

East Area Planning Committee

4th March 2015

Application Number: 14/01770/FUL

Decision Due by: 18th September 2014

Proposal: Demolition of existing buildings on site. Erection of 2 buildings on 3 levels to provide 4 x 3 bed houses and 6 x 2 bed flats, plus 10 supported housing flats, 18 car parking spaces, cycle parking, landscaping and ancillary works.(amended plans)

Site Address: Marywood House Leiden Road Oxford Oxfordshire

Ward: Churchill Ward

Agent: Hunters

Applicant: Advance UK

Recommendation:

RESOLVE TO APPROVE SUBJECT TO COMPLETION OF LEGAL AGREEMENT

Reasons for Approval

- 1 The proposed redevelopment makes an efficient use of previously developed land and delivers an appropriate level of affordable housing for the city within an existing residential area in the form of learning disability apartments. The overall layout, size, scale and design of the proposed buildings would be sympathetic to the site and its surroundings while also safeguarding the residential amenities of the adjoining properties. Although the development will result in the loss of a small number of mature trees, it is considered that this loss could be mitigated through more appropriate replacement planting within the site. Some of the remaining trees are important specimens forming part of Magdalen Woods to the north-east. The proposed dwellings would provide good quality housing for the future occupants and be acceptable in highway terms and energy efficiency. The development would not create any adverse biodiversity, or flooding impacts. The application would therefore accord with the National Planning Policy Framework and policies of the Oxford Core Strategy 2026, Oxford Local Plan 2001-2016, and the Sites and Housing Plan 2011-2026.
- 2 The Council considers that the proposal accords with the policies of the

development plan as summarised below. It has taken into consideration all other material matters, including matters raised in response to consultation and publicity. Any material harm that the development would otherwise give rise to can be offset by the conditions imposed.

Conditions

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Samples
- 4 Landscape hard surface design - tree roots
- 5 Landscape underground services - tree roots
- 6 Tree Protection Plan (TPP) 1
- 7 Arboricultural Method Statement (AMS) 1
- 8 Details of parking areas
- 9 Details of cycle parking - waste storage
- 10 Boundary details before commencement
- 11 Potential contamination remediation
- 12 Unexpected contamination
- 13 Ground resurfacing - SUDS compliant
- 15 Bat & bird boxes integrated into building
- 16 NRIA
- 17 Design - no additions to dwelling
- 18 Surface Drainage Scheme
- 19 Travel Plan

Legal Agreement:

To ensure the provision of the affordable housing units contained within the development proposal, the applicant will need to provide an undertaking under the terms of section 106 of the Town & Country Planning Act 1990.

Principal Planning Policies:

Oxford Local Plan 2001-2016

- CP1** - Development Proposals
- CP6** - Efficient Use of Land & Density
- CP8** - Design Development to Relate to its Context
- CP9** - Creating Successful New Places
- CP10** - Siting Development to Meet Functional Needs
- CP11** - Landscape Design
- CP13** - Accessibility
- NE15** - Loss of Trees and Hedgerows
- CP22** - Contaminated Land

Core Strategy

- CS2_** - Previously developed and greenfield land
- CS9_** - Energy and natural resources
- CS12_** - Biodiversity
- CS18_** - Urban design, town character, historic environment
- 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 Planning Documents

- National Planning Policy Framework
- Balance of Dwellings Supplementary Planning Document
- Affordable Housing Supplementary Planning Document
- Planning Obligations Supplementary Planning Document
- Parking Standards Supplementary Planning Document

Relevant Site History:

72/27085/A_H - Marywood - Change of use from derelict land to site for residential hostel for 25 mentally sub-normal adults.. PER 23rd January 1973.

73/01616/A_H - Outline application for housing, school and community development.. PER 29th July 1974.

74/00294/SON_H - Slade Park The Slade - Housing, school and adventure playground with access (Outline). PER 31st October 1974.

74/00655/A_H - Marywood - Erection of hostel for 27 Mentally sub-normal adults and staff accommodation with garages.. PER 14th August 1974.

74/00746/A_H - Outline application for housing, school and community development.. PER 4th September 1974.

03/00086/CEU - Application to certify that existing use as hostel for adults with learning disabilities is lawful.. PER 4th July 2003.

03/00942/OUT - Demolition of existing buildings and use of the land for residential development (Class C3) (number of units unspecified). Alterations to the access to be considered all other matters reserved.. REF 12th February 2004. Dismissed on appeal December 2004.

