

**EAST AREA PLANNING COMMITTEE**

4th December 2013

**Application Number:** 13/02500/OUT

**Decision Due by:** 24th December 2013

**Proposal:** 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)(Amended Plans)

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

**Ward:** Cowley Marsh

**Agent:** Mr NikLyzba

**Applicant:** Cantay Estates Ltd

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## **Recommendation:**

APPLICATION BE REFUSED

## **Reasons for Refusal**

- 1 The residential element of this proposal is contrary to Policy CS2 of the Core Strategy in that it is a green field site which 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 proposed housing development should take place on this particular site which it is preferable to retain as open space for the well-being of the community it serves. There are no other balancing reasons or mitigating circumstances why housing should be allowed on this site.
- 2 The application site has been in use for formal and informal sport and recreation until recently. Although the site is now fenced off, 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 proposed replacement recreation facilities and financial contribution are not equal to, or better than, retaining the potential of the site to provide for open air sport and recreation. 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.

## **Principal Planning 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  
**TR4** - Pedestrian & Cycle Facilities  
**NE15** - Loss of Trees and Hedgerows  
**HE2** - Archaeology  
**SR2** - Protection of Open Air Sports Facilities  
**TR3** - Car Parking Standards

### Core Strategy

**CS2\_** - Previously developed and greenfield land  
**CS9\_** - Energy and natural resources  
**CS11\_** - Flooding  
**CS12\_** - Biodiversity  
**CS13\_** - Supporting access to new development  
**CS18\_** - Urb design, town character, historic env  
**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

### Other Planning Documents

- National Planning Policy Framework
- Draft National Planning Guidance
- Affordable Housing and Planning Obligations 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).PERMITTED 8th December 2004.

12/02967/FUL - 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. (Amended plans).REFUSED 18th March 2013. This scheme was to be the subject of an appeal but that appeal has been withdrawn. The reasons for refusal in that case concerned:

- unacceptable development of a protected open air sports facility and local green space;
- development on a site which is not allocated for development in an adopted plan and which is not needed to meet NPPF 5 or 10 year housing land availability requirements;
- unacceptable design and layout of the housing proposals; and,
- failure to meet sustainability and resource efficiency requirements.

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. This application is to be the subject of an appeal which is due to be heard at a Public Inquiry in January 2014. The reasons for refusal in that case concerned:

- unacceptable development of a protected open air sports facility and local green space;
- development on a site which is not allocated for development in an adopted plan and which is not needed to meet NPPF 5 or 10 year housing land availability requirements.; and,
- failure to meet sustainability and resource efficiency requirements – this reason is not to be pursued at the appeal in the light of subsequent negotiations which concluded that the outstanding sustainability issues can be resolved through the imposition of a condition.

### **Statutory and Internal Consultees:**

Sport England– objects to the loss of this playing field. They consider that because of the deficiency in the provision of playing pitches in Oxford at the present time, the Council should use all opportunities to protect playing fields including, in line with advice in the NPPF, those that are privately owned. If sites such as this are not protected there will be further pressure in existing sites that do allow community use and further shortages will eventually result. There is no additional land within the City's tight boundaries to build new sports facilities. The alternative provision proposed: two small grass pitches and a trim trail with exercise and warm up area are not equivalent in quantity or quality to the playing fields that will be lost. The proposed financial contribution will not make the proposed development acceptable in planning terms.

Leisure Services –would be in favour of the application noting that there is not enough space to install adult pitches on this site because the space has been reduced by the approval of the free school; also, the area is relatively well catered for in regards to pitches with Cowley Marsh nearby. The mitigation proposed is very good: the trim trail and flexible mini pitches; and the £250,000 financial contribution which would really help drive sport in the City against the Council's Pavilions Programme and/or with the work being undertaken with Oxford Spires on their sports facilities and in making them more accessible to community

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 particularly in light of paragraph 5.14 of the Surface Water Drainage Strategy in relation to sustainable surface water infiltration measures. Site may be suitable for biodiversity enhancement.

Environment Agency – FRA required but Surface Water Drainage Strategy answers many of the questions

Oxfordshire County Council – subject to conditions: Highways, no objection to amended plans; Drainage, no objection; fire hydrants will be required but these can be requested by condition.

