

EAST AREA PLANNING COMMITTEE

7th November 2018

Application number:	18/00870/FUL		
Decision due by	30th July 2018		
Extension of time	23 rd November 2018		
Proposal	Demolition of existing dwelling and erection of a 55 bedroomed care home with associated car parking, landscaping and infrastructure		
Site address	1 Pullens Lane, Oxford, OX3 0BX		
Ward	Headington Hill And Northway Ward		
Case officer	Felicity Byrne		
Agent:	Mr Roger Smith	Applicant:	C/O Agent
Reason at Committee	Major		

1. RECOMMENDATION

1.1. East Area Planning Committee is recommended to:

1.1.1. **refuse the application** for the reasons given in the report, and

1.1.2. **agree to delegate authority** to the Head of Planning, Sustainable Development and Regulatory Services to:

- Finalise the reasons for refusal as set out in this report including such refinements, amendments, additions and/or deletions as the Head of Planning, Sustainable Development and Regulatory Services considers reasonably necessary and issue the decision notice.

2. EXECUTIVE SUMMARY

2.1. This report considers the demolition of an existing mid -20th Century house within a large mature garden in the Headington Hill Conservation Area (CA) and erection of a 55 bed care home with associated car parking and hard and soft landscaping. The Report concludes that the development does not achieve a high quality design. The height, scale and massing and architectural form of the development would result in an excessively large, unduly prominent building that would not reflect the character and appearance of the site or the surrounding residential development and fails to achieve a high quality design response. The development would result in overdevelopment of the site taking into account the sites context, intensity of use and ratio of built form to overall plot size. It would neither preserve nor enhance the character and appearance of the CA.

- 2.2. The development would result in almost complete site clearance, including a significant number of trees and vegetation. Whilst the majority of trees on site are not of high quality, cumulatively they constitute significantly to the sites' garden setting and the green verdant and sylvan character and appearance of the CA. The proposed landscaping would be inadequate both in terms of plant species, semi-formal layout and due to the fact that there would be insufficient space to plant replacement trees of size and canopy spread to mitigate the loss of existing trees and vegetation, and as such there would be harm to the character and appearance of the CA.
- 2.3. The proposal would result in a more keen presence of development on Pullens Lane, including light spillage, which would not be mitigated by landscaping and would result in harm to the verdant rural appearance and quality of Pullens Lane and the character and appearance of the CA at this point. The proposed development would harm views from St Marys Tower towards the verdant green wooded backdrop of the City's Spires and the character of the CA and the setting of the listed Headington Hill Hall. The significant number of traffic movements generated by the development would harm the quiet, rural character and nature of this verdant rural lane to its detriment and result in unacceptable noise and disturbance to neighbouring residential amenities. It is considered that the development would give rise to a high level of less than substantial harm to the heritage asset. This harm is not outweighed by the public benefit of providing a care home in this case.
- 2.4. As Pullens Lane is a private road the highway is taken to be from the junction of Headington Road. In relation to the highways network the County Highways Authority has advised there would be no harm to the network at peak hours. There would be sufficient capacity at the junction. However, there would be a significant increase in vehicular movements throughout the day which would have the potential to cause conflict between the large number of pedestrians and cyclists using the narrow lane.
- 2.5. There would be a net loss of biodiversity that cannot be adequately mitigated by the proposed development and insufficient information has been submitted to determine the potential harm to known Protected Species on site. Insufficient information has been submitted to demonstrate that the development would result in an acceptable sustainable drainage design to ensure the effective and sustainable drainage of the site in the interests of public health and the avoidance of flooding. Insufficient information has been submitted to demonstrate that the development would not result in harm to air quality as a result of dust emissions.
- 2.6. In other matters, the amount of car parking spaces would fall below the maximum standard for this type of development, but cycle parking spaces should be increased. The proposal has demonstrated that the development would meet the Council's objective of 20% Carbon reduction.
- 2.7. Officers consider that the proposal would not accord with the relevant policies of the development plan. The development would fail to preserve or enhance the character and appearance of the Conservation Area in accordance with section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Weighing in the balance all material considerations arising from the proposed development the development should be refused in accordance with paragraph 12, 188-130 and 193-196 the National Planning Policy Framework.

3. LEGAL AGREEMENT

3.1. This application would not require a legal agreement.

4. COMMUNITY INFRASTRUCTURE LEVY (CIL)

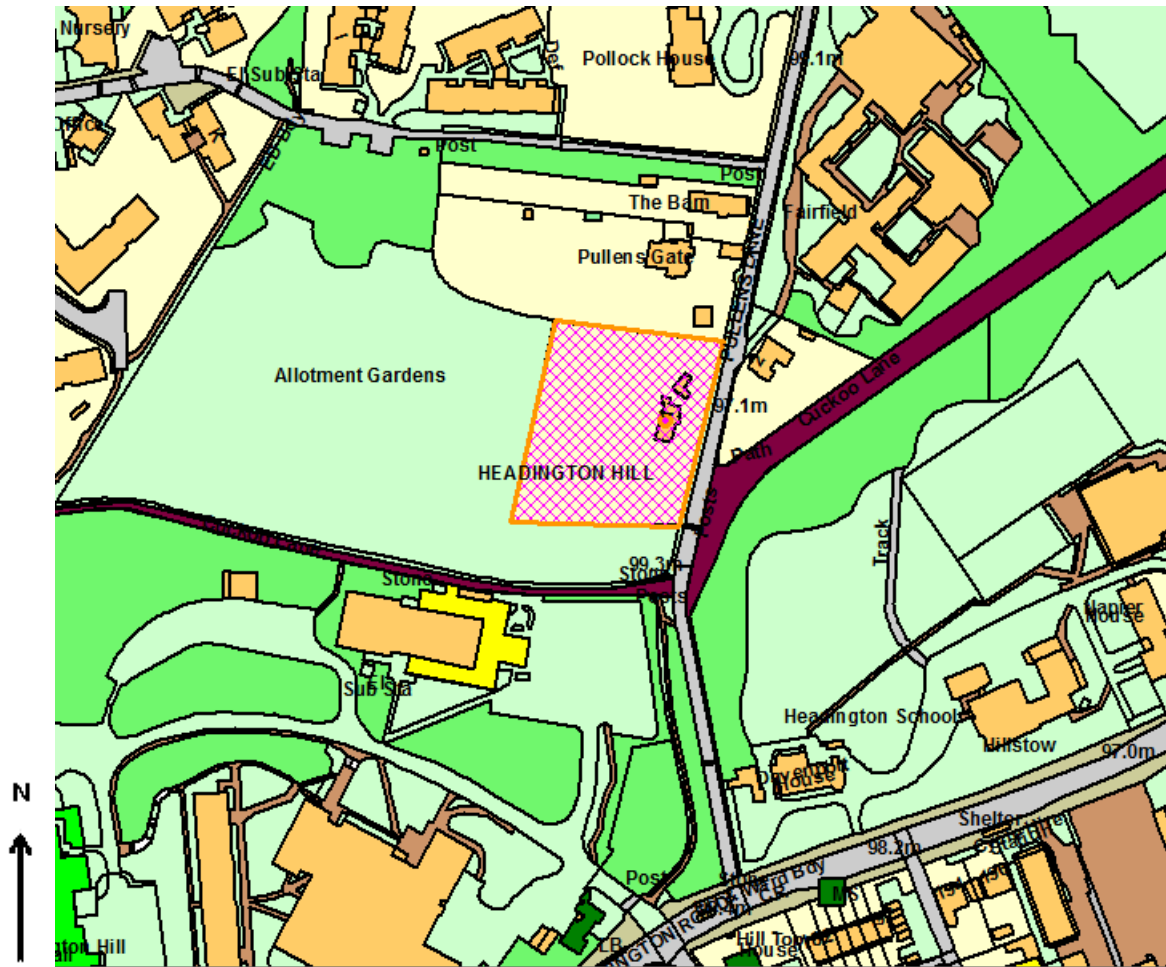
4.1. The proposal is liable for CIL amounting to £84,725.66.

5. SITE AND SURROUNDINGS

5.1. The application site consists of a detached two storey house constructed in the mid 20th Century with a detached garage set within a substantial overgrown garden and lined with trees on the boundaries. The site is located on Pullens Lane, a quiet narrow private road that adjoins Headington Road and is set within the Headington Hill Conservation Area. There is a single narrow access to the site at present through a gap in rather unkempt boundary vegetation and informal off-street parking space for a car.

5.2. The site itself features a relatively pronounced slope from east to west with allotments wrapping around the site's western and southern boundaries. To the east, on the opposite side of the lane, is the campus of the EF College, including residential accommodation. North of the site is Pullens Gate, a large residential property set discreetly within a well screened and verdant plot. The application site is situated just to the north of Cuckoo Lane, a footway that splits the conservation area and which runs from west to east up Headington Hill from Marston Road through to Headley Way. To the south of Cuckoo Lane is Headington Hill Hall, which is listed, and Headington Girls School.

5.3. See site plan below:



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6. PROPOSAL & BACKGROUND

6.1. The application proposes the demolition of the existing dwelling and garage and erection of a 55 bedroom care home facility set over three floors together with associated car parking and landscaping. The care home would provide for frail elderly persons and also those with dementia.

