

# Agenda

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## Planning Review Committee

Date: **Thursday 28 November 2019**

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Time: **6.30 pm**

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Place: **Council Chamber - Oxford Town Hall**

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For any further information please contact the Committee Services Officer:

**Catherine Phythian, Committee and Member Services Officer**

Telephone: 01865 252402

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If you intend to record the meeting, it would be helpful if you speak to the Committee Services Officer before the start of the meeting.

# Planning Review Committee

## Membership

<b>Chair</b>	Councillor James Fry	North;
<b>Vice-Chair</b>	Councillor Chewe Munkonge	Quarry and Risinghurst;
	Councillor Jamila Begum Azad	St. Clement's; apologies
	Councillor Mohammed Altaf-Khan	Headington;
	Councillor Steven Curran	Iffley Fields;
	Councillor Stephen Goddard	Wolvercote;
	Councillor Mark Lygo	Churchill;
	Councillor Dr Joe McManners	Headington Hill and Northway;
	Councillor Linda Smith	Blackbird Leys;

The quorum for this meeting is five members. Substitutes are permitted. Substitutes for the Chair and Vice-chair do not take on these roles.

### Copies of this agenda

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# AGENDA

Pages

## Planning applications - background papers and additional information

To see representations, full plans, and supplementary information relating to applications on the agenda, please [click here](#) and enter the relevant Planning Reference number in the  search box.

Any additional information received following the publication of this agenda will be reported and summarised at the meeting.

### 1 Apologies for absence and substitutions

### 2 Declarations of Interest

### 3 18/03330/OUT: Sports Field William Morris Close Oxford OX4 2SF

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**Site address:** Sports Field, William Morris Close, Oxford

**Proposal:** Outline Planning Application (precise landscaping scheme to form subject of detailed reserved matters submission) for development comprising 86 residential units (a mixture of private socially rented and intermediate units) together with public and private amenity space, access, bin and cycle storage and car parking.

**Reason at Committee** The application has been called in to the Planning Review Committee by Councillors Malik, Arshad, Rush, Cook, Simmons, Wolff, Henwood, Haines, Kennedy, Lloyd Shogbesan, Upton, Gotch, Wade, Roz Smith, Altaf-Khan and Tarver.

#### **Recommendation:**

The Planning Review Committee is recommended to:

1. **approve the application** for the reasons given in the report and subject to the required planning conditions set out in section 7 of the report and grant outline planning permission subject to:

- The satisfactory completion of a legal agreement under section.106 of the Town and Country Planning Act 1990 and other enabling powers to secure the planning obligations referred to in the report.

2. **agree to delegate authority** to the Head of Planning Services to:

- finalise the recommended conditions as set out in the report including such refinements, amendments, additions and/or deletions as the Head of Planning Services considers reasonably necessary; and
- finalise the recommended legal agreement under section 106 of the Town and Country Planning Act 1990 and other enabling powers as set out in the report, including refining, adding to, amending and/or deleting the obligations detailed in the heads of terms set out in the report (including to dovetail with and where appropriate, reinforce the final conditions and informatives to be attached to the planning permission) as the Head of Planning Services considers reasonably necessary; and
- Complete the section 106 legal agreement referred to above and issue the planning permission.

**4 Minutes**

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**Recommendation:** That the minutes of the meeting held on 30 April 2019 are approved as a true and accurate record.

**5 Date of Future Meetings**

Future meetings are scheduled at 6.00pm on

<b>2019</b>	<b>2020</b>
16 December	30 January 26 February 12 March 9 April

Meetings will be cancelled if not required, or may be rearranged.

## **Councillors declaring interests**

### **General duty**

You must declare any disclosable pecuniary interests when the meeting reaches the item on the agenda headed "Declarations of Interest" or as soon as it becomes apparent to you.

### **What is a disclosable pecuniary interest?**

Disclosable pecuniary interests relate to your\* employment; sponsorship (ie payment for expenses incurred by you in carrying out your duties as a councillor or towards your election expenses); contracts; land in the Council's area; licenses for land in the Council's area; corporate tenancies; and securities. These declarations must be recorded in each councillor's Register of Interests which is publicly available on the Council's website.

### **Declaring an interest**

Where any matter disclosed in your Register of Interests is being considered at a meeting, you must declare that you have an interest. You should also disclose the nature as well as the existence of the interest.

If you have a disclosable pecuniary interest, after having declared it at the meeting you must not participate in discussion or voting on the item and must withdraw from the meeting whilst the matter is discussed.

### **Members' Code of Conduct and public perception**

Even if you do not have a disclosable pecuniary interest in a matter, the Members' Code of Conduct says that a member "must serve only the public interest and must never improperly confer an advantage or disadvantage on any person including yourself" and that "you must not place yourself in situations where your honesty and integrity may be questioned". What this means is that the matter of interests must be viewed within the context of the Code as a whole and regard should continue to be paid to the perception of the public.

\*Disclosable pecuniary interests that must be declared are not only those of the member her or himself but also those member's spouse, civil partner or person they are living with as husband or wife or as if they were civil partners.

## **Code of practice for dealing with planning applications at area planning committees and planning review committee**

Planning controls the development and use of land in the public interest. Applications must be determined in accordance with the Council's adopted policies, unless material planning considerations indicate otherwise. The Committee must be conducted in an orderly, fair and impartial manner. Advice on bias, predetermination and declarations of interest is available from the Monitoring Officer.

The following minimum standards of practice will be followed.

### **At the meeting**

1. All Members will have pre-read the officers' report. Members are also encouraged to view any supporting material and to visit the site if they feel that would be helpful (in accordance with the rules contained in the Planning Code of Practice contained in the Council's Constitution).
2. At the meeting the Chair may draw attention to this code of practice. The Chair will also explain who is entitled to vote.
3. The sequence for each application discussed at Committee shall be as follows:-
  - (a) the Planning Officer will introduce it with a short presentation;
  - (b) any objectors may speak for up to 5 minutes in total;
  - (c) any supporters may speak for up to 5 minutes in total;
  - (d) speaking times may be extended by the Chair, provided that equal time is given to both sides. Any non-voting City Councillors and/or Parish and County Councillors who may wish to speak for or against the application will have to do so as part of the two 5-minute slots mentioned above;
  - (e) voting members of the Committee may raise questions (which shall be directed via the Chair to the lead officer presenting the application, who may pass them to other relevant Officers and/or other speakers); and
  - (f) voting members will debate and determine the application.

### **Preparation of Planning Policy documents – Public Meetings**

4. At public meetings Councillors should be careful to be neutral and to listen to all points of view. They should take care to express themselves with respect to all present including officers. They should never say anything that could be taken to mean they have already made up their mind before an application is determined.

### **Public requests to speak**

5. Members of the public wishing to speak must notify the Democratic Services Officer by noon on the working day before the meeting, giving their name, the application/agenda item they wish to speak on and whether they are objecting to or supporting the application. Notifications can be made in person, via e-mail or telephone, to the Democratic Services Officer (whose details are on the front of the Committee agenda).

### **Written statements from the public**

6. Any written statements that members of the public and Councillors wish to be considered should be sent to the planning officer by noon two working days before the day of the meeting. The planning officer will report these at the meeting. Material received from the public at the meeting will not be accepted or circulated, as Councillors are unable to view give proper consideration to the new information and officers may not be able to check for accuracy or provide considered advice on any material consideration arising. Any such material will not be displayed or shown at the meeting.

### **Exhibiting model and displays at the meeting**

7. Applicants or members of the public can exhibit models or displays at the meeting as long as they notify the Democratic Services Officer of their intention by noon, two working days before the start of the meeting so that members can be notified.

### **Recording meetings**

8. Members of the public and press can record the proceedings of any public meeting of the Council. If you do wish to record the meeting, please notify the Committee clerk prior to the meeting so that they can inform the Chair and direct you to the best place to record. You are not allowed to disturb the meeting and the chair will stop the meeting if they feel a recording is disruptive.
9. The Council asks those recording the meeting:
  - Not to edit the recording in a way that could lead to misinterpretation of the proceedings. This includes not editing an image or views expressed in a way that may ridicule, or show a lack of respect towards those being recorded.
  - To avoid recording members of the public present unless they are addressing the meeting.

### **Meeting Etiquette**

10. All representations should be heard in silence and without interruption. The Chair will not permit disruptive behaviour. Members of the public are reminded that if the meeting is not allowed to proceed in an orderly manner then the Chair will withdraw the opportunity to address the Committee. The Committee is a meeting held in public, not a public meeting.
11. Members should not:
  - (a) rely on considerations which are not material planning considerations in law;
  - (b) question the personal integrity or professionalism of officers in public;
  - (c) proceed to a vote if minded to determine an application against officer's recommendation until the reasons for that decision have been formulated; or
  - (d) seek to re-design, or negotiate amendments to, an application. The Committee must determine applications as they stand and may impose appropriate conditions.

**Code updated to reflect Constitution changes agreed at Council in April 2017.  
Unchanged in last Constitution update agreed at Council November 2018.**

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Planning Review Committee

28<sup>th</sup> November 2019

<b>Application number:</b>	18/03330/OUT		
<b>Decision due by</b>	21st March 2019		
<b>Extension of time</b>	TBC		
<b>Proposal</b>	Outline Planning Application (precise landscaping scheme to form subject of detailed reserved matters submission) for development comprising 86 residential units (a mixture of private socially rented and intermediate units) together with public and private amenity space, access, bin and cycle storage and car parking.		
<b>Site address</b>	Sports Field, William Morris Close, Oxford, Oxfordshire – see <b>Appendix 3</b> for site plan		
<b>Ward</b>	Cowley Marsh Ward		
<b>Case officer</b>	Michael Kemp		
<b>Agent:</b>	Mr Simon Sharp	<b>Applicant:</b>	Cantay Estates Ltd
<b>Reason at Committee</b>	The application has been called in to the Planning Review Committee by Councillors Malik, Arshad, Rush, Cook, Simmons, Wolff, Henwood, Haines, Kennedy, Lloyd Shogbesan, Upton, Gotch, Wade, Roz Smith, Altaf-Khan and Tarver.		

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## 1. RECOMMENDATION

1.1. The Planning Review Committee is recommended to:

1.1.1. **approve the application** for the reasons given in the report and subject to the required planning conditions set out in section 7 of this report and grant outline planning permission subject to:

- The satisfactory completion of a legal agreement under section.106 of the Town and Country Planning Act 1990 and other enabling powers to secure the planning obligations referred to in this report.

1.1.2. **agree to delegate authority** to the Head of Planning Services to:

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

- finalise the recommended legal agreement under section 106 of the Town and Country Planning Act 1990 and other enabling powers as set out in this report, including refining, adding to, amending and/or deleting the obligations detailed in the heads of terms set out in this report (including to dovetail with and where appropriate, reinforce the final conditions and informatives to be attached to the planning permission) as the Head of Planning Services considers reasonably necessary; and
- Complete the section 106 legal agreement referred to above and issue the planning permission.

## 2. EXECUTIVE SUMMARY

2.1. At the East Area Planning Committee held on the 6<sup>th</sup> November 2019, members resolved to grant outline planning permission for a development comprising 86 dwellings, public and private amenity space, access, bin and cycle storage and parking on the site of the former sports ground at William Morris Close in Temple Cowley.

2.2. The decision of the East Area Planning Committee has been called in to the Planning Review Committee by Councillors Malik, Arshad, Rush, Cook, Simmons, Wolff, Henwood, Haines, Kennedy, Lloyd Shogbesan, Upton, Gotch, Wade, Roz Smith, Altaf-Khan and Tarver for the following reasons:

- The site is protected open space under Policy SR2 of the Oxford Local Plan.
- The proposals would be an overdevelopment of the site.
- Parking and highways concerns.
- History of refused planning applications and a dismissed appeal on the site for 40 dwellings, 2 all-weather pitches and 71 parking spaces.

2.3. A copy of the officer's report to the meeting of the East Area Planning Committee on 6<sup>th</sup> November 2019 is included within **Appendix 1** of this report. It is considered that the officer's report provides a full assessment of the scheme in relation to the relevant policy considerations within the existing local development framework; however this report provides additional clarification on the specific issues raised following the committee meeting and the reasons relating to members' request to call the application in to the Planning Review Committee.

2.4. A copy of the officer's report to the meeting of the East Area Planning Committee on 31<sup>st</sup> July 2019 is also attached at **Appendix 2** of this report. At this meeting, the committee resolved to defer making a decision on this application pending the provision of further reassurance on issues relating to transport/highways impacts of the development including traffic generation; overlooking of the adjacent Tyndale School and associated safeguarding concerns; and the scale and density of the development. Following the 31<sup>st</sup> July East Area Planning Committee the applicants reduced the number of dwellings from 102 to 86 units.

2.5. In terms of the proposed alternative sports contribution, Policy SR2 of the Oxford Local Plan allows for the upgrade of existing sports facilities. The applicant's offer of £600,000 towards the upgrade of the Sports Pitches at St Gregory the

Great school is considered to comply with the requirements of Policy SR2 and Paragraph 97 of the NPPF. Officers have outlined the public benefits of the alternative sports provision in terms of the physical upgrade of the sports pitches at the school and importantly securing a community access agreement, therefore enabling public access to the pitches at St Gregory the Great School. There are significant public benefits associated with an improved publically accessible sports facility at St Gregory the Great School compared with the retention of the existing sports field at William Morris Close which has not been publicly accessible since 2009 and has limited usability and capacity to accommodate sports uses in any event. The commuted sum of £600,000 would therefore provide an uplift in the quality of sports provision within the local area. Sport England as statutory consultee on development proposals which impact on sports facilities and local provision of sports has raised no objection to the proposals in comparison to previous applications where Sport England has objected.

- 2.6. In terms of the density of development, officers consider that this is not inappropriate for the size of the site and accounting for the context of the surrounding built form. In order to meet Oxford's acute housing needs, particularly the need for affordable accommodation, there is a requirement that all new developments make best use of the land. Oxford has a distinct shortage of sites on which housing can be delivered, particularly larger sites of this scale. Policy CP6 of the Oxford Local Plan; Policy HP9 of the Sites and Housing Plan and Policy RE2 of the Emerging Local Plan clearly outlines the requirement that an optimum density of development should be achieved on all sites accounting for all relevant contextual considerations.
- 2.7. Paragraph 123 of the NPPF, which is directly applicable to the context of Oxford, specifies that where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site. Within the context of the development at William Morris Close it is considered that the proposals make optimum use of the site, whilst also providing 17% public open space, 7% more than would be required under the draft local plan Policy SP66. The provision of public open space has been central to pre-application discussions to ensure that this space is accessible to all. The proposals will therefore provide an area of public open space on the site which does not currently exist, accounting for the inaccessibility of the sports pitch at William Morris Close. The scale and density proposed would also be commensurate with that of the surrounding built form, which comprises houses, as well as flats in William Morris Close and Beresford Close. The number of units on the site has already been reduced from 102 to 86 dwellings and officers are of the view that a further reduction in the density of development would arguably fail to make best use of the site and may fail to accord with Paragraphs 122 and 123 of the NPPF.
- 2.8. Matters relating to the cumulative impact of the development on the local highway network are addressed in depth in the officer's report to the 6<sup>th</sup> November East Area Planning Committee. Following amendments, the number of residential units has been reduced from 102 to 86 dwellings, also reducing parking provision from 102 to 86 spaces, which consequently has a resulting

impact on the extent of traffic generation. The site is not included within a CPZ, therefore officers are of the view that a car free development is not supportable at the current time, as this would result in a displacement of vehicles onto surrounding roads such as William Morris Close, Barracks Lane and Crescent Road. It is the view of officers and the view of the County Council, as statutory highway authority, that the cumulative residual impact of the development in terms of traffic generation would not be severe and there would not be an adverse impact on the safety of pedestrians or road users. Consequently the development would accord with Paragraph 109 of the NPPF and permission should not be refused on highway safety grounds.

2.9. Whilst previous applications on the site, particularly the refused application 13/01096/FUL which was dismissed on appeal in 2014, are of relevance, there are multiple differences compared with the existing proposals. In terms of the previous refusal reasons which relate to the adequacy of sports provision and open space provision, officers are clear that the present proposals offer a more comprehensive approach to address the loss of the sports pitch through the proposed financial contribution towards an identified upgrade of the existing facility at St Gregory the Great School. The proposals would provide public open space on the site (17% of the total site area) in an optimum position, which is in contrast to previous proposals on the site, particularly 13/01096/FUL and 16/00797/OUT, where there were notable issues associated with the quality of the open space proposed. In terms of both the sports and open space provision, it is considered that the present proposals adequately address the need to mitigate the loss of the sports pitch and re-provide the open space in accordance with Policy SR2 of the Oxford Local Plan and CS21 of the Core Strategy.

2.10. For the reasons expressed within this report, in addition to the assessment contained within the officer's reports to the meeting of the East Area Planning Committee on 31 July and 6 November 2019, officers consider that the development as proposed is acceptable in accordance with the relevant provisions of the Oxford Local Plan; Oxford Core Strategy; Sites and Housing Plan; Emerging Local Plan and the NPPF and recommend that approval should be granted subject to the planning conditions outlined in this report and a section 106 agreement covering the matters in section 3 of this report.

### **3. LEGAL AGREEMENT**

3.1. This application is subject to a legal agreement to cover:

- The provision of on-site affordable housing at 50%.
- A financial contribution of £600,000 towards sports provision in the local area and a requirement for a community use agreement for the facility.
- The provision of Public Open Space on the site.
- A travel plan monitoring fee.
- Secure that the proposed footpath link between William Morris Close and Barracks Lane is made available for public access.

## 4. RELEVANT PLANNING POLICY

4.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework	Local Plan	Core Strategy	Sites and Housing Plan	Emerging Local Plan 2036
Design	11, 12	CP1 CP6 CP8 CP9 CP10 CP11 CP13	CS18_		DH1 DH2 DH5
Conservation/ Heritage	16	HE2 HE7 HE9			
Housing	2, 5		CS22_ CS23_ CS24_	HP2_ HP3_ HP9_ HP12_ HP13_ HP14_	H1 H2 H4 H10 H14 H15 H16 SP66
Natural environment	15	CP18 NE15 NE21 NE23	CS9_ CS11_ CS12_ CS21_		RE1 RE2 RE3 RE4 RE6 RE7 G2
Social and community	8	SR2 SR5	CS17_		G5 G7
Transport	9	TR1 TR2 SR9 SR10	CS13_ CS14_	HP15_ HP16_	M1 M2 M3 M4 M5
Environmental	11, 14	CP22	CS10_ CS2_		
Miscellaneous		CP.13 CP.24 CP.25		MP1	

## 5. CONSULTATION RESPONSES

5.1. A complete summary of all consultation responses received in relation to this application from statutory and non-statutory consultees and public

representations is contained within Section 9 of the officer's report to the meeting of the East Area Planning Committee on 6<sup>th</sup> November 2019 attached at **Appendix 1**.

5.2. No further representations have been received.

## **6. PLANNING MATERIAL CONSIDERATIONS**

6.1. A copy of the officer's report to the meeting of the East Area Planning Committee on 6<sup>th</sup> November 2019 is included within **Appendix 1**. It is considered that the officer's report provides a full assessment of the scheme in relation to the relevant policy considerations within the existing local development framework; however this report is intended to provide some additional clarification on the issues which have been raised relating to members' request to call the application to the Planning Review Committee.

### Open space designation and status of sports pitch

6.2. Paragraphs 10.12 to 10.33 of the officer's report to the meeting of the East Area Planning Committee on 6<sup>th</sup> November 2019 deals specifically with the loss of the sports pitch at William Morris Close and the specific policy considerations relating to the protection of open air sports facilities, namely Policy SR2 of the Oxford Local Plan and Paragraph 97 of the NPPF.

6.3. Policy SR2 of the Oxford Local Plan states that planning permission will not be granted for development that would result in the loss of open-air sports facilities, including school playing fields, where there is a need for a sports facility to be retained in its current location, or the open area provides an important green space for local residents.

6.4. Officers and Sport England consider that there is not a specific need for the sports pitch to be retained in its current location as long as the alternative sports provision is delivered in the vicinity of the site, where this is accessible to local residents and provides a direct benefit to the local community to offset the loss of the existing pitch. The sports pitch at William Morris Close has not been used since the closure of the Lord Nuffield Club in 2009 and is not publically accessible. There is a limited likelihood that the site would ever be brought back into use as a sports pitch in the near future, which is reflected in the sites exclusion within the Interim Playing Pitch Strategy. Notwithstanding this, the site is, in capacity terms, capable of accommodating sports uses, albeit that the gradual reduction in the size of the site as a result of previous developments at William Morris Close and the construction of the Tyndale School has greatly diminished the usability of the site. The Sports and Open Space supporting statement submitted alongside the application addresses the site's capacity to accommodate sports uses and it is identified that the site, despite its diminished size, has the potential to support junior football and rugby.

6.5. Matters relating to the loss of the open space and the status of the open space on the site are addressed in paragraphs 10.34 to 10.44 of the officer's report to the meeting of the East Area Planning Committee on 6<sup>th</sup> November 2019. Policy SR2 of the Local Plan requires that consideration should be given to the value of

the site in terms of its importance as a green space for local residents. It is important to note that the site is not afforded specific protection as an open space under Policy SR5 of the Oxford Local Plan, mainly as the site is not publically accessible.

- 6.6. The site has value in offering an open vista within an otherwise urbanised area; however the extent of the open aspect is diminished by the fencing surrounding the site which has been in place since 2012. The lack of public access to the site means that the sports pitch is not a functional area of open space which members of public could otherwise utilise for formal or informal recreation. It should also be noted that the sports pitch was a private facility when used by the Lord Nuffield Club and prior to this, the Morris Motors Sports Club. During its operation as a private sports pitch, the facility did not benefit from a community access agreement. Whilst it was understood that the pitch was accessible prior to the erection of the fencing surrounding the site, there is no requirement for the site to be made accessible to the public.
- 6.7. It should be noted that there are other significant areas of open space in the immediate vicinity of the site, which are larger than the sports pitch at William Morris Close and are publically accessible. These include the Hollow Way Recreation Ground, which is within 200 metres of the site and the Cowley Marsh Recreation Ground, which is within 550 metres of the site. Accounting for existing provision there is not, in officer's view, a deficit of informal green space for local residents and in any event as the pitch at William Morris Close has not been publically accessible for over 10 years its benefit to the community as a functional area of sports and recreational space is minimal.
- 6.8. Notwithstanding this, the site has value as an open aspect within an area surrounded by existing development and noting that the site had some recreational value to local residents prior to its closure, site specific policy SP66 of the draft local plan requires the provision of at least 10% public open space within any development. The applicants are proposing 17% public open space within the development, which clearly exceeds the 10% public open space requirement specified under Policy SP66 of the draft local plan.
- 6.9. Whilst providing an open aspect, the space proposed within this planning application would be usable and accessible to the public, in contrast to the existing sports pitch. From this perspective the proposed public open space would be considered as an enhancement on the existing sports pitch, in terms of its functionality and recreational value for existing residents and the local community beyond the site.
- 6.10. Policy SR2 requires that planning permission will only be granted where there is no need at all for the facility for the purposes of open space, sport or recreation, or where:
  - a. there is a need for the development;
  - b. there are no alternative non-greenfield sites; and

c. the facility can be replaced by either i. providing an equivalent or improved replacement facility; or ii. upgrading an existing facility.

- 6.11. It is important to consider the consistency of Policy SR2 with the NPPF. Paragraph 11 of the NPPF outlines the overarching requirement that in applying a presumption in favour of sustainable development Local Authorities should be approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 6.12. Policy SR2 of the Local Plan pre-dates the NPPF and in accordance with Paragraphs 11 and 213 of the NPPF, this policy should be considered in terms of consistency (or lack of consistency) with the NPPF. When considering development which involves the loss of open space and sports facilities, paragraph 97 of the NPPF is of material significance.
- 6.13. Paragraph 97 requires that: existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless: a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use. Policy G5 of the Draft Local Plan similarly reflects these requirements, albeit that the provisions of Policy G5 can only be afforded limited weight at the current time.
- 6.14. Elements of Policy SR2 are broadly consistent with the NPPF in terms of the general aim of affording protection to sports facilities and the requirement that any replacement sports provision should be to at least an equivalent standard, though the NPPF also allows for the loss of existing sports facilities if they are deemed surplus to requirements. In relation to this point, officers consider that the sports pitch, though diminished in size and quality would not be surplus to requirements as the pitch still has an identified potential to accommodate some, albeit limited sports uses, namely junior football or rugby. It is correct that the loss of the sports pitch should be adequately mitigated through alternative sports provision in line with Policy SR2 of the Oxford Local Plan and Paragraph 97 of the NPPF.
- 6.15. Importantly, when assessed against Policy SR2 of the Local Plan, it should be noted that paragraph 97 of the NPPF does not require a need to demonstrate availability of non-greenfield sites when considering developments which would result in the loss of open air sports facilities. This element of Policy SR2 should not therefore be afforded any weight when determining development on the site at William Morris Close as this is fundamentally incompliant with the NPPF, which does not include a presumption against the development of greenfield

sites under paragraph 97 or within the wider policy framework. Notwithstanding this, it is considered that there is an objectively assessed need for the development in terms of the requirement to provide additional housing in the city, in particular affordable housing. The housing trajectory within the Emerging Local Plan assesses all sites in the city which have capacity to deliver residential development in order actively assess how Oxford's housing needs can be adequately met. As part of this assessment it is necessary to consider non-previously developed greenfield sites given the limited identified number of previously developed sites within the city.

- 6.16. In terms of the alternative provision proposed as a means of compensating for the loss of the sports pitch, the applicants have proposed £600,000 towards the upgrade of the existing sports facility at St Gregory the Great School in Cowley. The merits of this alternative provision versus the retention of the existing sports pitch are discussed within sections 10.21 to 10.33 of the officer's report to the meeting of the East Area Planning Committee on 6<sup>th</sup> November 2019. The £600,000 proposed would contribute towards resurfacing and other improvements to the all-weather pitches at St Gregory the Great School and importantly include a community access agreement, which would secure public access to the facility at the school, which is not accessible to the wider public at the present time. The proposals to enhance the facility at St Gregory the Great School would deliver a high quality all-weather facility with a much enhanced playing capacity compared with the sports pitch at William Morris Close. The improvements to the facility secured through the legal agreement, in conjunction with securing a community access agreement would be akin to the provision of a new high quality all-weather facility for use by the local community.
- 6.17. The facility at St Gregory the Great School is within 20 minutes walking distance of William Morris Close and would directly serve the community in Temple Cowley. The alternative sports provision of £600,000 therefore provides the opportunity to improve the quality of sports provision within the local area compared with the retention of the existing sports pitch at William Morris Close, which has not been used since 2009 and is inaccessible to the public. There is no obligation for the existing sports pitch to be brought back into active use and minimal prospect of this occurring in the near future.
- 6.18. Policy SR2 specifically allows for the upgrading of an existing facility as a means of mitigating the loss of existing sports uses and therefore the proposals to upgrade the existing facilities at St Gregory the Great School are compliant with these provisions. The alternative sports provision would also comply with Policy CS21 of the Core Strategy, which specifies that planning permission will only be granted for development resulting in the loss of existing sports and leisure facilities if alternative facilities can be provided and if no deficiency is created in the area. Alternative facilities should be provided in a location equally or more accessible by walking, cycling and public transport and will be particularly welcomed in areas that have an identified shortage.
- 6.19. In comparison to previously refused schemes, Sport England has raised no objections to the proposed financial contribution as a means of mitigating the loss of the sports pitch at William Morris Close and have stated that in their opinion the applicant's approach complies with paragraph 97 of the NPPF. A full

copy of Sport England's consultation response is included in paragraphs 9.19 to 9.22 of the officer's report to the meeting of the East Area Planning Committee on 6 November 2019.

6.20. In summary, officers consider that the development is compliant with the requirements of the relevant policies of the development framework which relate to the protection of existing sports facilities, these being Policy SR2 of the Oxford Local Plan; Policy CS21 of the Core Strategy and paragraph 97 of the NPPF. The development also complies with the site specific requirements of Policy SP66 of the Draft Local Plan in terms of the contribution towards alternative sports provision and the provision of public open space within the proposed scheme.

#### Density of development

6.21. The appropriateness of the density of development is addressed in depth in sections 10.93 to 10.98 of the officer's report to meeting of the East Area Planning Committee on 6 November 2019 which is included at Appendix 1. In summary it is considered that the overall quantum of units and corresponding density of development would not be inappropriate and would not represent an overdevelopment of the site. To the contrary a reduction in the density of development on the site would be counterproductive as this would fail to make effective use of the land and deliver an optimum number of dwellings, including affordable units.

6.22. Following the meeting of the East Area Planning Committee on 31<sup>st</sup> July 2019, the applicant has reduced the density of development from 102 to 86 dwellings, a reduction of 16 units. The overall revised density of development would equate to 66.2 dwellings per hectare. It is noted that the Sites and Housing Plan bases density at 55 dwellings per hectare on allocated sites, though it is stated that higher densities may be appropriate in certain locations such as in the City Centre or District Centres. This is partly to achieve a balanced mix of dwellings whilst also making best use of the land, though there are other material considerations and the design of the development must account for the general character of the area. Policy HP9 of the Sites and Housing Plan states that the density of developments should make efficient use of land, whilst respecting site context.

6.23. Policy CP6 of the Oxford Local Plan states that planning permission will only be granted where development proposals make maximum and appropriate use of land; this is acknowledging the limited amount of land available in Oxford. Policy CP6 does not set a maximum density, though the policy specifies that residential developments should generally be above 40 dwellings per hectare. Policy CP6 requires that the following criteria are met:

- a. the intensity of development must be appropriate for the use proposed;
- b. the scale of development, including building heights and massing, should be at least equivalent to the surrounding area, although larger-scale proposals will be encouraged in appropriate locations;

c. opportunities for developing at the maximum appropriate density must be fully explored;

d. built form and site layout must suit the site's capacity; and

e. parking levels must be appropriate to the use proposed.

6.24. Policy RE2 of the Emerging Local Plan states that development proposals must make best use of site capacity, in a manner compatible with the site itself, the surrounding area and broader considerations of the needs of Oxford. This includes exploring opportunities for developing at the maximum appropriate density accounting for the site context and accounting for all other material planning considerations. Higher density developments of 100 dwellings per hectare are encouraged within the City Centre and District Centres.

6.25. Whilst the site lies outside of a district centre, it is a compact urban plot surrounded by a mix of high density development, including apartments at William Morris Close and Beresford Place and two storey houses in Crescent Close and Turner Close. Accounting for the urban grain and surrounding scale of development it is considered that the proposed quantum of development and density would be commensurate with the character of the area. The layout incorporates a significant quantity of open space provision, both public and private, which breaks up the overall density of the built form and the density would in officer's view feel comfortable and not oppressive. Site specific Policy SP66 of the Emerging Local Plan requires that 10% of the site is allocated as open space, whilst the proposals allocate 17% of the site as public open space.

6.26. The development includes a mix of three storey houses and six blocks of flats. A row of six houses is proposed adjacent to No.59 William Morris Close; these properties would be three storeys and would be of a single gabled fronted form. The general scale of the dwellings would relate appropriately with that of the adjacent two storey dwellings to the north and would continue the existing street pattern along William Morris Close and would also relate logically to the adjacent development to the west in Crescent Close. In terms of the proposed apartments, it is considered that these would be of an appropriate scale accounting for the adjacent built form in Beresford Place and William Morris Close, which comprises three storey flats with pitched roofs. The overall scale of development is responsive to the scale of the adjacent built form and general character of surrounding area and the development is considered to comply with part b of Policy CP6 of the Oxford Local Plan.

6.27. Achieving optimum density on appropriate sites is considered vital in meeting the city's clear housing needs. Oxford has a distinct lack of sites on which housing can be delivered, particularly larger sites of the scale of the site at William Morris Close. Without making best use of available sites, where the principle of housing development is otherwise considered acceptable, the Council will be unable to meet its housing need, particularly the need for affordable housing.

6.28. The altered policy position in light of the recent appeal decision at Lime Walk and the Draft Local plan Inspectors' comments in respect of the Council's ability

to seek a financial contribution towards affordable housing on smaller sites, places even greater importance on delivering an optimum quantity of on-site affordable units on the relatively small number of larger sites in the city where residential development is deemed to be acceptable.

6.29. It should be noted that making effective use of land forms a vital strand of planning policy within the NPPF. Paragraph 122 of the NPPF makes clear that planning decisions should support development that makes efficient use of land, taking into account:

a) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;

b) local market conditions and viability;

c) the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;

d) the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change; and

e) the importance of securing well-designed, attractive and healthy places.

6.30. Paragraph 123 of the NPPF, which is particularly applicable to the context of Oxford, specifies that where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site. It is also specified that local planning authorities should refuse applications which they consider fail to make efficient use of land, taking into account the policies in this Framework.

6.31. Officers are strongly of the view that the proposed density of development achieves an optimum number of units, which makes best use of the site. The development is also considered to respect the character of the surrounding area and re-provides public open space at 17% of the total site area. The site, whilst falling outside of the City Centre or a District Centre is in a sustainable location, which is close to the Cowley Primary District Centre and bus stops served by regular services and would represent an appropriate location for higher density residential development.

6.32. A further reduction in the density of development on the site would be counterproductive in officer's view, as this would result in a reduced number of units, including a lower quantum of affordable housing. Achieving an optimum density of development on larger sites is vital for the delivery of much needed housing within the city. Further reducing the density on this site would arguably result in a development that fails to make efficient use of the land, and would be contrary to Policy CP6 of the Oxford Local Plan; Policy HP9 of the Sites and Housing Plan, Policy RE2 of the Draft Local Plan and paragraphs 122 and 123 of the NPPF. For these reasons officers are of the view that the density of development proposed is acceptable and a further reduction in the number of

units proposed on the site would be neither necessary, nor encouraged as this would compromise the potential to make best use of the site to meet the Council's housing needs.

### Transport and Highways Issues

- 6.33. The matters relating to the highways impacts of the development, including parking provision and cumulative traffic generation are addressed in considerable depth in sections 10.57 to 10.74 of the officer's report to the meeting of the 6<sup>th</sup> November East Area Planning Committee.
- 6.34. Following revisions to the application the overall quantum of units has been reduced from 102 to 86 dwellings and there would be a corresponding decline in the number of vehicle movements associated with this reduction of 16 units and corresponding loss of 16 parking spaces. The site is not included within a CPZ; therefore officers are of the view that car free or low parking development is not supportable at the current time as this would result in a displacement of vehicles onto surrounding roads such as William Morris Close, Barracks Lane and Crescent Road.
- 6.35. Sections 9.4 to 9.11 of the officer's report to the meeting of the 6<sup>th</sup> November East Area Planning Committee outlines the County Council's updated response (dated October 2019) to the revised quantum of 86 units. The response provides an analysis of cumulative traffic generation associated with the development, as well as an assessment of the adequacy of parking proposed on the site. The Highway Authority are clear that in their opinion, the cumulative traffic generation associated with the development would not result in severe harm within the context of the NPPF and no objections are raised on this basis.
- 6.36. The officer's report to the meeting of the East Area Planning Committee on 6<sup>th</sup> November provides an analysis of TRICS data provided by the applicant, as detailed within the revised Transport Statement. The applicant's approach was adjudged by the Highway Authority to be sound. The TRICS information details traffic movements on the surrounding road network, including along Barracks Lane and Hollow Way. In the opinion of officers and the Highway Authority the impact of traffic generation associated with the development would not have a cumulative residual impact on the highway network which would be severe and would therefore not justify refusal under Paragraph 109 of the NPPF.
- 6.37. As an update to the 6<sup>th</sup> November East Area Planning Committee Report, it should be noted that the financial contribution towards parking controls on Barracks Lane requested by Oxfordshire County Council within their consultation response dated 17/10/2019 and as referenced within paragraph 3.1 of the officer's report to the East Area Planning Committee is no longer required. The reason for this is that the highways works to install parking controls on Barracks Lane which were requested by the Highway Authority have already been carried out.

### Previous Applications including 2014 dismissed Appeal

- 6.38. The matter of the previous planning refusals on the site, these being 12/02967/FUL;13/01096/FUL;13/02500/OUT; 16/00797/OUT and 16/02651/OUT have been given due consideration. An application for 7 dwellings on the site of just the car parking area was refused in 2014 (14/01640/OUT) and an appeal against the refusal of this application was dismissed in 2015. Matters relating to the appeal against the refusal of application 13/01096/FUL are addressed in detail within your officer's reports to the 31<sup>st</sup> July and 6<sup>th</sup> November meetings of the East Area Planning committee.
- 6.39. Though each of the previous proposals were for residential development, there are significant differences between each of the previous proposals on the site in terms of the design and layout of the schemes, treatment of public open space and the proposed alternative sports provision. It is correct to consider the previous reasons for refusal, in particular those which were upheld at appeal in 2014, however the fact that previous applications on the site have been refused should not in itself form a basis for refusing the present planning application. Consideration should instead be given to whether the previous reasons for refusal have been successfully addressed. It must be noted that the planning context has changed since the determination of previous planning applications on the site, in terms of the weight afforded to the draft local plan and the consistency of some of the policies of the existing local development framework including the Sites and Housing Plan; Oxford Local Plan and Core Strategy with the revised 2019 NPPF.
- 6.40. The range of previous reasons for refusing development on the site vary and some of these reasons were specific to the individual proposals, for example matters relating to the design of previous schemes, amenity impacts, impact on trees and failure to comply with energy and sustainability policy requirements. The officer's report to the meeting of the East Area Planning Committee on 6<sup>th</sup> November 2019 makes clear that the present application is acceptable in respect of these matters.
- 6.41. It should be noted that each of the previous applications on the site reference Policies CS2 and CS22 of the Core Strategy within the reasons for refusing development, these policies relate to the location based delivery of housing development and the delivery of housing growth respectively. Paragraphs 10.2 to 10.6 of the Officers Report to the meeting of the East Area Planning committee on 6<sup>th</sup> November 2019 addresses the present application in relation to the weight which should be afforded to these policies. Both policies are identified as being fundamentally inconsistent with the NPPF. Policy CS2 of the Core Strategy requires a sequential 'brownfield first' or presumption against the development of greenfield sites, which is no longer reflected within the provisions of the revised NPPF. Applying this approach would preclude the development of the site at William Morris Close, unless there was an overriding need for development in terms of maintaining a five year housing land supply. Weight was clearly attributed to these policies in terms of determining the previous planning applications on the site, however in light of the inconsistency of policies CS2 and CS22 with the NPPF it would be incorrect to give weight to these policies when determining the present application, and such an approach would be inconsistent with paragraph 11 of the NPPF.

