

WEST AREA PLANNING COMMITTEE

11th February 2014

Application Number: 13/01376/FUL

Decision Due by: 29th July 2013

Proposal: Demolition of existing buildings. Erection of 9 x 3 storey, 4 bed dwelling houses (Use class C3)

Site Address: Avis Rent A Car Ltd, 1 Abbey Road **Appendix 1**

Ward: Jericho and Osney

Agent: Banner Homes Midlands Ltd

Applicant: Banner Homes Midlands Ltd

Recommendation:

APPLICATION BE REFUSED

For the Following Reasons:-

- 1 The site is of a size, layout and location close to the city centre such that it could reasonably accommodate residential development to a significantly greater density than that proposed through the provision of a greater mix of dwelling sizes and types. The site therefore has the capacity to provide at least 10 dwellings however the proposals fail to make provision for 50% of the dwellings on site to be affordable homes, or to robustly justify on viability grounds either a lesser proportion on site or a financial contribution towards off-site provision. Consequently the proposals fail to make sufficient provision towards affordable housing to the detriment of the mix and balance of dwellings within the City contrary to the requirements of policy HP3 of the Sites and Housing Plan 2011-2026 and policy CS24 of the Oxford Core Strategy 2026.
- 2 The development proposes nine very large houses that are equivalent to 5 bedroom units. The proposals therefore fail to provide an acceptable mix of dwellings within the site to the detriment of the range of housing stock provided for residents of the City as a whole as well as the local community. Consequently the proposals fail to accord with the requirements of policy CS23 of the Oxford Core Strategy 2026 through the associated requirements of the Balance of Dwellings SPD.

Main Local Plan Policies:

Oxford Local Plan 2001-2016

- CP1** - Development Proposals
- CP6** - Efficient Use of Land & Density
- CP8** - Design Development to Relate to its Context
- CP9** - Creating Successful New Places
- CP10** - Siting Development to Meet Functional Needs
- CP11** - Landscape Design

Core Strategy

- CS2** - Previously developed and greenfield land
- CS18** - Urban design, town character, historic environment
- CS23** - Mix of housing
- CS24** - Affordable housing
- CS28** - Employment sites

Sites and Housing Plan 2011-2026 (SHP)

- SP1** - Avis, Abbey Road
- HP2** - Accessible and Adaptable Homes
- HP9** - Design, Character and Context
- HP11** - Low Carbon Homes
- HP12** - Indoor Space
- HP13** - Outdoor Space
- HP14** - Privacy and Daylight
- HP15** - Residential cycle parking
- HP16** - Residential car parking

Other Material Considerations:

- National Planning Policy Framework
- Balance of Dwellings SPD
- Affordable Housing and Planning Obligations SPD

Relevant Site History:

92/00687/NF - Change of use of part of buildings from Builders Merchants to Car Rental Office – **Permitted 27.11.1992**

98/01548/NF - Change of use to car hire/storage in conjunction with continued use of adjacent land for car hire, car rental office, car preparation area & car storage (including extension of 96/1309/NT) for temporary period of 10 years – **Permitted 23.11.1999**

Representations Received:

One comment received in general support of the application though citing the following concerns:

- The 2007 flooding caused some cellar and underfloor flooding to 29 Abbey Road and the front door, road, path and entrance were flooded as the current drains do not cope. A system needs to be installed that stores excess water to dispense slowly, avoiding flooding as the sewers are currently inadequate. With nine new dwellings upgraded preventative measures must be instigated for the benefit of the whole road;
- No new visitor parking permits should be issued. The Council should consider on-site parking for one car per home which would mean reducing the back garden space.

Statutory and Internal Consultees:

Thames Water Utilities Limited – No objection.

Drainage Officers – SuDS methods should be used to aid drainage including porous pathways.

Local Highway Authority (Oxfordshire County Council) - Although not accompanied by a transport statement the impact in traffic terms is minimal in comparison to the previous use and, to ensure the proposal is car parking free, the development should be excluded from the adjoining controlled parking zone. It is the LHA's view that only visitor parking permits should be allowed. Existing dropped kerbs should also be reinstated at the applicant's cost prior to occupation of the development.

Environment Agency – The proposals are likely to reduce the risk of flooding locally and, subject to the LPA being satisfied with the flood management plan for future residents, no objection is raised. If approved, a number of conditions are recommended including those summarised as follows:

- The flood risk measures identified in the flood risk assessment (FRA) shall be carried out;
- Finished floor levels to be no lower than 58.0m above ordnance datum;
- A phased contamination risk assessment to be carried out.