6.2. Two similar applications for a 55 bed care home have been submitted on this site. 14/00983/FUL was for 55-bedroom care home facility on three levels, together with 17 car parking spaces, landscaping and associated works. This was refused by the East Area Planning Committee for the following reasons in August 2014:

1. *Having regard to the overall scale of the proposed development and associated intensity of its use, the proposal would result in a physical overdevelopment of the site with inappropriate levels of traffic generation which would fail to preserve the quiet, verdant and rural character of the Headington Hill Conservation Area. As a consequence the proposals fail to respect the site's context and would give rise to significant harm to the special character and appearance of the Conservation Area contrary to the*

requirements of policies CP1, CP6, CP8, CP9, CP10, CP11, NE15 and HE7 of the Oxford Local Plan 2001-2016, policies CS2 and CS18 of the Oxford Core Strategy 2026 as well as policies HP9 and HP10 of the Sites and Housing Plan 2011-2026.

2. *As a result of its excessive size, rectilinear form and repetitive detailing, the proposed building would be out of character with the historic architectural styles of the Headington Hill Conservation Area and, to exacerbate matters, it would be unduly prominent within the surrounding area due to its close proximity to key site boundaries and inadequate retention of important soft landscaping features. Consequently the proposals fail to accord with the requirements of policies CP1, CP6, CP8 and CP11 of the Oxford Local Plan 2001-2016, policy CS18 of the Oxford Core Strategy 2026 as well as policy HP9 of the Sites and Housing Plan 2011-2026.*
3. *The proposed development would result in the net loss of a significant amount of vegetation and ecological habitat that makes a meaningful contribution to local biodiversity. The loss of such habitat has not been appropriately assessed to determine the significance of the loss and therefore gauge if the proposals adequately mitigate or compensate for the impacts. As a consequence it has not been demonstrated that the proposals would not have a net adverse impact on local biodiversity, and, as such, the development fails to accord with the requirements of policy CS12 of the Oxford Core Strategy 2026.*

6.3. In 2015 a new application, 15/03611/FUL, was submitted for a new 55 bedroom care home with associated landscaping, hardstanding and infrastructure. However Officers considered the proposed development had not addressed the reasons for refusal set out above and the application was withdrawn.

6.4. The Applicant under took further pre-application consultation with the Council following withdrawal of 15/03611/FUL in May 2016. During the pre-application discussion, Officers have continued to express concerns about the design in terms of appearance, scale and massing of the proposed development. The last letter of advice to the Applicant in January 2018 concluded:

“At the present time, whilst the design rationale appears to have taken on board our previous comments and provides some appropriate principles in order to develop the scheme, they have not been fully realised in the development of the building at this stage. As such the development would still fail to make a positive response to the character and appearance of this part of the conservation area. Therefore more work is needed to align the design rationale with the resultant design of the building.”

6.5. Unfortunately the Applicant did not seek to address these concerns prior to submitting the application.

7. RELEVANT PLANNING HISTORY

7.1. The table below sets out the relevant planning history for the application site:

52/00146/DO_H - Outline application for house. PERMISSION 8th July 1952.

53/02812/A_H - House and garage. PERMISSION 10th March 1953.

61/10760/A_H - Outline application for a dwelling house and garage for private car. PERMISSION 25th May 1961.

61/10910/A_H - Outline application for change of use from residential to convent and hostel for female students and outline application for extension on adjoining land. REFUSED 27th June 1961.

61/10911/A_H - Outline application for the erection of a convent and hostel for female students. REFUSED 27th June 1961.

61/10912/A_H - Change of use from residential to convent and hostel for female students and outline application for extension to existing building. REFUSED 27th June 1961.

63/13061/A_H - Conversion of existing garage in self-contained flat. PERMISSION 22nd January 1963.

65/16928/A_H - Outline application for one dwelling house and garage for private car. PERMISSION 14th December 1965.

73/01650/A_H - Two-storey extension to provide additional living accommodation. PERMISSION 8th January 1974.

14/00983/FUL - Demolition of existing house and flat. Erection of 55-bedroom care home facility on three levels, together with 17 car parking spaces, landscaping and associated works. REFUSED 20th August 2014.

15/03611/FUL - Demolition of the existing buildings and erection of a new 55 bedroom care home with associated landscaping, hardstanding and infrastructure. WITHDRAWN 11th May 2016.

8. RELEVANT PLANNING POLICY

8.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework	Local Plan	Core Strategy	Sites and Housing Plan	Other planning documents Headington Neighbourhood Plan
Design	117-123, 124-132	CP6 CP8 CP9 CP10	CS18_	HP9_ HP10_ HP12_ HP13_	GSP4 CIP1 CIP3

		CP11 CP13 CP14		HP14_	
Conservation/ Heritage	184-202	HE2 HE3 HE7 HE10			CIP2 CIP4
Housing	59-76		CS22_ CS23_ CS24_	HP1_ HP3_	
Commercial					
Natural environment	170-183	NE15 NE16 NE23	CS11_ CS12_		GSP3
Social and community	91-101		CS19_		
Transport	102-111	TR1 TR2 TR14	CS13_	HP15_ HP16_	Parking Standards SPD TRP3
Environmental	117-121 148- 165, 170-183	CP18 CP19 CP20 CP21 CP22 CP23 NE14	CS9_ CS10_		Energy Statement TAN
Miscellaneous	7-12	CP.13 CP.24 CP.25		MP1	

9. CONSULTATION RESPONSES

9.1. Site notices were displayed around the application site on 9th May 2018 and an advertisement was published in The Oxford Times newspaper on 10th May 2018.

Statutory and non-statutory consultees:

Oxfordshire County Council (Highways)

9.2. The development will bring a disused site back into use as a Care Home, which is welcomed. While the proposed use will result in an increase in pedestrian,

cycle and traffic movements from the site, it is recognised that a majority of the traffic movements are unlikely to occur during the road network peak hours due to the nature of the proposal and therefore will not result in a significant traffic impact. The development is accessed off a private road and therefore, the County Council is limited in the comments it can make regarding the impact of the development. However, given that Pullens Lane is used by members of the public, the County Council has reviewed the impact of the development on Pullens Lane and has made some recommendations for improvement. No objection is raised subject to conditions requiring details of drainage, Travel Plan, Construction traffic management plan. Detailed comments are as follows:

- 9.3. *Accessibility*: The site is situated within a highly accessible location by sustainable transport modes and is heavily used by pedestrians and cyclists. We note that currently there is an informal footpath alongside Pullens Lane near to its junction with Headington Road and that beyond this there is limited segregation between pedestrians and other traffic along the lane. With this in mind the County Council would recommend that pedestrian routes along Pullens Lane are improved where possible. However, the County Council recognises that Pullens Lane is a private road and that the potential for improvements may be limited.
- 9.4. *Site Access and Visibility*: The plans provided show 2 points of access to the development. It appears visibility from these accesses is obstructed by the tree line, due to the nature of Pullens Lane and the potential conflicts which may occur between vehicles and pedestrians/cyclists, the county council recommend the tree line is cut back and maintained. Ideally a plan would be submitted showing this however, as the lane is not public highway it is not within the county councils remit to enforce this matter. Similarly, Cuckoo lane is heavily used by pedestrians and cyclists and will be increased further once this is made into a cycle path. Visibility splays are not shown however, growth should be cut back and maintained from these access points to reduce risk to pedestrians and cyclists. Whilst these issues are not within the county councils control, it is important that pedestrian and cyclist safety is considered. To reduce risk of conflict, a one-way system through the site should be maintained with vehicles entering from the access to the South and exiting from the North to ensure vehicles will be beyond the Cuckoo Lane access points.
- 9.5. *Car Parking*: The proposal will provide 20 car parking bays on site to be shared between staff, residents and visitors. Whilst this provision is in line with the Parking Standards, Transport Assessments and Travel Plans SPD, any over flow could result in parking on Pullens Lane. This could potentially block access to the site and increase conflict with pedestrians and cyclists. The county council recommend some restrictions being put in place to ensure this does not occur.
- 9.6. *Cycle Parking*: The Transport Statement states that cycle storage will be provided for 12 bikes within the site and that this is in line with the Parking Standards, Transport Assessments and Travel Plans SPD. However, there is no cycle parking standard for Class C2 institutions within this document and therefore the principle of 1 space per 5 people should be adhered to. A minimum of 17 spaces should therefore be provided to encourage sustainable transport to the site. The cycle parking should be covered and secure.

9.7. *Traffic Impact:* The vehicle trip rates provided through TRICS are selected using appropriate criteria and are therefore accepted by the county council, they do however show approximately 117 trips a day, these will all be conflicting with the cyclists and pedestrians and show the need for visibility along Pullens Lane to be maintained. While the development will result in an increase in trips resulting from additional servicing or delivery requirements, it is not considered likely that the proposed development as a whole would result in a significant increase in vehicular traffic to the detriment of the safe operation of the highway network.

9.8. *Refuse:* The swept path analysis demonstrates tracking for a Phoenix 2 Duo refuse vehicle (the largest vehicle expected to require access to the site) can safely travel through the site. This follows the route previously recommended of entering the site through the South access and exiting to the North onto Pullens Lane. This should be retained as the route for refuse vehicles and visibility should be maintained in order for the refuse vehicles to safely manoeuvre through and exit from the site. The refuse store is appropriately located and easily accessible for collection.