- 6.42. Refusal reasons relating to the loss of the site as an area of open space and the inadequacy of proposed alternative sports provision form a reason or reasons for refusal on each of the previous applications on this site. The reports to the 31<sup>st</sup> July and 6<sup>th</sup> November East Area Planning committees address matters relating to loss of the sports pitch, adequacy of alternative sports provision and the loss of open space and outline the reasons why the proposals are deemed to be acceptable in respect of each of these issues.
- 6.43. Application 13/01096/FUL, which was refused and unsuccessfully challenged at appeal is addressed within the officer's report to the meeting of the East Area Planning Committee on 6<sup>th</sup> November 2019. It should be made clear that there are fundamental differences in terms of what the applicant is proposing in respect of alternative sports provision and open space provision within the present planning application, compared with what was proposed as mitigation under planning application 13/01096/FUL. Paragraphs 10.20 to 10.22 and 10.27 to 10.28 of the report to the meeting of the East Area Planning Committee on 6<sup>th</sup> November 2019 clearly outlines the reasons why the alternative sports contribution previously proposed under application 13/01096/FUL, which consisted of on-site small all weather pitches, without floodlighting and without a community use agreement was inadequate. In contrast the £600,000 proposed under the present application, which would be commuted towards alternative sports provision at St Gregory the Great School in Cowley clearly provides much greater public benefits. The proposed sports contribution would secure community access to the facility at St Gregory the Great School and this facility which would be improved through the applicant's funding is much larger than the previously proposed on site pitches and is floodlit.
- 6.44. It should also be noted that the location of the proposed on site provision of all-weather pitches, as proposed under application 13/01096/FUL at the entrance to the site would not have been conducive to good urban design. In contrast to the present scheme which provides an open aspect adjacent to William Morris Close. The development proposed under application 13/01096/FUL would have resulted in public views on approach to the site being dominated by hard engineered surfacing and probably fencing associated with all-weather pitches. The limited size of the site and proximity to existing residential properties effectively rules out the possibility of providing any quality on-site sports provision in conjunction with a viable residential development that also provides any significant amount of public open space. It is unlikely that floodlighting associated with all-weather pitches could be supported on the site given the spatial proximity to residential properties and the potential amenity impacts associated with floodlighting. The pitches proposed under application 13/01096/FUL were mini pitches which were much smaller than the existing sports field, which has the potential to accommodate a full size junior football pitch.
- 6.45. In terms of the refusal reason relating to the highways impact of application 13/01096/FUL, it is important to note that this was not upheld as a valid ground for refusal, albeit that this was for a lower quantum of development (40 dwellings, 2 all-weather pitches and 71 parking spaces). The highways matters relating to the dismissed appeal are discussed in section 10.66 of the officer's report to the meeting of the East Area Planning Committee on 6<sup>th</sup> November 2019. The

appeal inspector outlines within paragraphs 44 and 45 of his report that the development would not pose a significant risk to the safety of pedestrians or road users and that the cumulative residual impact of the development on the highway network would not be severe. These comments should be afforded weight, albeit this application was for a lower quantum of development, though notably one which proportionally provided higher levels of parking per unit than is proposed within this application. The officer's report to the meeting of the East Area Planning Committee on 6<sup>th</sup> November 2019 outlines the reasons why a higher quantum of development would be acceptable on this site in terms of the highways impacts.

6.46. The 2015 dismissed appeal relating to the refusal of 7 dwellings on the site (14/01670/OUT) is of some relevance as this application similarly related to the refusal of development on the basis that the development would have resulted in the loss of a protected open air sports facility and local green space. Despite the site functioning as a car park, this part of the site still formed part of an area designated as protected open space under Policy SR2 of the Oxford Local Plan mainly as the car park was seen to provide an essential ancillary function to the any sports use on the site. Notwithstanding this, there is a significant difference is the scale of development which was concentrated only on the car park. Furthermore the applicants did not submit any proposals to re-provide open space or any alternative sports provision within the scheme and the development was clearly not compliant with Policy SR2 for this reason.

6.47. In summary each of the matters relating to the refusal of previous applications on the site have been adequately addressed. The proposed development is markedly different from previous proposals on the site, both in terms of the form of development and means of mitigation in respect of public open space provision and alternative sports contribution. Whilst the previous applications on the site which were refused are of relevance, applications must be determined on the individual merits of the case. The fact that previous applications have been refused on the site should not, in officers view form a basis for refusing the present proposals. Officers are of the view that the refusal reasons relating to the previous applications, namely those relating to the sports and open space provision have either been addressed within the applicant's proposals or the planning policy context has been altered to a significant extent. The change in planning context materially affects the weight which can be attributed towards the draft local plan and the decreased weight afforded to certain policies of the existing framework for example policies CS2 and CS22 of the Core Strategy and Policy SR2 of the Oxford Local Plan.

## **Conclusion**

6.48. This report should be read in conjunction with the officer's reports to the 6<sup>th</sup> November and 31<sup>st</sup> July East Area Planning Committees which outline all key material planning considerations and the scheme's deemed acceptability in line with the existing and draft local development framework and the NPPF. This report further addresses the reasons relating to the calling in of the application to the Planning Review Committee.

6.49. For the reasons expressed within this report, in addition to the assessment contained within the officer's reports to the 6<sup>th</sup> November and 31<sup>st</sup> July East Area Planning Committee, officers consider that the development as proposed is acceptable in accordance with the relevant provisions of the Oxford Local Plan; Oxford Core Strategy; Sites and Housing Plan; Emerging Local Plan and the NPPF and recommend that approval should be granted subject to the planning conditions outlined and the section 106 agreement referred to in this report.

## **7. CONDITIONS**

1. Application for the approval of reserved matters must be made to the Local Planning Authority before the expiration of three years from the date of this outline permission.

Reason: In accordance with Section 92(2) of the Town and Country Planning Act 1990.

2. The development permitted shall be begun either before the expiration of five years from the date of this outline permission or from the expiration of two years from the date of approval of the last reserved matters to be approved, whichever is the later.

Reason: In accordance with Section 92(2) of the Town and Country Planning Act 1990.

3. The development referred to shall be constructed strictly in complete accordance with the specifications in the application and the submitted plans.

Reason: To avoid doubt as no objection is raised only in respect of the deemed consent application as submitted and to ensure an acceptable development as indicated on the submitted drawings.

4. Samples of the exterior materials to be used shall be submitted to, and approved in writing by, the Local Planning Authority before the start of work on the site and only the approved materials shall be used.

Reason: In the interests of visual amenity in accordance with policies CP1 and CP8 of the Adopted Oxford Local Plan 2001-2016.

5. Prior to the commencement of the development hereby approved, full details of the access road, including layout, construction, lighting, and drainage shall be submitted to and approved in writing by the Local Planning Authority. These details must demonstrate that adequate forward visibility in both directions is achieved in accordance with the intended design speed of the proposed development. The means of access shall be constructed in accordance with the approved details prior to the first occupation of the development and be retained thereafter.

Reason: In the interests of highway safety in accordance with the National Planning Policy Framework

6. Prior to the commencement of the development hereby approved full details (lighting, dimensions, surfacing) of the proposed pedestrian and cycle link between the development, Beresford Place and Crescent Road, will be submitted to and approved in writing by the Local Planning Authority. These details must include the terms agreed with the owners of Beresford Place over which pedestrians cyclists must pass, including lighting, dimensions, surfacing and drainage. Thereafter, and prior to the occupation of any dwellings, the access shall be constructed in accordance with the approved details.

Reason: To encourage the use of sustainable modes of transport.

7. A travel plan and travel information pack shall be submitted for approval in writing by the Local Planning Authority before first occupation of the site. The travel plan shall be updated within 3 months of occupation of 50% of the site. The Travel Plan shall be implemented in accordance with the agreed details.

Reason: To encourage the use of sustainable modes as a means of transport.

8. Prior to occupation of the development, a car park management plan shall be submitted for approval by the Local Planning Authority in writing to ensure that the car parking within the site cannot be abused by nearby residential properties or the school. The approved plan shall be implemented on first occupation of the development hereby permitted.

Reason: In in the interest of highway safety and to protect car park for residents' use only.

9. Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include:

- Calculations of current and proposed runoff from the development area
- Discharge point and evidence of agreement for discharge point and rate
- Detailed Drainage Scheme Plan showing the layout of the proposed drainage network, the location of the storage within the proposed development and how these relate to the submitted calculations, including any chamber, pipe numbers, direction of flow, invert and cover levels, gradients diameters and dimensions. The methods of flow control must be detailed as should non-conventional elements such as pond and permeable paving.
- Soakaways tests and Infiltration estimation in accordance with BRE365; the depth of water strikes. To be undertaken at different part of the site should the infiltration devices to be used
- Sizing of features - calculation of attenuation volume
- Explanation of how the drainage discharge hierarchy has been followed
- Maintenance and management of SUDS features
- SUDS - Permeable Paving, Rainwater Harvesting, Green Roof

- Network drainage calculations
- Minimum discharge limit of 5 l/s does not apply in Oxfordshire. Appropriate consideration of filtration features could remove suspended matters and suitable maintenance regime could minimise the risk of blockage.
- A qualitative assessment of flood flow routing in exceedance conditions
- An assessment of residual risk (what would happen if part of proposed SuDS fails).

Reason: To ensure acceptable drainage of the site and to mitigate the risk of flooding in accordance with Policy CS11 of the Oxford Core Strategy.

10. Prior to the commencement of the development a phased risk assessment shall be carried out by a competent person in accordance with current government and Environment Agency Guidance and Approved Codes of Practice. Each phase shall be submitted in writing and approved by the Local Planning Authority (LPA).

Phase 1 has already been submitted to the LPA under a previous application  
Phase 2 shall include a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals.

Phase 3 requires that a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use be submitted and approved in writing by the Local Planning Authority. The remediation shall be carried out in accordance with the approved scheme and the applicant shall provide written verification to that effect.

Reason- To ensure that any ground and water contamination is identified and adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use in accordance with the requirements of policy CP22 of the Oxford Local Plan 2001-2016.

11. The development shall not be occupied until any approved remedial works have been carried out and a full validation report has been submitted to and approved in writing by the Local Planning Authority.

Reason- To ensure that any ground and water contamination is identified and adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use in accordance with the requirements of policy CP22 of the Oxford Local Plan 2001-2016.

12. A watching brief for the identification of unexpected contamination shall be undertaken throughout the course of the development by a suitably qualified engineer. If unexpected contamination is found to be present on the site, an appropriate specialist company and Oxford City Council shall be informed and an investigation undertaken to determine the nature and extent of the contamination and any need for remediation. No occupation shall take place until details of the watching brief have been submitted to and been approved in writing by the Local Planning Authority.

Reason - To ensure that any unexpected contamination is identified and appropriately addressed to ensure the safety of the development, the environment, and to ensure the site is suitable for the proposed use, Oxford Local Plan CP22.

13. Prior to the start of any work on site including site clearance, details of the design of all new hard surfaces and a method statement for their construction shall be submitted to and approved in writing by the Local Planning Authority. Details shall take into account the need to avoid any excavation within the rooting area of any retained tree and where appropriate the Local Planning Authority will expect "no-dig" techniques to be used, which might require hard surfaces to be constructed on top of existing soil levels using treated timber edging and pegs to retain the built up material. The approved details shall be implemented and adhered to during the construction phase and thereafter.

Reason: To avoid damage to the roots of retained trees. In accordance with policies CP1, CP11 and NE16 of the Adopted Local Plan 2001-2016.

14. Prior to the start of any work on site, details of the location of all underground services and soakaways shall be submitted to and approved in writing by the Local Planning Authority (LPA). The location of underground services and soakaways shall take account of the need to avoid excavation within the Root Protection Areas (RPA) of retained trees as defined in the British Standard 5837:2012- 'Trees in relation to design, demolition and construction- Recommendations'. Works shall only be carried in accordance with the approved details.

Reason: To avoid damage to the roots of retained trees; in support of Adopted Local Plan Policies CP1,CP11 and NE15.

15. Detailed measures for the protection of trees to be retained during the development shall be submitted to, and approved in writing by, the Local Planning Authority (LPA) before any works on site begin. Such measures shall include scale plans indicating the positions of barrier fencing and/or ground protection materials to protect Root Protection Areas (RPAs) of retained trees and/or create Construction Exclusion Zones (CEZ) around retained trees. Unless otherwise agreed in writing by the LPA the approved measures shall be in accordance with relevant sections of BS 5837:2012 Trees in Relation to Design, Demolition and Construction- Recommendations. The approved measures shall be in place before the start of any work on site and shall be retained for the duration of construction unless otherwise agreed in writing by the LPA. Prior to the commencement of any works on site the LPA shall be informed in writing when the approved measures are in place in order to allow Officers to make an inspection. No works or other activities including storage of materials shall take place within CEZs unless otherwise agreed in writing by the LPA.

Reason: To protect retained trees during construction. In accordance with policies CP1, CP11 and NE16 of the Adopted Local Plan 2001-2016.

16. A detailed statement setting out the methods of working within the Root Protection Areas of retained trees shall be submitted to and approved in writing by the Local Planning Authority (LPA) before any works on site begin. Such details shall take account of the need to avoid damage to tree roots through excavation, ground skimming, vehicle compaction and chemical spillages including lime and cement. The development shall be carried out in strict accordance with of the approved Arboricultural Method Statement unless otherwise agreed in writing by the LPA.

Reason: To protect retained trees during construction. In accordance with policies CP1, CP11 and NE16 of the Adopted Local Plan 2001-2016.

17. No properties shall be occupied until confirmation has been provided that either:- all surface water network upgrades required to accommodate the additional flows from the development have been completed; or - a housing and infrastructure phasing plan has been agreed with Thames Water to allow additional properties to be occupied. Where a housing and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed housing and infrastructure phasing plan. The development shall be carried out in accordance with the agreed measures.

Reason - The development may lead to flooding and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional flows anticipated from the new development.

18. No properties shall be occupied until confirmation has been provided that either:- all water network upgrades required to accommodate the additional flows from the development have been completed; or - a housing and infrastructure phasing plan has been agreed with Thames Water to allow additional properties to be occupied. Where a housing and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed housing and infrastructure phasing plan.

Reason - The development may lead to no / low water pressure and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional demand anticipated from the new development

19. Prior to the commencement of development, an updated walkover survey of the site shall be undertaken to identify any change in its suitability to support rare and protected species, including reptiles and badgers. Should the site be found to support any protected species, a scheme of mitigation measures shall be submitted to, and agreed in writing by, the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To comply with the requirements of The Conservation of Habitats and Species Regulations 2017, the Protection of Badgers Act 1992, the Wildlife and Countryside Act 1981 (as amended) and to protect species of conservation concern.

20. Prior to the commencement of development, a scheme of ecological enhancements shall be submitted to and approved in writing by the Local Planning Authority to ensure an overall net gain in biodiversity will be achieved. The scheme shall include details of native landscape planting of known benefit to wildlife, including nectar resources for invertebrates. Details shall be provided of artificial roost features, including bird and bat boxes and a minimum of ten dedicated swift boxes. A quantifiable net gain in biodiversity will be required, presented using a suitable biodiversity offsetting metric, including details of any offsetting measures required. The agreed details shall be implemented prior to the first occupation of the development and shall be retained thereafter.

Reason: To comply with the requirements of the National Planning Policy Framework, the Conservation of Habitats and Species Regulations 2017, Wildlife and Countryside Act 1981 (as amended) and Policy CS12 of the Oxford Core Strategy 2026.

21. A landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the Local Planning Authority prior to the occupation of the development.

The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed within the scheme and off-site compensatory habitat if relevant;
- b) Ecological trends and constraints on site that might influence management;
- c) Aims and objectives of management;
- d) Appropriate management options for achieving aims and objectives;
- e) Prescriptions for management actions;
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
- g) Details of the body or organization responsible for implementation of the plan; and
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery.

The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan shall be implemented in accordance with the approved details.

Reason: To comply with the requirements of the National Planning Policy Framework, the Conservation of Habitats and Species Regulations 2017, Wildlife and Countryside Act 1981 (as amended) and Policy CS12 of the Oxford Core Strategy 2026.

22. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order) no structure including additions to the dwelling houses as defined in Classes A, B, C, D, E of Part 1 of Schedule 2 of the Order shall be erected or undertaken without the prior written consent of the Local Planning Authority.

Reason: The Local Planning Authority considers that even minor changes in the design or enlargement of the development should be subject of further consideration to safeguard the appearance of the area and the amenity of neighbouring properties and occupiers of the dwellings in accordance with policies CP1, CP8 and CP10 of the Adopted Oxford Local Plan 2001-2016, HP9 and HP14 of the Sites and Housing Plan and CS18 of the Core Strategy.

23. A Construction Traffic Management Plan shall be submitted to and be approved in writing by the Local Planning Authority prior to commencement of works. This should identify;

- The routing of construction vehicles and management of their movement into and out of the site by a qualified and certificated banksman,
- Access arrangements and times of movement of construction vehicles (to minimise the impact on the surrounding highway network),
- Details of wheel cleaning / wash facilities to prevent mud, etc from migrating on to the adjacent highway,
- Contact details for the Site Supervisor responsible for on-site works,
- Travel initiatives for site related worker vehicles,
- Details of times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours,
- Engagement with local residents and neighbours.

The development shall be carried out in accordance with the approved details.

Reason: In the interests of highway safety and to mitigate the impact of construction vehicles on the surrounding network, road infrastructure and local residents, particularly at peak traffic times.

24. The development hereby permitted shall not be occupied until the designated car club space as set out in approved plans has been provided. The car club space shall be laid out as set out in the approved plan prior to occupation of the development and retained as such thereafter.

Reason: To ensure that the development does not generate a level of vehicular parking which would be prejudicial to highway safety, or cause parking stress in the immediate locality, in accordance with policies CP1, CP6, CP10 and TR13 of the Adopted Oxford Local Plan 2001- 2016.

25. The development hereby permitted shall not be occupied until details of the electric vehicle charging infrastructure has been submitted to and approved in writing by the Local Planning Authority. The infrastructure shall be formed, and

laid out in accordance with the approved details before usage of the parking spaces commences and shall remain in place thereafter.

Reason: To contribute to improving local air quality in accordance with CP23 of the Oxford Local Plan 2001- 2016 and enable the provision of low emission vehicle infrastructure.

26. Prior to commencement of development, an application shall be made for Secured by Design (SBD) accreditation on the development hereby approved. The development shall be carried out in accordance with the approved details, and shall not be occupied or used until confirmation of SBD accreditation has been received by the Local Planning Authority.

Reason: To create a safe environment for existing and future occupiers which reduces opportunities for crime in accordance with Policies CP1 and CP9 of the Oxford Local Plan.

27. Prior to the first occupation of the units hereby permitted the windows on the north facing elevation of Block E and the south elevation of Block F shall be fitted with obscure glazing and shall be retained in that condition thereafter. The second floor balcony in Block E serving Flat E10 shall be fitted with obscured privacy screening to a minimum height of at least 1.8 metres along the north facing elevation prior to the first occupation of this unit and shall be retained in that condition thereafter.

Reason: To prevent overlooking of existing residential dwellings and overlooking of the adjacent school in the interest of safeguarding and preserving the residential amenity of existing occupiers in accordance with Policies CP1 and CP10 of the Oxford Local Plan and Policy HP14 of the Sites and Housing Plan.

28. No development shall take place until a Construction Environmental Management Plan (CEMP), containing the site specific dust mitigation measures identified for this development, has first been submitted to and approved in writing by the Local Planning Authority. The specific dust mitigation measures that need to be included and adopted in the referred plan can be found in pages 19-20 of the reviewed Air Quality Assessment that was submitted with this application (document reference: AQ\_assessment/2018/WMC\_update, Version 2) developed by Aether. The agreed CEMP shall be adhered to at all times.

Reason – to ensure that the overall dust impacts during the construction phase of the proposed development will remain as “not significant”, in accordance with the results of the dust assessment, and with Core Policy 23 of the Oxford Local Plan 2001- 2016.

29. Prior to the occupation of the development, evidence that proves that all emission gas fired boilers that are going to be installed on-site are going to be ultra-low NOx (and meet a minimum standard of <40mg/kWh for NOx) shall be submitted to and approved in writing by the Local Planning Authority.

Reason – to ensure that the expected NO2 emissions of the combustion system to be installed at the proposed development will be negligible, in accordance with Core Policy 23 of the Oxford Local Plan 2001- 2016.

30. Before the development permitted is commenced details of the cycle parking areas, including means of enclosure, shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall not be brought into use until the cycle parking areas and means of enclosure have been provided within the site in accordance with the approved details and thereafter the areas shall be retained solely for the purpose of the parking of cycles.

Reason: To promote the use of cycles thereby reducing congestion on adjacent roads in accordance with policies CP1, CP10 and TR4 of the Adopted Oxford Local Plan 2001-2016.

## **8. APPENDICES**

- **Appendix 1** – Officers report to 6<sup>th</sup> November East Area Planning Committee
- **Appendix 2** – Officers report to 31<sup>st</sup> July East Area Planning Committee
- **Appendix 3** – Site Plan
- **Appendix 4** – ODRP letter
- **Appendix 5** – 2014 Appeal Decision

## **9. HUMAN RIGHTS ACT 1998**

- 9.1. Officers have considered the implications of the Human Rights Act 1998 in reaching a recommendation to approve 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.

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

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

## **INFORMATIVES :-**

- 1 Given the development's impact upon the surrounding streets in relation to the traffic generation and cycle trip generation, CIL funding towards the Temple Cowley Controlled Parking Zone and improvements to the cycle route via Barracks Lane will be sought from Oxford City Council at the appropriate time.

- 2 Given the development's impact upon the surrounding streets in relation to the traffic generation and cycle trip generation, CIL funding towards the Temple Cowley Controlled Parking Zone and improvements to the cycle route via Barracks Lane will be sought from Oxford City Council at the appropriate time.
- 3 The development hereby permitted is liable to pay the Community Infrastructure Levy. The Liability Notice issued by Oxford City Council will state the current chargeable amount. A revised Liability Notice will be issued if this amount changes. Anyone can formally assume liability to pay, but if no one does so then liability will rest with the landowner. There are certain legal requirements that must be complied with. For instance, whoever will pay the levy must submit an Assumption of Liability form and a Commencement Notice to Oxford City Council prior to commencement of development. For more information see: [www.oxford.gov.uk/CIL](http://www.oxford.gov.uk/CIL)

## **11. HUMAN RIGHTS ACT 1998**

- 11.1. Officers have considered the implications of the Human Rights Act 1998 in reaching a recommendation to approve/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.

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

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

<b>Application number:</b>	18/03330/OUT		
<b>Decision due by</b>	21 <sup>st</sup> March 2019		
<b>Extension of time</b>	TBA		
<b>Proposal</b>	Outline Planning Application (landscaping subject to reserved matters submission) for development comprising 86 residential units (a mixture of private, socially rented and intermediate units) together with public and private amenity space, access, bin and cycle storage and car parking		
<b>Site address</b>	Former Sportsground , William Morris Close, Oxford, OX4 2JX – see <b>Appendix 1</b> for site plan		
<b>Ward</b>	Cowley Marsh		
<b>Case officer</b>	Michael Kemp		
<b>Agent:</b>	Mr Simon Sharp	<b>Applicant:</b>	Cantay Estates Ltd
<b>Reason at Committee</b>	The proposals are a major application		

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## 1. RECOMMENDATION

1.1. The East Area Planning Committee is recommended to:

1.1.1. **approve the application** for the reasons given in the report and subject to the required planning conditions set out in section 12 of this report and grant outline planning permission subject to:

- The satisfactory completion of a legal agreement under section.106 of the Town and Country Planning Act 1990 and other enabling powers to secure the planning obligations.

1.1.2. **agree to delegate authority** to the Acting Head of Planning Services to:

- finalise the recommended conditions as set out in this report including such refinements, amendments, additions and/or deletions as the Acting Head of Planning Services considers reasonably necessary; and
- finalise the recommended legal agreement under section 106 of the Town and Country Planning Act 1990 and other enabling powers as set out in this report, including refining, adding to, amending and/or deleting the

obligations detailed in the heads of terms set out in this report (including to dovetail with and where appropriate, reinforce the final conditions and informatives to be attached to the planning permission) as the Acting Head of Planning Services considers reasonably necessary; and

- Complete the section 106 legal agreement referred to above and issue the planning permission.

## **2. EXECUTIVE SUMMARY**

- 2.1. This report considers the redevelopment of a 1.24 hectare site located within Temple Cowley, the site comprises a former sports ground and surface level car park at William Morris Close. The application is in outline form seeking approval of all matters relating to layout, scale, appearance, and means of access, and the only matter reserved for a later date is landscaping.
- 2.2. There is considerable planning history to the site, which includes three refused applications all of which were for residential development. Since the determination of these previous planning applications, the National Planning Policy Framework has been revised, and the site has also been allocated within the Council's Emerging Local Plan (Policy SP66). The revised National Planning Policy Framework is a material consideration in the determination of the application. However the policies of the Emerging Local Plan can be afforded only limited weight at the current time given that the Emerging Local Plan has not completed its examination and has not therefore yet been adopted.
- 2.3. This application was previously brought before members of the East Area Planning Committee on the 31<sup>st</sup> July 2019. Members expressed concerns in respect of issues relating to the transport/highways impacts of the development including traffic generation; overlooking of the adjacent Tyndale School and subsequent safeguarding concerns; in addition to the scale and density of development. Members resolved that a decision on the application should be deferred to allow for further information to be provided in respect of the technical analysis of traffic movements and highways impacts; parking provision and the implications associated with overlooking of the school and how this may be addressed.
- 2.4. Following the committee meeting and subsequent discussions with your officers and Oxfordshire County Council Highways officers, the applicants have revised the development proposals, reducing the number of dwellings from 102 units to 86 units, an overall reduction of 16 units. This has been achieved through the removal of a storey from each of the central four apartment buildings. The parking provision on site has also been reduced to a total of 86 spaces from 102 spaces.
- 2.5. The site as an open air sports facility is afforded protection under the provisions of Policy SR2 of the Oxford Local Plan, As a requirement of this policy it is expected that suitable alternative provision is made to mitigate the loss of the sports facility. In this instance the loss would be mitigated through a financial contribution which would be used to secure the provision of a new sports facility or improve an alternative sports facility. This would be secured by a legal

agreement. The current proposal is that the financial contribution would be put towards enhancing existing sports facilities at St Gregory the Great school in Cowley. The existing sports pitch at William Morris Close is currently unused and has been unused for an extended period of time with public access restricted. Furthermore, the cumulative development of adjacent sections of the former sports ground has reduced the size and quality of the facility, restricting its usability. Taking these factors into account it is considered that the proposed financial contribution would provide adequate mitigation for the loss of the existing sports pitch.

- 2.6. The site exists as open space; though the sports pitch is not designated as an area of public open space under Policy SR5 of the Oxford Local Plan as the pitch has not been accessible for a considerable period of time and is a private facility. Notwithstanding this, the site provides an open aspect within a dense residential area and the site specific provisions outlined within the emerging allocation policy would require the provision of 10% of the site as open space. The proposal would seek to provide 17% of the site as public open space which would comfortably exceed that requirement and is considered to be of a high standard and suitably accessible for future residents and existing residents in the area.
- 2.7. In relation to the originally submitted proposals for 102 units officers considered that the cumulative impact of the traffic generated by the development would not have a severe impact on the function of the immediate highway network, this was supported by Oxfordshire County Council. It is understood that the surrounding roads have issues associated with on street parking and the area is not currently within a CPZ. Officers noted the concerns expressed by members at the previous committee held on the 31<sup>st</sup> July 2019 in respect of the cumulative impact of additional vehicular traffic and adequacy of the proposed parking provision. The reduction in the number of units from 102 to 86 dwellings and subsequent reduction in on-site parking would reduce traffic generation from the scheme and thereby lessen the impact on the surrounding road network from the originally submitted scheme which the Oxfordshire County Council considered to be acceptable in highway terms. The revised parking provision of 86 spaces, which equates to one space per unit would be below the adopted maximum standards outlined under Policy HP16 of the Sites and Housing Plan. The proposed parking provision is considered to achieve an appropriate balance between providing adequate parking in order to ensure that the development would not result in an accumulation of vehicles on the surrounding roads, whilst not amounting to overprovision, so as to minimise trip generation and levels of car ownership.
- 2.8. The general scale of the built form, density, design and layout of the revised scheme is considered to be commensurate with the character and appearance of the surrounding area. The scale and siting of the development accounting for the separation distance of the proposed dwellings in relation to existing properties is considered sufficient to adequately safeguard the amenities of neighbouring properties. The reduction in the height of the four central apartment buildings and revisions to the site layout would enable the provision of an effective landscaping scheme, to form part of a future reserved matters application which would further mitigate any overlooking of the adjacent school.

2.9. Officers consider that the principle of residential development on the site is acceptable as the loss of the existing sports pitch and open space provision would be appropriately mitigated through a financial contribution towards alternative sports provision and through securing that 17% of the site be made available as public open space. Officers consider that the development is acceptable in all of other aspects and recommend that the committee resolve to approve the application subject to a legal agreement covered in the following section of this report.

### **3. LEGAL AGREEMENT**

3.1. This application is subject to a legal agreement to cover:

- The provision of on-site affordable housing at 50%.
- Financial contribution of £600,000 towards sports provision in the local area and a requirement for a community use agreement for the facility.
- The provision of Public Open Space.
- TRO and works to install parking controls on Barracks Lane and Travel plan monitoring. Oxfordshire County Council would be a party to this agreement.
- Secure that the proposed footpath link between William Morris Close and Barracks Lane is made available for public access.

### **4. COMMUNITY INFRASTRUCTURE LEVY (CIL)**

4.1. The proposal would be liable for CIL.

### **5. SITE AND SURROUNDINGS**

5.1. The site is located in Temple Cowley and comprises the former Sports Ground, which was previously part of the Morris Motors Social Club and an area of surface level parking associated with the sports facility. The sports ground which comprises of a grass pitch is not in active sports use and is enclosed with security fencing preventing public access.

5.2. The site is accessed principally from William Morris Close, which is a residential cul-de-sac that joins Barracks Lane to the north. There is a footway to the south west providing pedestrian access to Beresford Place and Crescent Road. This footway is not a public right of way but is currently open and is used as a pedestrian through route between William Morris Close and Beresford Place.

5.3. Tyndale Community School which is a two storey red brick building is located to the north of the site. The school was developed on part of the former Morris Motors Sports Club, reducing the size of previous sports facility. An area to the east and south east of the school building is used as outdoor play space by the school. A car park serving the school is located to the south of the main school building.

- 5.4. Another section of the sports ground to the north west of the site was redeveloped in the early 2000's for residential development of which is currently William Morris Close, this development comprises three storey blocks of apartments and terraced houses of two and two and half storeys, constructed from red brick with pitched roofs. Beresford Place to the south is comprised of red brick and white rendered three storey flats of a similar appearance to the flats in William Morris Close. The shared outdoor amenity space of the flats extends up to the southern edge of the site. The rear balconies of these flats overlook the application site.
- 5.5. Crescent Close is located to the west of the site and the existing surface level car park. Development in Crescent Close is comprised of two storey dark brick 1970's properties. Crescent Road further to the south consists of more traditional mainly red brick terraces, with some modern infill development in the form of terraced houses and blocks of flats constructed from a red brick palette of materials.
- 5.6. The properties to the east of the site front Hollow Way and consist mainly of a mix of traditional and late 20<sup>th</sup> century houses generally comprising of small terraces and semi-detached pairs constructed from a mix of brick and render materials. The gardens of the residential dwellings on the western side of Hollow Way extend up to the boundary of the application site. Oxford Golf Club is located to the north of Barracks Lane and forms an extended area of green space.
- 5.7. The site does not fall within a Conservation Area; however the boundary of the Temple Cowley Conservation Area extends up to the southern side of Barracks Lane, around 50 metres to the south of the application site.
- 5.8. The site is devoid of significant natural features although there are trees to the south east of the site along the rear boundaries of the adjoining properties in Hollow Way.
- 5.9. The site block plan is shown below, indicating the proposed layout of the development.



## 6. PROPOSAL

6.1. The amended application is seeking outline planning permission for a residential development on the former sports pitch and associated car park comprising 86 residential units within 2x3 storey blocks, 4x 4 storey blocks and two sets of two and half storey terraced houses. This has been amended from the 102 units previously proposed. Landscaping is the sole matter which would be reserved. Vehicular access to the development would be via William Morris Close. The existing pedestrian access to the south of the development linking the site with Beresford Place and Crescent Road would be retained.

6.2. It is proposed that 17% of the site would be made available as public open space; this would be sited adjacent to William Morris Close to the west of the 4 storey blocks of flats. The applicant would not be providing alternative sports provision on the site, but proposes to mitigate its loss through a financial contribution of £600,000 towards off-site sports provision. The preferred option for this contribution following discussions with the Council's Leisure Services would be for the contribution to be spent on enhancements to the existing sports facilities at St Gregory the Great School in Cowley. The financial contribution would be secured through a Section 106 legal agreement. A community use agreement would also be required in order to ensure that public access to this facility is secured.

6.3. The proposal would provide 86 dwellings, 43 of which (50%) would be available as affordable housing, with 34 dwellings (79%) of these affordable units being made available as socially rented accommodation, 9 dwellings (21%) would be available as shared ownership affordable housing. The remainder of the units would be privately rented accommodation.

6.4. Vehicular access to the site would be provided via William Morris Close. The development would be served by a total of 86 parking spaces. Each of the houses would be served with allocated parking, whilst the apartments would be provided with unallocated spaces, which includes visitor and disabled parking. The development would also be served by a car club parking space.

**7. RELEVANT PLANNING HISTORY**

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

<p>13/01096/FUL - Construction of two all-weather pitches, plus new residential development consisting of 6 x 1 bed, 15 x 2 bed, 15 x 3 bed and 4 x 4 bed residential units, 71 car parking spaces, access road and landscaping accessed off Barracks Lane (Amended plans)(Amended Description). Refused 18th September 2013 Appeal Dismissed.</p> <p>13/02500/OUT - Outline application (seeking access, appearance, layout and scale) for residential development consisting of 6 x 1-bed, 15 x 2-bed, 15 x 3-bed and 4 x 4-bed residential units, together with 70 car parking spaces, access road and informal recreation area. (Amended Description). Refused 11th December 2013.</p> <p>16/02651/OUT - Outline application with all matters reserved, seeking permission for 72 new affordable key worker dwellings, retention of and extension to existing parking area, together with private amenity space, access road, landscaping and new publicly accessible recreation space.. Refused 15th February 2017.</p> <p>17/01521/OUT - Outline application with all matters reserved for 83 affordable dwellings (1, 2 and 3 bed units) for occupation by key workers, with new access, landscaping and publicly accessible recreation space.. Withdrawn 3rd October 2017.</p>
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**8. RELEVANT PLANNING POLICY**

8.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework	Local Plan	Core Strategy	Sites and Housing Plan	Emerging Local Plan 2036
Design	11, 12	CP1 CP6 CP8 CP9 CP10 CP11 CP13	CS18_		DH1 DH2 DH5

Conservation/ Heritage	16	HE2 HE7 HE9			
Housing	2, 5		CS22_ CS23_ CS24_	HP2_ HP3_ HP9_ HP12_ HP13_ HP14_	H1 H2 H4 H10 H14 H15 H16 SP66
Natural environment	15	CP18 NE15 NE21 NE23	CS9_ CS11_ CS12_ CS21_		RE1 RE2 RE3 RE4 RE6 RE7 G2
Social and community	8	SR2 SR5	CS17_		G5 G7
Transport	9	TR1 TR2 SR9 SR10	CS13_ CS14_	HP15_ HP16_	M1 M2 M3 M4 M5
Environmental	11, 14	CP22	CS10_ CS2_		
Miscellaneous		CP.13 CP.24 CP.25		MP1	

## 9. CONSULTATION RESPONSES

9.1. Site notices were displayed around the application site on the 11<sup>th</sup> January 2019 and an advertisement was published in the Oxford Times newspaper on 10<sup>th</sup> January 2019.

9.2. The application was re-advertised by site notice on 27<sup>th</sup> June 2019 and an advertisement was published in the Oxford Times newspaper also on 27<sup>th</sup> June 2019.

9.3. The application was revised in September 2019 and the description of development amended to reflect the amendments. The application was subsequently re-advertised by site notice on the 16<sup>th</sup> September 2019 and in the Oxford Times newspaper.

### Statutory and non-statutory consultees

#### Oxfordshire County Council (Highways) – Revised Response (October 2019)

9.4. This level of traffic generation is slightly higher than that assessed previously with the various proposals, however cannot be identified to cause 'severe harm'

in the context of the NPPF on the operation of Barracks Lane or the Barracks Lane / Hollow Way / Horspath Road junction.

- 9.5. The implementation of parking restrictions along Barracks Lane is required in order to address issues associated with vehicular parking. Funding would be secured through a Section 106 agreement.
- 9.6. It is proposed to provide a total of 86 car parking spaces on site. Fourteen spaces would be allocated at one space per house and 72 spaces would be unallocated. This level of provision is in accordance with adopted standards.
- 9.7. The County Council is concerned that the car park for the development could be misused for parking which is not related to the development. Therefore, a suitably worded condition requiring a car park management plan has been requested.
- 9.8. A Controlled Parking Zone (CPZ) is planned for this area (Temple Cowley) and is currently in the Future Programme for CPZs. Due to lack of funding the Temple Cowley CPZ will not be taken forward at this stage, however, should funding become available it is expected this will be implemented in the future.
- 9.9. Until this point, Oxfordshire County Council has objected to the application on highways grounds for a number of reasons. In the last response dated 30th July 2019, the county council upheld their objection on cycle parking, however, following the reposition of the site access junction it has accepted that the required visibility splays could now be achieved.
- 9.10. The applicant has since redesigned the cycle parking layout to meet the requirements stated within this response. This shows that each house will have 3 cycle spaces either to the rear or front of the houses and the flats will have dedicated cycle stores which have been located close to the access to each block which will be beneficial to the users. All spaces are covered, secure and accessible and therefore this is accepted by the highway authority and as such, the objection has now been removed.
- 9.11. A revised travel plan is required and would be requested by condition.
- 9.12. Officer Response – For clarification the previously assessed proposals relate to the previous planning applications on the site for a lower quantum or development, as opposed to the original proposals submitted under this application for 102 Units. The other reasons referenced in Paragraph 9.9 refer to the proposed inadequacy of cycle parking previously proposed, in addition to concerns associated with the location of the proposed access junction between the development site and William Morris Close.

