

East Area Planning Committee

4th September 2013

**Application Number:** 13/01555/CT3

**Decision Due by:** 23rd September 2013

**Proposal:** Erection of 10 x 3-bed dwellings (use class C3) together with associated car parking, cycle and bin storage. Diversion of public footpath.

**Site Address:** Land East Of Warren Crescent, Oxford (**site plan: appendix 1**)

**Ward:** Churchill Ward

**Agent:** Turley Associates

**Applicant:** Oxford City Council

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### Recommendation:

The East Area Planning Committee is recommended to resolve to grant planning permission, subject to the satisfactory completion of an accompanying legal agreement and to delegate to the Head of City Development the issuing of the Notice of Permission upon its completion. Should, however, the Community Infrastructure Levy (CIL) charging schedule come into force prior to the completion of the legal agreement, then it shall exclude any items included on the list of infrastructure published in accordance with regulation 123 of the CIL regulations.

If the required legal agreement is not completed within a reasonable period, then the Committee delegates the issuing of a notice of refusal to the Head of City Development, on the grounds that the development has failed to adequately mitigate its impacts

### Reasons for Approval

- 1 The proposal would make an efficient use of this site which has been allocated for residential use as part of the Councils five-year housing supply to provide good quality affordable housing while at the same time establishing a balanced and mixed community within the Headington neighbourhood area. The proposal has considered the potential risk to the Lye Valley SSSI and Lye Valley Nature Reserve from changes to surface and groundwater flow to these sensitive sites, and developed a sustainable urban drainage system which if implemented in accordance with the details submitted in the application would

not be likely to have an adverse impact on the SSSI or Local Nature Reserve. The overall layout, form, and appearance of the development would be appropriate for the site and surrounding area while also safeguarding the amenities of the adjoining residential properties. The proposal is acceptable in highway terms with appropriate access arrangements retained for the Town Furze Allotments, parking provision, and pedestrian linkages to the surrounding area. The development would be energy efficient, and would not have a significant impact upon biodiversity; trees; archaeology; flood risk; air quality; land contamination; or noise impact and any such impact relating to these matters could be successfully mitigated by appropriate measures secured by condition or contributions. The proposal would accord with the overall aims of the National Planning Policy Framework and relevant policies of the Oxford Core Strategy 2026, Oxford Local Plan 2001-2016, and Sites and Housing Plan 2011-2026.

- 2 The Council considers that the proposal accords with the policies of the development plan as summarised below. It has taken into consideration all other material matters, including matters raised in response to consultation and publicity. Any material harm that the development would otherwise give rise to can be offset by the conditions imposed.
- 3 In considering the application, officers have had specific regard to the comments of third parties and statutory bodies in relation to the application. However officers consider that these comments have not raised any material considerations that would warrant refusal of the applications, and any harm identified could be successfully mitigated by appropriately worded conditions.

### **Conditions**

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Samples of materials
- 4 Details of all means of enclosure
- 5 Details of refuse and cycle storage
- 6 Landscape plan required
- 7 Landscape carry out by completion
- 8 No felling lopping cutting
- 9 Tree Protection Plan (TPP) 1
- 10 Arboricultural Method Statement (AMS) 1
- 11 Sustainable Urban Drainage Scheme, including design, construction and maintenance schedule
- 12 Biodiversity enhancements
- 13 Method statement for preserving ecology during construction
- 14 Archaeology - Implementation of programme
- 15 Details of the proposed parking areas
- 16 Details of the allotment access
- 17 Amendments to the Traffic Regulation Order
- 18 Construction Traffic Management Plan
- 19 A Travel Plan Statement
- 20 Details of affordable housing
- 22 Secure by Design Principles

- 23 Sustainability Measures / NRIA
- 24 Removal of permitted development rights for dwellings
- 25 Scheme of external lighting for dwellings
- 26 Phase II Contaminated Land Assessment

**Legal Agreement:**

- £148,969 plus the relevant admin fees

**Principal Planning Policies:**

Oxford Local Plan 2001-2016

- CP1** - Development Proposals
- CP6** - Efficient Use of Land & Density
- CP9** - Creating Successful New Places
- CP10** - Siting Development to Meet Functional Needs
- CP11** - Landscape Design
- CP13** - Accessibility
- CP19** - Nuisance
- CP20** - Lighting
- CP21** - Noise
- CP23** - Air Quality Management Areas
- NE13** - Water Quality
- NE20** - Wildlife Corridors
- HE2** - Archaeology

