

Agenda Item 3

East Area Planning Committee

4th September 2013

Application Number: (1) 13/01814/CT3

(2) 13/01815/CT3

Decision Due by: 16th October 2013

Proposal: (1) Erection of 2 x 1-bed, 7 x 2-bed and 1 x 3-bed residential units (use class C3) in 3 blocks arranged around central courtyard, together with covered cycle and bin stores, and landscaping.

(2) Conservation Area Consent for demolition of existing sheds.

Site Address: Oxford City Council Parks Depot, Bury Knowle Park, London Road (**site plan: appendix 1**)

Ward: Headington

Agent: Turley Associates

Applicant: Oxford City Council

Recommendation:

The East Area Planning Committee is recommended to resolve to grant planning permission, subject to the satisfactory completion of an accompanying legal agreement and to delegate to the Head of City Development the issuing of the Notice of Permission upon its completion. Should, however, the Community Infrastructure Levy (CIL) charging schedule come into force prior to the completion of the legal agreement, then it shall exclude any items included on the list of infrastructure published in accordance with regulation 123 of the CIL regulations.

If the required legal agreement is not completed within a reasonable period, then the Committee delegates the issuing of a notice of refusal to the Head of City Development, on the grounds that the development has failed to adequately mitigate its impacts.

Reasons for Approval

- 1 The redevelopment of the depot site would make an efficient use of previously developed land in a manner that would preserve the existing public open space within the park. The residential development would deliver much

needed good quality affordable housing for the City and would provide a mix of units that reflects the constraints associated with the site and its location within the Headington Neighbourhood Area. The demolition of the existing buildings within the depot would not have an adverse impact upon the significance of the Old Headington Conservation Area, and the replacement buildings have been designed in a manner that would preserve the significance of the site and its relationship with the Old Headington Conservation and safeguard the amenities of the adjoining properties. The site would be in a sustainable location for a car-free development, and access to the site could be controlled by appropriate management controls to prevent any adverse impact upon highway safety and the safety and convenience of park users. Finally the proposed development would not have an impact upon the protected trees within the site, biodiversity, or sustainability subject to appropriate conditions. The proposed development would therefore accord with the relevant policies of the development plan.

- 2 In considering the application, officers have had specific regard to the comments of third parties and statutory bodies in relation to the application. However officers consider that these comments have not raised any material considerations that would warrant refusal of the applications, and any harm identified could be successfully mitigated by appropriately worded conditions.
- 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

13/01815/CT3:

- 1 Commencement of works LB/CAC consent
- 2 Architectural Recording
- 3 No demolition before rebuilding contract

13/01814/CT3:

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Samples in Conservation Area
- 4 Details of Means of Enclosure
- 5 Details of Refuse and Cycle Storage
- 6 Landscape plan required
- 7 Landscape carried out by completion
- 8 Landscape hard surface design - tree roots
- 9 Landscape underground services - tree roots
- 10 Tree Protection Plan
- 11 Arboricultural Method Statement
- 12 Construction details of access road and turning area
- 13 Lighting plan for access road
- 14 A Site Management Plan for traffic /access arrangements

- 15 Residents Travel Plan / Information Pack
- 16 Exclusion from residents parking zone
- 17 Construction Traffic Management Plan
- 18 Sustainable Urban Drainage Scheme
- 19 Details of Biodiversity Enhancements
- 20 Details of Sustainability Measures
- 21 Contaminated Land Risk Assessment
- 22 Details of affordable housing

Legal Agreement:

- Contributions of £64,353 plus the relevant admin fees

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
- HE7** - Conservation Areas
- SR5** - Protection of Public Open Space

Core Strategy

- CS2_** - Previously developed and greenfield land
- CS18_** - Urban design, town character, historic environment
- CS23_** - Mix of housing
- CS24_** - Affordable housing

Sites and Housing Plan

- 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

Other Planning Documents

- National Planning Policy Framework
- Balance of Dwellings Supplementary Planning Document
- Affordable Housing Supplementary Planning Document
- Natural Resource Impact Analysis Supplementary Planning Document
- Planning Obligations Supplementary Planning Document
- Parking Standards Supplementary Planning Document

Relevant Site History:

12/02622/CT3 - Erection of 5 x 3-bed, 3 x 2-bed and 2 x 1-bed flats (use class C3) arranged around central courtyard together with cycle and bin store. (Amended plans): Withdrawn

12/02623/CT3 - Conservation Area Consent for demolition of brick shed and former mess building: Withdrawn.

