

East Area Planning Committee

5<sup>th</sup> June 2013

**Application Number:** 12/03281/FUL

**Decision Due by:** 1st May 2013

**Proposal:** Submission of amended proposals comprising:  
Demolition of existing building. Erection of 21 flats (14 x 1-bed, 7 x 2-bed) on 3 floors, together with 21 car parking spaces, 56 cycle spaces and landscaping. Provision of foul water drainage system including on-site storage flow control device.

**Site Address:** Former Community Centre Westlands Drive [Appendix 1]

**Ward:** Headington Hill And Northway Ward

**Agent:** AHMM

**Applicant:** Green Square Group

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## Recommendation:

**Committee is recommended to grant planning permission subject to conditions but to defer the issuing of the decision notice and delegate it to the Head of City Development following the satisfactory completion of the associated Section 106 legal agreement.**

For the following reasons:

- 1 The proposed development will have a form, scale and appearance that are appropriate to the site and its setting without resulting in unacceptable harm to the occupiers of nearby residential occupiers. The proposal will provide much needed and good quality affordable and open market housing in a sustainable location and includes the provision of an appropriate number of car and cycle parking spaces together with a communal bin store. The height of the proposed mansion block has been reduced to a 3 storey building and the proposal complies with adopted policies contained in the Oxford Core Strategy 2026, the Sites and Housing Plan 2013 and the Oxford Local Plan 2001 - 2016.
- 2 Letters of objection have been received from a number of local residents and the comments made have been carefully considered. However the Council takes the view that the issues raised, either individually or cumulatively, do not constitute sustainable reasons for refusing planning permission and that the imposition of appropriate conditions will ensure the provision of a good quality

development that will relate satisfactorily to neighbouring dwellings and the street scene and will not result in any additional drainage or flooding issues.

- 3 The Council considers that the proposal accords with the policies of the development plan as summarised below. It has taken into consideration all other material matters, including matters raised in response to consultation and publicity. Any material harm that the development would otherwise give rise to can be offset by the conditions imposed.

subject to the following conditions, which have been imposed for the reasons stated:-

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Samples
- 4 Boundary details before commencement
- 5 Landscape plan required
- 6 Landscape carry out after completion
- 7 No felling lopping cutting
- 8 Tree Protection Plan (TPP) 1
- 9 Arboricultural Method Statement (AMS) 1
- 10 Landscape management plan
- 11 Service Plan
- 12 Site Arrangements
- 13 Contaminated land
- 14 Drainage works
- 15 Construction Travel Plan
- 16 Cycle parking details required
- 17 Car parking
- 18 Vision splays
- 19 External lighting
- 20 Bin stores
- 21 Sustainability design/construction
- 22 Public art
- 23 Details of foul drainage tank
- 24 Exclusion of site from CPZ
- 25 Sustainable drainage

### Planning Obligations

A total of £395,000 Section 106 contributions over the 3 application sites [Northway Centre, Westlands Drive and Barns Road] will be secured as follows:

- £250,000 towards primary and secondary education
- £100,000 towards highways, £25,000 of which will be safeguarded for a possible CPZ in the Barns Road area, otherwise to be used for other highway infrastructure such as cycle city.

A number of other matters would need to be secured by legal agreement including the following:

- Arrangement for temporary changes to the TRO governing Barns Road (£3,600 to be paid to the County Council to cover the cost of this);
- £3000 to the County Council to cover the cost of a number of parking/traffic surveys on roads in the vicinity of the Barns Road site;
- Developer to meet the costs of the replacement bus shelter along Barns Road which must be to Oxfordshire County Council's standards and specifications;
- Car club provision at the Barns Road site with all new occupiers eligible for free membership of the car club scheme for a minimum of 12 months funded by the developer;
- Replacement landscaping required on either side of Barns Road to mitigate loss of existing on-site trees to be implemented by the County Council with the full costs met by the developer;
- All marketing information for the flats to clearly specify that no car parking is provided and that occupiers are expected not to own or keep a car at or close to the Barns Road site;
- Long-term maintenance of biodiversity measures including newt pond at Dora Carr Close.

