

## WEST AREA PLANNING COMMITTEE

24<sup>th</sup> June 2014

**Application Number:** 14/00429/FUL

**Decision Due by:** 10th June 2014

**Proposal:** Demolition of existing houses at 3 to 9 Elsfield Way. Erection of 4 x 1-bed and 18 x 2-bed flats to frontage with 6 x 4-bed houses to rear. Provision of 40 car parking spaces, amenity space together with bin and cycle stores. New vehicular access and slip roads from Elsfield Way (A40). (Amended plans) (Amended description)

**Site Address:** 3-9 Elsfield Way And Land Rear Of 478 And 480 Banbury Road – **Appendix 1**

**Ward:** Wolvercote Ward

**Agent:** N/A

**Applicant:** Mr Nathan Craker, Shanly Homes

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### Recommendation:

APPLICATION BE REFUSED

### Reasons for Refusal

- 1 The development proposed would result in a significant intensification of a substandard vehicular access onto a high speed dual carriageway that would result in a substantial increase in difficult and dangerous manoeuvres into and out of the site to the detriment of the safety of users of the highway and the free flow of the highway network, contrary to the requirements of policy CP1 of the Oxford Local Plan 2001-2016 as well as guidance set out in the National Planning Policy Framework.
- 2 The proposals would involve alterations to the public highway to include vehicular entry and exit slipways to the site. These alterations would adversely affect the future operation and deliverability of a fully committed and funded scheme by the Local Highway Authority to carry out major alterations to the Cutteslowe Roundabout to improve traffic flows and congestion on the A40. Consequently the proposals would have unacceptable impacts on wider traffic generation and vehicular movements through the city contrary to the requirements of policy CP1 of the Oxford Local Plan 2001-2016 as well as guidance set out in the National Planning Policy Framework.

- 3 The development fails to provide on-site provision of affordable housing without robust justification for a number of assumptions, costs and land values included within the submitted viability appraisal justifying this approach, and as such the proposals fail to make the necessary contribution towards affordable housing in the City to the detriment of the mix and balance of the local community contrary to the requirements of policy HP3 of the Sites and Housing Plan 2011-2026 as well as policy CS24 of the Oxford Core Strategy 2026 and guidance contained within the National Planning Policy Framework.
- 4 The development fails to provide an adequate mix of dwellings on the site to meet the identified future housing needs of the community of Oxford contrary to the requirements of policy CS23 of the Oxford Core Strategy 2026 and guidance set out in the National Planning Policy Framework.
- 5 The proposed development represents a significant and unacceptable overdevelopment of the site which fails to respect the layout, density, greenery and open space provision that characterises its suburban residential context. As a result the proposals fail to accord with the requirements of policies CP1, CP6, CP8, CP9, CP10 and CP11 of the Oxford Local Plan 2001-2016, policy CS18 of the Oxford Core Strategy 2026 as well as policies HP9 and HP10 of the Sites and Housing Plan 2011-2026.
- 6 The outdoor amenity spaces proposed to serve the proposed dwellings are considered to be unacceptable in quality and quantity to the detriment of the quality of living of future occupiers of the dwellings contrary to the requirements of policy CP10 of the Oxford Local Plan 2001-2016 as well as policies HP13 and HP14 of the Sites and Housing Plan 2011-2026.
- 7 Having regard to its close proximity to the road in combination with its significant overall mass, height and bulk, the building proposed at the front of the site would be obtrusively large and prominent within the streetscene and therefore out of character with its more spacious suburban setting evident in the relationship between the majority of existing surrounding buildings and the road frontage. As a consequence the development would fail to successfully integrate within its context which would be exacerbated by its highly prominent location, contrary to the requirements of policies CP1 and CP8 of the Oxford Local Plan 2001-2016, policy CS18 of the Oxford Core Strategy 2026 as well as policy HP9 of the Sites and Housing Plan 2011-2026.
- 8 The development involves the creation of a new access road outside a controlled parking zone. As a result of the lack of unallocated parking spaces to serve future residents and their visitors, the site would be likely to be subject to significant internal parking congestion adversely affecting vehicle manoeuvring within the site as well as the amenity enjoyed by future occupiers of the dwellings. Parking congestion within the site would also be likely to give rise to pressure for overspill parking. As a consequence the proposals fail to accord with the requirements of policy CP1 of the Oxford Local Plan 2001-2016 as well as policy HP16 of the Sites and Housing Plan 2011-2026.

