

East Area Planning Committee

15th January 2019

Application number:	19/02660/FUL
Decision due by	13 th December 2019
Extension of time	24 th January 2020
Proposal	Erection of 4 x 2-bed, 2 x 3-bed and 1 x 4-bed dwellings (Use Class C3) with associated access, parking, bin and cycle storage and landscaping. (Amended description).
Site address	The Royal British Legion Club , Edgecombe Road, Oxford, OX3 9HA – see Appendix 1 for site plan
Ward	Barton And Sandhills Ward
Case officer	Michael Kemp
Agent:	Mr Mark Cooke Applicant: Mr James Graham
Reason at Committee	This is a committee item because it is more than five residential units and also Oxford City Housing Limited are the applicants

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 11 of this report and grant planning permission.

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.

2. EXECUTIVE SUMMARY

2.1. This report considers the proposed redevelopment of the former Royal British Legion site in Barton to provide seven affordable dwellings for Oxford City Housing Limited, along with the creation of a new access road and associated landscaping works.

2.2. The proposals would bring forward the redevelopment of a previously developed site, the principle of which would be promoted under Policy CS2 of the Core

Strategy and Paragraphs 117 and 118 of the NPPF. The proposals would provide seven affordable houses which would deliver clear public benefits in terms of meeting an identified need for affordable housing in the city as part of a small scale development of less than 10 units on what is a small site, where affordable housing may not otherwise be provided. The proposed development is in line with the Council's priorities for delivering quality new housing as part of wider regeneration in Barton, as outlined in Policy CS3 of the Core Strategy.

- 2.3. The redevelopment of this derelict site and the removal of the existing building would provide significant visual enhancements to the quality of the street scene in Edgecombe Road. The proposed dwellings would be well designed and the scale of development would relate well to the context of the surrounding built form and is considered to 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. It is considered that the siting and scale of the proposed development would safeguard the amenity of adjacent residential properties in the vicinity of the site and the proposals provide acceptable standards of amenity for future occupiers of the properties. The development would therefore comply with the provisions of Policies HP9, HP12 and HP13 of the Sites and Housing Plan.
- 2.4. The proposals would result in the loss of the Royal British Legion Clubhouse, which was a private members club, nevertheless this would be classed as falling under a community use, which would be afforded protection under Policy CS20 of the Core Strategy; Policy V7 of the Emerging Local Plan; and Paragraph 92 of the NPPF. The facility has not been in use since 2014 and the existing building on the site is derelict and is in a poor condition. The proposals do not involve the development of a replacement community facility on site or the re-provision of a community facility elsewhere to mitigate the loss of the British Legion club. It is accepted that the existing facility is in a poor condition and a good range of existing facilities exist in the area, notwithstanding this, as the proposals do not involve the replacement of the community use either on site or elsewhere, the development would be contrary to Policy CS20 of the Core Strategy; Policy V7 of the Emerging Local Plan; and Paragraph 92 of the NPPF.
- 2.5. On this basis, an assessment must be made on balance in the context of Paragraph 11 of the NPPF, which requires that planning decisions apply a presumption in favour of sustainable development. Officers consider that the loss of the community uses formerly provided within the British Legion building are to some extent already adequately provided elsewhere within the vicinity of the site, either in Barton or within an accessible distance for the local community. For this reason it is considered that the local community would not be substantially disadvantaged through the loss of the facility. Furthermore the public benefits associated with the proposed development are considered to be significant. Notably the provision of seven affordable units would provide an important contribution towards addressing the deficit in affordable housing supply in Oxford. There are also notable benefits associated with the positive reuse of a derelict brownfield site, which at present has an adverse impact on the appearance of the street scene in Edgecombe Road.

2.6. On balance it is considered that the proposed development is acceptable as the public benefits of the scheme outweigh the loss of the British Legion building and community use on the site.

3. COMMUNITY INFRASTRUCTURE LEVY (CIL)

3.1. The proposals are liable for a CIL contribution.

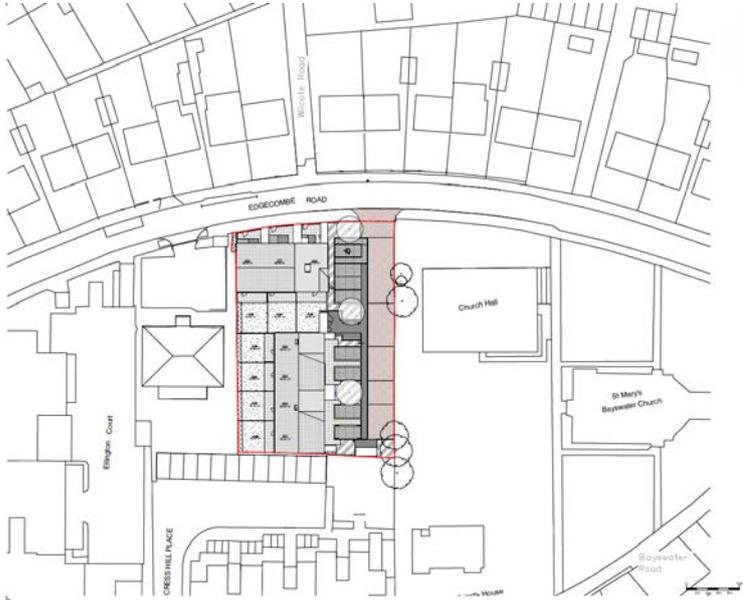
4. SITE AND SURROUNDINGS

4.1. The site is located on the northern edge of Barton and comprises the former British Legion Club building, associated parking and landscaping. The club building has not been used for five years. The building is a single storey structure and is in a derelict, poor condition. The footprint of the building covers around 50% of the site and extends from the front to the rear of the site. The remainder of the site exists as surface level car parking and hardstanding associated with the site's former use. The site is currently surrounded by metal security fencing.