04/00949/OUT - Demolition of existing buildings and use of the land for residential development (Class C3) (number of units unspecified). Alterations to the access to be considered all other matters reserved.. REF 2nd August 2004. Dismissed on appeal June 2005.

14/00005/ORDER - Oxford City Council - Leiden Road (No.1) TPO, 2014. PROV .

Public Consultation

Statutory Consultees Etc.

- Natural England

No objection – with conditions

This application is in close proximity to Lye Valley Site of Special Scientific Interest (SSSI). However, given the nature and scale of this proposal, Natural England is satisfied that there is not likely to be an adverse effect on this site as a result of the proposal being carried out in strict accordance with the details of the application as submitted. We therefore advise your authority that this SSSI does not represent a constraint in determining this application. Should the details of this application change, Natural England draws your attention to Section 28(l) of the Wildlife and Countryside Act 1981 (as amended), requiring your authority to re-consult Natural England.

Conditions

The drainage strategy report refers to the suitability of the site for surface water drainage by infiltration, (soakaways and permeable pavements) which would reduce the need for water to be removed from the site by piped network.

A detailed description of the Sustainable Urban Drainage Systems (SUDS) strategy, as suggested within the Drainage Strategy Report submitted, should be provided to and agreed with your Authority prior to the commencement of any works. We would

expect such a document to discuss the following:

- The local hydrology of the site, considering both ground and surface water conditions, to ensure that all adopted SUDS techniques will be appropriate and effective. This could include an annotated plan;
- Outline all proposed materials, this is especially important for permeable paving, to ensure that the open-graded aggregate sub-base is sourced responsibly, limiting the risk of introducing pollutants;
- The development of a Management Plan that highlights how the SUDS will be constructed and later maintained at the site, to ensure they remain effective.

These conditions are required to ensure that the development, as submitted, will not impact upon the features of special interest for which Lye Valley SSSI is notified.

Biodiversity enhancements

This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the NPPF. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that 'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'. Section 40(3) of the same Act also states that 'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat'.

- Head Of Environmental Development
No objection on land contamination subject to condition
- Highways Authority
No objection subject to conditions

Drainage

Prior to commencement a detailed design for the management of surface water should be submitted to and approved by the local planning authority.

Travel Plan

A copy of the travel information pack should be submitted to OCC Travel Plans Team for approval prior to occupation.

Construction Traffic Management Plan

A CTMP which includes the construction worker parking arrangements is to be submitted and approved prior to commencement.

Informatives:

Travel Plan:- If required the travel plans team can put together a residential travel information pack at a cost of £800. Please contact OCC Travel Plans Team at travelplan@oxfordshire.gov.uk for further information.

Detailed Comments:

Car Parking

Oxfordshire County Council car parking standards would normally require that an additional eight unallocated car parking spaces would be needed to support the visitor and operational parking needs of the 14 private flats. The applicant has however provided information from the 2011 census (Churchill ward) which demonstrates that 41% of the households in the area have no access to cars or vans and that only 18% have access to two or more cars or vans. This, together with the type of dwellings proposed (flats), the sustainable nature of the area and the reasonable availability of on-street parking, indicates that the level of parking proposed is reasonable. The applicant might wish to consider leaving the parking spaces as unallocated given that up to half of the allocated parking spaces could be unused.

Cycle Parking

28 cycle parking spaces have been provided for the 14 flats. Ten of these are in the form of sheds in the garden areas of five of the flats. Only one of these flats appears to have direct access to the rear garden, the other four would have to transport the cycles through the dwellings. The eight cycle parking spaces in the area of the disabled parking appear to be a bit awkward. The cycle parking arrangements are not ideal but are not sufficiently harmful to justify a solitary recommendation of objection.

- Thames Water Utilities Limited
No objection

Representations Received:

1 comment from neighbouring properties : 39a The Slade Headington Oxford

- The proposed development, by nature of its height, length, and positioning to the boundary with The Slade, should not be visually intrusive and likely to have a detrimental impact on the outlook of existing properties. We live directly opposite the current site and do not find it visually intrusive as it is well screened on its boundary with the Slade, and of a size and construction that adequately blends in with its surroundings. That screening should remain or be updated to a similar standard.
- Access to the current site is via Leiden Road and this should remain the same for any future development. (This appears to be the case from the original plans submitted for the appeal in 2004) The Slade is an extremely busy through route so if any vehicular or pedestrian access were allowed to the site this would cause unacceptable traffic problems. It is currently extremely difficult to park outside the front of our flat on The Slade as for most of the day commuters occupy the available spaces.

