

WEST AREA PLANNING COMMITTEE

Application Number: 18/00673/FUL

Decision Due by: 11th May 2018

Extension of Time: To be agreed

Proposal: Erection of a three storey building to create 3 x 1-bed and 6 x 2-bed flats (Use Class C3). Provision of car parking and bin and cycle storage.

Site Address: Land Adjacent 279, Abingdon Road, Oxford, Oxfordshire

Ward: Hinksey Park

Case Officer Michael Kemp

Agent: Mr Huw Mellor **Applicant:** Reynard Property LTD

Reason at Committee: The proposal is for more than five residential units.

1. RECOMMENDATION

1.1. West Area Planning Committee is recommended to refuse the planning application for the following reasons:

1. The proposal fails to provide an appropriate mix of housing in an area identified in considerable need of family housing and is therefore contrary to Policy CS23 of the Core Strategy and the Balance of Dwellings Supplementary Planning Document.
2. The proposed development by reason of its appearance, height and massing on a rear backland plot would appear unduly prominent and out of keeping with the character and appearance of the surrounding area contrary to policies CP1, CP8, CP9, CP10 of the Oxford Local Plan 2001-2016, MP1 and HP9 of the Sites and Housing Plan 2013 and CS18 of the Core Strategy.
3. The proposed development of this rear backland plot by reason of its appearance, internal layout, height, massing and proximity to the western boundary would unacceptably prejudice the re-development of the former petrol station site to the west adjoining fronting the Abingdon Road to the detriment of effective, efficient and acceptable form of development on an allocated site contrary to CP1, CP6, CP8, CP9, CP10 and SP18.
4. The proposed development by reason of its overall height and massing and number of large east facing windows, together with balconies and private terraces would result in an unacceptable level of overlooking into the adjoining properties gardens and houses to the east on Peel Place and a significant

sense of being overlooked by the occupiers of those properties to the detriment of existing and future occupiers' residential amenity contrary to Policies CP1, CP8, CP9, CP10 of the Oxford Local Plan 2001-2016 and Policy HP14 of the Sites and Housing Plan 2013.

5. The proposed development by reason of the height, massing and proximity to the eastern boundary with adjoining properties to the east on Peel Place and proximity to adjoining property to the south would appear overbearing and visually dominant to these properties and their gardens contrary to Policies CP1, CP8, CP9, CP10 of the Oxford Local Plan 2001-2016 and Policy HP14 of the Sites and Housing Plan 2013.
6. The updated FRA fails to provide a suitable basis for assessment to be made of the flood risks arising from the proposed development; furthermore the proposals do not make provision for a route of egress in event of flooding. The proposals would therefore be contrary to Policies SP18 of the SHP, CP22 of the OLP and CS11 of the CS and paragraphs 102 and 103 of the NPPF.
7. The development as proposed fails to make safe provision for access and the movement of pedestrians, furthermore the existing vehicular means of access would be unsuitable to accommodate the intensification in vehicular use which would arise as a result of the development. The proposals would therefore compromise the safe movement of pedestrians and would be to the detriment of highway amenity and the safe movement of road users contrary to the provisions of Policies CP9 and TR4 of the Oxford Local Plan; Policy CS13 of the Core Strategy and Paragraph 32 of the NPPF.

2. EXECUTIVE SUMMARY

- 2.1. This report considers the residential development of a back land brownfield plot adjacent to 279 Abingdon Road, which formerly comprised as an area of car parking (serving the former Fox and Hounds public house). The proposed development would comprise of a single building consisting of 9 flats (3x1 bed and 6x2 bed units).
- 2.2. A similar development, also comprising of 9 residential units was refused on the application site in 2016 (16/01413/FUL). 10 refusal reasons were listed relating to the housing mix, amenity impacts, flood risk, design, scale of the built form, inadequate affordable housing contribution, on-site renewable provision and that the proposals would fundamentally limit the wider development potential of an allocated site.
- 2.3. The present proposals differ in terms of design, though the overall form and scale of development remains broadly similar. Whilst the proposals address some of the previous reasons for refusal, namely in respect of affordable housing, the provision of outdoor amenity space and the provision of on-site renewables; the proposals would fail to address the majority of the previous

reasons for refusal. Consequently on the basis of amenity, design, highways impacts, flood risk and the prejudicial impact of the development on the wider site, the development is recommended for refusal.