Public Consultation

Statutory Consultees

Thames Water Utilities Limited

- No objection

Oxfordshire County Council

- Highways Authority: No objection subject to conditions and financial contributions towards highway measures
- Education: No objection subject to contributions to primary and secondary education and special education needs as a result of increased occupancy.
- Property: No objection subject to conditions towards libraries, waste management, and museums as a result of increased occupancy.
- Drainage: A sustainable urban drainage scheme should be used, and on-site ground investigation required ascertaining the water table and permeability of the soil.

English Heritage

- No objection the application should be determined in accordance with national and local policy guidance.

Thames Valley Police:

- The development should incorporate secure by design principles

Third Parties

Letters have been received from the following addresses whose comments can be summarised below

- 25, 63 Chestnut Avenue; 7B Dunstan Road; Emden House; 2 Latimer Road; Flat 1, 209 London Road; 69 Old High Street; 47 Staunton Road; 19 Stile Road; 50 St Annes Road; 9 Windsor Street

Individual Comments:

- New housing in the Headington area is to be welcomed
- It is important to ensure that Bury Knowle Park remains for the use of all local residents
- The proposal will lead to the rest of the park being built on and is contrary to policy CS2 which states that areas of open space will only be allocated for development if the open space is not required for the well-being of the community
- The proposal is contrary to the Councils vision for Bury Knowle Park to create a

world class vibrant and safe park that promotes biodiversity, health and learning and is accessible to all.

- The depot should be returned to the park
- The access required would have an adverse impact on the environment & safety of the users of Bury Knowle Park especially for parents with small children, joggers & dog walkers because no matter the restrictions there will be an increase in movement of vehicles through the park
- The disturbance caused by the increased use of the road will be contrary to the Core Strategy's aim to promote social inclusion and improve the quality of life as it will be detrimental to the residents of Headington and the city beyond
- The turning area within the park is dangerous, especially to children, the elderly and visually impaired.
- The turning area would breach health and safety guidance
- The access road needs bollards to confine vehicles to the roadway but this will not stop motorbikes being ridden to and from the flats. The bollards and other fortifications will be an ugly feature in a very attractive park
- The application states that vehicular access will be limited to rubbish & emergency vehicles & no parking places will be provided for future residents. There will need to be measures in place to ensure that future residents do not park in the limited parking area reserved for park & library users
- There are car-free schemes within Headington which have failed in the past
- There will be disturbance through the construction period which will impact upon the park
- North Place is exposed to heavy congestion at certain times during the day which will be made worse, and have an impact upon pedestrians and cyclists using this space
- The North Place residents already have issues with parking and access and this will be made worse
- The development will place the Parks Green Flag status at risk
- The proposal is at odds with the Oxford City Councils Green Spaces Strategy 2013-2027 which seeks to increase green spaces rather than reducing them
- The residents of Emden House would like the height of the boundary wall to be the same as the existing out building in order to ensure the privacy of the ground floor flats.
- The addition of the staircase on the northern elevation could cause overlooking issues for the flats in Emden House.
- Disabled residents should challenge the no-car policy on human rights and discrimination grounds. The documentation is silent on what would happen to able-bodied persons who became disabled while living in the flats.
- The planning and design and access statement contradict each other because the planning statement says there is no provision for a wheel-chair accessible home or parking space, but the design and access statement makes it clear that the ground floor homes are accessible and the interiors suitable for wheelchair use. If the policy is muddled at this stage how can the applicant claim the development is car-free
- The car-free status depends on the gates and bollards remaining locked. The existing coach house car park is never locked and the gate to the rear of Bury Knowle House is rarely locked. In practice the measures proposed to keep the access road and depot site clear of vehicles will not work and in time the park to

the west will need to be completely fenced off.

- The core strategy looks to promote car-use but losing green spaces will encourage people to buy cars to seek out leisure opportunities
- The transport document is misleading and inaccurate. It states that the bus journey time to Oxford Rail Station is 5minutes, but this would not be possible even as the crow flies. Also the shortest journey time from Oxford to London Paddington is not 1hour as stated, and many buses from Headington do not go to Headington. The document also states that the centre of Headington is 350m away, however, this is also inaccurate and the nearest supermarket is 450m away. The distances to bus stops is also misleading and is much longer if you use paths and pedestrian crossings.

