

East Area Planning Committee

31st July 2019

Application number:	18/03330/OUT		
Decision due by	21 st March 2019		
Extension of time	TBA		
Proposal	Outline Planning Application (landscaping subject to reserved matters submission) for development comprising 102 residential units (a mixture of private, socially rented and intermediate units) together with public and private amenity space, access, bin and cycle storage and car parking		
Site address	Former Sportsground , William Morris Close, Oxford, OX4 2JX – see Appendix 1 for site plan		
Ward	Cowley Marsh		
Case officer	Michael Kemp		
Agent:	Mr Simon Sharp	Applicant:	Cantay Estates Ltd
Reason at Committee	The is a major application		

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 outline 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.

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 redevelopment of a 1.24 hectare site located within Temple Cowley, the site comprises of a former sports ground and surface level car park at William Morris Close. The application is in outline form seeking approval all matters relating to layout, scale, appearance, and means of access, and the only matter reserved for a later date is landscaping. The proposed development would comprise 102 dwellings, associated parking, access and areas of landscaped public and private amenity space. The site is predominantly greenfield land but also has areas of previously developed land and is an allocated site within the Councils Emerging Local Plan.
- 2.2. The application has been subject to some minor amendments since submission which relate principally to alterations to the elevational treatment of the flats and roof scape of these buildings, in addition to changes to the parking arrangement layout and indicative landscaping.
- 2.3. There is a considerable planning history to the site, which includes three refused applications all of which were for residential development. The present proposals in officer's opinion address the specific reasons for refusal of planning application 13/01096/FUL which were upheld following the applicants appeal against this refusal, namely the loss of the existing sports facility and the impact of the development on the character and appearance of the area. Since the determination of the previous planning applications, the site has been allocated within the Councils Emerging Local Plan (Policy SP66). Whilst the provisions of the Emerging Local Plan can be afforded only limited weight at the current time, the allocation is indicative of the Councils view that development on the site is acceptable in some form subject to the specific policy provisions.
- 2.4. The site as an open air sports facility is afforded protection under the provisions of Policy SR2 of the Oxford Local Plan, as a requirement of this policy it is expected that suitable alternative provision is made to mitigate the loss of the sports facility. In this instance the loss would be mitigated through a financial contribution which would be used to secure the provision of a new sports facility or improve an alternative sports facility. This would be secured by legal agreement. The current proposal with this financial contribution is for it to be spent on enhancements to existing sports facilities at St Gregory the Great school in Cowley. The existing sports pitch at William Morris Close is currently unused and has been unused for an extended period of time with public access restricted. Furthermore the cumulative development of adjacent sections of the former sports ground has impacted on the size and quality of the facility, restricting its usability for a range of sports. Taking these factors into account it is considered that the proposed financial contribution would adequately offset the loss of the sports pitch.

- 2.5. The site exists as open space; though this is not designated for this purpose under Policy SR5 of the Oxford Local Plan. Notwithstanding this the site provides an open aspect within a dense residential area, consequently the site specific provisions outlined under Policy of the Emerging Local Plan requires the provision of 10% of the site as open space, the provision of 17% open space across this site exceeds this requirement and the proposed space is considered to be of a high standard and located in a publically accessible location.
- 2.6. The matter of additional traffic generation as a result of the development has been considered, officers adjudge that the cumulative impact of this traffic generation would not have a severe impact on the function of the immediate highway network. It is understood that the surrounding roads have identified issues associated with on street parking and the area is not currently within a CPZ. Taking these factors into account parking provision is required in line with Policy HP16 of the Sites and Housing Plan in order to ensure that the development would not result in an accumulation of vehicles on the surrounding roads. Officers consider that the proposed parking provision would be sufficient to limit the likelihood of overspill parking.
- 2.7. The general scale of built form, density, design and layout is considered to be commensurate with the character and appearance of the surrounding area. The scale and siting of the development accounting for the separation distance of the proposed dwellings in relation to existing properties is considered sufficient to adequately safeguard the amenities of neighbouring properties.
- 2.8. Officers consider that the principle of residential development on the site is acceptable in terms of the loss of the existing sports pitch and open space provisions, matters which are appropriately mitigated respectively through a financial contribution towards alternative sports provision and through securing 17% of the site to be made available as public open space. Officers consider that the development is acceptable in all of other aspects and recommend that the committee resolve to approve the application subject to a legal agreement which is covered in the section below.

3. LEGAL AGREEMENT

3.1. This application is subject to a legal agreement to cover:

- The provision of on-site affordable housing
- Financial contribution towards sports provision in the local area
- The provision of Public Open Space.

4. COMMUNITY INFRASTRUCTURE LEVY (CIL)

4.1. The proposal would be liable for CIL.

5. SITE AND SURROUNDINGS

5.1. The site is located in Temple Cowley and comprises the former Sports Ground, which was previously part of the Morris Motors Social Club and an area of

surface level parking associated with the sports facility. The sports ground which comprises of a grass pitch is not in active sports use and is enclosed with security fencing preventing public access.

- 5.2. The site is accessed principally from William Morris Close, which is a residential cul-de-sac that joins Barracks Lane to the north. There is a footway to the south west providing pedestrian access to Beresford Place and Crescent Road. This footway is not a public right of way but is currently open and is used as a pedestrian through route between William Morris Close and Beresford Place.
- 5.3. Tyndale Community School which is a two storey red brick building is located to the north of the site. The school was developed on part of the former Morris Motors Sports Club, reducing the size of previous sports facility. An area to the east and south east of the school building is used as outdoor play space by the school. A car park serving the school is located to the south of the main school building.
- 5.4. Another section of the sports ground to the north west of the site was redeveloped in the early 2000's for residential development of which is currently William Morris Close, this development comprises three storey blocks of apartments and terraced houses of two and two and half storeys, constructed from red brick with pitched roofs. Beresford Place to the south comprises of red brick and white rendered three storey flats of a similar appearance to the flats in William Morris Close. The shared outdoor amenity space of the flats extend up to the southern edge of the site. The rear balconies of these flats overlook the application site.
- 5.5. Crescent Close is located to the west of the site and the existing surface level car park. Development in Crescent Close comprises of two storey dark brick 1970's properties. Crescent Road further to the south consists of more traditional mainly red brick terraces, with some modern infill development in the form of terraced houses and blocks of flats constructed from a red brick palette of materials.
- 5.6. The properties to the east of the site front Hollow Way and consist mainly of a mix of traditional and late 20th century houses generally comprising of small terraces and semi-detached pairs constructed from a mix of brick and render materials. The gardens of the residential dwellings on the western side of Hollow Way extend up to the boundary of the application site. Oxford Golf Club is located to the north of Barracks Lane and forms an extended area of green space.
- 5.7. The site does not fall within a Conservation Area; however the boundary of the Temple Cowley Conservation Area extends up to the southern side of Barracks Lane, around 50 metres to the south of the application site.
- 5.8. The site is devoid of significant natural features although there trees to the south east of the site along the rear boundaries of the adjoining properties in Hollow Way.

5.9. The site block plan is shown below, indicating the proposed layout of the development.



6. PROPOSAL

6.1. An outline application is proposed for a residential development on the former sports pitch and associated car park to comprise of 102 residential units within 2x 3 storey blocks, 4x 4 storey blocks and two sets of two and half storey terraced houses. Landscaping is the sole matter which would be reserved for consideration at a later date. Vehicular access to the development would be via William Morris Close. The existing pedestrian access to the south of the development linking the site with Beresford Place and Crescent Road would be retained.

6.2. It is proposed that 17% of the site would be made available as public open space; this would be sited adjacent to William Morris Close to the west of the 4 storey blocks of flats. The applicant would not be providing alternative sports provision on the site, but proposes to mitigate its loss through a financial contribution of £600,000 towards off-site sports provision. The preferred option for this contribution following discussions with the Councils Leisure Services would be for the contribution to be spent on enhancements to the existing sports facilities at St Gregory the Great School in Cowley. The financial contribution would be secured through a Section 106 legal agreement.

- 6.3. The proposal would provide 102 dwellings, of which 51 of these 38 (51%) would be available as affordable housing, with 38 dwellings (75%) socially rented, whilst 13 dwellings (25%) would be available as shared ownership affordable housing. The provision of on-site affordable housing would be secured through a legal agreement.
- 6.4. Vehicular access to the site would be provided via William Morris Close. Each of the houses would be served with allocated parking, whilst the apartments would be provided with 88 unallocated spaces, 1 per dwelling. The development would also be served by 2 car club parking spaces.

7. RELEVANT PLANNING HISTORY

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

<p>13/01096/FUL - Construction of two all-weather pitches, plus new residential development consisting of 6 x 1 bed, 15 x 2 bed, 15 x 3 bed and 4 x 4 bed residential units, 71 car parking spaces, access road and landscaping accessed off Barracks Lane (Amended plans)(Amended Description). Refused 18th September 2013 Appeal Dismissed.</p>
<p>13/02500/OUT - Outline application (seeking access, appearance, layout and scale) for residential development consisting of 6 x 1-bed, 15 x 2-bed, 15 x 3-bed and 4 x 4-bed residential units, together with 70 car parking spaces, access road and informal recreation area. (Amended Description). Refused 11th December 2013.</p>
<p>16/02651/OUT - Outline application with all matters reserved, seeking permission for 72 new affordable key worker dwellings, retention of and extension to existing parking area, together with private amenity space, access road, landscaping and new publicly accessible recreation space.. Refused 15th February 2017.</p>
<p>17/01521/OUT - Outline application with all matters reserved for 83 affordable dwellings (1, 2 and 3 bed units) for occupation by key workers, with new access, landscaping and publicly accessible recreation space.. Withdrawn 3rd October 2017.</p>

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	Emerging Local Plan 2036
Design	11, 12	CP1 CP6 CP8 CP9	CS18_		DH1 DH2 DH5

		CP10 CP11 CP13			
Conservation/ Heritage	16	HE2 HE7 HE9			
Housing	2, 5		CS22_ CS23_ CS24_	HP2_ HP3_ HP9_ HP12_ HP13_ HP14_	H1 H2 H4 H10 H14 H15 H16 SP66
Natural environment	15	CP18 NE15 NE21 NE23	CS9_ CS11_ CS12_ CS21_		RE1 RE2 RE3 RE4 RE6 RE7 G2
Social and community	8	SR2 SR5	CS17_		G5 G7
Transport	9	TR1 TR2 SR9 SR10	CS13_ CS14_	HP15_ HP16_	M1 M2 M3 M4 M5
Environmental	11, 14	CP22	CS10_ CS2_		
Miscellaneous		CP.13 CP.24 CP.25		MP1	

9. CONSULTATION RESPONSES

9.1. Site notices were displayed around the application site on the 11th January 2019 and an advertisement was published in the Oxford Times newspaper on 10th January 2019.

9.2. The application was re-advertised by site notice on 27th June 2019 and an advertisement was published in the Oxford Times newspaper also on 27th June 2019.

