a flat roof. With its contemporary flat roof form which incorporates a garden terrace it will therefore be similar in height to the nearby four storey blocks of flats as well as surrounding three storey buildings that feature more traditional pitched roofs. Whilst the building will be of considerable width as it projects along the road frontage, officers do not consider this to be inappropriate given that the building arcs around the curve of the site and would not be fully appreciated in its full scale from any single viewpoint and therefore . Officers consider the site to provide an excellent opportunity to deliver a high quality development with a visual presence within the street that would visibly enhance the corner and improve upon the more tired and functional buildings of Barns Road in its immediate context. Officers are satisfied that the development proposed achieves this objective by adding interest to a fairly tired streetscene which should enhance the character and quality of its immediate environment in accordance with the relevant decision policies of the development plan.

Standard of Accommodation

15. Policies HP12 and HP13 of the SHP require all new dwellings to be of a reasonable quality both internally and externally. Each flat proposed is greater than the minimum 39 sq m in floor area required by policy HP12 (all flats are greater than 50 sq m in floorspace) with good lighting to each habitable room and a sensible, accessible layout. All flats feature a private outdoor amenity space in the form of a balcony with a number of flats having balconies at both the front and rear which comfortably exceeds the minimum requirements of policy HP13. There is also a roof garden featuring soft landscaping on the top of the building which would be available to all residents of the flats for them to enjoy as an additional outdoor space over and

above the use of the balconies. To the rear of the building there is also a soft landscaped area featuring tree planting along the site boundary between the access from Knolles Road and the Emmaus parking area. This amenity area would also be available to all residents and provide a pleasant communal environment for them to enjoy. Cumulatively therefore the quality of accommodation provided by and for the flats proposed is considered to be of a good standard.

16. Policy HP2 of the SHP requires all new dwellings to be constructed to Lifetime Homes standards and for 5% of units to be fully wheelchair accessible. In this case two of the units on the ground floor are suitable for wheelchair users with good level access between the disabled parking spaces outside and the flats. The layout of the flats is also such that it is easy for wheelchair users to navigate around the flats and officers consider them to accord with the Council's technical guidance on wheelchair accessible dwellings. Similarly the remainder of the flats are all considered to comply with the main principles of Lifetime Homes standards due to their size and layout as well as there being lift access to all flats.

Impact on Neighbouring Properties

17. Policies CP1 and CP10 of the Local Plan as well as policy HP14 of the SHP state that planning permission will only be granted where proposals adequately safeguard neighbouring residential amenity. It is against this planning policy requirement that the application should be considered in this regard.

18. The site previously featured a part single part two storey community centre which ran along the eastern edge of the site abutting the rear gardens of 8-16 Knolles Road. This building projected above the existing rear boundary walls of these properties that currently separate them from the application site. Whilst this building did not feature any windows that faced out onto the rear gardens of the Knolles Road properties it did have something of a stark rear elevation that reduced the quality and openness of the outlook from the rear gardens of 8-16 Knolles Road. Whilst the community centre has now been demolished it is against the backdrop of this previous building that the current proposals should be assessed as this provided the previous context for neighbouring occupiers' enjoyment of their homes to the west side of Knolles Road and Boswell Road.

19. Following significant consultation with local residents the design of the proposed building has been altered in order to address any harm to the outlook and privacy enjoyed by occupiers of properties to the west side of Knolles Road and the northern end of Boswell Road.

20. The result is that the building has been located as far to the west of the site as possible which would result in the loss of the existing boundary trees (to be discussed later in the report). As a result of this the minimum separation distance between the building and any nearby dwelling is 25m which well exceeds that normally expected by the Council (20m) and set out as a minimum in the supporting text to policy HP14 of the SHP.

21. It was recognised by the applicant and by officers however that the building proposed is taller and of greater mass than that which the Council as planning

authority normally applies this policy to. To address the potential impact on neighbouring houses the fourth floor has been stepped back from the main rear wall by just over 4m. This ensures that the building has less immediate visual presence from the rear gardens of Knolles Road/Boswell Road properties and prevents significant levels of casual overlooking resulting from residents walking along the entrance way to the fourth floor flats.