Oxford Preservation Trust

- We are concerned to see this application for affordable houses within the park
- We understand the pressure for housing, but parks are also important to communities
- The site is allocated within the Sites and Housing DPD but it is not one that the trust can support
- The site is within the public park, so that such uses takes away from the public amenity and benefit
- The car-free scheme is not sustainable for such housing and access to these homes through the park is not compatible to the public's use and their needs
- The trust is aware that the city is selling off a number of their properties but this time there is no sale, but an attempt to take the buildings out of public use. There is no supporting evidence for why they should not remain in public use either in the short term, or that any attempt is being made to ensure that they could be available for such use in the longer term, when the economic climate improves.
- This is not a development site for housing

Friends of Bury Knowle Park

- Object to the proposal
- The access road will be wider and have an increase in traffic including additional journeys from deliveries, servicing, taxis, refuse collection, emergency vehicles
- The traffic is inappropriate for a park area. The application is an improvement in that most traffic does not drive all the way to the housing, but there is now a turning area inside the park.
- Human behaviour is often a factor in traffic accidents. People do not expect vehicles in a park setting and so are not on guard. Parents expect a park to be safe for children and not to have to watch them like a hawk. It is difficult as a driver to see a small child in reversing mirrors which makes this a hazardous situation.
- It is inappropriate to lose parkland to a wider roadway, including passing places and this could cause damage to trees
- Traffic poses a danger to children, other park users and destroys peace and tranquillity, and to disabled users of the sensory garden
- The lack of parking in the development risks the spaces in the park being blocked by residents and visitors
- The additional traffic will make North Place congested and dangerous for those entering the park on foot or cycle for the library and childrens play area both of

which are close to the street.

- We feel strongly that alternatives to the increase in park traffic to this development must be investigated and made mandatory before this permission is granted

A petition was also submitted by the Friends of Bury Knowle Park with 680 signatures objecting to the proposal on grounds that the proposed access road poses a danger to children, other park users, and destroys peace and tranquillity.

The Friends of Old Headington

- There have been some potentially beneficial adjustments to overcome the serious access problems for the development within the park. However the trust is still concerned about the practicalities of the current suggestions and the loss of public amenity resulting from the proposed access.
- It is unfortunate that the current plan still does not show the position of the sensory garden in relation to the proposed access road.
- The current proposal has still not explored all the available options for access
- An approach should be made to the board of Emden House to discuss the possibility of achieving an access route which would dramatically reduce the impact on park users and conservation area. This access could be brought in via Barton Land along the eastern edge of the Emden House site and could resolve all the access problems and also benefit Emden House should the owners wish to extend their accommodation in future.
- This could result in less trees being damaged because as the current proposal stands six mature specimens are likely to be lost by construction traffic driving over the root protection areas.
- A condition should be attached which ensures that the developments car free designation is not eroded over the years by inappropriate allocation or residents parking permits, and that realistic measures to control parking for the Library and North Place are adopted
- Visitors vehicles and delivery vans for the new households will put pressure on local residents, park users and disabled library users. The existing handful of space and North Place can only accommodate a limited number of vehicles. A residents parking scheme should be established in this area. There should also be a number of disabled parking spaces and also library users should purchase pay and display tickets.
- A condition should be attached to ensure that the restrictive bollards are a robust solution to prevent vehicles used by couriers, and workmen doing maintenance work driving into the development.
- S106 contributions should be used to fund parking control measures to provide parking controls for library and park users and ensuring that parking and deliveries are properly managed in the long term
- A condition be attached to mitigate harm to the trees during the construction period
- Bury Knowle is an excellent example of early nineteenth-century parkland and plays a very important part within both the community and the conservation area. We are extremely concerned that current proposals for bringing traffic into the park via North Place will inflict long term damage on the character, visual amenity, and general well-being of a local heritage asset.

Oxford Civic Society

- There have been some improvements to the proposals, but the fundamental difficulties of developing this site without damage to the park remain.
- The position of the site at the rear of the park causes access problems, which is acknowledged in the development being car-free. This imposes restrictions on design, access control, and balance of dwellings standards which is not resolved adequately
- The proposal would be contrary to the balance of dwellings policy which requires the majority of the development to be 3 and 4 bedroom units. Nevertheless the bed space distributions with 8 of the units providing 3 or more bed spaces implies that families will be housed here, in restricted accommodation, contrary to what the proper use of the site requires.
- The application agrees that the design needs to carefully consider the impact upon Emden House and the park environment. The restricted roof treatment means that no outside balconies are provided at first floor level. The ground floor flats have private gardens while the upper flats have no private amenity space and the shared garden is not much larger than the average family house in the area. The inward opening French Windows neutralise the space within crowded living/dining/kitchen rooms and reduce useful wall space.
- The access to the development will be restricted to only emergency and refuse vehicles. All other delivery vehicles have to stop and turn at a stop within the park some 40m in length and clearly visible from its quieter part. All deliveries will have to be carried the remaining distance – with the possibility that the recipient is not available to receive them. What control of the length of stay will be effective? The impact on the park will reduce the amenity of one of its most sensitive parts.
- The housing units will not be suitable for the disabled and there appears to be no provision for disabled visitor access
- The development will house families, who will have need for a car which they will keep somewhere in the vicinity adding to parking congestion in Headington.
- The separate construction routs will impact on the sensory garden and result in a loss of residential amenity.