Statutory and non-statutory consultees

Oxfordshire County Council (Highways)

Parking/sustainability

- 9.3. The site is located to take advantage of the walking and cycling routes as well as public transport. Therefore, the county council supports residential development at this location. However, careful consideration needs to be given to the transport challenges in these areas including the existing car parking issues on Barracks Lane and the impact on the Barracks Lane / Hollow Way / Horspath Road junction.
- 9.4. It is proposed to provide a total of 102 car parking spaces on site. Fourteen spaces would be allocated at one space per house and 88 spaces would be unallocated. This level of provision is in accordance with adopted standards.
- 9.5. The County Council is concerned that the car park for the development could be misused for parking which is not related to the development. Therefore, a suitably worded condition requiring a car park management plan has been requested.
- 9.6. A Controlled Parking Zone (CPZ) is planned for this area (Temple Cowley) and is currently marked as Priority 2 in the Future Programme for CPZs. An informal consultation has recently concluded for a Temple Cowley CPZ and other priority 1/ 2 CPZ areas. Implementation of a CPZ in Temple Cowley, including decisions on its layout including whether formal marked bays would be appropriate would be subject to a review of consultation feedback and gaining subsequent relevant approvals. If it is decided to proceed to implement a CPZ this will be, at the earliest, towards the end of 2019 and early part of 2020.
- 9.7. The alignment and width of Barracks Lane mean that vehicles find it difficult to negotiate parked cars resulting in vehicles reversing to allow another to pass or having to wait for a considerable amount of time. This problem will be exacerbated by this development which is adding 102 car parking spaces resulting in more trips being generated from William Morris Close. Therefore, the county council requires the development to provide contributions to install parking controls (separate from the CPZ) to potentially prevent parking on one side of Barracks Lane, to protect the junction at William Morris Close and to create passing places. The cost of these works are estimated to be £500 as well as £3,120 for the Traffic Regulation Order consultation and advertisement which will be undertaken by the county council.

Cumulative Highways Impacts

- 9.8. The trip rates accepted as part of the 2016 application have been used to assess the traffic generation of the site. This estimates that the site could generate 34 two-way vehicular trips in the AM peak and 31 vehicular trips in the PM peak. This level of traffic generation is higher than that assessed previously with the various proposals, however cannot be identified to cause 'severe harm' in the context of the NPPF on the operation of Barracks Lane or the Barracks Lane / Hollow Way / Horspath Road junction.

Cycle Parking

9.9. Concerns were expressed regarding the proposed location of the cycle parking and the number of spaces proposed. Cycle parking would need to conform with the requirements of Policy HP15.

Oxfordshire County Council (Education and Property)

9.10. The demands that will be placed on local infrastructure and services have been assessed in accordance with the increase in population and its age profile, based upon the net number of dwellings and the notified mix. Should the application be amended or the development mix changed at a later date, the County Council reserves the right to alter the above figures according to the nature of the amendment.

9.11. There is currently expected to be sufficient capacity at mainstream schools in the Oxford City area to accommodate this development, considering the planned new schools due to open within the next two years. There is an existing shortage of special education places, and in December 2018 the county council Cabinet approved a strategy to expand special school capacity, including the rebuilding and expansion of Northfield School in Oxford. The cumulative impact of housing development within the city will increase the need for special school places, and community infrastructure levy funding would be expected to contribute to the cost of this expansion.

Thames Water Utilities Limited

9.12. 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, request appropriate condition be attached.

9.13. 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 conditions to control this.

Natural England

9.14. We consider that without appropriate mitigation the application would: damage or destroy the interest features for which Lye Valley Site of Special Scientific Interest (SSSI) has been notified.

9.15. In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required / or the following mitigation options should be secured: The applicant should provide a SUDS maintenance plan which will detail how the proposed SUDS will be maintained in perpetuity. Existing infiltration rates need to be maintained now and in perpetuity to ensure no damage to Lye Valley SSSI.

9.16. We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.

Sport England

9.17. The proposal is for housing which will completely remove the playing field. There has been a previous planning application on this site where we did object due to a lack of replacement facilities/mitigation or justification for the loss in relation to our planning policies and the National Planning Policy Framework.

9.18. The applicants have offered a mitigation of £600,000 towards replacement facilities, which to my mind would meet our planning policy exception E4 and the NPPF paragraph 97. This is supported by the Football Association and the Football Foundation. Oxford City Council are currently refreshing their Playing Pitch Strategy and once it is complete, the City Council will be able identify the site(s) where the mitigation sum can be best used to provide sporting opportunities for the residents of Oxford.

9.19. Given the above assessment, Sport England does not wish to raise an objection to this application as it is considered to broadly meet exception E4 of the above policy.

Oxford Civic Society

9.20. Whilst providing welcome additional and much-needed housing, Oxford Civic Society consider that this application should be refused on the following grounds:

9.21. The public recreational space proposed is inadequate to make a realistic contribution to the local need, and much too great a proportion of the site is occupied by car parking and associated hard surfacing.

9.22. There is no justification for the level of provision of car parking proposed, and the Transport Assessment suggests that much lower provision, or even none (except for disabled and servicing) would be more consistent with existing and emerging policies aimed at reducing car use and encouraging active travel and use of public transport; such alternatives would necessitate implementation of a local CPZ, but would facilitate the provision of more useful and attractive recreational green space, with associated environmental benefits.

9.23. Associated with this, whilst predicted levels of traffic generation are low, any increase at all at this particular point in the road network would be detrimental to both traffic flows and the safety of staff and pupils of Tyndale Community School. The conclusions of the traffic effects are not borne out by anecdotal evidence, and the conflicts between traffic emerging from William Morris Close, visiting Tyndale Community School and using Barracks Lane are inadequately assessed.

9.24. There are aspects of the design which are not acceptable – the Oxford Design Review Panel has stated that the buildings should be of ‘high quality design and distinctive in character’, yet this proposal fails to meet these criteria, the designs being lumpen and formulaic. There is inadequate information provided on the significance of the buildings on the views of the city, but that provided suggests

that not only has the appearance of the buildings from the surroundings (remote from the site itself) been little considered, but that the effects could be significantly detrimental.

9.25. The proposals for cycle parking and bin stores are unacceptable, having the appearance of an afterthought, rather than an integral design consideration. In some cases the bike storage will thus become a significant feature of the aesthetics of the development, of which no details are provided; in other cases the positioning is inconvenient and impractical, at the back of gardens. The solutions suggested are inconsistent with policies aimed at the encouragement of active travel, and increased responsibility in waste management.

9.26. The proposed sustainability credentials are reasonable, as far as they go, but no consideration has been given to serious measures to reduce water consumption, for example by providing for rainwater harvesting or grey water recycling, to which the layouts would lend themselves. Such inclusions would contribute to the reduction of run-off and water treatment.

9.27. We would urge refusal of this application on the grounds of the deficiencies of the proposals in all these respects.

Thames Valley Police

9.28. Do not wish to object to the proposals. However some aspects of the design and layout are problematic in crime prevention design terms. Recommend a condition to achieve secured by design accreditation.

Historic England

9.29. Do not wish to comment.

Public representations

9.30. A total of 84 representations have been received in relation to this application from the following addresses Hollow Way, Anemone Close, Glebelands, White Road, Benson Road, Manor Drive, Owens Way, Fern Hill Road, Addison Road, Horspath Road, Raymund Road, Turner Drive, Yeats Close, Cranmer Road, Dene Road, Manor Drive, Townsend Square, Ridgefield Road, The Slade, Wilkins, Bulan Road, Glanville Road, Town Furze, Oliver Road, Wharton Road, The Sycamores (Cambridge), Gaisford Road, Beresford Place, Morrell Avenue, Barracks Lane, Beech Road, Cranmer Road, Crescent Road, Florence Park Road, Inott Furze, Knolles Road, Maidcroft Road, Ringwood Road, Selwyn Crescent (Abingdon), Stanway Road, Temple Road, Territorial Road, Troy Close, Don Bosco Close, Leafield Road, William Morris Close, Junction Road, Badgers Walk and Bennett Crescent.

9.31. The principle comments received are summarised below:

Principle of Development, Loss of Playing Fields, Open Space and Sports Facility

- The site should be retained as a playing field to serve the health and well-being of the local community.

- The site should be used as a community centre or social club.
- The site could be used as a playpark for the adjacent school.
- The sports pitch should be returned to its original use.
- The site is protected open space and should not be developed.
- The site would not be surplus to sports use. The proposed financial contribution would not compensate for this loss and may not benefit the local community.
- The site is not allocated for development in the Sites and Housing Plan.
- The site would be currently used as a sports facility if a fence had not been erected obstructing access.
- Oxford and Cowley are lacking in sports infrastructure and open space consideration is not given to the requirement for sporting facilities.
- Proposing replacement recreation facilities is inadequate and unacceptable.
- Housing need and provision should not override all other considerations. The development plan has not since the previous application on the site was refused.
- The development is contrary to Policy CS2 of the Core Strategy as the site is not allocated for development.
- The site is greenfield land and should remain undeveloped.
- Affordable housing provision would be lower than the local plan requirements.

Privacy, overlooking and Amenity

- Development would block light to the rear gardens in Hollow Way.
- The proposed dwellings would be too close to existing properties in the area.
- The development would overlook the flats in Beresford Place resulting in a loss of privacy for the occupiers of these properties.
- Insufficient detail is provided in respect of the overshadowing of existing properties.

Design Layout and Siting

- Proposals would be an overdevelopment of the site.
- There would be a lack of green open space.
- The development would be bulky, overbearing and unneighbourly.

Parking, Access and Highways

- The development should be car free as the site is in a sustainable location.
- The development would result in traffic congestion.
- Generation of traffic would result in safety issues for road users and pedestrians particularly given the proximity to Tyndale School.
- Additional traffic congestion would be detrimental to adjoining residents.
- The proposals would further parking problems in the surrounding roads.
- Impact on traffic congestion has been underestimated in the transport statement.
- Additional traffic generation would create pollution.
- Insufficient parking is proposed which will result in overspill parking.

- Residents are likely to be dependent on private vehicles in order to access local shops.
- The development will put pressure on road conditions in the immediate area.
- The development will result in congestion pressures in Crescent Road, Junction Road and Temple as these streets are currently used as a cut through.

Other Issues

- Part of the site should be used by Tyndale School.
- Development during construction would cause disruption to users of the school.
- Several respondents have raised safeguarding concerns associated with overlooking of Tyndale School.
- The surrounding area is being overdeveloped which is putting pressure on local services and facilities.
- Additional demand would be put on school places in the area.
- Insufficient detail is provided on air quality during construction phase.
- Surfacing the site would increase likelihood of surface water flooding.
- Affordable housing would be below policy compliant levels.
- The development and traffic generation would have a negative impact on air quality.

Comments made in support of proposals – 2 Representations

- Housing is much welcomed, Transport statement predicts low traffic generation and the sports facilities can be replaced elsewhere in the city.
- The development would provide much needed affordable and social housing.

County Councillor John Sanders made the following comments:

With 210 bedrooms, i.e. 210-250 new residents, in an already overcrowded area thus putting a strain on existing overstretched local amenities.

I dispute the traffic figures produced for the development. Currently it is extremely difficult for residents of Barracks Lane, William Morris Close and Turner Close to drive out of Barracks Lane between 08:00 and 09:00 due to the heavy traffic for Tyndale School. On a typical weekday morning it can take 45 minutes to leave the Lane. It is not feasible for more traffic to leave the Lane during that time. Unless the development were deemed "Car Free" new residents could presume to park outside the site (after the proposed 86 spaces were full) causing even more congestion. It would be a serious congestion problem to allow any parking on or off site.