3. LEGAL AGREEMENT

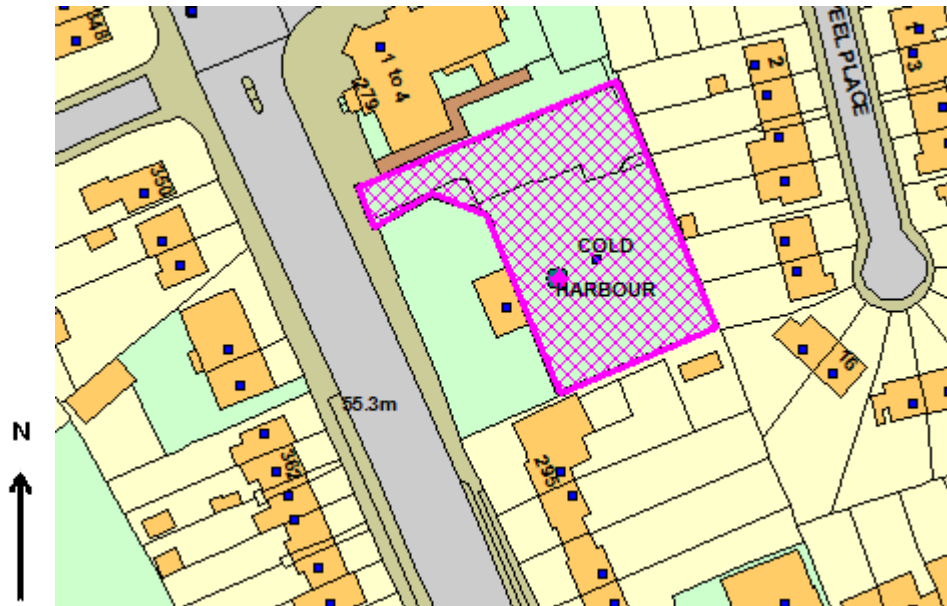
- 3.1. The application if approved would be subject to a legal to secure an off-site financial contribution towards the provision of affordable housing. A draft Section 106 legal agreement has been prepared by the applicants.

4. COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 4.1. The proposal would be liable for a CIL payment if approved.

5. SITE AND SURROUNDINGS

- 5.1. The site comprises of a backland area of previously developed land, which was formerly parking associated with the Fox and Hounds public house. The former Fox and Hounds public house has been redeveloped for a convenience retail use, with associated parking. The land immediately to the west of the application site was formerly used as a petrol station, though the site is at present being used as an unauthorised car wash facility. Both the application site and frontage site are included as a site allocation under Policy SP18 of the Sites and Housing Plan. Policy SP18 considers the sites development potential for mixed use retail/residential or exclusively residential development.
- 5.2. Access to the application site is obtained via a single access point onto the Abingdon Road, which presently serves an area of parking associated with the adjacent Tesco Express store. The site is surrounded by residential properties and is characterised by a smaller grain, rear back gardens, mostly off-street parking to the front and typically traditional architectural form with pitched roofs.
- 5.3. The majority of the site lies within Flood Zone 3b and is close to the Iffley Meadows SSSI. Formerly the site was classed as Flood Zone 3a, however the flood zone boundaries have since been amended and only a small area adjacent to the western boundary remains within Flood Zone 3a.
- 5.4. The site location plan is shown below:



6. PROPOSAL

- 6.1. The application proposes the erection of a principally three storey building comprising of 9 flats (3x1 bed and 6x2 bed units) alongside associated parking, bin and cycle storage. The proposed development would be served by the existing means of vehicular access onto the Abingdon Road, adjacent to the Tesco store. Parking for a total of 12 vehicles would be located to the rear (north east) of the flats.
- 6.2. The building would be rendered, with sections of timber cladding and would extend to a maximum height of 9.2 metres to the roof ridge at three storey level, reducing to 7.5 metres at two storey level at the point closest to the southern boundary. The proposed 2 bedroom units would be served by external balconies, whilst the development includes a small area of external communal amenity space.

7. RELEVANT PLANNING HISTORY

- 7.1. The table below sets out the relevant planning history for the application site:

16/01413/FUL - Erection of three storey building to provide 3 x 1-bed flats and 6 x 2-bed flats (Use Class C3). Provision of car parking, cycle parking and bin storage.(Additional Information) (Amended Plans).. REF 20th December 2016.