Core Strategy

- CS2\_** - Previously developed and greenfield land
- CS9\_** - Energy and natural resources
- CS11\_** - Flooding
- CS12\_** - Biodiversity
- CS13\_** - Supporting access to new development
- CS14\_** - Supporting city-wide movement
- CS17\_** - Infrastructure and developer contributions
- CS18\_** - Urban design, town character, historic environment
- CS19\_** - Community safety
- CS22\_** - Level of housing growth
- CS23\_** - Mix of housing
- CS24\_** - Affordable housing

Sites and Housing Plan

- HP2\_** - Accessible and Adaptable Homes
- 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

## **SP60\_ - Warren Crescent**

### Other Planning Documents:

- National Planning Policy Framework
- Balance of Dwellings Supplementary Planning Document
- Affordable Housing Supplementary Planning Document
- Natural Resource Impact Analysis Supplementary Planning Document
- Planning Obligations Supplementary Planning Document
- Parking Standards Supplementary Planning Document

### **Relevant Site History:**

02/02348/FUL - Demolition of garages and the erection of 18 dwellings comprising of 8x3 bed houses, 6x1bed flats in a 3 storey building, 2x1 bed bungalow and 2x2 bed bungalows. Formation of new vehicular access, provision of 18 parking spaces, erection of 12 garden sheds and a cycle store: Approved

### **Public Consultation**

#### Statutory Consultees

##### Natural England

- No objections to the application. There should not be a significant impact on the hydrology of Lye Valley SSSI, provided that the design and construction methodologies proposed in the application are implemented.
- There will be a need for the Sustainable Urban Drainage Scheme to be maintained in perpetuity, and restrictive covenants need to be put in place to ensure that the block paving and grass gardens are maintained as they have been designed and the dwellings cannot be altered should the housing be sold in the future.

##### Berkshire, Buckinghamshire, and Oxfordshire Wildlife Trust

- The trust is concerned about the impact upon the special features of the Lye Valley SSSI, but support the conclusions of Natural England in their response and conditions need to be secured to maintain the integrity of the site.
- These include the long-termed management and maintenance of the SuDS scheme; permeable paving and gardens need to be maintained in perpetuity; and an action plan should be submitted for the action what will be taken in the event of pollution or contamination of the SuDs to prevent contamination of the aquifer

##### Thames Water Utilities Limited

- Thames Water supports the need for a sustainable urban drainage scheme to manage the surface water from this development to minimise the impact on Lye Valley Brook.

##### Environment Agency Thames Region

- No comment to make on the proposal as it is deemed to have a low environmental risk

### Oxfordshire County Council

- Highways Authority: No objection subject to conditions and financial contributions towards highway measures
- Rights of Way: There is no objection to the diversion of the proposed footpath to that shown in the application. This will need to be agreed through a section 257 diversion application under the Town & Country Planning Act and the works for the diverted route will need to be certified by the field officer for Oxford City.
- Education: No objection subject to contributions to primary and secondary education and special education needs as a result of increased occupancy.
- Property: No objection subject to conditions towards libraries, waste management, and museums as a result of increased occupancy.

### Third Parties

Letters have been received from the following addresses, and their comments are summarised below

- 43 Dene Road; 2 Dorchester Court, Kidlington; 12 Colemans Hill; 44 Courtland Road; (J Gee), Heath Close; 4 Lye Valley Road; 24 Ramsay Road; 50 St Annes Road; 12, 22, 47, (J Collins) Warren Crescent; 12 Weyland Road; Dr Rietsema; Mr & Dr Cody (allotmentees); Mr K Taylor MEP

### Individual Comments:

The main points raised were:

- The need for housing is obvious, but this needs to be balanced against the needs of the community
- The previous proposals to develop this site were withdrawn and we were assured that there would be no houses built on the site
- There is too much housing in Headington and not enough green space
- The level of housing in the area is disproportionate to other areas of Oxford
- This is a green space which is used by people in the area, particularly children, dog walkers and it is loss will have an adverse impact upon the area and the health of those in the area.
- The space is used by the flats who have no garden space so it is important to them
- The arrival of 10 houses will place more pressure on the green area and the SSSI from dogs needing exercise, light pollution, fly tipping etc
- The development will create parking pressures in the area. There are already on street parking pressures in the evenings and weekends in Warren Crescent
- The houses will have an impact upon the winter sun received in the Warren Crescent properties on the opposite side of the road.
- This is already an extremely built up area and the loss of this green space will have a negative effect on the feel of the area
- The development is contrary to Local Plan Policies CP6, and CP8, Core Strategy Policies CS2,
- There is a large variety of wildlife in the space, including foxes and badgers, and bats which will be lost if this is developed
- A previous application for this site was rejected, partly because it would remove most of the essential green 'buffer' to the Lye Valley Fens
- The access to the allotments must be of sufficient size to allow deliveries
- The Lye Valley Nature Trail should be retained as is and not encroached upon