9.9. *Travel Plan:* The travel plan submitted is for a residential care home and yet the introduction does not provide any information as to the level of care and the expected mobility levels of the clients. It is not clear who the travel plan has been written for. Staff movements have been highlighted throughout the document and at points visitor movements have been considered, but there is no mention of clients (bearing in mind the extent of this will depend very much on the mobility levels of the individuals). A travel plan should contain information about the whole community and outline specific relevant actions and initiatives for staff, visitors and clients to ensure that the overarching objectives of the travel plan can be met. There is no mention within the plan about the provision on site for ambulances, community minibuses or mobility scooters for which the County Council would expect to see within a travel plan for a care home. No information has been included about deliveries to the site.

NB: Detailed comments on the Travel Plan are not repeated verbatim here but available to view online.

9.10. *Construction traffic:* Due to the site's location in proximity to a key arterial and public transport route into the city and the constrained nature of Pullens Lane and Jack Straw's Lane near to the site, a Construction Traffic Management Plan (CTMP) will be required in order to mitigate the impact of construction vehicles on the surrounding network, road infrastructure and local residents, particularly at peak traffic times.

9.11. *Drainage:* The applicant has not submitted a flood risk assessment or drainage strategy but makes reference to documents from a previous application. As identified in section 1.6 of the submitted planning Statement dated March 2018. i.e. "1.6. In addition, a number of technical reports submitted in support of the earlier withdrawn application in December 2015 remain relevant to the site's consideration for the proposed use. These include the following, and are referred to as appropriate: Flood Risk Assessment (Morgan Tucker, October 2015)" The Lead Local Flood Authority needs to see these documents submitted

as part of the application in order to be able to comment. They suggested a cond

9.12. Updated comments have been received from the County following review of the submitted Drainage strategy as follows:

9.13. The County Council understand that the applicant does not appear to agree with the need for the LLFA recommended conditions to prove the viability of the drainage design.

9.14. The County Council also note that Thames Water have raised concerns with the capacity of both the surface water and foul water systems in the area.

9.15. On reviewing the submitted Surface & foul water drainage strategy' the County Council has concerns that it is not sufficiently developed to demonstrate that it will result in an acceptable sustainable drainage design and meet our recommended conditions as there is insufficient evidence to meet the following criteria to ensure the effective and sustainable drainage of the site in the interests of public health and the avoidance of flooding:

- Demonstration that the SuDS Management Train has been appropriately applied.
- Identification of a positive outfall for the drainage. For discharge to ground, this would include soakaway testing results; for discharge to a water body this would include landownership and other agreements; and for discharge to sewer this would include agreement of the maximum allowable discharge rates from the relevant sewerage provider.
- Demonstration that National Non-Statutory Technical Standards for SuDS have been met by the drainage design.
- A SuDS Management Plan which states who will own and maintain all elements of the drainage system, supported by a maintenance plan.
- If a traditional drainage solution is proposed, evidence to demonstrate why SuDS are not viable for the proposed development.

Natural England

9.16. *Statutory nature conservation sites:* Natural England has assessed this application using the Impact Risk Zones data (IRZs) and is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the New Marston Meadows SSSI has been notified. We therefore advise your authority that this SSSI does not represent a constraint in determining this application. Should the details of this application change, Natural England draws your attention to Section 28(l) of the Wildlife and Countryside Act 1981 (as amended), requiring your authority to re-consult Natural England.

9.17. *Priority Habitat as identified on Section 41 list of the Natural Environmental and Rural Communities (NERC) Act 2006:* The consultation documents indicate that this development includes an area of priority habitat, as listed on Section 41 of the Natural Environmental and Rural Communities (NERC) Act 2006. The

National Planning Policy Framework states that ‘when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity. If significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

9.18. *Green Infrastructure*: The proposed development is within an area that Natural England considers could benefit from enhanced green infrastructure (GI) provision. Multi-functional green infrastructure can perform a range of functions including improved flood risk management, provision of accessible green space, climate change adaptation and biodiversity enhancement. Natural England would encourage the incorporation of GI into this development.

9.19. *Protected species*: We have not assessed this application and associated documents for impacts on protected species. Refer to our Standing Advice.

9.20. *Local sites*: If the proposal site is on or adjacent to a local site, e.g. Local Wildlife Site, Regionally Important Geological/Geomorphological Site (RIGS) or Local Nature Reserve (LNR) the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local site before it determines the application.

9.21. *Biodiversity enhancements*: This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the National Planning Policy Framework. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that ‘Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity’. Section 40(3) of the same Act also states that ‘conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat’.

9.22. *Sites of Special Scientific Interest Impact Risk Zones*: The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires local planning authorities to consult Natural England on “Development in or likely to affect a Site of Special Scientific Interest” (Schedule 4, w). Our SSSI Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments likely to affect a SSSI.

Thames Water Utilities Limited

9.23. *Waste Comments*: Following initial investigations, Thames Water has identified an inability of the existing foul water network infrastructure to accommodate the needs of this development proposal. Thames Water have contacted the developer in an attempt to agree a position for foul water networks

but have been unable to do so in the time available and as such Thames Water request that a grampian condition be added to any planning permission requiring details prior to construction on the grounds that the development may lead to sewage flooding and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional flows anticipated from the new development. Any necessary reinforcement works will be necessary in order to avoid sewer flooding and/or potential pollution incidents.

9.24. *Surface Water:* Following initial investigations, Thames Water has identified an inability of the existing surface water infrastructure to accommodate the needs of this development proposal. Thames Water have contacted the developer in an attempt to agree a position for surface water networks but have been unable to do so in the time available and as such Thames Water request that grampian condition be added to any planning permission requiring details prior to construction on the grounds that the development may lead to sewage flooding and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional flows anticipated from the new development. Any necessary reinforcement works will be necessary in order to avoid sewer flooding and/or potential pollution incidents.

9.25. *Water Comments:* On the basis of information provided, Thames Water would advise that with regard to water network infrastructure capacity, we would not have any objection to the above planning application. Thames Water recommend the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development. The proposed development is located within 15m of our underground water assets and as such we would like the following informative attached to any approval granted. The proposed development is located within 15m of Thames Waters underground assets, as such the development could cause the assets to fail if appropriate measures are not taken. There are water mains crossing or close to your development. Thames Water do NOT permit the building over or construction within 3m of water mains. If you're planning significant works near our mains (within 3m) we'll need to check that your development doesn't reduce capacity, limit repair or maintenance activities during and after construction, or inhibit the services we provide in any other way.

9.26. *Supplementary Comments:* Thames Water would request that the developer confirm the proposed points of connection to the sewer systems to enable us to assess the impact to our network. We will not be able to comment on two [sic] proposals through planning.

Historic England

9.27. This site has a complex planning history in which planning permission was refused for an initial scheme and a revised scheme was submitted but withdrawn. The principal reasons for refusal of the first scheme were the impact

that a development of this scale would have on the quiet, verdant and rural character of the conservation area and that the design of the buildings proposed would be out of character with the area. The 2015 scheme created a more interesting building, but did not address concerns about scale.

9.28. The latest iteration of the scheme adopts a much more traditional architectural approach. While the stated aim is to fit better with the architectural character of nearby houses I do not think it succeeds in achieving this. Similar materials are used to nearby houses and similar devices, such as gables and bays, but these elements are greatly simplified and putting pitches around the perimeters of large flat roofs as proposed would not effectively hide the bulk of the building. The impression given is of a pale imitation of nearby 19th and early 20th century buildings rather than the confident contextual response which is needed here. The double height glazed link does not help matters. Glass may be transparent but it is not invisible and this element greatly adds to the apparent mass of the building while the juxtaposition of this very modern element with the traditional forms either side is uncomfortable.

9.29. Development of this scale would harm the significance of the conservation area as its tranquillity and verdant nature will be eroded. If the Council are willing to accept the principal of development on the grounds that the public benefits outweigh the harm this harm can only be justified if the design minimises the harm by being as sympathetic as possible to its context. At present the proposals do not achieve this and so we do not consider the requirements of paragraphs 132 and 134 of the NPPF to have been met. Furthermore, we do not think that the proposal fulfil the aspirations in the NPPF about good design as set out in paragraphs 57 and 64.

9.30. Historic England has concerns regarding the application on heritage grounds. We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 57, 64, 132 and 134 of the NPPF. In determining this application you should bear in mind the statutory duty of section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas and section 38(6) of the Planning and Compulsory Purchase Act 2004 to determine planning applications in accordance with the development plan unless material considerations indicate otherwise.