22. Given the separation distances involved and the stepped form of the rear of the building, officers are confident that in comparison with the pre-existing community centre, the proposed new building would not result in significant harm to the outlook enjoyed by occupiers of neighbouring dwellings. In addition, given these separation distances the building proposed would not have a significant impact on the levels of light received into the rear gardens or houses of Knolles Road or Boswell Road when considered against the former community centre which directly abutted these houses. Indeed sunlight analysis has demonstrated that the impact on the majority of nearby dwellings would be less than that which previously occurred until at least the early evening when, even then, the difference would not be dissimilar. Officers therefore consider the scheme to be acceptable in this regard and in accordance with the requirements of the relevant policies of the development plan.

23. With respect to privacy, officers accept that the proposed building will feature a significant number of rear facing windows and general activity that could potentially result in a significant increase in overlooking of neighbouring rear gardens particularly since the former community centre did not result in any material loss of privacy for adjoining residents.

24. The applicant has gone to significant lengths to try to reduce the levels of both actual and perceived overlooking that may result from the development. At first and second floor levels the rear facing windows have been designed with angled bays with windows facing either north or south to ensure that there is no direct overlooking of the rear gardens of Knolles Road and Boswell Road. Similarly the balconies are proposed to feature 1.5m high balustrades with angled fins that would prevent residents directly looking out to the east over the adjoining rear gardens when seated. Whilst there would be some overlooking potential if occupiers of the flats were to stand up for prolonged periods of time this is unlikely and, in reality, the overlooking would be casual and fleeting. To ensure overlooking from balconies is adequately addressed officers suggest the imposition of a condition that requires further details of the angled fins to ensure that they are appropriately angled and of sufficient height to prevent the potential for harmful overlooking.

25. Turning to the fourth floor, as described previously this would be stepped back several metres and surrounded by a balustrade. Given that the walkway to the fourth floor flats is stepped back from the main rear wall it will prevent direct overlooking down onto the rear gardens of Knolles Road dwellings as the angle created for future residents when walking to their flats would block most casual pedestrian views. More deliberate peering over the edge may allow more significant views though this is considered to be generally unlikely to occur.

26. Finally some concern has been raised by local residents that use of the roof top terrace would result in substantial overlooking of the Knolles Road and Boswell Road

dwellings. However officers' note that this garden is set back further again from the fourth floor and will feature a wall and railings that prevents residents from walking to the eastern side of the garden. The distance of the publicly accessible areas of the terrace from the rear wall of the building again interrupts sight lines thus preventing materially significant overlooking of the rear of the Knolles Road/Boswell Road properties.

27. Some concern has also been raised by third parties about the potential for noise and disturbance emanating from the Emmaus facility and its customers to harm the quiet enjoyment of nearby houses and their gardens. Officers have however concluded that the associated vehicle movements will not be so significant as to be materially harmful to the living conditions of nearby residents particularly given that these will predominantly take place during daytime hours and not be so significant in number in the context of the site that this could reasonably be concluded to be detrimental to the living conditions experienced at adjacent dwellings. In addition the workshop element proposed for the ground floor of the building will take place in a fully sound noise attenuated room to prevent noise of machinery and tools disrupting neighbouring residents. To ensure the specification of this room is appropriate officers recommend a condition is attached requiring details of the sound proofing which can be assessed by Environmental Development officers at the Council. Officers also recommend that a condition be imposed requiring that a construction environmental management plan be agreed by the Council prior to commencement of the development. This will ensure that noise from construction traffic, machinery, working hours, emissions etc stemming from the construction phase of the development can be assessed and controlled so that it is appropriate to its setting.

28. Whilst officers consider the operation of the Emmaus charity from the site and building to be appropriate, it is possible that in the future Emmaus could cease operation from the building/site. In these circumstances it would be possible for a different organisation to have unrestricted use of the workshop which could result in significant noise and disturbance for occupiers of the flats above as well as houses in Knolles and Boswell Roads. Officers therefore consider it appropriate and necessary in these exceptional circumstances to recommend the imposition of a personal permission condition restricting the use of the retail and workshop elements to Emmaus only. In the event that Emmaus were to vacate the premises the Council would then have the ability to assess the merits of any new user and give due consideration to the potential harm to highway safety and neighbouring amenity in accordance with development plan policy. Officers consider this to be a prudent approach in the circumstances which would, in addition, help allay local residents' concerns about potential disturbance from the site.