This level of contribution does not fully comply with the Planning Obligations SPD but has regard to the high provision of affordable housing [69%] of which 64% would be social rented accommodation and 36% shared ownership.

### **Main Planning Policies:**

#### **Oxford Local Plan 2001-2016**

- CP1** - Development Proposals
- CP6** - Efficient Use of Land & Density
- CP8** - Design Development to Relate to its Context
- CP9** - Creating Successful New Places
- CP10** - Siting Development to Meet Functional Needs
- CP11** - Landscape Design
- CP13** - Accessibility
- CP14** - Public Art
- CP18** - Natural Resource Impact Analysis
- CP19** - Nuisance
- CP21** - Noise
- CP22** - Contaminated Land
- TR3** - Car Parking Standards
- TR4** - Pedestrian & Cycle Facilities
- NE15** - Loss of Trees and Hedgerows
- HS19** - Privacy & Amenity
- HS20** - Local Residential Environment
- HS21** - Private Open Space

### **Core Strategy**

- CS2\_** - Previously developed and greenfield land
- CS9\_** - Energy and natural resources
- CS10\_** - Waste and recycling

**CS11\_** - Flooding  
**CS13\_** - Supporting access to new development  
**CS14\_** - Supporting city-wide movement  
**CS17\_** - Infrastructure and developer contributions  
**CS18\_** - Urban design, town character, historic environment  
**CS19\_** - Community safety  
**CS23\_** - Mix of housing  
**CS24\_** - Affordable housing  
**CS27\_** - Sustainable economy  
**CS28\_** - Employment sites  
**HP12\_** - Indoor Space

### **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  
**HP13\_** - Outdoor Space  
**HP14\_** - Privacy and Daylight  
**HP15\_** - Residential cycle parking  
**HP16\_** - Residential car parking

### **Other Material Considerations:**

National Planning Policy Framework  
Balance of Dwellings [BoDS] Supplementary Planning Document

### **Relevant Site History:**

91/00477/GT: Change of use from community centre to storage of furniture for temporary 5 year period. Approved  
96/01527/GT: Continued use for storage. Approved  
00/00431/GT: Continuation of use as a furniture store and ancillary offices by OCVA. Approved

### **Representations Received:**

12 letters of objection from the occupiers of 2, 4 and 41 Sutton Road, 50 Foxwell Drive, 1 and 9 Broadhead Place, 1, 2 and 10 Meaden Hill and 17 Maltfield Road. The main points raised can be summarised as follows:

- The application states that the foul drainage from 21 flats will drain into the existing sewer in Westlands Drive – this cannot cope at the moment
- The Daylight and Overshadowing Report does not take into account the difference in ground levels of the new flat block and the houses in Sutton Road
- The proposal will exacerbate parking problems in the area
- Sutton Road properties will be overshadowed by a 3 storey building
- Traffic will increase
- Overdevelopment of the site with no green space for residents

- A living roof will lead to maintenance problems
- The balconies jut out over 2 metres and are incongruous in the area
- Aluminium faced doors and windows will also be out of character
- The bin store will be highly visible because of the removal of trees
- The development will do nothing to enhance the area
- Flooding is a problem and directing the extra water to the football pitches will just mean they are unplayable
- The proposal will result in the loss of more open, green space

**Statutory and Other Consultees:**

Thames Water: To date the applicant has not progressed a sewer study as required by Thames Water and TW is therefore seeking a Grampian style condition to be imposed on any planning permission to ensure that no development takes place until the required sewage study has been commissioned by the applicant, carried out by Thames Water and appropriate mitigation measures agreed.

The applicant is proposing an on- site storage tank with a flow control device but this option cannot be finalised before the sewer study is completed. The applicant is in discussion with Thames Water and it is understood that the sewage study will be undertaken shortly. Officers are therefore expecting a revised consultation response from Thames Water and Members will be updated verbally on this issue at the Committee meeting.

As regards water comments, Thames Water is raising no objection but recommend an informative be attached to any planning permission regarding minimum water pressure and flow rate.

