

## EAST AREA PLANNING COMMITTEE

02.09.2020

<b>Application number:</b>	20/00821/FUL		
<b>Decision due by</b>	27th May 2020		
<b>Extension of time</b>	10th September 2020		
<b>Proposal</b>	Redevelopment of existing light industrial unit to provide 5 x 2-bed flats, 2 x 3-bed dwellings and 2 x 4-bed dwellings (Use Class C3) provision of private amenity space, car parking and bin and bicycle storage. Demolition of garage to no. 10 Marshall Road to enable improvements to access from the public highway.		
<b>Site address</b>	Rear Of, 10 - 28 Marshall Road, Oxford, Oxfordshire – see <b>Appendix 1</b> for site plan		
<b>Ward</b>	Lye Valley Ward		
<b>Case officer</b>	Clare Gray		
<b>Agent:</b>	Mr Simon Sharp	<b>Applicant:</b>	Drennan International Ltd
<b>Reason at Committee</b>	Development is over 5 houses		

### 1. RECOMMENDATION

1.1. East Area Planning Committee is recommended to **REFUSE** planning permission for the following reasons :

1. The proposed development has failed to demonstrate that the proposal makes the best use of the site's capacity through exploring all available opportunities in a manner compatible with both the site itself and the surrounding area. The development therefore results in an inefficient use of the land contrary to the aims and objectives of policy S1 and RE2 of the adopted Oxford Local Plan 2036
2. The proposed development by reason of its siting, layout, scale and appearance fails to provide a high quality residential development that responds to the local vernacular, is locally distinctive and provides a sense of place for the occupiers of the development, contrary to policies in the NPPF and DH1 of the adopted Oxford Local Plan 2036.
3. The proposed development fails to provide safe and convenient bike storage within the curtilage of the dwellinghouses to the south east of the site. Had the above reasons for refusal not have applied, the LPA would have sought amended plans to demonstrate that bike storage for the



occupiers of the houses could be provided in a safe, accessible and convenient manner on site and within the rear curtilage of the houses, therefore promoting and supporting alternative modes of transport in accordance with sustainability objectives and policy M5 of the Oxford Local Plan 2036.

**1.2 agree to delegate authority** to the Head of Planning Services to:

finalise the reasons for refusal as set out in this report including such refinements, amendments, additions and/or deletions as the Head of Planning Services considers reasonably necessary;

## **2. EXECUTIVE SUMMARY**

- 2.1. This report considers the development proposal, having regard to its current employment use, making the best use of the site and the scale, massing, form, siting and layout and the impact of the proposal on the context of the site in its surroundings, as well as other development management policies.
- 2.2. Officers have considered carefully the loss of the current low employment use of the site and consider that the principle of redeveloping this brownfield site has the scope to deliver housing, vital for Oxford's needs. However, in this instance, the applicant has failed to demonstrate through evidence that the scheme maximises the use of this site and maximises the opportunity to redevelop the site in a way that optimises the use of the site whilst still providing a mix of housing and having regard to the character and appearance of the area.
- 2.3. Officers also considered the site's layout, scale, form and character, and conclude that the scheme does not deliver a high quality residential environment for its residents, with a site layout that is dominated by the provision of turning space and parking, and it does not respond in a positive way to the local character and context of the locality through shared amenity space and areas to play. The scale of the buildings are at odds with neighbouring buildings and the appearance of the buildings do not reflect the local vernacular, characterised by interwar housing, not responding to the local character and context in a positive way.
- 2.4. Finally the report considers that had the above reasons for refusal not have applied, amended plans would have been sought in respect of cycle storage for the dwellings to the south east of the site. As currently sited the cycle storage is removed from the dwellings, in a less convenient and safe position for the occupiers of these properties. Amended plans would have been sought that places cycle stores in rear gardens in a safe, convenient and accessible manner.
- 2.5. The report concludes that in light of the above issues and when considered against the NPPF and adopted Development Plan policies the proposal is contrary to the Development Plan and NPPF and is recommended for refusal.



### 3. LEGAL AGREEMENT

3.1. This application is not subject to a legal agreement as the scheme is less than 10 dwellings (see affordable housing delivery section below)

### 4. COMMUNITY INFRASTRUCTURE LEVY (CIL)

4.1. The proposal is liable for CIL.

### 5. SITE AND SURROUNDINGS

5.1. The application site relates to a brownfield site located to the rear of houses on Marshall Road, a residential road of interwar housing that is located to the east of Oxford. The site runs parallel, and to the south of nos. 10-28 Marshall Road. The site area is 0.21ha.

5.2. The site is accessed by an unfinished road to the side of 10 Marshall Road. This provides access to a large single storey brick warehouse building which sits within the middle of the site. The Planning Statement indicates that the site is used as a secondary storage facility for a manufacturing company that has since moved its primary function making fishing tackle to a site in Berinsfield. The applicant uses this building as ancillary storage.