### **Third Party Comments**

Local people have commented on the two previous applications(12/02967/FUL and 13/01096/FUL) for a similar development:residential with two all-weather pitches on the retained open space; together with the application on the adjacent site for the Tyndale Community School in the former Lord Nuffield Sports and Social Club building (12/02935/FUL) which was subsequently allowed on appeal by the Secretary of State and is now open as a free school.

In relation to the current application there have been responses from some 50 local householders many of whom have stated that their comments on the two previous residential applications still apply and have asked that they be taken into account in

the consideration of this application. The summary of public response to the first residential application (plus the free school) is therefore reproduced as **Appendix 2** to this report.

In relation to the second consultation (13/01096/FUL) additional comments were made as follows:

- the current scheme is not an improvement on the previous scheme in terms of overdevelopment, density, overlooking, loss of views, loss of privacy, loss of light, design, sense of place;
- no need or demand for additional housing in this locality as evidenced by empty properties in William Morris Close;
- insufficient parking provision in the proposed housing layout;
- once developed the open space is lost forever;
- the Supplemental Planning Statement at paragraph 2.3 refers to anti-social behaviour occurring on the playing fields – this is disputed by local residents who say they used it for informal sport and recreation;
- noise pollution from the additional housing (and school) traffic; and,
- there will be disruption during construction period particularly from heavy lorries.

In relation to this (third) consultation the additional comments are that:

- since the opening of the Tyndale Community School residential parking and traffic circulation in William Morris Close and Barracks Lane have been severely compromised (this was the overwhelming comment made by the majority of respondents). For that reason the parking shown is considered to be inadequate and the local road system is unable to accommodate the extra traffic;
- the proposed £250,000 contribution to leisure will not compensate for the loss of the protected open space and will not benefit the local area as it is to be spent elsewhere in the city.

Notwithstanding the reproduction of comments on previous applications, in this report, the current application is assessed separately on its own merits.

### **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 Tyndale Community School (a free school which officially opened on 18<sup>th</sup> October 2013 in the former Lord Nuffield Club and adjacent land) with Barracks Lane and the Southfield Golf Course beyond. The eastern boundary and part of the southern boundary are formed by mature trees.
2. The application site extends to 1.24ha. It is comprised of two elements both of which were associated with the former Lord Nuffield Sports and Social Club: a

large level playing field (fenced off since November 2011 and now effectively disused); and a disused car park.

## THE PROPOSAL

3. The application is in outline with all matters except landscaping to be determined.
4. The development proposal is in two parts:
  - i. to develop 40 dwellings (28 flats, 12 houses) and 70 parking spaces across the southern part of the playing field and on the disused car park in the south-west corner of the site. The residential access road will be an extension of William Morris Close. 15 dwellings are to be open market units. 25 dwellings are to be affordable homes (63%), provided and controlled by the South Oxfordshire Housing Association (SOHA) (16 social rented, 9 shared ownership); and,
  - ii. to retain the northern part of the site as a local open green space (broadly equivalent to 45% of the existing open space within the application site) to be developed by the applicant with open air recreational facilities such as a trim trail, exercise area, grass pitches and informal play. The details of the recreational provision would be determined in consultation with the Council as part of the landscaping reserved matter.
5. Further, the applicant has offered to contribute £250,000 towards leisure provision elsewhere in the City (upon commencement of the development); and to conclude a legal agreement securing the provision of the affordable houses, and a community access package for the open space (either in managed by the adjacent Free School or without it) (Financial contributions towards service infrastructure and transport infrastructure are now secured through the Community Infrastructure Levy). It should be noted that the Council's Leisure Services team has indicated that the Council will be unable to take any involvement in the ownership or running of a leisure facility on this site.

## ISSUES

6. This report concludes that the design and layout of the housing and the leisure provision could be considered to be acceptable if the application were otherwise supportable. The revised proposals are however still considered to be unacceptable in principle in terms of development on an un-allocated green field site and because of the resulting loss of protected open space.
7. The report therefore covers broadly the same format as the two previous reports but has been updated to introduce and balance the new determining issues: the revised open space provision and the offer of a financial contribution of £250,000 towards leisure provision elsewhere in the City. The issues covered are:
  - the principle of housing development on this protected open space;

- impact on local highways;
- design and layout of the proposed housing; and,
- sustainability

## **PRINCIPLE**

### **Open space and land allocation policies**

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 fields 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 holds 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 Policies 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 people in the 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.