Oxfordshire County Council (Education and Property)

- 9.13. The demands that will be placed on local infrastructure and services have been assessed in accordance with the increase in population and its age profile, based upon the net number of dwellings and the notified mix. Should the application be amended or the development mix changed at a later date, the

County Council reserves the right to alter the above figures according to the nature of the amendment.

- 9.14. There is currently expected to be sufficient capacity at mainstream schools in the Oxford City area to accommodate this development, considering the planned new schools due to open within the next two years. There is an existing shortage of special education places, and in December 2018 the county council Cabinet approved a strategy to expand special school capacity, including the rebuilding and expansion of Northfield School in Oxford. The cumulative impact of housing development within the city will increase the need for special school places, and community infrastructure levy funding would be expected to contribute to the cost of this expansion.

#### Thames Water

- 9.15. Request conditions to deal with surface water and foul drainage capacity issues in the area.

#### Natural England

- 9.16. We consider that without appropriate mitigation the application would: damage or destroy the interest features for which Lye Valley Site of Special Scientific Interest (SSSI) has been notified.
- 9.17. In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required / or the following mitigation options should be secured: The applicant should provide a SUDS maintenance plan which will detail how the proposed SUDS will be maintained in perpetuity. Existing infiltration rates need to be maintained now and in perpetuity to ensure no damage to Lye Valley SSSI.
- 9.18. Advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.

#### Sport England

- 9.19. The proposal is for housing which will completely remove the playing field. There has been a previous planning application on this site where we did object due to a lack of replacement facilities/mitigation or justification for the loss in relation to our planning policies and the National Planning Policy Framework.
- 9.20. The applicants have offered a mitigation of £600,000 towards replacement facilities, which to my mind would meet our planning policy exception E4 and the NPPF paragraph 97. This is supported by the Football Association and the Football Foundation. Oxford City Council are currently refreshing their Playing Pitch Strategy and once it is complete, the City Council will be able identify the site(s) where the mitigation sum can be best used to provide sporting opportunities for the residents of Oxford.
- 9.21. Given the above assessment, Sport England does not wish to raise an objection to this application as it is considered to broadly meet exception E4 of the above policy.

9.22. Sport England had no further comments to make regarding the amended plans.

#### Oxford Civic Society

9.23. Oxford Civic Society raised concerns in relation to the original proposals including the adequacy of the recreation space, extent of car parking, impact of traffic on the adjacent Tynedale Community School, design aspects and cycle parking and bin storage.

9.24. Following the submission of the revised plans OCS commented that the present application seems to have reached a stage where it may be acceptable provided several remaining issues can be satisfactorily resolved. The contentious issue of provision of a sports facility may be approaching resolution in that it appears agreement may have been reached to fund an alternative sports pitch at Oxford Spires Academy.

9.25. Design issues too, may be approaching resolution although OCS note that the Oxford Design Review Panel has commented that the “low quality urban design and architecture in the site’s immediate vicinity” astound spur the applicant to make sure that this development has “its own distinctive character “. The siting of the cycle stores requires further improvement. The landscape character is not to be decided in this outline application but still require to be carefully assessed if this progresses to a full application for reserved matters.

9.26. OCS hope that this site will shortly be developed in a way which achieves a good quality design and resolves the outstanding issues of sports provision, cycle store location and achieves a high quality distinctive character of its own. This could make a helpful contribution to meeting housing need in the city and bring back into constructive use a site that has been neglected for too long.

9.27. Officer’s response – Section 9.24 of the OCS response references that an agreement may have been reached to fund a sports pitch at Oxford Spires Academy. This is not accurate as the provisional proposals are to fund improvements to the sports pitches at St Gregory the Great school. This is explained in further depth in the later sections of this report.

#### Thames Valley Police

9.28. Do not wish to object to the proposals. However some aspects of the design and layout are problematic in crime prevention design terms. Recommend a condition to achieve secured by design accreditation.

#### Historic England

9.29. Do not wish to comment.

#### **Public representations**

9.30. A total of 84 representations were received in relation to the original proposals from the following addresses in Hollow Way, Anemone Close, Glebelands, White Road, Benson Road, Manor Drive, Owens Way, Fern Hill Road, Addison Road,

Horspath Road, Raymund Road, Turner Drive, Yeats Close, Cranmer Road, Dene Road, Manor Drive, Townsend Square, Ridgefield Road, The Slade, Wilkins, Bulan Road, Glanville Road, Town Furze, Oliver Road, Wharton Road, The Sycamores (Cambridge), Gaisford Road, Beresford Place, Morrell Avenue, Barracks Lane, Beech Road, Cranmer Road, Crescent Road, Florence Park Road, Inott Furze, Knolles Road, Maidcroft Road, Ringwood Road, Selwyn Crescent (Abingdon), Stanway Road, Temple Road, Territorial Road, Troy Close, Don Bosco Close, Leafield Road, William Morris Close, Junction Road, Badgers Walk and Bennett Crescent.

9.31. The comments received are summarised into the following categories:

#### Principle of Development, Loss of Playing Fields, Open Space and Sports Facility

- The site should be retained as a playing field to serve the health and well-being of the local community.
- The site should be used as a community centre or social club.
- The site could be used as a playpark for the adjacent school.
- The sports pitch should be returned to its original use.
- The site is protected open space and should not be developed.
- The site would not be surplus to sports use. The proposed financial contribution would not compensate for this loss and may not benefit the local community.
- The site is not allocated for development in the Sites and Housing Plan.
- The site would be currently used as a sports facility if a fence had not been erected obstructing access.
- Oxford and Cowley are lacking in sports infrastructure and open space consideration is not given to the requirement for sporting facilities.
- Proposing replacement recreation facilities is inadequate and unacceptable.
- Housing need and provision should not override all other considerations.
- The development is contrary to Policy CS2 of the Core Strategy as the site is not allocated for development.
- The site is greenfield land and should remain undeveloped.
- Affordable housing provision would be lower than the local plan requirements.

#### Privacy, overlooking and Amenity

- Development would block light to the rear gardens in Hollow Way.
- The proposed dwellings would be too close to existing properties in the area.
- The development would overlook the flats in Beresford Place resulting in a loss of privacy for the occupiers of these properties.
- Insufficient detail is provided in respect of the overshadowing of existing properties.

#### Design Layout and Siting

- Proposals would be an overdevelopment of the site.
- There would be a lack of green open space.
- The development would be bulky, overbearing and unneighbourly.

### Parking, Access and Highways

- The development should be car free as the site is in a sustainable location.
- The development would result in traffic congestion.
- Generation of traffic would result in safety issues for road users and pedestrians particularly given the proximity to Tyndale School.
- Additional traffic congestion would be detrimental to adjoining residents.
- The proposals would further issues associated with parking in the surrounding roads.
- Impact on traffic congestion has been underestimated in the transport statement.
- Additional traffic generation would create pollution.
- Insufficient parking is proposed which will result in overspill parking.
- Residents are likely to be dependent on private vehicles in order to access local shops.
- The development will put pressure on road conditions in the immediate area.
- The development will result in congestion pressures in Crescent Road, Junction Road and Temple as these streets are currently used as a cut through.

### Other Issues

- Part of the site should be used by Tyndale School.
- Development during construction would cause disruption to users of the school.
- Several respondents have raised safeguarding concerns associated with overlooking of Tyndale School.
- The surrounding area is being overdeveloped which is putting pressure on local services and facilities.
- Additional demand would be put on school places in the area.
- Insufficient detail is provided on air quality during construction phase.
- Surfacing the site would increase likelihood of surface water flooding.
- Affordable housing would be below policy compliant levels.
- The development and traffic generation would have a negative impact on air quality.

### Comments made in support of proposals – 2 Representations

- Housing is much welcomed, Transport statement predicts low traffic generation and the sports facilities can be replaced elsewhere in the city.
- The development would provide much needed affordable and social housing.

County Councillor John Sanders made the following comments in relation to the original proposals:

With 210 bedrooms, i.e. 210-250 new residents, in an already overcrowded area thus putting a strain on existing overstretched local amenities.

I dispute the traffic figures produced for the development. Currently it is extremely difficult for residents of Barracks Lane, William Morris Close and Turner Close to drive out of Barracks Lane between 08:00 and 09:00 due to the heavy traffic for Tyndale School. On a typical weekday morning it can take 45 minutes to leave the Lane. It is not feasible for more traffic to leave the Lane during that time. Unless the development were deemed "Car Free" new residents could presume to park outside the site (after the proposed 86 spaces were full) causing even more congestion. It would be a serious congestion problem to allow any parking on or off site.

There is no daylight and sunlight impact assessment. These relatively tall buildings will cut out light from gardens on Hollow Way and Beresford Place and the fronts of the houses on William Morris Close. No impact has been assessed how much of the day these properties will be put in shadow during the year.

I note that the developer has offered to "improve" the playing field at Oxford Spires Academy in supposed mitigation for loss of the playing field amenity on site. However, this improvement does not increase the area of playing field at the Academy and therefore there would be a net loss of recreational area as the William Morris site would be lost.

Cowley Area Transport Group submitted the following comments in objection, these comments have been summarised as follows:

Tyndale school parents have already complained to their local councillors that they have trouble exiting from Barracks Lane onto Hollow Way at school run times. We have observed the phenomenon of traffic jams in Barracks Lane at school run times.

The presence of 88 unallocated parking spaces indicates that the major problem of this development will be the movements of vehicles to and from these spaces at school run and rush hour times. In consequence, the car free housing element of these housing units should be 100% in order to restrict any vehicle movements to public utilities, taxis and deliveries, if the City Council decides to permit this application at all.

Low levels of car ownership in Oxford do not justify confidence in no traffic impacts from this development.

A Controlled Parking Zone covering this area alone would not be adequate. If the development occurred at all, it should be car free and this requires that it is ringed by Controlled Parking Zones. Since it is consistent with the Local Transport Plan that Oxford should have uniform Controlled Parking Zones, it should be possible to introduce them to protect residents from unwanted vehicle parking.

Bike storage for 2 bikes for houses in this development assumes none of these homes become HMOs in the medium term. Since this is quite possible, bike storage would need to be larger. A completely car free development allows more space for cycle storage and indeed homes, on any given site of which car parks are a neglected resource in Oxford: it is possible to build around and above the surface level of private and public car parks to create the very low cost housing that is a primary social need in the City.

The Tyndale School has not reached its full capacity yet; second, projected traffic growth overtime – particularly for Hollow Way – needed to be considered and does not seem have been, preferably for the lifetime of the homes proposed.

Site sustainability: Assessment of this would need to include the planned lifetime of these homes and projected traffic increases over time. This is not provided.

A five year observation of a travel plan takes no account of the lifetime of the homes being constructed and projected traffic increases over that far more relevant period of time. Meaningful transport impacts of development require that the long-term be incorporated into planning considerations, not least because it can mean – as in this case – a planning application should be refused on long-term traffic grounds.

Air pollution: Not only should any parking allowed in this development have electric charging points, but this adds to the case for a car free development so that air quality around the Tyndale School is in no way worsened by such a development.

High risk of the Cambridge-Oxford Expressway taking an eastern route around Oxford: It is really remarkable that the Traffic Impacts considered do not include the Cambridge-Oxford Expressway.

Risk to cyclists making use of the shared-space sections of Barracks Lane, with pedestrians.

Junction capacity at Hollow Way: This does not, curiously, seem to have been tested and the slightly staggered nature of the junction with Horspath Road and Barracks Lane should have been a major consideration in ruling out traffic generating new development at the William Morris Recreation Ground..

The Climate Emergency: All planning applications should take into account the current UK legislation and goals on Climate Change.. This planning application mentions sustainable transport modes, but this does not ensure emissions reductions which are essential..

#### Bullington Community Association

Objected to the planning application on the following grounds, the comments are summarised below:

- Traffic: Traffic from the proposed 102 new housing units will use the existing William Morris Close to access Barracks Lane and then the main road - Hollow Way. Residents use this area as cyclists and motorists and it is the site of severe traffic congestion in rush hours. We reject any suggestion that parking spaces for local businesses on Hollow Way could be taken away to accommodate additional traffic as wholly unacceptable as it would almost certainly lead to the loss of local businesses that are valued by the community. The existing proposals, if implemented, will add to seriously problematic traffic congestion around the Tyndale community school, in William Morris Close, at start-finish times. We fail to see how

the City's support for an Air Pollution Charter is to be made meaningful by adding significantly to air pollution in this part of Oxford.

We do not find the Traffic Impact Statement associated with this planning application to be credible.

- Loss of Green Space: Neither the locals nor ourselves will support loss of green space. A re-opened site, since it is currently barricaded, would offer public open space to residents of Hollow Way, Crescent Close, Crescent Rd, Turner Close and William Morris Close. The Tyndale School is aiming to expand its intake. If the Tyndale school did want to enlarge its area of open green space, then some form of shared space arrangement for the Recreation Ground could be considered. For example, the Rec could be closed during the school day but be left accessible at other times;

Price: There is no affordable new housing for purchase in Oxford, or arguably in Oxfordshire, at current prices for homes. The primary demand for housing appears to us to be for very low cost housing since many households are unable to meet the difference between average incomes and mortgage costs at perhaps 16 times average incomes.

Other sites: As City Councillor Craig Simmons has previously initiated with the founder of Bed Zed, The City Council should be looking at car parks as potential apartment sites. We also commend any attempts the City may make which allow the formation of new Housing Cooperatives.

Energy and Climate Change: This Association notes that the proposals for this site assume that housing which is not Zero Carbon in both construction and operation is acceptable.

Space per person: We cannot see any evidence that the proposed housing will be adequate in space per person.

Sustainable Urban Drainage systems: Since this site is at the periphery of the catchment for the Lye Valley SSSI and nature reserve, we are concerned about how drainage in such a site will be maintained. The presence of permeable areas, and permeable pavers, is not guaranteed long-term.

The Bullingdon Community Association considers that these ecological concerns provide additional planning grounds for objection to ANY development on the William Morris Recreation Ground site and any re-zoning of this site for housing or any other development in future.

9.32. Following re-consultation on the amended proposals for 86 dwellings a further 43 representations have been received from members of the public from addresses in Maidcroft Road, Swinburne Road, Turner Close, Burshill Close, Abingdon Road, Crabtree Road, Fair View, Gaisford Road, Hollow Way, Manor Drive, Masons Road, Townsend Square, Troy Close, Turner Drive, Yeats Close, Dene Road, White Road, Town Furze, Teal Close, Lizmans Court, Leafield Road, Furlong Close, Cumberland Road, Crescent Road, Anemone Close, Norman Smith Road, Glanville Road, Blackstock Close, Cumberland Road,

Morrell Avenue and Ringwood Road. The public consultations responses can be summarised as follows:

- Plot size is insufficient to support the scale of development.
- Development would generate additional traffic and would be a risk to children at the adjacent school.
- Development would be overbearing when viewed from neighbouring properties.
- The proposals would have an adverse impact on the amenity of neighbouring properties.
- The development would overlook the Tynedale Community School and presents safeguarding risks.
- Development would be damaging for the welfare of children at the adjacent school.
- The car parking area has been used for dumping waste materials.
- The land should be used as a facility for the Tynedale School.
- The site should be used as a recreational space or sports pitch for the local community.
- Concerns about safeguarding from future occupation of the flats.
- The density of development proposed would be inappropriate.
- Development would put pressure on local services.
- There is insufficient green space within the area.
- Proposed alternative sports contribution would not be adequate as this is too distant from the site.

County Councillor John Sanders reiterated his objection to the application on the basis that the development was contrary to the Existing Local Plan and there were concerns in respect of parking and road safety. These concerns were also expressed by Councillors Arshad and Malik who both made representations on the amended proposals.

## **10. PLANNING MATERIAL CONSIDERATIONS**

10.1. Officers consider the determining issues to be:

- Principle of development
- Loss of Sports Facility and suitability of alternative provision
- Loss of open space and re-provision
- Affordable Housing
- Mix of dwellings
- Design
- Neighbouring amenity
- Highways/access
- Ecology
- Drainage/Flooding

## Principle of development

- 10.2. In light of the current stage in the examination process for the emerging Oxford Local Plan and the weight that can be attributed to its policy provisions, together with the requirements of Paragraph 11 of the revised NPPF 2019 and the consistency, or lack of consistency of the existing development plan with the NPPF, officers have clarified this section of the report from the previous report presented to members at the July 2019 East Area Planning Committee. Notwithstanding this, officers would make members aware that the same conclusions have been reached to that put forward in the previous report in that the principle of redeveloping this site would accord with the aims of the National Planning Policy Framework.
- 10.3. In relation to the national planning policy requirements, Paragraph 59 of the NPPF requires that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed; that the needs of groups with specific housing requirements are addressed; and that land with permission is developed without unnecessary delay.
- 10.4. NPPF Paragraph 11 outlines the overarching requirement that in applying a presumption in favour of sustainable development Local Authorities should be approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 10.5. William Morris Close is principally a greenfield site consisting of a former sports pitch, but also includes a smaller area of hardstanding used for car parking. Policies CS2 and CS22 of the Core Strategy outline the Council's adopted strategy relating to the spatial delivery of housing in the city. Policy CS2 states that new development should be focused on previously developed land, with development only being permitted on Greenfield Land if it is specifically allocated for development in the local development framework; or in the case of residential development, it is required to maintain a rolling five year supply of housing, as outlined within Policy CS22. It is important to note that Policy CS2 of the Core Strategy pre-dates the NPPF and in accordance with Paragraphs 11 and 213 of the NPPF, the policy should be considered in relation to its relative consistency (or lack of consistency) with the NPPF.
- 10.6. Policy CS2 adopts a sequential approach to developing land within the city, and as stated is restrictive of developing greenfield sites unless in specified circumstances and applies a brownfield first approach. This approach is inconsistent with the NPPF. Although the NPPF promotes the use of previously developed brownfield sites and gives substantial weight towards the re-use of

such sites (Paragraphs 117 and 118), the Framework does not require a 'brownfield first' approach to new development or presumption against the development of greenfield sites. The NPPF also does not specify that the principle of housing development on greenfield sites is only appropriate, if development is required to maintain a five year supply of housing. As a result, officers consider that Policy CS2 is not consistent with the approach outlined in the NPPF and should therefore be afforded limited weight in the determination of this application as the provisions of this policy would prevent the bringing forward of an otherwise sustainable and under-used greenfield site. The site also includes a small area of previously developed land which is redundant car parking land, whose development would accord with the requirements of Paragraph 117 and 118 of the NPPF.

10.7. The site is not allocated for housing use within the existing development framework, however the site forms an allocation within the Councils Draft Local Plan under Policy SP66 (William Morris Close Sports Ground). The site specific policy provisions of Policy SP66 outline that permission will be granted for residential development and public open space on the application site on the condition that either the playing pitch is retained; or alternative sports provision is made, whereby the City Council are satisfied that alternative provision can be delivered. It is also required that a least 10% of the new development is allocated as public open space, which must be welcoming to existing residents.

10.8. The current submission draft of the emerging local plan was adopted by members in September 2018. Public consultation on the draft plan was carried out between 1<sup>st</sup> November and 28<sup>th</sup> December 2018. The Draft Oxford Local Plan 2036 was submitted for examination in March 2019, however the plan has yet to complete its examination and there remains unresolved objections in respect of policy SP66. Consequently in accordance with paragraph 48 of the Framework, the statutory weight given to the Draft Oxford Local Plan 2036, including Policy SP66, remains limited.

10.9. Officers have also considered whether or not determining this application would raise issues of prematurity. The Framework provides clear guidance on this matter and sets out in paragraph 49 that arguments relating to whether an application is premature are unlikely to justify a refusal of planning permission other than in the limited circumstances where the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging plan. Officers consider that this site is not central to the strategy of the plan and do not consider that the grant of planning permission would act to undermine the plan making process. Therefore it is not considered to be premature for the Council to consider granting planning permission pursuant to the current application.

10.10. The NPPF places great emphasis on the Government's objective to significantly boost the supply of homes, recognising that this requires a sufficient amount and variety of land to come forward where it is needed, and that land with permission is developed without unnecessary delay (paragraph 59).

Moreover, local authorities should identify sites suitable for housing, including specific, deliverable sites for a five year period (paragraph 67).

10.11. The provision of 86 dwellings would make an important contribution towards Oxford's housing need, notably 43 of the dwellings would be affordable and there would be significant public benefits associated with this provision. There are a number of important material considerations associated with development on the site, which are considered in depth in the following sections of this report, however officers consider that the provisions of Policy CS2 of the Core Strategy should not restrict development on this site given the policy's clear inconsistency with the NPPF.

#### Loss of Sports Facility and Sports Provision

10.12. The existing pitch formed part of the Lord Nuffield Club; formerly the Morris Motors Club. The size and quality of the facility has diminished considerably since 2001. Planning approval was granted in 2004 for the redevelopment of the North West area of the site for housing, this included the retention of the Lord Nuffield Club building. At this time a community use agreement was in place to allow members of the public access to the facilities in the club house building, though this did not extend to the outdoor sports facilities including the sports field subject of this application, where access was restricted only to private members of the club.

10.13. In 2009 the Lord Nuffield Club closed leaving the clubhouse building vacant for a period of three years. A planning application was submitted for the redevelopment of the northern section of the site for what is now the Tyndale Community School. This reduced both the size of the sports facility, whilst the club buildings were also removed.

10.14. The site is afforded protection under Policy SR2 of the Oxford Local Plan (protection of open air sports facilities). Policy SR2 states that planning permission will only be granted where there is no need at all for the facility for the purposes of open space, sport or recreation, or where:

- a. there is a need for the development;
- b. there are no alternative non-greenfield sites; and
- c. the facility can be replaced by either i. providing an equivalent or improved replacement facility; or ii. upgrading an existing facility.

10.15. Paragraph 97 of the NPPF requires that: existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless: a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.

- 10.16. Policy SR2 is broadly consistent with the NPPF in terms of the protection afforded to sports facilities and the requirement that alternative sports provision is made to at least an equivalent standard, though the NPPF would allow for the loss of existing sports facilities if they are deemed surplus to requirements. Officers consider that the sports pitch, though diminished in size and quality would not be surplus to requirements as the pitch still has an identified potential to accommodate sports use, namely football albeit that this potential is limited. It would in officers view be correct that the loss of the sports pitch is compensated.
- 10.17. It should be noted that Paragraph 97 of the NPPF does not require a need to demonstrate availability of non-greenfield sites when considering developments which would result in the loss of open air sports facilities. This element of Policy SR2 should not therefore be afforded weight in determining development on this site. Nevertheless, there is an objectively assessed need for the development in terms of the requirement to provide additional housing in the city, in particular affordable housing. The housing trajectory within the Emerging Local Plan assesses all sites in the city which have capacity to deliver residential development in order actively assess how Oxford's housing needs can be adequately met. As part of this assessment it is necessary to consider non-previously developed greenfield sites given the limited identified number of previously developed sites within the city.
- 10.18. Policy SP66 of the Emerging Local Plan specifies that the playing pitch at William Morris Close must be retained unless alternative sports provision is made and the City Council can be satisfied that this can be delivered. The subtext to this policy states that the loss of the majority of the sports facility is justified because of the identified housing need. It is specified that sports provision must be retained on site unless alternative provision is made or contributions are made to improving a local facility such that the capacity increase and extent of the improvements are sufficient to outweigh the loss of the sports pitch.
- 10.19. Policy G5 of the Draft Local Plan reflects the policy requirements of Paragraph 97 of the NPPF in terms of the need to compensate the loss of existing sports facilities in terms of quantity and quality. Policy G5 requires that replacement provision should be provided in a suitable location which is equally or more accessible by walking, cycling or public transport access and specifies that where the opportunity arises public access to private facilities should be secured.
- 10.20. The matter of alternative sports provision was considered in depth as part of the appeal against the refusal of planning application 13/01096/FUL, which similarly related to the redevelopment of the site for residential use. This particular application was refused partly on the basis that the proposed sports provision, which as proposed would have consisted of all-weather mini sports pitches, was inadequate and public access would be restricted. The committee report for 13/01096/FUL specifically addressed this issue:

*“The application site has been in use for formal and informal sport and recreation until recently. Although the site is now fenced it has not been clearly shown that the site is surplus to requirements for sport or recreation. The site retains the potential to provide for types of open air sport and recreation for which there is a*

*need in the City. The replacement sports facilities in the form of all-weather mini-pitches with restricted community access are not equal to or better than retaining the potential of the site to provide for open air sport and recreation. Further it is not essential that the all-weather mini-pitches are provided on this particular site to satisfy local need”*

- 10.21. The present planning application does not directly propose the provision of a replacement facility on site. The applicant has instead proposed a financial contribution of £600,000 towards either the provision of a new sports facility in East Oxford within close proximity to the site, or the upgrade of an existing facility or facilities. The applicant proposes that the financial contribution would be made to Oxford City Council, which would be secured through a Section 106 agreement. The applicant has indicated that it would be supportive of the legal agreement being worded in such a way that development may not commence on the site until such time as the financial contribution has been made and until such time as a project(s) has been specifically identified and the funds allocated to a project. This would also be contingent on a community use agreement being in place. Sport England has raised no objection in principle to the provision of a financial contribution of £600,000 providing that this would be spent on providing a suitable alternative facility or improvements to an existing facility. In principle Sport England consider that this would not conflict with NPPF Paragraph 97.
- 10.22. Officers consider that a financial contribution would be acceptable in principle; however this would be dependent on whether delivery of equivalent or enhanced provision can feasibly be delivered in a location which is accessible and benefits the local community in this instance in the Temple Cowley area. The subtext to Policy SR2 of the Oxford Local Plan outlines that alternative sports provision should be of equivalent or improved community benefit in terms of size, utility and access, and should not lead to a shortage of recreation or amenity space in the local area. In suitable circumstances, the alternative provision could be in the form of significant improvements to existing outdoor sports facilities, such as the provision of changing facilities, improved drainage or an all-weather surface, which would enable it to be more intensively used as an all-weather facility.
- 10.23. A similar requirement is outlined within Policy G5 of the Emerging Local Plan. In terms of accessibility it is stated that: Any replacement provision should be provided in a suitable location equally or more accessible by walking, cycling and public transport, and accessible to local users of the existing site where relevant. Policy G5 also outlines that consideration will be given to the need for different types of sports pitches as identified in the Playing Pitch Study.
- 10.24. A new Playing Pitch Strategy for Oxford has been prepared as part of the evidence base to support the Emerging Local Plan. This provides evidence of the existing supply of sports facilities and demand, whilst also identifying where new facilities are required and where existing facilities can be enhanced. The playing pitch strategy would form a basis on which the Council can identify existing facilities in the immediate area that could be upgraded or provided in an accessible distance for the local community in order to provide mitigation for the loss of the existing sports pitch at William Morris Close. In order to achieve significant public benefits and benefit the local community it would be expected that the financial contribution is commuted towards a facility which has public

access or which can be made publically accessible through a community use agreement.

- 10.25. It is important to consider the relative value of the sports pitch at William Morris Close. The sports pitch is a private facility which is not publically accessible and there is no mechanism available currently to require the current owners to secure public access to the pitch. The applicants have indicated that there is no active interest in a private operator bringing the site back into use as a sports facility, this is in part due to the limited size and quality of the facility and the site's limited capacity to accommodate a range of sports uses and the associated facilities that would be expected to support sports uses on the site. The City Councils Community Services team have indicated that there would be no interest from the Council's perspective in taking ownership of the site and reusing it for sports purposes given the limitations of the site.
- 10.26. The Sports and Open Space Supporting Statement submitted with the application indicates that site would be incapable of supporting its former use as a cricket pitch. Though the site was historically used for this purpose the gradual reduction in the size of the site following the partitioning of sections of the site for development means that it is no longer large enough to support a cricket use. Theoretically the pitch could accommodate football or rugby uses though any use for these purposes would be highly restricted given the overall size of the site which would not realistically allow for changing facilities. This would prevent use of the site for adult football or rugby, though it could still be used for junior sports, however the likelihood of this would be limited.
- 10.27. The applicant's proposed contribution of £600,000 is based on the cost of delivering a full size artificial 3G all weather sports facility. In terms of carrying capacity, an all-weather pitch ("AWP"), particularly if floodlit has the potential to be an enhancement on a natural grass pitch as this can be used for a much greater length of time, including in evenings. In addition artificial pitches have a more durable surface which unlike grass are not be damaged by regular daily use. The applicant has liaised with the Oxfordshire Football Association who has advised that there is a need for two additional full size 3G AWP's within the city. It is worth noting that the applicant is not directly proposing to develop a new full size 3G AWP football facility rather the sum of money is likely to be spent on the upgrade of an existing sports facility in consultation with the Council's Leisure Team. Notwithstanding this, the financial contribution would be equivalent to the cost of delivering a new AWP facility.
- 10.28. It is noted that on site provision of all-weather mini-pitches was proposed as part of a previous planning application on the site (13/01096/FUL) and was deemed inadequate. It is noted that the pitches proposed under this previous application were not of the standard of a full size 3G AWP, neither did the proposals make provision for community access or floodlighting, which would have greatly limited the capacity and usefulness of the pitches during the evenings, particularly during winter months.
- 10.29. The applicant's draft heads of terms for a Section 106 agreement outlines that the financial contribution of £600,000 as proposed would be provided to the City Council prior to the commencement of development. It is proposed that this

contribution would be spent on a project which would be specifically identified by the City Council in accordance with the findings of the playing pitch strategy in a location accessible to the local community in Temple Cowley and on a site where either a community use agreement is in place or where a community use agreement can be secured. In order to meet the requirements of Policy SR2 of the Existing Local Plan and Paragraph 97 of the NPPF it would be vital in that any financial contribution is commuted towards a project in the near vicinity of the site which is readily accessible.

- 10.30. The Interim Playing Pitch Strategy outlines local needs for specific sports and where a deficit exists in the provision of certain sports facilities and has informed the evidence base for the Emerging Local Plan. The Emerging Local Plan identifies that there are existing facilities in the vicinity of the site which require upgrading, this includes the all-weather surface at St Gregory the Great School in Cowley, which is approximately 1.3km from the site or approximately 17 minutes walking distance. Initially the proposals were to provide a new all-weather pitch facility at Oxford Spires, however the applicants were unable to reach an agreement with the landowner to provide a facility in this location.
- 10.31. The Council's Sports and Leisure Team have indicated that they would support a financial contribution towards the upgrade of the facility at St Gregory the Great School and consider that this would be realistic and deliverable and there is support from the school for the upgrading of the facility. Upgrade of the facility would be contingent on a community use agreement being secured to ensure public access; otherwise there would be insufficient public benefits. The Council's Sports and Leisure Services team have advised that securing a community use agreement is a realistic prospect as the school is supportive of this. The pitch at St Gregory the Great School has floodlighting, which ensures that the facility can be used in the evenings and in the winter months giving the facility a greater playing capacity than the existing grass pitch at William Morris Close.
- 10.32. It is worth noting that the suggested draft heads of terms would require that the funds are allocated to a specific project(s) in the immediate vicinity prior to the commencement of development. This would ensure that the funding is delivered and can be committed to a suitable project eliminating the risk that the development may be carried out without the funds being committed to a suitable project and therefore remaining unspent. Officers have explored other options in the immediate vicinity of the site but consider that in terms of carrying capacity, deliverability and the overall benefits which would be provided, that the improvements to the sports pitches at St Gregory the Great School represents the best means of providing alternative sports provision to offset the loss of the sports pitch at William Morris Close.
- 10.33. The provision of a financial contribution offers the basis to develop the existing facility at St Gregory the Great School to a high standard and provides a means of securing community access to this facility, which is not the case at the present time therefore this would bring a currently private pitch into public use. The present pitch at William Morris Close has no public access and is understood to have never benefitted from public access as this was a private sports facility and it is considered that there is limited likelihood, given the capacity of the pitch, that

this would be brought into use in the near future. Through the improvements to the existing facility which would be secured as part of the Section 106 financial contribution and through the facilitation of community access it is considered that the sports provision which would be secured would represent an enhancement on the existing sports provision at William Morris Close. Taking these factors into account the proposals are considered to be in accordance with Policy SR2 of the Existing Local Plan; Paragraph 97 of the NPPF and Paragraph G5 of the Emerging Local Plan. The proposal also accords with the provisions of site specific Policy SP66 of the Emerging Local Plan, albeit that this policy attracts only limited weight at this stage.

### Loss of Open Space

10.34. Policy CS21 of the Core Strategy aims to protect and maintain publically accessible green space and should also be considered in conjunction with Policy SR5 of the Existing Local Plan. The land at William Morris Close is not afforded protection under Policy SR5 of the Oxford Local Plan, mainly as this is not publically accessible; notwithstanding this, the site still has value as an area of open space, the loss of which must be given due consideration and as referenced within the above section of this report, the site is afforded protection as a sports facility under SR2 of the Oxford Local Plan.

10.35. Policy CS21 of the Core Strategy states that other areas of open space will only be allocated for development if a need for the development of that land can be demonstrated, and if the open space is not required for the well-being of the community it serves.

10.36. The site is not afforded specific protection as an area of green infrastructure under the provisions of Emerging Local Plan Policy G2. Policy G7 of the Emerging Local Plan allows provision in exceptional circumstances for development on unprotected open spaces, though it is noted that this relates to unallocated sites and the site at William Morris Close is allocated under the provisions of Policy SP66 of the Emerging Local Plan. Policy G7 requires evidence to be provided demonstrating that:

- a) There is an exceptional need for the development that it can be demonstrated overrides the existing benefits it provides; and
- b) the development will bring benefits to the community, for example through delivery of community-led housing; and
- c) there are not suitable alternative sites where development could reasonably be located that would result in less or no harm; and
- d) the proposals will lead to improvements in biodiversity or amenity value; and
- e) consideration has been given to the layout of any proposed development in order to avoid impacts on biodiversity and any other important features of any green space within a development site, such as its contribution to townscape or the setting of a heritage asset;

- 10.37. Policy CS21 of the Core Strategy states that: opportunities will be sought for opening up access to new public spaces, for providing suitable new green spaces on or near to development sites, and for providing public access to private facilities.
- 10.38. The importance of providing open space within any new development at William Morris Close is acknowledged under the provisions of Policy SP66, which requires that any development on the site should provide at least 10% new public open space (“POS”), which should be sited to be welcoming to existing residents. It is worth noting that landscaping is a reserved matter; however the proposals allocate 17% of the site as an area of new public open space, which would exceed the minimum requirements of 10% POS specified under Emerging Local Plan Policy SP66.
- 10.39. The value of the site for sports and recreational use is addressed in the previous section of this report; however it is also important to consider the visual contribution that the site provides as an area of open space. The space in its current form provides a large and open green aspect within a relatively dense urban environment. This was acknowledged in the previous appeal on the site where the inspector commented on the site’s value as an open vista, which was valued by local residents. It was considered in that appeal that the development, by reason of the introduction of built form into this space would result in some harm to the character and appearance of the area.
- 10.40. Though the provisions of the Emerging Local Plan and Policy SP66 can be afforded only limited weight, it is considered that the overriding need for housing, particularly affordable accommodation (43 units in this instance) would justify the principle of development on the site and the loss of what is an area of unprotected open space.
- 10.41. Officers would acknowledge that there would be some harm arising as a result of the loss of the existing open aspect which the space provides. The introduction of built form to the site would inevitably urbanise and increase the density of built form in the area, however the development would equally provide opportunity through the provision of landscaping and new open space to mitigate the impact of the additional built form. The proposed open space would also be publically accessible in contrast to the existing sports pitch which is fenced off with no requirement to allow public access onto the pitch. The proposed space would be useable and would have amenity and recreational value, albeit that the open vista would be diminished to an extent.
- 10.42. The public open space would be provided to the front of the central apartment blocks and to the south east of the existing properties in William Morris Close. Officers consider that this would be the optimum position for this space in terms of legibility for members of the public and accessibility from William Morris Close therefore maximising the likelihood that this space would be used. Officers are satisfied that the proposed open space would be of a high standard. The proposals include play facilities as well as general open amenity space and officers are satisfied that the space is useable and safe, as the design of both the houses and east facing elevations of the flats would provide active frontages to this space, providing natural overlooking.

10.43. When considering the inspector's comments relating to the previous application on the site (13/01096/FUL) it should be noted that this development was less sympathetic in terms of its treatment of the public realm and allocated only a small area of land to the south of the proposed all weather pitches as open space. In that instance public views from William Morris Close would have been dominated by the proposed built form and its siting which was poorly considered. Public views on the previous scheme would have been dominated by surfaced car parking and the proposed all weather pitches and associated fencing. In contrast the present proposals maintain as much as possible an open, green aspect in public views from William Morris Close, even accounting for the density of built form.

10.44. The proposals by virtue of the introduction of built form into what is currently an open undeveloped green space, would result in the loss of what is presently an open vista, though this would be somewhat mitigated through the provision of a new and prominent area of public open space. The loss of the existing open aspect and view must be considered alongside the public benefits of the scheme, in particular the provision of 86 additional dwellings, 43 of which would be available as affordable accommodation. There would also be benefits from facilitating public access to an area of open space, given that the existing site is not publically accessible at present and is of diminished quality and currently enclosed by boundary fencing. The proposals would include the provision of additional landscaping which would contribute positively to the visual amenities of the area, whereas the space at present is unkempt and unmanaged. On balance officers consider that the public benefits associated with the provision of the proposed housing, alongside the provision of a new landscaped area of open space would outweigh the harm resulting from the loss of open space in its present form. Officers therefore consider that the proposals would comply with the requirements of Policy CS21 of the Core Strategy, Policy SR5 of the Oxford Local Plan and Policies G2, G7 and SP66 of the Emerging Local Plan.

#### Affordable Housing

10.45. Policy HP3 of the Sites and Housing Plan and Policy CS24 of the Core Strategy specifies that Planning permission will only be granted for residential development on sites with capacity for 10 or more dwellings, or which have an area of 0.25 hectares or greater, if a minimum 50% of dwellings on the site are provided as affordable homes. In terms of the tenure split of affordable housing, it would be expected that 80% of these affordable units should be socially rented.

