

East Area Planning Committee

7th March 2013

Application Number: 12/02967/FUL

Decision Due by: 19th February 2013

Proposal: Construction of two all weather playing pitches, plus a new residential development consisting of 6 x 1 bed flats, 15 x 2 bed flats, 6 x 3 bed flats, 13 x 3 bed houses and 3 x 4 bed houses, together with access road, parking, landscaping etc accessed off Barracks Lane.

Site Address: Parking Area And Part Sports Field, William Morris Close,
Appendix 1

Ward: Cowley Marsh Ward

Agent: Mr Nik Lyzba

Applicant: Cantay Estates Ltd

Recommendation:

APPLICATION BE REFUSED

For the Following Reasons:-

- 1 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. For these reasons the proposal does not accord with the NPPF, Policy CS21 of the Core Strategy, or Policy SR2 of the Oxford Local Plan.
- 2 The site meets the requirements of the NPPF as a local green space, a valued local amenity which will be lost by developing housing on part of the site and diminished on the mini-pitches part of the site. The all-weather mini-pitches do not form an acceptable alternative to retention of this green space. This is contrary to guidance in the NPPF and Policies CS21 of the Core Strategy and SR2 of the Oxford Local Plan.

- 3 The development is contrary to Policy CS2 of the Core Strategy in that the site is not allocated for development nor is it needed to meet the NPPF 5 or 10 year housing land availability requirements. There are no other balancing reasons or mitigating circumstances why housing should be allowed on this site. It is not essential that the housing or all-weather mini-pitch developments are developed on this particular site which it is preferable to retain as open space for the well-being of the community it serves.
- 4 The proposed number of dwellings constitutes an overdevelopment of the site in that it restricts the opportunity to create a high quality housing layout. The largely rectilinear disposition of buildings, the scale, bulk and massing of the block encompassing plots 26-43, and the absence of landmark buildings or features would fail to create a strong sense of place. The public realm would not be a visually attractive environment as it would be dominated by on-street parking with few front gardens, very little green space and no opportunities for landmark or focal-point planting/features. The gardens to plots 26, 27, 32, 33, 38 and 39 which include family units would be too restricted in size. Bin and cycle storage provision would be inadequate and not always conveniently located for use by all occupants of the houses or flats, and there would be inadequate room at the front of the houses/flats to make up these deficiencies. For these reasons the proposal does not accord with guidance on the design of development set out in the NPPF, Policies CP1, CP6 and CP8 of the Oxford Local Plan, Policy CS18 of the Core Strategy or Policies HP9, HP13 and HP15 of the Sites and Housing DPD.
- 5 The proposed layout would result in a loss of amenity to some existing properties adjacent to the site boundary namely: inter-visibility between plot 2 and number 11 Crescent Close; overlooking the garden area of 11 Crescent Close from plots 6, 7, and 10 to 13; and noise and light disturbance to properties in Beresford Place arising from the location of the access road near to north facing habitable rooms. For these reasons the proposal does not accord with guidance on the design of development set out in Policies CP6 and CP8 of the Oxford Local Plan, Policy CS18 of the Core Strategy or Policies HP9 and HP14 of the Sites and Housing DPD.
- 6 Although the layout is unlikely directly to affect the viability of the important amenity trees on the site periphery, there are concerns that the trees will come under pressure for reduction due to overshadowing the gardens to plots 26, 27, 32, 33, 38 and 39; and reducing the daylight available to plots 26 to 43. The tree work that will be necessary to significantly improve the light situation is likely to have a significant harmful effect on amenity in the area. For these reasons the proposal does not accord with guidance on the design of development set out in Policies CP6 and CP8 of the Oxford Local Plan, Policy CS18 of the Core Strategy or Policy HP9 of the Sites and Housing DPD.
- 7 The proposed development fails to comply with the guidance of the NPPF concerning using natural resources prudently, minimising waste and pollution, adapting to climate change and moving to a low carbon economy; and fails to meet the standards of resource efficiency required by the Council's adopted planning policies on energy, natural resources, waste and recycling, namely Core Strategy Policy CS9, Sites and Housing Plan Policy HP11, and Local Plan

Policies CP17 and CP18

Main Local Plan Policies:

