

Agenda

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West Area Planning Committee

Date: **Wednesday 13 July 2011**

Time: **6.00 pm**

Place: **The Old Library, Town Hall**

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West Area Planning Committee

Membership

Chair	Councillor Oscar Van Nooijen	Hinksey Park;
Vice-Chair	Councillor John Goddard	Wolvercote;
	Councillor Elise Benjamin	Iffley Fields;
	Councillor Colin Cook	Jericho and Osney;
	Councillor Michael Gotch	Wolvercote;
	Councillor Graham Jones	St Clement's;
	Councillor Shah Khan	Cowley;
	Councillor Bob Price	Hinksey Park;
	Councillor John Tanner	Littlemore;

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AGENDA

Pages

1 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

2 DECLARATIONS OF INTEREST

Councillors serving on the Committee are asked to declare any personal or personal prejudicial interests they may have in any of the following agenda items.

3 ST CLEMENT'S CAR PARK AND PUBLIC CONVENIENCE, ST CLEMENT'S STREET, OXFORD - 11/01044/CAC

1 - 24

Demolition of public toilets. Redevelopment of St Clements car park to provide student accommodation (141 bedrooms) and ancillary facilities over 3 blocks. Replacement car park (74 spaces), public toilets and landscaping and ancillary works.

4 123 - 127 WALTON STREET AND 32 - 32A LITTLE CLARENDON STREET, OXFORD - 11/00711/FUL AND 11/01478/FUL

25 - 50

(i): 11/00711/FUL: Retention of front part of 123-125 and 127 Walton Street. Erection of new structure. Demolition of 126 Walton Street and 32-32A Little Clarendon Street and their replacement with new 3 and 4 storey building. Provision of 6 retail units on ground and basement floors with student accommodation (41 Study rooms) on upper floors (amended plans)

(ii)11/01478/FUL: Demolition of 126 Walton Street and 32/32a Little Clarendon Street.

Officer recommendation: Support the proposals in principle, but defer the applications in order to receive a unilateral undertaking with the City and County Councils to secure appropriate developer contributions, and on receipt of the agreement to delegate to officers the issuing of the notices of planning permission and conservation area consent subject to conditions:

5 REAR OF 17 - 41 MILL STREET, OXFORD - 11/00927/FUL

51 - 74

Erection of 3 storey building to accommodate 74 student rooms plus warden's accommodation. Provision of cycle and bin storage facilities and landscaping.

6 HERNES HOUSE RESIDENTIAL HOME, 3 HERNES CRESCENT, OXFORD - 10/02605/FUL

75 - 98

Demolition of Hernes House and erection of 9 dwellings (5 x 4-bedroom and

4 x 5-bedroom). Provision of 18 car parking spaces, private amenity space and landscaping.

Officer Recommendation: Grant planning permission subject to the completion of a legal agreement and delegate to officers the authority to issue the decision notice.

7	376 BANBURY ROAD, OXFORD - 10/00755/FUL	99 - 112
	Demolition of existing building. Erection of 5 storey building providing 3 x 3 bedroom and 6 x 2 bedroom flats, with 18 car parking spaces, cycle parking and bin store at basement level accessed from Hernes Road.	
	<u>Officer Recommendation:</u> Refuse planning permission.	
8	OXONIAN REWLEY PRESS LTD, LAMARSH ROAD, OXFORD - 11/01214/FUL	113 - 120
	Demolition of existing Oxonian Rewley Press premises. Erection of 8 flats (2x1, 4x2 and 2x3 bed) in a three storey block with 10 car parking spaces, cycle and bin storage.	
	<u>Officer recommendation:</u> Grant planning permission but to delegate authority to officers the power to issue the notice of permission on completion of the legal agreement.	
9	7 NORHAM GARDENS, OXFORD - 11/01307/FUL AND 11/01308 LBC	121 - 138
	i) 11/01307/FUL – Change of use from educational use to single dwelling. Erection of two storey side extension and erection of garden studio, involving removal of existing classroom building.	
	ii) 11/01308/LBC – Demolition of existing conservatory, toilet block and garage. Erection of two-storey extension. Internal alterations including new openings, removal of existing partitions, new staircase and new partitions.	
	<u>Officer Recommendation:</u> Approve with conditions	
10	92 GLOUCESTER GREEN, OXFORD - 11/01135/FUL	139 - 146
	Change of use of a ground floor retail unit from class A1 (shop) to use within class A3 (restaurant).	
11	98 GLOUCESTER GREEN, OXFORD - 11/01140/FUL	147 - 154
	Change of use of ground floor retail unit from class A1 (Shop) to class A3 (restaurant).	

12	99 GLOUCESTER GREEN, OXFORD - 11/01142/FUL	155 - 162
	Change of use of ground floor retail unit from class A1 (Shop) to class A3 (restaurant).	
13	FORTHCOMING PLANNING APPLICATIONS	
	The following items are listed for information. They are not for discussion at this meeting.	
	1) 190 Iffley Rd: 11/00268/FUL: Office in garden (call in)	
	2) Meadow Lane: 11/01473/FUL: Skateboard Park	
	3) Grove Street, Summertown: 11/01165/FUL: 4 houses & 3 flats	
	4) Travis Perkins site, Chapel St: 11/01712/RES: Graduate student accommodation	
	5) St. Hugh's College: Chinese Institute and student accommodation.	
	6) University Science Area: 11/00940/CONSLT: Science Area Masterplan	
	7) 65 Donnington Bridge Road: 11/01532/FUL: Extension and conversion to 2 flats.	
	8) 3 Bladon Close - 11/01398/FUL	
14	PLANNING APPEALS	163 - 166
	To receive information on planning appeals received and determined during May 2011.	
	The Committee is asked to note the information.	
15	MINUTES	167 - 174
	Minutes of the meeting held on 8 June 2011.	

DECLARING INTERESTS

What is a personal interest?

You have a personal interest in a matter if that matter affects the well-being or financial position of you, your relatives or people with whom you have a close personal association more than it would affect the majority of other people in the ward(s) to which the matter relates.

A personal interest can affect you, your relatives or people with whom you have a close personal association positively or negatively. If you or they would stand to lose by the decision, you should also declare it.

You also have a personal interest in a matter if it relates to any interests, which you must register.

What do I need to do if I have a personal interest?

You must declare it when you get to the item on the agenda headed "Declarations of Interest" or as soon as it becomes apparent to you. You may still speak and vote unless it is a prejudicial interest.

If a matter affects a body to which you have been appointed by the authority, or a body exercising functions of a public nature, you only need declare the interest if you are going to speak on the matter.

What is a prejudicial interest?

You have a prejudicial interest in a matter if;

- a) a member of the public, who knows the relevant facts, would reasonably think your personal interest is so significant that it is likely to prejudice your judgment of the public interest; and
- b) the matter affects your financial interests or relates to a licensing or regulatory matter; and
- c) the interest does not fall within one of the exempt categories at paragraph 10(2)(c) of the Code of Conduct.

What do I need to do if I have a prejudicial interest?

If you have a prejudicial interest you must withdraw from the meeting. However, under paragraph 12(2) of the Code of Conduct, if members of the public are allowed to make representations, give evidence or answer questions about that matter, you may also make representations as if you were a member of the public. However, you must withdraw from the meeting once you have made your representations and before any debate starts.

CODE OF PRACTICE FOR DEALING WITH PLANNING APPLICATIONS AT AREA PLANNING COMMITTEES AND PLANNING REVIEW COMMITTEE

Planning controls the development and use of land in the public interest. Applications must be determined in accordance with the Council's adopted policies, unless material planning considerations indicate otherwise. The Committee must be conducted in an orderly, fair and impartial manner.

The following minimum standards of practice will be followed. A full Planning Code of Practice is contained in the Council's Constitution.

1. All Members will have pre-read the officers' report. Members are also encouraged to view any supporting material and to visit the site if they feel that would be helpful
2. At the meeting the Chair will draw attention to this code of practice. The Chair will also explain who is entitled to vote.
3. The sequence for each application discussed at Committee shall be as follows:-
 - (a) the Planning Officer will introduce it with a short presentation;
 - (b) any objectors may speak for up to 5 minutes in total;
 - (c) any supporters may speak for up to 5 minutes in total;

(Speaking times may be extended by the Chair, provided that equal time is given to both sides. Any non-voting City Councillors and/or Parish and County Councillors who may wish to speak for or against the application will have to do so as part of the two 5-minute slots mentioned above;

 - (d) voting members of the Committee may raise questions (which shall be directed via the Chair to the lead officer presenting the application, who may pass them to other relevant Officer/s and/or other speaker/s); and
 - (e) voting members will debate and determine the application.
4. Members of the public wishing to speak must send an e-mail to planningcommittee@oxford.gov.uk before 10.00 am on the day of the meeting giving details of your name, the application/agenda item you wish to speak on and whether you are objecting to or supporting the application (or complete a 'Planning Speakers' form obtainable at the meeting and hand it to the Democratic Services Officer or the Chair at the beginning of the meeting)
5. All representations should be heard in silence and without interruption. The Chair will not permit disruptive behaviour. Members of the public are reminded that if the meeting is not allowed to proceed in an orderly manner then the Chair will withdraw the opportunity to address the Committee. The Committee is a meeting held in public, not a public meeting,
6. Members should not:-
 - (a) rely on considerations which are not material planning considerations in law;
 - (b) question the personal integrity or professionalism of officers in public;
 - (c) proceed to a vote if minded to determine an application against officer's recommendation until the reasons for that decision have been formulated; and
 - (d) seek to re-design, or negotiate amendments to, an application. The Committee must determine applications as they stand and may impose appropriate conditions.

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West Area Planning Committee

13 July 2011

(1) Application Number: 11/01040/FUL

Decision Due by: 18 July 2011

Proposal: Demolition of public toilets. Redevelopment of St Clements car park to provide student accommodation (141 bedrooms) and ancillary facilities over 3 blocks. Replacement car park (74 spaces), public toilets and landscaping and ancillary works.

Site Address: St Clements Car Park And Public Convenience St Clement's Street Oxford (**Site Location – Appendix 1**)

Ward: St Clement's Ward

(2) Application Number: 11/01044/CAC

Decision Due by: 18 July 2011

Proposal: Demolition of public toilets

Site Address: St Clements Car Park And Public Convenience St Clement's Street Oxford

Ward: St Clement's Ward

Agent: N/A

Applicant: Watkin Jones Group

Recommendation:

Application for Planning Permission

It is recommended that the West Area Planning Committee resolve to grant planning permission subject to the below conditions, but to delegate authority to officers the power to issue the notice of permission following completion of the legal agreement for the following reasons:

- 1 The principle of development is established by Local Plan policy DS82 and the matters of management and prevention of student car use within the City can be secured by planning condition in accordance with Core Strategy policy CS25. The proposals are considered on balance to not have an unacceptable impact on residential or visual amenity or the character and appearance of the

conservation area and the setting of the nearby listed buildings, in accordance with Local Plan policy CP1, CP8, CP10, HS19, HE3 and HE7. The provision of car parking is considered to be reasonable in the light of the accessible nature of the site and a temporary car park, to be provided prior to closure of the existing car park, will be secured by condition. In the light of this the application is not considered to be unacceptable.

- 2 The Council has had regard for the comments received through the consultation process. The issues set out below have been addressed within the report and are not considered to be significant enough to warrant refusal of the application.
- 3 The Council considers that the proposal accords with the policies of the development plan as summarised below. It has taken into consideration all other material matters, including matters raised in response to consultation and publicity. Any material harm that the development would otherwise give rise to can be offset by the conditions imposed.

subject to the following conditions, which have been imposed for the reasons stated:-

- 1 Development begun within time limit
- 2 In accordance with approved plans
- 3 Students in full time education only
- 4 Details of educational establishment /Management company
- 5 Student Accommodation – Management Controls
- 6 Scheme to prevent students bringing cars into the City
- 7 Samples of Materials in Conservation Area
- 8 Submit further architectural & construction details
- 9 Boundary details before commencement
- 10 Public Art - Scheme Details & timetable
- 11 Landscaping plan required (including areas of hard
- 12 Landscaping carry out by completion
- 13 Landscape hard surface design - tree roots
- 14 Landscape underground services - tree roots
- 15 Tree Protection Plan (TPP) 1
- 16 Mitigation and enhancement in accordance with Ecological Assessment
- 17 Arboricultural Method Statement (AMS) 1
- 18 Archaeology - Implementation of programme
- 19 Temporary car par provided before closure of existing car park (including relevant signage)
- 20 Construction Traffic Management Plan
- 21 Travel Plan
- 22 Provision of pedestrian access to Angel and Greyhound Meadow during construction period
- 23 Bin and cycle storage in accordance with plans
- 24 Land contamination study
- 25 Design of vehicular access (application site only)
- 26 Develop in accordance with FRA
- 27 Remediation Verification report
- 28 Disposal of Surface Water

- 29 Fire Hydrant
- 30 Removal of site from CPZ
- 31 Translucency of glazing in north elevation
- 32 Temporary public toilets during construction
- 33 Details of CCTV
- 34 Lighting scheme for site
- 35 In accordance with NRIA

Application for Conservation Area Consent

The West Area Planning Committee is recommended to grant conservation area consent for the following reasons:

1. The Council considers that the proposal, subject to the conditions imposed, would accord with the special character and appearance of the conservation area. It has taken into consideration all other material matters, including matters raised in response to consultation and publicity.

subject to the following conditions, which have been imposed for the reasons stated:-

- 1 No demolition prior to contract for redevelopment

Planning Obligations:

The following contributions are required to mitigate the impact of the proposals on City and County Services and infrastructure. The contributions set out below are indexed linked to values at 2006 levels and should be increased accordingly to the real value at the time of payment.

- £8,460 towards indoor sports facilities
- £50,000 towards general environmental improvements in the local area
- £8,883 towards library infrastructure
- £19,458 towards cycle safety measures
- £19,950 towards the Oxford Transport Strategy
- £10,000 towards public transport infrastructure
- £600 as a travel plan monitoring fee

Main Local Plan Policies:

Oxford Local Plan 2001-2016 (OLP)

CP1 - Development Proposals

CP6 – Efficient Use of Land and Density

CP8 - Design Development to Relate to its Context

CP9 - Creating Successful New Places

CP10 - Siting Development to Meet Functional Needs

CP11 - Landscape Design

CP13 – Accessibility

CP14 – Public Art

CP17 – Recycled Materials

CP18 – Natural Resource Impact Assessment

CP20 – Lighting
CP21 - Noise
NE14 – Water and Sewage Infrastructure
NE15 – Loss of Trees and Hedgerows
NE16 – Protected Trees
HE2 – Archaeology
HE3 – Listed Buildings and Their Setting
HE7 – Conservation Areas
HE9 – High Building Area
HE10 – View Cones of Oxford
HS19 – Privacy and Amenity
TR1 - Transport Assessment
TR2 – Travel Plans
TR3 - Car Parking Standards
TR4 - Pedestrian & Cycle Facilities
TR11 – City Centre Car Parking
DS82 – Part of St Clements Car Park – University of Oxford Use

Oxford Core Strategy 2026

CS2 – Previously Developed and Greenfield Land
CS4 – Green Belt
CS9 – Energy and Natural Resources
CS11 – Flooding
CS12 – Biodiversity
CS13 – Supporting Access to New Development
CS14 – Supporting City-wide Movement
CS17 – Infrastructure and Developer Contributions
CS18 – Urban Design, Townscape Character and the Historic Environment
CS19 – Community Safety
CS25 – Student Accommodation

Other Material Considerations:

This application is in or affecting the St Clement's And Iffley Road Conservation Area.

National Guidance:

- PPS 1 – Delivering Sustainable Development
- PPS 4 – Planning for Sustainable Economic Growth
- PPS 5 - Planning for the Historic Environment
- PPG 13 – Transport
- PPS25 – Development and Flood Risk

Local Policy and Guidance:

- St Clements and Iffley Road Conservation Area Appraisal
- Planning Obligations Supplementary Planning Document
- Parking Standards, Transport Assessments and Travel Plans Supplementary Planning Document
- Natural Resource Impact Analysis Supplementary Planning Document

Relevant Site History:

10/02848/CAC - Demolition of public toilets - withdrawn

10/02790/FUL - Redevelopment of St Clement's car park to provide student accommodation (141 bedrooms) and ancillary facilities over 4 blocks. Replacement car park (65 spaces), public toilets and waste recycling facilities. Student cycle parking provision (with buildings). Retention of public footpath to Angel and Greyhound meadow - withdrawn

Representations Received: 506 comments have been received. Those comments have been summarised below. Officers have not reconsulted on the amended plans received which sought to address concerns regarding the architecture.

- Loss of trees harmful to ecology and character of conservation area
- Adverse impact on the Setting of the Listed Florey Building
- Inadequate replacement car parking
- No temporary car park during construction would be detrimental to vitality and viability of St Clements shops and restaurants
- Proposed parking is not safe due to cramped layout
- Cramped overdevelopment of the site
- Design and density out of keeping with and harmful to the character and appearance of the conservation area
- Poor quality public realm due to lack of activity at ground level and undercroft parking
- Loss of light and outlook to St Clements properties
- Loss of light and outlook to Florey Building
- Loss of light and outlook to Allan Bullock Close
- No agreed end user for the student accommodation
- Student car parking in area. No realistic way to prevent this
- More students will adversely affect balance of community
- Poor quality architecture
- Adverse impact on Angel and Greyhound Meadow
- Lack of community engagement
- Adverse impact on residential amenity due to noise and nuisance from development
- Negative impact on mental health and literary and intellectual production of neighbouring residents on St Clements
- Loss of privacy to adjoining property
- Flood concerns
- Impact on servicing of shops and restaurants from existing car park

Statutory and Internal Consultees:

Highways And Traffic – No objection subject to conditions

English Heritage Commission – Changes to the scheme help to mitigate the impact on setting of conservation area. However, due to increased activity associated with development the nature of the site will change when seen from Angel and

Greyhound Meadow. Planning Authority should satisfy itself that the wider benefits of the scheme outweigh this harm to the conservation area.

Thames Water Utilities Limited – No objection

Environment Agency Thames Region – No objection subject to conditions

Thames Valley Police – Concern raised about community cohesion due to lack of defensible space between public realm and buildings. If undercroft parking to Building B can not be removed would recommend CCTV. Adequate lighting needed. No details at this stage to comment on. CCTV needed. Surveillance of public toilets needed and should not be open 24 hours a day.

Berks, Bucks And Oxon Wildlife Trust (BBOWT) – No objection subject to condition to secure mitigation and biodiversity enhancements as specified in the applicants ecology report

Natural England – No objection

Oxford Preservation Trust – Essential that concerns of stakeholders re considered given the vital role this plays to vibrancy of area. Proposals have addressed main concerns of Trust.

Oxford Civic Society – Design and position of blocks improved from last scheme. Still too large and overwhelming. Overdevelopment of site in conservation area. Attention to temporary car park needed. Increase in permanent parking if possible.

Oxford Green Belt Network – Concern about views of site from Angel and Greyhound Meadow.

Sustainability: The application proposes the more efficient use of a brownfield site within an existing urban context with access to shops, services and public transport. The proposals have submitted a Natural Resource Impact Analysis that sets out the highly sustainable credentials of the proposal in terms of its resource and energy efficiency.

Officers Assessment:

Site Description and Proposal

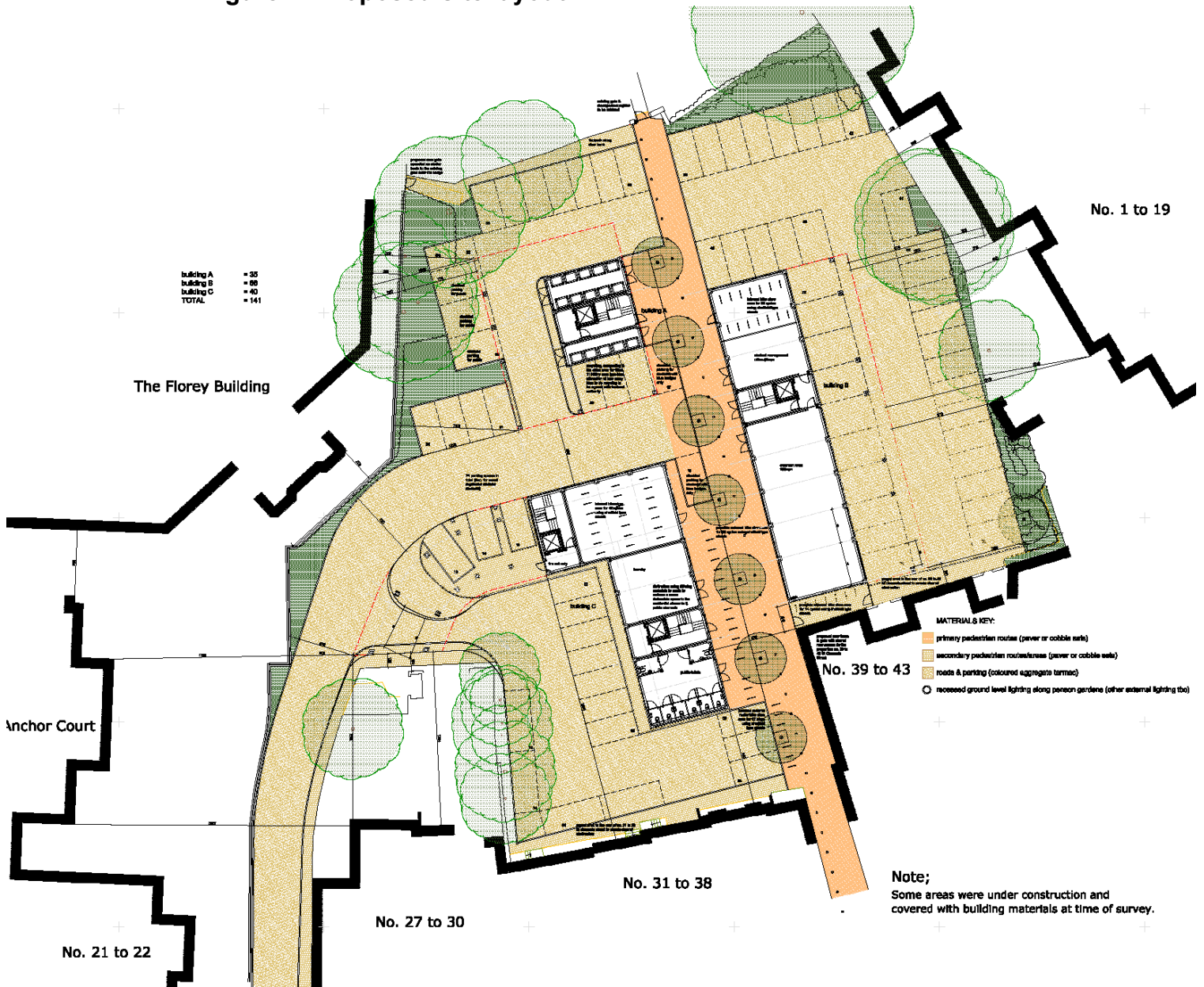
1. The application site comprises a public car park which is accessed from St Clements Street to the south and provides 112 parking spaces, public toilets and recycling facilities.
2. The site is tightly constrained. To the north is the tree lined bank of the River Cherwell, and the Angel and Greyhound Meadow beyond, to the east is Alan Bullock Close, a 2 and 3 storey student development, along the southern boundary are the rear of the St Clements and Penson's Gardens properties, which range from 3 to 4 storey's in height, and to the

west is the 5 storey Anchor Court building and the Grade II Listed Florey Building which stands at 6 storey's in height.

3. The site is within the St Clements and Iffley Road Conservation Area and the northern portion of the car park is located within Flood Zone 3. There are a number of mature trees on the site, most notably those that create an informal edge to the footpath to the meadow.

4. The applications seek conservation area consent for the demolition of the public toilet block and planning permission for the erection of three buildings, ranging from 3 to 5 storeys in height, to provide 140 studio bedrooms, including common room facilities, laundry, cycle and bin storage area. The proposals retain 72 public car parking spaces and toilet facilities. Figure 1 shows the proposed site layout.

Figure 1: Proposed site layout



5. Officers consider the principal issues in this case to be:
- Principle of Development
 - Impact on the Character and Appearance of the Conservation Area and the Setting of Listed Buildings
 - Layout and Public Realm
 - Scale, Built Form and Appearance
 - Trees
 - Archaeology
 - Impact on Residential Amenities of Neighbouring Properties
 - Parking and Highways
 - Impact on Vitality of St Clements
 - Energy and Resource Efficiency
 - Planning Obligations

Background

6. The Committee will be aware that the Council marketed the site in 2008 for disposal to provide student accommodation, with replacement car parking and public toilets. Although the disposal of the land is not a planning matter, officers consider it important that the Committee is aware that the proposal has been to a great extent shaped by the development constraints of the site, i.e. relationship with neighbouring buildings and land, and the requirements of the brief, i.e. number of student rooms and car parking spaces that must be delivered.
7. Following the withdrawal of planning application reference 10/02790/FUL, officers have had lengthy discussions with the applicant to resolve the concerns previously raised. Those discussions have seen the proposals evolve from four separate blocks of up to 6 storeys in height, to three blocks ranging from 3 to 5 storeys. The buildings have moved away from the edges of the site, whilst the number of public car parking spaces has increased to 72 and the number of those provided in undercroft locations has greatly reduced.
8. The overall layout has been revisited, not just to pull the buildings away from the boundary but to create a more cohesive environment. The route to the Angel and Greyhound Meadow has therefore been strengthened by the planting of new trees, albeit at the expense of the existing ones, and with the reduction in the number of undercroft parking spaces the ground floor space now comprises an enlarged common room, office, cycle store, and laundry. This has improved the extent of active street frontage.
9. The design principles have been reviewed, with the intention of establishing a more appropriate architectural language, using contemporary and traditional detailing, to help the building forms assimilate with their surroundings.

