

EAST AREA PLANNING COMMITTEE

07.04.2021

Application number:	21/00216/FUL
Decision due by	24 th March 2021
Extension of time	16 th April 2021
Proposal	Proposed demolition of existing light industrial buildings; zero-emission housing comprising the erection of 4 pairs of semi-detached dwellings, providing 4no 3-bed and 4no 4-bed dwellings along with private gardens. Upgrade to existing vehicular access onto Jack Straw's Lane.
Site address	5-7 , Jack Straw's Lane, Oxford, OX3 0DL – see Appendix 1 for site plan
Ward	Headington Hill And Northway Ward
Case officer	Michael Kemp
Agent:	Mr Simon Sharp Applicant: Cantay Estates Ltd.
Reason at Committee	The development comprises more than five dwellings.

1. RECOMMENDATION

1.1. The East Area Planning Committee is recommended to:

1.1.1. **Refuse planning permission** for the reasons given in the report and delegate authority to the Head of Planning Services to:

- Finalise the recommended reasons for refusing the application as set out in this report including such refinements, amendments, additions and/or deletions as the Head of Planning Services considers reasonably necessary.

The refusal reasons are as follows:

1. The development would include the provision of on-site parking for residential uses in a location whereby only car free development would be considered permissible in line with the Council's parking standards outlined in Appendix 7.3 of the Oxford Local Plan 2016-2036 and therefore fails to prioritise sustainable modes of travel contrary to Policies M1 and M3 of the Oxford Local Plan 2016-2036 and the provisions of the NPPF, in particular Paragraph 110.
2. The proposed layout and development form fails to make an optimum and efficient use of a site, which offers capacity to provide higher density

development comprising a greater number of dwellings thereby ensuring the delivery of on-site affordable housing. The development would be contrary to Policies RE2 and H2 of the Oxford Local Plan 2016-2036 and Paragraphs 117, 122 and 123 of the NPPF.

2. EXECUTIVE SUMMARY

2.1. This report considers an application relating to the demolition of existing employment buildings on a back land site to the rear of Marston Road and Jack Straws Lane and the redevelopment of the site to provide a total of 8 dwellings (4 x 4 bedroom and 4 x 4 bedroom units).

2.2. The principle of redeveloping the site for a residential use would be supportable in line with Policy E1 of the Oxford Local Plan. This is accounting for the site's status as a low category (3) employment site and other specific factors including the very poor condition of existing buildings on the site and the potential environmental, biodiversity and amenity benefits arising from redevelopment of the site, alongside the provision of additional homes to meet local housing need.

2.3. Officers however consider that the proposals would fail to achieve an optimum density of development and additional dwellings could be provided on the site which would represent a more efficient use of land. Officers are of the view that a higher density of development would be achievable on this site notwithstanding site constraints. This would also be achievable in a way which respects the character and appearance of the surrounding area. As the proposals would, in officer's view, fail to make efficient use of the site the development would be contrary to Policy RE2 of the Oxford Local Plan and Paragraphs 117, 122 and 123 of the NPPF. The result would be an under delivery of homes on the site, in particular affordable housing which would otherwise be required were the development to provide 10 or more dwellings. The lower number of dwellings proposed on the site would circumvent the affordable housing requirements of Policy H2 of the Oxford Local Plan.

2.4. The application site is sustainably located and lies within a controlled parking zone, within 800 metres of a supermarket and 400 metres of a bus stop benefitting from regular services. In line with Policy M3 of the Oxford Local Plan and the Council's maximum parking standards, development on the site should be car free, with the exception of disabled and operational parking. The proposals would not however be car free and the development would consist of 1 space per dwelling, this would be contrary to Policy M3 of the Oxford Local Plan and runs contrary to Policy M1 of the Oxford Local Plan, which aims to give priority to sustainable means of travel.