Public representations:

9.31. Local people commented on this application from the following addresses:

- Bickerton Road; 37
- Cotswold Crescent; 4
- Dougal Veale House; 3
- Feilden Grove; 2, 30
- Franklin Road; 46
- Harberton Mead; 4, 8A, 13, 14, 18
- Holmes Park; 2, 3
- Jack Sraws Lane; 50, 103, 111

- Pullens Lane; High Wall, The Barn, Brock Leys; Mendip House, Pullens End
- Pullens Lane Association
- Pullens Field; 1, 2, 4, 8, 14
- Rolfe Place; 2, 3, 5, 6, 7, 8, 9, 10

9.32. The following groups and organisations commented:

- RSPB
- Headington Hill Umbrella Group
- Oxford Preservation Trust
- Oxfordshire Clinical Commissioning Group
- Oxford Civic Society

9.33. In summary, the main points of objection were:

- Development is out of keeping with the Headington Hill Conservation Area (28)
- Development is against Headington Hill Conservation Area Appraisal Report (13)
- The Lane is not adequate – too narrow for traffic (23)
- Concerns over safety of cyclists/pedestrians using the lane (15)
- Proposed building is too large (11)
- Concerns on the removal of trees (approx.. 70%) (9)
- Proposed development is in the wrong location (5)
- Overdevelopment of the site (16)
- No changes to address reasons for refusal on previous application (19)
- Concern over the loss of vegetation; habitat; wildlife and ecology on the site (18)
- Increase in traffic using the care home (12)
- Mass and scale of development is unsuitable for the location (8)
- No pre-application consultation by developer (9)
- Misleading drawings on application to show more green space (4)
- Pollution concerns – construction dust; service vehicles to the care home (3)
- Impact on neighbouring allotments (1)
- Consideration needs to be given to biodiversity on the site (swift nest bricks) (1)

10. PLANNING MATERIAL CONSIDERATIONS

10.1. Officers consider the determining issues to be:

- a. Principle of Development;
- b. Design, Appearance and Impact on Heritage;
- c. Trees and Landscaping;
- d. Highway, Parking and Traffic Implications;
- e. Biodiversity;
- f. Impact on Neighbouring Properties;
- g. Flood Risk & Drainage;
- h. Energy Efficiency;
- i. Air Quality;
- j. Archaeology;
- k. Land Quality;
- l. Public Art.

a. Principle of development

10.2. The National Planning Policy Framework NPPF was revised in July this year and at the heart of it remains a presumption in favour of sustainable development, which should be approved without delay unless material considerations dictate otherwise.

10.3. Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions (para.117).

10.4. The Council does not have a specific policy within its development plan documents that relates to the provision of care homes or equivalent facilities, though it does of course have a significant number of policies that are relevant to assessing the effects of such a development. In this context policy CS2 of the Core Strategy (CS) seeks to concentrate new development on sustainably located previously-developed land and resists development on greenfield land unless specifically allocated in the Local Plan or to maintain a five year housing land supply. Residential gardens are not defined as previously developed land in both the Sites and Housing Plan (SHP) and the NPPF. Policy CP6 of the Oxford Local Plan 2001-2016 (OLP) requires development proposals to make an efficient use of land in a manner where the built form suits the sites capacity and is appropriate to its context.

10.5. Policy HP1 of the SHP is also considered of relevance to the assessment of the proposals. It states that planning permission will not be granted for any development that results in the loss of one or more self-contained dwellings. It is clear that this policy establishes a presumption against the development proposed as it would result in the loss of a dwelling. In considering application 14/00983/FUL for a similar 55 bed care home proposal, Officers took the view that the provision of a number of care beds would subsequently result in the freeing up of dwellings back onto the general housing market. Therefore they were of the view that the proposals would not conflict with overall aims of Policy HP1 such as to warrant opposing the development for this reason.

10.6. Of particular relevance is SHP Policy HP10 which relates to development of residential gardens and is material to development of this site. It states that permission will only be granted provided that:

- It responds to the character and appearance of the area of the area; taking into account views from public vantage points;
- The size of plot is appropriate in size and shape to accommodate the proposal including scale, layout and spacing of existing and surrounding buildings; and
- Any loss of biodiversity on site is mitigated, enhanced and improved where possible (superseded by the NPPF which requires it to be provided (see below))

10.7. Members should also be aware of the emerging Policy SP54 of the Local Plan 2016 – 2036 which states that permission will be granted for residential dwellings at 1 Pullens Lane and permission will not be granted for any other uses. Harm to biodiversity should be avoided, mitigated and or compensated for. The supporting text states, amongst other things, that proposals for the site should have regard to the quiet and rural character and appearance of the Conservation Area. Inappropriate levels of traffic generation must be avoided. The hedgerows should be retained where possible. This emerging policy means that in the future the principle of a care home on this site could be unacceptable. However at this stage, the Local plan is going out to consultation as of 1st November 2018 and therefore limited weight should be afforded to this policy commensurate with the stage of preparation in accordance with paragraph 48 of the NPPF.

10.8. In summary therefore, the principle of residential accommodation on this site is acceptable subject to considerations of design, appearance, scale, layout and no net loss of Biodiversity.

b. Design, Appearance & Impact on Heritage

10.9. The NPPF emphasises that high quality buildings are fundamental to achieving sustainable development and good design creates better places in which to live and work and helps make development acceptable to communities (para 124). It goes on to set out at para 127 that planning decisions should ensure developments:

- Function well and add to the overall quality of the area, during the whole of its lifetime;
- Are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- Sympathetic to local character and history, including the built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as densities);
- establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

- optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users⁴⁶; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience

10.10. However, permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.

10.11. Policy CS18 of the Oxford Core Strategy 2026 require proposals to demonstrate high-quality urban design that responds appropriately to the site and surroundings; creates a strong sense of place; contributes to an attractive public realm; and high quality architecture. The Local Plan expects new development to enhance the quality of the environment, with Policy CP1 central to this purpose and Policy CP8 encourages development to relate to its context with the siting, massing and design creating an appropriate visual relationship with the form, grain and scale of the surrounding area. This is supported by Policy HP9 of the Sites and Housing Plan. Policy GPS4 of the Headington Neighbourhood Plan (HNP) states that development will be permitted where its design responds appropriately to the site and the character of the surrounding area and again emphasises and supports CS18. HNP Policy CIP1 states that new developments will only be permitted where they respond to and enhance the distinctive local character where it is described in the Character Assessments. CIP2 identifies important views within the HNP, of which Cuckoo Lane is specially identified (view 8) as a historic footpath which merits protection. HNP CIP3 supports innovative design which accords with the local plan, takes account of local heritage and enhances the distinctive identity, character and setting in terms of scale, layout, density, orientation and massing.

10.12. In relation to the historic environment the revised NPPF requires proposals to be based upon an informed analysis of the significance of all affected heritage assets. In considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance (para 193). Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification (para 194).

10.13. Development proposals that would lead to substantial harm or result in total loss of the significance of a designated heritage asset should be refused unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm (para 195).

- 10.14. Development that would lead to a less than substantial harm, to the significance of a designated heritage asset but that harm would be less than substantial then this harm should be weighed against any public benefits the proposed development may offer, including securing its optimum viable use (para 196).
- 10.15. Section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires local planning authorities to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses and the character or appearance of any conservation area. In the Court of Appeal, *Barnwell Manor Wind Energy Ltd v East Northants District Council*, English Heritage and National Trust, 18th February 2014, Sullivan LJ made clear that to discharge this responsibility means that decision makers must give considerable importance and weight to the desirability of preserving the setting of listed buildings when carrying out the balancing exercise (of weighing harm against other planning considerations).
- 10.16. Oxford Local Plan Policies HE3 and HE7 seek to seek to preserve or enhance the special character and appearance of Conservation Areas and their settings and the setting of Listed Buildings. Policy HE10 of the Local Plan seeks to retain views of significance both within Oxford and from outside. It also adds that the green backcloth must be protected from any adverse impact. There are ten identified significant view cones which are considered to be a heritage asset as defined in the NPPF. Whilst the wording of these policies does not include the balancing exercise identified in paragraphs 195-196 of the NPPF and that they would therefore be deemed to be out-of-date with the framework, they would be consistent with the above-mentioned legal requirements of Section 66 and 72, and they must therefore carry considerable weight in the determination of this application.
- 10.17. HNP Policy CIP2 as set out above seeks to protect importance views and HNP CIP4 the seeks to ensure that development will only be permitted where it addresses the conservation and enhancement of the significance, character and any special architectural or historic features of significance the asset may possess.

The Site and CA

- 10.18. The site lies within the Headington Hill Conservation Area (CA), a designated heritage asset as defined in the NPPF and forms part of the setting of the listed Headington Hill Hall. The site is situated on the west side of Pullen's Lane in an area whose character is primarily one of large, late 19th Century villas set within generous garden plots, surrounded by mature gardens with enclosing boundaries of shrub and tree planting that provide a sense of privacy.
- 10.19. The CA's designation occurred in 1977 following the Council's adoption of the Headington Hill Policy Statement in February 1973 which set out principles to guide the consideration of future planning applications in the area of Pullens Lane, Fielden Grove, Jack Straw's Lane and the private section of Harberton Mead. This Policy Statement sought to protect the residential use of the area,

low traffic levels, the character of buildings and their spacing, the tree planting in the area and the absence of advertisements or signs. The avoidance of additional traffic generation on Pullens Lane was stated as a specific principle.

10.20. The Headington Hill Conservation Area Appraisal (CAA) was adopted in July 2012. It identifies that its significance is derived from its role in providing a green landscape background to the historic city centre; the retention of trees and green landscape; its characteristic buildings; public paths; and the protection of viewpoints across the city.