Oxford Local Plan 2001-2016

- CP1** - Development Proposals
- CP6** - Efficient Use of Land & Density
- CP8** - Design Development to Relate to its Context
- CP10** - Siting Development to Meet Functional Needs
- CP11** - Landscape Design
- CP17** - Recycled Materials
- CP18** - Natural Resource Impact Analysis
- CP21** - Noise
- TR1** - Transport Assessment
- TR2** - Travel Plans
- TR3** - Car Parking Standards
- TR4** - Pedestrian & Cycle Facilities
- NE15** - Loss of Trees and Hedgerows
- HE2** - Archaeology
- SR2** - Protection of Open Air Sports Facilities

Core Strategy

- CS2** - Previously developed and green field land
- CS9** - Energy and natural resources
- CS11** - Flooding
- CS12** - Biodiversity
- CS13** - Supporting access to new development
- CS18** - Urban design, town character, historic environment
- CS21** - Green spaces, leisure and sport
- CS22** - Level of housing growth
- CS23** - Mix of housing
- CS24** - Affordable housing

Sites and Housing Plan

- HP2** - Accessible and Adaptable Homes
- HP3** - Affordable Homes from Large Housing Sites
- HP9** - Design, Character and Context
- HP11** - Low Carbon Homes
- HP12** - Indoor Space
- HP13** - Outdoor Space
- HP14** - Privacy and Daylight
- HP15** - Residential cycle parking
- HP16** - Residential car parking

Planning Obligations and Contributions

- Primary school - £130,554 (County)
- Secondary School - £102,250 (County)
- VI Form – £21,325 (County)
- Social and Community Resource Centre - £8,733 (County)
- Library and Book-stock - £8,506 (County)

- Household Waste Recycling Centre - £4,030 (County)
- Museum Resource Centre - £490 (County)
- Transport Infrastructure - £100,00 (County)
- Indoor sport - £9,009 (City)
- Play Area - £4,756 (City)
- Allotment - £419 (City)
- Public Art - £16,620 (may be by condition) (City)
- 50% affordable housing
- Community Access Agreement

Other Material Considerations:

- National Planning Policy Framework
- Planning Obligations Supplementary Planning Document (SPD)
- Affordable Housing SPD
- Parking Standards, Transport Assessment and Travel Plans SPD
- Natural Resource Impact Analysis SPD
- Balance of Dwellings SPD

Relevant Site History:

02/02046/FUL - Demolition of sports and social club buildings, two houses, garages and outbuildings. Retention of sports ground and bowling green. Erection of new sports and social club, 63 dwellings comprising 23 x 2 bedroom flats in a 3 storey block and a terrace of 6 houses, 4 x 3 bedroom and 2 x 4 bedrooms in a 2 storey block (some with accommodation in roof space) 2 caretakers flats in the sports and social club building, accessed from Barracks Lane, with associated car parking (97 spaces). cycle parking and bin storage. Erection of 7 x 3 bedroom and 4 x 4 bedroom 2 storey terraced houses (some with accommodation in roof space) fronting Crescent Road and two 3 storey blocks of 21 x 2 bedroom flats, with associated car parking (32 spaces) accessed from Crescent Road. (Amended Plans). PER 8th December 2004.

Representations Received:

Two planning applications on adjacent parts of the former Lord Nuffield Club building and grounds were registered 5 days apart:

- the application which is the subject of this report (12/02967/FUL) for housing and two all-weather pitches on the southern part of the former recreation ground and the former car park; and,
- the application (12/02935/FUL) for conversion of the former Lord Nuffield sports and social club building to a Free School with associated outside facilities on the northern part of the former recreation ground which is the subject of a separate report to this Committee.

Local people have either commented on both applications in one response or as two or more responses. The applications are assessed separately on their own merits but for simplicity and to reflect the interconnectedness of the applications, the public response is presented here as a single summary table in **Appendix 2**.

Statutory and Internal Consultees:

Sport England:

- Objects to this development because it would lead to the loss of all or part of a playing field which would permanently reduce the opportunities for participation in sporting activities. These activities are important to the social and economic well-being of the country.
- This is a grass pitch, versatile in the number of sports it can accommodate including cricket, football, hockey and rugby. The replacement all-weather mini-pitches are not equivalent in quantity and quality to the playing fields that will be lost and will not benefit the community because they will not be floodlit and will not be of a suitable size and surface that will benefit local sport such that it outweighs the proposed loss of the grass pitch.
- Oxford has a reasonable number of playing fields but is unusual because a high percentage is privately owned. While many private sites allow community access, this is at the discretion of owners and in some cases access may be refused or withdrawn at anytime, resulting in the loss of the opportunity to play sport. The Council should take advantage of opportunities through the planning system to secure community use of private sites to reduce pressure on existing sites that allow community use and eventually result in further shortages.
- There is no additional land within the City's tight boundaries to build new sports facilities to support new housing development within the City and the Council should seek to protect playing fields so that there is sufficient supply to meet future needs.

