

Application No: 11/01785/OUT	Ward: Kidlington	Date Valid: 25/11/11
Applicant:	Oxford City Council	
Site Address:	Land Between 22 and 23A Harts Close, Kidlington	

Proposal: Erection of 3 no. 3 bed and 2 no. 1 bed properties and associated parking

1. Site Description and Proposal

- 1.1 Harts Close forms part of a large 1970s development on the western side of Kidlington (NE.816/72 and RM.NE.816/72 (4) refer). The cul de sac is accessed off one of the main spine roads serving the estate, Grovelands, and was originally made up of 27 semi detached/terraced properties. In the last ten years another two dwellings have been added following the extension and sub-division of numbers 15 and 23. The western boundary of the Close abuts the Oxford Canal.
- 1.2 The application site is a rectangular piece of land in the northern corner of the site - the majority of which is used as an unmarked 18 bay car park. There is a small play area near the entrance to the car park which abuts the boundary with 23A Harts Close.
- 1.3 Oxford City Council are seeking outline planning permission for the erection of a terrace of three new dwellings (3 bed) on the existing car park and a separate building comprising two flats (1 bed) on the land currently occupied by the play area. The layout plan shows the proposed properties being served by eight parking spaces centrally positioned between the two housing elements.

2. Application Publicity

- 2.1 The application has been advertised by way of site notice. Although the final date for comment was the 6th January 2012, because of problems with the Public Access system, Officers have been asked to show leniency with late correspondence.

Correspondence from fifteen people has been received, including an email from a local Parish Councillor. The following issues were raised:

Material planning comments:

- Development will result create parking problems for existing residents
- Highway safety
- Object to loss play facility - nowhere else for children to play in the vicinity
- Loss of privacy

Non material comments:

- Disturbance to residents and local wildlife caused by future contractors
- Application poorly advertised
- Site notice not easy to read

Deeds to property state that application land will be used for garaging
Covenant on land protecting land
Affect resale value of property
Loss of open view

3. Consultations

- 3.1 Kidlington Parish Council raises no objections subject to the provision of alternative play equipment elsewhere in Kidlington
- 3.2 The Environmental Protection Officer raises no objection subject to condition
- 3.3 OCC Highways Liaison Officer provided the following comments:

“The applicant has failed to provide information which substantiates the change of use from a car parking area to residential. In which case it is considered that the parking area is required for use as such and therefore that it's loss will result in vehicles parking and manoeuvring on the public highway to the detriment of the safety and convenience of other road users.”

- 3.4 OCC Drainage Officer raises no objections subject to condition

4. Relevant Planning Policies

- 4.1 PPS1: Delivering Sustainable Development
PPS3: Housing
PPG13: Transport
PPG17: Planning for Open Space, Sport and Recreation
PPS23: Planning and Pollution Control
- 4.2 Policies BE1, NRM5, S1 and T4 of the South East Plan 2009
- 4.3 Policies ENV1, C28 and C30 of the adopted Cherwell Local Plan
- 4.4 Policies H15, TR5, TR11, R7, D1 and D6 of the Non-Statutory Cherwell Local Plan 2011

5. Appraisal

- 5.1 The principle of residential development in Kidlington is assessed against Policy H15 of the Non-Statutory Cherwell Local Plan 2011 (NSCLP). Policies H9 and H10 of the adopted Cherwell Local Plan were not saved following a review of the Plan by the Secretary of State in 2007. Kidlington's category 1 village status limits development to infilling, minor development comprising small groups of dwellings on sites within the built up limits and conversions of non-residential buildings in accordance with Policy H22 (NSCLP). There is little substantive difference between the non-stat Policy and Policies H9 and H10 of the CLP.
- 5.2 Government guidance, as set out in PPS3, promotes residential development in

locations which offer a range of community facilities and with good access to jobs, key services and infrastructure. When assessing applications, LPAs are required to ensure that developers provide good mix of well designed houses that use land effectively and efficiently. More fundamentally, Paragraph 69 of PPS3 necessitates that LPAs assess the suitability of sites for housing.

5.3 If the application site had no existing approved use it would be reasonable to conclude that this site represented a suitable development plot. However, as alluded to above, the majority of the land in question is used as a car park with a smaller section employed as a children's play area. The layout plan for Harts Close, approved in 1977, confirms this land use designation. The parking area on this plan demonstrates that there is room to accommodate 18 vehicles (the play area is annotated with the letters T.P. (Toddlers Play)).

5.4 Rather surprisingly the City Council did not correct their agent's description of the site which reads as follows:

"The site currently consists of a vacant area of hardstanding and a small grassed area which contains a swing."

This oversight meant that no consideration was given to the loss of the car park and the toddler play area in the Planning, Design and Access Statement.

5.5 A number of local residents commented that, despite its age, the play area equipment is well used by local children. It was also generally asserted and that the parking area was not only still in use, but also provided an important turning area for delivery vehicles. Indeed, there are seven houses on the Close that have no other off-street parking provision and other properties that are reliant on these spaces to meet the requisite parking standard. The Case Officer therefore sought clarification from the City Council as to how they could justify the loss of both municipal facilities.

5.6 Despite a number of requests made through the agent, regrettably no further information or revision to the scheme has been forthcoming.

