

**EAST AREA PLANNING COMMITTEE**

3rd September 2014

**Application Number:** 14/01772/FUL

**Decision Due by:** 9th September 2014

**Proposal:** Demolition of existing buildings on site. Erection of 5 x 3-bed and 3 x 4-bed houses, together with car parking, landscaping and ancillary works.

**Site Address:** 5 and 7 Jack Straw's Lane OX3 0DL **Appendix 1**

**Ward:** Headington Hill And Northway Ward

**Agent:** Mr Sam Tiffin

**Applicant:** Shanly Homes

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## **Recommendation:**

APPLICATION BE REFUSED

For the Following Reasons:-

1. The site is currently in employment use. No evidence has been submitted to demonstrate that the site has created environmental problems in the past, and no marketing of the site or evaluation of employment on the site has been undertaken to help assess its role in, and value to the local economy. It has not been convincingly demonstrated therefore that the site is not acceptable or needed for continuing employment use and its redevelopment for housing is contrary to Policy CS28 of the adopted Core Strategy.

2. The financial offer towards the provision of affordable housing elsewhere in Oxford is less than 15% of the total development value of the scheme. There are a number of significant shortcomings to the viability appraisal submitted in order to justify that lower sum: the appraisal lacks robustness and the tests set out in Policy HP4 have not been complied with. The proposal therefore fails to comply with Policy CP24 of the Core Strategy, and with Policy HP4 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

## **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  
**CS22\_** - Level of housing growth  
**CS23\_** - Mix of housing  
**CS24\_** - Affordable housing  
**CS28\_** - Employment sites

## **Sites and Housing Plan**

**MP1** - Model Policy  
**HP2\_** - Accessible and Adaptable Homes  
**HP3\_** - Affordable Homes from Large Housing Sites  
**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  
Planning Practice Guidance  
Affordable Housing and Planning Obligations SPD (adopted September 2013)  
Balance of Dwellings SPD (adopted January 2008)

## **Relevant Site History:**

50/01366/A\_H - Lavatory. PDV 19th September 1950.  
54/03428/A\_H - Use of land for storage of asphalt and plant. REF 9th February 1954.  
54/03523/A\_H - Garage for lorry and van. PER 13th April 1954.  
58/06935/A\_H - Siting for caravan. REF 27th May 1958.  
60/10024/A\_H - Store for building materials. PER 25th October 1960.  
62/11615/A\_H - Mess Room. PER 2nd January 1962.  
14/00595/FUL - Demolition of existing buildings on site. Erection of 9 x 4-bedroom houses, together with car parking, landscaping and ancillary works.. WDN 29th April 2014.

## **Representations Received:**

Jack Straws Lane Association: We still find the visibility of exiting traffic for cyclists and drivers on JSL inadequate, because of the parking bays at the JSL roadside. This is particularly relevant for faster downhill traffic. The transport statement acknowledges that the number of "departing AM" trips will be greater than under current usage. These departures would be at the peak time for students and commuters on bikes. The estimated number of just over three "AM" departures seems low for 8 houses with two parking spaces per house - we would expect double that. Also, the proposed increase in width of the access does not change the view available to emerging drivers, which is often impeded by parked cars. Removing parking bays is not a practical alternative. We are expecting a new comment by the Highways Department. The comment accompanying the original application, with which we were in broad agreement, is no longer visible and we think a new statement is material to the new application.

## **Statutory and Internal Consultees:**

Head of Environmental Development: a number of potential sources of contamination on and off the site have been identified, and an intrusive site investigation is required to assess the risk from contamination at the site.

Oxfordshire County Council Environmental Services: to be drained using SUDs methods

Oxfordshire County Council Highways: the concerns regarding the previous scheme have been overcome. No objections to this scheme subject to conditions regarding parking permits, vision splays, SUDs and no discharge onto the highway, roads and footpaths to be provided prior to occupation, garages not to be converted to accommodation, and a Construction Travel Management Plan.

## **Officers Assessment:**

### **THE SITE AND SURROUNDINGS**

1. In the application form it is stated that the site extends to 0.24ha. However it now appears that the site is approximately 0.252ha. This has implications for the assessment of the scheme that are considered further in the section below under Affordable Housing (paragraph 21). The site slopes gently upwards west to east. It has no natural features, other intrinsic qualities or trees of note which could be integrated into the design or form a constraint to development.

2. The site is currently occupied by 461.9m<sup>2</sup> light industrial floor space. Some units are in use by Gelder Joinery Ltd. and Marston Glass, and there are several lock-up stores/garages. It is located within a primarily residential area accessed by a narrow track from Jack Straw's Lane. It is bounded to the south, west and east by existing 2 storey residential development (properties in Jack Straw's Lane, Marston Road and Lynn Close); and to the north by garages to properties in Lynn Close.

