

East Area Planning Committee

16th January 2019

Application number: 18/02817/FUL

Decision due by 22nd January 2019

Extension of time

Proposal Erection of two residential buildings (three storeys) comprising 25no. residential dwellings (C3 Use Class) with associated access, parking and landscape arrangements.

Site address Former Rose Hill Community Centre , Land Bounded By Desborough Crescent, Lenthall Road And The Oval, Rose Hill, Oxford – see **Appendix 1** for site plan

Ward Rose Hill and Iffley

Case officer Michael Kemp

Agent: Mr James Cogan **Applicant:** Mr Stephen Clarke

Reason at Committee The proposals are for major development and Oxford City Housing Limited are the applicant

1. RECOMMENDATION

1.1. **The East Area Planning Committee** is recommended to:

1.1.1. **approve the application** for the reasons given in the report and subject to the required planning conditions set out in section 12 of this report and grant planning permission subject to:

- the satisfactory completion of a legal agreement under section.106 of the Town and Country Planning Act 1990 and other enabling powers to secure the planning obligations set out in the recommended heads of terms which are set out in this report; and

1.1.2. **agree to delegate authority** to the Acting Head of Planning Services to:

- finalise the recommended conditions as set out in this report including such refinements, amendments, additions and/or deletions as the Acting Head of Planning Services considers reasonably necessary; and
- finalise the recommended legal agreement under section 106 of the Town and Country Planning Act 1990 and other enabling powers as set out in this report, including refining, adding to, amending and/or deleting the

obligations detailed in the heads of terms set out in this report (including to dovetail with and where appropriate, reinforce the final conditions and informatives to be attached to the planning permission) as the Acting Head of Planning Services considers reasonably necessary; and]

- Complete the section 106 legal agreement referred to above and issue the planning permission.

2. EXECUTIVE SUMMARY

- 2.1. This report considers the proposed development of 25 residential apartments (13x1 bedroom and 12x2 bedroom units) on the site of the former Rose Hill Community Centre located at The Oval. The proposed development would bring about the positive reuse of a brownfield site for the purposes of providing much needed affordable housing for the city and would assist in the aims of delivering housing led regeneration in Rose Hill. The housing would be delivered as part of funding towards additional affordable housing provided from the Oxfordshire Housing and Growth Deal.
- 2.2. The proposed development is considered to be appropriately designed and would not compromise the residential amenity of existing occupiers, whilst providing appropriate standards of internal and external amenity for future occupiers. The provision of landscaping would add to the character of the area and is considered to offset the loss of the existing tree group in the north east corner of the site.
- 2.3. Parking provision is balanced against the overall sustainability of the site in terms of public transport provision and local service provision, whilst acknowledging that the lack of parking control in the area presents a risk that under provision of parking may result in a displacement of vehicles on surrounding roads. Overall parking provision is considered to be acceptable.
- 2.4. It is considered that there would be significant public benefits which would arise from the redevelopment of the site to provide affordable housing and the development complies with the relevant provisions of the Oxford Local Plan, Core Strategy, the Sites and Housing Plan and NPPF. Approval is recommended subject to a legal agreement to secure the provision of affordable housing.

3. LEGAL AGREEMENT

- 3.1. This application is subject to a legal agreement to cover the provision of affordable housing and a financial contribution to Oxfordshire County Council to cover the cost of double yellow lines at The Oval.

4. COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 4.1. The proposal is liable for a CIL contribution of £196,929.33

5. SITE AND SURROUNDINGS

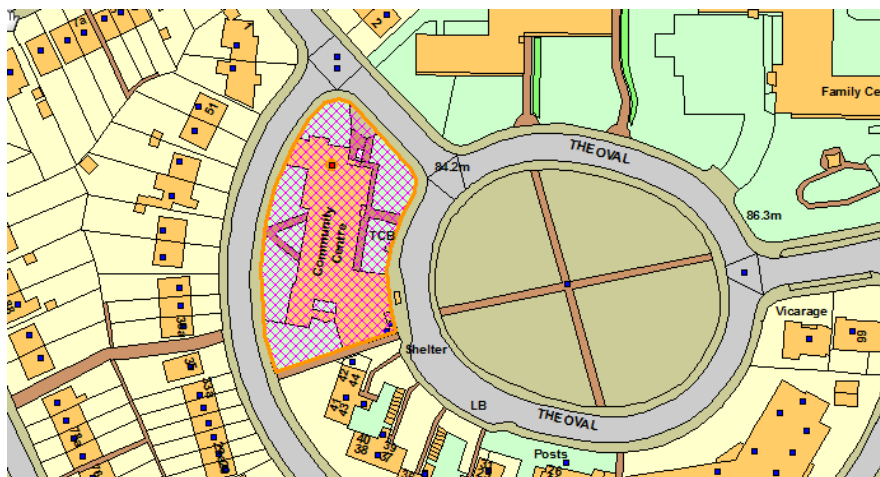
- 5.1. The site is located within the centre of Rose Hill, adjacent to The Oval and Desborough Crescent. The site was formerly occupied by the Rose Hill

Community Centre, which was a single storey brick building, used for various community purposes. Following the development of the new community centre building on land to the north of Ashurst Way, the former community centre was no longer required and prior approval was granted for its demolition in 2016 (16/02952/DEM). Since the removal of the building the site has remained as undeveloped space. A 2 metre high green fence has been erected around the site to secure the land. There are two mature trees on the corner of Lenthall Road and The Oval and a smaller semi-mature tree on the boundary of Desborough Crescent. There are notable topographic differences across the site, as land falls away considerably between The Oval and Desborough Crescent.