29. For the above reasons officers are satisfied that, subject to the suggested conditions, the proposals will not result in significant harm to established residential amenity and consequently find that the proposals adequately safeguard neighbouring residential amenity in line with the requirements of policies CP1, CP10 and CP21 of the Local Plan and HP14 of the SHP.

Community Facilities

30. Policy CS20 of the Core Strategy states that the Council will seek to protect and

enhance existing cultural community facilities and that planning permission will not be granted for development that results in the loss of such facilities unless equivalent new or improved facilities can be provided at a location equally or more accessible by walking, cycling and public transport.

31. The site previously featured a large community facility that had become tired in appearance and was not suited to modern community needs. In response the former community centre was demolished with the intention of constructing a new more appropriate facility as part of a mixed use development of the site. During this time the needs of the local community have been mostly catered for by using other existing facilities in the area though a Council survey of local residents by the Communities and Neighbourhoods team identified a residual unmet need for some additional community facilities in the immediate area.

32. The aforementioned surveys undertaken by the Council indicated that the former community centre was not being used efficiently given its significant size which was far in excess of similar community facilities in other areas of Oxford. However the survey did show strong demand within the local community for a more appropriate community facility with rooms suitable for smaller group events but which still had the ability to form one main hall for larger functions. When the Council's City Executive Board (CEB) then issued the site to tender it included a brief to provide a community centre of 215 sq m which was considered to be the size necessary to meet the local community's needs based on the results of the Council's surveys.

33. In response the development proposes a new community centre of 215 sq m that has been designed to meet the Council's tender requirements. Officers are consequently satisfied that adequate provision has been made to cater for the residual needs of the local community sufficiently replacing the former community centre and providing a far more aesthetically pleasing building to the benefit of the streetscene. In this regard officers consider the proposals to accord with the requirements of policy CS20 of the Core Strategy. However, in order to ensure that the layout of the community centre is appropriate to the needs of the community it will serve, officers recommend a condition is imposed requiring final details of its internal layout to be agreed prior to commencement of the development.

Highway Implications/Parking

34. The application site lies within a Transport District Area as defined in the Local Plan which indicates that it is sustainably located within close proximity to everyday amenities as well as being served by good public transport links that make an excellent and realistic alternative to the private car. Policy CP1 of the Local Plan states, inter alia, that permission will only be granted for development which is acceptable in respect of access, parking, highway safety, traffic generation and pedestrian/cycle movements. The proposals should therefore be considered against the requirements of this policy.

35. The flats and the community centre are proposed to be a car-free development. In this respect they are not proposed to be served by any on-site car parking provision other than disabled parking. Policy HP16 and its supporting text in the SHP make it clear that the Council supports car-free development where the following criteria are met:

- The new dwellings would have excellent access to public transport links;
- The site is covered by a controlled parking zone (CPZ); and
- The dwellings would be within 800m of a local supermarket or equivalent facility.

36. Policy HP16 was adopted as part of the SHP in February 2013 and differs slightly from the Council's previous car parking policy in the Local Plan which it superseded. This policy (TR3) and its supporting Parking Standards, Transport Assessments and Travel Plans SPD made it clear that car-free residential development could be acceptable even outside CPZs where the location of the development was such that car ownership would be unlikely and/or that on-street car parking could be controlled. It was on the basis of the Council's recently superseded policy that the scheme has been developed with officer input at pre-application stage.

37. Officers consider the site to be sustainably located close to local shops and a supermarket as well as being directly adjacent to a main bus route with links to the city centre and railway station. Consequently officers take the view that, even though the site is outside a CPZ, the scheme could be acceptable in highway terms if the applicant were to make a strong case setting out how car ownership would be discouraged and alternatives promoted. This view was supported by the Highway Authority at pre-application stage and continues to be their position.

38. The flats and community facility proposed would have a vehicular access from Knolles Road, a residential street behind (east of) the application site. Knolles Road leads off Boswell and Bailey Roads (also residential in nature) as they converge to the rear of the site. Many of these houses enjoy off-street parking for one or two cars though there is some overspill parking on to the highway. Such on-street parking is generally not severe though the roads can at times feature relatively significant numbers of casually parked vehicles. The roads are covered by on-street controls and feature single yellow lines to either side which restrict parking between 1-2pm and 3-4pm. At present the County Council is not actively enforcing these parking controls though they retain the ability to do so if considered necessary in the future.