Officers Assessment:

Site Location and Description:

1. The site is located at the northern end of Bury Knowle Park, and is bordered by residential properties to the north, west, and south-west; and Bury Knowle Park to the south and east (**appendix 1**).
2. The site has been used as a depot by Oxford City Council for the general storage of materials and equipment. The site comprises a small red brick shed, and small grey brick mess building. It is separated from the public open space within Bury Knowle Park by fencing and hedging. The site is currently accessed from North Place.

3. The site is within the Old Headington Conservation Area, and the Headington Transport District Centre.

Background to Proposal

4. In April 2013, Members of the East Area Planning Committee resolved to grant conservation area consent and planning permission for the demolition of the existing outbuildings and the erection of 10 flats on the site under references 12/02623/CT3 and 12/02622/CT3. The applications were then called-in to the Planning Review Committee over concerns about the impact of the car-free scheme and access arrangements to the site. The applications were then withdrawn and an amended application was submitted which included further details with respect to the access arrangements for the site.

Proposal

5. The proposal forms part of the Oxford City Council Affordable Housing Programme 2011-2015, and will provide 100% on-site affordable housing which is to be owned and operated by Oxford City Council.
6. The development is seeking conservation area consent for the demolition of the existing brick shed and former mess building within the depot site, and planning permission for the erection of 10 flats (1x3, 7x2, and 2x1 beds). The proposal comprises the erection of a group of one-and-a-half story buildings arranged around a central courtyard with associated amenity space, refuse and cycle storage. The dwellings are designed to comply with Code for Sustainable Homes Level 4, Secured by Design, Lifetime Homes and the Housing Quality Indicators.
7. The development is to be car free with a delivery zone and turning area provided to the rear of Bury Knowle House. The existing access to the depot will be controlled by a lockable gate at the delivery zone, to restrict access to the development to emergency vehicles and refuse access. The existing boundary walls to the depot site within the park are to be retained, with alterations proposed to the boundary with Emden House.
8. Officers consider that the determining issues in this case are the principle of development; affordable housing; balance of dwellings; residential uses; impact upon a heritage asset; impact upon adjoining properties; archaeology; biodiversity; highway matters; trees; sustainability; financial contributions; and contaminated land.

Principle of Development

9. The National Planning Policy Framework encourages the effective use of previously developed land provided it is not of high environmental value. These aims are embodied within Policy CS2 of the Oxford Core Strategy. The NPPF defines previously developed land that was occupied by a permanent structure, but excludes parks and recreation grounds from this definition.

10. The depot is located in the northern corner of the park but is separated from the rest of the park by fencing which prevents public access to the site. During the consultation process concerns have been raised that the redevelopment of the depot would be contrary to the Council's Green Spaces Strategy (Feb 2007) which recommended that the Council should maintain the quality of Bury Knowle Park, while adding required features to the grounds and protecting it through the planning system. The park itself is designated within the Oxford Local Plan as protected public open space under Policy SR5, although the depot and area of land to the east of North Place are not included in this designation. Therefore despite the fact that the depot is located within the boundary of the park, it does not form part of the protected open space, and it would be reasonable to consider that the site constitutes previously developed land as defined by the National Planning Policy Framework. The Oxford Green Spaces Strategy (Feb 2007) was a background paper to the Oxford Core Strategy 2026 and not an adopted document. The park is protected through the planning system with its designation as a protected open space and the depot is not included in this designation. Therefore the proposal would not result in the loss of any of the public open space within the park.
11. Officers consider that the principle of redeveloping the depot site for housing would make an efficient use of previously developed land to deliver much needed affordable housing within the city in a manner that would preserve the existing public open space within the park and wider Headington suburb. This would accord with the aims and objectives of the NPPF and Policy CS2 of the Oxford Core Strategy 2026.