10.21. It establishes that the area is divided into two distinct sections – the area north of Cuckoo Lane (which includes the application site) and the area to the south. The appraisal concludes that the heritage significance of Pullens Lane derives from its tranquil, rural character with generous spacing between buildings interspersed with dense greenery enclosing a narrow lane with a roughly managed informal verge. The appraisal also makes it clear that there are limited views from building to building because of the mature and dense landscaping which provides its sylvan quality and ensures the greenery of the area makes a stronger contribution to its character than the built elements, emphasising the sense of a low density of development. The appraisal also identifies that some developments in the past few decades have been notable for introducing architectural forms that were intrusive to the character of the area. In particular the rectilinear forms, poor quality materials, repetitive detailing and large scale of buildings did not reflect the historic residential character of much of the conservation area. It also recognises that conversion of landscaped garden settings of buildings for car parking also has a significant negative impact on the character of the area and its historic interest, and that the lack of artificial lighting helps to reinforce its rural woodland quality.

10.22. As expressed in Officers 2014 report to Committee, there is a unique “rural” character to the northern section of Pullens Lane and the wider conservation area that is not found elsewhere within the City and which belies its location close to the throng of activity associated with Oxford Brookes University and the traffic on Headington Road. Reflecting its uniqueness, fragility and therefore its vulnerability, Officers consider it important to afford great weight to the desirability of the preservation of its character in assessing the application proposals which accords too with the Council’s statutory duty in this respect.

Design, Appearance & Impact on Heritage:

10.23. Concerns have been raised by neighbouring residents, Residents Groups and other third parties, including, Oxford Preservation Trust and The Oxford Civic Society in relation to the design, appearance and impact on the historic environment.

10.24. The existing building on the site comprises a much run down 1950’s house and a small garage within a substantial undeveloped greenfield site that includes a significant number of trees along its boundaries and within the site. The remainder of the site is covered by extensive unmanaged vegetation including grasses and shrubs. It is considered that the buildings themselves make little contribution to the important character of the area and their demolition would not

be harmful. However whilst most of the landscaping is unkempt and in need of maintenance, the site as it currently exists makes a positive contribution to the significance of the CA as it supports its green, quiet and rural qualities. Furthermore, the balance of building to open garden is significant and the important sense of enclosure that is provided by landscape makes an extremely valuable contribution to the character and appearance of the CA. Such is its contribution that it is considered important to preserve it in any redevelopment of the site.

10.25. The new building has been designed as a two and three storey building in a U-shape around a central courtyard. To Pullens Lane the front (east) elevation and main entrance of the building has been designed as two two-storey buildings linked together with a central, two storey glazed box. The east and west ranges of the buildings become three-storeys built into the slope of the site. The architectural form of the building is taken from a traditional Victorian architecture and faced mainly in red brick. The buildings' plan form comprises bedrooms placed either side of a central corridor and main facilities within the front range at lower ground and ground floors. The development effectively involves complete site clearance, excluding the large boundary trees to the north of the site which lie within the adjacent property. Surrounding the proposed building, the remainder of the site, its perimeter and space between buildings is proposed to be landscaped as semi-formal gardens. The front of the site is proposed to be principally hard-surfaced accommodating 20 parking spaces, bicycle spaces and turning area with two accesses to and from Pullen's Lane.

Siting and layout

As in other proposed schemes, the extent of physical development on this essentially greenfield site is such that it would dominate the plot rather than sit comfortably within a landscaped setting as required to preserve the special qualities of the CA. As before, the proposed development would result in over 60% of the site being covered by building and hard surfacing and again even more than the EF site opposite on Pullens Lane. The new buildings simply in terms of their overall footprint and the consequent ratio of building to garden would result in a development that would appear disproportionately large and an overdevelopment of the site. Whilst an attempt has been made to create attractive gardens around the building, there would be relatively little remaining space around the building to create the feeling of spaciousness that is an essential to the preservation of the significance of the character of the CA. Furthermore, the design of what appears to be a continuous building façade across the entire frontage of the site is not typical of the area, failing to achieve the fundamental characteristic of a building in a garden, or even two buildings in a garden, as suggested by the plan form. As such it would appear incongruous and out of keeping with the site and its surroundings and overdevelopment of the sites capacity.

Scale

10.26. The Applicant has attempted to address the previous reason for refusal and criticism of the excessively large scale, rectilinear form and repetitive elevational treatments. It is acknowledged that the two storey height on the front elevation

facing Pullen Lane would be more in keeping with the height of neighbouring properties. However, the overall width of the building across the frontage of the plot, together bulk and mass would result in a large scale building. The attempt to 'articulate' and break down the mass and extent of the front of the building using devices such setbacks, wings, materials, gables, bays and glass, fails. Instead the development would appear as a number of buildings on site and read as a street of adjacent buildings, rather than the single villa or indeed two separate villas within a garden. The glazed link, used in an attempt to separate the solid mass of the building either side, would appear as a large, reflective box which compounds the mass of the building.

10.27. To the rear, the combination of the height at three storeys, bulk and massing would result in a building that would be excessively large, unduly prominent and out of keeping with the overall scale of surrounding properties. When viewed from the side (south) and rear (west) from Cuckoo Lane, the Allotments and Cotuit Hall, the full extent of the building would be revealed, exacerbated by the removal of all existing boundary treatment. The fact that it is dug into the slope of the site does nothing to mitigate the overall bulk and mass of the entire building. Officers concur with the comment and advice given by Historic England and in particular that putting pitches around the perimeters of large flat roofs as proposed does not effectively hide the bulk and scale of the building. Neither does the use of gables, flat roof elements, single storey elements and other 'articulation' devices used.

Appearance

10.28. The appearance has taken reference from the Victorian architecture of surrounding properties. However, the modernisation of the "Victorian traditional" architectural language whilst acceptable in principal has been overly simplified and compounds the impact of the building's size in comparison to the traditional villas. The 'articulation' of the building mass appears to result in a confused sense of scale which simply makes the different elements appear unconnected with awkward relationships to each other. The use of devices such as bays, gables and wings are over simplified and the delightful detailing of the original Victorian villas is absent. Whilst Officers do not expect detailing to be replicated per-se there should be a convincing quality of detail evident in the proposed design that responds to its context. Officers concur with HE that the building is a pale imitation of nearby 19th and early 20th century buildings rather than the confident contextual response which is needed here. Indeed the development could be found anywhere in the UK rather than being a specific response to its local setting. As such it is considered that the proposal is not of sufficient high quality design that appropriately responds to the site or its surroundings.

Traffic impact

10.29. In addition to Officers' significant concerns about the scale and appearance of the proposed development the distinctiveness of the CA also derives from its network of historically quiet lanes which is particularly unusual within the city. Such is the rarity of this tranquil and rural experience that great weight is therefore given to its preservation.

10.30. In this regard Officers consider the development has not overcome previous concerns about the impact on this quiet lane. Officers again refer back to the Council's 1973 and 1977 policy statements that attempted to guide the consideration of planning applications in the Headington Hill Conservation Area. In these documents it makes it explicitly clear that, inter alia, intensification of existing institutional uses north of Cuckoo Lane would not be approved unless they did not generate additional traffic above and beyond that which would be expected to result from ordinary residential development. It further adds that, wherever possible, the generation of additional traffic should be avoided particularly where the roads are not up to the Highway Authority's standards.

10.31. What is clear however is that, despite these policy statements, there has been a significant intensification of institutional activity within Pullens Lane including in the areas north of Cuckoo Lane. This has led to additional traffic movements including that of larger servicing and delivery vehicles. This additional traffic is prejudicing the special tranquil and rural distinctiveness of Pullens Lane as well as the wider conservation area and these concerns were clearly identified in the latest CA Appraisal (CAA). The supporting Transport Assessment submitted with the application projects that the development would generate 117 traffic movements per day from staff, visitors, with additional movement from deliveries, servicing, ambulances, doctors and nurses. The nature, scale and intensity of development proposed on this site would, without doubt, give rise to a material increase in traffic movements to and from the site along Pullens Lane causing additional harm to the historically quiet rural character of the lane. This would be fundamentally at odds with the type of development that the Council, through the conclusions of successive conservation area appraisals, has sought to resist. The cumulative impact of the proposed development, taken together with the volume and type of traffic associated with recent institutional developments, would cause harm to one of the key identified special features that contribute towards this heritage asset's uniqueness – its comparative tranquillity within an otherwise urban area.

Lighting

10.32. Another feature which contributes towards the rural character of the lane is its lack of artificial lighting (including its absence of street lighting) which supports its feeling of being a private residential enclave. Whilst full details of lighting have not been provided as part of the application other than proposed low level lighting of paths within the garden, the mere fact that the building would have a greater presence on Pullens Lane with a greater number of windows and greater hours of operation given its intended use and likely external lighting at least for the main entrance means that the development is likely to generate light spillage onto the lane. Furthermore the removal of the entire existing western boundary trees and vegetation would mean that there would be light spillage seen from the Allotments and public footpath Cuckoo Lane. Such an effect would be to draw attention to the inappropriate scale and form of development on the site which would conflict with its rural woodland character.