- 9 The development proposes the loss of a substantial number of existing trees on the site. The excessively close proximity of the proposed front building to the site frontage prevents meaningful compensatory soft landscaping and precludes the planting of trees without creating a poor spatial relationship with the south elevation of the building. As a result the development fails to adequately mitigate lost trees and soft landscape features on the site and does not provide an appropriate balance between the natural and built environment to the detriment of the character and appearance of the area and the streetscene, contrary to the requirements of policies CP1, CP11, NE15 and NE16 of the Oxford Local Plan 2001-2016.
- 10 The development proposes dwellings within close proximity of the A40 with the result that future occupiers of the development would experience significant noise disturbance and, in the absence of any form of noise assessment, the local planning authority cannot conclude that the living conditions of future occupiers would be of an acceptable standard. Consequently the proposals fail to accord with the requirements of policies CP1 and CP21 of the Oxford Local Plan 2001-2016 in this respect.

#### **Legal Agreement:**

No draft legal agreement has been completed to secure the £71, 384 off-site financial contribution towards affordable housing offered by the applicant. In the event that Committee finds the proposals acceptable, despite officers' recommendation to refuse consent, the issuing of the decision should be deferred to officers to allow the satisfactory completion of the necessary legal agreement. In addition, a legal agreement should be also completed securing a financial contribution towards the off-site provision of public art.

The development, if approved, would also be liable for a Community Infrastructure Levy (CIL) charge of £197,800 payable prior to its commencement.

#### **Principal Relevant 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
- CP18** - Natural Resource Impact Analysis
- CP21** - Noise
- NE15** - Loss of Trees and Hedgerows
- NE21** - Species Protection

##### Core Strategy

**CS2\_** - Previously developed and greenfield land  
**CS9\_** - Energy  
**CS18\_** - Urban design, town character, historic environment  
**CS12\_** - Biodiversity  
**CS17\_** - Infrastructure and developer contributions  
**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  
**HP10\_** - Developing on residential gardens  
**HP11\_** - Low Carbon Homes  
**HP12\_** - Indoor Space  
**HP13\_** - Outdoor Space  
**HP14\_** - Privacy and Daylight  
**HP15\_** - Residential cycle parking  
**HP16\_** - Residential car parking

#### Other Relevant Development Plan Documents

Affordable Housing and Planning Obligations SPD  
Balance of Dwellings SPD  
Parking Standards, Transport Assessments and Travel Plans SPD

#### **National Planning Guidance:**

National Planning Policy Framework  
Planning Practice Guidance

#### **Public Consultation:**

##### Statutory Consultees:

Environmental Development – No objection subject to a condition setting out requirements in the event of finding unexpected contamination on the site.

Environment Agency – No objection.

County Council Drainage Officers – No objection. The development should be drained using SUDS methods including the use of porous paving for the roads and parking areas. Soakage tests should be undertaken to determine the size of the SUDS required.

Thames Valley Police – No objection.

Natural England – No objection.

Local Highway Authority (Oxfordshire County Council) – Object. The development would result in a significant intensification of an access from the A40 with inadequate

vision splays available for safe entry and exit from the site. Furthermore, the proposals would involve the creation of slip roads leading to and from the site within close proximity to the Cutteslowe roundabout which would prejudice the layout and therefore the operation of a committed and funded infrastructure project available through funding under the City Deal and scheduled to begin shortly.

The level of off-street parking provided within the site is also too low to accord with the local planning authority's standards set out in its Sites and Housing Plan. This is likely to lead to parking stress within the site and ultimately the potential for parking in the slip roads further endangering highway safety.

#### Third Parties:

Four third party representations have been received and the comments raised are summarised as follows:

- The proposals represent a dense development on the site with high buildings proposed close to the boundary with the rear of houses on Harefields;
- The dwellings would have poor connectivity to the surrounding area with no routes through the adjacent Elsfeld Hall site making it awkward for future residents to walk/cycle in the surrounding area;
- The access proposed would be difficult and dangerous with cars turning into the site being a hazard to vehicles accelerating off the Cutteslowe roundabout;
- The loss of a substantial number of mature trees is proposed;
- There is no affordable housing and the amount offered as an off-site contribution is a "pitiful inducement" which the Council should reject;
- The development proposes the creation of an elitist gated community;
- The proposed buildings are in keeping with the area though the loss of trees is regrettable;
- The security of neighbouring gardens that back-on to the proposed houses could be adversely affected.

#### Wolvercote Residents' Association:

- Anyone exiting the proposed development by car would do so into the path of traffic just as it begins to accelerate away from the roundabout, while vehicles entering the site would be braking on the A40 just as the traffic behind them is accelerating. This is a dangerous scenario and one that is significantly worse than the present situation.
- All those familiar with the area know that it is virtually impossible to pull out safely onto the A40 at this point. Given the 40 car parking spaces proposed, it is reasonable to infer that the development would lead to thousands of extra vehicle movements per year at this very dangerous part of the road.
- The development is totally against the interests of present and future inhabitants of the area as well as wider users of the A40.