Oxford Area Playing Fields Association - object strongly because it is valued by the public as green space, and is well used by dog walkers and for children playing football. Object to the loss of open playing field space, without replacement of equal size and quality. The provision of two all weather playing pitches does not meet this requirement. This is particularly pertinent given the recognised lack of playing field space in Oxford City. We would also have concerns about the fact that it is proposed that the school should manage and control the pitches. Although provision should be made for community access, it will clearly be at restricted times. Furthermore, this site was not in the City Council development sites plan.

Highways Authority,

English Heritage – no objection determine in line with local policy.

Thames Water – no objection, subject to comments on surface water drainage and a water supply informative.

Natural England – no objection but recommend SUDS particularly around the all-weather pitches to ensure green field run-off rates and thereby safeguard the nearby Lye Valley SSSI.

Thames Valley Police Chief Constable (Operations) - the additional population generated by the development will place an additional demand upon the existing level of policing for the area and a financial contribution is requested towards the TVP infrastructure requirements, namely: a Mobile Automatic Number Plate Recognition Camera - £11,000 and 2 Bicycles (including necessary kit) - £1600. However legal advice has been taken on the matter and confirmed Planning Officers'

views that such funding falls outside the terms of Core Strategy policy CS.17. For this reason Officers cannot support the request of Thames Valley Police on this occasion.

Oxfordshire County Council - this development will place additional strain on existing community infrastructure. In order that improvements can be made to provide for the anticipated growth in population caused by these new homes contributions towards non educational and non transport services are required as well as towards transport infrastructure. Fire hydrants will also be required but these can be requested by condition.

Officers Assessment:

THE SITE AND SURROUNDINGS

1. The site is located within a primarily residential area accessed from Barracks Lane via William Morris Close. It is bounded to the south, east and west by residential development (properties in Crescent Road, Turner Close, William Morris Close and Hollow Way); and to the north by the former Lord Nuffield Club building and open space around it with Barracks Lane and the Southfield Golf Course beyond.
2. The application site extends to 1.24ha. It is a large level playing field (fenced off since November 2011 and now effectively disused) and disused car park both associated with the former Lord Nuffield Sports and Social Club. The eastern boundary and part of the southern boundary are formed by mature trees.
3. The recreational open space, of which this application site is a part, is a remnant of the larger recreational open space associated with the Morris Motors Social Club which previously owned and occupied the space (site plan prior to redevelopment attached at **Appendix 3**).
4. In 2004 planning permission was given to demolish the Morris Motors Club buildings on Crescent Road and build a new club building (the former Lord Nuffield Club which is now the subject of the concurrent planning application for a Free School) facilitated financially by housing development on part of the open space not used as playing pitches (William Morris Close) and on the demolished club house site on Crescent Road. (The block plan from that application is attached as **Appendix 4**). This was contrary to planning policy which aimed to protect recreational open space but was regarded as acceptable given that the social club use would be relocated and upgraded on the site, and the main area of playing pitches would not be developed. Other benefits included social housing and community access.

THE PROPOSAL

5. The proposal is to develop 43 new dwellings on the southern part of the site including the disused car park in the south-west corner of the site. The residential access road will be an extension of William Morris Close. The South Oxfordshire Housing Association (SOHA) is to develop the housing subject to the grant of planning permission, and the homes would be available by 2014. 63% of the

homes would be affordable i.e. 27 units, of which 10 would be for shared ownership and 17 social rented.

6. In response to the Council's Playing Pitch Strategy which identifies the need for youth football provision, two all-weather mini pitches are proposed across the northern part of the site with access from William Morris Close. A small parking area (12 spaces) dedicated to the pitches is proposed which would also be available for overflow parking for the Free School proposed on adjacent land to the north. Floodlighting was not proposed as part of the planning application but latterly the applicant has offered floodlighting which would have to be the subject of a further planning application.
7. The applicant has agreed to conclude a legal agreement securing the provision of the affordable houses, a community access package for the pitches (either in relation to the adjacent Free School or without it) and financial contributions towards service infrastructure and transport infrastructure.