- The development will result in the loss of a scenic footpath, and running them behind the houses would have been the better option to enable access to natural surroundings and allow monitoring of any rubbish that is discarded from these properties
- The proposal will have an adverse impact upon climate change which is contrary to the aims of the Core Strategy.
- This will lead to the Lye Valley Nature Reserve being built upon.
- The council has already allowed much of the water catchment area to be eroded by channelling rainwater in the local area as far afield as Quarry into storm water drains causing deleterious flash flooding in the last 20 years, permanently damaging the eco-structure of the fens
- The proposal removes the most essential green buffer to the Local Wildlife Site and Lye Valley Fens SSSI and will have long term damage to these sites. The existing urban development in the area has been a poor neighbour to the fens
- The mitigation measures will not be as good as leaving the site undeveloped
- There is not enough evidence that the hydrological SUDS mitigation (run off water directed to a swale) associated with this housing development will actually work long term to prevent damage to the Lye Valley fen wetland SSSI and LWS areas
- The Swale would need constant management to ensure the base is not compacted, silted up or filled with leaves from overhanging trees. It would need cleaning every year.
- The planned measures for water run-off is novel and untested for this sort of area and should not be entertained until it is demonstrated for less critical environments.
- It may lead to some springs being deprived and others having too much water, and there is the potential for pollution. The development will not improve water quality as suggested
- The site is too important to be damaged and it needs all the water that currently infiltrates gently over the whole green field of the land east of Warren Crescent.
- The long term management issues with the SUDS scheme are difficult to see working. Who will ensure that the front drives are regularly vacuumed, that the steep bank to the rear will be cleared of rubbish, how will the people be prevented from erecting decking, sheds, patios in their gardens, who will forbid residents from keeping cats, or preventing oil dripping on their drive as they mend the car
- Natural England has clear provisions to prosecute those who destroy or contribute to destroying natural habitats such as Lye Valley. The Council should look to preserve an area for which it is responsible rather than be prosecuted once they have destroyed the area irretrievably.

#### Town Furze Allotment Association

- The association objects to the application
- The allotments are next to the proposed development and there is a concern about access
- The association need to be certain that a turning point of 6m width will be maintained to allow a 90 degree turning point for a tractor sweep to allow the delivery of compost etc to the site.
- The application states that there is sufficient turning space but does not provide dimensions.

## Officers Assessment:

### Site Location and Description

1. The site is located on the eastern side of Warren Crescent and is bordered by residential accommodation to the north, north-east, and south-west. To the south east lies a band of mature trees which adjoins the Lye Valley Site of Specific Scientific Interest [SSSI] and Lye Valley Nature Reserve (**site plan: appendix 1**).
2. The site comprises a tended grassed area of informal open space which fronts onto Warren Crescent. There is a small open car park with a metalled surface at the northern end along with an access to the Town Furze allotments. The Town Furze allotments are also located to the north-east, and there is a footpath (no.80) which runs from the southern side of the allotment to the north-western corner of the site
3. The Lye Valley Sites of Specific Scientific Interest [SSSI] and Lye Valley Nature Reserve adjoin the site, but are situated at a lower land level to the site. A small part of the north of the site forms part of the Lye Valley Local Nature Reserve and the non-statutory designated site, Lye Valley Scrub Site of Local Importance for Nature Conservation (SLINC).

### Proposal

4. The proposal forms part of the Oxford City Council Affordable Housing Programme 2011-2015, and will provide 100% on-site affordable housing which is to be owned and operated by Oxford City Council.
5. The development is seeking permission for the erection of 10x3 bedroom two-storey terraced and semi-detached dwellinghouses. The dwellings would have their own private gardens with refuse area to the rear which are accessible by a side gate and an off-street parking space per dwelling and two cycle stores. The dwellings are designed to comply with Code for Sustainable Homes Level 4, Secured by Design, Lifetime Homes and the Housing Quality Indicators.
6. The proposal also includes the diversion of footpath (no.80), and the retention of the access to the Town Furze Allotments.
7. Officers consider the principal determining issues to be:
  - Principle of Development
  - Affordable Housing
  - Balance of Dwellings
  - Residential Uses
  - Site Layout and Built Form
  - Impact upon Adjoining Properties
  - Impacts upon the Lye Valley SSSI – Flood Risk & Sustainable Urban Drainage
  - Biodiversity
  - Allotment Access

- Rights of Way
- Landscaping
- Highway Matters
- Sustainability
- Archaeology
- Planning Obligations / CIL Contributions
- Other Matters

