

East Area Planning Committee

-9th September 2013

Application Number: 13/01096/FUL

Decision Due by: 7th August 2013

Proposal: Construction of two all-weather pitches, plus new residential development consisting of 6 x 1 bed, 15 x 2 bed, 15 x 3 bed and 4 x 4 bed residential units, 71 car parking spaces, access road and landscaping accessed off Barracks Lane (Amended plans)(Amended Description)

Site Address: Land to the rear of William Morris Close **Appendix 1**

Ward: Cowley Marsh

Agent: Mr Nik Lyzba

Applicant: Cantay Estates

Recommendation:

APPLICATION BE REFUSED

Reasons for Refusal

- 1 The application site has been in use for formal and informal sport and recreation until recently. Although the site is now fenced it has not been clearly shown that the site is surplus to requirements for sport or recreation. The site retains the potential to provide for types of open air sport and recreation for which there is a need in the City. The replacement sports facilities in the form of all-weather mini-pitches with restricted community access are not equal to or better than retaining the potential of the site to provide for open air sport and recreation. Further it is not essential that the all-weather mini-pitches are provided on this particular site to satisfy local need. For these reasons the proposal does not accord with the NPPF, Policy CS21 of the Core Strategy, or Policy SR2 of the Oxford Local Plan.
- 2 The site meets the requirements of the NPPF as a local green space, a valued local amenity which will be lost by developing housing on part of the site and diminished on the mini-pitches part of the site. The all-weather mini-pitches do not form an acceptable alternative to retention of this green space. This is contrary to guidance in the NPPF and Policies CS21 of the Core Strategy and SR2 of the Oxford Local Plan.
- 3 The development is contrary to Policy CS2 of the Core Strategy in that the site

is not allocated for development nor is it needed to meet the NPPF 5 or 10 year housing land availability requirements. There are no other balancing reasons or mitigating circumstances why housing should be allowed on this site. It is not essential that the housing or all-weather mini-pitch developments are developed on his particular site which it is preferable to retain as open space for the well-being of the community it serves.

- 4 The proposed development fails properly to demonstrate how the renewable energy element of the NRIA SPD will be complied with, and as such fails to meet the standards of resource efficiency required by the Council's adopted planning policies on energy, natural resources, waste and recycling, namely Core Strategy Policy CS9, Sites and Housing Plan Policy HP11, and Local Plan Policies CP17 and CP18

Legal Agreement

As the development consists of 40 dwellings, in the event of planning permission being granted, contributions would be sought towards supporting facilities which are based on the adopted Planning Obligations Supplementary Planning Document (SPD) and are all index linked. They are as follows and all are agreed by the applicant:

- Primary school - £116,339 (County)
- Secondary School - £115,544 (County)
- SEN school Capacity - £6,131 (County)
- Social and Community Resource Centre - £8124 (County)
- Library - £7,839 (County)
- Strategic Waste Management - £3,719 (County)
- Museum Resource Centre - £460 (County)
- Transport Infrastructure - £ 93,023 (County)
- Indoor sport - £8,442 (City)
- Play Area - £4,471 (City)
- Allotments - £393 (City)
- Public Art - £16,620 (may be by condition) (City)
- 50% affordable housing
- Community Access Agreement

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
- CP10** - Siting Development to Meet Functional Needs
- CP11** - Landscape Design
- CP17** - Recycled Materials
- CP18** - Natural Resource Impact Analysis
- CP21** - Noise

TR1 - Transport Assessment
TR2 - Travel Plans
TR3 - Car Parking Standards
TR4 - Pedestrian & Cycle Facilities
NE15 - Loss of Trees and Hedgerows
HE2 - Archaeology
SR2 - Protection of Open Air Sports Facilities

Core Strategy

CS2_ - Previously developed and greenfield land
CS9_ - Energy and natural resources
CS11_ - Flooding
CS12_ - Biodiversity
CS13_ - Supporting access to new development
CS18_ - Urban design, town character, historic environment
CS21_ - Green spaces, leisure and sport
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

Other Planning Documents

- National Planning Policy Framework
- Planning Obligations Supplementary Planning Document (SPD)
- Draft Affordable Housing and Planning Obligations SPD
- Parking Standards, Transport Assessment and Travel Plans SPD
- Natural Resource Impact Analysis SPD
- Balance of Dwellings SPD

Relevant Site History

02/02046/FUL - Demolition of sports and social club buildings, two houses, garages and outbuildings. Retention of sports ground and bowling green. Erection of new sports and social club, 63 dwellings comprising 23 x 2 bedroom flats in a 3 storey block and a terrace of 6 houses, 4 x 3 bedroom and 2 x 4 bedrooms in a 2 storey block (some with accommodation in roof space) 2 caretakers flats in the sports and

social club building, accessed from Barracks Lane, with associated car parking (97 spaces). cycle parking and bin storage. Erection of 7 x 3 bedroom and 4 x 4 bedroom 2 storey terraced houses (some with accommodation in roof space) fronting Crescent Road and two 3 storey blocks of 21 x 2 bedroom flats, with associated car parking (32 spaces) accessed from Crescent Road. (Amended Plans). PER 8th December 2004.

12/02967/FUL - Construction of two all-weather playing pitches, plus a new residential development consisting of 6 x 1 bed flats, 15 x 2 bed flats, 6 x 3 bed flats, 13 x 3 bed houses and 3 x 4 bed houses, together with access road, parking, landscaping etc. accessed off Barracks Lane. (Amended plans). REF 18th March 2013. Appeal lodged against refusal.

