

Planning Review Committee

28th November 2019

Application number:	18/03330/OUT		
Decision due by	21st March 2019		
Extension of time	TBC		
Proposal	Outline Planning Application (precise landscaping scheme to form subject of detailed reserved matters submission) for development comprising 86 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	Sports Field, William Morris Close, Oxford, Oxfordshire – see Appendix 3 for site plan		
Ward	Cowley Marsh Ward		
Case officer	Michael Kemp		
Agent:	Mr Simon Sharp	Applicant:	Cantay Estates Ltd
Reason at Committee	The application has been called in to the Planning Review Committee by Councillors Malik, Arshad, Rush, Cook, Simmons, Wolff, Henwood, Haines, Kennedy, Lloyd Shogbesan, Upton, Gotch, Wade, Roz Smith, Altaf-Khan and Tarver.		

1. RECOMMENDATION

1.1. The Planning Review 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 7 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 referred to in this report.

1.1.2. **agree to delegate authority** to the 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 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 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. At the East Area Planning Committee held on the 6th November 2019, members resolved to grant outline planning permission for a development comprising 86 dwellings, public and private amenity space, access, bin and cycle storage and parking on the site of the former sports ground at William Morris Close in Temple Cowley.

2.2. The decision of the East Area Planning Committee has been called in to the Planning Review Committee by Councillors Malik, Arshad, Rush, Cook, Simmons, Wolff, Henwood, Haines, Kennedy, Lloyd Shogbesan, Upton, Gotch, Wade, Roz Smith, Altaf-Khan and Tarver for the following reasons:

- The site is protected open space under Policy SR2 of the Oxford Local Plan.
- The proposals would be an overdevelopment of the site.
- Parking and highways concerns.
- History of refused planning applications and a dismissed appeal on the site for 40 dwellings, 2 all-weather pitches and 71 parking spaces.

2.3. A copy of the officer's report to the meeting of the East Area Planning Committee on 6th November 2019 is included within **Appendix 1** of this report. It is considered that the officer's report provides a full assessment of the scheme in relation to the relevant policy considerations within the existing local development framework; however this report provides additional clarification on the specific issues raised following the committee meeting and the reasons relating to members' request to call the application in to the Planning Review Committee.

2.4. A copy of the officer's report to the meeting of the East Area Planning Committee on 31st July 2019 is also attached at **Appendix 2** of this report. At this meeting, the committee resolved to defer making a decision on this application pending the provision of further reassurance on issues relating to transport/highways impacts of the development including traffic generation; overlooking of the adjacent Tyndale School and associated safeguarding concerns; and the scale and density of the development. Following the 31st July East Area Planning Committee the applicants reduced the number of dwellings from 102 to 86 units.

2.5. In terms of the proposed alternative sports contribution, Policy SR2 of the Oxford Local Plan allows for the upgrade of existing sports facilities. The applicant's offer of £600,000 towards the upgrade of the Sports Pitches at St Gregory the

Great school is considered to comply with the requirements of Policy SR2 and Paragraph 97 of the NPPF. Officers have outlined the public benefits of the alternative sports provision in terms of the physical upgrade of the sports pitches at the school and importantly securing a community access agreement, therefore enabling public access to the pitches at St Gregory the Great School. There are significant public benefits associated with an improved publically accessible sports facility at St Gregory the Great School compared with the retention of the existing sports field at William Morris Close which has not been publicly accessible since 2009 and has limited usability and capacity to accommodate sports uses in any event. The commuted sum of £600,000 would therefore provide an uplift in the quality of sports provision within the local area. Sport England as statutory consultee on development proposals which impact on sports facilities and local provision of sports has raised no objection to the proposals in comparison to previous applications where Sport England has objected.

- 2.6. In terms of the density of development, officers consider that this is not inappropriate for the size of the site and accounting for the context of the surrounding built form. In order to meet Oxford's acute housing needs, particularly the need for affordable accommodation, there is a requirement that all new developments make best use of the land. Oxford has a distinct shortage of sites on which housing can be delivered, particularly larger sites of this scale. Policy CP6 of the Oxford Local Plan; Policy HP9 of the Sites and Housing Plan and Policy RE2 of the Emerging Local Plan clearly outlines the requirement that an optimum density of development should be achieved on all sites accounting for all relevant contextual considerations.
- 2.7. Paragraph 123 of the NPPF, which is directly applicable to the context of Oxford, specifies that where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site. Within the context of the development at William Morris Close it is considered that the proposals make optimum use of the site, whilst also providing 17% public open space, 7% more than would be required under the draft local plan Policy SP66. The provision of public open space has been central to pre-application discussions to ensure that this space is accessible to all. The proposals will therefore provide an area of public open space on the site which does not currently exist, accounting for the inaccessibility of the sports pitch at William Morris Close. The scale and density proposed would also be commensurate with that of the surrounding built form, which comprises houses, as well as flats in William Morris Close and Beresford Close. The number of units on the site has already been reduced from 102 to 86 dwellings and officers are of the view that a further reduction in the density of development would arguably fail to make best use of the site and may fail to accord with Paragraphs 122 and 123 of the NPPF.
- 2.8. Matters relating to the cumulative impact of the development on the local highway network are addressed in depth in the officer's report to the 6th November East Area Planning Committee. Following amendments, the number of residential units has been reduced from 102 to 86 dwellings, also reducing parking provision from 102 to 86 spaces, which consequently has a resulting