5.3. The site is surrounded on all boundaries by residential dwellings.

5.4. See location plan below:



Copyright and database right 2020.

Crown



## **6. PROPOSAL**

- 6.1. The application proposes to demolish the existing storage building and to redevelop the site for housing, providing a total of 9 units overall, comprising 5 x 2 bed flats, 2 x 3 bed houses and 2 x 4 bed houses.
- 6.2. The site layout shows that access will be provided alongside 10 and 8 Marshall Road and will necessitate the removal of a garage and shortening of the garden to no. 10 to facilitate the scheme.
- 6.3. On entry into the site would be a flatted block of 5 units to the west of the site with a turning head in front and a row of 4 houses to the rear to the east. Parking will be provided for the development in front of the houses and to the rear of the flatted block for a total of 9 cars (as amended, more details at 6.4 below). There will be further parking for 10 Marshall Road provided to the rear of this property in the form of one car parking space in a lay-by arrangement adjacent to the access road.
- 6.4. The application has been modified during the course of the application to increase landscape planting on the site so that it has a more landscape led layout, with tree planting and grassed areas. As mentioned above this has resulted in the total number of car parking spaces being reduced from 11 to 9 for the new flats and houses plus one space for 10 Marshall Road.
- 6.5. Amenity space for the flats will be provided with a balcony and a rear garden will provide amenity space for the houses to the east.

## **7. RELEVANT PLANNING HISTORY**

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

54/03435/A_H - Caravan. TEMPORARY PERMISSION 23rd February 1954.
55/00435/D_H - Single storey building (in principle). PERMITTED 22nd November 1955.
55/00436/D_H - Workspace store etc. (in principle). REFUSED 22nd November 1955.
55/04741/A_H - Change of use to offices and car park. REFUSED 16th September 1955.
56/05139/AA_H - Alterations and additions. PERMITTED 14th August 1956.
56/05139/A_H - Building for storage of cars. PERMITTED 24th April 1956.
75/01087/A_H - Existing use to be varied by deleting the conditions that:-a)



Consent Shall ensure for benefit of Kennings onlyb) That work shall be restricted to Nuffield pre-delivery service. WITHDRAWN 20th December 1975.

76/00304/A\_H - change of use from light industrial to builders yard with ancillary facilities. WITHDRAWN 1st July 1976.

76/00927/A\_H - Change of use from light industrial to furniture depositing for Luke Brothers Ltd.. REFUSED 19th January 1977.

87/00895/NF - Continuation of use of premises for Class III light industrial (now Class B1) as approved under A5005 without compliance with conditions 2 and 5 (limiting the use to Kennings Ltd and Nuffield Pre-delivery service). PERMITTED 6th November 1987.

This was permitted subject to the following conditions :

1. Development to be carried out in accordance with approved details.
2. Development to be commenced within 5 years of the date of the permission.
3. Consent to be personal to Drennan International Ltd, excluding office use other than ancillary office accommodation to serve production activity.
4. Submission of landscape plan prior to the commencement of development, including a survey of existing trees, proposed trees and paved/grassed areas.
5. Landscaping to be carried out upon substantial completion of the development.
6. Drawing showing hard surfacing to be provided concurrent with soft landscaping.
7. Working hours restricted to 0730 – 1800 (Monday to Friday) and 0730 – 1300 on a Saturday. No work on Sundays or Bank Holidays.
8. Noise from operations to be restricted to 47dBa 60 second leq as measured from the boundary to the site
9. The rear corrugated brick and asbestos wall to be removed and rebuilt in brickwork to match the existing building, with the only opening to remain within the rebuilt wall being a single pedestrian entrance.

99/00059/NF - Demolition of detached building and extension to remaining warehouse to provide 154 sq. m. additional floor space.. PERMITTED 25th June 1999, but was not implemented.



## 8. RELEVANT PLANNING POLICY

8.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework	Local Plan	Other planning documents
Design	117-123, 124-132	DH1, DH2,	
Conservation/Heritage	184-202	DH3	
Housing	59-76	H2, H14, H15, H16, RE7	
Commercial	170-183	E1	
Natural environment	91-101	G2, G7, G8	
Social and community	102-111	RE5	
Transport	117-123	M1, M2, M3, M4, M5	Parking Standards SPD
Environmental	117-121, 148-165, 170-183	S1, RE1, RE2, RE3, RE4, RE6, RE9	Energy Statement TAN
Miscellaneous	7-12	SR1, SR2	External Wall Insulation TAN,

## 9. CONSULTATION RESPONSES

9.1. Site notices were displayed around the application site on 6th April 2020.

### Statutory and Non Statutory representations

9.2. Oxfordshire County Council (Highways) - The proposals are unlikely to have a detrimental impact on the local highway network in traffic and safety terms. Oxfordshire County Council do not object to the granting of planning permission, subject to conditions

9.3. Thames Valley Police Crime Prevention Design Adviser – Does not object, but raises concerns regarding design features of the scheme.