Statutory and Internal Consultees:

Leisure Services - the proposed 2 all-weather pitches with limited community access are not regarded as meeting local needs effectively because the locality is already provided with pitches such as those found at Cowley Marsh. The Council's policy is to protect this site as a playing field and is not in a position to suggest alternative recreational uses which are contrary to that policy. For reasons of resource limitations, it is very unlikely that the Council would become involved in the ownership or management of this site as a recreational facility no matter what type of facility is proposed. The pitches are likely to be too close to residential properties to be acceptable for floodlighting.

Sport England - in accordance with Circular 02/09 Sport England objects because there is a deficiency in the provision of playing fields in Oxford, and the development results in the loss of a playing field and the alternative or replacement does not match (whether in terms of quantity, quality or accessibility) that which would be lost.

English Heritage – no objection determine in line with local policy.

Thames Water – no objection, subject to comments on surface water drainage and a water supply informative.

Natural England – no objection particularly in light of paragraph 7.6 of the Surface Water Drainage Strategy in relation to sustainable surface water infiltration measures.

Oxfordshire County Council – subject to conditions and contributions: Highways, no objection; Drainage, no objection; fire hydrants will be required but these can be requested by condition.

Third Party Comments

Local people have commented on a previous application for a similar residential and all-weather pitches development under reference 12/02967/FUL together with the application for a Free School in the Lord Nuffield Sports and Social Club building (12/02935/FUL). In relation to the current application there have been responses from 39 local householders many of whom have stated that their previous comments still apply and have asked that they be taken into account in the consideration of this

application. The summary of public response in those two previous cases is therefore reproduced as **Appendix 2** to this report. Notwithstanding the reproduction comments on previous applications which also encompass comments on an adjacent site, in this report, the current application is assessed separately on its own merits.

There have been additional comments, not covered in the previous summary, which can be summarised in the following terms:

- the current scheme is not an improvement on the previous scheme in terms of overdevelopment, density, overlooking, loss of views, loss of privacy, loss of light, design, sense of place;
- no need or demand for additional housing in this locality as evidenced by empty properties in William Morris Close;
- insufficient parking provision in the proposed housing layout;
- once developed the open space is lost forever;
- the Supplemental Planning Statement at paragraph 2.3 refers to anti-social behaviour occurring on the playing fields – this is disputed by local residents who say they used it for informal sport and recreation;
- noise pollution from the additional housing (and school) traffic; and,
- there will be disruption during construction period particularly from heavy lorries.

Officers Assessment:

THE SITE AND SURROUNDINGS

1. The site is located within a primarily residential area accessed from Barracks Lane via William Morris Close. It is bounded to the south, east and west by residential development (properties in Crescent Road, Turner Close, William Morris Close and Hollow Way); and to the north by the former Lord Nuffield Club building and open space around it with Barracks Lane and the Southfield Golf Course beyond.
2. The application site extends to 1.24ha. It is a large level playing field (fenced off since November 2011 and now effectively disused) and disused car park both associated with the former Lord Nuffield Sports and Social Club. The eastern boundary and part of the southern boundary are formed by mature trees.
3. The recreational open space, of which this application site is a part, is a remnant of the larger recreational open space associated with the Morris Motors Social Club which previously owned and occupied the space (site plan prior to redevelopment attached at **Appendix 3**).
4. In 2004 planning permission was given to demolish the Morris Motors Club buildings on Crescent Road and build a new club building (the former Lord Nuffield Club which is now the subject of a planning appeal for a Free School). Housing development on part of the open space not used as playing pitches (William Morris Close) and on the demolished club house site on Crescent Road helped to facilitate the redevelopment of the club (the block plan from that application is attached as **Appendix 4**). This was contrary to planning policy

which aimed to protect recreational open space but was regarded as acceptable given that the social club use would be relocated and upgraded on the site, and the main area of playing pitches would not be developed. Other benefits included social housing and community access.

5. A scheme for 43 dwellings and 2 all-weather pitches was submitted in November 2012 and refused by the Committee in March 2013 (12/02967/FUL). This now the subject of an appeal which is due to be heard at a Public Inquiry later in the autumn although the date is not yet fixed. The reasons for refusal in that case concerned:
 - i. unacceptable development of a protected open air sports facility and local green space;
 - ii. development on a site which is not allocated for development in an adopted plan and which is not needed to meet NPPF 5 or 10 year housing land availability requirements;
 - iii. unacceptable design and layout of the housing proposals; and,
 - iv. failure to meet sustainability and resource efficiency requirements.

THE PROPOSAL

6. The proposal is in two parts:
 - i. to develop 40 dwellings (28 flats, 12 houses) and 60 parking spaces on the southern part of the playing field and on the disused car park in the south-west corner of the site. The residential access road will be an extension of William Morris Close. 15 dwellings are to be open market units. 25 dwellings are to be affordable homes (63%), provided and controlled by the South Oxfordshire Housing Association (SOHA) (16 social rented, 9 shared ownership); and,
 - ii. to develop two all-weather mini pitches and a small parking area (11 spaces) across the northern part of the site with access from William Morris Close. This is in an effort to respond to the Council's Playing Pitch Strategy which identifies the need for youth football provision in the City. Floodlighting is not proposed as part of the planning application but the applicant has offered future provision which would have to be the subject of a further planning application.
7. The applicant has agreed to conclude a legal agreement securing the provision of the affordable houses, a community access package for the pitches (either in relation to the adjacent Free School or without it) and financial contributions towards service infrastructure and transport infrastructure. It should be noted however that the Council's Leisure Services team has indicated that the Council will be unable to take any involvement in the ownership or running of a leisure facility on this site whether that is a built facility or open space.