Environmental Development – A condition should be imposed on any planning permission requiring a scheme for the remediation of identified contaminants to be submitted and approved with the works necessary undertaken as agreed.

Officers' Assessment:

Application Site and Locality

1. The application site comprises the former Avis car rental premises on Abbey Road just outside the city centre. Abbey Road is located off Botley Road, a main arterial route into the city centre from the west. With the exception of the application site, Abbey Road is residential in nature and typified by pairs of two and a half storey semi-detached houses dating back to the late 19th century that are of a distinctive uniformity in their scale, form and appearance, which gives the street a strong

established rhythm. This pattern to the housing is reinforced by the fact that they are all set back from the road frontage by small front gardens with no space for the off-street parking of cars.

2. Avis vacated the site in late 2013. The former car rental site is something of an anomaly within the street given its commercial use and industrial in appearance, dating back many years to when the site was formerly used as a builders' merchants. The appearance of the site is clearly detracting from the strong uniformity to the built development within the street. To the rear of the site lies the River Thames from which the site is separated by a painted brick boundary wall, though the upper parts of the rear walls of the buildings are visible over this boundary wall. This gives the site an unsightly appearance from the adjacent towpath.

3. The site is within walking distance of the city centre and the railway station as well as bus stops on regular bus routes. Abbey Road as well as its surrounding residential roads are however subject to significant parking pressure and congestion on Botley Road can make egress from Abbey Road difficult at times.

4. The site is shown in its context on the site location plan attached as **Appendix 1**.

Description of Proposed Development

5. The application seeks consent for the demolition of the existing buildings on the site and its redevelopment through the erection of nine x 4 bedroom houses along with associated bin and cycle storage.

6. Officers' consider the principal determining issues in the case to be:

- Principle of development;
- Urban Design;
- Affordable Housing;
- Mix of Dwellings;
- Standard of Accommodation;
- Impact on Neighbouring Properties;
- Highway Implications;
- Flood risk;
- Ecology;
- Archaeology; and
- Sustainability.

Principle of Development

7. The application site represents previously development land and is allocated through policy SP1 of the Sites and Housing Plan 2011-2026 (SHP) for residential development. As such the principle of its redevelopment has already been established. Policy SP1 simply states that planning permission will be granted for residential development on the site though it requires any planning application to be accompanied by a site-specific flood risk assessment and for development to incorporate any necessary mitigation measures. It also adds that development should not have an adverse impact upon the setting of the nearby Osney Town Conservation Area.

Urban Design

8. Abbey Road is characterised by a strong uniformity to its houses within the street both in terms of their layout as well as appearance with the fronts of buildings remaining predominantly unaltered. The street features mainly 2 ½ storey family sized houses constructed from the same light coloured brick under blue slate roofs with each featuring similar hipped roof dormer windows and ground floor bay windows with timber sashes. Officers consider the strong rhythm and uniformity of the street to be an important characteristic that is particularly important to preserve. The application site has an unsightly industrial appearance that is detracting significantly from the character and quality of the street and its redevelopment is, in principle, welcomed.

9. Policies CP1 and CP8 of the Local Plan as well as policy HP9 of the SHP require new buildings to relate to their setting to strengthen, enhance and protect local character. Policy CP8 states that planning permission will only be granted where the siting, massing and design of proposed development creates an appropriate visual relationship with the form, grain, scale and materials evident in the surrounding area.

10. The scheme proposes three terraces each comprised of three houses. The houses would all be 2 ½ storeys in height. Whilst the immediate area generally features pairs of semi-detached houses there are examples of smaller terraces within the street and officers consider this to be appropriate. The houses proposed are significant in size with what appears to be notably greater floor area than other existing houses however, from their front elevations, they are consistent with the scale of the majority of surrounding houses. They are though, greater in height than the adjacent terrace (Nos. 3, 5 and 7) given that these are two storey houses and do not feature steep roof pitches with space for loft accommodation unlike the majority of houses within the street. The proposed houses do however have a greater depth than existing houses in the street and their rearward projection will be apparent when entering Abbey Road where a side view of Unit 1 would be available. The houses are to be sited towards the front of their plots with only small amenity areas remaining which is in common with the layout of the other houses within the street so as to retain the established pattern of development.