Views:

- 10.33. When viewed from the west, Headington Hill forms a green landscape background to the historic city centre in its valley setting. The hillside also provides a number of vantage points giving good views down to the city's skyline. The protection of viewpoints, together with 'view cones' looking out across Oxford with the 'green backcloth' in the distance, are seen as important elements of public enjoyment as well as heritage value.
- 10.34. In this case, the application is not supported by verified views unlike the previous application 14/00983/FUL and therefore assessment has been made on the basis of an objective interpretation of the information provided and Officers knowledge of these views from other recent developments.
- 10.35. In long views from the city from elevated City landmarks in particular from St Mary's Tower the proposed buildings by reason of their height and the removal of the boundary trees and screening vegetation, would be visible on the side of Headington Hill. As opposed to glimpsed views of elements of the traditional villas much of the extensive building facades would be evident and would have a harmful impact on both the setting of Headington Hill Hall (grade II*) and the appearance of the CA. An example of such visual intrusion is already present in the appearance of the Radcliffe Hospital buildings and whilst the proposed buildings would not be of such a size, they would be closer to the viewer and would certainly appear as a long, unbroken building mass on this section of the hillside presently appears to be essentially wooded. The amount of space available for landscape planting would not be sufficient to provide appropriate tree canopies to mitigate the harm that the visual impact of the buildings would have on the impact on the character and appearance of the CA and its green backdrop. Furthermore, any proposed tree planting that were to be successfully planted would not be able to mitigate in the short term the significant harm caused by their loss.
- 10.36. Within short distance views Pullens Lane has a very distinct verdant and sylvan and tranquil rural quality at this point with abundant vegetation along boundaries giving a sense of enclosure, generous gardens and large but not visually intrusive houses. This character changes to a more urbanised residential quality as it progresses northward towards Jack Straws Lane as front gardens are manicured and houses visible to the Lane. This urbanisation of the northern end of the lane means that the particular character of the southern end of Pullens Lane at this point is even more valuable and fragile and identified in the CAA.
- 10.37. In views along Pullen's Lane the site would appear more open than is characteristic here due to the loss of the typical front garden and boundary trees to a hard surfacing for vehicles, two vehicular accesses and limited landscaping proposed. The building would have a keen presence with in the lane together with the visual intrusion that the vehicles themselves would add. The landscaping proposed would not sufficiently mitigate against the openness and loss of character. The development would therefore harm the important character that has been identified as needing to be preserved in the CAA.
- 10.38. In conclusion therefore it is considered that the proposed development would not meet the test of high quality design. It would fail to appropriately respond to

the character and appearance of the site itself and its context and would amount to overdevelopment of the site. The traffic generated by the development would harm the character and appearance of the CA. It is considered that the development would cause less than substantial harm to the significance and character and appearance of the CA and the setting of the adjacent listed heritage asset, and a high level of less than substantial harm would occur

10.39. In accordance with the NPPF, as less than substantial harm would be caused to the heritage assets, any public benefits of the development must be weighed against this harm. The Applicant argues that key public benefit arising would be the contribution it would make to addressing the current un-met need for specialist housing in Oxford. Officers consider that the provision of a residential care home in an ageing population should be afforded some weight but that it would on the low to moderate end of the scale. Officers have been clear that a high level of weight is afforded to the preservation of the significance of Pullens Lane and the character and appearance of the Conservation Area. As such it is considered that the public benefit derived from the proposed development would not outweigh the high level of less than substantial harm in this case. The development is therefore contrary to Policies CP1, CP8, CP9, HE7, HE10 of the OLP, CS18 of the CS and the NPPF. Officers have afforded great to their statutory duty under Section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

c. Trees & Landscaping

10.40. OLP Policy CP.1 expects development to show a high standard of design, including landscape treatment that respects the character and appearance of the area. Development should retain and protect important landscape and ecological features, and provide for further landscape treatment where appropriate to the nature of the area or to safeguard the local amenity. OLP Policy CP.11 expects landscape design to: relate to the character of the spaces; to incorporate existing significant landscape features; to ensure sub-surface works avoids damage to trees and hedges; integrate boundary treatments into the development; enhances ecological value wherever possible. OLP NE.15 seeks to retain trees, hedgerows and other valuable landscape features that form part of a development site is their loss would have a significant adverse impact upon public amenity or ecological interest. OLP Policy NE.16 seeks to ensure that development will not destroy protected trees if it will have a significant adverse effect upon public amenity. Any protected tree that is destroyed must be replaced by a tree, or trees, suitable for the location. CS12 of the CS seeks to ensure that new developments include features beneficial to biodiversity supported by HNP GSP3 which seeks to preserve healthy trees and encourage the planting of new trees within the HNP Area.

10.41. The site lies within the Conservation Area and therefore trees benefit from protection. The garden of 1 Pullens Lane appears to have been neglected for many years and is now over-grown. Whilst none of the trees are of very high value in arboricultural terms, bar a Turkey oak (T60) in south west corner and an attractive mature medlar (T26) and an early mature yew (T28) that stand centrally within the rear garden, collectively as a group the contribute significantly to the character and appearance of the CA. The proposals require the removal

of a significant proportion of the existing trees and other vegetation within the site, as identified in the submitted Arboricultural Report, and this would materially change the existing character and appearance of the site in a number of external views from Pullens Lane, Cuckoo Lane, the allotments and Clive Booth Student Village to the west. It would also impact on biodiversity (see below in the report).

Proposed Landscaping

- 10.42. The Landscape Masterplan submitted appears to suggest that the site is surrounded by woodland, which is misleading. In relation to the Turkey Oak this tree it is indicated to be removed in the Arboricultural Report, but shown on other submitted drawings to be retained. Officers have assumed that it will be removed for the purpose of this assessment, not least because it would not survive excavations required for a new retaining wall that is proposed very close to it as part of the proposed landscaping.
- 10.43. The surface and foul water strategy indicates that 1993sqm of hard areas would be introduced to the site, in other words 1993sqm of soft areas would be lost as a result of the proposals. Some existing tree canopy cover and the associated multiple ecosystem services it provides to the area would be permanently lost. The soft landscaping proposals include new hedge and tree planting along the southern and eastern / Pullens Lane boundaries, which if carefully specified and managed, might be expected, over time to mitigate the impact of tree losses on public visual amenity in the area. However they would not sufficiently mitigate the loss in the short term.
- 10.44. Furthermore, some of the proposed species indicated in the planting would not be in keeping with the particular rural character and appearance of this part of Pullens Lane. In addition, the garden spaces and other soft landscaped areas would not be large enough as proposed to be able to allow planting of large growing trees such as beech, oak, or evergreen conifers such as cedars or pines of various species, which are characteristic of this part of the Headington Hill Conservation Area. This is symptomatic of the overdevelopment of the site and the scale of the development proposed relative to the site itself and its surroundings. The landscaping would therefore fail to mitigate the development in the long term. The proposed landscaping scheme is considered to be of poor standard of design that fails to respect the character and appearance of the area and would fail to mitigate the harm to the CA as a result of the high level of hard surfacing and built form across the site and loss of trees and planting, irrespective of their value.
- 10.45. It would also be necessary to prune 2 trees that stand off-site, adjacent to the boundary in the garden of Pullens Gate, to provide adequate head clearance over the proposed new car parking area in the north eastern corner of the application site including a mature Lawson cypress (T105) and a western red cedar (T06). This pruning would not be expected to have a significant detrimental effect on either of the trees or on visual amenity in the area. However, the construction of these car parking spaces would encroach within the Root Protection Areas (RPAs) of the trees within the gardens of Pullens Gate. The Arboricultural Report includes guidance about how soil levels might be raised in a way to minimise root damage. However, Officers consider that the car parking

spaces should only be permitted if there were an over-riding justification for encroachment within the RPAs based on a clear need for car parking, for which none has been submitted.

10.46. In conclusion it is considered that the proposals fail to respect existing landscaping features of importance or adequately mitigate their loss to the detriment of the character and appearance of the area. As such the proposals would be contrary to the requirements of policies CP1, CP11, NE15 and HE7 of the Local Plan in this regard.

10.47. In addition to the above Officers also note at 5.10 of the Surface and Foul Water Strategy that there would be a potential impact on trees in the area of excavations that might be required to connect the care home to existing foul water sewers in either Pullens Lane, Headington Road or John Garne Way. It seems that these excavations might be, in part at least, on privately owned land that is outside of the application site and the control of the applicant but nevertheless would have significant impact on the character and appearance of the CA.

d. Highway, Parking and Traffic Implications

Transport sustainability

10.48. Policy CP1 of the Local Plan requires development to, inter alia, be acceptable in respect of access, parking, highway safety, pedestrian/cycle movements and traffic generation.

10.49. Pullens Lane is a private road/ lane that runs from Headington Road and joins Jack Straws Lane which then runs down the hill to the Marston Road. The development proposes 20 car parking spaces and would generate traffic from staff, visitors, deliveries and emergency vehicles. A Traffic Assessment has been submitted.

10.50. Concern has been raised by residents and interest groups about the traffic generation and impact from the development on Pullens Lane. As already stated in this report, traffic movements along Pullens Lane have significantly increased in recent years. However, since the lane is privately owned, there have not been any official traffic surveys undertaken to objectively confirm this. Officers consider the impact of additional traffic movements on the character of the lane to be a different, albeit related, matter to that of the capacity of the road in purely highway terms. Officers have already set out their views on the impact of the proposed development on the character of the lane and this section of the report is therefore specific to the highway implications of the scheme.