10.46. Socially rented accommodation is defined within the Council's Emerging Local Plan as Homes that are let at a level of rent set much lower than those charged on the open market. The rent will be calculated using the formula as defined in the Rent Standard Guidance of April 2015 (updated in May 2016) or its equivalent or replacement guidance (relevant at the time of the application). It serves as accommodation for those in the greatest housing need for persons who would typically be unable to afford to rent alternative accommodation. Intermediate housing or shared ownership accommodation is partly sold and partly rented to the occupiers, with a Registered Provider (normally a housing

association) being the landlord. Shared ownership housing should normally offer a maximum initial share of 25% of the open market value of the dwelling.

10.47. Of the revised number of 86 units proposed on the site it is intended that 43 of the units (50%) would be made available as affordable accommodation, the remaining 43 units (50%) would be private tenure. In terms of the affordable units it is proposed that the tenure split would be 79% socially rented, with 21% provided as shared ownership units. The percentage of socially rented units, as a proportion of the total number of units has increased from the previous proposals for 102 units, where 75% of the units were proposed as socially rented accommodation. The development therefore broadly complies with the required affordable tenure split specified under Policy HP3 of the Sites and Housing Plan. The tenure layout is dictated by the management requirements of the housing operator. It should be noted that A2 Dominion, who were previously indicated as the being the operator who would be undertaking the management of the site are unlikely to be involved in the future management of the site, as the developers are understood to be considering a different operator for the private and affordable units.

10.48. The City Council’s Housing team have indicated that they are supportive of the proposed mix of affordable accommodation; particularly the provision of seven larger socially rented units which will meet the need specific needs of families on the housing register.

Mix of dwellings

10.49. Policy CS23 of the Core Strategy states that new residential development should comply with the Balance of Dwellings Supplementary Planning Document (SPD) housing mix. The site is outside of the City Centre and does not fall within a district centre therefore column 2 of table 6 of the Balance of Dwellings SPD is applicable to the proposed development on this site.

Table 6: Mix for other strategic sites

Dwelling types	Sites of 25-74 dwellings (percentage range)	Sites of 75-249 dwellings (percentage range)	Sites of 250+ dwellings (percentage range)
1 bed	0-20 %	6-16 %	10-15 %
2 bed	10-35 %	20-30 %	25-30 %
3 bed	25-65 %	35-65 %	40-55 %
4+bed	5-20 %	6-17 %	10-15 %

10.50. The proposals would provide the following mix of units:

Unit Size (Bedrooms)	Number of Units	Percentage
1	16	18.6%
2	56	65.1%
3	7	8.1%
4	6	7%
5	1	1.2%

10.51. As a total provision the scheme would fail to comply with the BOD's SPD target mix. Notably there would be an overprovision of 2 bedroom units and under provision of 3 bedroom units.

10.52. The Council's Emerging Local Plan is afforded limited, but gradually increasing weight but nevertheless reflects the shifting direction on the target housing mix on larger housing sites of 25+ dwellings reflecting the need to make best use of sites to deliver an optimum number of dwellings. The provisions of Policy H4 of the Emerging Plan requires that for new developments of 25 or more units outside of the City Centre and District Centres, a mix of dwelling sizes be provided, though this would apply only to the affordable element.

10.53. The table below outlines the proposed delivery of affordable housing units within the application scheme compared with the target numbers outlined within Policy H4 of the Oxford Emerging Local Plan.

Unit Size (Bedrooms)	Number of Units	Percentage	Emerging Plan Policy H4 requirement
1	16	37.2%	20-30%
2	17	39.5%	30-40%
3	6	14%	20-40%
4	4	9.3%	5-10%
5	0	0%	3-5%

10.54. The figures above indicate that there would be an overprovision of one bedroom units and under provision of three bedroom units in comparison to the requirements of Policy HP4 of the Emerging Local Plan. There are also a slightly higher number of four bedroom units than the target mix and no five bedroom affordable units are proposed.

10.55. Policy HP3 of the Sites and Housing Plan, which relates to the provision of affordable housing specifies that the applicant should demonstrate that the mix of dwelling sizes meets the City Council's preferred strategic mix for affordable housing. The City Council maintains a housing register which is used to manage the mix of dwelling sizes on new developments, according to housing need. The City's Housing Register identifies that the principle requirement is for 1 and 2 bedroom dwellings. The provision of smaller units also has the joint benefit of making available larger properties in the city which are currently under occupied for persons in need of these larger properties. The larger four and five bedroom units on the site are understood to be meeting the needs of families on the housing register. In respect of the mix of units, the Council's housing team have confirmed that they are satisfied with the type of affordable units proposed.

10.56. On the basis of the above, officers consider that the proposed mix of dwellings would be acceptable and achieves an acceptable balance which makes best use of the site thereby achieving an optimum number of affordable units. Whilst the target mix of affordable dwellings is slightly out of line with the requirements of Policy H4 of the Emerging Local Plan it is considered that the development

would provide a mix of units which adequately addresses the City Council's specific affordable housing needs.

## Transport

### Parking Provision

- 10.57. At the East Area Planning Committee held on the 31<sup>st</sup> July 2019 members expressed concerns in respect of issues relating to the transport and highways impacts associated with the development, including traffic generation and the suitability and extent of parking proposed. Members also requested that further information be provided in respect of the technical analysis of traffic movements and highways impacts.
- 10.58. Following the committee meeting and subsequent discussion with officers and Oxfordshire County Council, the applicant has revised the proposals, reducing the number of dwellings from 102 units to 86 units, an overall reduction of 16 dwellings. A revised Transport Assessment has been prepared in addition to a Car Park Management Plan. Following the reduction in the overall quantum of units, parking provision on site has been reduced to a total of 86 spaces. It is proposed that each of the 3, 4 and 5 bed dwellings would have 1 allocated parking space whilst the apartments would be served by unallocated parking. A car club space would also be provided.
- 10.59. The provisions of Policy HP16 of the Sites and Housing Plan set maximum standards relating to vehicle parking provision; these requirements are outlined within appendix 8. Car free and low parking developments are encouraged in appropriate locations, though this is dependent on evidence that low parking and the car free nature of development can be enforced such as within a CPZ, additionally the sustainability of the location is taken into account, in particular access to public transport and other facilities including a local supermarket.
- 10.60. Policy M3 of the Emerging Local Plan requires that in Controlled Parking Zones (CPZs) or employer-linked housing areas (where occupants do not have an operational need for a car); where development is located within a 400m walk to frequent (15minute) public transport services and within 800m walk to a local supermarket or equivalent facilities (measured from the mid-point of the proposed development), planning permission will only be granted for residential development that is car-free. In all other locations it is expected that developments comply with the specified maximum parking standards. Car free development may be permitted, however this is dependent on the site specific circumstances and nature of development proposed.
- 10.61. The application site is located outside of the Central Transport Area and does not lie within a district centre. The Cowley Primary District Centre is located around 750 metres to the south of the application site, there is a supermarket located approximately 950 metres from the site at Templars Square. There are bus stops within 250 metres of the site on Hollow Way, which are served by regular services to Cowley Centre, Headington, the JR Hospital and the City Centre.

- 10.62. The proposals make provision for 1 unallocated parking space per flat, whilst each of the proposed dwellings would have 1 allocated space. The surrounding area is not within a Controlled Parking Zone (CPZ) and in the absence of parking controls in the area; there is a high risk that under provision of parking would result in an accumulation of vehicles within the surrounding streets.
- 10.63. It is noted that Oxfordshire County Council have proposed CPZ's at Hollow Way (South and North) and Temple Cowley, which are deemed as high priority, though these are not fully funded and little weight can be afforded to the potential future implementation of a CPZ in the area at this particular time.
- 10.64. Whilst the site is not in an unsustainable location in terms of proximity to public transport and local services and facilities, there are no substantial means of enforcing that future occupiers do not own private vehicles and subsequently park these vehicles in the surrounding roads. The overall quantum of development combined with the lack of a feasible means of enforcing the car free development would likely result in significant on street parking in the surrounding roads, which would have an adverse impact on highway safety and amenity. Officers therefore consider that the development should not be car free. In terms of the proposed parking provision officers consider that this would be acceptable in line with the requirements of Policy HP16 of the Sites and Housing Plan, furthermore the Highways Authority raised no objection to the proposed level of parking provision within their consultation response to both the original proposals for 102 dwellings and the revised proposals for 86 dwellings.
- 10.65. The County Council is concerned that the car park for the development could be misused for parking which is not related to the development. Therefore, a suitably worded condition requiring a car park management plan has been requested.

#### Cumulative Highways Impacts

- 10.66. The matter of traffic generation resulting from development on this site, albeit a lower quantum of development (43 houses compared with 102 dwellings) was considered as part of the previous appeal decision on the site in 2014. The issues of parking pressure within the area and the accumulation of parking on the surrounding roads, particularly at pick up and drop off time outside the adjacent Tyndale School were considered by the appeal inspector. Whilst recognising the pressures in the area, the inspector considered that a scheme which provided parking in accordance with maximum standards would not significantly add to parking pressures and whilst there would be an increase in traffic generation, this was not deemed to constitute harm to highway safety and amenity. The matters of the safety of pedestrians walking to the school was given due consideration, it was considered that the provision of existing continuous footways provides sufficient separation between road users and pedestrians and therefore the additional traffic generation would be unlikely to impact detrimentally on pedestrian safety.
- 10.67. The trip rates accepted as part of the 2016 application have been used to assess the traffic generation of the site. The TRICS assessment has been

inspected and is considered to be an accurate evaluation of the site and expected trip rates.

- 10.68. When this application was first submitted for 102 residential units this estimated that the site could generate 34 two-way vehicular trips in the AM peak and 31 vehicular trips in the PM peak. Due to reduction in dwellings on site the expected two-way traffic generation at peak times is 29 in the AM and 26 in the PM.
- 10.69. The applicant undertook traffic surveys which showed that in comparison to existing traffic levels, the new movements are not deemed severe. For example, the predicted highest number of one way movements departing from the development are vehicles departing the site in the AM peak which is estimated to be 20.6. The traffic survey undertaken shows that the number of existing cars approaching the junction from Barracks Lane in the AM peak (08:00-09:00) is 108 vehicles.
- 10.70. The applicant has then undertaken junction capacity assessments using LinSig software. This shows that the junction operates within capacity following development traffic being added with a slight increase in degree of saturation on each arm (averaging approximately 3% per arm) the most impacted arm of the junction is Barracks Lane in the AM peak which shows a degree of saturation of 80.6%.
- 10.71. All arms are below a 10% increase in degree of saturation, this being the measure of demand relative to capacity and the added delay time per arm is considered appropriate. The largest increase in degree of saturation between modelled periods is the Barracks Lane in the PM peak (17:00-18:00) which has an increase of 8.9%, however, this only results in a 5 second delay for cars travelling through the junction. The AM peak from Barracks Lane which has the highest number of vehicle increase shows an increase of degree of saturation of 3.7% and an increase in queue length of 9 metres. The junction modelling is based on the original submission of 102 dwellings and the subsequent trip generation assessment, the impact would be greater than the actual scenario, which is also considered to be acceptable.
- 10.72. It should also be noted that in the recent guidance note published by TRICS on the changes in travel behaviour it states that there is a clear reduction in vehicle trips as sustainable transport infrastructure and local policy changes to promote walking and cycling. This shows that travel behaviours are continuing to change and vehicle trips continue to fall so in particular when there are high sustainable transport options (which this site has) it is likely the traffic generation from the development will continue to fall.
- 10.73. The site is in a sustainable location and there would be a high chance that a significant number of occupiers would not be using private cars during times which coincide with school drop off and pick up times, when most respondents specifically raised concerns about the impact of additional traffic generation. Good public transport access to the city centre and the site's proximity to a number of existing large employment sites would potentially negate the need for occupiers to use cars as a means of travelling to work during the busiest hours in

the morning, where traffic movements associated with occupiers may otherwise conflict with traffic movements associated with the adjacent school.

10.74. Officers and the Highways Authority consider that 'severe harm' in the context of the NPPF on the operation of Barracks Lane or the Barracks Lane / Hollow Way / Horspath Road junction cannot be demonstrated and as such there would be no reasonable grounds to refuse the application on highway impact.

#### Cycle Parking

10.75. Policy HP15 of the Sites and Housing Plan requires the provision of cycle parking within all new residential developments in line with specified standards. It is noted that the County Council had previously raised concerns in respect of the location of the proposed cycle parking. The applicant has since redesigned the cycle parking layout. Each house would have 3 cycle spaces either to the rear or front of the houses and the flats would have dedicated cycle stores which have been located close to the access to each block which will be beneficial to the users. All spaces are covered, secure and accessible and therefore this is accepted by the highway authority and as such, the objection has now been removed.

#### Pedestrian Access

10.76. The proposed plans include the provision of a public footpath through the site leading from William Morris Close to Beresford Place. Whilst this is in place at the current time and is open, this is not a public right of way. The proposals would ensure that this route is permanently provided which is considered to be beneficial as this is an important through route for pedestrians. The enhancements to this route would greatly improve permeability of access for future occupiers and existing residents in the area as a means of accessing Temple Cowley and the Cowley District Centre from Barracks Lane. Improvements to this access would be in line with Policy CS13 of the Core Strategy and TR4 of the Oxford Local Plan. The legal agreement associated with this application will require that this route is secured as a public right of way.

#### Amenity and Overlooking

#### Existing Occupiers and Adjacent Land Uses

10.77. It is noted that a number of representations have referenced potential overlooking of the adjacent Tyndale school, outdoor spaces and playing fields associated with the school. Further clarification was sought on this matter at the East Area Planning Committee held on the 31<sup>st</sup> July 2019 and members deferred determining the application until further details were provided in respect of this issue.

10.78. Block B features a number of windows serving habitable rooms (kitchen, bedroom and living spaces) and balcony spaces which face northwards towards the school. It is noted that there would be a separation distance of 18 metres between the facing windows and balconies and the boundary of the school. Block E would be much closer to the boundary, however the windows on the side

elevation of this building serve bathrooms for the first floor flats and in the case of the second floor flats these are secondary windows serving living spaces, which are served by larger primary windows. The windows along the north facing side elevation of the flats can be conditioned to be obscure glazed in order to prevent overlooking of the school and doing so would not impact on the amenity of future occupiers of the flats.

10.79. There are no specific planning guidelines in respect of acceptable distances and guidance on mitigating overlooking of schools. In terms of residential back to back distances 12 metres between a rear window and private garden would typically be considered acceptable. It would be considered good practice to ensure that steps are taken to reduce overlooking and it is considered that there would be a significant distance between the facing windows and the boundary of the school.

10.80. The amendments to the approved plans include the exclusion of the fourth storey of the previously proposed four storey central blocks. The exclusion of the fourth storey from Blocks A and B would reduce the number of units overlooking the school site, particularly those at a higher level. There would be habitable rooms on the first and second floor in Blocks A and B, which includes habitable windows which serving kitchens and bedroom spaces. Landscaping is a reserved matter; however the amended proposals include increased space for planting adjacent to the northern boundary of the site. Revisions to the parking and site layout allow additional space for planting within this area of the site to include larger species of trees, which would obscure views of the school play areas from the flats, dependent on the selection of species. This can be controlled at reserved matters stage and by planning condition. Taking these factors into account, officers consider that the development would not result in unacceptable overlooking of the external play spaces of the adjacent school.

10.81. The site lies in close proximity to a number of existing residential properties. To be acceptable, new development must demonstrate that it can be developed in a manner that will safeguard the residential amenities of the adjoining properties in terms of loss of amenity, light, outlook, sense of enclosure, and loss of privacy in accordance with Policy CP10 of the Oxford Local Plan 2001-2016 and Policy HP14 of the Sites and Housing Plan.

10.82. In respect of overlooking of adjacent residential properties, it is noted that the proposed houses 1 to 6 each have a rear garden depth of a minimum of 10 metres. There would be some increase in the overlooking of No.11 Crescent Close as the rear amenity space of this property would be overlooked by houses 1 and 2, there would be a minimum of 10.5 metres separation between the rear of houses 1 and 2 and the rear amenity space of this property. It is noted that there is a secondary side window on the east facing elevation of this property. There would be 12.9 metres distance between the rear windows of house No.3 and this side window, it is understood that this is a secondary window. It is noted that two dwellings are currently under construction in Crescent Road, however there would be a separation distance of at least 23 metres between the rear facing elevations of houses 5 and 6 and the boundary of the proposed dwellings.

10.83. In respect of the existing apartments at Beresford Place, a separation distance of at least 20 metres would be retained between the facing sets of windows in Blocks C and D and the existing apartments, this would be considered sufficient in officer's view in retaining the privacy of the existing occupiers of these properties.

10.84. There would be a separation distance of at least 39 metres between the rear elevation of houses 7 to 14 and Blocks E and F to the facing rear windows of the adjacent properties at Hollow Way. It is noted that these properties have very deep rear gardens. There would be a distance of 10 to 10.3 metres to the boundary of the private amenity area of these properties. There would be a separation distance of at least 39 metres between the rear windows and balcony spaces and the rear windows of the facing dwellings in Hollow Way, this is deemed to be sufficient in terms of retaining privacy for existing occupiers.

10.85. There would be a separation distance of 35 metres between the south facing side elevation of block F and the rear elevation of Nos.167 and 171 Crescent Road. At the closest point there would be 5 metres separation distance between the side of block F and the rear gardens of these existing properties, however these properties have substantial rear gardens and accounting for the relative separation distance between south elevation of block F and the rear elevations of the existing properties it is considered that the overall scale of development would not have an overbearing and compromising impact on the amenity of the occupiers of these properties. In terms of overlooking of Nos.167 and 171 Crescent Road it is noted that the only windows proposed on the south facing elevation of the proposed dwellings would be secondary windows serving bathrooms which would be conditioned to be obscure glazed.

10.86. In summary whilst the proposals would result in a material increase in overlooking of some adjacent occupiers, officers consider that the development would not substantially compromise the amenity of existing occupiers of properties surrounding the development site. The proposals would not result in significant loss of light to neighbouring properties and it is considered that the overall scale of development would not be overbearing. Taking the above factors into account it is considered that the proposed development would comply with the provisions of Policies HP9 and HP14 of the Sites and Housing Plan; Policies CP1, CP8 and CP9 of the Oxford Local Plan and Policy CS18 of the Core Strategy.

#### Future Occupiers

10.87. Policy HP12 of the Sites and Housing Plan sets internal space standards for new residential development, compliance with the Governments Nationally Described Space Standards is also required. The proposed dwellings would each be of a standardised size, this is indicated in the table below:

UNIT SIZES	
Type	Area (m <sup>2</sup> )
Flat - 1 Bed 2 Person	50
Flat - 2 Bed 4 Person	70
Flat - 3 Bed 5 Person	86
House - 3 Bed 5 Person (Two Storey)	93
House - 4 Bed 7 Person (Three Storey)	121
House - 5 Bed 9 Person (Three Storey)	135

The above table indicates that each of the proposed units would comply with Nationally Described Space Standards. Individual rooms would also be NDSS compliant. The internal spaces of the proposed units are considered to be adequate and would comply with the requirements of Policy HP12 of the Sites and Housing Plan.

10.88. Policy HP13 of the Sites and Housing Plan requires that planning permission will only be granted for new dwellings that have direct and convenient access to an area of private open space, to meet the following specifications. For houses this would generally be an area of private garden space, whilst for flats of 1 and 2 bedrooms this would comprise of an external balcony and/or access to an area of private communal amenity space.

10.89. In terms of the flats, each of these would be served by external balcony areas, each of which would exceed the size requirements specified under Policy HP13 of the Sites and Housing Plan. The central four blocks of flats would each have adjacent access to a sizeable area of communal private amenity space located in the centre of the site between the blocks. This centralised space would be also be accessible to all residents, including the occupiers of the houses and Blocks E and F. Blocks E and F would also have external amenity spaces to the rear of the buildings. Each of the units would also have access to public open space which would be created within the development. The subtext relating to Policy HP13 specifies that external amenity spaces for houses should be equivalent to the footprint of the dwelling; this would be the case in each of the proposed houses.

10.90. Officers are satisfied that the amenity standards for all future occupiers would comply with the requirements of Policy HP13 of the Sites and Housing Plan.

#### Design, scale and massing

10.91. In terms of design, the NPPF requires high quality design and a good standard of amenity for all existing and future occupants of land and buildings. It suggests that opportunities should be taken through the design of new development to improve the character and quality of an area and the way it functions. Policies CP1, CP6 and CP8 of the Oxford Local Plan, together with Policy CS18 of the Core Strategy and Policies HP9 and HP14 of the Sites and Housing Plan in combination require that development proposals incorporate high standards of design and respect local character. This is also reflected within Policy DH1 of the Emerging Local Plan, which specifies that planning permission will only be granted for development of high quality design that creates or enhances local distinctiveness.

10.92. The application was subject of a design review workshop with the Oxford Design Review Panel held in July 2018 and a follow up review held in October 2018. In summary the panel were positive in respect of the development and evolution of the scheme. A number of design alterations were suggested, which the applicants have proactively sought to address.

10.93. The site area covers roughly 1.24 hectares. It was noted that a number of objections in relation to the original proposals for 102 dwellings raised concerns

that the proposals would represent an overdevelopment of the site. This is repeated in a number of the representations received in relation to the revised plans for the reduced quantum of 86 dwellings.

- 10.94. It is noted that the Sites and Housing Plan bases site allocation density at 55 dwellings per hectare, though it is noted that higher densities may be appropriate in certain locations such as in the City Centre or District Centres. This is partly to achieve a balanced mix of dwellings whilst making best use of the land, though there are other material considerations and the design of the development must account for the general character of the area. The density of development for the previously proposed development of 102 dwellings on the site would have been 82.2 dwellings per hectare. For the reduced quantum of 86 dwellings, density would equate to 66.2 dwellings per hectare, which is a considerable reduction in overall density.
- 10.95. Policy RE2 of the Emerging Local Plan states that development proposals must make best use of site capacity, in a manner compatible with the site itself, the surrounding area and broader considerations of the needs of Oxford. This includes exploring opportunities for developing at the maximum appropriate density accounting for the site context and all other material planning considerations. Higher density developments of 100 dwellings per hectare are encouraged within the City Centre and District Centres.
- 10.96. Whilst the site lies outside of a district centre, it is a compact urban plot surrounded by a mix of high density development, including apartments at William Morris Close and Beresford Place and lower density two storey houses in Crescent Close and Turner Close. Accounting for the urban grain and surrounding scale of development it is considered that the overall quantum of dwellings and density of development would be commensurate with the character of the area. The layout incorporates a significant quantity of open space provision, both public and private, which breaks up the overall density of the built form and the density would in officer's view feel comfortable and not oppressive. Site Policy SP66 of the Emerging Local Plan requires that 10% of the site is allocated as open space, whilst the proposals allocate 17% of the site as public open space.
- 10.97. The development includes a mix of three storey houses and six blocks of flats. A row of six houses is proposed adjacent to No.59 William Morris Close; these properties would be three storeys and would be of a single gabled fronted form. The general scale of the dwellings would relate appropriately with that of the adjacent two storey dwellings to the north and would continue the existing street pattern along William Morris Close and would also relate logically to the adjacent development to the west in Crescent Close. In terms of the proposed apartments, it is considered that these would be of an appropriate scale accounting for the adjacent built form in Beresford Place and William Morris Close, which comprises three storey flats with pitched roofs. The overall scale of development is responsive to the scale of the adjacent built form and general character of surrounding area.
- 10.98. There is no uniform architectural character in the immediate area which comprises of new build 2000's development in addition to late 20<sup>th</sup> century and

more traditional red brick dwellings in Crescent Road on the edge of the Temple Cowley Conservation Area. The materials palette comprises principally of red brick which is consistent with the predominant use of materials in the area, in both the newer development in William Morris Close and traditional dwellings in Crescent Road. The proposed development would be contemporary in its general character and whilst taking some characteristics the development would not replicate the existing adjacent development, which is considered to be an acceptable approach given that the surrounding development is not of any notable architectural standard. Amendments have been made to the design of the proposed dwellings to improve the relationship between the proposed flats and the area of public open space in terms of the west facing elevational treatment of these buildings to enhance activity adjacent to the open space. Notwithstanding the removal of one storey from each of the central blocks on the site, the amendments to the design do not fundamentally alter the appearance of the development, other than that the overall scale and mass of the central blocks is reduced. The scale of the central blocks, which are the highest buildings on the site are comfortable in relation to the proposed buildings and scale of the existing built form in William Morris Close and Beresford Place.

10.99. Landscaping is an important consideration in terms of the treatment of the public and private realm. As landscaping is a reserved matter this is not a matter for consideration at this stage and would be subject of a further application. Notwithstanding this, an indicative landscaping plan has been provided which would indicate the feasibility of delivering high quality landscaping across the site. The amendments which have been made are beneficial in providing additional landscaping within the proposed parking layout, which helps to offset the visual impact of the surface level parking.

10.100. Overall officers are satisfied with the design approach in terms of the layout, density of development and the architectural character and appearance of the proposed dwellings. Officers consider that the development would comply with Policies CP1, CP6 and CP8 of the Oxford Local Plan, together with Policy CS18 of the Core Strategy and Policies HP9 and HP14 of the Sites and Housing Plan.

#### Heritage and Conservation

10.101. The Temple Cowley Conservation Area extends to a position approximately 60 metres to the south of the site to a position adjacent to the junction of Crescent Road and Junction Road. Whilst the site falls outside of the designated Conservation Area officers consider that the development site would broadly fall within the setting of the Conservation Area.

10.102. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that: "In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area." As the development would not be located within the Conservation Area itself, it is worth noting that this provision is not expressly engaged, however as the site is

within the setting of the Conservation Area and development may impact on its significance it is appropriate to give this due weight.

10.103. For development within Conservation Areas, the NPPF requires special attention to be paid towards the preservation or enhancement of the Conservation Area's architectural or historic significance. Paragraph 193 of the NPPF requires that: When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. In terms of development which affects the setting of Conservation Areas Policy HE7 of the Oxford Local Plan requires that development should preserve or enhance the setting of the Conservation Area.

10.104. Views of the application site from the Conservation Area are highly limited owing to the presence of existing buildings along the northern side of Crescent Road, Crescent Close and the development at Beresford Place. It is unlikely that the development would be perceived either from the setting or as part of the setting. The development would not be visible from within the setting of the Conservation Area other than in possible glimpsed views between existing buildings and in any event officers consider the overall impact on the setting of the Temple Cowley Conservation Area would be negligible and the development would not result in harm to the significance of the Conservation Area as a heritage asset, consequently the development would preserve the setting of the Temple Cowley Conservation Area in accordance with Policy HE7 of the Oxford Local Plan and Paragraph 193 of the NPPF.

10.105. The Oxford Local Plan recognises the importance of views of Oxford from surrounding high places, both from outside Oxford's boundaries but also in shorter views from prominent places within Oxford. As a result there is a high buildings policy (HE9), which states that development should not exceed 18.2m in height or ordnance datum 79.3m, whichever is the lower, within a 1,200m radius of Carfax except for minor elements of no great bulk and a View Cones Policy (HE10) which protects views from 10 recognised viewpoints on higher hills surrounding the City to the east and west and also within the City. There are also a number of public view points within the city centre that provide views across and out of it, for example Carfax Tower, St Georges Tower and St Marys Church. The elevated viewpoints as public views are considered to contribute to the significance of the Central Conservation Area.

10.106. Policy DH2 of the Emerging Local Plan requires that design choices about building heights are informed by an understanding of the site context and the impacts on the significance of the setting of Oxford's historic skyline, including views in to it, and views within it and out of it. In order to achieve this it is expected that all of the following criteria should be met: a) design choices regarding height and massing have a clear design rationale and the impacts will be positive; and b) any design choice to design buildings to a height that would impact on character should be fully explained, and the guidance on design of higher buildings set out in the High Buildings Study TAN should be followed. In particular, the impacts in terms of the four visual tests of obstruction, impact on

the skyline, competition and change of character should be explained; and c) it should be demonstrated how proposals have been designed to have a positive impact through their massing, orientation, the relation of the building to the street, and the potential impact on important views including both in to the historic skyline and out towards Oxford's green setting.

10.107. The site is spatially distant from Carfax and lies outside the datum area specified under Policy HE9 of the Oxford Local Plan. The application site lies outside, but nevertheless close to the Crescent Road view cone and lies in what is a relatively elevated position. The tallest buildings on the site would be the central block of four storey flats. The majority of the development on the site would be relatively low rise. The heights of the central flats has been reduced and these buildings now extend to a maximum height 11.8 metres to the roof ridge reduced from 14.7 metres, as previously proposed, this is less than the adjacent three storey buildings in Beresford Place. Whilst the height and scale of the buildings is not substantial, as the development is located on higher ground close to the Crescent Road View Cone, officers consider that it is appropriate to consider the impact of the development in relation to wider views within the City Centre in accordance with Policies HE9 and HE10 of the Oxford Local Plan.

10.108. In order to properly assess the visual impact of the development, the applicant prepared a landscape and visual impact assessment in relation to the originally proposed, larger scale development. The applicant's landscape and visual assessment takes into account the impact of the development from six identified viewpoints within the city. The evidence provided in terms of the visual images and supporting analysis concludes that the impact of the development is likely to be minor as the development is unlikely to be discernible in these longer range views. It should be noted that the Visual Impact Assessment has not been amended to account for the reduced height of the central blocks. The original proposals, as evidenced from the Visual Impact Assessment were not discernible in longer range views. The revised proposals which are of a reduced height would therefore have even less of an impact of wider views and would not result in harm to the significance of the Central Conservation Area in respect of the overall setting and views experienced from within the centre of the city. The development would not consequently conflict with the provisions of Policies HE7, HE9 or HE10 of the Oxford Local Plan as well as the provisions of Policy DH2 of the Emerging Local Plan.

### Ecology

10.109. Policy CS12 of the Oxford Core Strategy requires that Development will not be permitted where this results in a net loss of sites and species of ecological value. Where there is opportunity, development will be expected to enhance Oxford's biodiversity

10.110. The site has been subject to a number of surveys and found to be of negligible to low ecological value. The changes in management of the site are however creating habitats of increasing value to wildlife such as reptiles, therefore prior to any development, an updated walkover survey will be required to assess the site in respect of any further changes. Subject to appropriate conditions to secure adequate ecological mitigation and enhancement, the

development would not impact adversely on site biodiversity and the development would comply with the provisions of Policy CS12 of the Oxford Core Strategy.

### Drainage

10.111. The application site is at the periphery of the surface water and groundwater catchment for the Lye Valley SSSI. Natural England has indicated that the proposed increase in built development on the application site has the potential to impact negatively on the hydrology of this site. Concern was expressed that without the submission of an appropriate SUDS's maintenance plan that the development could damage or destroy the Lye Valley SSSI.

10.112. The site is within Flood Zone 1 and is deemed to be at a low risk of surface water flooding. To protect biodiversity within the Lye Valley SSSI and to prevent surface water flooding as a result of the development a surface water SUD's scheme for the site is required by condition, which will include a maintenance scheme. Subject to the provision of a satisfactory scheme as required by condition it is considered that the development would comply with the requirements of Policies CS12 and CS13 of the Oxford Core Strategy.

### Sustainability

10.113. Policy CS9 of the Core Strategy requires that all developments should seek to minimise their carbon emissions. Proposals for development are expected to demonstrate how sustainable design and construction methods will be incorporated. All development must optimise energy efficiency by minimising the use of energy through design, layout, orientation, landscaping and materials, and by utilising technologies that help achieve Zero Carbon Developments.

10.114. Policy HP11 of the Sites and Housing Plan requires that developments of 10 or more dwellings are accompanied by an Energy Statement in order to demonstrate that 20% of all energy needs are obtained from renewable or low carbon resources.

10.115. The application is accompanied by an Energy and Sustainability Statement; this outlines a series of measures which would be incorporated to meet the 20% target identified under Policy HP11 of the Sites and Housing Plan. The Energy Statement indicates that the following measures would be incorporated into the design of the development to meet this requirement:

- Low air permeability of facade
- Improved U value
- High performance Low E glazing
- High efficient heating system
- Energy efficient lighting (LED)

10.116. Subject to the developments compliance with the details outlined in the energy statement it is considered that the development would comply with the requirements of Policy HP11 of the Sites and Housing Plan; Policy CS9 of the Core Strategy and Paragraphs 153 and 154 of the NPPF.

### Air Quality

10.117. The applicants review of the Air Quality levels in the area states that pollutant concentrations at the façades of proposed residential receptors are predicted to be within the relevant health-based air quality objectives. On that basis, future occupants of the proposed development will be exposed to acceptable air quality and the site is deemed suitable for its proposed future use.

The ADMS-Roads dispersion model has been used to determine the impact of emissions from road traffic on sensitive receptors. Predicted concentrations have been compared with the air quality objectives. The results of the assessment indicate that annual mean nitrogen dioxide (NO<sub>2</sub>) concentrations are below the objective in the 'without' and 'with' development scenario. Concentrations of particulate matter (PM<sub>10</sub>) are also predicted to be below the annual mean objective in the 'without' and 'with' development scenario.

10.118. The AQA states that no air pollutant emitting on-site energy generation is planned. However, the sites energy & sustainability statement refers that energy supply will be provided by solar panels and an efficient gas fired boiler. Current IAQM Guidance considers all gas fired boilers to be high efficient (Low NO<sub>x</sub>) all the boilers that have NO<sub>x</sub> emission rates < 40mg/kWh. Since no evidence is provided with regards to the boilers' technical specifications, proof that the boilers that are going to be installed on-site emit NO<sub>x</sub> emission rates within the referred threshold will be required by condition.

10.119. A dust risk assessment has been carried out using the IAQM's 'Guidance on the assessment of dust from demolition and construction' to determine the potential impacts from demolition and from earthworks, construction and track out. The implementation of suitable site specific mitigation measures and their inclusion in the site's CEMP will bring the construction phase air quality dust impacts of this development from medium risk to the status of negligible/non-significant.

## **11. CONCLUSION**

11.1. On the basis of 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. In the context of all proposals Paragraph 11 of the NPPF requires that planning decisions apply a presumption in favour of sustainable development, this means approving development that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or

the policies which are most important for determining the application are out-of-date, granting permission unless: the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

- 11.3. The proposals would bring forward the development of 86 residential dwellings, of which 43 units would be affordable accommodation. Policy CS2 of the Core Strategy outlines that development will only be permitted on Greenfield Land if it is specifically allocated for the use in the local development framework; or in the case of residential development, it is required to maintain a rolling five year supply of housing. These provisions are considered however to be out of date, as Policy CS2 is inconsistent with the NPPF, which does not require a sequential brownfield first approach to residential development. The site is not principally brownfield land but is allocated for residential development within the Council's Emerging Plan. The Emerging Plan is yet to undergo examination and the site's allocation is afforded limited weight at this stage. Notwithstanding this there is a clear and evident housing need within the city, particularly affordable housing.
- 11.4. As a sports and recreation facility there is a clear policy requirement as outlined within Policy SR2 of the Oxford Local Plan, Paragraph 97 of the NPPF and the site specific requirements of Policy SP66 of the Emerging Local Plan that the existing sports facility should be replaced to an equivalent or enhanced standard. In order to satisfy these requirements the applicants have proposed a financial contribution of £600,000 towards the upgrade of the existing all weather sports pitches at the nearby St Gregory the Great School in Cowley. This financial provision and community access to this facility would be secured through a Section 106 Agreement. Officers are satisfied that the financial contribution towards the upgrade of an existing publically accessible facility would represent an enhancement compared with the existing sports pitch which has not been actively used for an extended period of time, has limited playing capacity and no public access. Sport England has indicated that the alternative sports provision offered represents satisfactory mitigation in principle for the loss of the existing facility.
- 11.5. The development would result in the loss of an area of open space, which whilst not publically accessible provides an important visual break within a relatively dense area of built form. The loss of the open aspect formed a basis for the refusal of a previous planning application on this site. Whilst the loss of a perception of openness would be inevitable within any development on the site, the proposals in officer's view provide mitigation through the delivery of public open space, which would be sited in the optimum location and comprises 17% of the total site area, exceeding the 10% requirement specified within Policy SP66 of the Emerging Local Plan.
- 11.6. Officers are satisfied that the development preserves an appropriate standard of residential amenity for existing occupiers and would not compromise neighbouring properties by reason of overlooking, loss of light and scale of the proposed built form. Officers are also satisfied that the design of the dwellings

affords appropriate standards of amenity for future occupiers. Officers consider that the development would be of a high design standard and the development would be not result in harm to the heritage significance of the Temple Cowley Conservation Area.

11.7. The highways impacts of the development have been assessed in relation to the overall quantum of development and impact on the existing road network. The amendments to reduce the quantum of development from 102 units to 86 units, in conjunction with a reduction in associated parking would further lessen the cumulative impact on the adjacent highway network. County Highways as statutory consultee on highways matters have indicated that they consider the cumulative impact of the development on the existing road network would not be severe; consequently there would be no conflict with Paragraph 109 of the NPPF.

11.8. For the reasons expressed within this report it is recommended that the Committee resolve to grant planning permission for the development proposed subject to the satisfactory completion (under authority delegated to the Acting Head of Planning Services) of a legal agreement under section 106 of the Town and Country Planning Act 1990.

## **12. CONDITIONS**

1. Application for the approval of reserved matters must be made to the Local Planning Authority before the expiration of three years from the date of this outline permission.

Reason: In accordance with Section 92(2) of the Town and Country Planning Act 1990.

2. The development permitted shall be begun either before the expiration of five years from the date of this outline permission or from the expiration of two years from the date of approval of the last reserved matters to be approved, whichever is the later.

Reason: In accordance with Section 92(2) of the Town and Country Planning Act 1990.

3. The development referred to shall be constructed strictly in complete accordance with the specifications in the application and the submitted plans.

Reason: To avoid doubt as no objection is raised only in respect of the deemed consent application as submitted and to ensure an acceptable development as indicated on the submitted drawings.

4. Samples of the exterior materials to be used shall be submitted to, and approved in writing by, the Local Planning Authority before the start of work on the site and only the approved materials shall be used.

Reason: In the interests of visual amenity in accordance with policies CP1 and CP8 of the Adopted Oxford Local Plan 2001-2016.

5. Prior to the commencement of the development hereby approved, full details of the access road, including layout, construction, lighting, and drainage shall be submitted to and approved in writing by the Local Planning Authority. These details must demonstrate that adequate forward visibility in both directions is achieved in accordance with the intended design speed of the proposed development. The means of access shall be constructed in accordance with the approved details prior to the first occupation of the development and be retained thereafter.