11. From their front elevations the houses are traditional in appearance and take reference from many of the notable architectural features found on other houses within the street including the use of bay windows, hipped roof dormer windows with decorative finials, front doors within stone surrounds, sash windows and the use of light brick for the external walling as well as blue slate roof coverings to match the surrounding houses. Consequently officers are comfortable that, from Abbey Road, the proposed new houses would integrate well within the streetscene in accordance with the requirements of policies CP1 and CP8 of the Local Plan as well as policy HP9 of the SHP.

12. From the rear the houses have a slightly more contemporary appearance though still utilising a relatively traditional form. A balcony is proposed that extends across each terrace at first floor level to allow views out over the river and the allotments to the west. Screens would be installed to provide privacy within each balcony for the occupants. Within the rear gable ends there are significant levels of fenestration to allow generous lighting and a pleasant outlook from the main bedroom. Such an

approach is considered to be entirely appropriate in design terms particularly given that it will not affect how the new houses would be interpreted from their principal viewing points.

13. The site is separated from Osney Town Conservation Area by Botley Road and the River Thames though at its closest is only approximately 50m from its boundary. Policy SP1 of the SHP states that *“development of the site should not have an adverse impact upon the setting of the Osney Town Conservation Area”*. Policy HE7 of the Local Plan also requires development to preserve the special character and appearance of a conservation area.

14. For the reasons already set out, the proposals represent a significant improvement upon the current appearance of the site to the benefit of the Osney Town Conservation Area, the Abbey Road streetscene as well as enjoyment of use of the Thames towpath. Consequently, officers are satisfied that the proposals will form an appropriate visual relationship with the surrounding area in accordance with the requirements of development plan policy.

Affordable Housing

15. The application proposes nine large houses that are approximately 200sq m in floor space each. Whilst the description of the proposed development describes the dwellings as four bedroom units they all include a study room that is very capable of being used as a bedroom. Officers therefore consider the houses proposed to be five bedroom dwellings and will continue to refer to them as such.

16. Policy HP3 of the Sites and Housing Plan 2011-2026 (SHP) states that planning permission will only be granted for residential development on sites with capacity for 10 or more dwellings if a minimum of 50% of the dwellings on the site are provided as affordable homes.

17. Whilst officers consider it important that new buildings are in character with the established development in the street, the buildings proposed provide a very significant amount of floorspace the building envelope could, very easily, be subdivided to provide a mix of dwelling sizes and types. This could include flats and houses to a good standard without adversely affecting the character of the street. Furthermore, and to support this position, policy CS23 of the Core Strategy requires a mix of dwellings on development sites and refers to acceptable mixes for an area set out in the Balance of Dwellings (BoDs) SPD. This is discussed further in the next section of this report though it should be noted that the proposals fail to provide an acceptable mix of dwellings for the site as required by policy CS23 given the provision of only very large five bedroom homes.

18. Supported by the failure to provide an acceptable mix of dwellings on the site, officers are firmly of the view that a greater number of dwellings could be provided within the buildings proposed such that officers conclude that the site has the capacity to provide 10 or more dwellings. For this reason, officers are of the view that Policy HP3 of the SHP should be applied rather than policy HP4 of the SHP which relates to residential developments on sites with capacity for 4 to 9 dwellings.

19. Policy HP3 of the SHP requires 50% of dwellings on the site to be affordable

homes with 80% of these social rent and 20% intermediate in tenure. Where such affordable housing provision makes a development unviable, a developer must demonstrate this robustly by working through the cascade approach set out in the Affordable Housing and Planning Obligations SPD by, firstly, reducing the proportion of affordable housing, then introducing more intermediate housing and finally, if still unviable, moving towards a commuted sum towards off-site provision starting at 15% of the sales values of the dwellings.

20. Based on submissions made to the Council as part of the application, the applicant does not accept that policy HP3 of the SHP is relevant in this case and that, instead, policy HP4 applies. Policy HP4 requires a financial contribution towards off-site affordable housing amounting to 15% of the final sales values of the dwellings as well as an administration and monitoring fee amounting to 5% of the total sales values. Initially the applicant offered a fixed sum of £658,000 (equivalent to approximately 10% of the projected sales values) towards off-site affordable housing though officers did not consider their justification for departing from the policy on viability grounds to be justified or robust, for the reasons set out below. Following re-negotiations between the applicant and landowner, the applicant now proposes to meet the requirements of policy HP4 in full and has put this in writing to the Council. It is expected that 15% of the final sales values would amount to approximately £1.1 million, although it should be noted that the actual amount would only be determined once 50% of the units were sold or occupied.