## **Public representations**

9.4.20 comments were received on this application from addresses in Marshall Road, Wilkins Road, Bleache Place. All representations make objections to the scheme.

9.5. In summary, the main points of objection were:

- Concern that the development will overlook and have an impact on neighbouring properties. Loss of privacy to nearby properties, building too high with balconies and windows facing neighbouring properties
- Height of the flats are higher than the existing building roofs, blocking out natural light into the neighbouring gardens
- Concern with noise and disturbance
- Potentially as many as 45 people moving into the dwellings, which will have an impact on parking; more traffic to the area. Parking is already an issue in the road. There is an inadequate amount of parking provision for the number of residents and visitors and increased street parking will reach dangerous levels. The transport statement states occasional on street parking in Marshall Road. This is not correct with the road being used by residents of Marshall Road, Brookes Hall of Residence, Smith and Lowe etc. Having one parking space per household, will not be sufficient. Council are already aware of traffic congestion in the area, this development will only increase the traffic problem.
- Disturbance to the wildlife on the site (namely bats). There is also a number of rare birds, squirrel and foxes have been seen in the vicinity of the site
- Number of potential occupants will put pressure on local amenities/health resources (i.e. doctor surgeries)
- This is an excessive development of non-affordable housing
- Development will be health and safety hazard from increased traffic on Marshall Road access to Hollow Way recreation ground
- Concern with surface water rain water will be drained on to Wilkins Road, if not managed properly, properties can get flood with excess water flow into properties
- The site has a narrow access (even with the garage of no. 10 Marshall Road being removed). The site is being over developed with so many dwellings in a small area.
- Development will have an impact on the character of the area and is too big. A multi-storey building like this is unconscionable in such a small area and being surrounded by standard two storey houses
- Increase in pollution will be the result of so many dwellings with cars backing onto gardens
- Bin storage should be provided on the site of each dwelling and not altogether. This will become a dumping area and attract vermin.



- Bike racks should be provided in the gardens of each dwelling
- As Marshall Road is a narrow road with added cars parking on both sides of the road, this will have restrictions of emergency vehicles have access. This will also be the case for refuse and delivery vehicles
- Proposed development is too close to boundary fencing
- The transport statement (2.2) reports no recorded collisions. There has been damage to numerous cars parked in Marshall Road over the years. Previous applications on this site, which have been on a smaller scale, have been rejected

#### **Officer response**

9.6. Officer's comments and response to any of the points above will be dealt with later in the report in the following section. However to clarify, there have been no recent applications on this site.

## **10. PLANNING MATERIAL CONSIDERATIONS**

10.1. Officers consider the determining issues to be:

- Principle of development
- Making efficient use of land
- Delivering affordable housing
- Impact on the character and appearance of the area
- Indoor and outdoor amenity
- Impact on residential amenity
- Highways
- Refuse arrangements and bin storage
- Flooding and drainage
- Archaeology
- Biodiversity
- Land contamination
- Air Quality
- Trees

### **a. Principle of development**

10.2. The National Planning Policy Framework encourages the efficient use of previously developed land. The adopted Local Plan S1 sets out the strategy of the presumption in favour of sustainable development and the focus of new development on intensifying development on previously developed land, as it acknowledges this is not only the best practice but essential in a constrained urban environment like Oxford.



- 10.3. The site is an employment site by reason of its planning history and its current use as a secondary storage site. The site would be identified as a Category 3 site under policy E1 of the adopted Local Plan. This policy states “Proposals for residential development on Category 3 employment sites will be assessed by a balanced judgement which will take into account a number of objectives including the desirability of meeting as much housing need as possible, the need to avoid loss of or significant harm to the continued operation or integrity of businesses and employment sites; the essential importance of creating satisfactory residential living conditions and a pleasant residential environment with a sense of place and the desirability of achieving environmental improvements such as biodiversity gains, improvement of living conditions and planting. The loss of Category 3 sites to housing therefore is a balancing exercise.
- 10.4. In response the agent advises this is an area of the city which is considered to be sustainable and an appropriate location for residential development. In their opinion the site is proposed to be developed at a density that is compatible with the density of surrounding development, and comprises development of a brownfield site reducing the need to build on greenfield land. Subsequently, the agent argues that more effective use of the site can be made than is currently used, with the mix of unit sizes responding to prevailing character. In terms of the ongoing operational use of the site, the agent advises the site is located off a narrow access off Marshall Road and the existing building and site are no longer suitable for their authorised purpose as light industrial use. Until 2010 it was being occupied as a main dispatch warehouse until the company moved to Berinsfield. The site is now used as overflow storage for the company with 2 employees. Officers are advised that the company has purchased another larger warehouse in Berinsfield, therefore removing the need for this building. Having regard to a sense of place close to facilities, the Planning Statement remarks this is a suburban location with good walking access to services and thus will provide a good standard of residential living conditions. Finally in respect of environmental enhancement, the agent argues this is a chance to redevelop a brownfield site and make ecological enhancements.
- 10.5. Overall it is considered that this would present an opportunity to redevelop a previously developed site to bring forward housing that would contribute to meeting Oxford’s housing need. The site currently generates a very low number of jobs and this is acknowledged in the balancing exercise. Through assessment against development management policies below, the site has the scope to provide a good standard of accommodation and to provide ecological and environmental gains. Therefore taking all factors into account, it is considered on balance that the principle of the redevelopment of this site is acceptable.