DETERMINING ISSUES

- National and local policies protecting urban recreational and green space
- The principle of housing and all-weather pitch development on this protected open space
- Impact on local highways
- Design and layout of the proposed housing
- Sustainability

National and local policies protecting urban recreational and green space

8. There is strong national and local planning policy protection for existing recreational and open green space. The National Planning Policy Framework (NPPF) states that the Government considers that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. Sport England advises that the NPPF seeks to protect all playing field and sports facilities from development, whether in public or private ownership. The NPPF states that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:
 - an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
 - 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
 - the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.
9. The NPPF also indicates that urban green space may be worthy of protection as Local Green Space if it is:

- in reasonably close proximity to the community it serves;
 - demonstrably special to the local community and hold a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and
 - local in character.
10. At the local level this site is identified on the Local Plan Proposals Map and protected as an open space under Policy SR2 of the Oxford Local Plan. This resists the loss of open space where there is a need for the facility to be retained in its current location, or the open area provides an important green space for local residents. Exceptions to this policy can only be made where there is no need at all for the facility for the purposes of open space, sport or recreation or where there is a need for the development and there are no alternative green field sites and the facility can be replaced by equal or improved replacement facilities.
11. This site is also protected as an open space under Policies CS2 and CS21 of the Core Strategy. Policy CS2 allows the development of green field and previously developed land only if it is allocated for the proposed use or, in the case of housing proposals it is needed to maintain a five-year housing land supply. Policy CS2 only allows the allocation of open space for development if a need for the development can be demonstrated and if the open space is not needed for the well-being of the community it serves. Policy CS21 seeks to maintain an overall average of 5.75 ha of publicly accessible green space per 1,000 population. Under this policy losses of sports and leisure facilities will only be acceptable if alternative facilities can be provided of equal accessibility and if no deficiency is created in the local area.

The principle of housing and all-weather pitch development on this protected open space

12. The 2004 planning permission represented a significant reduction of the size of this open recreation area to allow improvements to the community and sporting potential of the site to be brought about through the inclusion of on-site enabling housing development. The current application represents a further significant reduction in the available area of recreational open space. The applicants wish to justify this on the basis of providing 63% affordable housing, and two all-weather pitches with community access as a replacement for the area of playing field lost.
13. Given the planning history of the site and the open space protection policies described above, the determining issues in relation to development on this protected open space may be summarised as:
- whether the existing playing field is surplus to sport and recreational requirements;
 - whether the open space has value to the local community as a green open space;
 - whether it is essential to meet the City's housing needs on this site; and whether meeting those needs on this site outweighs the protection of the open space;

- whether it is essential that the all-weather mini-pitches are provided on this site; and,
 - whether the proposed replacement provision would be equal to or better than the existing provision.
14. The first determining issue is whether the playing field is surplus to sport and recreational requirements. For many years and until recently the playing field was used for formal recreation: cricket and football, in association with the sports and social club. Local people comment that they made active use of the land for informal recreation prior to its being fenced in mid-November 2012 when the current planning applications were submitted. Sport England regards this as a versatile grass pitch and has identified a range of sporting uses to which the land could be put.
15. The space is not therefore surplus to sport and recreation requirements or redundant for sports and recreation use. Although in private ownership and fenced off, the site retains the potential to be brought back as high quality provision for active formal or informal outdoor recreation.
16. The second determining issue is whether the open space has value to the local community as a green open space. It meets the requirements of the NPPF to be regarded as a Local Green Space (although its formal designation as such could only occur through the Local Plan process) in that:
- it is local in character and is adjacent to and bounded by the community it serves; and,
 - it is demonstrably special to the local community: local people have commented that:
 - until recently it was in active use by local people for formal recreation in association with the Club;
 - until it was fenced when the current planning applications were submitted (mid-2012) it was in regular use for spontaneous informal recreation, and dog walking;
 - it has visual amenity value as a green space, in defining the character of the area, as a relief to the density of development in the local area, and as a place for wildlife.
17. The third determining issue is in 2 parts: whether it is essential to meet the City's housing needs on this site; and whether meeting those needs on this site outweigh the protection of the open space.
18. There is huge unmet need in the City and for general and affordable housing but the scale of need is not reason alone to build on green field recreational sites. Through the NPPF the government requires that local authorities take a plan-led approach to satisfying housing needs. In Oxford the NPPF housing land supply requirements are met, and indeed exceeded in the policies of the Core Strategy (adopted in March 2011) and the Sites and Housing Plan (adopted 18th February 2013). Preparation of the Sites and Housing Plan was a plan-making process specifically geared to identify enough housing sites to demonstrate a 5 and 10 year housing land supply. All the available options for delivering housing land supply were researched, the relevant issues were balanced and sound and

robust allocations were made. As a planning policy document the Sites and Housing Plan is as up to date as possible.