10.51. As Pullens Lane is privately owned, the County Council as Highway Authority (HA) considers that it is limited in the advice it can give and its remit extends principally to consideration of the impact on the public highway; in this case Headington Road. The HA has not raised an objection to the proposed development. Where Pullens Lane joins the highway, at the junction of Headington Road, the HA considers there to be sufficient capacity during peak hours and the level of trips generated at that time (14 in the am and 12 in the pm

(total each way)) would not adversely affect the highway network. In addition it does not consider there to be an issue regarding visibility at the junction and conflict between persons walking or cycling to Headington Hill Hall or vehicles entering or existing Pullens Lane.

10.52. However as with previously refused schemes, officers are still very concerned about the potential increase in traffic movements within this narrow lane and the consequent conflict between pedestrians and cyclists. Cuckoo Lane, which cuts across Pullens Lane in an east-west axis just south of the site, is part designated cycle route through the City, and very well used as part of the City's wider cycle route network. The HA do acknowledge that the proposed development would generate a significant number of traffic movements throughout the day and that this would be cause for concern.

10.53. The supporting Transport Assessment submitted projects that the development would generate 117 traffic movements per day (58 arrivals and 59 departures) and whilst the number of vehicular movements in the peak hours would be relatively little, there would be a significant increase over the whole day and in particular between 2-3pm. At this time 26 traffic movements would be generated. This is a significant increase of movements on Pullens Lane each day. To exacerbate this, the number of movements predicated would increase due to servicing, delivery and emergency vehicles.

10.54. This level of movement would not only harm the quiet rural and tranquil character of Pullens lane as expressed above, but would also cause conflict between the high number of pedestrians and cyclists that use the lane. These include local residents, persons from the Prep School and education establishments, those persons travelling between Oxford Brookes University to its satellite residential accommodation on Pullens Lane and to the west of the site, and those persons generally using the lane to get through to Marston. Overhanging and overgrown vegetation encloses the lane and serves to reduce vision splays for pedestrians and often partially obscures views out from existing vehicular access points. The HA advise that the proposed accesses would not have adequate visibility splays and advise cutting back of vegetation. However, cutting back of vegetation would also in itself harm the appearance and rural character of the Lane.

10.55. Officers consider that there would be a material increase in vehicular traffic using the lane at a level significantly above that which would be expected from an 'ordinary' residential use of the site, for example residential dwellings. Whilst the Applicant suggests that adequate car parking would be provided to avoid overspill, there could be the potential for delivery and other larger servicing vehicles to park on the narrow lane, if servicing, deliveries and car parking are not properly managed, adding to the potential conflict.

10.56. However, given that the impact on the highway network is considered acceptable in pure highways terms by the HA, the development is seen to be in accordance with CP1 of the OLP.

10.57. In terms of car parking, the requirement for car parking provision for a nursing home under Policy HP16 of the SHP is 1 space per 3 residents' room plus 1

space per staff (maximum provision). There would be equivalent 34 FT staff on site per day and 55 bedrooms. This equates to a maximum of 35 spaces. However, given it's a 55 bed home for the 'frail elderly' and those with dementia (who are highly unlikely to drive) and in such a sustainable location with excellent public transport links to Thornhill and City Centre, the number of car parking spaces proposed (20) is questioned. In fact the number of spaces has risen since the previous application (17). The lack of information in the submitted information and Travel Plan does not in any way enlighten on the need for car parking or provide comfort in how staff and visitors might arrive to the site by other modes than the car. Given that the previous application was refused on amongst other things the 'inappropriate levels of traffic generation', this increase in parking and lack of information is surprising. That said, the level of car parking proposed does fall under the maximum standards and therefore accords with SHP16.

10.58. Cycle parking is shown in this application to the front of the site, providing 12 cycle parking spaces. There is no standard requirement for this type of residential accommodation under SHP Policy HP15 and the level is to be judged on the merits of each case. Approximately one space per 3 staff is shown. However, given that this is on an excellent designated cycle route and travel by non-car modes is encouraged in the HNP, SHP, CS and NPPF, Officers consider that 1 space per 2 staff should be provided (17 spaces). These would also need to be covered and secure to encourage use. Should Committee be minded to approve the application these additional spaces and details could be secured by condition.

e. Biodiversity

10.59. The site is not of designated ecological value however, it does have significant ecological value. Paragraph 170 of the NPPF makes it clear that development should protect and enhance valued landscapes and sites of biodiversity value and minimise impacts and net gains for biodiversity. It goes on to say at paragraph 175 that if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. CS12 of the CS states that there should be no net loss of sites and species of ecological value and where there is opportunity development will be expected to enhance Oxford's biodiversity. NE22 of the OLP requires adequate assessment of Protected Species on sites.

10.60. The revised Ecology Report June 2018 submitted has been reviewed. Officers and Natural England concur that there would be no harm to the New Marston SSSI which is located some 800m away, or other locally designate sites including Millham Ford local Wildlife Site, of Oxford City Wildlife Sites, the Headington Hill Viewpoint. In relation to Protected Species, the site provides suitable habitat for commuting and foraging Bats and nesting and habitat for birds. There is also a Badger sett on site and the site provides foraging habitat also.

10.61. The proposed development would result in the net loss of a significant amount of vegetation and ecological habitat. Whilst some replacement planting

is proposed as part of the proposed landscaping scheme, the size and scale of the development would leave insufficient space available on the site to be able to adequately mitigate the loss of biodiversity, even taking into account the green roof proposed.

10.62. In relation to the Badgers, it is proposed to close the sett and the habitat on site would be effectively removed. However, insufficient information has been provided to evidence the conclusion that the sett is a subsidiary sett and not a small main sett of higher ecological value (which would require a different approach to mitigation). Classification of a sett should be based on activity monitoring of the sett and known paths (employing remote motion-activated cameras) to identify the level of usage and a search of the surrounding area should be undertaken. No information has been received to demonstrate this has taken place. This information is need in order to fully evaluate the loss of the sett and a significant area of habitat, given that the nature of the proposals do not allow for the retention of the sett or foraging habitat. The proposals therefore represent an unacceptable impact upon badgers, contrary to prevailing best practice, the NPPF and CS12.

10.63. In conclusion therefore the development would result in a net loss of biodiversity that is not sufficiently or adequately mitigated for as part of the scheme. Insufficient information has been submitted to determine the impact on known Protected Species on site. As such the development would be contrary to the NPPF and Policy CS12 of the CS and Policy NE22 of the OLP.

f. Impact on neighbouring amenity

10.64. Policies CP1 and CP10 of the Local Plan require new development to adequately safeguard neighbouring amenity. Policy HP14 of the SHP is specific to residential development and requires new development to protect reasonable levels of outlook, light and privacy for existing dwellings. Given that residential properties in the area are located within generous gardens and surrounded by mature tree screening, the only property likely to be affected by the development is the adjoining property to the north, known as Pullens Gate.

10.65. The development would result in the clearance of the site up to the northern boundary. The significant mature trees along that boundary fall within the adjoining property and therefore would remain. It is proposed to locate some of the car parking close to that boundary. There is a significant change in ground level between the application site and Pullens Gate. The neighbour has expressed concerns that during winter months the headlights will shine straight into their house and property due to the close proximity to the boundary, there would be noise and disturbance and that there is a covenant which stipulates that there shall be not development within 50 feet of the boundary.

10.66. There would be a significant distance between Pullens Gate and the proposed building such that officers have no concerns about the impact of the development in terms of sun and day light, privacy or outlook enjoyed by this property. In respect on the impact from car headlights, there would likely be an impact during winter months when there is more inter-visibility between the two properties, which could impact on their amenity. Nevertheless, this could be

overcome through the provision of an effective screening either in the form of an evergreen hedge or fence, which could be secured by condition should permission be granted. However, this is a moot point given the officers concern set out above regarding the location of the car parking within the root protection zones of the boundary trees within Pullens Gate in any event.

10.67. Some noise would be expected from the development though, given its nature and as a result of the significant number of traffic movements along the Lane and within the car park close to the boundary with Pullens Gate. Whilst this may not be particularly significant during evening hours it would be throughout the day every day. Traffic movements along the lane may be at a slow speed, however larger vehicles and people getting into/ out of their cars and starting up engines in close proximity to Pullens Gate would generate a level of noise and disturbance that would be harmful to this property such that the existing amenity derived from the rural tranquillity of this quiet residential area would be harmed. As such it is considered contrary to Policy CP1, CP9 and CP21 of the OLP.

g. Flood Risk & Drainage

10.68. Policy CS11 of the Core Strategy reflects NPPF guidance and resists development where it would increase the risk of flooding and states that development should incorporate Sustainable Drainage Systems (SUDS). The site is within flood zone 1 and is not at significant risk of flooding.

10.69. Policy NE14 states that permission will only be granted for development that increases demand on sewerage and water capacity on and off-site service infrastructure where sufficient capacity already exists or extra capacity can be provided such that the environment and local amenity is not harmed.

10.70. The proposed drainage strategy submitted dismisses draining surface water via infiltration, suggesting that the underlying geology as mapped does not lend itself to infiltration. However, the previously withdrawn application on the site (15/03611/FUL) conducted infiltration tests which showed infiltration was feasible. Furthermore, the lack of existing drainage infrastructure on the site suggests that the current drainage regime is likely via soakaway. Both the best practise SuDS Manual and building regulations hierarchy require surface water to be drained preferentially via infiltration where feasible. Further infiltration tests have been requested but the Applicant has not declined to provide this information. The County Council as Lead Local Flood Authority has further commented that the information provided does not sufficiently demonstrate that the development would result in an acceptable sustainable drainage design and to ensure the effective and sustainable drainage of the site in the interests of public health and the avoidance of flooding.