impact on the extent of traffic generation. The site is not included within a CPZ, therefore officers are of the view that a car free development is not supportable at the current time, as this would result in a displacement of vehicles onto surrounding roads such as William Morris Close, Barracks Lane and Crescent Road. It is the view of officers and the view of the County Council, as statutory highway authority, that the cumulative residual impact of the development in terms of traffic generation would not be severe and there would not be an adverse impact on the safety of pedestrians or road users. Consequently the development would accord with Paragraph 109 of the NPPF and permission should not be refused on highway safety grounds.

2.9. Whilst previous applications on the site, particularly the refused application 13/01096/FUL which was dismissed on appeal in 2014, are of relevance, there are multiple differences compared with the existing proposals. In terms of the previous refusal reasons which relate to the adequacy of sports provision and open space provision, officers are clear that the present proposals offer a more comprehensive approach to address the loss of the sports pitch through the proposed financial contribution towards an identified upgrade of the existing facility at St Gregory the Great School. The proposals would provide public open space on the site (17% of the total site area) in an optimum position, which is in contrast to previous proposals on the site, particularly 13/01096/FUL and 16/00797/OUT, where there were notable issues associated with the quality of the open space proposed. In terms of both the sports and open space provision, it is considered that the present proposals adequately address the need to mitigate the loss of the sports pitch and re-provide the open space in accordance with Policy SR2 of the Oxford Local Plan and CS21 of the Core Strategy.

2.10. For the reasons expressed within this report, in addition to the assessment contained within the officer's reports to the meeting of the East Area Planning Committee on 31 July and 6 November 2019, officers consider that the development as proposed is acceptable in accordance with the relevant provisions of the Oxford Local Plan; Oxford Core Strategy; Sites and Housing Plan; Emerging Local Plan and the NPPF and recommend that approval should be granted subject to the planning conditions outlined in this report and a section 106 agreement covering the matters in section 3 of this report.

3. LEGAL AGREEMENT

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

- The provision of on-site affordable housing at 50%.
- A financial contribution of £600,000 towards sports provision in the local area and a requirement for a community use agreement for the facility.
- The provision of Public Open Space on the site.
- A travel plan monitoring fee.
- Secure that the proposed footpath link between William Morris Close and Barracks Lane is made available for public access.

4. RELEVANT PLANNING POLICY

4.1. 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 CP10 CP11 CP13	CS18_		DH1 DH2 DH5
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	

5. CONSULTATION RESPONSES

5.1. A complete summary of all consultation responses received in relation to this application from statutory and non-statutory consultees and public

representations is contained within Section 9 of the officer's report to the meeting of the East Area Planning Committee on 6th November 2019 attached at **Appendix 1**.

5.2. No further representations have been received.

6. PLANNING MATERIAL CONSIDERATIONS

6.1. A copy of the officer's report to the meeting of the East Area Planning Committee on 6th November 2019 is included within **Appendix 1**. It is considered that the officer's report provides a full assessment of the scheme in relation to the relevant policy considerations within the existing local development framework; however this report is intended to provide some additional clarification on the issues which have been raised relating to members' request to call the application to the Planning Review Committee.

Open space designation and status of sports pitch

6.2. Paragraphs 10.12 to 10.33 of the officer's report to the meeting of the East Area Planning Committee on 6th November 2019 deals specifically with the loss of the sports pitch at William Morris Close and the specific policy considerations relating to the protection of open air sports facilities, namely Policy SR2 of the Oxford Local Plan and Paragraph 97 of the NPPF.

6.3. Policy SR2 of the Oxford Local Plan states that planning permission will not be granted for development that would result in the loss of open-air sports facilities, including school playing fields, where there is a need for a sports facility to be retained in its current location, or the open area provides an important green space for local residents.