Officers Assessment:

Background to Proposals.

Site Location

1 The application site comprises the buildings and surrounding open areas

known as Marywood House. The building formerly provided specialist housing for Oxfordshire County Council Social Services but has been empty for over ten years and is now in a neglected state. The site is located between Leiden Road and The Slade and is shown on **Appendix 1**. To the north of the site are residential dwellings fronting onto Leiden Road and backing onto The Slade, to the west are large trees adjacent to The Slade, to the south are further trees and then three small blocks of flats fronting Three Field Road and to the east lies the Wood Farm Health Centre. The existing buildings on the site comprise one principal building in a staggered form of two storeys under a pitched roof with other subordinate buildings also on the site along with parking, hardstanding and open areas surrounding the buildings. The buildings nestle between mature and other trees, some of which are considerable in stature and once formed part of an extended Magdalen Wood, the remainder of which still lies to the north-east of the site beyond Peppercorn Avenue and Broad Oak. The site is prominent in views from The Slade but less so from Leiden Road. Small block of flats shield views of the site from Three Fields Road.

Proposal

- 2 The proposal is seeking permission for the demolition of Marywood House and the erection of 1 detached 3 bed house plus 2 buildings on 3 levels to provide a total of 4 x 3 bed houses and 6 x 2 bed flats, plus 10 supported housing flats, 18 car parking spaces, cycle parking, landscaping and ancillary works. The application has been amended since being submitted and originally proposed 14 private flats and 9 supported special needs units.
- 3 According to the information submitted with the application, the current building on the site is no longer fit for purpose and not capable of further adaptation to meet current needs. Both the applicants (Advance UK) and the commissioners of the replacement special needs housing, Oxfordshire County Council, want the new building to provide the flexibility needed to meet residents changing needs and also offer residents greater privacy and independence. In addition to this re-provision, Oxfordshire County Council (OCC) has identified the need for this service in their strategy Joint Commissioning Team (Adult Care) Social & Community Services May 2013. Officers therefore accept that it is not possible to adapt or reconfigure the existing building to meet future needs and the principle of the redevelopment of the site with new buildings is considered acceptable.
- 4 The proposed redevelopment utilises the existing access from Leiden Road. The part of the site closest to the access provides the 18 car parking spaces (including 3 disabled spaces) along with a large bin store for use in connection with the specialist housing accommodation. To the north of the site is proposed a detached 3 bed dwelling rising to 3 storeys. From the north-western border of the site and extending through the middle of the site to the south-east side avoiding the extensive tree belts are the two large buildings. The westerly building comprises 3 x 3 bed houses and an integral block of 6 x 2 bed flats. The second building provides all the accommodation and supporting facilities for the 10 residential apartments to house people with learning disabilities. The break-up of the apartments is 1 x 3 bed, 3 x 2 bed and 6 x 1 bed. Also included within the building are two resident's

lounges and a staff office / sleepover accommodation. Both of these buildings also rise to three storeys.

- 5 All buildings on the site feature a contemporary design with flat roofs and the bulk of the facades of the buildings broken up with sections of buff and flashed black multi-pattern bricks, vertical timber cladding and PPC aluminium cladding around the feature windows. The roofs of the two large blocks have arrays of photovoltaic panels. The four private sale houses have private gardens to the front and back as well as terraces on the first and second floors. The apartments all have their own paved terraces at ground floor level or private terraces for the flats on the first and second floors. The learning disability apartments have a large communal garden surrounding the complex.
- 6 Officers consider the principal determining issues to be:
 - Principle of new development on the site
 - Balance of dwellings
 - design
 - living conditions
 - trees and landscaping;
 - biodiversity; and
 - sustainability.
 - Parking and access

