

EAST AREA PLANNING COMMITTEE

6th August 2014

Application Number: 14/01670/OUT

Decision Due by: 14th August 2014

Proposal: Outline application (seeking approval of access, appearance, layout and scale) for the erection of new buildings consisting of 2 x 2 bed flats (Use Class C3), 1 x 3 bed flat (Use Class C3), 2 x 3 bed house (Use Class C3) and 2 x 4 bed house (Use Class C3).

Site Address: Parking Area, William Morris Close **Appendix 1**

Ward: Cowley Marsh Ward

Agent: Mr Nik Lyzba

Applicant: Cantay Estates Ltd

Recommendation:

APPLICATION BE REFUSED

For the Following Reasons:-

1. Although the site may be regarded as previously developed land, it is a small part of a larger area of protected open space that is not allocated for housing development nor is it needed to meet National Planning Policy Framework housing land availability requirements. It has not been clearly shown that the site is surplus to requirements for sport or recreation, and no replacement provision is proposed. It is not essential that the need for housing development should be met on this particular site, and there are no other balancing reasons or mitigating circumstances why housing should be allowed. It is necessary to retain the site to help serve the adjacent playing fields for the well-being of the local community, and its development is contrary to Policies CS2 and CS21 of the Core Strategy, and Policy SR2 of the Oxford Local Plan.
2. Having regard to the height and orientation of Plots 1-3, the bulk and scale of the north elevation would appear overbearing in relation to adjacent properties in William Morris Close, and unattractive when viewed from the north because of the lack of architectural interest in that elevation. The 3 storey block would be discordant in the street scene when viewed from the north or the south because it would protrude into an area of 2 storey properties (plots 4-7 and the existing 2 storey housing in William Morris Close and Crescent Close). The proposal is therefore contrary to Policies CS18 of the Core Strategy, Policy HP9 of the Sites and Housing Plan, and Policies CP1, CP6 and CP8 of the Oxford Local Plan.

3. Also having regard to the height and orientation of Plots 1-3 the scheme would create overlooking from 1st and 2nd floor kitchen windows towards Crescent Close. The proposed amelioration of this effect by the incorporation of obscure glazing to kitchens is unacceptable because it there will be no outlook from those windows which are main windows to combined kitchen and living areas. This is contrary to Policies HP12 and HP14 of the Sites and Housing Plan.

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
- CP10** - Siting Development to Meet Functional Needs
- CP11** - Landscape Design
- HE2** - Archaeology
- SR2** - Protection of Open Air Sports Facilities

Core Strategy

- CS2_** - Previously developed and greenfield land
- CS9_** - Energy and natural resources
- CS12_** - Biodiversity
- CS13_** - Supporting access to new development
- CS18_** - Urban design, town character, historic environment
- CS19_** - Community safety
- CS21_** - Green spaces, leisure and sport
- CS22_** - Level of housing growth
- CS23_** - Mix of housing
- CS24_** - Affordable housing

Sites and Housing Plan

- MP1** - Model Policy
- HP2_** - Accessible and Adaptable Homes
- HP4_** - Affordable Homes from Small Housing Sites
- HP9_** - Design, Character and Context
- HP11_** - Low Carbon Homes
- HP12_** - Indoor Space
- HP13_** - Outdoor Space
- HP14_** - Privacy and Daylight
- HP15_** - Residential cycle parking
- HP16_** - Residential car parking

Other Material Considerations:

- National Planning Policy Framework

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

Relevant Site History:

02/02046/FUL - Demolition of sports and social club buildings, two houses, garages and outbuildings. Retention of sports ground and bowling green. Erection of new sports and social club, 63 dwellings comprising 23 x 2 bedroom flats in a 3 storey block and a terrace of 6 houses, 4 x 3 bedroom and 2 x 4 bedrooms in a 2 storey block (some with accommodation in roof space) 2 caretakers flats in the sports and social club building, accessed from Barracks Lane, with associated car parking (97 spaces). cycle parking and bin storage. Erection of 7 x 3 bedroom and 4 x 4 bedroom 2 storey terraced houses (some with accommodation in roof space) fronting Crescent Road and two 3 storey blocks of 21 x 2 bedroom flats, with associated car parking (32 spaces) accessed from Crescent Road. (Amended Plans). PERMITTED 8th December 2004.