There is no daylight and sunlight impact assessment. These relatively tall buildings will cut out light from gardens on Hollow Way and Beresford Place and the fronts of the houses on William Morris Close. No impact has been assessed how much of the day these properties will be put in shadow during the year.

I note that the developer has offered to "improve" the playing field at Oxford Spires Academy in supposed mitigation for loss of the playing field amenity on site. However, this improvement does not increase the area of playing field at the Academy and therefore there would be a net loss of recreational area as the William Morris site would be lost.

Cowley Area Transport Group submitted the following comments in objection, these comments have been summarised as follows:

Tyndale school parents have already complained to their local councillors that they have trouble exiting from Barracks Lane onto Hollow Way at school run times. We have observed the phenomenon of traffic jams in Barracks Lane at school run times.

The presence of 88 unallocated parking spaces indicates that the major problem of this development will be the movements of vehicles to and from these spaces at school run and rush hour times. In consequence, the car free housing element of these housing units should be 100% in order to restrict any vehicle movements to public utilities, taxis and deliveries, if the City Council decides to permit this application at all.

Low levels of car ownership in Oxford do not justify confidence in no traffic impacts from this development.

A Controlled Parking Zone covering this area alone would not be adequate. If the development occurred at all, it should be car free and this requires that it is ringed by Controlled Parking Zones. Since it is consistent with the Local Transport Plan that Oxford should have uniform Controlled Parking Zones, it should be possible to introduce them to protect residents from unwanted vehicle parking.

Bike storage for 2 bikes for houses in this development assumes none of these homes become HMOs in the medium term. Since this is quite possible, bike storage would need to be larger. A completely car free development allows more space for cycle storage and indeed homes, on any given site of which car parks are a neglected resource in Oxford: it is possible to build around and above the surface level of private and public car parks to create the very low cost housing that is a primary social need in the City.

The Tyndale School has not reached its full capacity yet; second, projected traffic growth overtime – particularly for Hollow Way – needed to be considered and does not seem have been, preferably for the lifetime of the homes proposed.

Site sustainability: Assessment of this would need to include the planned lifetime of these homes and projected traffic increases over time. This is not provided.

A five year observation of a travel plan takes no account of the lifetime of the homes being constructed and projected traffic increases over that far more relevant period of time. Meaningful transport impacts of development require that the long-term be incorporated into planning considerations, not least because it can mean – as in this case – a planning application should be refused on long-term traffic grounds.

Air pollution: Not only should any parking allowed in this development have electric charging points, but this adds to the case for a car free development so that air quality around the Tyndale School is in no way worsened by such a development.

High risk of the Cambridge-Oxford Expressway taking an eastern route around Oxford: It is really remarkable that the Traffic Impacts considered do not include the Cambridge-Oxford Expressway.

Risk to cyclists making use of the shared-space sections of Barracks Lane, with pedestrians.

Junction capacity at Hollow Way: This does not, curiously, seem to have been tested and the slightly staggered nature of the junction with Horspath Road and Barracks Lane should have been a major consideration in ruling out traffic generating new development at the William Morris Recreation Ground..

The Climate Emergency: All planning applications should take into account the current UK legislation and goals on Climate Change.. This planning application mentions sustainable transport modes, but this does not ensure emissions reductions which are essential..

Bullington Community Association

Objected to the planning application on the following grounds, the comments are summarised below:

- Traffic: Traffic from the proposed 102 new housing units will use the existing William Morris Close to access Barracks Lane and then the main road - Hollow Way. Residents use this area as cyclists and motorists and it is the site of severe traffic congestion in rush hours. We reject any suggestion that parking spaces for local businesses on Hollow Way could be taken away to accommodate additional traffic as wholly unacceptable as it would almost certainly lead to the loss of local businesses that are valued by the community. The existing proposals, if implemented, will add to seriously problematic traffic congestion around the Tyndale community school, in William Morris Close, at start-finish times. We fail to see how the City's support for an Air Pollution Charter is to be made meaningful by adding significantly to air pollution in this part of Oxford. We do not find the Traffic Impact Statement associated with this planning application to be credible.

- Loss of Green Space: Neither the locals nor ourselves will support loss of green space. A re-opened site, since it is currently barricaded, would offer public open space to residents of Hollow Way, Crescent Close, Crescent Rd, Turner Close and William Morris Close. The Tyndale School is aiming to expand its intake. If the Tyndale school did want to enlarge its area of open green space, then some form of shared space arrangement for the Recreation Ground could be considered. For example, the Rec could be closed during the school day but be left accessible at other times;

- **Price:** There is no affordable new housing for purchase in Oxford, or arguably in Oxfordshire, at current prices for homes. The primary demand for housing appears to us to be for very low cost housing since many households are unable to meet the difference between average incomes and mortgage costs at perhaps 16 times average incomes.

- **Other sites:** As City Councillor Craig Simmons has previously initiated with the founder of Bed Zed, The City Council should be looking at car parks as potential apartment sites. We also commend any attempts the City may make which allow the formation of new Housing Cooperatives.

- **Energy and Climate Change:** This Association notes that the proposals for this site assume that housing which is not Zero Carbon in both construction and operation is acceptable.

-**Space per person:** We cannot see any evidence that the proposed housing will be adequate in space per person.

-**Sustainable Urban Drainage systems:** Since this site is at the periphery of the catchment for the Lye Valley SSSI and nature reserve, we are concerned about how drainage in such a site will be maintained. The presence of permeable areas, and permeable pavers, is not guaranteed long-term.

The Bullingdon Community Association considers that these ecological concerns provide additional planning grounds for objection to ANY development on the William Morris Recreation Ground site AND to any re-zoning of this site for housing or any other development in future.

9.32. Further consultation was undertaken on 27th June following the submission of amended plans. In response to this an additional 26 public comments have been received from addresses in Junction Road, Bennett Crescent, Turner Close Temple Road, Crescent Road, Kirby Place, Don Bosco Close, Cranmer Road, Bulan Road, Grovelands Road, Hollow Way, Lye Valley, Maidcroft Road, Manor Drive, Knolles Road, Owens Way, Thomas Way and Town Furze.

9.33. Objections were raised in relation to the amended proposals for the following reasons:

Design

- Proposals would be an overdevelopment of the site.
- The density of development would be too high.

Highways

- Development would increase traffic congestion.
- Air pollution as a result of additional traffic generation.
- Development would worsen parking situation.
- Parking should be underground.

- Increased traffic will impact on pedestrian safety.

Amenity

- Overlooking of existing properties and Tyndale School.

Principle of Development

- Proposals would result in the loss of a sports facility.
- The site is greenfield land and should not be developed.
- Development would result in the loss of an important area of open space.

Other Issues

- The development would have a negative impact on the SSSI.
- Affordable housing would be lower than required.

10. PLANNING MATERIAL CONSIDERATIONS

10.1. Officers consider the determining issues to be:

- Principle of development
- Loss of Sports Facility and suitability of alternative provision
- Loss of open space and re-provision
- Affordable Housing
- Mix of dwellings
- Design
- Neighbouring amenity
- Highways/access
- Ecology
- Drainage/Flooding

Principle of development

10.2. Paragraph 59 of the NPPF requires 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. 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.

Paragraph 118 of the NPPF requires that in making planning decisions local authorities should give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs

- 10.4. The site is predominantly greenfield land , with the exception of a small area of previously developed land which is used as car parking. The site is not allocated for housing use within the existing development framework, however the site forms an allocation within the Councils Emerging Local Plan under Policy SP66 (William Morris Close Sports Ground). The site specific policy provisions of Policy SP66 outline that permission will be granted for residential development and public open space on the application site on the condition that either the playing pitch is retained; or alternative sports provision is made, whereby the City Council are satisfied that alternative provision can be delivered. It is also required that a least 10% of the new development is allocated as public open space, which must be welcoming to existing residents.
- 10.5. The current submission draft of the emerging local plan was adopted by members in September 2018. Public consultation on the draft plan was carried out between 1st November and 28th December 2018. The Emerging Local Plan was submitted for examination in March 2019 and the policy provisions of the Plan are being afforded increased weight, however as the plan has yet to undergo examination the statutory weight given to the Emerging Plan remains limited. Notwithstanding this limited weight , the inclusion of the site within the draft document gives an indication that the Council considers that residential development on the site is broadly acceptable subject to any proposed development being in line with the general parameters outlined under Policy SP66.
- 10.6. The NPPF places great emphasis on the Government's objective to significantly boost the supply of homes, recognising that this requires a sufficient amount and variety of land to come forward where it is needed, and that land with permission is developed without unnecessary delay (paragraph 59). Moreover, local authorities should identify sites suitable for housing, including specific, deliverable sites for a five year period (paragraph 67).
- 10.7. The Oxfordshire Strategic Housing Market Assessment (SHMA) provides the most up to date assessment of Oxford's Housing Need and is used as the evidence base for the Emerging Local Plan which sets a target to deliver 8,620 new homes by 2036, this equates to 431 dwellings per annum and includes the various site allocations identified within the Emerging Local Plan.
- 10.8. In relation to Policies CS2 and CS22 of the Core Strategy there is a clear and evident housing need in the city, which would necessitate the consideration of suitable greenfield sites given that the Councils housing need cannot be met through brownfield sites alone. The site is not within the Oxford Greenbelt, is not listed as an area of protected open space and is within an area of low flood risk. Whilst there are obvious material planning considerations which would need to be addressed particularly in terms of the loss of the open air sports facility and open space, officers consider that the site at William Morris Close could represent a site whereby the principle of residential development could be supported in order to meet Oxford's identified housing need.

10.9. Whilst Oxford City Council are currently able to demonstrate a five year supply of housing this is dependent on the delivery of housing on sites allocated within the emerging plan framework, which includes the application site. Officers therefore consider there is a clear and demonstrable need for housing which would justify the principle of housing development on the site in line with Policies CS2 and CS22 of the Core Strategy.

Loss of Sports Facility and Sports Provision

10.10. The existing pitch formed part of the Lord Nuffield Club; formerly the Morris Motors Club. The size and quality of the facility has diminished considerably since 2001. Planning approval was granted in 2004 for the redevelopment of the North West area of the site for housing, this included the retention of the Lord Nuffield Club building. At this time a community use agreement was in place to allow members of the public access to the facilities in the club house building, though this did not extend to the outdoor sports facilities including the sports field subject of this application, where access was restricted only to private members of the club.

10.11. In 2009 club closed leaving the club building vacant for a period of three years. A planning application was submitted for the redevelopment of the northern section of the site for what is now the Tyndale Community School. This reduced both the size of the facility, whilst club buildings were also removed.

10.12. The site is afforded statutory protection under the provisions of Policy SR2 of the Oxford Local Plan (protection of open air sports facilities). The provisions of Policy SR2 states that planning permission will only be granted where there is no need at all for the facility for the purposes of open space, sport or recreation, or where:

- a. there is a need for the development;
- b. there are no alternative non-greenfield sites; and
- c. the facility can be replaced by either i. providing an equivalent or improved replacement facility; or ii. upgrading an existing facility.

10.13. Paragraph 97 of the NPPF requires that: existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless: a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.