ISSUES

8. This report argues that the design and layout of the housing has been improved in this application when compared to the 2012 application which is at appeal, and could be considered to be acceptable if the application were otherwise

supportable. The revised proposals are however still considered to be unacceptable in principle in terms of loss of protected open space, development on un-allocated land, and sustainability - the issues referred to in paragraph 5(i) (ii) and (iv) above.

9. The report is therefore broadly the same as the previous report but has been updated to reflect the revised housing design and layout and to include new evidence or new or revised submissions by the applicant and other interested parties. The issues covered are:
- the principle of housing and all-weather pitch development on this protected open space;
 - impact on local highways;
 - design and layout of the proposed housing; and,
 - sustainability

PRINCIPLE

10. There is strong national and local planning policy protection for existing recreational and open green space. The National Planning Policy Framework (NPPF) states that the Government considers that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. Sport England advises that the NPPF seeks to protect all playing field and sports facilities from development, whether in public or private ownership. The NPPF states that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:
- an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
 - the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
 - the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.
11. The NPPF also indicates that urban green space may be worthy of protection as Local Green Space if it is:
- in reasonably close proximity to the community it serves;
 - demonstrably special to the local community and hold a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and
 - local in character.
12. At the local level this site is identified on the Local Plan Proposals Map and protected as an open space under Policy SR2 of the Oxford Local Plan. This resists the loss of open space where there is a need for the facility to be retained in its current location, or the open area provides an important green space for local residents. Exceptions to this policy can only be made where there is no

need at all for the facility for the purposes of open space, sport or recreation or where there is a need for the development and there are no alternative green field sites and the facility can be replaced by equal or improved replacement facilities.

13. This site is also protected as an open space under Policies CS2 and CS21 of the Core Strategy. Policy CS2 allows the development of green field and previously developed land only if it is allocated for the proposed use or, in the case of housing proposals it is needed to maintain a five-year housing land supply. Policy CS2 only allows the allocation of open space for development if a need for the development can be demonstrated and if the open space is not needed for the well-being of the community it serves. Policy CS21 seeks to maintain an overall average of 5.75 ha of publicly accessible green space per 1,000 population. Under this policy losses of sports and leisure facilities will only be acceptable if alternative facilities can be provided of equal accessibility and if no deficiency is created in the local area.
14. The 2004 planning permission represented a significant reduction of the size of this open recreation area to allow improvements to the community and sporting potential of the site to be brought about through the inclusion of on-site enabling housing development. The current application represents a further significant reduction in the available area of recreational open space. The applicants wish to justify this on the basis of providing 63% affordable housing, and two all-weather pitches with community access as a replacement for the area of playing field lost.
15. Given the planning history of the site and the open space protection policies described above, the determining issues in relation to development on this protected open space may be summarised as:
 - i. whether the existing playing field is surplus to sport and recreational requirements;
 - ii. whether the open space has value to the local community as a green open space;
 - iii. whether it is essential to meet the City's housing needs on this site; and whether meeting those needs on this site outweighs the protection of the open space;
 - iv. whether it is essential that the all-weather mini-pitches are provided on this site; and,
 - v. whether the proposed replacement provision would be equal to or better than the existing provision.
16. The first determining issue is whether the playing field is surplus to sport and recreational requirements. Sport England regards this as a versatile grass pitch and has identified a range of sporting uses to which the land could be put. For many years and until recently the playing field was used for formal recreation: cricket and football, in association with the sports and social club. Local people comment that they made active use of the land for informal recreation prior to its being fenced in mid-November 2012. The applicant has reiterated that no formal or informal arrangements exist for this informal recreational use which is therefore unauthorised.

17. The space is not therefore surplus to sport and recreation requirements or redundant for sports and recreation use. Although in private ownership and fenced off, the site retains the potential to be brought back as high quality provision for active formal or informal outdoor recreation.
18. The second determining issue is whether the open space has value to the local community as a green open space. It meets the requirements of the NPPF to be regarded as a Local Green Space (although its formal designation as such could only occur through the Local Plan process) in that:
 - it is local in character and is adjacent to and bounded by the community it serves; and,
 - it is demonstrably special to the local community: local people have commented that:
 - until recently it was in active use by local people for formal recreation in association with the Club;
 - until it was fenced when the current planning applications were submitted (mid-2012) it was in regular use for spontaneous informal recreation, and dog walking;
 - it has visual amenity value as a green space, in defining the character of the area, as a relief to the density of development in the local area, and as a place for wildlife.
19. The third determining issue is in 2 parts: whether it is essential to meet the City's housing needs on this site; and whether meeting those needs on this site outweigh the protection of the open space.
20. There is huge unmet need in the City and for general and affordable housing but the scale of need is not reason alone to build on green field recreational sites. Through the NPPF, the government requires that local authorities take a plan-led approach to satisfying housing needs. The need for affordable housing existed before, during and after the production of the Core Strategy and Sites and Housing Plan. It is not a new exceptional issue that has emerged which requires a change in approach from the recently adopted plans and policies. These Plans were produced with the evidence of the need for affordable housing available and this evidence was balanced against the need to maintain green field sites.
21. The Sites and Housing Plan did however allocate some housing on previously open private sports grounds. These sites did not come forward as a result of a general review of open spaces: the Council's policy was to retain a presumption in favour of developing previously developed land. They were sites put forward to the Council by landowners, which, in turn gave some indication to the Council that they could be deliverable or developable. They were responded to by the Council in the context of the plan-making process: each site was subjected to a rigorous and detailed assessment of its value and potential for formal and informal sport and its amenity value as green space. Each site was also subjected to public scrutiny through consultation and examination in public. The previously open private sports grounds which have in part been allocated for development were required to retain at least 25% of the site area as unrestricted publicly accessible open space, suitably located and designed for practical public use. The Local Plan Inspector was content with this approach and did not

suggest that further green field sites were required. The current application site was not put forward for consideration as part of this plan-making process because it was the subject of receivership. The Sites and Housing Plan does not allocate it for housing development.