Viability appraisal

21. As set out above and notwithstanding the applicant's offer of a financial contribution towards affordable housing, officers do not accept that policy HP4 of the SHP is appropriate to apply to the proposals. It is thus necessary for the applicant to demonstrate that provision of 50% on-site affordable housing of the required tenure split would make the development unviable, and then work through the policy cascade outlined in paragraph 19 above. The applicants have sought to do this through the submission of the following documents:

- Affordable Housing Viability Report dated June 2013 produced by Banner Homes Midlands Ltd;
- Letter dated 13th August 2013 from Banner Homes ref: AP001;
- Email dated 10/10/13 containing viability analysis of on-site affordable housing for a scheme of 14 dwellings.

22. The Council's preferred methodology for assessing viability is based on Residual Land Value (RLV). In simple terms, this works out what a developer could afford to pay for a site it wishes to develop (the RLV). This is calculated as the difference between the Gross Development Value (GDV) – i.e. what the completed development is worth when sold – and the total cost of carrying out the development, including an appropriate margin of developer profit. The RLV is then compared with the Existing Use Value (EUV), which is the value of the site should it be sold in its current use and condition. If the RLV is greater than the EUV, then the scheme is technically viable. However, in reality, the landowner will normally expect an uplift in the value (EUV) of their land, in order to motivate them to bring the site to the market. This uplift is, effectively, what the NPPF (paragraph 173) refers to as a 'competitive return to a willing landowner'.

23. Viability appraisal however necessitates that a number of assumptions and estimates are made to be fed into the appraisal model. Even small differences in these assumptions can make a significant difference to the outcome of the appraisal. Therefore, it is important that all figures fed into the appraisal are clearly justified with appropriate evidence to ensure a robust viability appraisal.

24. Based on the viability appraisal provided in support of the application, and subsequent submissions as listed in paragraph 21 above, officers are not convinced that affordable housing could not be delivered on site whilst still maintaining viability. In particular, the applicants have provided a viability appraisal for the scheme working through the cascade approach set out in the Affordable Housing and Planning Obligations SPD. Even without contesting some of the other cost assumptions made by the applicants (notwithstanding paragraph 27), officers are of the view that, if the landowner were looking for a more reasonable return on the value of the land, that the development would become viable at cascade step 1 (as shown in the letter dated 13th August 2013) if 40% of the dwellings on the site were affordable. Officers do not accept the level of uplift in value of the land that it is claimed the landowner requires to achieve a competitive return. In this case, the existing use of the site is an untenanted car rental premises. When the site was tenanted by Avis the site was valued at circa £500,000 for ongoing commercial use, based on a valuation carried out by professional surveyors.

25. Based on the viability appraisal initially submitted by the applicant, it is assumed that the land owner in this case would require a sale price of £1,101,499. This is 120% greater than the value of the site when it was occupied by a car rental firm. In contrast, the Affordable Housing Viability Study that underpinned the SHP showed that an increase in site value of 15-30% would normally be sufficient to incentivise a landowner to sell their land. A further material consideration is the Council's Affordable Housing and Planning Obligations SPD which makes it clear that overpayment for land is not a sufficient reason for a development to fail to make provision towards affordable housing.

26. Based on the viability appraisal submitted by the applicant it is officers' view that if a more reasonable increase in land value were assumed, the development would be able to make provision for a policy HP3 compliant level of on-site affordable housing even if all other assumptions in the viability appraisals submitted were assumed to be correct.

27. Further issues identified by officers regarding the viability appraisal, and therefore pointing to a lack of robustness, are:

- a) The margin of developer profit assumed in the appraisal is higher than officers would normally consider reasonable. Whilst the applicant has stated in an email that the margin assumed is the minimum acceptable to secure project finance, and represents the industry benchmark, this statement has not been justified and is therefore not accepted by officers.
- b) The Gross Development Value (GDV), i.e. the combined sale value of the completed units, has not been adequately justified. The Affordable Housing

and Planning Obligations SPD requires valuations from three professionally qualified independent sources, taking account of real current market values for the type and location of development. Adequate justification has not been provided in this case.