10.71. The proposed drainage strategy utilises attenuation, and requires a pumped outfall to a Thames Water sewer. Thames Water have commented that there is an inability of the existing the waste or surface water infrastructure to accommodate the development. Pumps often are associated with maintenance problems in future years and the loss of natural infiltration could also have an impact on biodiversity of the site.

10.72. Officers therefore consider that due to insufficient information the application does not demonstrate that appropriate sustainable drainage design would be employed such that the development would not have an adverse impact on the environment or local amenities as a result. As such the proposal is contrary to Policies NE14 of the OLP and CS11 of the CS.

h. Energy Efficiency

10.73. The Energy Statement submitted as Appendix B of the NRIA submission - "Natural Resource Impact Analysis demonstrates compliance with the Council's 20% reduction target. The proposal would therefore accord with Policies HP11 of the SHP and CS9 of the CS and details/ implement could be secured by condition.

i. Air Quality

10.74. An Air Quality Assessment (AQA) has been submitted and reviewed along with other supporting documents in the application. However insufficient information has been provided to determine the impact on Air Quality resulting from dust emissions from the development, as such the development is contrary to Policy CS23 of the OLP and the NPPF.

10.75. As it is proposed to install 20 parking places on site, the installation of Electric Vehicle infrastructure should be provided in accordance with the CS14. This could be secured by condition should the application be granted.

j. Archaeology

10.76. This application is of interest because it involves a substantial basement development on a largely green-field site located in an area with general potential for prehistoric and Roman activity. The site lies within an extensive landscape of dispersed Roman pottery manufacturing sites associated with the nationally important regional pottery industry orientated on the Alchester-Dorchester Road. The site also lies close to the projected line of the Civil War Parliamentarian Siege works.

10.77. An archaeological desk based assessment has been produced for this site by Pre-Construct Archaeology (2014). This notes a low potential for prehistoric remains, low to moderate potential for Roman and early medieval remains and moderate potential for post-medieval remains. Officers consider that such assessments of potential are difficult in areas which have not been subject to significant previous archaeological investigation. In this instance it is considered that, taking into account the information we have on contemporary settlement density across East Oxford, a marginally higher assessment of potential is warranted to that stated in the assessment.

10.78. The NPPF states the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard

to the scale of any harm or loss and the significance of the heritage asset. Where appropriate local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible.

10.79. In this case, bearing in mind the constraint posed by the existing tree cover and the results of the archaeological desk based assessment, in line with the advice in the National Planning Policy Framework, any consent granted for this development should be subject to a condition requiring archaeological evaluation should permission be granted.

k. Land Quality

10.80. The development appears to be broadly similar to that of the previous planning application for the site (15/03611/FUL). The results of the site investigation did not reveal and exceedances of contaminants in the soil or leachate. It was concluded that as there was no source of contamination, there was no risk to human health or controlled waters. Ground gas monitoring was also undertaken as part of the site investigation. The results revealed the site is classified as Characteristic Situation 1, which does not require any gas protection measures for this development. As such the proposal accords with CP22 of the OLP.

l. Public Art:

10.81. Policy CP14 requires developments of the size proposed to make provision for public art in the event of approval. This would need to be achieved with sensitivity in this instance with the commitment secured either as a financial contribution secured by S.106 agreement, or by a condition should planning permission be granted.

CONCLUSION

10.82. In conclusion therefore the proposal would result in a physical overdevelopment of the site of a size, scale, massing and appearance that would not appropriately respond to the site or its surroundings and would result in substantial harm to the character and appearance of the CA. It would generate a significant amount of traffic movements per day that would materially harm to the tranquil rural quality of the CA to its detriment. It would be visually intrusive from adjacent public views and harm the setting of adjacent Headington Hill Hall and the views from the City Centre. As such it would result in a high level of less than substantial harm to the heritage assets. It would result in a loss of habitat and potential harm of known Protected Species on site and result in a net loss of biodiversity that cannot be adequately mitigated, avoided or compensated for. It fails to demonstrate that the development would provide suitable sustainable drainage and would not harm the environment or local amenities; particularly in light of an identified inability of the local utility infrastructure to accommodate it. It fails to demonstrate that the development would not harm air quality as a result of dust emissions. Any public benefit derived by the proposal would not

outweigh the high level of less than substantial harm to the heritage assets in this case.

10.83. Having taken into account all material considerations, it is concluded that the development would be contrary to policies in the Local Development Plan and those material considerations outweigh a presumption in favour of development in this case. It is therefore recommended that the Committee resolve to refuse planning permission for the development in accordance with the NPPF for the reasons set out at section 11 below.

11. REASONS FOR REFUSAL

1. Having regard to the overall design of the proposed development including the ratio of built form to plot size, together with the associated intensity of its use, the proposal would result in a physical overdevelopment of a greenfield site that would generate an inappropriate level of traffic generation which would fail to preserve the quiet, verdant and rural character and appearance of the Headington Hill Conservation Area. Furthermore the proposal fails to respect the site's context and would harm the special character and appearance of the Conservation Area. The development would result in a high level of less than substantial harm that would not be outweighed by any public benefit derived from the development contrary to the requirements of policies CP1, CP6, CP8, CP9, CP10, CP11, NE15 and HE7 of the Oxford Local Plan 2001-2016, policies CS2 and CS18 of the Oxford Core Strategy 2026 as well as policies HP9 and HP10 of the Sites and Housing Plan 2011-2026 and GPS4 of the Headington Neighbourhood Plan 2017.
2. The proposed development would fail to achieve high quality design and by reason of the height, scale, massing, footprint, siting and architectural form would result in an excessively large building that would be out of keeping with the character and appearance of the site and its surrounding context. It would be unduly prominent within the surrounding area in close proximity to its boundaries and due to inadequate retention of important soft landscaping features and poor landscaping proposed. Consequently it would have a harmful impact on the special character and appearance of Pullens Lane and the Headington Hill Conservation Area as identified in the conservation area's character appraisal and would fail to preserve the character or appearance of that area or its setting thus failing to meet the duties set out in the Planning (Listed Buildings and Conservation Areas) Act 1990 in section 77 of that Act. The proposed design would fail to meet the objectives of national planning policies relating to both design and the historic environment set out in the National Planning Policy Framework, resulting in a high level of less than substantial harm and any public benefit derived by the development would not outweigh the harm in this case. The development would be contrary to Oxford Local plan Policies CP1, CP8, CP9, CP11, HE3, HE7 and HE10, Policy CS18 of the Council's Core Strategy and Policies GPS4, CIP2, CIP3 and CIP4 of the Headington Neighbourhood Plan 2017.
3. The proposed development would result in the net loss of a significant amount of vegetation and ecological habitat that makes a meaningful contribution to local biodiversity that cannot be adequately mitigate or compensate for by the

proposal. In addition in sufficient information has been provided to satisfactorily determine the potential harm to known Protect Species on site and any appropriate mitigation necessary. As such, the development fails to accord with the requirements of policies NE22 of the OLP and CS12 of the Oxford Core Strategy 2026 and the NPPF.

4. The proposed development would result in removal of a significant amount of trees and vegetation that cumulatively contribute significantly to the sites' garden setting and the green verdant and sylvan character and appearance of the Headington Hill Conservation Area. Due to the overdevelopment of the site resulting from the size, scale massing, siting of the building and resultant area of land left for landscaping purposes and due to the plant species and planting plan proposed, the development would fail to provide adequate landscaping of a form and type that would sufficiently mitigate the loss of existing trees and vegetation on site, or the impact of the built form proposed or to adequately respond to its landscape context. As such there would be harm to the character and appearance of the Headington Hill Conservation Area and consequently the proposals fail to accord with the requirements of policies CP1, CP6, CP8 CP11, NE15 and NE16 of the Oxford Local Plan 2001-2016, Policy CS18 of the Oxford Core Strategy 2026 and Policy GSP3 of the Headington Neighbourhood Plan 2017 and the NPPF.
5. Insufficient information has been provided to assess whether adequate or appropriate sustainable drainage design would provided such that the development would not have an adverse impact on the environment or local amenities; particularly in light of the inability of the local infrastructure identified by Thames Water to accommodate it. As such the proposal is contrary to Policies NE14 of the OLP and CS11 of the CS.
6. Due to the increased traffic generation and general noise and disturbance generated by vehicles in close proximity to Pullens Gate, the development would generate a level of noise and disturbance that would be harmful to this property such that the existing amenity derived from the rural tranquillity of this quiet residential area would be harmed. As such it is considered contrary to Policy CP1, CP9 and CP21 of the OLP.
7. In the absence of sufficient information to assess the impact of the proposed development on Air Quality resulting from dust emissions the development is contrary to Policy CS23 of the OLP and the NPPF.

12. HUMAN RIGHTS ACT 1998

- 12.1. 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.

13. SECTION 17 OF THE CRIME AND DISORDER ACT 1998

13.1. 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.

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