Principle of development

- 7 As explained in paragraph 3 above, the principle of redeveloping the site with new buildings is considered acceptable. The site comprises previously developed land and the National Planning Policy Framework (NPPF) encourages the effective use of previously developed land, provided it is not of high environmental value. These aims are embodied within Policy CS2 of the Oxford Core Strategy. As the site is also within an existing residential suburb, the principle of redeveloping the site for a residential use would accord with the aims of the above-mentioned policies. Furthermore, the redevelopment of the site to achieve the aspiration of providing accommodation for specialist housing need as well as the provision of market housing to finance the project is also considered to be a sustainable form of development.
- 8 The site is also one that is the subject of a site specific policy within the Council's Sites and Housing Plan. Policy SP33 states that Planning permission will be granted for residential development at Marywood House and will not be granted for any other uses. It goes on to state that Planning permission will only be granted if it can be proven that there would be no adverse impact upon surface and groundwater flow to the Lye Valley SSSI and this would include ensuring there is no adverse impact on the Brasenose Wood and Shotover Hill SSSI as a result of recreational pressure. Finally any proposal will need to ensure that development would have no adverse impact on any UKBAP habitat. The issues of drainage and recreation are assessed below and following detailed consideration from the Council's ecologist and

combined with appropriate planning conditions to control surface water drainage, tree protection and ecological enhancement measures, officers are satisfied that these important issues are appropriately addressed.

- 9 Policy CS 24 of the Core Strategy and the Affordable Housing SPD set out the requirement for affordable housing to meet the City's housing needs. On larger sites such as this there is usually a need for 50% of the housing units to be provided as affordable housing on site. Although the policy allows for a lesser percentage to be socially rented affordable housing as opposed to other forms of affordable housing, in this particular case the proposal is for specialist social housing on site in the form of the housing complex that is intended to house people with learning disabilities. The complex will provide 10 units of semi-independent living with communal facilities and office / sleepover accommodation for staff. Based on this concept the scheme would therefore provide 50% of the units as social affordable housing units and is therefore fully compliant with the Council's adopted policies with respect to the provision of on-site affordable housing.

Balance of dwellings

- 10 Policy CS23 of the Oxford Core Strategy 2026 requires residential development to deliver a balanced mix of housing to meet the projected future household need and the Council's Balance of Dwellings Supplementary Planning Document (BoDSPD) sets out the appropriate housing mix for each Neighbourhood Area within the City.
- 11 The site is located within the Headington Neighbourhood Area, where a reasonable proportion of family dwellings are required within any residential development. The proposed mix of 20 dwellings (5 x 3 bed, and 9 x 2 bed and 6 x 1 bed units) would not strictly accord with the prescribed mix set out within the BoDSPD for a development of this size in this neighbourhood area. That is because the BoDSPD sets percentage ranges for the different sizes of dwellings and in this kind of neighbourhood area the percentage ranges for 1 bed units are 0 – 20%, for 2 bed units 10 – 35% and for 3 bed units 30 – 75%. The proportions of units proposed across the site are 1 bed units 30%, 2 bed units 45% and 3 bed units 25%. Therefore the proportion of 1 and 2 bed units are greater than the policy prescribes and the proportion of 3 bed units less than the policy prescribes.
- 12 Without taking any other factors into consideration the balance of dwellings would be unacceptable. However, there are other factors that are material to the Council's consideration of this issue. In particular, half of the residential units are comprised within a complex of apartments that are designed specifically for people with learning disabilities and the provision of accommodation will need to be set out according to the specific identified needs of the people for whom the accommodation is intended and it is clear that there is predominance of 1 and 2 bed units as the accommodation is geared towards smaller units, albeit with some sharing of accommodation. If the 10 specialist learning disability units are removed from the equation then the percentages alter to 2 bed units 60% and 3 bed units 40%. Although these proportions would still not comply with the requirements of the

BoDSPD, due to the number of 2 bed units being too high, it is also appropriate to consider whether there are any other material considerations that are relevant. On this particular site the main constraint is the need to protect mature trees (see section below) that encircle the development area. This means that there is less useable space to provide the necessary garden space that would be required for 3 bed family dwellings to meet the requirements of BoDSPD and a greater proportion of dwellings are therefore proposed as 2 bed flats, albeit with generous terraces. It is also important to note that the demolition of the existing buildings which have laid vacant for so many years and their replacement with modern supported facilities relies to a great extent on the provision of the market housing. On this basis officers consider that the over-provision of 2 bed flats as part of this proposal would be considered acceptable.