Principle of Development

10. Local Plan policy DS82 states that *'Planning permission will be granted on part of St Clements car park for the development of purpose built student accommodation. The development of this site will be subject to the provision of satisfactory replacement car parking. Planning permission will not be granted for any other uses.'*
11. Policy CS25 of the Oxford Core Strategy supports the provision of purpose built student accommodation, and states that a scheme of management and prevention of students bringing cars into the City can be controlled by planning condition. In the light of the policy context officers consider that there is no objection to the principle of the proposal.

Impact on the Character and Appearance of the Conservation Area and the Setting of Listed Buildings

- Heritage significance
12. In the C17th St Clements was demolished as part of the campaign to defend Oxford during the civil war. It faced wholesale demolition again during the 1960s and 1970s as part of a programme of redevelopment. The Florey Building is part of that programme to redevelop and followed the clearance of C19th terraced housing and other workshop buildings that occupied the site of the car park and Florey Building. All evidence of the former street pattern on the site is gone.
13. The existing car park is visible from St Clements at the point of access (shared with the access to the Florey Building) and has a negative impact with poor quality surfaces and boundary treatments. There is a view of the 'bastion' towers to Florey building (a grade II listed building) from this access, but the setting the car park provides is not attractive. The appearance of the site, as an expanse of tarmac is mitigated by the tree coverage with the view down Pensons Gardens towards the meadows framed by trees. In longer distance views the tree canopies are an important characteristic that blend with the sylvan qualities of the river bank and meadow.
14. Remaining 'backland areas' have already been developed with C19th terraces, C20th student and other housing and the Florey building. The car park remains one of the few undeveloped areas (earlier C19th buildings having been demolished as part of the slum clearance in the 1960s). In views from the Meadows the site is obscured by the tree lined banks of the river, but the glazed north elevation of the Florey building, rising to 5 storeys is visible, as a dramatic foil to the natural landscape of the riverside.
15. Of the trees on the site (probably planted following the slum clearance of the 1960s) The ash (T4) and 2 of the planes (T2 and T3) are poor quality trees with low amenity value, but the other plane trees (T1, G2 and G3) are large mature trees that are prominent in internal views from within the

car park site and in external views into the site from surrounding properties. Plane tree T1 is particularly valuable as an individual amenity tree standing adjacent to and overhanging the Penson's Gardens pedestrian route that links St Clements to the Angel and Greyhound meadow.

16. The city council's conservation area appraisal identifies the glimpse views down to the meadow *through an intimate space that originally led to Penson's Gardens, the building height and narrow width of the alley forming the strong sense of enclosure*. The appraisal also identifies the simplicity in the design of buildings with facades 'unadorned' and generally of brick or render. It concludes that there is a general character to the north side of St Clement's, generally three stories with buildings of differing heights to create a streetscape of stepped roofs with varying pitches.

Summary of character and appearance of the site

- Historic street pattern is lost
- The grade II listed Florey building, a modern re-interpretation of the traditional college quadrangle, is a prominent part of the context of the application site
- The site access has a negative impact on the appearance of the conservation area
- The trees add colour and texture and frame views and access to the meadows
- Penson's Garden is an alley characterised by a strong sense of enclosure
- Outside of normal working hours the car park feels less safe

Heritage Policy Framework

17. Planning Policy Statement No. 5: "*Planning for the Historic Environment*" (PPS5) explains the government's commitment to the protection of the historic environment and provides a policy framework on its effective management. The guidance asks that applicants and the local planning authority have sufficient information to understand the significance of a heritage asset and to understand the impacts that any proposal would have. It advises in particular that local planning authorities should take into account the desirability of sustaining and enhancing the significance of heritage assets and the positive role that their conservation can make to the establishment and maintenance of sustainable communities and economic viability. PPS 5 recognises that intelligently managed change is necessary if heritage assets are to be maintained for the long term, but equally that it is desirable for development to make a positive contribution. Where there are impacts that will cause harm, that harm must be justified, and the greater the harm, the greater the justification. This makes clear that some harm can be accepted, particularly if there are wider public benefits that would follow from a development.

Heritage Impacts

18. The applicants have undertaken a detailed analysis of the character and appearance of the area to inform the layout and design of buildings. The site is a challenging one with a development that has to:
- mediate between the scale of the Florey Building and the lower frontage development onto St Clement's,
 - secure an appropriate setting for the listed Florey Building,
 - accommodate a sloping site,
 - respond to the contribution the tree cover makes,
 - relate to the broader urban context in views from the meadows and South Park (roofscape)
 - provide some 'active frontages'
19. The initial submission, which was withdrawn, missed a lot of these opportunities and would have resulted in buildings that were unrelated to their context, too bulky and of poor quality appearance, with a poor quality public realm.

Layout

20. Officers have given advice explaining the need to deliver a layout that has a relationship to the surrounding street pattern, seeks to provide a more appropriate setting for and views of the Florey Building and delivers a tree lined approach down Pensons Gardens to the meadows. This proposal shows evidence that this can be achieved with a 'street' and alley with buildings fronting them and space in front of Florey. It involves the loss of trees and the replanting of suitable replacements (covered separately in the report). Retaining the trees has been explored but to do so would compromise the layout.

Setting of Listed Buildings

21. There is a statutory duty for the City Council to have regard to the setting of listed buildings as well as the preservation or enhancement of the character or appearance of the conservation area. 27 St Clement's is a grade II late C17th stone building and Florey a Grade II 1960s building. The setting of 27 relates more to the street than the car park, but the quality of the access and the location of the existing ticket machines do little to enhance views from the car park. The Florey building commands a wider setting and again is compromised by the present access arrangements and quality of the car park area.
22. The new buildings provide the opportunity of creating a streetscape for the Florey Building to sit within and to frame views of it, which will help to improve its setting. In addition there is an opportunity that arises from this proposal to rationalise and significantly improve the visual quality of the existing access arrangements. Queens College is supportive of this ambition and has indicated its willingness to collaborate on a suitable alternative single access. Such works would improve the setting of the Florey Building when viewed from St Clements, improve the quality of experience for pedestrians and improve perceptions of safety and crime,

enhancing this part of the conservation area. It is thought that the new access arrangements would provide opportunity for additional tree planting and soft landscaping. Although part of the land is not in control of the applicant or the Council, there is a commitment from all parties to drive these improvements forward. These improvements would enhance the character and appearance of this part of the conservation area.

Bulk and height

23. Officers have had long and detailed discussions with the applicant to secure a design solution that delivers a viable development yet does not have an unacceptable adverse impact on the character and appearance of this part of the conservation area, including views of it from close by or in more distant views (e.g. South Parks). This has not been easy, given the need to retain surface level parking, which effectively adds an extra storey to the height of the buildings. Lower buildings will have a larger footprint and result in the loss of car parking, taller buildings retain car parking spaces but will be more prominent, making the design challenge even greater.
24. Through discussions with officers the height has been reduced from earlier proposals and by careful design of the roof forms the apparent height is also reduced (pitched roofs with attic storeys). The revised site layout, which responds more positively to the existing street pattern, will help the development to appear a more integrated part of the townscape with pitched roof elements that have a similar form to traditional roofs. These elements break through the Carfax height limit and in longer distance views from South Park the ridges will be visible. However, this view will be of a cluster of buildings with varied roof forms that will in part mask the present views of the Florey Building and integrate it more seamlessly into the townscape. Although visible the proposed buildings will not harm the view of Oxford's skyline or dominate foreground or middle ground views.
25. The site has few buildings on it at the moment and any development would become more prominent in views from the meadow. The view will change and there is a need to ensure that the visibility of buildings (by virtue of the design, siting height and bulk) does not lessen the experience of the viewer or understanding of Oxford's green setting. In this respect the proposed avenue of trees leading up to St Clement's from the meadow will be important.

Design and use of materials

26. Critical to the success of the scheme is the quality of the design and use of materials. Officers and others have been very disappointed in the earlier design proposals which showed little evidence of delivering the quality required. Through a process of iteration the building design has improved. Key issues that officers have sought to address is:
 - the treatment at street level, creating as much of an active frontage as possible,

- a fenestration pattern that adds interest and a finer grain detail to the building envelopes, blending the traditional and the contemporary, adding elements where there is a functional and aesthetic necessity,
 - a roofscape with finished roof levels that have variety and an eaves line that has an acceptable height relationship to the context.
- 27.** The revised plans now include detail that shows that officers' concerns have been adequately addressed. There remain some details (e.g. bay windows, eaves details) that require some further refinement, but it is proposed that these smaller elements can be controlled by condition.

Streetscape

- 28.** Retaining the car parking creates challenges in the provision a high quality public realm, in design, use of materials and in the way it is managed to ensure that this development is successful and that the users of the area are and feel safe. The vision is to create a tree lined avenue to the meadow, lined with buildings that have some active frontages and arrange the building blocks so that the car park access has the sense of being part of a street. This will help in the pattern of movement for cars and pedestrians and will be reinforced with a simple palette of materials using textures and colour to suggest informality and shared spaces, rather than a car park. Lighting is an important and integral part of the streetscape and is proposed to include some architectural lighting.
- 29.** As stated earlier the existing access arrangements are harmful to the character and appearance of the conservation area, spoiling the streetscape of St Clements and this proposed development offers a rare opportunity to deliver significant enhancements. Queens College have expressed an interest in addressing the access issues, which could involve additional tree planting and soft landscaping at the entrance. The separate details have yet to be finalised but discussions with Queens College are ongoing.

Tree Matters

- 30.** These amended proposals have sought to resolve the deficiencies in the earlier submitted scheme (10/02790/FUL), these were:
- the visual impacts resulting from the removal of removing existing trees;
 - the lack of new trees which are necessary to mitigate these impacts;
 - the pruning of retained trees; and
 - the inappropriate retention of existing trees.
- 31.** In order to accommodate the revised layout, it is proposed to remove 8 existing trees (from 10 that stand within the application site). These include 7 London planes (T1, T2, T3, G2 and G3) and 1 ash (T4) that stand within the car park site. The removal of T1, G2 and G3, which are prominent in internal views from within the car park site and in external views into the site from surrounding properties, would adversely affect visual amenity and the character and appearance of this part of the

conservation area.

32. All other trees within the site, including the large ash (T5) along the eastern boundary, the group of trees (G1) which stand along the boundary with the Angel and Greyhound Public House and the group of trees (T7-11 inclusive; 2 ash, 2 field maple and a Norway maple) in the north western corner of the site, near the Florey Building, will be retained
33. The revised layout includes additional new trees to mitigate for the loss of existing trees. Most significantly, it is proposed to plant a row of 7 Turkish hazel trees along the length of Penson's Gardens. It is commonly planted in paved areas as a street tree and should be well suited to the location along Penson's Gardens, which is a relatively narrow pedestrian route between tall buildings, and at the spacing proposed can be expected to provide a nearly continuous canopy above head height when mature. The new trees will be advanced nursery stock sized specimen trees which will be about 5.5 metre tall so that they will make some contribution to visual amenity in the area as soon as they are planted. In local views along Penson's Gardens the trees will be important, however wider views of the trees will be limited by the tall buildings either side of Penson's Gardens so that the contribution these trees make to visual amenity in the area will be very localised.
34. The mitigation provided by the proposed new trees is welcome but will be limited in extent, particularly in the early years post construction when the new trees are relatively small. However, as the new trees mature they will make a valuable contribution to visual amenity in the area, to the benefit of the character and appearance of this part of the conservation area.

Archaeology

35. The application site lies within the historic core of St Clements where there is potential for Late Saxon/Scandinavian, medieval and post medieval remains. An archaeological evaluation has been carried out by Southampton City Council Archaeology. This has identified a number of shallow medieval and post medieval pits and gully's along with two prehistoric flints that may indicate Mesolithic activity in the vicinity. The size and character of the medieval and post medieval features suggests non intensive use of this area, likely associated with rubbish deposition to the rear of properties on St Clements Street.
36. In the light of this, officers would recommend that a condition be attached to any grant of permission for a written scheme of investigation to be provided prior to commencement of development.

Impact on Residential Amenities of Neighbouring Properties

37. Core policy CP10 of the Local Plan states that development should be sited to ensure that the *'use or amenity of other properties is adequately safeguarded'*. Local Plan policy HS19 goes further and states that

planning permission will only be granted for developments that adequately provide for the protection of the privacy or amenity of the occupants of the proposed and existing neighbouring residential properties.

38. Given the nature and use of the application site, any redevelopment that would involve a more intensive use would inevitably have an impact on neighbouring properties. However, this is not to say that the impact would be unacceptable.

Impact on St Clements Street Properties

39. No 31-38 St Clements would be most affected by the proposals, and in particular by Building C which is closest. Figure 2 below shows the rear elevation of No 31-38, on the left hand side of the image are office and store room windows, although the conservatory type addition at 4th floor level is residential. The windows on the right hand side of the image are residential and all serve habitable rooms. There is also a roof terrace.

Figure 2: Rear of No 31-38 St Clements



40. As can be seen from figure 1 Building C has an L-shaped footprint and has been designed to minimise its impact on No 31-38 St Clements. The highest part of the building (5 storeys) runs parallel to the St Clements properties, being approximately 26.6m away. The building steps down in height as it moves closer to the St Clements properties, and where closest, approximately 9.4m, the building steps down in height to 3 storeys, which is lower than the St Clements building. At this point Building C would be directly opposite windows which serve office and store space.
41. Officers recognise that the view out of the residential windows would change, however, due to the distance between these windows and highest part of Building C, as well as its stepped roofline, it is considered that a sufficient degree of outlook would be retained and that the proposal would not have an unacceptably overbearing impact on No 31-38 St Clements.
42. In regard to the impact on daylight, officers have applied the 45° vertical plane from the cill of habitable room windows as advised by Appendix 6 of the Local Plan. Officers can confirm that it would not be breached by any part Building C and as such the impact is not considered to be unacceptable. Further, due to the position of the roof terrace in relation to the proposal, officers consider the relationship to be acceptable.
43. Although there would be new windows facing those of No 31-38 St Clements, due to the separation distance between Building C and habitable rooms of the flats there would not be an unacceptable loss of privacy. This relationship would also not be dissimilar to back to back distances between many houses within the area.
44. The Angel and Greyhound Public House and No 40-44 St Clements have flats on their upper floors. The development would potentially be visible from windows and outdoor spaces, however due to the separation distances, and in some cases the intervening trees and buildings, officers consider any impact on light and privacy to, and outlook from, habitable room windows or outdoor space to be reasonable and acceptable.

Impact on Alan Bullock Close

45. Alan Bullock Close is a University of Oxford student residence. It is positioned in close proximity to the site boundary and has a number of habitable room windows looking across the site. Due to the undeveloped nature of the car park the residents of Alan Bullock Close have uninterrupted views across the car park, with the exception of the occasional tree that slightly obscures some views. In this regard it is accepted that any meaningful redevelopment of the site would curtail existing views enjoyed by residents of Alan Bullock Close. In response to this like Building C, Building B, which is closest to Alan Bullock Close, has been designed so as to minimise the impact and deliver an acceptable form of development.
46. The form of Building B effectively appears as two ranges, both running north to south. The westernmost range has a pitch roof and is therefore

higher, whilst the easternmost range, which faces Alan Bullock Close, has a flat roof. The elevation has a slight stagger, which seen along side the variation in materials serves to break up the bulk of the elevation. The top floor is also treated in a different material, being glazed, and as such appears more as an attic storey, thus reducing the perceived height and bulk of the building.

47. At its closest Building B is approximately 13.2m away from Alan Bullock Close, however this distance sharply increases as Alan Bullock Close tapers away from the boundary. The impact of the proposal on the outlook of Alan Bullock Close is not considered to be unacceptable due to the careful treatment of the east elevation of Building B and the reasonable separation distance. In addition the intervening vegetation, albeit limited, helps to soften the view so that the outlook would not be unacceptably affected.
48. In regard to the impact on daylight, officers have again applied the 45° rule in the vertical plane from the cill of habitable room windows as advised by Appendix 6 of the Local Plan. Officers can confirm that it would not be breached by Building B and as such it is not considered to have an unacceptable impact on daylight to Alan Bullock Close.
49. As regards the impact on privacy, the separation distance between Alan Bullock Close and Building B, being between 13.2m and in excess of 23m, is considered reasonable to ensure that there would not be an unacceptable loss of privacy to the existing student accommodation as a result of facing windows.

Impact on the Florey Building and Anchor Court

50. The Florey Building is a student residence built in the 1960's. It has a single aspect, with the landings located along the car park side of the building and the bedrooms facing north towards the Angel and Greyhound Meadow. As a result of this layout there are no student bedroom windows facing the application site. There is however a ground floor caretaker's flat in the north eastern corner of the building. This flat is adjacent to Building A.
51. The flat benefits from floor to ceiling height windows along its entire car park elevation, although the living room also has windows facing north. Between the flat and the car park is an area of hardstanding that is used as an amenity space, the living room also opens out onto an area of decking to the north of the flat.
52. Building A is 5 storeys in height and has a similar design approach to Building B. This sees the elevation facing the Florey Building lower in height with its top floor glazed. At its closest Building A is approximately 10m away from the flat.
53. The flat has three rooms that face towards the car park. A bedroom, which also has an outlook to the south, a kitchen, and a living room which also

has an outlook towards the north. Due to the undeveloped nature of the car park and the proximity of Building A to the flat, as well as its height, the outlook from the flat, and in particular the kitchen would significantly change.

54. In regard to the impact on daylight, officers have again applied the 45° rule in the vertical plane from the midpoint of the full height windows of the flat. Officers can confirm that it would not be breached by Building A and it is therefore considered to not have an unacceptable impact on the flat. It is also noted that the flat is served by floor to ceiling height windows that extend across the entire width of the car park elevation. This arrangement would allow more daylight in to the flat than conventional windows. The flat is also to the west of Building A and given the orientation of the site, Building A would not unacceptably curtail the amount of direct sunlight.
55. The flat is positioned beneath the main bulk of the Florey Building, with its upper levels projecting out above. At ground level Building A has no windows facing the flat, whilst any view down to the flat from the 1st, 2nd, 3rd and 4th floor windows would to an extent be curtailed by the upper levels of the Florey Building and in particular the canopy of the trees. As a result, despite the relatively close proximity between the caretaker's flat and Building A, any overlooking and effect on privacy would not be unacceptable.

General Impact of Student Use

56. Concern has been raised regarding the proposed use of the site. Notwithstanding policy DS82 which allocates the site for student accommodation, officers would highlight the terms of policy CS25 of the Oxford Core Strategy which states that the management of the site can be adequately controlled by condition. This would adequately address any concerns there are about potential for noise and disturbance.

Parking and Highways

Replacement Car Parking

57. Further to the replacement car parking requirements of Local Plan policy DS82, policy TR11 states that the *'City Council will not allow any significant increase in the overall number of parking spaces in the Transport Central Area, and will maintain approximately the present number of off street parking spaces.'*
58. The site currently accommodates 112 car parking spaces arranged in a substandard layout. The proposal would result in this being reduced to 72 spaces which would be provided to adopted standards. The site is located within the Transport Central Area and as such is highly accessible by non-car modes of transport. The application has been supported by a Transport Assessment which indicates that during the week only 62% of the car park is used. The same assessment however acknowledges that on the weekend this usage increases.

59. The site is located within a Controlled Parking Zone and as such if parking displacement occurs as a result of the reduced level of car parking it is unlikely that this would result in an adverse impact on the highway network as parking controls are present in the area. On this basis and in the light of the accessibility of the site, the Highway Authority raises no objection to the reduction in the number of car parking spaces.

Temporary Car Parking

60. Officers can confirm that a temporary car park will be provided. Details of this have not been finalised, however officers would suggest that if planning permission is granted this should be conditional upon the provision of a temporary replacement car park prior to the closure of the existing car park.

Student Parking

61. Officers acknowledge the concerns raised in regard to student cars and the impact this can have on the highway network. Officers can confirm that in accordance with the requirements of Core Strategy policy CS25 the applicant will be required to prepare a 'Scheme for Preventing Students from Bringing Cars into the City' a condition is proposed accordingly. The site is also within a Controlled Parking Zone, from which the development will be excluded, and as such residents of the development would not be entitled to parking permits.

Impact on Vitality of St Clements

62. The local business community has raised concerns about how the proposals will affect their livelihood. This concern largely relates to the need for a temporary replacement car park during construction and the level of car parking to be provided in the new development.
63. As already mention, the Council is committed to providing a temporary car park during the construction period. Details of this temporary solution are at this stage unavailable but officers can confirm that any grant of planning permission will be conditional upon the provision of a temporary car park prior to the closure of the existing car park.
64. In regard to the level of replacement car parking, the Highway Authority has already confirmed that due to the sustainable location, a reduction in the number of car parking spaces is acceptable. Officers have studied the survey produced by the applicant and also have a survey carried out by the City Councils Parking and Shopmobility team. The latter was conducted between November and December 2010 and included evening surveys. This survey showed an average 58% spare capacity during this period.
65. Whilst officers do not have any survey information to explain for what purpose people use the car park, the site is in a highly sustainable location, with excellent public transport connections. It is also worth noting

that if the car park were laid out to meet current adopted standards, the number of existing spaces would be reduced from 112 to 98. Officers appreciate the concerns of the local businesses in respect of the eventual reduction in the total number of car parking spaces, however increasing the number of spaces would have adverse design implications, i.e. building height or undercroft car parking would need to increase, which would be unacceptable. It is considered that the proposed scheme achieves a satisfactory balance between these competing issues.

Energy and Resource Efficiency

- 66.** The City Council encourages all development to combine resource efficiency and renewable energy into their design. The development due to its size exceeds the threshold where a Natural Resource Impact Analysis (NRIA) is required. In this regard policy CS9 of the Oxford Core Strategy states that planning permission will only be granted for developments where, if through the NRIA, the proposal demonstrates careful attention to a) minimise energy use, b) delivery of a portion of renewable or low carbon energy on site, c) use of recycled or reclaimed materials, and minimise water consumption.
- 67.** A Natural Resource Impact Analysis has been submitted and the development scores highly, attaining 9 out of 11 on the checklist score (a minimum of 6 /11 required). The proposals would achieve a 34% reduction in CO₂ omissions and 37% of onsite energy requirements will be provided through the use of Air Source Heat Pumps. Further to the NRIA the development also achieves a 'Very Good' BREEAM score.
- 68.** Officers therefore consider that the proposals are satisfactory in terms of resource and energy efficiency in accordance with policy CS9.

Planning Obligations

- 69.** In accordance with the Planning Obligations Supplementary Planning Document contributions are required to mitigate the impact of the proposals on City and County Services and infrastructure. The contributions set out below are indexed linked to values at 2006 levels and should be increased accordingly to the real value at the time of payment.

City Council:

- £8,460 towards indoor sports facilities
- £50,000 towards general environmental improvements in the local area

County Council:

- £8,883 towards library infrastructure
- £19,458 towards cycle safety measures
- £19,950 towards the Oxford Transport Strategy
- £10,000 towards public transport infrastructure
- £600 as a travel plan monitoring fee

County and City Council monitoring and administration fees also apply.

Conclusion

- 70.** The principle of development is established by Local Plan policy DS82 and the matters of management and prevention of student car use within the City can be secured by planning condition as advocated by Core Strategy policy CS25.
- 71.** Considering the characteristics of the site, it is recognised that any redevelopment would give rise to some adverse impacts, however as set out above this should be balanced against the benefits of the proposal. In this instance there is the benefit of providing purpose built student accommodation within a sustainable location, as supported by the Local Plan and Core Strategy. There is also the benefit of securing a new public car park and toilet facilities within a more secure and active environment.
- 72.** The proposals will also offer the opportunity to improve the setting of the Florey Building and would provide a catalyst to future improvements to the vehicular access which would enhance the appearance of this part of the St Clements and Iffley Road Conservation Area.
- 73.** Weighing all the above in the balance, officers would conclude that the proposal would not be unacceptable and as such would recommend that the Committee resolve to grant planning permission but delegate authority to officers to issue the notice of permission, following completion of the s106 agreement and subject to the above conditions.

Human Rights Act 1998

Officers have considered the Human Rights Act 1998 in reaching a recommendation to grant planning permission, subject to conditions. Officers have considered the potential interference with the rights of the owners/occupiers of surrounding properties under Article 8 and/or Article 1 of the First Protocol of the Act and consider that it is proportionate.

Officers have also considered the interference with the human rights of the applicant under Article 8 and/or Article 1 of the First Protocol caused by imposing conditions. Officers consider that the conditions are necessary to protect the rights and freedoms of others and to control the use of property in accordance with the general interest. The interference is therefore justifiable and proportionate.