2.5. For the reasons cited within this report officers recommend that planning permission is refused.

3. COMMUNITY INFRASTRUCTURE LEVY (CIL)

3.1. The proposal would be liable for a CIL contribution of £78,794.06

4. SITE AND SURROUNDINGS

- 4.1. The development site is a 0.24 hectare backland site located within a residential area of New Marston. The site is accessed from Jack Straws Lane to the south and comprises a collection of single storey light industrial buildings last used by a carpentry and joinery business which vacated the site in 2019. Access to the site is via a narrow driveway leading between Nos.3 and 9 Jack Straws Lane. The buildings on the site are vacant and are in a state of disrepair. The remainder of the site surrounding the buildings consists of gravel hardstanding and grass areas.
- 4.2. The surrounding area is suburban in character and typically consists of 20th century semi-detached houses and small terraces of red brick and rendered homes. This includes much of the development parallel to Marston Road. Jack Straws Lane features a number of detached houses, though the general character of the houses along the lower sections of Jack Straws Lane is broadly similar to that of the surrounding area. The Church of St Michael and All Angels, which features a prominent tower is a notable building in the area which sits on the corner of Marston Road and Jack Straws Lane.
- 4.3. Lynn Close to the north of the site is of a differing character and consists of five rows of two storey 1960's terraced brick houses sited in rows with the end gables of the houses facing the road. There are several rows of single storey garages on the southern side of Lynn Close, which adjoin the boundary with the site. At the far end of Lynn Close, to the east of the site is a small, early 2000's development of red brick and rendered terraced houses. No.44 Lynn Close which is an end of terrace house adjoins the eastern boundary of the site.
- 4.4. The access to the site falls within the Headington Neighbourhood Plan Area, though the remainder of the site, including the proposed dwellings falls outside this defined area.
- 4.5. See block plan below:



5. PROPOSAL

5.1. This application proposes the demolition of the existing light industrial buildings on the site. The site would be redeveloped to provide 8 semi-detached dwellings (4 x 3 bed and 4x 4 bed units). The houses would each be served by rear gardens. Each of the houses would be served by a single allocated parking space. The proposed houses would be accessed via the existing vehicular access road leading from Jack Straws Lane between Nos.3 and 9 Jack Straws Lane which would be resurfaced and a new access and turning space formed within the site.

5.2. The three bedroom homes would be two and a half storeys and include bedrooms in the roof spaces, whilst the four bedroom homes would be three storeys and feature prominent front facing three storey gables. The height of the houses would be 9.7 metres to the roof ridge and the buildings would be constructed from red brick with plain clay tiles.

6. RELEVANT PLANNING HISTORY

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

14/01772/FUL - Demolition of existing buildings on site. Erection of 5 x 3-bed and 3 x 4-bed houses, together with car parking, landscaping and ancillary works.. Refused 9th September 2014.

19/00779/FUL - Redevelopment of the site comprising demolition of existing carpenter's yard buildings, 1 and 3 Jack Straw's Lane, and 302, 304, 312 Marston Road, and the erection of six new buildings to provide 5 C3 dwellings (3 x 1 bed, 2 x 2 bed), 153 student rooms, and 140sqm (Class B1 (a)) office space. (Amended plans 10.03.2020). Withdrawn 28th August 2020.

7. RELEVANT PLANNING POLICY

7.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework	Oxford Local Plan 2016-2036	Headington Neighbourhood Plan
Design	117-123, 124-132	DH1	CIP1, CIP3
Conservation/Heritage	184-202	DH2, DH3	CIP2, CIP4
Housing	59-76	H1, H2, H4, H10, H14, H15, H16	

Commercial	170-183	E1	
Natural environment	91-101	G2, G7	
Transport	117-123	M1, M2, M3, M4, M5	TRP2, TRP5
Environmental	117-121, 148-165, 170-183	RE1, RE2, RE3, RE4, RE6, RE7, RE8, RE9	

8. CONSULTATION RESPONSES

8.1. Site notices were displayed around the application site on 4th February 2021.

Statutory and non-statutory consultees

Oxfordshire County Council (Highways)

8.2. The application seeks the proposed demolition of existing light industrial buildings, erection of 4 x 3 bed dwellinghouses and 4 x 4 bed dwelling houses. The proposals are in a highly sustainable location with good access to public transport and local amenities. The proposals are in a CPZ.

8.3. Cycle Parking – The property must demonstrate 3+ covered and secure cycle parking spaces to conform to 2036 local plan policy and be considered acceptable.

8.4. Car Parking – The proposals are in a CPZ, within 800m of a shop and 400m of a bus stop. Therefore, according to 2036 Local Plan Policy M3 the dwellings should be car free and no off-street parking should be provided. Oxfordshire County Council will object to the proposals on this basis.

