

East Area Planning Committee

7<sup>th</sup> September 2016

**Application Number:** 16/00744/FUL

**Decision Due by:** 21st June 2016

**Proposal:** Demolition of existing pair of semi-detached houses (39 and 41 Waynflete Road). Erection of 52 houses and flats (including 40% of net increase as affordable homes) in single storey buildings, two storey buildings, and two storey buildings with rooms in roofs (47 dwellings proposed off Waynflete Road and 5 detached dwellings off Bayswater Farm Road). Construction of roads and footpaths including new accesses off Waynflete Road and Bayswater Farm Road. Provision of open space, parking, garages and landscaping.

**Site Address:** 39 And 41 Waynflete Road, Land To The Rear And Off Bayswater Farm Road Waynflete Road (**site plan: appendix 1**)

**Ward:** Barton And Sandhills Ward

**Agent:** Mr Nik Lyzba

**Applicant:** Cala Homes (Chiltern) Ltd.

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## Recommendation:

The East Area Planning Committee is recommended to grant planning permission for the application for the following reasons

- 1 The proposed development would seek to make an efficient use of previously developed land in order to provide a means of access to the site at the rear so that it could be developed to facilitate a residential development which was approved by South Oxfordshire District Council on the 10th August 2016. The proposal would require the removal of two dwellinghouses from the city's housing stock but facilitate the provision of 52 houses and flats within the administrative boundary of South Oxfordshire District Council. The loss of these two dwellings would be compensated by the provision of nomination rights for the city council of two intermediate affordable homes within the main scheme. The proposed access road and traffic generated by the residential development would not have an adverse impact upon the local highway network. Similarly the siting of the residential accommodation would not have an adverse impact upon the residential amenities of the adjoining residential

properties in Waynflete Road. The proposal would not create any adverse impacts in terms of drainage, air quality, or ecology and any such impact could be adequately addressed by the imposition of appropriately worded conditions.

- 2 Officers have considered carefully all objections to these proposals. Officers have come to the view, for the detailed reasons set out in the officer's report, that the objections do not amount, individually or cumulatively, to a reason for refusal and that all the issues that have been raised have been adequately addressed and the relevant bodies consulted.
- 3 The Council considers that the proposal accords with the policies of the development plan as summarised below. It has taken into consideration all other material matters, including matters raised in response to consultation and publicity. Any material harm that the development would otherwise give rise to can be offset by the conditions imposed.

### **Conditions**

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Phasing Plan for development
- 4 Landscape plan required
- 5 Landscape carry out by completion
- 6 Details of the means of access to the site
- 7 Details of visibility splays
- 8 Drainage Strategy on / off site works to be agreed in conjunction with Thames Water
- 9 Surface water drainage scheme

### **Principal Planning Policies:**

#### Oxford Local Plan 2001-2016

**CP1** - Development Proposals

**CP6** - Efficient Use of Land & Density

**CP10** - Siting Development to Meet Functional Needs

**CP11** - Landscape Design

**NE15** - Loss of Trees and Hedgerows

**NE16** - Protected Trees

**TR3** - Car Parking Standards

#### Core Strategy

**CS2\_** - Previously developed and greenfield land

**CS18\_** - Urban design, town character, historic environment

**CS23\_** - Mix of housing

**CS24\_** - Affordable housing

**CS11\_** - Flooding

**CS12\_** - Biodiversity

### Sites and Housing Plan

**HP9\_** - Design, Character and Context

**HP10\_** - Developing on residential gardens

**HP14\_** - Privacy and Daylight

**HP16\_** - Residential car parking

### Other Planning Documents

National Planning Policy Framework

## **Public Consultation**

### Statutory Consultees

- Thames Water Utilities Limited: No objection subject to condition requiring the approval of a drainage strategy.
- Oxfordshire County Council

Local Highways Authority: No objection subject to conditions. The updated Transport Assessment now includes traffic modelling which confirms the additional 30 2-way peak hour vehicles movements generated by this development will have no severe impact on the local highway network and it is therefore considered acceptable in highway terms.

Archaeology: No objections subject to conditions

Education: No objection. It is anticipated that there will be sufficient primary and secondary school places and early years provision in the vicinity to meet the needs arising from the development; there would be a need for CIL funding towards special educational school needs.

Property: The development will increase demands on Youth Support Service; Adult Learning; Local and Central Libraries; Museum Resource Centre; Fire and Rescue Service; Strategic Waste Management; Health and Well Being. There is also a requirement to provide fire hydrants within the development.