19. The latest review of the Strategic Housing Land Availability Assessment, December 2012 concludes that the 5-year NPPF requirements can be met on deliverable sites with no reliance on windfall sites; the 10-year target is exceeded.
20. It should be noted however that the Sites and Housing Plan allocates some housing on previously open private sports grounds. These sites were not specifically sought by the Council in order to prepare the plan: they were possible development sites put forward to the Council by landowners and responded to by the Council in the context of the plan-making process. Each site was subjected to a rigorous and detailed assessment by the Council of its value and potential for formal and informal sport and its amenity value as green space. Each site was also subjected to public scrutiny through consultation and examination in public. The previously open private sports grounds which have in part been allocated for development were required to retain at least 25% of the site area as unrestricted publicly accessible open space, suitably located and designed for practical public use.
21. The current application site was not put forward by the landowner for consideration as part of this plan-making process, and the Sites and Housing Plan does not allocate it for housing development. It could be argued that the provision of 27 affordable units on this site through this proposal (63%) is an exceptional reason why development of the site should be allowed. The need for affordable housing existed however before, during and after the production of the Core Strategy and Sites and Housing Plan. It is not a new exceptional issue that has emerged and which requires a change in approach from the recently adopted plans and policies. These Plans were produced with the evidence of the need for affordable housing available and this evidence was balanced against the need to maintain green field sites. Core Strategy Policy CS2 is clear that non-allocated green field land is only to be developed if a five year housing land supply cannot be demonstrated. As noted above Oxford can demonstrate both a five and ten year housing land supply. No other balancing reasons or mitigating circumstances are apparent which would predicate housing development on this site and it can therefore be concluded that there is no need for housing development to take place on this site.
22. Given that the site is not allocated for development in the Sites and Housing DPD and there is no need to develop this site in order to meet the NPPF housing land supply requirements, it can be concluded that any benefits arising from housing development on the site do not outweigh its qualities and justifiable protection as open space. In addition, as Sport England has noted, an unusually significant proportion of Oxford's playing fields are in private ownership. If housing were to be allowed on this privately owned site, it would encourage others to similarly seek development on further non-allocated green field sites. The current proposal would not solve the affordable housing need in Oxford, allowing other applicants to argue that their private playing field should be developed. Using the evidence from the latest Strategic Housing Market Assessment, Oxford would

need to double in size to meet all its housing need and therefore all non-allocated green field land could be under threat if this development was allowed.

23. The fourth determining issue is whether it is essential that all-weather mini-pitches are provided on this site. There is an identified need for all-weather mini-pitches for youth sport in the City but these could be provided on smaller sites elsewhere in the city and not necessarily on green field sites. The Free School proposed on the adjacent site has indicated in its Planning Statement that although it is prepared to use and manage the pitches, the operation of the school is not dependent on provision of the pitches. It is not essential therefore that the need for all-weather mini-pitches is met on this site. Whilst meeting the need for all-weather mini-pitches might be welcomed in principle, the City's needs for sport and recreation are better met by retaining the potential of this particular site for larger scale open air sports which require a green field setting.
24. The fifth determining issue is whether the proposed replacement provision would be equal to or better than the existing provision. Now that the playing field has been fenced off from public access it could be argued that any community access to the site is better than none. This is not accepted because, as noted by Sport England, the value of this open space is in it being a grass pitch and in its size and configuration which has the potential to be brought back into use for sports which require a high quality large(r) scale pitch(es). Such sites with good accessibility for local communities are limited in this part of the City and once lost to development cannot be regained. Additionally, there are a number of factors which restrict community access to the proposed all weather mini-pitches:
 - the proposed Free School on the adjacent site is to use and manage the pitches making them available for community use as part of their Community Access Package. Community use of the pitches will be accordingly restricted unless the Free School does not come into operation in which case alternative community access arrangements as yet unspecified are proposed;
 - floodlighting is not proposed and so community access will not be available in the evenings or in bad light. The applicant has latterly indicated that floodlighting could form part of the development. This would have to be the subject of a further specific planning application and given the proximity of housing there is no certainty that it would be approved. Given that the pitches are aimed at youth sport which is likely to be in the evenings fulfilment of the stated aim will be limited;
 - no changing facilities are proposed.
25. It is therefore concluded that the proposed housing and mini-pitch development with limited public access do not outweigh the value to the community of retention of the potential of this site to accommodate larger scale outdoor sports. The pitches do not therefore represent replacement facilities of equal or improved provision.

