

East Area Planning Committee

3rd July 2013

Application Number: 13/00631/FUL

Decision Due by: 20th June 2013

Proposal: Erection of 30 residential units (8 x 4 bed houses, 17 x 3 bed houses, 2 x 2 bed flats and 3 x1 bed flats) together with access road, 51 car parking spaces, 60 cycle parking spaces, public open space and landscaping. (Amended Plans)

Site Address: Cricket Ground Barton Road Oxford [Appendix 1]

Ward: Barton And Sandhills Ward

Agent: Mr Nik Lyzba

Applicant: Thomas Homes Ltd

Recommendation: East Area Planning Committee is recommended to support the proposals in principle but defer the application to allow an accompanying legal agreement to be drawn up and to delegate to officers issuing of the notice of planning permission on its completion.

APPLICATION BE APPROVED

Reasons for Approval

- 1 The proposal to erect 30 dwellings on the site of the former cricket ground is considered to form an appropriate visual relationship with the surrounding development and would appear in keeping with the general character of the locality. 50% of the proposed dwellings would be social housing and the scheme provides an acceptable mix of dwelling types. No objection has been raised by Oxfordshire County Council as Local Highway Authority and the proposal complies with adopted policies contained in the Oxford Core Strategy 2026, the Sites and Housing Plan 2012 and the Oxford Local Plan 2001 - 2016.
- 2 Letters of objection have been received from local residents and the comments made have been carefully considered. However the points raised do not constitute sustainable reasons for refusing planning permission for the redevelopment of the site and the imposition of appropriate conditions on the planning permission will ensure a good quality form of development that uses acceptable building materials which will positively contribute to the character of

the area. A letter of objection has also been received from Sport England on grounds of the permanent loss of a sports ground. However the site is an allocated development site in the adopted Sites and Housing Plan 2012 and the objections raised by Sport England were considered but not agreed with by the Inspector in his assessment of the local plan.

- 3 The Council considers that 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.

Conditions

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Samples of all materials to be agreed
- 4 Public Art - Scheme details & timetable
- 5 Design - no additions to dwelling
- 6 No additional windows
- 7 Landscape plan required
- 8 Landscape carry out by completion
- 9 Details of public open space
- 10 Landscape management plan
- 11 Boundary details
- 12 Sustainability design/construction
- 13 SUDS drainage
- 14 Details of photo-voltaic systems
- 15 Variation of Road Traffic Order
- 16 Permeable paving for parking areas
- 17 Cycle parking details required
- 18 Vision splays
- 19 Pedestrian vision splays
- 20 Provision of bin stores
- 21 Construction details
- 22 Details of metal fencing
- 23 Details of grassed berms
- 24 Use Class C3 only
- 25 Archaeological investigation – trial trenching

Legal Agreement:

County

£188,557 towards Education

£7,498 towards Library facilities

£3,175 towards Waste Management

£74,925 towards Transport

£436 towards Museum facilities

£4,891 towards Social Care

Total: £279,482 plus 5% administrative fee

City

£8,185 towards Indoor Sport

£365 towards Allotments

Total: £8,550 plus 5% administrative fee

In addition, the sum of £100,000 has been agreed as an appropriate compensation for the permanent loss of the former sports ground and the applicant has agreed to pay this sum as part of the Section 106 Planning Obligation.

Principal Planning Policies:

Oxford Local Plan 2001-2016

CP1 - Development Proposals

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

NE12 - Groundwater Flow

Core Strategy

CS2 - Previously developed and greenfield land

CS9 - Energy and natural resources

CS10 - Waste and recycling

CS11 - Flooding

CS18 - Urban design, town character, historic environment

CS19 - Community safety

CS21 - Green spaces, leisure and sport

CS23 - Mix of housing

CS24 - Affordable housing

Sites and Housing Plan

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

Other Material Considerations

Relevant Site History:

02/01688/FUL: Demolition of existing pavilion and outbuilding. Erection of 40 dwellings in 2 and 3 storey buildings comprising 24 private houses [10 x 4 bedroom, 9 x 3 bedroom and 5 x 2 bedroom] and 16 affordable dwellings [4 x 1 bedroom flats, 4 x 2 bedroom flats, 2 x 2 bedroom houses and 6 x 3 bedroom houses]. Erection of two garages and refuse and cycle stores. Formation of 4 access points off Barton Road and provision of 55 car parking spaces. Refused on grounds of:

- Lack of evidence that there is not a demand for the site for sport and recreation
- Insufficient need for the proposed housing to warrant the loss of a greenfield site.