10.14. Policy SP66 of the Emerging Local Plan specifies that the playing pitch at William Morris Close must be retained unless alternative sports provision is made and the City Council can be satisfied that this can be delivered. The subtext to this policy states that the loss of the majority of the sports facility is

justified because of the identified housing need. It is specified that sports provision must be retained on site unless alternative provision is made or contributions are made to improving a local facility such that the capacity increase and extent of the improvements are sufficient to outweigh the loss of the sports pitch. .

10.15. In relation to the specific provisions of Policy SR2 of the Oxford Local Plan, it is accepted that there is considered to be an objectively assessed need for the development in terms of the requirement to provide additional housing in the city, in particular affordable housing. The housing trajectory within the Emerging Local Plan assesses all sites in the city which have capacity to deliver residential development in order actively assess how Oxford's housing needs can be adequately met. As part of this assessment it is necessary to consider non-previously developed greenfield sites given the limited identified number of previously developed sites within the city.

10.16. The matter of alternative sports provision was considered in depth as part of the appeal against the refusal of planning application 13/01096/FUL, which similarly related to the redevelopment of the site for residential use. This particular application was refused partly on the basis that the proposed sports provision, which in that particular instance was on site and consisted of all-weather mini sports pitches, was inadequate and public access would be restricted. The committee report for 13/01096/FUL specifically addressed this issue:

“The application site has been in use for formal and informal sport and recreation until recently. Although the site is now fenced it has not been clearly shown that the site is surplus to requirements for sport or recreation. The site retains the potential to provide for types of open air sport and recreation for which there is a need in the City. The replacement sports facilities in the form of all-weather mini-pitches with restricted community access are not equal to or better than retaining the potential of the site to provide for open air sport and recreation. Further it is not essential that the all-weather mini-pitches are provided on this particular site to satisfy local need”

10.17. The present planning application does not directly propose the provision of a replacement facility on site. The applicant has instead proposed a financial contribution of £600,000 towards either the provision of a new sports facility in East Oxford within close proximity to the site, or the upgrade of an existing facility or facilities. The applicant proposes that the financial contribution would be made to Oxford City Council, which would be secured through a Section 106 agreement. The applicant has indicated that they would be supportive of the legal agreement being worded in such a way that development may not commence on the site until such time as the financial contribution has been made and until such time as a project(s) has been specifically identified and the funds allocated to a project. This would also be contingent on a community use agreement being in place. Sport England has raised no objection in principle to the provision of a financial contribution of £600,000 providing that this would be spent on providing a suitable alternative facility or improvements to an existing facility. In principle Sport England consider that this would not conflict with NPPF Paragraph 97.

- 10.18. Officers consider that a financial contribution would be acceptable in principle; however this would be dependent on whether delivery of equivalent or enhanced provision can feasibly be delivered in a location which is accessible and benefits the local community in this instance in the Temple Cowley area. The subtext to Policy SR2 of the Oxford Local Plan outlines that alternative sports provision should be of equivalent or improved community benefit in terms of size, utility and access, and should not lead to a shortage of recreation or amenity space in the local area. In suitable circumstances, the alternative provision could be in the form of significant improvements to existing outdoor sports facilities, such as the provision of changing facilities, improved drainage or an all-weather surface, which would enable it to be more intensively used as an all-weather facility.
- 10.19. A similar requirement is outlined within Policy G5 of the Emerging Local Plan. In terms of accessibility it is stated that: Any replacement provision should be provided in a suitable location equally or more accessible by walking, cycling and public transport, and accessible to local users of the existing site where relevant. Policy G5 also outlines that Consideration will be given to the need for different types of sports pitches as identified in the Playing Pitch Study.
- 10.20. A new Playing Pitch Strategy is being prepared as part of the evidence base to support the Emerging Local Plan. This will provide evidence of existing supply of sports facilities and demand, whilst also identifying where new facilities are required and where existing facilities can be enhanced. The playing pitch strategy would form a basis on which the Council could identify existing facilities in the immediate area that could be upgraded or provided in an accessible distance for the local community so that the contribution can provide direct mitigation to the local community for the loss of the existing sports pitch at William Morris Close. In order to achieve significant public benefits and in order to benefit the local community it would be expected that the financial contribution is made towards a facility which has public access or that can be made publically accessible through a community use agreement.
- 10.21. It is important to consider the relative value of the sports pitch at William Morris Close. The sports pitch is a private facility which is not publically accessible and there is no mechanism available currently to require the current owners to secure public access to the pitch. The applicants have indicated that there is no active interest in a private operator bringing the site back into use as a sports facility, this is in part due to the limited size and quality of the facility and the sites limited capacity to accommodate a range of sports uses and the associated facilities that would be expected to support sports uses on the site. The City Councils Community Services team have indicated that there would be no interest from the Councils perspective in taking ownership of the site and reusing it for sports purposes given the limitations of the site.
- 10.22. The Sports and Open Space Supporting Statement submitted with the application indicates that site would be incapable of supporting its former use for cricket. Even though the site was historically used for this purpose the reduction in the size of the site following the partitioning of sections of the site for development means that it is no longer large enough to support a cricket use. It recognises that theoretically there would be space for full size football or rugby pitches on the site, though this is compromised by the fact that the size of the

site would not realistically allow for changing facilities. This would prevent use of the site for adult football or rugby though it could still be used for junior sports but the likelihood of this would probably be limited.

10.23. The applicants proposed contribution of £600,000 is based on the cost of delivering a full size artificial 3G all weather sports facility. In terms of carrying capacity an all-weather pitch, particularly if floodlit has the potential to be an enhancement on a natural grass pitch as this can be used for a much greater length of time, including in evenings. In addition artificial pitches have a more durable surface which unlike grass are not be damaged by regular daily use. The applicants have liaised with the Oxfordshire Football Association who has advised that there is a need for two additional full size 3G AWP's within the city. It is worth noting that the applicants are not directly proposing to develop a new full size 3G AWP football facility rather the sum of money is likely to be spent on the upgrade of an existing sports facility in consultation with the Councils Leisure Team. Notwithstanding this, the financial contribution would be equivalent to the cost of delivering a new AWP facility.

10.24. It is noted that on site provision of all-weather mini-pitches was proposed as part of the previous planning application (13/01096/FUL) on the site and was subsequently deemed inadequate. It is noted that the pitches proposed under this particular application were not of the standard of a full size 3G AWP and the previous proposals did not make provision for community access, whilst also no provision was made for floodlighting, which would have greatly limited the capacity and usefulness of the pitches during the evenings, particularly during the winter months when floodlighting is vital.

10.25. The applicants draft heads of terms for a Section 106 agreement outlines that the financial contribution of £600,000 as proposed would be provided to the City Council prior to the commencement of development. It is proposed that this contribution would be spent on a project which would be specifically identified by the City Council in accordance with the findings of the playing pitch strategy in a location accessible to the local community in Temple Cowley and on a site where either a community use agreement is in place or where a community use agreement can be secured. In order to provide an alternative sports facility which meets the requirements outlined within Policy SR2 of the Existing Local Plan and Paragraph 97 of the NPPF it would be vital in officer's view that any financial contribution is commuted towards a project in the near vicinity of the site which is readily accessible.

10.26. The Interim Playing Pitch Strategy outlines local needs for specific sports and where a deficit exists in the provision of certain sports facilities and has informed the evidence base for the Emerging Local Plan. The Emerging Local Plan identifies that there are existing facilities in the vicinity of the site which require upgrading, this includes the all-weather surface at St Gregory the Great School in Cowley, which is approximately 1.3km from the site or approximately 17 minutes walking distance. Initially the proposals were to provide a new all-weather pitch facility at Oxford Spires, however no the applicants were unable to reach an agreement with the landowner to provide a facility in this location.

- 10.27. The Councils Sports and Leisure Team have indicated that they would support a financial contribution towards the upgrade of the facility at St Gregory the Great School and consider that this would be realistic and deliverable and there is support from the school for the upgrading of the facility. Upgrade of the facility would be contingent on a community use agreement being secured to ensure public access; otherwise there would be insufficient public benefits. The Councils Sports and Leisure Services team have advised that securing a community use agreement is a realistic prospect as the school are supportive of this. The pitch at St Gregory the Great School has floodlighting, this ensures that the facility can be used in the evenings and in the winter months which gives the facility a greater playing capacity than the existing grass pitch at William Morris Close where use is limited by the surface and to times when there is daylight.
- 10.28. It is worth noting that the applicants suggested draft heads of terms would require that the funds are allocated to a specific project(s) in the immediate vicinity prior to the commencement of development. This would ensure that the funding is delivered and can be committed to a suitable project eliminating the risk that the development may be carried out without the funds being committed to a suitable project and therefore remaining unspent. Officers have explored other options in the immediate vicinity of the sites but consider that in terms of carrying capacity, deliverability and the overall benefits which would be provided that the improvements to the sports pitches at St Gregory the Great School represents the best means of providing alternative sports provision to offset the loss of the sports pitch at William Morris Close.
- 10.29. The provision of a financial contribution offers the basis to develop the existing facility at St Gregory the Great School to a high standard and provide a means at which to secure community access to this facility, which is not the case at the present time therefore this would bring a currently private pitch into public use. The present pitch at William Morris Close has no public access and is understood to have never benefitted from public access as this was a private sports facility; it is considered that there is limited likelihood given the capacity of the pitch that this would be brought into use in the near future. Through the improvements to the existing facility which would be secured as part of the Section 106 financial contribution and through the facilitation of community access it is considered that the sports provision which would be secured would represent an enhancement on the existing sports provision at William Morris Close. Taking these factors into account the proposals are considered to be in accordance with the provisions of site specific Policy SP66 of the Emerging Local Plan and Policy SR2 of the Existing Local Plan as well as Paragraph 97 of the NPPF.

Loss of Open Space

- 10.30. Policy CS21 of the Core Strategy aims to protect and maintain publically accessible green space, this policy should also be read in conjunction with Policy SR5 of the Existing Local Plan. The land at William Morris Close is not afforded protection under Policy SR5 of the Oxford Local Plan, mainly as this is not publically accessible; notwithstanding this, the site still has value as an area of open space, the loss of which must be given due consideration and as

referenced within the above section of this report, the site is afforded protection as a sports facility under SR2 of the Oxford Local Plan.

10.31. Policy CS21 of the Core Strategy states that other areas of open space will only be allocated for development if a need for the development of that land can be demonstrated, and if the open space is not required for the well-being of the community it serves.

10.32. The site is not afforded specific protection as an area of green infrastructure under the provisions of Emerging Local Plan Policy G2. Policy G7 of the Emerging Local Plan allows provision in exceptional circumstances for development on unprotected open spaces, though it is noted that this relates to unallocated sites and the site at William Morris Close is allocated under the provisions of Policy SP66 of the Emerging Local Plan. Policy G7 requires evidence to provide demonstrating that:

a) There is an exceptional need for the development that it can be demonstrated overrides the existing benefits it provides; and

b) the development will bring benefits to the community, for example through delivery of community-led housing; and

c) there are not suitable alternative sites where development could reasonably be located that would result in less or no harm; and

d) the proposals will lead to improvements in biodiversity or amenity value; and

e) consideration has been given to the layout of any proposed development in order to avoid impacts on biodiversity and any other important features of any green space within a development site, such as its contribution to townscape or the setting of a heritage asset;

10.33. Policy CS21 of the Core Strategy states that: opportunities will be sought for opening up access to new public spaces, for providing suitable new green spaces on or near to development sites, and for providing public access to private facilities.