### **Erosion of the extent of this open space by development**

12. This application site is a part of a previously larger recreation space associated with the Morris Motors Social Club which previously owned and occupied the space (site plan prior to redevelopment attached at **Appendix 3**). The overall recreational space was reduced by the redevelopment of the Morris Motors Sports and Social Club in the mid-2000s; and the area of pitches was reduced by the creation of the Tyndale Community School in 2013. The effects of these schemes are described below.
13. 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 now the Tyndale Community School) and parking. 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 assisted the financial viability of the club redevelopment (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.
14. In September 2013 the Secretary of State allowed the appeal for the Tyndale Community School which included use of the former Lord Nuffield Club building and building car parking, and hard and soft play areas on part of the adjacent land which had recently been in use as sports pitches. In doing so the Secretary of State agreed with the Inspector's finding that the loss of this protected open space would be "*limited*", and "*would not compromise the integrity or viability of the remaining area as open space*". The Secretary of State concluded that any open space losses would be mitigated by public access to the facilities on the school site, and would be significantly outweighed by the public benefit of "*broadening primary educational provision in an area where there is significant existing demand*".
15. The current application represents a further significant reduction in the available area of protected recreational open space. Of the existing open space which remains within the site area (that is, excluding the existing car park) some 55% is proposed for housing and 45% for open space. The applicants wish to justify this on the basis of providing 63% affordable housing and community access to the retained open space to be laid out in a manner



which meets local needs, together with a £250,000 contribution to leisure provision elsewhere in the City.

### **Determining issues in relation to protected open space**

16. Given the open space protection policies described above and the planning history of the site, the determining issues in relation to development on this protected open space may be summarised as:
- i. whether the remaining playing field is surplus to sport and recreational requirements;
  - ii. whether the open space has value to the local community as a green open space;
  - iii. whether it is essential that the City's housing needs are met on this site; and whether meeting those needs on this site outweighs the protection of the open space; and,
  - iv. whether the proposed replacement provision would be equal to or better than the existing provision.

### **The need to retain this site for sports use**

17. The first determining issue is whether the playing field is surplus to sport and recreational requirements. Sport England regards this as a versatile grass pitch and has identified a range of sporting uses to which the land could be put. 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. The applicant has argued that no formal or informal arrangements exist for this informal recreational use which the applicant therefore considers is unauthorised.
18. 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.

### **The value of the site as Local Green Space**

19. The second determining issue is whether the existing 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.
20. Clearly the loss of 55% of the site to housing would represent a significant reduction in its value as a local green space. It is considered however that the proposals as currently configured, with local recreational provision and public access in a 'green' setting, mean that it would continue to fulfil a significant role as a local green space in the terms set out in the NPPF. It is therefore concluded that this should no longer feature as a reason for refusal of the scheme.

### **Meeting housing need**

21. 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 outweighs the protection of the open space.
22. Housing need in Oxford is greater than the city can physically provide on sustainable sites. If all of Oxford's housing need was to be met in Oxford, it would mean having to develop on huge areas of flood plain, biodiversity designations and public open space which would be unsustainable and contrary to the NPPF. This inability of Oxford to meet its housing needs has existed for many years and will continue into the future as it is contained by intrinsic designations as well as a tightly drawn Green Belt boundary. It is not a new exceptional issue that has emerged which requires a change in approach from the recently adopted plans and policies when determining this application.
23. Through the NPPF, the government requires that local authorities take a planned approach to satisfying housing needs. In a constrained urban area like Oxford, the approach to planning for housing is one of a capacity-led approach and this approach was considered appropriate by the Core Strategy inspector. The housing target for Oxford was set by considering the constraints upon Oxford in the form of its intrinsic designations and sustainability objectives. Any housing target in the future will consider objectively assessed need and will continue to reflect Oxford's capacity to deliver housing without compromising sustainability objectives.
24. The Sites and Housing Plan (along with other identified sites in the Strategic Housing Land Availability Assessment) allocated sites to ensure that Oxford has a five and ten year supply of deliverable and developable housing sites in line with the NPPF. Through the Strategic Housing Land Availability Assessment (SHLAA) published in Dec 2012, and the draft 2013 SHLAA, the Council concludes that the 5-year NPPF requirements can be met on deliverable sites with no reliance on windfall sites. The 10-year target is also exceeded. Therefore this site is not required for the Council to meet its housing target. This greenfieldsite is not allocated for development and the Core Strategy Policy CS2 is clear that non-allocated greenfield land is only to be developed if a five year housing land supply cannot be demonstrated The