#### Making an efficient use of land

- 10.6. The Oxford Local Plan 2036 states in policy RE2 that planning permission will only be granted where development proposals make maximum and appropriate use of the land. The NPPF further makes it clear that maximizing the use of sites to deliver housing is a key planning objective.



- 10.7. The proposal is to redevelop the site to provide 9 units, with 5 provided as flats within a block on the entrance into the site and 4 dwellings in a terrace formation to the rear. However, it is considered there is scope to accommodate a higher number of units within the site whilst still providing a scheme that responds favourably to the interwar context of the site. Such a development could comprise two blocks of flats or a row of terraces through the site in an east west direction.
- 10.8. In the pretext to policy RE2 it makes it clear that sites like these are vital for bringing forward housing development and to meeting Oxford's high levels of need.
- 10.9. This issue has been raised with the agent and an evidence based assessment has been asked to be provided to demonstrate that "opportunities for developing the site at the maximum density has been fully explored" (criterion c) of the policy. Presently the current density of dwellings as proposed is 42 dph, but there could be scope for a higher number. The agent was asked to respond on this matter and advised that the current provision provides for a mix of 2, 3 and 4 bed units therefore providing smaller units as well as family units. They argue that to provide for the same level of occupiers would necessitate the erection of flats which would remove family size dwellings from the mix currently provided. So whilst they agree that the units could be increased, they argue that the provision of bigger houses would have to be removed in favour of smaller units.
- 10.10. Policy H4 of the adopted Local Plan 2036 requires residential development to deliver a balanced mix of dwelling sizes to meet a range of housing needs and create mixed and balanced communities. It does not prescribe what that mix should be. Currently as provided the scheme is considered to provide a mix of dwelling sizes.
- 10.11. It is vital for housing delivery in Oxford that these sites are maximised to bring forward the best use of the site. However, whilst it is acknowledged that by increasing the number of units on site could impact on the mix of dwellings, particularly family dwellings, this has not been demonstrated with evidence. Such evidence could be through the submission of plans that demonstrate that a mix of dwellings cannot be maintained as well as increasing the density of the site, and potentially delivering affordable housing. In the absence of any further analysis to substantiate this, it is considered the application has not demonstrated that all opportunities for maximising the efficient use of land have been explored and that the site couldn't accommodate a greater number of units as well as providing a balanced mix.
- 10.12. Overall, it is considered the proposal is considered contrary to the guidance in the NPPF to maximise the use of land and contrary to the overarching policy S1 of the Local Plan and policy RE2 of the Local Plan.

#### **b. Delivering Affordable Housing**

- 10.13. Policy H2 of the Oxford Local Plan 2036 states that planning permission will only be granted for residential development of affordable homes if they accord with the criteria within the policy. On self-contained residential developments



where sites have a capacity for 10 or more homes or exceed 0.50 ha, a minimum of 50% dwellings should be provided as affordable.

10.14. In this case the site area is 0.21ha and is a scheme for 9 dwellings and wouldn't trigger the above policy.

10.15. It is clear however, that having regard to the conclusions in the preceding section of maximising the use of the site, that the site could have the ability to deliver affordable housing. By increasing the density of the site as stated above, which has not been demonstrated, also could bring forward the opportunity for affordable housing which would be a significant gain in planning terms, not only maximising the use of the site but also maximising the site's ability to provide affordable housing. However, this of course needs to be tested against policies in the Local Plan.

### **c. Impact on character and appearance of the area**

10.16. Policy DH1 of the adopted Oxford Local Plan states planning permission will only be granted for development of high quality design that creates or enhances local distinctiveness. All developments will be expected to be supported by a constraints and opportunities plan and supporting text to explain design rationale in a design statement proportionate to the proposal

10.17. The development lies to the rear of interwar housing typical of this part of East Oxford, which comprises mainly semi-detached housing with long rear gardens.