Section 17 of the Crime and Disorder Act 1998

Officers have considered, with due regard, the likely effect of the proposal on the need to reduce crime and disorder as part of the determination of this

application, in accordance with section 17 of the Crime and Disorder Act 1998. In reaching a recommendation to grant planning permission, officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

Background Papers: 11/01040/FUL, 11/01044/CAC

Contact Officer: Steven Roberts

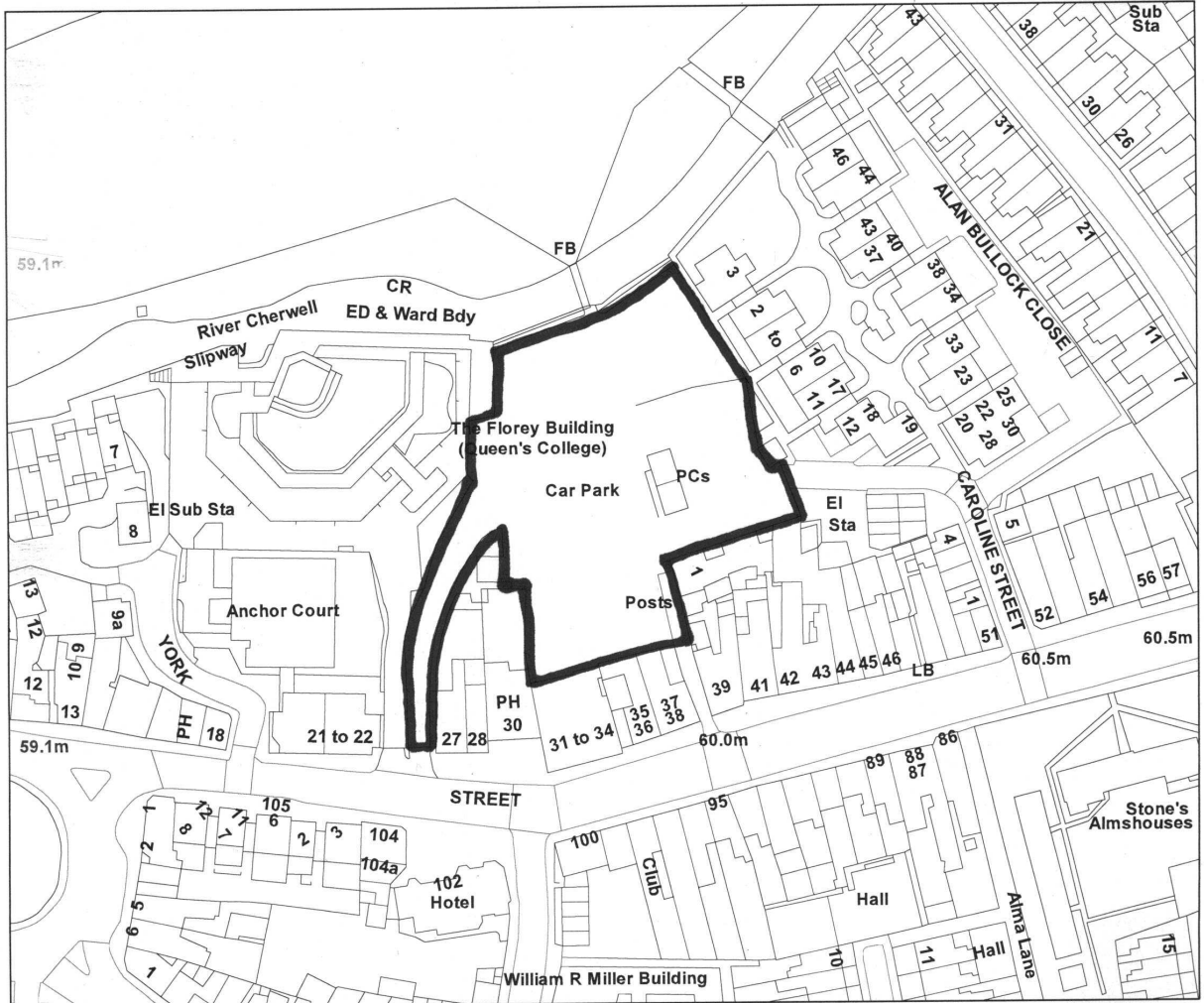
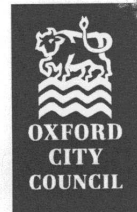
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Date: 30 June 2011

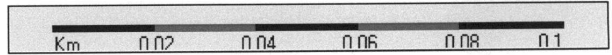
59.1m

11/01040/FUL

St. Clement's Car Park and Public Convenience, St. Clement's Street



Legend	
Scale:	1:1250



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Organisation	Not Set
Department	Not Set
Comments	Appendix 1
Date	01 July 2011
SLA Number	Not Set

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West Area Planning Committee

13 July 2011

Application Number: 11/00711/FUL & 11/00713/CAC

Decision Due by: 21 June 2011

Proposal: (i): 11/00711/FUL: Retention of front part of 123-125 and 127 Walton Street. Erection of new structure. Demolition of 126 Walton Street and 32-32A Little Clarendon Street and their replacement with new 3 and 4 storey building. Provision of 6 retail units on ground and basement floors with student accommodation (41 Study rooms) on upper floors (amended plans)

(ii) 11/01478/FUL: Demolition of 126 Walton Street and 32/32a Little Clarendon Street.

Site Address: 123 To 127 Walton St. & 32, 32A Little Clarendon St,
Appendix 1

Ward: North Ward

Agent: Kemp And Kemp Property
Consultants

Applicant: Shirehall Properties Ltd

Recommendations: Committee is recommended to support the proposals in principle, but defer the applications in order to receive a Unilateral Undertaking with the City and County Councils to secure appropriate developer contributions, and on receipt of the agreement to delegate to officers the issuing of the notices of planning permission and conservation area consent subject to conditions:

Reasons for Approval:

1. It is considered that the proposed minor amendments to the recently approved scheme (10/01745/FUL& 10/01478/CAC refer) are acceptable and would not detrimentally harm the character and appearance of the approved buildings, street scene or Conservation Area. The provision of an additional 6 student bedrooms would make efficient use of the site in this sustainable location and is therefore acceptable.
2. The demolition of the buildings will not harm the special interest of the conservation area and the proposed replacement building, incorporating other retained buildings on the site will preserve the character and appearance of the conservation area

3. Officers have considered carefully all objections to these proposals. Officers have come to the view, for the detailed reasons set out in the officers report, that the objections do not amount, individually or cumulatively, to a reason for refusal and that all the issues that have been raised have been adequately addressed and the relevant bodies consulted.
4. The Council considers that the proposal accords with the policies of the development plan as summarised below. It has taken into consideration all other material matters, including matters raised in response to consultation and publicity. Any material harm that the development would otherwise give rise to can be offset by the conditions imposed.

Conditions

(i): 11/00711/FUL:

1. Development begun within time limit
2. Develop in accordance with approved plans
3. Samples of materials
4. Landscape plan required including details of all hard/soft landscaping and SUD's.
5. Landscape carry out by completion
6. Landscape specified retention
7. Landscape management plan and Tree Protection Measures
8. Car and Cycle parking provision before use
9. Cycle parking details required; Sheffield stands reqd
10. Construction no mud on highway
11. Foul and surface water drainage system
12. Surface water drainage criteria
13. Layout design and installation of utility services
14. Energy Efficiency/renewable energy measures
15. Restriction students use
16. Student management plan
17. Details of gates and boundary treatment.
18. Land and water contamination
19. Car parking spaces details of how marked out.
20. Students - No cars
21. Construction Traffic Management Plan
22. Management statement and plan regarding waste storage
23. Exclusion from eligibility for parking permits.
24. Security measures-lighting and CCTV in courtyard
25. Archaeological investigation -watching brief during groundwork's
26. Recording all buildings
27. Recording and retention of the historic advertisement panels on the corner of 127 Walton Street
28. Further details on the following matters:
 - a) methodology and specification for the stabilisation/repair and protection of the building fabric to be retained,
 - b) the extent of demolition proposed,
 - c) construction details, including shop fronts, windows, eaves, verges and

abutments.

29. Details of proposed mechanical plant
30. Restricted deliveries to commercial premises

(ii): 11/00713/CAC

1. Development begun within time limit
2. Recording of 126 Walton Street and 32/32a Little Clarendon Street
3. No demolition without contract for redevelopment

Legal Agreement (By Unilateral Undertaking).

1. Financial contribution towards Indoor Sport of £2,460 plus £100 administration for indoor sport. (City Council)
2. Financial contribution towards Libraries of £1,575 towards libraries plus £100 for administration (County Council).
3. Financial contribution towards cycle safety measures in the area £ 5,658 (County Council).

Principal Planning Policies.

Oxford local plan 2001 to 2016.

- CP1 - Development Proposals
- CP5 - Mixed-Use Developments
- CP6 - Efficient Use of Land & Density
- CP8 - Design Development to Relate to its Context
- CP9 - Creating Successful New Places
- CP10 - Siting Development to Meet Functional Needs
- CP11 - Landscape Design
- CP13 - Accessibility
- TR3 - Car Parking Standards
- TR4 - Pedestrian & Cycle Facilities
- NE14 - Water and Sewerage Infrastructure
- NE15 - Loss of Trees and Hedgerows
- HE2 - Archaeology
- HE7 - Conservation Areas
- HS19 - Privacy & Amenity
- HS20 - Local Residential Environment
- RC6 - Street Specific Controls
- RC13 - Shop Fronts

Core Strategy 2026.

- CSP17 - Infrastructure & Developer contributions
- CSP13 - Supporting access to new development
- CSP31 - Retail
- CSP18 - Urban design townscape char & hist env
- CSP19 - Community safety
- CSP9 - Energy & natural resources
- CSP23 - Mix of housing
- CSP25 - Student accommodation

Other Material Considerations.

This application site falls within the Central Conservation Area.
Planning Policy Statement 1: Delivering Sustainable Development
Planning Policy Statement 5: Planning for the Historic Environment

Relevant Site History:

123 To 127 Walton Street And 32 And 32A Little Clarendon Street

09/02484/FUL -Retention and refurbishment of facade to 123-125 Walton Street along with erection of 3-storey rear extension plus basement. Erection of 3-storey building including basement and part roof storey to replace 126-127 Walton Street and 32-32a Little Clarendon Street. Provision of 36 Student rooms and shared facilities across the upper floors. Provision of 3 new shop fronts to 123-125 Walton Street and provision of replacement retail units on ground floor to 126-127 Walton Street and 32-32a Little Clarendon Street. Refused 4th February 2010

09/02485/CAC-Demolition of 126-127 Walton Street and 32-32a Little Clarendon Street. Part Demolition to the rear of 123-125 Walton Street. Refused 4th February 2010

10/01475/FUL-Retention and refurbishment of frontage to 123 to 125 and 127 Walton Street. Erection of new structure to rear to provide in total 6 retail units at basement and ground floor levels and 35 student study rooms on first, second and third floor. Approved 17th September 2010.

10/01478/CAC-Demolition of 126 Walton Street and 32/32a Little Clarendon Street. Approved 17th September 2010.

Public Consultation.

Statutory and Internal Consultees:

Highways Authority: No objection in principle subject to conditions.

Thames Water Utilities Limited; No objection

Thames Valley Police: During the last 18months there have been more opportunist crimes such as theft of personal property and bicycles. There have also been a significant increase in drunken and vagrant people who are begging and causing alarm and nuisance to members of the public. No objection raised at this time, but opportunities to reduce crime and disorder and promote community safety. Applicants should seek advice of the Crime Prevention Design Advisor to ensure entrances meet minimum security standards.

Environment Agency Thames Region: Deemed to have a low environmental risk.

County Strategic Planning Consultations Team: No comment.

Environmental Development: No objection; conditions restricting mechanical noise and deliveries.

Third Parties:

- The extent of demolition behind the facades of 123-125 Walton Street is excessive.
- Proposed service tower in an intrusion into the streetscape and destroys integrity of the Victorian row. Objection to installation of 'new contemporary shopfronts'.

- Features at roof level also out of character.
- The façade of 127 should be retained as it is; post box in the wall of no 32 Little Clarendon Centre should be retained.
- Conservation Area Appraisal appears misleading; false and inaccurate statements in application.
- Development could be very damaging for the independent business.
- Oversized and poor design.
- Out of character with Jericho area (affects the Jericho Conservation Area, including existing buildings).
- Loss of parking space; not enough space for a new parking (car and bikes).
- Too large fire exit and plant room at the North end of the site, not discussed with Planning Officer.
- Number of accommodation should be reduced, cycle parking spaces preserved or more created; if development approved some of the tenanted accommodation should be used as a family homes.
- Objection to creating more student accommodation.
- The line of the eaves of the new buildings and new windows should match existing building.
- Proposed development on 26 Walton Street is too tall and windows too large
- Increase crime rates; increased traffic and noise.
- Concerns of lack of clarity on the 'student accommodation' issue, worries about their management as well the fact that they might be sold to a private tenants.
- Issue of a gate introduced to the car park- how will be operated and will there be a separate pedestrian entrance.
- Question of collecting the waste and moving bins- space allocated is insufficient and impractical.

Officers Assessment.

Background to Proposals:

1. In September 2010 planning permission and conservation area consent were granted for demolition of 126 Walton Street and 32/32a Little Clarendon Street and the retention and refurbishment of the frontage to 123 to 125 and 127 Walton Street and erection of a new structure to the rear to provide in total of 6 retail units at basement and ground floor levels and 35 student study rooms on first, second and third floors above. (10/01475/FUL and 10/01478/CAC refer). The report to Committee is attached as **Appendix 2**.
2. In progressing these permissions, some amendments have been made which have resulted in changes to the external appearance and increases in the number of student bedrooms. The present application is essentially a minor reworking of the previous permission therefore.
3. The proposed changes are:
 - relocation of the rear internal fire escape to the exterior;
 - extension at third floor roof level to provide small laundry room and access to terrace;
 - retention of more of the original internal historic fabric and re-arrangement

- of the internal layout to achieve an additional 6 bedrooms;
 - omission of a third floor window in northern gable wall;
 - omission of external ventilation through roof chimneys;
 - an increase in height of the plant room roof at roof level by 0.5m;
 - omission of lightwells to basement Unit 6;
 - re-arrangement of lifts and staircases in general and realignment of doors/ fenestration; and
 - re-arrangement of the car and cycle parking layout and bins stores.
1. The principle of demolition and new development has already been accepted in approving the previous permission, as has the overall character and appearance of the building. It is therefore only necessary to consider the material changes proposed to that permission which give rise to this current case. It should be noted that some of the objections received have been to the principal of the development, not the specifics of the proposed changes.
 2. Officers consider the principle issues in this case to be:
 - the increase in student bedroom numbers;
 - the design and appearance within the conservation area;
 - car and cycle parking; and
 - bin storage

Increase in Student Numbers.

1. The principle of 35 student bedrooms in this location has already been accepted, see the previous report appended. The increase in the number of rooms proposed is therefore the only consideration. An additional six rooms are proposed (41 in total); three on the first floor, two on the second floor and one at third floor level. These have been achieved by relocating the fire escape staircase externally, adding a small extension at third floor level and then re-arranging the internal layout. It is considered that an additional 6 rooms could be satisfactorily accommodated in this location and make efficient use of the site, and would not cause harm to existing residential or commercial amenities. It should be noted that since the previous approval the Core Strategy has now been approved which permits occupation of the accommodation by students of the 2 universities or other academic institutions whose students attend full time courses of at least one academic year. However the accommodation can be secured by condition for student use only. No objection is therefore raised, subject to the imposition of appropriate conditions.

Design and Appearance within the Conservation Area.

7. The proposed new external metal spiral fire escape would be at the back of the site within the rear courtyard area of the development and only glimpsed when viewed between buildings on Little Clarendon Street. The small extension at roof level, approximately 1.5m x 3.5m, to provide a laundry facility and access to the terrace would bring the third floor closer to the corner of Walton St and Little Clarendon Street, in the same flat roof design as already approved. This additional floor space sits behind the

existing pitched roof but could be seen from views along Walton Street and Little Clarendon Street. Whilst both the fire escape and third floor roof extension would be visible within the public realm, they are not considered to significantly alter that already approved or be visually detrimental to the street scenes of either Walton Street or Little Clarendon Street.

8. The other proposed changes including alterations to fenestration and door alignments, increase in the height of the plant room roof by 0.5m, omission of ventilation roof chimneys and lightwells are also considered to be minor changes that would not significantly alter the overall appearance as approved or be detrimental to the character and appearance of the street scene.
9. In terms of demolition of the original historic buildings the revised internal layout now indicates that less of the historic fabric would be demolished. This is to be welcomed.
10. In summary therefore it is considered that the proposed changes would not adversely harm the character and appearance of the approved building or street scene. Nor would they harm the special character and appearance of the historic buildings or that part of the Central Conservation Area.

Car & Cycle Parking.

11. The new external fire escape means that the layout for bins stores, car and cycle parking has been re-arranged to that approved. Two car parking spaces are lost and 38 cycle parking stands are now provided. The bins have been relocated to the far corner of the car park.
12. The Highway Authority initially raised concern about the practicality of the parking layout and a loss of a disabled parking space, as previously provided in the extant permission. Whilst the scheme would result in the loss of two parking spaces, the applicant has stated that these are currently assigned to an 'offsite' tenant whose lease is shortly due to expire, so there would be no loss of parking to Nos 28-31, or the application site. In respect of the disabled car parking space, the Design and Access Statement makes reference to compliance with Building Regulations and suggests that if there is a space within 50m of the site this is acceptable. Whilst it may be acceptable in compliance with Building Regulations, it does not satisfy planning requirements. The space is not within the ownership of the applicant and therefore there would be no guarantee of its availability for this site. Following further negotiation the layout has been now been revised and to include one disabled car parking space as previously.
13. As a result of clarification on these points of concern, the Highway Authority therefore raises no objection in principle to the minor amendments subject to imposition of suitable conditions as before.
14. It is therefore considered that the revised car & cycle parking layout is

acceptable and further details could be secured by condition, as before.

Bin Storage

15. Concerns have also been raised about the new external layout and distance to the bins for collection. The applicant has responded that the site has a secure gate at its entrance and the bins will be collected from the courtyard at the secure gate by the refuse collectors, as previously approved under the extant permission. The bins will be brought to that point by the management company, and returned to the bin store thereafter by the same to prevent refuse collectors having to enter the site. The collection point will be within the normal 25m carrying distance. Officers therefore raise no objection to the location of the bin store.

Sustainability.

16. The site is located in a sustainable location close to shops and facilities and a short walk from the city centre. As previously the development falls below the size threshold where a Natural resource Impact analysis (NRIA) is required, though it is intended that sustainable features be included in the development. Paragraphs 42 and 43 of **Appendix 2** refer.

Conclusions.

17. It is considered that the proposed minor amendments to the recently approved scheme are acceptable and would not detrimentally harm the character and appearance of the approved buildings, street scene or Conservation Area. The provision of an additional 6 student bedrooms would make efficient use of the site in this sustainable location and is therefore acceptable. It would also result in retention of more of the historic fabric of the retained buildings than previously approved which is welcomed.
18. Officers therefore recommend that the applications be approved subject to and including conditions previously imposed for 10/01745/FUL and 10/01478/CAC.

Human Rights Act 1998

Officers have considered the Human Rights Act 1998 in reaching a recommendation to grant planning permission, subject to conditions. Officers have considered the potential interference with the rights of the owners/occupiers of surrounding properties under Article 8 and/or Article 1 of the First Protocol of the Act and consider that it is proportionate.

Officers have also considered the interference with the human rights of the applicant under Article 8 and/or Article 1 of the First Protocol caused by imposing conditions. Officers consider that the conditions are necessary to protect the rights and freedoms of others and to control the use of property in accordance

with the general interest. The interference is therefore justifiable and proportionate.

Section 17 of the Crime and Disorder Act 1998

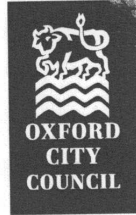
Officers have considered, with due regard, the likely effect of the proposal on the need to reduce crime and disorder as part of the determination of this application, in accordance with section 17 of the Crime and Disorder Act 1998. In reaching a recommendation to approve, officers consider that the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

Background Papers: 11/00711/FUL & 11/00713/CAC

Contact Officer: Felicity Byrne

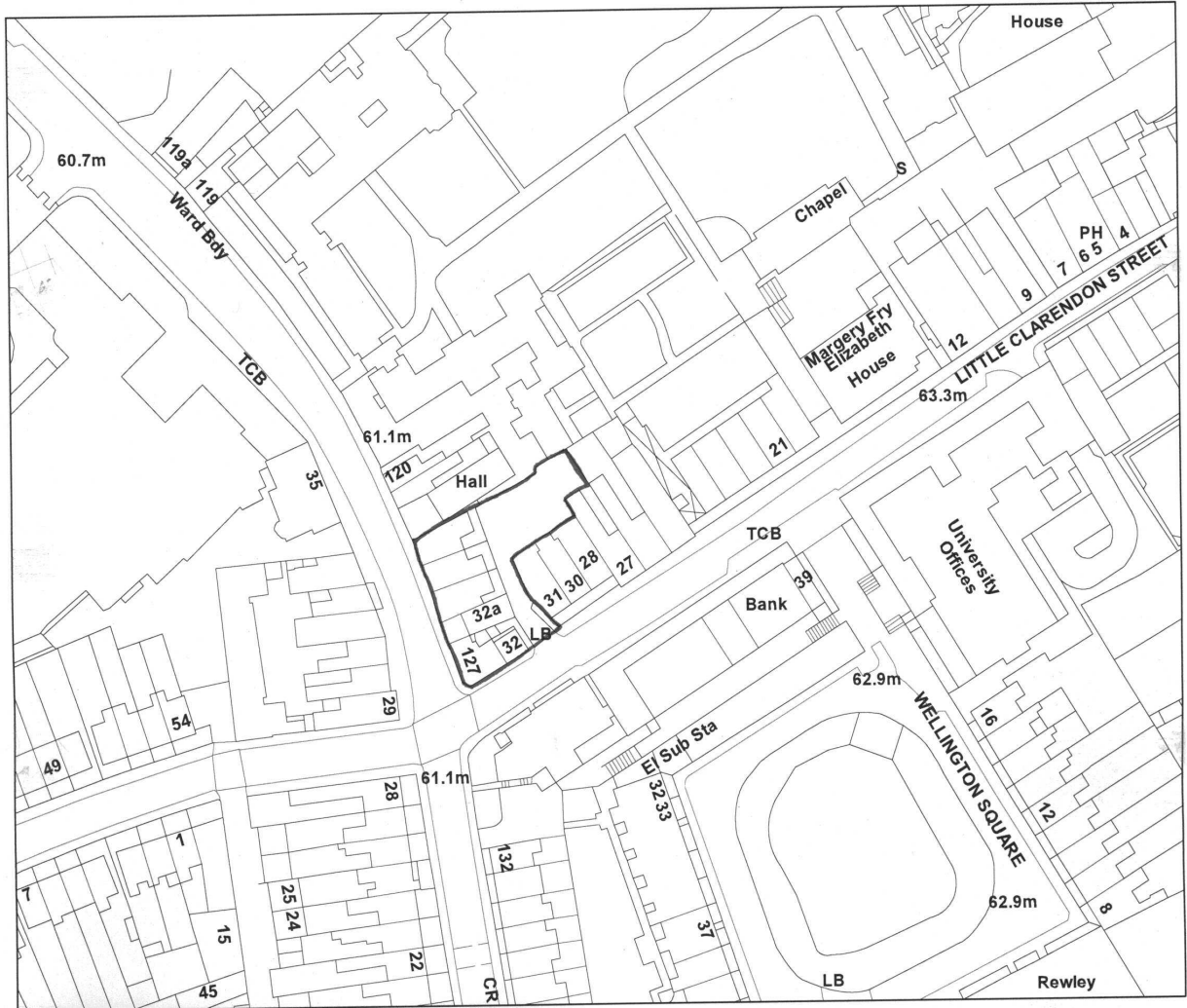
Extension: 2159

Date: 29 June 2011



11/00711/FUL & 11/00713/CAC

123 to 127 Walton Street & 32A Little Clarendon Street



Legend

Scale: 1:1250

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Organisation	Not Set
Department	Not Set
Comments	Appendix 1
Date	29 June 2011
SLA Number	Not Set

Application Numbers: 10/01475/FUL and 10/01478/CAC

Decision Due by: 17th September 2010

Proposal: 10/01475/FUL-Retention and refurbishment of frontage to 123 to 125 and 127 Walton Street. Erection of new structure to rear to provide in total 6 retail units at basement and ground floor levels and 35 student study rooms on first, second and third floor.
10/01478/CAC-Demolition of 126 Walton Street and 32/32a Little Clarendon Street.

Site Address: 123 To 127 Walton Street And 32 And 32A Little Clarendon Street. (Appendix 1 refers)

Ward: North Ward

Agent: Kemp And Kemp Property Consultants

Applicant: Shirehall Properties Ltd

Recommendation:

a) 10/01475/FUL.

1) North Area Planning Committee is recommended to support the application in principle, but defer the application for completion of Unilateral Undertakings with the City and County Council to secure appropriate developer contributions and on completion of the agreement to delegate to officers the issuing of the notice of permission subject to conditions:

Reasons for approval:

- 1 It is considered that this revised proposal for redevelopment of these properties is acceptable and proposes effective use of currently vacant buildings whilst proposing sympathetic restoration of historic buildings and creating modern extensions which are acceptable within the Conservation Area. The development would contribute and enhance the vitality of Little Clarendon Street and Walton Street.
2. Officers have considered carefully all objections to these proposals. Officers have come to the view, for the detailed reasons set out in the officers report,

that the objections do not amount, individually or cumulatively, to a reason for refusal and that all the issues that have been raised have been adequately addressed and the relevant bodies consulted.

3. The Council considers that the proposal accords with the policies of the development plan as summarised below. It has taken into consideration all other material matters, including matters raised in response to consultation and publicity. Any material harm that the development would otherwise give rise to can be offset by the conditions imposed.

Conditions:-

1. Development begun within time limit
2. Develop in accordance with approved plans
3. Samples of materials
4. Landscape plan required including details of all hard/soft landscaping and SUD's.
5. Landscape carry out by completion
6. Landscape specified retention
7. Landscape management plan and Tree Protection Measures
8. Car and Cycle parking provision before use
9. Cycle parking details required
10. Construction no mud on highway
11. Foul and surface water drainage system
12. Surface water drainage criteria
13. Layout design and installation of utility services
14. Energy Efficiency/renewable energy measures
15. Restriction on students/ Institutions provided for students
16. Student management plan
17. Details of gates and boundary treatment.
18. Land and water contamination
19. Car parking spaces details of how marked out.
20. Students - No cars
21. Construction Travel Plan
22. Management statement and plan regarding waste storage
23. Exclusion from eligibility for parking permits.
24. Security measures-lighting and CCTV in courtyard
25. Archaeological investigation -watching brief during groundwork's
26. Recording all buildings
27. Recording and retention of the historic advertisement panels on the corner of 127 Walton Street
28. Further details on the following matters:
 - a) methodology and specification for the stabilisation/repair and protection of the building fabric to be retained,
 - b) the extent of demolition proposed,
 - c) construction details, including shop fronts, windows, eaves, verges and abutments.

Legal Agreement (Unilateral Undertakings):-

To secure the following:

1. Financial contribution towards Indoor Sport of £2,100 plus £100 administration for indoor sport. (City Council)
2. Financial contribution towards Libraries of £ £1,197 towards libraries plus £100 for administration (County Council).
3. Financial contribution towards cycle safety measures in the area £ 4,830 (County Council).

b) 10/01478/CAC.