22. The NPPF housing land supply requirements are met, and indeed exceeded in the policies of the Core Strategy (adopted in March 2011) and the Sites and Housing Plan (adopted 18th February 2013). Preparation of the Sites and Housing Plan was a plan-making process specifically geared to identify enough housing sites to demonstrate a 5 and 10 year housing land supply. All the available options for delivering housing land supply were researched, the relevant issues were balanced and sound and robust allocations were made. As a planning policy document the Sites and Housing Plan is as up to date as possible. Further, the latest review of the Strategic Housing Land Availability Assessment (SHLAA), December 2012 concludes that the 5-year NPPF requirements can be met on deliverable sites with no reliance on windfall sites; the 10-year target is exceeded.
23. Core Strategy Policy CS2 is clear therefore that non-allocated green field land is only to be developed if a five year housing land supply cannot be demonstrated. The applicant refers to the boost to housing supply which the NPPF aims to secure and argues that the exceptional reasons why development of the site should be allowed result in part from the lack of progress on securing affordable housing in the city in the last few years: the provision of 25 affordable homes in this scheme would provide more affordable homes than have been provided in the last two or three years. Planning is not however reactionary to short term market fluctuations. Planning policy takes a long term view of housing provision and a short term dip in affordable housing completions is not a reason for developing sites contrary to policies. The City Council does not dispute that affordable housing completions have dipped in recent years. However, the pattern of housing delivery is cyclical and completions will pick up again as the market improves. Proposals for housing proposals on larger sites are noticeably increasing in number.
24. The applicant further states that this site is deliverable in the 5 year period but adduces evidence to question whether the units included in the SHLAA are all deliverable suggesting that this could form an exceptional reason for allowing development on this site. An objector at the Sites and Housing Plan Inquiry attempted to undermine the City Council's SHLAA using similar arguments. At the hearing sessions the Inspector asked for clarification from the City Council on the methodology used and why sites had been classified as such. Having heard all the evidence the Inspector was entirely satisfied that the five-year land supply was robust and this is clarified in her report. Similarly, the City Council's SHLAA process was considered robust by the two Core Strategy Inspectors.
25. No other balancing reasons or mitigating circumstances are apparent which would predicate housing development on this site and it can therefore be concluded that there is no need for housing development to take place on this site.

26. Given that the site is not allocated for development in the Sites and Housing DPD and there is no need to develop this site in order to meet the NPPF housing land supply requirements, it can be concluded that any benefits arising from housing development on the site do not outweigh its qualities and justifiable protection as open space. The current proposal would not solve the need for affordable housing in Oxford, indeed using the evidence from the latest Strategic Housing Market Assessment, Oxford would need to double in size to meet all its housing need. If housing were to be allowed on this privately owned site, it would encourage others to similarly seek development on further non-allocated green field sites, and all non-allocated green field land could thereby be under threat. This is particularly important in Oxford because, as Sport England has noted, an unusually significant proportion of Oxford's playing fields are in private ownership.
27. The fourth determining issue is whether it is essential that all-weather mini-pitches are provided on this site. There is an identified need for all-weather mini-pitches for youth sport in the City but these could be provided on smaller sites elsewhere in the city and not necessarily on green field sites. The view of the Council's Leisure Services team is that this is not a good strategic location for such pitches given similar provision some 600 metres away at Cowley Marsh, and they are not aware of any groups requesting such provision in the locality. It is not essential therefore that the need for all-weather mini-pitches is met on this site. Further, the Planning Statement for the Free School proposed on the adjacent site indicates that although the school would be prepared to use and manage the pitches, the operation of the school is not dependent on provision of the pitches. Whilst meeting the need for all-weather mini-pitches might be welcomed in principle, the City's needs for sport and recreation are better met by retaining the potential of this particular site for larger scale open air sports which require a green field setting.
28. The fifth determining issue is whether the proposed replacement provision would be equal to or better than the existing provision and can therefore be regarded as an exception to the normal policy of protection. The applicants argue that with a community access package in place, authorised community access to 'recreation' on the site will be achieved for the first time (given that such an agreement was never concluded with the previous occupiers) and that this is better than existing provision. Moreover more intensive community use of the site will be possible given the all-weather nature of the pitches.
29. Now that the playing field has been fenced off from public access it could be argued that any community access to the site is better than none. This is not accepted for two reasons:
- i. because, as noted by Sport England, the value of this open space is in it being a grass pitch of a size and configuration which has the potential to be brought back into use for sports which require a high quality large(r) scale pitch(es). Such sites with good accessibility for local communities are limited in this part of the City and once lost to development cannot be regained; and,

