

East Area Planning Committee

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| Application number: | 19/03223/FUL | | |
| Decision due by | 4th February 2020 | | |
| Extension of time | 27th February 2020 | | |
| Proposal | Demolition of existing dwellinghouse and garage/annex. Erection of 3 x 5-bed dwellinghouses (Use Class C3). Creation of new access, modification of existing access, landscaping works and provision of bin and cycle storage.(Amended plans) | | |
| Site address | 1 Pullens Lane, Oxford, OX3 0BX, – see Appendix 1 for site plan | | |
| Ward | Headington Hill And Northway Ward | | |
| Case officer | Clare Gray | | |
| Agent: | Mr Alex Cresswell | Applicant: | Grange Mill Developments Ltd |
| Reason at Committee | Site measures over 0.25ha | | |

1. RECOMMENDATION

1.1. East Area Planning Committee is recommended to **REFUSE** the application for the following reasons:

- 1) The proposed development by reason of its siting, massing, form, layout and external appearance, would cumulatively dominate and overwhelm this greenfield site such that it would result in an incongruous and inappropriate form of development, that would fail to preserve, and would erode, the quiet, verdant and rural character of Pullens Lane and the Headington Hill Conservation Area. Further, the loss of trees and important soft landscape features along with inadequate landscape mitigation proposed would cause harm to the visual amenity of Pullens Lane. This, coupled with the scale, form and layout, would cause harm to the wooded hillside that forms the green backdrop to Oxford and would be harmful to views out of the city, and to the special character and appearance of the Central Conservation Area. The proposed development would result in a harmful impact on the setting of the listed building Headington Hill Hall and would fail to preserve the character or appearance of that area or its setting. Overall, the development would result in a high level of less than substantial harm that would not be outweighed by any public benefit derived from the development contrary

to the requirements of policies CP1, CP8, CP9, CP10, CP11, HE3, HE7 and HE10 of the Oxford Local Plan 2001-2016, policies CS2 and CS18 of the Oxford Core Strategy 2026 as well as policies HP9 and HP10 of the Sites and Housing Plan 2011-2026; policies CIP2, CIP3, CIP4 and GPS4 of the Headington Neighbourhood Plan 2017 and emerging policies DH1, DH2, DH3, G6 and SP54 of the Oxford Local Plan 2036. The development would also fail to meet the duties set out in the Planning (Listed Buildings and Conservation Areas) Act 1990 in sections 66 and 72 of that Act.

- 2) The proposed development has failed to demonstrate that the proposal makes the best use of the site's capacity through exploring all available opportunities in a manner compatible with both the site itself and the surrounding area. The development therefore results in an inefficient use of the land contrary to the aims and objectives of policies CP1 and CP6 of the Oxford Local Plan and emerging policy RE2 of the Oxford Local Plan 2036.
- 3) The proposed development, by reason of the lack of up-to-date information and assessment, fails to demonstrate that the proposed development would not result in harm to known protected species on site and any appropriate mitigation necessary. The development would result in the net loss of a significant amount of trees and vegetation and ecological habitat that makes a meaningful contribution to local biodiversity that cannot be adequately mitigated or compensated by the proposal. As such, the development fails to accord with the requirements of policies NE15 and NE22 of the Oxford Local Plan 2016, policy CS12 of the Oxford Core Strategy 2026, policy GSP3 of the Headington Neighbourhood Plan, policies G2 and SP54 of the emerging Local Plan 2036 and the NPPF.

2. EXECUTIVE SUMMARY

2.1. This report considers the development proposal, having regard to its scale, massing, form, siting and layout and the impact of the proposal on the context of the site in its surroundings, having regard to the special character and appearance of the Headington Hill Conservation Area in which the site and Pullens Lane sits, as well as other development management policies.

2.2. The consideration of the impact of the proposal on the character of the Conservation Area and the setting of Headington Hill Hall as a Grade II* listed building is considered at length having regard to the interest of the area and the statutory duty that requires Local Planning Authorities to have special regard to the desirability of safeguarding the character and appearance of the Conservation Area and preserving the setting of listed buildings such as Headington Hill Hall, as well as the requirements of the NPPF to considering the impact of a development on the significance of the Conservation Area and setting of Listed Buildings. Following that consideration outlined in the report, Officers consider the scheme would cause harm to the significance of the Conservation Area and the setting of the Listed Building.

- 2.3. Officers also consider the policy requirement to make the most efficient use of the site having regard to its capacity and the available options to explore all available opportunities of being developed in a way that is compatible with the site itself and surrounding area. The report highlights that the applicant has failed to undertake a full analysis of these opportunities and consequently, it has not been demonstrated that the site is making the best use of land appropriate for the site.
- 2.4. Finally the report considers the biodiversity of the site and the policy requirement to safeguard against a net loss of sites and species of ecological value, including protected species protected under the Wildlife and Countryside Act 1981. The supporting reports submitted with the application are not up to date and therefore do not provide a full assessment of the extent of species impacted upon by the proposal or provide appropriate mitigation to protect against adverse harm. Furthermore the report considers how the development would result in a net loss of trees and vegetation on site as well as ecological habitat that makes a meaningful contribution to local biodiversity.
- 2.5. The report concludes that in light of the above issues and when considered against the NPPF and current and emerging Development Plan policies the proposal is contrary to the Development Plan and NPPF and is recommended for refusal.