8.5. Refuse – A refuse vehicle would be required to enter and exit the site in a forward gear. The vehicle tracking diagrams show a 9.86m refuse vehicle barely making a turning manoeuvre when Oxford County Council uses refuse vehicles 10.12m long.

8.6. Trip Generation – The conclusions drawn regarding trip generation in the transport statement are considered acceptable. Trip generation is unlikely to significantly increase as a result of the development.

8.7. The proposals are likely to have a detrimental impact on the local highway network in traffic and safety terms. Oxfordshire County Council object to the granting of planning permission.

Public representations

8.8. Two letters of support have been received in relation to the application. The letters expressed support for the following aspects of the scheme:

- Development is an enhancement on the previously submitted proposals for student accommodation.
- Provision of family homes is welcomed.
- Scale of development and use of materials in in keeping with the surrounding context.

8.9. A general comment was received expressing support for the provision of more family homes but suggesting that the houses would be viable without parking provision.

9. PLANNING MATERIAL CONSIDERATIONS

9.1. Officers consider the determining issues to be:

- Principle of development
- Density of development and affordable housing
- Design and heritage
- Neighbouring amenity
- Transport
- Sustainability
- Trees
- Ecology
- Contamination
- Flooding

Principle of development

9.2. The site has been subject of two previous planning applications in 2014 and 2019, the former of these applications was refused, whilst the latter of the applications was withdrawn. The 2019 planning application also included Nos. 1 and 3 Jack Straws Lane and Nos. 302, 304 and 312 Marston Road within the application site, the properties would have been demolished under the proposals.

9.3. The 2014 planning application was refused for the following reasons:

The site is currently in employment use. No evidence has been submitted to demonstrate that the site has created environmental problems in the past, and no marketing of the site or evaluation of employment on the site has been undertaken to help assess its role in, and value to the local economy. It has not been convincingly demonstrated therefore that the site is not acceptable or needed for continuing employment use and its redevelopment for housing is contrary to Policy CS28 of the adopted Core Strategy.

The area of the site exceeds 0.25 hectares and therefore policies CS24 of the Core Strategy and HP3 of the Sites and Housing Plan require the provision of 50% of the housing units on site as affordable. No affordable units are proposed and the development therefore fails to make adequate provision for affordable housing need. A financial contribution has been offered but this is no longer relevant given the extent of the site area that requires consideration under a separate policy. The viability appraisal submitted with the application lacks robustness and suggested an amount that would not have complied with the requirements of policy HP4. The proposal therefore fails to comply with policy CS24 of the Core Strategy and policy HP3 of the Sites and Housing Plan.

9.4. The Oxford Local Plan 2016-2036 has been adopted since the refusal of this planning application in 2014 and consequently the planning policy context has altered greatly, particularly in terms of applications involving the redevelopment of employment sites.

9.5. The site is classed as a Category 3 (lowest category) employment site in line with Policy E1 of the Oxford Local Plan. This designation covers all employment sites in the city, which are not specifically designated or afforded protection for the purposes of retaining employment use on site, or other uses directly related to the employment use of the site. Proposals for residential development on Category 3 employment sites will be assessed by a balanced judgement which will take into account the following objectives:

f) the desirability of meeting as much housing need as possible in sustainable locations within the city; g) the need to avoid loss of or significant harm to the continued operation or integrity of successful, and/or locally-useful, or high-employment businesses and employment sites, and to avoid impairing business operations through the juxtaposition of incompatible residential uses; h) the essential importance of creating satisfactory residential living conditions and a pleasant residential environment with a sense of place, connected by safe walking routes to shops, schools, open space, community facilities and public transport; i) the desirability of achieving environmental improvements such as remediation, planting, biodiversity gains, sustainable development forms, improvements in highway conditions and the improvement of living conditions for existing residents.

9.6. The subtext to Policy E1 recognises that category 3 sites do not perform such an important economic function compared to Category 1 and 2 employment sites. It is also specified that these sites should be considered for housing if these sites become available for development.

9.7. The site is currently derelict and consists of an uncoordinated arrangement of single storey timber and pre-fabricated structures several of which are in a very poor physical condition. The site would likely require comprehensive redevelopment to be brought up to a reasonable standard whereby it could be reused for employment purposes. Policy E1 of the Oxford Local Plan specifically recognises that housing uses should be considered if category 3 employment sites become available for redevelopment.