8. RELEVANT PLANNING POLICY

- 8.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework (NPPF)	Local Plan	Core Strategy	Sites and Housing Plan	Other Planning Documents
Design	7	CP1, CP6, CP8, CP9, CP10, CP11, CP17, CS18		HP9	
Conservation/ Heritage	12				
Housing	6			HP12, HP13	
Commercial	1, 2				
Natural Environment	9, 11, 13	NE12, NE13, NE14, NE15, NE23	CS12		
Social and community	8			HP2, HP4, HP14	
Transport	4	TR1, TR13, CP13,	CS13	HP15, HP16	Parking Standards SPD
Environmental	10		CS9, CS10, CS11	HP11	Energy Statement
Misc	5	CP19, CP22,		MP1, SP18	

9. CONSULTATION RESPONSES

- 9.1. Site notices were displayed around the application site on 6th April 2018 and an advertisement was published in The Oxford Times newspaper on 12th April 2018.

Statutory and Non-Statutory Consultees

Oxfordshire County Council (Highways)

- 9.2. Recommend refusal for the following reasons:

A previous application (16/01413/FUL) for the same site was refused in 2016. Oxfordshire County Council recommended refusal on the following grounds

- "- Inadequate access for residents and visitors not travelling to the site by car.
- The applicant needs to demonstrate that access to the development, for vehicles, pedestrians and cyclists, via the Tesco car park can be maintained.
- Current proposed waste collection arrangements are inadequate."

The new application has not addressed any of these concerns. Residents of the proposed apartments would have to walk/cycle through the Tesco car park access road to gain entry to the flats which raises severe highway safety concerns. There is a walkway on the northern side of the access road to the car park, however, there are regularly cars and taxis parked on this.

There is no information regarding waste collection or a swept path analysis showing how a refuse vehicle would safely enter and turn within the site. Furthermore, the use of the existing junction into Tesco car park can cause delays along Abingdon Road and Weirs Lane as cars wait to turn in and out of the junction.

Intensification of this junction will add to these delays at peak times and capacity of junction should be considered as an issue.

Environment Agency

Objection on the following basis:

The FRA submitted with this application does not comply with the requirements set out in the Planning Practice Guidance (PPG) to the National Planning Policy Framework (NPPF). The submitted FRA does not therefore provide a suitable basis for an assessment to be made of the flood risk arising from the proposed development.

In particular, the submitted FRA fails to:

- Provide an adequate assessment for the loss of flood plain storage within the 1% annual probability (1 in 100) flood extent with an appropriate allowance for climate change caused by the proposed development.

No objection on contaminated land grounds.

Thames Water Utilities Limited

9.3. No objection

Oxfordshire County Council Emergency Planning

9.4. Our advice from emergency planning would be that any property proposed to be built there would need adequate evacuation plans that do not require the emergency services to assist. Resilient construction i.e. man hole covers fixed down, flood barriers on doorways, raised electrical sockets, raised kitchen cupboards and resilient flooring and drainage / sewage with the correct non

return valves etc. to reduce risk of sewage flooding. Any development would also need to ensure that it did not further impact neighbouring developments by its design and may require suitable drainage options to prevent this.

Oxford City Council Flood Mitigation Officer

- 9.5. An objection is held due to the site location within Flood Zone 3b, in which development is prohibited by Oxford Core Strategy Policy CS11. It is appreciated that measures have been taken to mitigate flood risk, both on site by raising the floor level above the modelled flood level, and off site by allowing free flow of flood water below the building, so the effect should be negligible. There are however concerns over safe access and egress, as a route with 'very low hazard' cannot be provided

Public representations

- 9.6. A joint letter from the Residents of Peel Place and Weirs Lane has been received in relation to the proposed development raising the following points of objection:
- The development would impact on the amenity of adjacent occupants by reason of overlooking and overbearingness.
 - The development would be out of keeping with the scale, massing and character of the area.
 - The development would increase the risk of flooding.
 - The development would exacerbate traffic and access issues.
 - The proposals would compromise a more comprehensive approach towards development of the site and make no provision for family or social housing.

A separate letter of objection has been received from the occupant of No.12 Peel Place, raising concerns regarding the following matters:

- Height of the development
- Parking
- No dimensions shown on proposed drawings
- Little provision made for new tree planting.
- Overdevelopment of the site.

The Oxford Civic Society objected to the application on highway safety and amenity grounds.