3. LEGAL AGREEMENT

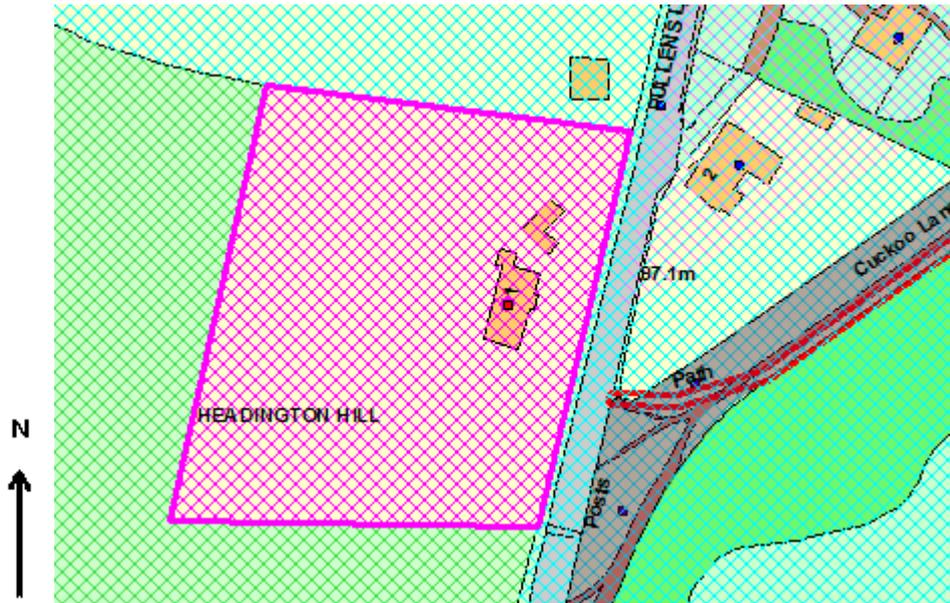
- 3.1. This application is not subject to a legal agreement.

4. COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 4.1. The proposal is liable for CIL.

5. SITE AND SURROUNDINGS

- 5.1. The site relates to an extensive and substantial plot of land that is located on the top of Headington Hill, partially on a sloping hillside, off Pullens Lane. The topography of the site slopes to the rear, towards the western boundary. The site itself is an overgrown plot which comprises a detached dilapidated dwelling. The site lies at the lower southern end of Pullens Lane lying adjacent to Pullens Lane Allotments on the southern and western boundary. To the north is the large substantial building, Pullens Gate and to the east, across Pullens Lane, is the EF Academy.
- 5.2. The site is located within Headington Hill Conservation Area.
- 5.3. See block plan below:



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Ordnance Survey 100019348

6. PROPOSAL

6.1. The application seeks consent for the demolition of the dilapidated dwelling and buildings on site and to erect a total of three large substantial houses.

6.2. All three houses would be constructed centre to the site in a row with hardstanding to the frontage for parking and manoeuvring, as well as bin, recycling and bin stores to each dwelling. The existing access is proposed to be widened to provide access to units 2 and 3 and a further access point created to the southern corner of the site to access unit 1.

6.3. The houses themselves will be located within the middle of the site fronting the lane. They are proposed as two storey buildings with a traditional façade but individually designed. Units 1 and 3 would be broadly rectangular in footprint and Unit 2 would be L shaped and all to be constructed in buff brick with stone details and a clay roof tile.

6.4. The schedule of accommodation is as follows:

6.5. Unit 1: 5 reception rooms on the ground floor including kitchen dining, and a utility room and 5 bedrooms on the first floor, with 2 en-suites and 1 bathroom

6.6. Unit 2: 4 reception rooms on the ground floor including kitchen dining, and a utility room and 5 bedrooms on the first floor with 3 en-suites and 1 bathroom

6.7. Unit 3: 5 reception rooms on the ground floor including kitchen dining, and a utility room and 5 bedrooms on the first floor, with 3 en-suites and 1 bathroom

6.8. No garaging is proposed to serve the dwellings.

6.9. The development will require the removal of trees within the grounds of the site and replacement landscape planting is proposed along the frontage.

6.10. The application is accompanied by an Ecological Assessment, an Arboricultural Impact Assessment and a Transport Statement.

7. RELEVANT PLANNING HISTORY

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

| |
|--|
| 52/00146/DO_H - Outline application for house.. Approved 8th July 1952. |
| 53/02812/A_H - House and garage.. Approved 10th March 1953. |
| 61/10760/A_H - Outline application for a dwelling house and garage for private car.. Approved 25th May 1961. |
| 61/10910/A_H - Outline application for change of use from residential to convent and hostel for female students and outline application for extension on adjoining land.. Refused 27th June 1961. |
| 61/10911/A_H - Outline application for the erection of a convent and hostel for female students.. Refused 27th June 1961. |
| 61/10912/A_H - Change of use from residential to convent and hostel for female students and outline application for extension to existing building.. Refused 27th June 1961. |
| 63/13061/A_H - Conversion of existing garage in self-contained flat.. Approved 22nd January 1963. |
| 65/16928/A_H - Outline application for one dwelling house and garage for private car.. Approved 14th December 1965. |
| 73/01650/A_H - Two-storey extension to provide additional living accommodation.. Approved 8th January 1974. |
| 06/00833/CAT - Reduce conifer trees at rear end of garden by 50% at 1 Pullens Lane in the Headington Hill Conservation Area. Raise No Objection 28th April 2006. |
| 06/01827/CAT - Prune lime and eucalyptus trees in the Headington Hill Conservation Area at 1 Pullens Lane, Oxford. Raise No Objection 29th September 2006. |
| 14/00983/FUL - Demolition of existing house and flat. Erection of 55-bedroom care home facility on three levels, together with 17 car parking spaces, landscaping and associated works.. Refused 20th August 2014. |
| 15/03611/FUL - Demolition of the existing buildings and erection of a new 55 |

bedroom care home with associated landscaping, hardstanding and infrastructure.. Withdrawn 11th May 2016.

18/00870/FUL - Demolition of existing dwelling and erection of a 55 bedroomeed care home with associated car parking, landscaping and infrastructure. Refused 21st November 2018.

