EAST AREA PLANNING COMMITTEE 8th February 2017

Application Number: 16/02651/OUT

Decision Due by: 15th February 2017

Proposal: Outline application with all matters reserved, seeking permission for 72 new affordable key worker dwellings, retention of and extension to existing parking area, together with private amenity space, access road, landscaping and new publicly accessible recreation space.

Site Address: Sports Field, William Morris Close **Appendix 1**

Ward: Cowley Marsh Ward

Agent: none **Applicant:** Openwell LLP, Oxford

Recommendation:

The East Area Planning Committee is recommended to REFUSE planning permission for the reason set out below

Reasons for Refusal

1 The proposal does not include a mix of dwelling types and makes no provision for affordable housing. A mixed and balanced development which contributes to meeting the most pressing housing needs of the city would not result from this proposal. It is therefore contrary to Policies CS23 and CS24 of the Core Strategy and Policy HP3 of the SHP, and does not comply with the guidance set out in the Balance of Dwellings Supplementary Planning Document.

2 The site is protected open space (including associated car parking). It is not allocated for housing development nor is it needed to meet National Planning Policy Framework housing land availability requirements. It has not been clearly shown that the site is surplus to requirements for sport or recreation. It is not essential that the need for housing development should be met on this particular site, and there are no other balancing reasons or mitigating circumstances why housing should be allowed. It is necessary to retain the site as open space for the well-being of the local community, and its development is contrary to Policies CS2 and CS21 of the adopted Core Strategy, and Policy SR2 of the Oxford Local Plan.

3 The application, because of inadequacies in the indicative layout, the lack of cycle parking and waste storage facilities, the unacceptable car park location and design, and because of unresolved highway issues, has not satisfactorily demonstrated that 72 dwellings can be accommodated on this site in accordance with Policies CP1, CP6 and CP8 of the Oxford Local Plan, Policy CS18 of the Core Strategy and Policies HP9, HP13 and HP14 of the Sites and Housing Plan.

4 The application does not propose to incorporate renewable energy or low carbon technologies and thus does not adequately seek to minimise its carbon emissions contrary to Policy CS9 of the adopted Core Strategy and Policy HP11 of the adopted Sites and Housing Plan.

Legal Agreement and CIL:

Were the application to be recommended for approval then a legal agreement may have been required to secure the provision of relevant matters. The proposal would become liable for CIL on determination of the subsequent reserved matters application(s).

Principal Planning Policies:

Oxford Local Plan 2001-2016

CP1 - Development Proposals
CP6 - Efficient Use of Land & Density
CP8 - Design Development to Relate to its Context
CP10 - Siting Development to Meet Functional Needs
CP11 - Landscape Design
CP17 - Recycled Materials
CP18 - Natural Resource Impact Analysis
CP21 - Noise
TR1 - Transport Assessment
TR2 - Travel Plans
TR3 - Car Parking Standards
TR4 - Pedestrian & Cycle Facilities
NE15 - Loss of Trees and Hedgerows
HE2 - Archaeology
SR2 - Protection of Open Air Sports Facilities

Core Strategy

CS2 - Previously developed and greenfield land
CS9 - Energy and natural resources
CS11 - Flooding
CS12 - Biodiversity
CS13 - Supporting access to new development
CS18 - Urban design, town character, historic environment
CS21 - Green spaces, leisure and sport
CS22 - Level of housing growth
CS23 - Mix of housing
CS24 - Affordable housing

Sites and Housing Plan

HP2 - Accessible and Adaptable Homes

HP3 - Affordable Homes from Large Housing Sites
HP9 - Design, Character and Context
HP11 - Low Carbon Homes
HP12 - Indoor Space
HP13 - Outdoor Space
HP14 - Privacy and Daylight
HP15 - Residential cycle parking
HP16 - Residential car parking

Other Planning Documents

- National Planning Policy Framework
- National Planning Guidance
- Affordable Housing and Planning Obligations SPD
- Parking standards, Transport Assessment and Travel Plans SPD
- Natural Resource Impact analysis SPD
- Balance of Dwellings SPD

Public Consultation

Statutory Consultees

Thames Water Utilities Limited – wastewater: unable to determine the infrastructure needs of this development due to insufficient information. Require a revised Drainage Strategy with details of foul water discharge points, confirmation of foul water flow from the site i.e. gravity or pumped. Pre-commencement Grampian condition requested; surface water: no concerns as the proposal is to dispose via infiltration.

Oxfordshire County Council, Highways – no objection subject to conditions concerning pedestrian and cycle access via Beresford Place, footways within the development, submission of a Travel Plan, Construction Traffic Management Plan, and Car Park Management Plan, provision of cycle parking, vehicle access to the central area, details of turning areas for service vehicles, and drainage.

Sport England – object: the proposal for housing on an existing playing field does not meet SE's adopted playing fields policy or NPPF paragraph 74. The proposal results in the loss of an existing playing field that could be used by the existing community.

