

Application Number: 13/01610/CT3

Decision Due by: 26th September 2013

Proposal: Erection of 48 residential units (4 x 1-bed flats, 8 x 2-bed flats, 4 x 2-bed houses, 26 x 3-bed houses and 6 x 4-bed houses) (use class C3), 102 car parking spaces, public open space, retained allotments and access road, together with diverted right of way, landscaping and cycle and bin stores.

Site Address: East Minchery Allotments, Grenoble Road, Oxford (**site plan: appendix 1**)

Ward: Littlemore

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 proposal would make an efficient use of this disused allotments which has been allocated for residential use as part of the Councils five-year housing supply to provide good quality affordable housing while at the same time establishing a balanced and mixed community within the Littlemore neighbourhood area. The overall layout, form, and appearance of the development would be appropriate for the site and surrounding area while

also safeguarding the amenities of the adjoining residential properties and providing suitable public open space. It would be acceptable in highway terms with appropriate access arrangements, parking provision, and pedestrian linkages to the surrounding area. The development would be energy efficient, and would not have a significant impact upon biodiversity; trees; archaeology; flood risk; drainage; air quality; land contamination; or noise impact and any such impact relating to these matters could be successfully mitigated by appropriate measures secured by condition or contributions. The proposal would accord with the overall aims of the National Planning Policy Framework and relevant policies of the Oxford Core Strategy 2026, Oxford Local Plan 2001-2016, and Sites and Housing Plan 2011-2026.

- 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

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Samples of materials
- 4 Details of Affordable Housing
- 5 Details of all means of enclosure
- 6 Details of refuse and cycle storage
- 7 Landscape plan required
- 8 Landscape carries out by completion
- 9 Tree Protection Plan (TPP) 1
- 10 Arboricultural Method Statement (AMS) 1
- 11 Landscape hard surface design - tree roots
- 12 Landscape underground services - tree roots
- 13 Landscape management plan
- 14 The provision of the open space / allotments
- 15 Secure by Design Principles
- 16 Details of access road and parking areas
- 17 Amendments to the Controlled Parking Zone
- 18 Construction Traffic Management Plan
- 19 Biodiversity recommendation carried out
- 20 Sustainable Urban Drainage Scheme & Strategy
- 21 Archaeology
- 22 Noise Survey Recommendations
- 23 Contaminated Land Assessment
- 24 Removal of Permitted Development Rights
- 25 Details of external lighting

Legal Agreement:

- Secure the provision of the open space and allotments
- Financial contributions of £539,799 plus the relevant admin fees (as set out in report)

Principal Planning Policies:

Oxford Local Plan 2001-2016

- CP1** - Development Proposals
- CP6** - Efficient Use of Land & Density
- CP9** - Creating Successful New Places
- CP10** - Siting Development to Meet Functional Needs
- CP11** - Landscape Design
- CP13** - Accessibility
- CP19** - Nuisance
- CP20** - Lighting
- CP21** - Noise
- CP22** - Contaminated Land
- CP23** - Air Quality Management Areas
- TR1** - Transport Assessment
- TR5** - Pedestrian & Cycle Routes
- NE15** - Loss of Trees and Hedgerows
- NE20** - Wildlife Corridors
- HE2** - Archaeology
- SR8** - Protection of Allotments
- SR10** - Creation of Footpaths & Bridleways
- TR8** - Guided Bus/Local Rail Service

Core Strategy

- CS2_** - Previously developed and greenfield land
- CS9_** - Energy and natural resources
- CS11_** - Flooding
- CS12_** - Biodiversity
- CS13_** - Supporting access to new development
- CS17_** - Infrastructure and developer contributions
- CS18_** - Urban design, town character, historic environment
- CS19_** - Community safety
- CS22_** - Level of housing growth
- 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
SP15_ - East Minchery Farm Allotments, Priory Rd

Other Material Considerations:

- 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

Public Consultation

Statutory Consultees

Littlemore Parish Council

- No objection subject to neighbours comments and planning control

Environment Agency Thames Region

- The Agency refer to their standing advice for development proposals over 1ha in Flood Zone 1
- The scheme should deal appropriately with surface water run off to ensure it uses sustainable urban drainage measures, and allows for climate change in any design. The residual risk of flooding should also be considered where the drainage features fail or are subject to an extreme flood event.