### **Principle of Development**

8. The site has previously been granted planning permission for residential development comprising 18 dwellings under reference number 02/02348/FUL. This permission was never implemented and lapsed on the 14<sup>th</sup> October 2008.
9. The National Planning Policy Framework encourages the effective use of land by reusing land that has been previously developed, provided that it is not of high environmental value. Policy CS2 of the Oxford Core Strategy supports this aim and makes clear that the development of greenfield sites will only be allowed where they are specifically allocated for that use within the Local Development Framework, or required to maintain a five-year rolling housing-land supply in accordance with Oxford Core Strategy Policy CS22. The site would not constitute previously developed land as defined by the National Planning Policy Framework but it has been specifically allocated for residential development within the Sites and Housing Plan as part of the Councils five-year supply of housing under Policy CS22 of the Oxford Core Strategy 2026.
10. The general principle of redeveloping this site for a residential use has been established through the sites allocation under Policy SP60 of the Sites and Housing Plan. However, the allocation policy recognises that the site is in close proximity to the Lye Valley SSSI and makes clear that any development is on the basis that it can be demonstrated that there would be no adverse impact upon surface and groundwater flow and the Lye Valley SSSI.

### **Affordable Housing**

11. The application forms part of the Oxford City Council Affordable Homes Programme 2011-2015, which is seeking to deliver new affordable homes across a number of development sites within the city. The programme has secured funding from the Homes & Communities Agency to provide 112 new build affordable homes of mixed social and affordable rented tenure by March 2015.
12. The Oxford Core Strategy 2026 recognises that the provision of affordable homes is a key priority for the Council in order to deliver a wide choice of quality homes to address the needs of local people and to create sustainable, inclusive mixed use communities. The Sites and Housing Plan makes clear in Policy HP3 that development sites with a capacity for 10 or more dwellings must provide 50% affordable homes on the site. It goes on to state that a minimum of 80% of these homes must be social rented accommodation, with the remaining as intermediate housing.



13. The proposal will provide 100% affordable housing, although the proposed tenure of this housing would be entirely 'affordable rent'. The Sites and Housing Plan does not consider 'affordable rent' to be the same as 'social rented' housing hence the requirement in Policy HP3 for a greater proportion of social rented accommodation to be provided as part of any on-site affordable provision from qualifying schemes. Therefore despite the fact that the scheme would provide more affordable housing than the 50% normally sought under the policy, the tenure mix would not strictly satisfy the requirements of Policy HP3.
14. The Affordable Homes Programme is reliant on funding from the Homes and Communities Agency (HCA), who stipulate that a proportion of 'affordable rented' units must be provided within the programme. In real terms this means that 44 of the 112 affordable homes have to be 'affordable rent' while the remaining 68 can be provided as 'social rent'. In order to meet the HCA's requirements the mix of tenures has been carefully allocated across each development site within the programme. This allocation has ensured that overall the programme exceeds the policy requirements for affordable housing in that it will deliver 100% affordable homes on each of the individual sites, and far more social rented housing than would normally be sought on a site-by-site basis. Therefore although this scheme in particular does not deliver any social rented properties, this is compensated by the higher number of social rent homes delivered on the other sites within the programme. Officers consider that the programmes contribution to affordable housing provision within the city would represent a material consideration which justifies an exception being made to this policy in this instance.

### **Balance of Dwellings**

15. Policy CS23 of the Oxford Core Strategy 2026 require residential development to deliver a balanced mix of housing to meet the projected future household need, within each site and across Oxford. The mix of housing relates to the size, type and tenure of dwellings. The Balance of Dwellings Supplementary Planning Document (BoDSPD) sets out the appropriate housing mixes for each Neighbourhood Area. The site is located within the Headington Neighbourhood Area, where a reasonable proportion of new family dwellings are required within residential schemes.
16. The proposal would provide 10x3 bedroom units which would slightly exceed the preferred mix for a scheme of this size, however, the increase in number of 3 bed units would not be so significant when it is viewed against the requirements for a scheme of 9 units. The BoDSPD would normally require schemes of 10-24 units to provide 30-75% of the total number of units as 3 bedroom dwellings, whereas a scheme of 4-9 units could provide 30-100% 3 bedroom units. Therefore although the development would not strictly satisfy the requirements of the BoDSPD, officers recognise that the difference would be marginal and given the clear benefits in terms of affordable homes provision officers would raise no objection to the provision of 10x3 bedroom units within the scheme.

### **Residential Uses**

17. The proposed dwellings would all be self-contained and have internal layouts that exceed the requirements of Sites and Housing Plan Policy HP12 which sets minimum floor sizes and general living accommodation standards expected from residential accommodation. The dwellings have been designed to comply with Lifetime Homes Standards in accordance with Sites and Housing Plan Policy HP2.
18. In terms of outdoor space, Sites and Housing Plan Policy HP13 states that new dwellings should have direct and convenient access to an area of private open space. It recognises that family homes should be provided with a private garden of adequate size and proportions to the size of house proposed. The dwellings would each have access to sizeable private gardens to the rear which would be adequate for the family accommodation that they serve. They would also have refuse and cycle storage to the rear which would be accessible via a side passageway. As such the proposal would accord with the aims of Policy HP13.

