

EAST AREA PLANNING COMMITTEE

6th August 2014

Application Number: 14/00983/FUL

Decision Due by: 30th June 2014

Proposal: Demolition of existing house and flat. Erection of 55-bedroom care home facility on three levels, together with 17 car parking spaces, landscaping and associated works.

Site Address: 1 Pullens Lane – **Appendix 1**

Ward: Headington Hill And Northway Ward

Agent: Mr Oliver Yeats, Nathaniel Lichfields & Partners **Applicant:** Mr Mike Hirsch, Carebase Ltd

Recommendation:

APPLICATION BE REFUSED

Reasons for Refusal

- 1 Having regard to the overall scale of the proposed development and associated intensity of its use, the proposals would result in a physical overdevelopment of the site with inappropriate levels of traffic generation which would fail to preserve the quiet, verdant and rural character of the Headington Hill Conservation Area. As a consequence the proposals fail to respect the site's context and would give rise to significant harm to the special character and appearance of the Conservation Area contrary to the requirements of policies CP1, CP6, CP8, CP9, CP10, CP11, NE15 and HE7 of the Oxford Local Plan 2001-2016, policies CS2 and CS18 of the Oxford Core Strategy 2026 as well as policies HP9 and HP10 of the Sites and Housing Plan 2011-2026.
- 2 As a result of its excessive size, rectilinear form and repetitive detailing, the proposed building would be out of character with the historic architectural styles of the Headington Hill Conservation Area and, to exacerbate matters, it would be unduly prominent within the surrounding area due to its close proximity to key site boundaries and inadequate retention of important soft landscaping features. Consequently the proposals fail to accord with the requirements of policies CP1, CP6, CP8 and CP11 of the Oxford Local Plan 2001-2016, policy CS18 of the Oxford Core Strategy 2026 as well as policy

HP9 of the Sites and Housing Plan 2011-2026.

- 3 The proposed development would result in the net loss of a significant amount of vegetation and ecological habitat that makes a meaningful contribution to local biodiversity. The loss of such habitat has not been appropriately assessed to determine the significance of the loss and therefore gauge if the proposals adequately mitigate or compensate for the impacts. As a consequence it has not been demonstrated that the proposals would not have a net adverse impact on local biodiversity, and, as such, the development fails to accord with the requirements of policy CS12 of the Oxford Core Strategy 2026.

Legal Agreements/Community Infrastructure Levy:

If approved contrary to officer recommendation, a legal agreement securing a financial contribution towards the off-site provision of public art would be required to be completed before the issuing of the decision. The development would also be liable for a community infrastructure levy (CIL) charge of £249,000 payable within 60 days of the commencement of the development.

Principal Planning Policies:

Oxford Local Plan 2001-2016 (Local Plan)

- 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
- NE15** - Loss of Trees and Hedgerows
- NE16** - Protected Trees
- NE21** - Species Protection
- HE7** - Conservation Areas
- TR1** - Transport Assessment
- TR2** - Travel Plans
- TR3** - Car Parking Standards
- TR4** - Pedestrian & Cycle Facilities
- TR14** - Servicing Arrangements
- HE10** - View Cones of Oxford
- CP19** - Nuisance

Oxford Core Strategy 2026

- 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

CS19 - Community safety

CS23 - Mix of housing

Sites and Housing Plan (SHP)

HP1 - Change of use from existing homes

HP9 - Design, Character and Context

HP10 - Developing on residential gardens

HP11 - Low Carbon Homes

HP14 - Privacy and Daylight

HP15 - Residential cycle parking

HP16 - Residential car parking

Other Relevant Planning Documents

- Balance of Dwellings SPD
- Headington Hill Conservation Area Appraisal
- Parking Standards, Transport Assessments and Travel Plans SPD

Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)

Public Consultation:

Statutory Consultees

English Heritage - The application should be determined in accordance with national and local policy guidance, and on the basis of the Council's specialist conservation advice.

Natural England – Due to the distance from designated ecology sites and the nature of the proposals, no objection is raised. There is the opportunity to incorporate green infrastructure within the development. No assessment has been made of the impact on protected species which has been left to the local planning authority.

Local Highway Authority (Oxfordshire County Council) – There is understandable local concern regarding an increase in traffic flows on Pullens Lane where the carriageway is shared by vehicles, cyclists and pedestrians. Pullens Lane is a private road and the accident database does include statistics for private roads. There is however no evidence provided of there being a personal injury accident problem in Pullens lane. There were three slight personal injury accidents at the junction of Pullens Lane with Headington Road (two involving pedestrians) during the last five years. Neither Pullens Lane nor its junction with Headington Road can therefore be described as dangerous. Vision splays at the junction between Pullens Lane and Headington Road are adequate and the predicted development peak hour traffic flows of two in the morning and three in the evening would have no significant impact on the capacity or safety of the junction.