- c) The build costs assumed are significantly higher than those published by the Building Costs Information Service (BCIS). Whilst a single-page summary of construction costs, prepared in-house by the applicant, is appended to the viability appraisal, this provides inadequate detail, hence the build costs have not been adequately justified and are therefore not considered robust.
- d) The assumed finance rate (cost of borrowing), arrangement fees, professional and legal fees, and sales and marketing have not been fully justified.

28. It should be noted that following submission of the application, the applicant then provided a further set of appraisals based on a hypothetical scheme of 14 units, again applying the cascade approach set out in SHP Policy HP3. This sought to demonstrate that even a scheme consisting of a higher number of units would not be viable whilst providing a minimum 40% of affordable units on-site, therefore necessitating a financial contribution for off-site provision. However, broadly the same assumptions, including on land value, were used in this round of testing as for the originally submitted appraisal. Furthermore, the Gross Development Value has not been properly evidenced through reference to comparable market data for the different types of unit (i.e. houses and flats). This further viability work is not therefore considered robust or justified.

29. In summary, the applicant has failed to properly justify, using the cascade approach, why they have only offered a cash-in-lieu financial contribution.

30. Delivering affordable housing on smaller sites represents an important part of the Council's need to deliver a mix of affordable housing across the city where it is interspersed amongst other private housing. The failure of the scheme to make on-site provision of affordable housing without adequate justification as required by policy HP3 of the SHP is therefore considered to be harmful to achieving mixed and balanced communities in Oxford which, officers conclude, should result in its refusal.

Mix of Dwellings

31. Policy CS23 of the Core Strategy requires proposals for residential development to provide a mix of dwellings on a site in accordance with proportions set out in the BoDs SPD. This is to assist in the provision of mixed and balanced communities both locally and across the city as a whole.

32. The site lies within the Jericho and Osney neighbourhood area as set out in the BoDs SPD which is identified as an amber area. In this location, residential developments should not include more than 50% of the units as 4+ bedroom dwellings and at least 30% should be 3 bedroom units with some proportion of flats welcomed. Indeed it is worthy of note that the site is very close to the city centre area as set out in the BoDs SPD where, in paragraphs 69 and 70, it encourages a greater proportion of flats to ensure a higher density of development in such a sustainable location which would be more suitable to being car-free.

33. The proposals therefore fail to provide any mix of dwellings on the site, let alone a mix that accords with the ranges set out in the BoDs SPD. The provision of very large five bedroom houses will contribute little towards the housing needs of the city's residents and, in particular, fails to provide smaller family dwellings within Oxford or respond to its proximity to the city centre by providing a greater proportion of flats.

34. Consequently the proposals fail to assist in the creation of mixed and balanced communities as required by policy CS23 of the Core Strategy and supported by Government guidance set out in the NPPF. For this reason the proposals should also be refused.

Standard of Accommodation

35. The application proposes nine large houses which all comfortably exceed the minimum size standards for family houses as set out in policy HP12 of the SHP. Each of the rooms are of good usable sizes with a reasonable quality of outlook, light and storage space. Policy HP2 of the SHP requires all new dwellings to meet Lifetime Homes standard and, on developments of four or more dwellings, at least one should meet wheelchair accessible standards. The houses broadly meet the criteria internally though have steps up to entrance floor levels to ensure they are less susceptible to flooding which prevents full compliance with the standards. Officers are therefore satisfied that the proposals have taken all practical steps to comply with the accessible homes standards required by policy HP2.

36. Policy HP13 of the SHP requires all family homes to have access to private outdoor space proportionate in size to the house and equivalent to at least the footprint of the house. Outdoor amenity spaces should also be of a good usable layout and quality.

37. The houses are very large and, on balance, the gardens are considered to be of an acceptable size and quality given their location close to the city centre and that they are of a comparable size and shape to rear gardens serving other houses in the immediate area. Balconies are also included. The gardens will experience overlooking from upper floor windows in other houses but this mutual overlooking is common to other properties in the street and no concern is raised in this respect.

38. Each house would have access to bin and cycle storage facilities with the majority having side access through to the rear garden. The mid-terrace houses all benefit from rear access out onto the towpath. Consequently officers are satisfied that the external quality of the houses will be to a reasonable standard in compliance with the requirements of policy HP13 of the SHP.