4.2. Existing development to the north of the site fronting Edgecombe Road comprises two storey prefabricated houses. These properties sit at a lower level to the site, due to the topographic difference in levels, as the land falls away to the north of the site. To the west of the site are a series of three to four storey red brick apartment buildings constructed in the mid 2000's which feature a mix of pitched and flat roofs. A row of garages and bin storage area are located to the south of the site, adjoining the site boundary. Beyond this is a three storey block of 1970's flats at Cress Hill Place, the rear aspect of which face the application site. There is a detached property (The Vicarage) to the south west of the site, which has an extensive area of rear amenity space extending up to the south west boundary of the site.

4.3. To the west of this property is St Mary's Church, which is an early 20th modernist church building. A church hall was formerly located to the west of the site, this has since been demolished.

4.4. See block plan below:



5. PROPOSAL

- 5.1. The application proposes the demolition of the existing club building and redevelopment of the site to provide 7 affordable houses, 3 of which would be social rented and the remainder shared ownership. This would consist of 4x2 bedroom, 2x3 bedroom and 1x4 bedroom dwellings. The proposed houses would be 2.5 storeys and would be constructed from brick.
- 5.2. A new means of access would be formed onto Edgecombe Road. Three of the proposed dwellings would front Edgecombe Road in a north facing position forwards of the three storey block of flats to the west, whilst four of the proposed dwellings would front the newly formed access road in an east facing arrangement.
- 5.3. Parking for the dwellings would be sited adjacent to the new access road in a position alongside the side facing elevation of the three dwellings fronting Edgecombe Road and would be sited to the front of the proposed east facing units. 8 parking spaces are proposed in total, including 1 disabled bay. Private garden spaces would be located to the rear of each of the units.

6. RELEVANT PLANNING HISTORY

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

19/00033/DEM - Application to determine whether prior approval is required for the method of demolition of the building. Prior approval granted 4th February 2019.

7. RELEVANT PLANNING POLICY

7.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework	Local Plan	Core Strategy	Sites and Housing Plan	Emerging Local Plan
Design	12	CP1 Development Proposals CP6 Efficient Use of Land & Density CP8 Designing Development to Relate to its Context CP9 Creating Successful New Places	CS18 Urban design, townscape, character, historic environment,		RE1, RE2, DH1,

		CP10 Siting Development to Meet Functional Needs CP11 Landscape Design			
Housing	5		CS22 Level of housing growth CS23 Mix of housing CS24 Affordable housing CS2 Previously developed and greenfield land	HP4 Affordable Homes from Small Housing Sites HP9 Design, Character and Context HP12 Indoor Space HP13 Outdoor Space HP11 Low Carbon Homes HP14 Privacy and Daylight HP15 Residential cycle parking HP16 Residential car parking	H1, H2, H4, H10, H14, H15, H16
Natural environment	15	NE15 Loss of Trees and Hedgerows	CS12 Biodiversity		
Social and community	27		CS3 Regeneration areas CS20 Community Facilities		V6, V7
Transport	9		CS13 Supporting access to new development CS14 Supporting city wide movement		M1, M2, M3, M4, M5
Environmental	11, 14	CP22 Contaminated Land	CS11 Flooding		RE3, RE4, RE6, RE7, RE8, RE9

Miscellaneous		CP.13 CP.24 CP.25		MP1	
---------------	--	-------------------------	--	-----	--

8. CONSULTATION RESPONSES

8.1. Site notices were displayed around the application site on 25th October 2019. The application was re-advertised as a departure from the development plan by site notice on the 11th December 2019 and in the Oxford Times Newspaper on the 14th December 2019.

Statutory and non-statutory consultees

Oxfordshire County Council (Highways)

8.2. The proposal seeks to demolish the existing Royal British Legion on Edgecombe Road and erect 7 new dwellings (4x2-bed, 2x3-bed and 1x4-bed). The site is in a sustainable location with good access to local amenities and public transport.

8.3. The site will provide 8 car parking bays (including 4 allocated, 1 disabled and 1 EV). This is in line with adopted parking standards and is accepted. The Transport Statement states that visitor parking can occur on street, the parking survey undertaken shows that there is spare capacity and this is therefore accepted.

8.4. 2 covered cycle stores will be provided within the site which will hold a total of 17 spaces. This meets current standards and is accepted. Refuse collection will be via Edgecombe Road, this will require residents to move their bins to the collection point, however this is within acceptable distance from all units.