Reason: In the interests of highway safety in accordance with the National Planning Policy Framework

6. Prior to the commencement of the development hereby approved full details (lighting, dimensions, surfacing) of the proposed pedestrian and cycle link between the development, Beresford Place and Crescent Road, will be submitted to and approved in writing by the Local Planning Authority. These details must include the terms agreed with the owners of Beresford Place over which pedestrians cyclists must pass, including lighting, dimensions, surfacing and drainage. Thereafter, and prior to the occupation of any dwellings, the access shall be constructed in accordance with the approved details.

Reason: To encourage the use of sustainable modes of transport.

7. A travel plan and travel information pack shall be submitted for approval in writing by the Local Planning Authority before first occupation of the site. The travel plan shall be updated within 3 months of occupation of 50% of the site. The Travel Plan shall be implemented in accordance with the agreed details.

Reason: To encourage the use of sustainable modes as a means of transport.

8. Prior to occupation of the development, a car park management plan shall be submitted for approval by the Local Planning Authority in writing to ensure that the car parking within the site cannot be abused by nearby residential properties or the school. The approved plan shall be implemented on first occupation of the development hereby permitted.

Reason: In in the interest of highway safety and to protect car park for residents' use only.

9. Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include:

- Calculations of current and proposed runoff from the development area
- Discharge point and evidence of agreement for discharge point and rate

- Detailed Drainage Scheme Plan showing the layout of the proposed drainage network, the location of the storage within the proposed development and how these relate to the submitted calculations, including any chamber, pipe numbers, direction of flow, invert and cover levels, gradients diameters and dimensions. The methods of flow control must be detailed as should non-conventional elements such as pond and permeable paving.
- Soakaways tests and Infiltration estimation in accordance with BRE365; the depth of water strikes. To be undertaken at different part of the site should the infiltration devices to be used
- Sizing of features - calculation of attenuation volume
- Explanation of how the drainage discharge hierarchy has been followed
- Maintenance and management of SUDS features
- SUDS - Permeable Paving, Rainwater Harvesting, Green Roof
- Network drainage calculations
- Minimum discharge limit of 5 l/s does not apply in Oxfordshire. Appropriate consideration of filtration features could remove suspended matters and suitable maintenance regime could minimise the risk of blockage.
- A qualitative assessment of flood flow routing in exceedance conditions
- An assessment of residual risk (what would happen if part of proposed SuDS fails).

Reason: To ensure acceptable drainage of the site and to mitigate the risk of flooding in accordance with Policy CS11 of the Oxford Core Strategy.

10. Prior to the commencement of the development a phased risk assessment shall be carried out by a competent person in accordance with current government and Environment Agency Guidance and Approved Codes of Practice. Each phase shall be submitted in writing and approved by the Local Planning Authority (LPA).

Phase 1 has already been submitted to the LPA under a previous application  
Phase 2 shall include a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals.

Phase 3 requires that a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use be submitted and approved in writing by the Local Planning Authority. The remediation shall be carried out in accordance with the approved scheme and the applicant shall provide written verification to that effect.

Reason- To ensure that any ground and water contamination is identified and adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use in accordance with the requirements of policy CP22 of the Oxford Local Plan 2001-2016.

11. The development shall not be occupied until any approved remedial works have been carried out and a full validation report has been submitted to and approved in writing by the Local Planning Authority.

Reason- To ensure that any ground and water contamination is identified and adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use in accordance with the requirements of policy CP22 of the Oxford Local Plan 2001-2016.

12. A watching brief for the identification of unexpected contamination shall be undertaken throughout the course of the development by a suitably qualified engineer. If unexpected contamination is found to be present on the site, an appropriate specialist company and Oxford City Council shall be informed and an investigation undertaken to determine the nature and extent of the contamination and any need for remediation. No occupation shall take place until details of the watching brief have been submitted to and been approved in writing by the Local Planning Authority.

Reason - To ensure that any unexpected contamination is identified and appropriately addressed to ensure the safety of the development, the environment, and to ensure the site is suitable for the proposed use, Oxford Local Plan CP22.

13. Prior to the start of any work on site including site clearance, details of the design of all new hard surfaces and a method statement for their construction shall be submitted to and approved in writing by the Local Planning Authority. Details shall take into account the need to avoid any excavation within the rooting area of any retained tree and where appropriate the Local Planning Authority will expect "no-dig" techniques to be used, which might require hard surfaces to be constructed on top of existing soil levels using treated timber edging and pegs to retain the built up material. The approved details shall be implemented and adhered to during the construction phase and thereafter.

Reason: To avoid damage to the roots of retained trees. In accordance with policies CP1, CP11 and NE16 of the Adopted Local Plan 2001-2016.

14. Prior to the start of any work on site, details of the location of all underground services and soakaways shall be submitted to and approved in writing by the Local Planning Authority (LPA). The location of underground services and soakaways shall take account of the need to avoid excavation within the Root Protection Areas (RPA) of retained trees as defined in the British Standard 5837:2012- 'Trees in relation to design, demolition and construction- Recommendations'. Works shall only be carried in accordance with the approved details.

Reason: To avoid damage to the roots of retained trees; in support of Adopted Local Plan Policies CP1, CP11 and NE15.

15. Detailed measures for the protection of trees to be retained during the development shall be submitted to, and approved in writing by, the Local Planning Authority (LPA) before any works on site begin. Such measures shall include scale plans indicating the positions of barrier fencing and/or ground protection materials to protect Root Protection Areas (RPAs) of retained trees

and/or create Construction Exclusion Zones (CEZ) around retained trees. Unless otherwise agreed in writing by the LPA the approved measures shall be in accordance with relevant sections of BS 5837:2012 Trees in Relation to Design, Demolition and Construction- Recommendations. The approved measures shall be in place before the start of any work on site and shall be retained for the duration of construction unless otherwise agreed in writing by the LPA. Prior to the commencement of any works on site the LPA shall be informed in writing when the approved measures are in place in order to allow Officers to make an inspection. No works or other activities including storage of materials shall take place within CEZs unless otherwise agreed in writing by the LPA.

Reason: To protect retained trees during construction. In accordance with policies CP1, CP11 and NE16 of the Adopted Local Plan 2001-2016.

16. A detailed statement setting out the methods of working within the Root Protection Areas of retained trees shall be submitted to and approved in writing by the Local Planning Authority (LPA) before any works on site begin. Such details shall take account of the need to avoid damage to tree roots through excavation, ground skimming, vehicle compaction and chemical spillages including lime and cement. The development shall be carried out in strict accordance with of the approved Arboricultural Method Statement unless otherwise agreed in writing by the LPA.

Reason: To protect retained trees during construction. In accordance with policies CP1, CP11 and NE16 of the Adopted Local Plan 2001-2016.

17. No properties shall be occupied until confirmation has been provided that either:- all surface water network upgrades required to accommodate the additional flows from the development have been completed; or - a housing and infrastructure phasing plan has been agreed with Thames Water to allow additional properties to be occupied. Where a housing and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed housing and infrastructure phasing plan. The development shall be carried out in accordance with the agreed measures.

Reason - The development may lead to flooding and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional flows anticipated from the new development.

18. No properties shall be occupied until confirmation has been provided that either:- all water network upgrades required to accommodate the additional flows from the development have been completed; or - a housing and infrastructure phasing plan has been agreed with Thames Water to allow additional properties to be occupied. Where a housing and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed housing and infrastructure phasing plan.

Reason - The development may lead to no / low water pressure and network reinforcement works are anticipated to be necessary to ensure that sufficient

capacity is made available to accommodate additional demand anticipated from the new development

19. Prior to the commencement of development, an updated walkover survey of the site shall be undertaken to identify any change in its suitability to support rare and protected species, including reptiles and badgers. Should the site be found to support any protected species, a scheme of mitigation measures shall be submitted to, and agreed in writing by, the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To comply with the requirements of The Conservation of Habitats and Species Regulations 2017, the Protection of Badgers Act 1992, the Wildlife and Countryside Act 1981 (as amended) and to protect species of conservation concern.

20. Prior to the commencement of development, a scheme of ecological enhancements shall be submitted to and approved in writing by the Local Planning Authority to ensure an overall net gain in biodiversity will be achieved. The scheme shall include details of native landscape planting of known benefit to wildlife, including nectar resources for invertebrates. Details shall be provided of artificial roost features, including bird and bat boxes and a minimum of ten dedicated swift boxes. A quantifiable net gain in biodiversity will be required, presented using a suitable biodiversity offsetting metric, including details of any offsetting measures required. The agreed details shall be implemented prior to the first occupation of the development and shall be retained thereafter.

Reason: To comply with the requirements of the National Planning Policy Framework, the Conservation of Habitats and Species Regulations 2017, Wildlife and Countryside Act 1981 (as amended) and Policy CS12 of the Oxford Core Strategy 2026.

21. A landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the Local Planning Authority prior to the occupation of the development.

The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed within the scheme and off-site compensatory habitat if relevant;
- b) Ecological trends and constraints on site that might influence management;
- c) Aims and objectives of management;
- d) Appropriate management options for achieving aims and objectives;
- e) Prescriptions for management actions;
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
- g) Details of the body or organization responsible for implementation of the plan; and
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery.

The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan shall be implemented in accordance with the approved details.

Reason: To comply with the requirements of the National Planning Policy Framework, the Conservation of Habitats and Species Regulations 2017, Wildlife and Countryside Act 1981 (as amended) and Policy CS12 of the Oxford Core Strategy 2026.

22. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order) no structure including additions to the dwelling houses as defined in Classes A, B, C, D, E of Part 1 of Schedule 2 of the Order shall be erected or undertaken without the prior written consent of the Local Planning Authority.

Reason: The Local Planning Authority considers that even minor changes in the design or enlargement of the development should be subject of further consideration to safeguard the appearance of the area and the amenity of neighbouring properties and occupiers of the dwellings in accordance with policies CP1, CP8 and CP10 of the Adopted Oxford Local Plan 2001-2016, HP9 and HP14 of the Sites and Housing Plan and CS18 of the Core Strategy.

23. A Construction Traffic Management Plan shall be submitted to and be approved in writing by the Local Planning Authority prior to commencement of works. This should identify;

- The routing of construction vehicles and management of their movement into and out of the site by a qualified and certificated banksman,
- Access arrangements and times of movement of construction vehicles (to minimise the impact on the surrounding highway network),
- Details of wheel cleaning / wash facilities to prevent mud, etc from migrating on to the adjacent highway,
- Contact details for the Site Supervisor responsible for on-site works,
- Travel initiatives for site related worker vehicles,
- Details of times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours,
- Engagement with local residents and neighbours.

The development shall be carried out in accordance with the approved details.

Reason: In the interests of highway safety and to mitigate the impact of construction vehicles on the surrounding network, road infrastructure and local residents, particularly at peak traffic times.

24. The development hereby permitted shall not be occupied until the designated car club space as set out in approved plans has been provided. The car club space shall be laid out as set out in the approved plan prior to occupation of the development and retained as such thereafter.

Reason: To ensure that the development does not generate a level of vehicular parking which would be prejudicial to highway safety, or cause parking stress in the immediate locality, in accordance with policies CP1, CP6, CP10 and TR13 of the Adopted Oxford Local Plan 2001- 2016.

25. The development hereby permitted shall not be occupied until details of the electric vehicle charging infrastructure has been submitted to and approved in writing by the Local Planning Authority. The infrastructure shall be formed, and laid out in accordance with the approved details before usage of the parking spaces commences and shall remain in place thereafter.

Reason: To contribute to improving local air quality in accordance with CP23 of the Oxford Local Plan 2001- 2016 and enable the provision of low emission vehicle infrastructure.

26. Prior to commencement of development, an application shall be made for Secured by Design (SBD) accreditation on the development hereby approved. The development shall be carried out in accordance with the approved details, and shall not be occupied or used until confirmation of SBD accreditation has been received by the Local Planning Authority.

Reason: To create a safe environment for existing and future occupiers which reduces opportunities for crime in accordance with Policies CP1 and CP9 of the Oxford Local Plan.

27. Prior to the first occupation of the units hereby permitted the windows on the north facing elevation of Block E and the south elevation of Block F shall be fitted with obscure glazing and shall be retained in that condition thereafter. The second floor balcony in Block E serving Flat E10 shall be fitted with obscured privacy screening to a minimum height of at least 1.8 metres along the north facing elevation prior to the first occupation of this unit and shall be retained in that condition thereafter.

Reason: To prevent overlooking of existing residential dwellings and overlooking of the adjacent school in the interest of safeguarding and preserving the residential amenity of existing occupiers in accordance with Policies CP1 and CP10 of the Oxford Local Plan and Policy HP14 of the Sites and Housing Plan.

28. No development shall take place until a Construction Environmental Management Plan (CEMP), containing the site specific dust mitigation measures identified for this development, has first been submitted to and approved in writing by the Local

Planning Authority. The specific dust mitigation measures that need to be included and adopted in the referred plan can be found in pages 19-20 of the reviewed Air Quality Assessment that was submitted with this application (document reference: AQ\_assessment/2018/WMC\_update, Version 2) developed by Aether. The agreed CEMP shall be adhered to at all times.

Reason – to ensure that the overall dust impacts during the construction phase of the proposed development will remain as “not significant”, in accordance with the results of the dust assessment, and with Core Policy 23 of the Oxford Local Plan 2001- 2016.

29. Prior to the occupation of the development, evidence that proves that all emission gas fired boilers that are going to be installed on-site are going to be ultra-low NOx (and meet a minimum standard of <40mg/kWh for NOx) shall be submitted to and approved in writing by the Local Planning Authority.

Reason – to ensure that the expected NO2 emissions of the combustion system to be installed at the proposed development will be negligible, in accordance with Core Policy 23 of the Oxford Local Plan 2001- 2016.

30. Before the development permitted is commenced details of the cycle parking areas, including means of enclosure, shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall not be brought into use until the cycle parking areas and means of enclosure have been provided within the site in accordance with the approved details and thereafter the areas shall be retained solely for the purpose of the parking of cycles.

Reason: To promote the use of cycles thereby reducing congestion on adjacent roads in accordance with policies CP1, CP10 and TR4 of the Adopted Oxford Local Plan 2001-2016.

### **13. APPENDICES**

- **Appendix 1** – Site location plan
- **Appendix 2** – 2014 Appeal Decision
- **Appendix 3** – ODRP Letter

### **14. HUMAN RIGHTS ACT 1998**

- 14.1. Officers have considered the implications of the Human Rights Act 1998 in reaching a recommendation to approve 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 grant planning permission, officers consider that the proposal will not undermine crime prevention or the promotion of community.

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<b>Application number:</b>	18/03330/OUT		
<b>Decision due by</b>	21 <sup>st</sup> March 2019		
<b>Extension of time</b>	TBA		
<b>Proposal</b>	Outline Planning Application (landscaping subject to reserved matters submission) for development comprising 102 residential units (a mixture of private, socially rented and intermediate units) together with public and private amenity space, access, bin and cycle storage and car parking		
<b>Site address</b>	Former Sportsground , William Morris Close, Oxford, OX4 2JX – see <b>Appendix 1</b> for site plan		
<b>Ward</b>	Cowley Marsh		
<b>Case officer</b>	Michael Kemp		
<b>Agent:</b>	Mr Simon Sharp	<b>Applicant:</b>	Cantay Estates Ltd
<b>Reason at Committee</b>	The is a major application		

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## 1. RECOMMENDATION

1.1. The East Area Planning Committee is recommended to:

1.1.1. **approve the application** for the reasons given in the report and subject to the required planning conditions set out in section 12 of this report and grant outline planning permission subject to:

- the satisfactory completion of a legal agreement under section.106 of the Town and Country Planning Act 1990 and other enabling powers to secure the planning obligations.

1.1.2. **agree to delegate authority** to the Acting Head of Planning Services to:

- finalise the recommended conditions as set out in this report including such refinements, amendments, additions and/or deletions as the Acting Head of Planning Services considers reasonably necessary; and
- finalise the recommended legal agreement under section 106 of the Town and Country Planning Act 1990 and other enabling powers as set out in this report, including refining, adding to, amending and/or deleting the obligations detailed in the heads of terms set out in this report (including to

dovetail with and where appropriate, reinforce the final conditions and informatives to be attached to the planning permission) as the Acting Head of Planning Services considers reasonably necessary; and

- Complete the section 106 legal agreement referred to above and issue the planning permission.

## **2. EXECUTIVE SUMMARY**

- 2.1. This report considers the redevelopment of a 1.24 hectare site located within Temple Cowley, the site comprises of a former sports ground and surface level car park at William Morris Close. The application is in outline form seeking approval all matters relating to layout, scale, appearance, and means of access, and the only matter reserved for a later date is landscaping. The proposed development would comprise 102 dwellings, associated parking, access and areas of landscaped public and private amenity space. The site is predominantly greenfield land but also has areas of previously developed land and is an allocated site within the Councils Emerging Local Plan.
- 2.2. The application has been subject to some minor amendments since submission which relate principally to alterations to the elevational treatment of the flats and roof scape of these buildings, in addition to changes to the parking arrangement layout and indicative landscaping.
- 2.3. There is a considerable planning history to the site, which includes three refused applications all of which were for residential development. The present proposals in officer's opinion address the specific reasons for refusal of planning application 13/01096/FUL which were upheld following the applicants appeal against this refusal, namely the loss of the existing sports facility and the impact of the development on the character and appearance of the area. Since the determination of the previous planning applications, the site has been allocated within the Councils Emerging Local Plan (Policy SP66). Whilst the provisions of the Emerging Local Plan can be afforded only limited weight at the current time, the allocation is indicative of the Councils view that development on the site is acceptable in some form subject to the specific policy provisions.
- 2.4. The site as an open air sports facility is afforded protection under the provisions of Policy SR2 of the Oxford Local Plan, as a requirement of this policy it is expected that suitable alternative provision is made to mitigate the loss of the sports facility. In this instance the loss would be mitigated through a financial contribution which would be used to secure the provision of a new sports facility or improve an alternative sports facility. This would be secured by legal agreement. The current proposal with this financial contribution is for it to be spent on enhancements to existing sports facilities at St Gregory the Great school in Cowley. The existing sports pitch at William Morris Close is currently unused and has been unused for an extended period of time with public access restricted. Furthermore the cumulative development of adjacent sections of the former sports ground has impacted on the size and quality of the facility, restricting its usability for a range of sports. Taking these factors into account it is considered that the proposed financial contribution would adequately offset the loss of the sports pitch.

- 2.5. The site exists as open space; though this is not designated for this purpose under Policy SR5 of the Oxford Local Plan. Notwithstanding this the site provides an open aspect within a dense residential area, consequently the site specific provisions outlined under Policy of the Emerging Local Plan requires the provision of 10% of the site as open space, the provision of 17% open space across this site exceeds this requirement and the proposed space is considered to be of a high standard and located in a publically accessible location.
- 2.6. The matter of additional traffic generation as a result of the development has been considered, officers adjudge that the cumulative impact of this traffic generation would not have a severe impact on the function of the immediate highway network. It is understood that the surrounding roads have identified issues associated with on street parking and the area is not currently within a CPZ. Taking these factors into account parking provision is required in line with Policy HP16 of the Sites and Housing Plan in order to ensure that the development would not result in an accumulation of vehicles on the surrounding roads. Officers consider that the proposed parking provision would be sufficient to limit the likelihood of overspill parking.
- 2.7. The general scale of built form, density, design and layout is considered to be commensurate with the character and appearance of the surrounding area. The scale and siting of the development accounting for the separation distance of the proposed dwellings in relation to existing properties is considered sufficient to adequately safeguard the amenities of neighbouring properties.
- 2.8. Officers consider that the principle of residential development on the site is acceptable in terms of the loss of the existing sports pitch and open space provisions, matters which are appropriately mitigated respectively through a financial contribution towards alternative sports provision and through securing 17% of the site to be made available as public open space. Officers consider that the development is acceptable in all of other aspects and recommend that the committee resolve to approve the application subject to a legal agreement which is covered in the section below.

### **3. LEGAL AGREEMENT**

3.1. This application is subject to a legal agreement to cover:

- The provision of on-site affordable housing
- Financial contribution towards sports provision in the local area
- The provision of Public Open Space.

### **4. COMMUNITY INFRASTRUCTURE LEVY (CIL)**

4.1. The proposal would be liable for CIL.

### **5. SITE AND SURROUNDINGS**

5.1. The site is located in Temple Cowley and comprises the former Sports Ground, which was previously part of the Morris Motors Social Club and an area of

surface level parking associated with the sports facility. The sports ground which comprises of a grass pitch is not in active sports use and is enclosed with security fencing preventing public access.

- 5.2. The site is accessed principally from William Morris Close, which is a residential cul-de-sac that joins Barracks Lane to the north. There is a footway to the south west providing pedestrian access to Beresford Place and Crescent Road. This footway is not a public right of way but is currently open and is used as a pedestrian through route between William Morris Close and Beresford Place.
- 5.3. Tyndale Community School which is a two storey red brick building is located to the north of the site. The school was developed on part of the former Morris Motors Sports Club, reducing the size of previous sports facility. An area to the east and south east of the school building is used as outdoor play space by the school. A car park serving the school is located to the south of the main school building.
- 5.4. Another section of the sports ground to the north west of the site was redeveloped in the early 2000's for residential development of which is currently William Morris Close, this development comprises three storey blocks of apartments and terraced houses of two and two and half storeys, constructed from red brick with pitched roofs. Beresford Place to the south comprises of red brick and white rendered three storey flats of a similar appearance to the flats in William Morris Close. The shared outdoor amenity space of the flats extend up to the southern edge of the site. The rear balconies of these flats overlook the application site.
- 5.5. Crescent Close is located to the west of the site and the existing surface level car park. Development in Crescent Close comprises of two storey dark brick 1970's properties. Crescent Road further to the south consists of more traditional mainly red brick terraces, with some modern infill development in the form of terraced houses and blocks of flats constructed from a red brick palette of materials.
- 5.6. The properties to the east of the site front Hollow Way and consist mainly of a mix of traditional and late 20<sup>th</sup> century houses generally comprising of small terraces and semi-detached pairs constructed from a mix of brick and render materials. The gardens of the residential dwellings on the western side of Hollow Way extend up to the boundary of the application site. Oxford Golf Club is located to the north of Barracks Lane and forms an extended area of green space.
- 5.7. The site does not fall within a Conservation Area; however the boundary of the Temple Cowley Conservation Area extends up to the southern side of Barracks Lane, around 50 metres to the south of the application site.
- 5.8. The site is devoid of significant natural features although there trees to the south east of the site along the rear boundaries of the adjoining properties in Hollow Way.

5.9. The site block plan is shown below, indicating the proposed layout of the development.



**6. PROPOSAL**

6.1. An outline application is proposed for a residential development on the former sports pitch and associated car park to comprise of 102 residential units within 2x 3 storey blocks, 4x 4 storey blocks and two sets of two and half storey terraced houses. Landscaping is the sole matter which would be reserved for consideration at a later date. Vehicular access to the development would be via William Morris Close. The existing pedestrian access to the south of the development linking the site with Beresford Place and Crescent Road would be retained.

6.2. It is proposed that 17% of the site would be made available as public open space; this would be sited adjacent to William Morris Close to the west of the 4 storey blocks of flats. The applicant would not be providing alternative sports provision on the site, but proposes to mitigate its loss through a financial contribution of £600,000 towards off-site sports provision. The preferred option for this contribution following discussions with the Councils Leisure Services would be for the contribution to be spent on enhancements to the existing sports facilities at St Gregory the Great School in Cowley. The financial contribution would be secured through a Section 106 legal agreement.

- 6.3. The proposal would provide 102 dwellings, of which 51 of these 38 (51%) would be available as affordable housing, with 38 dwellings (75%) socially rented, whilst 13 dwellings (25%) would be available as shared ownership affordable housing. The provision of on-site affordable housing would be secured through a legal agreement.
- 6.4. Vehicular access to the site would be provided via William Morris Close. Each of the houses would be served with allocated parking, whilst the apartments would be provided with 88 unallocated spaces, 1 per dwelling. The development would also be served by 2 car club parking spaces.

**7. RELEVANT PLANNING HISTORY**

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

<p>13/01096/FUL - Construction of two all-weather pitches, plus new residential development consisting of 6 x 1 bed, 15 x 2 bed, 15 x 3 bed and 4 x 4 bed residential units, 71 car parking spaces, access road and landscaping accessed off Barracks Lane (Amended plans)(Amended Description). Refused 18th September 2013 Appeal Dismissed.</p> <p>13/02500/OUT - Outline application (seeking access, appearance, layout and scale) for residential development consisting of 6 x 1-bed, 15 x 2-bed, 15 x 3-bed and 4 x 4-bed residential units, together with 70 car parking spaces, access road and informal recreation area. (Amended Description). Refused 11th December 2013.</p> <p>16/02651/OUT - Outline application with all matters reserved, seeking permission for 72 new affordable key worker dwellings, retention of and extension to existing parking area, together with private amenity space, access road, landscaping and new publicly accessible recreation space.. Refused 15th February 2017.</p> <p>17/01521/OUT - Outline application with all matters reserved for 83 affordable dwellings (1, 2 and 3 bed units) for occupation by key workers, with new access, landscaping and publicly accessible recreation space.. Withdrawn 3rd October 2017.</p>
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**8. RELEVANT PLANNING POLICY**

8.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework	Local Plan	Core Strategy	Sites and Housing Plan	Emerging Local Plan 2036
Design	11, 12	CP1 CP6 CP8 CP9	CS18_		DH1 DH2 DH5

		CP10 CP11 CP13			
Conservation/ Heritage	16	HE2 HE7 HE9			
Housing	2, 5		CS22_ CS23_ CS24_	HP2_ HP3_ HP9_ HP12_ HP13_ HP14_	H1 H2 H4 H10 H14 H15 H16 SP66
Natural environment	15	CP18 NE15 NE21 NE23	CS9_ CS11_ CS12_ CS21_		RE1 RE2 RE3 RE4 RE6 RE7 G2
Social and community	8	SR2 SR5	CS17_		G5 G7
Transport	9	TR1 TR2 SR9 SR10	CS13_ CS14_	HP15_ HP16_	M1 M2 M3 M4 M5
Environmental	11, 14	CP22	CS10_ CS2_		
Miscellaneous		CP.13 CP.24 CP.25		MP1	

## 9. CONSULTATION RESPONSES

9.1. Site notices were displayed around the application site on the 11<sup>th</sup> January 2019 and an advertisement was published in the Oxford Times newspaper on 10<sup>th</sup> January 2019.

9.2. The application was re-advertised by site notice on 27<sup>th</sup> June 2019 and an advertisement was published in the Oxford Times newspaper also on 27<sup>th</sup> June 2019.

### **Statutory and non-statutory consultees**

#### Oxfordshire County Council (Highways)

Parking/sustainability

- 9.3. The site is located to take advantage of the walking and cycling routes as well as public transport. Therefore, the county council supports residential development at this location. However, careful consideration needs to be given to the transport challenges in these areas including the existing car parking issues on Barracks Lane and the impact on the Barracks Lane / Hollow Way / Horspath Road junction.
- 9.4. It is proposed to provide a total of 102 car parking spaces on site. Fourteen spaces would be allocated at one space per house and 88 spaces would be unallocated. This level of provision is in accordance with adopted standards.
- 9.5. The County Council is concerned that the car park for the development could be misused for parking which is not related to the development. Therefore, a suitably worded condition requiring a car park management plan has been requested.
- 9.6. A Controlled Parking Zone (CPZ) is planned for this area (Temple Cowley) and is currently marked as Priority 2 in the Future Programme for CPZs. An informal consultation has recently concluded for a Temple Cowley CPZ and other priority 1/ 2 CPZ areas. Implementation of a CPZ in Temple Cowley, including decisions on its layout including whether formal marked bays would be appropriate would be subject to a review of consultation feedback and gaining subsequent relevant approvals. If it is decided to proceed to implement a CPZ this will be, at the earliest, towards the end of 2019 and early part of 2020.
- 9.7. The alignment and width of Barracks Lane mean that vehicles find it difficult to negotiate parked cars resulting in vehicles reversing to allow another to pass or having to wait for a considerable amount of time. This problem will be exacerbated by this development which is adding 102 car parking spaces resulting in more trips being generated from William Morris Close. Therefore, the county council requires the development to provide contributions to install parking controls (separate from the CPZ) to potentially prevent parking on one side of Barracks Lane, to protect the junction at William Morris Close and to create passing places. The cost of these works are estimated to be £500 as well as £3,120 for the Traffic Regulation Order consultation and advertisement which will be undertaken by the county council.

#### Cumulative Highways Impacts

- 9.8. The trip rates accepted as part of the 2016 application have been used to assess the traffic generation of the site. This estimates that the site could generate 34 two-way vehicular trips in the AM peak and 31 vehicular trips in the PM peak. This level of traffic generation is higher than that assessed previously with the various proposals, however cannot be identified to cause 'severe harm' in the context of the NPPF on the operation of Barracks Lane or the Barracks Lane / Hollow Way / Horspath Road junction.

#### Cycle Parking

9.9. Concerns were expressed regarding the proposed location of the cycle parking and the number of spaces proposed. Cycle parking would need to conform with the requirements of Policy HP15.

Oxfordshire County Council (Education and Property)

9.10. The demands that will be placed on local infrastructure and services have been assessed in accordance with the increase in population and its age profile, based upon the net number of dwellings and the notified mix. Should the application be amended or the development mix changed at a later date, the County Council reserves the right to alter the above figures according to the nature of the amendment.

9.11. There is currently expected to be sufficient capacity at mainstream schools in the Oxford City area to accommodate this development, considering the planned new schools due to open within the next two years. There is an existing shortage of special education places, and in December 2018 the county council Cabinet approved a strategy to expand special school capacity, including the rebuilding and expansion of Northfield School in Oxford. The cumulative impact of housing development within the city will increase the need for special school places, and community infrastructure levy funding would be expected to contribute to the cost of this expansion.

Thames Water Utilities Limited

9.12. Thames Water has identified an inability of the existing foul water network infrastructure to accommodate the needs of this development proposal. Thames Water have contacted the developer in an attempt to agree a position for foul water networks but have been unable to do so in the time available, request appropriate condition be attached.

9.13. Following initial investigations, Thames Water has identified an inability of the existing surface water infrastructure to accommodate the needs of this development proposal. Thames Water have contacted the developer in an attempt to agree a position for surface water networks but have been unable to do so in the time available and as such Thames Water request conditions to control this.

Natural England

9.14. We consider that without appropriate mitigation the application would: damage or destroy the interest features for which Lye Valley Site of Special Scientific Interest (SSSI) has been notified.

9.15. In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required / or the following mitigation options should be secured: The applicant should provide a SUDS maintenance plan which will detail how the proposed SUDS will be maintained in perpetuity. Existing infiltration rates need to be maintained now and in perpetuity to ensure no damage to Lye Valley SSSI.

9.16. We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.

#### Sport England

9.17. The proposal is for housing which will completely remove the playing field. There has been a previous planning application on this site where we did object due to a lack of replacement facilities/mitigation or justification for the loss in relation to our planning policies and the National Planning Policy Framework.

9.18. The applicants have offered a mitigation of £600,000 towards replacement facilities, which to my mind would meet our planning policy exception E4 and the NPPF paragraph 97. This is supported by the Football Association and the Football Foundation. Oxford City Council are currently refreshing their Playing Pitch Strategy and once it is complete, the City Council will be able identify the site(s) where the mitigation sum can be best used to provide sporting opportunities for the residents of Oxford.

9.19. Given the above assessment, Sport England does not wish to raise an objection to this application as it is considered to broadly meet exception E4 of the above policy.

#### Oxford Civic Society

9.20. Whilst providing welcome additional and much-needed housing, Oxford Civic Society consider that this application should be refused on the following grounds:

9.21. The public recreational space proposed is inadequate to make a realistic contribution to the local need, and much too great a proportion of the site is occupied by car parking and associated hard surfacing.

9.22. There is no justification for the level of provision of car parking proposed, and the Transport Assessment suggests that much lower provision, or even none (except for disabled and servicing) would be more consistent with existing and emerging policies aimed at reducing car use and encouraging active travel and use of public transport; such alternatives would necessitate implementation of a local CPZ, but would facilitate the provision of more useful and attractive recreational green space, with associated environmental benefits.

9.23. Associated with this, whilst predicted levels of traffic generation are low, any increase at all at this particular point in the road network would be detrimental to both traffic flows and the safety of staff and pupils of Tyndale Community School. The conclusions of the traffic effects are not borne out by anecdotal evidence, and the conflicts between traffic emerging from William Morris Close, visiting Tyndale Community School and using Barracks Lane are inadequately assessed.

9.24. There are aspects of the design which are not acceptable – the Oxford Design Review Panel has stated that the buildings should be of ‘high quality design and distinctive in character’, yet this proposal fails to meet these criteria, the designs being lumpen and formulaic. There is inadequate information provided on the significance of the buildings on the views of the city, but that provided suggests

that not only has the appearance of the buildings from the surroundings (remote from the site itself) been little considered, but that the effects could be significantly detrimental.

9.25. The proposals for cycle parking and bin stores are unacceptable, having the appearance of an afterthought, rather than an integral design consideration. In some cases the bike storage will thus become a significant feature of the aesthetics of the development, of which no details are provided; in other cases the positioning is inconvenient and impractical, at the back of gardens. The solutions suggested are inconsistent with policies aimed at the encouragement of active travel, and increased responsibility in waste management.

9.26. The proposed sustainability credentials are reasonable, as far as they go, but no consideration has been given to serious measures to reduce water consumption, for example by providing for rainwater harvesting or grey water recycling, to which the layouts would lend themselves. Such inclusions would contribute to the reduction of run-off and water treatment.

9.27. We would urge refusal of this application on the grounds of the deficiencies of the proposals in all these respects.

#### Thames Valley Police

9.28. Do not wish to object to the proposals. However some aspects of the design and layout are problematic in crime prevention design terms. Recommend a condition to achieve secured by design accreditation.

#### Historic England

9.29. Do not wish to comment.

#### **Public representations**

9.30. A total of 84 representations have been received in relation to this application from the following addresses Hollow Way, Anemone Close, Glebelands, White Road, Benson Road, Manor Drive, Owens Way, Fern Hill Road, Addison Road, Horspath Road, Raymund Road, Turner Drive, Yeats Close, Cranmer Road, Dene Road, Manor Drive, Townsend Square, Ridgefield Road, The Slade, Wilkins, Bulan Road, Glanville Road, Town Furze, Oliver Road, Wharton Road, The Sycamores (Cambridge), Gaisford Road, Beresford Place, Morrell Avenue, Barracks Lane, Beech Road, Cranmer Road, Crescent Road, Florence Park Road, Inott Furze, Knolles Road, Maidcroft Road, Ringwood Road, Selwyn Crescent (Abingdon), Stanway Road, Temple Road, Territorial Road, Troy Close, Don Bosco Close, Leafield Road, William Morris Close, Junction Road, Badgers Walk and Bennett Crescent.

9.31. The principle comments received are summarised below:

#### Principle of Development, Loss of Playing Fields, Open Space and Sports Facility

- The site should be retained as a playing field to serve the health and well-being of the local community.

- The site should be used as a community centre or social club.
- The site could be used as a playpark for the adjacent school.
- The sports pitch should be returned to its original use.
- The site is protected open space and should not be developed.
- The site would not be surplus to sports use. The proposed financial contribution would not compensate for this loss and may not benefit the local community.
- The site is not allocated for development in the Sites and Housing Plan.
- The site would be currently used as a sports facility if a fence had not been erected obstructing access.
- Oxford and Cowley are lacking in sports infrastructure and open space consideration is not given to the requirement for sporting facilities.
- Proposing replacement recreation facilities is inadequate and unacceptable.
- Housing need and provision should not override all other considerations. The development plan has not since the previous application on the site was refused.
- The development is contrary to Policy CS2 of the Core Strategy as the site is not allocated for development.
- The site is greenfield land and should remain undeveloped.
- Affordable housing provision would be lower than the local plan requirements.

#### Privacy, overlooking and Amenity

- Development would block light to the rear gardens in Hollow Way.
- The proposed dwellings would be too close to existing properties in the area.
- The development would overlook the flats in Beresford Place resulting in a loss of privacy for the occupiers of these properties.
- Insufficient detail is provided in respect of the overshadowing of existing properties.

#### Design Layout and Siting

- Proposals would be an overdevelopment of the site.
- There would be a lack of green open space.
- The development would be bulky, overbearing and unneighbourly.

#### Parking, Access and Highways

- The development should be car free as the site is in a sustainable location.
- The development would result in traffic congestion.
- Generation of traffic would result in safety issues for road users and pedestrians particularly given the proximity to Tyndale School.
- Additional traffic congestion would be detrimental to adjoining residents.
- The proposals would further parking problems in the surrounding roads.
- Impact on traffic congestion has been underestimated in the transport statement.
- Additional traffic generation would create pollution.
- Insufficient parking is proposed which will result in overspill parking.

- Residents are likely to be dependent on private vehicles in order to access local shops.
- The development will put pressure on road conditions in the immediate area.
- The development will result in congestion pressures in Crescent Road, Junction Road and Temple as these streets are currently used as a cut through.

#### Other Issues

- Part of the site should be used by Tyndale School.
- Development during construction would cause disruption to users of the school.
- Several respondents have raised safeguarding concerns associated with overlooking of Tyndale School.
- The surrounding area is being overdeveloped which is putting pressure on local services and facilities.
- Additional demand would be put on school places in the area.
- Insufficient detail is provided on air quality during construction phase.
- Surfacing the site would increase likelihood of surface water flooding.
- Affordable housing would be below policy compliant levels.
- The development and traffic generation would have a negative impact on air quality.

#### Comments made in support of proposals – 2 Representations

- Housing is much welcomed, Transport statement predicts low traffic generation and the sports facilities can be replaced elsewhere in the city.
- The development would provide much needed affordable and social housing.

#### County Councillor John Sanders made the following comments:

With 210 bedrooms, i.e. 210-250 new residents, in an already overcrowded area thus putting a strain on existing overstretched local amenities.

I dispute the traffic figures produced for the development. Currently it is extremely difficult for residents of Barracks Lane, William Morris Close and Turner Close to drive out of Barracks Lane between 08:00 and 09:00 due to the heavy traffic for Tyndale School. On a typical weekday morning it can take 45 minutes to leave the Lane. It is not feasible for more traffic to leave the Lane during that time. Unless the development were deemed "Car Free" new residents could presume to park outside the site (after the proposed 86 spaces were full) causing even more congestion. It would be a serious congestion problem to allow any parking on or off site.