Impact on Neighbouring Properties

39. Policies CP1 and CP10 of the Local Plan require development proposals to adequately safeguard neighbouring residential amenity. Policy HP14 of the SHP reflects these requirements, though it's specific to the impact of new residential development.

40. The closest of the proposed houses to the existing house of No.4 Botley Road would be separated from it by a distance of 20m. It should be noted that this distance

represents the separation from the side wall of the proposed house to the rear wall of the existing house rather than a “back-to-back” distance where the impacts of overlooking are typically greater. Officers consider this separation distance to be reasonable and in accordance with the standards set out in policy HP14 of the SHP to prevent any significant overbearing of No.4 Botley Road’s rear garden or unacceptable loss of outlook. No windows are proposed in the side elevation of Unit 1 so no loss of privacy should occur for occupiers of 4 Botley Road.

41. Nos. 6 and 8 Botley Road form part of an annexe to the River Hotel and so the impact on the rear garden is less significant. However, whilst some overlooking of this space will occur from upper floor windows and rear facing balconies of proposed houses, this is not considered to be objectionable given its hotel use and the distances involved.

42. An existing storage shed structure runs along the northern boundary of the site with 3 Abbey Road and has a mono-pitch roof form with its highest wall abutting the neighbouring house. This reduces the quality of the outlook from the rear garden of No.3 and its removal will be positive. Unit 9, which is the northern-most of the proposed houses, will be separated from the boundary by just over 3m which should in fact result in an improved relationship with this adjacent property.

43. Whilst there would be some increased potential to overlook the rear garden of 3 Abbey Road, it would still be consistent with the mutual overlooking that is typical within the street and the balconies would all feature privacy screens. In the event that planning permission is granted, officers would recommend a condition requiring details of privacy screens to be agreed and retained as agreed thereafter.

44. Officers are therefore satisfied that the proposals will not give rise to significant harm to the living conditions experienced by occupiers of nearby existing properties. In this respect the proposals are considered to accord with all relevant development plan policies.

Highway Implications

45. The proposals do not include provision for the off-street parking of cars. Such provision would have resulted in the buildings being set back from the front frontage to the detriment of the strong established rhythm to the houses within the street which officers consider to be particularly important to preserve.

46. Given the site’s location so close to the railway station and the city centre as well as in a controlled parking zone, officers do not object to a reduced car parking scheme or even a car-free development as supported by policy HP16 of the SHP.

47. Abbey Road is subject to quite significant parking pressure though the loss of a car rental premises is likely to reduce the actual number of traffic movements within the street. There is a significant length of dropped kerb outside the former Avis site which allowed site access and egress from the road. The re-instatement of this kerb will create approximately five additional on-street parking spaces. Were the application to be approved a condition would need to be imposed requiring this re-instatement at the applicant’s expense prior to occupation of the houses.

48. However, nine large houses are likely to give rise to greater than five parked cars within Abbey Road. Officers however do not consider it reasonable to prevent family houses of this size from having access to at least one car and the complete removal of car access is potentially likely to result in the properties being sought for conversion into HMOs in due course. Consequently, in the event that the application were to be approved, officers recommend a condition requiring the varying of the road traffic order to limit each proposed house to one residents' parking permit only. This would result in, at worst, only a very minor increase in parking within the street. It should be noted that this is not the LHA's position where they are recommending the complete removal of access to parking permits.

Flood Risk

49. The application site lies within flood zone 3a as defined by the Environment Agency (EA). This means it is at a higher risk of flooding (greater than 1 in 100 years) though there is no evidence of flooding of the site in recent times. The site has been allocated in the SHP following a wider strategic flood risk assessment (SFRA) and it is therefore not necessary to test the appropriateness of developing the site for residential purposes. Government guidance in the NPPF makes it clear that so called Sequential and Exception testing of sites when determining planning applications should not be applied to allocated sites where this approach will have already been undertaken in the SFRA.

50. The application was accompanied by a site specific flood risk assessment and, following consultation with the EA, it is clear that the proposals will reduce the risk of flooding both locally and elsewhere in line with the requirements of policy CS11 of the Core Strategy. The proposals will result in a significantly reduced amount of developed floorspace with greater flood water storage potential as well as the introduction of permeable hardsurfacing. Floor levels of the houses are also raised to reduce the impact of flood water in the event that flooding of the site occurs. The spacing of the buildings also allows for better dispersal of flood water than the buildings on the existing site. Whilst the proposed use is more vulnerable (residential) than the existing use (commercial), the allocation of the site has confirmed that the Council is satisfied with the principle of residential development on the site.