#### Pre-application Consultation

The applicant did not carry out any pre-application consultation with planning officers or other statutory consultees. Nor was significant consultation carried out with local residents or residents.

## **Officers' Assessment:**

### Application Site and Locality

1. The application site consists of four existing detached houses and their long rear gardens, together with parts of the rear gardens of Nos. 478 and 480 Banbury Road. The existing houses on Elsfeld Way are all similar in form and scale, being relatively large attractive family houses of traditional style though not of unusual architectural design. They benefit from particularly long rectilinear verdant rear gardens with generous spacing between buildings which ensures the site contributes towards the suburban character of the area. The four Elsfeld Way houses are each accessed directly from the A40 trunk road across an existing footpath and cycle way that runs along the site frontage.

2. The existing houses of 478 and 480 Banbury Road also have similar large rear gardens though orientated at right angles to the Elsfeld Way plots with their gardens running behind that of 3 Elsfeld Way and access taken off Banbury road north of the Cutteslowe roundabout. Part of the rear gardens of these houses is included within the application site to facilitate the development proposed.

3. To the west of the site lies the residential properties of Banbury Road including the recently constructed flatted development at 476a Banbury Road adjacent to the Cutteslowe roundabout. To the north lies the residential properties of Harefields and Riddell Place and to the east lies the City Council owned Elsfeld Hall site currently used to provide car parking to serve the adjacent Oxford Psychology Partnership commercial premises.

4. The application site can be seen in its context on the site location plan attached as Appendix 1.

### Description of Proposed Development

5. The application seeks consent for the demolition of the four existing houses on Elsfeld Way and the redevelopment of these plots, including the rear gardens of Nos. 478 and 480 Banbury Road, to provide 22 one and two bedroom flats in a three storey building fronting Elsfeld Way. In addition, to the rear 3 pairs of semi-detached four bedroom houses are proposed with undercroft access through the flatted building. 40 car parking spaces are also proposed together with bin and cycle storage facilities.

6. The development also includes the creation of a single vehicular access from Elsfeld way / A40 following the provision of dedicated acceleration and deceleration lanes within part of the existing highway verge. This access replaces the four existing separate driveways to the four existing houses here.

### Principal Determining Issues:

7. Officers' consider the principal determining issues in this case to be:

- Principle;
- Design, Layout and Appearance;
- Traffic and Highway Safety;
- Affordable Housing;
- Mix of Dwellings;

- Quality of Accommodation;
- Impact on Neighbouring Properties;
- Car Parking;
- Trees and Landscaping;
- Ecology;
- Energy Efficiency;
- Noise; and
- Public Art.

### Principle

8. Policy CS2 of the Core Strategy and policy CP6 of the Local Plan reflect Government guidance in the NPPF in that they seek to encourage greater efficiency in the use of previously developed land where this is sustainably located and appropriate to its context. The site consists of four existing houses though the majority of its area is comprised of private residential gardens which represent greenfield land. Policy HP10 of the SHP relates solely to residential development on such garden land and states that planning permission will be granted for new dwellings provided that the proposals respond to the character and appearance of the area (including the experience from public and private views); that the size of plot to be developed is of an appropriate size and shape to accommodate the proposal; and that any loss of biodiversity value would be mitigated.

9. Consequently, officers are of the view that the principle of some form of new residential development is acceptable on the site provided that it respects its context and accords with all other relevant development plan policy requirements and appropriate access arrangements could be created.

### Design, Layout and Appearance

10. Policies CP1 and CP8 of the Local Plan require new development to form an appropriate visual relationship with the surrounding area in terms of its scale, form, massing, layout and design detailing. Policy CS18 of the Core Strategy also requires development to respond positively to the townscape whilst policy HP9 of the SHP is specific to residential development and requires new development to respond to the overall character of the area including its built and natural features. It is against this development plan policy context that the proposals should be considered in this respect. The requirements of all of the aforementioned policies are consistent with guidance set out in the NPPF which places great emphasis on the importance of good design and states that development which fails to take the opportunities available to improve the character and quality of an area should be refused.

11. The buildings proposed are, in terms of their general form, appearance and design detailing, fairly generic though the predominant architectural style of buildings in the surrounding area is one of more traditional early to mid-twentieth century detached housing with 1930's era detailing. The pairs of semi-detached houses to the rear are of regular 2 1/2 storey scale featuring a combination of traditional pitched and hipped roofs along with traditional fenestration patterns, bay and dormer windows. As a result, the general scale and form of the houses themselves is considered to be appropriate to the site's context including those houses on Banbury Road and the residential roads to the north. The materials too are in keeping with that found locally being a combination of red and terracotta brickwork under clay tiled

roofs.