8.5. Oxfordshire County Council therefore does not object to this application on highway grounds.

Thames Water Utilities Limited

8.6. No comments received.

Public representations

8.7. No public comments have been received in relation to this planning application.

9. PLANNING MATERIAL CONSIDERATIONS

9.1. Officers consider the determining issues to be:

- Principle of development
- Loss of community facility
- Affordable housing
- Housing mix
- Design

- Amenity of existing and future occupiers
- Highways impacts
- Trees
- Flood risk
- Land Contamination
- Ecology

Principle of development

- 9.2. 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.
- 9.3. NPPF Paragraph 11 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 this 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.
- 9.4. Policy CS2 of the Core Strategy states that new development should be focused on previously developed land. The NPPF heavily promotes the use of previously developed brownfield sites and gives substantial weight towards the re-use of such sites (Paragraphs 117 and 118). The application site is previously developed land, as this comprises the former British Legion building and associated parking. The redevelopment of what is a brownfield site for the provision of new housing should be given significant weight in accordance with the policy provisions of the local development framework and NPPF.
- 9.5. Policy CS3 of the Core Strategy identifies Barton as a priority area for regeneration. Policy CS3 states that planning permission will be granted for development which improves the quality of the existing housing stock and enhances the mix of housing within the local area. The proposals would assist in achieving these aims through bringing forward the redevelopment of what is a currently vacant site for the purposes of providing 7 affordable houses to meet local housing need.
- 9.6. 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). Policy H1 of the Emerging Local Plan outlines that the majority of the Councils housing need would be met through sites allocated in the Emerging Local Plan.

9.7. The application site does not form an allocation within either the Sites and Housing Plan or the draft Local Plan; however the delivery of housing on the site would nevertheless provide an important windfall contribution towards meeting local housing need, particularly the need for affordable accommodation. On this basis the provision of housing on this site is supportable in principle and the benefits associated with the provision of seven affordable homes should be afforded significant weight.

Loss of Community Facility

9.8. Policy CS20 of the Core Strategy aims to protect and enhance existing cultural and community facilities. Planning permission will not be granted for development that results in the loss of such facilities unless equivalent new or improved facilities, where foreseeable need justifies this, can be provided at a location equally or more accessible by walking, cycling and public transport. Community facilities are defined in the Core Strategy to include community centres, children's centres, meeting venues for the public or voluntary organisations, public halls and places of worship, sports facilities, stadiums and public houses or club premises that serve a local community.

9.9. Policy V7 of the Emerging Local Plan specifies that the Council will seek to protect and retain existing cultural and community facilities. Planning permission will not be granted for development that results in the loss of such facilities unless new or improved facilities can be provided at a location equally or more accessible by walking, cycling and public transport. The subtext to Policy V7 states that sometimes facilities might not be fit-for-purpose or provide poor accessibility where improvements on site or nearby might be more sustainable. Co-locating multiple facilities on a single site can be an efficient way to improve both quality and accessibility.

9.10. Paragraph 92 of the NPPF states that to provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs.

9.11. The proposed development would result in the loss of the existing club building which is no longer in use. The British Legion is a private members' club; nevertheless officers consider that the building's former use would be classified as a community use, even if the buildings use as defined within the Use Classes Order would be sui-generis rather than a Class D use. The British Legion club closed in August 2014 and the site has therefore been vacant for a period exceeding five years. The site returned to Council ownership in 2018. The applicants have stated that since the closure there has been limited interest from prospective tenants in taking the building on as a club, or reopening as a community facility. However it is understood that the premises have not been actively marketed during this

period so little weight can be afforded to this claim. No planning applications have been submitted since the closure of the club for any change of uses or redevelopment of the premises for continued community use.

- 9.12. The former club served as a meeting and general function space for private hire, as well as a drinking establishment and social space. There are no proposals within this application to replace the former facility with either a new facility on site or a replacement facility elsewhere in the vicinity of the site. It is important to note that Policy CS20 only requires the re-provision of community facilities which would be lost, where foreseeable need justifies this. Officers consider that it has not been fully demonstrated that there is no need for a community facility to be retained on the site, as the site and premises have not been actively marketed for a community use. For this reason it is difficult to conclusively determine what demand, if any may exist for retaining a community use on the site.
- 9.13. As the proposals would result in the loss of a community facility, consideration will need to be given as to the relative value of the facility to the local community and whether the loss of the functions formerly provided would have a harmful impact on the local community. In terms of the former British Legion's function as a facility for private hire, it should be noted that there are spaces within the nearby Barton Neighbourhood Centre for events hire which are to at least an equivalent, if not a higher standard than the space provided within the former British Legion building. The Barton Neighbourhood Centre lies at the centre of the community and within 500 metres of the site. The nearby development at Barton Park also includes a pavilion building which can also be used for private hire functions, similar to those which were offered within the British Legion Club building.
- 9.14. The British Legion also functioned as a social space and drinking establishment and was the only facility located within Barton. It should however be noted that the British Legion was a private members club rather than a public house and use of the facility was restricted to members. It should be noted that there are several pubs within the vicinity of the site which serve a similar purpose to the British Legion in terms of a drinking establishment and social space, albeit that these pubs are located outside of Barton itself and are in nearby Risinghurst and Headington Quarry. In total there are 4 pubs within 900 metres of the site. It is also understood that the usage of the building as a social space was low at the time of its closure in 2012 with only 2 groups were regularly using the premises. There was also a history of anti-social behaviour associated with the premises and a number of complaints were lodged to the Council during the time that British Legion was operational.
- 9.15. It is noted that the building is in a poor structural condition and there is asbestos in the building which requires removal. The applicant has stated that the cost of renovating the existing building, which would be required in order to bring the building up to a standard where it could be reused for a community use would be considered unviable.