5.2. The surrounding area comprises of a mix of dwelling types. The properties surrounding The Oval consist principally of blocks of flats. The adjacent flats to the south of the site are 1960/70's two storey brick properties. Adjacent to this is a three storey block, comprising of ground level retail. To the East of this block is a relatively recent development comprising of a single three storey red brick and rendered block of flats, with parking at lower ground level. Desborough Crescent located to the west comprises of terraced and semi-detached two storey brick and pebbledash dwellings, many of these are recent dwellings constructed as part of ongoing housing regeneration in the estate.

5.3. The Oval to the East of the site contains an area of open space containing a number of mature trees. Rose Hill Primary School is located to the North East of the site.

5.4. See Location plan below:



6. PROPOSAL

6.1. The application proposes the development of 25 residential apartments (13x1 bedroom and 12x2 bedroom units) on the site of the former Rose Hill Community Centre located at The Oval. Landscaping would be provided between the two apartment blocks and additional planting is proposed throughout the site, this would be particularly focussed along Desborough Crescent and the corner of

Lenthall Road. Ground level parking bays are proposed adjacent to Desborough Crescent.

6.2. The apartment buildings would be three storeys and feature a variance in heights. Ridge heights of the buildings vary between 12.1 and 12.7 metres to the roof ridge and 9.1 and 9.5 metres to the eaves.

6.3. The application has been subject of revisions, which include changes to the external amenity spaces of the ground floor dwellings and alterations to the proposed landscaping to include additional planting within the site and adjacent to the street frontages.

7. RELEVANT PLANNING HISTORY

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

16/02952/DEM - Application to determine whether prior approval is required for the method of demolition (community centre building)

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	Oxford Local Plan 2036 – Proposed Submission Document
Design	12	CP1 CP6 CP8 CP9 CP10 CP11	CS18_		DH1
Housing	5	CP13		HP2 HP3 HP9 HP11 HP12 HP13 HP14 HP15 HP16	H1 H2 H4 H10 H14 H15 H16
Natural environment	9, 11, 13	NE15	CS11_		RE1 RE2 RE3 RE4 RE6 RE7 RE9

Social and community	8		CS20_		
Transport	4	TR1	CS13_ CS14_		M1 M3 M4 M5
Environmental	10				
Miscellaneous		CP.13 CP.24 CP.25		MP1	

9. CONSULTATION RESPONSES

9.1. Site notices were displayed around the application site on the 9th November 2018 and an advertisement was published in the Oxford Times newspaper on 15th November 2018.

Statutory and non-statutory consultees

Oxfordshire County Council (Highways)

9.2. The site is in a sustainable location, is within cycling distance to the city centre and has good access to the number 3 bus which runs as frequently as every 7 minutes throughout the week.

9.3. It is not considered that the development will have an overly adverse effect on the highway network.

9.4. The Proposal includes 53 cycle spaces. This provides 2 spaces per dwelling plus 3 visitor spaces. This is in line with Policy HP15 and is acceptable. However, the Master plan only shows 36 spaces within 2 cycle stores. A condition will therefore be required to show that all of the cycle spaces are provided in secure, covered and accessible locations.

9.5. 19 off-street parking bays are to be provided for the scheme, these will be in the form of perpendicular bays facing Desborough Crescent. Whilst this is below the recommended level, the parking survey undertaken shows a low level of on-street parking demand in the area. Furthermore the 2022 census data shows a low level of car ownership in the local ward. The car parking should remain unallocated to help spread the car parking arrangement.

9.6. However, the development will result in the removal of on-street parking spaces on Desborough Crescent. The parking survey shows there is sufficient on-street parking capacity in the vicinity to manage this displacement.

9.7. Following a site visit, however, it is clear that the area suffers with on-street parking issues around school drop off/pick up times, this is especially a problem around The Oval and Ashurst Way. There is concern that the displaced parking from Desborough Crescent may worsen this situation and block the bus turning

area which is particularly tight on the northern side of The Oval. The bus route is vital for the continued sustainability of the site and low car usage within the area.