- 9.8. The site lies directly to the rear of several residential dwellings in Jack Straws Lane, Marston Road and Lynn Close. Given the proximity to these residential dwellings a residential use of the site would be more compatible in amenity terms, compared with the site's existing light industrial use which has the potential to cause greater issues in terms of noise disturbance and pollution which may adversely affect the living conditions of adjacent occupiers. There would also be potential biodiversity and environmental gains from a residential redevelopment of the site in securing ecological enhancements and remediation.
- 9.9. Policy RE2 of the Oxford Local Plan, alongside Paragraphs 117 and 118 of the NPPF promotes the reuse of previously developed land, including for the purposes of providing housing therefore the redevelopment of this site for the purposes of providing additional housing should be supported in line with local and national planning policy.
- 9.10. Taking the above factors into consideration officers consider that the loss of the employment uses on the site and the redevelopment of the site for the purposes of providing housing would be justified in line with Policy E1 of the Oxford Local Plan.

Site Density and Provision of Affordable Housing

- 9.11. Policy H2 of the Oxford Local Plan requires provision of affordable housing on sites of 10 or more units or on sites which exceed 0.5 hectares. A total of 8 dwellings are proposed on this site and the overall size of the application site is 0.24 hectares.
- 9.12. The number of dwellings proposed within this application would not trigger a requirement to provide affordable housing under the provisions of Policy H2 of the Oxford Local Plan, neither would the overall site area. Policy H2 however states that across all types of development, where the number of dwellings proposed falls below the relevant thresholds set out above to require affordable housing, the Council will consider whether or not the site reasonably has capacity to provide the number of dwellings that would trigger a requirement to provide affordable housing. This provision is to ensure that developers do not circumvent the policy requirement by artificially subdividing sites or by proposing development which makes inefficient use of land.
- 9.13. It is stated within the applicant's Planning Statement that the layout of the development and semi-detached housing is designed to reflect the loose knit suburban grain of surrounding development in the area. It is the case that semi-detached and looser knit forms of development are characteristic of Marston Road and some of the adjacent roads such as Nicholson Road and Crotch Crescent. Such an approach, whilst not unacceptable purely in design terms, would typically result in relatively low density development. It is noted that more recent developments on similar backland plots depart from these characteristically suburban layouts, for example Lynn Close immediately to the east of the site is a terraced layout, and similarly this is the case at Doris Field Close and Hadow Road to the east and north east of the site. The 1960's development to the north of the site at Lynn Close also consists of rows of terraced housing. It could not therefore be argued that a higher density

development consisting for example of terraced housing would appear out of place given the lack of strict design uniformity within the immediate context and examples of other such terraced forms of residential development.

9.14. Turning to the matter of density, the Oxford Local Plan does not prescribe a minimum density of development for unallocated sites which may become available for housing as this depends on site specific and contextual factors which may limit the number of units deliverable on a given site. Whilst there are constraints in terms of the width of the access road, the site is not otherwise greatly constrained given its relative proximity to existing dwellings, with the exception of No.44 Lynn Close which lies close to the site boundary.

9.15. Policy RE2 of the Oxford Local Plan Development states that proposals must make best use of site capacity, in a manner compatible with the site itself, the surrounding area and broader considerations of the needs of Oxford ensuring that:

a) The density must be appropriate for the use proposed;

b) The scale of development, including building heights and massing, should conform to other policies in the plan. It is expected that sites at transportation hubs and within the city and district centres in particular will be capable of accommodating development at an increased scale and density, although this will also be encouraged in all other appropriate locations where the impact of so doing is shown to be acceptable;

c) Opportunities for developing at the maximum appropriate density must be fully explored; and

d) Built form and site layout must be appropriate for the capacity of the site.

9.16. Paragraph 122 of the NPPF states that planning decisions should support development that make efficient use of land. Paragraph 123 of the NPPF states that where there is a shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site. Paragraph 123 also states that local planning authorities should refuse applications which they consider fail to make efficient use of land.

9.17. The Councils HELAA which informed the housing densities for allocated sites in the Oxford Local Plan suggests that for suburban sites a minimum density of 50-60 dwellings per hectare should be achieved to make optimum use of land (Table 4 HELAA March 2019). The application site is 0.24 hectares in size and when applying the HELAA density guidance of 50-60dph, this would suggest that 12-14 dwellings would be an appropriate number of dwellings for this site. This would suggest that the proposed number of dwellings (8) would constitute a low density of development for a suburban site such as this.