10.18. The proposal comprises a flatted block in the centre of the site and terraced housing to the east. There is turning provision for servicing and deliveries to the end of the access road from Marshall Road and then a further parking area and turning space between the flats and the terraced dwellings.

10.19. Siting and layout: Being a rear backland site, the site does not have a prominent legible position on the main road, however, this does not diminish the need to plan appropriately for the site, to create an appropriate residential environment that responds to the site's context and creates a desirable high quality space for residents.

10.20. Officers note that the site is restricted, but that the siting and layout of the buildings do not provide any shared outside space, and that the dwellings are centred around and dominated by parking and turning space that in turn contributes to a feeling of enclosure and would not create a strong sense of place. With such a layout, hardstanding dominates the landscape and means there is little opportunity to create amenity space and an area for informal play, which is desirable. A scheme with two areas for turning and parking is considered excessive and a missed opportunity to enhance the quality of the public realm. In response the applicant has made changes to the layout to remove 2 car parking spaces reducing it from 11 to 9, and to increase landscaping to the front of the block of flats which is amended to provide a sense of place upon arrival into the site so that is not dominated by car parking. This amendment has been reviewed and it is considered whilst this is an improvement over the original layout, that ultimately this is still a layout that is



dominated by vehicles, which does not optimise the sense of place and public realm of occupiers.

10.21. Scale and appearance: The flatted block is of a conventional appearance of 2.5 storey but includes a tall traditional pitch that creates a deep roof span. The dwellings to the east are 2.5 storey with accommodation in the roof with the gable facing east west. This pair of semis creates therefore a run of gable roofs that are at a clear contrast to the vernacular of the interwar housing that surrounds the site, which is of standard 2 storey scale and appearance. The result of this is that the scale of the buildings would be greater than those surrounding, at odds with the vernacular and context of the site. Officers consider that given the constrained nature of the site surrounded by residential buildings of a particular style, the scale of the proposed buildings and particularly the roofs larger than neighbouring buildings, would jar with the prevailing character of buildings and consequently be out of place. The gabled roofs, coupled with their height would specifically be out of character and introduce a building form not in keeping with the context of Marshall Road. Whilst these buildings are not sited onto the road, the buildings are visible in views between houses on Marshall Road and Wilkins Road. Overall it is considered the scale of the buildings and their appearance would not be appropriate in their context, and would not be distinctive.

10.22. Officers have discussed this with the agent/applicant and in response they have stated that many neighbouring houses utilise space in the roof and it has been driven by the requirement to maximise the use of the site by RE2. However, whilst there is no objection to maximising the space provided this must be in a form that reflects the vernacular and context of the site. Dwellings can be designed to be reflective and complimentary of local vernacular and in a form that maximises the floorspace, but in a manner that responds positively to its context. It is not considered that the scale and appearance achieves this.

10.23. Overall, it is considered that the siting, layout, scale and appearance of the development does not maximise the opportunities to deliver a scheme that would make the best use of the site. It does not deliver a scheme that provides a high quality residential environment for its residents it is dominated by the provision of turning space and parking, and it does not respond in a positive way to the local character and context of the locality. The scheme has not been the subject of any pre-application discussion with officers to bring forward a development that considers these matters and the responses received during the life application do not overcome these concerns either. Subsequently for the reasons stated, the scheme is considered to fall short of the objectives of DH1 of the Oxford Local Plan 2036.

#### **d. Indoor and outdoor amenity**

10.24. The proposal is for 9 significant dwellings, all of a size that would meet with the Nationally Described Internal Space Standards as required by policy H15 of the Oxford Local Plan 2036

10.25. In terms of outdoor space, each dwelling is provided with amenity space. The flats are all served by a balcony and the dwellings have a rear garden which is



considered to provide the necessary outdoor space commensurate for dwellings of this size in accordance with policy H16 of the Oxford Local Plan 2036. The shortening of the garden of 10 Marshall Road as required as part of the proposal is also considered acceptable in terms of serving a family home.