North Area Planning Committee is recommended to grant conservation area consent

Reasons for approval:

1. The Council considers that the proposal accords with the policies of the development plan as summarised below. It has taken into consideration all other material matters, including matters raised in response to consultation and publicity. Any material harm that the development would otherwise give rise to can be offset by the conditions imposed.
2. Officers have considered carefully all objections to these proposals. Officers have come to the view, for the detailed reasons set out in the officers report, that the objections do not amount, individually or cumulatively, to a reason for refusal and that all the issues that have been raised have been adequately addressed and the relevant bodies consulted.
3. The demolition of the buildings will not harm the special interest of the conservation area and the proposed replacement building, incorporating other retained buildings on the site will preserve the character and appearance of the conservation area.

Conditions

1. Development begun within time limit
2. Recording of 126 Walton Street and 32/32a Little Clarendon Street
3. No demolition without contract for redevelopment

Main Local Plan Policies-Oxford Local Plan 2001-2016

- CP1** - Development Proposals
- CP2** - Planning Obligations
- CP3** - Limiting the Need to Travel
- CP5** - Mixed-Use Developments
- CP6** - Efficient Use of Land & Density

CP7 - Urban Design
CP8 - Design Development to Relate to its Context
CP9 - Creating Successful New Places
CP10 - Siting Development to Meet Functional Needs
CP11 - Landscape Design
CP12 - Designing out Crime
CP13 - Accessibility
CP15 - Energy Efficiency
TR3 - Car Parking Standards
TR4 - Pedestrian & Cycle Facilities
NE10 - Sustainable Drainage
NE14 - Water and Sewerage Infrastructure
NE15 - Loss of Trees and Hedgerows
HE2 - Archaeology
HE7 - Conservation Areas
HS14 - Speculative Student Accommodation
HS19 - Privacy & Amenity
HS20 - Local Residential Environment
RC6 - Street Specific Controls
RC13 - Shop Fronts

Core Strategy – Proposed Changes

CSP18 - Infrastructure & Developer contributions
CSP14 - Supporting access to new development
CSP32 - Retail
CSP19 - Urban design townscape char & hist env
CSP20 - Community safety
CSP10 - Energy & natural resources
CSP24 - Mix of housing
CSP26 - Student accommodation

Other Material Considerations:

This application falls within the Central Conservation Area.

Planning Policy Statement 5: Planning for the Historic Environment
Planning Policy Statement 1: Delivering Sustainable Development

Relevant Site History:

123 To 127 Walton Street And 32 And 32A Little Clarendon Street

09/02484/FUL -Retention and refurbishment of facade to 123-125 Walton Street along with erection of 3-storey rear extension plus basement. Erection of 3-storey building including basement and part roof storey to replace 126-127 Walton Street and 32-32a Little Clarendon Street. Provision of 36 Student rooms and shared facilities across the upper floors. Provision of 3 new shop fronts to 123-125 Walton

Street and provision of replacement retail units on ground floor to 126-127 Walton Street and 32-32a Little Clarendon Street.

09/02485/CAC-Demolition of 126-127 Walton Street and 32-32a Little Clarendon Street. Part Demolition to the rear of 123-125 Walton Street.

Representations Received:

A statement of community involvement has been prepared to accompany this application. The redevelopment of the site was promoted to relevant stakeholders, local retailers, and existing occupiers of the site. As a result of further pre-application discussions following refusal of the previous application revised plans were sent for informal consultation to the Oxford Preservation Trust and Oxford Civic Society.

As a result of consultation and publicity, five letters of representation have been received from the occupiers/tenants of the following addresses: 52c Walton Street, 30 Little Clarendon Street, 8 Richmond Road, 7 Montagu Road, 124 Walton Street raising the following comments, objections and concerns:

- Return to use of the building at corner of Little Clarendon Street and Walton Street will be in general interest of the city especially in relieving housing shortage and reducing homelessness
- Any architectural heritage associated with the building is sensitively preserved in the new design.
- Concern about access to the car park during and after construction work-spaces in the car park go with the lease for the property at 30 Little Clarendon Street.
- Present proposal is much more acceptable than the previous application.
- Time has come to close Little Clarendon Street to motor vehicles other than for servicing. Street is increasingly used for rat-running and increasing the numbers of people in car-free apartments as this development proposes adds weight to the case for making Little Clarendon Street a place for people and not thoroughfare for motor vehicles.
- Revised scheme is much more in keeping with the conservation area.

Oxford Civic Society- comment that it is important to keep the corner building as a pleasant landmark and feature. The student accommodation should preferably be attached to a particular college or academic institution.

Oxford Architectural and Historic Society Victorian Group- pleased to note that the new applications take on board some of the comments made previously, however still have some concerns about some aspects of the current scheme namely 1) extent of demolitions behind facades of 123-125 Walton Street is excessive. Buildings seem perfectly capable of reuse and sensitive extension to the rear in order to supply the accommodation required. 2) The proposed service tower to the north is an unnecessary intrusion into the streetscape and destroys the integrity of the Victorian row which the applicant has now agreed to retain. 3) The additional features at roof level are similarly damaging and the applicant should be invited to reconsider this aspect of the design. 4) Objections raised to the 'new contemporary shopfronts' in numbers 12305 Walton Street. It would be more appropriate to install new shopfronts reproducing those in the original buildings. 5) A condition should be imposed that the

façade of 127 Walton Street should be retained as is with no attempt to straighten it up-the slumping is an important part of the story of the building and this should be left as it is. 6) 32 Little Clarendon Street is an interesting vernacular structure which should be fully recorded before demolition, the record being deposited in the Oxfordshire HER and NMR Swindon. 7) A planning condition should be imposed that the post box in the wall of 32 Little Clarendon Street should be retained somewhere in the development.

St John Street Area Residents Association- Notes with approval that the existing building at the corner of Walton Street and Little Clarendon Street is to be retained, but remains extremely disturbed that this scheme represents an over development of the site. The provision of 35 student study rooms without on-site supervision facilities is likely to lead to disturbance to residents in nearby properties. Visually a 4 storey building behind and over-topping the existing façade will diminish the latter. The new building should be reduced by one floor and the apparently functionless tower at the north end removed.

Statutory and Internal Consultees:

Oxfordshire County Council- comment that the development, if implemented, would impact upon County Services and Infrastructure. The County Council will accordingly wish to secure a legal agreement for appropriate financial contributions towards measures to mitigate the effects of this development before any planning permission is granted. The contributions required are as follows:

- £ 1,197 towards Oxford City's library infrastructure and bookstock.
- £100 for the purposes of administration and monitoring

Fire and Rescue ask that adequate provision be made for fire hydrants although the exact numbers and locations cannot be given until detailed plans showing the highway and the water main size and layout are provided. A planning condition should be imposed to require this.

Commission For Architecture & Built Environment- Comment that due to limited resources they are unable to review the proposal.

Thames Water Utilities Limited- raise no objections in respect of sewerage or water infrastructure. They comment that it is the responsibility of the developer to make proper provision for drainage to ground watercourses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Thames Water requests that the applicant should incorporate within their proposal, protection to the property by installing for example, a non-return valve or other suitable device to avoid the risk of backflow at a later date on the assumption that the sewerage network may surcharge to ground level during storm conditions. It is recommended that basement drainage should pump to ground level.

Thames Valley Police-raise no objections to the planning application at this time however they comment that there are significant opportunities to reduce crime and promote community safety and should this application be successful in gaining approval, it is requested that conditions are imposed to cover lighting in the courtyard and CCTV within the courtyard.

Oxfordshire Fire Service- raise no objections to the proposals.

Environment Agency Thames Region- assess the application as having a low environmental risk, and due to workload prioritisation they are unable to make a full response to the application. They provide advice to the applicant/LPA in respect of de-watering operations.

Oxfordshire County Council Drainage Team Manager- comment that a Sustainable Urban Drainage system should be used.

Oxfordshire County Council Highways-. advise that Barry West (01865 810463) should be contacted regarding the details of a Section 278 agreement for works on the highway prior to granting of planning permission. It may be that the light wells are not feasible due to services in the highway etc. Further details of the surface are also required to ensure it does not compromise pedestrian safety. There are minimum requirements for dimensions for tactile paving and so it must not be encroached upon without proposed mitigation. Again, liaison with Barry West is required prior to planning consent being granted. The three parallel parking bays as proposed must not be marked out on the ground in order to ensure adequate turning for the parking bays opposite. Any ground resurfacing must be SUDS compliant. A waste management statement must be produced for written approval by the Highway Authority prior to occupancy. A Construction Traffic Management Plan must be submitted for written approval by the Highway Authority prior to construction.

In addition, the proposed development must be excluded from eligibility for parking permits prior to occupation. A cost of £1000 to amend the Traffic Regulation Order shall be met by the applicant through a Unilateral Undertaking (Contact John Baker – 01865 815700).

Policies in the City Development Plan Documents seek to ensure that students do not bring cars to Oxford and the educational establishments also restrict student car ownership levels. The local authorities have therefore been prepared to accept greatly reduced contributions in the case of student accommodation. Nevertheless students are among the main users and beneficiaries of improvements to cycle facilities and it is considered appropriate to seek a contribution of £138.00 per student bed space towards cycle safety measures through a Unilateral Undertaking (Contact John Baker – 01865 815700).

Site Description:

1. The application proposes the redevelopment of 123-127 Walton Street and 32 Little Clarendon Street, which are situated in Jericho a short distance to the north of Oxford City centre.

2. The existing buildings on the site date from the mid to late 19th and 20th centuries. To the rear of the buildings there is a small enclosed yard; none of the properties have gardens.
3. All retail units are currently occupied with the exception of 127 Walton Street which has been unoccupied for the last 10 years. The residential accommodation above 127 Walton Street has also been unoccupied for a similar period of time. The applicant states that the residential accommodation has for many years been used as student accommodation.
4. 123-125 Walton Street comprise a range of three yellow brick gable fronted buildings, with retail on the ground floor (Presently occupied by Uddins Manzil restaurant at 123, The Big Bang restaurant at 124 and Liscious Boutique at 125). Residential units are on the upper floors of 123 and 124 (both 4 bed units), with the upper floors of 125 being used as offices/storerooms. These three properties all have basements which are used for kitchens/restaurants/wc's and storage associated with the retail use on the ground floor.
5. 126 Walton Street is a 2-storey shop (previously occupied by 'Casa Rose' now The Last Bookshop) infill unit in plain fletton brick with a rear extension. This unit comprises a retail unit on the ground floor with residential (32a Little Clarendon Street) to the rear and above (4 bed).
6. 127 Walton Street is a red brick, 3 storey building situated on the corner of Walton Street and Little Clarendon Street. It is basically 'L' shaped in plan area with vacant retail use at ground floor and residential above (thought to be 4 bed).
7. 32 Little Clarendon Street is currently a small single storey shop unit (currently operating as a Barbers) with a timber shop front, central door and hipped slate roof.
8. Little Clarendon Street has its origins possibly in the C17th, and is shown existing on late C18th historic maps. Walton Street is a historic route north out of Oxford. The application site is on the corner of the two streets and lies within the Central (City and University) Conservation area.
9. Walton Street is a long street with residential, commercial and institutional buildings all playing a role in defining its character and appearance. The street has undergone some changes but overall the street has retained its historical integrity and identity. The palette of building materials includes render, stone, brick, tile and slate and relate to building forms, scale and function. Little Clarendon Street has undergone more significant changes with large scale institutional buildings replacing the former domestic scaled properties on both sides of the street. However, the street pattern is still largely recognisable and a number of the earlier buildings still survive that allow understanding of the streets earlier origins. The street is predominantly retail interspersed with University and College buildings.

10. The existing buildings provide evidence of the development of the suburb, use materials that are evident in the area and have a scale that is similar to other domestic and retail properties in the area. Their appearance shares qualities with other buildings in the area (shop with accommodation over). The site is prominent in views and plays an important visual and historic role on the corner at the junction of the two streets. Comments received on these proposals indicate that the buildings hold a community value – a reminder and a rare survival of the past, a local and recognisable landmark in the street scene. It is part of a familiar and cherished local scene.

Proposed Development:

11. Members will recall that a previous application for a similar development was refused planning permission and conservation area consent at North Area Committee on 4th February 2010. Following further advice from officers, a revised application which now proposes the retention of the front portion of 123-5 Walton Street and the corner building of 127 has now been submitted for consideration. The retained and new building would accommodate 6 retail/restaurant units on the ground and basement floors and student accommodation for 35 rooms on the upper floors.
12. The proposal consists of the erection of a new 4 storey plus basement building incorporating part of 123-125 Walton Street and linking through to 127 Walton Street.
13. The proposed flat roofs will be sedum. Solar heating plant is also proposed to be installed on the roofs.
14. It is proposed to use brickwork on the front range of the new block (3 storey plus attic storey) facing onto Little Clarendon Street with a fenestration pattern designed to reflect traditional masonry construction and then, separated by a glazed staircase tower, a further 3 storey rendered range over a ground floor shown in brickwork.
15. No soft landscaping is proposed, however the applicant intends that the occupier of the student accommodation could adopt some containerised planting to the third floor terrace area. A new paved courtyard area would be created between the site and 31-28 Little Clarendon Street which would form an entrance to the basement unit 6, the student accommodation and the rear service yard which would also house bicycle parking spaces for each room, with suitable locking facilities.
16. A new vehicle access/security gate is to be provided between the entrance area to Unit 6/courtyard area and the rear vehicle service yard. Each room will be provided with a bicycle space with suitable locking facilities in the secure yard behind 28-31 Little Clarendon Street. Additional public visitor spaces are located in Little Clarendon Street and in Wellington Square.
17. Recycling facilities will be provided in the bin store relocated in the rear yard. Additional facilities for separation will be provided in kitchens in the student

accommodation.

18. Existing parking to the rear of the site which serves neighbouring properties is not affected by the proposals and will remain as the present layout. One parking space for persons with disabilities will be available for use for the student accommodation.
19. The building is proposed to be provided with nesting boxes under the eaves to rear yard, and provision would also be made for under eaves bat roosting ledges.

Determining Issues:

- Principle of Development
- Demolition and Impact on character and appearance of Conservation Area.
- Highways
- Archaeology
- Trees
- Accessibility
- Contamination
- Sustainability
- Developer Contributions

Officers Assessment:

Principle of development.

20. In terms of uses gained and lost, the development proposes the retention of commercial units on the ground floor, and the change of use of upper floors from residential/offices to student accommodation.
21. Presently 67% of the ground floor retail units are in A1 use and remaining 33% in A3 use. This development proposes 60% of the units to be in A1 use and 40% in A3 use. The total amount of floorspace given over to retailing is increased. It is not considered that these slight changes would have a detrimental impact upon the retail character and vibrancy of the area, with regard to retail policy.
22. The existing plans submitted with the application indicate that the upper floors of 123 and 124 Walton Street, 126 Walton Street/32a Little Clarendon Street and 127 Walton Street are in residential use, most recently having been occupied by students. It is clear that the first and second floors of 125 Walton Street are used as offices.
23. The applicant states that some of the properties are used in their entirety by the occupiers of the retail units below, or have previously, or are currently used as HMO's (Houses of Multiple Occupation). However, no planning records exist for these units to formerly be used as HMO's. Therefore it is considered that the application proposes a change of use from C3 (residential

use) to Sui Generis (speculative student accommodation). Policy HS10 states that planning permission will not be granted for any development which results in the net loss of one or more self contained dwellings.

24. Policy HS14 refers to speculative student accommodation. Planning permission will only be granted for speculative developments involving purpose built accommodation for students where; occupancy restrictions or other arrangements are secured to ensure the accommodation is only available to those in full time education; appropriate management controls are secured, including an undertaking that students do not bring cars into Oxford; the development would not have an unacceptable impact upon the amenities of local residents; and it provides accommodation for students of the University of Oxford or Oxford Brookes University.
25. The application does not contain any information as to which organisation is going to use the student accommodation, therefore a condition will be imposed to restrict the use to either the University of Oxford or Oxford Brookes.

Impact on Character and Appearance of Conservation Area.

26. The existing buildings make a positive contribution to the character and appearance of the conservation area (a designated heritage asset). PPS5 *Planning for the Historic Environment* explains that proposals for new development should seek to sustain the significance of designated heritage assets and that any impacts must be justified – the degree of justification being proportionate to the level of significance. It also recognises that some changes may be necessary to allow historic buildings to remain in use.
27. Following the previous refusal the applicant has now agreed to retain more of the buildings, and more than just a façade. Officers have advised the retention of enough of the buildings to ensure that:
 - Important external features are retained;
 - the domestic scale and form is retained; and
 - the relationship between the facades, the openings within them and the floor levels and rooms behind are retained.
28. The existing buildings provide physical evidence of the C19th development of the suburb and reinforce the earlier origins of the road layout. The buildings are important in views from adjacent streets and form an important focal point at the junction of Walton Street and Little Clarendon Street. The buildings possess features and uses materials that reinforce the local character and appearance – brick work, timber sash windows, slate and tile. The historic advertisement panels on the corner of 127 Walton Street hold particular value for the local community. 126 Walton Street and 32/32a Little Clarendon Street are later buildings proposed for demolition. Individually these possess limited heritage value and subject to acceptable plans for redevelopment their demolition and replacement will not harm the group value of the retained buildings nor the character and appearance of the conservation area. A condition is proposed for their recording prior to demolition to document the

history of development of the site.

29. The application proposes that the buildings' heritage significance will be retained in the new development. Having established that most of the existing buildings should be retained the pre-application discussion with the applicant has focused on the extent of demolition and new build necessary to ensure that the buildings can be brought back into use without losing their authenticity. Officers' advice and the applicant's proposals have been informed by a Structural Engineer's report and a Quantity Surveyor's report (independent reports were commissioned by the City Council).
30. The extent of internal demolition works seeks to retain key internal walls, but allows new elements to be introduced to provide structural integrity and sound and fire separation between rooms, floors and stairwells.
31. The proposal involves demolition of rear wings, an element that has raised concern amongst some consultees, to accommodate a new build element of contemporary design. This demolition of the rear wings does not require conservation area consent (the application for conservation area consent relates to the total demolition of 126 Walton Street and 32/32a Little Clarendon Street only). The loss of these parts of the building, to be replaced by a new building, still allows the frontage ranges to maintain their contribution to the character and appearance of the conservation area, and allow understanding of the historic development of the street and can thus be sustained. The replacement building faces onto a rear courtyard and will be visible from certain viewpoints in Little Clarendon Street, but in a context where its immediate neighbours are modern buildings. As mentioned above the new range fronting onto Little Clarendon Street, which will be more visible, is proposed to be in brickwork, and whilst still contemporary in design, has proportion and scale intended to reflect that of 127 Walton Street and thus maintain the integrity of the group.
32. On the Walton Street elevation no 126 is replaced with a new infill element that steps back at first floor level and includes a projecting bay to express the separation between the two existing building blocks and to reinforce the vertical rhythm of their elevations. 127 and 123-125 Walton Street have different architectural expression and use different materials, but they have in common similar sense of proportion and scale. This proposed infill seeks to retain the family resemblance whilst itself being a different architectural expression and using different materials. Officers consider this element satisfactory.
33. The ventilation shafts on the north elevation of this new range will be visible in views from the north in Walton Street. Given that the existing roofscape is punctuated with chimneys these ventilation shafts (a functional requirement and a modern interpretation of the chimney) need not look inappropriate or out of place. The colour and finish will be important and the light colour render suggested in the application may not be the most appropriate. The final finish, colour and texture can be controlled by condition.

34. The proposal will secure the reuse of this important corner block, retaining the significant elements of the buildings. Officer's accept that some loss of historic fabric is necessary (but cannot be controlled anyway) to provide for the new development, and is justified when the terms of national and local planning policy and advice.
35. Conditions will be necessary to secure an appropriate methodology and specification for retention, repair and adaptation of the existing buildings, to control the extent of demolition and/or replacement works and to control the detailed construction design of new elements.

Highways.

36. The development does not propose any car parking for students with the exception of that for persons with disabilities. Appropriate levels of cycle parking are to be provided for the students and developer contributions are sought from the applicant to mitigate the impact of the development on the local highway and contribute towards cycle safety measures in the area. Conditions will be imposed to ensure that the site is excluded from residents parking, and also covering the submission and approval of a construction management plan and also a waste management plan.

Archaeology

37. This site is of interest because it lies within the post medieval historic core of Oxford. Based on the available map evidence this plot appears to have been built on from at least the 18th century. The site also lies 140m from extensive prehistoric and Saxon remains identified at the Radcliffe Infirmary site.
38. PPG16 states that the desirability of preserving important archaeological remains is a material planning consideration and that, where physical preservation is not feasible, planning authorities need to satisfy themselves that the developer has made appropriate and satisfactory arrangements for their excavation, recording and subsequent publication. This advice is reflected in the Oxford Local Plan Policy HE2. In this case, a condition would need to be imposed on any consent which requires an archaeological investigation to take place in the form of a watching brief during groundworks. The work should undertaken by a professionally qualified archaeologist. This is because the development may have a damaging effect on known or suspected elements of the historic environment of the people of Oxford and their visitors including potentially prehistoric, medieval and post medieval remains.

Trees.

39. There is a mature sycamore tree in the north east corner of the site. The proposals include provision of new cycle and bin stores within the root protection area of this tree. Construction within the RPA of the tree should include precautions that minimise any risk of damage to the roots of the tree i.e. no excavation. If planning permission were to be granted it should be conditional upon details of any excavations being submitted for approval

before construction starts.

Contamination

40. It is suspected that the site and/or nearby land and water may be contaminated as a result of former industrial or other use. Therefore it is recommended that a condition be imposed on any permission which requires a phased risk assessment to be undertaken prior to commencement of development.

Developer Contributions

41. In accordance with policy CP2 of the Local Plan and the supporting Planning Obligations Supplementary Planning Document, the development would be required to make contributions towards necessary social and environmental infrastructure to mitigate the impact of the development. Were the development to be considered acceptable, contributions to be paid to the City Council would be required towards Indoor Sport (£60 per room = £2160), in addition to those contributions already requested by the County Council in respect of Libraries and improvements to cycle safety.

Sustainability:

42. The floorspace falls just short of the 2000m² threshold for non-residential developments, where a Natural Resource Impact Analysis (NRIA) would be required. The existing floorspace is 1200m² and the net additional gross floorspace is 618m², nevertheless, in accordance with the aims of policy CP15 of the Oxford Local Plan, the site is located in a sustainable location close to shops and facilities and a short walk from the city centre.
43. The construction of the building proposes high thermal mass, and green roofs planted with a natural covering of sedum. Walkways on the roof would also provide access to a solar water heating plant.

Conclusion:

It is considered that this revised proposal for redevelopment of these properties is acceptable and proposes effective use of currently vacant buildings whilst proposing sympathetic restoration of historic buildings and creating modern extensions which are acceptable within the Conservation Area. The development would contribute and enhance the vitality of Little Clarendon Street and Walton Street.

It is therefore considered that the development is acceptable and accords with the relevant policies within the Oxford Local Plan 2001-2016.

Human Rights Act 1998

Officers have considered the Human Rights Act 1998 in reaching a recommendation to grant planning permission, subject to conditions. Officers have considered the potential interference with the rights of the owners/occupiers of surrounding properties under Article 8 and/or Article 1 of the First Protocol of the Act and consider that it is proportionate.

Officers have also considered the interference with the human rights of the applicant under Article 8 and/or Article 1 of the First Protocol caused by imposing conditions. Officers consider that the conditions are necessary to protect the rights and freedoms of others and to control the use of property in accordance with the general interest. The interference is therefore justifiable and proportionate.

Section 17 of the Crime and Disorder Act 1998

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 approve subject to conditions, officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

Background Papers: 09/02484/FUL & 09/02485/CAC and 10/01475/FUL & 10/01478/CAC.

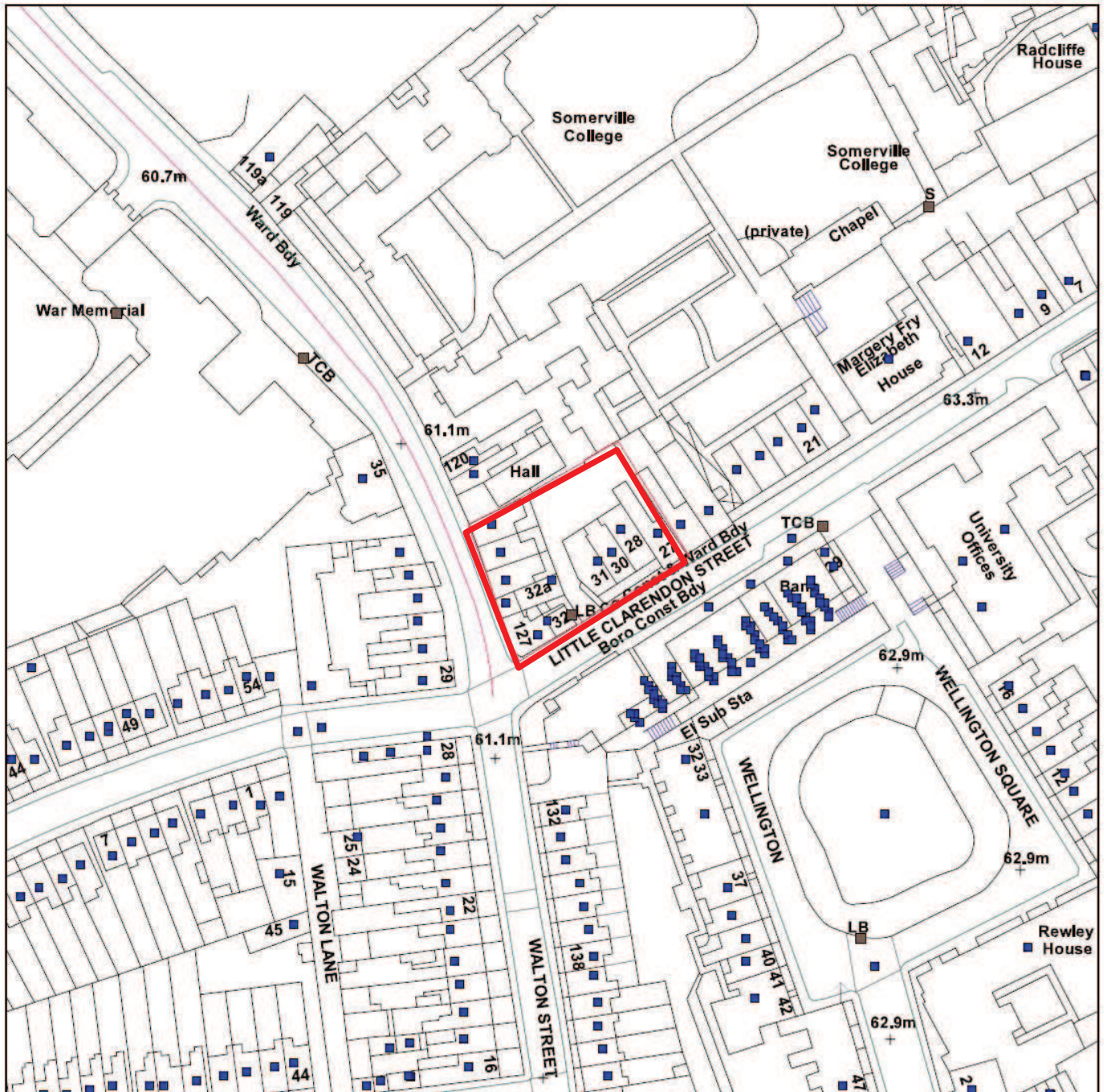
Contact Officer: Amanda Rendell

Extension: 2477

Date: 16 August 2010

Appendix 1

10/01475/FUL & 10/01478/CAC



Scale : 1:1250



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Organisation	Oxford City Council
Department	City Development
Comments	
Date	23 August 2010
SLA Number	100019348

West Area Planning Committee

13 July 2011.

Application Number: 11/00927/FUL

Decision Due by: 29 June 2011

Proposal: Erection of 3 storey building to accommodate 74 student rooms plus warden's accommodation. Provision of cycle and bin storage facilities and landscaping.