6.4. Officers and Sport England consider that there is not a specific need for the sports pitch to be retained in its current location as long as the alternative sports provision is delivered in the vicinity of the site, where this is accessible to local residents and provides a direct benefit to the local community to offset the loss of the existing pitch. The sports pitch at William Morris Close has not been used since the closure of the Lord Nuffield Club in 2009 and is not publically accessible. There is a limited likelihood that the site would ever be brought back into use as a sports pitch in the near future, which is reflected in the sites exclusion within the Interim Playing Pitch Strategy. Notwithstanding this, the site is, in capacity terms, capable of accommodating sports uses, albeit that the gradual reduction in the size of the site as a result of previous developments at William Morris Close and the construction of the Tyndale School has greatly diminished the usability of the site. The Sports and Open Space supporting statement submitted alongside the application addresses the site's capacity to accommodate sports uses and it is identified that the site, despite its diminished size, has the potential to support junior football and rugby.

6.5. Matters relating to the loss of the open space and the status of the open space on the site are addressed in paragraphs 10.34 to 10.44 of the officer's report to the meeting of the East Area Planning Committee on 6th November 2019. Policy SR2 of the Local Plan requires that consideration should be given to the value of

the site in terms of its importance as a green space for local residents. It is important to note that the site is not afforded specific protection as an open space under Policy SR5 of the Oxford Local Plan, mainly as the site is not publically accessible.

- 6.6. The site has value in offering an open vista within an otherwise urbanised area; however the extent of the open aspect is diminished by the fencing surrounding the site which has been in place since 2012. The lack of public access to the site means that the sports pitch is not a functional area of open space which members of public could otherwise utilise for formal or informal recreation. It should also be noted that the sports pitch was a private facility when used by the Lord Nuffield Club and prior to this, the Morris Motors Sports Club. During its operation as a private sports pitch, the facility did not benefit from a community access agreement. Whilst it was understood that the pitch was accessible prior to the erection of the fencing surrounding the site, there is no requirement for the site to be made accessible to the public.
- 6.7. It should be noted that there are other significant areas of open space in the immediate vicinity of the site, which are larger than the sports pitch at William Morris Close and are publically accessible. These include the Hollow Way Recreation Ground, which is within 200 metres of the site and the Cowley Marsh Recreation Ground, which is within 550 metres of the site. Accounting for existing provision there is not, in officer's view, a deficit of informal green space for local residents and in any event as the pitch at William Morris Close has not been publically accessible for over 10 years its benefit to the community as a functional area of sports and recreational space is minimal.
- 6.8. Notwithstanding this, the site has value as an open aspect within an area surrounded by existing development and noting that the site had some recreational value to local residents prior to its closure, site specific policy SP66 of the draft local plan requires the provision of at least 10% public open space within any development. The applicants are proposing 17% public open space within the development, which clearly exceeds the 10% public open space requirement specified under Policy SP66 of the draft local plan.
- 6.9. Whilst providing an open aspect, the space proposed within this planning application would be usable and accessible to the public, in contrast to the existing sports pitch. From this perspective the proposed public open space would be considered as an enhancement on the existing sports pitch, in terms of its functionality and recreational value for existing residents and the local community beyond the site.
- 6.10. Policy SR2 requires 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.

- 6.11. It is important to consider the consistency of Policy SR2 with the NPPF. Paragraph 11 of the NPPF outlines the overarching requirement that in applying a presumption in favour of sustainable development Local Authorities should be approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or 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.
- 6.12. Policy SR2 of the Local Plan pre-dates the NPPF and in accordance with Paragraphs 11 and 213 of the NPPF, this policy should be considered in terms of consistency (or lack of consistency) with the NPPF. When considering development which involves the loss of open space and sports facilities, paragraph 97 of the NPPF is of material significance.
- 6.13. Paragraph 97 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. Policy G5 of the Draft Local Plan similarly reflects these requirements, albeit that the provisions of Policy G5 can only be afforded limited weight at the current time.
- 6.14. Elements of Policy SR2 are broadly consistent with the NPPF in terms of the general aim of affording protection to sports facilities and the requirement that any replacement sports provision should be to at least an equivalent standard, though the NPPF also allows for the loss of existing sports facilities if they are deemed surplus to requirements. In relation to this point, officers consider that the sports pitch, though diminished in size and quality would not be surplus to requirements as the pitch still has an identified potential to accommodate some, albeit limited sports uses, namely junior football or rugby. It is correct that the loss of the sports pitch should be adequately mitigated through alternative sports provision in line with Policy SR2 of the Oxford Local Plan and Paragraph 97 of the NPPF.
- 6.15. Importantly, when assessed against Policy SR2 of the Local Plan, it should be noted that paragraph 97 of the NPPF does not require a need to demonstrate availability of non-greenfield sites when considering developments which would result in the loss of open air sports facilities. This element of Policy SR2 should not therefore be afforded any weight when determining development on the site at William Morris Close as this is fundamentally incompliant with the NPPF, which does not include a presumption against the development of greenfield

sites under paragraph 97 or within the wider policy framework. Notwithstanding this, it is considered that there is 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.