12. The flatted development proposed to the front however is a larger building that spans the majority of the width of the site frontage. Again it takes on a relatively traditional hipped roof form to its main range though features front and rear half-timber gables, two storey bay elements, modest flat roof dormer windows, brick arch detailing and combinations of red brick and cream rendered external walls which add visual interest. The building though has a significant mass and overall bulk including when viewed from its side elevations which demonstrates substantial rearward projection of a large roof range. The building would also be set significantly closer to the site frontage than that of the existing houses and officers have substantial concerns that the close proximity of this large building range so close to the A40 and its adjacent footway would result in it imposing itself on the streetscene rather than the respecting the more spacious suburban character evident in the locality. Whilst the recently approved flatted development on the adjacent site is similarly close to the road, this is perceived differently within the streetscene given that is a smaller overall building and located on the corner with the Cutteslowe roundabout and at 45 degrees to neighbouring properties where it has more of a dynamic visual reference. Officers therefore conclude that the flatted building within this current application would be of a scale and siting such that it would unacceptably dominate the site to the detriment of the streetscene and surrounding character.

13. To exacerbate matters, (and as referred to later in this report), the close proximity of the building to the roadside leaves very little space to the frontage of the site to successfully soften the appearance of the building or attempt to respond to the more verdant qualities of the existing site and locality.

14. Taking the proposals as a whole, officers are of the view that they amount to a very significant level of built development on the site given its suburban setting. Indeed the density of dwellings proposed on the site amounts to 70 per hectare which is similar to that expected in city centre locations. The combined extent of the buildings together with the parking and circulation routes creates a development of significant density that leaves little meaningful space within the site for planting and amenity space such that it would have a harsh, barren and indeed rather built-up appearance more akin to that found in an urban area in comparison to the suburban location in which the site lies. The rear gardens to the existing houses are relatively tranquil, green spaces with a number of mature trees though none of particular individual public amenity value. The scale of development proposed would completely preclude any ability to respond to this character given that the balance between the built and natural environment on the site is not appropriate to its setting and thus fails to respect the contribution the existing site makes to the character of the surrounding area. Policies HP9 and HP10 of the SHP in particular references the importance of respecting the built and natural site context, including views from both the public and private realms. Ultimately therefore, the layout proposed together with the overall scale of physical development would result in a poor quality residential environment within the site that also fails to respond positively to the overall suburban character of the immediate area.

15. In addition to officers' concerns about the layout and siting of the flatted building to the front as well as the overall scale of development on the site, officers are also



unconvinced about the backland layout of the six semi-detached houses proposed. This pattern of development is unusual and is not consistent with the grain of development in the immediate area but, more importantly, it would create a private segregated community of residents with a site layout that would not lend itself to successful integration with the layout of the existing pattern of development. The use of an undercroft access with backland parking area results not only in an imposing and rather inactive site frontage but would also leave future occupiers poorly connected with the surrounding area with only a single access/egress point onto a high capacity dual carriageway. Such an insular layout would not engender a successful relationship between the new development and that surrounding it and this further exacerbates officer concerns about the overall design of the scheme.

16. In conclusion therefore, officers find that the proposals represent a significant overdevelopment of the site with the result that it does not respect its suburban context. The scale, bulk and proximity of the proposed flatted building to the road would also be unduly obtrusive within the streetscene and consequently significantly harmful to the character and appearance of the area. The layout of the development on the site is also inconsistent with the established pattern of development in the locality being more akin to that found in a higher density urban area and one which is poorly integrated with its surroundings. As a consequence the proposals are found to be unacceptable in this respect and contrary to the requirements of policies CP1, CP6, CP8, CP9 and CP10 of the Local Plan, policy CS18 of the Core Strategy and policies HP9 and HP10 of the SHP.

#### Traffic and Highway Safety

17. Policy CP1 of the Local Plan states that planning permission will only be granted for development which, inter alia, is acceptable in respect of access, parking, highway safety and traffic generation. Guidance in the NPPF supports these policy requirements and states that decisions should take account of whether “*safe and suitable access to the site can be achieved for all people*”.

18. The four existing houses on Elsfield Way each have their own driveway accessed from the A40 a short distance east of the Cutteslowe roundabout. As these houses are relatively large family houses, they would be expected to be served by perhaps 2-3 cars each in this location. Access and egress from these houses whose presence would have pre dated the construction of the A40 as a northern by pass to Oxford is particularly difficult given that there is a steady stream of fast moving traffic accelerating off the roundabout. They also possess only poor vision splays leaving it hazardous both for residents entering and leaving their homes but also for through traffic. Braking cars and slow speed exit onto the dual carriageway also creates an impediment to efficient traffic movements.