26. It can be concluded therefore that the proposed housing and all-weather mini-pitch development on this site is unacceptable in that it does not accord with national and local planning policies:

- it does not accord with the NPPF, Policy CS21 of the Core Strategy, or Policy SR2 of the Oxford Local Plan in that it has not been clearly shown that the site is surplus to requirements for sport or recreation, the replacement mini-pitches with restricted community access are not equal to or better than the potential of the site to provide for larger scale open air sport and recreation, and it is not essential that the housing and mini-pitches are provided on this particular site;
- the development is contrary to Policy CS2 of the Core Strategy in that the site is not allocated for development nor is it needed to meet the NPPF 5 or 10 year housing land availability requirements. It is not essential that the need for housing or mini-pitch development should be met on this particular site, and there are no other balancing reasons or mitigating circumstances why housing should be allowed. It is therefore preferable to retain the site as open space for the well-being of the community it serves; and,
- the site meets the requirements of the NPPF as a local green space, a valued local amenity which will be lost by developing housing on part of the site and diminished on the mini-pitches part of the site. No acceptable alternative facilities are proposed. This is contrary to guidance in the NPPF and Policies CS21 of the Core Strategy and SR2 of the Oxford Local Plan.

Impact on local highways

27. Many local people are extremely concerned that the proposed housing and Free School developments on this site will adversely impact on the local highway network. Most objectors to the schemes raised highways impact as their first and often principle objection. They offer much anecdotal evidence of local traffic problems and have submitted a residents' survey of rat-running in the area. They consider that the Transport Assessment is flawed (and that the school's Green Travel Plan is inadequate). A wide range of detailed comments about traffic, parking and circulation are made, the principal ones being:

- there will be increased traffic generally on already heavily congested local roads and at junctions (Hollow Way/Barracks Lane/Horspath Road; Hollow Way/Cowley Road/Garsington Road; and The Slade/Horspath Driftway) with more traffic to come because of developments in the wider locality which use this route including the Business Park;
- Barracks Lane is unsuitable for access to these developments; and that,
- the access point for new developments from Barracks Lane to William Morris Close will be dangerous and will adversely affect the amenities of local residents.

28. The Local Highway Authority however regards the submitted Transport Assessment to be robust and agrees with the assumptions used and conclusions drawn. The Authority has considered the transport impacts of the housing/pitches application together with and aside from those of the Free School application on

adjacent land. The Authority has concluded that the housing/pitches proposals are acceptable subject to conditions relating to a modification of the layout to accommodate a turning area and submission of cycle parking details, a Residential Travel Plan Statement and a Construction Traffic Management Plan. Developer contributions for transport infrastructure are also required. The footpath leading out of the site into Beresford Place would become an adopted route.

29. In the light of these considerations and subject to conditions and the conclusion of a legal agreement to secure transport contributions, this application can be considered to be acceptable in highway terms.

Housing mix, design and layout

30. The proposed mix of dwellings is 13% 1 bed, 35% 2 bed, 44% 3 bed, and 7% 4 bed. This complies with Policy CS23 and the Balance of Dwellings SPD. The mix of affordable housing meets the 80% social rented and 20% shared ownership requirement of Core Strategy Policy CS 24 and the Affordable Housing SPD but not the prescribed mix of dwelling sizes within those two affordable housing categories. Given the policy objections to housing on this site as set out above and the design issues described below the issue of the mix of affordable dwellings has not been pursued at this stage to avoid embarking on potentially abortive work for all concerned.
31. The NPPF requires that local authorities seek 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 DPD in combination require that development proposals incorporate high standards of design and respect local character.
32. There are significant concerns about the design, layout and neighbourliness of this proposal and its potential affects on some of the boundary trees. The proposed number of dwellings constitutes an overdevelopment of the site in that it restricts the opportunity to create a high quality housing layout. The layout proposed would be car-dominated and would not result in a visually attractive environment or a strong sense of place: the largely rectilinear disposition of buildings, the scale bulk and massing of the block encompassing plots 26-43, and the absence of landmark buildings or features fails to create a strong sense of place; and, the public realm is dominated by on-street parking with few front gardens, very little green space and no opportunities for landmark or focal-point planting/features. The gardens to plots 26, 27, 32, 33, 38 and 39 which include family units would be too restricted in size. Bin and cycle storage provision would be inadequate and not always conveniently located for use by all occupants of the houses or flats and there is inadequate room at the front of the houses/flats to make up these deficiencies.