12/02935/FUL - Change of use from a Leisure Centre (use class D2) to a Community Free School (use class D1), works to the external appearance of the existing building, boundary treatments, provision of play areas including Multi Use Games Area, access and parking along with associated landscaping. (Amended plans) (Amended description). ALLOWED on appeal 11th September 2013.

12/02967/FUL - Construction of two all-weather playing pitches, plus a new residential development consisting of 6 x 1 bed flats, 15 x 2 bed flats, 6 x 3 bed flats, 13 x 3 bed houses and 3 x 4 bed houses, together with access road, parking, landscaping etc. accessed off Barracks Lane. (Amended plans). REFUSED 18th March 2013. This scheme was to be the subject of an appeal but the appeal was withdrawn. The reasons for refusal in that case concerned:

- unacceptable development of a protected open air sports facility and local green space;
- development on a site which is not allocated for development in an adopted plan and which is not needed to meet NPPF 5 or 10 year housing land availability requirements;
- unacceptable design and layout of the housing proposals; and,
- failure to meet sustainability and resource efficiency requirements.

13/01096/FUL - Construction of two all-weather pitches, plus new residential development consisting of 6 x 1 bed, 15 x 2 bed, 15 x 3 bed and 4 x 4 bed residential units, 71 car parking spaces, access road and landscaping accessed off Barracks Lane (Amended plans)(Amended Description). REFUSED 18th September 2013. The reasons for refusal in that case concerned:

- unacceptable development of a protected open air sports facility and local green space;
- development on a site which is not allocated for development in an adopted plan and which is not needed to meet NPPF 5 or 10 year housing land availability requirements.; and,
- failure to meet sustainability and resource efficiency requirements – this reason is not to be pursued at the appeal in the light of subsequent

negotiations which concluded that the outstanding sustainability issues can be resolved through the imposition of a condition.

DISMISSED on appeal 11th February 2014.

13/02500/OUT - Outline application (seeking access, appearance, layout and scale) for residential development consisting of 6 x 1-bed, 15 x 2-bed, 15 x 3-bed and 4 x 4-bed residential units, together with 70 car parking spaces, access road and informal recreation area. (Amended Description) REFUSED 11th December 2013

Representations Received:

40 local residents, the Temple Cowley Residents Association and the Oxford Civic Society have written objecting to these proposals; there have been no comments of support. The objections may be summarised as:

- i. impact on local traffic and cycling conditions and congestion which have worsened since the opening of the free school;
- ii. proposed on-site parking is inadequate which will add to the above;
- iii. although brown field, the site is part of a larger area of protected open space which is not surplus to requirements for sport and recreation and should be retained as part of that use;
- iv. the site is not allocated for housing development;
- v. this part of Oxford is already a densely developed and this housing is not needed;
- vi. local community infrastructure cannot cope with more homes – GPs etc; and,
- vii. the proposed housing scheme is out of character with the area, it is too dense, too bulky, and un-neighbourly and constitutes overdevelopment.

Multiple applications - local people have raised concerns that there have been numerous applications recently for development at the former Lord Nuffield Sports and Social Club site. Multiple applications are allowed on the same site but can be declined if the application is similar to an application which has been dismissed on appeal within the last two years, or if the Council has refused more than one similar application within the last two years and there has been no appeal. The current application is not similar to previous ones on the former Lord Nuffield Club site because the site is much smaller and there is no leisure provision, and is therefore rightly being considered and determined on this occasion.

Statutory and Internal Consultees:

Head Of Environmental Development – phased risk assessment required for potential contamination.

Natural England – no objections but opportunities should be taken to incorporate biodiversity enhancements

Officers Assessment:

THE SITE AND SURROUNDINGS

1. The site is located within a primarily residential area accessed from Barracks Lane via William Morris Close. It is bounded to the south, west and north by residential development (properties in Crescent Road, Crescent Close and William Morris Close); and to the east by the retained playing pitches to the former Lord Nuffield Sports and Social Club. The site access via William Morris Close also gives access to Tyndale Community School (the free school which officially opened on 18th October 2013 in the former Lord Nuffield Club and adjacent land).
2. The application site extends to 0.16ha and is laid out as a car park with landscaping. It was originally permitted in December 2004 and subsequently developed as one of the car parking areas associated with the former Lord Nuffield Sports and Social Club. It was used informally for parking until it was closed by concrete blocks late in 2012. It has more recently been reopened and is now in use for parking for Tyndale School and the contractors working on the site, and reportedly for local residents. Local people report that throughout it has been used for children's play.