Oxfordshire County Council [drainage]: The proposed SUDS [Sustainable Urban Drainage Systems] design follows Government guidelines.

Oxfordshire County Council as Local Highway Authority: No objection in principle subject to a financial contribution and the following conditions and informatives:

- Submission of a Construction Traffic Management Plan
- Parking areas to be constructed using permeable paving [SUDS compliant]
- No discharge of surface water onto the public highway
- Cycle parking to be secure and sheltered
- Provision of vision splays and pedestrian awareness vision splays
- The applicant will need to obtain a vehicle crossing license for dropped kerbs from Oxfordshire County Council

Thames Valley Police: No objection although a number of improvements could be made including details of external lighting and the avoidance of bollard lighting, secure boundary treatments to the car parking area, increased natural surveillance, enclosed and secure bin and cycle storage and incorporating secure entrance into the mansion block.

**Issues:**

- Principle of Development
- Affordable Housing

- Balance of Dwellings
- Sewerage Flooding
- Form and Appearance
- Impact on Neighbours
- Trees
- Highways and Parking
- Bin Storage
- Private Amenity Space
- Residential Amenity
- Sustainability

## **Officers Assessment:**

### Site Location and Description

1. The application site lies on the west side of Westlands Drive at its junction with Sutton Road and extends to 0.18 hectares. It currently comprises single and two storey, mainly timber buildings, that used to accommodate the Northway Community Centre but since the 1990's has housed the offices and workshops used by the charity Emmaus which renovates and sells donated furniture and employs a number of homeless people. It is proposed to relocate Emmaus to the ground floor retail and light industrial units in the new Barns Road development.
2. The site is surrounded by residential development in the form of semi-detached and terraced dwellings of a similar appearance and lies adjacent to the Plowman Tower which is Oxford's first high rise development.

### The Proposal

3. The application seeks planning permission to demolish all the existing buildings on the site and erect a 3 storey 'mansion block' that would accommodate 21 one and two bedroom flats [14 x 1 bedroom and 7 x 2 bedroom]. The proposal also includes the provision of 21 car parking spaces and 56 cycle parking spaces together with a communal bin store and landscaping.
4. The flats would all have private balconies and the new building would be erected using brickwork, timber and metal cladding. The main bulk of the building would have a maximum height of 10 metres but the single skin EFTE roof to the atrium would have a maximum height of 11.7 metres. It is proposed to incorporate a living, green roof.
5. Access to the car park would be from Sutton Road and there would be 4 disabled car parking spaces accessed from Westlands Drive and Sutton Road. A communal bin store would be located opposite the entrance to Broadhead Place and this would be erected using timber boarding with a living roof.

## Background

6. This application forms part of a scheme for three City Council owned sites and involves two other sites in Westlands Drive and Barns Road in Cowley as a package of proposals. The overall scheme is intended to deliver a significant number of new affordable homes in the City along with new community facilities. A relatively small proportion of market homes is proposed [31%] and this is split between the Barns Road site and the Northway Centre site. It is important to recognise that the three schemes are inter-related particularly in terms of the provision of affordable housing and an appropriate mix of housing across the three sites.

## Principle of Development

7. The site contains existing buildings and associated hardstanding areas such that it represents previously developed land as defined in Government guidance. The principle of development on previously developed land in sustainable locations is considered acceptable and is supported by policy CS2 of the Oxford Core strategy and policy CP6 of the Oxford Local Plan which both seek the efficient and effective use of land.