8. RELEVANT PLANNING POLICY

8.1. The following policies are relevant to the application:

| Topic | National Planning Policy Framework | Local Plan | Core Strategy | Sites and Housing Plan | Emerging Oxford Local Plan | Headington Neighbourhood Plan |
|------------------------|------------------------------------|------------|---------------|---|--------------------------------------|-------------------------------|
| Design | 12 | CP1, CP8, | CS18 | HP9, HP10 | DH1, DH2 | CIP1, CIP2, CIP3, GSP4 |
| Conservation/ Heritage | 16 | HE3, HE7 | | | DH3, DH4 | CIP4 |
| Housing | 5 | | | HP9, HP10, HP12, HP13, HP14, HP15, HP16 | H2, H5, H14, H15, H16, DH7, G6, SP54 | |
| Commercial | 6 | | | | | |
| Natural environment | 15 | NE15, NE16 | CS11 | | RE3, RE4, G2 | |
| Social and community | 8 | | | | | |
| Transport | 9 | | | | M1, M3, M4, M5 | |
| Environmental | 2, 11, 15 | | CS12 | | RE1, RE2 | GSP3 |
| Miscellaneous | | CP9, CP10 | | MP1 | | |

9. CONSULTATION RESPONSES

9.1. Site notices were displayed around the application site on 23rd December 2019 and an advertisement was published in The Oxford Times newspaper on 19th December 2019.

Statutory and non-statutory consultees

Oxfordshire County Council (Highways)

9.2. No objection to amended plans

Heritage Officer

9.3. Objection. The development would result in less than substantial harm to the significance of the designated heritage assets of the Headington Hall Conservation Area and the setting of Headington Hill Hall. (Comments provided verbally and in a meeting with the applicant).

Ecology

9.4. Objection. Assessments are incomplete and not up to date, so do not demonstrate that protected species will not be harmed, or the impact appropriately mitigated. Further the development will result in a loss of biodiversity, with significant tree and habitat loss.

Trees

9.5. No objection to the loss of trees on Arboricultural grounds subject to conditions

Archaeology

9.6. No objection, subject to a condition requiring recording

Land Quality

9.7. No objection subject to an informative

Public representations

9.8.2 local people commented on this application from addresses in Pullens Field and Pullens Lane.

9.9. 1 letter of objection was received.

9.10. The letter of objection raises concerns that the development is less than 50 ft from the Pullens Gate boundary, and would seek clarification of the exact position and extent of hard standing/parking areas in relation to that boundary. Also seek clarification on which trees are to be removed. The plan would be more acceptable with an assurance that a sturdy, noise-and-light-proof wall will be built on the Pullens Gate boundary before the house is occupied.

9.11. 1 letter of support was received. This letter indicates that the proposal is a sensible option.

Officer response

9.12. The response to the above comments is addressed throughout the report.

10. PLANNING MATERIAL CONSIDERATIONS

10.1. Officers consider the determining issues to be:

- Principle of development
- Efficient use of the site
- Affordable housing
- Impact on the character and appearance of the Headington Hill conservation area and the setting of Headington Hill Hall
- Impact on residential amenity
- Impact on trees
- Impact on biodiversity
- Impact on highways/parking

a. Principle of development

10.2. The National Planning Policy Framework and Oxford Core Strategy Policy CS2 encourage the efficient use of previously developed land. In this instance the site is occupied by a dilapidated residential dwelling sitting within a significant residential curtilage and thus does not fall to be considered as previously developed land, as defined within the NPPF.

10.3. However, in the scope of the Council's adopted planning policies, specifically Policy CP6 of the Oxford Local Plan 2001-2016 and Policies HP9 and HP10 of the Sites and Housing Plan (2013) there is scope to accept the principle of development on garden land. This applies where the size of the plot to be developed is of appropriate dimensions to accommodate the proposal, taking into account the minimum requirements for living conditions set out in Policies HP12, HP13 and HP14. Furthermore, and crucially, the proposal should respond to the character and appearance of the area and the size of plot to be developed should be of an appropriate size and shape to accommodate the proposal taking into account the scale, layout and spacing of existing and surrounding buildings in accordance with policy HP10. This is reflected in emerging policy G6 of the Oxford Local Plan 2036.

10.4. Further, in the emerging Local Plan 2036, 1 Pullens Lane is allocated for residential development under policy SP54, subsequently modified in Feb 2020. This policy states that planning permission will be granted for residential dwellings for a minimum of 11 units and not for any other uses.

10.5. In this case, the development would comprise residential development and would result in an increase from 1 to 3 dwellings, the principle of the scheme is subject to a more thorough assessment of the detailed issues set out below and compliance with the policies in the Local Plan, Core Strategy, the Sites and Housing Plan and the Headington Neighbourhood Plan, as well as regard to the emerging Local Plan 2036.