Thames Water Utilities Limited

- Thames Water has identified an inability of existing waste water infrastructure to accommodate the needs of this application. A condition should be secured requiring a full drainage strategy detailing on and off site drainage works to be provided before development commences. This is because the development may lead to sewage flooding and so sufficient capacity needs to be demonstrated in the area.
- With regards to surface water it is the responsibility of a developer to make proper provision for surface water drainage.

Oxfordshire County Council

- Transport & Planning Strategy: There is a need to ensure appropriate perimeter fencing alongside the railway to prevent trespass and vandalism, and this should be discussed with Network Rail. The development will not affect the upgrading of the branch line, should that proposal be taken forward
- Highways Authority: No objection subject to conditions and contributions towards highway infrastructure
- Rights of Way: The route of the diverted footpath needs to be agreed. This will need to be agreed through a section 257 diversion application under the Town & Country Planning Act
- Drainage: The scheme should use a Sustainable Urban Drainage System

- 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.

Natural England

- No objection as the proposal is unlikely to affect any statutorily protected sites, landscapes, or European protected species

Third Parties

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

- 4 Oxford Road; 3, 4 Minchery Farm Cottages

Individual Comments:

- The increase of traffic will inevitably adversely affect the conservation area, by adding pressure to the Oxford Road which is already overloaded and causes noise and disturbance to residents.
- The development will be further divisive of the Littlemore community as a whole
- The three-storey properties on plot 38 will exceed the height of the railway line and overlook the Minchery Farm Cottages. This was originally shown as a two-storey building at the public consultation event and this would be preferable.
- The new access road will lead onto an area busy with pedestrians and cyclists and the junction between Minchery Road and Priory Road lies on a sharp bend. The layout needs to be carefully considered so as not to have an adverse impact upon the local highway.
- There are concerns about sewage capacity. There is a sewage problem in the area, and it is not clear if the system will handle the extra sewage

Officers Assessment:

Site Location and Description:

1. The site is an area of open land approximately 1.3ha in size within the south eastern edge of the Littlemore Neighbourhood Area. It is bordered by residential accommodation on Priory Road to the west, the railway line to the south with the Minchery Farm Cottages, Falcon Close, and Ozone Leisure Complex beyond, and the sports pitches of the Oxford Academy to the north (**appendix 1**).
2. The site is classified as an allotment under the Allotments Act, although it has lay vacant for a number of years and is now overgrown. The site is accessed from Priory Road via an existing vehicular access and a pedestrian crossing over the railway line to the north east from Falcon Close. There is also a public footpath which runs west to east along the northern boundary of the site.

Proposal

3. 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.

4. The development is seeking permission for the erection of 48 residential units (4x1 bed flats, 8x2 bed flats, 4x2 bed houses, 26x3 bed houses, and 6x4 bedroom houses). The dwellings would have access to their own private open space, and secure 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.
5. The scheme will provide a total of 102 car parking spaces which will comprise 82 allocated parking spaces (1 space per flat, 2 spaces per dwellings) and 20 unallocated spaces.
6. The development will also include an area of new public open space in the form of a green in the centre of the development, and the retention of an area of open space to be used as allotments. The scheme would also include the diversion of the footpath to the north.
7. Officers consider the principal determining issues to be:
 - Principle of Development
 - Affordable Housing
 - Balance of Dwellings
 - Residential Uses
 - Open Space provision
 - Site layout and built form
 - Impact upon Adjoining Properties
 - Landscaping
 - Highway Matters
 - Biodiversity
 - Flood Risk and Drainage
 - Sustainability
 - Archaeology
 - Planning Obligations / CIL
 - Other Matters