19. The development proposes the closure of three of these existing driveways and the enlargement of the other to allow access to the new dwellings. In all, 28 dwellings are proposed which would lead to a very significant intensification of access from and onto the A40. Officers concur with the views of the Highway Authority as well as the Wolvercote Residents' Association in that traffic entering this section of the A40 is accelerating after coming off the roundabout up to dual carriageway speed. The consequence of further cars accessing the site would be to significantly increase the number of braking vehicles shortly after exit from the roundabout which would

present highway safety risks for all motorists as well as cause impediment to the flow of traffic on this trunk road. To compound matters, the vision splay available back to the traffic coming off the roundabout is substandard given the anticipated vehicle speeds and would further present risks for drivers exiting the site as well as passing traffic. Consequently, whilst these hazards already exist to a certain degree, the proposals would significantly intensify this harm to highway safety and for this reason they are found to be wholly unacceptable and contrary to the requirements of policy CP1 of the Local Plan as well as NPPF guidance.

20. The County Council has also planned a comprehensive restructure of the Cutteslowe roundabout and its junctions as part of funding received through "City Deal". This would involve the creation of a "hamburger" style roundabout together with the creation of additional lanes leading up to and away from the roundabout on the A40 which would encompass part of the existing highway verge. This infrastructure project is committed and funded with construction due to begin early in 2015. The proposed creation of acceleration and deceleration lanes (slip roads) on the highway verge to serve the development so close to the roundabout would have a detrimental effect on the operation of this planned infrastructure project and jeopardise the effectiveness of it as a means of improving traffic through flow. Furthermore, the vision splays available for egress from the site would be reduced with the consequence that the safety of vehicles leaving the site as well as passing traffic would be additionally prejudiced adding additional weight to officers' concerns about the impact on overall highway safety.

21. Consequently officers are of the view that the intensification of access to and from the A40 at this point is wholly unacceptable given that it would represent a significant risk to highway safety as well as adversely affect the functioning of the highway and effectiveness of planned major highway improvements contrary to the requirements of policy CP1 of the Local Plan and Government planning guidance.

#### Affordable Housing

22. Policy HP3 of the SHP requires all residential developments of 10 or more dwellings to provide at least 50% of dwellings on site as affordable homes. Only where it can be robustly justified on financial viability grounds can a lower proportion be considered working through a cascade approach leading down to an off-site contribution towards affordable housing elsewhere in the city.

23. The application is accompanied by a viability appraisal which concludes that approximately £71,000 can be contributed towards affordable housing on site and that no additional provision could be made without the development being financial unviable. Officers however have serious concerns about the robustness of this viability appraisal.

24. Whilst officers do not fundamentally disagree with the methodology used to calculate land values, many of the figures provided are not justified through evidence as required by policy HP3 and its supporting document the Affordable Housing and Planning Obligations SPD. In particular, there is no significant evidence provided for the existing use values of the houses on the site or justification for the land values attributed to the garden land of Nos. 478 and 480 Banbury Road. Indeed it is not clear whether the location adjacent to the busy A40 and difficult access to the homes

has been taken into account in reaching these valuations. In addition, officers have concerns about the projected gross development value provided for the new dwellings given that these have also not been adequately justified. The limited justification provided consists of purportedly comparable flat sales in the area. However this data is limited in its scope and the majority of transactions referred to are over a year old. Officers would at least expect adjustments to these values to reflect strong residential price growth in the last year, and, in the case of resale properties, an uplift to reflect the 'new-build premium' that is widely accepted. Also there is no data provided for houses comparable to the four houses proposed on the site.

25. Officers have further concerns relating to the high agent's fees and marketing costs, the unjustified finance costs and technical fees used in the viability appraisal. There are also concerns about the assumed build costs given that they are significantly higher than for a typical development of this type when compared to the data published in February 2014 by the Building Costs Information Service (BCIS). The build cost assumption must therefore be considered as lacking robustness, as this differential has not been explained and therefore not adequately justified.

26. Consequently officers are not convinced that it is not financially viable to deliver a greater contribution towards affordable housing and, as a result, the proposals fail to make the necessary contribution towards achieving mixed and balanced communities in accordance with the requirements of policy HP3 of the SHP, policy CS24 of the Core Strategy as well as guidance set out in the NPPF.