There is no daylight and sunlight impact assessment. These relatively tall buildings will cut out light from gardens on Hollow Way and Beresford Place and the fronts of the houses on William Morris Close. No impact has been assessed how much of the day these properties will be put in shadow during the year.

I note that the developer has offered to "improve" the playing field at Oxford Spires Academy in supposed mitigation for loss of the playing field amenity on site. However, this improvement does not increase the area of playing field at the Academy and therefore there would be a net loss of recreational area as the William Morris site would be lost.

Cowley Area Transport Group submitted the following comments in objection, these comments have been summarised as follows:

Tyndale school parents have already complained to their local councillors that they have trouble exiting from Barracks Lane onto Hollow Way at school run times. We have observed the phenomenon of traffic jams in Barracks Lane at school run times.

The presence of 88 unallocated parking spaces indicates that the major problem of this development will be the movements of vehicles to and from these spaces at school run and rush hour times. In consequence, the car free housing element of these housing units should be 100% in order to restrict any vehicle movements to public utilities, taxis and deliveries, if the City Council decides to permit this application at all.

Low levels of car ownership in Oxford do not justify confidence in no traffic impacts from this development.

A Controlled Parking Zone covering this area alone would not be adequate. If the development occurred at all, it should be car free and this requires that it is ringed by Controlled Parking Zones. Since it is consistent with the Local Transport Plan that Oxford should have uniform Controlled Parking Zones, it should be possible to introduce them to protect residents from unwanted vehicle parking.

Bike storage for 2 bikes for houses in this development assumes none of these homes become HMOs in the medium term. Since this is quite possible, bike storage would need to be larger. A completely car free development allows more space for cycle storage and indeed homes, on any given site of which car parks are a neglected resource in Oxford: it is possible to build around and above the surface level of private and public car parks to create the very low cost housing that is a primary social need in the City.

The Tyndale School has not reached its full capacity yet; second, projected traffic growth overtime – particularly for Hollow Way – needed to be considered and does not seem have been, preferably for the lifetime of the homes proposed.

Site sustainability: Assessment of this would need to include the planned lifetime of these homes and projected traffic increases over time. This is not provided.

A five year observation of a travel plan takes no account of the lifetime of the homes being constructed and projected traffic increases over that far more relevant period of time. Meaningful transport impacts of development require that the long-term be incorporated into planning considerations, not least because it can mean – as in this case – a planning application should be refused on long-term traffic grounds.

Air pollution: Not only should any parking allowed in this development have electric charging points, but this adds to the case for a car free development so that air quality around the Tyndale School is in no way worsened by such a development.

High risk of the Cambridge-Oxford Expressway taking an eastern route around Oxford: It is really remarkable that the Traffic Impacts considered do not include the Cambridge-Oxford Expressway.

Risk to cyclists making use of the shared-space sections of Barracks Lane, with pedestrians.

Junction capacity at Hollow Way: This does not, curiously, seem to have been tested and the slightly staggered nature of the junction with Horspath Road and Barracks Lane should have been a major consideration in ruling out traffic generating new development at the William Morris Recreation Ground..

The Climate Emergency: All planning applications should take into account the current UK legislation and goals on Climate Change.. This planning application mentions sustainable transport modes, but this does not ensure emissions reductions which are essential..

#### Bullington Community Association

Objected to the planning application on the following grounds, the comments are summarised below:

- Traffic: Traffic from the proposed 102 new housing units will use the existing William Morris Close to access Barracks Lane and then the main road - Hollow Way. Residents use this area as cyclists and motorists and it is the site of severe traffic congestion in rush hours. We reject any suggestion that parking spaces for local businesses on Hollow Way could be taken away to accommodate additional traffic as wholly unacceptable as it would almost certainly lead to the loss of local businesses that are valued by the community. The existing proposals, if implemented, will add to seriously problematic traffic congestion around the Tyndale community school, in William Morris Close, at start-finish times. We fail to see how the City's support for an Air Pollution Charter is to be made meaningful by adding significantly to air pollution in this part of Oxford. We do not find the Traffic Impact Statement associated with this planning application to be credible.

- Loss of Green Space: Neither the locals nor ourselves will support loss of green space. A re-opened site, since it is currently barricaded, would offer public open space to residents of Hollow Way, Crescent Close, Crescent Rd, Turner Close and William Morris Close. The Tyndale School is aiming to expand its intake. If the Tyndale school did want to enlarge its area of open green space, then some form of shared space arrangement for the Recreation Ground could be considered. For example, the Rec could be closed during the school day but be left accessible at other times;

- **Price:** There is no affordable new housing for purchase in Oxford, or arguably in Oxfordshire, at current prices for homes. The primary demand for housing appears to us to be for very low cost housing since many households are unable to meet the difference between average incomes and mortgage costs at perhaps 16 times average incomes.

- **Other sites:** As City Councillor Craig Simmons has previously initiated with the founder of Bed Zed, The City Council should be looking at car parks as potential apartment sites. We also commend any attempts the City may make which allow the formation of new Housing Cooperatives.

- **Energy and Climate Change:** This Association notes that the proposals for this site assume that housing which is not Zero Carbon in both construction and operation is acceptable.

-**Space per person:** We cannot see any evidence that the proposed housing will be adequate in space per person.

-**Sustainable Urban Drainage systems:** Since this site is at the periphery of the catchment for the Lye Valley SSSI and nature reserve, we are concerned about how drainage in such a site will be maintained. The presence of permeable areas, and permeable pavers, is not guaranteed long-term.

The Bullingdon Community Association considers that these ecological concerns provide additional planning grounds for objection to ANY development on the William Morris Recreation Ground site AND to any re-zoning of this site for housing or any other development in future.

9.32. Further consultation was undertaken on 27<sup>th</sup> June following the submission of amended plans. In response to this an additional 26 public comments have been received from addresses in Junction Road, Bennett Crescent, Turner Close Temple Road, Crescent Road, Kirby Place, Don Bosco Close, Cranmer Road, Bulan Road, Grovelands Road, Hollow Way, Lye Valley, Maidcroft Road, Manor Drive, Knolles Road, Owens Way, Thomas Way and Town Furze.

9.33. Objections were raised in relation to the amended proposals for the following reasons:

#### Design

- Proposals would be an overdevelopment of the site.
- The density of development would be too high.

#### Highways

- Development would increase traffic congestion.
- Air pollution as a result of additional traffic generation.
- Development would worsen parking situation.
- Parking should be underground.

- Increased traffic will impact on pedestrian safety.

#### Amenity

- Overlooking of existing properties and Tyndale School.

#### Principle of Development

- Proposals would result in the loss of a sports facility.
- The site is greenfield land and should not be developed.
- Development would result in the loss of an important area of open space.

#### Other Issues

- The development would have a negative impact on the SSSI.
- Affordable housing would be lower than required.

## **10. PLANNING MATERIAL CONSIDERATIONS**

10.1. Officers consider the determining issues to be:

- Principle of development
- Loss of Sports Facility and suitability of alternative provision
- Loss of open space and re-provision
- Affordable Housing
- Mix of dwellings
- Design
- Neighbouring amenity
- Highways/access
- Ecology
- Drainage/Flooding

#### Principle of development

10.2. Paragraph 59 of the NPPF requires that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed; that the needs of groups with specific housing requirements are addressed; and that land with permission is developed without unnecessary delay.

10.3. Policy CS2 of the Core Strategy outlines that new development should be focused on previously developed land and that development will only be permitted on Greenfield Land if it is specifically allocated for the use in the local development framework; or in the case of residential development, it is required to maintain a rolling five year supply of housing, as outlined within Policy CS22.

Paragraph 118 of the NPPF requires that in making planning decisions local authorities should give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs

- 10.4. The site is predominantly greenfield land , with the exception of a small area of previously developed land which is used as car parking. The site is not allocated for housing use within the existing development framework, however the site forms an allocation within the Councils Emerging Local Plan under Policy SP66 (William Morris Close Sports Ground). The site specific policy provisions of Policy SP66 outline that permission will be granted for residential development and public open space on the application site on the condition that either the playing pitch is retained; or alternative sports provision is made, whereby the City Council are satisfied that alternative provision can be delivered. It is also required that a least 10% of the new development is allocated as public open space, which must be welcoming to existing residents.
- 10.5. The current submission draft of the emerging local plan was adopted by members in September 2018. Public consultation on the draft plan was carried out between 1<sup>st</sup> November and 28<sup>th</sup> December 2018. The Emerging Local Plan was submitted for examination in March 2019 and the policy provisions of the Plan are being afforded increased weight, however as the plan has yet to undergo examination the statutory weight given to the Emerging Plan remains limited. Notwithstanding this limited weight , the inclusion of the site within the draft document gives an indication that the Council considers that residential development on the site is broadly acceptable subject to any proposed development being in line with the general parameters outlined under Policy SP66.
- 10.6. The NPPF places great emphasis on the Government's objective to significantly boost the supply of homes, recognising that this requires a sufficient amount and variety of land to come forward where it is needed, and that land with permission is developed without unnecessary delay (paragraph 59). Moreover, local authorities should identify sites suitable for housing, including specific, deliverable sites for a five year period (paragraph 67).
- 10.7. The Oxfordshire Strategic Housing Market Assessment (SHMA) provides the most up to date assessment of Oxford's Housing Need and is used as the evidence base for the Emerging Local Plan which sets a target to deliver 8,620 new homes by 2036, this equates to 431 dwellings per annum and includes the various site allocations identified within the Emerging Local Plan.
- 10.8. In relation to Policies CS2 and CS22 of the Core Strategy there is a clear and evident housing need in the city, which would necessitate the consideration of suitable greenfield sites given that the Councils housing need cannot be met through brownfield sites alone. The site is not within the Oxford Greenbelt, is not listed as an area of protected open space and is within an area of low flood risk. Whilst there are obvious material planning considerations which would need to be addressed particularly in terms of the loss of the open air sports facility and open space, officers consider that the site at William Morris Close could represent a site whereby the principle of residential development could be supported in order to meet Oxford's identified housing need.

10.9. Whilst Oxford City Council are currently able to demonstrate a five year supply of housing this is dependent on the delivery of housing on sites allocated within the emerging plan framework, which includes the application site. Officers therefore consider there is a clear and demonstrable need for housing which would justify the principle of housing development on the site in line with Policies CS2 and CS22 of the Core Strategy.

#### Loss of Sports Facility and Sports Provision

10.10. The existing pitch formed part of the Lord Nuffield Club; formerly the Morris Motors Club. The size and quality of the facility has diminished considerably since 2001. Planning approval was granted in 2004 for the redevelopment of the North West area of the site for housing, this included the retention of the Lord Nuffield Club building. At this time a community use agreement was in place to allow members of the public access to the facilities in the club house building, though this did not extend to the outdoor sports facilities including the sports field subject of this application, where access was restricted only to private members of the club.

10.11. In 2009 club closed leaving the club building vacant for a period of three years. A planning application was submitted for the redevelopment of the northern section of the site for what is now the Tyndale Community School. This reduced both the size of the facility, whilst club buildings were also removed.

10.12. The site is afforded statutory protection under the provisions of Policy SR2 of the Oxford Local Plan (protection of open air sports facilities). The provisions of Policy SR2 states that planning permission will only be granted where there is no need at all for the facility for the purposes of open space, sport or recreation, or where:

a. there is a need for the development;

b. there are no alternative non-greenfield sites; and

c. the facility can be replaced by either i. providing an equivalent or improved replacement facility; or ii. upgrading an existing facility.

10.13. Paragraph 97 of the NPPF requires that: existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless: a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.

10.14. Policy SP66 of the Emerging Local Plan specifies that the playing pitch at William Morris Close must be retained unless alternative sports provision is made and the City Council can be satisfied that this can be delivered. The subtext to this policy states that the loss of the majority of the sports facility is

justified because of the identified housing need. It is specified that sports provision must be retained on site unless alternative provision is made or contributions are made to improving a local facility such that the capacity increase and extent of the improvements are sufficient to outweigh the loss of the sports pitch. .

10.15. In relation to the specific provisions of Policy SR2 of the Oxford Local Plan, it is accepted that there is considered to be an objectively assessed need for the development in terms of the requirement to provide additional housing in the city, in particular affordable housing. The housing trajectory within the Emerging Local Plan assesses all sites in the city which have capacity to deliver residential development in order actively assess how Oxford's housing needs can be adequately met. As part of this assessment it is necessary to consider non-previously developed greenfield sites given the limited identified number of previously developed sites within the city.

10.16. The matter of alternative sports provision was considered in depth as part of the appeal against the refusal of planning application 13/01096/FUL, which similarly related to the redevelopment of the site for residential use. This particular application was refused partly on the basis that the proposed sports provision, which in that particular instance was on site and consisted of all-weather mini sports pitches, was inadequate and public access would be restricted. The committee report for 13/01096/FUL specifically addressed this issue:

*“The application site has been in use for formal and informal sport and recreation until recently. Although the site is now fenced it has not been clearly shown that the site is surplus to requirements for sport or recreation. The site retains the potential to provide for types of open air sport and recreation for which there is a need in the City. The replacement sports facilities in the form of all-weather mini-pitches with restricted community access are not equal to or better than retaining the potential of the site to provide for open air sport and recreation. Further it is not essential that the all-weather mini-pitches are provided on this particular site to satisfy local need”*

10.17. The present planning application does not directly propose the provision of a replacement facility on site. The applicant has instead proposed a financial contribution of £600,000 towards either the provision of a new sports facility in East Oxford within close proximity to the site, or the upgrade of an existing facility or facilities. The applicant proposes that the financial contribution would be made to Oxford City Council, which would be secured through a Section 106 agreement. The applicant has indicated that they would be supportive of the legal agreement being worded in such a way that development may not commence on the site until such time as the financial contribution has been made and until such time as a project(s) has been specifically identified and the funds allocated to a project. This would also be contingent on a community use agreement being in place. Sport England has raised no objection in principle to the provision of a financial contribution of £600,000 providing that this would be spent on providing a suitable alternative facility or improvements to an existing facility. In principle Sport England consider that this would not conflict with NPPF Paragraph 97.

- 10.18. Officers consider that a financial contribution would be acceptable in principle; however this would be dependent on whether delivery of equivalent or enhanced provision can feasibly be delivered in a location which is accessible and benefits the local community in this instance in the Temple Cowley area. The subtext to Policy SR2 of the Oxford Local Plan outlines that alternative sports provision should be of equivalent or improved community benefit in terms of size, utility and access, and should not lead to a shortage of recreation or amenity space in the local area. In suitable circumstances, the alternative provision could be in the form of significant improvements to existing outdoor sports facilities, such as the provision of changing facilities, improved drainage or an all-weather surface, which would enable it to be more intensively used as an all-weather facility.
- 10.19. A similar requirement is outlined within Policy G5 of the Emerging Local Plan. In terms of accessibility it is stated that: Any replacement provision should be provided in a suitable location equally or more accessible by walking, cycling and public transport, and accessible to local users of the existing site where relevant. Policy G5 also outlines that Consideration will be given to the need for different types of sports pitches as identified in the Playing Pitch Study.
- 10.20. A new Playing Pitch Strategy is being prepared as part of the evidence base to support the Emerging Local Plan. This will provide evidence of existing supply of sports facilities and demand, whilst also identifying where new facilities are required and where existing facilities can be enhanced. The playing pitch strategy would form a basis on which the Council could identify existing facilities in the immediate area that could be upgraded or provided in an accessible distance for the local community so that the contribution can provide direct mitigation to the local community for the loss of the existing sports pitch at William Morris Close. In order to achieve significant public benefits and in order to benefit the local community it would be expected that the financial contribution is made towards a facility which has public access or that can be made publically accessible through a community use agreement.
- 10.21. It is important to consider the relative value of the sports pitch at William Morris Close. The sports pitch is a private facility which is not publically accessible and there is no mechanism available currently to require the current owners to secure public access to the pitch. The applicants have indicated that there is no active interest in a private operator bringing the site back into use as a sports facility, this is in part due to the limited size and quality of the facility and the sites limited capacity to accommodate a range of sports uses and the associated facilities that would be expected to support sports uses on the site. The City Councils Community Services team have indicated that there would be no interest from the Councils perspective in taking ownership of the site and reusing it for sports purposes given the limitations of the site.
- 10.22. The Sports and Open Space Supporting Statement submitted with the application indicates that site would be incapable of supporting its former use for cricket. Even though the site was historically used for this purpose the reduction in the size of the site following the partitioning of sections of the site for development means that it is no longer large enough to support a cricket use. It recognises that theoretically there would be space for full size football or rugby pitches on the site, though this is compromised by the fact that the size of the

site would not realistically allow for changing facilities. This would prevent use of the site for adult football or rugby though it could still be used for junior sports but the likelihood of this would probably be limited.

10.23. The applicants proposed contribution of £600,000 is based on the cost of delivering a full size artificial 3G all weather sports facility. In terms of carrying capacity an all-weather pitch, particularly if floodlit has the potential to be an enhancement on a natural grass pitch as this can be used for a much greater length of time, including in evenings. In addition artificial pitches have a more durable surface which unlike grass are not be damaged by regular daily use. The applicants have liaised with the Oxfordshire Football Association who has advised that there is a need for two additional full size 3G AWP's within the city. It is worth noting that the applicants are not directly proposing to develop a new full size 3G AWP football facility rather the sum of money is likely to be spent on the upgrade of an existing sports facility in consultation with the Councils Leisure Team. Notwithstanding this, the financial contribution would be equivalent to the cost of delivering a new AWP facility.

10.24. It is noted that on site provision of all-weather mini-pitches was proposed as part of the previous planning application (13/01096/FUL) on the site and was subsequently deemed inadequate. It is noted that the pitches proposed under this particular application were not of the standard of a full size 3G AWP and the previous proposals did not make provision for community access, whilst also no provision was made for floodlighting, which would have greatly limited the capacity and usefulness of the pitches during the evenings, particularly during the winter months when floodlighting is vital.

10.25. The applicants draft heads of terms for a Section 106 agreement outlines that the financial contribution of £600,000 as proposed would be provided to the City Council prior to the commencement of development. It is proposed that this contribution would be spent on a project which would be specifically identified by the City Council in accordance with the findings of the playing pitch strategy in a location accessible to the local community in Temple Cowley and on a site where either a community use agreement is in place or where a community use agreement can be secured. In order to provide an alternative sports facility which meets the requirements outlined within Policy SR2 of the Existing Local Plan and Paragraph 97 of the NPPF it would be vital in officer's view that any financial contribution is commuted towards a project in the near vicinity of the site which is readily accessible.

10.26. The Interim Playing Pitch Strategy outlines local needs for specific sports and where a deficit exists in the provision of certain sports facilities and has informed the evidence base for the Emerging Local Plan. The Emerging Local Plan identifies that there are existing facilities in the vicinity of the site which require upgrading, this includes the all-weather surface at St Gregory the Great School in Cowley, which is approximately 1.3km from the site or approximately 17 minutes walking distance. Initially the proposals were to provide a new all-weather pitch facility at Oxford Spires, however no the applicants were unable to reach an agreement with the landowner to provide a facility in this location.

- 10.27. The Councils Sports and Leisure Team have indicated that they would support a financial contribution towards the upgrade of the facility at St Gregory the Great School and consider that this would be realistic and deliverable and there is support from the school for the upgrading of the facility. Upgrade of the facility would be contingent on a community use agreement being secured to ensure public access; otherwise there would be insufficient public benefits. The Councils Sports and Leisure Services team have advised that securing a community use agreement is a realistic prospect as the school are supportive of this. The pitch at St Gregory the Great School has floodlighting, this ensures that the facility can be used in the evenings and in the winter months which gives the facility a greater playing capacity than the existing grass pitch at William Morris Close where use is limited by the surface and to times when there is daylight.
- 10.28. It is worth noting that the applicants suggested draft heads of terms would require that the funds are allocated to a specific project(s) in the immediate vicinity prior to the commencement of development. This would ensure that the funding is delivered and can be committed to a suitable project eliminating the risk that the development may be carried out without the funds being committed to a suitable project and therefore remaining unspent. Officers have explored other options in the immediate vicinity of the sites but consider that in terms of carrying capacity, deliverability and the overall benefits which would be provided that the improvements to the sports pitches at St Gregory the Great School represents the best means of providing alternative sports provision to offset the loss of the sports pitch at William Morris Close.
- 10.29. The provision of a financial contribution offers the basis to develop the existing facility at St Gregory the Great School to a high standard and provide a means at which to secure community access to this facility, which is not the case at the present time therefore this would bring a currently private pitch into public use. The present pitch at William Morris Close has no public access and is understood to have never benefitted from public access as this was a private sports facility; it is considered that there is limited likelihood given the capacity of the pitch that this would be brought into use in the near future. Through the improvements to the existing facility which would be secured as part of the Section 106 financial contribution and through the facilitation of community access it is considered that the sports provision which would be secured would represent an enhancement on the existing sports provision at William Morris Close. Taking these factors into account the proposals are considered to be in accordance with the provisions of site specific Policy SP66 of the Emerging Local Plan and Policy SR2 of the Existing Local Plan as well as Paragraph 97 of the NPPF.

### Loss of Open Space

- 10.30. Policy CS21 of the Core Strategy aims to protect and maintain publically accessible green space, this policy should also be read in conjunction with Policy SR5 of the Existing Local Plan. The land at William Morris Close is not afforded protection under Policy SR5 of the Oxford Local Plan, mainly as this is not publically accessible; notwithstanding this, the site still has value as an area of open space, the loss of which must be given due consideration and as

referenced within the above section of this report, the site is afforded protection as a sports facility under SR2 of the Oxford Local Plan.

10.31. Policy CS21 of the Core Strategy states that other areas of open space will only be allocated for development if a need for the development of that land can be demonstrated, and if the open space is not required for the well-being of the community it serves.

10.32. The site is not afforded specific protection as an area of green infrastructure under the provisions of Emerging Local Plan Policy G2. Policy G7 of the Emerging Local Plan allows provision in exceptional circumstances for development on unprotected open spaces, though it is noted that this relates to unallocated sites and the site at William Morris Close is allocated under the provisions of Policy SP66 of the Emerging Local Plan. Policy G7 requires evidence to provide demonstrating that:

a) There is an exceptional need for the development that it can be demonstrated overrides the existing benefits it provides; and

b) the development will bring benefits to the community, for example through delivery of community-led housing; and

c) there are not suitable alternative sites where development could reasonably be located that would result in less or no harm; and

d) the proposals will lead to improvements in biodiversity or amenity value; and

e) consideration has been given to the layout of any proposed development in order to avoid impacts on biodiversity and any other important features of any green space within a development site, such as its contribution to townscape or the setting of a heritage asset;

10.33. Policy CS21 of the Core Strategy states that: opportunities will be sought for opening up access to new public spaces, for providing suitable new green spaces on or near to development sites, and for providing public access to private facilities.

10.34. The importance of providing open space within any new development on the site at William Morris Close is acknowledged under the provisions of Policy SP66, which requires that any development on the site should provide at least 10% new public open space, which should be sited to be welcoming to existing residents. It is worth noting that landscaping is a reserved matter; however the proposals allocate 17% of the site as an area of new public open space, which would exceed the minimum requirements (10%) specified under Emerging Local Plan Policy SP66.

10.35. The value of the site for sports and recreational use is addressed in the previous section of this report; however it is also important to consider the visual contribution that the site provides as an area of open space. The space provides a large and open green aspect within what is a relatively dense urban development. This was acknowledged in the previous appeal on the site where

the inspector commented on the sites value as an open vista, which was valued by local residents. It was considered in that appeal that the development, by reason of the introduction of built form into this space would result in some harm to the character and appearance of the area.

- 10.36. Given the status of the Emerging Local Plan the provisions of Policy SP66 can be afforded only limited weight, notwithstanding this it is considered that in line with Policy CS2 of the Core Strategy that the overriding need for housing, particularly affordable accommodation (51 units in this instance) would justify the principle of development on the site and the loss of what is an area of unprotected open space.
- 10.37. Officers would acknowledge that there would be some harm arising as a result of the loss of the existing open aspect which the space provides. The introduction of built form to the site would inevitably urbanise and increase the density of built form in the area, however the development would equally provide opportunity through the provision of landscaping and new open space to mitigate the impact of the additional built form. The proposed open space would also be publically accessible in contrast to the existing sports pitches which are fenced off and there is no requirement to allow public access onto the pitch. The proposed space would therefore be useable and would have amenity and recreational value, albeit that the open vista would be diminished to an extent.
- 10.38. The proposed public open space would be provided to the front of the central apartment blocks and to the south east of the existing properties in William Morris Close. Officers consider that this would be the optimum position for this space in terms of legibility for members of the public and accessibility from William Morris Close which maximises the likelihood that this space would be used. Officers are satisfied that the proposed open space would be of a high standard and includes play facilities as well as general open space and officers are satisfied that the space is useable and safe, as the design of both the houses and east facing elevations of the flats would provide active frontages to this space, providing natural overlooking.
- 10.39. Noting the inspectors comments relating to the previous application on the site (13/01096/FUL) it is noted that the previous development was less sympathetic in terms of its treatment of the public realm and allocated only a small area of land to the south of the proposed all weather pitches as open space. In this instance public views from William Morris Close would have been dominated by the proposed built form, which included development adjacent to the end of William Morris Close. In addition public views on the previous scheme would have been dominated by surfaced car parking and all weather pitches surrounded by fencing. In contrast the present proposals maintain to an extent an open, green aspect in public views from William Morris Close, even accounting for the relative high density of the proposed built form.
- 10.40. The proposals by virtue of the introduction of built form into what is currently an open undeveloped green space, would result in the loss of what is presently an open vista, though this would be somewhat mitigated through the provision of a new and prominent area of public open space. The loss of the existing open aspect and view must be considered alongside the public benefits of the

scheme, in particular the provision of 102 additional dwellings, 51 of which would be available as affordable accommodation. There would also be benefits from facilitating public access to an area of open space which is not publically accessible at present and is of diminished quality and currently enclosed by boundary fencing. The proposals would include the provision of additional landscaping which would contribute positively to the visual amenities of the area, whereas the space at present is unkempt and unmanaged. On balance officers consider that the public benefits associated with the provision of the proposed housing, alongside the provision of a new landscaped area of open space would outweigh the harm resulting from the loss of open space in its present form. Officers therefore consider that the proposals would comply with the requirements of Policies CS2 and CS21 of the Core Strategy, Policy SR5 of the Oxford Local Plan and Policies G2, G7 and SP66 of the Emerging Local Plan.

### Affordable Housing

- 10.41. Policy HP3 of the Sites and Housing Plan and Policy CS24 of the Core Strategy specifies that Planning permission will only be granted for residential development on sites with capacity for 10 or more dwellings, or which have an area of 0.25 hectares or greater, if a minimum 50% of dwellings on the site are provided as affordable homes. In terms of the tenure split of affordable housing, it would be expected that 80% of these affordable units should be socially rented.
- 10.42. Socially rented accommodation is defined within the Councils Emerging Local Plan as Homes that are let at a level of rent set much lower than those charged on the open market. The rent will be calculated using the formula as defined in the Rent Standard Guidance of April 2015 (updated in May 2016) or its equivalent or replacement guidance (relevant at the time of the application). It serves as accommodation for those in the greatest housing need for persons who would typically be unable to afford to rent alternative accommodation. Intermediate housing or shared ownership accommodation is partly sold and partly rented to the occupiers, with a Registered Provider (normally a housing association) being the landlord. Shared ownership housing should normally offer a maximum initial share of 25% of the open market value of the dwelling.
- 10.43. Of the 102 units proposed on the site it is intended that 51 of the units (50%) would be made available as affordable accommodation, the remaining 51 units (50%) would be private tenure. In terms of the affordable units it is proposed that the tenure split would be 75% socially rented, with 25% provided as shared ownership units. It is noted that the tenure split of socially rented and intermediate accommodation would be slightly deviate from the requirements of this policy. It is understood that the split of affordable and socially rented units is due to the design specifics and layout of the development. There are management requirements on behalf of the housing operator (A2 Dominion) to locate the socially rented units within a single block and it is understood the registered operator is not able to accept a position where a block incorporates socially rented units as well as shared ownership or privately rented units. All of the larger family sized units (Houses 1-14) are intended for social rent, which units occupy the largest portion of the developed site and the layout offers no opportunities to increase that provision. The City Councils Housing team have

indicated that they are supportive of the proposed mix of affordable accommodation; particularly the provision of seven larger socially rented units which will meet the need specific needs of families on the housing register. Therefore in this instance officers are prepared to accept this minor deviation from the 80/20 split.

### Mix of dwellings

10.44. Policy CS23 of the Core Strategy states that new residential development should comply with the Balance of Dwellings Supplementary Planning Document (SPD) housing mix. The site is outside of the City Centre and does not fall within a district centre therefore column 2 of table 6 of the Balance of Dwellings SPD is applicable to the proposed development on this site.

**Table 6: Mix for other strategic sites**

Dwelling types	Sites of 25-74 dwellings (percentage range)	Sites of 75-249 dwellings (percentage range)	Sites of 250+ dwellings (percentage range)
1 bed	0-20 %	6-16 %	10-15 %
2 bed	10-35 %	20-30 %	25-30 %
3 bed	25-65 %	35-65 %	40-55 %
4+bed	5-20 %	6-17 %	10-15 %

10.45. The proposals would provide the following mix of units:

Unit Size (Bedrooms)	Number of Units	Percentage
1	16	15.6%
2	72	70.6%
3	7	6.9%
4	6	5.9%
5	1	1%

10.46. As a total provision the scheme would fail to comply with the BOD's SPD target mix. Notably there would be a significant overprovision of 2 bedroom units and under provision of 3 bedroom units.

10.47. The Councils Emerging Local Plan is afforded limited, but gradually increasing weight but reflects the shifting direction on the target housing mix on larger housing sites of 25+ dwellings reflecting the need to make best use of sites and deliver an optimum number of dwellings. Whilst the provisions of Policy H4 of the Emerging Plan requires that for new developments of 25 or more units outside of the City Centre and District Centres provide a mix of dwelling sizes, this would apply only to the affordable element.

10.48. The table below outlines the proposed delivery of affordable housing units within the application scheme compared with the target numbers outlined within Policy H4 of the Oxford Emerging Local Plan.

Unit Size (Bedrooms)	Number of Units	Percentage	Emerging Plan Policy H4 requirement
1	13	27.1%	20-30%
2	21	43.8%	30-40%
3	7	14.6%	20-40%
4	6	12.5%	5-10%
5	1	2.1%	3-5%

10.49. The figures above indicate that there would be a minor overprovision of two bedroom units and under provision of three bedroom units in comparison to the requirements of Policy HP4 of the Emerging Local Plan. There are also a slightly higher number of four bedroom units than the target mix.

10.50. Policy HP3 of the Sites and Housing Plan, which relates to the provision of affordable housing specifies that the applicant should demonstrate that the mix of dwelling sizes meets the City Council's preferred strategic mix for affordable housing. The City Council maintains a housing register which is used to manage the mix of dwelling sizes on new developments, according to housing need. The City's Housing Register identifies that the principle requirement is for 1 and 2 bedroom dwellings. The provision of smaller units also has the joint benefit of making available larger properties in the city which are currently under occupied for persons in need of these larger properties. The larger four and five bedroom units on the site are understood to be meeting the needs of families on the housing register in respect of the mix of units Councils housing team have confirmed that they are satisfied with the type of affordable units proposed.

10.51. On the basis of the above, officers consider that the proposed mix of dwellings would be acceptable and achieves an acceptable balance which makes best use of the site thereby achieving an optimum number of affordable units. Whilst the target mix of affordable dwellings is slightly out of line with the requirements of Policy H4 of the Emerging Local Plan it is considered that the development would provide a mix of units which adequately addresses the City Councils specific affordable housing needs.

### Transport

10.52. The application makes provision for a total of 88 unallocated parking spaces to serve the proposed flats. Each of the 3, 4 and 5 bed dwellings would have 1 allocated parking space.

- 10.53. The provisions of Policy HP16 of the Sites and Housing Plan set maximum standards relating to vehicle parking provision; these requirements are outlined within appendix 8. Car free and low parking developments are encouraged in appropriate locations, though this is dependent on evidence that low parking and the car free nature of development can be enforced such as within a CPZ, additionally the sustainability of the location is taken into account, in particular access to public transport and other facilities including a local supermarket.
- 10.54. Policy M3 of the Emerging Local Plan requires that in Controlled Parking Zones (CPZs) or employer-linked housing areas (where occupants do not have an operational need for a car) where development is located within a 400m walk to frequent (15minute) public transport services and within 800m walk to a local supermarket or equivalent facilities (measured from the mid-point of the proposed development) planning permission will only be granted for residential development that is car-free. In all other locations it is expected that development complies with the specified maximum parking standards, car free development may be permitted, however this is dependent on the site specific circumstances and nature of development proposed.
- 10.55. The application site is located outside of the Central Transport Area and does not lie within a district centre. The Cowley Primary District Centre is located around 750 metres to the south of the application site, there is a supermarket located approximately 950 metres from the site at Templars Square. There are bus stops within 250 metres of the site on Hollow Way, which are served by regular services to Cowley Centre, Headington, the JR Hospital and the City Centre.
- 10.56. The proposals make provision for 1 unallocated parking space per flat, whilst each of the proposed dwellings would have 1 allocated space. The surrounding area is not within a Controlled Parking Zone (CPZ) and in the absence of parking controls in the area; there is a high risk that under provision of parking would result in an accumulation of vehicles within the surrounding streets.
- 10.57. It is noted that Oxfordshire County Council have proposed CPZ's at Hollow Way (South and North) and Temple Cowley, which are deemed as high priority. It was intended that consultation would be carried out in 2019, with a view towards implementation in 2020, though as of yet consultation has yet to be carried out in these areas. Accounting for this, it is considered that little weight can be afforded to the proposal to implement a CPZ at this particular time.
- 10.58. Whilst the site is not in an unsustainable location in terms of its proximity to public transport and local services and facilities, there are no substantial means of enforcing that future occupiers do not own private vehicles and subsequently park these vehicles in the surrounding roads. The overall quantum of development combined with the lack of a feasible means of enforcing the car free development would likely result in significant on street parking in the surrounding roads, which would have an adverse impact on highway safety and amenity. Officers therefore consider that the development should not be car free. In terms of the proposed parking provision officers consider that this would be acceptable in line with the requirements of Policy HP16 of the Sites and Housing

Plan, furthermore the Highways Authority have raised no objection to the proposed level of parking provision.

10.59. The matter of traffic generation resulting from development on this site, albeit a lower quantum of development (43 houses compared with 102 dwellings) was considered as part of the previous appeal decision on the site in 2014. The issues of parking pressure within the area and the accumulation of parking on the surrounding roads, particularly at pick up and drop off time outside the adjacent Tyndale School were all considered by the appeal inspector. Whilst recognising the pressures in the area, the inspector considered that a scheme which provided parking in accordance with maximum standards would not significantly add to parking pressures and whilst there would be an increase in traffic generation, this was not deemed to constitute harm to highway safety and amenity. The matters of the safety of pedestrians walking to the school was given due consideration, it was considered that the provision of existing continuous footways provides sufficient separation between road users and pedestrians and therefore the additional traffic generation would be unlikely to impact detrimentally on pedestrian safety.

10.60. The trip rates accepted as part of the 2016 application have been used to assess the traffic generation of the site. This estimates that the site could generate 34 two-way vehicular trips in the AM peak and 31 vehicular trips in the PM peak. This level of traffic generation is higher than that assessed previously with the various proposals, however cannot be identified to cause 'severe harm' in the context of the NPPF on the operation of Barracks Lane or the Barracks Lane / Hollow Way / Horspath Road junction.

10.61. It is noted that 2 car club spaces are proposed within the proposed scheme which would be accessible to future occupiers which reduces resident's dependency on private car ownership. In order to improve air quality within the vicinity and in accordance with the recommendations contained within the applicants Air Quality Assessment, a condition requiring the provision of EV charging infrastructure is recommended.

10.62. Policy HP15 of the Sites and Housing Plan requires the provision of cycle parking within all new residential developments in line with specified standards. Cycle parking is shown on the proposed plans within separate covered storage to serve the proposed flats and within separate stores within the gardens of the individual houses. The specific details of the cycle parking would be required by condition.

### Amenity and Overlooking

#### Existing Occupiers and Adjacent Land Uses

10.63. It is noted that a number of representations have referenced potential overlooking of the adjacent Tyndale school and outdoor spaces and playing fields associated with the school. Block B features a number of windows serving habitable rooms and balcony spaces which face northwards towards the school. It is noted that there would be a separation distance of 18 metres between the facing windows and balconies and the boundary of the school. Block E would be

much closer to the boundary, however there would be only minor secondary windows along the north side elevation, which could be conditioned to be obscure glazed in order to prevent overlooking of the school.

- 10.64. There are no specific planning guidelines in respect of acceptable distances and mitigating overlooking of schools. In terms of residential back to back distances 12 metres between a rear window and private garden would typically be considered acceptable. It would be considered good practice to ensure that steps are taken to reduce overlooking and it is considered that the development affords a significant distance between the facing windows and the boundary of the school. Landscaping is a reserved matter; however the proposals show indicative planting adjacent to the northern boundary of the site. It would be realistic to provide landscaping in the form of trees in this position which would limit views over the school outdoor space. Taking these factors into account, officers consider that the development would not result in unacceptable overlooking of the rear external play spaces at the adjacent school.
- 10.65. The site lies in close proximity to a number of existing residential properties. To be acceptable, new development must demonstrate that it can be developed in a manner that will safeguard the residential amenities of the adjoining properties in terms of loss of amenity, light, outlook, sense of enclosure, and loss of privacy in accordance with Policy CP10 of the Oxford Local Plan 2001-2016 and Policy HP14 of the Sites and Housing Plan.
- 10.66. In respect of overlooking of adjacent residential properties, it is noted that the proposed houses 1 to 6 each have a rear garden depth of a minimum of 10 metres. There would be some increase in the overlooking of No.11 Crescent Close as the rear amenity space of this property would be overlooked by houses 1 and 2, there would be a minimum of 10.5 metres separation between the rear of houses 1 and 2 and the rear amenity space of this property. It is noted that there is a secondary side window on the east facing elevation of this property. There would be 12.9 metres distance between the rear windows of house No.3 and this side window, it is understood that this is a secondary window. It is noted that two dwellings are currently under construction in Crescent Road, however there would be a separation distance of at least 23 metres between the rear facing elevations of houses 5 and 6 and the boundary of the proposed dwellings.
- 10.67. In respect of the existing apartments at Beresford Place, a separation distance of at least 20 metres would be retained between the facing sets of windows in Blocks C and D and the existing apartments, this would be considered sufficient in officer's view in retaining the privacy of the existing occupiers of these properties.
- 10.68. There would be a separation distance of at least 39 metres between the rear elevation of houses 7 to 14 and Blocks E and F to the facing rear windows of the adjacent properties at Hollow Way. It is noted that these properties have very deep rear gardens. There would be a distance of 10 to 10.3 metres to the boundary of the private amenity area of these properties. There would be a separation distance of at least 39 metres between the rear windows and balcony spaces and the rear windows of the facing dwellings in Hollow Way, this is deemed to be sufficient in terms of retaining the privacy of existing occupiers.