Public representations

109 public representations have been made, 53 in support and 56 objecting, from the following addresses:-

- addresses within Oxford:

Crescent Road, William Morris Close, Beresford Place, Temple Road, Junction Road, The Gallery, St Christopher's Place, Temple Mews, Raymund Road, Temple

Cloisters, Leafield Road, Hollow Way, Oxford Road, Don Bosco Close, Hengrove Close, Turner Close, Dene Road, James Street, Meyseys Close, Territorial Way, Monks Close, Headley Way, Bulan Road, Lye Valley, Birchfield Close, Glebelands, Owens Way, Waynflete Road, Knolles Road, Wilkins Road, Glebelands, Slade Close, Gaisford Road, Collinwood Road, Headington Road, Rivermead Road, Howard Street, Westbury Crescent, Catherine Street, Preachers Lane, Stonehill Road, Marlborough Court, Kimberley House, Barrett Street, Great Clarendon Street, Magdalen College, Ormerod Street, Manor Drive, Latimer Road, Bowness Avenue, Henley Avenue, Barton Village Road, Minster Road, Observatory Street, Harpes Road, Orchard Road, Woodlands Close, Edgeway Road, Apple Tree Close, Cavendish Road, Pinnocks Way, Webbs Close;

- addresses outside Oxford:

Old Road, Shotover; Stonehill Road, Derby; High Street, Standlake; Abercorne Grove, Ruislip; Sholebroke, Towcester; Williams Close, Aylesbury; Alexander Close, Kidlington; Beech Road, Wheatley; Marjoram Close, Haydon Wick, Swindon; Whites Lane, Radley, Abingdon; Faringdon Road, Cumnor; Westfields Avenue, Barnes, London; Cumnor Hill; Willow Lane, Stony Stratford, Milton Keynes; The Paddock, Kennington; Broad Field Road, Yarnton Kidlington; Elsfield.

Comments were also received from the following groups whose comments are included in the summaries below:

- Old Temple Cowley Residents Association - objection
- Oxford Civic Society – application worthy of serious consideration
- Oxfordshire Community Foundation – support.

Summary of comments in support

- It is very important that there are more affordable homes for key workers and professionals such as teachers social workers nurses and other health professionals in Oxford city. Many such people cannot afford to rent or buy in Oxford and choose not to take jobs in the city opting to live and work in other parts of the South East. If they do take jobs the high cost of housing mean they choose to live in surrounding towns and commute into Oxford to work with associated environmental costs and traffic transport and pollution issues.

- Key workers and first-time buyers are key demographics in the economy and need to be supported for the sake of their long-term positive contribution

- Current policy is fundamentally flawed as it creates a few small-scale units that automatically become inflated by the housing bubble in Oxford. In approving the scheme Oxford city council would be seen as solving difficult problems in progressive and creative way.

- Affordable housing is a fundamental human right; this project should be supported. It is an amazing privilege to be able to live in Oxford: it is great to see projects trying to open that privilege up to the widest possible audience.

- Key worker housing should be prioritized over the social housing element. That all the new homes would be exclusively for key workers sets a great precedent for other sites.

- Oxford needs to do more to cater for the large proportion of young bright hard-working people who are key to its ongoing success. Current housing policies place the emphasis on families but there are single people who would love to have their own place so I welcome the emphasis on one bedroom units.

- This scheme has benefits for local employers who are struggling to attract employees to Oxford due to the high cost of living.

- There would be benefits for the environment in the reduction of traffic brought about by key workers needing to live long distances away.

- We love Oxford and want to remain here but rent rates do not make this easy; the idea of owning a home in Oxford is not even something to consider for couples like us in their 20s. For those who don't inherit money or property there is no choice but to rent indefinitely which offers no long-term security.

- These pod houses are fantastic and we should be building far more of them. This scheme tries to deal with a real issue of social justice in the local community and I heartily support it.

- The design, use of space and creation of community in this scheme are excellent and reflect an opportunity to create valuable way of living.

- Even with a combined salary of £70,000 my wife and I would only be able to consider purchasing property in Oxford if it is far out of the city centre and only with parental assistance. The needs of future generations should be prioritized.

- I am a community midwife in Oxford and I have three children but I would probably never be able to buy a home here.

- If this development is really for key workers with green space between the blocks then it would improve both the area and meet our need for key workers to live close to schools and hospitals for the benefit of all

- At present the land is fenced off and no use to anyone. It has been in deadlock for several years and would continue to be so unless social innovators make bold proposals of this kind. The local authority is simply too beholden to archaic policies and needs to make courageous decisions. If you really want a world-class city for everyone then this project is a must.

- The bus route up and down Cowley Road is frequent and a short walk from this site

- Traffic is an issue at school pickup times but with a little thought this can be alleviated. The plans show a good level of residents parking and the emphasis on commuting by cycle or on foot should also mean that these flats don't add to the congestion

- Must ensure that they are sold/rented only to key workers whose place of work is within the city. Suggest land is covenanted to sustain affordability in perpetuity.

- Hopefully this would release a few young people from paying a lot for often very mediocre rental accommodation whilst at the same time trying to save a deposit for house

- More houses make lower prices for everyone the best solution for improving affordability in Oxford is building more houses

Summary of Objections

- Support the need for more housing but not on this site.

- This is not a "redundant sports field and car park" and has not been shown to be surplus to requirements for sport and recreation.

- The site is protected open-space; it is preferable to retain the site formally as open space for the well-being of the community which it serves. Open spaces are essential as part of a balanced urban environment and are vital to maintain local ecosystems and biodiversity.