Site Address: Rear of 17 To 41 Mill Street, **Appendix 1.**

Ward: Jericho And Osney Ward

Agent: John Philips Planning
Consultancy

Applicant: W.E. Black Ltd

Recommendation: Committee is recommended to support the development in principle but defer the application in order to complete an accompanying legal agreement and delegate Officers the issuing of planning permission subject to conditions on its completion.

Reasons for Approval.

1. The Council considers that the proposal accords with the policies of the development plan as summarised below. It has taken into consideration all other material matters, including matters raised in response to consultation and publicity. Any material harm that the development would otherwise give rise to can be offset by the conditions imposed.
2. The development seeks to provide student accommodation in line with the requirements of Local Plan and Core Strategy policy at a brownfield site which is ill suited to family housing due to its particular configuration adjacent to the railway line, or to commercial development in view of its poor access arrangements via a residential street. The use of the site for the intended purpose has been established by a previous planning permission now lapsed. It is especially suited for occupation by students of Bellerbys College based at Trajan House a short distance from the site to the west side of Mill Street. The development would generate little traffic and reduces the need to travel. As such the development makes good and efficient use of the land.
3. Many of the public comments received express concerns about the relationship of the proposed development to existing residential properties in Mill Street, the loss of greenery from the site and the size and form of the proposed building. The

development is however located at a distance from these properties which would not give rise to unacceptable conditions or loss of amenities, whilst new tree and shrub planting would replace the existing scrub and tipping on the land and provide future habitats for wildlife. At three storeys the building would be larger than the nearby residential properties and of a different architectural form, but would not be of a size or scale unsuited to its location adjacent to the railway line. The building is sited at a sustainable location with good levels of energy efficiency included, and is safeguarded against flood risk. There are no objections to the proposals from statutory organisations.

Conditions.

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Amended drawings
- 4 Samples
- 5 On site management of students
- 6 Occupancy restrictions
- 7 Student accommodation: out of term use
- 8 Tree protection plan
- 9 No felling, lopping, cutting
- 10 Landscape: underground services
- 11 Tree protection plan
- 12 Arboricultural method statement
- 13 Landscape plan required
- 14 Landscape carry out after completion
- 15 Landscape management plan
- 16 Students no cars
- 17 No car parking on site
- 18 Control of access
- 19 Restrict delivery / service times
- 20 Cycle parking
- 21 Bin stores: amended drawings
- 22 Scheme of lighting and CCTV
- 23 Boundary treatment
- 24 Ground contamination
- 25 Vibration: details to protect development
- 26 Noise from development
- 27 Soundproofing of development from railway noise
- 28 Development in accordance with Flood Risk Assessment (FRA)
- 29 Sustainable drainage
- 30 NRIA
- 31 Construction management plan
- 32 Travel plan
- 33 Archaeology
- 34 Public art
- 35 Further habitat survey
- 36 Wildlife habitats
- 37 Fire hydrants

Legal Agreement.

Financial contributions of:

1. £30,000 towards public realm improvements adjacent to entrance to site.
2. £4,725 towards library facilities within the City.
3. £4,440 towards indoor recreation facilities within the City.

Principal Policy Documents.

Oxford Local Plan 2001-2016

CP1 - Development Proposals
CP6 - Efficient Use of Land & Density
CP8 - Design Development to Relate to its Context
CP9 - Creating Successful New Places
CP10 - Siting Development to Meet Functional Needs
CP11 - Landscape Design
CP13 - Accessibility
CP14 - Public Art
CP17 - Recycled Materials
CP18 - Natural Resource Impact Analysis
CP19 - Nuisance
CP20 - Lighting
CP21 - Noise
CP22 - Contaminated Land
TR3 - Car Parking Standards
TR4 - Pedestrian & Cycle Facilities
TR13 - Controlled Parking Zones
NE14 - Water and Sewerage Infrastructure
NE15 - Loss of Trees and Hedgerows
NE16 - Protected Trees
NE20 - Wildlife Corridors
NE23 - Habitat Creation in New Developments
HE2 - Archaeology
HS20 - Local Residential Environment
TA5 - Accommodation - out of term use

Oxford Core Strategy 2026.

CS2 - Previously developed and greenfield land
CS9 - Energy and natural resources
CS10 - Waste and recycling
CS11 - Flooding
CS12 - Biodiversity
CS13 - Supporting access to new development
CS17 - Infrastructure and developer contributions
CS18 - Urban design, town character, historic environment
CS19 - Community safety
CS25 - Student accommodation

Supplementary Planning Documents (SPDs).

1. Planning Obligations (2007)

2. Natural Resource Impact Analysis (NRIA) (2006).
3. Parking Standards, Transport Assessment and Travel Plans.(2006)

Other Policy Documents.

PPS1: Delivering Sustainable Communities.

PPS3: Transport.

PPS5: Planning for the Historic Environment.

PPS9: Biodiversity and Geological Conservation.

PPS22: Renewable Energy.

PPS23: Planning and Pollution Control.

PPG24: Planning and Noise.

PPS25: Planning and Flood Risk.

Summary of Planning History.

Historically the application site formed part of railway sidings and landholdings, but in more recent times this and an adjacent site have been subject to a number of planning applications. Immediately to the west a smaller site than the current application site was granted planning permission for 6 flats in the 1980s at what is now Abbey Walk. In 1989 a small office development was also permitted on the same site but not implemented. On the current site a development of 24 flats was refused planning permission in the early 1990s, but a development of 19 student study rooms approved a decade later, though not implemented. That permission has now lapsed. It is accepted therefore that the principle of development for student accommodation has been established at this site.

Public Consultation.

Prior to the submission of the planning application the applicant undertook a public presentation of the proposed development on 24th February 2011 to which residents of Mill Street were invited plus local ward councillors etc. Some 22 people attended and 7 written comments were made. The principal issues raised related to the density of development, the scale and height of buildings, landscaping and the impact on car parking, noise and biodiversity.

Following receipt of the planning application and site advertisement the following comments were received.

Environment Agency: (i): Basis of Flood Risk Assessment (FRA) undertaken not appropriate and flood levels therefore underestimated; FRA should be revised; route for safe access and egress should be provided to avoid need for evacuation in time of flood. (ii): revised FRA resolves objections previously raised; FRA demonstrates that level for level compensation for lost flood water is still achievable; satisfied proposal will not increase flood risk; Emergency Planner at Oxford City Council satisfied that emergency planning issues can be managed; remove objection on access and egress grounds subject to condition requiring details of FRA to be implemented.

Thames Water: No objection to the planning application in terms of water or sewerage infrastructure; storm water flows should be attenuated or regulated into receiving public network through on or off site storage.

Network Rail: No objection but some minor concerns: NR need to consider foundation and constructional designs; trespass proof fencing required; buildings to be 2m from boundary; no discharge of surface water onto NR land; NR to be consulted on changes in ground levels; windows and scaffolding not to oversail operational railway; development to take into account noise, vibration and dust from railway; trees to be planted agreed distance from boundary.

Oxfordshire County Council Environment & Economy: Financial contribution of £4,725 required towards library facilities; costs of fire hydrants can be met by condition.

Oxfordshire County Council: Highways: No objection subject to conditions and adjusted plans; as development is at a sustainable location suggest removal of warden's car parking space; temporary Traffic Order may be required during construction; cycle parking details need to be adjusted; development to be SUDs compliant; development encroaches slightly onto highway land - plan needs adjusting; Travel Plan and Construction Travel Plan required; contribution of £30,000 towards highway / public realm works welcomed.

Environmental Development: As potentially contaminated land risk assessment, site investigation and remediation strategy is required; condition required to soundproof development from railway noise; details of measures to protect against vibration required

Oxford Civic Society: Building would be uninspiring entrance to the city; building may look monolithic and depressing; screening by trees may be effective eventually; 2 storey building would be preferred with more variety and interest but options may be limited on this narrow plot; cycle parking should be provided for all students.

Individual Comments: Main comments made:

- potential for overlooking / loss of privacy.
- density of occupation too high.
- noise intrusion.
- fear antisocial behaviour / late night activity.
- overbearing nature of development.
- loss of daylight / sunlight.
- loss of tree coverage and greenery.
- increased traffic along Mill Street, including service vehicles and taxis.
- loss of views.
- valuable wildlife corridor.
- development too large and overbearing.
- building taller than existing structures.
- would be better constructed at lower part of site.
- development out of character / not in the local vernacular.
- light pollution
- building would not reduce noise levels as suggested, which is not a problem in any event.
- restrict occupation of development.
- better street lighting, CCTV etc requested.
- S.106 agreement should make Mill Street safer for pedestrians and cyclists / traffic calming.

The applicant's response to these comments is attached as appendix 2 to this

report.

Background to Proposals.

1. The planning application relates to a linear site measuring 0.3 ha (0.75 acre) to the immediate west of the railway line south of Oxford Railway Station. The land was formally occupied by railway sidings and platform but has been overgrown and unused for many years, though some access has been gained by neighbouring residents and an amount of fly tipping has also taken place. Although there are few trees of individual quality on the site, in view of its general greenery value a Tree Preservation Order had been placed on the land in 2010 to prevent removals in advance of any redevelopment proposals coming forward. Access to the site is taken from the south via the western section of Osney Lane off Mill Street. To the north is other former railway land occupied by the now closed Railway Club accessed from Mill Street via a route to the rear of the Westgate Hotel. A number of the Mill Street houses have taken vehicular access to the rear of their properties from this point.
2. To the east of the application site is the railway line with rail users car park beyond, whilst to the west are the rear gardens of 17 to 41 Mill Street. Nearby to the eastern side of the railway line unimplemented permissions exist for a new terminating “bay platform” and transfer deck linking the platform to the existing Railway Station located to the north side of Botley Road.
3. The single linear building proposed for the site would provide 74 en suite student study rooms with the intended occupiers being students of Bellerbys College who occupy teaching premises nearby at Trajan House in Mill Street. The rooms are arranged in clusters of 6 or 7, with a small kitchen / social area serving each cluster. Meals can also be taken at the cafeteria at Trajan House. Four of the rooms are to full disabled standard, with warden’s accommodation located near the entrance to the site. A small common room area is also provided at this point, but there would be no bar within the building. No car parking is provided on site other than for the warden, though access is made available for servicing purposes, collection from bin stores and for emergency vehicles. Cycle parking and bin stores are located in separate structures from the main accommodation building.
4. Students of Bellerbys College would generally be in the age range of 16 to 19 undertaking full time GCSE, A levels and foundation courses. Some 80% of Bellerbys’ students proceed on to UK university courses. The college is Ofsted inspected.
5. Officers consider the principal determining issues in this case to be:
 - planning policy;
 - built forms;
 - highways, access and parking;
 - trees and landscaping;
 - noise, vibration and air quality;
 - flood risk;
 - archaeology; and

- sustainability

Officers Assessment.

Planning Policy.

6. The application site bears no site specific allocation in the adopted Local Plan or Core Strategy, and falls outside the defined area encompassed by the West End Area Action Plan. Nevertheless the proposal raises a number of issues to which a range of more general Local Plan, Core Strategy and other policies relate. These are listed at the head of this report. As indicated elsewhere the application generally responds to these policy requirements by making beneficial and efficient use of brownfield land which by virtue of its narrow and linear configuration would not be well suited to family housing for example, nor to commercial use due to the restricted access arrangements via a residential street. In that context, of particular relevance to the case are those policies relating to the provision of purpose built student residential accommodation.
7. For many years successive Local Plans have supported the provision of purpose built student accommodation on sites not suited to family housing in order to reduce the pressure on the general housing market by students who might otherwise live in shared houses capable of being occupied by families permanently resident in the City. In the current Local Plan occupation of such developments had been restricted to students of the University and its constituent colleges, or students of Oxford Brookes University. However following adoption of the Oxford Core Strategy 2026 in March of this year the relevant Local Plan policy has been replaced by Core Strategy policy CS25 which seeks to relax previous policy restrictions so as to permit occupation by other institutions providing its students are enrolled on full time courses of an academic year or more. Occupation by Bellerbys' GCSE, A level and foundation course students would meet this requirement. A condition would be applied to planning permission if granted securing such a restriction in perpetuity in the event that institutions other than Bellerbys were to occupy the building in future years.

Built Form.

8. The proposal consists of a single 3 storey building constructed in a linear form with facing buff coloured brickwork at lower levels and standing seam grey metal cladding in zinc or similar at upper levels and roof. Windows would possess aluminium frames and the whole development would be orientated to the west away from the railway line it adjoins. As such corridor access to individual study rooms runs along the entire eastern side of the building to the railway line at all levels, providing protection from any noise and pollution from the railway line. The main entrance to the site and building is from the southern end with two further entrances at intervals along the western side where staircases to upper levels are located. At these points the strict linear configuration of the development is broken as the building realigns slightly to adopt a more a sinuous form. At these "knuckle" points the entrances are

identified by a recessed, glazed treatment to the stair towers. To the eastern elevation adjacent to the harsher environment of the railway line the applicant suggests a more robust approach is required, and which avoids over - emphasising these subtle changes of direction. The applicant argues instead in favour of a regular architectural rhythm and treatment.

9. Overall the sinuous form of the single building is in large measure a response to the very particular characteristics of the site which measures between 20m and 25m in width only, but extends some 120m in length northwards from the point of access off Osney Lane. In order to provide a satisfactory relationship with the rear of neighbouring residential properties in Mill Street the building is sited to the eastern side of the site on slightly higher ground which also allows it to be sited away from land identified as falling within Flood Zone 3 as defined by the Environment Agency, (referred to later in this report).
10. Externally the site is cleared of the scrub and tipping which has taken place on the land over the years and new planting proposed in order to provide a setting for the new development and maintain some of the greenery that the site currently possesses despite its unkempt appearance. As such a strip of landscaping is proposed along the rear of the Mill Street and Abbey Place properties measuring up to 4.4m in width with additional planting at the northern end. The landscaping would consist of new tree planting to replace those which have to be lost, retention of some trees in better condition, and the introduction of appropriate low level shrubs. More formal planting and lawns is proposed adjacent to the buildings themselves, whilst an access road runs the length of the site between these planted areas, for use by emergency vehicles. Some limited planting is also suggested east of the building where it abuts the railway line. The boundaries of the site would be maintained by a 2m timber fence along the western side to the rear of the Mill Street houses and a new low brick wall at the entrance from Osney Lane. To the east and north the existing railings would be retained.
11. The accommodation building itself is arranged on three floors rising to 10.1m along most of its length with a slight rise at the southern end of 2m in the form of a cantilevered canopy included as an angular architectural feature at the point at which the building is perhaps most visible from the public realm. The second floor accommodation is set back 1.8m from the main western face of the building along its full length however so that the leading edge at this point would rise to approximately 7.5m or about the same height as the ridge to the Mill Street houses. Whilst these properties are more modest domestic scale structures on two floors, there are a number of buildings within the street and in the locality on three floors or more, for example at the Westgate Hotel, Kite PH, Trajan House, Oxford Innovations, Youth Hostel, Gibbs Crescent and the former University Dept. of Engineering at Russell Street.
12. Generally the distance between facing windows for properties across Mill Street is approximately 12m, whilst typical minimum window to window distances at the rear of Victorian or Edwardian terraces such as these is 21m. In comparison the proposed building is located 33m from the nearest window in the rear elevation of the Mill Street properties, extending to as much as

39m in other cases. At these distances there would be little impact on the Mill Street properties in terms of lighting conditions, nor in the officers' view would the development appear overbearing when viewed from these houses or their gardens. Window to window distances would also be similar to or greater than to be typically found in residential areas of this type close to the city centre. As such acceptable levels of privacy would be maintained. Whilst the 6 flats at Abbey Walk are closer to the proposed student accommodation, only two habitable room windows are present in the facing elevation and these currently abut the access road within that development. In any event one of the striking features of the new building is the verticality of its windows to study rooms arranged in a razor tooth form and aligned to the south - west to avoid direct views towards gardens. Such an alignment avoids direct overlooking and also has the benefit of providing good internal lighting conditions for the study bedrooms. Overall therefore officers take the view that the privacy of neighbouring householders at both Mill Street and Abbey Walk is protected and that a three storey building can be accommodated at the application site.

13. In summary officers are satisfied that the built form and location of this single sinuous building responds positively to its very particular context; respects neighbouring residential amenities; and produces a distinctive architectural solution appropriate to the narrow and constrained site it occupies adjacent to the railway line.

Highways, Access and Parking.

14. As the application site is at a sustainable location close to public transport facilities and a short walk from the city centre, the development is intended to be essentially car free with no car parking provided on site other than for the resident warden. The site falls outside the Controlled Parking Zone in operation in Mill Street and occupiers of the development would not therefore be eligible for residents' parking permits. A condition to the planning permission would also require that a clause in students' tenancy arrangements would not permit them to bring vehicles to Oxford. As the majority of students would be in the age range of 16 to 19, few would possess a driving licence in any event. Covered cycle parking for 38 cycles is provided to meet Local Plan requirements, though space exists to provide further facilities if necessary.
15. A drop off point for smaller vehicles and taxis exists at the entrance to the site adjacent to the warden's car parking space, but measures are required to be in place to prevent other parking taking place, but to allow access for refuse collection vehicles etc. A condition is suggested requiring details. Conditions are suggested also for a limited travel plan, and construction travel plan. A minor drafting error on the submitted plans indicate encroachment over the common boundary to the public highway. Amended drawings correcting the error are required.
16. In support of the proposals, the applicant is prepared to fund alterations to the pedestrian area to the foot of the footbridge at Osney Lane which requires

improvement. This would be secured by legal agreement, along with other contributions in line with the Supplementary Planning Document (SPD) on Planning Obligations.

Trees and Landscaping.

17. The application site is thickly covered by trees, shrubs and general scrub. An arboricultural report accompanies the planning application and indicates some 34 trees or groups of trees to be present which are graded according to their visual quality using the guidance in BS5837: 2005. Of the 34 trees and groups of trees 2 are graded category B (moderate quality and value) and remainder category C (low quality and value). One further tree, a wild cherry, is not graded but recommended for felling as it is in decline, contains a fungus (*Pholiota squarrosa*), and possesses a base which forks into 3 and a heavy limb which is split and fallen. Overall the quality of individual specimens on the site is low, though they possess a collective presence when viewed from public vantage points in Osney Lane and Becket Street, and in private views from the rear of gardens to Mill Street. For this reason and to protect trees which were at risk of being felled a Tree Preservation Order was made on the land in 2010. It was not the intention of the Order to prevent appropriate development however as the principle of developing the land had previously been established. Rather it was intended to retain the greenery of the site until such time that further proposals came forward for the land.
18. Of the 34 specimens identified 20 individuals plus 2 groups of trees are proposed for removal to allow the development to proceed: 2 wild cherry; 1 crack willow; 4 individual and one group of elders; 2 goat willow; 10 individual and 1 group of sycamore and a group of mixed species saplings. The loss of these specimens would be mitigated by the retention of 12 of the specimens, including both category B ornamental cherries plus 4 sycamores, 2 purple plums, 2 goat willows, a crack willow and 1 field maple, all to be pruned where required to reduce the risk of breaking or falling, or to improve their form. The retention of these specimens would be supplemented by new tree planting supported by low level shrub planting. To the western boundary of the site a landscaping strip 4.4m wide is proposed to contain the trees and shrubs, within which are currently located the cycle and bin stores serving the development. Details of the tree species to be planted would be secured by condition, such planting to assist in mitigating the losses.
19. Whilst in the first instance the visual presence of the new planting within the 4.4m strip would be limited as generally the new trees would be only approximately 2.4m in height, as the expected species of alder, birch and pine trees mature they can be expected to strengthen the existing screening from the retained trees and ensure a succession of mature tree coverage in the future. As the bin and cycle stores are located within the root protection zone of some of the retained trees then it is suggested that their positioning is adjusted accordingly to ensure the continued viability of the retained specimens. Similarly as the precise route of underground services is not identified, then a series of planning conditions are suggested to provide protection and ensure that existing trees to be retained are not threatened.

20. Elsewhere on the site lawned areas with occasional tree planting is provided to the frontage of the new building, whilst to the east of the development a narrow strip of planting is possible adjacent to the railway line land. This is indicated to be planted with native shrubs and trees which would be managed as scrub. Again details would be required by condition

Noise, Vibration and Air Quality.

21. In November 2010 noise and vibration surveys were undertaken at the application site to inform the design of the development. The proposal which emerged was in the form of a single block of accommodation with corridor access along the eastern side of the building at all 3 levels, creating a buffer zone to railway noise. Double glazed window units to this elevation opened only for cleaning purposes further reduce internal noise levels by at least 30dB(A). With further acoustic requirements to internal walls to meet the Building Regulations, any noise emanating from the railway to habitable rooms would be low, and within the guidance levels set out in Planning Policy Guidance Note 24: "Noise" (PPG24).

22. The existing trees and scrub provide some noise attenuation for residential properties backing onto the application site. Whilst the removal of vegetation is mitigated to an extent by new planting, greater benefits are derived from the building itself which is calculated by the applicants' consultants to result in a reduction in noise levels of at least 3 dB(A) measured at the upper floors of the Mill Street properties with a greater reduction of up to 6 dB(A) for those properties located opposite the central part of the development which are more effectively screened. Whilst some local residents have indicated in public comments that noise emanating from the railway is not problematical and have queried that the new development would offer the suggested noise benefit, it is recalled that in response to Network Rail's recent proposals for a bay platform to the eastern side of the railway line a specific request was made by local residents that Network Rail erect an acoustic fence along the full length of the railway line at this point. In this regard the proposed building would perform a similar role to such a fence.

23. On one other matter relating to noise, several local residents have raised concerns about noisy students potentially occupying the development, and that those properties in Mill Street currently occupied by students have caused such problems in the past. Environmental Development colleagues advise that there have been 6 such recorded complaints only received from postcode area OX20AJ since 2002 and none since 2008. In any event the students of Bellerbys College intended to occupy the proposed development would be of a younger age group than university students, generally in the age range of 16 to 19. More particularly there would be a requirement by planning condition that either a resident warden lives on the site to provide supervision and a point of contact for local residents in the event of problems arising, or that there would be some other form of 24 hour on site presence. Delivery times can also be restricted to avoid unsocial hours.

24. In terms of vibration, the survey results indicated with reference to relevant British Standard 6472 that there was likely to be only “*low probability of adverse comment*” from occupants of the development. In order to mitigate against any perceived issues of vibration the design and construction of the development would however need to take the presence of the railway fully into account so that, for example, lightweight structures with suspended wooden floors would be unlikely to be appropriate. Rather consideration would need to be given to piled foundations with construction of sufficient mass to minimise any amplification within the building. A condition is suggested requiring constructional details to be submitted and approved accordingly.
25. With the development orientated to the west, Environmental Development officers advise air quality issues would be unlikely to arise unless there were evidence of extensive idling taking place adjacent to the development, which is not the case.

Flood Risk.

26. The Environment Agency’s published flood risk zones indicate parts of application site to the south and west to fall within flood zone 3a which equates to a high probability of flooding during a 1 in 100 year event with allowance for climate change. Other parts of the site are on higher ground however and fall with flood zones 1 and 2, ie being at low or medium risk respectively in a 1 in 100 year event.
27. As part of the site falls within the defined flood zone 3a, then a “*Sequential Test*” under the terms of Planning Policy Statement 25: “*Planning and Flood Risk*”. (PPS25) is required to establish if in flood terms any other sequentially preferable sites are reasonably available which could potentially accommodate the development. The search undertaken by the applicant identifies no such better sites however, and officers would come to the same conclusion. In reaching this view officers have taken into account that part only of the site is within flood zone 3; that the building itself is set on higher ground; and that although other windfall sites could become available for this use, the Oxford Local Plan does not allocate sites for student accommodation for private educational institutions of this sort. Nor are there any other sites in the near vicinity which could conceivably be used for the purpose. Within the Oxford West End to the east student accommodation sites with the Area Action Plan (AAP) are identified only as part for mixed developments, (therefore involving other parties), which could not be said to be currently available for the development.
28. If the Sequential Test requirements are met for developments which fall within flood zone 3, then an “*Exceptions Test*” is then applied. To meet this test there must be other sustainability benefits from the development; the development must be on previously developed land; and an acceptable flood risk assessment (FRA) must be in place, preferably reducing the risk of flooding elsewhere. As the development is car free and at a highly sustainable location; occupies previously developed land where planning permission has

also been granted for the same use in the past; and no objection is raised to the FRA by the Environment Agency, then the Exceptions Test is also met.