## Affordable Housing

8. Policy HP3 of the Sites and Housing Plan states that planning permission will only be granted for residential developments on sites with capacity for 10 or more dwellings or which have an area of 0.25 hectares or greater if a minimum of 50% of the dwellings on the site are provided as affordable homes. It goes on to say that a minimum of 80% of the affordable homes shall be provided as social rented.
9. In the case of this application, the affordable housing provision has been calculated across all of the 3 sites and a total of 69% of all dwellings will be affordable. All of the 21 one and two bedroom flats proposed on the Westlands Drive site will be affordable with no open market housing. In addition 100% of the affordable housing on this site will be social rented with two units having wheelchair access.
10. Policy HP3 of the SHP typically requires 80% of the affordable housing on a site to be social rented in tenure with the remainder being intermediate housing (including shared ownership). For a scheme providing 50% affordable housing (as required by policy HP3) this would translate to 40% of the overall dwellings proposed being required to be social rented units and 10% intermediate housing. The application proposals meet this requirement with 40% of the dwellings being social rented affordable units and 29% intermediate in tenure. The remaining 31% is proposed to be market housing. Consequently officers are satisfied that the proposals accord with the affordable housing policies set out within the Council's development plan.

## Balance of Dwellings

11. The Balance of Dwellings Supplementary Planning Document [BoDS SPD] was approved in 2008 and seeks to ensure the provision of an appropriate mix of housing across the City. It adopts a 'traffic light' approach to identify the underlying housing pressures in a Neighbourhood area and to assess its stock of family housing.
12. As with the issue of affordable housing, an assessment of the housing mix in terms its compliance with BoDS has been calculated across all 3 sites; however officers have accepted that the Barns Road site is not suitable for family dwellings given its restricted size and depth and the required use of the ground floor for community and retail/light industrial uses and therefore this site does not form part of the BoDS assessment. Excluding the Barns Road site, the total number of new units is 68 and of these, 19 three and four bedroom dwellings are proposed on the Northway Centre. This equates to 28% of the total development and complies with the BoDS SPD.
13. In terms of the provision of flats, there are a total of 28 one bedroom flats and 21 two bedroom flats proposed on the Northway Centre and Westlands Drive sites. The percentage overall of one bedroom flats would therefore be 41% and the percentage of two bedroom flats would be 30%. The BoDS maximum target percentages are 20% and 35% respectively; therefore it is the case that the proposal complies with BoDS for the provision of two bedroom flats but exceeds the BoDS target figure for one bedroom flats. This anomaly has been discussed during the protracted pre-application discussions that have taken place over the past 3 years and officers have accepted that, given the size and shape of the Westlands Drive site, it can only reasonably accommodate a flatted development which would have no communal open space and would therefore be more appropriate for smaller, one bedroom units.
14. Overall, given the high provision of affordable housing over the 3 sites which well exceeds the Council's requirement of 50%, officers consider that the housing mix is acceptable and that the over provision of one bedroom flats reflects the constraints of the sites to provide larger units.

## Sewerage Flooding

15. Discussions have been taking place between the applicant and Thames Water since the spring of 2012 with respect to the redevelopment proposals at Northway Centre and Westlands Drive. These discussions highlighted that there are known foul sewer capacity issues in the form of historic foul sewer surcharging and flooding events during periods of extreme rainfall. Subsequently the need for a developer funded study of the foul water network in the Northway area was identified.

16. Following a scoping exercise carried out by Thames Water in respect of the Northway Centre site it was determined that the existing model network for the Northway area was outdated. Subsequently a programme of drainage chamber surveys was developed along with a minimum two month period of flow monitoring to determine the systems normal foul sewerage pattern and system response to rainfall events. This enabled the model to be updated and to include the two off line foul water storage tanks at Maltfield Road and Croft Avenue.
17. Following on from the Sewer Impact Study, Thames Water has made a number of conclusions as follows:
- Under normal dry weather conditions, the foul network has adequate capacity for the increased foul flows from the proposed developments
  - Under rainfall events of 20 year return period and above, the foul network surcharges and floods downstream of these sites
  - A number of viable options exist that would result in a 'no detriment' impact for the foul flows from the sites involving provision of temporary storage within the sites.
18. Following further discussions, Thames Water has now concluded that a further Sewer Study needs to be carried out relating to the Westlands Drive site and this is now in hand. The applicant has proposed an on site storage tank in association with a flow control device which Thames Water has agreed for the Northway Centre site. It is anticipated that this will be the most appropriate option for the Westlands Drive site but this option cannot be finally agreed until the sewer study is completed. It is therefore recommended that a condition be added to the planning permission to ensure that no development takes place on the site until the sewer study is completed and appropriate mitigation measures are agreed.