Principle of Development

8. The National Planning Policy Framework encourages the effective use of land by reusing land that has been previously developed, provided that it is not of high environmental value. Policy CS2 of the Oxford Core Strategy supports this aim and makes clear that the development of greenfield sites will only be allowed where they are specifically allocated for that use within the Local Development Framework, or required to maintain a five-year rolling housing-land supply in accordance with Oxford Core Strategy Policy CS22.
9. The site would not constitute previously developed land under the definition within the National Planning Policy Framework. However, it has been specifically allocated for residential development within the Sites and Housing Plan as part of the Councils five-year supply of housing and to meet the overall housing contributions set out within Policy CS22 of the Oxford Core Strategy 2026.

10. Therefore the site's allocation under Policy SP15 of the Sites and Housing Plan establishes the general principle for providing residential development on this site, and would also accord with the aims of Policies CS2 and CS22 of the Oxford Core Strategy 2026.

Affordable Housing

11. 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.

12. 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. It goes on to state that a minimum of 80% of these homes must be social rented accommodation, with the remaining as intermediate housing.

13. The proposal is providing 100% affordable housing within the site, with 21 of the total number of units being 'social rent' (43.7%) and 27 of the units being 'affordable rent' or 'intermediate housing' (56.25%). This would comfortably exceed the requirements of Sites and Housing Plan Policy HP3 and Oxford Core Strategy Policy CS24.

Balance of Dwellings

14. 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.

15. The Balance of Dwellings Supplementary Planning Document (BoDSPD) identifies the site as being within the Littlemore Neighbourhood Area. The development would provide 48 units with a mix of flats (8x2 and 4x1 beds) and dwellings (26x3 and 6x4 beds). The proposed mix would be consistent with the preferred mix for a scheme of this size within the Littlemore Neighbourhood Area as set out within Policy CS23 of the Oxford Core Strategy 2026 and the BoDSPD.

Residential Uses

16. The development would allow for a range of dwelling types across the scheme each with varying layouts. The units would be self-contained and have internal layouts that exceed the requirements of Sites and Housing Plan Policy HP12 which sets minimum floor sizes and general living accommodation standards expected from residential accommodation. The dwellings have been designed to

comply with Lifetime Homes Standards and include three wheelchair accessible apartments in accordance with Sites and Housing Plan Policy HP2.

17. In terms of outdoor space, Sites and Housing Plan Policy HP13 states that new dwellings should have direct and convenient access to an area of private open space. It recognises that family homes should be provided with a private garden of adequate size and proportions to the size of house proposed. In terms of flats 1 or 2 bedroom flats should be provided with a balcony or terrace of usable space, or direct access to a private or shared garden. The policy also makes clear that adequate provision should be made for the safe, discrete and conveniently accessible refuse and recycling areas.
18. The dwelling houses would have private gardens of adequate size and proportions to the properties they serve. The flats within the scheme would have areas of communal space to the rear of each block (85m² for Plot 38 and 91m² for Plot 21), and would also have use of the central open space as a shared communal area. The dwellings would each be provided with cycle and refuse storage within the rear gardens that are accessible via the side passageway, whilst the apartment blocks would have their own communal stores also to the side of the blocks. As such the proposal would accord with the aims of Policy HP13.

Open Space Provision

19. The site allocation Policy SP15 states that any residential development within the site should retain at least 30% of the gross site area of the site as public open space, with 10% as communal public open space including space for young people, and 20% as allotments.
20. The site layout has incorporated a central area of open space which is intended to act as the heart of the development. The space will be a landscaped area that includes a play space suitable for a range of ages. In addition there will also be improvements made to the existing open space at the entrance to the site from Priors Road which is currently underused and will provide a more visually appropriate entrance to the site.
21. The layout also retains an area of land at the eastern end of the site for allotment use. This was considered the most appropriate location as it allowed the best use to be made of the triangular plot, and was easily accessible from the site and also the pedestrian access from Falcon Close, enabling better links to the surrounding area. The final layout and management framework is yet to be determined, however, the requirement for this part of the site to provide a proportion of allotment space including the management framework should be secured by planning obligation.

