

East Area Planning Committee

3rd February 2016

Application Number: 14/02940/OUT

Decision Due by: 22nd January 2015

Proposal: Outline planning application (with all matters reserved) seeking permission for up to 270 residential dwellings of 1 to 4 bedrooms on 2 to 5 floors to incorporate a maximum of 104 houses and 166 flats. Provision of car parking, cycle and bin storage, landscaping and ancillary works. (Amended plans and additional information)

Site Address: Littlemore Park Armstrong Road Oxford (**site plan: appendix 1**)

Ward: Littlemore Ward

Agent: N/A

Applicant: Oxford University Hospitals
NHS Trust

Recommendation

The East Area Planning Committee is recommended to grant outline planning permission, subject to the satisfactory completion of an accompanying legal agreement and to delegate to the Head of City Development the issuing of the Notice of Permission upon its completion.

Reasons for Approval

- 1 The proposed development is submitted in outline form with all matters such as access, landscape, scale, appearance, and layout reserved for a later date. The proposed development would make an efficient use of an allocated development site to provide much needed good quality affordable and market housing in a manner that would establish a balanced and mixed community within the existing residential suburb of Littlemore. Although the site is primarily allocated for employment, the Oxford University Hospital NHS Trust has demonstrated that an equivalent amount of B1 employment (employees) could be delivered at the Churchill Hospital site to enable the application site to be used for residential purposes. The illustrative masterplan has demonstrated that the quantum of development could be provided in a manner that subject to minor alterations to the layout would create a coherent sense of place suitable scale and appearance to establish a single neighbourhood that is well integrated into the urban fabric of the surrounding residential area without having an impact upon adjacent residential developments. The application has demonstrated that it would not have an

adverse impact in highway safety terms and could provide sufficient off-street cycle and car parking, and pedestrian and cycle links that improve accessibility to the surrounding network. The outline application contains sufficient supporting information to demonstrate that it would not have an impact upon biodiversity; trees; archaeology; flood risk; drainage; air quality; land contamination; or noise that could not be mitigated through the reserved matters applications subject to appropriate measures being secured by condition or associated legal agreements.

- 2 Officers have considered carefully all objections to these proposals. Officers have come to the view, for the detailed reasons set out in the officers report, that the objections do not amount, individually or cumulatively, to a reason for refusal and that all the issues that have been raised have been adequately addressed and the relevant bodies consulted.
- 3 The Council considers that notwithstanding non-compliance with the development plan other material considerations tending towards the grant of planning permission justify the grant of permission. 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 Time Limit for Commencement
- 2 Approved plans and documents
- 3 Reserved Matters Applications
- 4 Phasing of Development
- 5 Details of all external materials
- 6 Landscaping and Public Realm
- 7 Tree Protection Plan
- 8 Landscape Management Plan
- 9 Site Layout to incorporate space for pedestrians
- 10 Ecological Mitigation, Compensation, and
- 11 Lifetime Homes Standards
- 12 Car Parking Standards
- 13 Cycle Parking Standards
- 14 Sustainability and Energy Strategy
- 15 Site Wide Drainage Strategy
- 16 Archaeology - evaluation
- 17 Noise Attenuation Measures
- 18 Flood Risk Assessment Mitigation Measure
- 19 Contaminated Land Risk Assessment
- 20 Contaminated Land Verification Report
- 21 Contaminated Land Unsuspected Contamination
- 22 Contaminated Land Foundation Design
- 23 Secured By Design Measures
- 24 Highways - Details of access roads
- 25 Highways - Construction Traffic Management
- 26 Highways - Travel Plan
- 27 Details of Electric Vehicle Charging Points

Legal Agreement:

- Affordable housing
- Employment Land Swap – Churchill Hospital Site
- Management of Linear Park
- Bio-diversity off-setting
- Future proof pedestrian / cycle links
- Financial contribution of £50,000 towards general sports and leisure facilities within Littlemore
- Financial contribution of £795 per dwelling towards Public Transport Improvement.

Public Consultation

The amended terms for the legal agreement have been re-advertised as a 'departure' from the development plan and as a result a further 21 day consultation period has been undertaken.

To date (25/1/2016) no comments have been received in relation to this consultation. This expires on the 1st February 2016, which is after this committee report was prepared and therefore any additional comments received after this date will be reported verbally at the committee.

Officers Assessment:

Background

1. At the Planning Review Committee on the 29th April 2015, Members resolved to approve outline planning permission for the above-mentioned development subject to a number of conditions and the satisfactory completion of a legal agreement, and to delegate to the Head of City Development the issuing of the notice of permission upon its completion.
2. The application site is primarily allocated for employment (B1) use within the Sites and Housing Plan but considers residential use as a suitable alternative provided that an equivalent amount of B1 employment (employees) provision can be created elsewhere in Oxford.
3. The outline application sought the redevelopment of this allocated site for up to 270 residential units. In order to deal with the requirements of the site allocation policy, the Oxford University Hospitals NHS Trust demonstrated that an equivalent amount of employment (employees) could be delivered at the Churchill Hospital Site. The committee supported this in principle and resolved for the delivery of this employment land to be secured through an appropriately worded legal agreement.
4. Since this decision there have been ongoing discussions between the applicant (OUH NHS Trust) and officers as to the most appropriate terms for the delivery of the employment land at the Churchill Hospital site. The terms for the legal agreement have now been agreed between officers and NHS Trust however, the

agreed terms represent a 'departure' from the wording of the site allocation policy and needed to be re-advertised as such and returned to committee for consideration.