#### Mix of Dwellings

27. Policy CS23 of the Core Strategy requires new residential development to provide a mix of dwellings to meet the projected future household need both within each site and across Oxford as a whole. This policy is supported by the Balance of Dwellings (BoDs) SPD which sets out ranges for dwelling sizes within developments depending on the size of the proposals. These development plan policy requirements are consistent with guidance set out in the NPPF which states that "*local planning authorities should plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community*" and that local planning authorities should "*identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand*".

28. The BoDs SPD categorises the site as being strategic in size (over 25 dwellings) and states that the site should provide a minimum of 25% of the dwellings as three bedroom units with a maximum of only 25% of dwellings as two bedroom units. The proposals however provide close to 70% of the units as two bedroom with no three bedroom dwellings (those in identified greatest need) at all. The scheme also underprovides on the number of one bedroom units when considered against the BoDs SPD criteria. For this reason officers conclude that the scheme fails to adequately respond to the identified future demographic and housing market needs of the city and thus fails to comply with the requirements of policy CS23 of the Core Strategy as well as Government guidance set out in the NPPF.

#### Quality of Accommodation

29. Policies HP12 and HP13 of the SHP require all new dwellings to provide a reasonable quality of internal and external living environment for future occupiers.

Policy HP12 relates to internal standards and requires all dwellings to be of at least a specified minimum floorspace (39 sq m for small flats and 75 sq m for family units) with a good usable layout. It also states that all habitable rooms should have reasonable access to natural light, ventilation and outlook. Having assessed the internal quality of each of the dwellings officers are satisfied that each is of a size and layout that is suitable for their intended occupiers such that they should provide reasonable quality internal living conditions. In this respect the proposals are considered to accord with the requirements of policy HP12 of the SHP.

30. Policy HP2 of the SHP goes further however and requires all new dwellings to meet Lifetime Homes standard. It also requires a minimum of 5% of dwellings on site to be suitable for wheelchair users. Having reviewed each of the dwellings officers are satisfied that they accord with the vast majority of the standards set out in Lifetime Homes in terms of entrance and corridor widths, parking space dimensions, wheelchair turning areas, bathroom and kitchen sizes etc. Two of the family houses to the rear are shown to be wheelchair accessible units which meets the minimum proportion required under policy HP2 for a development of this size. Whilst the parking spaces shown to the front of these houses are not appropriate for wheelchair user at present they could be easily adapted to make them wider which still accords with the accessible homes criteria set out within the policy. Consequently, in this respect, officers have no concerns about the development proposed.

31. In terms of outdoor amenity space, policy HP13 of the SHP sets out minimum requirements to serve new dwellings. All one and two bedroom flats should be served either by a private balcony (of at least 1.5m x 3m) or should benefit from a private or shared outdoor space that is of a reasonable quality. The majority of the flats in the building to the front of the site are not served by a balcony and so would require access to outdoor space around the building which should be easily accessible and of a reasonable quality so that there is a genuine likelihood of it being used and enjoyed by future residents. Officers however are not satisfied by the space proposed for this purpose which is heavily overlooked and disturbed by surrounding parking and the houses to the rear. It would also be divided up by paths to allow access to communal refuse and cycle storage. In short, it would not be a space attractive to use for future occupiers of the flats and so officers cannot conclude that this level of provision is adequate to accord with the policy requirements.

32. Policy HP13 of the SHP also states that family houses should be served by private outdoor space that is proportionate to the size and type of the dwelling taking account of the site's context, the layout of other residential properties in the area and the quality of the space proposed. The houses proposed are generously sized four bedroom family dwellings that would be served by relatively small rear gardens that are not comparable in size and layout to that generally found within this suburban area. Indeed the gardens would also experience significant levels of overlooking from the other proposed houses and, to compound their small size, would be north facing and thus not benefiting from significant levels of sunlight. In addition, houses shown at plot nos. 24 and 25 would have rear gardens with buildings almost abutting them to the north leaving them with a relatively poor outlook. As discussed previously, the general overdevelopment of the site has left car parking dominating the centre of the site so that there is no space left over for any front gardens to

compensate for the substandard rear gardens which would also have helped soften the appearance of the houses within the site to break up the mass of buildings and hardsurfacing.

33. Policies HP13 and HP15 of the SHP also require satisfactory provision of refuse and cycle storage within new residential development where it should be easily accessible, secure and covered. The level of dedicated cycle storage has been increased to provide 44 spaces for the 22 flats proposed. This accords with the requirements of policy HP15. The family houses to the rear either have attached garages which could be used for cycle storage or have side access to their rear gardens where cycle stores could be provided by condition. Consequently officers have no concerns about the level of cycle storage proposed. Similar, dedicated bin storage facilities are shown to serve the flats which meets the standards expected under policy HP13 of the SHP. The family houses would require separate bin storage facilities and, whilst not shown in the proposed plans, there is space to provide this and could be secured by condition. No objection is therefore raised in this respect.