### **Site Layout and Built Form**

19. Sites and Housing Plan Policy HP9 states that residential developments should respond to the overall character of the area, including its built and natural features; the form, layout and density of the scheme should make an efficient use of land while respecting the site context and making a positive contribution to local character. It should also ensure that landscaping, and boundary treatments integrate the development into the street scene in a way that defines public and private space and maintains natural surveillance of the public realm. This is supported by Oxford Core Strategy Policy CS18, and Policies CP1, CP6, CP8, CP9, and CP10 of the Oxford Local Plan.
20. The site layout has been designed to follow the arc of Warren Crescent in order to respect the linear development pattern throughout the street and a continuous building line with the existing properties on this side of the road. The layout would also establish a clear public and private realm relationship with active frontages that allow for natural surveillance onto the public realm. The built form would be of an appropriate residential scale for the location, with two-storey dwellings with pitched roofs that are arranged as a terraced row of four dwellings, and three pairs of semi-detached properties. The dwellings would have a contemporary appearance within a traditional residential form, which would not look out of place in the street scene. The units will have a rendered finish with an interlocking clay plain tile which would also help integrate the dwellings into the street scene. As such the overall layout, form and appearance of the proposed development would make the best use of the site, while also suiting the sites context within the existing residential suburb, which officers consider would accord with the aims and objectives of the above-mentioned policies.

### **Impact upon Adjoining Properties**

21. Policy HP14 of the Sites and Housing Plan states that residential development should provide reasonable privacy and daylight for the occupants of both existing and new homes.

22. The location of the site and the orientation of the properties would mean that the proposal would not create an adverse impact upon any of the adjoining properties adjacent to the new dwellings, or on the opposite side of Warren Crescent in terms of loss of light, outlook, overbearing impact or privacy and would therefore be consistent with the aims of Policy HP14.

### **Impacts upon the Lye Valley SSSI – Flood Risk & Sustainable Urban Drainage**

23. The site is located adjacent to the Lye Valley SSSI which is very sensitive to changes in surface water run-off and groundwater flows. The allocation policy (SP60) makes clear that permission will only be granted for the development of the site if it can be proven that there would be no adverse impact upon surface and groundwater flows and the SSSI from increase hard surfacing.

24. In accordance with these policy requirements, the following assessments have been undertaken to understand the potential impact of the proposal upon the hydrology of the SSSI and Local Wildlife Site of Lye Valley.

- Flood Risk Assessment [April 2013]
- Phase 1 Ground Condition Report [Dec 2012]
- Geotechnical Engineering Ground Investigation Report [June 2012]
- Assessment of the Potential Impacts of the Proposed Development on the Lye Valley SSSI [June 2013]

25. These documents have carried out an assessment of the existing ground conditions on site; a hydrological study of the groundwater flows and levels; and an assessment of the impact risk to the SSSI should the site be developed. They support the concerns raised during the consultation process that any changes to the current rate of the surface water and groundwater could have an adverse impact upon the SSSI. These assessments have been used to develop a robust approach to drainage and water quality treatment to ensure that the surface water runoff from the proposed development does not degrade the quality of the receiving ground and stream water in order to mitigate the impact on the SSSI. The assessments have been developed in conjunction with Natural England and the Oxfordshire County Council Drainage Authority.

26. The Flood Risk Assessment identifies that the site is located within Flood Zone 1 and confirms that the soils are deemed suitable for infiltration techniques such as a sustainable urban drainage system [SUDS] to be used for the disposal of surface water without any negative impact on the SSSI. The groundwater monitoring shows that the water levels are sufficient distance below ground level to employ a robust SUDS scheme, but that this would need to have suitable water quality treatments to ensure that surface water runoff does not degrade the receiving groundwater and stream water.