Design

- 13 Policy HP9 of the Council's Sites and Housing Plan states that residential developments should respond to the overall character of the area, including its built and natural features; the form, layout and density of the scheme should make an efficient use of land whilst respecting the site context; make a positive contribution to local character and distinctiveness; and ensure that landscaping and boundary treatments integrate the development into the street scene in a way that defines public and private space and maintains natural surveillance of the public realm. This is supported by Oxford Core Strategy Policy CS18, and Policies CP1, CP6, CP8, CP9, and CP10 of the Oxford Local Plan.
- 14 The site layout and the scale of buildings are described in broad terms in paragraphs 4 and 5 above. With respect to the above design related objectives of planning policy the scheme is designed to utilise the developable parts of the site in an efficient manner. The main portions of the two large proposed buildings largely follow the footprint of the existing complex on the site. The main reason for this is the presence of a number of significant mature trees that mostly encircle the site and the need to avoid the root protection areas of these trees has to a great extent determined the areas of the site that are developable and the design has emanated from that starting point taking into account the need to incorporate a range of features required by policy to enable acceptable residential development.
- 15 The proposed buildings will be of contemporary design, flat roofed and rising to three storeys with modern facing materials. This design approach is not typical of the area but officers do not consider that the new buildings on the site will be seen together with surrounding buildings in any prominent views. Instead the site will mainly be seen from the entrance car park leading off Leiden Road and through gaps in trees and boundary treatments from The Slade. In these views the design approach is a contemporary homogenous approach that will provide much needed specialist social housing as well as a range of market housing on a derelict site. The scheme is considered to respond well to the constraints of the site and addresses the requirements of planning policies in an appropriate manner.

16 The earlier versions of the design were submitted to the Oxford Design Review Panel for a review last year. This is a process that has now been run for some time whereby emerging schemes are tested either at the early stages of an application or at pre-application stage with the view to exploring the design potential and responding to site constraints to promote good design and raise the quality of the built environment in Oxford. The Panel suggested a number of changes to the scheme to allow for greater space between buildings and the trees on the site, to increase the sizes of some rooms, to allow for more views out from rooms within the buildings towards trees and to allow greater use of communal lounges within the specialist housing complex. The scheme was amended to reflect these views and officers are satisfied that the amendments to the scheme have responded appropriately to the comments of the Panel.

Living conditions

17 Policy HP14 of the Sites and Housing Plan states that residential development should provide reasonable privacy and daylight for the occupants of both existing and new homes. Policy HP2 sets the requirement for accessible and adaptable homes and policies HP 12 and HP13 prescribe the appropriate levels of indoor and outdoor space respectively.

18 As noted above, the development site is enclosed on three sides (south, east and west) by a belt of mature trees. The closest residential property to the site is number 150 the Slade. The side elevation of this property is approximately 6 metres from the side elevation of the nearest part of a three bed house. Although there are windows in the side elevation of the nearest proposed house, these only serve the stairwells. The tree belt removes the likelihood of any loss of light or overlooking to all nearby dwellings and the location of 150 The Slade is not considered to result in any unacceptable impact on the occupants of that property through loss of light, overshadowing or mutual overlooking. The blocks of flats on Three Fields Road are to the south of the development and the closest block, housing flats 13 to 33 has windows facing the site. However these are approximately 18 metres away and at a partly acute angle with mature trees in between so there is not considered to be any impact upon or from the presence of this building on the proposed specialist housing block. A planning condition is suggested to remove the possibility of further windows to the side elevations of new houses.

19 Of the new housing proposed, the market dwellings are 64m² for 2 bed apartments and 97 m² for three of the four houses the other at 102 m². For the specialist apartments the accommodation is 1 bed apartments 56m² 2 bed apartments 75m² and the 3 bed apartment 126m². All of these dwellings are considered to be of appropriate sizes. In terms of outside space, the detached dwelling has a very sizeable garden albeit much of it will be shaded by two very large mature trees and the terraced house adjacent to 150 The Slade also has a very large garden. The remaining 3 bed houses have much smaller gardens that would be a little under the policy requirement of having a private amenity area that is equivalent to the footprint of the house. However,

these houses also have terraces at first and second floor level that would collectively amount to a private amenity space that was comfortably over the footprint of the houses. The occupants of the specialist social housing will have access to generous areas of communal gardens that surround the complex. In summary the living conditions of both existing occupants in neighbouring buildings and those in the proposed new housing would be appropriately preserved or created.