Affordable Housing

12. The application forms part of the Oxford City Council Affordable Homes Programme 2011-2015, which is seeking to deliver new affordable homes across a number of development sites within the city. The programme has secured funding from the Homes & Communities Agency to provide 112 new build affordable homes of mixed social and affordable rented tenure by March 2015.
13. The Oxford Core Strategy 2026 recognises that the provision of affordable homes is a key priority for the Council in order to deliver a wide choice of quality homes to address the needs of local people and to create sustainable, inclusive mixed use communities. The Sites and Housing Plan makes clear in Policy HP3 that development sites with a capacity for 10 or more dwellings must provide 50% affordable homes on the site, and that a minimum 80% of these homes must be social rented accommodation, with the remaining as intermediate housing.
14. The proposal will provide 100% affordable housing with 7 'affordable rent' units and 3 'social rent' units. The Sites and Housing Plan does not consider 'affordable rent' to be the same as 'social rented' housing hence the requirement in Policy HP3 for a greater proportion of social rented accommodation to be provided from qualifying schemes. Therefore while the scheme would provide more affordable housing than the 50% normally sought under the policy, the tenure mix would not strictly satisfy the requirements of Policy HP3. The Affordable Homes Programme is reliant on funding from the Homes and

Communities Agency (HCA), who stipulate that a proportion of 'affordable rented' units must be provided within the programme. In real terms this means that 44 of the 112 affordable homes have to be 'affordable rent' while the remaining 68 can be provided as 'social rent'. The overall programme exceeds the policy requirements for affordable housing in that it will deliver 100% affordable homes on each of the individual sites and far more social rented housing than would normally be sought on a site-by-site basis. However in order to meet the HCA's requirements the mix of tenures has had to be allocated across each development site within the programme. Therefore although this scheme has a shortfall in social rented properties, this is compensated by the higher number of social rent homes delivered on the other sites within the programme. As a result, officers would raise no objection to the mix of affordable housing tenures proposed for the site.

Balance of Dwellings

15. Policy CS23 of the Oxford Core Strategy 2026 require residential development to deliver a balanced mix of housing to meet the projected future household need, within each site and across Oxford. The mix of housing relates to the size, type and tenure of dwellings. The Balance of Dwellings Supplementary Planning Document (BoDSPD) sets out the appropriate housing mixes for each Neighbourhood Area within the City. The site is located within the Headington Neighbourhood Area, where a reasonable proportion of new family dwellings are required within residential schemes.
16. The proposal will provide 10 flats which would comprise 1x3, 7x2, and 2x1 bed units. The mix of units would differ from that proposed within the previously withdrawn scheme (12/02622/CT3) and would not strictly meet the requirements of the BoDSPD as there would be a greater proportion of 2 bedroom units and a lower proportion of 3 bedroom units. The mix of units within the development has been amended from the previous scheme (12/02622/CT3) to take into account the concerns raised in relation to the practicalities of a car free scheme for family housing. The location of the site within the park, and the nature of the access to the depot make it necessary for any scheme to be car-free. The site is adjacent to the Headington District Centre which is deemed a sustainable location that is more suited to having a greater proportion of smaller units of accommodation and less reliance on car use. Therefore officers consider that the site and its circumstances would lend itself to providing smaller units of accommodation rather than family housing, and given the fact that the Affordable Homes Programme is providing a significant amount of family housing throughout other sites which are more suited to that type of accommodation, there would be no objection to a mix of units that does not strictly satisfy the requirements of the BoDSPD in this instance.

Residential Uses

17. The flats would be self-contained and have internal layouts that comfortably exceed the requirements of Sites and Housing Plan Policy HP12 which sets the minimum floor sizes and general living accommodation standards expected from residential development. The units are all designed to lifetime homes standards.

The proposal would therefore satisfy Policy CP10 of the Oxford Local Plan 2001-2016, and Policies HP2 and HP12 of the Sites and Housing Plan.

18. In terms of outdoor space, the ground floor flats would each have access to individual private amenity areas of suitable size for the properties they serve. The flats on the upper levels will have access to a shared amenity space in the south-west corner of the site. The residential units also have access to the public open space of the park. The level of private amenity space is considered acceptable under the requirements of Policy CP10 of the Oxford Local Plan and Policy HP13 of the Sites and Housing Plan.
19. The development will provide a communal refuse store / collection point in the south-east corner of the site which provides a secure store in a practical and accessible location for future occupants and also for refuse collections. This would accord with Policy HP13 of the Sites and Housing Plan.