- 9.8. In order to retain the bus turn around at The Oval it is therefore considered necessary to secure funds for the consultation and delivery of double yellow lines around the inside of The Oval. This will ensure that buses can safely enter and exit the bus stops.
- 9.9. The off-street bays will require dropped kerbs. This will be at the applicant's expense and will need to be undertaken through a Section 184 agreement.
- 9.10. The Transport Statement states that refuse collection will take place from Desborough Crescent and The Oval. Whilst Desborough Crescent is acceptable, The Oval could cause major disruptions to the bus route, a condition should therefore be included ensuring all refuse from the site is collected from Desborough Crescent or Lenthall Road.
- 9.11. No details of the drainage strategy for the application site have been provided along with this application. For major development, a surface water strategy should be produced to demonstrate that the proposed development will not create an increased risk of flooding from surface water. The surface water strategy should be carried out, giving preference to infiltration over discharge to a watercourse, which in turn is preferable to discharge to surface water sewer.

Oxfordshire County Council (Education and Property)

- 9.12. The proposed development will increase the demands placed on local infrastructure and services.
- 9.13. There is currently sufficient existing primary and early years capacity in the area to mitigate the impact of this development. Subject to the opening of the new free school, The Swan School in Oxford, this will also provide sufficient secondary school capacity. There is a shortage of capacity at special schools in the area at this time, however the scale of development would be expected to have a negligible impact on special school capacity.

Oxford Civic Society

- 9.14. Oxford Civic Society consider this proposal to be flawed and lacking in imagination in a number of respects regarding the design. It is unclear how the application fits within the framework of an explicit urban design and spatial regeneration strategy for the area. Thus, whilst we recognise the dimensional limitations of the site, some of the relationships between private amenity space and the public realm do not appear to be robust. It is also unclear why such a high level of parking provision should be considered desirable at this location.
- 9.15. The high, steeply-pitched roofs make the buildings much more prominent than the three storeys of accommodation necessitate and result in considerable wasted volume in unused 'attic' space, as well as having consequences for shading of the surroundings. The distribution of external amenity space is illogical, with some of the smallest apartments provided with space equal to 80% of the internal floor area, whilst others have little more than a small, in some

cases irregularly-shaped balcony; ‘thrust’ balconies (i.e. projecting cantilevers) are in every case too small to be of practicable use, and are thus fated to be used for nothing but informal storage, detracting from the street scene. The argument that these balconies present a more secure solution than alternatives is implausible, and the balconies do not form an impression of a properly integrated design solution.

9.16. The amenity spaces provided for ground floor apartments lack privacy, and the space is severely diminished by the co-location of bike and bin storage. Bicycle storage is inadequate, particularly for visitors.

9.17. The planning of the dwelling types is generally satisfactory; however, the suitability of four person family dwellings with only one living space (living/dining/kitchen) must be questioned. This proposal is a wasted opportunity to provide imaginatively designed and much needed housing fit for the 21st century city; we would urge refusal on the grounds of poor design and failure to make best use of the site.

Public representations

9.18. 2 representations have been received in relation to this application from the occupants of 3 Rivermead Road and one unspecified property.

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

- Parking provision – safety of parking provision and quantity.
- Provision of parking could be lower to encourage use of sustainable means of transport.
- Three storey buildings would make the road feel cramped and would result in a loss of light to the buildings opposite.
- The site should be used as a small park or wildlife area.

10. PLANNING MATERIAL CONSIDERATIONS

10.1. Officers consider the determining issues to be:

- Principle of development
- Design
- Neighbouring amenity
- Transport
- Trees
- Sustainability

a. Principle of development

- 10.2. Paragraph 59 of the NPPF states that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
- 10.3. Paragraph 117 of the NPPF states that 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. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.
- 10.4. Policy CS2 of the Core Strategy outlines that new development should be focused on previously developed land and that development will only be permitted on Greenfield Land if it is specifically allocated for the use in the local development framework; or in the case of residential development, it is required to maintain a rolling five year supply of housing, as outlined within Policy CS22.
- 10.5. The site is currently vacant and clearly falls under the definition of previously developed brownfield land, the redevelopment of which would be in line with the provisions of Policy CS2 of the Core Strategy and Paragraph 117 of the NPPF.
- 10.6. Rose Hill is listed as a priority area for regeneration under the provisions of Policy CS2 of the Oxford Core Strategy. The aims of policy CS3 including improving the quality of housing stock and enhancing the mix of housing within focus areas for regeneration. This includes broadening the housing mix in terms of size, type and tenure. The proposals are considered to be in line with the provisions of Policy CS3 as the development would make an important contribution in providing new, high quality affordable housing to meet an identified need. The proposals would involve the redevelopment of presently unused vacant land and there would be visual benefits arising from this.
- 10.7. It is noted that the land was formerly used as a community centre, Policy CS22 of the Oxford Core Strategy states that planning permission will not be granted for development, which results in the loss of community facilities, unless equivalent or improved and accessible facilities can be provided. The former community centre has been removed from the site and has been replaced with a much larger, modern facility in close proximity to the site. As the community facilities have already been re-provided the proposals would not conflict with the provisions of Policy CS22 of the Oxford Core Strategy.

b. Provision of Affordable Housing

- 10.8. Policy HP3 of the Sites and Housing Plan specifies that Planning permission will only be granted for residential development on sites with capacity for 10 or more dwellings, or which have an area of 0.25 hectares or greater, if generally a minimum 50% of dwellings on the site are provided as affordable homes, of this figure it is expected that 80% of the affordable dwellings should be made available as socially rented accommodation.