- The proposed replacement recreation facilities are inadequate and unacceptable and it is preferable to retain the potential of the entire site to provide for open-air sport and recreation. The site should be opened up and made into a valuable local amenity. The site should be compulsory purchased to provide additional recreation space for local residents.

- Housing should be delivered within the context of the adopted local plan; the delivery of housing should be sustainable and should not override all other planning considerations

- The proposed housing is not affordable; local key workers would not be able to afford these flats; only social housing and key worker part-rent part-buy are likely to make an impact on the real housing needs of Oxford's people.

- The mix of units does not meet the city council's local plan requirements.

- There are no balancing reasons or mitigating circumstances why housing should be allowed on the site

- This is over development of the site. Existing houses in the vicinity would be overlooked by the new development. Four-storey buildings would block out

the light for surrounding buildings and would be bulky overbearing unattractive and un-neighbourly.

- Overlooking the school would create a safeguarding issue for children at school; it is a clear violation of the children's privacy. The noise dirt dust and disruption of the construction would harm the children's education. The school should buy this site and make use of it for recreation or other expansion.

- There is the possibility of increased flooding in this area due to more building

- There would be a dramatic increase in traffic and on-street parking in what is already a very congested area. It is unrealistic and naïve to suppose that couples inhabiting a one bedroom flat would have one car let alone none. The traffic impacts of the new development, combined with the traffic impacts of Tyndale School, which are greater than expected, and including air pollution, are too great and local roads would not cope.

- This proposal would only be acceptable if it were "Car Free" and supported by developer funding for a controlled parking zone that would not permit the residents to park anywhere nearby.

- In relation to this site there has been a campaign of attrition designed to exhaust local community's opposition

- The large number of comments in support of the application would appear to relate to social housing in general, made without reference to the planning issues affecting this particular site and made by members of the public who do not live nearby and are unfamiliar with the planning issues of this particular site.

Relevant Site History

02/02046/FUL - Demolition of Morris Motors Sports and Social Club buildings, two houses, garages and outbuildings. Retention of sports ground and bowling green. Erection of new sports and social club (became the Lord Nuffield Club). Erection of 63 dwellings accessed from Barracks Lane with 97 car parking spaces (now William Morris Close); 11 houses fronting Crescent Road; and 21 flats with 32 car parking spaces accessed from Crescent Road (now Beresford Place). PERMITTED 8th December 2004.

12/02935/FUL – conversion of The Lord Nuffield Club building to a Free School with outdoor play area on adjacent land. Planning permission GRANTED following a call-in inquiry (hearing), and now the Tyndale Community School which opened in October 2013.

12/02967/FUL - Construction of two all-weather playing pitches, plus a new residential development consisting of 43 dwellings - 6 x 1 bed flats, 15 x 2 bed flats, 6 x 3 bed flats, 13 x 3 bed houses and 3 x 4 bed houses, together with access road, parking, landscaping etc. accessed off Barracks Lane. 50% of the dwellings to be affordable. REFUSED 18th March 2013.

The reasons for refusal concerned:

i. *unacceptable development of a protected open air sports facility and local green space;*
ii. *all-weather mini-pitches not an acceptable alternative sports provision;*
iii. *development on a site which is not allocated for development in an adopted plan and which is not needed to meet NPPF 5 or 10 year housing land availability requirements;*
iv. *overdevelopment and unacceptable design and layout of the housing proposals;*
v. *loss of amenity to adjacent properties;*
vi. *poor relationship to boundary trees; and,*
vii. *failure to meet sustainability and resource efficiency requirements.*

An appeal was lodged but then withdrawn

13/01096/FUL - Construction of two all-weather pitches, plus new residential development consisting of 40 dwellings - 6 x 1 bed, 15 x 2 bed, 15 x 3 bed and 4 x 4 bed residential units, 71 car parking spaces, access road and landscaping accessed off Barracks Lane (Amended plans)(Amended Description). 50% of the dwellings to be affordable. REFUSED 18th September 2013.

The reasons for refusal in that case concerned:

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

Appeal (public inquiry) dismissed 11th February 2014 *(Decision attached as Appendix 2) the Inspector concluded that the land has value to the local area and potential to provide for open air sports facilities; the all-weather pitches would not add value to the character of the area; and community access would be limited. The site is not allocated for housing and the proposal conflicts with the Council's strategic approach to development albeit there was significant weight in favour of the scheme arising from the high proportion of affordable housing.*

13/02500/OUT - Outline application (seeking access, appearance, layout and scale) for residential development consisting of 40 dwellings - 6 x 1-bed, 15 x 2-bed, 15 x 3-bed and 4 x 4-bed residential units, together with 70 car parking spaces, access road and informal recreation area. 63% of the dwellings to be affordable; contribution offered of £250,000 towards leisure provision elsewhere in Oxford. REFUSED 11th December 2013

The reasons for refusal in that case concerned:

i. *the site not allocated for development in an adopted plan and which is not needed to meet NPPF 5 or 10 year housing land availability requirements; and,*
ii. *unacceptable development of a protected open air sports facility and local green space.*

14/01670/OUT - Outline application for the erection of 7 new dwellings on car parking area only. REFUSED 14th August 2014