34. Overall however officers are not satisfied that the level of outdoor amenity space proposed to be provided to serve the dwellings is of sufficient size or quality to accord with the requirements of policy HP13 of the SHP to the detriment of the quality of living of future occupiers. Officers recommend refusal on this ground accordingly.

#### Impact on Neighbouring Properties

35. Policies CP1 and CP10 of the Local Plan require new development to adequately safeguard established residential amenity. Policy HP14 of the SHP reflects these requirements and states that all new residential development must preserve reasonable outlook, light and privacy for existing dwellings.

36. The flatted building to the front is large but has been designed such that it does not project significantly past the rear walls of the existing adjacent flatted development to the west. In addition, the building also moves further away from the western site boundary as it projects rearward. Consequently officers are not concerned about the potential impact of this aspect of the development on the daylight/sunlight enjoyed either by the adjacent flats themselves or their communal outdoor space. In addition, west facing windows in the side of the proposed building would not allow a material increase in overlooking of the neighbouring outdoor space serving the adjacent flats given that they are not located past the extent of the existing rear wall of the adjacent building. Nevertheless, the flatted building proposed is significant in size and bulk and, whilst it would not project substantially along the outdoor space serving the adjacent flats, it would nonetheless have a relatively imposing presence within the wider residential environment and to this extent it would cause some harm to the current enjoyment of this neighbouring amenity space. However, officers have not concluded that this impact is so significant to merit refusal of the application on this ground.

37. To the east of the site lies an informal car park currently being used for parking in connection with the nearby commercial premises of Oxford Psychology Partnership. Consequently officers have no concerns about the current impact of the proposed development on the land to the east. This site is however also subject to an

application for residential development and will come before a future meeting of committee. To the north and north-west of the site lies the backs of residential properties. The nearby houses on Banbury Road would be separated from the development by rear gardens of significant length such that the new houses proposed to the rear would not unduly overbear or overshadow these dwellings or their gardens. In addition, no side facing windows to habitable rooms are proposed at upper floor level in plot no. 23 so officers are not concerned about the impact on the actual or perceived privacy enjoyed by occupiers of these neighbouring dwellings on Banbury Road. In addition, the loss of part of the rear gardens of Nos. 478 and 480 does not raise concerns given that substantial amenity space would still remain to serve these houses.

38. The rears of existing dwellings on Riddell Place and Harefields also face onto the site though none have windows facing south close to the site boundary that would be affected. In addition, the dwellings on Riddell Place do not have meaningful areas of garden to the rear that could be affected by the development either with respect to overlooking, overshadowing or outlook. Those houses on Harefields are separated by larger rear gardens and so would not be close enough to the new houses to be materially adversely affected.

39. Some concern has been raised by a third party about the potential for noise disturbance to rear gardens of houses on Banbury Road and the reduced security of these properties. Officers however are of the view that, whilst there will be some vehicle noise and a greater level of activity, this would not be to the extent that it could be reasonably concluded that the development would be unacceptable in this respect when considered against the requirements of development plan policies. Consequently, officers are satisfied that the proposals would adequately safeguard neighbouring residential amenity in accordance with the requirements of policies CP1 and CP10 of the Local Plan as well as policy HP14 of the SHP.

#### Car Parking

40. Policy HP16 of the SHP sets out car parking requirements in new residential development. The development proposed involves the creation of a new access road and would not be subject to control within a CPZ. As such, Appendix 8 to the SHP makes it clear that maximum car parking standards should be met including a significant level of unallocated parking.

41. The development proposes 28 dwellings with a total of 40 parking spaces. This falls notably below the standards set out accompanying policy HP16 of the SHP particularly with respect to unallocated parking. A lack of parking spaces would leave the site being likely to be particularly congested with visitors and even some residents likely to be forced to park indiscriminately on verges or elsewhere including, potentially, within the slip lanes leading into the site. This would not only provide poor living conditions for future occupiers due to unpleasant congestion within the site but also potentially give rise to significant highway safety concerns stemming from parking outside the site providing obstacles to entering and leaving traffic as well as reduced vision splays on this busy road. All of these concerns are also reflected in the LHA's consultation response. Consequently officers find that the proposals provide an inadequate level of car parking contrary to the requirements of policy HP16 of the SHP as well as policy CP1 of the Local Plan.