THE PROPOSAL

3. The application is in outline with all matters except landscaping to be determined.
4. Seven new dwellings are proposed:
 - i. Plots 4-7: 2 x 4-bed semi-detached houses, 2 x 3-bed semi-detached houses both with south facing gardens backing onto properties in Crescent Road; and,
 - ii. Plots 1-3: a 3-storey block of flats oriented north-south backing onto properties in Crescent Close, including a 3-bed unit on the ground floor with access to a garden, and 2 x 2-bed flats with balconies overlooking the retained playing fields.
5. 11 car parking spaces are proposed in a small parking court between the two blocks of dwellings. Cycle and bin stores and landscaping are also proposed.
6. The applicant has also offered to make a financial contribution towards delivering affordable housing elsewhere in Oxford in accordance with Policy HP4 of the adopted Sites and Housing Plan: this will equate to 15% of the total sale value of the development.

DETERMINING ISSUES

7. The issues covered are:
 - principle;
 - highways; and,

- design and layout

PRINCIPLE OF DEVELOPMENT

8. In this case there are four main interrelated questions of principle:

- is the site appropriately protected as an open space;
- is there a need to retain the car park for uses ancillary to the recreational use of the retained playing fields;
- does its status as previously developed land override such protection; and,
- do the City's housing needs outweigh its protection as an open space?

Open Space Protection

9. The car park (0.16ha) was part of the recreational provision as a whole at the former Lord Nuffield Sports and Social Club and currently represents some 13% of the retained open area (which as a whole extends to 1.24ha). Currently the car park does not have a functional relationship with the open space because that space is fenced off and not in use for recreation; nor does it have a permanent relationship with the former sports club building which is now a free school at which a dedicated car park is to be provided. Nonetheless in the view of officers, the site remains ancillary to the retained playing fields since the car park was originally provided to serve the sports and recreation activities of the Club as a whole, and it retains the potential to continue to serve the playing fields in that or a related way.

10. Given this view it follows that the extant protection of the site as part of the playing fields remains appropriate under both:

- policy CS21 of the adopted Core Strategy which seeks to maintain an overall average of 5.75 ha of publicly accessible green space per 1,000 people in the population. Under this policy losses of sports and leisure facilities will only be acceptable if alternative facilities can be provided of equal accessibility and if no deficiency is created in the local area; and,
- policy SR2 of the adopted Oxford Local Plan which resists the loss of open space where there is a need for the facility to be retained in its current location, or the open area provides an important green space for local residents. Exceptions to this policy can only be made where there is no need at all for the facility for the purposes of open space, sport or recreation or where there is a need for the development and there are no alternative green field sites and the facility can be replaced by equal or improved replacement facilities.

11. These local policies are supported by strong national planning policy protection for existing recreational and open green space. The National Planning Policy Framework states that the Government considers that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. It states that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:
 - an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
 - the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
 - the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.
12. Sport England advises that the National Planning Policy Framework seeks to protect all playing field and sports facilities from development, whether in public or private ownership.
13. The applicant offers no evidence to show that the site is not needed in connection with sport and recreation provision; and no replacement facilities are proposed.

The need for this site to be retained to serve a recreational or green space purpose

14. This part of Oxford is densely developed and the Council's Green Space Strategy shows that it was significantly under-provided (in 2007) with accessible green space (2.95 ha per 1000 population) when compared to a city average (5.75 ha/1000 pop). This is likely to have worsened because of population growth based on 2011 census. This site has the potential to help overcome that under-provision.
15. It has been established and accepted by the Secretary of State and Inspectors through two appeals relating to development of the former Lord Nuffield Club, that the retained open space is a playing field which has the physical capability to be used for open air active recreational resource even though it cannot accommodate full-sized adult pitches. Sport England considers that within the City there are current and latent demands for pitch sports which this retained open space could help to satisfy. The applicant has also previously provided evidence that the retained open space could help to meet the demand for football mini-pitches and for football-specific Artificial Grass Pitches. At appeal local people gave evidence of their need for recreational open space.
16. In these circumstances, officers consider that this site should be retained as a car park to help serve the recreational function of the adjacent retained open space; and/or in part as a site for ancillary built facilities (such as a pavilion) in connection with the recreational use of the retained playing fields. Such ancillary facilities would preferably be retained or developed on this car park, if not they may have to be developed on the playing field area which would reduce the

space available for recreation, and/or alter the configuration of that space which may limit the types of or opportunities for recreation possible on the site.