17 car parking spaces are proposed (including (two disabled spaces) and this is considered to be acceptable based on assessment of parking generated by other

similar care homes. However, no provision appears to have been made for cycle parking. If approved a Travel Plan should also be secured by condition providing details of how methods of transport other than the private car would be encouraged. A condition should also be imposed restricting deliveries of plant and materials to within the hours of 0930 and 1400 during term times.

Third Parties

Oxford Civic Society – Object. The proposals constitute overdevelopment that would result in the site and wider area losing its character as a rural lane. Significant loss of vegetation would take place that could not be mitigated with the site losing its pastoral nature. There is already a steady flow of traffic up and down Pullens Lane and further heavy vehicles would erode the character of this quiet rural lane and any improvements required to the road would also compromise its informal layout. Staff, visitors and deliveries would surely give rise to additional safety hazard for the many pedestrians that use the lane.

Oxford Preservation Trust (OPT) – Object. Pullens Lane is characterised by low density domestic developments in large plots, set back from the Lane in a leafy green setting. The Pullens Lane Character Statement describes the lane as a long, narrow and tree lined road running on its north south course, with little vehicle traffic and large houses set well back in spacious, mature gardens. Recent additions to Pullens Lane have introduced some large institutional developments which if they were to continue to be introduced unchecked would erode the fragile rural character and charm of this area, which is such an unusual and important place within the City. Whilst the proposed development is for a residential use, to which OPT would not object in principle, what is proposed is out of scale and character, with the siting, architecture and materials proposed bearing no relation to other buildings in the area. The intensification of the use of the site, with associated traffic, lighting and other associated changes will further harm the character of the area.

Pullens Lane Association – Object. This proposal will occupy over 50% of its plot with a very large, rectilinear, flat roofed and urban building (and over 60% of it will be given over to buildings, the car park and driveway and other hard surfaces). This is a substantially higher proportion than for any other property within Pullen's Lane and will be seriously detrimental to the conservation area. The removal of many of the trees and other vegetation from the site will have a lasting impact and the shrubs and trees that are proposed to screen the building are completely inadequate Pullens Lane has, in recent years, seen a substantial increase in traffic largely related to other institutional developments along it. A lot of this traffic relates to collections and deliveries of people or goods i.e. taxis and delivery vehicles including fast food deliveries. The size of the institutions on the lane, and which are serviced by it, has grown substantially in the past five to ten years. The vehicle and pedestrian traffic that has resulted is now well beyond the lane's capacity and any further traffic load will impact on the safety of users of what was, and should be, a quiet, rural lane. Additional traffic would compromise the safety of the many pedestrians and cyclists that use the lane and any attempts to formalise the relationship between motor vehicles and pedestrians would harm the rural character of the lane.

Headington Hill Umbrella Group (HHUG) – Object.

Pullens Lane is narrow, tree lined and used mainly by cyclists and pedestrians. The lack of road markings and street lighting adds to the rural character of the lane and is further evidence of the area's prevailing character as a tranquil, low density residential area. The properties along Pullens Lane are large, detached and set well back from the road in individual spacious garden, thus contributing to its rural character. The presence of trees and hedgerows lining the lane creates a large amount of shade which enhances the feeling of tranquillity and provides further screening to the large dwellings which sit behind it. The Conservation Area Appraisal recognises that the recent development for institutional buildings has introduced buildings of an unsympathetic nature, with materials that are not in keeping with the Victorian architectural character of the area. In addition, the increasing intensity of use has had an adverse impact on the tranquillity of the area through the additional number of people and vehicles visiting the site.

The proposed development would result in an extensive new building, the footprint of which would cover a substantial proportion of a plot that is currently occupied by a single family house and a small outbuilding, surrounded by a large garden. This scale of the development is considered to be wholly inappropriate as it conflicts with the area's main characteristic which is low density residential development within a quiet, tranquil and semi-rural/verdant setting. The scale and massing of the proposed development will inevitably result in the building being clearly visible from Cuckoo Lane to the south, and from Pullens Lane to the east, particularly during winter months when there will be little vegetative cover and where new landscaped areas will have not yet matured.

The proposals would result in a far greater number of vehicle movements than generated by the existing use of the site. The submitted Transport Assessment is not considered robust as it must severely underestimate the number of vehicle movements per day at only 12; this cannot be realistic. Further intensification of use of the lane by vehicles including larger delivery vehicles prejudices the rural character of the lane and, given the nature and condition of Pullens Lane, the additional traffic will be prejudicial to the safety of the users of these roads including pedestrians and cyclists.

Concern is also raised about overlooking and overbearing of buildings to the north and to the east which are likely to be harmed as a result of the proposed loss of existing vegetation on the site and the three storey nature of the building. The proposed development also has the potential to cause light pollution, particularly for Pullens Gate, located immediately north of the site.