29. In terms of actual measures undertaken to protect the building and not cause additional flood risk elsewhere, the finished floor level of the development is set at 57.81m AOD or 270 mm above the 1 in 100 year level plus climate change, or 520 mm above the 1 in 100 year level. External levels will be 56.685AOD. This means that the building itself would not be at risk of flooding. However a small area of the building would extend into the zone 3a area and a compensation scheme is proposed accordingly. The intrusion equates to some 106 cu m of water during a 1 in 100 year plus climate change event, in response to which flood compensation of 241 cu m is provided, or a net gain of 135 cu m. In terms of runoff a sustainable urban drainage scheme (SUDS) is also proposed, details of which can be required and agreed by condition.
30. The Environment Agency raise no objection to the proposals subject to it being undertaken strictly in accordance with the measures outlined within the FRA. A condition is suggested accordingly.

Archaeology.

31. A desk based archaeological assessment accompanies the planning application. The site is of interest as the precinct of Osney Abbey lay just to the south and west of the site, and the presence of a Saxon Burial in the Osney area in the 19th century suggests there may be other burials in the general area. Also the route of a post Medieval or earlier road may have run through the site towards the Thames. An archaeological investigation is therefore suggested which should consist of a trial trench across the site of the projected post Medieval road and a watching brief during significant ground works. These requirements can be secured by condition.

Sustainability.

32. The development is located at a sustainable location very close to the railway station and bus interchange and within a short walk of the central bus station and city centre. It would be car free other than for the warden's accommodation with covered cycle parking also provided. In terms of the new building a BREEAM very good or excellent rating is aimed for with a score of 7 out of 11 being achieved on the Natural Resource Impact Analysis (NRIA) checklist. This is achieved via a series of measures. In terms of energy efficiency high levels of insulation is included with double glazed, naturally ventilated windows, sensors to lighting equipment etc. Renewable energy is provided by a mix of roof mounted solar hot water and photovoltaic equipment whilst part off - site construction is being considered. Timber would be obtained from sustainable sources and rainwater harvesting employed for external areas.

Other Matters.

33. Biodiversity. The application site is made up mainly of scrub ground with some individual trees. Hardstandings also exist across parts of the site and the land has generally undergone a degree of fly tipping. There is therefore some potential for wildlife occupation. A full habitat survey was undertaken in August 2010 by Ecoconsult Wildlife Consultancy. Resurveys were also taken shortly afterwards. The survey identified one badger sett and 2 mammal holes, but none were in active use at the time of survey or resurvey. The surveys recorded no reptiles on the site and identified only a low potential for bat roosts. There were no UK priority species found. Nevertheless the site was suitable for nesting birds. The report recommends that native trees and shrubs are planted as part of the landscaping scheme to provide future habitats. Officers would support that recommendation and would also suggest that specific bird and bat boxes be included as appropriate. As the original survey of species was in August 2010, it is also suggested that in the event of planning permission being granted, that a further habitat survey be undertaken prior to the commencement of work on site.
34. Contamination. As previously developed land accommodating a railway platform and associated railway activities, the application site possesses a degree of contamination. A ground condition report undertaken by specialist consultants accompanies the planning application and concludes that the overall potential to generate significant contamination on the land is limited and that the geoenvironmental risks associated with the site are low. Environmental Development colleagues recommend a condition is imposed on the planning application requiring full on site investigation of the extent of contamination, together with a remediation strategy.
35. Public Art. The development qualifies for a contribution towards public art in some form. This can also be secured by condition.

Conclusion:

36. The planning application relates to a parcel of former railway land which has lain unused for some years but which has been the subject of some tipping and unauthorised access in recent times. It has also been the subject of a previous planning permission which did not come to fruition. Although a Tree Preservation Order exists on the site this was imposed not because of the individual quality of trees, but in order to allow the greenery and general visual amenity provided by the site to be retained until such time as development proposals came forward. In terms of the current planning application, the development provides student accommodation conveniently placed for an intended occupier located nearby and is car free, being at a highly sustainable location close to the city centre and public transport facilities. Whilst the proposed building is constructed on 3 floors, it is located at a distance which would not impact on neighbouring residential properties such as to warrant refusal of planning permission, and indeed may assist to an extent in providing an acoustic barrier to noise emanating from the nearby railway lines. The site is sufficiently large to also allow new and supplementary

planting to soften its appearance and to provide habitats for wildlife. The development would be safeguarded from flooding.

37. Committee is recommended to support the proposals accordingly.

Human Rights Act 1998

Officers have considered the Human Rights Act 1998 in reaching a recommendation to grant planning permission, subject to conditions and accompanying legal agreement. Officers have considered the potential interference with the rights of the owners/occupiers of surrounding properties under Article 8 and/or Article 1 of the First Protocol of the Act and consider that it is proportionate.

Officers have also considered the interference with the human rights of the applicant under Article 8 and/or Article 1 of the First Protocol caused by imposing conditions with accompanying legal agreement. Officers consider that the conditions and legal agreement are necessary to protect the rights and freedoms of others and to control the use of property in accordance with the general interest. The interference is therefore justifiable and proportionate.

Section 17 of the Crime and Disorder Act 1998

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

Background Papers: 11/00927/FUL

Contact Officer: Murray Hancock

Extension: 2153

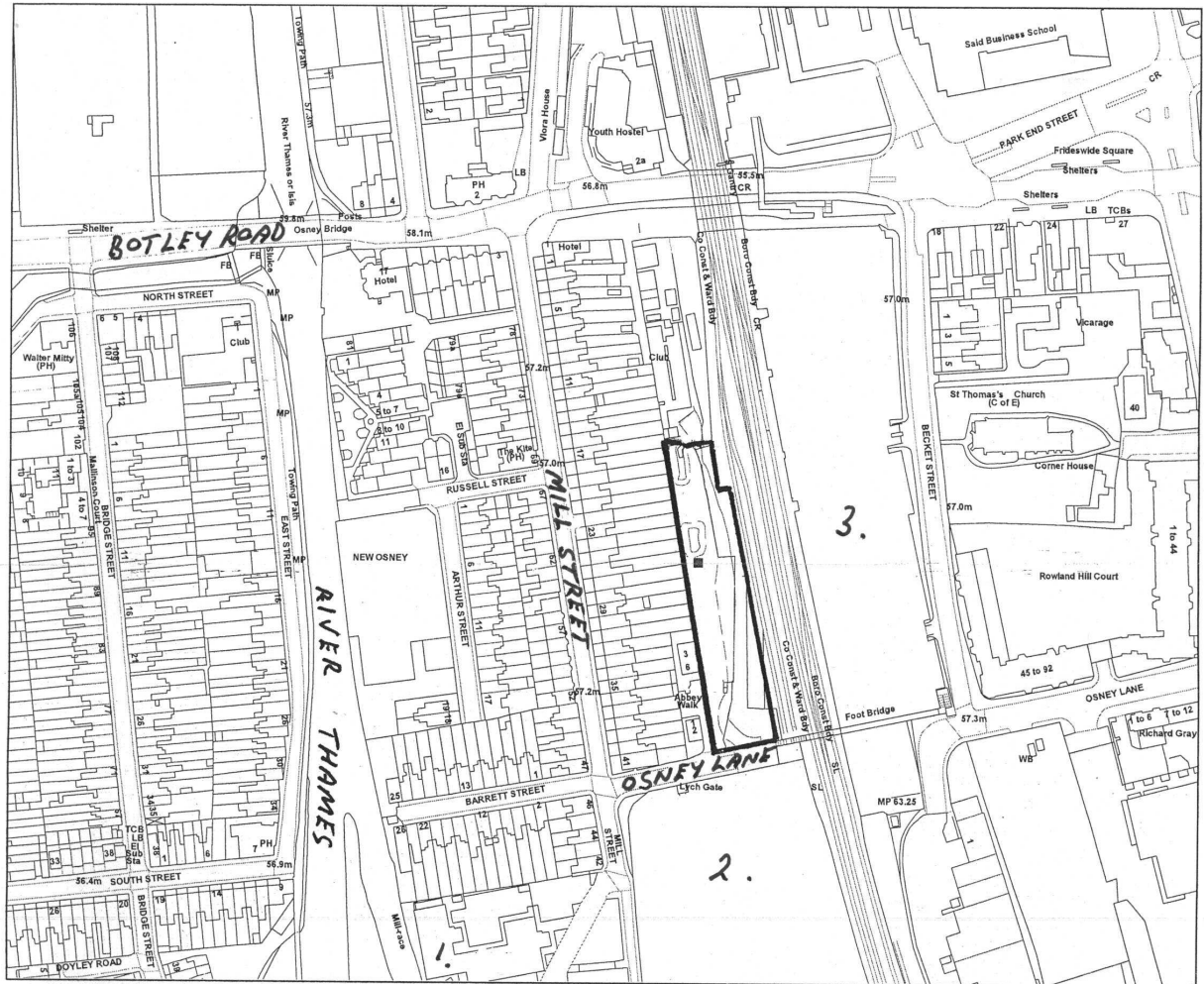
Date: 30 June 2011



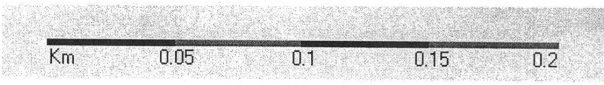
GIS by ESRI (UK)

Rear of 17 - 41 Mill Street

11/00927/FUL



- Legend**
1. TRAJAN HOUSE.
 2. OSNEY CEMETERY.
 3. BECKET ST. CAR PARK



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Organisation	Not Set
Department	Not Set
Comments	Not Set
Date	30 June 2011
SLA Number	Not Set

Produced using ESRI (UK)'s MapExplorer 2.0 - <http://www.esriuk.com>

NL/AE/4482

Mr M Hancock
Chief Principal Planner
Oxford City Council
Planning Department
Ramsay House
10 St Ebbe's Street
Oxford
OX1 1PT

25th May 2011

Dear Mr Hancock

Application Reference: 11/00927/FUL

Erection of 3 storey building to accommodate 74 student rooms plus warden's accommodation. Provision of cycle and bin storage facilities and landscaping. (Amended Plans)

Introduction

I write in relation to the above planning application and, in particular, to the comments which have been made so far by statutory consultees and other third parties. Some of comments which have been made are repeated in number of the neighbour representation letters and so I have summarised the key issues which have been raised and provided my response to each one immediately below.

Statutory Consultees

OCC Developer Funding – Financial Contributions

The contribution towards the upgrading of the land outside of the site is dealt with in Section 5.44 of the Planning Statement. It was our understanding that the contribution towards improving this area was in lieu of the cycling improvement contribution and not additional to it (see comments from the Liaison Officer in this respect). On the issue of disabled access, the bridge is not owned by the applicant and the issue of disabled access across the bridge is something which should be visited on Network Rail rather than on those with sites adjacent to it: the improvements would not relate to the development proposed but would be for the wider community.

The applicant is prepared to pay the financial contributions towards library and fire infrastructure as requested in Oxfordshire County Council's letter dated 12th April 2011 provided that these are based on the Council's adopted SPD.

The John Phillips Planning Consultancy
Partners:
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Oxford Civic Society – 'A monolithic and uninspiring building which should only be 2 storeys'

Whilst it would be tempting to make an attention seeking building here on the approach to the station, the proposed development provides a relatively small block of student accommodation and, as such, its role is more of a backdrop than an iconic building. This is not a location where such a building would be expected. However, what is proposed will provide an attractive backdrop to the proposed new platforms to the east of the site, when viewed from the west, and will help address some of the issues raised by local residents when objecting to the new platforms.

The station, institutions (said business school) etc, are the buildings which should be outstanding. Nonetheless, the proposed building will have a presence (which it would not if it were only 2 storeys) and the striking chequerboard pattern will be quite arresting. Therefore, this comment is quite disconcerting and at variance with the general feedback received about how the façade to the railway is interesting and lively. Furthermore, the submitted video clip shows that it will come to life in movement, when the subtle kinks in the plan are emphasised.

Network Rail – No objection but comments in relation to window openings, foundations and landscaping

Network Rail has not made a formal objection to the proposal but it has raised minor concerns in relation to the window openings facing the railway, the foundation design and landscaping. In response, we can confirm that windows that open to the railway would either be fixed or with only minimum openings restricted for ventilation which would prevent litter and other detritus being thrown out of the windows by students.

In terms of the foundations, there is a covenant on the land which requires the foundations to be approved by British Rail and there is an Asset Protection Agreement entered into by the developer with British Rail. This would therefore control the foundation design in order to ensure that the railway is protected.

British Rail has made some short comments in relation to the proposed landscaping scheme and has asked that in the interests of safety, all new trees to be planted near to Network Rail land should be located at a distance of not less than their mature height from the boundary fence, and that the chosen species should be controlled by condition. As you will be aware, the tree planting and landscaping on this side of the building was requested by the Council's officers. There is existing vegetation on this boundary and, as suggested by Network Rail, the type of landscaping is able to be controlled by condition.

Environment Agency – Holding objection until the following two issues are addressed

Issue 1: The Environment Agency has requested that the applicant base the assessment of fluvial flood risk on the best available flooding information for the site. We are surprised that issues of this nature arise after pre-application consultation with the EA. Nonetheless, Glanvilles are currently pursuing this aspect with the EA but have not been able to receive the information requested from the EA or to speak with the relevant officer.

Issue 2: The Environment Agency has requested that the applicant identify a safe route of access and egress to an area entirely outside of the floodplain. As above.

Environmental Control – Contaminated Land

A Phase 1 Geotechnical and Geoenvironmental Ground Condition Report has been prepared by Peter Brett Associates and forms part of the application submission. It concludes that, based on the known history and present use of the site:

- the overall potential to generate significant contamination on the site is considered to be moderate;

- the overall potential to significant contaminants in the vicinity of the site is considered to be moderate;
- the geoenvironmental risks at the site have been estimated as LOW.

Given the conclusions of the geoenvironmental report, the Council can reasonably apply suitable conditions on a planning permission to require the submission of further (Phase 2) investigations for approval prior to the commencement of works as has been recommended by the Environmental Control Team Leader in her response letter dated 26th April 2011.

Environmental Health – Noise, Vibration and Delivery Collection Times

The Council's Environmental Health Department has not raised any objection to the scheme but it has recommended that a number of conditions be imposed should planning permission be granted in relation to railway noise, vibration and delivery and waste collection times. While we do not necessarily object to a condition being imposed to restrict deliveries to and waste collections from the site, we do not consider it to be necessary and there are no precedents for such a condition being imposed in similar cases.

Neighbour Representations

Density of Development

Oxford Local Plan Core Policy 6 states that:

- Permission will only be granted for developments which make maximum and appropriate use of land;
- The scale of development should be at least equivalent to the surrounding area; and
- Larger scale proposals will be encouraged where appropriate.

The development provides for the erection of 74 ensuite student rooms with shared facilities within a 3-storey building, together with the requisite cycle parking, bin storage and amenity space. In line with the requirements of Core Policy 6 of the Oxford Local Plan, the development has been designed to make maximum and appropriate use of land in a manner which is compatible with the surrounding area. It makes efficient use of the site yet provides good standards of internal and external amenity for the occupants.

The site, for the purposes of planning, is previously developed land, with excellent transport links and access to services and facilities nearby and in the City Centre. It is a highly sustainable site and suitable for a higher density development. It has the added benefit that the development can actually improve the amenity for the neighbouring properties by screening the railway and new platform from them and, on acoustic grounds, the higher and longer the building is the better it will be able to achieve this. Together these factors create a strong imperative for a building which is as dense as reasonably possible for the site, whilst respecting the amenities of neighbours. Whilst the building would be used to accommodate students, the number of bed spaces per hectare would be little different from the density of the nearby houses.

Scale and Height

There are two context considerations here. The wider context of development beside the railway either side of the station: all recent precedents are at least 3-storey and often 4-storey, examples being the graduate housing on Roger Dudman Way, the flats on Rewley Road, the Youth Hostel and parts of the residential development on Becket Street are all 4-storey. This is the group of buildings addressing the railway within which the new building here will be seen from the east.

The more immediate context of Mill Street: the recent precedents here are also 3 or 4 storey, with Gibbs Crescent and Millbank rising to 4 floors and Innovation House and Trajan House are both 3 storeys. However, directly adjacent to the site is Abbey Walk which is only 2 storeys and then the eastern terrace of Mill Street which varies between 2 and 3 storeys.

Taking all of these factors into account, the proposed building is designed as three storeys throughout without the conventional pitched roof which adds to height and bulk. At 3 storeys high, the building is the same scale as Mill Street; it is some 33m at closest from the rear of those houses and less than 2m higher, mostly because of the need to rise above the (1 in 100 year plus an allowance for climate change) flood level. The top floor is recessed with a change from brick to a darker roofing material matching the residential pattern of two floors plus rooms in the roof space. In this case, 3 storeys is considered the appropriate height because of the predominant factor of the relationship with the Mill Street context.

Design Criticisms

The two storey rhythm of brick (not concrete) and glass with a recessed roof above is similar to the long rhythm of two storey brick and glass with pitched roof above of Victorian/Edwardian terraces. The design would therefore be in keeping with the character of the neighbourhood. The proposed building is approximately half the length of the continuous east side of Mill Street (110m as opposed to 210m) and so it is similar in scale and shorter in length. The window to wall ratio and the absence of ornament is also similar to the Mill Street properties. There is more articulation in the plan with the angled bays, but this is to the benefit of the neighbours, and increases the interest in the façade with shadow and light. Overall, the proposed building is very sympathetic to its Victorian/Edwardian neighbours in terms of the use of materials, scale, height, rhythm, lack of ornament, window to wall ratio and continuity.

Overlooking of Properties in Mill Street

It was not claimed by the applicant that the proposed development would not result in any form of overlooking of the properties in Mill Street. However, the scheme has been carefully designed to ensure that the scale of development is in keeping with the character of the area and also to militate against any unacceptable impact on the amenities of existing neighbouring properties by reason of overbearing or overlooking. The distance between the existing properties and proposed building is much greater than the generally accepted minimum standard of 21 metres. The gap between the new building and the rear of the Mill Street properties is never less than 33 metres but, nonetheless, it was considered desirable, even at this distance, to avoid windows facing each other directly. In order to achieve this, all of the windows on the western façade have been angled to face down the site towards the cemetery at an angle of 56 degrees to the façade and, by doing so, there is no direct aspect from new windows to existing windows on Mill Street or Abbey Walk.

Loss of Views and Natural Light

The houses on the east side of Mill Street have long gardens, all being over 24m. The context elevation drawing shows that a building on the site of 4 storeys would not breach the 25 degree code of practice for sunlight and daylight standards as set out in Appendix 6 of the adopted Oxford Local Plan (and which generally follows the BRE report on Sunlight and Daylight). Similarly, the 45 degree plane from the front block ground floor bedroom window in Abbey Walk suggests that the building at the south end of the site should move towards the east. With the building positioned as proposed the guidance is complied with but, more importantly, there is a generosity of space between the existing and proposed buildings which means that there would be no substantive negative impact on light, especially when the existing impact of the mature trees on the boundary line is taken into account.

Just to briefly pick up on the comments that have been made in some of the neighbour representations in respect of this issue, it is worth highlighting that a resident of the east side of Mill Street standing in their ground floor back room will only have to raise their eyes some 12 degrees to see the sky, not 45 degrees as has been suggested and, on the upper floors this would be reduced to 8 and 4 degrees. The properties in Mill Street would still get winter sun in their gardens since the direct angle to their patios is 14 degrees and winter sun is not due east but south-east anyway. One final point to make is that the view to east from these gardens is likely to be lost when the Becket Street car park is developed as proposed in the West End Area Action Plan.

For the reasons outlined above (as amplified in the original application submission), it is considered that the proposal would not have an adverse impact upon the privacy or amenity of adjoining properties in terms of a sense of enclosure, loss of light or overlooking into habitable rooms in accordance with Policy HS.19 of the Oxford Local Plan.

Loss of Trees and Ecological Impact

The trees on the site are the subject of a Tree Preservation Order which was served in order to allow control over the trees on site pending the submission of proposals for its redevelopment; **not** because they were considered to be of high quality and therefore should be retained at all costs. The trees on the site are not high quality but it is accepted that the substantial tree cover is a positive feature of the site and this would be retained as part of the proposals, but not with the existing trees. There is a Tree Management Strategy which was discussed with the Council's Tree Officer, Kevin Caldicott and it covers the retention and phased replacement of some of the trees to maintain and enhance the tree cover.

There is also an ecological report which does not raise any substantive issues and concludes that there would no significant impact on any protected species of flora or fauna. Under this development proposal, the ecological benefits would remain but the replacement trees and new landscape planting would provide greater biodiversity and would be better maintained. Any contaminants on the land would be remediated.

Increase in Vehicular Traffic and Parking

The application site is located close to the City Centre with excellent pedestrian access to services and facilities nearby and in the City Centre. There are also excellent public transport links within a 2 minute walk which provide access to all parts of the City. The site is therefore situated in a sustainable location where the occupants can access all the facilities they require by public transport or by bicycle or on foot.

A Transport Assessment formed part of the original application submission. This details that the development will be car free with no allocated car parking for students. There will be 38 covered cycle spaces in accordance with the Council's standards and virtually all of the traffic to and from the site will be pedestrian or by bicycle. The current intention is that the student accommodation would be occupied by Bellerbys' students at Trajan House which is within a 5 minute walk of the proposed development site. The students attending Bellerbys College do not acquire motor vehicles, and as the proposed accommodation is so close to the school, there would be no additional pressure placed upon the City's infrastructure.

The site also adjoins a controlled parking zone (the Highway Authority has indicated that it is within it) and the applicant has agreed that whatever the position, the site should be excluded from the ability for occupiers to obtain parking or visitor parking permits. In addition to this, it would also be intended that each student tenant be issued with a numbered key/swipe card that when used will register the time it was used to enter the accommodation and that CCTV be installed on the premises to record access to and egress from the accommodation. In that way, a local resident who saw a student park a

car in the locality and then enter the accommodation could lodge a complaint and ask the resident student representative or the appointed Warden or the City Council to investigate the situation by reference to the description of the car and student and the time the car was parked. We do not expect that this will be necessary.

The development would not therefore add motorised traffic to the local road network or result in a loss of on-street parking in the locality including the surrounding streets of Osney Lane, Mill Street, Becket Street and Barrett Lane. The site is ideally located for this type of development.

The Highway Authority refers to the warden's car parking space and suggests that it should be removed. The space is required in order that the warden will be able to deal with any emergencies and collect or deliver any items. It is a minimal provision consistent with the Council's policies and the practice adopted by the Council in similar student accommodation developments.

It seems entirely unnecessary for a Travel Plan to be produced given the lack of car parking, the modes of travel available to students, and the restrictions on students bringing to or keeping cars in Oxford.

In relation to construction, any temporary changes which may be necessary would be dealt with outside the realm of the planning application in the normal way. Consequently, there would be no need for a "UU" to cover temporary arrangements as suggested.

Increase in Noise and Antisocial Behaviour

The current intention is that the student accommodation will be occupied by Bellerbys and as far as we are aware, there have been no formal complaints about students going back and forth from Trajan House on Mill Street. The development makes provision for Wardens' accommodation and the appointed person would be responsible for overseeing the day to day operation of the site and to act as an initial point of contact for students and local residents. A Housing Management Plan will also be put in place to ensure that unreasonable levels of noise or other forms of antisocial behaviour would not occur.

As is made clear in the Council's own Local Plan, it is more appropriate and preferable for students to be housed in purpose built accommodation such as that being proposed here than in private rented housing as it is easier to monitor the students and also avoids putting additional pressure on Oxford's housing stock.

Impact on Existing Drainage Systems

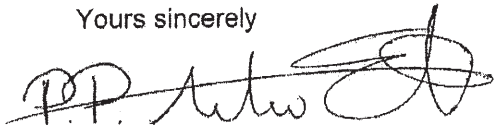
As part of the application consultation process, Thames Water were asked to provide advice in relation to the impact that the proposed development would have on the existing waste and water infrastructure and, in an email response dated 6th May 2011, it confirmed that it had no objections to the application in either regard.

Conclusion

We feel that we have satisfactorily addressed all of the concerns and issues which have been raised by third parties during the consultation process and, suffice to say, we remain of the opinion that the proposal is wholly acceptable and would comply with all of the relevant local and national planning policies. It has been clearly demonstrated through this letter and the original application submission that the proposal would not cause any discernible harm and there appear to be no other material considerations which would weigh against the application. It is hoped therefore that the application will be supported by the Council.

If you require any further information please do not hesitate to contact me.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Nik Lyzba', with a large, stylized flourish at the end.

Nik Lyzba DipTP DipCP MRTPI

Cc. Mr T Nolan

West Area Planning Committee

13 July 2011

Application Number: 10/02605/FUL

Decision Due by: 6 December 2010

Proposal: Demolition of Hernes House and erection of 9 dwellings (5 x 4-bedroom and 4 x 5-bedroom). Provision of 18 car parking spaces, private amenity space and landscaping. (Amended plans)

Site Address: Hernes House Residential Home 3 Hernes Crescent
Oxford Oxfordshire

Ward: Summertown Ward

Agent: Kemp And Kemp

Applicant: Grange Mill Developments

Recommendation: That the Committee resolve to grant planning permission subject to the completion of a legal agreement and delegate to officers the authority to issue the decision notice for the following reasons:

1 The proposed development represents an appropriate type and density of development on a prominent brownfield site that, as a result of its design and layout, preserves the character of the surrounding area without significantly harming the levels of amenity enjoyed by residents of existing dwellings. Whilst the proposals do not include provision of affordable housing on-site or directly meet the requirements of the Council's Balance of Dwellings policies, on balance the development proposed is considered to provide an opportunity for a good mix of affordable housing in Oxford City through developer financial contributions as well as providing much needed family housing on-site.