- 6.16. In terms of the alternative provision proposed as a means of compensating for the loss of the sports pitch, the applicants have proposed £600,000 towards the upgrade of the existing sports facility at St Gregory the Great School in Cowley. The merits of this alternative provision versus the retention of the existing sports pitch are discussed within sections 10.21 to 10.33 of the officer's report to the meeting of the East Area Planning Committee on 6th November 2019. The £600,000 proposed would contribute towards resurfacing and other improvements to the all-weather pitches at St Gregory the Great School and importantly include a community access agreement, which would secure public access to the facility at the school, which is not accessible to the wider public at the present time. The proposals to enhance the facility at St Gregory the Great School would deliver a high quality all-weather facility with a much enhanced playing capacity compared with the sports pitch at William Morris Close. The improvements to the facility secured through the legal agreement, in conjunction with securing a community access agreement would be akin to the provision of a new high quality all-weather facility for use by the local community.
- 6.17. The facility at St Gregory the Great School is within 20 minutes walking distance of William Morris Close and would directly serve the community in Temple Cowley. The alternative sports provision of £600,000 therefore provides the opportunity to improve the quality of sports provision within the local area compared with the retention of the existing sports pitch at William Morris Close, which has not been used since 2009 and is inaccessible to the public. There is no obligation for the existing sports pitch to be brought back into active use and minimal prospect of this occurring in the near future.
- 6.18. Policy SR2 specifically allows for the upgrading of an existing facility as a means of mitigating the loss of existing sports uses and therefore the proposals to upgrade the existing facilities at St Gregory the Great School are compliant with these provisions. The alternative sports provision would also comply with Policy CS21 of the Core Strategy, which specifies that planning permission will only be granted for development resulting in the loss of existing sports and leisure facilities if alternative facilities can be provided and if no deficiency is created in the area. Alternative facilities should be provided in a location equally or more accessible by walking, cycling and public transport and will be particularly welcomed in areas that have an identified shortage.
- 6.19. In comparison to previously refused schemes, Sport England has raised no objections to the proposed financial contribution as a means of mitigating the loss of the sports pitch at William Morris Close and have stated that in their opinion the applicant's approach complies with paragraph 97 of the NPPF. A full

copy of Sport England's consultation response is included in paragraphs 9.19 to 9.22 of the officer's report to the meeting of the East Area Planning Committee on 6 November 2019.

6.20. In summary, officers consider that the development is compliant with the requirements of the relevant policies of the development framework which relate to the protection of existing sports facilities, these being Policy SR2 of the Oxford Local Plan; Policy CS21 of the Core Strategy and paragraph 97 of the NPPF. The development also complies with the site specific requirements of Policy SP66 of the Draft Local Plan in terms of the contribution towards alternative sports provision and the provision of public open space within the proposed scheme.

Density of development

6.21. The appropriateness of the density of development is addressed in depth in sections 10.93 to 10.98 of the officer's report to meeting of the East Area Planning Committee on 6 November 2019 which is included at Appendix 1. In summary it is considered that the overall quantum of units and corresponding density of development would not be inappropriate and would not represent an overdevelopment of the site. To the contrary a reduction in the density of development on the site would be counterproductive as this would fail to make effective use of the land and deliver an optimum number of dwellings, including affordable units.

6.22. Following the meeting of the East Area Planning Committee on 31st July 2019, the applicant has reduced the density of development from 102 to 86 dwellings, a reduction of 16 units. The overall revised density of development would equate to 66.2 dwellings per hectare. It is noted that the Sites and Housing Plan bases density at 55 dwellings per hectare on allocated sites, though it is stated 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 also 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. Policy HP9 of the Sites and Housing Plan states that the density of developments should make efficient use of land, whilst respecting site context.

6.23. Policy CP6 of the Oxford Local Plan states that planning permission will only be granted where development proposals make maximum and appropriate use of land; this is acknowledging the limited amount of land available in Oxford. Policy CP6 does not set a maximum density, though the policy specifies that residential developments should generally be above 40 dwellings per hectare. Policy CP6 requires that the following criteria are met:

- a. the intensity of development must be appropriate for the use proposed;
- b. the scale of development, including building heights and massing, should be at least equivalent to the surrounding area, although larger-scale proposals will be encouraged in appropriate locations;

c. opportunities for developing at the maximum appropriate density must be fully explored;

d. built form and site layout must suit the site's capacity; and

e. parking levels must be appropriate to the use proposed.