33. The proposed layout would result in a loss of amenity to some existing properties adjacent to the site boundary namely: inter-visibility between plot 2 and number 11 Crescent Close; overlooking the garden area of 11 Crescent Close from plots 6, 7, and 10 to 13; and noise and light disturbance to properties in Beresford Place arising from the location of the access road near to north facing habitable rooms.
34. Although the layout is unlikely directly to affect the viability of the important amenity trees on the site periphery, the gardens and rooms on the east side of building plots 26-43 are likely to be excessively shaded by the retained group of birch and lime trees (G3) that stand along the boundary of the site and as a result there will be irresistible pressure for these trees to be significantly lopped and/or topped or even felled on occupation of the buildings. The tree work that will be necessary to significantly improve the light situation is likely to have a significant harmful effect on amenity in the area.
35. An alternative design and possibly a reduction in the density may be needed to resolve these issues. There was no detailed pre-application negotiation of the layout and it has not been possible to resolve these issues within the context of the planning application procedure.
36. It is concluded therefore that judging the scheme against NPPF guidelines and the Council's adopted policies on the design of development, the scheme cannot form the basis of approval.

Sustainability

37. The NPPF gives a definition of sustainable development part of which is the environmental role which development plays in using natural resources prudently, minimising waste and pollution, adapting to climate change and moving to a low carbon economy. A core planning principle of the NPPF is to support the transition to a low carbon future. The Council's Core Strategy Policy CS9, Sites and Housing Plan Policy HP11, and Local Plan Policies CP17 and CP18 reflect the requirements of the NPPF in this regard. These policies are supported by the Natural Resource Impact Analysis Supplementary Planning Document (NRIA SPD).
38. To meet the requirements of the NRIA SPD and thereby demonstrate compliance with the guidance of the NPPF and the Council's adopted planning policies on energy, natural resources, waste and recycling:
 - a score of at least 6 out of a possible 11 should be achieved in the NRIA SPD checklist, with
 - at least 1 point (the minimum standard) should be achieved in each of the four categories of energy efficiency, renewable energy, materials and water resources, and,
 - the 'preferred standard' (a score of 2 points) reached in a least 2 categories of the checklist.
39. The NRIA checklist submitted with the application achieves a score of 4 out of a possible 11:

- in terms of energy efficiency the proposals achieve only the minimum “good” standard (a score of 1);
- none of the energy requirements of the development are produced by on-site renewable methods and the score achieved is therefore 0. Some explanation is provided for this but the rationale is that it is better to minimise energy consumption rather than to generate energy on site. Minimising energy consumption is clearly a necessary objective but not one which means that no on-site energy generation should be provided;
- the choice of materials achieves a standard in the middle of the acceptable range (score of 2) principally due to the use of FSC certified timber (or equivalent) and/or reclaimed timber used in 90% of timber uses (by volume);
- the use of water resources also only reaches the minimum standard of 54m³/bedspace/year, not the preferred standard of 37.5m³/bedspace/year (score of 1).

40. It can be concluded therefore that the proposed development fails to comply with the guidance of the NPPF on using natural resources prudently, minimising waste and pollution, adapting to climate change and moving to a low carbon economy; and fails to meet the standards of resource efficiency required by the Council’s adopted planning policies on energy, natural resources, waste and recycling.