**e. Residential Amenity**

- 10.26. Policy H14 of the adopted Oxford Local Plan states planning permission will only be granted for new development that provides reasonable privacy, daylight and sunlight for occupants of both existing and new homes. Policy RE7 states planning permission will only be granted for development that ensures the amenity of communities, occupiers and neighbours is protected and does not have unacceptable transport impacts affecting communities, occupiers, neighbours and the existing transport network and provides mitigation measures where necessary.
- 10.27. The buildings are centred within the site and are primarily east west facing with a separation distance of 25m from the rear wall of nos. 14 and 16 Marshall Road to the flatted scheme and 23.5m from 24 Marshall Road to the side wall of the proposed dwellinghouses. From the rear wall of the dwellinghouses to houses on Wilkins Road this distance increases to 34.5m. Therefore in terms of separation distance from neighbouring dwellings to the site, there is considered to be sufficient distance so that the physical scale and massing of the buildings would not cause a loss of daylight or sunlight, be overbearing or affect outlook.
- 10.28. In terms of privacy, the buildings principally are orientated east west, with only windows to non-habitable rooms in the side elevations of buildings. This would be sufficient to prevent any direct loss of privacy into the neighbouring gardens from within the dwellings. However, it would be necessary for privacy screens to be placed on the balconies should approval be recommended to ensure that there would be no loss of privacy from the flats to neighbouring gardens. This hasn't been shown on the plans but could be secured by condition had the proposals otherwise been acceptable.
- 10.29. The site is surrounded on all boundaries by residential properties, utilising a sole access between 8 and 10 Marshall Road to access the site. The use of this to serve 9 dwellings would generate a number of daily trip rates that could be an increase in movements over how the site is currently operating as ancillary storage. However, the site has permission to operate as B1(c) light industrial. Having regard to the planning history it is considered that the applicant can operate within the B1 (c) use class in an unrestricted manner, with no controls in respect of the number of vehicles or floorspace. However, it is acknowledged that the operator must be Drennan Ltd and it is noted that the condition restricting movements did prohibit office use, as it was considered that office use could create excessive vehicle movements in a residential area. The only other condition was a noise condition on boundaries, again to prevent excessive noise and disturbance. In terms of comparing the proposed use of the site with its authorised use, County Highways have advised on the likely traffic implications in terms of number of movements and advise that it is likely to be "slightly more" movements than used by the site, and as such this increase needs to be considered in light of the site's authorised light industrial use.



10.30. The application site is a backland development enveloped by private rear gardens. In this location, redevelopment of the site in the manner proposed will result in an increase in transport movements within areas that are used as private rear gardens. However, as stated above it is a material consideration that this area occupies a light industrial unit. Overall, whilst there is considered a minor increase in transport movements, this is considered a low number overall, and comparable with the existing use of the site. Also regard needs to be given to the nature of the movements that maybe associated with a B1 (c) use compared to a residential use and it is likely that the latter would involve less heavy goods vehicles which would be beneficial to the amenities of surrounding residents. Further whilst mitigation measures have not been advocated by the applicant, it is also considered that measures such as the erection of acoustic fences could be erected along the site's boundary with 8 and 10 Marshall Road to lessen the impact of disturbance caused by increased movements. Overall, it is considered that in general, the use of the site for residential would be compatible with the residential character of the area, and the scheme is compliant with policies H14, RE7 and RE8 of the Oxford Local Plan.

#### **f. Highways**

10.31. Transport policies of the Local Plan seek to ensure development proposals prioritise cycling, walking and public transport. Parking policy M3 states for locations outside of CPZs, planning permission will only be granted where the relevant maximum standards set out in Appendix 7.3 are complied with. In this instance, the site falls outside a CPZ and the standard of 1 car space per dwelling is applicable.

10.32. The application is submitted with a Transport Statement and this has been reviewed by Oxfordshire County Council, noting the size and position of the access road, the parking, traffic generation.

10.33. County Highways consider the proposed access is acceptable in terms of width and visibility, and designed as a shared surface for vehicles and pedestrians and cyclists. County Highways have indicated that the access road arrangement with a dropped kerb vehicle crossover has satisfactory visibility in both directions.

10.34. In terms of refuse and emergency vehicles, the access and turning facilities are suitable to accommodate this within the site. A shared surface is considered acceptable in this location as the access is appropriately wide. The proposals are accessible for both a fire tender and refuse vehicle with adequate space for turning and refuse collection.

10.35. In respect of parking, the site layout plan has been revised by the applicant to reduce the parking to a total of 9 spaces, providing 1 car space per dwelling proposed. In respect of 10 Marshall Road, it is proposed to place a car parking space to the rear of the house alongside the access road, to replace the garage that is lost to the proposal. Whilst the objections of local residents are noted and local road conditions and congestion on Marshall Road and surrounding streets, it is considered the provision of 1 space per dwelling is acceptable and accords



with policy M3 of the Oxford Local Plan. There would not be a justifiable reason for refusal on parking grounds.

10.36. In respect of cycle parking a covered cycle store for 24 bicycles is shown along the south western boundary which is in accordance with the Cycle Parking standards in Appendix 7.3 of the Local Plan. There is however a concern that the provision for cycle parking for the houses should be made within the rear garden, so that cycle parking is made convenient, safe and accessible for these occupiers. Where it is currently sited, is divorced from these occupiers and in a location that is unlikely to support its use, contrary to objectives to promote alternative modes of transport and contrary to policy M5 of the Local Plan. In respect of the siting of storage for the occupiers of the flats, this is considered acceptable. Had the application been acceptable, the LPA would have sought amended plans to secure this, however, as proposed would be a reason for refusal.