b. Making an efficient use of land

- 10.6. Oxford Local Plan 2016 states in policy CP6 that planning permission will only be granted where development proposals make maximum and appropriate use of the land. The emerging Oxford Local Plan 2036 also reiterates the need to make the most efficient use of land within policy RE2. Policy SP54 of the emerging Local Plan is also relevant as it states that a minimum of 11 units should be provided on this site. Whilst these policies have not been adopted, it has been the subject of examination, and therefore has significant weight. It is also prudent to add that the minimum of 11 units has been added following Examination as part of the submitted modifications to the Local Plan, although this is subject to public consultation.
- 10.7. The proposal is to demolish one dwelling and to replace it with three, providing a net gain of two dwellings. It is clear however that the site has the potential to provide a greater number than three overall, whilst still having regard to and being compatible with the character of the area.
- 10.8. In line with the requirements of both the adopted planning policy CP6 and the emerging policy RE2, it is clear that the policy requires that development proposals demonstrate that the site makes the best use of its capacity in a manner compatible with both the site itself and the site area. In criterion c) of adopted policy CP6 it states “opportunities for developing at the maximum density must be fully explored”. In emerging policy RE2 it similarly states in criterion c) that “opportunities for developing at the maximum appropriate density must be fully explored”.
- 10.9. On that basis the agent was asked to demonstrate through the submission of plans other iterations of how this has been addressed and how the site maximises density. To address this, the applicant has undertaken an assessment of the character of the area, exploring ratios of building footprints to sites and defining what they consider the character of the area to be. This has informed the applicant to provide an assessment of how the site would compare with the footprint of dwellings on Pullens Field. This also included an assessment of the proposed footprint of the submitted dwellings but sub-divided into 3 pairs of 6 semi detached dwellings.
- 10.10. Whilst this initial assessment was welcomed, Officers alerted the agent that this was limited and did not consider other likely iterations, such as the potential for one larger building commensurate with a larger dwelling subdivided into flats for example or smaller building footprints (compared with the application proposal) subdivided into pairs of semi detached houses with a greater sense of space around the buildings. The character of the site is assessed below, but the further iterations, have the scope to be compatible with the site as Pullens Lane is characterised by large villas sitting in large spacious plot.
- 10.11. The policies as outlined above in the adopted and emerging policies require that the capacity of the site is *fully explored*. However, as outlined above this has not been undertaken, and thus it cannot be demonstrated, in line with the policies, that developing at the maximum density has been fully explored. As a

result it is not considered that the assessment by the applicant and the proposal for only 3 houses on this site demonstrates that the scheme makes the best use of site capacity in a manner compatible with the site itself. The lack of available land to maximise housing underpins these policies and in light of that, the application falls short of these objectives to maximise housing capacity, contrary to policy CP6 of the Local Plan and policy RE2 of the emerging 2036 Plan. In respect of the modifications to policy SP54 of the emerging 2036 Plan and the proposed minimum of 11 dwellings, this has yet to be either confirmed by the Inspector or tested through the submission of plans, but it demonstrates that the application as proposed for 3 houses is under the site's capacity and is not an efficient use of the site.

c. Affordable housing

10.12. The scheme is for 3 dwellings but sits in a site area of 0.45ha. Given this is greater than the 0.25ha threshold in the Sites and Housing Plan, arguably the scheme falls to be considered under policy HP3 of the Sites and Housing Plan.

10.13. This policy states that "Planning permission will only be granted for residential developments on sites with a capacity for 10 or more dwellings, or which have an area of 0.25ha or greater, if generally a minimum 50% dwellings on the site are provided as affordable homes."

10.14. However, Government policy has evolved in respect of securing affordable housing (including off site contributions) from small residential developments. Relevant Government policy is now set out in the National Planning Policy Framework 2019 ("NPPF"). At paragraph 63, the NPPF provides as follows: "*Provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer ...*"

10.15. "Major development" is defined in the NPPF as, in respect of housing development, "... development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more".

10.16. A recent appeal decision for a scheme for between 4-9 dwellings on a site less than 0.5 ha was recently considered at 4 Limes Walk and the Inspector in determining that appeal rejected the City Council's case for seeking affordable housing from smaller sites, and held that there was insufficient justification for weight to be given to policy HP4 given the conflict with national planning policy. In effect, the Lime Walk Inspector held that national policy, in respect of securing affordable housing on schemes of less than 10 dwellings, or where the site has an area of less than 0.5ha, should prevail.

10.17. Given the outcome of the Lime Walk appeal and the decision of the Inspectors on the soundness of policy H2(ii) of the draft Oxford Local Plan 2036 and in light of legal advice, the Head of Planning advises that the Local Planning Authority can no longer reasonably continue to attach material weight to, and rely upon, policy HP4. This means that the Local Planning Authority would no longer seek affordable housing contributions when determining applications for

planning permission for development on sites with capacity for between nine and four homes unless the site is greater than 0.5 hectare

10.18. However, this is a scheme for 3 houses on a site with an area of less than 0.5 ha, and triggers HP3 and not HP4 of the Sites and Housing Plan in respect of capacity and it is acknowledged that this wouldn't comply with the most up-to-date position in the NPPF and would not comply with the definition of major development. Thus whilst HP3 of the Sites and Housing Plan would be triggered, it is a material consideration that seeking affordable housing provision on this site wouldn't comply with the judgement of the Inspector on the 4 Limes Walk case i.e., that the NPPF definition of major development should prevail in respect of securing affordable housing.

10.19. Therefore the Council would not have sought affordable housing from this particular scheme if it was otherwise acceptable.

d. Impact on the character and appearance of the Conservation Area and Headington Hill Hall

10.20. The NPPF emphasises that high quality buildings are fundamental to achieving sustainable development and good design creates better places in which to live and work and helps make development acceptable to communities (para 124).

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

10.22. The National Design Guide 2019 was adopted and forms part of the Development Plan.

10.23. Policy CS18 of the Oxford Core Strategy 2026 require proposals to demonstrate high-quality urban design that responds appropriately to the site and surroundings; creates a strong sense of place; contributes to an attractive public realm; and high quality architecture. The Local Plan expects new development to enhance the quality of the environment, with Policy CP1 central to this purpose and Policy CP8 encourages development to relate to its context with the siting, massing and design creating an appropriate visual relationship with the form, grain and scale of the surrounding area. This is supported by Policies HP9 and HP10 of the Sites and Housing Plan. Policy GPS4 of the Headington Neighbourhood Plan (HNP) states that development will be permitted where its design responds appropriately to the site and the character of the surrounding area and again emphasises and supports CS18. HNP Policy CIP1 states that new developments will only be permitted where they respond to and enhance the distinctive local character where it is described in the Character Assessments. Policy CIP2 identifies important views within the HNP, of which Cuckoo Lane is specially identified (view 8) as a historic footpath which merits protection. HNP policy CIP3 supports innovative design which accords with the local plan, takes account of local heritage and enhances the distinctive

identity, character and setting in terms of scale, layout, density, orientation and massing. Emerging policies in the Oxford Local Plan 2036 are relevant. Policy DH1 seeks high quality design that creates or enhances local distinctiveness. Policy DH2 seeks to retain significant views both within Oxford and from outside, in particular to and from the historic skyline.