Trees and landscaping

- 20 The application is supported by a Tree Survey Report which accurately records the quality and value of trees that might be affected by the proposals. However, the Root Protection Areas (RPAs as defined by BS5837:2012) of the trees that stand between the existing building and The Slade was not accurately represented on the Tree Survey, draft Tree Protection Plans and other plans. These trees include the very large and high quality and value oak trees (T10 and T12) and other visibly important trees including the Corsican pines (T7 and T8), the rooting area of which will be constrained between the existing building and the public highway. Because of the constraints on the rooting environment, these trees are likely to be particularly sensitive to encroachment of construction activity within their RPAs. The originally submitted Arboricultural Impact Assessment did not provide an over-riding justification for the encroachment within the RPA of these trees which should otherwise be protected to meet the recommendations of BS5837:2012, and it was not demonstrated that these trees could remain viable. No technical solutions or mitigation measures were proposed which might have prevented damage to these trees. It was therefore concluded that the trees T10, T12, T7 and T8 would have been significantly harmed by construction activity.
- 21 The development also proposes hard surfacing for a new car park area within the RPA of oak tree T24. While it is proposed that this new hard surface should be 'no-dig' in construction to minimise root damage, the proportion of the RPA that will be covered exceeds the limit that is recommended by BS5837:2012. On the original plans it was therefore expected that this oak would have been significantly harmed by construction of the car park area. All of the above mentioned trees are visible to the public and make a valuable contribution to important to public amenity in the area. The landscaping proposals also cause concern; the planting proposed does not fit well with the existing local landscape character which extends from Magdalen Wood and as such will not provide a suitable setting for the proposed buildings. The effect of removing existing trees on amenity in the area is not adequately mitigated. There will be little benefit for wildlife. Also, siting 'allotment' gardens underneath the crown spread of the large oak trees is unlikely to deliver a successful growing environment for vegetables and this should be reconsidered. On the originally submitted plans the Council's Tree Officer concluded that the proposals will harm retained trees (oak trees T10, T12 and T24 and Corsican pine trees T7 and T8) that make a valuable contribution to public amenity in the area and that there was no over-riding justification for the encroachment of construction activity within the Root Protection Area of retained trees and, the application did not demonstrate that the retained trees

will remain viable following development.

- 22 In response to these concerns officers suggested revisions to the scheme to address the potential harm that would be caused to the trees. In addition officers made a Tree Preservation Order (TPO) for the trees on the site. The OCC – Leiden Road (No.1) TPO, 2014 has now been confirmed and is permanent. It protects 3 oak and 3 Corsican pines at the site. These trees are to be retained but several other trees will be removed if planning permission is granted.
- 23 The layout of the development has now been amended to take account of officer comments on the initial proposal. In addition to the amendments to the scheme which have taken the proposed buildings further away from protected trees, an Arboricultural Impact Assessment which assesses the impact of the current proposals on existing trees and which recommends special precautions in the design and construction to ensure that retained trees will not be harmed has been submitted. The areas of new hard surfaces that encroach into root protection areas of trees will be designated as a 'construction exclusion zone' wherein there is a need for sensitive design i.e. hard surfaces should be no-dig construction design and underground service should be located outside of the RPA of retained trees. The Arboricultural Impact Assessment that has been submitted is considered to provide an adequate assessment of the impacts of the proposals on existing trees. It identifies trees to be removed, proposed special precautions and also includes a draft Tree Protection Plan. Based on this analysis, officers are satisfied that the proposed development will adequately safeguard the protected trees on the site subject to conditions on hard surfaces and tree roots, underground services and tree roots, a tree protection plan and an arboricultural method statement, all of which are contained within the recommended list of conditions.

Biodiversity

- 24 From above it is clear that the site has the potential to impact upon two SSSIs as well as on protected species and their habitats. The nature of the proposed buildings is similar to the existing layout and a condition is suggested to ensure that the design of any surface water drainage will not contribute to any localised flooding and will be diverted to soakaways so that the surface water drainage can make a positive contribution to the two local SSSIs and in particular the Lye Valley SSSI which relies heavily upon groundwater percolating through bedrock to achieve the required PH levels to support its distinctive wildlife habitats.
- 25 The application is supported by two separate bat surveys. These indicate the presence of both Brown Long-Eared and Pipestrelle bats. The demolition of the existing buildings and erection of new buildings along with the loss of a few of the mature trees will clearly impact upon these protected species such that a 'European Protected Species' licence will be required. In determining the planning application the Council must have regard to questions contained in the relevant protected species regulations. These are that the development meets an identified social need i.e. providing accommodation for the identified