Public Consultation

Statutory Consultees

Thames Water Utilities Ltd

Waste comments: With regard to surface water drainage, it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Where a developer proposes to discharge groundwater into a public sewer, a groundwater discharge permit will be required.

Water comments: TW recommend an informative be attached to the planning permission regarding minimum pressure and flow rates.

Environment Agency: No objection

Sport England: Objection on grounds of the loss of the former cricket pitch and the lack of any evidence of exceptional circumstances.

Oxfordshire County Council as Local Highway Authority: No objection in principle.

- The site lies in a sustainable location being within acceptable walking distance to amenities and with good transport accessibility
- The main access to serve 23 dwellings is off Barton Road with 3 individual access points for the other 7 dwellings
- 51 car parking spaces are acceptable for the development
- The development lies within the 20mph zone and the sightlines shown for all access points comply with current standards and are adequate
- Refuse vehicles will be able to turn on site and swept path analysis has been done which shows that this is satisfactory

- An amendment to the Traffic Regulation Order will be required to exclude the site from the Controlled Parking Zone for resident parking permits but to allow visitor parking permits [condition]
- The existing double yellow line on Barton Road should be extended at the applicant's expense [part of the amendment to the Traffic Regulation Order]
- Permeable paving should be used for the car parking areas [condition]
- No surface water from the development shall discharge onto the public highway [informative]
- The applicant will need a vehicle crossing license for the provision of access to the site including parking areas [informative]
- All highway works will be at the applicant's expense and to Oxfordshire County Council's standards and specifications
- Vision splays and pedestrian vision splays will need to be provided
- Cycle parking shall be covered, secure and accessible.

Thames Valley Police: TVP has undertaken an assessment of the implications of growth and the delivery of housing upon the policing of Oxford City and has established that in order to maintain the current level of policing, developer contributions towards the provision of infrastructure will be required. It is acknowledged that the proposed development is relatively modest in scale; however the additional population generated by the development will place an additional demand upon the existing level of policing for the area. A contribution of £12,600 is therefore requested to fund a Mobile Automatic Number Plate Recognition Camera [£11,000] and the provision of 2 dedicated bicycles plus necessary kit to access the site and the surrounding area [£1,600].

Legal advice has been taken on this request for contributions and has confirmed officer's views that such funding falls outside the terms of Core Strategy Policy CS17. For this reason officers cannot support this request from Thames Valley Police.

Third Party Comments

25 identical letters of objection which make the following points:

- The green space is too small and would be difficult to maintain which could make it more of a liability than an asset for the local area
- If the green space was removed from the plan the proposed houses could be moved further away from neighbouring houses and gardens
- The design is out of character and the choice of yellow brick is out of keeping
- The houses have a bland design and should be more individual in character
- The development should have a restriction stopping future owners adding extensions or building rooms in the roofs
- The boundaries of the site should be walled and not fenced as this will become the new view for existing residents
- Particular attention should be given to landscaping on the site

2 individual letters of objection which make the following points:

- Increase in traffic and use of Barton Road as a rat run
- The site has been allowed to reach a state of dereliction to make development a better option

- The proposal is for too many houses
- The 20mph signs are ignored and no action is taken
- Increased pressure on local facilities
- Any affordable housing should be made available to older residents who could take advantage of the proximity to London Road and its services
- The public open space is not 25% of the site and the proposal is therefore contrary to policy
- Headington needs more open space and therefore the site should not be developed in the first place

Officers Assessment:

Site location and description

1. The application site extends to 1.02 hectares and lies on the west side of Barton Road and to the south of Blackthorne Close. It comprises a level, overgrown site that has not been used as a cricket pitch for many years and is fenced off. The former cricket pavilion on the southern boundary of the site has recently been demolished
2. The site is surrounded by residential development of varying sizes and styles although there is a preponderance of pairs of semi- detached dwellings in Barton Road, Hawthorne Avenue and Ash Grove. There is a large recreation ground on the opposite side of Barton Road, approximately 50 metres to the south west of the application site.