6.24. 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 accounting for all other material planning considerations. Higher density developments of 100 dwellings per hectare are encouraged within the City Centre and District Centres.

6.25. Whilst the site lies outside of a district centre, it is a compact urban plot surrounded by a mix of high density development, including apartments at William Morris Close and Beresford Place and two storey houses in Crescent Close and Turner Close. Accounting for the urban grain and surrounding scale of development it is considered that the proposed quantum of development and density 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. Site specific 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.

6.26. 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 three storey flats with pitched roofs. The overall scale of development is responsive to the scale of the adjacent built form and general character of surrounding area and the development is considered to comply with part b of Policy CP6 of the Oxford Local Plan.

6.27. Achieving optimum density on appropriate sites is considered vital in meeting the city's clear housing needs. Oxford has a distinct lack of sites on which housing can be delivered, particularly larger sites of the scale of the site at William Morris Close. Without making best use of available sites, where the principle of housing development is otherwise considered acceptable, the Council will be unable to meet its housing need, particularly the need for affordable housing.

6.28. The altered policy position in light of the recent appeal decision at Lime Walk and the Draft Local plan Inspectors' comments in respect of the Council's ability

to seek a financial contribution towards affordable housing on smaller sites, places even greater importance on delivering an optimum quantity of on-site affordable units on the relatively small number of larger sites in the city where residential development is deemed to be acceptable.

6.29. It should be noted that making effective use of land forms a vital strand of planning policy within the NPPF. Paragraph 122 of the NPPF makes clear that planning decisions should support development that makes efficient use of land, taking into account:

a) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;

b) local market conditions and viability;

c) the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;

d) the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change; and

e) the importance of securing well-designed, attractive and healthy places.

6.30. Paragraph 123 of the NPPF, which is particularly applicable to the context of Oxford, specifies that where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site. It is also specified that local planning authorities should refuse applications which they consider fail to make efficient use of land, taking into account the policies in this Framework.

6.31. Officers are strongly of the view that the proposed density of development achieves an optimum number of units, which makes best use of the site. The development is also considered to respect the character of the surrounding area and re-provides public open space at 17% of the total site area. The site, whilst falling outside of the City Centre or a District Centre is in a sustainable location, which is close to the Cowley Primary District Centre and bus stops served by regular services and would represent an appropriate location for higher density residential development.

6.32. A further reduction in the density of development on the site would be counterproductive in officer's view, as this would result in a reduced number of units, including a lower quantum of affordable housing. Achieving an optimum density of development on larger sites is vital for the delivery of much needed housing within the city. Further reducing the density on this site would arguably result in a development that fails to make efficient use of the land, and would be contrary to Policy CP6 of the Oxford Local Plan; Policy HP9 of the Sites and Housing Plan, Policy RE2 of the Draft Local Plan and paragraphs 122 and 123 of the NPPF. For these reasons officers are of the view that the density of development proposed is acceptable and a further reduction in the number of

units proposed on the site would be neither necessary, nor encouraged as this would compromise the potential to make best use of the site to meet the Council's housing needs.

Transport and Highways Issues

- 6.33. The matters relating to the highways impacts of the development, including parking provision and cumulative traffic generation are addressed in considerable depth in sections 10.57 to 10.74 of the officer's report to the meeting of the 6th November East Area Planning Committee.
- 6.34. Following revisions to the application the overall quantum of units has been reduced from 102 to 86 dwellings and there would be a corresponding decline in the number of vehicle movements associated with this reduction of 16 units and corresponding loss of 16 parking spaces. The site is not included within a CPZ; therefore officers are of the view that car free or low parking development is not supportable at the current time as this would result in a displacement of vehicles onto surrounding roads such as William Morris Close, Barracks Lane and Crescent Road.
- 6.35. Sections 9.4 to 9.11 of the officer's report to the meeting of the 6th November East Area Planning Committee outlines the County Council's updated response (dated October 2019) to the revised quantum of 86 units. The response provides an analysis of cumulative traffic generation associated with the development, as well as an assessment of the adequacy of parking proposed on the site. The Highway Authority are clear that in their opinion, the cumulative traffic generation associated with the development would not result in severe harm within the context of the NPPF and no objections are raised on this basis.
- 6.36. The officer's report to the meeting of the East Area Planning Committee on 6th November provides an analysis of TRICS data provided by the applicant, as detailed within the revised Transport Statement. The applicant's approach was adjudged by the Highway Authority to be sound. The TRICS information details traffic movements on the surrounding road network, including along Barracks Lane and Hollow Way. In the opinion of officers and the Highway Authority the impact of traffic generation associated with the development would not have a cumulative residual impact on the highway network which would be severe and would therefore not justify refusal under Paragraph 109 of the NPPF.
- 6.37. As an update to the 6th November East Area Planning Committee Report, it should be noted that the financial contribution towards parking controls on Barracks Lane requested by Oxfordshire County Council within their consultation response dated 17/10/2019 and as referenced within paragraph 3.1 of the officer's report to the East Area Planning Committee is no longer required. The reason for this is that the highways works to install parking controls on Barracks Lane which were requested by the Highway Authority have already been carried out.