9.18. Officers consider that the proposed density of development would be low even where accounting for the constraints of the site and consequently the proposals fail to make an efficient use of the site. The implications of this are twofold, firstly

there would be an under delivery of housing on the site, which would run contrary to Paragraph 123 of the NPPF. It is important given local housing need in the city and lack of availability of sites that where sites come forward for housing development that an optimum number of units are delivered on sites. Secondly the low number of dwellings and density of development circumvents the need to provide on-site affordable housing, a requirement which would be triggered were the development to comprise more than 10 dwellings. Given the need for affordable homes in the city this is not considered acceptable and Policy H2 of the Oxford Local Plan includes specific provision to prevent developments being built at low density to circumvent a requirement to provide affordable housing.

9.19. Turning to the layout, it is officer's view that this could be tightened to include terraced housing for example, possibly comprising two terraces, either in a west/north or east/west arrangement. The layout could also include a greater mix of dwellings including smaller two bedroom dwellings. It is noted that an alternative site layout is proposed within the applicant's planning statement, this suggests that the maximum density of development achievable would be 9 dwellings. Officers would however dispute whether this layout makes efficient use of the site. Whilst the alternative layout includes additional smaller two bedroom dwellings, the layout along with the proposed site plan includes parking provision at one space per dwelling, which also necessitates further areas for vehicles to manoeuvre. The proposed site layout includes areas of on plot parking and a semi-circular area of general amenity space both of which are areas of the site which could be used more effectively within an alternative layout for housing. As outlined in the section of this report which deals with highways matters, the site is in a location where new residential development should be car free with the exception of disabled and operational parking. The applicant has not demonstrated that it would not be feasible to provide a higher number of dwellings on the site, were the development to be car free, which in any event would be expected in line with Policy M3 of the Oxford Local Plan.

9.20. Officers conclude that the proposals fail to achieve an optimum density of development and fail to represent an efficient use of the site contrary to Policy RE2 of the Oxford Local Plan and Paragraphs 117, 122 and 123 of the NPPF. The result would be an under delivery of homes on the site, in particular affordable housing which would be required were the development to provide 10 or more dwellings, which would be contrary to Policy H2 of the Oxford Local Plan.

Design and Heritage

9.21. The site does not fall within a Conservation Area, though the Headington Hill Conservation Area extends up to the edge of Doris Field Close, around 150 metres to the east of the site. Given the sites close proximity to the Conservation Area, development on the site has the potential to impact on the setting and the significance of the Conservation Area within views from within and into the Conservation Area from Jack Straws Lane and in slightly longer distance views from Doris Field to the north east. It is therefore important that the development is assessed in line with the relevant national and local policies relevant to developments which may impact on the setting of Conservation Areas.

- 9.22. Policy DH3 of the Oxford Local Plan specifies that planning permission will be granted for development that respects and draws inspiration from Oxford's unique historic environment (above and below ground), and responds positively to the significance, character and distinctiveness of the heritage asset and locality. For all planning decisions affecting the significance of designated heritage assets (including Listed Buildings and Conservation Areas), great weight will be given to the conservation of that asset and to the setting of the asset where it contributes to that significance or appreciation of that significance.
- 9.23. Policy CIP4 of the Headington Neighbourhood Plan states that where the significance of a heritage asset, either designated or non-designated, would be affected by a development proposal, that development proposal 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.
- 9.24. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that: "In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."
- 9.25. For development within or affecting the setting of Conservation Areas, the NPPF requires special attention to be paid towards the preservation or enhancement of the Conservation Area's architectural or historic significance. Paragraph 193 of the NPPF requires that: "When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance".
- 9.26. The site lies to the rear of an existing row of buildings fronting Jack Straws Lane and the proposed buildings on the site would be of a low height, therefore it is unlikely that development would be seen, or would appear prominent in views from within the Conservation Area from this particular perspective.
- 9.27. The site falls within the Doris Field View Cone, which also lies within the Headington Hill Conservation Area and offers views of the historic skyline of the city. The viewpoint itself is within 250 metres of the site to the north east. When assessing the scheme from this perspective, the proposed development would consist of an arrangement of residential buildings of a relatively low height, which visually would sit alongside residential buildings of a similar scale and height on all sides. There is also relatively dense screening in the foreground of the views from Doris Field which further restricts views towards the site.
- 9.28. Given the lack of prominence of the development and accounting for the low height of the buildings, the presence of existing development and vegetation screening which would significantly obstruct views of the site from within the Conservation Area, officers conclude that the development would have a

negligible impact on the Conservation Area setting and significance and would not result in harm.