- 9.16. On balance there is good evidence to suggest that a continued community use on the site is no longer required and is unviable, owing to the length of vacancy of the existing premises, the presence of existing facilities in the vicinity of the site and the costs associated with the re-provision of a community use on the site either through the provision of a new building or renovation of the existing building. Nevertheless as the premises have not been marketed for a community use, it cannot conclusively be demonstrated that there is no foreseeable need for a community use to be retained on the site. The development would therefore be contrary to Policy CS20 of the Core Strategy and Policy V7 of the Emerging Local Plan and the loss of the community use on the site must therefore be weighed against the public benefits of the proposed development.

Affordable Housing

- 9.17. The development would provide 7 dwellings, which is below the qualifying threshold of 10 dwellings whereby on-site provision of affordable housing would be required under Policy HP3 of the Sites and Housing Plan and Policy H2 of the Emerging Local Plan.
- 9.18. Policy HP4 of the Sites and Housing Plan and Policy H2(ii) in the emerging Oxford Local Plan 2036 requires that a financial contribution should be made towards the off-site provision of affordable housing in developments of 4 to 9 units. However this policy is no longer considered to be up-to-date given the National Planning Policy Framework states that affordable housing should not be sought for residential developments that are not major developments.
- 9.19. Notwithstanding the fact that there is no policy requirement to provide on-site affordable housing, the proposal has been developed by Oxford City Housing Limited to provide 7 affordable homes on site. Three of the units would be socially rented, whilst four of the units would be shared ownership dwellings. The provision of affordable units on the site should be given significant weight when weighing up the overall public benefits associated within the proposed development. Under typical circumstances it would not be possible to secure that the housing would be made available as affordable accommodation, as given the overall quantum of development this could not be conditioned or made subject of a legal agreement even were the housing to be offered as affordable accommodation. As the City Council are the applicant it is possible to ensure that the accommodation proposed as affordable housing is delivered for these purposes.

Housing Mix

- 9.20. Policy CS23 of the Core Strategy states that new developments should comply with the Balance of Dwellings Supplementary Planning Document (SPD). This document highlights that across Oxford, new development should include a certain percentage of family dwellings, typically 3+ bedroom units. The site falls within the Barton and Sandhills Neighbourhood Area. Barton and Sandhills is listed as an 'amber' area where there is considerable pressure in terms of the provision of family dwellings. The Balance of Dwellings SPD

specifies that the target housing mix within developments of 4-9 units in amber areas should be as stated in Table 8 below:

Table 8: Mix for 'amber' areas

Dwelling types	Residential developments of 10-24 units (percentage range)	Residential developments 4-9 units (percentage range)	Residential developments 1-3 units
1 bed	0-20 %	0-30 %	No net loss of 'family units'
2 bed	10-35 %	0-50 %	
3 bed	30-75 %	30-100 %	
4+bed	0-35 %	0-50 %	

- 9.21. The proposed mix of units comprises 4x2 bedroom units (57.1%), 2x3 bedroom units (28.6%) and a 1x4 bedroom unit (14.3%). In relation to the BOD's requirements referenced in the table above, there would be a very minor under provision of 3 bedroom dwellings within the development.
- 9.22. The Council's Core Strategy and Balance of Dwellings SPD predate the NPPF and as such the policy provisions of the existing framework must be read in conjunction with the NPPF in terms of their compatibility. Policy H4 of the Emerging Local Plan, unlike the Balance of Dwellings SPD does not predate the NPPF and as such takes into account all other material planning considerations outlined within the framework. There is a clear requirement to balance the provision of a mix of housing in order to achieve balanced communities with a need to make effective use of land which forms a fundamental element of the NPPF (Chapter 11).
- 9.23. Policy H4 of the Emerging Plan requires that new developments of 25 or more units outside of the City Centre and District Centres provide a mix of dwelling sizes for the affordable element. The proposed development would be below this threshold and there would be no requirement to comply with a specified mix of units. It is worth noting that limited, albeit increasing weight can be given to the Emerging Plan Policies at the present time given the current status of the plan.
- 9.24. The under provision of three bedroom units in relation to the BOD's requirement for this site would be minor (1.4%) and therefore it is considered that the development would broadly comply with the aims of Policy CS23 of the Core Strategy and provides a balanced mix of dwellings.

Design

- 9.25. 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 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.