A letter of objection prepared by JPPC on behalf of the owners of the frontage site, Capital Developments (London) has been received and can be summarised as follows:

- The height and massing remains unchanged from the refused scheme.
- The proposals would compromise the re-development potential of the former petrol station site.
- Objections have been raised by Oxfordshire County Council highways, which have not been addressed by the applicants.

Officer Response

Officers consider that those matters raised as part of the consultation that have a material planning impact are considered as part of the following report.

10. PLANNING MATERIAL CONSIDERATIONS

10.1. Officers consider the determining issues to be:

- i. Principle of development;
- ii. Housing Mix
- iii. Affordable Housing
- iv. Design
- v. Internal and External Amenity
- vi. Impact on adjacent site
- vii. Impact on amenity of existing occupants
- viii. Highways, access and parking
- ix. Sustainability
- x. Flood Risk
- xi. Land Contamination

i. Principle of Development

10.2. The site forms part of an allocated site under Policy SP18 of the Sites and Housing Plan (2013) for a mixed-use retail and residential development or an entirely residential development at the Fox and Hounds public house and former Petrol Station site. The supporting text sets out the Council's position that it would be most appropriate to develop the allocated site as a whole to ensure comprehensive redevelopment of the site. This would ensure that no part of the site is left derelict and would make the most efficient use of land. The Fox and Hounds itself has been redeveloped to provide a Tesco's local shop with flats above, leaving the former pub car park and petrol site remaining.

10.3. In determining the previous planning application (16/01413/FUL) officers deemed the principle of redeveloping the site for a residential use to be acceptable. Likewise in terms of the present proposals, officers consider the principle of a residential use on this site would be acceptable and compliant with the aims of Policy SP18 of the Sites and Housing Plan.

10.4. Notwithstanding the in-principle acceptability of residential development on the site, as the proposals would only amount to the development of a portion of the site and any development should not compromise the opportunity to maximise the wider development potential of the site in terms of density and in terms of ensuring that the future development of the site is appropriate in design terms, whilst also ensuring that the development preserves the amenity of existing and future occupiers.

ii. Housing Mix

- 10.5. Policy CS23 of the Core Strategy (2011) requires new housing developments to provide different types and sizes of home, to provide for a range of households, such as families with children, single people, older people and people with specialist housing needs. An appropriate mix of homes for different areas of Oxford is set out in the Balance of Dwellings SPD (BODs SPD), which specifies the range of house sizes (by bedrooms) expected.
- 10.6. The site lies within an amber area identified within the BODs SPD wherein there is a considerable need for family housing and a reasonable proportion of new family dwellings should be provided as part of the mix for new developments. Family housing for the purposes of CS23 & BODs SPD is defined as dwellings with three or more bedrooms and access to a private garden area.
- 10.7. According to the SPD the mix for 4-9 units should be:
- 0-30% 1 beds;
 - 0-50% 2 beds
 - 30-100% 3beds
- 10.8. Officers note that the housing mix proposed within this application would comprise of 3 x 1 bed units and 6 x 2 bed units; no provision is made within the scheme for 3 or 4 bed units. The proposed housing mix matches that of the previously proposed scheme on the site (16/01413/FUL), which was refused for the following reason:
- “The proposal fails to provide an appropriate mix of housing in an area identified in considerable need of family housing and is therefore contrary to Policy CS23 of the Core Strategy and the Balance of Dwellings Supplementary Planning Document.”
- 10.9. The mix of units proposed within the present application would similarly fail to deliver the mix of dwellings required under the provisions of Policy CS23 of the Core Strategy and the Councils Balance of Dwellings SPD. The accompanying planning statement indicates that a development which would meet the appropriate BOD’s requirement would be unviable as it is claimed that this would result in a loss of units. It is suggested that the required contribution towards affordable housing, CIL contribution and the cost of contamination clean up and flood alleviation would further impact on the viability of the scheme. Officers note that no firm evidence has been submitted to support this claim and consider that there would be no sufficient justification to deviate from providing the appropriate mix of units specified within the BOD’s SPD.

iii. Affordable Housing Contribution

- 10.10. Policy HP4 of the Sites and Housing Plan (2013) sets out the requirement to either provide or contribute towards affordable housing on small residential developments of 4-9 units, unless it can be demonstrated that such a contribution would render the development unviable. Following the Court of

Appeal decision in May 2016, the City Council reviewed the legal position and concluded that it was appropriate to continue applying HP3 and HP4 to seek affordable housing contributions because of the exceptional affordability issues in Oxford. The proposal provides 9 units and therefore a contribution will be required towards affordable housing.