The reasons for refusal in that case concerned:

i. *unacceptable development of part of a protected open air sports facility and local green space, development on a site which is not allocated for development in an adopted plan and which is not needed to meet NPPF 5 or 10 year housing land availability requirements;*
ii. *design;*
iii. *overlooking.*

Appeal (written representations) dismissed 5th May 2015 *(Decision attached as Appendix 3) the Inspector concluded that there was still a need to protect the site for open space uses and this would not be outweighed by the contribution to housing provision. The development would compromise the quality of the character and appearance of the area.*

15/02402/OUT - Outline application (fixing access only) for 45 residential units consisting of 4 x 1-bed flats, 14 x 2-bed flats, 10 x 3-bed flats, 10 x 3-bed houses and 7 x 4-bed houses. Provision of private amenity space, 79 car parking spaces, access road, landscaping and public recreation space. **DECLINED TO DETERMINE** 11th November 2015 (because the Secretary of State had dismissed an appeal within the last 2 years in respect of a similar application).

16/00797/OUT - Outline application for 45 new dwellings (4 x 1-bed flats, 14 x 2-bed flats, 10 x 3-bed flats, 10 x 3-bed houses and 7x 4-bed houses) together with private amenity space, parking, access road, landscaping and new publicly accessible recreation space, (all matters other than access reserved). £450,000 contribution to leisure and recreation provision elsewhere in the City also offered. REFUSED 14th December 2016

The reasons for refusal in that case concerned:

i. *the site not allocated for development in an adopted plan and which is not needed to meet NPPF 5 or 10 year housing land availability requirements; unacceptable development of a protected open air sports facility and local green space;*
ii. *adverse relationship to trees and unresolved highway issues.*

THE SITE AND SURROUNDINGS

1. The site is located within a primarily residential area accessed from Barracks Lane via William Morris Close. It is bounded to the south, west and east by residential development (Crescent Close; properties in and accessed off

Crescent Road including Beresford Place; properties fronting Hollow Way including Hopkins Court; and William Morris Close). It is bounded to the north by the open air facilities of the Tyndale Community School. The site access via William Morris Close off Barrack's Lane also gives access to Tyndale Community School.

2. The site extends to 1.24ha. It is an open air sports field and associated car park which is fenced to prevent public use and not in use privately. It has a public footpath passing through it joining William Morris Close with Crescent Road via Beresford Place.

THE PROPOSAL

3. The application stresses that this is intended to be a collaborative scheme, one that has thus far been co-created with councillors and officers. A request for pre-application advice was not however submitted; and no such planning advice has been given.

4. The applicant is a social innovation company called Openwell LLP. Openwell takes the view that meeting the housing needs of key workers in Oxford (for example nurses, teachers, mid-wives) is fundamental to the future of the City. In that context, Openwell states that it is seeking to develop collaboration between local government, employers, institutions, communities, architects and land owners in order to find new solutions and create more affordable housing. Openwell has created a brand called Oxford Smart Housing as the vehicle for this planning application. The owners of the site (Cantay Estates Ltd) have given Openwell permission to seek planning permission on the site. Oxford Smart Housing is working in collaboration with Danish architects, E + N.

5. The application is in outline with all matters reserved, access is however shown to be from William Morris Close. The proposal is to construct 72 one-bed flats each of approximately 50m^2 and designed to be suitable for single people or couples.

6. The indicative drawing shows flats constructed in six flat-roofed blocks of varying heights on a footprint of some 20% of the 1.24ha site. The blocks are shown in an informal arrangement around a central open space with green margins around all the blocks. A curving access road serves all the blocks. A 4-storey, 16-unit block is shown in the south-western corner of the site adjacent to the car park and lying north of the Beresford Place flats (which are 3 stories with a dual pitched roof); three 3-storey 12-unit blocks are shown along the eastern side of the site; a 3-storey 12-unit block is shown in the north-western corner of the site in proximity to 2-storey houses in William Morris Close; and a 2-storey 8-unit block is shown on the northern boundary of the site adjacent to the school car park and play area.

7. Landscaped green space is shown around the blocks which would be managed by Oxford Smart Housing, of which over 0.25ha would be publicly accessible. Existing trees on the site boundary would be retained and augmented by

additional native tree planting. A water feature would be incorporated as part of the SuDS approach, for biodiversity and as a visual feature.

8. Sustainable design would be encapsulated in the use of green roofs, natural heat and light, energy efficiency measures, and off-site modular construction. Renewable energy sources are not proposed.

9. 72 car parking spaces would be provided (one for each unit) in a single parking area shown where there is an existing parking area on the site which would be extended. The application makes reference to the sustainable location of the site in sufficiently close proximity to bus and cycle routes and being close enough to major public sector employers (the hospitals) for residents to walk to work.

10. The indicative layout does not show cycle parking or bin storage/recycling facilities.

11. Tenure would be exclusively intermediate affordable housing for key workers to rent or own at 20% below market prices - under current market prices this would equate to purchase prices between £160k and £185k or rented at £700-£850 per month. There would also be opportunities for shared ownership. Through restrictive covenants and the oversight of the management company this arrangement would be in perpetuity and, Openwell asserts, would not set an unhelpful precedent for housing development on the site. There would be no general market housing or affordable units on the site. Local key workers could be given preference to enable high rates of walking or cycling to work and minimise traffic.