- 9.26. Existing development in the vicinity of the site comprises a mix of higher density flats, including a three storey 1970's block to the rear of the site at Cress Hill Place and more recent early 2000's four storey blocks to the west. Notwithstanding this, the majority of Barton, including the existing development on the northern side of Edgecombe Road consists principally of two storey prefabricated 1960's houses.
- 9.27. The scale of development proposed consists of 2.5 storey dwellinghouses, which is more relatable to the 1960's family sized housing throughout the area rather than the larger scale apartments to the west of the site. In officers view the proposed scale of development is appropriate and achieves a transition between the contrasting larger scale flats to the west and two storey houses to the north.
- 9.28. The proposed layout is considered to be responsive to the existing pattern of development in the area, whilst also making effective use of the site. The small terrace of three dwellings provides a frontage to Edgecombe Road, which mirrors the existing properties to the north and is set back behind small front gardens. The defensible spaces to the front of properties allow separation from the public domain. The building line of the proposed dwellings breaks forward of the adjacent block of flats, though aligning the frontage houses with the side elevation of the flats would not be encouraged as this would fail to make best use of the site and would be generally unresponsive to the development opposite. A terrace of four dwellings is proposed to the rear of the three dwellings facing Edgecombe Road, this terrace would front a new access road and the overall layout is considered acceptable.
- 9.29. The design of facades suggests a modern interpretation of the traditional domestic architecture of the surroundings. The proposed materials used on the external facades are proposed to be red brick, which would be responsive to the adjacent red brick flats. The distinctive building profile provides roof slopes for photovoltaics but reduces overall height by truncating the pitches; reducing the impact and making the buildings feel more of an appropriate domestic scale, respecting the character and appearance of the original estate surroundings which define the domestic character of the place.
- 9.30. Overall it is considered that the design approach is acceptable and complies 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.

Residential Amenity

Existing occupiers

- 9.31. The proposed terrace of three dwellings fronting Edgecombe Road would be sited forwards of the front elevation of the adjacent three storey block of flats to the west of the site. The adjacent flats have two sets of front facing windows each serving habitable rooms. As these flats are north facing the siting of the three northernmost houses in the development would not result in any substantial loss of natural light to the front facing windows of the adjacent

flats. It should also be noted that the existing British Legion building is much closer to front elevation of the adjacent flats than the proposed houses. Although the houses would be larger in scale than the existing British Legion building, the proposed houses would be sited 6.4 metres forwards of the front windows of the adjacent flats, compared with the British Legion building which abuts the site boundary adjacent to the front windows of the flats. On balance it is considered that the development would not have an overbearing impact on the outlook of the adjacent flats by reason of the scale or siting of the proposed built form. There are rear facing windows in the northernmost dwellings within the proposed development, though these windows are offset in relation to the front facing windows in the flats to the west. Consequently the proposals would not result in direct overlooking which would otherwise compromise the residential amenity of the occupiers of these properties.

- 9.32. It is noted that there are windows in the east facing side elevation of the adjacent three storey block of flats. These secondary windows serve bathroom spaces and consequently the rear windows of the proposed houses would not overlook habitable living spaces within the existing flats, whilst equally the garden spaces and living spaces in the proposed houses would not be mutually overlooked by the flats.
- 9.33. There would be a distance varying between 18.9 and 21.8 metres between the front elevation of the proposed dwellings fronting Edgecombe Road and the existing properties on the northern side of Edgecombe Road. These distances are significantly in excess of what would usually be considered acceptable in terms of front to front separation distances between facing sets of residential dwellings and officers are satisfied that the proposed houses would not have a detrimental impact on these properties by reason of overlooking or as a result of the scale of the proposed built form.
- 9.34. An adjacent detached property which fronts North Way (The Vicarage) has a large rear garden which extends up to the south west boundary of the application site. There would be a separation distance of 13 metres between the two southernmost dwellings and the garden of this property. The proposed separation distance is considered acceptable in terms of ensuring that occupiers of this property would not result in a loss of privacy. It should also be noted that these two properties would face the far end of an extensive area of rear garden space associated with this property.
- 9.35. There is a three storey block of flats to the south west of the site at Cress Hill Place. The rear windows of these flats would face the blank south facing gable end of the terrace of four houses at a separation distance of approximately 18.5 metres. This separation distance is considered to be sufficient to ensure that the development would not have an overbearing impact on the outlook of the occupiers of the flats to the south. The proposed separation distance would also ensure that the garden area of the southernmost of the proposed houses would not be unacceptably overlooked by the existing flats.
- 9.36. In summary officers consider that the development would not 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

- 9.37. Policy HP12 of the Sites and Housing Plan states that planning permission will only be granted for new dwellings that provide good quality living accommodation and developments are required to meet the Governments Nationally Applied Space Standards for residential dwellings. The internal floor areas of the proposed dwellings have been assessed and meet the requirements of the Government's Nationally Applied Space Standards in terms of the extent of internal floorspace and the dimensions of individual rooms.
- 9.38. Policy HP13 of the Sites and Housing Plan outlines standards relating to external amenity spaces and requires that new houses should have access to external gardens. The subtext to this policy specifies that the size of private garden spaces should be equivalent to the footprint of the dwelling. Each of the proposed units would have access to private external garden spaces. In terms of the area of the garden spaces these spaces would be below the footprint of the proposed houses, though this is marginal and the spaces are considered to be of a good quality and owing to their orientation of the houses the would benefit from good levels of sunlight. Each of the houses would be served with external bin storage to the front of the units.
- 9.39. It is considered that the proposed development would afford adequate standards of external amenity to future occupiers and the development is considered to be compliant with Policies HP12 of the Sites and Housing Plan.