- ii. the provision of 2 all-weather pitches on this site is not regarded as meeting an essential local need and therefore the “suitable circumstances” do not exist to justify an exception to Policy SR2 (paragraph 11.2.7 of the Oxford Local Plan) by reason of all-weather pitches replacing a grass pitch. Thus the community would not be in receipt of real gain from its development for pitches whatever level of community access is proposed.
30. Additionally, there are a number of factors which restrict community access to the proposed all-weather mini-pitches:
 - if the proposed Free School on the adjacent site uses and manages the pitches, community use of the pitches will be restricted to times when the school does not require them;
 - if the Free School does not take on the ownership and management of the pitches, the Council is not in a position to do so (indeed this is the case whatever recreational provision is made on the site) and there is no proposal for private ownership, management and community use of the pitches;
 - floodlighting is not proposed and so community access will not be available in the evenings or in bad light. The applicant has indicated that floodlighting could form part of the development. Because of the proximity of housing floodlighting would have to be the subject of a further specific planning application, not, as the applicant suggests dealt with by condition. There is no certainty that it would be approved. Given that the pitches are aimed at youth sport which is likely to be in the evenings fulfilment of the stated aim will be limited;
 - no changing facilities are proposed which is a specific concern of Sport England.
31. It is therefore concluded that the proposed housing and mini-pitch development with limited or uncertain levels of community access do not outweigh the value to the community of retention of the potential of this site to accommodate larger scale outdoor sports. The pitches do not therefore represent replacement facilities of equal or improved provision.
32. It can be concluded therefore that the proposed housing and all-weather mini-pitch development on this site is unacceptable in that it does not accord with national and local planning policies:
 - it does not accord with the NPPF, Policy CS21 of the Core Strategy, or Policy SR2 of the Oxford Local Plan in that it has not been clearly shown that the site is surplus to requirements for sport or recreation, the replacement mini-pitches with restricted community access are not equal to or better than the potential of the site to provide for larger scale open air sport and recreation, and it is not essential that the housing and mini-pitches are provided on this particular site;

- the development is contrary to Policy CS2 of the Core Strategy in that the site is not allocated for development nor is it needed to meet the NPPF 5 or 10 year housing land availability requirements. It is not essential that the need for housing or mini-pitch development should be met on this particular site, and there are no other balancing reasons or mitigating circumstances why housing should be allowed. It is therefore preferable to retain the site as open space for the well-being of the community it serves; and,
- the site meets the requirements of the NPPF as a local green space, a valued local amenity which will be lost by developing housing on part of the site and diminished on the mini-pitches part of the site. No acceptable alternative facilities are proposed. This is contrary to guidance in the NPPF and Policies CS21 of the Core Strategy and SR2 of the Oxford Local Plan.

IMPACT ON LOCAL HIGHWAYS

33. Many local people are extremely concerned that the proposed housing and Free School developments on this site will adversely impact on the local highway network. Most objectors to the schemes raised highways impact as their first and often principle objection. They offer much anecdotal evidence of local traffic problems and have submitted a residents' survey of rat-running in the area. They consider that the Transport Assessment is flawed (and that the school's Green Travel Plan is inadequate). A wide range of detailed comments about traffic, parking and circulation are made, the principal ones being:
- there will be increased traffic generally on already heavily congested local roads and at junctions (Hollow Way/Barracks Lane/Horspath Road; Hollow Way/Cowley Road/Garsington Road; and The Slade/Horspath Driftway) with more traffic to come because of developments in the wider locality which use this route including the Business Park;
 - Barracks Lane is unsuitable for access to these developments; and that,
 - the access point for new developments from Barracks Lane to William Morris Close will be dangerous and will adversely affect the amenities of local residents.
34. The Local Highway Authority however regards the submitted Transport Assessment to be robust and agrees with the assumptions used and conclusions drawn. The Authority has considered the transport impacts of the housing/pitches application together with and aside from those of the Free School application on adjacent land. The Authority has concluded that the housing/pitches proposals are acceptable subject to conditions relating to submission of cycle parking details, and a Construction Traffic Management Plan. Developer contributions for transport infrastructure are also required. The footpath leading out of the site into Beresford Place would become an adopted route.
35. In the light of these considerations and subject to conditions and the conclusion of a legal agreement to secure transport contributions, this application can be considered to be acceptable in highway terms.