### Form and Appearance

19. Policy CP1 of the Oxford Local Plan states that planning permission will only be granted for development that shows a high standard of design, that respects the character and appearance of the area and uses materials of a quality appropriate to the nature of the development, the site and its surroundings. Policy CP6 states that development proposals should make the best use of site capacity but in a manner that would be compatible with both the site itself and the surrounding area. Policy CP8 suggests the siting, massing and design of any new development should create an acceptable visual relationship with the form, grain, scale, materials and detailing of the surrounding area and policy CP10 states that planning permission will only be granted where proposed developments are sited to ensure acceptable access, circulation, privacy and private amenity space.
20. Policy CS18 of the Oxford Core Strategy and Policy HP9 of the Sites and Housing Plan both seek to ensure that new development contributes to the character of the local area, promote good urban design and contribute to

an attractive public realm.

21. The proposed 3 storey building would have a footprint of 22 x 31 metres and would be set back from the boundaries of the site with Sutton Road and Westlands Drive. It would follow the same principles of design as the mansion block at the Northway Centre, reading as a pavilion with resident access from the main entrance on Westlands Drive and also through the covered, secure external street space. It would have a 'busy' appearance with doors, windows and balconies punctuating the front and rear elevations in particular. The doors and windows would be aluminium faced timber and the balconies would be erected using PPC metalwork. The design of the mansion block has evolved through the design process and has been lowered from a 4 storey building to a 3 storey building at the suggestion of local residents. The building is now essentially two sets of flats pulled further apart and linked by access bridges which would create a dynamic, covered and secure external space, allowing natural light to pass through the atrium roof and into the 'winter garden' circulation space. Front doors to the flats would be on the inner side of the building, thereby increasing passive supervision and creating what might be described as an internal community street..
22. In terms of materials, the new flatted building would be erected using light coloured brickwork with a sedum, living roof. This would also incorporate photovoltaic solar arrays.
23. Whilst the height and bulk of the new building would be greater than the domestic properties to the north and east of the site, officers consider that it would appear relatively modest compared to the high rise flatted block to the south of the site.

### Impact on Neighbours

24. Policy HS19 of the Oxford Local Plan and Policy HP9 of the Sites and Housing Plan both seek to ensure that new development does not unacceptably impact on the standard of residential amenities enjoyed by neighbouring occupiers. In this case the neighbouring properties potentially affected by the proposals are numbers 2, 4, 6, 8, 10 and 12 Sutton Road. The dwellings on the opposite side of Westlands Drive side onto the road and are sited approximately 30 metres away from the proposed building. Officers do not consider the amenities of the occupiers of these dwellings would be adversely affected.
25. The application is accompanied by a Daylight and Sunlight Report which assesses the impact of the proposed development on the dwellings in Sutton Road in terms of loss of light and an overbearing sense of enclosure. The report also considers any adverse impacts on the occupiers of certain flats in the Plowman Tower.
26. The proposed building has been pulled away from the Sutton Road boundary of the site such that the separation distance between the new

building and numbers 2- 8 Sutton Road is between 22 – 28 metres. The separation distance between the new building and numbers 10 and 12 Sutton Road is approximately 30 metres which represents a considerable distance.

27. The report is based upon the Building Research Establishment [BRE] guidelines 1991 – ‘*Site Layout Planning for Daylight and Sunlight*’. It concludes that the proposal has been sensitively designed to ensure adequate daylight and sunlight amenity is preserved to the neighbouring buildings and the overshadowing impacts are minimised. The technical analysis shows that there is excellent compliance with the daylight and sunlight criteria specified within the BRE guidelines and the only breaches relate to the Plowman Tower and are of a minor nature. In terms of permanent overshadowing, the report concludes that the proposal is wholly in keeping with the guidelines and would not adversely impact on neighbour amenity.