- 10.24. In relation to the historic environment the revised NPPF requires proposals to be based upon an informed analysis of the significance of all affected heritage assets. In considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance (para 193). Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification (para 194).
- 10.25. Development proposals that would lead to substantial harm or result in total loss of the significance of a designated heritage asset should be refused unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm (para 195).
- 10.26. Development that would lead to a less than substantial harm, should be weighed against any public benefits the proposed development may offer, including securing its optimum viable use (para 196).
- 10.27. Section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires local planning authorities to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses and the character or appearance of any conservation area. In the Court of Appeal, *Barnwell Manor Wind Energy Ltd v East Northants District Council*, English Heritage and National Trust, 18th February 2014, Sullivan LJ made clear that to discharge this responsibility means that decision makers must give considerable importance and weight to the desirability of preserving the setting of listed buildings when carrying out the balancing exercise (of weighing harm against other planning considerations).
- 10.28. Oxford Local Plan Policies HE3 and HE7 seek to seek to preserve or enhance the special character and appearance of Conservation Areas and their settings and the setting of Listed Buildings. Policy HE10 of the Local Plan seeks to retain views of significance both within Oxford and from outside. It also adds that the green backcloth must be protected from any adverse impact. There are ten identified significant view cones which are considered to be a heritage asset as defined in the NPPF. Whilst the wording of these policies does not include the balancing exercise identified in paragraphs 195-196 of the NPPF and that they would therefore be deemed to be out-of-date with the framework, they would be consistent with the above-mentioned legal requirements of Section 66 and 72, and they must therefore carry considerable weight in the determination of this application. Policy DH3 of the emerging Local Plan 2036 states planning

permission or listed building consent will be granted for development that respects and draws inspiration from Oxford's unique historic environment (above and below ground), responding positively to the significance character and distinctiveness of the heritage asset and locality.

10.29. HNP Policy CIP2 as set out above seeks to protect importance views and HNP CIP4 seeks to ensure that development will only be permitted where it addresses the conservation and enhancement of the significance, character and any special architectural or historic features of significance the asset may possess.

The Site and Conservation Area

10.30. The site lies within the Headington Hill conservation area, a designated heritage asset as defined in the NPPF and forms part of the setting of the listed Headington Hill Hall which is also a designated heritage asset. The site is situated on the west side of Pullen's Lane in an area whose character is primarily one of large, late 19th Century villas set within generous garden plots, surrounded by mature gardens with enclosing boundaries of shrub and tree planting that provide a sense of privacy.

10.31. The conservation area's designation took place in 1977 following the Council's adoption of the Headington Hill Policy Statement in February 1973 which set out principles to guide the consideration of future planning applications in the area of Pullens Lane, Fielden Grove, Jack Straw's Lane and the private section of Harberton Mead. This Policy Statement sought to protect the residential use of the area, low traffic levels, the character of buildings and their spacing, the tree planting in the area and the absence of advertisements or signs. The avoidance of additional traffic generation on Pullens Lane was stated as a specific principle.

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

10.33. It establishes that the area is divided into two distinct sections – the area north of Cuckoo Lane (which includes the application site) and the area to the south. The appraisal concludes that the heritage significance of Pullens Lane derives from its tranquil, rural character with generous spacing between buildings interspersed with dense greenery enclosing a narrow lane with a roughly managed informal verge. The appraisal also makes it clear that there are limited views from building to building because of the mature and dense landscaping which provides its sylvan quality and ensures the greenery of the area makes a stronger contribution to its character than the built elements, emphasising the sense of a low density of development. The appraisal also identifies that some developments in the past few decades have been notable for introducing architectural forms that were intrusive to the character of the area. In particular the rectilinear forms, poor quality materials, repetitive detailing

and large scale of buildings did not reflect the historic residential character of much of the conservation area. It also recognises that conversion of landscaped garden settings of buildings for car parking also has a significant negative impact on the character of the area and its historic interest, and that the lack of artificial lighting helps to reinforce its rural woodland quality.

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

Design, Appearance & Impact on Heritage

- 10.35. The existing building on the site comprises a much run down 1950’s house and a small garage within a substantial undeveloped greenfield site that includes a significant number of trees along its boundaries and within the site. The remainder of the site is covered by extensive unmanaged vegetation including grasses and shrubs. It is considered that the buildings themselves make little contribution to the important character of the area and their demolition would not be harmful. However whilst most of the landscaping is unkempt and in need of maintenance, the site as it currently exists makes a positive contribution to the significance of the conservation area as it supports its green, quiet and rural qualities. Furthermore, the balance of building to open garden is significant and the important sense of enclosure that is provided by landscape makes an extremely valuable contribution to the character and appearance of the conservation area. Such is its contribution that it is considered important to preserve it in any redevelopment of the site.

Siting and layout

- 10.36. The proposal is to remove the existing building and to redevelop the site with three considerable sized houses. Individually these are significant buildings in their own right, and collectively, the impact of this proposal would be that the three buildings overwhelm and dominate the site in a substantial and excessive manner. The effect of building three large homes of the size and scale proposed would dramatically alter the appearance of the site from Pullens Lane as it would considerably erode the verdant character of the site that defines this part of the Conservation Area. The green rural character that results from the undeveloped character of this part of Pullens Lane would be significantly removed by building an almost continuous row of dwellings. As stated above the character of Pullens Lane is defined by large houses sitting in large landscaped grounds with significant treed and green space surrounding the houses. The proposed development would be three large houses sitting in comparatively narrow plots and lacks the characteristic green openness that exists elsewhere. The gaps between houses is considered insufficient and little scope for enabling views of trees and green between the plots. Moreover, the proposed landscaping on the

frontage is considered wholly inadequate to mitigate the loss of the vegetated site.