10.34. The importance of providing open space within any new development on the site at William Morris Close is acknowledged under the provisions of Policy SP66, which requires that any development on the site should provide at least 10% new public open space, which should be sited to be welcoming to existing residents. It is worth noting that landscaping is a reserved matter; however the proposals allocate 17% of the site as an area of new public open space, which would exceed the minimum requirements (10%) specified under Emerging Local Plan Policy SP66.

10.35. The value of the site for sports and recreational use is addressed in the previous section of this report; however it is also important to consider the visual contribution that the site provides as an area of open space. The space provides a large and open green aspect within what is a relatively dense urban development. This was acknowledged in the previous appeal on the site where

the inspector commented on the sites value as an open vista, which was valued by local residents. It was considered in that appeal that the development, by reason of the introduction of built form into this space would result in some harm to the character and appearance of the area.

- 10.36. Given the status of the Emerging Local Plan the provisions of Policy SP66 can be afforded only limited weight, notwithstanding this it is considered that in line with Policy CS2 of the Core Strategy that the overriding need for housing, particularly affordable accommodation (51 units in this instance) would justify the principle of development on the site and the loss of what is an area of unprotected open space.
- 10.37. Officers would acknowledge that there would be some harm arising as a result of the loss of the existing open aspect which the space provides. The introduction of built form to the site would inevitably urbanise and increase the density of built form in the area, however the development would equally provide opportunity through the provision of landscaping and new open space to mitigate the impact of the additional built form. The proposed open space would also be publically accessible in contrast to the existing sports pitches which are fenced off and there is no requirement to allow public access onto the pitch. The proposed space would therefore be useable and would have amenity and recreational value, albeit that the open vista would be diminished to an extent.
- 10.38. The proposed public open space would be provided to the front of the central apartment blocks and to the south east of the existing properties in William Morris Close. Officers consider that this would be the optimum position for this space in terms of legibility for members of the public and accessibility from William Morris Close which maximises the likelihood that this space would be used. Officers are satisfied that the proposed open space would be of a high standard and includes play facilities as well as general open space and officers are satisfied that the space is useable and safe, as the design of both the houses and east facing elevations of the flats would provide active frontages to this space, providing natural overlooking.
- 10.39. Noting the inspectors comments relating to the previous application on the site (13/01096/FUL) it is noted that the previous development was less sympathetic in terms of its treatment of the public realm and allocated only a small area of land to the south of the proposed all weather pitches as open space. In this instance public views from William Morris Close would have been dominated by the proposed built form, which included development adjacent to the end of William Morris Close. In addition public views on the previous scheme would have been dominated by surfaced car parking and all weather pitches surrounded by fencing. In contrast the present proposals maintain to an extent an open, green aspect in public views from William Morris Close, even accounting for the relative high density of the proposed built form.
- 10.40. The proposals by virtue of the introduction of built form into what is currently an open undeveloped green space, would result in the loss of what is presently an open vista, though this would be somewhat mitigated through the provision of a new and prominent area of public open space. The loss of the existing open aspect and view must be considered alongside the public benefits of the

scheme, in particular the provision of 102 additional dwellings, 51 of which would be available as affordable accommodation. There would also be benefits from facilitating public access to an area of open space which is not publically accessible at present and is of diminished quality and currently enclosed by boundary fencing. The proposals would include the provision of additional landscaping which would contribute positively to the visual amenities of the area, whereas the space at present is unkempt and unmanaged. On balance officers consider that the public benefits associated with the provision of the proposed housing, alongside the provision of a new landscaped area of open space would outweigh the harm resulting from the loss of open space in its present form. Officers therefore consider that the proposals would comply with the requirements of Policies CS2 and CS21 of the Core Strategy, Policy SR5 of the Oxford Local Plan and Policies G2, G7 and SP66 of the Emerging Local Plan.

Affordable Housing

- 10.41. Policy HP3 of the Sites and Housing Plan and Policy CS24 of the Core Strategy 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 a minimum 50% of dwellings on the site are provided as affordable homes. In terms of the tenure split of affordable housing, it would be expected that 80% of these affordable units should be socially rented.
- 10.42. Socially rented accommodation is defined within the Councils Emerging Local Plan as Homes that are let at a level of rent set much lower than those charged on the open market. The rent will be calculated using the formula as defined in the Rent Standard Guidance of April 2015 (updated in May 2016) or its equivalent or replacement guidance (relevant at the time of the application). It serves as accommodation for those in the greatest housing need for persons who would typically be unable to afford to rent alternative accommodation. Intermediate housing or shared ownership accommodation is partly sold and partly rented to the occupiers, with a Registered Provider (normally a housing association) being the landlord. Shared ownership housing should normally offer a maximum initial share of 25% of the open market value of the dwelling.
- 10.43. Of the 102 units proposed on the site it is intended that 51 of the units (50%) would be made available as affordable accommodation, the remaining 51 units (50%) would be private tenure. In terms of the affordable units it is proposed that the tenure split would be 75% socially rented, with 25% provided as shared ownership units. It is noted that the tenure split of socially rented and intermediate accommodation would be slightly deviate from the requirements of this policy. It is understood that the split of affordable and socially rented units is due to the design specifics and layout of the development. There are management requirements on behalf of the housing operator (A2 Dominion) to locate the socially rented units within a single block and it is understood the registered operator is not able to accept a position where a block incorporates socially rented units as well as shared ownership or privately rented units. All of the larger family sized units (Houses 1-14) are intended for social rent, which units occupy the largest portion of the developed site and the layout offers no opportunities to increase that provision. The City Councils Housing team have

indicated that they are supportive of the proposed mix of affordable accommodation; particularly the provision of seven larger socially rented units which will meet the need specific needs of families on the housing register. Therefore in this instance officers are prepared to accept this minor deviation from the 80/20 split.

Mix of dwellings

10.44. Policy CS23 of the Core Strategy states that new residential development should comply with the Balance of Dwellings Supplementary Planning Document (SPD) housing mix. The site is outside of the City Centre and does not fall within a district centre therefore column 2 of table 6 of the Balance of Dwellings SPD is applicable to the proposed development on this site.

Table 6: Mix for other strategic sites

Dwelling types	Sites of 25-74 dwellings (percentage range)	Sites of 75-249 dwellings (percentage range)	Sites of 250+ dwellings (percentage range)
1 bed	0-20 %	6-16 %	10-15 %
2 bed	10-35 %	20-30 %	25-30 %
3 bed	25-65 %	35-65 %	40-55 %
4+bed	5-20 %	6-17 %	10-15 %

10.45. The proposals would provide the following mix of units:

Unit Size (Bedrooms)	Number of Units	Percentage
1	16	15.6%
2	72	70.6%
3	7	6.9%
4	6	5.9%
5	1	1%

10.46. As a total provision the scheme would fail to comply with the BOD's SPD target mix. Notably there would be a significant overprovision of 2 bedroom units and under provision of 3 bedroom units.

10.47. The Councils Emerging Local Plan is afforded limited, but gradually increasing weight but reflects the shifting direction on the target housing mix on larger housing sites of 25+ dwellings reflecting the need to make best use of sites and deliver an optimum number of dwellings. Whilst the provisions of Policy H4 of the Emerging Plan requires that for new developments of 25 or more units outside of the City Centre and District Centres provide a mix of dwelling sizes, this would apply only to the affordable element.

10.48. The table below outlines the proposed delivery of affordable housing units within the application scheme compared with the target numbers outlined within Policy H4 of the Oxford Emerging Local Plan.

Unit Size (Bedrooms)	Number of Units	Percentage	Emerging Plan Policy H4 requirement
1	13	27.1%	20-30%
2	21	43.8%	30-40%
3	7	14.6%	20-40%
4	6	12.5%	5-10%
5	1	2.1%	3-5%

10.49. The figures above indicate that there would be a minor overprovision of two bedroom units and under provision of three bedroom units in comparison to the requirements of Policy HP4 of the Emerging Local Plan. There are also a slightly higher number of four bedroom units than the target mix.

10.50. Policy HP3 of the Sites and Housing Plan, which relates to the provision of affordable housing specifies that the applicant should demonstrate that the mix of dwelling sizes meets the City Council's preferred strategic mix for affordable housing. The City Council maintains a housing register which is used to manage the mix of dwelling sizes on new developments, according to housing need. The City's Housing Register identifies that the principle requirement is for 1 and 2 bedroom dwellings. The provision of smaller units also has the joint benefit of making available larger properties in the city which are currently under occupied for persons in need of these larger properties. The larger four and five bedroom units on the site are understood to be meeting the needs of families on the housing register in respect of the mix of units Councils housing team have confirmed that they are satisfied with the type of affordable units proposed.

10.51. On the basis of the above, officers consider that the proposed mix of dwellings would be acceptable and achieves an acceptable balance which makes best use of the site thereby achieving an optimum number of affordable units. Whilst the target mix of affordable dwellings is slightly out of line with the requirements of Policy H4 of the Emerging Local Plan it is considered that the development would provide a mix of units which adequately addresses the City Councils specific affordable housing needs.

Transport

10.52. The application makes provision for a total of 88 unallocated parking spaces to serve the proposed flats. Each of the 3, 4 and 5 bed dwellings would have 1 allocated parking space.

- 10.53. The provisions of Policy HP16 of the Sites and Housing Plan set maximum standards relating to vehicle parking provision; these requirements are outlined within appendix 8. Car free and low parking developments are encouraged in appropriate locations, though this is dependent on evidence that low parking and the car free nature of development can be enforced such as within a CPZ, additionally the sustainability of the location is taken into account, in particular access to public transport and other facilities including a local supermarket.
- 10.54. Policy M3 of the Emerging Local Plan requires that in Controlled Parking Zones (CPZs) or employer-linked housing areas (where occupants do not have an operational need for a car) where development is located within a 400m walk to frequent (15minute) public transport services and within 800m walk to a local supermarket or equivalent facilities (measured from the mid-point of the proposed development) planning permission will only be granted for residential development that is car-free. In all other locations it is expected that development complies with the specified maximum parking standards, car free development may be permitted, however this is dependent on the site specific circumstances and nature of development proposed.
- 10.55. The application site is located outside of the Central Transport Area and does not lie within a district centre. The Cowley Primary District Centre is located around 750 metres to the south of the application site, there is a supermarket located approximately 950 metres from the site at Templars Square. There are bus stops within 250 metres of the site on Hollow Way, which are served by regular services to Cowley Centre, Headington, the JR Hospital and the City Centre.
- 10.56. The proposals make provision for 1 unallocated parking space per flat, whilst each of the proposed dwellings would have 1 allocated space. The surrounding area is not within a Controlled Parking Zone (CPZ) and in the absence of parking controls in the area; there is a high risk that under provision of parking would result in an accumulation of vehicles within the surrounding streets.
- 10.57. It is noted that Oxfordshire County Council have proposed CPZ's at Hollow Way (South and North) and Temple Cowley, which are deemed as high priority. It was intended that consultation would be carried out in 2019, with a view towards implementation in 2020, though as of yet consultation has yet to be carried out in these areas. Accounting for this, it is considered that little weight can be afforded to the proposal to implement a CPZ at this particular time.
- 10.58. Whilst the site is not in an unsustainable location in terms of its proximity to public transport and local services and facilities, there are no substantial means of enforcing that future occupiers do not own private vehicles and subsequently park these vehicles in the surrounding roads. The overall quantum of development combined with the lack of a feasible means of enforcing the car free development would likely result in significant on street parking in the surrounding roads, which would have an adverse impact on highway safety and amenity. Officers therefore consider that the development should not be car free. In terms of the proposed parking provision officers consider that this would be acceptable in line with the requirements of Policy HP16 of the Sites and Housing

Plan, furthermore the Highways Authority have raised no objection to the proposed level of parking provision.