Impact on Heritage Asset

20. The existing depot is not statutorily listed, but is considered to be of high local heritage significance having associations with the Bury Knowle Estate. The site is also located within the Old Headington Conservation Area which is a designated heritage asset. The National Planning Policy Framework requires proposals to be based upon an informed analysis of the significance of any heritage asset affected. A Heritage Assessment has been prepared for the site in order to inform the decisions about the building's future. The assessment states that the mess building does not have any particular architectural or historic interest and that although the brick store shed has some limited local historic and architectural interest it has been badly affected by later alterations and is in a poor condition. Having regards to these conclusions, officers raise no objection to the demolition of these buildings which given their current state would not have an adverse impact upon the conservation area. Furthermore their loss would be outweighed by the public benefit that the affordable housing project will have upon the housing stock within the city.
21. The heritage assessment identifies 6 key elements that contribute to the significance of the depot site and its wider setting. These being the survival of the high kitchen garden walls with contrasting brick and stone that continue outside the site; the use of high limestone for the rubble walls for the boundaries; the scale, materials, roof profile and decorative ridge tiles of the brick shed; the absence of domestic detailing to the shed and the unusual decorative treatment of the openings; the backland character of the development with ranges of agricultural buildings and garden walls allowing views from the park to the built up Old High Street and the village core from Old High Street to the greenery of the park; and the lack of intrusion to the tranquil, garden character of the park from the activity within the depot. The assessment has also identified opportunities for proposals to conserve or better reveal the significance of the site and its surroundings. These include maintaining the scale of development that allows views between Old High Street and parks greenery; the scale of the buildings having a domestic and rural scale and density; maintaining the character of ancillary buildings in the setting beyond the principal road frontages; and the

provision of an appropriate landscape buffer with the park, including green space, planting and definition to the edge of the park with buildings set back from this frontage.

22. The proposed development has been designed to respond to the key elements of significance and opportunities for enhancement set out within the heritage assessment. The layout follows the previously withdrawn scheme (12/02622/CT3) with the buildings arranged around a courtyard to establish a clear public and private realm relationship with active frontages, set well back from the edges of the depot site in order to appear as ancillary buildings in the park setting. The buildings are of a domestic scale and would be one-and-a-half storeys to reflect the existing buildings on site and to minimise the impact on views between Old High Street and the park. The only difference to the previous scheme is the stair tower on the northern elevation, although this does not significantly increase the scale of the buildings. The buildings would be of a traditional style, as suggested in the heritage assessment, and will use similar materials to the existing stable building. A condition should be attached to ensure that appropriate materials are used.
23. Officers consider that the proposed development has been designed in a manner that would preserve the significance of the site, and its relationship with the Old Headington Conservation Area in a manner that would be consistent with the National Planning Policy Framework, Policies CP1, CP6, HE6 and HE7 of the Oxford Local Plan, Policy CS18 of the Oxford Core Strategy 2026 and Policy HP9 of the Sites and Housing Plan.

Impact upon Adjoining Properties

24. The Council seeks to safeguard the amenities of properties surrounding any proposed development. Policy HP14 of the Sites and Housing Plan states that residential development should provide reasonable privacy and daylight for the occupants of existing and new homes. This is also supported through Policy CP10.
25. The properties that stand to be most affected by the proposal are the sheltered accommodation of Emden House that lies to the north, the Priory to the west, and North Place to the south. The proposed development is of a size, scale, and design that would not have an adverse impact upon the adjoining properties of The Priory and North Place in terms of loss of light, privacy or overbearing impact.
26. With specific regard to Emden House the removal of the mess building would have a positive impact upon this property as it is sited on the boundary and creates a sense of enclosure in this garden. The new building would be set 4.5m away from the existing boundary with a pitched roof that slopes away from Emden House and although the new building will be higher than the existing mess building it is considered that this will not create a significant sense of enclosure or overbearing impact to the rear of Emden House. The revised scheme includes a stairwell on the northern elevation which has a window at first floor level. The main concern would be that it establishes the perception of

overlooking between properties. As this does not serve a habitable room it would be reasonable for this to be obscure glazed to prevent overlooking. Concerns have also been raised about whether the roof lights in units 4 and 6, would overlook the flats on the upper levels of Emden House. The rooflights are set at a high level and serve a kitchen and hallway, and so officers consider that this would prevent any overlooking issues. A condition could be attached which requires them to be set at 1.7m above floor level to ensure this is the case. There is a bedroom window in Plot 8 which would look onto Emden House, however, this is only a small window and would only afford limited angles of view to the adjoining property and therefore would not lead to a material loss of privacy.

27. The residents of Emden House have requested that an appropriate boundary wall is maintained between the properties and that this should be the height of the wall of the existing mess building. This is not shown on the plans but should be secured by condition. The alterations to the existing access to the site include external lighting for the access road, which could have an impact upon the properties in North Place. It is proposed to use bollard lights which are low level so as to minimise any impact, however a condition should be attached requesting a lighting scheme to ensure that the lighting will not have an adverse impact upon the properties.