10.69. There would be a separation distance of 35 metres between the south facing side elevation of block F and the rear elevation of Nos.167 and 171 Crescent Road. At the closest point there would be 5 metres separation distance between the side of block F and the rear gardens of these existing properties, however these properties have substantial rear gardens and accounting for the relative separation distance between south elevation of block F and the rear elevations of the existing properties it is considered that the overall scale of development would not have an overbearing and compromising impact on the amenity of the occupiers of these properties. In terms of overlooking of Nos.167 and 171 Crescent Road it is noted that the only windows proposed on the south facing elevation of the proposed dwellings would be secondary windows serving bathrooms which would be conditioned to be obscure glazed.

10.70. There are two bungalows located to the south east of block F in John Hopkins Court. The rear elevations of these buildings adjoin the boundary of the application site.

10.71. In summary whilst the proposals would result in a material increase in overlooking of some adjacent occupiers, officers consider that the development would not substantially compromise the amenity of existing occupiers of properties surrounding the development site. The proposals would not result in significant loss of light to neighbouring properties and it is considered that the overall scale of development would not be overbearing. Taking the above factors into account it is considered that the proposed development would comply with the provisions of Policies HP9 and HP14 of the Sites and Housing Plan; Policies CP1, CP8 and CP9 of the Oxford Local Plan and Policy CS18 of the Core Strategy.

#### Future Occupiers

10.72. Policy HP12 of the Sites and Housing Plan sets internal space standards for new residential development, compliance with the Governments Nationally Described Space Standards is also required. The proposed dwellings would each be of a standardised size, this is indicated in the table below:

UNIT SIZES	
Type	Area (m <sup>2</sup> )
Flat - 1 Bed 2 Person	50
Flat - 2 Bed 4 Person	70
Flat - 3 Bed 5 Person	86
House - 3 Bed 5 Person (Two Storey)	93
House - 4 Bed 7 Person (Three Storey)	121
House - 5 Bed 9 Person (Three Storey)	135

The above table indicates that each of the proposed units would comply with Nationally Described Space Standards. Individual rooms would also be NDSS compliant. The internal spaces of the proposed units are considered to be adequate and would comply with the requirements of Policy HP12 of the Sites and Housing Plan.

10.73. Policy HP13 of the Sites and Housing Plan requires that Planning permission will only be granted for new dwellings that have direct and convenient access to an area of private open space, to meet the following specifications. For houses this would generally be an area of private garden space, whilst for flats of 1 and 2 bedrooms this would comprise of an external balcony and/or access to an area of private communal amenity space.

10.74. In terms of the proposed flats, each of these would be served by external balcony areas, each of which would exceed the size requirements specified under Policy HP13 of the Sites and Housing Plan. The central block of four flats would each have access to a sizeable area of communal private amenity space in the centre of the development whilst Blocks E and F would also have external amenity spaces to the rear of the buildings. There would also be close access for all properties to the new area of public open space.

10.75. The subtext relating to Policy HP13 specifies that external amenity spaces for houses should be equivalent to the footprint of the dwelling; this would be the case in each of the proposed houses. Consequently officers are satisfied that the amenity standards for all future occupiers would comply with the requirements of Policy HP13 of the Sites and Housing Plan.

#### Design, scale and massing

10.76. In terms of design the NPPF requires high quality design and a good standard of amenity for all existing and future occupants of land and buildings. It suggests that opportunities should be taken through the design of new development to improve the character and quality of an area and the way it functions. Policies CP1, CP6 and CP8 of the Oxford Local Plan, together with Policy CS18 of the Core Strategy and Policies HP9 and HP14 of the Sites and Housing Plan in combination require that development proposals incorporate high standards of design and respect local character. This is also reflected within Policy DH1 of the Emerging Local Plan, which specifies that Planning permission will only be granted for development of high quality design that creates or enhances local distinctiveness.

10.77. The application was subject of a design review workshop with the Oxford Design Review Panel held in July 2018 and a follow up review held in October 2018, the advice provided following the design review is attached to this report in Appendix 3. In summary the panel were positive in respect of the development and evolution of the scheme. A number of design alterations were suggested, which officers consider the applicants have proactively sought to address.

10.78. The site area covers roughly 1.24 hectares. It is noted that a number of objections raise concerns that the proposals would represent an overdevelopment of the site. It is noted that the Sites and Housing Plan bases site allocations at 55 dwellings per hectare, though it is also noted that higher densities may be appropriate in certain locations such as in the City Centre or District Centres. This is partly to achieve a balanced mix of dwellings whilst making best use of the land, though there are other material considerations and the design of the development must account for the general

character of the area. The proposed density of development would be 82.2 dwellings per hectare.

10.79. Policy RE2 of the Emerging Local Plan states that development proposals must make best use of site capacity, in a manner compatible with the site itself, the surrounding area and broader considerations of the needs of Oxford. This includes exploring opportunities for developing at the maximum appropriate density accounting for the site context and all other material planning considerations. Higher density developments of 100 dwellings per hectare are encouraged within the City Centre and District Centres.

10.80. Whilst the site lies outside of a district centre, the site is a compact urban plot surrounded by a mix of high density development, including apartments at William Morris Close and Beresford Place and lower density two storey houses in Crescent Close and Turner Close. Accounting for the urban grain and surrounding scale of development it is considered that the overall quantum of dwellings and density of development would be commensurate with the character of the area. The layout incorporates a significant quantity of open space provision, both public and private, which breaks up the overall density of the built form and the density would in officer's view feel comfortable and not oppressive. Policy SP66 of the Emerging Local Plan requires that 10% of the site is allocated as open space, whilst the proposals allocate 17% of the site as public open space.

10.81. The development includes a mix of three storey houses and six blocks of flats. A row of six houses is proposed adjacent to No.59 William Morris Close; these properties would be three storeys and would be of a single gabled fronted form. The general scale of the dwellings would relate appropriately with that of the adjacent two storey dwellings to the north and would continue the existing street pattern along William Morris Close and would also relate logically to the adjacent development to the west in Crescent Close. In terms of the proposed apartments, it is considered that these would be of an appropriate scale accounting for the adjacent built form in Beresford Place and William Morris Close, which comprises of three storey flats with pitched roofscapes. The overall scale of development is considered to be responsive to the scale of the adjacent built form and general character of surrounding development in the immediate context of the site.

10.82. There is no uniform architectural character in the immediate area which comprises of new build 2000's development in addition to late 20<sup>th</sup> century and more traditional red brick dwellings in Crescent Road on the edge of the Temple Cowley Conservation Area. The materials palette comprises principally of red brick which is consistent with the predominant use of materials in the area, in both the newer development in William Morris Close and traditional dwellings in Crescent Road. The proposed development would be contemporary in its general design character and whilst taking some characteristics the development would not replicate the existing adjacent development, which is considered to be an acceptable approach given that the surrounding development is not of any notable architectural standard. Amendments have been made to the design of the proposed dwellings to improve the relationship between the proposed flats and the area of public open space in terms of the west facing elevational

treatment of these buildings to enhance activity adjacent to the open space. The roof scape of the proposed flats has also been amended, which helps to reduce the perception of the scale of the built form and decreases the prominence of the buildings in wider public views.

- 10.83. Landscaping is an important consideration in terms of the treatment of the public and private realm. As landscaping is a reserved matter this is not an matter for consideration at this stage and would be subject of a further application. Notwithstanding an indicative landscaping plan has been provided which would indicate the feasibility of delivering high quality landscaping across the site. The amendments which have been made to the proposed plans are considered beneficial in providing additional landscaping within the proposed parking layout, which would help to offset the visual impact of the surface level parking.
- 10.84. Overall officers are satisfied with the design approach taken by the applicants in terms of the layout, overall density of development and the architectural character and appearance of the proposed dwellings. Officers consider that the development would comply with Policies CP1, CP6 and CP8 of the Oxford Local Plan, together with Policy CS18 of the Core Strategy and Policies HP9 and HP14 of the Sites and Housing Plan.

#### Heritage and Conservation

- 10.85. The Temple Cowley Conservation Area extends to a position approximately 60 metres to the south of the site to a position adjacent to the junction of Crescent Road and Junction Road. Whilst the site falls outside of the designated Conservation Area officers consider that the development site would broadly fall within the setting of the Conservation Area.
- 10.86. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that: "In the exercise, with respect to any buildings or other land in a conservation area, of any [functions under or by virtue of] of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."
- 10.87. For development within Conservation Areas, the NPPF requires special attention to be paid towards the preservation or enhancement of the Conservation Area's architectural or historic significance. Paragraph 193 of the NPPF requires that: When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. In terms of development which affects the setting of Conservation Areas Policy HE7 of the Oxford Local Plan requires that development should preserve or enhance the setting of the Conservation Area.
- 10.88. Views of the application site from the Conservation Area are highly limited owing to the presence of existing buildings along the northern side of Crescent Road, Crescent Close and the development at Beresford Place. It is unlikely that

the development would be perceived within the setting of the Conservation Area other than in possible glimpsed views between existing buildings and in any event officers consider the overall impact on the setting of the Temple Cowley Conservation Area would be negligible and the development would not result in harm to the significance of the Conservation Area as a heritage asset, consequently the development would preserve the setting of the Temple Cowley Conservation Area in accordance with Policy HE7 of the Oxford Local Plan and Paragraph 193 of the NPPF.

10.89. The Oxford Local Plan recognises the importance of views of Oxford from surrounding high places, both from outside Oxford's boundaries but also in shorter views from prominent places within Oxford. As a result there is a high buildings policy (HE9), which states that development should not exceed 18.2m in height or ordnance datum 79.3m, whichever is the lower, within a 1,200m radius of Carfax except for minor elements of no great bulk and a View Cones Policy (HE10) which protects views from 10 recognised viewpoints on higher hills surrounding the City to the east and west and also within the City. There are also a number of public view points within the city centre that provide views across and out of it, for example Carfax Tower, St Georges Tower and St Marys Church. The elevated viewpoints as public views are considered to contribute to the significance of the Central Conservation Area.

10.90. Policy DH2 of the Emerging Local Plan requires that design choices about building heights are informed by an understanding of the site context and the impacts on the significance of the setting of Oxford's historic skyline, including views in to it, and views within it and out of it. In order to achieve this it is expected that all of the following criteria should be met: a) design choices regarding height and massing have a clear design rationale and the impacts will be positive; and b) any design choice to design buildings to a height that would impact on character should be fully explained, and the guidance on design of higher buildings set out in the High Buildings Study TAN should be followed. In particular, the impacts in terms of the four visual tests of obstruction, impact on the skyline, competition and change of character should be explained; and c) it should be demonstrated how proposals have been designed to have a positive impact through their massing, orientation, the relation of the building to the street, and the potential impact on important views including both in to the historic skyline and out towards Oxford's green setting.

10.91. The site is spatially distant from Carfax and lies outside the datum area specified under Policy HE9 of the Oxford Local Plan. The application site lies outside, but nevertheless close to the Crescent Road view cone and lies in what is a relatively elevated position. The tallest buildings on the site would be the central block of four storey flats. The majority of the development on the site would be relatively low rise. The heights of the central flats, which are the highest building on the site, vary between 12.5 and 14.7 metres to the roof ridge of the buildings. Whilst the height and scale of the buildings is not substantial, as the development is located on higher ground close to the Crescent Road View Cone, officers consider that it is appropriate to consider the impact of the development in relation to wider views within the City Centre in accordance with Policies HE9 and HE10 of the Oxford Local Plan.

10.92. In order to properly assess the visual impact of the development, the applicants have prepared a landscape and visual impact assessment. It is noted that the elevations of the proposal have been amended and refined to consider the potential effects on long range views, notably the roofscape of the buildings has been broken up into three distinct elements to break up the overall mass of the upper sections of the building. The applicant's landscape and visual assessment takes into account the impact of the development from six identified viewpoints within the city. The evidence provided in terms of the visual images and supporting analysis concludes that the impact of the development is likely to be minor as the development is unlikely to be discernible in these longer range views. Officers consider that the development would not result in harm to the significance of the Central Conservation Area in respect of the overall setting and views experienced from within the centre of the city.

10.93. The development would not consequently conflict with the provisions of Policies HE7, HE9 or HE10 of the Oxford Local Plan as well as the provisions of Policy DH2 of the Emerging Local Plan.

#### Ecology

10.94. Policy CS12 of the Oxford Core Strategy requires that Development will not be permitted where this results in a net loss of sites and species of ecological value. Where there is opportunity, development will be expected to enhance Oxford's biodiversity.

10.95. The site has been subject to a number of surveys and found to be of negligible to low ecological value. The changes in management of the site are however creating habitats of increasing value to wildlife such as reptiles, therefore prior to any development, an updated walkover survey will be required to assess the site in respect of any further changes. Subject to appropriate conditions to secure adequate ecological mitigation and enhancement, the development would not impact adversely on site biodiversity and the development would comply with the provisions of Policy CS12 of the Oxford Core Strategy.

#### Drainage

10.96. The application site is at the periphery of the surface water and groundwater catchment for the Lye Valley SSSI. Natural England has indicated that the proposed increase in built development on the application site has the potential to impact negatively on the hydrology of this site. Concern was expressed that without the submission of an appropriate SUDS's maintenance plan that the development could damage or destroy the Lye Valley SSSI.

10.97. The site is within Flood Zone 1 and is deemed to be at a low risk of surface water flooding. To protect biodiversity within the Lye Valley SSSI and to prevent surface water flooding as a result of the development a surface water SUD's scheme for the site is required by condition, which will include a maintenance scheme. Subject to the provision of a satisfactory scheme as required by condition it is considered that the development would comply with the requirements of Policies CS12 and CS13 of the Oxford Core Strategy.

## Sustainability

10.98. Policy CS9 of the Core Strategy requires that all developments should seek to minimise their carbon emissions. Proposals for development are expected to demonstrate how sustainable design and construction methods will be incorporated. All development must optimise energy efficiency by minimising the use of energy through design, layout, orientation, landscaping and materials, and by utilising technologies that help achieve Zero Carbon Developments.

10.99. Policy HP11 of the Sites and Housing Plan requires that developments of 10 or more dwellings are accompanied by an Energy Statement in order to demonstrate that 20% of all energy needs are obtained from renewable or low carbon resources. An Energy statement is provided alongside this application as required, which incorporates a series of recommendations in order to meet the required target of 20%.

10.100. The application is accompanied by an Energy and Sustainability Statement; this outlines a series of measures which would be incorporated to meet the 20% target identified under Policy HP11 of the Sites and Housing Plan. The Energy Statement indicates that the following measures would be incorporated into the design of the development to meet this requirement:

- Low air permeability of facade
- Improved U value
- High performance Low E glazing
- High efficient heating system
- Energy efficient lighting (LED)

10.101. Subject to the developments compliance with the details outlined in the energy statement it is considered that the development would comply with the requirements of Policy HP11 of the Sites and Housing Plan; Policy CS9 of the Core Strategy and Paragraphs 153 and 154 of the NPPF.

## **11. CONCLUSION**

11.1. On the basis of 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. In the context of all proposals Paragraph 11 of the NPPF requires that planning decisions apply a presumption in favour of sustainable development, this means approving development that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for

refusing the development proposed; any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

- 11.3. The proposals would bring forward the development of 102 residential dwellings, of which 51 units would be affordable accommodation. Policy CS2 of the Core Strategy outlines that new development should be focused on previously developed land and that development will only be permitted on Greenfield Land if it is specifically allocated for the use in the local development framework; or in the case of residential development, it is required to maintain a rolling five year supply of housing, as outlined within Policy CS22.
- 11.4. The site is not principally brownfield land but is allocated for residential development within the Councils Emerging Plan. The Emerging Plan is yet to undergo examination and the sites allocation is afforded limited weight at this stage, notwithstanding this there is a clear and evident housing need within the city and the allocation of the site within the Emerging Local Plan for residential use is evidence of this need.
- 11.5. The matter of the loss of the existing sports pitch is considered in depth within the relevant section of this report. As a sports and recreation facility there is a clear policy requirement as outlined within Policy SR2 of the Oxford Local Plan, Paragraph 97 of the NPPF and the site specific requirements of Policy SP66 of the Emerging Local Plan to ensure that the any replacement provision is to an equivalent or enhanced standard. In order to satisfy these requirements the applicants have proposed a financial contribution of £600,000 towards the upgrade of the existing all weather sports pitches at the nearby St Gregory the Great School in Cowley, this financial provision as well as community access to this facility would be secured by way of a Section 106 Agreement. Officers are satisfied that the financial contribution towards the upgrade of an existing publically accessible facility would represent an enhancement in terms of sports provision compared with the existing inaccessible sports pitch which has not been actively used for an extended period of time and has a limited playing capacity. Sport England has indicated that the alternative sports provision offered represents satisfactory mitigation in principle for the loss of the existing sports pitch.
- 11.6. The development would result in the loss of an area of open space, which whilst not publically accessible provides an important visual break within a relatively dense area of built form. The loss of the open aspect formed a basis for the refusal of the previous planning application on this site. Whilst the loss of a perception of openness would be inevitable within any development on the site, the proposals in officer's view provide mitigation through the delivery of public open space, which would be sited in the optimum location and comprises 17% of the total site area, exceeding the 10% requirement specified within Policy SP66 of the Emerging Local Plan.
- 11.7. Officers are satisfied that the development preserves an appropriate standard of residential amenity for existing occupiers and would not compromise neighbouring properties by reason of overlooking, loss of light or the scale of the proposed built form. Officers are also satisfied that the design of the dwellings

affords appropriate standards of amenity for future occupiers. Officers consider that the development would be of a high design standard and the development would not result in harm to the heritage significance of the nearby Temple Cowley Conservation Area.

11.8. The transport impact of the development has been assessed in relation to the overall quantum of development and the impact on the existing road network. County Highways as statutory consultee on highways matters have indicated that they consider that the cumulative impact of the development on the existing road network would not be severe; consequently there would be no conflict with Paragraph 109 of the NPPF.

11.9. For the reasons expressed within this report it is recommended that the Committee resolve to grant planning permission for the development proposed subject to the satisfactory completion (under authority delegated to the Acting Head of Planning Services) of a legal agreement under section 106 of the Town and Country Planning Act 1990.

## **12. CONDITIONS**

1. Application for the approval of reserved matters must be made to the Local Planning Authority before the expiration of three years from the date of this outline permission.

Reason: In accordance with Section 92(2) of the Town and Country Planning Act 1990.

2. The development permitted shall be begun either before the expiration of five years from the date of this outline permission or from the expiration of two years from the date of approval of the last reserved matters to be approved, whichever is the later.

Reason: In accordance with Section 92(2) of the Town and Country Planning Act 1990.

3. The development referred to shall be constructed strictly in complete accordance with the specifications in the application and the submitted plans.

Reason: To avoid doubt as no objection is raised only in respect of the deemed consent application as submitted and to ensure an acceptable development as indicated on the submitted drawings.

4. Samples of the exterior materials to be used shall be submitted to, and approved in writing by, the Local Planning Authority before the start of work on the site and only the approved materials shall be used.

Reason: In the interests of visual amenity in accordance with policies CP1 and CP8 of the Adopted Oxford Local Plan 2001-2016.

5. Prior to the commencement of the development hereby approved full details (lighting, dimensions, surfacing) of the proposed pedestrian and cycle link

between the development, Beresford Place and Crescent Road, shall be submitted to and approved in writing by the Local Planning Authority. and details of the lighting, surfacing, dimensions and drainage of the access. The access shall be constructed in accordance with the approved details before the development hereby permitted is brought into use, and shall be retained thereafter.

Reason: To encourage the use of sustainable modes of transport.

6. Prior to the commencement of the development hereby approved, full details of the access road, including layout, construction, lighting, and drainage shall be submitted to and approved in writing by the Local Planning Authority. These details must demonstrate that adequate forward visibility in both directions are achieved in accordance with the intended design speed of the proposed development. The means of access shall be constructed in accordance with the approved details prior to the first occupation of the development and be retained thereafter.

Reason: In the interests of highway safety in accordance with the National Planning Policy Framework

7. Details of covered and secure cycle parking for a minimum of 218 bicycles on-site shall be provided within close proximity to the entrance to each block of flats or within the curtilage of the houses prior to first occupation of the dwellings hereby permitted. The location and type of this provision should be submitted and agreed by the Local Planning Authority in writing and the scheme shall be implemented in accordance with the approved details.

Reason: To encourage the use of sustainable modes of transport in accordance with Policy HP15 of the Sites and Housing Plan.

8. A full Travel Plan prior to occupation of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. This will be sent to the Travel Plan Team at Oxfordshire County Council for approval. The Travel Plan shall be implemented upon first occupation of the development.

Reason: To encourage the use of sustainable modes as a means of transport.

9. Prior to occupation of the development, a car park management plan must be submitted for approval by the Planning Authority to ensure that the car parking within the site cannot be abused by nearby residential properties or the school. The details agreed details shall be implemented on first occupation of the development hereby permitted.

Reason: In in the interest of highway safety and to protect car park for residents' use only.

10. Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, has been submitted to and

approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include:

- Calculations of current and proposed runoff from the development area
- Discharge point and evidence of agreement for discharge point and rate
- Detailed Drainage Scheme Plan showing the layout of the proposed drainage network, the location of the storage within the proposed development and how these relate to the submitted calculations, including any chamber, pipe numbers, direction of flow, invert and cover levels, gradients diameters and dimensions. The methods of flow control must be detailed as should non-conventional elements such as pond and permeable paving.
- Soakaways tests and Infiltration estimation in accordance with BRE365; the depth of water strikes. To be undertaken at different part of the site should the infiltration devices to be used
- Sizing of features - calculation of attenuation volume
- Explanation of how the drainage discharge hierarchy has been followed
- Maintenance and management of SUDS features
- SUDS - Permeable Paving, Rainwater Harvesting, Green Roof
- Network drainage calculations
- Minimum discharge limit of 5 l/s does not apply in Oxfordshire. Appropriate consideration of filtration features could remove suspended matters and suitable maintenance regime could minimise the risk of blockage.
- A qualitative assessment of flood flow routing in exceedance conditions
- An assessment of residual risk (what would happen if part of proposed SuDS fails).

Reason: To ensure acceptable drainage of the site and to mitigate the risk of flooding in accordance with Policy CS11 of the Oxford Core Strategy.

11. Prior to the commencement of the development a phased risk assessment shall be carried out by a competent person in accordance with current government and Environment Agency Guidance and Approved Codes of Practice. Each phase shall be submitted in writing and approved by the LPA.

Phase 1 has already been submitted to the LPA under a previous application  
Phase 2 shall include a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals.

Phase 3 requires that a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use be submitted and approved in writing by the LPA. The remediation shall be carried out in accordance with the approved scheme and the applicant shall provide written verification to that effect.

Reason- To ensure that any ground and water contamination is identified and adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use in accordance with the requirements of policy CP22 of the Oxford Local Plan 2001-2016.

12. The development shall not be occupied until any approved remedial works have been carried out and a full validation report has been submitted to and approved by the LPA.

Reason- To ensure that any ground and water contamination is identified and adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use in accordance with the requirements of policy CP22 of the Oxford Local Plan 2001-2016.

13. A watching brief for the identification of unexpected contamination is undertaken throughout the course of the development by a suitably qualified engineer. If unexpected contamination is found to be present on the site, an appropriate specialist company and Oxford City Council should be informed and an investigation undertaken to determine the nature and extent of the contamination and any need for remediation. Prior to occupation, details of the watching brief shall be submitted to and approved by the LPA.

Reason - To ensure that any unexpected contamination is identified and appropriately addressed to ensure the safety of the development, the environment, and to ensure the site is suitable for the proposed use, Oxford Local Plan CP22.

14. Prior to the start of any work on site including site clearance, details of the design of all new hard surfaces and a method statement for their construction shall be submitted to and approved in writing by the Local Planning Authority. Details shall take into account the need to avoid any excavation within the rooting area of any retained tree and where appropriate the Local Planning Authority will expect "no-dig" techniques to be used, which might require hard surfaces to be constructed on top of existing soil levels using treated timber edging and pegs to retain the built up material.

Reason: To avoid damage to the roots of retained trees. In accordance with policies CP1, CP11 and NE16 of the Adopted Local Plan 2001-2016.

15. Prior to the start of any work on site, details of the location of all underground services and soakaways shall be submitted to and approved in writing by the Local Planning Authority (LPA). The location of underground services and soakaways shall take account of the need to avoid excavation within the Root Protection Areas (RPA) of retained trees as defined in the British Standard 5837:2012- 'Trees in relation to design, demolition and construction- Recommendations'. Works shall only be carried in accordance with the approved details.

Reason: To avoid damage to the roots of retained trees; in support of Adopted Local Plan Policies CP1, CP11 and NE15.

16. Detailed measures for the protection of trees to be retained during the development shall be submitted to, and approved in writing by, the Local

Planning Authority (LPA) before any works on site begin. Such measures shall include scale plans indicating the positions of barrier fencing and/or ground protection materials to protect Root Protection Areas (RPAs) of retained trees and/or create Construction Exclusion Zones (CEZ) around retained trees. Unless otherwise agreed in writing by the LPA the approved measures shall be in accordance with relevant sections of BS 5837:2012 Trees in Relation to Design, Demolition and Construction- Recommendations. The approved measures shall be in place before the start of any work on site and shall be retained for the duration of construction unless otherwise agreed in writing by the LPA. Prior to the commencement of any works on site the LPA shall be informed in writing when the approved measures are in place in order to allow Officers to make an inspection. No works or other activities including storage of materials shall take place within CEZs unless otherwise agreed in writing by the LPA.

Reason: To protect retained trees during construction. In accordance with policies CP1, CP11 and NE16 of the Adopted Local Plan 2001-2016.

17. A detailed statement setting out the methods of working within the Root Protection Areas of retained trees shall be submitted to and approved in writing by the Local Planning Authority (LPA) before any works on site begin. Such details shall take account of the need to avoid damage to tree roots through excavation, ground skimming, vehicle compaction and chemical spillages including lime and cement. The development shall be carried out in strict accordance with of the approved AMS unless otherwise agreed in writing by the LPA.

Reason: To protect retained trees during construction. In accordance with policies CP1, CP11 and NE16 of the Adopted Local Plan 2001-2016.

18. No properties shall be occupied until confirmation has been provided that either:- all surface water network upgrades required to accommodate the additional flows from the development have been completed; or - a housing and infrastructure phasing plan has been agreed with Thames Water to allow additional properties to be occupied. Where a housing and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed housing and infrastructure phasing plan. The development shall be carried out in accordance with the agreed measures.

Reason - The development may lead to flooding and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional flows anticipated from the new development.

19. No properties shall be occupied until confirmation has been provided that either:- all water network upgrades required to accommodate the additional flows from the development have been completed; or - a housing and infrastructure phasing plan has been agreed with Thames Water to allow additional properties to be occupied. Where a housing and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed housing and infrastructure phasing plan.

Reason - The development may lead to no / low water pressure and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional demand anticipated from the new development

20. Prior to the commencement of development, an updated walkover survey of the site shall be undertaken to identify any change in its suitability to support rare and protected species, including reptiles and badger. Should the site be found to support any protected species, a scheme of mitigation measures must be presented to, and agreed in writing by, the Local Planning Authority.

Reason: To comply with the requirements of The Conservation of Habitats and Species Regulations 2017, the Protection of Badgers Act 1992, the Wildlife and Countryside Act 1981 (as amended) and to protect species of conservation concern.

21. Prior to the commencement of development, a scheme of ecological enhancements shall be submitted to and approved by the Local Planning Authority to ensure an overall net gain in biodiversity will be achieved. The scheme will include details of native landscape planting of known benefit to wildlife, including nectar resources for invertebrates. Details shall be provided of artificial roost features, including bird and bat boxes and a minimum of ten dedicated swift boxes. A quantifiable net gain in biodiversity will be required, presented using a suitable biodiversity offsetting metric, including details of any offsetting measures required. The agreed details shall be implemented prior to the first occupation of development and shall be retained thereafter.

Reason: To comply with the requirements of the National Planning Policy Framework, the Conservation of Habitats and Species Regulations 2017, Wildlife and Countryside Act 1981 (as amended) and Policy CS12 of the Oxford Core Strategy 2026.

22. A landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the Local Planning Authority prior to the occupation of the development.

The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed within the scheme and off-site compensatory habitat if relevant;
- b) Ecological trends and constraints on site that might influence management;
- c) Aims and objectives of management;
- d) Appropriate management options for achieving aims and objectives;
- e) Prescriptions for management actions;
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
- g) Details of the body or organization responsible for implementation of the plan; and
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery.

The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: To comply with the requirements of the National Planning Policy Framework, the Conservation of Habitats and Species Regulations 2017, Wildlife and Countryside Act 1981 (as amended) and Policy CS12 of the Oxford Core Strategy 2026.

23. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order) no structure including additions to the dwelling house as defined in Classes A, B, C, D, E of Schedule 2, Part 1 of the Order shall be erected or undertaken without the prior written consent of the Local Planning Authority.

Reason: The Local Planning Authority considers that even minor changes in the design or enlargement of the development should be subject of further consideration to safeguard the appearance of the area and the amenity of neighbouring properties and occupiers of the dwellings in accordance with policies CP1, CP8 and CP10 of the Adopted Oxford Local Plan 2001-2016, HP9 and HP14 of the Sites and Housing Plan and CS18 of the Core Strategy.

24. A Construction Traffic Management Plan shall be submitted to the Local Planning Authority and agreed prior to commencement of works and shall be approved in writing. This should identify;

- The routing of construction vehicles and management of their movement into and out of the site by a qualified and certificated banksman,
- Access arrangements and times of movement of construction vehicles (to minimise the impact on the surrounding highway network),
- Details of wheel cleaning / wash facilities to prevent mud, etc from migrating on to the adjacent highway,
- Contact details for the Site Supervisor responsible for on-site works,
- Travel initiatives for site related worker vehicles,
- Details of times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours,
- Engagement with local residents and neighbours.

Reason: In the interests of highway safety and to mitigate the impact of construction vehicles on the surrounding network, road infrastructure and local residents, particularly at peak traffic times.

25. The development hereby permitted shall not be occupied until the designated car club spaces as set out in approved plans has been provided. The car club space shall be laid out as set out in the approved plan prior to occupation of the development and retained as such thereafter.

Reason: To ensure that the development does not generate a level of vehicular parking which would be prejudicial to highway safety, or cause parking stress in the immediate locality, in accordance with policies CP1, CP6, CP10 and TR13 of the Adopted Oxford Local Plan 2001- 2016.

26. The development hereby permitted shall not be occupied until details of the electric vehicle charging infrastructure has been submitted to and approved in writing by the Local Planning Authority. The infrastructure shall be formed, and laid out in accordance with the approved details before usage of the parking spaces commences and shall remain in place thereafter.

Reason: To contribute to improving local air quality in accordance with CP23 of the Oxford Local Plan 2001- 2016 and enable the provision of low emission vehicle infrastructure.

27. Prior to commencement of development, an application shall be made for Secured by Design accreditation on the development hereby approved. The development shall be carried out in accordance with the approved details, and shall not be occupied or used until confirmation of SBD accreditation has been received by the authority.

Reason: To create a safe environment for existing and future occupiers which reduces opportunities for crime in accordance with Policies CP1 and CP9 of the Oxford Local Plan.

28. Prior to the first occupation of the units hereby permitted the windows on the north facing elevation of Block E and the south elevation of Block F shall be fitted with obscure glazing and shall be retained in that condition thereafter.

Reason: To prevent overlooking of existing residential dwellings and overlooking of the adjacent school in the interest of safeguarding and preserving the residential amenity of existing occupiers in accordance with Policies CP1 and CP10 of the Oxford Local Plan and Policy HP14 of the Sites and Housing Plan.

### **13. APPENDICES**

- **Appendix 1** – Site location plan
- **Appendix 2** – 2014 Appeal Decision
- **Appendix 3** – ODRP Letter

### **14. HUMAN RIGHTS ACT 1998**

14.1. Officers have considered the implications of the Human Rights Act 1998 in reaching a recommendation to approve 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 grant planning permission, officers consider that the proposal will not undermine crime prevention or the promotion of community.

# Appendix 1

## 18/03330/OUT - Proposed Site Plan



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## Appeal Decision

Inquiry held on 14 - 16 January 2014

Site visit made on 16 January 2014

**by Mike Robins MSc BSc(Hons) MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 11 February 2014**

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**Appeal Ref: APP/G3110/A/13/2206058**

**Land to the rear of William Morris Close, Oxford, OX4 2JX**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Cantay Estates against the decision of Oxford City Council.
  - The application Ref 13/01096/FUL, dated 18 May 2013, was refused by notice dated 18 September 2013.
  - The development proposed is two all weather playing pitches. New residential development (6 x 1 bedroom, 15 x 2 bedroom, 15 x 3 bedroom and 4 x 4 bedroom), 71 car parking spaces, access road and landscaping.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The description of development set out above varies slightly from that originally put forward. This is as a result of the revision to the scheme agreed with the Council prior to their determination of the application.
3. A Unilateral Undertaking (UU), signed and dated 15 January 2014, was provided by the appellant. This sought to address the affordable housing and all weather pitch (AWP) elements of the scheme.
4. While the description of development refers explicitly to the provision of two AWP, the appellant offered an alternative at the Inquiry. Instead of the AWP, this would provide for a publically accessible grassed area with trim trail and exercise area and the ability to lay out grass pitches. The scheme also proposed a contribution towards replacement sports pitches or the improvement of existing sports facilities elsewhere in Oxford.
5. A planning application<sup>1</sup> was submitted to the Council which, in outline form, reflected the housing part of the proposal now at appeal, but substituted this alternative approach to the non-housing element. This was considered by the Council, who refused this application on the 4 December 2013, citing similar reasons, in part, to the appeal scheme.
6. The appellant has requested that were the AWP provision considered to be unacceptable, and I was minded to prefer the alternative proposal, then a split decision could be considered. This could, it was suggested, be achieved

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<sup>1</sup> 13/02500/OUT

through a condition and an alternative UU, which was also submitted at the Inquiry, signed and dated 15 January 2014.

7. It is not possible for this appeal to address the later application directly, as this has not been formally appealed; nor has the appellant modified their scheme, merely offered an alternative. Although parties should rely on their original submissions at appeal, this does not mean that the appropriateness of accepting a revision to the original scheme to reflect the alternative should not be assessed. Such assessments generally refer to the case of Wheatcroft<sup>2</sup>, which, in essence, sets out the principles of whether a change to a development is so substantial as to lead to prejudice to any party.
8. The appellant considered that, as part of the outline application, local residents and statutory consultees would have had the opportunity to comment on this alternative as part of the scheme. Sport England maintained an objection to the proposed alternative scheme, although the Council's Leisure Services Section would appear to have welcomed the proposal. The Council accepted, during the course of the Inquiry, that, setting aside their in principal objection to the proposal, the alternative open space provision would be preferable.
9. However, this does not mean that there would be no prejudice in my considering the alternative, and I note the concerns of the local residents. Indeed I can understand that for local residents, presented with a scheme that was refused and then appealed, while another earlier scheme had also been appealed but withdrawn, and then presented with a revised scheme for consideration by the Council, which is not the subject of the appeal, but was introduced at the start of the Inquiry, this could have been somewhat confusing. This was borne out in comments made at the Inquiry.
10. With the AWP's explicitly referred to in the description and therefore clearly stated in the notification letters related to the appeal and Inquiry, I consider there to have been a risk of confusion and potential prejudice for local residents. Furthermore, despite the Leisure Services Section's position, Sport England or another statutory consultee may have wished to comment further at appeal, on what would be a significant change to almost a third of the site area.
11. Furthermore, although a split decision is an option available to an Inspector, it can only be used where the two parts of the scheme are clearly severable, both physically and functionally. A condition cannot be used on its own to achieve a split decision. In this case, the introduction of housing onto part of the site and open, sporting or recreational space on the other part is linked by policy requirements. While the appellant suggests that the condition and UU gives reassurance that some form of publically accessible area will be provided, I am not persuaded that this can adequately separate the parts of the scheme. Overall, I consider that the scheme cannot be severed in this way and the introduction of this substantial change to the proposal cannot be considered at this appeal.
12. A Statement of Common Ground (SoCG) was submitted, signed and dated on the first day of the Inquiry. In this it was agreed that the development plan for the area comprises the Oxford City Local Plan (the Local Plan), adopted 2005, the Oxford City Core Strategy (the Core Strategy), adopted 2011 and the

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<sup>2</sup> Wheatcroft (Bernard) Ltd v. Secretary of State for the Environment and Harborough DC [1982] P&CR 233

Oxford City Council Sites and Housing Plan (SHP), adopted 2013. The National Planning Policy Framework (the Framework) reaffirms, at paragraph 2, the statutory duty to determine planning applications and appeals in accordance with the development plan unless material considerations indicate otherwise. The Framework itself is a material consideration.

### **Main Issues**

13. Accordingly I consider the main issues in this case to be:

- The effect of the proposal on the provision of open space for formal and informal sport, recreation and amenity;
- The effect on the character and appearance of the area;
- The effect on the highway safety of users of the local road network.

### **Reasons**

14. The appeal site is an area of open land of approximately 1.24 Hectares, mostly laid to grass, but with an area of car parking to the west. The site was formerly part of a sports and social club, most recently the Lord Nuffield Club, but for many years preceding that, the Morris Motors Club. In recent years, the original clubhouse was replaced with a new facility, with housing provided on part of the site. Following the club going into receivership, the new clubhouse was taken over by the Tyndale Free School. Planning permission, granted on appeal by the Secretary of State, has established full use of the clubhouse and some surrounding land for this purpose<sup>3</sup>.

15. The remaining grassed area is now fenced to prevent access, although the car park areas remain open. Barracks Lane lies to the north, beyond the school, and provides the only access to the site. It is a cul-de-sac, leading to William Morris Close, Turner Close and a few properties on the road itself. At its western end it provides a footpath link to Oxford Spires Academy and the Cowley Marsh Playing Fields. It is signposted as a walking and cycling route at the junction with Hollow Way.