10.59. The matter of traffic generation resulting from development on this site, albeit a lower quantum of development (43 houses compared with 102 dwellings) was considered as part of the previous appeal decision on the site in 2014. The issues of parking pressure within the area and the accumulation of parking on the surrounding roads, particularly at pick up and drop off time outside the adjacent Tyndale School were all considered by the appeal inspector. Whilst recognising the pressures in the area, the inspector considered that a scheme which provided parking in accordance with maximum standards would not significantly add to parking pressures and whilst there would be an increase in traffic generation, this was not deemed to constitute harm to highway safety and amenity. The matters of the safety of pedestrians walking to the school was given due consideration, it was considered that the provision of existing continuous footways provides sufficient separation between road users and pedestrians and therefore the additional traffic generation would be unlikely to impact detrimentally on pedestrian safety.

10.60. The trip rates accepted as part of the 2016 application have been used to assess the traffic generation of the site. This estimates that the site could generate 34 two-way vehicular trips in the AM peak and 31 vehicular trips in the PM peak. This level of traffic generation is higher than that assessed previously with the various proposals, however cannot be identified to cause 'severe harm' in the context of the NPPF on the operation of Barracks Lane or the Barracks Lane / Hollow Way / Horspath Road junction.

10.61. It is noted that 2 car club spaces are proposed within the proposed scheme which would be accessible to future occupiers which reduces resident's dependency on private car ownership. In order to improve air quality within the vicinity and in accordance with the recommendations contained within the applicants Air Quality Assessment, a condition requiring the provision of EV charging infrastructure is recommended.

10.62. Policy HP15 of the Sites and Housing Plan requires the provision of cycle parking within all new residential developments in line with specified standards. Cycle parking is shown on the proposed plans within separate covered storage to serve the proposed flats and within separate stores within the gardens of the individual houses. The specific details of the cycle parking would be required by condition.

Amenity and Overlooking

Existing Occupiers and Adjacent Land Uses

10.63. It is noted that a number of representations have referenced potential overlooking of the adjacent Tyndale school and outdoor spaces and playing fields associated with the school. Block B features a number of windows serving habitable rooms and balcony spaces which face northwards towards the school. It is noted that there would be a separation distance of 18 metres between the facing windows and balconies and the boundary of the school. Block E would be

much closer to the boundary, however there would be only minor secondary windows along the north side elevation, which could be conditioned to be obscure glazed in order to prevent overlooking of the school.

- 10.64. There are no specific planning guidelines in respect of acceptable distances and mitigating overlooking of schools. In terms of residential back to back distances 12 metres between a rear window and private garden would typically be considered acceptable. It would be considered good practice to ensure that steps are taken to reduce overlooking and it is considered that the development affords a significant distance between the facing windows and the boundary of the school. Landscaping is a reserved matter; however the proposals show indicative planting adjacent to the northern boundary of the site. It would be realistic to provide landscaping in the form of trees in this position which would limit views over the school outdoor space. Taking these factors into account, officers consider that the development would not result in unacceptable overlooking of the rear external play spaces at the adjacent school.
- 10.65. The site lies in close proximity to a number of existing residential properties. To be acceptable, new development must demonstrate that it can be developed in a manner that will safeguard the residential amenities of the adjoining properties in terms of loss of amenity, light, outlook, sense of enclosure, and loss of privacy in accordance with Policy CP10 of the Oxford Local Plan 2001-2016 and Policy HP14 of the Sites and Housing Plan.
- 10.66. In respect of overlooking of adjacent residential properties, it is noted that the proposed houses 1 to 6 each have a rear garden depth of a minimum of 10 metres. There would be some increase in the overlooking of No.11 Crescent Close as the rear amenity space of this property would be overlooked by houses 1 and 2, there would be a minimum of 10.5 metres separation between the rear of houses 1 and 2 and the rear amenity space of this property. It is noted that there is a secondary side window on the east facing elevation of this property. There would be 12.9 metres distance between the rear windows of house No.3 and this side window, it is understood that this is a secondary window. It is noted that two dwellings are currently under construction in Crescent Road, however there would be a separation distance of at least 23 metres between the rear facing elevations of houses 5 and 6 and the boundary of the proposed dwellings.
- 10.67. In respect of the existing apartments at Beresford Place, a separation distance of at least 20 metres would be retained between the facing sets of windows in Blocks C and D and the existing apartments, this would be considered sufficient in officer's view in retaining the privacy of the existing occupiers of these properties.
- 10.68. There would be a separation distance of at least 39 metres between the rear elevation of houses 7 to 14 and Blocks E and F to the facing rear windows of the adjacent properties at Hollow Way. It is noted that these properties have very deep rear gardens. There would be a distance of 10 to 10.3 metres to the boundary of the private amenity area of these properties. There would be a separation distance of at least 39 metres between the rear windows and balcony spaces and the rear windows of the facing dwellings in Hollow Way, this is deemed to be sufficient in terms of retaining the privacy of existing occupiers.

10.69. There would be a separation distance of 35 metres between the south facing side elevation of block F and the rear elevation of Nos.167 and 171 Crescent Road. At the closest point there would be 5 metres separation distance between the side of block F and the rear gardens of these existing properties, however these properties have substantial rear gardens and accounting for the relative separation distance between south elevation of block F and the rear elevations of the existing properties it is considered that the overall scale of development would not have an overbearing and compromising impact on the amenity of the occupiers of these properties. In terms of overlooking of Nos.167 and 171 Crescent Road it is noted that the only windows proposed on the south facing elevation of the proposed dwellings would be secondary windows serving bathrooms which would be conditioned to be obscure glazed.

10.70. There are two bungalows located to the south east of block F in John Hopkins Court. The rear elevations of these buildings adjoin the boundary of the application site.

10.71. In summary whilst the proposals would result in a material increase in overlooking of some adjacent occupiers, officers consider that the development would not substantially compromise the amenity of existing occupiers of properties surrounding the development site. The proposals would not result in significant loss of light to neighbouring properties and it is considered that the overall scale of development would not be overbearing. Taking the above factors into account it is considered that the proposed development would comply with the provisions of Policies HP9 and HP14 of the Sites and Housing Plan; Policies CP1, CP8 and CP9 of the Oxford Local Plan and Policy CS18 of the Core Strategy.

Future Occupiers

10.72. Policy HP12 of the Sites and Housing Plan sets internal space standards for new residential development, compliance with the Governments Nationally Described Space Standards is also required. The proposed dwellings would each be of a standardised size, this is indicated in the table below:

UNIT SIZES	
Type	Area (m ²)
Flat - 1 Bed 2 Person	50
Flat - 2 Bed 4 Person	70
Flat - 3 Bed 5 Person	86
House - 3 Bed 5 Person (Two Storey)	93
House - 4 Bed 7 Person (Three Storey)	121
House - 5 Bed 9 Person (Three Storey)	135

The above table indicates that each of the proposed units would comply with Nationally Described Space Standards. Individual rooms would also be NDSS compliant. The internal spaces of the proposed units are considered to be adequate and would comply with the requirements of Policy HP12 of the Sites and Housing Plan.

10.73. Policy HP13 of the Sites and Housing Plan requires that Planning permission will only be granted for new dwellings that have direct and convenient access to an area of private open space, to meet the following specifications. For houses this would generally be an area of private garden space, whilst for flats of 1 and 2 bedrooms this would comprise of an external balcony and/or access to an area of private communal amenity space.

10.74. In terms of the proposed flats, each of these would be served by external balcony areas, each of which would exceed the size requirements specified under Policy HP13 of the Sites and Housing Plan. The central block of four flats would each have access to a sizeable area of communal private amenity space in the centre of the development whilst Blocks E and F would also have external amenity spaces to the rear of the buildings. There would also be close access for all properties to the new area of public open space.

10.75. The subtext relating to Policy HP13 specifies that external amenity spaces for houses should be equivalent to the footprint of the dwelling; this would be the case in each of the proposed houses. Consequently officers are satisfied that the amenity standards for all future occupiers would comply with the requirements of Policy HP13 of the Sites and Housing Plan.

Design, scale and massing

10.76. 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. This is also reflected within Policy DH1 of the Emerging Local Plan, which specifies that Planning permission will only be granted for development of high quality design that creates or enhances local distinctiveness.

10.77. The application was subject of a design review workshop with the Oxford Design Review Panel held in July 2018 and a follow up review held in October 2018, the advice provided following the design review is attached to this report in Appendix 3. In summary the panel were positive in respect of the development and evolution of the scheme. A number of design alterations were suggested, which officers consider the applicants have proactively sought to address.

10.78. The site area covers roughly 1.24 hectares. It is noted that a number of objections raise concerns that the proposals would represent an overdevelopment of the site. It is noted that the Sites and Housing Plan bases site allocations at 55 dwellings per hectare, though it is also noted that higher densities may be appropriate in certain locations such as in the City Centre or District Centres. This is partly to achieve a balanced mix of dwellings whilst making best use of the land, though there are other material considerations and the design of the development must account for the general

character of the area. The proposed density of development would be 82.2 dwellings per hectare.

- 10.79. Policy RE2 of the Emerging Local Plan states that development proposals must make best use of site capacity, in a manner compatible with the site itself, the surrounding area and broader considerations of the needs of Oxford. This includes exploring opportunities for developing at the maximum appropriate density accounting for the site context and all other material planning considerations. Higher density developments of 100 dwellings per hectare are encouraged within the City Centre and District Centres.
- 10.80. Whilst the site lies outside of a district centre, the site is a compact urban plot surrounded by a mix of high density development, including apartments at William Morris Close and Beresford Place and lower density two storey houses in Crescent Close and Turner Close. Accounting for the urban grain and surrounding scale of development it is considered that the overall quantum of dwellings and density of development would be commensurate with the character of the area. The layout incorporates a significant quantity of open space provision, both public and private, which breaks up the overall density of the built form and the density would in officer's view feel comfortable and not oppressive. Policy SP66 of the Emerging Local Plan requires that 10% of the site is allocated as open space, whilst the proposals allocate 17% of the site as public open space.
- 10.81. The development includes a mix of three storey houses and six blocks of flats. A row of six houses is proposed adjacent to No.59 William Morris Close; these properties would be three storeys and would be of a single gabled fronted form. The general scale of the dwellings would relate appropriately with that of the adjacent two storey dwellings to the north and would continue the existing street pattern along William Morris Close and would also relate logically to the adjacent development to the west in Crescent Close. In terms of the proposed apartments, it is considered that these would be of an appropriate scale accounting for the adjacent built form in Beresford Place and William Morris Close, which comprises of three storey flats with pitched roofscapes. The overall scale of development is considered to be responsive to the scale of the adjacent built form and general character of surrounding development in the immediate context of the site.
- 10.82. There is no uniform architectural character in the immediate area which comprises of new build 2000's development in addition to late 20th century and more traditional red brick dwellings in Crescent Road on the edge of the Temple Cowley Conservation Area. The materials palette comprises principally of red brick which is consistent with the predominant use of materials in the area, in both the newer development in William Morris Close and traditional dwellings in Crescent Road. The proposed development would be contemporary in its general design character and whilst taking some characteristics the development would not replicate the existing adjacent development, which is considered to be an acceptable approach given that the surrounding development is not of any notable architectural standard. Amendments have been made to the design of the proposed dwellings to improve the relationship between the proposed flats and the area of public open space in terms of the west facing elevational

treatment of these buildings to enhance activity adjacent to the open space. The roof scape of the proposed flats has also been amended, which helps to reduce the perception of the scale of the built form and decreases the prominence of the buildings in wider public views.