Highway Matters & Access Arrangements

28. A Transport Statement, Delivery and Servicing Plan, and Access Road Landscape Plan have been submitted that set out the access arrangements for the site. The depot site is currently located within the northern corner of the site and is accessed via a single track road that leads from North Place around the rear of Bury Knowle House and along the eastern boundary of the park. The access road is currently a shared surface for all users as it is not segregated from the park but is used by vehicular traffic accessing the depot and the front of the library. The location of this access road is set away from the more well-used areas of the park which are closer to the London Road. The entrance from North Place currently provides an entrance to the Bury Knowle Coach House and also the service access for the library and although it is currently accessible to all, it does not feel like a public area in the same way as the main public car park which is also accessed from North Place.

29. The proposed development will be a car-free scheme, with controlled access arrangements restricting vehicle access to emergency and service vehicles. The site is situated within a sustainable location, which is well located for walking and cycling with good access through the park and North Place to a range of shops, facilities and public transport links in Headington. The principle of car-free development is considered wholly acceptable in sustainable locations such as this provided that it can be realistically enforced. There is a controlled parking zone in place throughout the surrounding streets and the rest of North Place has double yellow lines which provide on-street parking controls. In order to help enforce the car-free nature of the proposal, the Local Highways Authority has recommended that the properties be excluded from eligibility to residents and visitor parking permits. In order to reinforce the car-free nature of the proposal a

resident's travel information pack should also be prepared which provides advice on the access arrangements and sustainable travel options available to them. This should be conditioned. There would also be a need to ensure that opportunities for indiscriminate parking within the existing library and park car park and area around Bury Knowle Coach house are avoided. The inability to park in these areas should be made clear in any resident's travel information pack but a site management plan should be secured by condition to detail how this will be prevented in these areas. Having regards to the location of the site, officers consider that there would be no reason to object to the provision of a car-free scheme in this location given the enforcement mechanisms that exist.

30. The 'Delivery and Service Plan' and 'Access Road Landscape Plan' make clear that the existing access road from North Place will be used in order to avoid any additional impact upon the park over and above that already experienced within this area. There would be access restrictions imposed to this area which do not exist at present, as both the depot site and front of the library are accessed by vehicles with no segregation from the park itself. The access to the depot site would be restricted to solely emergency and refuse vehicles, with other vehicles only allowed access on agreement with the management company which would be the Council. The management plan should include details of the tenancy / service arrangements to be put in place for residents to gain access to the site when needed for removals or maintenance. The Local Highways Authority considers that the traffic generation would be minimal especially when compared to the existing situation and would not have a material impact on the park. The entrance gate to the site from North Place will become controlled and be open between the hours of 7.00am and 7.00pm Monday to Friday, and 9.00am to 5.00pm on Saturdays, with access on Sundays only possible to existing key holders or through contacting the Site Management Company. The existing service area to the rear of Bury Knowle House will be reorganised to better manage the parking and traffic movement that already occurs in this area and provide a clear route through to the access road. The single track road already has a natural turning head as it splits towards the depot and library which is currently used by a number of vehicles to turn and leave the site. A designated stopping zone will be formed in this area to allow any delivery vehicles within the opening hours stated above to enter and leave in a forward gear. This arrangement would provide more clarity to this part of the site for the benefit of the proposed development and the library and Coach House. There will be lockable gates to the north of this zone which will control access to the site to the emergency and service vehicles who will gain access via a universal key. A suitable turning head is provided within the residential development to enable the emergency and service vehicles to access and leave the site in forward gear. Pedestrian access to the development will be through the existing gate during its opening hours, and out of hours access will be provided by the existing gate behind Bury Knowle Coach House. This gate will remain closed at all time, but residents will be provided with a code or key as part of the tenancy.

31. The proposed works set out in the 'Access Road Landscaping Plan' has shown how surfacing and landscape treatments will be used for the access road to prevent any conflict between park users and the access road. The road will be segregated by a boundary hedge between the road and park, which would be

maintained at a height which allows visibility between vehicles and park users. There would also be bollards and seating to create defensible space in a manner which suits the parks setting and minimises the impact upon the sensory garden. There would also be a need for a suitable lighting scheme to this road which suits the setting and also minimises the impact upon North Place. In many respects these works would improve the existing situation within the park, whereby the access road is currently open to potential conflict between vehicles accessing the depot and the library and park users. The Local Highways Authority has recommended that the works to the access road are carried out to County Council standards and specifications and provides a sustainable urban drainage scheme for the disposal of surface water. This should be secured by condition. The Local Highways Authority has also recommended that a construction traffic management plan be provided.