2 Officers have considered carefully all objections to these proposals. Officers have come to the view, for the detailed reasons set out in the officers report, that the objections do not amount, individually or cumulatively, to a reason for refusal and that all the issues that have been raised have been adequately addressed and the relevant bodies consulted.

3 The Council considers that the proposal broadly accords with the policies of the development plan as summarised below. It has taken into consideration all other material matters, including matters raised in response to consultation and publicity. Any material harm that the development would otherwise give rise to can be offset by the conditions imposed.

Conditions:-

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Boundary Details
- 4 Sample Materials
- 5 Land and Water Contamination
- 6 Foul and Surface Water Drainage
- 7 Cycle and Bin Storage Areas
- 8 Parking Provision
- 9 Landscape Plan
- 10 No Lopping/Felling etc
- 11 Landscaping Completion
- 12 Landscape Management Plan
- 13 Machinery/Power Tools Operating Hours
- 14 Vision Splays
- 15 No Mud/Detritus
- 16 Construction Vehicle Hours
- 17 Variation Traffic Order
- 18 Tree Protection Measures
- 19 Tree Protection Method Statement
- 20 Householder Permitted Development Rights Removed
- 21 Pedestrian Vision Splays
- 22 Provision of Fire Hydrants
- 23 No Soakaway - Contaminated Land
- 24 Permeable Hardstanding/Parking areas

Main Local Plan Policies:

Oxford Local Plan 2001-2016

- CP1** - Development Proposals
- CP6** - Efficient Use of Land & Density
- CP8** - Design Development to Relate to its Context
- CP9** - Creating Successful New Places
- CP10** - Siting Development to Meet Functional Needs
- CP11** - Landscape Design
- NE15** - Loss of Trees and Hedgerows
- TR3** - Car Parking Standards
- TR4** - Pedestrian & Cycle Facilities
- TR13** - Controlled Parking Zones
- HS4** - Affordable Housing
- HS19** - Privacy & Amenity
- HS20** - Local Residential Environment
- HS21** - Private Open Space

Oxford Core Strategy

CS2 - Previously developed and greenfield land
CS9 - Energy and natural resources
CS13 - Supporting access to new development
CS17 - Infrastructure and developer contributions
CS18 - Urban design, town character, historic environment
CS19 - Community safety
CS23 - Mix of housing
CS24 - Affordable housing

Other Material Considerations:

PPS1 – Delivering Sustainable Development
PPS3 – Housing
PPG13 – Transport
Balance of Dwellings [BoDS] Supplementary Planning Document (Adopted January 2008)
Parking Standard, Transport Assessments and Travel Plans SPD (Adopted February 2007)
Planning Obligations SPD (Adopted April 2007)
Affordable Housing SPD (Adopted July 2006)
Emerging Sites and Housing DPD (Preferred Options document published June 2011)

Relevant Site History:

Outline planning permission (03/01536/OUT) was granted in September 2004 for the demolition of Hernes House and erection of residential development (fixing means of access only). In accordance with the Section 106 agreement attached to the outline consent, 30% affordable housing provision was secured and this totalled 7 units out of the 24 flats.

07/02120/RES- Application for approval of reserved matters of access (full details), siting design, external appearance and landscaping (in relation to application 03/01536/OUT) involving demolition of existing buildings and erection of 24 flats. (Amended Plans). Refused on 18th January 2008 but allowed on appeal on 24th June 2008.

07/02121/RES- Application for approval of reserved matters of design, external appearance and landscaping (in relation to planning permissions 03/01536/OUT and 05/02159/RES) involving the demolition of existing buildings and erection of 24 flats. Refused 18th January 2008.

09/02740/FUL- Demolition of existing building comprising Hernes House. Erection of 8 dwellings (1 x 5 bed and 7 x 4 bed). Off street parking amenity space and landscaping. Refused by North Area Committee on 22nd March 2010 for the following reasons:

- Proposals did not make effective or efficient use of the site;
- Detrimental impact on the residential amenities and environment of future occupiers;

- The design and massing of the development would have had a detrimental impact on the character and visual amenities of the locality;
- Inadequate and inappropriate private amenity space to serve the large detached properties;
- Adverse impact on trees of high public amenity value protected by Tree Preservation Order;
- Failure to provide appropriate levels of affordable housing and financial contributions to mitigate against the impact of the proposal.

Representations Received:

Nine letters of representation from third parties have been received from the following addresses: 7 Hernes Road, Flat 9 – The Firs, 9A Hernes Road, Flat 4 Ritchie Court, 31 Ritchie Court, 16 Randolph House (1 Hernes Road) and Flat 24 Ritchie Court. They raise the following comments in both support and objection to the development:

- In favour of the proposals though would be preferable if it could be lower in height;
- Improvement on the previous refused scheme but concerned about extra traffic;
- Improvement on the previous scheme, particularly the lower roofline, however concern about overlooking from Plot 5 into Randolph House and loss of privacy for residents and the number of trees proposed to be sacrificed;
- Concern about cycle and bins stores being located close to the windows of existing dwellings;
- Support for redeveloping a site that is now attracting vandals;
- Good levels of off-street parking provision;
- More intelligent design but Plot 9 is too close to 7 Hernes Road;
- Support for redevelopment of the site however too many dwellings of a large size are proposed which are too high (particularly plots 5-9);
- Unit 1 is proposed too close to 9A Hernes Road which will detrimentally impact on the amenity enjoyed by occupiers of the existing dwelling and the proposed unit is too tall and bulky to represent typical dwelling found in backland development.

Oxford Civic Society – Proposals are an improvement on the previous scheme however the buildings proposed are too tall and monolithic when seen from the side. In addition, there is no provision shown for cycle and bin storage.

Heron Place Residents Association – ‘Wholeheartedly support the application’ since the design is respectful of the site’s setting, provides family homes which are in short supply in the area and provides front gardens to compensate for those being lost to accommodate parking.

Statutory and Internal Consultees:

Thames Valley Police

No objections following amendments made to the scheme during the application process.

Thames Water Utilities Ltd

Raise no objections to the sewerage infrastructure. With regard to surface water drainage they comment that it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground water. Where the developer proposes to discharge to a public sewer prior approval from Thames Water Developer Services will be required.

Oxfordshire County Council

The County Council considers that the cumulative effect of the increased development as set out in the planning application will place additional strain on its existing community infrastructure. However, in its consultation response it acknowledges that 'in normal circumstances this planning application would not be considered as triggering contributions since the total development comprises only nine dwellings'. However, in order that improvements can be made towards the anticipated growth in population caused by this additional development, it asks the Local Planning Authority to consider requiring the developer to make contributions in line with the Council's Planning Obligations SPD which would amount to £138,508 Index-linked including administration and monitoring charges.

Highways Authority (Oxfordshire County Council)

The Highways Authority confirm that they raise no objections to the proposed development subject to conditions regarding a) The development units to be excluded from eligibility for parking permits prior to occupation, b) Proposals will require alterations to dropped kerbs at the applicant's expense and to Oxfordshire County Council's standards and specifications, c) Vehicular and cycle parking must be constructed prior to occupation of the proposed units, d) Any ground resurfacing must be SUDS compliant and there must be no drainage onto the public highway and e) proposed pedestrian visibility splays must be provided and maintained below 600mm.

The County Council consider that the development would impact existing infrastructure and therefore recommends a Transport Contribution of £2,975 per dwelling. However this figure is based on developments of more than 10 dwellings and therefore is not a requirement of this application.

Officers Assessment:

Issues:

- Principle of Development;
- Balance of Dwellings;
- Affordable Housing;
- Developer Contributions;

- Architecture, Built Form and Urban Design
- Impact on Amenity;
- Car Parking;
- Impact on Trees;
- Contaminated Land;
- Sustainability.

Site Description

1. Hernes House is situated on Hernes Crescent, just off Banbury Road. It occupies a corner plot of approximately 0.23ha, fronting onto Hernes Crescent and Hernes Road. The building is constructed in red brick with a clay tile roof. It is currently unoccupied but was previously used as a respite facility for disabled children and owned by the Oxfordshire Learning Disabilities NHS Trust.

2. The original house has 3 floors with rooms in the roof space and there is a large single storey addition extending to the south-east. Both vehicular and pedestrian access is from Hernes Crescent, and car parking exists to the rear of the building against the boundaries with Salisbury Crescent and 9a Hernes Road. There are a number of mature trees (15) on site which are protected by Tree Preservation Order which applies to the site (Oxford City Council- Hernes House, Hernes Road (No.1) TPO 2003). It should be noted that the order was made in 2003 at a time when the site was sold by Oxfordshire County Council, in order to prevent any pre-emptive wholesale clearance felling of the site. It was never intended to ensure the long-term retention of all trees on the site.

3. The site is surrounded by houses and flats that are mostly 2 or 3 storeys although the neighbouring 7 Hernes Road is of chalet bungalow form. Part of Randolph House has rooms in its steeply pitched roof providing 4 floors of accommodation.

4. Ritchie Court to the west of the application site has a flat roof and is mainly three storey with a small sunroom on the fourth floor.

5. The site is not in a Conservation Area and neither is the current building or any adjacent properties Listed.

Description of Proposed Development

6. The application proposes the erection of nine dwellings comprising 5 x 4 bedroom and 4 x 5 bedroom properties (as according to the floor plans submitted with the application). Plots 5-8 are proposed as four storey, five bedroom townhouses with plots 2-4 and 9 as three storey townhouses (maximum height 9.8m) each with four bedrooms. Plot 1 is proposed to accommodate a four bedroom detached dwelling over three storeys. The five bedroom dwellings have internal floor areas ranging from 200 to 220 sq m and the four bedroom dwellings range from 150-160 sq m. All of the proposed dwellings contain at least one 'drawing room' with Units 1 and 5 also proposing study rooms. Units 6-8 also propose one 'dressing room' in each whilst Unit 5 includes a 'family room'.

7. The proposed site layout essentially divides the residential development into two elements. Plots 5-9 are proposed in a linear form with 5-6 being semi-detached properties and 7-9 being terraced with a small gap for pedestrian access proposed between Units 6 and 7. The second element to the proposals consists of the erection of four dwellings (Units 1-4) further back into the site and at right angles to plots 5-9. All of the units proposed include roof accommodation at top floor level be that on the third or fourth floor depending on the dwelling.

8. It is proposed to retain the existing access point into the site off Hernes Crescent adjacent to the boundary with Ritchie Court, and this would provide vehicular access to the front of Units 1-4 as well as residents car parking to serve Units 1-8. A total of 16 car parking spaces are to be provided in blocks of two to serve each proposed dwelling with the exception of Unit 9 which has provision for vehicle parking to the front of the dwelling off Hernes Road. Individual cycle and bin storage areas are proposed on each plot to serve the nine houses.

9. The buildings proposed are of modern design incorporating contemporary detailing and materials. The principal two and three storey elements of the buildings are to be defined through the use of cream 'London Stock' brickwork which is broken up using stone coursing. Significant amounts of fenestration are proposed on all levels of the buildings including, and in particular, the top floors since these incorporate roof space accommodation with (in the case of Units 3-9) an external terrace. The roofs are proposed to be pitched and slate tiled and therefore of more traditional form.

10. A total of 14 trees are proposed to be removed as part of the proposed development including several prominent trees to the front of the site along Hernes Road and a number of smaller trees within the site. A line of trees along the western boundary with Ritchie Court are proposed to be retained as are a couple of smaller trees adjacent to the access road.

Principle of Development

11. It is accepted that planning permission was granted for residential development on the site in the form of 24 flats approved under reserved matters consent 07/02120/RES (allowed on appeal) following approval of outline planning consent in 2004 (03/01536/OUT) which established the principle of residential development on the site. The developer complied with the pre-commencement requirements of the conditions and carried out some limited works on site which constitutes implementation of the approved scheme.

12. The application site is considered previously developed land as defined in Annex B of national planning guidance for housing in PPS3. PPS3 identifies the need to make efficient use of land and this is reflected in policy CP6 of the Oxford Local Plan which states that development proposals should make efficient use of land by making the best use of site capacity. However it goes on to say that this should be in a manner that does not compromise the character of the surrounding area. Given the site's brownfield status and that it lies in a sustainable location within easy access of shops, services and public transport links, as well as its previous planning history for residential development, it is considered that the site is

suitable for residential development provided it accords with the relevant development plan policies.

Balance of Dwellings

13. The application proposes nine large four and five bedroom “executive” family houses on the site. In principle, the provision of family housing is welcomed and supports the broad approach of the Council’s Balance of Dwellings (BoDs) SPD. Paragraph 65 of the BODS SPD states that “the Council will encourage new residential developments that provide a mix of accommodation types, ‘particularly houses’. This recognises the benefits and associated amenity space they give families and this part of the policy guidance emphasises the positive benefits of houses as opposed to flats in meeting the needs of families.

14. The proposal is however not BoDs compliant as it does not include any 3 bedroom units and over 50% of the proposed dwellings are 4 and 5 bedroom houses. Nevertheless, Officers are satisfied that in the context of the site and specific particulars of this proposal, the housing mix is acceptable and does not amount to a reason for refusal. It should be noted that the previous refused application also accepted this point.

15. It is also Officers’ opinion that, by providing cash-in-lieu towards affordable housing provision (see below) that this will enable the Council to provide an improvement mix of units in accordance with the Affordable Housing SPD requirements.

Affordable Housing

16. The application proposes nine dwellings on a site area of 0.23ha which equates to approximately 39 dwellings per hectare. However, as demonstrated by the site planning history, clearly the site is capable of accommodating at least 10 units, possibly with a mix of houses and flats.

17. Policy CS24 of the Oxford Core Strategy 2026, Policy HS4 of the Local Plan and the Council’s Affordable Housing SPD (Adopted July 2006) expect affordable housing from any residential development of at least 10 dwellings or with a capacity for at least 10 dwellings. Where policy HS4 applies, the City Council will seek the provision of a minimum of 50% of the proposed dwellings to be affordable. The mix of units to be provided is set out in the SPD and this depends on the location of the site (city centre or out-of-centre) and whether the units are to be provided on-site or if a financial contribution is considered an appropriate alternative. Both national guidance and local policy however would normally expect provision of affordable housing on site as a key way of delivering mixed and balanced communities.

18. The applicants have agreed with Officers that the site is capable of accommodating 10 or more dwellings and hence triggering the requirement for affordable housing provision as per Policy HS4 of the Local Plan. The applicants are however unwilling to make provision for the required 5 affordable units on site and instead have offered a financial contribution towards affordable housing elsewhere in Oxford via a legal agreement under Section 106 of the Town and

Country Planning Act 1990.

19. Officers believe that with a financial contribution, it will enable the Council to provide a better, more appropriate mix of affordable dwellings in another location that better meets the needs of the local population rather than being provided on the existing site. Consequently, Officers have concluded that, on this occasion and as an exception, that affordable housing does not need to be provided on site so as not to prejudice the potential implementation of the scheme and therefore the opportunity to develop the site. Officers consider that, due to the exceptional circumstances of the site and its history, that this will not create a precedent for other developments and that providing affordable housing on-site should continue to remain the approach on residential sites.

20. The Council's Affordable Housing SPD states that where cash in lieu contributions are to be provided, the Council requires payment to provide the same number of affordable units off-site as the applicant is proposing private units on the site. Consequently, Officers consider that a commitment to provide a financial contribution towards the development of nine off-site affordable units would be expected before the application could be considered acceptable.

21. Appendix 5 of the Council's Affordable Housing SPD sets out the formula for calculating the financial contribution towards affordable housing that is required from residential development. It is as follows:

Sum Payable = (Number of Private Dwellings) x (Build Cost of Affordable Housing Units) + (Land Cost) – (Amount Equivalent to What Would be Paid by RSL)

22. During the consideration of the application by Officers, there has been a degree of discrepancy over the amount of the financial contribution required. Essentially Officers broadly agreed with the applicant's build cost and land cost values however disagreed over the amount that would be paid by a Registered Provider (Registered Social Landlord) with the applicants' calculating the sum payable as £531,000 in contrast to the Council's figure of £1,181,897. The reason for this significant difference stems from the source of the RP's contribution figures. The applicants' have quoted an RP's (Paradigm) January 2011 calculations relating to the provision of 7 flats on the application site and the Council has used broader figures for Oxford City based on the analysis undertaken by King Sturge which showed RPs paying significantly less towards affordable housing units in Oxford.

23. Following discussions between Officers, the applicants and their agents, a revised offer of £600,000 was made by the applicants on 16 March 2011 and reiterated in a letter from their agents on 24th May 2011. These letters are contained within Appendix 2 of this report. Officers consider that, on balance, this revised offer is acceptable.

Developer Contributions

24. Policy CS17 of the Oxford Core Strategy 2026 states that 'developer contributions will be sought where needs arise as a result of new development' and refers to the Council's Planning Obligations SPD (adopted April 2007) for more

details on the Council's planning obligations policies. However the SPD states that developer contributions are only required to be paid in relation to residential developments of 10 or more dwellings which, unlike the Council's affordable housing policies, does not include sites with capacity for 10 or more dwellings. Therefore, despite the County Council's consultation responses, the Council cannot require financial contributions to be paid by the developer other than for affordable housing as set out above.

25. However, the applicants have made it clear in their letters contained in Appendix 2 that they are willing to increase their payment above their initial £531,000 affordable housing offer to £600,000. This figure can be allocated in any way that the Council considers appropriate. Officers consider that as there is no policy requirement for S106 contributions other than to off-site affordable housing that the whole contribution should go towards affordable housing.

Design

26. The Planning Inspector, when assessing the previous reserved matters appeal, identified the surrounding area as suburban in nature with a mixed residential character which comprises either flatted developments, usually of around three to four storeys, or residential dwellings within good sized plots. Officers therefore consider that the surrounding area is characterised by buildings of differing styles and there does not appear to be any common or self evident architectural consistency or cohesion, apart from the broadly matching heights and massing.

27. The Planning Inspector also commented that he was of the view that the Hernes House site is an important one within the local context, occupying something of a focal point where Hernes Road broadens to form Hernes Crescent. He considered that the site would benefit from a building 'of status and strong definition to make best use of the site' and went on to say that, given the nature of the buildings adjoining at Richie Court and Randolph House, a building of 3-4 storeys would be entirely appropriate and consistent with the grain of the area. Indeed the Inspector commented that a keynote building be acceptable and even desirable on the site.

28. The principle of a flatted development of three and four storeys has been accepted on the site (at appeal) however the current application reduces the apparent massing of the development by separating the proposed dwellings into two elements. Whilst the buildings retain the three and four storey form, since this includes accommodation in the roof space, they are not as high as the flatted scheme already permitted on the site. Officers therefore consider that the height and scale of the buildings proposed deliver a satisfactory design solution which would create a development of prominent form, similar to the surrounding development.

29. The buildings are of generally modern design and appearance which is broadly in character with the variety of modern architectural styles that characterise the immediate surroundings and Officers consider the choice of materials to be appropriate to the site's setting and residential nature. It is considered that the

buildings proposed will have the appearance of a modern flatted development when viewed from the street which is in character with the surrounding development as well as that currently permitted on the site. Officers therefore regard the design of the buildings to be acceptable. This represents an improvement on both the permitted scheme and that previously refused.

30. The development proposed has a significantly different layout to that previously refused by the Council and, as described earlier, essentially consists of two sets of residential units of townhouses, with Units 1-4 located within the site and Units 5-9 having a frontage along Hernes Road. The consequences of this revised layout are considered threefold:

- Parking/Access - The area of the site designated for access and parking is significantly reduced with the result that a greater proportion of the site is 'active development' creating more 'private ownership' of the site by future residents and hence avoiding disused, potentially un-maintained space to the rear of the dwellings as was the case with the previous scheme. It is also considered that the provision of parking towards the front of the site will create a more 'active' front space with a greater potential for interaction with surrounding development as well as improving visibility to the benefit of community safety and avoiding a car parking court at the rear.
- Amenity - The alteration to the proposed layout has resulted in an additional dwelling being proposed with the consequence that the density of dwellings proposed at the site has risen from approximately 35 dwellings/hectare to just over 39 dwellings/hectare which is now broadly in accordance with Policy CP6 of the Oxford Local Plan. Despite this increase in residential density, it is considered that the quality and layout of the amenity space proposed for each dwelling is superior to that proposed in the previous scheme. All of the dwellings would have rear gardens between 10m and 12m in length with additional front amenity space which accords with Policy HS19 of the Oxford Local Plan. Whilst the amenity areas proposed are still not considered particularly substantial for dwellings of the size proposed, they are considered to be adequate and of a sensible layout. It is the nature of terraced townhouses that there can be overlooking of amenity areas from neighbouring dwellings and the development proposed will share this characteristic. However, the development has been designed so as to protect the amenity of future occupiers of the buildings by ensuring that the amount of daylight being received into habitable rooms of the proposed dwellings has not been compromised.
- Interaction - Policy CP9 of the Oxford Local Plan states that planning permission will only be granted where building fronts are 'active' and 'define streets whether by reinforcing an existing space or forming a wholly new space'. Whilst the previously refused scheme resulted in all of the dwellings fronting onto the street there was a private road leading to parking and bin storage areas to the rear, This would have been predominantly shielded from public vantage points and there was concern that, more often than not, the properties would be accessed from the rear gated car park rather than, (more conventionally), from the street frontage. The current layout however

results in the shared parking area being visible from the front of the site with Units 1-8 all being accessed by shared pathways from this parking area. In addition, Units 5-9 are proposed to have front entrances directly onto Hernes Road therefore increasing the level of interaction with the existing street which has been somewhat reduced over time by the flatted developments in the immediate vicinity.

31. It is Officers' opinion therefore that the proposed layout of the scheme is satisfactory and in accordance with all of the design policies contained within the Development Plan as well as guidance in PPS1 and PPS3. In addition, Thames Valley Police have raised no objection to the proposed layout of the development due to its capacity for significant visual surveillance both by existing residents and future occupiers of the dwellings.

Impact on Amenity

32. Given the site's location within a built up area and the height of the buildings proposed there is potential for adverse impact on nearby residential amenity. 7 Hernes Road is the closest existing property to the development and Unit 9 of the development is proposed to be separated from 7 Hernes Road by approximately 3.2m. Unit 9 would be a three storey end of terrace property with a ridge height of 9.7m in contrast to the 1.5 storey (6.4m high) 7 Hernes Road. However, the roof of Unit 9 is dual pitched and slopes away from the existing dwelling so that the eaves height is only 5.9m. With the lack of windows proposed in the side elevation and the full compliance with Appendix 6 of the Oxford Local Plan (which sets out sunlight and daylight design guidance) the building is not considered to significantly impact on the amenity enjoyed by occupiers of 7 Hernes Road.

33. Some concern has been raised by a couple of residents of The Firs and Randolph House (flat developments that are located on the opposite side of Hernes Road and Hernes Crescent respectively from the application site) that the provision of balconies in the roof space to the front of Units 5-9 will harm their privacy. Officers consider that there is a significant distance between the proposed balconies of Units 5-9 and the front windows of flats in The Firs and Randolph House (34m to The Firs and 25m to Randolph House). This distance is considered to be more than sufficient to prevent intense overlooking and there will be no consequent material harm to privacy levels. Indeed the Planning Inspector previously noted that a building of 3 or 4 storeys would inevitably indicate that the views from some proposed windows would look out onto other buildings or over adjacent garden areas. However he was of the view that the separation distances involved were adequate to ensure that reasonable privacy was maintained, and that landscaping (both retained and new) would help to diffuse the visual relationship between the buildings.

34. The rear elevations of Units 1 and 2 face onto the back of 9A Hernes Road. These units are proposed to be three storey. However, this includes roof space accommodation and therefore the buildings have heights only slightly greater than a typical family house (at 9.8m to the ridge). Concern has been raised by residents of 9A Hernes Road that future occupiers of Unit 1 will overlook the rear amenity area of the property to the detriment of their privacy. Officers' however consider that

there is a more than sufficient distance between the two dwellings (over 18m) to ensure that sufficient privacy will remain for residents of 9A Hernes Road and note that no rear balconies are proposed on Units 1 and 2 to additionally protect the privacy of residents of 9A Hernes Road.

Car Parking

35. The application proposes 2 parking spaces per unit which, in terms of provision, is in accordance with the requirements of policy TR4 of the Oxford Local Plan. Should the application be approved, the Local Highways Authority request that the site be excluded from the residents parking scheme in operation on Hernes Road/Hernes Crescent in order that existing on street parking facilities are not adversely affected by the development. A condition is suggested in this respect.

Impact on Trees

36. Policy NE15 of the Local Plan states that 'planning permission will not be granted for development proposals which include the removal of trees, hedgerows and other valuable landscape features that form part of a development site where this would have a significant adverse impact upon public amenity'. It also adds that soft landscaping should be incorporated into any development proposal where appropriate and that it should reflect local landscape character.

37. As stated earlier in the report, an area TPO was issued on the site several years ago to give the Council additional control over future development in light of the County Council's decision to sell the site. The result of this TPO however is that many small and/or poor quality trees are protected unnecessarily and consequently Officers have no objection to the removal of many of the trees on the site.

38. There are however a number of trees of public amenity value on the site which could make an important contribution over many years. These trees are identified as T4 (Sycamore), T5 (Lime), T14 (Sycamore) and T16 (Beech) on the applicants' tree removal plan. Trees T14 and T16 are proposed to be retained as part of the application proposals as well as a row of smaller trees along the northwest boundary with Ritchie House.

39. Trees T4 and T5 which lie adjacent to Hernes Road are prominent, of good quality and expected to last for the next 20-40 years. The applicants originally proposed to retain T4 and T5 as part of the development utilising the required level of tree protection works during construction. However, Officers have since recommended that these trees be removed as part of the proposals since it is likely that, if retained, they will be subject to future lopping/removal pressure from occupiers of Units 7 and 8 of the proposed development to provide light into the front (south elevation) of the dwellings. To prevent this pressure on the trees, Officers recommended the applicants to provide suitable and compensatory landscaping within the site through the planting of mature and appropriate tree species. The precise details of location, species, size etc of the landscaping to be provided would be addressed prior to the commencement of the development via planning condition.