27. The assessment establishes that the existing drainage regime in the catchment area of the valley appears to be having a negative impact on the features of the SSSI. These impacts being lowering the bed of the Lye Brook because of erosion (caused by increase run-off through land drains into the stream); lowering the water table of the fen; and the reduction of rain water feeding the springs vital

to the SSSI. Both cause the drying out of parts of the fen. The proposed development would not significantly alter the ground water flow on the basis that large areas of the site would be soft-landscaped or open space (i.e. gardens) and the buildings foundations would be designed to avoid any impact. The SUDs scheme ensures there will be no significant change in the amount and timing of water feeding into the springs of the SSSI. It will collect surface water run-off through permeable paving and discharge to the groundwater via a swale in the south-east corner of the site. The use of swales are identified in national guidance as a suitable method for the attenuation of surface water run-off and the removal of pollution as part of a 'treatment train' to ensure that the quality of water discharged from a site does not significantly impact upon a wider environment. The swale is designed to accommodate a 1 in 100 year storm event plus 30% for climate change, and the excavated soils will be placed adjacent to the slope to the SSSI to ensure that a more extreme flood event does not lead to water running down the slope to the SSSI. The drainage strategy would also include water quality protection and enhancement through its design such as permeable paving with oil separation treatment to absorb hydrocarbon pollutants reducing the risk of pollution from surface water run-off. The use of calcareous aggregates to line the swale will stop the acidification of the water as it slowly feeds into the SSSIs springs.

28. It is clear from the consultation process that concerns have been raised about the suitability of the SUDs scheme to mitigate any potential impact upon the Lye Valley SSSI. However, officers consider that the proposed scheme would ensure that the indirect impact on the SSSI, and direct erosion from drainage, would be reduced to an insignificant level. Importantly Natural England is also satisfied that there should not be a significant impact upon hydrology of the Lye Valley SSSI provided that the drainage strategy is developed in accordance with the details set out within these assessments. Notwithstanding this, both Natural England and officers share the view that the SUDs scheme would need to be maintained in perpetuity. This would include fencing off the swale to prevent access and therefore compaction of the soils, as well as rubbish entering the system. The swale would also need to be checked regularly and cleaned where necessary. Similarly the block paving within the development would need to be maintained to ensure that it remains porous in the future. There would also need to be restrictions on the properties so that the paving and grass gardens are maintained as designed and especially if the properties are sold in the future. It would be important to ensure that the properties cannot be extended without examining the potential impacts upon hydrology.

29. The long term management and maintenance could be secured by a condition which requires details of the maintenance schedule for the properties. The dwellings will remain in the ownership of Council who would also be responsible for maintaining the infiltration drainage system and it would be expected that this would be incorporated into the general maintenance of these properties. A condition should also be attached which removes all permitted development rights for the properties to ensure that consideration is given to any changes, although tenants of the properties would also need to seek permission from the Council as landowner. Therefore it is considered that reasonable controls could

be put in place to ensure that long term maintenance of the SUDs scheme and also to consider any potential changes to the properties.

30. Therefore on the basis of the information provided, and given the fact that Natural England have raised no objection to the proposal, officers consider that the development would not have a significant impact upon the hydrology of the nearby SSSI subject to the provision and maintenance of the proposed sustainable urban drainage system.

## **Biodiversity**

31. An Ecological Desk Study and Phase 1 Habitat Survey have been submitted with the application. This has identified that the site only supports habitats of limited intrinsic ecological value with the exceptions of limited potential to support breeding birds. This SSSI and Local Nature Reserve will be protected throughout the proposed development. The survey proposes mitigation measures and enhancements to minimise any possible impacts on species that may be present on site and in the surrounds. These would include retaining areas of importance for reptiles and common toads within the site; the protection of the field maples on the eastern boundary throughout the process for breeding birds and the introduction of native species and bird boxes to encourage breeding opportunities; specific site safety measures during construction to prevent harm to badgers who may be using the outlier sett to the east of the site within the SSSI, and the provision of suitable shrubs and trees in the open spaces to improve their foraging habitat; and the introduction of a lighting scheme to reduce the potential impact on bats and other species within the SSSI, along with the planting of native species and bat boxes to provide roosting opportunities.
32. Officers consider that the direct biodiversity impact of the development would not be significant, as the site only supports habitats of limited significance and its use by species of biodiversity significance is minimal or would be protected through the recommended mitigation measures. Natural England has also confirmed that the proposed development would be unlikely to affect European Protected Species and that the impact upon other species should be considered in line with standing advice. Therefore subject to a condition being attached requiring the recommendations of the ecological survey to be carried out in full, the proposal would accord with the aims of Policy CS12 of the Oxford Core Strategy 2026.

## **Allotment Access**

33. The site allocation policy (SP60) recognises that vehicular access and turning area is essential for the allotment users. It goes on to say that a width of 6m and a turning area may be required.
34. As with the previously approved scheme, the proposal would provide a 3m wide access road from Warren Crescent which leads into a turning area which allows a 90° turn. The access road would be gated albeit to a design that allows pedestrian access to the public footpath. The access road and turning area are considered adequate to enable a tractor and trailer to access the site and leave in a forward gear according to the vehicle tracking diagrams included with the

application. As such officers consider that the proposal would maintain appropriate access arrangements for the allotment.