Site Layout and Built Form

22. Sites and Housing Plan Policy HP9 states that residential development should respond to the overall character of the area, including its built and natural features; the form, layout and density of the scheme should make an efficient use

of land while respecting the site context and making a positive contribution to local character. It should also ensure that landscaping, and boundary treatments integrate the development into the street scene, in a way that defines public and private space and maintains natural surveillance of the public realm. The site allocation policy (SP15) also makes clear that the development should be designed to ensure that there are active frontages onto the open space. This is supported by Oxford Core Strategy Policy CS18, and Policies CP1, CP6, CP8, CP9, and CP10 of the Oxford Local Plan.

23. The site layout responds well to the awkward shape of the site, by providing a linear street pattern which uses the constraints of the railway line and school playing fields to establish a clear public and private realm relationship. The dwellings have active frontages that allow for natural surveillance onto the public areas within the site. The street layout also enables a clear line of sight between the entrance on Priory Road through to the allotments at the eastern end and access onto Falcon Close which improves the permeability for the site and links to the wider area such as between Priory Road and Falcon Close. The layout has also been designed to achieve 'Secure by Design' accreditation.
24. The built form would be of an appropriate residential scale for the site and the surrounding residential suburb. The dwellinghouses would be two-storey with pitched roofs that are laid out in a terrace form with seven terraces of 4 houses, and a terrace of 8 houses. The gaps between the terraces help to provide a break in the massing of the terraced blocks. The two apartment blocks are two-and-a-half storey as flats are provided in the roofspace, and they have a pitched roof with dormer windows. They would be sited at either end of the main road leading from Priory Road and would also suit the residential scale of the development as a whole. The buildings have been designed to have a contemporary appearance albeit within a traditional residential form and it is intended to use a buff brick, clay plain tiles for the roof, and aluminium windows which would sit comfortably within the context of the local area.
25. The overall layout, form and appearance of the proposed development would make the best use of the site, while also suiting the sites context within the existing residential suburb, which officers consider would accord with the aims and objectives of the above-mentioned policies.

Impact upon Adjoining Properties

26. Policy HP14 of the Sites and Housing Plan states that residential development should provide reasonable privacy and daylight for the occupants of both existing and new homes. The properties that stand to be most affected by the proposal would be the Minchery Farm Cottages on the southern side of the railway line, and the flats to the west of Priory Road.
27. The Minchery Farm Cottages are three pairs of two-storey semi-detached properties which face onto a small private road which is accessed from Priory Road and have private gardens that face towards the railway embankment which separates them from the application site. During the consultation process concerns have been raised that the apartment block will overlook the rear of

these properties as its height exceeds the railway embankment. The apartment blocks would be two-and-a-half storey and would have dormer windows that face towards the Minchery Farm Cottages, however although the height of the building would exceed the embankment they would be sited approximately 28m from the rear boundary of these properties and approximately 47m from the rear of the cottages. This would be sufficient separation distance to prevent any significant overlooking occurring between the two sites, and the raised railway embankment would also obscure views between properties. The orientation of the cottages to the application site would also mean that the proposed development would not have an overbearing impact or create a loss of light to these dwellings. As such officers consider that the apartment blocks would not have a material impact upon the residential amenities of these properties.

28. Turning to the three-storey flats on Priory Road, these are separated from the site by their communal washing areas and stores. The dwellinghouses within the scheme would have rear gardens that abut the boundary. The rear of the Priory Road apartments would be approximately 18m from the boundary of site and so there would be no adverse impact upon these adjoining properties in terms of loss of light or overbearing impact. There would be some overlooking between the apartment blocks and dwellinghouses on the western boundary of the site, however, there is sufficient separation distance between both properties (26m) to ensure this does not significantly affect the amenities of either properties. It would be important to provide sufficient means of enclosure for the rear boundary of this dwellinghouse so as to ensure the gardens have suitable privacy and this should be secured by condition.