- 10.83. Landscaping is an important consideration in terms of the treatment of the public and private realm. As landscaping is a reserved matter this is not an matter for consideration at this stage and would be subject of a further application. Notwithstanding an indicative landscaping plan has been provided which would indicate the feasibility of delivering high quality landscaping across the site. The amendments which have been made to the proposed plans are considered beneficial in providing additional landscaping within the proposed parking layout, which would help to offset the visual impact of the surface level parking.
- 10.84. Overall officers are satisfied with the design approach taken by the applicants in terms of the layout, overall density of development and the architectural character and appearance of the proposed dwellings. Officers consider that the development would comply with 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.

Heritage and Conservation

- 10.85. The Temple Cowley Conservation Area extends to a position approximately 60 metres to the south of the site to a position adjacent to the junction of Crescent Road and Junction Road. Whilst the site falls outside of the designated Conservation Area officers consider that the development site would broadly fall within the setting of the Conservation Area.
- 10.86. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that: "In the exercise, with respect to any buildings or other land in a conservation area, of any [functions under or by virtue of] of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."
- 10.87. For development within Conservation Areas, the NPPF requires special attention to be paid towards the preservation or enhancement of the Conservation Area's architectural or historic significance. Paragraph 193 of the NPPF requires that: When 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. In terms of development which affects the setting of Conservation Areas Policy HE7 of the Oxford Local Plan requires that development should preserve or enhance the setting of the Conservation Area.
- 10.88. Views of the application site from the Conservation Area are highly limited owing to the presence of existing buildings along the northern side of Crescent Road, Crescent Close and the development at Beresford Place. It is unlikely that

the development would be perceived within the setting of the Conservation Area other than in possible glimpsed views between existing buildings and in any event officers consider the overall impact on the setting of the Temple Cowley Conservation Area would be negligible and the development would not result in harm to the significance of the Conservation Area as a heritage asset, consequently the development would preserve the setting of the Temple Cowley Conservation Area in accordance with Policy HE7 of the Oxford Local Plan and Paragraph 193 of the NPPF.

10.89. The Oxford Local Plan recognises the importance of views of Oxford from surrounding high places, both from outside Oxford's boundaries but also in shorter views from prominent places within Oxford. As a result there is a high buildings policy (HE9), which states that development should not exceed 18.2m in height or ordnance datum 79.3m, whichever is the lower, within a 1,200m radius of Carfax except for minor elements of no great bulk and a View Cones Policy (HE10) which protects views from 10 recognised viewpoints on higher hills surrounding the City to the east and west and also within the City. There are also a number of public view points within the city centre that provide views across and out of it, for example Carfax Tower, St Georges Tower and St Marys Church. The elevated viewpoints as public views are considered to contribute to the significance of the Central Conservation Area.

10.90. Policy DH2 of the Emerging Local Plan requires that design choices about building heights are informed by an understanding of the site context and the impacts on the significance of the setting of Oxford's historic skyline, including views in to it, and views within it and out of it. In order to achieve this it is expected that all of the following criteria should be met: a) design choices regarding height and massing have a clear design rationale and the impacts will be positive; and b) any design choice to design buildings to a height that would impact on character should be fully explained, and the guidance on design of higher buildings set out in the High Buildings Study TAN should be followed. In particular, the impacts in terms of the four visual tests of obstruction, impact on the skyline, competition and change of character should be explained; and c) it should be demonstrated how proposals have been designed to have a positive impact through their massing, orientation, the relation of the building to the street, and the potential impact on important views including both in to the historic skyline and out towards Oxford's green setting.

10.91. The site is spatially distant from Carfax and lies outside the datum area specified under Policy HE9 of the Oxford Local Plan. The application site lies outside, but nevertheless close to the Crescent Road view cone and lies in what is a relatively elevated position. The tallest buildings on the site would be the central block of four storey flats. The majority of the development on the site would be relatively low rise. The heights of the central flats, which are the highest building on the site, vary between 12.5 and 14.7 metres to the roof ridge of the buildings. Whilst the height and scale of the buildings is not substantial, as the development is located on higher ground close to the Crescent Road View Cone, officers consider that it is appropriate to consider the impact of the development in relation to wider views within the City Centre in accordance with Policies HE9 and HE10 of the Oxford Local Plan.

10.92. In order to properly assess the visual impact of the development, the applicants have prepared a landscape and visual impact assessment. It is noted that the elevations of the proposal have been amended and refined to consider the potential effects on long range views, notably the roof scape of the buildings has been broken up into three distinct elements to break up the overall mass of the upper sections of the building. The applicant's landscape and visual assessment takes into account the impact of the development from six identified viewpoints within the city. The evidence provided in terms of the visual images and supporting analysis concludes that the impact of the development is likely to be minor as the development is unlikely to be discernible in these longer range views. Officers consider that the development would not result in harm to the significance of the Central Conservation Area in respect of the overall setting and views experienced from within the centre of the city.

10.93. The development would not consequently conflict with the provisions of Policies HE7, HE9 or HE10 of the Oxford Local Plan as well as the provisions of Policy DH2 of the Emerging Local Plan.

Ecology

10.94. Policy CS12 of the Oxford Core Strategy requires that Development will not be permitted where this results in a net loss of sites and species of ecological value. Where there is opportunity, development will be expected to enhance Oxford's biodiversity.

10.95. The site has been subject to a number of surveys and found to be of negligible to low ecological value. The changes in management of the site are however creating habitats of increasing value to wildlife such as reptiles, therefore prior to any development, an updated walkover survey will be required to assess the site in respect of any further changes. Subject to appropriate conditions to secure adequate ecological mitigation and enhancement, the development would not impact adversely on site biodiversity and the development would comply with the provisions of Policy CS12 of the Oxford Core Strategy.

Drainage

10.96. The application site is at the periphery of the surface water and groundwater catchment for the Lye Valley SSSI. Natural England has indicated that the proposed increase in built development on the application site has the potential to impact negatively on the hydrology of this site. Concern was expressed that without the submission of an appropriate SUDS's maintenance plan that the development could damage or destroy the Lye Valley SSSI.

10.97. The site is within Flood Zone 1 and is deemed to be at a low risk of surface water flooding. To protect biodiversity within the Lye Valley SSSI and to prevent surface water flooding as a result of the development a surface water SUD's scheme for the site is required by condition, which will include a maintenance scheme. Subject to the provision of a satisfactory scheme as required by condition it is considered that the development would comply with the requirements of Policies CS12 and CS13 of the Oxford Core Strategy.

Sustainability

10.98. Policy CS9 of the Core Strategy requires that all developments should seek to minimise their carbon emissions. Proposals for development are expected to demonstrate how sustainable design and construction methods will be incorporated. All development must optimise energy efficiency by minimising the use of energy through design, layout, orientation, landscaping and materials, and by utilising technologies that help achieve Zero Carbon Developments.

10.99. 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%.

10.100. The application is accompanied by an Energy and Sustainability Statement; this outlines a series of measures which would be incorporated to meet the 20% target identified under Policy HP11 of the Sites and Housing Plan. The Energy Statement indicates that the following measures would be incorporated into the design of the development to meet this requirement:

- Low air permeability of facade
- Improved U value
- High performance Low E glazing
- High efficient heating system
- Energy efficient lighting (LED)

10.101. Subject to the developments compliance with the details outlined in the energy statement it is considered that the development would comply with the requirements of Policy HP11 of the Sites and Housing Plan; Policy CS9 of the Core Strategy and Paragraphs 153 and 154 of the NPPF.

11. CONCLUSION

11.1. On the basis of 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. In the context of all proposals Paragraph 11 of the NPPF requires that planning decisions apply a presumption in favour of sustainable development, this means approving development 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 102 residential dwellings, of which 51 units would be affordable accommodation. 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.
- 11.4. The site is not principally brownfield land but is allocated for residential development within the Councils Emerging Plan. The Emerging Plan is yet to undergo examination and the sites allocation is afforded limited weight at this stage, notwithstanding this there is a clear and evident housing need within the city and the allocation of the site within the Emerging Local Plan for residential use is evidence of this need.
- 11.5. The matter of the loss of the existing sports pitch is considered in depth within the relevant section of this report. As a sports and recreation facility there is a clear policy requirement as outlined within Policy SR2 of the Oxford Local Plan, Paragraph 97 of the NPPF and the site specific requirements of Policy SP66 of the Emerging Local Plan to ensure that the any replacement provision is to an equivalent or enhanced standard. In order to satisfy these requirements the applicants have proposed a financial contribution of £600,000 towards the upgrade of the existing all weather sports pitches at the nearby St Gregory the Great School in Cowley, this financial provision as well as community access to this facility would be secured by way of a Section 106 Agreement. Officers are satisfied that the financial contribution towards the upgrade of an existing publically accessible facility would represent an enhancement in terms of sports provision compared with the existing inaccessible sports pitch which has not been actively used for an extended period of time and has a limited playing capacity. Sport England has indicated that the alternative sports provision offered represents satisfactory mitigation in principle for the loss of the existing sports pitch.
- 11.6. The development would result in the loss of an area of open space, which whilst not publically accessible provides an important visual break within a relatively dense area of built form. The loss of the open aspect formed a basis for the refusal of the previous planning application on this site. Whilst the loss of a perception of openness would be inevitable within any development on the site, the proposals in officer's view provide mitigation through the delivery of public open space, which would be sited in the optimum location and comprises 17% of the total site area, exceeding the 10% requirement specified within Policy SP66 of the Emerging Local Plan.
- 11.7. Officers are satisfied that the development preserves an appropriate standard of residential amenity for existing occupiers and would not compromise neighbouring properties by reason of overlooking, loss of light or the scale of the proposed built form. Officers are also satisfied that the design of the dwellings

affords appropriate standards of amenity for future occupiers. Officers consider that the development would be of a high design standard and the development would not result in harm to the heritage significance of the nearby Temple Cowley Conservation Area.

The transport impact of the development has been assessed in relation to the overall quantum of development and the impact on the existing road network. County Highways as statutory consultee on highways matters have indicated that they consider that the cumulative impact of the development on the existing road network would not be severe; consequently there would be no conflict with Paragraph 109 of the NPPF.

11.8. For the reasons expressed within this report 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. Application for the approval of reserved matters must be made to the Local Planning Authority before the expiration of three years from the date of this outline permission.

Reason: In accordance with Section 92(2) of the Town and Country Planning Act 1990.

2. The development permitted shall be begun either before the expiration of five years from the date of this outline permission or from the expiration of two years from the date of approval of the last reserved matters to be approved, whichever is the later.