5.7 Parking standards as set out in Appendix B of the Non-Statutory Cherwell Local Plan 2011 (NSCLP) identifies Harts Close as Type 2 area which requires that dwellings should provide one parking space for a single bed dwelling and two spaces for two/three bed dwellings. Whilst the proposed scheme complies with the parking standard. The loss of the parking area means that not only will seven existing dwelling be without an off-street parking space there would also be no provision for any visitor parking. Without any additional supporting information to justify the loss of the car park, it is unsurprising that that the Local Highways Officer has recommended refusal. The development, which could not be redesigned in order to provide the required number of additional spaces, does not accord with Government guidance contained within PPG13 and Policies TR5 and TR11 of the Non-Statutory Local Cherwell Local Plan 2011. For reference, the relevant Policies (TR2 and TR5) in the adopted Cherwell Local Plan were not saved following the review of Council policy by the Secretary of State in 1997.

5.8 As for the play area, it is apparent from the objections received that despite the need for replacement equipment (the City Council is responsible for its up-keep) it is still well used by local children. PPG17: Planning for Open Space, Sport and

Recreation clearly states that open spaces should be afforded protection from redevelopment. The relevant paragraphs from PPG17 are set out below:

Paragraph 11 begins as follows:

Open space and sports and recreational facilities that are of high quality, or of particular value to a local community, should be recognised and given protection by local authorities through appropriate policies in plans. Areas of particular quality may include:

i. small areas of open space in urban areas that provide an important local amenity and offer recreational and play opportunities;

Paragraph 12 begins as follows:

Local authorities should:

i. avoid any erosion of recreational function and maintain or enhance the character of open spaces;

ii. ensure that open spaces do not suffer from increased overlooking, traffic flows or other encroachment;

In addition to the guidance above, PPS3 also recognises the importance of catering for the needs of children. Paragraph 17 states:

Particularly where family housing is proposed, it will be important to ensure that the needs of children are taken into account and that there is good provision of recreational areas, including private gardens, play areas and informal play space.

- 5.9 Although Policy R11 of the CLP which guarded against the loss of recreational areas was not saved by the Secretary of State in 2007, the provisions of that policy are largely replicated in Policy R7 of the NSCLP. The supporting text in paragraph 7.49 of the NSCLP states that alternative uses for such sites will only be permitted in exceptional circumstances. It goes on to state that:

When assessing such proposals the Council will also wish to be satisfied that a suitable alternative site, of equivalent community benefit, for recreation will be provided to maintain an adequate provision of recreation facilities for the settlement concerned. The quality, quantity and accessibility of the proposed replacement facility will be taken into consideration in determining whether the alternative site is of equivalent community benefit.

- 5.10 As with the parking provision, it is unfortunate that the City Council have not attempted to provide a justification for the loss of the play area or indeed offer some form of mitigation e.g. find an alternative site and/or provide additional funding for other local play areas.

- 5.11 The City Council quite clearly have not complied with the guidance set out in paragraph 10 of PPG17 which reads as follows:

Existing open space, sports and recreational buildings and land should not be built on unless an assessment has been undertaken which has clearly

shown the open space or the buildings and land to be surplus to requirements.

- 5.12 Although all matters are reserved, it is worth noting that given the limitations of the site, it is unlikely that the layout could be significantly revised to accommodate the description of development proposed. The terrace of properties, without any other consideration being taken into account, is deemed to be acceptable in design terms and would not have a detrimental effect on the amenities of any of the neighbouring residents. The same, however, could not be said for the proposed flats which would, in the opinion of the HPP&DM, have an overbearing impact on the occupiers of 23A Harts Close. This part of the development does not, therefore, accord with Policy C30 of the CLP.
- 5.13 Based on the assessment above the HPP&DM recommends this application for refusal as it fails to comply with Government guidance contained within PPS1: Delivering Sustainable Development, PPS3: Housing, PPG13: Transport and PPG17: Planning for Open Space, Sport and Recreation and Policies BE1, S1 and T4 of the South East Plan 2009 and Policy C30 of the adopted Cherwell Local Plan and Policies H15, TR5, TR11, R7 and D6 of the Non-Statutory Cherwell Local Plan 2011.

6. Recommendation

Refusal, for the following reasons:

- 1. The applicant has failed to provide information which would justify the change of use of the existing car park for residential purposes. Therefore, it is considered that the parking area is required for use as such and therefore that it's loss will result in vehicles parking and manoeuvring on the public highway to the detriment of the safety and convenience of other road users. The development therefore does not accord with Government guidance contained within PPG13: Transport and Policies TR5 and TR11 of the Non-Statutory Local Cherwell Local Plan 2011.**
- 2. The proposed development will result in the loss of a children's play area. Without an acceptable justification, the development therefore runs contrary to Government guidance contained within PPS3: Housing and PPG17: Planning for Open Space, Sport and Recreation and Policy S1 of the South East Plan 2009 and Policy R7 of the Non-Statutory Local Cherwell Local Plan 2011.**
- 3. The applicant has failed to demonstrate that it is possible to accommodate the proposed development within the application site without harming the amenities of the neighbouring residents with particular regard to 23A Harts Close. The development therefore does accord with Government guidance contained within PPS3: Housing, Policy BE1 of the South East Plan 2009 and saved Policy C30 of the adopted Cherwell Local Plan.**

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