Other Third Parties

49 third party representations have been received of which all but one are in objection to the proposed development. The concerns raised are generally consistent with the views expressed by OPT, HHUG and the Pullens Lane Association and so are very briefly summarised as follows:

- The proposals represent an overdevelopment of the site taking account of the size and scale of the buildings together with hardsurfacing and formalisation of outdoor space. This would be out-of-character with the rural, verdant, tranquil special character of the area;
- The development would further alter the balance towards institutional uses

- away from its original residential character;
- The proposals would result in a significant intensification of travel to and from the site by motor vehicle including larger delivery vans and lorries. This would be harmful to the rural character of the lane and present a real hazard to pedestrians and cyclists using the lane which does not have adequate vision splays and no footways. Construction vehicles would also cause damage to the road as well as cause real disruption and danger to residents using the lane;
- The level of car parking proposed is inadequate to serve such a large facility and, in reality, travel plans are not effective over time on proposals of this nature;
- Extensive vegetation is proposed to be lost damaging the verdant character of the area as well as habitat for wildlife;
- Additional light pollution would be harmful to wildlife inhabiting the site as well as harm the rural character of the lane;
- The building proposed is bulky and represents a predominantly unrelieved mass that does not respond to the historic Victorian form of the buildings in terms of its style, scale and materials;
- Changes of use to other even less desirable uses within Class C2 would then not require planning permission;
- The development could cause further problems for the already inadequate sewerage system.

One comment was received in support of the proposals and stated the following:

- Development of such a large garden (and the adjoining one) will at some time be inevitable and a care home is preferable to more student accommodation. There is a need in the area for further care home beds to relieve "bed blocking" by the elderly at the JR and the other local hospitals. The building proposed is to be partly timber clad with a sedum roof which will blend in well with the allotments and the rural feel of the area and will enhance the conservation area.

In addition to the statutory consultation carried out by the Council on receipt of the planning application, the applicant also carried out consultation at pre-application stage. A public consultation event was carried out at Cheney School and meetings were held with the Headington Hill Umbrella Group as well as the leader of the City Council and the local MP. Some concerns were raised which the applicant has sought to try to address as part of the application.

As part of the Council's commitment to encouraging good design in new development, the proposals were taken, at application stage, to the Oxford Design Review Panel (ODRP) in June. The ODRP ultimately objected to the proposals and made the following comments:

- The principle of redevelopment of the site is welcomed;
- The overall quantum of development is appropriate however the layout and configuration results in unsatisfactory accommodation and a poor relationship with the site's northern and western boundaries;
- The care rooms facing north would have an unpleasant outlook onto a shaded car park;
- The entrance to the building is not clear as there is no legible marker for entry

to the building;

- Concern raised about signage and wayfinding in terms of traffic movements and impact on the character of the lane;
- Car parking should be more integrated within the landscape;
- The soft landscaping to the site boundaries is not sufficient;
- The form of the building is overly complex with materials not suited to its setting.

Relevant Site History:

52/00146/DO_H - Outline application for house. **Permitted 8th July 1952.**

53/02812/A_H - House and garage. **Permitted 10th March 1953.**

61/10760/A_H - Outline application for a dwelling house and garage for private car. **Permitted 25th May 1961.**

63/13061/A_H - Conversion of existing garage into self-contained flat. **Permitted 22nd January 1963.**

65/16928/A_H - Outline application for one dwelling house and garage for private car. **Permitted 14th December 1965.**

73/01650/A_H - Two-storey extension to provide additional living accommodation. **Permitted 8th January 1974.**

Officers' Assessment:

Application Site and Locality

1. The application site consists of a detached two storey house constructed in the 1960s and its detached garage set within a substantial overgrown garden and lined with trees on each boundary. The site is located on Pullens Lane, a quiet narrow private road that adjoins Headington Road and is set within the Headington Hill Conservation Area. There is a single narrow access to the site at present through a gap in rather unkempt boundary vegetation leading to an informal off-street parking space for a car.

2. The site itself features a relatively pronounced slope from east to west with allotments wrapping around the site's western and southern boundaries. To the east, on the opposite side of the lane, is the campus of the EF college, including residential accommodation. North of the site is Pullens Gate, a large residential property set discreetly within a well screened and verdant plot. The application site is situated just to the north of Cuckoo Lane, a footway that splits the conservation area and which runs from west to east up Headington Hill from Marston Road through to Headley Way.

3. The application site can be seen within its context on the site location plan attached as **Appendix 1.**

Description of Proposed Development

4. In brief, the application seeks consent for the demolition of the existing dwellings on the site and the erection of a 55 bedroom care home facility set over three floors together with associated car parking, internal access routes and landscaping.

5. Officers' therefore consider the principal determining issues in this case to be:

- Principle of Development;
- Design, Appearance and Impact on the Headington Hill Conservation Area;
- Impact on Historic Views;
- Highway, Parking and Traffic Implications;
- Trees and Landscaping;
- Ecology;
- Impact on Neighbouring Properties;
- Energy Efficiency;
- Flood Risk; and
- Public Art.

Principle of Development.

6. The Council does not have a specific policy within its development plan documents which relates to the provision of care homes or equivalent facilities, though it does of course have a significant number of policies that are relevant to assessing the effects of such a development. In this context policy CS2 of the Core Strategy seeks to concentrate new development on sustainably located previously-developed land. It also resists development of greenfield land unless specifically allocated in the Local Plan or to maintain a five year housing land supply. At the same time policy CP6 of the Local Plan seeks greater efficiency in the use of land subject to other considerations and where appropriate to its context.