HOUSING MIX, LAYOUT, DESIGN AND AMENITIES

36. Balance of Dwellings: the proposed mix of dwellings is 15% 1-bed, 35% 2-bed, 40% 3-bed, and 10% 4-bed. This complies with Policy CS23 of the Core Strategy and the Balance of Dwellings SPD.
37. Affordable housing: of the 50% required to be affordable under Policy CS24 of the Core Strategy and Policy HP 3 of the Sites and Housing Plan, 80% are required to be social rented and 20% intermediate tenure. The Draft Affordable Housing and Planning Obligations SPD specifies dwelling mixes within those categories. The proportion of affordable housing proposed in this scheme is 63% which exceeds policy requirements; and the proposed tenure mix, and the mix of dwelling sizes within those tenures meet policy requirements.
38. Accessible and adaptable homes: Policy HP2 of the Sites and Housing Plan requires all dwellings to meet the Lifetime Homes Standard and, on sites of 4 or more dwellings, at least 5% (in this case 2 units) should be fully wheelchair accessible or easily adaptable for wheelchair use. The agent for the application has confirmed that all the proposed dwellings meet the Lifetime Homes Standard and has identified 2 plots suitable for wheelchair adaptation, one social rented and one intended for the open market and this therefore meets the policy requirements.
39. Design and layout: the NPPF requires that local authorities seek high quality design and a good standard of amenity for all existing and future occupants of land and buildings. It suggests that opportunities should be taken through the design of new development to improve the character and quality of an area and the way it functions. Policies CP1, CP6 and CP8 of the Oxford Local Plan, together with Policy CS18 of the Core Strategy and Policies HP9 and HP14 of the Sites and Housing DPD in combination require that development proposals incorporate high standards of design and respect local character.
40. The proposed residential layout is generally oriented northwards facing over the proposed pitch development with the access road running along the north side of the residential area. Plots 1-16 are arranged around a shared access and parking area in the form of a residential 'square' at the western end of the site; plots 17-20 front onto the pitches area and have south facing gardens; and plots 21-40 are arranged in two blocks facing each other at the eastern end of the site with plots 25-40 backing onto properties in Hollow Way. Car parking is generally located at the fronts of properties and a line of visitor parking is proposed on the north side of the access road. To mitigate the potential for the scheme to become overly car dominated, tree planting and landscaping is proposed adjacent to many of the proposed parking spaces. There is also some additional potential for tree planting and landscaping the site which is shown indicatively including two small areas where landscaped features may be possible. The layout is unlikely directly to affect the viability of the important amenity trees on the site periphery although this will be subject to appropriate tree protection measures and appropriate hard landscaping treatment both of which can be secured by condition. Pollarding of some of the trees on the eastern boundary has taken place and a tree management scheme submitted. It is therefore

considered that Plots 25-40 will not suffer undue shading from the retained boundary trees. The proposed external appearance of the houses and flats will be in keeping with existing residential properties in William Morris Close and Beresford Place. Thus, the layout will create a degree of sense of place both from within the site and when viewed from William Morris Close and will not detract from the existing character and appearance of the area.

41. In accordance with Policy HP14 of the Sites and Housing Plan, the layout has been arranged to preserve the amenities of adjacent and nearby properties. In particular the scheme proposes additional garden areas for the Beresford Place flats and a landscaped strip between those flats and the new development: there is a 30m gap between the existing 3-storey flats and the proposed 2-storey dwellings.
42. The amenities available to the future residents are acceptable. Gardens, shared amenity space, private balconies and bin storage are proposed to the standards required in Policy HP13 of the Sites and Housing Plan. Cycle storage conforms to Policy HP15 of the Sites and Housing Plan. Details of bin and cycle stores will be secured by condition.
43. Policy HP9 requires that in a scheme of this size, 10% of the site area should become public open space. Were the scheme to be approved, this requirement could be met on the retained open areas around the proposed pitches. Given however that the Council's Leisure Services' consider that the pitches do not meet local effectively there would need to be further negotiation as to the form of leisure provision, and the amount of public access and how that access could be secured.
44. It is concluded therefore, that judging the scheme against NPPF guidelines and the Council's adopted policies on the design of residential development, the scheme could form the basis of an approval.

ENERGY EFFICIENCY

45. The NPPF gives a definition of sustainable development part of which is the environmental role which development plays in using natural resources prudently, minimising waste and pollution, adapting to climate change and moving to a low carbon economy. A core planning principle of the NPPF is to support the transition to a low carbon future. The Council's Core Strategy Policy CS9, Sites and Housing Plan Policy HP11, and Local Plan Policies CP17 and CP18 reflect the requirements of the NPPF in those regards. These policies are supported by the Natural Resource Impact Analysis Supplementary Planning Document (NRIA SPD).
46. The adopted NRIA SPD requires that a minimum of 20% of the total energy required on site should come from renewable or low carbon technologies. The drawings show PV panels on the roof slopes, and the submitted NRIA checklist (amended version) appears to achieve 7 out of 11 by asserting that 20% of energy requirements will be met by on-site renewables. This assertion is not however supported by relevant details, calculations and appropriate technical

and financial appraisals to demonstrate how the NRIA SPD requirement will be met. As such, it is considered that the scheme fails to demonstrate properly how the renewable energy element of the NRIA SPD will be complied with. This therefore forms a reason for refusal of the scheme.

OTHER ISSUES

47. Archaeology - Policy CS18 of the Core Strategy safeguards the City's archaeological assets. This site is of archaeological interest and if the application is to be approved a condition is recommended requiring an archaeological investigation consisting of a watching brief.
48. Noise - Policy CP 21 of the Oxford Local Plan specifically protects noise sensitive developments (including residential areas and education facilities) from new development which causes unacceptable levels of noise. The Council's Environmental Development service has been consulted on the proposals and do not raise concerns or recommend refusal on the grounds of noise from use of the all-weather pitches given that this is already an outdoor sports area.
49. Drainage – Policy CS11 of the Core Strategy requires all developments to incorporate SUDS and preferably to reduce the existing rate of run-off. Local people in commenting on these proposals raised concerns about flooding from surface water run-off. A Surface Water Drainage Strategy was therefore submitted in relation to this application which concludes that: the site will not be at risk of flooding from fluvial sources; is able to discharge surface water via infiltration drainage techniques; and is able to employ a surface water drainage design based upon the principles of sustainable drainage. The Highways Authority as the relevant agency has reviewed this Strategy and considers it acceptable.
50. Biodiversity – Policy CS 12 of the Core Strategy protects the City's biodiversity. An ecology report was submitted with this application. The principal conclusions of this are that the site's value in biodiversity terms is intrinsically low and the loss of the site's habitats through development would not be considered to result in a significant ecological impact at local level. While badgers evidently use the site for foraging, no protected species have been confirmed as resident and as such no constraints have been identified in relation to such species that could represent an overriding constraint to development. Should the development be permitted the landscaping scheme should incorporate some species that produce fruit, such as yew, crab apple and hawthorn to provide a foraging resource for garden bird species and badgers post-development. Installation of bird and bat boxes on retained trees and/or new buildings would also offer opportunities for such species to utilise the site post development. Native species, preferably of local provenance, should be used wherever possible throughout the development.