10.37. As in other proposed schemes, the extent of physical development on this essentially greenfield site is such that it would dominate the plot rather than sit comfortably within a landscaped setting as required to preserve the special qualities of the conservation area. As before with previous refusals for a care home on site, the proposed development would result in a significant proportion of frontage and garden being hard surfaced and developed, which is a stark contrast to the undeveloped verdant prevailing character.

10.38. The new buildings simply in terms of their overall footprint would result in a development that would appear disproportionately large as viewed from the street and an overdevelopment of the site. It is this diminished space around the houses along with extensive hard surfacing dominating the frontage that will erode the spaciousness of the conservation area, that is essential to the preservation of the significance of the character of the conservation area. Furthermore, the siting of houses alongside one another with very little spacing between is not typical of the area, failing to achieve the fundamental characteristic of a building in a garden, or even two buildings in a garden. As such, it would appear incongruous and out of keeping with the site and its surroundings and an overdevelopment of the site.

Scale

10.39. The scale of the houses is of two storey domestic scale which is considered appropriate and in keeping with the height of neighbouring properties. The size of the buildings individually would *in general terms* be acceptable in isolation, however, cumulatively the development of the plot with three houses squeezed into the site is considered out of keeping with the scale of single villas or 2 single villas within a landscaped garden setting that characterises the conservation area. The cumulative scale of the 3 dwellings proposed would therefore be unacceptable in this setting.

Appearance:

10.40. The appearance of the three dwellings is informed from an Arts and Crafts era. There is no objection individually to the appearance of these buildings or the vernacular response. The bays and gables give articulation to its appearance and this appears as an acceptable response individually.

Views:

10.41. When viewed from the west, Headington Hill forms a green landscape background to the historic city centre in its valley setting. The hillside also provides a number of vantage points giving good views down to the city's skyline. The protection of viewpoints, together with 'view cones' looking out across Oxford with the 'green backcloth' in the distance, are seen as important elements of public enjoyment as well as heritage value.

10.42. In this case, the application is not supported by verified views and therefore an assessment has been made on the basis of an objective interpretation of the information provided and Officers' knowledge of these views from other recent developments.

10.43. In long views from the city from elevated City landmarks in particular from St Mary's Tower the proposed buildings by reason of their siting and position as well as the removal of the trees within the site and screening vegetation, would be visible on the side of Headington Hill. As opposed to glimpsed views of elements of the roof tops of traditional villas, the buildings would be evident and seen as a cumulative mass and would have a harmful impact on both the setting of Headington Hill Hall (grade II*) and the appearance of the conservation area. In long distant views, the proposals would certainly appear as a continuous line of building mass on this section of the hillside which presently appears to be essentially wooded. There is virtually no space available for landscape planting of any significance and nor would it be sufficient to provide appropriate tree canopies to mitigate the harm that the visual impact of the buildings would have on the character and appearance of the conservation area and its green backdrop. Furthermore, any proposed tree planting that were to be successfully planted would not be able to mitigate in the short term the harm caused by their loss.

10.44. Within short distance views, Pullens Lane has a very distinct verdant and sylvan and tranquil rural quality at this point with abundant vegetation along boundaries giving a sense of enclosure, generous gardens and large but not visually intrusive houses. This character changes to a more urbanised residential quality as it progresses northward towards Jack Straws Lane as front gardens are manicured and houses visible to the Lane. This urbanisation of the northern end of the lane means that the particular character of the southern end of Pullens Lane at this point is even more valuable and fragile and identified in the conservation area appraisal.

10.45. In views along Pullen's Lane the site as proposed would appear more densely developed and urbanised as the green and verdant qualities of the site would have been removed and eroded by the development, including extensive hard surfacing for vehicles, two vehicular accesses and limited landscaping proposed. The landscaping proposed would not sufficiently mitigate against the openness and loss of character. The development would therefore harm the important character that has been identified as needing to be preserved in the conservation area appraisal.

Setting of Headington Hill Hall:

10.46. The landscaped hillside contributes to the setting of Headington Hill Hall, which is Grade II* listed. However, it's a relatively small contribution. The greater part of the Hall's setting is informed by the immediate parkland the Hall sits within. The development will have a less than substantial impact upon the setting of Headington Hill Hall but it will be towards the minor end of less than substantial. The peripheral location of 1 Pullens Lane to the site and its woodland landscape setting is considered to have a more minor impact overall

and the harm caused by the inappropriate development is very small towards the minor end.

Conclusion:

- 10.47. In conclusion therefore it is considered that the proposed development would not meet the test of high quality design. It would fail to appropriately respond to the character and appearance of the site itself and its context and would amount to overdevelopment of the site. It is considered that the development would cause less than substantial harm to the significance and character and appearance of the conservation area and the setting of the adjacent listed heritage asset.
- 10.48. In accordance with the NPPF, as less than substantial harm would be caused to the heritage assets, any public benefits of the development must be weighed against this harm, acknowledging that great weight should be given to the conservation of designated heritage assets. The scheme would deliver 3 houses, providing a net gain of 2 houses overall. However, it is considered that the delivery of 2 houses would not outweigh the harm identified to the significance of the conservation area. Officers have been clear that a high level of weight is afforded to the preservation of the significance of Pullens Lane and the character and appearance of the conservation area. As such it is considered that the public benefit derived from the proposed development would not outweigh the high level of less than substantial harm in this case. The development is therefore contrary to Policies CP1, CP8, CP9, HE7, HE3, HE10 of the Oxford Local Plan, emerging policies DH1, DH2 and DH3 of the Oxford Local Plan 2036, policy CS18 of the Core Strategy and the NPPF. Officers have afforded great weight to their statutory duty under Section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