12. For ease of reference, the Council's adopted Sites and Housing Plan contains the following definitions:

    Key worker: the broad definition of key worker is someone employed in a frontline role delivering an essential public service where there have been recruitment and retention problems. The definition of a key worker which applies in Oxford is any person who is in paid employment solely within one or more of the following occupations:

    - NHS: all clinical staff except doctors and dentists
    - Schools: qualified teachers in any Local Education Authority school or sixth form college, or any state-funded Academy or Free School; qualified nursery nurses in any Oxfordshire County Council nursery school
    - Universities and colleges: lecturers at further education colleges; lecturers, academic research staff and laboratory technicians at Oxford Brookes University or any college or faculty within the University of Oxford
    - Police & probation: police officers and community support officers; probation service officers (and other operational staff who work directly with offenders); prison officers including operational support
    - Local authorities & Government agencies: social workers; occupational therapists; educational psychologists; speech and language therapists; rehabilitation officers; planning officers; environmental health officers;

Connexions personal advisors; clinical staff; uniformed fire and rescue staff below principal level

- Ministry of Defence: servicemen and servicewomen in the Navy, Army or Air Force; clinical staff (with the exception of doctors and dentists).

Key worker housing: Housing that includes a condition of tenancy or lease that all least one full-time occupier of each unit or sub-unit must, at the point of that person's first occupation, be a key worker as defined in this document. Key worker housing can also be social rented housing, or intermediate affordable housing, but only if it complies with the definitions for affordable housing. This may be in the form of self-contained units or shared accommodation.

Affordable housing: Dwellings at a rent or price that can be afforded by people who are in housing need and would otherwise be accommodated by the City Council.

Social rented housing: homes that are let at a level of rent generally set much lower than those charged on the open market, available to those recognised by the Council as being in housing need, and offering long term security of tenure (through Secure or Assured tenancies). The rent should currently be calculated using the formula set out in Appendices C and D of Housing Corporation Circular 27/01 – Rent Influencing Regime – Implementing the Rent Restructuring Framework. Should this circular be revoked at any time, the City Council would use a weekly rent figure equivalent to 30% of the lower quartile net income (after deductions) for full-time employees working in Oxford, pending any revised formula adopted or supported by the Council.

Intermediate affordable housing: housing at prices and rents above those of social rent, but below market prices or rents. These can include shared ownership, affordable rented housing and intermediate rent. The Council will consider the suitability of other forms of intermediate housing, such as low-cost market housing, in light of its genuine affordability to those in housing need. (Key worker housing is defined separately from intermediate affordable housing.)

Shared ownership housing: a form of intermediate affordable housing which is partly sold and partly rented to the occupiers, with a Registered Provider (normally a housing association) being the landlord. Shared ownership housing should normally offer a maximum initial share of 25% of the open market value of the dwelling. The annual rental charges on the unsold equity (share) should be no more than 2.75% of this share.

Affordable rented housing: rented housing that has similar characteristics as social rented housing (see below) except that it is outside the national rent regime, thus subject to other rent controls that require it to be offered to eligible households at a rent of up to 80% of local market rents, on a minimum 2-year fixed-term tenancy. Providers will be expected to consider the Local Housing Allowance for the area, and any cap on total household benefit

payments, when setting rents. Affordable rented housing not the same as social rented housing, and cannot therefore be substituted for social rented.

DETERMINING ISSUES

13. Officers' consider the principal determining issues in this case are:

- principle of development: meeting housing needs - should key worker housing be given greater priority than affordable housing that meets the needs of those in greatest housing need in the city?;

- principle of development: loss of protected open space – should the provision of key worker housing outweigh the site's protection as an open space?;

- quantum of development – do the indicative drawings demonstrate that the site has the capacity to accommodate the proposals in a satisfactory way?;

- low carbon homes; and

- other site specific issues.

Principle - affordable housing and key worker policies

14. The adopted Core Strategy sets out Key Challenges for spatial planning. The overriding challenge (para 1.3.6) is to meet essential needs and to determine which other needs can be met within Oxford's restricted land supply.

15. The Core Strategy states that the foremost issue is to tackle homelessness and the affordability gap by increasing the supply and choice of housing especially affordable housing; and secondly to ensure that key sectors of the economy (including the universities and hospitals) can continue to thrive (para 1.3.7). A further key challenge is to improve health and social inclusion by ensuring that development benefits all of Oxford's communities (para 1.3.9). Linked to all of this is the challenge of ensuring that development does not prejudice the outstanding quality of Oxford's built and natural environment (para 1.3.8).

16. The vision for housing development which is drawn from these challenges is to maintain a balanced housing supply which focusses on providing more affordable and family homes in mixed communities with a sense of place and local identity (page 22). The strategic objective is to plan for an appropriate mix of housing tenures, types and sizes to meet existing needs and future growth (page 24).

17. Policy CS23 of the Core Strategy requires housing development to provide a balanced mix of housing to meet projected needs (within each site and across the City as a whole). The appropriate mixes are determined following detailed analysis at neighbourhood level and are set out in the Balance of Dwellings SPD (BoDS). Policy CS24 states that residential developments should provide a minimum of 50% affordable housing.