- 10.9. The affordable housing provision within this development is being considered in conjunction with the scheme for the former Scout Hut and Advice centre in Rose Hill (18/02818/FUL) which would provide 18 flats, 100% of which would be socially rented. The application for the community centre site proposes that 100% of the dwellings would be made available as intermediate affordable housing. Taken into conjunction with the linked application at the former Scout Hut and Advice Centre site the combined developments would provide a total of 43 units, 100% of which would be affordable. The proposed mix of these units would comprise of 18 socially rented units (42%) and 25 intermediate units (58%).
- 10.10. When taken together the proposals significantly exceed the overall requirement for 50% provision of affordable housing, with 100% affordable housing being provided on both sites.
- 10.11. The overall provision of socially rented units would be higher than a technically policy compliant scheme which made provision for 50% affordable housing. A policy compliant 50/50 private/affordable tenure split scheme across both sites would deliver 22 affordable units in total, 17 of which would be socially rented. The proposed development on the other hand would deliver 18 socially rented units, with the remaining 25 units being made available as intermediate affordable units. Taking this into account the social housing provision would comply with the provisions of Policy HP3 of the Sites and Housing Plan and the level of affordable housing provision at 100% would far exceed the 50% requirement.

c. Balance of Dwellings

- 10.12. Policy CS23 of the Core Strategy states that development should comply with the Balance of Dwellings Supplementary Planning Document (SPD). This document highlights that across Oxford, new development should include a certain percentage of family dwellings (i.e. 3 or more bedrooms). The site falls within the Rose Hill Neighbourhood Area, which is identified as an 'Amber' area where *'pressure is considerable, so the Council needs to safeguard family dwellings and achieve a reasonable proportion of new family dwellings as part of the mix for new development'*.
- 10.13. Table 8 of the Balance of dwellings document specifies that the target housing mix of 3 bedroom dwellings within developments of 10-24 dwellings should be between 30-70%. The proposed development comprises solely of 1 and 2 bedroom apartments and does not comply with the required Balance of Dwellings mix.
- 10.14. Notwithstanding this, Policy H4 of the Emerging Oxford Local Plan states that proposals for 25 or more homes outside of the City Centre will be expected to comply with a specified mix of dwellings for the affordable element. Part of this requirement would be a 20% provision of 3 bedroom homes, where this is feasible. Furthermore sites below this threshold should demonstrate how the proposal has regard to local housing demand, including for affordable housing demonstrated by the housing register. Whilst the policies of the emerging local plan should be given limited weight at this stage in its adoption process, it

identifies a clear direction of travel in terms of how this policy will be applied moving forward and where regard should be given to local housing demand.

- 10.15. It is important to consider that 100% of the proposed dwellings would be socially rented. Policy HP3 of the Sites and Housing Plan, which relates to the provision of affordable housing specifies that the applicant must demonstrate that the mix of dwelling sizes meets the City Council's preferred strategic mix for affordable housing.
- 10.16. The Council's Affordable Housing Register identifies that there is limited need for additional 3 bedroom dwellings in the city and identifies high under occupancy of 3 bedroom affordable units in the city (41.6%). These trends are also reflected at a local level in Rose Hill. The City's Housing Register identifies that the principle requirement for affordable housing, including for families in need is for 1 and 2 bedroom dwellings. The provision of smaller affordable units also has the joint benefit of making available existing larger properties which are currently under occupied.
- 10.17. Furthermore taking into account the constrained nature of the site, opportunity would be limited to provide larger 3 bedroom units within the development and consequently such provision would result in the number of units provided and therefore a lesser number of affordable units would be delivered.
- 10.18. Taking these factors into account it is considered that there are material grounds to deviate from the specified BOD's requirement. In this instance it is considered that deviating from the required mix would deliver greater public benefits as the development meets an identified need for socially rented accommodation of which the specific need in terms of this accommodation is for smaller units.

d. Design

- 10.19. In terms of design the NPPF requires high quality design and a good standard of amenity for all existing and future occupants of land and buildings. It suggests that opportunities should be taken through the design of new development to improve the character and quality of an area and the way it functions. Policies CP1, CP6 and CP8 of the Oxford Local Plan, together with Policy CS18 of the Core Strategy and Policies HP9 and HP14 of the Sites and Housing Plan in combination require that development proposals incorporate high standards of design and respect local character.
- 10.20. The proposed development would comprise of two blocks of flats, each of which would be three storeys. The blocks feature pitched roofs of varying heights, which help to break up the overall mass of the blocks. The apartment buildings would be three storeys and feature a variance in heights. Ridge heights of the buildings vary between 12.1 and 12.7 metres to the roof ridge and 9.1 and 9.5 metres to the eaves.
- 10.21. The general scale of development is considered appropriate accounting for the scale of the surrounding built form. Surrounding development fronting The Oval consists of blocks of flats varying between two and three storeys. The

relatively recent brick and render three storey building fronting The Oval to the west of the site is of a similar scale to the proposed development. Consequently it is considered that the scale of development would be comfortable within the context of the surrounding area. It is also considered that enough separation is retained between the proposed buildings and the properties opposite that the development would not have an enclosing or overbearing impact on the street scene.