CONCLUSIONS

51. There are fundamental objections to the development of this site for housing and all-weather pitches:

- the site retains the potential to help meet the City's outdoor recreational needs and is not surplus to requirements. As a recreational asset and for its green openness it is valued by local people living in close proximity. The proposed all-weather pitches will not be effective in meeting local need and are not replacement facilities of equal value to the potential of the open space that would be lost through development;
- it is not essential to develop housing and all-weather pitches on this site to meet housing land availability or recreational requirements, and there are no other mitigating or balancing reasons why those developments should take place on this site; and,
- there are concerns about the scheme in terms of its implications for the use of natural resources.

52. For these reasons the scheme is not supported and is recommended for refusal.

Human Rights Act 1998

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

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

Background Papers: 12/02935/FUL; 12/02967/FUL; 13/01096/FUL

Contact Officer: Fiona Bartholomew

Extension: 2774

Date: 29th August 2013

Appendix 1

13/01096/FUL - Land to the rear of William Morris Close

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Ordnance Survey 100019348

MAPDOC

Appendix 2

Summary of Public Response to applications 12/02935/FUL and 12/02967/FUL

Comments of Objection
<p>Increased traffic generally on already heavily congested local roads and specifically at junctions (Hollow Way/ Barracks Lane/ Horspath Road; Hollow Way/Garsington Road; and The Slade/Horspath Driftway) with more traffic to come because of developments in the wider locality which use this route including at the Business Park:</p> <ul style="list-style-type: none">• Extra traffic dangerous for the many users of the local road network with narrow footways• Already suffer long waits at the traffic lights at the Hollow Way/ Barracks Lane/ Horspath Road junction – this has potential for gridlock• Restricted access for emergency vehicles• Difficult for local residents to get out of the area to go to work at peak times• The urban clearway in Hollow Way not well enforced creates extra local traffic difficulties• Already suffer from pollution from waiting traffic in the area – will get worse• The development is against Core Strategy Policy CS19 because there will be more accidents on Hollow Way
<p>Barracks Lane unsuitable for access to school/housing/pitch developments:</p> <ul style="list-style-type: none">• Will become bottleneck because Barracks Lane is dead end so people have to turn round in the access way• Poor visibility around many parked cars on Barracks Lane• Parking on both sides of Barracks Lane mean only one vehicle can pass along it• Parking on Barracks Lane will get worse and problems will arise as they did when the Club was running• Can't restrict parking on Barracks Lane because local people need it to park their cars who have no other option• Is heavily used by pedestrians, children and cyclists – access to Oxford Spire Academy – will become more dangerous
<p>Access point for new developments from Barracks Lane to William Morris Close:</p> <ul style="list-style-type: none">• Dangerous for children• Will adversely affect amenity of flats• There will be parents and staff school parking in nearby residential areas• There is often ice on the road at this junction• Poor visibility because of high wall at the junction
<p>Inadequacy of traffic assessments:</p> <ul style="list-style-type: none">• This will be the largest primary school in East Oxford• Wide catchment, people will come from far away – a much greater proportion will drive to school, too far for many to walk• Walking overestimated, driving underestimated• Unrealistic to expect primary school children to use alternative local transport

<p>Green Travel Plan inadequate:</p> <ul style="list-style-type: none"> • no real positive measures are suggested for achieving reduced car travel • Can penalties be introduced if the aims are not met?
<p>Transport Assessment poor:</p> <ul style="list-style-type: none"> • makes erroneous/misleading comparisons with non-free schools with a narrower catchment • Need better/more traffic surveys – one day not enough
<p>Open space should be retained:</p> <ul style="list-style-type: none"> • Has been well used by local people for 80 years and valued as an open green space, it is not redundant • Adds to the character of the area, part of green image of the city • Local and Government planning policy indicates it should be kept open • Previous planning permission (for the Lord Nuffield Club) was conditional on retention of the open space – this should be upheld • It should be safeguarded land for long term use • The all-weather pitches do not allow for the informal recreation that people enjoy on this land • No floodlighting means that public use restricted • Need to retain footpath from Crescent Road to Beresford Close • Negative impact on local wildlife
<p>Retain the former club building in community use:</p> <ul style="list-style-type: none"> • Needed locally with the closure of Temple Cowley Pools and Gym • Can find a user who will make it viable, many clubs looking for premises • A valuable local facility • Use for old people's clubs • Removal of essential local community sports facility unacceptable in view of Olympic legacy
<p>The need for the school:</p> <ul style="list-style-type: none"> • No need for a school – there are enough locally, will lead to other schools closing • Agree need for school but this is the wrong site for traffic reasons • Objection to faith based school – 40% Oxford residents not Christian
<p>The school and its site:</p> <ul style="list-style-type: none"> • Parents will also park in Crescent Road (unacceptable and dangerous) • Use of the footpath through Beresford Close is unsuitable because it goes through a car park not along a path; also not adopted and unlit, suffers anti-social behaviour • Significant impact to privacy of local residents • Inadequate on-site turning, set-down/drop-off area and parking for staff • Design unacceptable – bright modern colours and materials not appropriate • Future extensions to the school should be restricted • Noise from school will affect amenity of rear gardens to properties in Hollow Way • Loss of parking around field for residents of William Morris Close
<p>Housing:</p> <ul style="list-style-type: none"> • No need for this given developments locally and at Barton • Too high density, area already high density – this will make it worse • Poor design – windows too small, roof blank, needs to incorporate solar panels etc., question need for chimneys • Adversely affects the amenities of properties adjacent – Crescent Road, Hollow Way and Beresford Place: loss of privacy, light, outlook, overshadowing • 3-storey is out of scale and overbearing, out of keeping with locality • Access road less than 10m from ground floor bedrooms in Beresford Place, intrusive