### Trees

28. The application is supported by an Arboricultural Survey which assesses the quality and value of the existing trees on the site, identifies the constraints the trees place on site layout and assesses the impact of the proposed development on existing trees.
29. The proposal involves the removal of 7 out of the 18 existing trees. Of these, one is a moderate quality tree, 4 are low quality trees and 2 are in such poor condition that they should be removed irrespective of the development.
30. The scheme retains 11 of the 18 existing trees. Of the trees retained, 6 are of moderate quality and 5 are of low quality [although they do have some positive visual impact to external public views]. The proposal has therefore incorporated the best of the site’s tree assets within the design and further indicative planting is proposed to mitigate tree losses and to enhance the landscape quality of the site.
31. The location of the proposed building footprint has been set further back from the retained trees at the north east corner of the site than the existing building. This arrangement would create a more appropriate juxtaposition and spatial relationship between trees and buildings.
32. The site is likely to be spatially constricted during development and therefore robust tree protection measures need to be implemented prior to and during construction to prevent damage to retained trees in order to ensure successful tree retention post development. These measures can be secured through appropriate conditions.
33. Officers take the view that, although the proposal requires the removal of some trees, the resulting effect on public amenity can be mitigated by planting new trees as shown on the indicative plan and secured by

conditions.

### Highways and Parking

34. Oxfordshire County Council as Local Highway Authority is not raising an objection to the application subject to a number of conditions and informatives which are set out earlier in this report.
35. Highway Officers have commented that the site is currently used as a second-hand furniture shop with ancillary workshop and that the traffic and parking impacts of a proposed residential development at the site need to be considered in the light of the existing traffic and parking that could be generated by the existing users of the site.
36. The site currently provides on-site parking for the existing retail/light industrial use, lies within a Controlled Parking Zone in a sustainable location close to bus stops. There is considerable on-street car parking in the vicinity of the site.
37. The application is accompanied by a Transport Statement which assesses the transport impacts of the proposed development.
38. The proposal to provide 21 car parking spaces [including 4 disabled car parking spaces] which would equate to one space per flat is considered to be acceptable. Officers consider the likelihood of all the occupiers of the flats having access to cars to be low and therefore it is reasonable to expect that some of the car parking will be available for overspill and visitor car parking.
39. The cycle parking provision is shown on the plans to be sited partly adjacent to the main entrance to the building fronting Westlands Drive and partly in front of the secure entrance to the building fronting Sutton Road. The plans do not show that the cycle parking would be secure and sheltered and these details are therefore required by condition.

### Bin Storage

40. A communal, free standing bin store is proposed on the northern boundary of the site opposite the entrance to Broadhead Place. This would measure approximately 6.5 x 4.5 metres and would be erected using timber boarding with a living roof. The application is not accompanied by adequate details of this bin store and therefore further details are required by condition.

### Private Amenity Space

41. Policy HP13 of the Sites and Housing Plan sets out standards for the provision of private amenity space in new residential developments and states that one or two bedroom flats should be served by either a private balcony or terrace of useable, level space or in the case of ground floor

flats, direct access to a private or shared garden with some defensible space.

42. All of the upper floor flats in the new mansion block would have private balconies which would measure approximately 2 x 1 metres. The ground floor flats would all have direct access to small private, open areas which would be individually delineated.
43. It is also the case that the site lies in close proximity and easy walking distance of the open playing fields and hard play area to the north of the site and on the other side of Westlands Drive. Officers are therefore satisfied that the proposed development includes the provision of adequate and good quality private open space.