SHLAA process was considered robust by the two Core Strategy Inspectors and the Sites and Housing Plan inspector.

25. The Sites and Housing Plan was developed to determine suitable sites for housing and other uses. It conformed to the Core Strategy by focussing development on previously developed land and as such only considered allocating greenfield sites because it needed to in order to demonstrate a five year housing land supply. Each site was subjected to a rigorous and detailed assessment 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, sustainability appraisal and examination in public. Following this rigorous process it was considered that some private sports grounds would be appropriate for allocation but 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. The Local Plan Inspector was content with this approach and did not suggest that further green field sites were required. It should not be assumed that if this site had been proposed during the Sites and Housing Plan call for sites that it would be deemed suitable for allocation as we do not know what the outcome of consultation, sustainability appraisal or the examination in public would have been. The Sites and Housing Plan ensured that Oxford has a planned approach to new housing and as a result does not need to accept speculative housing proposals on unsuitable sites.
26. The applicant refers to the boost to housing supply which the NPPF aims to secure and argues that the exceptional reasons why development of the site should be allowed result in part from the lack of progress on securing affordable housing in the city in the last few years. The City Council does not dispute that affordable housing completions dipped in recent years. However, the pattern of housing delivery is cyclical and housing proposals on larger sites are noticeably increasing in number. During September 2013 the City Council approved planning permission for 1,204 residential units, with 614 of them being affordable housing. There are also some further major housing sites coming up for consideration soon including Wolvercote Paper Mill and Land North of Littlemore Mental Health Centre. The market is clearly improving and there is no need to take a reactive approach to a short term dip in the housing market.
27. The proposal includes 63% affordable housing which exceeds the Core Strategy and Sites and Housing Plan's target of 50%. Whilst this is a positive element of the proposal, the development of affordable housing should not be at any cost and this proposal would mean the potential of the site for sports use would be lost for good.
28. 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 overriding need for housing development to take place on this site.
29. Given that the site is not allocated for development in the Sites and Housing Plan 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. If housing were to be allowed on this privately owned site, it would set a serious precedent for housing development on other non-allocated greenfield sites in Oxford. This is particularly relevant in Oxford because, as Sport England has noted, an unusually significant proportion of Oxford's playing fields are in private ownership (the University of Oxford Colleges) with no or restricted public access.

### **Replacement recreational provision**

30. The fourth determining issue is whether the proposed replacement provision would be equal to or better than the existing provision and can therefore be regarded as an exception to the normal policy of protection. The 'proposed replacement provision' is the retention and laying out for public recreational use (including 2 small grass pitches, a trim trail and exercise and warm up area) of 45% of the existing open space together with a community access agreement, and a contribution of £250,000 towards leisure provision elsewhere in the City.
31. The applicants make clear that there is no public access to the site and no prospect of it. They argue that with a community access package in place, authorised community access to local purpose designed and built recreation facilities on the site will be achieved for the first time (given that such an agreement was never concluded with the Lord Nuffield Sports and Social Club) and that such access together with the off-site financial contribution to leisure in the City (£250,000) is better than existing provision.
32. It can be envisaged that the local recreational provision now proposed on the site would be well-used informally by the local community provided the community access package would allow sufficiently unrestricted public access; and formally either by the Tyndale School or through local clubs or groups who would gain access to it via any agreed management arrangements. The financial contribution would be of value to the Council in pursuing its Leisure programmes.
33. It has already been established above however, that because of the Council's sound position on housing land supply and delivery, there is no need to develop part of this site residentially. The remaining issue is therefore whether the leisure provision and financial contribution proposed in this application, and degree of community access to a privately owned site, is better than protecting the whole open space as it is: for its value, as noted by Sport England, in being a grass pitch of a relatively large size and configuration which has the potential to be brought back into use for sports which require a high quality grass pitch. Such sites with good accessibility for local communities are limited in the City and once lost to development cannot be regained.
34. It is concluded that the proposals do not outweigh the value to the community as a whole of retention of the potential of this site to accommodate high quality

grass pitches for outdoor sports. The open space proposals together with the financial contribution to off-site leisure do not represent replacement facilities of equal or improved provision.