18. The role of and need for Key Worker housing (which, in line with the definitions above, is distinguishable from affordable housing) is acknowledged in paragraph 7.2.7 with the conclusion drawn that it will be *"supported where its provision is in addition to the required level of affordable housing".*

19. The policies of the adopted Sites and Housing Plan (SHP) are based on housing objectives including: (i) to increase the supply of affordable housing reflecting local demand for different types of tenure; (ii) to improve the balance of accommodation types across the city; and (iii) to deliver high quality design and enhance or preserve the existing character and amenity of residential areas. Policy HP3 of the SHP requires large sites to deliver 50% affordable housing of which 80% is to be social rented with the remaining 20% intermediate housing.

20. These policies, their implementation and outcomes are kept under review through annual housing and economic monitoring, housing market studies, and other relevant housing data including the Housing Register for Oxford.

21. The strategic vision, objectives, policies and implementation of the Core Strategy and Sites and Housing Plan are evidence-based, adopted and up to date. They accord with the NPPF at paragraph 50 which requires local authorities to plan for delivery of a wide choice of homes in inclusive mixed communities; with affordable housing normally provided on-site; and with flexibility to take account of changing market conditions over time.

22. In summary Oxford has a huge housing need and because of the shortage of land available for housing (when balanced against competing uses needed for employment, services and for the wellbeing of its residents) the City Council prioritises housing for those households in greatest need. 50% affordable housing is therefore required on all large sites: of which 80% must to be for social rented housing, and 20% for intermediate housing (as defined in the SHP). Key worker housing which does not meet the definition of affordable housing would only be accepted if it is in addition to the required level of affordable housing. Housing should be developed according to the mixes of dwelling types set out in the Balance of Dwellings SPD which, in respect of East Oxford states that a high proportion of family dwellings should be sought in new developments (para 81).

23. This proposal does not include a mix of dwelling types and makes no provision for affordable housing. A mixed and balanced community which contributes to meeting the most pressing housing needs of the city would not result from this proposal. It is therefore contrary to Policies CS23 and CS24 of the Core Strategy and Policy HP3 of the SHP, and does not comply with the BoD SPD.

24. The applicant and some of the representations in support of the application challenge the Council to be courageous and innovative and to allow this proposal contrary to policy on the basis that:

    i. the site is in a very degraded state and with no prospect of the owner returning it to recreational use. A sustainable redevelopment is urgently required; and that,

ii. key worker housing should be given greater priority than affordable housing. The Council's housing policies are said to be flawed and not to produce the intended outcomes. Without submission of any credible local research the applicant asserts that key workers on modest wages make Oxford's knowledge economy possible, they are 'key' in running the institutions that make Oxford successful, and fundamental to the future of the city.

25. In response officers can demonstrate that the Council's housing policies are up to date and relevant to current circumstances, and supported through regular research and monitoring. The site should be retained for its potential to serve local recreational needs as discussed below. There is no case, on the submitted evidence, for giving greater priority to key worker housing over and above meeting affordable housing and local recreational needs. There is therefore no case for approving this proposal contrary to adopted housing policies.

Principle – open space and housing land supply issues

The need for this site to be retained as open space

26. The NPPF states that planning decisions should be plan-led (paragraph 11) and that there is a presumption in favour of sustainable development (paragraph 14). It sets out the need for local authorities to boost significantly the supply of housing (paragraph 47) but also that existing open space, sports and recreation land (whether publicly or privately owned) should not be built on unless the land is surplus to requirements or the loss could be replaced by equivalent provision or by other sport or recreation development (paragraph 74).

27. Sport England has considered the application in the light of the NPPF and their policy on planning applications affecting playing fields 'A Sporting Future for the Playing Fields of England' which applies to any land in use as playing field or last used as playing field, irrespective of whether that use ceased more than five years ago. Sport England opposes granting planning permission for any development which would lead to the loss of, or prejudice the use of, all or any part of a playing field or land last used as such, unless one or more of five exceptions stated in its policy apply: in this case Sport England has concluded that none of those exceptions apply.

28. The site is currently green open space with associated car parking. At the local level it is protected by Policy SR2 of the adopted Oxford Local Plan 2016 which states that planning permission will not be granted for development that would result in the loss of open-air sports facilities where there is a need for the facility to be retained or the open area provides an important green space for local residents. Complementary to this, Policy CS21 of the adopted Core Strategy 2026 identifies the Council's aspiration to achieve and maintain an average of 5.75ha of public accessible green space per 1,000 population. This is to be achieved by refusing the grant of planning permission that would result in the loss of sports and leisure facilities.

29. The subdivision of the site through the introduction of fencing that presently

precludes public access, does not change the status of the site for planning purposes (recreational open space) or its planning policy protection. Sport England advises that lack of use should not be seen as necessarily indicating an absence of need for playing fields in the locality. Such land can retain the potential to provide playing pitches to meet current or future needs. This position was upheld in the 2014 and 2015 appeal decisions, which confirmed that both the open space and car parking areas of the site are recreational open space, and that the policy protection afforded by Policies SR2 and CS21 should be applied to them.