Reason: In accordance with Section 92(2) of the Town and Country Planning Act 1990.

3. 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.

4. 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.

5. Prior to the commencement of the development hereby approved full details (lighting, dimensions, surfacing) of the proposed pedestrian and cycle link

between the development, Beresford Place and Crescent Road, shall be submitted to and approved in writing by the Local Planning Authority. and details of the lighting, surfacing, dimensions and drainage of the access. The access shall be constructed in accordance with the approved details before the development hereby permitted is brought into use, and shall be retained thereafter.

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

6. Prior to the commencement of the development hereby approved, full details of the access road, including layout, construction, lighting, and drainage shall be submitted to and approved in writing by the Local Planning Authority. These details must demonstrate that adequate forward visibility in both directions are achieved in accordance with the intended design speed of the proposed development. The means of access shall be constructed in accordance with the approved details prior to the first occupation of the development and be retained thereafter.

Reason: In the interests of highway safety in accordance with the National Planning Policy Framework

7. Details of covered and secure cycle parking for a minimum of 218 bicycles on-site shall be provided within close proximity to the entrance to each block of flats or within the curtilage of the houses prior to first occupation of the dwellings hereby permitted. The location and type of this provision should be submitted and agreed by the Local Planning Authority in writing and the scheme shall be implemented in accordance with the approved details.

Reason: To encourage the use of sustainable modes of transport in accordance with Policy HP15 of the Sites and Housing Plan.

8. A full Travel Plan prior to occupation of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. This will be sent to the Travel Plan Team at Oxfordshire County Council for approval. The Travel Plan shall be implemented upon first occupation of the development.

Reason: To encourage the use of sustainable modes as a means of transport.

9. Prior to occupation of the development, a car park management plan must be submitted for approval by the Planning Authority to ensure that the car parking within the site cannot be abused by nearby residential properties or the school. The details agreed details shall be implemented on first occupation of the development hereby permitted.

Reason: In in the interest of highway safety and to protect car park for residents' use only.

10. 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 hydro-geological 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:

- Calculations of current and proposed runoff from the development area
- Discharge point and evidence of agreement for discharge point and rate
- Detailed Drainage Scheme Plan showing the layout of the proposed drainage network, the location of the storage within the proposed development and how these relate to the submitted calculations, including any chamber, pipe numbers, direction of flow, invert and cover levels, gradients diameters and dimensions. The methods of flow control must be detailed as should non-conventional elements such as pond and permeable paving.
- Soakaways tests and Infiltration estimation in accordance with BRE365; the depth of water strikes. To be undertaken at different part of the site should the infiltration devices to be used
- Sizing of features - calculation of attenuation volume
- Explanation of how the drainage discharge hierarchy has been followed
- Maintenance and management of SUDS features
- SUDS - Permeable Paving, Rainwater Harvesting, Green Roof
- Network drainage calculations
- Minimum discharge limit of 5 l/s does not apply in Oxfordshire. Appropriate consideration of filtration features could remove suspended matters and suitable maintenance regime could minimise the risk of blockage.
- A qualitative assessment of flood flow routing in exceedance conditions
- An assessment of residual risk (what would happen if part of proposed SuDS 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.

11. Prior to the commencement of the development a phased risk assessment shall be carried out by a competent person in accordance with current government and Environment Agency Guidance and Approved Codes of Practice. Each phase shall be submitted in writing and approved by the LPA.

Phase 1 has already been submitted to the LPA under a previous application
Phase 2 shall include a comprehensive 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 scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use be submitted and approved in writing by the LPA. The remediation shall be carried out in accordance with the approved scheme and the applicant shall provide written verification to that effect.

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 approved remedial works have been carried out and a full validation report has been submitted to and approved by the LPA.

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 watching brief for the identification of unexpected contamination is undertaken throughout the course of the development by a suitably qualified engineer. If unexpected contamination is found to be present on the site, an appropriate specialist company and Oxford City Council should be informed and an investigation undertaken to determine the nature and extent of the contamination and any need for remediation. Prior to occupation, details of the watching brief shall be submitted to and approved by the LPA.

Reason - To ensure that any unexpected contamination is identified and appropriately addressed to ensure the safety of the development, the environment, and to ensure the site is suitable for the proposed use, Oxford Local Plan CP22.

14. Prior to the start of any work on site including site clearance, details of the design of all new hard surfaces and a method statement for their construction shall be submitted to and approved in writing by the Local Planning Authority. Details shall take into account the need to avoid any excavation within the rooting area of any retained tree and where appropriate the Local Planning Authority will expect "no-dig" techniques to be used, which might require hard surfaces to be constructed on top of existing soil levels using treated timber edging and pegs to retain the built up material.

Reason: To avoid damage to the roots of retained trees. In accordance with policies CP1, CP11 and NE16 of the Adopted Local Plan 2001-2016.

15. Prior to the start of any work on site, details of the location of all underground services and soakaways shall be submitted to and approved in writing by the Local Planning Authority (LPA). The location of underground services and soakaways shall take account of the need to avoid excavation within the Root Protection Areas (RPA) of retained trees as defined in the British Standard 5837:2012- 'Trees in relation to design, demolition and construction- Recommendations'. Works shall only be carried in accordance with the approved details.

Reason: To avoid damage to the roots of retained trees; in support of Adopted Local Plan Policies CP1, CP11 and NE15.

16. Detailed measures for the protection of trees to be retained during the development shall be submitted to, and approved in writing by, the Local

Planning Authority (LPA) before any works on site begin. Such measures shall include scale plans indicating the positions of barrier fencing and/or ground protection materials to protect Root Protection Areas (RPAs) of retained trees and/or create Construction Exclusion Zones (CEZ) around retained trees. Unless otherwise agreed in writing by the LPA the approved measures shall be in accordance with relevant sections of BS 5837:2012 Trees in Relation to Design, Demolition and Construction- Recommendations. The approved measures shall be in place before the start of any work on site and shall be retained for the duration of construction unless otherwise agreed in writing by the LPA. Prior to the commencement of any works on site the LPA shall be informed in writing when the approved measures are in place in order to allow Officers to make an inspection. No works or other activities including storage of materials shall take place within CEZs unless otherwise agreed in writing by the LPA.

Reason: To protect retained trees during construction. In accordance with policies CP1, CP11 and NE16 of the Adopted Local Plan 2001-2016.

17. A detailed statement setting out the methods of working within the Root Protection Areas of retained trees shall be submitted to and approved in writing by the Local Planning Authority (LPA) before any works on site begin. Such details shall take account of the need to avoid damage to tree roots through excavation, ground skimming, vehicle compaction and chemical spillages including lime and cement. The development shall be carried out in strict accordance with of the approved AMS unless otherwise agreed in writing by the LPA.

Reason: To protect retained trees during construction. In accordance with policies CP1, CP11 and NE16 of the Adopted Local Plan 2001-2016.

18. 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. The development shall be carried out in accordance with the agreed measures.

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.

19. No properties shall be occupied until confirmation has been provided that either:- all 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 no / low water pressure and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional demand anticipated from the new development

20. Prior to the commencement of development, an updated walkover survey of the site shall be undertaken to identify any change in its suitability to support rare and protected species, including reptiles and badger. Should the site be found to support any protected species, a scheme of mitigation measures must be presented to, and agreed in writing by, the Local Planning Authority.

Reason: To comply with the requirements of The Conservation of Habitats and Species Regulations 2017, the Protection of Badgers Act 1992, the Wildlife and Countryside Act 1981 (as amended) and to protect species of conservation concern.

21. Prior to the commencement of development, a scheme of ecological enhancements shall be submitted to and approved by the Local Planning Authority to ensure an overall net gain in biodiversity will be achieved. The scheme will include details of native landscape planting of known benefit to wildlife, including nectar resources for invertebrates. Details shall be provided of artificial roost features, including bird and bat boxes and a minimum of ten dedicated swift boxes. A quantifiable net gain in biodiversity will be required, presented using a suitable biodiversity offsetting metric, including details of any offsetting measures required. The agreed details shall be implemented prior to the first occupation of development and shall be retained thereafter.

Reason: To comply with the requirements of the National Planning Policy Framework, the Conservation of Habitats and Species Regulations 2017, Wildlife and Countryside Act 1981 (as amended) and Policy CS12 of the Oxford Core Strategy 2026.

22. A landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the Local Planning Authority prior to the occupation of the development.

The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed within the scheme and off-site compensatory habitat if relevant;
- b) Ecological trends and constraints on site that might influence management;
- c) Aims and objectives of management;
- d) Appropriate management options for achieving aims and objectives;
- e) Prescriptions for management actions;
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
- g) Details of the body or organization responsible for implementation of the plan; and
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery.

The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: To comply with the requirements of the National Planning Policy Framework, the Conservation of Habitats and Species Regulations 2017, Wildlife and Countryside Act 1981 (as amended) and Policy CS12 of the Oxford Core Strategy 2026.

23. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order) no structure including additions to the dwelling house as defined in Classes A, B, C, D, E of Schedule 2, Part 1 of the Order shall be erected or undertaken without the prior written consent of the Local Planning Authority.

Reason: The Local Planning Authority considers that even minor changes in the design or enlargement of the development should be subject of further consideration to safeguard the appearance of the area and the amenity of neighbouring properties and occupiers of the dwellings in accordance with policies CP1, CP8 and CP10 of the Adopted Oxford Local Plan 2001-2016, HP9 and HP14 of the Sites and Housing Plan and CS18 of the Core Strategy.

24. A Construction Traffic Management Plan shall be submitted to the Local Planning Authority and agreed prior to commencement of works and shall be approved in writing. 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,
- Details of times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours,
- Engagement with local residents and neighbours.

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.

25. The development hereby permitted shall not be occupied until the designated car club spaces as set out in approved plans has been provided. The car club space shall be laid out as set out in the approved plan prior to occupation of the development and retained as such thereafter.

Reason: To ensure that the development does not generate a level of vehicular parking which would be prejudicial to highway safety, or cause parking stress in the immediate locality, in accordance with policies CP1, CP6, CP10 and TR13 of the Adopted Oxford Local Plan 2001- 2016.

26. The development hereby permitted shall not be occupied until details of the electric vehicle charging infrastructure has been submitted to and approved in writing by the Local Planning Authority. The infrastructure shall be formed, and laid out in accordance with the approved details before usage of the parking spaces commences and shall remain in place thereafter.

Reason: To contribute to improving local air quality in accordance with CP23 of the Oxford Local Plan 2001- 2016 and enable the provision of low emission vehicle infrastructure.

27. 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 create a safe environment for existing and future occupiers which reduces opportunities for crime in accordance with Policies CP1 and CP9 of the Oxford Local Plan.

28. Prior to the first occupation of the units hereby permitted the windows on the north facing elevation of Block E and the south elevation of Block F shall be fitted with obscure glazing and shall be retained in that condition thereafter.

Reason: To prevent overlooking of existing residential dwellings and overlooking of the adjacent school in the interest of safeguarding and preserving the residential amenity of existing occupiers in accordance with Policies CP1 and CP10 of the Oxford Local Plan and Policy HP14 of the Sites and Housing Plan.

13. APPENDICES

- **Appendix 1** – Site location plan
- **Appendix 2** – 2014 Appeal Decision
- **Appendix 3** – ODRP Letter

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.