The Proposal

3. The application seeks planning permission for the erection of 30 dwellings [8 x 4 bedroom houses, 17 x 3 bedroom houses, 2 x 2 bedroom flats and 3 x 1 bedroom flats] together with a new access road, 51 car parking spaces, 60 cycle parking spaces, an area of public open space together with landscaping.
4. The dwellings would be erected using brick and slate roof tiles [samples to be agreed by condition] and would take the form of traditional two storey buildings with no accommodation within the roof spaces. The new flatted building would be part two storey and part three storey and would be served by a communal garden area and allocated car parking. The dwellings would have a maximum height of 8.5 metres and the flatted building would have a height ranging from 9 – 11.2 metres.
5. It is proposed to retain part of the site fronting Barton Road as public open space which would be appropriately landscaped and managed. This provision of an element of public open space is a requirement of policy SP3 of the Sites and Housing Plan which allocates the site for residential development.

Background to Proposals

6. Pre-application discussions regarding the residential development of the application site have been on-going since 2009 when an informal proposal for the erection of 44 dwellings was submitted. In 2010 a pre-application enquiry for the erection of 40 dwellings [with 20 affordable units] was submitted and in 2012 a pre-application enquiry for the erection of 30 dwellings with 15 affordable houses was submitted for discussion. Officers have been largely supportive of the scheme which retains an area of public open space, provides 50% affordable housing and is of an appropriate density in respect of the character of the area. The layout of the scheme has changed as a result of these discussions and the form of the dwellings have been reduced in scale from three storey units along the rear boundary of the site to more traditional two storey houses.
7. Officers consider the principal determining issues to be:
 - Planning policy;
 - Form and appearance
 - Lifetime Homes
 - Impact on neighbours
 - Affordable housing
 - Mix of dwellings
 - Private amenity space
 - Highways and parking
 - Archaeology
 - Sustainability
 - Public Art

Planning Policy

8. Policy SP3 of the adopted Sites and Housing Plan states that planning permission will be granted for residential development and new public open space at the Barton Road Cricket ground site and that planning permission will not be granted for any other use. The policy goes on to say that the public open space should cover at least 25% of the gross site area and should be located on the Barton Road frontage. Public sports facilities should be provided on the open space or a contribution made to improve other local sports facilities. The policy also states that traffic calming should be incorporated along Barton Road near any new vehicular junction to the development site.
9. The application for 30 dwellings [15 affordable] shows the provision of a significant area of public open space at the front of the site in accordance with policy SP3. Whilst the size of the area falls slightly short of the 25% required in policy SP3, officers take the view that it still represents a sizeable part of the site that will appear prominent in the street scene and will impart a sense of spaciousness to the overall development. A contribution of £100,000 has been agreed to compensate for the loss of the former sports ground and this is likely to be put towards the provision

of a new cricket pavilion at Margaret Road which is priority for the Council's Leisure Service. As regards traffic calming, the County Council as local highway authority, have commented that the access to the site would lie within the 20 mph zone and for this reason traffic calming measures would not be necessary in this instance.

Form and Appearance

10. Policies in the adopted Oxford Core Strategy, the Oxford Local Plan and the Sites and Housing Plan all seek to ensure that new development demonstrates high quality urban design, responds appropriately to the site and its surroundings, creates a strong sense of place and contributes to an attractive public realm.
11. The scheme proposes a new, single access off Barton Road with 11 pairs of semi-detached dwellings, one flatted building containing 5 one and two bedroom flats together with a terrace of 3 dwellings fronting Barton Road. The dwellings would have traditional forms with pitched gabled roofs, slate roofs, gabled or lean to porches and reconstituted stone lintels and sills on principal elevations. The dwellings would be brick built to provide greater longevity and minimal maintenance compared to render. The application proposes a buff/yellow brick in common with the beeches development opposite. However officers take the view that a richer, red/orange brick would give the development a more attractive appearance and would be more in keeping with the character of the area and for this reason condition 3 requires that samples of all external materials are submitted to and approved by officers.
12. In terms of height, the semi-detached and terraced housing would be approximately 8.5 metres high with the flatted building ranging from 9 – 11.2 metres. This higher building is sited centrally in the development and officers are satisfied that it would relate satisfactorily to the other dwellings on the site.
13. Three pairs of semi-detached dwellings together with the flats would overlook the public open space giving it some natural surveillance. It is anticipated that this area would be grassed and planted with trees to provide an attractive and useable area for occupiers of the new development and local residents. It is also proposed to incorporate new, grassed berms or flat topped mounds around the perimeter of the open space which would add to its attractiveness. Conditions are recommended that would require firstly full planting details of the area of public open space and secondly details of how it would be maintained.