vehicle headlights.
Drainage: <ul style="list-style-type: none"> • Steep hill, surface water run-off already a problem causing flooding down Barracks Lane to Boundary Brook • More hard surface area will exacerbate this
Local house prices will fall
Statement of Community Involvement misleading

Comments of Support
Need for school: <ul style="list-style-type: none"> • Desperate need for primary places, other schools full, many people have to travel out of the area to school, pressure will increase due to population growth, • educational underachievement leads to poverty: need a good school to raise achievement
A good re-use of a redundant building with the added bonus of community use of the building and grounds
A good site for a school, well connected to transport and for walking
Extended school hours will spread the traffic implications. Can monitor traffic problems and adjust as the school grows.
Great need for new housing
There will be better use of the open space if developed for all-weather pitches

13/01096/FUL

Appendix 3

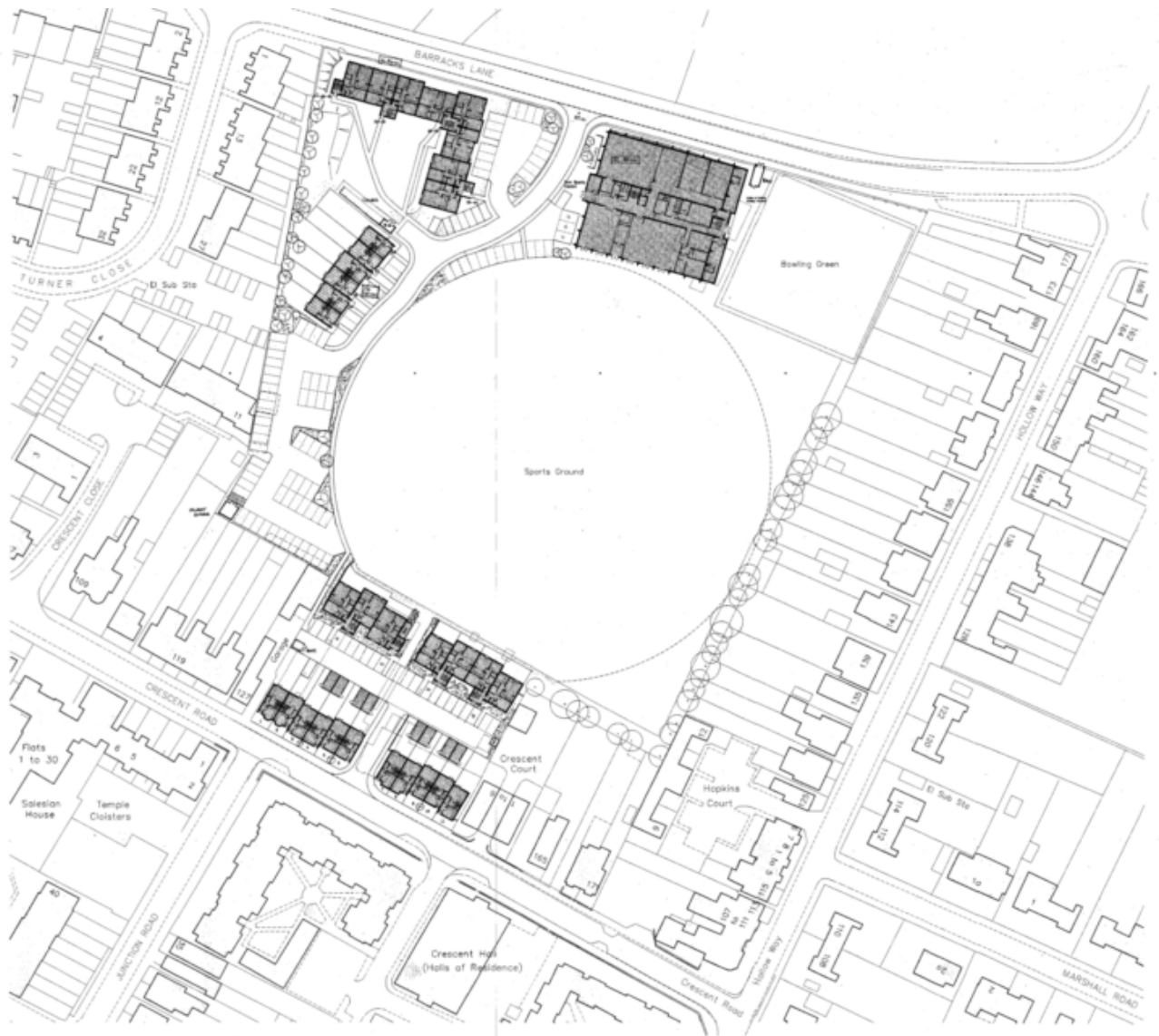
Original Morris Motors Club site



13/01096/FUL

Appendix 4

Block plan of the 2004 permission showing housing development on part of the previous open space and the re-sited Lord Nuffield Club building



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