## **Rights of Way**

35. There are currently two footpaths (nos.79 & 80) that cut across the site from the south-west corner to the allotments in the north. The site allocation policy states that the public right of way should be either retained or diverted. An alternative location was agreed for these footpaths as part of the previous development proposal for the site (02/02348/FUL).
36. The proposal would provide the same diversion to this previous scheme whereby, the footpath will lead through the site and around the front of the proposed dwellings and then down through the allotment access to join up with its current position at the north. The diverted route as shown on the plans would maintain part of this as a countryside footpath, but also encourage natural surveillance of the footpath from the new residential dwellings.
37. The Oxfordshire County Council Countryside Access Team has raised no objection to the general principle of the footpath being diverted but requires more information about the intended route. The diversion will require a formal application for a public right of way diversion to be submitted to the county council and therefore the proposed route will be determined by that means.

## **Landscaping**

38. A Tree Survey has been submitted with the application. This identifies the requirement to remove a large proportion of trees within the site. The manna trees at the rear of the site (T8-T18) are of a low quality and value and so no objection would be raised to their loss.
39. The proposal does require the removal of a number of the trees to the front of the site, which make an important contribution to the visual amenity in the area. It is regrettable that these have to be removed, however, the loss could be adequately mitigated in accordance with Local Plan policies CP1, CP11 and NE15 by the planting of new *Pyrus Chanticleer* trees being planted at the front of each of the pair of the new houses i.e. 5 new trees to ensure that the harm to amenity in the area is adequately mitigated.
40. The hedge along the SW boundary, which forms a barrier to Lye Valley is to be reduced in height and spread. This work should be undertaken at an appropriate time of year i.e. during the winter, to minimise potentially harmful effects on the health of the trees and disturbance of nesting birds. The ecological appraisal has recommended that these trees should be protected during the construction process and also that any landscape strategy should include the planting of native species to improve wildlife. Officers would therefore recommend that conditions should be attached which secure a landscape plan which includes the new planting recommended above and that suggested in the ecological appraisal.

## Highway Matters

41. A Transport Statement has been submitted with the application. The proposed dwellings would be provided with 1 off-street parking space per dwelling, and 2 secure cycle parking spaces.
42. The site is situated within an existing residential area, and has reasonable access to public transport links and a small parade of shops on Girdlestone Road although the majority of shops and public transport would lie beyond in Old Road, Wood Farm and the Headington District Centre. The proposed development would not generate significant levels of traffic and is certainly less than the 18 units previously approved for the site under 02/02348/FUL.
43. The provision of 1 off-street parking space for the 3 bed units would accord with Sites and Housing Plan Policy HP16 which sets the required parking standards for residential developments in specific locations. The Local Highways Authority have raised no objection to this, but have indicated that the proposal would result in the loss of 5 on-street parking bays from the controlled parking zone. The Local Highways Authority has stated that it would be necessary to remove the development from eligibility to residents parking permits to ensure that no further pressure is placed on the controlled parking zone. This would require amendments to the order at a cost of £3,000 which would also cover the need to extend existing on-street parking bays in the vicinity to provide five additional spaces.
44. The Highways Authority have queried the potential impact from the loss of unrestricted car parking on site which they consider is likely to be used by allotment holders. The existing car park on site was formerly a garage block which was demolished following the grant of the previous permission (02/02348/FUL). Any parking within this small car park is currently informal and so officers consider that the loss of this space should not represent a constraint upon the development of the site. The proposal will provide a direct access to the allotments for users including a small number of informal spaces in the area to the rear for use by allotment users.
45. The Highways Authority has also recommended conditions which require the provision of a sustainable urban drainage system; a travel plan statement which includes travel information packs for each residential unit to be provided, and a construction traffic management plan to avoid potential disturbance to the local area from construction traffic.
46. The Oxford City Council Planning Obligations SPD has a requirement for a contribution of £26,250 towards transport infrastructure improvements from the development. The Highways Authority have also requested a further £5,000 towards public transport traffic management improvements at the Girdlestone Road/The Slade junction, which impacts buses using this route and will be used by residents of the proposed development.

## **Sustainability**

47. Sites and Housing Plan Policy HP11 states that residential development should include an element of on-site renewable or low carbon technologies where practicable. It goes on to state that for qualifying developments (i.e. 10 or more dwellings) proposals should include a least 20% of their energy needs from on-site renewables or low carbon technologies, unless it can be robustly demonstrated that such provision is either not feasible or it makes the development unviable.
48. An NRA has been submitted with the application which reflects the need to achieve 20% of the development's regulated and unregulated energy requirements from renewable sources and is therefore considered to be acceptable. The NRA scores 7/11 which exceeds the minimum score required to comply with the policy. The proposed scheme is designed to achieve the Code for Sustainable Homes Level 4 which exceeds the minimum requirement of Level 3 for open market homes. The buildings will use solar photovoltaic tiles, high energy boilers, energy efficient and thermally efficient glazing, and be built to Building Regulations 2010 standards. Officers would recommend a condition requiring the details of the NRA to be implemented.