39. To the front of the site (along Barns Road) the road is covered by on-street controls including double yellow lines and car parking would not be able to occur within the immediate vicinity of the site. Some residents' car parking does occur further to the south on Barns Road in parking bays though this is some distance from the site and is unlikely to be used significantly by future residents of the development or their visitors. In order to prevent visitor or resident parking in these bays stemming from the development proposed the Highway Authority recommend introducing an interim change to the Traffic Regulations Order governing Barns Road to strengthen these parking controls.

40. The flats proposed are small in size being one and two bedroom units and so might typically be expected to generate approximately one car per dwelling on average in out of city centre locations. However, the site is in the centre of a Transport District Area that allows easy pedestrian access to local shops, a supermarket and frequent bus routes into the city centre as well as being within cycling distance of the city centre. Officers would therefore expect that for these flats the level of motor vehicle ownership would be significantly lower. However it would

be inevitable that some resident and visitor car parking would take place with the likelihood, for the above reasons, that this would take place on the residential roads to the rear. In order to reduce the prospect of this scenario occurring, the applicants propose a multi-faceted approach to attempting to significantly reduce car ownership amongst future residents of the proposed flats which can be summarised as follows:

- All flats would be marketed as car-free so that it is clear to potential purchasers from the outset that no on-site parking will be provided and that they will be expected not to own a motor vehicle – this would be reinforced through documentation distributed to new occupiers of the flats and which could be required by a clause in the legal agreement;
- Signage would be erected on Knolles Road and on the entrance to the site stating that it is a residential parking area and that visitors should use the nearby Templars Square parking facilities (this is proposed to be secured by condition prior to occupation of the flats);
- Real time passenger information displays for all bus routes that stop at the adjacent Barns Road bus stop would be available in all flats (also proposed to be secured by condition prior to occupation);
- An agreement to provide a new freestanding bus shelter to the County Council's standards and specifications prior to the occupation of the flats proposed;
- Each new resident to be provided with a free bus pass covering Oxford city routes for a period of six months (to be detailed further in a Travel Plan which would be required to be agreed prior to occupation by planning condition);
- Two car club spaces to be provided just off Barns Road adjacent to Wolsey House Garages. All residents would receive a free subscription for at least a year to encourage its use (secured by a legal agreement);
- Space for 100 cycles in a secure and covered facility would be provided to encourage this more sustainable alternative transport mode (secured by condition);
- A written in-principle agreement with the operators of the Templars Square Car Park that, if required, future occupiers of the flats can purchase parking permits to allow residents and their visitors to park in the car park on the opposite side of Barns Road.

41. Officers consider it likely that cumulatively the above measures proposed by the applicant would result in a significant reduction in the number of new residents and their visitors parking in adjoining streets. However, in the event that the development does give rise to an appreciable increase in on-street parking the following measures have been agreed:

- That the applicants will provide £37,500 to the Highway Authority prior to commencement of the development which would be safeguarded so that it can be used to fund the introduction of a CPZ or other parking enforcement measures if supported by the local community following public consultation (such funding would be secured as part of a legal agreement with the County Council);
- Interim parking restrictions to be introduced covering Barns Road in the area surrounding the site which would have to be operational prior to the occupation of the development. The cost of introducing these measures (£3000) would be funded by the developer prior to commencement of the

development;

- The Highway Authority will undertake a number of independent surveys at various times of the day at set milestones (including prior to occupation of the flats as well as in the months afterwards) so that the impact of the development on local roads can be assessed. If the results of the surveys demonstrate a material increase in on-street parking and congestion then the funding towards parking enforcement measures (the £37,500 set out earlier in the report) can be used to consult existing local residents to understand the local community's preferred approach to alleviating the problem and introduce traffic control measures. A legal agreement would specifically exclude occupiers of the proposed new flats from being eligible for any new parking permits if a CPZ is introduced following consultation).

42. In addition to the above, Highway Officers at the County Council have also confirmed that the current approach to enforcement of current parking restrictions in Knolles, Boswell and Bailey Roads is potentially open to review in the future were there to be a strong demand expressed for it from local residents. Similarly, Highway Officers have stated that a CPZ would only be considered in the event that there is strong local demand and not without full consultation with the local community beforehand.