### Third Parties

6,7 Colwell Drive; Bayswater Farm House; Bayswater Mill House; 8, Dendere, Jubilee House, Bayswater Farm Road; 37, 52 Waynfilete Road; 1 Routh Road; Mike Rowley - Councillor for Barton and Sandhills Ward

### Individual Comments:

A number of the comments raised in relation to the application relate to the main residential development within South Oxfordshire District Council's administrative boundary and are not relevant to the matter being considered by the East Area Planning Committee.

The main points raised were:

- Waynfilete Road and Bayswater Farm Road is already very congested in the peak hours and this will increase traffic further. It will add potentially an average of 104

vehicles travelling to and from Waynflete Road

- The proposed development has access for 47 homes off Waynflete Road and 5 homes off Bayswater Farm Road, the only access to which is via Waynflete Road. Waynflete Road is a narrow residential street with on-street parking and is not designed for access purposes.
- The only access to the main road network from these new homes will be via the exit from Bayswater Road onto the Green Road roundabout. This is already very congested at rush hour, with tailbacks all the way to the Crematorium most of the time between 8am and 10am. Furthermore, the development West of Barton, although it has its own access, is likely to make the junction a little busier, and the A40 somewhat busier as well. The junction cannot take more traffic unless it is significantly redesigned.
- In spite of the Flood Risk Assessment in the developers submission, the replacement of green field land, the removal of trees beyond the access to Waynflete Road is likely to have a detrimental effect on existing properties and infrastructure
- There will be flood risk exposure from this development given the landscaping changes and waterways running nearby
- The proposal will adversely impact on this tiny rural hamlet, transforming it into a major suburban estate which radically alters the character of the immediate area and region as a whole which includes sites of important ecological and archaeological significance
- The proposed development from another District Council area will have a detrimental effect on existing school capacity, as no funding is likely to be available for extra places in the school
- Unsuitability of site for ingress/egress of contractors' heavy plant surrounding roads are unsuitable for heavy plant and the parking of contractors 'vehicles'
- This development on the boundary of two local authorities and close to a boundary with Cherwell DC will cause significant financial penalties for the City Council owing to its effect on the City's local infrastructure
- The development needs to be considered alongside the Barton Park Development of 885 dwellings already under construction.
- This will create a surplus of housing when taken alongside the Barton Park Development
- The development is contrary to the City Council's policies on the loss of housing stock, especially in an area of social housing
- Bayswater Farm Road is unsuitable for extra traffic from detached houses with multiple vehicles
- This development would allow the linking of these two new development with any future developments on nearby fields with a link through the existing caravan site, if it were sold for development
- The development implies for Bayswater Mill House a massive reduction in the privacy afforded that home with 11 units directly facing onto the single property. The developers have chosen a location plan that seems designed to have maximal impact on the occupiers of Bayswater Mill House.
- The units opposite Bayswater Mill House are 1.5m higher and will overlook it. It needs a suitable boundary treatment and the current hedgerow should be left in tact
- A right of way from Bayswater Mill House should be allowed to Waynflete Road

via the proposed development

- The development will overlook Bayswater Farm House
- There is a concern that Thames Water's comments that the drainage plans offered by the applicant are not sufficiently detailed for them to reach a conclusion. Barton is an area with a lot of shifting spring activity, sometimes unexpected and causing some inconvenience to residents. I would ask officers to produce a robust condition requiring a sustainable drainage plan.
- The development will have serious health and safety issues for the area
- The development of the five houses on the land near Colwell Drive is overdevelopment of a small and important part of the biodiversity of the area