7. Policy HP10 of the SHP is also considered material to the assessment of the proposals. It sets out that, despite residential garden land being defined as greenfield in the NPPF, policy HP10 of the SHP supports new dwellings on residential garden land in principle provided that the proposals respond appropriately to the character and appearance of the area and that any loss of biodiversity value on the site is mitigated.

8. The application site features two existing dwellings – the main house and a separate self-contained dwelling within the converted garage to the side. Nevertheless, the site is predominantly greenfield and undeveloped. Policy CS2 would therefore seek to resist a material increase in new development on the site and, as the development does not propose new dwellings, it does not specifically correspond to policy HP10 of the SHP. However, officers are of the view that this policy is material in that it establishes that the principle of developing residential garden land can be appropriate for new residential development and, for this reason, officers consider it reasonable to apply this policy to the application proposals. As a consequence, it is officers' view that, in principle, new residential development on the site is acceptable subject to it being respectful of the site and its context including the character and appearance of the area.

9. Policy HP1 of the SHP is also considered of relevance to the assessment of the proposals. It states that planning permission will not be granted for any development

that results in the loss of one or more self-contained dwellings. It is clear that this policy establishes a presumption against the development proposed as it would result in the loss of two dwellings. However, in the context of the number of care beds proposed to be provided and the consequent “freeing-up” of dwellings to the general housing stock currently resided in by potential residents of the care home, officers are of the view that the proposals would not conflict with overall aims of policy HP1 such as to warrant opposing the development for this reason, No objection is therefore raised in this respect.

Design, Appearance and Impact on the Headington Hill Conservation Area

10. Policies CP1 and CP8 of the Local Plan require new development to form an appropriate visual relationship with the surrounding area in terms of its form, scale, massing, layout and design detailing. Policies CP9 and CP10 require the streetscape to be maintained or enhanced and for new development to create a successful living and working environment. Policy CS18 of the Core Strategy reflects these requirements by stating that planning permission will only be granted for development that demonstrates high quality urban design that responds to the site and its surroundings including Oxford’s unique historic environment. Policy HP9 of the SHP is specific to residential development and requires development to respect its context and respond to the character and appearance of the area.

11. The site lies within the Headington Hill Conservation Area, a designated heritage asset as defined in the NPPF. Policy HE7 of the Local Plan is therefore of relevance to the consideration of the application and requires new development to either preserve or enhance the special character and appearance of a conservation area. This policy is considered to be consistent with national policy contained within the NPPF such that it is up-to-date with full weight attached to it accordingly.

12. The NPPF adds that: *“when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification”*. The NPPF goes on to state that *“where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss”*. Where development results in less than substantial harm to the significance of a designated heritage asset, the NPPF states that *“the harm caused should be weighed against the public benefits of the proposal”*.

13. The NPPF encourages local planning authorities to regularly review and assess the significance of conservation areas. To respond to this, the Council carried out an appraisal of the conservation area during the latter half of 2012 with full public consultation. The appraisal was ultimately endorsed by the Council at the EAPC in December 2012.

14. The conservation area’s designation occurred in 1977 following the Council’s adoption of the Headington Hill Policy Statement in February 1973 which set out

principles to guide the consideration of future planning applications in the area of Pullens Lane, Feilden Grove, Jack Straw's Lane and the private section of Harberton Mead. This Policy Statement sought to protect the residential use of the area, low traffic levels, the character of buildings and their spacing, the tree planting in the area and the absence of advertisements or signs. The avoidance of additional traffic generation on Pullens Lane was stated as a specific principle.

15. The latest conservation area appraisal establishes that the area is divided into two distinct sections – the area north of Cuckoo Lane (which includes the application site) and the area to the south. The appraisal concludes that the heritage significance of Pullens Lane derives from its tranquil, rural character with generous spacing between buildings interspersed with dense greenery enclosing a narrow lane with a roughly managed informal verge. The appraisal also makes it clear that there are limited views from building to building because of the mature and dense landscaping which provides its sylvan quality and ensures the greenery of the area makes a stronger contribution to its character than the built elements, emphasising the sense of a low density of development. The appraisal also identifies that some developments in the past few decades have been notable for introducing architectural forms that were intrusive to the character of the area. In particular the rectilinear forms, poor quality materials, repetitive detailing and large scale of buildings did not reflect the historic residential character of much of the conservation area. It also recognises that conversion of landscaped garden settings of buildings for car parking also has a significant negative impact on the character of the area and its historic interest, and that the lack of artificial lighting helps to reinforce its rural woodland quality.

16. Officers' are of the view therefore that there is a unique "rural" character to the northern section of Pullens Lane and the wider conservation area that is not found elsewhere within the city and which belies its location close to the throng of activity associated with Oxford Brookes University and the traffic on Headington Road. Reflecting its uniqueness, fragility and therefore its vulnerability, officers consider it important to afford great weight to the desirability of the preservation of its character in assessing the application proposals which accords too with the Council's statutory duty in this respect.