10.22. There is a variance in the architectural style of buildings throughout the immediate area. The proposed buildings would feature pitched roofs, which is consistent with the surrounding development. The buildings in the immediate area are principally brick, mainly red and light brown in colour. The submitted plans indicate the use of 4 types of brick, which officers consider would not offer the best approach, the use of a single buff coloured brick is considered preferable in design terms. Material samples and a specification are requested by condition.

10.23. In summary it is considered that the development is of an appropriate design standard and meets the requirements of Policies CP1, CP6 and CP8 of the Oxford Local Plan, together with Policy CS18 of the Core Strategy and Policy HP9 of the Sites and Housing Plan.

e. Residential Amenity

10.24. The Oxford Local Plan Policy seeks to safeguard the amenities of the occupiers of properties surrounding any proposed development. As a result Policy CP10 requires development to be sited in a manner which ensures that the amenities of the occupiers of properties surrounding any proposed development are safeguarded.

10.25. The properties would be served by a small area of external communal space, though this is not substantial in size. The ground floor dwellings would each be served by external private amenity spaces in the form of outside spaces, which are considered to be of an appropriate size and quality. The dwellings at first and second floor would be served by external balconies, each of which measure 5 least metres squared in total area, the minimum requirements specified under Policy HP13 of the Sites and Housing Plan is to provide 4.5 metres of external balcony space.

10.26. The proposed flats would each comply with the minimum requirements for internal living accommodation as specified under the provisions of Policy HP12 of the Sites and Housing Plan and would comply with the Governments Nationally Described Space Standards for internal floor areas and storage.

10.27. In terms of the impact on existing occupiers, there would be a distance of 25 metres between the rear of the proposed flats and the front of the existing dwellings in Desborough Crescent. Even when accounting for the change in levels between the application site and adjacent dwellings in Desborough Crescent, officers consider that the development would not have an unacceptable impact on the residential amenity of these properties by reason of overlooking or the scale of the built form proposed. The separation distance

would be sufficient to ensure that there would not be significant loss of light to the front elevations of the properties opposite.

- 10.28. There is an existing residential block of flats to the east of the site, owing to the orientation of this block and the orientation of the proposed flats, whilst also accounting for position of the existing windows on this building, it is considered that the proposed development would not result in undue overlooking of this property.
- 10.29. The provision of parking along the site frontage of Desborough Crescent is not wholly desirable in urban design terms; however there is a requirement for parking on site given the location of the site and in the absence of parking controls. It is accepted that it would be difficult to provide parking elsewhere on the site and the parking in this location would be mitigated by the provision of landscaping and planting along this frontage.
- 10.30. In summary it is considered that the development would not compromise the amenity of existing occupiers and makes acceptable amenity provision for future occupiers, consequently the development meets the requirements of Policies CP1, CP6 and CP8 of the Oxford Local Plan, together with Policy CS18 of the Core Strategy and Policies HP9, HP12, HP13 and HP14 of the Sites and Housing Plan.

e. Transport

- 10.31. A total of 19 parking spaces are proposed, 2 of which (11%) would be disabled spaces, parking provision would be 0.72 spaces per dwelling. Rose Hill is not within a Controlled Parking Zone, therefore there is a risk that under provision of car parking could result in an accumulation of on street parking. The level of parking provision needs to be balanced against the overall sustainability of the location, in addition to the lack of parking controls within the area.
- 10.32. There is a bus stop immediately adjacent to the site at The Oval, this is served by regular bus services to Oxford and there are local shops adjacent to the site. The location of the site is therefore considered to be reasonably sustainable. Oxfordshire County Council have proposed a controlled parking zone within Rose Hill, though at this stage this can be afforded no statutory weight as this has not been subject of consultation and dates of intended implementation or funding are not specified. Whilst accounting for the relative sustainability of Rose Hill in terms of facilities and public transport access, officers consider that car free development would not be appropriate in this location as accounting for the lack of parking controls there would be significant likelihood that this would result in an accumulation of cars within the surrounding streets.
- 10.33. The off-street parking bays are to be provided in the form of perpendicular bays facing Desborough Crescent. Whilst this is below 1 per unit, the parking survey undertaken shows a low level of on-street parking demand in the area. Furthermore the census data shows a low level of car ownership in the local ward. It is specified that the car parking should remain unallocated to help spread the car parking arrangement. The development will result in the removal of on-street parking spaces on Desborough Crescent. The parking survey shows

there is sufficient on-street parking capacity in the vicinity to manage this displacement.