43. The proposal includes three wheelchair accessible car parking spaces; two allocated specifically to serve the two wheelchair accessible flats on the ground floor of the building and the third to allow disabled access to the proposed community centre. The spaces are proposed to meet the County Council's size standards for wheelchair spaces and have convenient level access to the building. Such provision of disabled parking accords with the requirements of policies HP16 of the SHP and TR3 of the Local Plan.

44. With respect to the Emmaus workshop/retail element, this is accessed from Barns Road and is separated at ground floor level from the flats/community centre. Three customer car parking spaces are proposed which allow customer pick up and drop off of furniture items. Highway Officers consider this to be reasonable and realistic given the existing number of customer movements to their site at Northway. Three spaces are also proposed for delivery vans to allow collection and delivery of furniture. Such spaces are considered to be sufficient in number and adequately accessible so that the movement of vans does not conflict with customer parking arrangements. No concern is therefore raised by the Highway Authority about the impact of the Emmaus facility on the functioning of Barns Road and its access through Wolseley House Garages.

45. No staff car parking spaces are proposed for the Emmaus facility as the employees will live locally and, given their nature, are very unlikely to own or use a car. Officers therefore consider this approach reasonable. In accordance with the Highway Authority's recommendation officers recommend a condition be imposed requiring the reinstatement of the current Barns Road dropped kerb to the County Council's standards and specifications to ensure the footways are returned to a more pedestrian friendly form.

Trees/Landscaping

46. As a result of public consultation (where concern was raised about the overbearing impact of the development on houses in Knolles Road), the proposed building was relocated to the far west of the site so that it directly abuts Barns Road. As a result the existing six trees along the western boundary (Norway Maple and Lime) would need to be removed which is regrettable as they are prominent in public views. In addition, as a result of the building effectively extending across the entire width of the site the proposals do not allow for any replacement tree planting on the site that would have similar public amenity benefits.

47. In such circumstances policy NE15 of the Local Plan indicates that planning permission would not normally be granted though in this case it is possible to plant trees in raised planters within the pavement adjacent to the site to help mitigate the visual effect of tree losses on Barns Road. It is also proposed for similar planting to be inserted within the pavement on the opposite side of the road which would help to create something of boulevard feel to this section of the street. Whilst such trees would not have the same visual presence of the existing trees as their size would be constrained by their location and planting within a raised box, officers consider this approach to be acceptable particularly in light of the overwhelming benefits of the scheme which improves the appearance of the site as a whole and provides important affordable housing for the City's residents. The Highway Authority has confirmed that they have no objection to tree planting along the pavements as the walkways are considered to be of sufficient width to prevent any impediment to pedestrians and would not reduce visibility for drivers so that there is no risk to highway safety. Officers have recommended a condition that development should not commence until a detailed landscaping plan has been agreed which may involve financial contributions being paid to the County Council to cover the costs of carrying out works to the highway to facilitate the landscaping.

Energy Efficiency/Sustainability

48. Policy CS9 of the Core Strategy requires all developments to seek to minimise their carbon emissions and that proposals should demonstrate how sustainable design and construction methods will be incorporated into the scheme. It also states that planning permission will only be granted where a Natural Resource Impact Analysis checklist has been submitted demonstrating how a range of sustainability approaches have been taken. Policy HP11 of the SHP further states that for schemes of 10 or more dwellings at least 20% of their energy needs must come from on-site renewable or low carbon technologies unless shown to be unviable.

49. The development incorporates the following sustainability measures to ensure that the flats achieve a Code for Sustainable Homes level 4 rating:

- Photovoltaic solar panels will be located on the roof of the building;
- High levels of insulation;
- Maximisation of daylight and sunlight;
- An air tightness of 3m³/m²/hr is targeted to prevent heat loss from the building;
- Daylight dimming lighting in all main rooms;
- Automatic presence detecting lighting in communal areas;
- High efficiency gas boilers;
- Use of 60% recycled aggregate for construction materials which would be locally sourced;
- Use of water meters, low flush WCs, low flow taps and rainwater harvesting

- via water butts;
- Incorporation of a green roof to contribute towards carbon reduction.

50. In addition to the flats the community centre and Emmaus workshop facility would be served by an air source heat pump ensuring at least 20% of their energy needs are met on site.