9.29. The layout would consist of a cul-de-sac arrangement of semi-detached dwellings intended to reflect development in the immediate area. The housing typologies are similar to the adjoining early 2000's housing in Lynn Close, which similar to the 4 bedroom houses in the proposed development feature prominent front facing gables. The houses would be red brick, similar to the existing houses in Lynn Close, whilst red brick is also prevalent along Marston Road. The site is elevated in relation to development to the west on Marston Road, though given the presence of existing houses, views of the development would be somewhat restricted by the presence of the existing houses facing Marston and the heights of the houses would not be excessive in the context of surrounding development. Overall when considered in the context of similar suburban forms of development, notwithstanding the concerns outlined above with respect to the low density of development, the overall design approach would be acceptable and would not conflict with Policy DH3 of the Oxford Local Plan.

Amenity

Existing Occupiers

9.30. The application site is surrounded by residential dwellings on three sides. The relatively deep rear gardens of Nos.304, 302 and 300 Marston Road all extend up to the western boundary of the site. There would be a separation distance of between 8.8 and 9.9 metres between the rear elevation of proposed plots 1 to 4 and the end boundary of the gardens serving Nos.304, 302 and 300 Marston Road. The depth of the adjacent garden plots means that there would be a separation distance of between 27.8 and 32.3 metres between the facing sets of dwellings. This distance is considered to be sufficient in ensuring that the development would not result in unacceptable overlooking of the adjoining houses. Whilst there would be an increase in overlooking of the adjacent gardens, officers consider that there would still be a reasonable distance between the back of the proposed houses and the adjoining gardens to retain an acceptable degree of privacy for existing occupiers.

9.31. The gardens of Nos. 1, 3, 9 and 11 Jack Straws Lane extend up to the southern edge of the site. These properties also have very deep rear gardens. The existing access to the site, which would also be used to serve the proposed residential development adjoins Nos. 3 and 9 Jack Straws Lane. The proposed access would be widened to serve the development, however when accounting for the site's existing light industrial use it is considered that vehicular use of the access would not have a significantly detrimental impact on the amenity of adjacent occupiers. It is likely that the use of the access to serve a residential development of 8 dwellings would result in a decrease in vehicle movements compared with the existing use, particularly larger vehicle movements.

9.32. There would be a distance of 22 metres between the side elevation of Plot 1 and the rear elevation of Nos. 1 and 3 Jack Straws Lane which is a relatively substantial distance. Plot 1 would be close to the boundary of Nos. 1 and 3 Jack Straws Lane, though owing to the depth of the gardens and relative distance

between Plot 1 and the existing houses, officers consider that the development would not have an overbearing impact on these properties. It is noted that there would be two side facing windows in the first and second floors of Plot 1, though these windows would serve stairs and could be conditioned as obscured glazed windows to prevent overlooking of the gardens of Nos.1 and 3 Jack Straws Lane. Owing to the relative distance between the proposed dwellings and the existing properties and accounting for the depth of the gardens serving Nos.1 and 3 Jack Straws Lane, officers consider that the development would not be overbearing and would not have a detrimental impact on the outlook of these properties.

9.33. No.44 Lynn Close, which is a two storey end of terrace dwelling adjoins to the eastern boundary of the site. It is noted that there are two windows at ground and first floor level in the west facing side elevation, which faces the application site. A gap of 7.5 metres is retained between the side elevation of Plot 8 and No.44 Lynn Close. It is indicated on the proposed site plan that a sufficient gap would be retained to ensure that the siting of Plot 8 would not breach the 45 degree code with respect to the two side facing windows in No.44 Lynn Close. The separation distance between the proposed dwellings and No.44 Lynn Close would ensure that the development does not appear overbearing in relation to this property and the development would not have an adverse impact on the outlook of existing occupiers.

9.34. In summary officers consider that the development retains appropriate standards of amenity for existing occupiers in accordance with Policy H14 of the Oxford Local Plan.