- 10.11. The previous proposals included no provision for a financial contribution towards affordable housing and the development was subsequently refused on the basis that the proposals would be non-compliant with the provisions of Policies CS24 of the Core Strategy and HP4 of the Sites and Housing Plan.
- 10.12. Paragraph 4.25 of the supporting planning statement indicates the applicant's intention to provide a financial contribution towards the off-site provision of affordable housing, equivalent to 15% of the total development value of the site, to be secured by way of a Section 106 legal agreement, a draft copy of this agreement has been provided and the details are considered to be acceptable in principle. Officers consider that the intended contributions would comply with the requirements of Policy HP4 of the Sites and Housing Plan and Policy CS24 of the Core Strategy.

iv. Design and Impact on Character of Surrounding Area

- 10.13. The proposed building would comprise principally of a three storey single block consisting of nine dwellings. The height of the building is reduced to two storeys within the south section in an attempt to mitigate the amenity impact on the adjacent property No.295 Abingdon Road. The surrounding development comprises principally of two storey traditional dwelling types, featuring pitched roofs and a principal palette of brick and render materials.
- 10.14. The adjacent Tesco building, which sits on a prominent corner plot, is a two and a half storey building and is at present the dominant building within the street scene. It is considered that any new buildings within the application site should relate comfortably to the hierarchy of the buildings within the immediate area, therefore the scale and massing of the building of the building should ensure a comfortable transition between the adjacent two and a half storey Tesco building and adjacent two storey dwellings. Contrary to this, the scale of the proposed building would exceed that of the adjacent buildings and would subsequently appear prominent owing to the height and massing of the flats.
- 10.15. The previously proposed development on the site, similarly proposed a three storey single block of flats, which was refused and was refused on the following grounds:
- “The proposed development by reason of its appearance, height and massing on a rear backland plot would appear unduly prominent and out of keeping with the character and appearance of the surrounding area contrary to policies CP1, CP8, CP9, CP10 of the Oxford Local Plan 2001-2016, MP1 and HP9 of the Sites and Housing Plan 2013 and CS18 of the Core Strategy”

- 10.16. Officers consider that the present proposals would do little to alleviate officers concerns. Alterations have been made to the design of the building, simplifying and softening the appearance of the two principle elevations. These changes are a minor enhancement in design terms and the alterations somewhat reduce the prominence of the building, though the massing of the building remains broadly similar to the previously refused scheme and at 9.2 metres in height, the building would be 0.3 metres higher than the previous proposals, which measured 8.9 metres to the roof ridge.
- 10.17. For these reasons officers consider that owing to its excessive scale, the proposed building would appear unduly prominent within the context of the immediate built environment and its height and massing fails to relate to the hierarchy of the immediate built form. The proposed development would, therefore by reason of its appearance, height and massing appear unduly prominent and out of keeping with the character and appearance of the surrounding area contrary to policies CP1, CP8, CP9, CP10 of the OLP, SP18 and HP9 of the SHP 2013 and CS18 of the Core Strategy (2011).

v. Internal and External Amenity Spaces

- 10.18. The internal spaces and dimensions of the flats would comply with the standards outlined within Policy HP12 of the Sites and Housing Plan and National Space Standards.
- 10.19. Each of the flats would be provided with external balcony spaces, which comply with the minimum dimensions of 1.5 x 3 metres. An area of external communal space to the rear of the flats is proposed, though this would not be of a particularly high standard given that a large portion of this space would be overshadowed by an existing tree, which is shown to be retained on the proposed site plan. Notwithstanding this it is considered that the development would comply with Policy HP13 of the SHP. Adequate bin storage is provided and would accord with Policy HP13.

vi. Impact on Adjacent Site

- 10.20. The supporting text to site allocation SP18 indicates the Councils desire to see a comprehensive redevelopment of the whole allocated site, including the former Fox and Hounds. Despite this desire, there is no specific requirement for comprehensive development of the whole allocated site within the Policy wording.
- 10.21. There is no breach of SP18 on this basis alone, however ensuring that no part of the allocated site is left derelict and that the best use is made of the available land is a legitimate planning objective as set out in OLP Policy CP6. To sustain an objection on this the basis, the Council would have to demonstrate that the rest of the site could not be developed independently should this development be allowed. Under the subsequent approval(s) for the Tesco's on the Fox and

Hounds the right of access over the Tesco's car park to the vacant land at the rear was secured via a legal agreement in order to ensure development of this land was not prejudiced.