### Residential Amenity

44. Policy HP12 of the Sites and Housing Plan states that planning permission will only be granted for new dwellings that provide good quality living accommodation. Each dwelling should include:
  - Its own lockable entrance, kitchen and at least one bathroom
  - The space provides for reasonable furnishing, circulation and use of household facilities in each part of the home, including for desk based home working
  - Each dwelling provides adequate storage space.
45. The policy goes on to say that planning permission will not be granted for new dwellings if:
  - Any single dwelling provides less than 39 sq. metres of internal floorspace
  - Any family dwelling provides less than 75 sq. metres of internal floorspace
  - Inadequate ceiling height, lack of natural lighting or natural ventilation or a restricted outlook prevent proper use and enjoyment of the dwelling.
46. The one and two bedroom flats contained within the mansion block all have internal floor areas of between 50 and 62 sq. metres and this is considered to be acceptable.
47. The Design and Access Statement accompanying the planning application states that the overall project has a number of key objectives and requirements as follows:
  - All residential units to achieve Lifetime Homes Standards
  - The proposal is an exemplar for the Pathway to Zero Waste scheme
  - All residential units to achieve a minimum of Level 4 of the Code for Sustainable Homes
  - All housing aims to achieve Gold Building for Life Standard
48. It is considered that the proposals comply with policy as regards residential amenity. The flats have good sized rooms with acceptable internal circulation and 2 x 1 bedroom flats are wheelchair accessible.

## Sustainability

49. The application is accompanied by a Natural Resource Impact Analysis and an Energy Strategy. The renewable energy strategy for the mansion block uses a large solar, PV array to provide electricity for the dwellings. The array would use the substantial roof area of the mansion block and solar/photovoltaic A frame panels at roof level are known to work more efficiently on a green roof than a conventional surface. The array would be able to contribute around 10% of the energy requirements of the building.
50. The Energy Strategy states that the alternative renewable energy options to achieve the 20% are deemed to be technically and financially unfeasible and instead the strategy focuses on improving the fabric of the new building and using high efficiency systems. The mansion block would meet the requirements of Level 4 of the Code for Sustainable Homes, including a 25% reduction in CO2 emissions over Part L1A.
51. Policy HP11 of the Sites and Housing Plan states that planning permission will only be granted for new residential development where the proposals include at least 20% of their energy needs from on-site renewables or low carbon technologies unless it can be robustly demonstrated that such provision is not feasible. The policy goes on to say that the Energy Statement must include details of how this 20% target will be achieved. The Energy Statement acknowledges that the proposed flats do not achieve the 20% target and sets out a justification as to why this is the case.
52. In more general terms, the Design and Access Statement makes reference to the following sustainable features of the development;
- The materials used will be of low environmental impact, reclaimed, renewable, recycled locally or locally sourced
  - The mansion block design has allowed the originally north facing single aspect flats to become dual aspect allowing solar gain from the north and south elevations
  - The mansion block allows for cross ventilation through the building reducing the demands on heating and cooling systems
  - A high level of glazing will benefit solar gain and general daylight levels
  - Photovoltaic solar panels are incorporated on the roof of the mansion block
  - All new hard surfaces will be constructed using permeable paving
  - The mansion block will have a living roof which will be like an 'aerial meadow' and part of the habitat mosaic of the site.

### **Conclusion:**

53. The proposed development will have a form, scale and appearance that is appropriate to the site and its setting without resulting in unacceptable harm to the occupiers of nearby residential occupiers. The proposal will provide much needed and good quality affordable and open market

housing in a sustainable location and includes the provision of an appropriate number of car and cycle parking spaces, a communal bin store and landscaping. The proposal complies with adopted policies contained in the Oxford Core Strategy 2026, the Oxford Local Plan 2001 – 2016 and the Sites and Housing Plan 2012.

#### Human Rights Act 1998

54. Officers have considered the Human Rights Act 1998 in reaching a recommendation to grant planning permission, subject to conditions. Officers have considered the potential interference with the rights of the owners/occupiers of surrounding properties under Article 8 and/or Article 1 of the First Protocol of the Act and consider that it is proportionate.
55. Officers have also considered the interference with the human rights of the applicant under Article 8 and/or Article 1 of the First Protocol caused by imposing conditions. Officers consider that the conditions are necessary to protect the rights and freedoms of others and to control the use of property in accordance with the general interest. The interference is therefore justifiable and proportionate.

#### Section 17 of the Crime and Disorder Act 1998

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

#### **Background Papers:**

12/03281/FUL

**Contact Officer:** Angela Fettiplace

**Extension:** 2445

**Date:** 20<sup>th</sup> May 2013

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