Highways

- 9.40. The site is in a sustainable location in terms of access to public transport. The site is less than 100 metres from a bus stop served by regular services to Headington and the City Centre. There is also a bus stop on London Road within 350 metres of the site with regular services to London. There are existing local shopping facilities within 250 metres of the site at the Roundway to the north and Underhill Circus 500 metres to the south.
- 9.41. Policy HP16 of the Sites and Housing Plan outlines maximum parking standards relating to residential developments, which are listed within Appendix 8. The parking standards relating to new development should account for the overall sustainability of the location in terms of its proximity to existing shops, services and public transport links, whilst also accounting for parking controls in the immediate area. Policy HP16 states that the Council encourages car free developments in appropriate locations. For infill housing development it is specified that applications are determined on their individual merits to reflect local context and existing parking and safety issues.

- 9.42. The Council's Emerging Local Plan outlines a requirement to achieve a modal shift towards more sustainable means of transport including walking, cycling and public transport and a move away from private car ownership, which is also supported by the NPPF. The parking standards outlined under Policy M3 of the Emerging Local Plan are permissive of car free development in locations deemed to be sustainable in terms of access to services, facilities, good public transport links and within controlled parking zones, where there is a means of enforcing the car free nature of developments.
- 9.43. Whilst the site is in a generally sustainable location in relation to existing public transport links and services, Edgecombe Road and the surrounding streets including North Way and Burchester Avenue are not subject of parking restrictions and the surrounding area does not fall within a Controlled Parking Zone (CPZ). Oxfordshire County Council have proposals to implement a CPZ within the surrounding Barton, which is listed as a higher priority, however it is understood that this is not fully funded and consultation is yet to be carried out, therefore this can be attributed no weight at this time. In the absence of parking controls in the vicinity of the site and accounting for the size of the units, all of which are family sized dwellings, varying between 2 and 4 bed dwellings, it is considered that car free development would not be appropriate in this instance.
- 9.44. Provision is made for seven regular parking spaces, which equates to one space per unit, plus one disabled parking bay. Four of these spaces would be allocated, these being for the rear four properties, whilst four spaces would be unallocated, these being those nearest Edgecombe Road. On balance accounting for the size of the proposed units, the overall sustainability of the location and absence of parking controls in the surrounding streets, it is considered that this represents an adequate level of parking provision which would be in line with the requirements of Policy HP16 of the Sites and Housing Plan.
- 9.45. Policy HP15 of the Sites and Housing Plan outlines a requirement to provide cycle parking within all new residential developments. Two cycle parking stores are proposed within the scheme. The design and specification of the cycle parking stores would be required by planning condition.

Trees

- 9.46. Policy NE15 of the Oxford Local Plan states that planning permission will not be granted for development proposals which include the removal of trees, hedgerows and other valuable landscape features that form part of a development site, where this would have a significant adverse impact upon public amenity or ecological interest. Planning permission will be granted subject to soft landscaping, including tree planting, being undertaken whenever appropriate.
- 9.47. The application is accompanied by an Arboricultural Report which assesses the impact of the development on existing trees. The majority of the trees are located along the eastern boundary of the site; some of the trees are within the site though others fall within the site of the adjacent church and vicarage.

The trees are assessed as being of low individual value though collectively they provide a green aspect within the existing street scene. It is proposed that three of these boundary trees would be removed as the location of the trees impact on the provision of the access road, the trees are identified as being low category trees and their removal would not be unduly harmful to the character of the surrounding area.

- 9.48. New planting is proposed in the form of three trees, which would be located adjacent to the access road and parking spaces; this would ensure that a green aspect would be retained in public views from Edgecombe Road. The tree losses can be adequately mitigated through appropriate replacement tree planting which would be secured through a landscaping condition. The development is therefore considered to comply with Policy NE15 of the Oxford Local Plan.

Flooding

- 9.49. The site is within Flood Zone 1 and is deemed to be at a low risk of surface water flooding. The application is supported by a Flood Risk Assessment which concludes that the development would not have an adverse impact in terms of increasing the risk of surface water flooding. The FRA includes a drainage strategy which the Council's Flood Mitigation Officer has indicated is viable in principle. Officers therefore consider that the proposed development would be compliant with Policy CS11 of the Core Strategy.

Land Contamination

- 9.50. It is considered that the contamination risks on the site are likely to be low, however in view of the proposed re-development of the site to provide residential dwellings with gardens and due to the presence of asbestos containing materials on site and the likely presence of made ground, it is considered necessary to undertake a Phase 2 intrusive ground investigation to confirm potential contamination risks to construction workers, nearby receptors and site end-users and proceed to remediation. A phased risk assessment would be required by condition. Subject to a ground investigation and the completion of a phased risk assessment the development is considered to be in compliance with Policy CP22 of the Oxford Local Plan.