10.34. Notwithstanding this the area does suffer with on-street parking issues around school drop off/pick up times especially around The Oval and Ashurst Way. There is concern that the displaced parking from Desborough Crescent may worsen this situation and block the bus turning area which is particularly tight on the northern side of The Oval. The bus route is vital for the continued sustainability of the site and low car usage within the area. In order to retain the bus turn around at The Oval, County Highways have requested to secure funds for the consultation and delivery of double yellow lines around the inside of The Oval. This will ensure that buses can safely enter and exit the bus stops.

10.35. The application proposes a total of 53 cycle parking spaces for the 25 units; this would exceed the minimum provision required under the provisions of Policy HP15 of the Sites and Housing Plan and is considered acceptable.

10.36. Taking the above factors into account it is considered that the development is acceptable and compliant with the provisions of Policies HP15 and HP16 of the Sites and Housing Plan.

f. Flood Risk

10.37. The application site is located within flood zone 1 and is considered to be at a low risk of flooding. A drainage strategy has not been provided and has been requested by the County Councils drainage engineer by condition.

f. Ecology

10.38. The site is brownfield land consisting principally of cleared land and hardstanding, with little vegetation, the site is deemed to be of low ecological value. The Councils Ecology officer has raised no objection to the proposed development. The development would therefore comply with the provisions of Policy CS12 of the Oxford Core Strategy.

f. Trees and Landscaping

10.39. The application site is principally cleared, however there existing boundary trees, which includes a cherry tree adjacent to Desborough Crescent and a group of trees in the north east corner of the site, comprising of two oak trees and a sycamore.

10.40. The cherry tree and two oak trees are considered to be of relatively low amenity value and it is considered that the removal of the trees would not be unduly harmful. The sycamore tree is considered to be of notable amenity value and is a prominent tree which sits on the corner plot of The Oval and Lenthall Road. It is accepted that retention of this tree would not be compatible with the siting of the proposed apartment block.

10.41. In order to mitigate the loss of this tree, which is of visual amenity value, replacement planting is proposed along the site boundaries of Desborough Crescent and Lenthall Road, this will include larger specimens, which add to the

visual amenities of the area and will help to offset the loss of the existing Sycamore. Smaller specimen planting is also proposed within the landscaped area to the centre of the site and adjacent to the pedestrian entrance at The Oval.

g. Sustainability

10.42. Policy HP11 of the Sites and Housing Plan requires that developments of 10 or more dwellings are accompanied by an Energy Statement in order to demonstrate that 20% of all energy needs are obtained from renewable or low carbon resources. An Energy statement is provided alongside this application as required, which incorporates a series of recommendations in order to meet the required target of 20%.

10.43. Principally to meet the renewable requirement it is proposed that solar panels are installed to the south facing roofs of the flats in order to maximise solar gain, the position of the solar panels are identified in the architectural drawings accompanying the application.

10.44. In addition to the solar panels the accompanying energy statement details a list of measures proposed in order to meet compliance with building regulations part L to achieve energy efficiency. The proposed measures would be as follows:

- Optimised glazing g values
- Improved insulation levels
- Accredited thermal bridging details
- Improved air tightness
- High efficiency combination gas boilers in dwellings with time and temperature zone controls and smart thermostats
- High efficiency LED lighting throughout
- High efficiency heating, time controls and lighting presence detection controls in communal areas

10.45. Officers are satisfied that the measures outlined demonstrate that the proposed development would incorporate high standards of energy efficiency which comply with the requirements of Policy HP11 of the Sites and Housing Plan.

h. Legal Agreement

10.46. It is considered that the following matters should be secured through a section 106 legal agreement:

- To secure the provision of on-site affordable housing on the site subject of this application and on the former Advice Centre and Scout Hut site in accordance with the proposals specified under planning application 18/02818/FUL. The agreement will cover the provision of 18 socially rented units and 25 intermediate affordable units across both sites.

- A financial contribution of £3100 to be made to Oxfordshire County Council towards double yellow lines at The Oval.