30. The SR2 designation originally sought to protect a wider area and has already been reduced in size by new developments:

    iii. in 2004 when the redevelopment of the former Morris Motors Club was allowed as a balanced decision in order to enable the upgrading of recreational facilities offered even though there was a reduction in the open space available on the site; and,

    iv. in 2013 when approving the change of use of the former Lord Nuffield Club (the club building and part of the playing field) to a free school, the Secretary of State accepted that the area of playing field would be diminished in size (by 27%) but considered that the integrity and viability of the retained area (the current application site) as open space would not be compromised.

31. Subsequently Inspectors determining two recent planning appeals on the whole of the current site (2014) and the car parking part of the current site (2015) have supported the need to protect the site for open space uses.

32. The site retains the physical capability to be used as an open air active recreational resource even though it cannot accommodate full-sized adult pitches. In relation to previous housing applications on the site, Sport England has commented that within the City there are current and latent demands for pitch sports which this retained open space could help to satisfy. Evidence has also previously been provided that the site could help to meet the demand for football mini-pitches and for football-specific Artificial Grass Pitches.

33. The current application proposals would result in the loss of 80% of the site to development but the applicant has not put forward evidence that the site is clearly surplus to requirements for open space, sports or recreation. This evidence is a requirement of the NPPF and adopted local policies. The applicant argues instead that the lack of public access means that the site is not a public open space resource, and that the fencing precludes its utility as a visual amenity; that the 20% of the site area proposed to be retained as a landscaped open space (0.24ha) would be open to the public and can be used for formal and informal sport.

34. In the view of officers, the site is not surplus to requirements because there are identified outdoor sports and recreation needs in the locality that this site can help to serve; there is an identified substantial shortfall of public open space in this

area, with only approximately 2.95ha per 1000 population compared to the target 5.75ha per 1000; and there is a need to retain the site as a valued green space within this relatively densely developed part of the City. Local people have given evidence of the value they place on this site for recreation and as a green space. The recreational needs of the area have not diminished since the recent consideration of site for development by the Secretary of State, Inspectors and the Council.

35. As part of the emerging local plan process, evidence about the need and supply of public open space would be updated, however there are no indications that the position would have improved. More likely, bearing in mind development in the local area in recent years, the ratio is likely to worsen: the need for open space would be even stronger in this part of Oxford as there is a greater number of residents and a relatively smaller amount of open space.

36. The retention of only 0.24ha of the site as open space, which is only 20% of the area which Inspectors have recently concluded should be protected as open space, is not sufficient to serve the identified needs of the area.

37. Moreover, while accepting that that the proposed 0.24ha open space would be freely open to the public, its utility to serve the wider identified recreational needs of the locality is questionable. It would be central to the new blocks of flats. It would undoubtedly be an attractive visual amenity for the housing surrounding it, and of great importance for informal recreation for immediately local residents. Its use for sport and recreation for an incoming user group from the wider community however would be limited by the competing demands for the space including changing and the noise nuisance caused to residents that formal sports might cause in such an enclosed area. There would be no scope for floodlighting. Sport England has commented that the proposed recreation spaces are all very close either to proposed housing or to existing housing which, without sufficient space to play ball sports, could lead to conflict with residents and are not adequate replacement for what would be lost from the site. The proposal results in the loss of an existing playing field that could be used by the existing community.

Housing Land Supply

38. The NPPF requires local planning authorities, through local plan-making and decision-making, to boost the supply of housing significantly, to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities. The NPPF also stresses that the planning system is plan-led and that planning decisions should be taken in accordance with up to date plans unless material considerations indicate otherwise. The Council's local plan is up to date albeit currently the subject of review.

39. Through its adopted policies (Core Strategy CS2 and CS24, and policies of the Sites and Housing Plan) and through its planning decisions the Council demonstrates that it accords great weight to meeting housing needs but it is well understood that Oxford cannot achieve the whole housing requirement within its area. Through monitoring, the rate of delivery of housing is also understood.

These issues are being addressed through the Oxford Local Plan Review which is in progress and through on-going housing market work.

40. The Council affords great weight to the valuable contribution that this scheme could make to the total supply of housing in the city in the short term. However the Council is currently able to demonstrate an acceptable housing land supply in accordance with the requirements of the National Planning Policy Framework, and there are no overriding housing land supply or housing delivery reasons why this site should be developed as proposed when it is still needed to serve green open space needs and is protected as such.

41. This approach is supported by the 2014 and 2015 appeal decisions on the application site: the Inspectors concluded that the benefits of those schemes in terms of the delivery of affordable units did not outweigh the need to continue to protect site as an open space.

42. No other balancing reasons or mitigating circumstances are apparent which would predicate housing development on this site and it can therefore be concluded that there is no overriding need for housing development to take place on it.

Conclusion on protection of open space

43. In all these circumstances, the recommendation is that this site should continue to be retained as a whole as open space to help serve the recreational needs of this part of Oxford and as a green space which can contribute to the character of the area and the quality of life.

Quantum of Development and Residential Amenity

44. The NPPF requires that local authorities seek high quality design and a good standard of amenity for all existing and future occupants of land and buildings. It suggests that opportunities should be taken through the design of new development to improve the character and quality of an area and the way it functions. Policies CP1, CP6 and CP8 of the Oxford Local Plan, together with Policy CS18 of the Core Strategy and Policies HP9, HP13 and HP14 of the Sites and Housing Plan in combination require that development proposals incorporate high standards of design and respect local character.