10.37. In respect of electric vehicle charging the applicant has indicated 4 of the car parking bays can be installed with EVC points which is in accordance with policy M4 of the Oxford Local Plan.

10.38. Overall, County Highways consider that the provision of 9 dwellings in this location is unlikely to have a severe impact on the local highway network in terms of traffic generation due to the low number of dwellings. Therefore, the proposals are unlikely to have a detrimental impact on the local highway network in traffic and safety terms. Had the scheme been otherwise acceptable, conditions would have been imposed to secure a CTMP, visibility splays and dropped kerbs and subject to this would have been considered to comply with policies M1, M2, M3 and M4 of the Oxford Local Plan. However the scheme is contrary to policy M5 of the Local Plan. Had the above reasons for refusal not applied, Officers would have sought amended plans that would have placed cycle parking to the houses in the rear gardens, which would have provided a safe, accessible and convenient store, as well as promoting alternative modes of transport. Failure to show this renders the scheme unacceptable against policy M5 of the Plan.

#### **g. Refuse arrangements and bin storage**

10.39. Policy RE7 states planning permission will only be granted for development that complies with a range of criteria including factors regarding waste.

10.40. The site layout plan shows a covered area of bin storage along the southern boundary. The layout plans confirm a refuse vehicle can enter the site, turn and exit in a forward gear

10.41. Residents will need to move bins to the bin storage area on the boundary, and the submitted plan confirm that the houses to the east are within the 25m recommended in the Council's Technical Advice Note on Waste Storage for distance to collection point.



10.42. Had the scheme been otherwise acceptable, the bin storage would have been secured through a condition and would have complied with policy RE7 of the Local Plan.

#### **h. Flooding and drainage**

10.43. The site is located in Flood Zone 1 on a site of less than 1ha, as such a flood risk assessment is not required under policy RE3 of the Oxford Local Plan. Policy RE4 states all development proposals will be required to manage surface water through Sustainable Drainage Systems (SuDS) or techniques to limit runoff and reduce the existing rate of runoff on previously developed sites.

10.44. Drainage is shown via underground attenuation tanks which is not generally preferred as a means of drainage. However the applicant has explained that this is a difficult brownfield site, and swales/basin were not acceptable due to insufficient room. Further porous paving was discounted due to the inabilities of the stone reservoir to contain the storage. Therefore a geo-cellular storage is proposed below ground which will be used in conjunction with drains and porous paving with gardens and enhancement of trees adding to the biodiversity value of the site, which is an improvement over the current status of the brownfield site being covered in concrete hardstanding. Officers have considered that given the justification provided that the combination of geo-cellular storage and porous paving is acceptable subject to appropriate conditions had the scheme otherwise been acceptable. The proposals would accord with policy RE4 in this regard.

#### **i. Archaeology**

10.45. Policy DH4 of the Oxford Local Plan 2036 states that development proposals that affect archaeological features and deposits will be supported where they are designed to enhance or to better reveal the significance of the asset and will help secure a sustainable future for it.

10.46. The application is supported by an archaeological desk based assessment, which indicates that the site has medium to high potential for Roman remains. The site is located within a broad corridor of Roman activity associated with the Dorchester to Alchester Roman Road 850m to the east and is 300m from the nearest recorded Roman activity. Given the modest size of the site and its distance from known Roman remains it is considered the potential for Roman remains low to medium. It is also considered the site constraints posed by existing structures. Taking into account the results of the desk based assessment it is recommended a conditioned approach involving post-demolition trial trenching followed by further work if required and such a condition would be recommended had the proposals otherwise been considered acceptable. The proposals would comply with policy DH4 on this basis.

#### **j. Biodiversity**

10.47. Policy G2 of the Oxford Local Plan states development that results in a net loss of sites and species of ecological value will not be permitted. Sites and species important for biodiversity and geodiversity will be protected.



10.48. The proposal includes the demolition of a warehouse, which has the potential for being used for roosting. To that end a Preliminary Ecological Appraisal and Bat Survey Report has been submitted and the surveys confirm the presence of a Common Pipistrelle bat roost. Therefore, mitigation would need to be undertaken prior to the demolition of the building, in line with the recommendations within the report, as well as obtaining a European Protected Species Mitigation Licence from Natural England and provision of artificial roost features. Full mitigation measures would be required to be agreed with Natural England. In addition details of ecological enhancements should be provided. Subject to conditional approval to require the applicant to undertake this mitigation and the provision of ecological enhancements had the proposals otherwise been acceptable, it is considered that the proposal would comply with policy G2 of the adopted Oxford Local Plan 2036.