Previous Applications including 2014 dismissed Appeal

- 6.38. The matter of the previous planning refusals on the site, these being 12/02967/FUL;13/01096/FUL;13/02500/OUT; 16/00797/OUT and 16/02651/OUT have been given due consideration. An application for 7 dwellings on the site of just the car parking area was refused in 2014 (14/01640/OUT) and an appeal against the refusal of this application was dismissed in 2015. Matters relating to the appeal against the refusal of application 13/01096/FUL are addressed in detail within your officer's reports to the 31st July and 6th November meetings of the East Area Planning committee.
- 6.39. Though each of the previous proposals were for residential development, there are significant differences between each of the previous proposals on the site in terms of the design and layout of the schemes, treatment of public open space and the proposed alternative sports provision. It is correct to consider the previous reasons for refusal, in particular those which were upheld at appeal in 2014, however the fact that previous applications on the site have been refused should not in itself form a basis for refusing the present planning application. Consideration should instead be given to whether the previous reasons for refusal have been successfully addressed. It must be noted that the planning context has changed since the determination of previous planning applications on the site, in terms of the weight afforded to the draft local plan and the consistency of some of the policies of the existing local development framework including the Sites and Housing Plan; Oxford Local Plan and Core Strategy with the revised 2019 NPPF.
- 6.40. The range of previous reasons for refusing development on the site vary and some of these reasons were specific to the individual proposals, for example matters relating to the design of previous schemes, amenity impacts, impact on trees and failure to comply with energy and sustainability policy requirements. The officer's report to the meeting of the East Area Planning Committee on 6th November 2019 makes clear that the present application is acceptable in respect of these matters.
- 6.41. It should be noted that each of the previous applications on the site reference Policies CS2 and CS22 of the Core Strategy within the reasons for refusing development, these policies relate to the location based delivery of housing development and the delivery of housing growth respectively. Paragraphs 10.2 to 10.6 of the Officers Report to the meeting of the East Area Planning committee on 6th November 2019 addresses the present application in relation to the weight which should be afforded to these policies. Both policies are identified as being fundamentally inconsistent with the NPPF. Policy CS2 of the Core Strategy requires a sequential 'brownfield first' or presumption against the development of greenfield sites, which is no longer reflected within the provisions of the revised NPPF. Applying this approach would preclude the development of the site at William Morris Close, unless there was an overriding need for development in terms of maintaining a five year housing land supply. Weight was clearly attributed to these policies in terms of determining the previous planning applications on the site, however in light of the inconsistency of policies CS2 and CS22 with the NPPF it would be incorrect to give weight to these policies when determining the present application, and such an approach would be inconsistent with paragraph 11 of the NPPF.

- 6.42. Refusal reasons relating to the loss of the site as an area of open space and the inadequacy of proposed alternative sports provision form a reason or reasons for refusal on each of the previous applications on this site. The reports to the 31st July and 6th November East Area Planning committees address matters relating to loss of the sports pitch, adequacy of alternative sports provision and the loss of open space and outline the reasons why the proposals are deemed to be acceptable in respect of each of these issues.
- 6.43. Application 13/01096/FUL, which was refused and unsuccessfully challenged at appeal is addressed within the officer's report to the meeting of the East Area Planning Committee on 6th November 2019. It should be made clear that there are fundamental differences in terms of what the applicant is proposing in respect of alternative sports provision and open space provision within the present planning application, compared with what was proposed as mitigation under planning application 13/01096/FUL. Paragraphs 10.20 to 10.22 and 10.27 to 10.28 of the report to the meeting of the East Area Planning Committee on 6th November 2019 clearly outlines the reasons why the alternative sports contribution previously proposed under application 13/01096/FUL, which consisted of on-site small all weather pitches, without floodlighting and without a community use agreement was inadequate. In contrast the £600,000 proposed under the present application, which would be commuted towards alternative sports provision at St Gregory the Great School in Cowley clearly provides much greater public benefits. The proposed sports contribution would secure community access to the facility at St Gregory the Great School and this facility which would be improved through the applicant's funding is much larger than the previously proposed on site pitches and is floodlit.
- 6.44. It should also be noted that the location of the proposed on site provision of all-weather pitches, as proposed under application 13/01096/FUL at the entrance to the site would not have been conducive to good urban design. In contrast to the present scheme which provides an open aspect adjacent to William Morris Close. The development proposed under application 13/01096/FUL would have resulted in public views on approach to the site being dominated by hard engineered surfacing and probably fencing associated with all-weather pitches. The limited size of the site and proximity to existing residential properties effectively rules out the possibility of providing any quality on-site sports provision in conjunction with a viable residential development that also provides any significant amount of public open space. It is unlikely that floodlighting associated with all-weather pitches could be supported on the site given the spatial proximity to residential properties and the potential amenity impacts associated with floodlighting. The pitches proposed under application 13/01096/FUL were mini pitches which were much smaller than the existing sports field, which has the potential to accommodate a full size junior football pitch.
- 6.45. In terms of the refusal reason relating to the highways impact of application 13/01096/FUL, it is important to note that this was not upheld as a valid ground for refusal, albeit that this was for a lower quantum of development (40 dwellings, 2 all-weather pitches and 71 parking spaces). The highways matters relating to the dismissed appeal are discussed in section 10.66 of the officer's report to the meeting of the East Area Planning Committee on 6th November 2019. The