Trees

- 32.A Tree Survey has been submitted with the application. The proposed development would not have an impact upon the existing group of trees in the south-west corner of the site. The main concern would relate to the mature trees that are within the park, along the proposed access road. These would include a yew, lime, horse chestnut, and sycamore.
- 33.The existing access road has apparently been used by high sided vehicles which visit the depot, although given the existing condition of the crowns this would appear optimistic. That being said officers consider that the findings of the tree survey demonstrate that the access road could be used, provided that appropriate conditions are imposed on the permission to control finer details about the access road throughout the construction process. The trees that line the driveway will need to be pruned to lift their crowns to at least 5 metres above the drive and officers consider that this will have a minor effect on visual amenity in the area, but this impact would not merit refusal of planning permission. Any permission would also need to make clear that underground services should not be routed along the access drive, and appropriate methods for resurfacing the access road could be employed to prevent any adverse impact upon the tree roots. Robust tree protective barrier fencing will need to be erected either side of the drive during construction phase.
- 34.As such officers consider that the proposal would not conflict with Policy NE15 of the Oxford Local Plan, subject to conditions requiring a landscape plan, underground services plan, plan of hard surfacing and no-dig methodology; tree protection plan and arboricultural method statement to be provided.

Sustainability

- 35.Sites and Housing Plan Policy HP11 states that residential development should include an element of on-site renewable or low carbon technologies were practicable. It goes on to state that for qualifying developments (i.e.10 or more dwellings) proposals should include a least 20% of their energy needs from on-site renewables or low carbon technologies, unless it can be robustly

demonstrated that such provision is either not feasible or it makes the development unviable.

36. An NRIA has been submitted which states that the scheme will achieve a score of 8/11 in terms of energy efficiency, exceeding the minimum score to comply with the policy.. The accompanying statement identifies that the scheme will be designed to meet the requirements of Level 4 of the Code for Sustainable Homes, and will incorporate sources of renewable energy into the design of the buildings. A condition should be attached which requires details of the energy efficiency measures incorporated into the development to be provided before work commences.

Archaeology

37. An Archaeological Evaluation has been submitted with the application which has not identified any archaeological interest and no further archaeological work will be required.

Biodiversity

38. An Ecology & Bat Survey Report has been submitted with the application. The report has not identified any particular ecology issues in terms of bats and birds using the existing outbuildings which would prevent their removal. The report recommends that the existing trees within the site should be retained, and provides advice on suitable species for any landscaping scheme in order to provide biodiversity enhancements. It also recommends the provision of bat and bird boxes within the development. A condition is included in the recommendation requiring the recommendations of this report to be carried out

Contaminated Land

39. A phase 1 desk study and limited phase 2 site investigation have been received with the application to assess the potential for contaminated land within the site. The Phase 2 intrusive investigation concludes that further sampling is required due to the presence of a chemical storage building on the site. Officers recommend that this additional sampling and risk assessments are secured by condition.

Planning Obligations / CIL Contributions

40. In accordance with the Planning Obligations Supplementary Planning Document contributions are required to mitigate the impact of the proposal on the City and County Services and infrastructure. The following contributions would therefore be required.

Oxfordshire County Council

- £11,217 (Primary Schools)
- £9,654 (Secondary Schools)
- £3,066 (Special Educational Needs)
- £1,574 (Library)

- £837 (Household Waste Recycling Centre)
- £90 (Museum Resource Centre)
- £29,975 (Highways & Transport)

Oxford City Council

- £1,666 (Indoor/Outdoor Sport)
- £4,431 (Open Space/Ecology)
- £1,191 (Sports Ground)
- £573 (Play Areas)
- £79 (Allotments)

41. The total level of contributions sought would be £64,353 plus the relevant admin fees. The County Council contributions will be secured by a legal agreement, and by internal mechanism for the City Contributions.

42. It is important to note that the Councils' Community Infrastructure Levy Charging [CIL] Schedule is to be put to Full Council for adoption on the 30th September 2013. The formal implementation of CIL would have an impact upon the level of contributions sought for this scheme, as Affordable Housing is one of the forms of development which could apply for an exemption from CIL charges. The introduction of CIL will apply to any applications where S106 agreements have not been agreed before this comes into effect and therefore given the timeframes for this decision it is likely that these contributions will have to be recalculated.

Conclusion:

43. The proposal is considered to be acceptable in terms of the relevant policies of the Oxford Core Strategy 2026, Sites and Housing Plan 2011-2026, and Oxford Local Plan 2001-2016 and therefore officer's recommendation is to approve the development in principle, but defer the application for the completion of a legal agreement to secure the necessary financial contributions as set out above.

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.

Contact Officer: Andrew Murdoch

Extension: 2228

Date: 27th August 2013

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