- 10.22. The earlier permission and construction of Tesco's therefore sets a precedent for developing the allocated site independently and comprehensive development could not reasonably be pursued as a reason for refusal in this case. However, the proposal can still be assessed in terms of unacceptably frustrating or prejudicing re-development of the former petrol station site adjoining to the extent that it could not be developed in a way that would not be acceptable to the Council or result in it not coming forward at all.
- 10.23. In refusing the previous application on the site, officers considered that due to the height, proximity to the adjoining western boundary and windows to habitable rooms in the west facing front façade any building on the former petrol station site would be limited to a single storey development. The present proposals would do little to overcome this as there is no discernible reduction in the extent of glazing on the west elevation facing the former petrol station, with all of the windows serving habitable rooms.
- 10.24. The height of the building is greater than that of the previously refused scheme and similarly would have an overbearing impact on the frontage site, which would in turn reduce the development potential of the land. The scale and siting of the proposed building would effectively limit any development on the frontage site to single storey development, as a building of a greater scale would in all likelihood block light to the windows of the proposed flats and would result in issues of overlooking for occupants on either part of the site.
- 10.25. The implications would therefore be two fold; firstly, a single storey development would be out of keeping with the adjacent buildings and harmful to the character and appearance of the street scene, and secondly would fail to efficiently and effectively redevelop the allocated site to meet the aspirations of the Council to improve provide much needed residential accommodation and improve this gateway location into the City.
- 10.26. In summary whilst the principle of residential development on this site is acceptable, the independent re-development of this site as proposed within this application would unacceptably frustrate the redevelopment of the former petrol station adjoining with unacceptable consequences contrary to Policies CP1, CP6, CP8, CP9, CP10 of the OLP, HP9, SP18 of the SHP and CS18 of the CS.

vii. Impact on Amenity of Existing Occupants

- 10.27. The application site is surrounded by a number of properties to the rear at Peel Place, which would be materially affected by the proposed development, alongside the adjacent property to the south, No.295 Abingdon Road. The previously proposed development was refused on the basis that the development would have an unacceptable overbearing impact on these properties and would result in an unacceptable degree of overlooking.

- 10.28. Officers consider that the present proposals would have a similar impact on the amenity of the properties in Peel Place and No.295 Abingdon Road. The east facing elevation contains extensive glazing and balconies at second floor level. The extent of glazing and the position of the proposed balconies would result in overlooking and a strong perceived sense of overlooking for the occupants of the existing properties in Peel Place.
- 10.29. The previous application proposed a building, which would have measured 8.9 metres to the roof ridge at the highest point. The proposed building within this application would measure 9.2 metres to the roof ridge and would therefore be higher than the previously proposed building, which was considered to have an unacceptable overbearing impact on the adjacent properties, by reason of the building's height and massing. The overall scale of development would, at three storeys and 9.2 metres in height have an overbearing and oppressive impact in terms of its scale and massing which would consequently compromise the amenity of these properties.
- 10.30. The side elevation of the proposed building would be set only 1.9 metres away from the boundary of the adjacent property to the south of the site, which would be insufficient to mitigate against the impact of a two storey elevation, which extends a significant distance along the side boundary of this property, close to the rear windows of this dwelling and private amenity space. The scale of development is therefore considered to have an unacceptable overbearing impact on this property and would result in substantial overshadowing and loss of light to the rear amenity space and habitable rooms within this property, contrary to Policy HP14 of the SHP.
- 10.31. The proposals would result in an unacceptable level of overlooking and loss of privacy and would appear visually dominant and overbearing in relation to the properties to the side and rear of the site contrary to Policies CP1, CP8, CP9, CP10 of the OLP and Policy HP14 of the SHP.

viii. Highways

- 10.32. HP16 of the SHP sets out the requirements for larger housing developments outside the Transport Area where a new parking court is created. The site is not within a controlled parking zone. A maximum of 15 allocated spaces with 4 unallocated spaces would be required in with HP16 (Appendix 8); total of 19 spaces. In this outer suburban location Officers are of the view that car free would not be acceptable and at least one space per flat is necessary, despite the good public transport links into the City Centre. This would equate to a minimum of 9 allocated car parking spaces with 7 unallocated spaces, a total of 16 spaces under HP16.
- 10.33. The development proposes 12 spaces and includes one disabled space, which amounts to one allocated space per flat and 3 visitor spaces. No objection is raised by Oxfordshire County Council in terms of overall parking provision. On balance officers consider that the proposed parking provision would be

acceptable and would accord with the provisions of Policy HP16 of the Sites and Housing Plan.