Future Occupiers

9.35. Policy H15 of the Oxford Local Plan states that Planning permission will only be granted for new dwellings that provide good quality living accommodation for the intended use. All proposals for new build market and affordable homes (across all tenures) must comply with the MHCLG's Technical Housing Standards – Nationally Described Space Standard Level 1.

9.36. Each of the units has been assessed to be compliant with the Nationally Described Space Standards in terms of the size of the individual rooms and units therefore the development is considered to comply with Policy H15 of the Oxford Local Plan.

9.37. Policy H16 of the Oxford Local Plan states that planning permission will only be granted for dwellings that have direct and convenient access to an area of private open space. Houses of 1 or more bedrooms should provide a private garden, of adequate size and proportions for the size of house proposed, which will be considered to be at least equivalent in size to the original building footprint.

9.38. Each of the proposed houses would be served by private gardens located to the rear of the houses, each of which exceed to the footprint of the existing dwelling and would be considered to be of an appropriate standard.

9.39. In summary officers consider that the development retains appropriate standards of amenity for future occupiers in accordance with Policy H15 and H16 of the Oxford Local Plan.

Transport

9.40. Policy M3 of the Oxford Local Plan states that in Controlled Parking Zones (CPZs) or employer-linked housing areas (where occupants do not have an operational need for a car) where development is located within a 400m walk to frequent (15minute) public transport services and within 800m walk to a local supermarket or equivalent facilities (measured from the mid-point of the proposed development) planning permission will only be granted for residential development that is car-free.

9.41. The site and surrounding streets fall within a Controlled Parking Zone (Marston South) and are within 150 metres of bus stops on Marston Road which benefit from regular services to the City Centre. The site is within walking distance of two supermarkets, including the Co-operative, Old Marston Road (540 metres) and the larger Co-operative store on Cherwell Drive (740 metres) which lies within the Marston Neighbourhood Centre, which benefits from a range of other local shops.

9.42. In accordance with the residential parking standards outlined under Policy M3 of the Oxford Local Plan it would be expected that development on the site is car free as the site development is within a CPZ and is located within a 400m walk to frequent (15minute) public transport services and within a 800m walk to a local supermarket.

9.43. It is stated within the submitted Transport Assessment that the current informal layout of the site has capacity for the parking of up to 30 vehicles. A plan is provided in support of this, though parking on the site does not consist of marked bays and the site plan assumes that all of the areas surrounding the buildings on the site could be used for parking which may not in reality be the case depending on the nature of the employment use and also accounting for there being sufficient space for vehicles to manoeuvre. It is also suggested within the Transport Assessment that redevelopment of the site for a residential use would result in a reduction in parking spaces and overall traffic movements.

9.44. The proposed site layout includes 8 allocated parking spaces, one per dwelling, which would be the maximum amount of parking permissible on sites within the city which do not fall within CPZ's or within 400 metres of a bus stop or 800 metres of a supermarket.

9.45. The Oxford Local Plan states that in the case of the redevelopment of an existing or previously cleared site, there should be no net increase in parking on the site from the previous level and the Council will seek a reduction in parking where there is good accessibility to a range of facilities. This provision is not intended to be applied and therefore allow parking where the use of the site would change from an employment to a residential use and would apply only were another non-residential use or employment related development on the site to be proposed. Where dealing with a new, residential use on what is currently a

non-residential site, the Council's maximum parking standards for residential development should be applied which would require that development on this site should be car free with the exception of disabled, operational or car club parking.

9.46. Policy M1 of the Oxford Local Plan emphasises the need to ensure that new development minimises the need to travel and is laid out and designed in a way that prioritises access by walking, cycling and public transport, the purpose being that new development encourages a modal shift towards more sustainable means of travel. The Council's maximum parking standards outline locations where car free development would be expected, where this can reasonably be controlled through the presence of controlled parking zones and where residents can access public transport and are in close proximity to local services and facilities. The site's location meets each of these requirements and officers consider that there is insufficient justification for parking aside from disabled, car club or operational parking and consequently the development would be contrary to Policy M3 of the Oxford Local Plan.

9.47. The submitted site plan is noted to include the provision of cycle parking which would comply with Policy M5 of the Oxford Local Plan and Policy TRP5 of the Headington Neighbourhood Plan.

9.48. The applicant has since provided further drawings following the comments made by Oxfordshire County Council, demonstrating refuse vehicle tracking through the site.