e. Impact on trees

- 10.49. Policy NE15 of the adopted Local Plan 2016 seeks to retain trees, hedgerows and other valuable landscape features that form part of a development site, if their loss would have a significant adverse impact upon public amenity or ecological interest. Further policy NE16 seeks to ensure that development will not destroy protected trees if it will have a significant adverse effect upon public amenity.
- 10.50. Policy GSP3 of the HNP states development proposals which may result in significant harm to sites and/or species of ecological value as defined by Policy CS12 of the Oxford Core Strategy or any future policy in a subsequent development plan document will not be permitted, unless the developer can demonstrate that the benefits of the development clearly outweigh the loss, and this can be mitigated against and compensated for elsewhere within the HNPA by providing a replacement habitat on an equivalent or higher ecological value.
- 10.51. Policy CS12 of the Core Strategy seeks to ensure that new developments include features beneficial to biodiversity.

- 10.52. The garden of 1 Pullens Lane appears to have been neglected for many years and is now over-grown. The proposals require the removal of a significant proportion of the existing trees and other vegetation within the site, as identified in the submitted Arboricultural Report and Impact Assessment.
- 10.53. The Tree Officer comments that many of the trees and vegetation to be removed are of low quality and value and as a consequence would not be objectionable in respect of the quality of the trees. The construction of car parking spaces for unit 3 will encroach within the Root Protection Areas (RPAs) of trees in the gardens of Pullens Gate. However, the degree of encroachment is small and the viability of the trees should not be harmed if the hard surface is designed to minimise root damage i.e. no-dig, and carefully constructed. Further details of the design and method of construction of these car parking spaces would be required by condition if the scheme were otherwise acceptable.
- 10.54. Overall, it is considered that the scheme albeit removing a large number of trees and vegetation is of a low quality and is not objectionable in terms of the health, stability and value of the trees individually.
- 10.55. However, the policies have regard also to the loss of those trees in respect of their public amenity value and whilst these trees are of low quality, collectively these trees contribute significantly to the sylvan qualities of this part of the Conservation Area. The removal of these trees and the erection of 3 significant buildings and associated hardstanding would remove the verdant green semi rural character of this part of Pullens Lane and there is little by way of the proposed landscape planting to mitigate this loss. The only mitigation offered is along the frontage along Pullens Lane however, this is not considered to be of form and magnitude to compensate for the collective loss of the groups of trees and vegetation that characterises the site and contributes to its semi rural setting.
- 10.56. In an assessment of a previous scheme on site for a care home, it was considered that the proposals to remove trees on this site would as a result be to the detriment of the Conservation Area without appropriate mitigation. In this case, the proposed mitigation is to plant replacement trees along the frontage, but this is not considered sufficient to replace the collective qualities of the trees lost.
- 10.57. In respect of biodiversity impact of the loss of the trees, the Council's Ecology Officer notes that the loss of trees will have a significant impact on habitat loss and does not demonstrate that this can be appropriately mitigated with gains on site, or failing that off site, through the mitigation planting. It is considered that the loss of trees and vegetation will result in the loss of habitats and this will have a clear reduction in foraging and commuting habitat for species such as badgers contrary to policies NE15 and NE16 of the Local Plan as well as GSP3 of the HNP.

f. Impact on ecology

- 10.58. Policy CS12 of the Core Strategy states development will not be permitted that results in a net loss of sites and species of ecological value. Where there is opportunity, development will be expected to enhance Oxford's biodiversity
- 10.59. The applicant has submitted an Ecological Appraisal but it is clear that the scope of the report is based on a field survey and desktop study and relevant species-specific surveys carried out between 2013 and 2018, as well an "updating walkover survey" carried out on 29th November 2019.
- 10.60. The Council's Biodiversity Officer has considered the extent of the survey submitted and notes as follows:
- 10.61. Badgers – As per the previous application, impact on badgers doesn't appear to have been adequately addressed. This lack of information has been raised previously. Further information is required to assess impacts on the species.
- 10.62. Bats - The house is still identified as offering low potential to support roosting bats, with surveys not updated since 2018. The house still offers a small number of potential roost features, therefore it's unclear why a follow up survey hasn't been provided in accordance with best practice.
- 10.63. Reptiles – The survey hasn't been updated since 2014. The ecology report states that 'if present, reptiles on site would likely be slow-worm in small numbers, however, in the absence of updated survey data, this cannot be confirmed'. It is therefore unclear how it can be determined that reptiles will not be harmed if sufficient surveys haven't been completed in 2019.
- 10.64. Loss of biodiversity – Overall the scheme will represent a loss of biodiversity, with significant tree and habitat loss. The scheme will need to demonstrate that a net gain in biodiversity will be achieved, and where this cannot be done on-site, consideration may be required for off-site compensation. The scheme would cause a clear reduction in foraging and commuting habitat for species such as badger.
- 10.65. In view of the above, it is considered that the ecological assessment is not up to date and fails to take into account the full impact on protected species and on species of ecological value, which there is a statutory duty to protect. Subsequently, the applicant has failed to demonstrate that the scheme can be delivered without adverse harm to protected species, contrary to adopted policy CS12 and guidance in the NPPF and policy GSP3 of the HNP.

g. Impact on residential amenity

- 10.66. The three houses are proposed sitting within the site in a row fronting onto Pullens Lane. It is considered that the houses in terms of bulk and massing are of a size and scale that will not result in harm to the amenities of neighbouring residents within the development site itself or to Pullens Gate

10.67. In terms of privacy, the houses are designed with predominately front and rear windows and the only windows at first floor to the side are to serve bathrooms and ensuites which can be conditioned to be obscure glazed to protect amenity.