- 10.34. Vehicular and pedestrian access to the development would be served by the existing access serving the Tesco car park. The proposed pedestrian access is considered to be inadequate. Whilst it is noted that a new access path would be formed between the site and the adjacent car park, users of this access would be required to cross the existing vehicular access and car park in order to access this through route and would serve as the only means of accessing the flats. Officers consider that the intended access would be unsafe and would compromise pedestrian safety. The highways authority also notes that this access is frequently obstructed by parked vehicles, which restricts the feasibility of using this as a pedestrian route.
- 10.35. In terms of the suitability of the access for additional vehicular use, the Highways Authority note that use of the existing junction between the Tesco car park and Abingdon Road is presently resulting in delays, which would be exacerbated by a substantial further increase in use, which would arise as a result of the siting of the proposed flats and associated parking. It is also noted that no swept path analysis has been provided showing how a refuse vehicle could enter and turn within the site.
- 10.36. Officers concur with the view of the highways authority that the development would compromise highway safety and amenity and consequently consider that the development would fail to comply with the relevant provisions of Policies CP9 and TR4 of the Oxford Local Plan; Policy CS13 of the Oxford Core Strategy and Paragraph 32 of the NPPF.

ix. Sustainability and Renewable Provisions

- 10.37. The applicants have provided an energy and sustainability statement in support of the proposed application, which outlines energy efficiency measures incorporated into the proposed development. The statement outlines that the development would allow for a 21% reduction in carbon emissions from on-site renewable technology, which would comply with the requirements of Policies HP11 of the SHP and CS9 of the Core Strategy.

x. Flood Risk

- 10.38. The majority of the application site is located within flood zone 3b, though a small section of the site falls within flood zone 3a; this includes an area adjacent to the south west boundary, which includes the partial footprint of the proposed building.
- 10.39. Policy CS11 of the Core Strategy specifies that planning permission will not be granted for any development in the functional flood plain (flood zone 3b). Developments within flood zone 2 or above are required to be accompanied by an FRA to show how the proposed development would not increase flood risk

and should include mitigation measures.

- 10.40. Policy SP18 acknowledges that the site is capable of accommodating development, notwithstanding the existing flood risk, providing that a site specific FRA is provided and providing that the development incorporates necessary mitigation measures. Reference is made within section B2.50 of the SHP to the site falling within flood zone 3a, however since this policy was worded; the boundaries of flood zones 3a and 3b have been amended.
- 10.41. The submitted FRA acknowledges that a series of measures will be incorporated within the design to mitigate the existing flood risk. SuDS drainage measures are proposed for the site in order to control surface water discharge rates. The Environment Agency have objected to the proposed development on the basis that the FRA submitted does not accord with the requirements set out in the National Planning Practice Guidance and subsequently does not provide a suitable basis for an assessment to be made of the flood risk arising from the proposed development. In particular the FRA does not provide an adequate assessment for the flood plain storage within the 1% annual probability (1 in 100) flood extent with an appropriate allowance for climate change. It is suggested that this objection could be overcome by the submission of further details, though such details have not been provided.
- 10.42. The submitted Flood Risk Assessment demonstrates that flood compensation measures have been provided, along with flood resistance/resilience measures. The Councils Flood Mitigation Officer has suggested that these measures should be adequate to mitigate the existing flood risk.
- 10.43. The FRA assesses the risk of flooding to people/flood hazard, shown by the EA Flood Hazard map as 'Danger for Some' and 'Danger for Most'. The EA recommend that a 'Very Low Hazard' route of egress is provided in a flood event, to a dry place, in order not to add to the potential work of the local emergency services should the occupants need to be rescued.
- 10.44. The proposed site plan does not have this egress route, and therefore raises a concern for the occupants in a flood event. The single, narrow means of access is compromising of the ability to provide a dry means of escape in the event of flooding and is further indicative that developing the site comprehensively as a whole should be the preferable option.
- 10.45. Taking each of the above factors into account, officers consider that the development would fail to comply with the provisions of Policy CS11 of the Core Strategy and Paragraph 103 of the NPPF.

xi. Land Contamination

- 10.46. The application is accompanied by a supporting letter assessing contamination risks on the site. The findings on the letter have been reviewed and are supported by the Councils Land Quality Officer. Overall subject to remediation and further investigation, existing contamination would not preclude development of the site.