Lifetime Homes

14. Policy HP2 of the Sites and Housing Plan states that planning permission will only be granted for new dwellings which meet the Lifetime Homes Standard and where 5% of new dwellings on sites of 4 or more are either fully wheelchair accessible or easily adapted for full wheelchair use.

15. The Lifetime Homes Standard is a widely used national standard which goes further than statutory building regulations. Lifetime Homes specifications ensure that the spaces and features in new homes can readily meet the needs of most people, including those with reduced mobility. The standards include level entry to the home, minimum doorway widths, adequate wheelchair manoeuvring spaces, provision for future installation of internal lifts and appropriate window heights.
16. The design and access statement accompanying the planning application confirms that all the proposed new homes will be built to Lifetime Homes Standards to maximise future flexibility and choice. In addition, it goes on to say that two of the proposed homes [one affordable and one open market] have been designed to be easily adaptable for residents who are wheelchair users. Officers are therefore satisfied that the proposal complies with policy HP2 of the Sites and Housing Plan.

Impact on Neighbours

17. Policy HP14 of the Sites and Housing Plan seeks to ensure that all new development provides an appropriate degree of privacy and daylight for the occupiers of both existing properties and new homes.
18. As the application site is currently open land, the proposed development will have a visual impact on many existing residents in Barton Road, Blackthorne close to the north, Hawthorne Avenue to the south and Ash Grove to the west. However it is the case that the rear gardens of the affected properties in Hawthorne Avenue and Ash Grove are long such that the separation distances between the rear walls of these existing dwellings and the rear walls of the new dwellings would be in excess of 35 metres which would ensure the proposal would not give rise to any loss of privacy.
19. The existing dwellings in Blackthorne Close have shorter rear gardens and the affected dwellings would have a rear outlook towards the side elevation of three new dwellings. Of these, one would have a blank side wall and two would have one first floor, obscure glazed bathroom window. The separation distances from the rear wall of the existing dwellings and the side walls of the new dwellings would be approximately 15 metres and officers consider that this relationship is acceptable and that the new dwellings would not appear unacceptably overbearing in the outlook from the existing dwellings.
20. Number 35 Barton Road is an existing bungalow that sides onto the northern boundary of the application site. It has no habitable room windows in its side wall and would be some 8 metres distant from the side wall of one of the new terraced dwellings fronting Barton Road. This relationship is also considered to be acceptable
21. One of the comments raised by neighbouring occupiers is that the

boundaries of the site should be walled and not enclosed by 1.8 metre high close boarded fencing as proposed in the application as this will become their new outlook. Officers consider that there may be some merit in considering alternative boundary treatments and a condition is therefore recommended that would require further details regarding boundary treatments to be agreed.

Affordable Housing

22. Policy HP3 of the Sites and Housing Plan states that planning permission will only be granted for residential developments on sites with capacity for 10 or more dwellings or which an area of 0.25 hectares or greater if a minimum of 50% of the dwellings on the site are provided as affordable homes. It goes on to say that a minimum of 80% of the affordable homes shall be provided as social rented.
23. In this case, 15 homes are proposed as affordable housing which equates to 50% of the overall development. The affordable homes would comprise 3 x 1 bedroom flats, 2 x 2 bedroom flats, 8 x 3 bedroom houses and 2 x 4 bedroom houses. Of these, all but the 2 x 2 bedroom flats would be social rented which would equate to 86% of the overall affordable housing and would therefore comply with policy.
24. In addition, one of the 3 bedroom houses would be wheelchair accessible [as would one of the market homes] and the size of the 3 bedroom houses has been increased to improve the layout and circulation space.