17. The existing development on the site comprises what amounts to two small buildings within a substantial undeveloped greenfield site that includes a significant number of trees both along its boundaries and within the site. The remainder of the site is covered by extensive unmanaged vegetation including grasses and shrubs. Whilst most of the landscaping is unkempt and in need of maintenance, the site as it currently exists makes a generally positive contribution to the significance of the conservation area as it supports its green, quiet and rural qualities. The buildings on the site are not of particular architectural merit in themselves and their demolition in heritage terms is not opposed. That said, at present the buildings sit comfortably and discreetly within the site such that their contribution to the conservation area in architectural terms could be described as neutral.

18. Put simply, the building proposed is of a vast scale in comparison to the existing buildings. The extent of physical development on this essentially greenfield site is such that it would dominate the plot rather than sit comfortably within a landscaped

setting as required to preserve the identified special qualities of the conservation area. Taken together with the associated hardsurfacing, new development would amount to over 60% of the site coverage leaving comparatively little remaining space to provide meaningful soft landscaped areas and an appearance of spaciousness that is essential to the preservation of the significance of the conservation area. Whilst the EF site to the opposite side of Pullens Lane features a relatively dense layout in the context of the surrounding area, the application proposals would exceed even this with the result that the building would appear disproportionately large and as an overdevelopment of the site thereby not respecting the prevailing rural character of the area.

19. As recognised by the ODRP, the sheer extent of development on the site results in a failure to be able to provide meaningful dense soft landscaping both around and within the site that would enable the building to sit more comfortably within its context. This also leaves it difficult to respond to their concerns about the formal nature and layout of the car parking rather than being more naturally integrated into the landscape. As the conservation area appraisal concludes, the special qualities and local distinctiveness of the conservation area derive, rather unusually, from its sylvan, rural and tranquil character more than from the architectural merits of many of its buildings.

20. Notwithstanding the above, the buildings of the conservation area do historically share key features that support the character of the area. As the conservation area appraisal identifies, it historically comprised detached Victorian villas of high architectural quality as well as buildings in the Arts and Crafts and Vernacular Revival styles. One of the ongoing threats identified to the conservation area in the appraisal was the increase in recent buildings of an excessively large scale with rectilinear forms and repetitive elevational treatments. The building proposed unfortunately corresponds almost exactly with these identified concerns – it is of a large rectilinear form with relatively repetitive elevational details with little reference, either traditionally or contemporarily, to the historic styles of the buildings found in the area. Furthermore, it would impose its inappropriate form and scale on the conservation area and Pullens Lane as a result of its projection close to the eastern boundary of the site with the road frontage. Here it would present its rather blocky, angular form onto the road which would, to exacerbate matters, be further opened up to provide an improved vehicular access point. This would be at odds with the established character of the area which, as the conservation area appraisal identifies, generally features buildings set back from the road in large plots providing privacy and richly planted green space at the front.

21. In addition to officers' significant concerns about the scale and appearance of the development proposed the distinctiveness of the conservation area also derives from its network of historically quiet lanes which is particularly unusual within the city.

22. In this respect officers consider it pertinent to refer back to the Council's 1973 and 1977 policy statements that attempted to guide the consideration of planning applications in the Headington Hill Conservation Area. In these documents it makes it explicitly clear that, inter alia, intensification of existing institutional uses north of Cuckoo Lane would not be approved unless they did not generate additional traffic above and beyond that which would be expected to result from ordinary residential

development. It further adds that, wherever possible, the generation of additional traffic should be avoided particularly where the roads are not up to the Highway Authority's standards.

23. What is clear however is that, despite these policy statements, there has been a significant intensification of institutional activity within Pullens Lane including in the areas north of Cuckoo Lane. This has led to additional traffic movements including that of larger servicing and delivery vehicles. This additional traffic is prejudicing the special tranquil and rural distinctiveness of Pullens Lane as well as the wider conservation area and these concerns were clearly identified in the latest conservation area appraisal. A further material increase in traffic movements – which in this case would include staff, visitors, deliveries, servicing, ambulances, doctors and nurses – would cause additional harm to the historically quiet rural character of the lane. The nature, scale and intensity of development proposed on this site would, without doubt, give rise to a material increase in traffic movements to and from the site along Pullens Lane. This would be fundamentally at odds with the type of development that the Council, through the conclusions of successive conservation area appraisals, has sought to resist. The cumulative impact of the proposed development, taken together with the volume and type of traffic associated with recent institutional developments, would cause significant harm to one of the key identified special features that contribute towards this heritage asset's uniqueness – its comparative tranquillity within an otherwise urban area.