11. CONCLUSION

- 11.1. The application proposes the development of a single building consisting of 3 x 1 bedroom dwellings and 6 x 2 bedroom dwellings.
- 11.2. The proposed development would be overbearing and visually dominant in terms of its scale and massing and would fail to relate appropriately to the character, scale and appearance of the neighbouring built form. Both the scale and siting of the proposed development would impact detrimentally on the amenity of adjacent residential dwellings by reason of the overbearingness of the built form, overlooking and loss of light. Furthermore the siting and scale of the proposed development would compromise future development of the former petrol station site, which fronts the Abingdon Road, which would compromise the potential to make best use of the wider allocated site.
- 11.3. The development would also have a detrimental impact on highway safety and amenity by reason of the intensified use of an access, which is already at capacity. The siting of development and single means of access would not allow for a safe means of escape in the event of flooding, coupled with the high flood risk this would not be acceptable.
- 11.4. It is therefore recommended for the reasons outlined within this report that the Committee resolve to refuse planning permission.

12. REASONS FOR REFUSAL

1. The proposal fails to provide an appropriate mix of housing in an area identified in considerable need of family housing and is therefore contrary to Policy CS23 of the Core Strategy and the Balance of Dwellings Supplementary Planning Document.
2. The proposed development by reason of its appearance, height and massing on a rear backland plot would appear unduly prominent and out of keeping with the character and appearance of the surrounding area contrary to policies CP1, CP8, CP9, CP10 of the Oxford Local Plan 2001-2016, MP1 and HP9 of the Sites and Housing Plan 2013 and CS18 of the Core Strategy.
3. The proposed development of this rear backland plot by reason of its appearance, internal layout, height, massing and proximity to the western boundary would unacceptably prejudice the re-development of the former petrol station site to the west adjoining fronting the Abingdon Road to the detriment of effective, efficient and acceptable form of development on an allocated site contrary to CP1, CP6, CP8, CP9, CP10 and SP18.
4. The proposed development by reason of its overall height and massing and number of large east facing windows, together with balconies and private terraces would result in an unacceptable level of overlooking into the adjoining properties gardens and houses to the east on Peel Place and a significant sense of being overlooked by the occupiers of those properties to the detriment of existing and future occupiers' residential amenity contrary to

Policies CP1, CP8, CP9, CP10 of the Oxford Local Plan 2001-2016 and Policy HP14 of the Sites and Housing Plan 2013.

5. The proposed development by reason of the height, massing and proximity to the eastern boundary with adjoining properties to the east on Peel Place and proximity to adjoining property to the south would appear overbearing and visually dominant to these properties and their gardens contrary to Policies CP1, CP8, CP9, CP10 of the Oxford Local Plan 2001-2016 and Policy HP14 of the Sites and Housing Plan 2013.
6. The updated FRA fails to provide a suitable basis for assessment to be made of the flood risks arising from the proposed development; furthermore the proposals do not make provision for a route of egress in event of flooding. The proposals would therefore be contrary to Policies SP18 of the SHP, CP22 of the OLP and CS11 of the CS and paragraphs 102 and 103 of the NPPF.
7. The development as proposed fails to make safe provision for access and the movement of pedestrians, furthermore the existing vehicular means of access would be unsuitable to accommodate the intensification in vehicular use which would arise as a result of the development. The proposals would therefore compromise the safe movement of pedestrians and would be to the detriment of highway amenity and the safe movement of road users contrary to the provisions of Policies CP9 and TR4 of the Oxford Local Plan; Policy CS13 of the Core Strategy and Paragraph 32 of the NPPF.

13. APPENDICES

Appendix 1 – Site Plan

14. HUMAN RIGHTS ACT 1998

- 14.1. 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.

15. SECTION 17 OF THE CRIME AND DISORDER ACT 1998

- 15.1. 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 refusal of planning permission, officers consider that the proposal will not undermine crime prevention or the promotion of community.

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