51. The use of solar panels on the roof of the building will not, by itself, result in the flats generating 20% of their energy use on site as required by policy HP11 of the SHP. Other methods of on-site energy generation have been assessed and found to be inappropriate due to the space available, the proximity of surrounding residential properties and the potential to cause noise nuisance to them as well as the financial costs associated with them. Therefore whilst the Council's policy requirement is not quite met with respect to the residential element of the scheme, this is partially offset by the community centre and Emmaus workshop elements which exceed the planning policy criteria and, additionally, it should be recognised that the predominantly affordable housing make-up of the scheme means that significant financial returns will not be generated thus making more expensive solutions unviable. Of course the development is also essentially car-free and in a sustainable location further improving the environmental credentials of the scheme. Officers therefore find the proposals acceptable in this regard and are recommending a condition to ensure that the proposals incorporate all of the energy efficiency measures set out in the energy statement submitted as part of the application.

Land Contamination

52. The history of the site suggests that from approximately 1900 the site has featured a variety of commercial uses including a box factory, steam plough works and warehouse though these were all replaced by the community centre during the 1960s. There is the possibility of some limited contamination of the soil in the site as a result of these uses and the applicant is in the process of undertaking on-site investigation works to establish the extent of contamination and the remediation measures necessary. To ensure that the findings of the contamination assessments can be reviewed and the remediation methods approved officers recommended the imposition of a condition requiring a phased contamination risk assessment to be carried out prior to commencement of development on the site. The Council's Environmental Development officers are satisfied with this approach.

Archaeology

53. The application site lies to the west of an important former Roman pottery production site at St Lukes Road. In order to assess whether there are deposits of archaeological significance on the site in accordance with policy HE2 of the Local Plan an archaeological evaluation has been undertaken at the site by Avon Archaeology and an interim report submitted. The evaluation identified a series of features across the footprint of likely Roman, medieval and post-medieval date including pottery, wall foundations and intercut pits. Given the deposits a condition is recommended as suggested by the City Council's Archaeologist that prior to commencement of any works a scheme of archaeological mitigation of the full engineering impact of the development is approved by the Council in order to preserve the deposits in-situ.

Flood Risk

54. The application site is not located with an area identified by the Environment Agency as being susceptible to flooding. Nevertheless as a result of the size of the site a flood risk assessment has been submitted though this concludes that the development will not increase the risk of flooding either at the site or elsewhere. The Environment Agency concurs with these findings. Sustainable drainage systems are however to be included as part of the development and officers recommend a condition requiring approval of drainage details prior to the commencement of the development.

Other Matters

55. Policy CP14 of the Local Plan requires developments of greater than 20 dwellings to make provision for public artwork. The applicant intends to construct this artwork on the application site rather than make a financial contribution to the City Council to commission the work for siting elsewhere. Officers therefore recommend a condition be attached to any planning permission that ensures details of the public artwork and a scheme for its implementation are agreed by the Council prior to occupation of the development.

Conclusion:

56. The proposals provide good quality housing for Oxford that makes a significant contribution towards meeting the City's affordable housing need whilst providing a development that will improve the appearance of a redundant site, provide improved community facilities and provide a more appropriate base for an important local charity and social enterprise, Emmaus. The proposals are not considered to result in significant harm to established residential amenity or be likely to have a materially adverse impact on the functioning and safety of surrounding roads. Consequently Committee is, on balance, recommended to resolve to grant planning permission subject to the conditions set out at the beginning of the report though delegate to officers the issuing of the decision notice once the necessary legal agreements are completed.

Human Rights Act 1998

57. Officers have considered the Human Rights Act 1998 in reaching a recommendation to grant planning permission, subject to conditions. Officers have considered the potential interference with the rights of the owners/occupiers of surrounding properties under Article 8 and/or Article 1 of the First Protocol of the Act and consider that it is proportionate.

58. Officers have also considered the interference with the human rights of the applicant under Article 8 and/or Article 1 of the First Protocol caused by imposing conditions. Officers consider that the conditions are necessary to protect the rights and freedoms of others and to control the use of property in accordance with the general interest. The interference is therefore justifiable and proportionate.

Section 17 of the Crime and Disorder Act 1998

59. 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 approve, officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

Background Papers:

59/07771/A_H

60/08871/A_H

66/17367/A_H

72/26399/A_H

74/01056/A_H

91/01185/NF

11/01298/ADV

12/03278/FUL

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