10.68. Concerns have been raised by the occupiers of Pullens Gate in respect of distance to the boundary but it is considered that the site plan submitted is adequate to demonstrate these distances. Furthermore there would be no special requirement for specific construction required for the boundary walls to protect amenity.

10.69. It is considered the proposal complies with policy HP14 of the Sites and Housing Plan.

h. Outdoor and internal space standards

10.70. The proposal is for 3 significant dwellings, all of a size that would meet with the Nationally Described Internal Space Standards as required by policy HP12 of the Sites and Housing Plan.

10.71. In terms of outdoor space, each dwelling has a rear garden which is considered to provide the necessary outdoor space commensurate for dwellings of this size in accordance with policy HP12.

i. Bins and bicycles

10.72. To the front of each dwelling is space for bin storage and bike storage appropriate to meet the requirements of each property. This is considered to comply with policies HP13 and HP15 of the Sites and Housing Plan and could be secured by condition if the proposals were otherwise acceptable.

j. Car Parking/Highways

10.73. The site is sustainably located within walking distance of bus stops on the London Road. However, in line with the Sites and Housing Plan, also includes appropriate parking to comply with policy HP16 of the SHP. The emerging parking policy within the Oxford Local Plan 2036 is also of relevance. Policy M3 states in Controlled Parking Zones (CPZs) where development is located within a 400m walk to frequent (15 minute) public transport services and within 800m walk to a local supermarket or equivalent facilities, planning permission will only be granted for residential development this is car free. In this instance, the site is not within a CPZ, however, the emerging policy states for residential development that parking for a dwelling of any size should be provided at 1 space per dwelling and car club parking up to 0.2 spaces per dwelling. In this instance the parking spaces are not set out but it is clear the space to the front of the houses would enable parking in excess of 1 car per dwelling.

10.74. Following concerns raised from OCC Highways in respect of visibility splays onto Pullens Lane from the modified and proposed accesses, revised site plans have been received. This is considered acceptable by the County and they have no objections to the scheme on highway grounds. The proposals would therefore comply with the NPPF in this regard.

k. Archaeology

10.75. Policy NE2 of the Oxford Local Plan has regard to the archaeological value and implications arising from development proposals. In this instance, the application is of interest because it involves a change of levels on a largely green-field site located in an area with general potential for prehistoric and Roman activity. The site lies within an extensive landscape of dispersed Roman pottery manufacturing sites associated with the nationally important regional pottery industry orientated on the Alchester-Dorchester Road. The site also lies close to the projected line of the Civil War Parliamentary Siege works.

10.76. An archaeological desk based assessment has been produced for this site by Pre-Construct Archaeology (2014). This notes a low potential for prehistoric remains, low to moderate potential for Roman and early medieval remains and moderate potential for post-medieval remains. It is commented that such assessments of potential are difficult in areas which have not been subject to significant previous archaeological investigation. In this instance, taking into account the information available on contemporary settlement density across East Oxford, a marginally higher assessment of potential is warranted to that stated in the assessment. Therefore no objection is raised subject to a condition requiring recording were the proposals otherwise acceptable in accordance with policy NE2 of the Oxford Local Plan.

I. CIL

10.77. The application is liable for CIL

11. CONCLUSION

11.1. Having regards to the matters discussed in the report, officers would make members aware that the starting point for the determination of this application is in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004 which makes clear that proposals should be assessed in accordance with the development plan unless material considerations indicate otherwise.

11.2. The NPPF recognises the need to take decisions in accordance with Section 38 (6) but also makes clear that it is a material consideration in the determination of any planning application (paragraph 2). The main aim of the NPPF is to deliver Sustainable Development, with Paragraph 11 the key principle for achieving this aim. The NPPF also goes on to state that development plan policies should be given due weight depending on their consistency with the aims and objectives of the Framework. The relevant development plan policies are considered to be consistent with the NPPF despite being adopted prior to the publication of the framework.

- 11.3. Therefore in conclusion it would be necessary to consider the degree to which the proposal complies with the policies of the development plan as a whole and whether there are any material considerations, such as the NPPF, which is inconsistent with the result of the application of the development plan as a whole.
- 11.4. In summary it is considered that whilst the proposal to redevelop the site would provide three houses, the assessment of the scheme above has outlined how it is considered that the scheme would result in harm to public interests through the adverse impact on the character and appearance of Headington Hill conservation area and the views of the site from Central Oxford conservation area; the impact on the setting of Headington Hill Hall; the failure to demonstrate that the proposal makes the best efficient use of the land; as well as the failure to provide up-to-date ecological assessment that does not demonstrate that the impact on protected species will not be adverse in conjunction with habitat loss through the removal of trees and vegetation. This harm is considered to outweigh the benefits of the scheme.
- 11.5. Officers would advise members that having considered the application carefully that the proposal is considered to be unacceptable in terms of the aims and objectives of the National Planning Policy Framework, and relevant policies of the Oxford Core Strategy 2026, the Sites and Housing Plan 2026, the Oxford Local Plan 2001-2016 and the emerging Oxford Local Plan 2036, that when considered as a whole, that there are no material considerations that would outweigh these policies. On the basis of the above, Officers recommend that the East Area Planning Committee refuse planning permission for the proposed development for the reasons stated at paragraph 1.1 of this report.

12. HUMAN RIGHTS ACT 1998

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

13. SECTION 17 OF THE CRIME AND DISORDER ACT 1998

- 13.1. Officers have considered, with due regard, the likely effect of the proposal on the need to reduce crime and disorder as part of the determination of this application, in accordance with section 17 of the Crime and Disorder Act 1998. In reaching a recommendation to refuse planning permission, officers consider that the proposal will not undermine crime prevention or the promotion of community.