51. Officers are satisfied that the proposals have taken all reasonable steps to reduce flood impact for future occupiers of the houses and a flood management plan for future residents has been agreed as acceptable by the Council's Emergency Planning Officer. The proposals should also reduce the risk of flooding locally. In this respect officers are satisfied that the proposals accord with policy SP1 of the SHP as well as policy CS11 of the Core Strategy. Furthermore, the EA do not object to the proposals. In the event that Committee wishes to approve the application, officers recommend imposing the same conditions as suggested by the EA including the requirement to carry out all flood mitigation measures set out in the submitted flood risk assessment.

Ecology

52. The existing buildings are unlikely to be used for bat roosts and a bat report submitted by the applicant confirms this. However, there are records of Daubenton bats using the canal for foraging and as a flight path. Given the size of the

development proposed there is the potential to include biodiversity enhancements including maternity roosts for Daubenton bats. Policy CS12 of the Core Strategy expects developments to incorporate ecology enhancements where possible. In the event that Members resolve to approve the application, officers would suggest a condition requiring the submission and agreement of biodiversity enhancement measures and their incorporation within the development. In addition, and as per the submitted Bat report, a condition would also be required to ensure the soft stripping of the slates off existing buildings in the possibility that bats are habiting the buildings despite the findings of the report.

Archaeology

53. The site is located on Osney Island which may have been formed in the late Saxon period as a result of artificial channelling of the River Thames in order to create the channel now known as Castle Mill Stream. It has also been speculated that the sub-oval island has characteristics of a Late Iron Age oppidum however there is currently no firm evidence to support this hypothesis (Oxford Archaeological Resource Assessment- The Iron Age (2011)). The site is also of interest because it was previously occupied by a notable 19th century building firm (Thomas H Kinglerlee and Sons who remain active), and it retains a number of late 19th century/early 20th century structures from this time. The Victoria County History notes that the growth of the Oxford suburbs in the later 19th preserved the building industry as a mainstay of the city's economy and T. H. Kinglerlee, at times employed between 400 and 500 men (VCH 1979).

54. The National Planning Policy Framework states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. Where appropriate local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible.

55. In this case, bearing in mind the scale of the proposed works, if consent were to be granted for this development, it should be subject to a condition requiring archaeological investigations to take place. This should be in the form of a Level II photographic survey of the 19th century buildings and any contemporary structures followed by post-demolition (to ground level only) trial trenching followed by further mitigation if required. The work should be undertaken by a professionally qualified archaeologist working to a brief issued by the Council's archaeologist.

Sustainability

56. The site falls below the threshold in policy HP11 of the SHP which requires 20% on-site energy generation or full NRIA statement. To ensure consistency with the appearance of the other houses in the street, solar panels are not proposed on the front elevations though they are considered for the rear roof slopes. Other forms of on-site energy generation are not proposed with the emphasis on greater thermal efficiency of the buildings to accord with Parts L and F of the latest Building Regulations. In the event that Committee resolves to grant planning permission, a

condition would be necessary requiring details of all energy efficiency measures to be agreed prior to commencement of development.

Conclusion:

57. Whilst the proposals have merit as a piece of infill development, the site has the capacity for at least 10 dwellings but fails to make provision for affordable housing on site or demonstrate robustly why its provision would make the development financially unviable. The financial contribution offered towards off-site affordable housing provision is not appropriate in the absence of robust justification on viability grounds following the cascade approach clearly set out in the SHP and Affordable Housing and Planning Obligations SPD. Furthermore, the development proposes only very large family housing which will not contribute towards the identified housing needs of the City or local community as set out in the BoDs SPD. The proposals therefore fail to accord with the requirements of policy HP3 of the SHP as well as policies CS23 and CS24 of the Core Strategy and should be refused accordingly.

58. Notwithstanding the above recommendation for refusal, if Members are minded to approve the application, it is recommended that they delegate the final issuing of planning permission to officers to allow the completion of a legal agreement securing the necessary affordable housing contributions as well as to allow the imposition of any conditions deemed appropriate by officers.

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

Background Papers:

13/01376/FUL
98/01548/NF
92/00687/NF

Contact Officer: Matthew Parry

Extension: 2160

Date: 29th January 2014