### **Conclusions on the issues of principle**

35. It can be concluded therefore that this application is unacceptable in that it does not accord with national and local planning policies:

- 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 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 that it serves; and,
- 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 provision is not equal to or better than the potential of the site to provide high quality grass pitches for open air sport and recreation, and it is not essential that housing is provided on this particular site.

### **IMPACT ON LOCAL HIGHWAYS**

36. In relation to the two previous applications, many local people were extremely concerned that the proposed housing and Free School developments on this site would adversely impact on the local highway network. Most objectors to the schemes raised highways impact as their first and often principle objection. They offered much anecdotal evidence of local traffic problems and submitted a residents' survey of rat-running in the area. They considered that the Transport Assessment was flawed. A wide range of detailed comments about traffic, parking and circulation were made, the principal ones being that:

- there would 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.

37. The Local Highway Authority however regarded the submitted Transport Assessment to be robust and agreed with the assumptions used and conclusions drawn. The Authority considered the transport impacts of the housing/pitches applications together with and aside from those of the Free School application on the adjacent land. The Authority concluded that the

housing/pitches proposals were acceptable subject to conditions relating to submission of cycle parking details, and a Construction Traffic Management Plan. The footpath leading out of the site into Beresford Place would become an adopted route.

38. In allowing the Tyndale Community School appeal, the Secretary of State agreed with the Inspector on highway matters that *“there is no significant risk that the operation of the proposed school would result in any significant disruption to the free-flow of traffic or to the safety of highway users”*.
39. Tyndale Community School is now open and, as noted in responses to consultation on this application, local people have highlighted the highway problems currently being experienced in the area in relation to the school. In the light of this, the Local Highway Authority requested that additional parking be incorporated into the housing scheme which has been achieved by increasing the number of parking spaces along the access road. The amended proposal increased the number of parking spaces from 60 to 70 (for 40 dwellings) which is an under provision of 5 spaces when compared to the adopted parking standards. The location of these spaces on the access road is acceptable in design terms, and the Local Highway Authority raises no objection to the scheme subject to conditions.
40. In the light of these considerations and subject to conditions, this application is considered to be acceptable by the Local Highway Authority.

## **HOUSING MIX, LAYOUT, DESIGN AND AMENITIES**

41. Balance of Dwellings: the proposed mix of dwellings is 15% 1-bed, 35% 2-bed, 40% 3-bed, and 10% 4-bed. This complies with Policy CS23 of the Core Strategy and the Balance of Dwellings SPD.
42. Affordable housing: of the 50% required to be affordable under Policy CS24 of the Core Strategy and Policy HP 3 of the Sites and Housing Plan, 80% are required to be social rented and 20% intermediate tenure. The Affordable Housing and Planning Obligations SPD specifies dwelling mixes within those categories. The proportion of affordable housing proposed in this scheme is 63% which exceeds policy requirements; and the proposed tenure mix, and the mix of dwelling sizes within those tenures meet policy requirements.
43. Accessible and adaptable homes: Policy HP2 of the Sites and Housing Plan requires all dwellings to meet the Lifetime Homes Standard and, on sites of 4 or more dwellings, at least 5% (in this case 2 units) should be fully wheelchair accessible or easily adaptable for wheelchair use. The agent for the application has confirmed that all the proposed dwellings meet the Lifetime Homes Standard and has identified 2 plots suitable for wheelchair adaptation, one social rented and one intended for the open market and this therefore meets the policy requirements.
44. Design and layout: 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.