appeal inspector outlines within paragraphs 44 and 45 of his report that the development would not pose a significant risk to the safety of pedestrians or road users and that the cumulative residual impact of the development on the highway network would not be severe. These comments should be afforded weight, albeit this application was for a lower quantum of development, though notably one which proportionally provided higher levels of parking per unit than is proposed within this application. The officer's report to the meeting of the East Area Planning Committee on 6th November 2019 outlines the reasons why a higher quantum of development would be acceptable on this site in terms of the highways impacts.

6.46. The 2015 dismissed appeal relating to the refusal of 7 dwellings on the site (14/01670/OUT) is of some relevance as this application similarly related to the refusal of development on the basis that the development would have resulted in the loss of a protected open air sports facility and local green space. Despite the site functioning as a car park, this part of the site still formed part of an area designated as protected open space under Policy SR2 of the Oxford Local Plan mainly as the car park was seen to provide an essential ancillary function to the any sports use on the site. Notwithstanding this, there is a significant difference is the scale of development which was concentrated only on the car park. Furthermore the applicants did not submit any proposals to re-provide open space or any alternative sports provision within the scheme and the development was clearly not compliant with Policy SR2 for this reason.

6.47. In summary each of the matters relating to the refusal of previous applications on the site have been adequately addressed. The proposed development is markedly different from previous proposals on the site, both in terms of the form of development and means of mitigation in respect of public open space provision and alternative sports contribution. Whilst the previous applications on the site which were refused are of relevance, applications must be determined on the individual merits of the case. The fact that previous applications have been refused on the site should not, in officers view form a basis for refusing the present proposals. Officers are of the view that the refusal reasons relating to the previous applications, namely those relating to the sports and open space provision have either been addressed within the applicant's proposals or the planning policy context has been altered to a significant extent. The change in planning context materially affects the weight which can be attributed towards the draft local plan and the decreased weight afforded to certain policies of the existing framework for example policies CS2 and CS22 of the Core Strategy and Policy SR2 of the Oxford Local Plan.

Conclusion

6.48. This report should be read in conjunction with the officer's reports to the 6th November and 31st July East Area Planning Committees which outline all key material planning considerations and the scheme's deemed acceptability in line with the existing and draft local development framework and the NPPF. This report further addresses the reasons relating to the calling in of the application to the Planning Review Committee.

6.49. For the reasons expressed within this report, in addition to the assessment contained within the officer's reports to the 6th November and 31st July East Area Planning Committee, officers consider that the development as proposed is acceptable in accordance with the relevant provisions of the Oxford Local Plan; Oxford Core Strategy; Sites and Housing Plan; Emerging Local Plan and the NPPF and recommend that approval should be granted subject to the planning conditions outlined and the section 106 agreement referred to in this report.

7. 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 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 is 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

6. 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, will be submitted to and approved in writing by the Local Planning Authority. These details must include the terms agreed with the owners of Beresford Place over which pedestrians cyclists must pass, including lighting, dimensions, surfacing and drainage. Thereafter, and prior to the occupation of any dwellings, the access shall be constructed in accordance with the approved details.

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

7. A travel plan and travel information pack shall be submitted for approval in writing by the Local Planning Authority before first occupation of the site. The travel plan shall be updated within 3 months of occupation of 50% of the site. The Travel Plan shall be implemented in accordance with the agreed details.