11. CONCLUSION

- 11.1. Having regards to the matters discussed in the report, officers would make members aware that the starting point for the determination of this application is in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004 which makes clear that proposals should be assessed in accordance with the development plan unless material considerations indicate otherwise.
- 11.2. Paragraph 11 of the NPPF requires that planning decisions apply a presumption in favour of sustainable development, this means approving development proposals which means approving development proposals that accord with an up-to-date development plan without delay; or approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 11.3. The proposals would bring forward the development of vacant and underused brownfield land to provide a total of 25 dwellings, 100% of which would be affordable, significantly in excess of the requirements of Policy HP3 of the Sites and Housing Plan. Furthermore it is considered that there would be significant visual benefits arising from redevelopment of a prominent and centrally located site.
- 11.4. The proposals are considered to make available adequate vehicle parking provision accounting for the overall sustainability of the location and the availability of public transport in the locality, this is balanced against the existing parking situation in the area and the fact that the site is not within a CPZ.
- 11.5. In the context of Paragraph 11 (c) of the NPPF it is considered that the development accords with the relevant provisions of the Oxford Local Plan, Sites and Housing Plan, Core Strategy and the Emerging Oxford Local Plan 2036. There would be significant public benefits of the development in terms of the provision of 25 affordable dwellings to meet an identified need alongside the visual benefits arising from the redevelopment of a vacant brownfield site and the contribution of the development towards housing led regeneration in Rose Hill. It is therefore considered that the proposals represent sustainable development in the context of Paragraph 11 of the NPPF.
- 11.6. It is recommended that the Committee resolve to grant planning permission for the development proposed subject to the satisfactory completion (under authority delegated to the Acting Head of Planning Services) of a legal agreement under section 106 of the Town and Country Planning Act 1990.

12. CONDITIONS

- 1.** The development to which this permission relates must be begun not later than the expiration of three years from the date of this permission.

Reason: In accordance with Section 91(1) of the Town and Country Planning Act 1990 as amended by the Planning Compulsory Purchase Act 2004.

- 2.** The development referred to shall be constructed strictly in complete accordance with the specifications in the application and the submitted plans.

Reason: To avoid doubt as no objection is raised only in respect of the deemed consent application as submitted and to ensure an acceptable development as indicated on the submitted drawings.

- 3.** Samples of the exterior materials to be used shall be submitted to, and approved in writing by, the Local Planning Authority before the start of work on the site and only the approved materials shall be used.

Reason: In the interests of visual amenity in accordance with policies CP1 and CP8 of the Adopted Oxford Local Plan 2001-2016.

- 4.** Prior to the commencement of above ground works, details of ecological enhancements shall be submitted to and approved by the Local Planning Authority. The scheme will include details of native landscape planting and provision of artificial roost features, including bird nest boxes.

Reason: In the interests of improving the biodiversity of the City in accordance with NPPF and policy CS12 of the Oxford Core Strategy 2026 and to ensure the survival of protected and notable species protected by legislation that may otherwise be affected by the development.

- 5.** A travel information pack (TIP) will be required in support of this application. This will be sent to the Local Planning Authority for approval before first occupation of the site.

Reason: To encourage the use of sustainable modes of transport.

- 6.** Before the commencement of above ground works details of the cycle parking areas, including dimensions and means of enclosure, shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall not be brought into use until the cycle parking areas and means of enclosure have been provided within the site in accordance with the approved details and thereafter the areas shall be retained solely for the purpose of the parking of cycles.

Reason: To encourage the use of sustainable modes of transport in line with policy HP15.

- 7.** The development must ensure that all refuse vehicle movements and collections are undertaken from Desborough Crescent or Lenthall Road. Refuse collection vehicles must not serve the site from The Oval.

Reason: In the interest of highway safety in accordance with Policy CP1 of the Oxford Local Plan.

8. A Construction Traffic Management Plan should be submitted to the Local Planning Authority and agreed prior to commencement of works. The CTMP should follow Oxfordshire County Council's template if possible. This should identify;

The routing of construction vehicles and management of their movement into and out of the site by a qualified and certificated banksman

Access arrangements and times of movement of construction vehicles (to minimise the impact on the surrounding highway network),

Details of wheel cleaning / wash facilities to prevent mud, etc from migrating on to the adjacent highway,

Contact details for the Site Supervisor responsible for on-site works,

Travel initiatives for site related worker vehicles,

Parking provision for site related worker vehicles,

Details of times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours,

Engagement with local residents

Reason: In the interests of highway safety and to mitigate the impact of construction vehicles on the surrounding network, road infrastructure and local residents, particularly at peak traffic times.

9. Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include:

Discharge Rates

Discharge Volumes

Soakaways test and infiltration/percolation calculations

Proposal of SuDS

Detailed drainage layout with pipe numbers, invert and cover levels and SuDS specifications/dimensions

Network drainage calculations related to the proposed SuDS features

An qualitative assessment of flood flow routing in exceedance conditions

An assessment of residual risk (what would happen if part of the proposed Drainage System fails)

Reason: To ensure acceptable drainage of the site and to mitigate the risk of flooding in accordance with Policy CS11 of the Oxford Core Strategy.

- 10.** No properties shall be occupied until confirmation has been provided that either:- all surface water network upgrades required to accommodate the additional flows from the development have been completed; or - a housing and infrastructure phasing plan has been agreed with Thames Water to allow additional properties to be occupied. Where a housing and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed housing and infrastructure phasing plan.

Reason - The development may lead to 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 in accordance with Policy CS11 of the Oxford Core Strategy. Any necessary reinforcement works will be necessary in order to avoid sewer flooding and/or potential pollution incidents.