Landscaping

29. The application is supported by a tree survey which accurately records the quality and value of the trees that will be affected by this development. Most of the trees that need to be removed are low quality and value, but the proposals also require the removal of an early mature Norway maple (T22), and a young wild cherry (T12) which are of moderate quality and value. The loss of these trees is to be regretted, but since they are relatively small it will not have a significant harmful effect on amenity in the area. The new planting that can be secured by condition would mitigate their loss.

30. The proposal also results in the loss of part of the hawthorn hedgerow along the northern boundary of the site. The hedgerow currently marks the line of the footpath, and the Oxford City Council Archaeologist has indicated that it is unlikely to have any significance in terms of the historic boundary to the site. The loss of the hedgerow would have a harmful visual impact in itself, but given the fact that the footpath is to be removed and the gardens of the dwellings extended to the site boundary so that this will no longer be marked by the hedgerow, it would not be reasonable to seek to retain the hedgerow within the gardens of the proposed houses. However, the landscape plan shows that this will be retained alongside the allotment area, which would be welcomed.

31. The layout shows that there would be potential for the group of hybrid black poplars (G47) to overhang plot 08 in the north-eastern corner of the plot. The

trees stand outside the site in the grounds of the site in the adjacent school grounds. The plans show the crown spread of these poplars overhanging the garden and part of the roof of plot 08. The trees have significant growth potential so this could cause problems for the property in terms of safety, as these trees have inherent structural characteristics which make them prone to shed branches in late maturity. The applicant has considered the spatial relationship between the plot and the tree further and has identified that the relationship could be improved by the lateral reduction of the tree by 2-2.5m on the southern and eastern sides of the poplars which currently overhang the application site. The limited pruning would improve the relationship to the proposed plot whilst avoiding the need to seek removal of the tree. The pruning works would have a negligible impact on the visual amenity as the tree forms part of a large continuous belt that leads northwards. The works could also have benefits in terms of improving the relationship between the trees and the flats on the Priory Road. There would also be further pruning carried out within five years as part of an on-going maintenance regime by the Council on this and the other trees within the site and surrounding area. The other option would be to explore the removal of the tree, which would not have a significant impact upon visual amenity given it sits alongside a belt of poplar trees on the school boundary.

32. A condition should be attached requesting a landscape plan for the site, along with a tree protection plan, arboricultural method statement for the protection of retained trees, and details of all hard surfacing and underground services design and locations to ensure no impact upon the retained trees.

Highway Matters

33. A Transport Statement has been submitted with the application. This anticipates that in terms of traffic generation, the development is likely to result in an increase of around 23 extra vehicle movements in the morning peak hours and 26 extra movements in the afternoon peak hour which equates to 1 extra vehicle every 3 minutes and an increase in 247 vehicles on the local highway network over a 24 hour period. The Local Highways Authority considers that this increase will be satisfactory and will have no material impact upon the adjoining highway network.
34. In terms of access, the use of the existing entrance onto Priory Road is considered acceptable for pedestrians, cyclists, and vehicles although suitable site lines will need to be provided at the entrance. The width of the carriageway would be 6m with a 4.8m carriageway width and service strip of 1.2m. This would be considered appropriate. There is a concern that the parking spaces at the entrance to the development could interfere with movements at the access point and therefore these should either be removed or relocated within the development. A condition is to be sought which provides further details of the layout of the access road, street lighting, parking areas and so clarification on the relocation of this small number of parking spaces could be secured through that condition.
35. The proposed site is considered to be in a relatively sustainable location. The proposal seeks to provide 102 parking spaces in total comprising of 82 allocated spaces at a ratio of 1 space per flat, and 2 spaces per dwellings, and 20

unallocated parking spaces. The level of parking would accord with the standards for residential developments set out in Sites and Housing Plan Policy SP15. The local area is covered by a timed only controlled parking zone which comes into effect on match-days at the nearby Kassam Stadium. The site would need to be included within this zone and this could be secured by condition.