Mix of Dwellings

25. The Balance of Dwellings Supplementary Planning Document [BoDS SPD] was approved in 2008 and seeks to secure the provision of an appropriate mix of housing across the City. It adopts a 'traffic light' approach to identify the underlying housing pressures in a neighbourhood area and to assess the stock of family housing. The site lies in an 'amber' area wherein the provision of 3 bedroom, family dwellings takes high priority.
26. The proposal would contain a mix of sizes and types of homes with the overall mix comprising 3 x 1 bedroom flats, 2 x 2 bedroom flats, 17 x 3 bedroom houses and 8 x 4 bedroom houses. Whilst there is a slight deficiency in the number of 2 bedroom units [10% = 3], the over provision of 3 and 4 bedroom family houses [83% of the new dwellings would be 3 and 4 bedroom houses] is to be welcomed and officers are satisfied with the overall mix.
27. In terms of the affordable housing element, the mix would be 3 x 1 bedroom flats, 2 x 2 bedroom flats, 8 x 3 bedroom houses and 2 x 4 bedroom houses and this mix is BoDS compliant.

Private Amenity Space

28. Policy HP13 of the Sites and Housing Plan sets out standards for the provision of private amenity space in new residential developments. It states that family dwellings of 2 or more bedrooms should be served by private gardens that are proportionate to the size of the dwelling and at least equivalent to the original building footprint. It goes on to say that one and two bedroom flats should be served by either a private balcony or terrace of useable, level space or by way of a private or communal garden area.

29. All of the proposed dwellings have good sized garden areas that are proportionate to the size of the unit. The 5 one and two bedroom flats would share a generous communal garden area which would extend to some 225 square metres. In addition, the public open space would provide a further open area which would be available for use by the occupiers of the new dwellings.

Highways and Parking

30. Oxfordshire County Council as Local Highway Authority is not raising any objection to the application as set out earlier in this report. Officers are satisfied that the number of car parking spaces [51] is appropriate and the site would be excluded from the Controlled Parking Zone except for visitor permits. Double yellow lines would be extended onto the new access and these would be provided by the County Council as part of the amendment to the Traffic Regulation Order.

31. A highways contribution of £74,925.00 would be required towards transport infrastructure. As regards the provision of traffic calming measures, the County Council do not consider this to be necessary given that there is a 20 mph traffic speed restriction that is operative along Barton Road where the new access into the site would be created.

Archaeology

32. The application is accompanied by a desk based archaeological assessment and a geophysical survey report which has detected a limited number of anomalies that may be linear or pit like features of archaeological interest. The report goes on to note that there are no clear concentrations of features and that survey conditions were good.

33. As a result of the survey findings, officers recommend the imposition of a condition that would require further archaeological investigations to be carried out involving targeted trial trenching followed by further recording if required.

Sustainability

34. The application is accompanied by a Natural Resource Impact Analysis

which shows a score of 6 out of 11 in terms of energy efficiency, renewable energy, materials and water resources. Officers consider this to be an acceptable score given that all of the minimum standards are achieved and exceeded. The application is also accompanied by an Energy Strategy which concludes that the development proposal meets the Council's planning policy in respect of the reduction of carbon dioxide emissions and renewable energy.

35. In more detail the Energy Strategy states that the most effective option for providing 20% of the energy needs of the development from on-site renewables or low carbon technologies is the installation of PV systems on a number of houses with suitably sized areas of south facing roofs. Condition 14 requires further details of such photovoltaic systems to be submitted to and approved in writing by the Local Planning Authority and for them to be installed in accordance with the approved details prior to the first occupation of the development.

Public Art

36. In accordance with the Planning Obligations Supplementary Planning Document, the City Council requires the provision of public art in association with major developments. Public art must be incorporated within the development site or be provided close to the development. In this case the contribution towards public art is £13,575.
37. In pre-application discussions, officers have agreed with the applicant that details of public art can be satisfactorily dealt with by way of a condition on the planning permission [condition 4 refers].

Conclusion:

38. The proposal to erect 30 dwellings on the former cricket ground site is considered to form an appropriate visual relationship with the surrounding development and would appear in keeping with the general character of the locality. 50% of the proposed dwellings would be social housing and the scheme provides for an acceptable mix of dwelling types. No objection has been raised by Oxfordshire County Council as Local Highway Authority and the proposal complies with adopted policies contained in the Oxford Core Strategy, the Sites and Housing Plan and the Oxford Local Plan.

Human Rights Act 1998

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.

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

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 safety.

Background Papers:

02/01688/FUL

13/00631/FUL

Contact Officer: Angela Fettiplace

Extension: 2445

Date: 12th June 2013

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