5. This report will provide clarification on the matters relating to the proposed heads of terms for the employment land provision at the Churchill Hospital and should be read in conjunction with the officer's report dated 29th April 2015 attached as **appendix 2**

Officers Assessment

6. The terms of the site allocation policy (SP30) are clear in that it states that

'Planning permission will be granted for employment (B1) and complimentary appropriate uses at Littlemore Park. Residential development is an alternative use but to ensure that there is no loss of employment sites within Oxford, planning permission will only be granted for residential development provided that an equivalent amount of new B1 employment (employees) is created elsewhere within Oxford' .

7. The site was originally allocated for employment as part of the balanced strategic development approach set out within the Core Strategy to ensure that there is sufficient land available for employment as well as residential uses. The text to the policy also recognised that the Oxford University Hospitals Trust who owned the site wished to focus employment linked to the hospitals on their existing sites such as the Churchill Hospital, and if this was achieved then the site would be most suitable to deliver new residential development.
8. As set out within paragraphs 17-23 of the original committee report (**appendix 2**) the applicant had calculated that Littlemore Park could provide approximately 13,007m² of employment floorspace, which according to the 'Homes and Communities Agency Employment Density Guidance' could generate approximately 1300 B1(a), 450 B1(b), and 280 (B1c) employees per respective use. Then it demonstrated that there was sufficient space within the Churchill Hospital site to provide an 'employment zone' which if developed to the same densities could potentially provide 18,723m² of B1(b) floorspace which would generate approximately 1,872 B1(a), 650 B1(b), and 398 (B1 (c) employees and thereby exceeding what could be provided at Littlemore Park. The report then went on to state that an appropriate mechanism for securing the delivery of new employment uses on the Churchill Hospital site needed to be agreed through the legal agreement.
9. The wording of the policy is clear in that in order to accept the principle of redeveloping Littlemore Park for residential purposes an equivalent amount of new B1 employment needs to be 'created' elsewhere to ensure that an employment site is not lost to other uses. The Courts have unequivocally determined that the approach to the interpretation of policy has to be objective and in context; that is there is a single "correct" interpretation of policy and failure to properly interpret policy would amount to a defect in decision making.

10. The Trust has made clear that it is not prepared to physically create the employment floorspace at the Churchill Hospital or make arrangements with a developer for that. It states that this is because its core business is centred upon providing medical care rather than speculative property developments. The Trust states that the ability to develop the Littlemore Park site for housing will enable the capital receipts to be reinvested in the provision of patient services at Oxford, whereas at present, the Trust must pay a capital charge to the NHS for the retention of the land at Littlemore Park.
11. The Trust has therefore sought to negotiate the terms for a planning agreement that makes preparatory provision for employment creation. It is prepared to commit to the preparation and endorsement of a Masterplan for the Churchill Hospital Site that will incorporate an 'Employment Zone' capable of providing approximately 13,007m² of B1 employment floorspace. An outline planning application will then follow on from the agreed masterplan. The outline application will seek to fix matters relating to access at this stage and reserve all other matters relating to scale, landscaping, layout, and appearance in order to enable the site to be promoted with more confidence that the identified uses can be delivered within the parameters identified. In the Trust's view the submission (and granting) of an outline planning permission for such uses in accordance with an agreed Masterplan, followed by its best endeavours to either dispose of the site to an appropriate developer or pursue some other development mechanism is considered to be the most effective means of delivering employment provision within the Churchill site.
12. Having listened to the Trust's concerns with respect to its ability to obtain detailed planning applications and then physically build out these permissions to create employment, officers are of the view that the development of the masterplan for the Churchill Hospital site and subsequent outline planning applications for an agreed 'Employment Zone' will be the best result in terms of delivering an equivalent level of employment land to that which would be lost at Littlemore Park, but also to help facilitate the proper planning of the Churchill Hospital site through a timetabled programme for the development of a Masterplan and outline planning applications with access fixed and all other matters reserved.
13. Therefore while the proposed terms would constitute a departure from the policy, officers consider that that revised terms are acceptable.

Conclusion:

14. The proposal is considered to be acceptable in terms of the relevant policies of the Oxford Core Strategy 2026, Sites and Housing Plan 2011-2026, and Oxford Local Plan 2001-2016 and all other material considerations and therefore officer's recommendation is to approve the development in principle for the reasons set out within **appendix 2** of this report, but defer the application for the completion of a legal agreement.

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

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Date: 25th January 2016