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

8. Prior to occupation of the development, a car park management plan shall be submitted for approval by the Local Planning Authority in writing to ensure that the car parking within the site cannot be abused by nearby residential properties or the school. The approved plan 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.

9. Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and 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.

10. 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 Local Planning Authority (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 Local Planning Authority. 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.

11. 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 in writing by the Local Planning Authority.

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

12. A watching brief for the identification of unexpected contamination shall be 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 shall be informed and an investigation undertaken to determine the nature and extent of the contamination and any need for remediation. No occupation shall take place until details of the watching brief have been submitted to and been approved in writing by the Local Planning Authority.

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.

13. 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. The approved details shall be implemented and adhered to during the construction phase and thereafter.

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.

14. 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.

15. 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.

16. 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 Arboricultural Method Statement 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. 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.

18. 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

19. 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 badgers. Should the site be found to support any protected species, a scheme of mitigation measures shall be submitted to, and agreed in writing by, the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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.

20. Prior to the commencement of development, a scheme of ecological enhancements shall be submitted to and approved in writing by the Local Planning Authority to ensure an overall net gain in biodiversity will be achieved. The scheme shall 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 the 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.

21. 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 shall 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.

22. 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 houses as defined in Classes A, B, C, D, E of Part 1 of Schedule 2 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.

23. A Construction Traffic Management Plan shall be submitted to and be approved in writing by the Local Planning Authority prior to commencement of works. 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.

The development shall be carried out in accordance with the approved details.

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.

24. The development hereby permitted shall not be occupied until the designated car club space 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.

25. 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.

26. Prior to commencement of development, an application shall be made for Secured by Design (SBD) 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 Local Planning 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.

27. 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. The second floor balcony in Block E serving Flat E10 shall be fitted with obscured privacy screening to a minimum height of at least 1.8 metres along the north facing elevation prior to the first occupation of this unit 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.

28. No development shall take place until a Construction Environmental Management Plan (CEMP), containing the site specific dust mitigation measures identified for this development, has first been submitted to and approved in writing by the Local Planning Authority. The specific dust mitigation measures that need to be included and adopted in the referred plan can be found in pages 19-20 of the reviewed Air Quality Assessment that was submitted with this application (document reference: AQ_assessment/2018/WMC_update, Version 2) developed by Aether. The agreed CEMP shall be adhered to at all times.

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

29. Prior to the occupation of the development, evidence that proves that all emission gas fired boilers that are going to be installed on-site are going to be ultra-low NOx (and meet a minimum standard of <40mg/kWh for NOx) shall be submitted to and approved in writing by the Local Planning Authority.

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

30. Before the development permitted is commenced details of the cycle parking areas, including means of enclosure, shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall not be brought into use until the cycle parking areas and means of enclosure have been provided within the site in accordance with the approved details and thereafter the areas shall be retained solely for the purpose of the parking of cycles.

Reason: To promote the use of cycles thereby reducing congestion on adjacent roads in accordance with policies CP1, CP10 and TR4 of the Adopted Oxford Local Plan 2001-2016.

8. APPENDICES

- **Appendix 1** – Officers report to 6th November East Area Planning Committee
- **Appendix 2** – Officers report to 31st July East Area Planning Committee
- **Appendix 3** – Site Plan
- **Appendix 4** – ODRP letter
- **Appendix 5** – 2014 Appeal Decision

9. HUMAN RIGHTS ACT 1998

- 9.1. 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.

10. SECTION 17 OF THE CRIME AND DISORDER ACT 1998

- 10.1. 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.

INFORMATIVES :-

- 1 Given the development's impact upon the surrounding streets in relation to the traffic generation and cycle trip generation, CIL funding towards the Temple Cowley Controlled Parking Zone and improvements to the cycle route via Barracks Lane will be sought from Oxford City Council at the appropriate time.

- 2 Given the development's impact upon the surrounding streets in relation to the traffic generation and cycle trip generation, CIL funding towards the Temple Cowley Controlled Parking Zone and improvements to the cycle route via Barracks Lane will be sought from Oxford City Council at the appropriate time.
- 3 The development hereby permitted is liable to pay the Community Infrastructure Levy. The Liability Notice issued by Oxford City Council will state the current chargeable amount. A revised Liability Notice will be issued if this amount changes. Anyone can formally assume liability to pay, but if no one does so then liability will rest with the landowner. There are certain legal requirements that must be complied with. For instance, whoever will pay the levy must submit an Assumption of Liability form and a Commencement Notice to Oxford City Council prior to commencement of development. For more information see: www.oxford.gov.uk/CIL

11. HUMAN RIGHTS ACT 1998

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

12. SECTION 17 OF THE CRIME AND DISORDER ACT 1998

- 12.1. 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.