- 11.** Prior to the commencement of the development, other than that required to undertake site investigation, a phased risk assessment shall be carried out by a competent person in accordance with relevant British Standards and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR11) (or equivalent British Standards and Model Procedures if replaced). Each phase shall be submitted in writing and approved by the local planning authority. Phase 1 shall incorporate a desk study and site walk over to identify all potential contaminative uses on site, and to inform the conceptual site model and preliminary risk assessment. If potential contamination is identified in Phase 1 then a Phase 2 investigation shall be undertaken.

Phase 2 shall include an intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals.

Phase 3 requires that a remediation strategy, validation plan, and/or monitoring plan be submitted to and approved by the local planning authority to ensure the site will be suitable for its proposed use.

Reason- To ensure that any ground and water contamination is identified and adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use in accordance with the requirements of policy CP22 of the Oxford Local Plan 2001-2016.

- 12.** The development shall not be occupied until any necessary and approved remedial works have been carried out and a full validation report has been submitted to and approved by the local planning authority.

Reason- To ensure that any ground and water contamination is identified and adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use in accordance with the requirements of policy CP22 of the Oxford Local Plan 2001-2016.

13. A landscape plan shall be submitted to, and approved in writing by, the Local Planning Authority before development starts. The plan shall include a survey of existing trees showing sizes and species, and indicate which (if any) it is requested should be removed, and shall show in detail all proposed tree and shrub planting, treatment of paved areas, and areas to be grassed or finished in a similar manner.

Reason: In the interests of visual amenity in accordance with policies CP1, CP11 and NE15 of the Adopted Local Plan 2001-2016.

14. The landscaping proposals as approved by the Local Planning Authority shall be carried out in the first planting season following substantial completion of the development if this is after 1st April. Otherwise the planting shall be completed by the 1st April of the year in which building development is substantially completed. All planting which fails to be established within three years shall be replaced.

Reason: In the interests of visual amenity in accordance with policies CP1 and CP11 of the Adopted Local Plan 2001-2016.

15. Prior to the commencement of development, details of ecological enhancements shall be submitted to and approved by the Local Planning Authority. The scheme will include details of native landscape planting and provision of artificial roost features, including bird nest boxes.

Reason: In the interests of improving the biodiversity of the City in accordance with NPPF and policy CS12 of the Oxford Core Strategy 2026 and to ensure the survival of protected and notable species protected by legislation that may otherwise be affected by the development.

16. Prior to commencement of development, an application shall be made for Secured by Design accreditation on the development hereby approved. The development shall be carried out in accordance with the approved details, and shall not be occupied or used until confirmation of SBD accreditation has been received by the authority

Reason: To ensure that development promotes safe and inclusive spaces which reduce the threat of crime in accordance with Policy CP9 of the Oxford Local Plan and The National Planning Policy Framework 2018, Section 12.

17. Prior to the occupation/use of the development, full details of the boilers that are going to be installed on site shall be submitted to and approved in writing by the Local Planning Authority. The details submitted must demonstrate NOx minimum emissions standards according to current best practice (i.e. All gas-fired boilers will need to meet a minimum standard of < 40 mg/kWh NOx)

Reason - to ensure that the expected NO2 emissions of the combustion system to be installed at the proposed development will be negligible, in accordance with Core Policy 23 of the Oxford Local Plan 2001- 2016.

18. Prior to the development's construction phase is initiated, a list of site specific dust mitigation measures will have to be put in place and incorporated into the

site's Construction Environment Management Plan (CEMP), in order to minimise the impact of on-site dust emissions and their cumulative effects to the status of "non-significant". The complete list of dust mitigation measures to be implemented on site and incorporated in the site's CEMP is available in chapter 6 (Construction Phase) of the Air Quality Assessment submitted with the application. The CEMP containing the site specific dust mitigation measures identified for this development, will have to be submitted to and approved in writing by the Local Planning Authority prior to the initiation of works

Reason - to ensure that the overall dust impacts during the construction phase of the proposed development will remain as "not significant", in accordance with the results of the dust assessment, and with Core Policy 23 of the Oxford Local Plan 2001- 2016.

- 19.No occupation shall take place until the building has been insulated against external noise sources in accordance with a scheme that has been submitted to, and approved in writing by, the Local Planning Authority. To gain approval a scheme must demonstrate that it follows the recommendations of the Planning Noise Assessment by WSP reference no. 70037512-001 dated September 2018. Once approved there shall be no variation to the approved scheme unless otherwise agreed in writing beforehand by the Local Planning Authority.

Reason: To safeguard the amenities of existing and future occupiers of properties in accordance with policies CP9, CP19 and CP21 of the Oxford Local Plan 2001- 2016.

13.APPENDICES

- **Appendix 1 – Site location plan**

14.HUMAN RIGHTS ACT 1998

- 14.1. Officers have considered the implications of the Human Rights Act 1998 in reaching a recommendation to approve 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.

15.SECTION 17 OF THE CRIME AND DISORDER ACT 1998

- 15.1. 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 grant planning permission, officers consider that the proposal will not undermine crime prevention or the promotion of community.