Ecology

- 9.51. Policy CS13 of the Core Strategy specifies that Development will not be permitted which 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.
- 9.52. The application is accompanied by an ecology appraisal which recommended that further surveys be carried out in respect of bats. The subsequent bat survey established that bats are unlikely to be present on the site. Overall it is considered that the development would not have an adverse impact on biodiversity and is compliant with Policy CS13 of the Core Strategy.

Conditions are attached to secure ecological enhancements within the development.

Sustainability

- 9.53. The development falls below the threshold of 10 units whereby an Energy Statement is required in accordance with the requirements of Policy HP11 of the Sites and Housing Plan and Policy CS9 of the Core strategy.
- 9.54. 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.
- 9.55. A condition is also recommended to ensure that the new dwellings meet energy performance equivalent to ENE1 level 4 of the Code for Sustainable Homes in accordance with Policies HP11 of the Sites and Housing Plan and CS9 of the Core Strategy.

10. CONCLUSION

- 10.1. 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.
- 10.2. 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 accords 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.
- 10.3. Paragraph 12 of the NPPF states that where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.
- 10.4. The proposals would result in the loss of the former British Legion club building which although this was a private members club, the building would fall under the category of a community use and consequently is afforded

protection under Policy CS20 of the Core Strategy, Policy V7 of the Draft Local Plan and Paragraph 92 of the NPPF. The facility would not be replaced on the site as part of this application and alternative provision would not be made elsewhere to mitigate for the loss of the club building. It is however accepted that there are existing community facilities in the area which serve a similar function to the former British Legion Club and the poor condition of the existing building and period of the time that the facility has been derelict should be given due consideration. Notwithstanding this, in the absence of the facility being marketed for a continued community use, it cannot be conclusively demonstrated that the facility is no longer required and the development is contrary in this regard to Policy CS20 of the Core Strategy and Policy V7 of the Draft Local Plan.

- 10.5. The loss of the existing community facility on the site must however be balanced against the material planning benefits of the proposed development. The proposals would provide seven affordable houses, which would provide an important contribution towards meeting local affordable housing needs and the principle of development is consistent with Policy CS3 of the Core Strategy which places emphasis on the delivery of good quality new housing as part of the strategy for regeneration in Barton. The proposals would also provide the opportunity to redevelop a derelict brownfield site, the principle of which should be given great weight in accordance with Paragraph 118 of the NPPF and Policy CS2 of the Core Strategy.
- 10.6. The proposed development would be well designed and would significantly improve the appearance of the street scene in Edgecombe Road. The siting, design and scale of development would safeguard the amenity of existing occupiers and affords acceptable standards of internal and external space for future occupiers in accordance with Policies HP12 and HP13 of the Sites and Housing Plan.
- 10.7. The development would be sited in a sustainable location in terms of access to existing bus links and existing facilities and services, however as the site and surrounding roads do not fall within a CPZ, it is considered that car free development in this location would not be appropriate, particularly given the size of the proposed units. The provision of 8 parking spaces is considered to not be excessive and the development would not have an adverse impact on highway safety and amenity.
- 10.8. In summary, whilst the proposals would result in the loss of a community facility which would be contrary to Policy CS20 of the Core Strategy, Policy V7 of the Draft Local Plan and Paragraph 92 of the NPPF, the development is considered to be acceptable in respect of all other material planning considerations. The provision of seven affordable dwellings, alongside the benefits arising from the redevelopment of a derelict brownfield site should be afforded significant weight when considering the material planning benefits associated with the development. In this instance it is considered that these significant public benefits outweigh the loss of the existing community use on the site, which as noted is not of a high standard and there is some justification to suggest that existing facilities in the area and recent improvements to facilities in the vicinity of the site negate the need to retain or re-provide a community use.

- 10.9. On balance and in the context of paragraph 12 of the NPPF it is considered that the public benefits associated with the provision of seven affordable houses on a sustainable brownfield site materially outweighs the retention of a community facility which has been derelict for an extended period of time and is of a poor standard. Consequently officers consider that this represents reasonable material justification to permit the development as a departure from Policy CS20 of the Core Strategy.
- 10.10. For the reasons outlined within this report, officers recommend that the application should be approved subject to the conditions outlined below.

11. CONDITIONS

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

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

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

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

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

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

4. A plan showing the means of enclosure for the new development including details of the treatment of all the boundaries of the site shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of above ground works. The approved treatment of all of the site boundaries shall be completed prior to first occupation of the approved development and retained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and to safeguard the privacy of adjoining occupiers in accordance with policies CP1, CP8, CP9 and CP10 of the Adopted Oxford Local Plan 2001-2016 as well as policy HP14 of the Sites and Housing Plan 2011-2026.