36. The Oxford City Council Planning Obligations SPD has a requirement for a contribution of £121,900 towards transport infrastructure improvements from the development. These monies would go towards improving the frequency of times for public transport to the area and also weekend service² and also improvements to the actual rail crossing which links to Falcon Close.

Biodiversity

37. An extended Phase 1 Habitat Survey has been included with the application which identifies the potential ecological constraints and opportunities for enhancement within the site. The survey has identified that the development will not have a direct or indirect impact upon the nearest non-statutory designated site – Minchery Farm Meadow Site of Local Importance for Nature Conservation Area which is 105m to the south of the site, and that the habitats on site are of limited intrinsic ecological value. The previous survey work carried out for the site allocation policy identified common species such as slow worm's present, although further investigations from April to June 2013 identified a low population within the site. The site has also been identified as containing potential nesting habitats for common species of birds, in the form of scattered broadleaved trees, dense scrub and the species poor hedgerow. The impact of the loss of this potential habitat as a result of the development has been identified as being low given the proximity to the Minchery Farm Meadow SLINC. The site also contains potential habitat for foraging and commuting bats. There was no evidence of badgers.
38. Having reviewed the contents of the survey, officers consider that the proposed development will not have a significant impact upon any species or habitats of importance for biodiversity, and this is supported by Natural England. The scheme will involve the removal of a boundary hedge, which although classed as a UKBAP priority habitat and Habitat of Principle Importance in England, has been assessed as being species poor and has no conservation importance beyond the site, and is proposed to be replaced by a more suitable species. With respect to the slow worms, these species are considered sufficiently common to not receive protection for their habitats. A translocation strategy has been provided to facilitate the safe removal of the slow worms, with potential receptor sites surveyed and identified in consultation with the City Council ecologist and will mitigate any impact. This should be secured by condition.
39. The survey has identified potential biodiversity enhancements for birds and bats through the provision of nesting opportunities through new landscaping within the site. The landscape scheme should include native species with a known wildlife benefit including nectar rich plants. The tree strategy will need to protect the line of trees on the South West Boundary. The external lighting scheme should minimise light spillage to minimise the potential impacts upon bats so as not to

interfere with bat flyways and feeding. These measures should also be secured by condition.

Rights of Way

40. Policy SP15 makes clear that the public right of way along the northern boundary should be retained or provision made for it to be diverted. This footpath currently enters the site at the north-eastern corner from the railway crosses and then follows the boundary with the school playing fields before exiting onto Minchery Farm Road. It is an informal footpath.
41. The proposal will divert the footpath so that it aligns through the proposed allotment area and into the heart of the development via the pedestrian footpath with an option for it to lead either out through the main entrance onto Priory Road or to join the other footpath at the north-western corner of the site. The proposed diversion would create a more safe and secure footpath than currently exists within the site, which also improves general links between Priory Road and Falcon Close. As such no objection would be raised to this aspect of the proposal.
42. The Oxfordshire County Council Countryside Access Team has raised no objection to the general principle of the footpath being diverted but requires more information about the intended route. The diversion will require a formal application for a public right of way diversion to be submitted to the county council and therefore the proposed route will be determined by that means.

Sustainability

43. 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.
44. An NRA has been submitted with the application which reflects the need to achieve 20% of the development's regulated and unregulated energy requirements from renewable sources and is therefore considered to be acceptable. The NRA scores 7/11 which exceeds the minimum score required to comply with the policy. The proposed scheme is designed to achieve the Code for Sustainable Homes Level 4 which exceeds the minimum requirement of Level 3 for open market homes. The buildings will use solar photovoltaic tiles, high energy boilers, energy efficient and acoustic glazing, and be built to Building Regulations 2010 standards. Officers would recommend a condition requiring the details of the NRA to be implemented.