The site as Previously Developed Land

17. As a car park however, the site falls within the National Planning Policy Framework definition of 'Previously Developed Land'. The aim of the National Planning Policy Framework and Policy CS2 of the adopted Core Strategy is to focus development on previously developed land.
18. It is the view of officers that the site's status as previously developed land does not necessarily mean that it must be developed for housing. There is an acknowledged significant need for housing in the City a fact which the National Planning Policy Framework states must be given substantial weight in the consideration of development proposals; but there is also a range of other development needs which must be balanced in such consideration. Again, the National Planning Policy Framework states that an integrated approach should be taken to the location of housing, economic uses and community facilities and services. The site is an ancillary part of the wider area of open space in relation to which it was originally laid out, and under the current development plan the whole site is protected as an open space and is not allocated for housing development.

Housing need

19. There are two questions in relation to the principle of housing development on this site: whether it is essential to contribute to meeting the City's housing needs by developing this site; and whether meeting housing needs on this site outweighs the need to retain it for its value in supporting the recreational use of the adjacent playing fields.
20. These arguments were rehearsed in great detail in relation to the residential development of the whole retained open space under three previous applications and an appeal. They may be referenced in the background papers to this application, and in the appeal papers, but are not repeated in detail here. Essentially, the Council is able to demonstrate an acceptable housing land supply in the terms of the National Planning Policy Framework, and there is no housing land supply reason why this site should be developed as proposed.
21. This view was supported by the appeal decision on the residential scheme on the whole open space (but which encompassed this application site) and was determined by means of a Public Inquiry in January this year. That scheme proposed 40 units of which 25 were to be affordable (63%). The Inspector concluded that the benefits of that scheme in terms of the delivery of affordable units did not outweigh the need to continue to protect site as an open space.
22. Since the outcome of that appeal further housing market work has been published and is in train which reiterates that Oxford cannot meet its housing needs within its area, and the weight of this situation is acknowledged in relation to the application now being considered. That does not however mean that the Council's current adopted development plan policies do not apply, indeed the

situation is being addressed as part of a plan-led approach the outcome of which is as yet unknown. In those circumstances and in light of the Inspector's recent conclusions in respect of this specific site, there is no reason to allow this development contrary to up to date and recently adopted policies.

23. No other balancing reasons or mitigating circumstances are apparent which would predicate housing development on this site and it can therefore be concluded that there is no overriding need for housing development to take place on this site.

Conclusions on the issues of principle

24. It can be concluded therefore that this application is unacceptable in that it does not accord with national and local planning policies:
 - the development is contrary to Policies CS2 and CS21 of the Core Strategy, and Policy SR2 of the Oxford Local Plan in that although it may be regarded as previously developed land the site is a small part of a larger area of protected open space that is not allocated for development nor is it needed to meet National Planning Policy Framework housing land availability requirements. It has not been clearly shown that the site is surplus to requirements for sport or recreation, and no replacement provision is proposed. It is not essential that the need for housing development should be met on this particular site, and there are no other balancing reasons or mitigating circumstances why housing should be allowed. It is therefore preferable to retain the site to help serve the adjacent playing fields for the well-being of the community that they serve.

HIGHWAYS

25. In relation to the previous residential, leisure and free school applications on the former Lord Nuffield Club site, large numbers of local people expressed grave concerns about the potentially adverse impacts on the local highway network. It was the view of the highway authority however and the Inspectors at appeal that the respective developments should not be prevented on highway grounds. Latterly, this assessment was made in the context that the free school was open.
26. On this occasion no comments have been received from the Local Highway Authority. The residential parking proposed accords with the Council's adopted policies. There are no highway grounds therefore to resist this proposal.

HOUSING DESIGN AND LAYOUT

27. Balance of Dwellings: the proposed mix of dwellings is 29% 4-bed, 42% 3-bed, and 29% 2-bed. This is broadly consistent with the Balance of Dwellings SPD and complies with Policy CS23 of the Core Strategy. Officers take no issue with the development in these terms.
28. Affordable housing: a financial contribution towards delivering affordable housing elsewhere in Oxford in accordance with Policy HP4 of the adopted Sites and

Housing Plan has been offered. This will equate to 15% of the total sale value of the development. Again, this is acceptable in terms of the policy.