Sustainability

9.49. Proposals for development are expected to demonstrate how sustainable design and construction methods will be incorporated in line with Policy RE1 of the Oxford Local Plan. 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. Planning permission will only be granted for development proposals for new build residential developments which achieve at least a 40% reduction in the carbon emissions from a code 2013 Building Regulations.

9.50. The application is accompanied by an Energy and Sustainability Statement. The recommendations include a number of active and passive design measures to reduce energy use. Passive measures include use of sustainably sourced materials, high insulation standards and high performance glazing, air tightness, reduced artificial lighting and site waste management. Active measures include high efficiency and low energy lighting, enhanced water efficiency and water reclamation/recycling. In terms of generating renewable energy it is proposed that the buildings on the site would be fitted with solar PV panels.

9.51. The regulated carbon reduction against a part L compliant base would be 42.1% which would exceed the requirements of Policy RE1 of the Oxford Local Plan.

Trees

9.52. Policy G7 of the Oxford Local Plan states that planning permission will not be granted for development that results in the loss of green infrastructure features including trees where this would have a significant adverse impact upon public amenity or ecological interest. It must be demonstrated that their retention is not feasible and that their loss will be mitigated.

9.53. The arboricultural report prepared indicates the removal of four category C trees, three of which would be sited in the position of proposed plot 1 and another would impact on access arrangements. A small section of hedge along the southern boundary of the site is also shown for removal. The trees indicated for removal are considered to be of low visual amenity value and opportunity would exist within the site to provide additional tree planting which would outweigh the loss of these relatively low value trees which would ordinarily be sought by condition. It is therefore considered that the development would comply with Policy G7 of the Oxford Local Plan.

Ecology

9.54. Policy G2 of the Oxford Local Plan states that development that results in a net loss of sites and species of ecological value will not be permitted.

9.55. The application is accompanied by a preliminary ecological appraisal. No evidence of bats was found during the bat survey and the buildings on the site were assessed to have limited scope to support bat roosts. It can be concluded that the development would not result in ecological harm and redevelopment of the site offers the opportunity to provide ecological enhancements compared with the existing circumstances. The development would therefore comply with the requirements of Policy G2 of the Oxford Local Plan.

Contamination

9.56. The site has been used historically for purposes including a brickworks, coal yard and most recently as a builder's yard. In this regard there is the potential for contamination to exist on site that may present a significant risk to future occupiers or the surrounding environment. As such, an intrusive site investigation would be required to identify any potentially significant contamination risks that may be present and remediate as necessary to ensure that the site is suitable for residential use after development. A phased risk assessment would therefore be required by condition alongside a validation report were the proposals otherwise considered acceptable in accordance with Policy RE8 of the Oxford Local Plan.

Flooding

9.57. The application site lies within Flood Zone 1 and is considered to be at a low risk of flooding. A drainage strategy has been prepared in support of the planning application which is considered to be broadly acceptable, subject to the submission of a final drainage strategy, which could be conditioned were the proposals otherwise considered acceptable. The development would therefore comply with Policies RE3 and RE4 of the Oxford Local Plan.

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 accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 10.3. Officers consider that the proposals would fail to achieve an optimum density of development in terms of the number of dwellings provided and consequently would fail to represent an efficient use of the site. Officers are of the view that a higher density of development and additional dwellings would be achievable on this site notwithstanding the site constraints. This would also be achievable in a way which respects the character and appearance of the surrounding area. As the proposals would in officers' view fail to make effective use of the site the development would be contrary to Policy RE2 of the Oxford Local Plan and Paragraphs 117, 122 and 123 of the NPPF. The result would be an under delivery of homes on the site, in particular affordable housing which would be required were the development to provide 10 or more dwellings, which would be contrary to Policy H2 of the Oxford Local Plan.
- 10.4. The application site lies within a controlled parking zone, within 800 metres of a supermarket and 400 metres of a bus stop benefitting from regular services. In line with Policy M3 of the Oxford Local Plan and the Council's maximum parking standards development on the site should be car free, with the exception of disabled and operational parking. The proposals would not be car free and the development would consist of consist of 1 space per dwelling which would be contrary to Policy M3 of the Oxford Local Plan.
- 10.5. It is recommended that the Committee resolve to refuse planning permission for the development proposed.

11. APPENDICES

- **Appendix 1 – Site location plan**

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.