24. In addition to the above, another feature which contributes towards the rural character of the lane is its lack of artificial lighting (including its absence of street lighting) which supports its feeling of being a private residential enclave. Whilst specific details of lighting have not been provided as part of the application and it is not suggested that there would be significant lighting of the site entrance or road frontage, it is inevitable that a building of this size and scale (that would be operational in some capacity for 24 hours a day) would result in a significant increase in light spillage within the site which would also be likely to be visible from Pullens Lane and the allotments to the west. Such an effect would be to draw attention to the inappropriate scale and form of development on the site which would conflict with its rural woodland character.

25. To conclude on this matter, officers have very significant concerns about the scale and intensity of development proposed for this site as well as the visual appearance of the proposed building which is not considered to be appropriate to the site itself or its context. As a result, for the reasons set out above, the proposals would not be respectful of the greenfield nature of the site and its context as required by policy HP10 of the SHP, and, would give rise to significant harm to the special character and appearance of the Headington Hill Conservation Area. Whilst officers acknowledge that there are public benefits to the proposals as they help contribute towards meeting a need for additional care bed space with the area, these benefits do not justify the harm that would be caused to the conservation area in this case. Rather, officers have afforded great weight to the desirability of preserving the character and appearance of the conservation area.

Impact on Historic Views

26. Policy HE10 of the Local Plan seeks to retain views of significance both within

Oxford and from outside. It also adds that the green backcloth must be protected from any adverse impact. There are ten identified significant view cones which are considered to be a heritage asset as defined in the NPPF.

27. When viewed from the west, Headington Hill forms a green landscape background to the historic city centre in its valley setting. The hillside also provides a number of vantage points giving good views down to the city's skyline. The protection of viewpoints, together with 'view cones' looking out across Oxford with the 'green backcloth' in the distance, are seen as important elements of public enjoyment as well as heritage value.

28. When viewed from historic elevated landmarks within the city centre (i.e. St Mary's Tower or Carfax Tower), Headington Hill appears as a wooded backdrop to the city which is consistent with its historic relationship to the city centre. The woodland is occasionally punctuated by glimpses of a spire or an equivalent short section of roof form. It is important that this historic view and relationship with the city and Headington Hill is preserved. The applicant has carried out significant modelling of views from key historic landmarks within the city centre using accurate verified images and has worked with officers to help establish the views that could potentially be affected. After assessing the impact on these views officers are satisfied that the overall height of the building, due to it being partially sunken within the landscape, has been kept to a level where it would not project out above established tree coverage when viewed from within the city centre.

29. Raleigh Park also provides an historic view with the potential to be affected by development in the Headington Hill area. The green backcloth is particularly clear in the background of views from this location which helps frame views of the city centre. As a result of their height, bulk and prominence, some recent developments including particularly that at the John Radcliffe Hospital, have had a significant adverse impact on this historic view. Accurate rendered verified views have been carried out by the applicant with input from officers and again demonstrate that the impact on the view from Raleigh Park would not be materially adverse given that, even in winter time, sufficient established tall tree coverage exists around the site to prevent the development being visible.

30. Consequently officers are satisfied that the proposals would not have a materially adverse effect on long distance historic views within and outside Oxford and, in this respect, the proposals are considered to accord with the requirements of policy HE10 of the Local Plan as well as guidance set out in the NPPF.

Highway, Parking and Traffic Implications

31. Policy CP1 of the Local Plan requires development to, inter alia, be acceptable in respect of access, parking, highway safety, pedestrian/cycle movements and traffic generation. These policy requirements are consistent with guidance on decision making contained within the NPPF which states that "*decisions should take account of whether safe and suitable access to the site can be achieved for all people*" and that "*developments should be located and designed where practical to accommodate the efficient delivery of goods and supplies, give priority to pedestrian and cycle movements, and have access to high quality public transport facilities and create*

safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians”.

32. As already stated in this report, traffic movements along Pullens Lane have significantly increased in recent years. However, since the lane is privately owned, there have not been any official traffic surveys undertaken to objectively confirm this. Officers consider the impact of additional traffic movements on the character of the lane to be a different, albeit related, matter to that of the capacity of the road in purely highway terms. Officers have already set out their views on the impact of the proposed development on the character of the lane and this section of the report is therefore specific to the highway implications of the scheme.

33. It is worth noting that, as Pullens Lane is privately owned, the Highway Authority ostensibly considers its remit to extend principally to consideration of the impact on the public highway; in this case Headington Road. The Highway Authority has reviewed the Transport Assessment (TA) submitted by the applicant and generally concurs with its conclusion that the impact of additional traffic movements on the junction between Headington Road (publicly maintained) and Pullens Lane (privately owned) would not be unacceptable given the satisfactory vision splays available, the slow speed of entering/exiting vehicles and the very modest accident rates recorded at the junction. Officers have no reason to disagree with this view.

34. Officers are however more concerned about the potential for increased traffic movements within the narrow lane itself and the consequent inevitable increase in conflict between motor vehicles and the many pedestrians and cyclists that use the lane. In addition to local residents many of these pedestrians are students at the residential colleges found along the lane though the lane also serves a significant number of cyclists commuting to and from Headington as well as Oxford Brookes University. Overhanging and overgrown vegetation encloses the lane and serves to reduce vision splays for pedestrians and often partially obscures views out from existing vehicular access points.