16. The proposal comprises housing to the southern part of the site with two AWP's proposed to the northern part adjacent to the school.

#### *The Effect on Open Space Provision*

17. Policy CS2 of the Core Strategy sets out the strategic approach to development in this area, with a clear focus on previously developed land. It accepts that there is a need for some greenfield areas to be identified for development and allocated as such. The policy explicitly allows for the development of greenfield land only where it is specifically allocated or is required to maintain a five year rolling housing land supply (HLS).

18. Although the appellant pointed to a 'huge' unmet need for market and affordable homes, which the Council acknowledged, it was agreed by the appellant that the Council have a five year HLS. The Council argued that, taking account of the constraints in the area, this approach balanced the conflicting demands in Oxford; it was an approach found sound in the recent development plan examinations. Specific allocations on greenfield sites were

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<sup>3</sup> APP/G3110/A/13/2195679

set out in the recent SHP; the appeal site was not allocated. The appellant considered that there was a clear reason for this in that the site was in receivership. They also argued that the circumstances of the appeal site are very similar to those sites that were allocated, in terms of the Council's reasoning for such allocations. I deal with these matters in more detail later.

19. The whole of the original Morris Motors Club site is also identified in the Local Plan as Protected Open Space, with particular reference to Policy SR2, which deals with the protection of open air sports facilities. The accompanying text to this policy identified that Oxford's playing fields are an important recreational resource and that most are of special significance for their amenity value and their contribution to the green space of the urban environment. It notes that many are privately owned by Colleges or private schools and are not necessarily available for public use, but considers that the policy applies equally.
20. Green spaces for leisure and sport are also addressed through Policy CS21 of the Core Strategy. It was common ground that exceptions to the preclusion of development on such sites were generally consistent with Policy SR2, which I agree. The Framework similarly sets out<sup>4</sup> that existing open space, sports and recreational land, including playing fields should not be built on unless they are surplus to requirements, they can be appropriately replaced or the proposed development clearly outweighs the loss.
21. A former member and officer of the sports and social club gave evidence that the once thriving club provided not only a facility for workers at the nearby motor works, but for the local community. Associate membership would have allowed direct access to the facilities, and the open space itself was generally accessible for use by local residents. Following closure of the club, although there was a period when this open access remained, since the erection of the fence there has been no public access onto the grassed area.
22. It is necessary at this point to draw some distinction between the appeal before me and that recently considered for the Free School. In that scheme the Council acknowledge a direct need for primary school places in the area, and it involved only a relatively small part of the open air sport facility. Indeed the Secretary of State's decision explicitly concluded, on the evidence in that case, that the reduction in open space would not compromise the integrity or viability of the remaining area of open space. Any loss was accepted to be mitigated by the public access that could be provided to the school facilities that were to be developed.
23. Notwithstanding this, evidence was provided to this Inquiry, and accepted by the Council, that the open land remaining, following the confirmation of the school development, is insufficient to meet Sport England's comparative sizes for senior cricket and rugby pitches and only just sufficient for a football pitch. Nonetheless, the Council considered that the site has the potential to provide for football or hockey or indeed junior or mini pitches for various sports.
24. The Council have produced a Playing Pitch and Outdoor Sports Strategy which categorises in some detail the provision and need for facilities across Oxford. Main parties were generally in accord that the need was for junior or mini football pitches. However, the Strategy also outlines the high numbers of

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<sup>4</sup> Paragraph 74

- facilities that are privately owned and acknowledges the risk of undersupply should the informal or adhoc basis for community access be withdrawn.
25. In this context there was a general acceptance of an ongoing need for certain open air sport facilities, and the appellant argued that the AWP's would provide a qualitative and quantitative improvement over the existing site, offering community access where there is currently none, and a greater capacity on the all weather surface, as opposed to grass pitches.
  26. While an all weather surface has the potential to allow for longer periods of use, such use would be contingent on access. In this proposal the AWP's would be passed to the school to be managed and a Community Access Agreement set up under condition. The Council may be able to influence this agreement, but I have no evidence indicating the school's acceptance of this role, nor what such an agreement would entail. Although the appellant argues that the Council did not require submission of this detail, it is for the appellant to supply appropriate information to support their application.
  27. Furthermore, no floodlighting for the pitches is proposed within this appeal application. I consider that permission for such could not be guaranteed to be forthcoming, in light of the position of the pitches relatively close to surrounding residential development. In light of these matters, and assuming that community access may be limited to periods outside of the school's use, there are questions over whether the full capacity envisaged by the appellant could realistically be achieved. Furthermore, this is only part of the reason why such areas were protected under policy; I turn therefore to the effect on informal recreation.
  28. The Council suggested that the appeal site is of socio-historic value to the community and has potential to provide for community use, analogous to a Local Green Space (LGS) as set out in the Framework<sup>5</sup>. I do not consider that the protection of open space under the Local Plan can be considered to be directly related to the Framework's intention for the designation of LGS; as it says such designation will not be appropriate for most green or open space. Nonetheless, the policy protection afforded by Local Plan Policy SR2 and Core Strategy CS21 extends beyond just the functional sporting provision to the wider amenity value, and many local residents will have enjoyed the benefits of this facility over the years, either as a member or informal user. Furthermore they will have appreciated the presence of a large and open area within what is a relatively densely developed area.
  29. The appellant points out that the land has no public access now and therefore no public benefit at present; something, it was argued, that could be rectified, in part, by the proposal. Furthermore, they stated the Council was unwilling to assume responsibility for the site and no-one had come forward to take on any part of the site, to continue its use, following the club going into receivership. To my mind, these points would carry more weight if the specific use of the appeal site as an open air sports facility had been tested.
  30. The appellant indicated that the whole site had been clearly marketed, including a large banner on the clubhouse. However, I consider that there is a difference between the offer of an open space with a very large clubhouse facility, and the open space on its own, not just in terms of the overall value of

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<sup>5</sup> Paragraphs 76 and 77

the site, but also in its implications for ongoing maintenance and costs. While a member of the local community did indicate at the Inquiry that he was prepared to purchase the site, I have no evidence on which to base the likelihood of such an offer being completed, and can therefore give this little weight. Nonetheless, the absence of marketing of the land on its own limits the weight I can give to the presumption that a community use for the land is either not needed or not wanted.

31. The plans submitted to the appeal, associated with the Oxford Green Space Study 2012, indicate that there are areas near the appeal site outside of the 400m walking distance to formal and informal sites. However, the development of the appeal site will not directly affect the measures set out in the Council's Green Space Strategy for unrestricted use, and as referred to in Policy CS21. Nevertheless, the AWP's would provide little benefit to this measure, as they also would not be unrestricted. It is necessary therefore to also consider the role the site plays in the overall character and appearance of the area.

#### *Character and Appearance*

32. The fact that an otherwise significant open space has been fenced and is becoming overgrown is not a good reason in itself for allowing it to be developed. In my opinion, there is value in open vistas and open character in a residential area. This site is undeveloped and the fact that it enjoys views from surrounding development and, to a small part, from Barracks Lane means that, even in its current slightly overgrown state, it makes a contribution to the character and appearance of the area. Local residents place a high value on this open space.
33. The level of access previously enjoyed by the community to the area is not now available, nor can it be considered to be something that will be reinstated. Nonetheless I consider that there is value to the site, and the proposed development would introduce some harm to the character and appearance of the area.

#### *Highway Safety*

34. Local residents set out their concerns regarding the potential increase in traffic that the development would generate, particularly when considered against that potentially arising from the new school, and the effect that it would have on the safety of the local road network. The Council have appraised the appellant's Transport Assessment, which takes account of projected traffic associated with the school and 43 houses, as proposed in an earlier scheme, and have accepted that it was robust; no issue was taken on this matter by the Council.
35. I have some sympathy with local residents, as prior to the building of the new clubhouse, traffic using the lane would have been solely for the residents of Turner Close and the lane itself. Since that time housing has been introduced at William Morris Close and the school has opened; to this it is now suggested that there would be 40 further houses and two sports pitches. Nonetheless, it is not a change in traffic levels that is determinative, but whether they result in material harm.
36. Although the school has only been open since September 2013, and therefore has only a small proportion of the overall numbers that will attend, local

residents suggest that it is already causing significant traffic problems. I took the opportunity during the course of the Inquiry to carry out unaccompanied visits to the site during the morning school drop off period, from approximately 8,30am to 9.00am. Furthermore, the timing of the accompanied site visit allowed observation of the afternoon pick up period.

37. While these can only reveal a snapshot of activity, I have no reason to believe that these days would have had any less children attending the school, or any altered pattern of transport. While there was activity, it was not, in my view, such as to significantly interfere with traffic flows here or with safety. However, I am aware that the existing parking is not part of the school's long term provision.
38. Looking forward, the traffic associated with the school will grow, but the impacts of this have been assessed as part of the recent Secretary of State's decision and are not before me. My decision must focus on whether the traffic from the 40 houses, either alone or in combination with the school, would lead to harm.
39. There are some existing issue with the road network here, including the level of parking in Turner Close. The houses here are terraces with only a few having off-road parking in front of the properties. Although there would appear to be a nearby garage block, there was evidently a considerable level of on-street parking which narrowed the road significantly. However, the proposal would not materially affect this, as it would be unlikely that future residents of the proposed scheme would choose to park their cars in Turner Close, particularly as parking in this application has been increased to 71 spaces, which the Council accept is in line with their parking standards.
40. At the top of Barracks Lane informal parking takes place near to the traffic light junction with Hollow Way. It is not clear as to why there is parking here, but the absence of driveways and off-road parking for some houses on Hollow Way may be a reason. Nonetheless, this does narrow the road here, although this is an existing situation, which, for the reasons I refer to on parking above, the proposal is unlikely to exacerbate.
41. During the Inquiry, I was provided with a copy of an Oxfordshire County Council consultation response, dated 29 October 2013, to the later outline application. This appeared to raise concerns regarding the parking, although this related to the scheme with 55 car parking spaces. Matters relating to the projected traffic from the school and its impact on queuing lengths were also referred to. This response does not appear to reflect the position set out in the committee report for that scheme, which states that there were no highways objections to the revised plans. On the evidence before me, I must accept that there was a change in that view, possibly resulting from the revision to the plans for parking, such that this position was neither taken forward by the Highway Authority in relation to that scheme, nor introduced by them or the Council as an issue in this appeal.
42. This does not mean that there will be no impact from these schemes. It is likely that there will be some delays and queues associated with the free school, much as there is at many schools during the drop off periods. The question for me is whether the additional traffic would lead to an unacceptable level of congestion, or direct highway safety risks associated with conflict with the school traffic or children walking to school.

43. The existing road network issues slow the traffic, where parking creates pinch points on Barracks Lane, and there would be further traffic to the school, and potentially this development. However, on the evidence before me, I have no reason to consider that flows would become saturated such that congestion would extend significantly beyond the peak hour periods.
44. In terms of potential conflict there may be some overlap of peak traffic movements during the morning period, although school traffic will often be slightly later. The school, when it has implemented its planning permission and Travel Plan, will have a dedicated drop off area, away from the access road, and while some queuing may occur, visibilities are good both along the access and at the exit onto Barracks lane; I do not see material harm arising from the additional traffic for the scheme in relation this. There are footways along the length of Barracks Lane, and ones proposed to link the footpath to Crescent Road and the access road from the appeal site past the school. Consequently, there should not be significant increased risk for those walking to the school.
45. I have no reason to disagree with the Council and the Appellant's professional advice that the proposal would benefit from a safe means of access to and egress from the site. Some queuing may occur, and there would be higher levels of traffic during the drop off and pick up periods, albeit the proposal's contributions to this would not be significant. Overall, the proposal before me would not conflict with the Framework, paragraph 32, which states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

#### *Other Considerations*

46. The appellant considered that Policy CS2 is a coarse grained policy that needs be read in light of other policies and, in particular, Policy CS21 and Local Plan Policy SR2, and that the scheme responded to the overall objectives of the plan and the Framework to boost housing supplies. The appellant indicated that the Council had significantly underplayed the important issue of housing need in Oxford, and in particular affordable housing, for which the scheme exceeded the policy requirements set out in Core Strategy Policy CS24. On balance, it was argued that the scheme was in accordance with the development plan, and that material considerations outweighed any conflict with individual policies.
47. To support this, evidence was given on the very significant levels of need identified for housing and, in particular, affordable housing. The Council acknowledged that there is a need for housing greater than the target set out initially in the Core Strategy, and supported now with the SHP. Over the plan period, this target was for 8,000 homes, 400 per year, and reflects a figure based on constraint, notably Green Belt, flood plain and open space protection in the city area. The Council have policy that seeks 50% of these homes to be affordable. Despite some variation in individual year performance, it was accepted by the appellant that the completions over the period 2006 and 2013, had averaged over 400 per year.
48. Much was made of the fact that no residential permissions were granted, which included affordable homes, in the years from 2010/11 to 2012/13; a position also accepted by the Council. It is also relevant that during these periods completions included a much lower proportion of affordable homes than the 50% sought by policy. In this context, the appellant suggested that a scheme

delivering 25 out of 40 units as affordable, should carry very substantial weight in its favour.

49. The data on permissions was updated by the Council at the Inquiry for the period 2013 to date. These figures indicate a considerable upturn in permissions including affordable housing. While the appellant questioned the inclusion of Luther Court, where a larger number of affordable homes were to be replaced, this showed that permissions were in place for over 600 affordable homes. Permissions cannot be taken as a guarantee of delivery; nevertheless, this does show a considerable uplift in potential delivery.
50. My own review of the submitted evidence suggests that there is a genuinely pressing need for affordable housing in Oxford, borne out not just by the number of houses that have been assessed as being needed, but also by the demand for properties when they do become available. However, it is acknowledged by the main parties that the amount required far exceeds that which can be practically delivered within the City itself, and indeed the Council identify that they are actively working with surrounding councils for solutions.
51. Three previous appeal decisions<sup>6</sup> were submitted by the appellant, showing that a need for affordable housing should carry substantial or significant weight. I do not disagree, and consider that significant weight does arise in this case in relation to the potential for delivery of a relatively higher proportion of affordable housing than sought by policy. However, the issue is whether this weight should be considered to be overriding of the identified policy conflict, and in this the submitted decisions do not assist, as in each case the decision maker was also considering development in locations where there was no identified five year HLS.
52. I have no reason to doubt that the Council, when considering this application, were aware of the very considerable need facing Oxford in terms of affordable housing. It was an issue that was understood during the preparation and adoption of the Core Strategy and the SHP. In these, the Council had to take a balanced view in assessing the demand for housing against the considerable constraints within their area. This balancing act was played out in the preparation and examinations of these plans, which lead to the housing targets currently within the development plan, which is accepted to be up-to-date.
53. The Framework seeks to significantly boost the supply of housing, but requires that Council's meet their objectively assessed needs as far as is consistent with the policies set out in the Framework itself. I have found consistency between the relevant development plan policies and the Framework in terms of open space protection and a priority on the strategic development of previously developed sites.
54. The housing target of 400 units should not be considered as a maximum and the Council should strive to overachieve against that level, particularly in light of the acknowledged need. However, housing delivery in such circumstances cannot override all other considerations, and should be considered within the context of a plan led system. Nonetheless, I have accorded significant weight in favour of the scheme, as regards the provision of affordable homes.

### *Other Matters*

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<sup>6</sup> APP/M2325/A/13/2196027, APP/C3105/A/13/2189896 and APP/A0665/A/11/2167430

55. The Council and interested parties emphasised their concern that were this site, currently an area of protected open space, allowed to be developed for housing, it would set a precedent for other privately owned areas of open space or sport facilities, to similarly argue that the need for housing should lead to their development for such purposes.
56. No similar sites to which this might apply have been put forward, and each application and appeal must be determined on its individual merits. Consequently, I do not consider that such a generalised fear of precedent can be central to my decision.
57. In relation to the UUs submitted, I have addressed that relating to the proposed alternative in this case. That submitted to support the affordable housing element and delivery of the AWP was accepted by the Council. In light of my decision on the main issues in this case, it is not necessary for me to address compliance of this UU with the Framework.

### **Planning Balance and Conclusion**

58. This proposal needs to be considered against the development plan policies, and in particular Policy SR2 of the Local Plan and Policies CS2, CS21 and CS22 of the Core Strategy. The appellant, by direct reference to the *Rochdale* case<sup>7</sup>, indicates that it is necessary for the decision maker to have regard to the plan as a whole, and conflict with one or more relevant policies does not necessarily mean the proposal would not be in accordance with the development plan.
59. Turning to Policies SR2 and CS21, there remains a need for sporting facilities in the city and an acknowledgement that the loss of existing facilities should be resisted because of the reliance on private facilities to provide for community use. I consider that the loss of this site, which has value to the local area, as well as the potential to provide for open air sports facilities, would not be adequately mitigated by the provision of the AWP. They would be hard surfaced, hard edged features with little opportunity for sympathetic landscaping and would add little value to the character of the area. Community access would be limited to only a small part of that community, and, even then, restricted by the proposed relationship with the school and the lack of floodlighting. On balance, I consider that the proposal would conflict with Policies SR2 of the Local Plan and CS21 of the Core Strategy.
60. With regard to Policy CS2, the site is not allocated for housing. It was accepted that there is a five year HLS and the housing completions have not reached the trigger of 15% below the trajectory that would lead to a review of the planned sites, as set out in Policy CS22. The fact that the justification for the allocation of other areas of open space or open air sports facilities, is considered by the appellant to apply equally to this site does not, in my view, carry significant weight. The site was not proffered at the time, nor was it therefore reviewed by the Council, who have confirmed in their adopted SHP that sufficient sites are now available to meet the five year HLS. While a need for a review of allocations may prompt the site's inclusion, it is not currently allocated and therefore conflicts with Policy CS2.
61. Policy CS2, supported by the recently adopted SHP, sets out the clear strategic approach to development in Oxford, an approach that is consistent with the

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<sup>7</sup> *R(Milne) v Rochdale BC* [2001] Env LR 22

Framework, which seeks the reuse of previously developed land<sup>8</sup>. In this case, the site is specifically protected. I have identified conflict with the policies relevant to this protection. These are not minor policies, but ones that go to the heart of the Council's strategic approach to development; consequently, I conclude that the proposal is not in accordance with the development plan.

62. For reasons set out above, while there may be some improvement to the scheme associated with the proposed alternative, I considered that it was not appropriate to take it into account in my decision. While I noted significant weight in favour of the scheme arising as a result of the delivery of affordable housing, I find that this does not outweigh conflict with the recently adopted development plan.

63. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

*Mike Robins*

INSPECTOR

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<sup>8</sup> Framework Core Principles and Paragraph 111

## APPEARANCES

### FOR THE LOCAL PLANNING AUTHORITY:

Simon Pickles of Counsel	Instructed by the Head of Law and Governance, Oxford City Council
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He called

Fiona Bartholomew BA(Hons) DMS MSc MRTPI	Planning Officer – Oxford City Council
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Laura Gioddard BSc(Hons) PGDip MRTPI	Planning Officer – Oxford City Council
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### FOR THE APPELLANT:

Richard Kimblin of Counsel	Instructed by The John Phillips Planning Consultancy
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He called

George Venning MA(Cantab)	Affordable Housing Consultant Levvel Ltd
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Richard Grady BA(Hons)	Sports Consultant
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Nicholas Lyzba DipTP DipCP MRTPI	Planning consultant The John Phillips Planning Consultancy
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### INTERESTED PERSONS:

Councillor Malik	Ward councillor
Mr Konopka	Local resident
Mrs Konopka	Local resident
Mr Davies	Local resident
Mr Smitham	Former treasurer and chairman of the Lord Nuffield Club
Mr Ali	Local resident and businessman
Mrs Harley	Local resident

## **DOCUMENTS**

- 1 Updated figures for affordable housing permissions
- 2 Extract from Sites and Housing Plan examination report
- 3 Local Plan Policies Map
- 4 Extract from Oxford City Green Space Study (2005)
- 5 Appellant's opening statement
- 6 Council opening statement
- 7 Oxford City Council Playing Pitch and Outdoor Sports Strategy
- 8 Environment Agency comment on Wolvercote Mill application
- 9 Oxford Green Space Study 2012 update
- 10 Oxford Green Spaces Strategy 2013 - 2027
- 11 Aerial view of area (approx 1993) (Mrs Harley)
- 12 Mr Davies written submission
- 13 Mrs Harley written submissions
- 14 Unilateral Undertaking – original scheme
- 15 Unilateral Undertaking – alternative scheme
- 16 Suggested condition
- 17 Policy CS17
- 18 Council closing submission
- 19 Appellant's closing submission

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## CONFIDENTIAL

Jim Smith and Tony Nolan  
Cantay Estates Ltd  
25 St Thomas Mews  
Oxford  
OX1 1JA

12 October 2018

Our reference: DCC/0935

### **Oxford County Council: William Morris Close**

Dear Jim Smith and Tony Nolan,

Thank you for providing the Oxford Design Review Panel with the opportunity to advise on this proposal through a Design Review on 4 October 2018.

#### **Summary**

The design team has made significant progress on the proposal at William Morris Close since the Oxford Design Review Panel commented on the scheme in July 2018. The evolution of many parts of the design mean that one can now see the potential for a residential community that actively contributes to quality of life for its residents and raises the standard of design in the local area.

We now believe the design team must focus on a number of key design moves to refine the overall proposal to ensure it can deliver on the applicant's aspirations for a sustainable and attractive residential development. In summary we believe further thought is required on: the internal layout of the central blocks of flats, particularly at ground floor level; the elevational treatment; the approach to landscape and parking, to ensure public space functions well and the impact of parking is minimised; the arrangement of housing, car parking and landscape at the west boundary, and the heights of buildings. We offer the following comment in the development of the proposal towards the planning application.

#### **Landscape approach**

An even stronger landscape character could help to ensure the entire scheme works to build a coherent and enjoyable sense of place across the site. We welcome the improved ratio of soft to hard landscaping in the proposal but consider the landscape character to require further work and refinement. We recommend a stronger landscape character is developed which is reflected in the soft and hard landscaping across the site and in the choice of distinctive materials and features (lamp posts, bollards etc.).

The current alignment of paths that lead to the southern pedestrian route appears unresolved. We recommend exploring alternative paths that works with the shape of the southern site boundary. A more intuitive path layout would help to ensure the pedestrian



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route through this part of the site is well used, providing a crucial connection for those passing through the site.

### **Function and hierarchy of open space**

The public open space has progressed well, and we consider it to be more usable as an amenity space. We strongly recommend emphasising the play space to help enhance the public identity and use of this space. While playable space can be a sound approach, it will be important to incorporate designated play spaces. This can act as an invitation for children and families into the space. A more legible hierarchy of use within this space could ensure it is well-used and contribute to the requirement to provide open space on this site.

We support the initiative to provide allotments on site for semi-public use, but suspect that they may not function as intended, as often interest in their use can diminish quickly. We recommend the design team considers how this space could remain green and active in the long term, perhaps by designating it as an extension to the proposed public open space. Understanding how the public and semi-public spaces function together could ensure that all the open spaces are used appropriately while also supporting the requirement for public open space on the site.

### **Parking**

We are encouraged by the reduced and improved parking arrangement in the proposal, but it requires further thought. We recommend further reducing the volume of parking across the site where possible. To help break up the long row of car parking, particularly to the north of the site, we recommend exploring different soft and hard landscaping treatments to the car parking in this location. The row of car parking could be separated into a few car parking bay areas with more greenery and pergolas, for example. Continuing to minimise the intrusion of vehicles on this site could contribute to a pleasant street environment and help to ensure the streets are safer places for residents of all ages.

### **Options for west of the site**

The site layout to the west of the site is currently unresolved due to a number of issues and therefore we recommend further exploration of building and parking layouts in this area. Primarily, parking seems to be prioritised over pedestrian routes in this key entrance area which can undermine the calm residential character of the site. The turning circle for the car parking also impedes on the public open space. A proportion of parking could be moved to the south or within the plots, with the terraced housing positioned at the end of William Morris Close, for example. We also recommend moving the parking away from the edge of the public open space. In terms of the terraced housing, the access to bins appears to be inconvenient and potentially unsafe. Addressing these concerns could improve the overall character of the scheme and provide clear views of

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terraces in each direction through the central square to improve passive surveillance and navigability.

### **Central Blocks A, B, C, and D**

#### *Height*

Within the site, we feel that the massing is beginning work well, although we think that each of blocks A-D may work better if there were no variation in height. The changes in height to the apartment blocks in the corners of the site plan also seems to overcomplicate these buildings.

At this stage we believe there is insufficient information to assess the impact on long range views. However, as things stand, the building heights appear to intrude on long range views from the city. We recommend testing these heights against the agreed views from the centre of Oxford. A further exploration of heights for blocks A-F could reveal ways in which the design of the buildings can mitigate against harm to long views into the site whilst retaining the desired quantum. In terms of colour, a darker colour brick appears to be more amenable in terms of long range views from the city. A Landscape and Visual Impact Assessment (LVIA) should be used to inform the design team's thinking on massing, height and materiality.

#### *Layout and footprint*

The current plan for the central blocks (A, B, C, D) has the potential to look and feel like pavilions in a landscape and we encourage the team to build on this theme. However, the blocks currently appear too close to one another which may mean that they are read as one block up close and from a distance. Their close proximity also results in narrow routes between the buildings. As such, we recommend separating the blocks more which can help to signal the entrances to the central courtyard. Splaying the wall facing the public open space could also help to slightly break the formality of the scheme and better signal the entrances. We strongly recommend reconsidering the siting of the bin stores and the bike stores, and possibly integrating them into the blocks themselves.

Currently the entrance strategy to the apartment blocks is confusing as the current position of entrances to Blocks A, B, C, and D undermines the entrances in the central square. We think that the central square will work best if all the entrances to blocks A, and C face the square, rather than from the public open space. We recommend testing other positions for entrances onto public open space. This could ensure that both entrances are used equally frequently, new options for internal layouts are revealed, and the hierarchy of public space is maintained.

We welcome the fact that there is now a defined semi-private central square. However, we think that it lacks a clear aspiration for its function, and a developed landscape strategy. To help ensure that it is well used, we recommend that the design team find ways to bring more informality into its character and function. Ensuring the central square provides an attractive and comfortable environment for residents could be crucial for

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many of the aspirations of permeability and make the best of open space on the site. Wild planting could help to contribute to the informal look and feel of the space to create a more intimate private space, with seating places in sunny spots, for example.

### *Internal layout*

We feel that the internal layout of flats would benefit from considerable development. In particular, different internal ground floor layouts within blocks A, B, C and D should be tested at this stage. We are concerned about the location of the balconies in terms of residents' privacy; some ground floor balconies are also adjacent to the bin stores. This may result in the balconies and central open space not being used. We recommend the ground floor balconies should relate better to the ground floor context and are also made more generous. The perpendicular parking to the north of blocks A and B appears to be too close to those blocks, and therefore can create unpleasant internal living environment for ground floor residents. We therefore encourage the team to allow for more space between them parking and the blocks.

### *Elevations and facades*

A more coherent elevational treatment could create a legible identity for the central blocks. We support the use of textured brick in the elevational treatment but recommend testing only one brick colour rather than both red and beige. We encourage the team to continue to refine the fenestration to help ensure the elevations appear more confident in their arrangement, by either aligning them perfectly or with a clearer sense of rhythm in their alternating position. We recommend also considering how the textures and tones of the bricks works with the fenestration to find a balanced rhythm. A unique and attractive elevational treatment could create a clearer narrative and differentiate this proposal from the architecture of the local area.

### **Sustainability**

The proposed heating strategy of these dwellings, and proposals for renewable sources of energy will be beneficial at this stage to help test to urban and building design.

Thank you for consulting us and please keep us informed of the progress of the scheme. If there is any point that requires clarification, please contact us.

Yours sincerely,



**Theo Harrison**  
Design Council Cabe Advisor

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Email: [theo.harrison@designcouncil.org.uk](mailto:theo.harrison@designcouncil.org.uk)

Tel: +44(0)20 7420 5264

### Review process

Following a site visit, (and) discussions with the design team and local authority and a pre-application review, the scheme was reviewed on 4 October 2018 by Jo van Heyningen, Jane Dann, Noel Farrer, Dorian Crane, Gillian Horn, John Rowland. These comments supersede any views we may have expressed previously.

### Confidentiality

Since the scheme is not yet the subject of a planning application, the advice contained in this letter is offered in confidence, on condition that we are kept informed of the progress of the project, including when it becomes the subject of a planning application. We reserve the right to make our views known should the views contained in this letter be made public in whole or in part (either accurately or inaccurately). If you do not require our views to be kept confidential, please write to [dc.cabe@designcouncil.org.uk](mailto:dc.cabe@designcouncil.org.uk).

cc (by email only)

### Attendees

Andrew Murdoch	Oxford City Council
Michael Kemp	Oxford City Council
Ian Felgate	Brookes Architects
Simon Sharp	JPPC
Tony Nolan	Cantay Estates Ltd
Jim Smith	A2 Dominion
Mike Habermehl	Adams Habermehl

### Design Council Cabe

Theo Harrison	Design Council Cabe
Victoria Lee	Design Council Cabe

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## Minutes of a meeting of the PLANNING REVIEW COMMITTEE on Tuesday 30 April 2019

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### Committee members:

Councillor Fry (Chair)

Councillor Munkonge (Vice-Chair)

Councillor Azad

Councillor Goddard

Councillor Malik

Councillor Howlett (for Councillor Linda Smith)

Councillor Pressel (for Councillor McManners)

Councillor Tarver (for Councillor Djafari-Marbini)

Councillor Harris (for Councillor Altaf-Khan)

### Officers:

Adrian Arnold, Acting Head of Planning Services

Robert Fowler, Planning Team Leader

Andrew Murdoch, Development Management Service Manager

Sally Fleming, Planning Lawyer

Catherine Phythian, Committee Services Officer

Anita Bradley, Monitoring Officer

Mike Kemp, Senior Planning Officer

John Mitchell, Committee and Member Services Officer

### Apologies:

Councillors Altaf-Khan, Djafari-Marbini, McManners and Linda Smith sent apologies.

## 11. Declarations of Interest

### 19/00249/FUL

Councillors Fry, Howlett, Malik and Tarver each stated that although they were a signatory to the call-in of this application they were approaching the application with an open mind, would listen to all the arguments and weigh up all the relevant facts before coming to a decision.

Councillor Pressel said that as she had initiated the call-in and could not claim to have an open mind about the application she would not take part in the determination of the application and would leave the members area for that item.

### 18/03827/FUL

Councillors Azad, Harris and Malik each stated that although they were a signatory to the call-in of this application they were approaching the application with an open mind, would listen to all the arguments and weigh up all the relevant facts before coming to a decision.

Councillor Pressel left the members area but remained in the room but she did not take part in the debate or vote on application 19/00249/FUL .

## **12. 19/00249/FUL: 16 East St, Oxford OX2 0AU**

The Committee considered an application (19/00249/FUL) for planning permission for the demolition of the existing workshop (Use Class B1) to erect a two storey yoga workshop (Use Class D2) and the provision of cycle spaces.

The application had been called in to the Planning Review Committee by Councillors Pressel, Rowley, Chapman, Taylor, Kennedy, Fry, Simm, Iley-Williamson, Lygo, Henwood, Malik, Howlett, Djafari-Marbini and Corais because of concerns about the impact of the proposed development on the Conservation Area.

The Planning Officer presented the report and drew attention to the following points.

The site is located within the Osney Town Conservation Area but it is not a protected employment site.

The application had been considered at West Area Planning Committee on 9 April 2019 when members of that committee resolved to grant planning permission subject to conditions and delegated authority to the Acting Head of Planning Services to consider and deal with any new material planning considerations that may be raised through public consultation which expired on 11 April 2019 and deal with any representations that might be received as a result of the notice which had been served on the owner which expired on 29 April 2019 including deciding whether it was necessary to refer the application back to the committee prior to issuing the permission.

Some additional comments had been received in relation to the application; some of these comments were received after the consultation period. Since the agenda had been published an additional 7 comments had been received in support and 3 objecting. Additional comments had been received from some local residents who had already objected. One of the comments objecting was from the local MP.

The Oxford Preservation Trust's comments had been circulated before the Committee meeting earlier in the day.

The Officers' view was that no matters received in public consultation raised any material matters that had not already been considered and dealt with in the report with the exception of concerns relating to bats.

Officers had therefore sought the advice of the Council's ecologist and the applicant's agent had produced a bat survey. The survey concluded that the site had negligible ecological value and there was no evidence of bats. However, an additional condition was recommended to secure ecological enhancements.

The officer recommendation was to grant planning permission subject to the recommended conditions with an additional condition requiring ecological enhancement measures and to delegate authority to the Acting Head of Planning Services to finalise those conditions.

The Legal Adviser added a few points of clarification and confirmed that it was normal practice to take into account comments received after the expiry of the consultation period if the application had not been determined as to not do so would leave the decision at risk of challenge if such comments had raised new material planning considerations.

She confirmed that her verbal response at the last meeting to the Counsel's opinion which had been submitted by one of the objectors about the application had been included in the covering report for the meeting. However, she did summarise the main points she had made.

Vernon Orr and Bianca Elgar, local residents, spoke against the application, with particular reference to the opinion of Counsel referred to above and the number of local residents who were said to object to the application.

Mr James Pritchard (Applicant) and Mr Adrian James (Agent) spoke in favour of the application referring to the number of local residents who were said to support the application and the relatively little difference the proposed studio would have on footfall in East Street given the other establishments at either end of it.

In discussion the following matters were raised and clarifications provided.

- The Committee was reminded that its decision must be based on the relevance of representations made in support or opposition of an application and not the number of them.
- Article 4 Direction did not apply to the current building as it was not a dwelling.
- The site was subject to flood risk and, therefore, while not suitable for residential use, was suitable for the proposed use.
- The assertion that there was "an excess of yoga studios" was not a basis for refusal.
- The assertion that the report and the one considered by the Committee on 9 April had been prepared by officers without the necessary specialist heritage expertise was unfounded. The report's principal author was very experienced and had drawn on such additional in-house specialist expertise as was required.
- The limited opening hours of the proposed studio would mitigate concerns about "noise and disturbance" which would in any case, and as had been mentioned by the Agent, not add significantly to that caused by the two establishments at either end of the street.
- The NPPF did not prohibit the addition of contemporary design in a conservation area and that which was proposed had been the subject of extensive pre-application discussion.
- The current building had an authorised Class B1 use. If the current proposal did not proceed it could be used for activities which were potentially more intrusive than that which was proposed.

In reaching its decision, the Committee considered all the information put before it.

After debate and on being proposed, seconded and put to the vote, the Committee agreed with the officer's recommendation to approve the application subject to the addition of a condition requiring ecological enhancements.

**The Planning Review Committee resolved to:**

1. **approve the application** for the reasons given in the report and subject to the required planning conditions set out in section 6 of the report, with the addition of a condition requiring ecological enhancements, and grant planning permission; and
2. **delegate authority** to the Acting Head of Planning Services to finalise the recommended conditions as set out in the report and the additional condition referred to above including such refinements, amendments, additions and/or deletions as the Acting Head of Planning Services considers reasonably necessary.

Councillor Pressel returned to the members area of the room at the conclusion of this item.

**13. 18/03287/FUL: Former Murco Service Station, Between Towns Road, Oxford, OX4 3LZ**

The Committee considered an application (18/03287/FUL) for planning permission for the demolition of existing structures, and the erection of a part 3, 4 and 5 storey apartment block comprising 35 residential flats (Use Class C3) and 3 x 3 storey townhouses (Use Class C3) with associated access, parking and landscape arrangements.

The application had been called in to the Planning Review Committee by Councillors Henwood, Simmons, Wolff, Gant, Gotch, Malik, Altaf-Khan, Wade, Landell-Mills, Kennedy, Arshad, Curran and Azad for the following reasons:

- The use of St Omer Road as the only means of accessing the site is inadequate as insufficient space is provided for vehicles to manoeuvre within the proposed turning head. This would impact on neighbour amenity and air quality.
- The report to members did not address overshadowing of neighbouring properties and the three townhouses.
- Insufficient parking is provided for visitors and service vehicles.
- Insufficient provision of larger family dwellings within the development and the proposals would not comply with the target housing mix identified within the Council's Balance of Dwellings Supplementary Planning Document.

The Planning Officer presented the reports and referred the Committee to the relevant paragraphs in the officer reports and to paragraph 123 of the NPPF which addressed the issues raised by the call-in. In summary he confirmed that planning officers considered that the proposed development makes best use of the site, given its highly sustainable location in a primary district centre, and that the development is fundamentally in line with the requirements of the NPPF and the Emerging Local Plan.

Councillor David Henwood (local ward councillor) and Mark Watson (local resident) spoke against the application.

Alan Wylde (representing Oxford City Council) as applicant spoke in favour of the application and he and Simon Lea (architect) answered questions from the Committee.

The Committee discussion focussed on the issues identified in the call-in specifically with regard to parking provision, emergency and service vehicle access and the proposed balance of dwellings.

The Committee agreed to include an additional condition to make provision for electric charging points in association with the disabled parking bays.

The Committee recommended that the provision of electrical charging points for bikes and parking for cargo-bikes should be included as part of recommended Condition 24 (details of cycle parking).

The Committee noted that the applicant had indicated a willingness to explore the scope for service/delivery vehicle parking within the development and that the plans for a funded CPZ were expected to be implemented in 2020. The Committee considered that the point relating to the scope for service/delivery vehicle parking should be formally included as an informative to the planning approval.

In reaching its decision, the Committee considered all the information put before it.

After debate and on being proposed, seconded and put to the vote, the Committee agreed with the officer's recommendation to approve the application.

**The Planning Review Committee resolved to:**

1. **Approve** the application for the reasons given in the report and subject to the 29 required planning conditions set out in section 7 of the report, a further condition to provide electric charging points for disabled parking and the informative detailed above;
2. **Grant** planning permission; and
3. **Delegate** authority to the Acting Head of Planning Services to finalise the recommended conditions as set out in the report and the additional condition referred to above including such refinements, amendments, additions and/or deletions as the Acting Head of Planning Services considers reasonably necessary.

## **14. Minutes**

The Committee resolved to approve the minutes of the meeting held on 15 October 2018 as a true and accurate record.

**15. Date of Future Meetings**

The Committee noted the dates of future meetings.

**The meeting started at 6.00 pm and ended at 8.30 pm**

**Chair .....**

**Date:**