### **Officers Assessment:**

### **Background to Proposals**

1. This application site is located on the edge of the city and within the administrative boundaries of both Oxford City Council and South Oxfordshire District Council. The first is an area of unused land of approximately 2.2ha which is located behind the properties on the north-eastern side of Waynflete Road and includes two vacant semi-detached houses (39 and 41) on Waynflete Road. The second is an area of open land to the east that is accessed from Bayswater Farm Road (**appendix 1**)
2. The proposal relates to a full planning application that was submitted to South Oxfordshire District Council for the demolition of an existing pair of semi-detached houses (39 and 41 Waynflete Road) and erection of 52 houses and flats (including 40% of net increase as affordable homes) in single storey buildings, two storey buildings, and two storey buildings with rooms in roofs (47 dwellings proposed off Waynflete Road and 5 detached dwellings off Bayswater Farm Road), the construction of roads and footpaths including new accesses off Waynflete Road and Bayswater Farm Road, provision of open space, parking, garages and landscaping under reference P16/S0942/FUL. This was approved by the South Oxfordshire District Council Planning Committee on the 10<sup>th</sup> August 2016. A copy of the committee minutes and report can be found in **appendix 2 (i) and (ii)**.
3. The application is before the East Area Planning committee because the residential properties of 39 and 41 Waynflete Road are located within the administrative boundary of Oxford City Council. Therefore the part of the residential development that falls within the administrative boundary of the Council needs to be determined by that Local Planning Authority.
4. This would include the demolition of the existing pair of semi-detached houses (39 and 41 Waynflete Road) and the construction of the new access, road and footpath from the northernmost plot onto Waynflete Road. In addition to this a small part of Plots 47-50 proposed within the scheme would also lie within this boundary.

5. In determining this application, the Council are only able to consider the development and likely impacts that will arise upon their administrative boundary as part of this application. In this case, Officers consider the principal determining issues to be:
  - principle of development;
  - loss of Housing;
  - transport;
  - impact on adjoining properties
  - landscaping;
  - air quality
  - drainage;
  - archaeology
  - biodiversity;

### **Principle of Development**

6. The National Planning Policy Framework [NPPF] seeks to promote sustainable development and identifies three roles for the planning system to perform in order to achieve this; economic, social, and environmental. The social role is defined as supporting strong, vibrant, and healthy communities by providing the supply of housing required to meet the needs of present and future generations.
7. The NPPF also encourages the effective use of land by reusing previously developed land. This is supported by Oxford Core Strategy Policy CS2 and Oxford Local Plan Policy CP6 which require development proposals to make an efficient and appropriate use of previously developed land in a manner that suits the sites capacity, and that larger scale proposals are encouraged in appropriate locations.
8. The substantive residential element of the proposal lies within the administrative boundary of South Oxfordshire District Council. The South Oxfordshire Core Strategy has identified the site as one of the areas in which new housing should be provided in South Oxfordshire. This being on the basis that it would be in a sustainable location which would be well contained by other residential development and benefits from access to a good range of services, facilities and public transport.
9. The redevelopment of 39 and 41 Waynflete Road to provide the access road for the main housing site subject to the substantive application before South Oxfordshire District Council would seek to make an efficient use of previously developed land in order to help increase the supply of housing for present and future generations. As such it would appear that the general principle of allowing the housing within the site would accord with national and local development plan policies.

### **Loss of Housing**

10. The part of the development within the Council's administrative boundary would result in the loss of a pair of vacant semi-detached houses in Waynflete Road in order to provide the vehicular access to and from the main part of the application

site.

11. The semi-detached properties are of little architectural merit and as such their removal would not have an impact upon the character and appearance of the area. However, the Sites and Housing Plan recognises that there are not enough homes in Oxford to meet the city's housing needs and therefore Policy HP1 has a presumption against development that results in the net loss of one or more self-contained dwellings on a site.
12. The proposal would result in the net loss of two dwellings from the application site within the City's boundary which in strict terms would not accord with the presumption to maintain the existing housing stock. However, the removal of these dwellings is required in order to provide the vehicular access to and from the main site which would be developed to provide 52 dwellings. Whilst these dwellings would be outside the Council's administrative boundary, it would result in a net gain of 50 dwellings which would accord with the overall aims of Policy HP1 even though the new dwellings lie outside the City boundaries.
13. In order to further mitigate the loss of these two market dwellings from the city housing stock, officers requested nomination rights from South Oxfordshire District Council for two of the affordable dwellings within the scheme. In response to this request, South Oxfordshire District Council has offered nomination rights to two of the proposed affordable 'shared ownership' units rather than two of the 'affordable rent' units which was the Council's preferred option. Although officers would have preferred nomination rights to two of the 'affordable rented' units in accordance with the preference in the Sites and Housing Plan for affordable rented units over intermediate (shared ownership) housing. The provision of two intermediate affordable units (with nomination rights) to replace the two open market dwellings of 39 and 41 Waynflete Road would represent a net improvement to the city's housing stock. It is also understood that South Oxfordshire District Council require there to be a local connection when allocating the affordable housing to those on their waiting list.
14. Therefore officers consider that it would be difficult to sustain an objection to the part of the development site that lies within the administrative boundary of the City Council because it would result in the loss of one or more self-contained dwellings from the site of 39 and 41 Waynflete Road. In order to ensure that there is no net loss of housing and the benefits of the mitigation are achieved, a condition should be requested seeking permission of a phasing plan which sets out when the two developments will be carried out at the same time.