35. An analysis of the submitted TA leaves officers in little doubt that the proposals would result in a material increase in vehicular traffic using the lane at a level significantly above that which would be expected from an ‘ordinary’ residential use of the site. However, in the context of total existing traffic movements in Pullens Lane the TA concludes that the increase in movements would not be significant. The Highway Authority does not dispute this conclusion or the methodology used in calculating the projected vehicle movements.

36. Taking the projected traffic movements set out in the TA at face value, officers would agree with its conclusions and therefore the views of the Highway Authority that they would be unlikely to significantly increase traffic generation within the lane such that it would be beyond its physical capacity.

37. However, what is clear from the third party representations received as well as evident within the findings of the conservation area appraisal, is that it is the increase in heavier vehicle traffic serving that lane’s residential institutions that is having the greatest impact on convenient and safe use of the lane as well as its condition. In this respect officers share some of the concerns of local residents and are of the

view that it is not desirable for greater numbers of larger vehicles to be using this narrow lane.

38. However, whilst the increase in vehicles (and particularly heavier vehicles) is a concern, officers on balance concur with the views expressed by the Highway Authority which notes that the traffic movements are at low speed and where users are, generally, more vigilant due to the shared nature of the carriageway. It also points to the absence of any significant number of injuries due to vehicle accidents which indicates that there is not a significant current safety problem. Officers note the concerns raised by third parties about the poor condition of the lane however matters of maintenance of the road and the consequent financial implications of additional vehicles using the lane are matters between the owners of property on Pullens Lane and the Pullens Lane Association who are responsible for maintaining the road.

39. In conclusion, officers do have some concerns about the highway safety implications of increased motor vehicle traffic along Pullens Lane, particularly with respect to larger vehicles. Additional conflict between users of the lane will lead to further difficulty navigating the lane conveniently particularly where large servicing and delivery vehicles cause obstructions. However, the projected volume and type of traffic movements resulting from the proposed development is not considered to give rise to a level that is beyond the operational and safe capacity of Pullens Lane. Therefore, with respect to the development's impact in purely highway terms, on balance officers are satisfied that the proposals would be acceptable and in accordance with the requirements of policy CP1 of the Local Plan and guidance set out in the NPPF.

40. On a related matter, policy HP16 of the SHP requires new residential development to comply with maximum car parking standards. The development is proposed to be served by 17 car parking spaces along with some parking and turning space for servicing and delivery vehicles. This provision falls significantly short of the policy's maximum standards which would typically allow up to 30 spaces. Evidence has been provided from an assessment of parking requirements at other Carebase facilities which suggests that 17 spaces is more than sufficient to meet their needs. Whilst this level of parking appears low, there is robust supporting evidence which demonstrates that the provision is reasonable in the circumstances. Consequently officers have concluded that the proposals accord with the requirements of policy HP16 of the SHP in this respect. Cycle parking provision is not shown in the submitted plans though there is clearly space to adequately provide these facilities on the site. If Members were minded to approve the application, a condition should be imposed requiring details of cycle storage to be submitted and approved prior to commencement of development.

Trees and Landscaping

41. As the site is located within a conservation area the trees are statutorily protected without being specifically covered by a tree preservation order (TPO). Policy NE16 of the Local Plan resists loss of protected trees where they are of significant public amenity value. Policies NE15 and CP11 of the Local Plan require important existing landscaping features to be retained and appropriate new landscaping to be included as part of development to mitigate any adverse impact.

42. There are no trees on the site that are individually of particular public amenity or ecological value. However, collectively the trees and vegetation on the site make a substantial positive contribution to the character of the conservation area. Officers therefore consider it essential that any new development respects the verdant qualities of the site by retaining much of the boundary landscaping so that the proposed development respects its context by appearing to sit within a landscaped setting. For reasons already set out in this report and supported by the views of the ODRP, the proposals fail to achieve this. A high level of greenery is lost including a number of apple, cherry, hawthorn, blackthorn, field maples and silver birch trees along with some Cypress hedging with insufficient space remaining to adequately mitigate their loss, particularly along the site's western boundary where the gap between the proposed building and the site boundary is narrow. The result would be a building that imposes itself on its woodland setting and, particularly in winter months, would be unduly prominent when viewed from the lane and allotments to the rear.

43. As a consequence officers have concluded that the proposals fail to respect existing landscaping features of importance or adequately mitigate their loss to the detriment of the character and appearance of the area. As such the proposals would be contrary to the requirements of policies CP1, CP11, NE15 and HE7 of the Local Plan in this regard.