5. A Construction Traffic Management Plan shall be submitted to and agreed in writing by the Local Planning Authority prior to commencement of works. The development shall be carried out in accordance with the agreed CTMP. The CTMP should follow Oxfordshire County Council's template if possible. This should identify;

- The routing of construction vehicles and management of their movement into and out of the site by a qualified and certificated banksman
- Access arrangements and times of movement of construction vehicles (to minimise the impact on the surrounding highway network),
- Details of wheel cleaning / wash facilities to prevent mud, etc from migrating on to the adjacent highway,
- Contact details for the Site Supervisor responsible for on-site works,
- Travel initiatives for site related worker vehicles,
- Parking provision for site related worker vehicles,
- Details of times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours,
- Engagement with local residents

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

6. Before the development permitted is brought into use the areas for parking and manoeuvring of vehicles and cycles shall be constructed and laid out in accordance with the approved plans and thereafter such areas shall be retained solely for such purposes.

Reason: In the interests of highway safety in accordance with policies CP1, CP6, CP10, TR3 and TR4 of the Adopted Oxford Local Plan 2001-2016.

7. 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 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.

8. The dwellings shall not be occupied until the relevant requirements and energy performance equivalent to ENE1 level 4 of the Code for Sustainable Homes have been met and the details of compliance provided to the local planning authority.

Reason: To ensure that new dwellings are sustainable and to comply with the Development Plan, in particular Core Strategy Policy CS9 and Sites and Housing Plan Policy HP11.

9. The dwellings shall not be occupied until the Building Regulations Part G sanitation, hot water safety and water efficiency, Category G2 water efficiency, Optional requirement G2 36 (2) (b) has been complied with.

Reason: To ensure that new dwellings are sustainable and to comply with the Development Plan, in particular Core Strategy Policy CS9 and Sites and Housing Plan Policy HP11.

10. The dwellings shall not be occupied until the dwellings hereby approved comply with the Building Regulations Part M access to and use of building, Category 2 accessible and adaptable dwellings, Optional requirement M4(2) has been complied with.

Reason: To ensure that new housing meets the needs of all members of the community and to comply with the Development Plan, in particular Local Plan policies CP1, CP13, Core Strategy Policy CS23 and Sites and Housing Plan Policy HP2.

11. 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 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, hedgehog domes and a minimum of 7 dedicated swift boxes. Any new fencing shall include holes suitable for the safe passage of hedgehogs. The approved enhancement measures shall be carried out before first occupation of the units.

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.

12. The landscaping proposals as approved by the Local Planning Authority shall be carried out no later than the first planting season after first occupation or first use of the development hereby approved unless otherwise agreed in writing beforehand by the Local Planning Authority.

Reason: In the interests of visual amenity in accordance with policies CP1 and CP11 of the Oxford Local Plan 2001-2016 and CS12 of the Oxford Core Strategy 2011-2026.

13. Any existing retained trees, or new trees or plants planted in accordance with the details of the approved landscape proposals that fail to establish, are removed, die or become seriously damaged or defective within a period of five years after first occupation or first use of the development hereby approved shall be replaced. They shall be replaced with others of a species, size and number as

originally approved during the first available planting season unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity in accordance with policies CP1 and CP11 of the Oxford Local Plan 2001-2016 and CS12 of the Oxford Core Strategy 2011-2026.

14. Prior to first occupation or first use of the development hereby approved a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules and timing for all landscape areas, other than small, privately owned domestic gardens, shall be submitted to, and approved in writing by, the Local Planning Authority. The landscape management plan shall be carried out as approved by the Local Planning Authority.

Reason: In the interests of amenity and the appearance of the area in accordance with policies CP1, CP11 of the Oxford Local Plan 2001-2016 and CS12 of the Oxford Core Strategy 2011-2026.

15. The development shall be carried out in strict accordance with the approved methods of working and tree protection measures contained within the planning application details unless otherwise agreed in writing beforehand by the Local Planning Authority.

Reason: To protect retained trees during construction in accordance with policies CP1, CP11, NE15 and NE16 of the Oxford Local Plan 2001-2016 and CS12 of the Oxford Core Strategy 2011-2026.

16. 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.

17. Before the commencement of above ground works 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.

18. Prior to the commencement of the development a phased risk assessment shall be carried out by a competent person in accordance with relevant British Standards and the Environment Agency's Model Procedures for the Management

of Land Contamination (CLR11) (or equivalent British Standards and Model Procedures if replaced). Each phase shall be submitted in writing and approved by the local planning authority.

Phase 1 has been completed and is approved (WSP Preliminary Geo-Environmental Risk Assessment).

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

Reason - To ensure that any soil and water contamination is identified and adequately addressed 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.

19. 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 local planning authority.

Reason - To ensure that any soil and water contamination is identified and adequately addressed 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.

20. Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the local planning authority. Development on that part of the site affected shall be suspended and a risk assessment carried out by a competent person and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved scheme shall be carried out before the development (or relevant phase of development) is resumed or continued.

Reason - To ensure that any soil and water contamination is identified and adequately addressed 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. APPENDICES

- **Appendix 1 – Site plan**

13. HUMAN RIGHTS ACT 1998

13.1. 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.

14. SECTION 17 OF THE CRIME AND DISORDER ACT 1998

14.1. 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.