## **Transport**

15. A Transport Assessment has been submitted which considers the highways impact from the proposed development. The assessment has been amended since it was initially submitted in order to provide up-to-date modelling data as requested by the Local Highways Authority.
16. Although the main residential element of the development falls within South Oxfordshire District Council's administrative boundary, the principle means of

access to the larger development parcel is to be created through the site of 39 and 41 Waynflete Road. Therefore the use of this access road would have an impact upon Waynflete Road which is within the Council's administrative boundary and needs to be considered.

17. Traffic Generation: The amended assessment has included traffic modelling which confirms the additional vehicles trips generated by the development would not have a significant impact on the local highway network. The most recent survey data has been used to estimate that the development is likely to give rise to only 30 2 way vehicle trips in both the AM (8-9am) and PM (5-6pm) peak periods.
18. The NPPF makes clear that development proposals should only be prevented or refused on transport grounds where the residual cumulative impacts of developments are severe. Oxford Local Plan Policy CP1 also states that development proposals will only be granted where they are acceptable in respect of access, parking, highway safety, and traffic generation.
19. The Local Highways Authority has confirmed that the additional modelling has demonstrated that the additional vehicle trips generated by the development would not have a severe impact on the local highway network and would be considered acceptable in highway terms.
20. Access: The new access road through the site of 39 and 41 Waynflete Road and its junction with Waynflete Road has been developed following a Stage 1 Road Safety Audit. The road will have a carriageway width of 4.8m with 1.8m footways either side. The junction will have entrance radii of 6m and provide visibility splay in excess of 2.4m x 25m in both directions.
21. The Local Highways Authority has raised no objection to the proposed access arrangements to Waynflete Road, subject to a condition that requires approval of the detailed design of the access road and its junction. These details shall include the position, layout, construction, drainage, and vision splays for the access road.
22. Car & Cycle Parking: The overall scheme would provide 92 car parking spaces, with two off-street parking spaces for the market homes, and a total of 28 spaces for the 20 affordable homes. Although 5 of these spaces would be within the council's administrative boundary, it forms part of the overall parking provision for the whole scheme. The proposed level of parking has been considered to accord with South Oxfordshire District Council's parking standards.
23. In addition to this 98 cycle parking spaces are to be provided across the scheme for the residential units. The Local Highways Authority has recommended that some visitor cycle parking is also provided. It is noted that South Oxfordshire District Council has requested a condition be attached to the permission requesting further details of the cycle parking.



## Impact upon Adjoining Properties

24. Impact upon Adjoining Properties: 47-50 – 7m to 5m beyond boundary. Gable end parallel with garden. Change in land level, orientation
25. Oxford Local Plan Policy CP10 of the Local Plan requires development proposals to be sited in a manner which meets functional need, but also in a manner that safeguards the amenities of other properties. This is supported by Sites and Housing Plan Policy HP14.
26. The proposed layout of the housing development would site plots 38-50 to the rear of the properties on the northern side of Waynfilete Road. The impact upon these properties has been considered in paragraph 6.22 of the South Oxfordshire District Council committee report (**appendix 2 (ii)**). The new dwellings would be located to the north of the rear gardens of the Waynfilete Road properties, and would be sited lower than these rear gardens due to the change in land levels as the ground slopes down northwards. There would be a separation distance between properties of between 32-34metres for the majority of plots (i.e. 38-46).
27. The location of plot 47-50 is sited closer to the boundary with the adjoining property of 37 Waynfilete Road, with part of the gable end of this plot running parallel with the garden. This part of the plot is within the administrative boundary of Oxford City Council. Although this would be closer to the boundary of this adjoining property than some of the other plots, it would still be set 7m-5m from the boundary. Although the unit would introduce a sense of enclosure that doesn't exist in this part of the site currently, the orientation of the plot and change in land level would mean that there would not be a significant loss of light or sense of enclosure as a result. Similarly it is not considered that there would be a significant loss of privacy given the separation distance that would exist.
28. The proposed access road would be created between the 37 and 43 Waynfilete Road, and would be separated from the adjoining properties by a landscaped buffer. It is considered that the provision of an access road would not have an adverse impact upon the adjoining properties in terms of noise and disturbance given the limited amount of traffic that would be generated as a result of the scheme.