29. Accessible and adaptable homes: Policy HP2 of the Sites and Housing Plan requires all dwellings to meet the Lifetime Homes Standard and, on sites of 4 or more dwellings, at least 5% should be fully wheelchair accessible or easily adaptable for wheelchair use. The application details confirm that all the proposed dwellings meet the Lifetime Homes Standard. A plot suitable for wheelchair adaptation has not been identified but if the scheme were to be recommended for approval this could be dealt with by condition.
30. Design and layout: the NPPF requires that local authorities seek high quality design and a good standard of amenity for all existing and future occupants of land and buildings. It suggests that opportunities should be taken through the design of new development to improve the character and quality of an area and the way it functions. Policies CP1, CP6 and CP8 of the Oxford Local Plan, together with Policy CS18 of the Core Strategy and Policies HP9 and HP14 of the Sites and Housing DPD in combination require that development proposals incorporate high standards of design and respect local character.
31. The external appearance and layout of the Plots 4-7 is acceptable in that they are 2 storey houses with suitably sized gardens and an acceptable distance between them and the rear of properties in Crescent Road.
32. Plots 1-3 are less successful because of the height and orientation of the block. At this point the site rises so that the three storey end elevation of the block would be juxtaposed with existing two storey houses at a lower level exacerbating the impact of the change of storey height. This juxtaposition would be overbearing when viewed from the north because of the bulk and scale of that end elevation, and would not look attractive because of the lack of architectural interest in that elevation. Moreover 3 storeys at this point would look discordant in the overall view of the site either looking south from the entrance to William Morris Close or north from the Beresford Place end: the effect would be to have a 3 storey block jutting up in the middle of 2 storey properties (plots 4-7 and the existing 2 storey housing in William Morris Close and Crescent Close).
33. There are also issues of overlooking from 1st and 2nd floor kitchen windows towards Crescent Close which is proposed to be ameliorated by obscure glazing. This would however create an unacceptable environment in the combined kitchen and living areas of the two upper floor flats which would have no outlook from those windows. This would be contrary to Policies HP12 and HP14 of the Sites and Housing Plan which aim to secure the proper enjoyment of dwellings and to protect the amenities of existing properties.
34. The other amenities available to future residents are acceptable: gardens, private balconies and bin storage are proposed to the standards required in Policy HP13 of the Sites and Housing Plan; and cycle storage conforms to Policy HP15 of the Sites and Housing Plan. If the scheme were to be recommended for approval details of bin and cycle stores would be dealt with by condition.

35. It is concluded therefore, that judging the scheme against NPPF guidelines and the Council's adopted policies on the design of residential development, the residential elements of the scheme could form the basis of an approval with the exception of the 3 storey block which presents street scene issues and issues of impact on neighbouring properties which form reasons for refusal.

SUSTAINABILITY

36. The National Planning Policy Framework states that there are three dimensions to sustainable development: economic, social and environmental, and that these require the planning system to perform associated roles which are mutually dependent and should not be undertaken in isolation. This application site falls under the definition of previously developed land as set out in the Framework. This report has argued however that there should not be an automatic assumption that its development for housing constitutes sustainable development because taking the relevant economic, social and environmental considerations together, greater weight should be applied to its protection for open space recreational uses than to its contribution to meeting local housing needs.

Energy efficiency

37. A core planning principle of the National Planning Policy Framework is to support the transition to a low carbon future. The Council's Core Strategy Policy CS9, and Policy HP11 of the Sites and Housing Plan reflect the requirements of the National Planning Policy Framework in those regards. Details of energy saving construction methods and materials, and renewable energy installations including solar PV panels have been submitted with the application. These meet the requirements of local policy.

CONCLUSIONS

38. There are fundamental objections to the development of this site for housing:

- the site retains the potential to help meet the City's outdoor recreational needs and is not surplus to recreational requirements. No replacement recreational facilities are proposed;
- it is not essential to develop housing on this site to meet housing land availability requirements, and there are no other mitigating or balancing reasons why housing should be developed on this site.

39. The inclusion of a three storey block on the site raises issues of unacceptable impact on neighbouring properties and in the street scene. For those additional reasons the scheme cannot be supported.