#### **k. Land contamination**

10.49. Policy RE9 of the Local Plan states where proposals would be affected by contamination or where contamination may present a risk to the surrounding environment, must be accompanied by reports that details investigation and mitigation measures.

10.50. Officer's note the historical potentially contaminative uses of the site, including as a Builder's Yard and Vehicle Garage and Storage Yard. As such there is a requirement to undertake a suitably robust intrusive ground investigation to assess potential contamination risk to future occupiers and the surrounding environment. A Phase 1 Ground Condition Assessment (contamination) has been submitted with the application as well as a Sensitive Development Contamination Questionnaire.

10.51. These reports concur with Officer recommendations for an intrusive site investigation at the site due to the potential contamination risks that may be present and the sensitive residential development proposed. Overall, it is considered there are no objections to the redevelopment of the site for residential use subject to conditions regarding a phased risk assessment; remedial works to be completed prior to occupation and evidence of contamination present during construction be reported to the LPA.

10.52. Had the proposal been otherwise acceptable, conditions would have been recommended and the scheme been considered to comply with policy RE9.

#### **l. Air Quality**

10.53. The proposal is for 9 dwellings, so falls outside of the requirement of policy RE6 of the Oxford Local Plan 2036 to provide an Air Quality Management Assessment of the scheme. Nonetheless an AQMA has been submitted and it is considered that the effects of the proposed development on air quality are 'not significant'. Consequently, air quality does not represent a material constraint to the development proposals, conforming to the principles of National Planning Policy Framework and policy RE6 subject to an appropriately worded condition had the proposals otherwise been considered acceptable. The proposals would comply with policy RE6 on this basis.



### **m. Trees**

- 10.54. Policy G7 of the Local Plan states planning permission will not be granted for development that results in the loss of green infrastructure features such as hedgerows, trees or woodland where this would have a significant adverse impact upon public amenity or ecological interest.
- 10.55. The proposals should not be harmful to any existing trees that are significant to public amenity, while new tree planting as shown on the Landscape Framework Plan should enhance tree canopy cover within the site. The submitted Arboricultural Report recommends 'no dig' hard surfaces to minimise the damage to tree roots where these encroach within the Root Protection Areas of existing trees groups G3 (cherry) and G4 (Leyland cypress) which stand adjacent to the application site. Final design details of this, together with an Arboricultural Method Statement for its construction, a Tree Protection Plan, details of the location of new underground utility services and drainage, and a detailed landscape plan (planting plan and schedule) Had the proposals been otherwise considered acceptable, conditions would have been recommended. The proposals would comply with policy G7 on this basis.

## **11. CONCLUSION**

- 11.1. Having regards to the matters discussed in the report, officers would make members aware that the starting point for the determination of this application is in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004 which makes clear that proposals should be assessed in accordance with the development plan unless material considerations indicate otherwise.
- 11.2. The NPPF recognises the need to take decisions in accordance with Section 38 (6) but also makes clear that it is a material consideration in the determination of any planning application (paragraph 2). The main aim of the NPPF is to deliver Sustainable Development, with Paragraph 11 the key principle for achieving this aim. The NPPF also goes on to state that development plan policies should be given due weight depending on their consistency with the aims and objectives of the Framework. The relevant development plan policies are considered to be consistent with the NPPF despite being adopted prior to the publication of the framework.
- 11.3. Therefore in conclusion it would be necessary to consider the degree to which the proposal complies with the policies of the development plan as a whole and whether there are any material considerations, such as the NPPF, which is inconsistent with the result of the application of the development plan as a whole.
- 11.4. In summary it is considered that whilst the proposal to redevelop the site would provide 9 houses, the assessment of the scheme above has outlined how it is considered that the scheme would result in harm to public interests through failing to maximise the use of the site and to demonstrate through evidence that the site can not be more appropriately developed, thereby maximising the delivery of housing on this site. Further, that the siting, layout, scale and



appearance does not contribute positively to the character of the locality and local distinctiveness. Finally had these reasons for refusal not applied amended plans would have been sought to provide safe convenient and accessible cycle storage within the rear gardens of houses.

11.5. Officers would advise members that having considered the application carefully that the proposal is considered to be unacceptable in terms of the aims and objectives of the National Planning Policy Framework, and relevant policies of the Oxford Local Plan 2036, that when considered as a whole, that there are no material considerations that would outweigh these policies.

11.6. It is recommended that the Committee resolve to refuse planning permission for the development for the reasons given in paragraph 1.1 of this report.

## **12. HUMAN RIGHTS ACT 1998**

12.1. 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.

## **13. SECTION 17 OF THE CRIME AND DISORDER ACT 1998**

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



This page is intentionally left blank