45. The proposed residential layout is generally oriented northwards facing over the proposed pitch development with the access road running along the north side of the residential area. Plots 1-16 are arranged around a shared access and parking area in the form of a residential 'square' at the western end of the site; plots 17-20 front onto the pitches area and have south facing gardens; and plots 21-40 are arranged in two blocks facing each other at the eastern end of the site with plots 25-40 backing onto properties in Hollow Way. Car parking is generally located at the fronts of properties and a line of visitor parking is proposed on the north side of the access road. To mitigate the potential for the scheme to become overly car dominated, tree planting and landscaping is proposed adjacent to many of the proposed parking spaces. There is also some additional potential for tree planting and landscaping the site which is shown indicatively including two small areas where landscaped features may be possible. The layout is unlikely directly to affect the viability of the important amenity trees on the site periphery although this will be subject to appropriate tree protection measures and appropriate hard landscaping treatment both of which can be secured by condition. Pollarding of some of the trees on the eastern boundary has taken place and a tree management scheme submitted. It is therefore considered that Plots 25-40 will not suffer undue shading from the retained boundary trees. The proposed external appearance of the houses and flats will be in keeping with existing residential properties in William Morris Close and Beresford Place. Thus, the layout will create a degree of sense of place both from within the site and when viewed from William Morris Close and will not detract from the existing character and appearance of the area.
46. In accordance with Policy HP14 of the Sites and Housing Plan, the layout has been arranged to preserve the amenities of adjacent and nearby properties. In particular, the scheme proposes additional garden areas for the Beresford Place flats and a landscaped strip between those flats and the new development. There is a 30m gap between the existing 3-storey flats and the proposed 2-storey dwellings.
47. The amenities available to the future residents are acceptable. Gardens, shared amenity space, private balconies and bin storage are proposed to the standards required in Policy HP13 of the Sites and Housing Plan. Cycle storage conforms to Policy HP15 of the Sites and Housing Plan. Details of bin and cycle stores will be secured by condition.
48. Policy HP9 requires that in a scheme of this size, 10% of the site area should become public open space which is more than met in these proposals. The degree of public access enshrined in the community access package would be important were the scheme to be recommended for approval. If the Tyndale

Community School uses and manages the open space, community use may be restricted to times when the school does not require it. If the School does not take on the management of the space, the Council is not in a position to do so (indeed this is the case whatever recreational provision is made on the site) and there is no proposal for other private management with community use.

49. It is concluded therefore, that judging the scheme against NPPF guidelines and the Council's adopted policies on the design of residential development, the residential elements of the scheme could form the basis of an approval.

## **ENERGY EFFICIENCY**

50. 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 those regards. These policies are supported by the Natural Resource Impact Analysis Supplementary Planning Document (NRIA SPD).
51. The adopted NRIA SPD requires that a minimum of 20% of the total energy required on site should come from renewable or low carbon technologies. The drawings show PV panels on the roof slopes, and the submitted NRIA checklist (amended version) appears to achieve 7 out of 11 by asserting that 20% of energy requirements will be met by on-site renewables. This assertion is not however supported by relevant details, calculations and appropriate technical and financial appraisals to demonstrate how the NRIA SPD requirement will be met.
52. Were the scheme to be recommended for approval, a condition would be suggested requiring submission and approval of the relevant details prior to commencement of the development.

## **OTHER ISSUES**

53. Archaeology - Policy CS18 of the Core Strategy safeguards the City's archaeological assets. This site is of archaeological interest and were the application to be approved a condition would be recommended requiring an archaeological investigation consisting of a watching brief.
54. 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 was consulted on the previous proposals for all-weather pitches and do not raise concerns or recommend refusal on the grounds of noise given that this is already an outdoor sports area.



55. 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.

56. 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 this 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

57. There are fundamental objections to the development of this site for housing:
- a. it is not essential to develop housing on this site to meet housing land availability requirements, and there are no other mitigating or balancing reasons why housing should take place on this site;
  - b. the site retains the potential to help meet the City's outdoor recreational needs and is not surplus to requirements. The proposed replacement facilities and financial contribution are not of equal value to the recreational potential of the open space that would be lost through development.

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

**Background Papers:** 12/02935/FUL; 12/02967/FUL; 13/01096/FUL; 13/02500/OUT

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**Date:** 22<sup>nd</sup> November 2013