### Trees and Landscaping

42. Policies CP11 and NE15 of the Local Plan are relevant in this respect. Policy CP11 requires, inter alia, that landscape design relates to the function and character of the spaces and surrounding buildings. It also adds that existing trees, shrubs, hedges and water features of significant landscape value are incorporated alongside new planting. Policy NE15 states that planning permission will not be granted for development proposals which include the removal of trees, hedgerows and other valuable landscape features where this would have a significant adverse impact upon public amenity or ecological interest. It also adds that soft landscaping, including tree planting, should be undertaken whenever appropriate and that landscaping schemes should take account of local landscape character.

43. The existing rear gardens of the houses are verdant and contain a number of trees that give the site a pleasant, green and relatively quiet character that belies its location so close to the busy A40. However none of the trees or other soft landscape features within the site are, individually, of particular amenity value or merit. Consequently, no objection is raised in principle to the loss of the trees subject to a satisfactory landscape plan to mitigate the cumulative loss of a significant number of trees on the site.

44. A detailed landscape plan to mitigate the losses has not been provided and it is evident that adequate mitigation would not be achievable. As already set out, the proposals represent a significant overdevelopment of the site leaving little meaningful space for effective tree planting either to the front of the site (as a result of the main building's close proximity to the road frontage) or to the rear which would leave a rather barren residential environment.. For this reason officers have concluded that the development fails to appropriately mitigate the loss of existing soft landscape features and would not be capable of delivering a landscape scheme that responds to the local character. In this respect the proposals are considered to fail to accord with the requirements of policies CP11 and NE15 of the Local Plan.

### Ecology

45. Policy CS12 of the Core Strategy requires development to take all available opportunities to enhance biodiversity. It also states that where development would result in harm to protected wildlife which cannot be mitigated, then it should be refused.

46. A number of ecological surveys have been carried out which have not identified the site as a habitat for any protected species. However, the development has the potential to provide a number of enhancement measures including the use of bird and bat tubes. As indicated above however opportunities for tree planting is limited, thus reducing the potential for habitats for nesting birdlife. Nevertheless some enhancement may be possible and officers have therefore concluded that in itself there are insufficient grounds to refuse planning permission on ecology and biodiversity grounds.

### Energy Efficiency

47. Policy HP11 of the SHP requires residential developments proposing greater

than 10 dwellings on a site to achieve at least 20% of its energy requirements from on-site renewable energy generation or utilise significant low carbon technology. The development proposes the use of flue-gas and waste-water heat recovery systems in all dwellings as well as the installation of solar hot water heating panels to the roofs of the flatted building. Together with a number of improved insulation measures the development would provide 21% of its energy needs on-site through renewable means which complies with the requirements of policy HP11. Furthermore, the development is also accompanied by a Natural Resource Impact Analysis (NRIA) with the development scoring an acceptable 7/11 to comply with the requirements of policy CP18 of the Local Plan.

### Noise

48. Policy CP21 of the Local Plan states that proposals for noise sensitive developments should have regard to existing sources of noise including from roads, railways and other forms of transport. The new flats are proposed to be sited very close to the A40 and would experience large volumes of passing traffic (both during the day and night time) accelerating up to dual carriageway speed having exited the Cutteslowe roundabout. As a consequence there is the potential for noise disturbance for future occupiers of the flats, particularly those that have the majority of their habitable rooms and windows facing onto the road.

49. No noise assessment has been submitted analysing the potential for disturbance to the flats and setting out, if necessary, appropriate mitigation measures. In the absence of any form of noise assessment being carried out, officers cannot conclude that the development would provide an acceptable standard of living for future occupiers in this regard. Consequently, and in this respect, the proposals are found to be contrary to the requirements of policy CP21 of the Local Plan.

### Public Art

50. Policy CP14 of the Local Plan requires developments of the size proposed to make provision towards public art. This should ideally be on site and secured by an appropriate planning condition or legal agreement. However, given the nature, location and layout of the proposed development, public art on the application site might not contribute significantly towards public amenity. Consequently, if committee was minded to resolve to grant planning permission for the proposals, officers would recommend that a financial contribution via a legal agreement be required instead. This would allow the City Council (working with the County Council) to provide the artwork in a more prominent and accessible public location, for example, as part of redevelopments to the public realm at the Cutteslowe roundabout.

### **Conclusion.**

51. As set out in this report, the proposals are found to be wholly unacceptable and contrary to a significant number of development plan policy requirements such that they do not represent sustainable development. For this reason Committee is recommended to refuse the application for the reasons set out at the beginning of this report. Notwithstanding officers' recommendation, if Committee resolves to grant planning permission, officers would recommend that the issuing of the decision notice be deferred to officers to allow the completion of legal agreements and the imposition of appropriate conditions.



### **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:** 14/00429/FUL

**Contact Officer:** Matthew Parry

**Extension:** 2160

**Date:** 12th June 2014

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