Ecology

44. Policy CS12 of the Core Strategy supports guidance set out in the NPPF by resisting development that gives rise to harm to biodiversity. Indeed the NPPF and policy CS12 seek enhancements wherever possible. The impact of any significant loss of ecological habitat due to extensive removal of vegetation should be fully and quantifiably assessed in order for the local planning authority to be able to satisfactorily determine whether the harm caused has been adequately mitigated or compensated as part of the scheme. It is clear that the proposals would give rise to significant loss of habitat and this impact has not been satisfactorily assessed to ensure that officers are confident that no net loss of biodiversity would occur as a result of the development. Whilst some replacement planting is proposed as part of the scheme, the size and scale of the development is likely to leave insufficient space available on the site to be able to adequately mitigate the loss of habitat as required by paragraph 118 of the NPPF. This states that where significant harm to ecology cannot be avoided, mitigated or compensated, then development should be refused. It is officers' view that adequate mitigation or compensation has not been demonstrated as part of the scheme and, as such, it should be refused in this respect due to conflict with the requirements of policy CS12 of the Core Strategy and guidance contained within the NPPF.

Impact on Neighbouring Properties

45. Policies CP1 and CP10 of the Local Plan require new development to adequately safeguard neighbouring amenity. Policy HP14 of the SHP is specific to residential development and requires new development to protect reasonable levels of outlook, light and privacy for existing dwellings.

46. Buildings in the area are generally separated by generous distances through tree lined boundaries. As a result, and despite the large footprint of the building, the

distance between the nearest neighbouring dwelling (Pullens Gate to the north) and the proposed building is significant such that officers have no concerns about the impact of the development on either the light, privacy or outlook enjoyed by neighbouring properties. Whilst third party representations have raised concerns about whether artificial lighting would affect the enjoyment of nearby residential gardens, officers have not assessed that this impact would be significant in amenity terms though lighting would add to the harm caused to the rural character of the wider area.

47. Some noise would be expected from the development though, given its nature, this would not be significant particularly during evening hours. Officers therefore have no concerns in this respect about the impact of the proposals on neighbouring living conditions.

48. To the east and south of the site lie institutional developments which are generously separated from the proposed building and, given the distances involved, no adverse impact is anticipated.

Energy Efficiency

49. Policy HP11 of the SHP requires developments of this size to generate at least 20% of its energy requirements on-site via renewable technology. Through the submitted Energy Statement the proposals have demonstrated that 23% of its energy needs would be provided through a combination of a combined heat and power system, the use of extensive photo voltaic arrays as well as levels of insulation, efficient lighting and heating that would go beyond that required under the Building Regulations. Policy CP18 requires a Natural Resource Impact Analysis (NRIA) to be undertaken and it is clear from the documentation submitted that all reasonable opportunities for reduction in energy use have been taken which the result that the development achieves a score of 7/11 against the NRIA checklist. Consequently officers are satisfied with the energy efficiency credentials of the development which accords with that required by policy HP11 of the SHP and policy CP18 of the Local Plan. In the event that Members are minded to grant planning permission, a condition should be imposed requiring the sustainability measures to be incorporated into the development.

Flooding Risk

50. Policy CS11 of the Core Strategy reflects NPPF guidance and resists development where it would increase the risk of flooding. The site is classified by the Environment Agency as being at a low risk of fluvial flooding and within flood zone 1. Typically a site-specific Flood Risk Assessment (FRA) would therefore not normally be required. The applicant has however carried out an FRA which confirms the low flood risk potential of the site though sets out a number of measures that would be incorporated into the development to improve surface water drainage. If approved, a condition should be imposed requiring these measures to be carried out.

51. Whilst there are some anecdotal reports of sewerage problems in the area, Thames Water has not reported any foul sewers flooding at the site or immediate environs during the past 10 years and has raised no concerns about the proposed development in respect of sewerage capacity.

Public Art

52. Policy CP14 requires developments of the size proposed to make provision for public art in the event of approval. This would need to be achieved with sensitivity in this instance with the commitment secured either as a financial contribution secured by S.106 agreement, or by a condition to the planning permission.

Other Matters

53. The development proposed would fall within Use Class C2 as defined in the Use Classes Order 1987 (as amended). A number of other related uses fall within this class including residential schools and colleges. If approved, the development could therefore subsequently be occupied by a residential college at a later date without the need for planning permission. This would be likely to represent an even more intensive use of the site. As a consequence, in the event that planning permission is granted, a condition restricting the use of the development to a care home only within Class C2 is justified and strongly recommended.

Conclusion:

54. As a result of its scale, intensity and visual appearance the proposed development would result in significant harm to the special character and appearance of the Headington Hill Conservation Area which would not be outweighed by its public benefits. Moreover, the proposals have not been shown to prevent significant harm to biodiversity. For these reasons the proposals are considered to be contrary to the requirements of a number of development plan policies as well as guidance set out in the NPPF. Committee is therefore recommended to refuse planning permission for the reasons indicated. If however Committee is minded to approve the application, then it is recommended that the final issuing of the decision notice is delegated to officers to allow the completion of a legal agreement and the imposition of appropriate conditions.

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

Background Papers:

52/00146/DO_H

53/02812/A_H

61/10760/A_H
61/10910/A_H
61/10911/A_H
61/10912/A_H
63/13061/A_H
65/16928/A_H
73/01650/A_H
14/00983/FUL

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