Flood Risk and Drainage

45. A Flood Risk Assessment has been submitted with the application which states that the proposed development will be located within Flood Zone 1, and recommends that in order to mitigate against any risk from surface water and groundwater flooding that finished floor levels should be set a minimum of 300mm above existing site levels and a surface water drainage strategy should be prepared to ensure that the development does not create any additional flood risk beyond the site.
46. The Environment Agency have raised no objections to the proposal subject and provided guidance for the surface water scheme. Thames Water has identified an inability of existing waste water infrastructure to accommodate the needs of this application. A condition should be secured requiring a full drainage strategy detailing on and off site drainage works to be provided before development commences. This is because the development may lead to sewage flooding and so sufficient capacity needs to be demonstrated in the area.

Archaeology

47. This site is of interest because it is located within a landscape of dispersed Roman pottery manufacturing sites associated with the nationally important regional pottery industry that was orientated the Dorchester-Alchester Road. An amended Archaeological Desk Based Assessment (July 2013) has been submitted for this site, and notes that archaeological investigations at Peers School recorded a number of pits of Roman date c.310m north of the study site and that Roman pottery and coins have been recorded c.250m to the west of it. Furthermore in 2011 the East Oxford Archaeology & History (Archeox) Project excavated a test pit within the allotments and recorded possible fragments of abraded Roman pottery.
48. The potential biodiversity constraints of the site have had a bearing on the extent of pre-determination archaeological evaluation that has been carried out. However, considering the contents of the desk based assessment a conditioned approach is therefore recommended so that appropriate measures can be taken to secure access for trial trenching without harming the biodiversity value of the site prior to translocation work of the slow worms. The archaeological investigation should consist of trial trenching followed by further mitigation as appropriate. The work should be undertaken by a professionally qualified archaeologist working to a brief issued by ourselves.

Planning Obligations / CIL Contributions

49. 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

- £183,528 (Primary Schools)
- £181,100 (Secondary Schools)
- £12,262 (Special Educational Needs)
- £10,317 (Library)

- £4,468 (Household Waste Recycling Centre)
- £606 (Museum Resource Centre)
- £121,900 (Highways & Transport)

Oxford City Council

- £11,114 (Indoor/Outdoor Sport)
- £7,932 (Sports Ground)
- £6,572 (Play Areas)

50. The total level of contributions would be £539,799 plus the relevant admin fees. The County Council contributions will be secured by a legal agreement, and by internal mechanism for the City Contributions.

51. 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.

Other Matters

52. A Noise Survey has been submitted with the application which assesses the suitability of the site for its proposed use. The survey identified that the highest noise levels on site were due to railway noise, and the existing day and night time noise measurements exceed the desired internal noise levels without any mitigation. The survey recommends that proposing acoustically treated glazing with alternative ventilation in the buildings will reduce the noise impact to achieve the British Standards (BS8233) 'good design range' required by the Council and therefore the recommendations of the survey should be conditioned.

53. An air quality screening assessment has been submitted which identifies that the level of traffic generated by the site is below the threshold for an air quality assessment and significant affects are not anticipated. Officers would agree that there is not likely to be a significant impact on air quality from the development.

54. In terms of contaminated land, a Phase 1 and limited Phase 2 site investigation have been submitted. This concluded that the only potential sources of contamination on site were due to the site's former allotment use. It recommends that further intrusive works are necessary to adequately characterise the nature and extent of potential contamination on site as a result. While there is potential for some contamination to be present on site, officers are content that it is unlikely that any contamination would be significant but that a condition should be placed to ensure that the further survey work is carried out and appropriate remediation measures are provided if required.

55. The Planning Obligations Supplementary Planning Document (POSPD) identifies that contributions would be required from the scheme towards the provision of public art and environmental improvements. This could be provided by way of a condition or contribution. Although public art has not been specifically detailed in the proposed scheme, this could be provided and as such appropriately secured by condition.

Conclusion:

56. 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