## **Archaeology**

49. An archaeological desk based assessment has been submitted which identifies that the site is of interest because it is located around the corner from a nationally important pottery production site at the Churchill Hospital and on level ground close to a water course. A Roman kiln is recorded 50m away on the other side of the valley in a similar location (HER3616, MOX11526). Subsequent to the desk based assessment a geophysical survey was undertaken at this site by Northamptonshire Archaeology which did not pick up any strong anomalies that may be potential kiln sites. Furthermore the details of previous borehole investigations have been submitted demonstrating that much of the proposed development footprint is modern made ground of considerable depth. However part of the site does not appear to have been substantially landscaped and a targeted archaeological investigation would be warranted given the archaeological context.
50. Therefore given the likely level of previous disturbance on site and the scale of the proposed development, a condition should be attached requiring an archaeological investigation to be carried out. This should consist of either targeted trial trenching followed by further mitigation as appropriate or watching brief depending on the detail of foundation design and servicing work.

## **Planning Obligations / CIL Contributions**

51. In accordance with the Planning Obligations Supplementary Planning Document contributions are required to mitigate the impact of the proposal on the City and County Services and infrastructure. The following contributions would therefore be required.



#### Oxfordshire County Council

- £51,690 (Primary Schools)
- £44,530 (Secondary Schools)
- £3,065 (Special Educational Needs)
- £2,224 (Library)
- £990 (Household Waste Recycling Centre)
- £130 (Museum Resource Centre)
- £26,250 (Highways & Transport)
- £8,000 (Pub Transport Improvements / Amendments to Road Traffic Order)

#### Oxford City Council

- £2,400 (Indoor/Outdoor Sport)
- £6,360 (Open space/Ecology)
- £1,710 (Sports Ground)
- £1,510 (Play Areas)
- £110 (Allotments)

52. The total level of contributions would be £148,969 plus the relevant admin fees. The County Council contributions will be secured by a legal agreement, and by internal mechanism for the City Contributions.

53. It is important to note that the Councils' Community Infrastructure Levy Charging [CIL] Schedule is to be put to Full Council for adoption on the 30<sup>th</sup> September 2013. The formal implementation of CIL would have an impact upon the level of contributions sought for this scheme, as Affordable Housing is one of the forms of development which could apply for an exemption from CIL charges. The introduction of CIL will apply to any applications where S106 agreements have not been agreed before this comes into effect and therefore given the timeframes for this decision it is likely that these contributions will have to be recalculated.

#### **Other Matters**

54. A Phase 1 Ground Condition Assessment has been carried out comprising a desk study, site walkover, ground stability assessment and risk assessment for contamination. The site has been identified as having a low potential for ground contamination, has recommended a Phase II survey to determine the extent of made ground and to mitigate or remediate impacted soil and groundwater. A condition should be attached requiring a Phase II survey to be conducted before development commences.

55. An air quality screening assessment has been submitted which identifies that air quality within the site is very good, and the traffic generated by the development is unlikely to have significant air quality impacts. Officers would agree that there is not likely to be a significant impact on air quality from the development.

56. A Noise Survey has been submitted with the application which assesses the suitability of the site for its proposed use. The survey identifies that the dominant noise source is local road traffic and the anticipated noise and vibration impact on occupants would be negligible.

## **Conclusion:**

57. The proposal is considered to be acceptable in terms of the relevant policies of the Oxford Core Strategy 2026, Sites and Housing Plan 2011-2026, and Oxford Local Plan 2001-2016 and therefore officer's recommendation is to approve the development in principle, but defer the application for the completion of a legal agreement to secure the necessary financial contributions as set out above.

### **Human Rights Act 1998**

Officers have considered the Human Rights Act 1998 in reaching a recommendation to grant planning permission, subject to conditions. Officers have considered the potential interference with the rights of the owners/occupiers of surrounding properties under Article 8 and/or Article 1 of the First Protocol of the Act and consider that it is proportionate.

Officers have also considered the interference with the human rights of the applicant under Article 8 and/or Article 1 of the First Protocol caused by imposing conditions. Officers consider that the conditions are necessary to protect the rights and freedoms of others and to control the use of property in accordance with the general interest. The interference is therefore justifiable and proportionate.

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

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

**Contact Officer:** Andrew Murdoch

**Extension:** 2228

**Date:** 27th August 2013