## **THE PROPOSAL**

3. Eight new dwellings are proposed: 5 x 3-bed (plots 1, 2, 3, 7, and 8) and 3 x 4-bed (plots 4, 5 and 6 each with a garage). Each plot has 2 allocated parking spaces; 5 visitor parking spaces are also proposed. Private gardens equivalent to or exceeding the plan footprints of the proposed dwellings are proposed including individual rear garden cycle stores. Communal bin storage in two brick-built stores is proposed in the south-east corner of the site. Landscaping and tree planting is proposed in the limited public areas remaining.

4. Plots 1, 2 and 3 are 2-storey; plots 4, 5, 6, 7 and 8 are 2.5-storey with an en-suite bedroom provided in the roof. The units are to be of a traditional design, brick-built with tiled roofs. Two storey gabled features are incorporated into the front elevations which are to be rendered with brick and timber detailing.

5. The applicant has also offered to make a financial contribution towards delivering affordable housing elsewhere in Oxford.

## **DETERMINING ISSUES**

6. The determining issues are:
- loss of an unallocated existing employment site;
  - highways;
  - site capacity and dwelling mix;
  - design and layout; and,
  - affordable housing contribution.

## **LOSS OF AN UNALLOCATED EXISTING EMPLOYMENT SITE**

7. Core Strategy Policy CS28 (Employment sites) identifies key employment sites the loss of which is to be resisted. The loss of non-protected sites such as this application site, is also to be resisted unless:

- there is “overriding evidence” that environmental problems have been caused by this use; or,
- substantial evidence of marketing for the current or other employment generating uses which shows that no future occupiers can be found; together with,
- analysis of job losses and impact on diversity and availability of job opportunities and small and start-up businesses.

8. The Economic Impact Assessment presented in support of this application states erroneously that no-one is currently employed on the site but goes on to state that previously some 7 people were employed. The site has been observed by the case officer to be in active use for two firms and there may be storage activity in some of the buildings. No evidence has been submitted to show that this site has caused an environmental problem in the past; no marketing has been undertaken; and no comparative employment study has been submitted in the terms of Policy CS28.

9. In these circumstances a convincing case has not been made to justify the

loss of this employment site. The proposal is therefore contrary to Policy CS 28 of the adopted Core Strategy.

## **HIGHWAYS**

10. The Local Highway Authority does not object to this development subject to the imposition of conditions. The residential parking proposed accords with the Council's adopted policies and the existing access way is proposed to be widened to include a passing bay. There are no highway grounds therefore to resist this proposal.

11. The Highway Authority has also commented on the concerns raised by the Jack Straws Lane association in the following terms:

- the proposal will result in similar overall vehicle movements from the site compared to the current usage. Even if a worst case scenario was taken and an extremely high rate of 1 trip per dwelling for the proposal was assumed, this would result in an increase of only 4-5 trips in the peak hour, equating to one additional trip every 12-15 minutes. Such an increase is considered negligible, and the vehicle movements associated with the proposal in terms of the previous/existing usage of the site does not present "severe harm" as required by the National Planning Policy Framework. On that basis a recommendation for refusal is not warranted;
- further, in respect of the personal injury accident data for the last five years, the Road Safety Team reports that whilst unfortunately there have been two slight and one serious accident within the vicinity of the site, none of these was at the junction of the proposed residential site. According to the data it appears driver error was the main reason behind the accidents; finally,
- it is acknowledged that the presence of the parked cars creates a temporary obstruction to visibility along Jack Straws Lane, but in accordance with current guidance, reduced visibility brings about more cautious driving.

## **SITE CAPACITY AND DWELLING MIX**

12. The proposal for 8 dwellings is acceptable as it overcomes one of the highway objections to the previous scheme for 9 dwellings which was thought to represent an over intensification of use of the narrow access and junction with Jack Straws Lane. Consideration has been given to a development of flats or smaller dwellings which would possibly give a higher site capacity with similar traffic generation and thus allow the site to contribute to meeting housing needs to a greater extent. The site is effectively however in a back-land location, surrounded by predominantly 2 storey family housing within a loose-knit urban grain. In this context a scheme of family houses is considered, on balance, to create an acceptable in-fill development.

13. Balance of Dwellings: the proposed mix of dwellings is 37.5% 4-bed, and 62.5% 3-bed. This is 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.

## DESIGN AND LAYOUT

14. 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.

15. The external appearance of the scheme is acceptable in complementing existing properties in the local area; it will improve the character and quality of the area and will not detract from local distinctiveness. It would be desirable to increase the level of landscaping in the scheme which would be pursued if the scheme were to be recommended for approval.

16. The layout of the scheme is acceptable in that 2 and 2.5 storey houses are proposed with suitably sized gardens and acceptable relationships between them and the adjacent properties. The scheme does not create unacceptable overlooking or loss of privacy, nor do the proposed units overbear adjacent properties.