## Landscaping

29. In landscape terms, officers consider that there would be no arboricultural implications in terms of tree removals from either 39 or 41 Waynfilete Road and as such the proposal would accord with Oxford Local Plan Policies CP1, CP11, NE15 and NE16.
30. In terms of the overall landscaping for the wider scheme, the proposed avenue planting of field maples along the new access road to the main development is welcome. This should be secured by condition

## Air Quality

31. The proposed development is located within and adjacent to an Air Quality Management Area and is likely to result in a significant increase in traffic with the potential to negatively impact air quality. An Air Quality Assessment has been submitted with the application and is considered in detail within paragraphs 6.45 – 6.47 of the South Oxfordshire District Council committee report (**appendix 2 (ii)**).
32. The assessment identified that the existing conditions showed good air quality away from the busy roads and background pollutants below relevant air quality standards and objectives. The proposed dwellings would be well away from the busy roads and pollutant levels for new residents would be at or close to background levels which are well below the air quality objectives that constitute good air quality. The additional traffic from the development would result in negligible increase in pollutant concentrations in sensitive locations. As such no objection was raised by South Oxfordshire District Council officers.
33. A key theme of the NPPF is that development should enable future occupiers to make “green” vehicle choices and “incorporate facilities for charging plug-in and other ultra-low emissions vehicles” (paragraph 35). Oxford City Council’s Air Quality Action Plan 2013 commits to seeking to ensure that new developments make appropriate provision for walking, cycling, public transport and low emission vehicle infrastructure e.g. Electric Vehicle charging points.
34. Therefore, as a minimum requirement, new development schemes should include the provision of electric vehicle recharging provision and any mitigation requirements arising from the exposure assessment, where applicable. To prepare for increased demand in future years, appropriate cable provision should be included in the scheme design and development, in agreement with the local authority. The recommended provision rate is 1 charging point per unit (house with dedicated parking) or 1 charging point per 10 spaces (unallocated parking, i.e. flat development). It is noted that a condition has been imposed upon the main application approved by South Oxfordshire District Council.

## Drainage

35. A Flood Risk Assessment for the development has been submitted with the application. The assessment and Environment Agency Flood Zone maps indicate that the site is located entirely within Flood Zone 1.
36. The impacts on drainage from the main development is assessed within the paragraphs 6.36 – 6.42 of the South Oxfordshire District Council committee report (**appendix 2 (ii)**). The overall site is within the catchment area of the Bayswater Brook which presents a risk of surface water flooding. The Flood Risk Assessment identifies that the layout has been designed to provide an 8m buffer to zone to the brook with no houses located in this area. The floor levels are to be set within 0.6m above the top of the bank.

37. The development within the city's boundary is limited to the creation of the access road, and therefore the main impacts from the development will be as a result of the substantive development. This is likely to contribute towards surface water discharge from the site. The Flood Risk Assessment has identified that a Sustainable Urban Drainage Scheme would be appropriate. South Oxfordshire District Council has recommended that a condition be imposed requiring details of the surface water drainage. This should also be included on this application if members are minded to grant permission.
38. Thames Water has also recommended that a condition be imposed requesting a drainage strategy to be developed for the scheme with respect to the need for on and off site drainage works. As the access road would require drainage that would be part of this strategy, officers would recommend a condition also be imposed on this application if members are minded to grant permission.

### **Archaeology**

39. The application has included a limited archaeological evaluation of the site without finding significant results. As part of the recommendation for the main development on South Oxfordshire District Council land, a condition has been requested requiring the submission and implementation of a written scheme of archaeological investigations. Having reviewed the proposals, officers acknowledge that there is only part of one housing plot with the city boundary and as such officers would not consider it necessary to add any condition for this application as the main archaeological investigation will be taken forward on the main site.

### **Ecology**

40. An Ecological Appraisal has been submitted with the application. The appraisal has undertaken internal and external surveys of the two existing dwellinghouses and found that there is negligible roosting potential for bats due to the buildings fabrication. Having reviewed this appraisal officers would agree with this assessment and consider that there is not a reasonable likelihood of protected species or habitats being impacted by the removal of the 2 properties. There would be no objection under Oxford Core Strategy Policy CS12.

### **Conclusion:**

41. 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 to the committee is to approve the development subject to the conditions listed 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 planning permission, officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

**Contact Officer:** Andrew Murdoch

**Extension:** 2228

**Date:** 24<sup>th</sup> August 2016