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

Background Papers:

02/02046/FUL; 12/02935/FUL; 12/02967/FUL; 13/01096/FUL; 13/02500/OUT

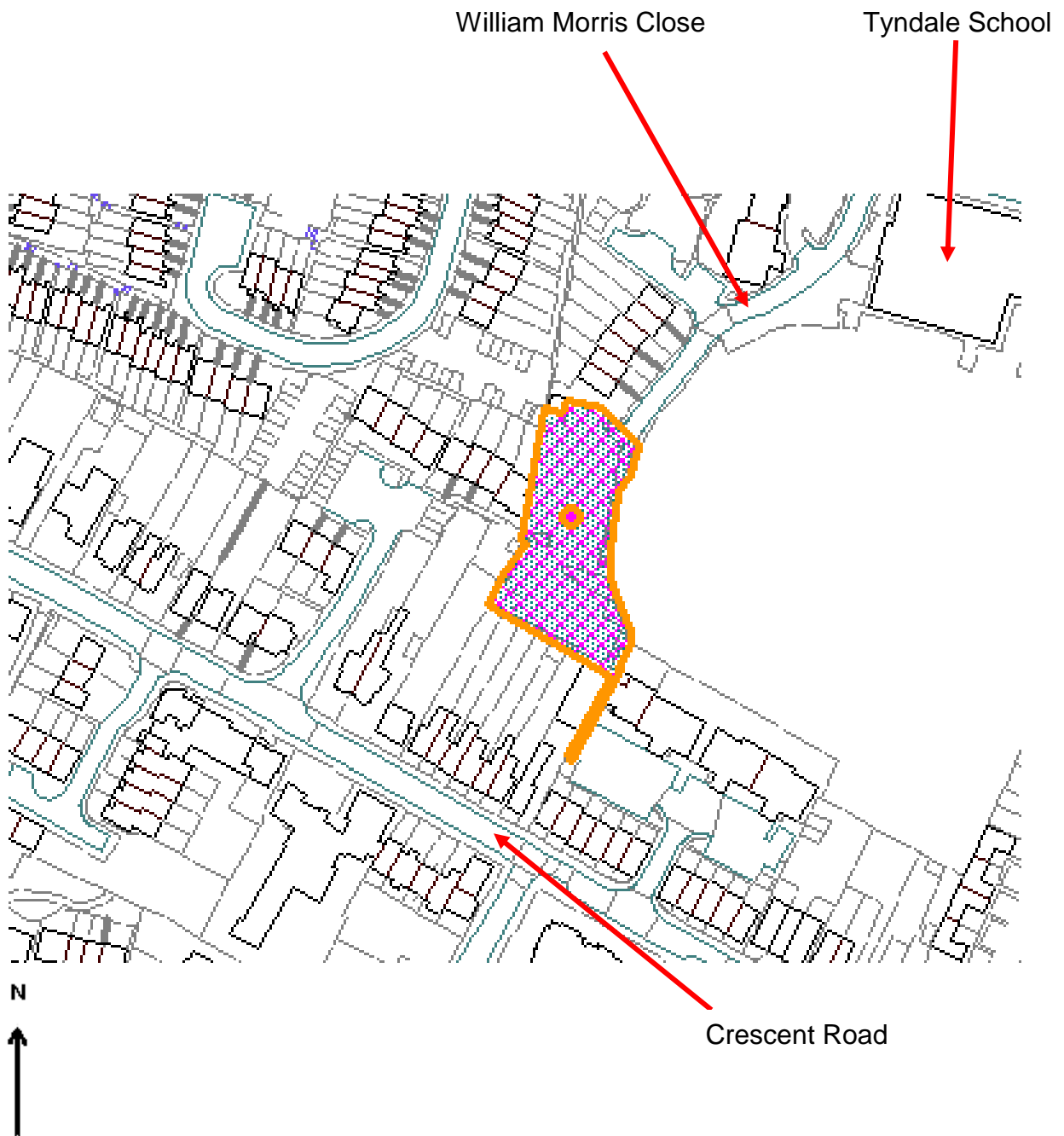
Contact Officer: Fiona Bartholomew

Extension: 2774

Date: 28th July 2014

Appendix 1

14/01670/OUT - Parking Area



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Ordnance Survey 100019348

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