17. Cycle storage is located within each garden area or garage and details of this would be required as part of a condition. The scheme is unacceptable in not providing individual secure and conveniently located bin storage for the properties. Such provision should be capable of being provided within these plots and would be pursued through negotiation and the imposition of conditions if the scheme were to be recommended for approval. Similarly, biodiversity enhancements would also be sought were the scheme to be recommended for approval.

18. 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 does not supply these details but in the judgement of officers, properties of this size would be able to meet these requirements and would be pursued and the imposition of conditions if the scheme were to be recommended for approval.

19. Subject therefore to further adjustments to accommodate individual bin stores, additional landscaping, biodiversity enhancements, and the provision of further information on how the scheme meets the 'Lifetime Homes' standard, the scheme is judged generally to meet the Council's adopted policy requirements for design and layout.

## AFFORDABLE HOUSING

20. Policy CS24 of the adopted Core Strategy states that planning permission will only be granted for residential development that provides generally 50% of the proposed dwellings as affordable housing. Lower percentages may be justified by

open-book viability appraisals; and in appropriate cases an off-site financial contribution may be acceptable.

21 In paragraph 1 above it was explained that the submitted application form states that the site area is 0.24ha. but that it now appears that the site area might be above 0.25ha. Officers are seeking clarification on this because if it transpires that the site area is 0.25 ha or greater then Policy HP3 of the Sites and Housing Plan will apply which will bring to bear the requirement for on-site affordable housing and that needs to be reflected in the reason for refusal. Officers are hoping to be in a position to update members prior to the meeting in order to clarify this point. In the event that it has not been satisfactorily demonstrated that the site area falls below the 0.25ha threshold then officers will be recommending that the second refusal reason be removed and substituted by one that refers to Policy HP 3 and its requirement to provide on-site affordable housing.

22. If it is satisfactorily demonstrated that the site area as stated in the application form is correct at 0.24ha then Policy HP4 will apply. Policy HP4 of the adopted Sites and Housing Plan (SHP) states that on sites with a capacity for 4 to 9 dwellings the affordable housing contribution will be financial and equivalent to 15% of the total sale value of the development. Subject to an open-book viability appraisal it may be possible to justify a lower contribution.

23. In this case, a contribution significantly lower than 15% has been offered. Officers have assessed the viability study submitted with the current application and concluded that it contains a number of significant shortcomings and lacks robustness. In particular, the following are not supported (this is not an exhaustive list):

- the approach to calculating profit;
- the conclusion on Gross Development Value;
- the robustness of the analysis of build costs including external works and abnormal sums;
- the conclusion on threshold land value (erroneously equated to 'land cost') which is not robust, lacks justification and fails to reflect the Council's guidance quoted;
- the design fees which are not sufficiently robust; and,
- the assumptions about interest rates.

24. The level of affordable housing contribution is not therefore justified by the submitted viability appraisal and fails to comply with Policy CP24 of the Core Strategy and Policy HP4 of the Sites and Housing Plan.

## **SUSTAINABILITY**

25. 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.

26. The housing needs of Oxford are severe but adopted plans are in place to address the situation within the plan-led context. On employment grounds therefore, this report has argued that there should not be an automatic assumption that the site's development for housing constitutes sustainable development. In this case, taking the relevant economic, social and environmental considerations together, in the absence of convincing evidence as set out in Policy CS28, it is considered that greater weight should be applied to its protection as an existing employment site than to its contribution to meeting local housing needs.

### Energy efficiency

27. 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.

28. An energy statement has been submitted in relation to these proposals: flue-gas heat recovery systems are to be provided in each unit and solar hot water heating panels onto the south-facing roofs at plots 4-6. This will result in a reduction of 11.70% from low carbon and/ or renewable technologies. This complies with Policies CS9 and HP11.

### **Conclusion:**

29. There are fundamental objections to these proposals:

- the site is an existing employment site: no evidence has been submitted to demonstrate that the site has created environmental problems, and no marketing of the site has been undertaken to help assess its role in and value to the local economy. The proposals are therefore contrary to Policy CS28 of the adopted Core Strategy.
- there are a number of significant shortcomings to the submitted viability appraisal, such that the appraisal lacks robustness and the tests set out in Policy HP4 have not been complied with. The proposal therefore fails to comply with Policy CP24 of the Core Strategy, and with Policy HP4 of the Sites and Housing Plan.

30. The proposal cannot therefore be supported and is recommended for refusal.

### **Human Rights Act 1998**

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



## **Section 17 of the Crime and Disorder Act 1998**

Officers have considered, with due regard, the likely effect of the proposal on the need to reduce crime and disorder as part of the determination of this application, in accordance with section 17 of the Crime and Disorder Act 1998. In reaching a recommendation to refuse planning permission, officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

**Background Papers:** 14/00595/FUL and 14/01772/FUL

**Contact Officer:** Fiona Bartholomew

**Extension:** 2774

**Date:** 21st August 2014

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