learning disabled, that there is no alternative (policy SP33 states that planning permission will not be granted for any other use on the site) and that the actions taken on the site will not be detrimental to the maintenance of these bat populations within the locality. The bat survey reveals that the buildings are used by only a small number of bats and there was no evidence of maternity roosts. The provision of bat boxes integral within the new buildings and on the trees is considered to be adequate mitigation in this particular instance. The mitigation proposed as part of the development is considered by the Council's consultant Ecologist to be satisfactory in the circumstances. As such, the Council can be said to have had regard to the answers to these 3 questions and does not dispute the information on the evidence presented to it.

- 26 In addition, officers consider that the proposed planting needs to be amended to provide for a greater array of native species to support biodiversity and that ecological enhancement through bird boxes need to be provided. These are both contained within the suggested list of planning conditions.

Sustainability

- 27 Sites and Housing Plan Policy HP11 states that residential development should include an element of on-site renewable or low carbon technologies where practicable. It goes on to state that for qualifying developments (i.e. 10 or more dwellings) proposals should include at least 20% of their energy needs from on-site renewables or low carbon technologies, unless it can be robustly demonstrated that such provision is either not feasible or it makes the development unviable.
- 28 An NRIA has been submitted with the application which reflects the need to achieve 20% of the development's regulated and unregulated energy requirements from renewable sources and is therefore considered to be acceptable. The NRIA scores 6/11 which meets the minimum score required to comply with the policy. As described above, the buildings will use solar photovoltaic panels along with a range of other sustainable elements and be built to Building Regulations 2010 standards. Officers recommend a condition requiring the details of the NRIA to be implemented.

Parking, cycles and access

- 29 The access to the site is through the existing access onto Leiden Road and there is no objection to the re-use of this access to serve the whole development.
- 30 A total of 18 spaces is proposed to serve the development and the County Council as Highway Authority are satisfied that this level of parking is adequate and will not result in indiscriminate parking on the local road network. The parking spaces are proposed to be secured by condition.
- 31 Cycle parking is also proposed for the staff and residents of the specialist learning disability complex and for the shared flats. Cycle parking for the proposed new houses can be secured by condition.

Other Matters.

Community Infrastructure Levy

- 32 The proposal will be liable for a CIL payment of £83,900. The decision on any exemption for such a payment would be taken when the charge becomes liable.

Contaminated Land

- 33 The application is accompanied by a ground investigation report. No evidence of contamination has been identified, however, a cautionary approach is recommended and conditions are suggested to ensure that any unsuspected contamination can be appropriately addressed should it be identified at a later stage of development.

Conclusion:

The proposed redevelopment makes an efficient use of previously developed land and delivers an appropriate level of affordable housing for the city within an existing residential area in the form of learning disability apartments. The overall layout, size, scale and design of the proposed buildings would be sympathetic to the site and its surroundings while also safeguarding the residential amenities of the adjoining properties. Although the development will result in the loss of a small number of mature trees, it is considered that this loss could be mitigated through more appropriate replacement planting within the site. Some of the remaining trees are important specimens forming part of Magdalene Woods to the north-east. The proposed dwellings would provide good quality housing for the future occupants and be acceptable in highway terms and energy efficiency. The development would not create any adverse biodiversity, or flooding impacts. The application would therefore accord with the National Planning Policy Framework and policies of the Oxford Core Strategy 2026, Oxford Local Plan 2001-2016, and the Sites and Housing Plan 2011-2026.

Human Rights Act 1998

Officers have considered the Human Rights Act 1998 in reaching a recommendation to grant planning permission, subject to conditions. Officers have considered the potential interference with the rights of the owners/occupiers of surrounding properties under Article 8 and/or Article 1 of the First Protocol of the Act and consider that it is proportionate.

Officers have also considered the interference with the human rights of the applicant under Article 8 and/or Article 1 of the First Protocol caused by imposing conditions. Officers consider that the conditions are necessary to protect the rights and freedoms of others and to control the use of property in accordance with the general interest. The interference is therefore justifiable and proportionate.

Section 17 of the Crime and Disorder Act 1998

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

Background Papers:

14/01770/FUL

Contact Officer: Martin Armstrong

Extension: 2703

Date: 23rd February 2015