45. This is an outline application with all matters reserved. While wishing to see the best use of the site's capacity were it to be recommended for approval, the indicative drawing raises concerns about the capacity of the site to achieve this level of development if national and adopted local design policies are to be achieved. Indeed the submitted illustrative drawings differ in terms of layout and quantum (some drawings show 7 blocks with no access roads within the site). The subsequent analysis is based on a drawing showing 6 blocks with a curved access road within the site giving access to the individual blocks.

46. The development surrounding and abutting the site is a mixture of modern 2-storey and 3-storey dual pitched roofed residential properties in close proximity to

the western and southern boundaries; and, on the eastern boundary, mostly early 20th century 2-storey dual pitched housing fronting Hollow Way with long back gardens to the site. Tyndale School, adjacent to the northern boundary, is housed in an imposing 2-storey building of large mass and bulk. The site itself is featureless save for boundary trees along the eastern boundary and in the south-east corner. The site is level but with a slightly upward, southward sloping landform. In this context a 'campus' style development of 3 storey blocks is likely to create a development of visual interest and distinctive character if the blocks are appropriately located and their external appearance carefully detailed particularly in respect of materials and the positioning of windows and other openings to prevent overlooking into adjacent residential properties. 4-storey blocks are likely to be too prominent and jarring in the context of the surrounding properties.

47. While the principle of campus style development may prove to be acceptable, the indicative drawing does not show an acceptable layout – improving the layout may affect the quantum of development that is possible if an attractive, spacious, campus style of development with sufficient shared amenity space and retained recreational facilities for the wider area is to be generated:

    i. the rationale for the layout of the blocks shown in the indicative drawing is not explained in the application and alterations may be required to create acceptable relationships between the blocks themselves, between the blocks and the adjacent development, and to achieve greater natural lighting and sunlight to certain of the units. There appears to be a poor relationship between the 3-storey unit adjacent to existing 2-storey housing in William Morris Close: the flats are likely to be too close to the housing and may overlook and overbear it;

    ii. there is no provision at all for covered, secure cycle storage (144 cycles), nor for any waste and recycling storage. Housing these facilities is likely to require significant structures which may affect the quantum and appearance of the development that can be accommodated on the site;

    iii. the car park, although accommodating an acceptable number of spaces (policy HP16 of the SHP) is remote from the flats, separated from them by a public footpath which gives access to Crescent Road, with little natural surveillance and with no landscaping – this is not an acceptable design and may lead to indiscriminate parking along the access road. A greater proportion of the site may be required to create an acceptable car parking solution with landscaping – a more dispersed parking layout may be required relating the parking spaces to the dwellings which they are intended to serve;

    iv. the relationships of the blocks to the boundary trees needs careful site planning to safeguard the trees and prevent trees overshadowing and obscuring light penetration into rooms; and,

    v. the Highway Authority, while not objecting to the principle of the

development has raised concerns which may impact on the capacity of the site, namely:

a. in order to retain permeability through the site, it needs to be demonstrated that the pedestrian and cycle access between the south-west of the proposed development and Crescent Road can be provided and upgraded via third party land within Beresford Place;

b. vehicle tracking analysis is required which shows that Fire Engines and refuse collection vehicles can safely enter and exit the development in forward gear.

48. For these reasons it is considered that it has not been demonstrated that 72 dwellings can be accommodated satisfactorily on this site in accordance with adopted policies.

49. The units themselves, 1-bed units at 50m^2, meet the Council's standards for internal amenity as set out in Policy HP12 of the SHP; and the amount of shared amenity space looks adequate in accordance with policy HP13 of the SHP although this amount and configuration may be eroded if other changes to the layout as described above are to be accommodated.

Low Carbon Homes

50. Policy CS9 of the Core Strategy and Policy HP11 of the SHP seek to minimise the carbon emissions of new developments. Policy HP11 requires large scale residential developments to include at least 20% of their energy needs from on-site renewable or low carbon technologies unless it can be robustly demonstrated that such provision is either not feasible or makes the development unviable.

51. The application does not include renewable or low carbon technologies and does not meet the policy requirements.

Other site specific issues

52. Local consultations have been carried out concerning air quality, land quality, archaeology, ecology and drainage. No objections have been raised to the principle of this development subject in most cases to conditions were the application otherwise to be recommended for approval.

Conclusion:

The East Area Planning Committee is recommended to refuse the application on the grounds that (i) the proposals make no provision for affordable housing or a balanced mix of dwelling types; (ii) the site is not allocated for housing and should be retained as an open space for recreation and for its value as a green space; and (iii) it has not been demonstrated that the quantum of development proposed can be achieved satisfactorily in accordance with adopted policies concerning design and residential amenity.

Human Rights Act 1998

Officers have considered the implications of the Human Rights Act 1998 in reaching a recommendation to refuse this application. They consider that the interference with the human rights of the applicant under Article 8/Article 1 of Protocol 1 is justifiable and proportionate for the protection of the rights and freedom of others or the control of his/her property in this way is in accordance with the general interest.

Section 17 of the Crime and Disorder Act 1998

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

Background Papers: 02/02046/FUL; 12/02935/FUL; 12/02967/FUL; 13/01096/FUL; 13/02500/OUT; 14/01670/OUT; 15/02402/OUT; 16/00797/OUT; 16/02651/OUT.

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