Other issues

41. Planning Obligations and Contributions - as the development consists of 43 dwellings contributions are sought towards supporting facilities in relation to this latest application. These are based on the adopted Planning Obligations Supplementary Planning Document (SPD) and all index linked. They are as follows and all are agreed by the applicant:

- Primary school - £130,554 (County)
- Secondary School - £102,250 (County)
- VI Form – £21,325 (County)
- Social and Community Resource Centre - £8,733 (County)
- Library and Book-stock - £8,506 (County)
- Household Waste Recycling Centre - £4,030 (County)
- Museum Resource Centre - £490 (County)
- Transport Infrastructure - £100,000 (County)
- Indoor sport - £9,009 (City)
- Play Area - £4,756 (City)
- Allotment - £419 (City)
- Public Art - £16,620 (may be by condition) (City)

42. 50% on-site affordable housing is also required but in this case the applicant has proposed that the provision is 63% and has agreed to enter into a legal agreement at that higher level of provision.

43. In addition a Community Access Package is required to secure access to the all-weather pitches. Again the applicant has agreed to enter into a legal agreement on

that basis providing for community access either in concert with the adjacent Free School if that is permitted or separately if not.

44. As noted above the Thames Valley Police (TVP) considers that the additional population generated by the development will place an additional demand upon the existing level of policing for the area. The TVP has requested a financial contribution towards the resulting TVP infrastructure requirements, namely: a Mobile Automatic Number Plate Recognition Camera - £11,000 and 2 Bicycles (including necessary kit) - £1600. However legal advice has been taken on the matter and confirmed Planning Officers' views that such funding falls outside the terms of Core Strategy Policy CS17. For this reason Officers cannot support the request of Thames Valley Police on this occasion.
45. Archaeology - Policy CS18 of the Core Strategy safeguards the City's archaeological assets. This site is of archaeological interest and if the application is to be approved a condition is recommended requiring an archaeological investigation consisting of a watching brief.
46. Noise - Policy CP 21 of the Oxford Local Plan specifically protects noise sensitive developments (including residential areas and education facilities) from new development which causes unacceptable levels of noise. The Council's Environmental Development service has been consulted on the proposals and do not raise concerns or recommend refusal on the grounds of noise from use of the all-weather pitches given that this is already an outdoor sports area.
47. Drainage – Policy CS11 of the Core Strategy requires all developments to incorporate SUDS and preferably to reduce the existing rate of run-off. Local people in commenting on these proposals raised concerns about flooding from surface water run-off. A Surface Water Drainage Strategy was therefore submitted in relation to this application which concludes that: the site will not be at risk of flooding from fluvial sources; is able to discharge surface water via infiltration drainage techniques; and is able to employ a surface water drainage design based upon the principles of sustainable drainage. The Highways Authority as the relevant agency has reviewed this Strategy and considers it acceptable.
48. Biodiversity – Policy CS 12 of the Core Strategy protects the City's biodiversity. An ecology report was submitted with this application the principal conclusions of which are that the site's value in biodiversity terms is intrinsically low and the loss of the site's habitats through development would not be considered to result in a significant ecological impact at local level. While badgers evidently use the site for foraging, no protected species have been confirmed as resident and as such no constraints have been identified in relation to such species that could represent an overriding constraint to development. Should the development be permitted the landscaping scheme should incorporate some species that produce fruit, such as yew, crab apple and hawthorn to provide a foraging resource for garden bird species and badgers post-development. Installation of bird and bat boxes on retained trees and/or new buildings would also offer opportunities for such species to utilise the site post development. Native species, preferably of

local provenance, should be used wherever possible throughout the development.

Conclusions

49. There are fundamental objections to the development of this site for housing and all-weather pitches stemming from the protection of the site as an open space. The site retains the potential to help meet the City's outdoor recreational needs and is not surplus to requirements. As a recreational asset and for its green openness it is valued by local people living in close proximity. The proposed all-weather pitches are not replacement facilities of equal value to potential of the open space that would be lost through development.
50. It is not essential to develop housing and all-weather pitches on this site to meet housing land availability or recreational requirements, and there are no other mitigating or balancing reasons why those developments should take place on this site.
51. There are concerns about the design and layout of the housing in terms of its density, form, function and amenity for future residents and people already living in the locality; and its implications for the use of natural resources.
52. For these reasons the scheme is not supported and is recommended for refusal.

Human Rights Act 1998

Officers have considered the implications of the Human Rights Act 1998 in reaching a recommendation to refuse this application. They consider that the interference with the human rights of the applicant under Article 8/Article 1 of Protocol 1 is justifiable and proportionate for the protection of the rights and freedom of others or the control of his/her property in this way is in accordance with the general interest.

Section 17 of the Crime and Disorder Act 1998

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

Background Papers: 12/02967/FUL

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Date: 25th February 2013

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