40. Despite Officers opinion, there is an option to retain trees T4 and T5 if Members require as part of any approved scheme with the tree removal plans and landscaping proposals being amended accordingly.

Contaminated Land

41. It is suspected that this site and/or nearby land and water may be contaminated as a result of former industrial use or other use, therefore should planning permission be successful, prior to commencement of the development a phased risk assessment should be carried out by a competent person in accordance with current government and Environment Agency Guidance and Approved Codes of Practice. A condition in this respect is recommended.

Sustainability

42. The site is considered to be situated within an accessible location being a short walk from Banbury Road and has access to a good bus service. There are good opportunities for cycling and walking to local services in Summertown. The proposed development falls below the size threshold of 10 units or 2000m² where a formally submitted Natural Resource Impact Analysis is required.

43. The buildings have been designed with large areas of glazing facing towards the southern aspects and are arranged in an 'open plan' format to harness solar gain and reduce demand on energy for heating and lighting. Hot water and under-floor heating is proposed to be provided by high performance air source heat pumps installed in the rear amenity spaces and this will provide an efficient heating system that reduces demand upon conventional gas, oil or solid fuel systems. Externally, the use of permeable paving for amenity spaces and parking areas will minimise the amount of surface water caused by rainfall and reduces any potential risk of localised flooding.

Conclusion:

44. Subject to the completion of a Section 106 agreement securing £600,000 cash-in-lieu contributions towards off site affordable housing provision (as set out in the report), the proposals are considered acceptable and represent an improvement over the current approved 24 flat scheme. The proposals are considered to make appropriate use of the site in line with development plan policy and national guidance whilst complimenting existing local character and not materially harming neighbouring amenity.

Human Rights Act 1998

Officers have considered the Human Rights Act 1998 in reaching a recommendation to grant planning permission, subject to conditions. Officers have considered the potential interference with the rights of the

owners/occupiers of surrounding properties under Article 8 and/or Article 1 of the First Protocol of the Act and consider that it is proportionate.

Officers have also considered the interference with the human rights of the applicant under Article 8 and/or Article 1 of the First Protocol caused by imposing conditions. Officers consider that the conditions are necessary to protect the rights and freedoms of others and to control the use of property in accordance with the general interest. The interference is therefore justifiable and proportionate.

Section 17 of the Crime and Disorder Act 1998

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 approve officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

Background Papers:

Contact Officer: Matthew Parry

Extension: 2477

Date: 16 June 2011

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Our Ref: SJS/MJ/7194

16th March 2011

N Grigoropoulos Esq.
Planning Control
Oxford City Council
Ramsay House
10 St Ebbe's Street
Oxford
Ox1 1PT

Dear Niko,

Hernes House, Hernes Crescent, Oxford - 10/02605/FUL

I refer to the above mentioned planning application and write further to our recent meetings and exchanges of correspondence.

I note from Amanda Rendell's email of today's date that the plans submitted on 15 February 2011 "render the proposal acceptable from a design and layout point of view, provided the tree issue is resolved." I deal with the tree issue below. In this letter I also deal with the other two outstanding matters; namely, affordable housing provision and the Section 106 financial contribution.

Affordable Housing Provision

Under this heading, the starting point is Oxford Local Plan Policy HS.4. This Policy states that;

"the City Council will expect affordable housing (as defined) from any development of at least ten dwellings, that includes residential development on a site having the capacity for at least ten dwellings; on a residential site of 0.25 ha or more in area".

The application site extends in all to 0.23 ha. This is below the 0.25 ha threshold in Policy HS.4. As I understand it, the Council's position is that the extant permission for 24 flats indicates that the site has the capacity for at least 10 dwellings. Clearly, this is the case in so far as a flatted scheme is concerned. However, as our client, Grange Mill Developments Limited, has made clear, it has no intention of implementing that scheme. I do not accept therefore that the extant permission should be taken into account in determining whether the current proposal triggers a requirement for affordable housing.

In this regard, I strongly suspect that if there had been no extant permission and my client's first approach to the Council had been in respect of the scheme the subject of the current planning application [for nine dwellings], the

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Council would have accepted that that scheme makes full and effective use of the site and that accordingly it did not fall within the ambit of Policy HS.4.

In support of this view, I would also refer to comments made by your colleague, Amanda Rendell at one of our recent meetings, where she expressed concern about the density of development proposed and suggested that, ideally, our client ought perhaps to look to reduce the number of dwellings.

Without prejudice to the arguments set out above, and in an effort to resolve matters locally (i.e. without having to resort to appeal) I was instructed to explore with you and your colleagues the idea of a financial contribution towards off-site affordable housing provision in lieu of such provision being made on site. This resulted in two meetings; the first with you and Amanda Rendell and the second with the two of you plus Mark Jaggard.

At the first meeting, I tabled a without prejudice calculation dated 1 February 2011, which followed the methodology for cash-in-lieu contributions set out at Appendix 5 in the Affordable Housing Supplementary Planning Document (July 2006) and which adopted the parameters for RSL contributions and dwelling sizes set out at Tables A4.3 and A4.4 in the SPD. That calculation was on the basis of 50% provision (i.e. 9 market on-site and 9 affordable off-site) with a Balance Of Dwellings (BODS) compliant mix, 80% social rented stock and 20% shared equity and no grant. The cash-in-lieu contribution came out at £512,515. A copy of my client's paper setting out those figures is attached.

Subsequent to our first meeting, you indicated on the telephone that my without prejudice proposal was of interest to the Council and that further discussions were appropriate. Subsequently, you indicated that Mark Jaggard had questioned the inputs my client had used in respect of the build cost and the "amount equivalent to what will be payable by an RSL". Mark Jaggard reiterated these concerns at our second meeting and, subsequent to that meeting, you sent an email to my colleague, Matthew Jeal, in which you reproduced Mark Jaggard's comments on build cost and value.

My client has used a build cost of £1,100 per sq.m; Mark Jaggard was of the opinion that a more appropriate figure (inclusive of professional fees and contingency) was £1,195 per sq.m. He also suggested that "agency fees, marketing costs etc" should be added to that figure giving a total cost of £1,215 per sq.m. Based on a firm proposal from Paradigm Housing Association, our client had adopted values of circa £1,500 per sq.m for social rented stock and circa £3,000 per sq.m for shared ownership accommodation. Mark Jaggard's view, based on advice from King Sturge, was that the social rented figure should be in a range of £775 to £882 per sq.m (with a mid point of £828 per sq.m) and that the shared ownership accommodation should be valued at between £1,695 and £3,133 with an average of £1,972 per sq.m.

Our client does not accept the figures put forward by Mark Jaggard. The major shareholder in Grange Mill Developments Limited is a senior director in a major construction company that has unrivalled experience in the affordable

housing sector. He is adamant that his figures are robust. Moreover, and without wishing to be pedantic, I would make the point that Table A5.1 in Appendix 5 to the Affordable Housing SPD refers only to "build cost"; it does not refer to gross development cost, which is the standard phrase that I would have expected if the Council had intended that the calculation should include items such as "agency fees, marketing costs etc".

These arguments notwithstanding, my client has carried out an alternative calculation using as a starting point the circa £500,000 referred to in its without prejudice offer but adopting Mark Jaggard's build costs and values. That calculation is also attached, from which you will see that [dealing in whole dwellings], a contribution of £531,000 would deliver five BODs compliant units off site.

It might be argued that an alternative approach, given the extant permission and the 30% affordable housing provision that that scheme would have delivered, is to adopt 30% provision as the baseline position and to require the current application to make an equivalent contribution. Attached to this letter is a calculation which illustrates that, in terms of quantum, the without prejudice offer made by my client would, on the basis of the Council's figures (which my client does not accept), deliver the equivalent of 36% (i.e. 9 market on-site and 5 affordable off-site) BODs compliant affordable housing provision off-site. This is 6% more than would have been provided by way of the extant scheme.

Under the Affordable Housing heading I turn now to Local Plan Policy H.6 – on-site provision of affordable housing. The preamble to that policy states that "in exceptional circumstances affordable housing within the development may not be desirable". The implication being that "in exceptional circumstances" it may be appropriate to make a financial contribution in lieu of on site provision.

In my opinion, there are in this case exceptional circumstances to support a cash-in-lieu contribution. The arguments in that regard are as follows:

- the ability, based on our client's figures, to deliver nine affordable units (as opposed to the seven units that would have been provided under the extant scheme) off-site;
- the ability to deliver BODs compliant provision off-site;
- the ability to deliver an open market scheme at Hernes Crescent that is BODs compliant and which has the support of the local community, who are very much against the flatted scheme being built.

Section 106 Financial Contribution

I am instructed to confirm that my client is prepared to offer a total contribution (to include the circa £500,000 cash-in-lieu contribution towards off-site affordable housing) of £600,000. This offer is made notwithstanding the fact that having regard to Appendix 2 in the Council's Planning Obligations Supplementary Planning Document (April 2007) and the argument set out above as to the "capacity" of the application site, our case is that additional

financial contributions are not triggered in this instance. This is also the conclusion reached by Oxfordshire County Council who, in its consultation response dated 8 November 2010 stated that:

"...in normal circumstances, this planning application would not be considered as triggering contributions, since the total development comprises only nine dwellings."

In the light of the County Council's consultation response, it will be for the City Council to decide how my client's £600,000 contribution should be utilised. The Council may decide that the whole amount should go to off-site affordable housing provision.

Trees

With regard to the issues raised by the Council's arboriculturalist, as discussed, I can confirm that our client is currently reviewing two further alternative planting schemes involving the retention of T14 and the replacement of T4 and T5 with more appropriate species. It is anticipated that the revised scheme will be issued to the Council (in the form of an updated arboricultural report) in the next two weeks.

I trust that this letter has made my client's position clear. I would also ask that my client's application is now taken to the first available north area committee for determination.

Yours sincerely



Steven Sensecall BA (Hons), Dip T.P, MRTPI
Partner

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Cc Robert Rendell Esq., Grange Mill Developments Limited
Lee Chapman Esq.

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Our Ref: SJS/7194

24th May 2011

Nico Grigoropoulos Esq.
Development Performance Manager
City Development
Oxford City Council
Ramsay House
10 St Ebbe's Street
Oxford
OX1 1PT

Dear Mr Grigoropoulos

**Demolition of Hernes House and erection of 9 dwellings (6 x 4 bedroom and 3 x 5 bedroom). Provision of 18 car parking spaces, private amenity space and landscaping. Land at Hernes House, 3 Hernes Crescent, Oxford.
Application reference: 10/02605/FUL**

I write with reference to the above mentioned planning application.

First, I am instructed to confirm that my client is agreeable to an extension of the period of time available to the Council to determine this application. As requested by your colleague Felicity Byrne in her letter of 20 April 2011, I hereby confirm that the period for determination is extended to 30 June 2011.

Second, I am pleased to note from recent discussions with yourself and your colleague, Felicity Byrne, that the design and layout of the proposed development and the arboricultural solution proposed by my client are agreed. The only outstanding issue is therefore the Section 106 financial contribution in respect of various matters identified by Oxfordshire County Council and off-site affordable housing in lieu of on-site provision.

I set out my client's position on the contributions issue in my letter to you dated 16 March 2011. The Council's response was in the form of an email from Felicity Byrne dated 20 April 2011 and a follow up email from Mark Jaggard dated 21 April. Ms Byrne stated that the Council "consider the affordable housing cash-in-lieu offer should be £1,181,897.50" (based on a calculation produced by Mark Jaggard and dated 6 April 2011). In his email, Mark Jaggard stated that he was concerned about my client's assumptions on build costs but that "the biggest area of disagreement" was in respect of the price that we say an RSL will pay for affordable units in North Oxford (social rent and shared ownership). As you know, those values were based on figures provided in respect of this particular site by Paradigm Housing. For ease of reference, a further copy of the Paradigm letter is attached.

The Paradigm figures are circa £1,500 per square metre for social rented stock and circa £3,000 per square metre for shared ownership accommodation. This contrasts with Mark Jaggard's figures, which are based on the analysis of King Sturge who

Regulated by RICS

Kemp & Kemp Property Consultants is the trading name of Kemp & Kemp LLP a limited liability partnership registered in England and Wales with registered number OC362988 and registered office at Elms Court, Botley, Oxford, OX2 9LP, whose members are:

Steven J Sensecall BA (Hons), Dip. T.P., MRTPI • Christopher J Wilmshurst MRICS

Huw Mellor BA (Hons), MRTPI • Emma Jewson BSc, MRICS

have identified a range of £775 - £882 for social rented stock and £1,695 - £3,133 for shared ownership.

I repeat, the figures from Paradigm are a true offer in respect of the site the subject of this application. The figures from King Sturge provide a range from sites across the City but not, in so far as I am aware, specifically relating to North Oxford, where the application site is located. Therefore, we are not persuaded by the analysis of King Sturge or the arguments put forward by Mark Jaggard. We remain steadfast in our view that the figures set out in my letter of 16 March 2011 are robust and, in the event that we end up at Appeal, can and will be supported in evidence.

I would also make the point that we have evidence to support a reduction in build cost from the average of £1,100 per square metre that we relied upon previously to £1,032.12 per square metre. This reduction is based on my client's recent experience of dealing with sites in the City. Applying those figures to my client's previous cash-in-lieu calculations, this would reduce the affordable housing contribution from £512,515 to £468,661.30. This reduction notwithstanding, I am instructed to confirm that my client is prepared to maintain his offer at £600,000.

It is for the Council to decide whether the entirety of that contribution should be given over to affordable housing or whether it is split between affordable housing and the contributions being sought by Oxfordshire County Council. My view as to the appropriateness of the County Council's requirement is set out in my aforementioned letter. In short, my client's proposal is below the 0.25 hectare/10 dwelling threshold and will not "provide 10 or more dwellings (including development on a site having the capacity for at least 10 dwellings)", which is the test set out in paragraph 7.3.8 in the adopted Core Strategy. In this regard, I would also remind you that the scheme design was developed in close consultation with your department and the Council's consultant Urban Designer and that my client has taken account of the views of local people, who want to see houses rather than flats on the application site. Against this background, it is clear that the site does not have the capacity to accommodate more than nine dwellings.

Having regard to the foregoing and by way of conclusion, I would confirm that my client is not prepared to increase his offer from that set out in my letter of 16 March; nor does he propose to reduce that offer, albeit that the most up to date evidence on build costs would support such a reduction. I would be grateful therefore if my client's application can now be taken forward to the next available Planning Committee for determination and in so doing, I would ask the Council to append to the Committee Report this letter and my letter of 16 March.

Yours sincerely



Steven J Sensecall, BA (Hons), Dip. T.P., MRTPI
Partner

Direct Dial 01865 297705
E Mail Address ssensecall@kempandkemp.co.uk

Rob Nichol
Leadbitter

Subject to Contract



Paradigm

19th January 2011

Dear Rob

Hernes House, Oxford

Further to your e-mail, I am pleased to submit our offer for the above site based on the following mix:-

Rent

4 no. 1b2p flats

Total 4 units

Shared Ownership

3 no. 2b3p flats

Total 3 units

Assuming no grant, on a land and build package basis, we would be able to offer **£820,000 (Eight hundred and twenty thousand pounds)**.

Our offer is subject to the following conditions:-

- Valuation
- Board approval
- Satisfactory planning permission
- Sight and assignment of any ground condition reports
- The units meeting Code for Sustainable Homes level 3
- Regular access for site inspections
- 12 years NHBC cover including contractor's insolvency cover
- 12 months defects period including a retention
- Agreed specification with the shared ownership units to be to the developer's private specification and to include integrated white goods (oven, hob, chimney style extractor hood, fridge freezer, washer dryer) and carpet throughout.
- Minimum of 1 car parking space per unit

If you have any queries or require any further information, please do not hesitate to contact me.

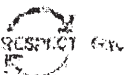
Yours sincerely
Alison Laing
New Business Manager

Paradigm Development Services Limited

1 Glory Park Avenue, Woodhams Court, Buckinghamshire, HP83 0DZ Tel: 01295 504700 Fax: 0300 203 8041

Registered in England No. 02728881 Registered Office: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000

A valid contract is only formed upon signing of a completed and returned application form.



Go.



Business for neighbourhoods



West Area Planning Committee

- 13 July 2011.

Application Number: 11/00755/FUL

Decision Due by: 3 May 2011

Proposal: Demolition of existing building. Erection of 5 storey building providing 3 x 3 bedroom and 6 x 2 bedroom flats, with 18 car parking spaces, cycle parking and bin store at basement level accessed from Hernes Road. (Amended plans)

Site Address: 376 Banbury Road, **Appendix 1.**

Ward: Summertown Ward

Agent: John Philips Planning
Consultancy

Applicant: Vanderbilt Homes

Recommendation: Refuse planning permission.

Reasons for Refusal

1. Having regard to its height, scale, mass and overall appearance, the proposal would constitute an overlarge, overdominant and incongruous development in relation to neighbouring residential properties which fails to strengthen, enhance and protect the distinctive suburban residential character of the locality, contrary to policies CP.1, CP.8 and CP.9 of the adopted Oxford Local Plan 2001 to 2016 and policy CS.18 of the adopted Oxford Core Strategy 2026.
2. In the absence of any fully detailed justification for the non - provision of affordable accommodation for people in priority need, the development fails to meet the requirements of policy HS.4 of the adopted Oxford Local Plan 2001 to 2016 and policy CS.24 of the adopted Oxford Core Strategy 2026 which seek to address the need for appropriate accommodation for the homeless, the unemployed and those on modest incomes unable to afford market housing.
3. With a provision of 2 x 3 bed and 6 x 2 bed flats the proposed development fails to meet the requirements of policy CS.23 of the adopted Oxford Core Strategy 2026 which seeks to provide an appropriate balance of dwelling types in response to the declining proportion of housing suitable for family occupation available within the local housing stock, and the delivery of mixed communities.
4. The proposed large balcony areas to upper floor flats would give rise to a loss of privacy by reason of overlooking of private gardens serving the adjacent

residential development at 378 Banbury Road, contrary to policy HS.19 of the adopted Oxford Local Plan 2001 to 2026.

Principal Planning Policies:

Oxford Local Plan 2001-2016.

CP1 - Development Proposals
CP6 - Efficient Use of Land & Density
CP8 - Design Development to Relate to its Context
CP9 - Creating Successful New Places
CP10 - Siting Development to Meet Functional Needs
CP11 - Landscape Design
CP13 - Accessibility
TR3 - Car Parking Standards
TR4 - Pedestrian & Cycle Facilities
TR13 - Controlled Parking Zones
NE15 - Loss of Trees and Hedgerows
NE16 - Protected Trees
HS4 – General Requirement - Provide Affordable Housing
HS19 - Privacy & Amenity
HS20 - Local Residential Environment
HS21 - Private Open Space

Oxford Core Strategy 2026.

CS2 - Previously developed and greenfield land
CS9 - Energy and natural resources
CS13 - Supporting access to new development
CS18 - Urban design, town character, historic environment
CS19 - Community safety
CS23- Mix of housing
CS24 - Affordable housing

Other Policy Considerations.

PPS1: Delivering Sustainable Development
PPS3: Housing.
PPG13: Transport
PPS23: Renewable Energy.
Planning Obligations SPD.
Affordable Housing SPD.
Balance of Dwellings SPD.
Parking, Transport Assessments and Travel plans SPD.

Public Consultation.

No pre application consultation was undertaken by the applicant, but in response to consultation procedures on receipt of the planning application the following comments were received.

Statutory and Other Agencies.

Thames Water: In relation to surface water, it is recommended that storm flows are

attenuated or regulated into receiving public network through on or off site storage; no objections in terms of sewerage infrastructure.

County Highway Authority (i): Details of sustainable drainage systems required.

County Highway Authority (ii): Site to be excluded from eligibility for residents' permits in CPZ in operation; vehicular and cycle parking to be available prior to occupation; parking arrangement not ideal, but unlikely to have negative impact on public highway; dropped kerb and visibility splays at point of vehicular access required; rumble strip recommended at point of vehicular access to reduce risk of vehicles egressing at speed; "Sheffield" style cycle stands preferred; measures required to prevent casual parking on forecourt area at entrance to flats; ground resurfacing to be SUDs compliant; any relocation of street furniture in public highway to be at applicant's expense.

City Environmental Development: Ground may be contaminated; site investigation and remediation required.

Third Parties.

Twelve letters of comment have been received from neighbouring householders and the managing agents for Randolph House. Their comments may be summarized as follows:

- Design and architecture out of character with locality (10).
- Five storeys too tall and out of keeping with surrounding area (10).
- Would prefer to see scaled down proposal (6).
- Loss of light (5).
- Use more appropriate than previous use permitted (4).
- Submitted images misleading - building would be larger than suggested (4).
- Building located too close to boundary with Hernes Road. (3).
- Overlooking / loss of privacy (2).
- Concern that construction could cause damage to neighbouring properties (2).
- Pedestrian access located at dangerous point (2).
- Noise emanating from underground car park (2).
- Access would be dangerous (1).
- Nearby trees could be threatened (1).
- Would add to traffic in area (1).
- Less car parking could be considered (1).
- Mix of houses and flats preferred (1).
- In principle support style of architecture (1).

Background to Proposals.

1. The planning application relates to a rectangular parcel of land to the north side of the junction of Hernes Road with Banbury Road. It has a site area of approximately 0.9 ha. (0.22 acre) and falls within a triangle of land bounded by Banbury Road, Hernes Crescent and Hernes Road. **Appendix 1** refers. The other properties within the triangle are all flatted developments constructed in relatively recent times. The application site is located to the east side of Banbury Road equidistant between the Summertown District Centre to the south and the Oxford Ring Road / A40 to the north.
2. The building currently occupying the site will have been built in the inter War

years as a domestic house. It is constructed of brick and render under a tiled roof with gable features to its frontage onto Banbury Road. The accommodation is generally laid out on two floors with some additional floorspace within the roof space. The property appears to have been extended from that originally constructed with a large two storey wing along the return frontage side to Hernes Road where a vehicular access also exists. Although constructed as a domestic house, the property was occupied for many years as a children's / adolescent's residential home operated by Oxfordshire County Council. Currently it is occupied as a student hostel.

3. In August 2008 planning permission was granted for demolition of the property and construction in its place of a small hotel providing some 34 guest bedrooms on 4 levels. Car parking was provided in an underground car park. The permission was accompanied by a legal agreement securing financial contributions towards highways infrastructure. At the time of writing that permission remains extant.
4. The current proposal is for a development of 9 flats on 5 levels with pedestrian access taken from a point at the junction of Banbury Road and Hernes Road, with vehicular access to an underground car park taken from the latter. The flats are much larger than is typical for Oxford and said in the supporting information to the planning application to be aimed at a *“niche market.....either for younger couples or for downsizers wishing to move out of large family homes.”*
5. There are no specimen trees present on the application site although the frontages to both Banbury and Hernes Roads benefit from a number of shrubs, especially elders and lilacs, which add to the general greenery of the area. Neighbouring sites at 378 Banbury Road and 1 Hernes Road possess trees close to their common boundaries within the application site which are protected by Tree Preservation Order.
6. No objection of principle is raised to the use of the site for residential purposes.
7. Officers consider the key determining issues in this case to be:
 - architecture, built forms and urban design;
 - affordable housing;
 - balance of dwellings (BODS);
 - relationships to neighbouring properties;
 - trees and landscaping; and
 - highways, access and parking.

Officers Assessment.

Architecture, Built Forms and Urban Design.

8. The planning application proposes a highly distinctive and unusual development of 9 large flats on five levels above ground, with parking for 18 vehicles plus cycle parking and bin storage at basement level. The accommodation is arranged with two large flats on each of the main four floors with a reduced floor area at fifth floor level where a single flat is located. In footprint the building could be said to resemble the form of a butterfly with curvilinear forms set either side of a central entrance to the building positioned on the diagonal in relation to the junction of Banbury Road and Hernes Road. The entrance off an open plan forecourt leads onto a double height lobby area giving access to stairs and lift to upper floors and basement. Each of the very large flats measures approximately 130 sq m in area, which compares to perhaps 110 to 120 sq m for a typical inter - War semi detached 3 bed roomed house or more than twice the floorspace of most two bed roomed flats.
9. At ground floor level each of the flats possesses 3 bedrooms plus a large open plan living area. They each also possess their own additional gated entrance from the street plus external garden area, one of approximately 130 sq m, the other 55 sq m. At first, second and third floor levels the flats possess a similar floor area and layout but with two bedrooms only indicated plus a further room described as a study / library room. Each of these flats has access to individual curvilinear balconies which wrap around the internal accommodation. At fifth floor level the building is reduced in extent as a single 3 bed flat is located at this level. It is however slightly larger than those at lower levels and with a large roof terrace which occupies the majority of the remaining roof area.
10. In terms of the materials intended, the main elevations to Banbury and Hernes Roads are shown to consist of vertically hung cedar cladding and glazing interspersed with rendered panels. Horizontal timber louvres are inserted to provide solar shading at ground and upper levels either side of the main entrance. To the north and eastern elevations more hidden from public vantage points engineering brickwork is proposed at ground floor level with insulated render above. The balconies serving upper floor accommodation would possess glass ballustrading arranged in a sinuous form in both plan and elevational terms with stainless steel upstands and timber rails.
11. This part of North Oxford between Summertown and the City's boundaries is distinctively suburban in character reflecting the spacious and sylvan qualities of the North Oxford Victorian Suburban to the south of Summertown. Although there are a number of flatted developments in the immediate vicinity of the application site, more typically this part of North Oxford displays conventional two storey family houses within good sized plots with trees and greenery set behind well defined boundaries. The locality's character is defined more by this leafy suburban feel than by its architectural quality which in most cases is attractive but unremarkable. These residential properties typically utilise conventional materials for a suburban residential area - brick and render in the

main under tiled or slated roofs. There are no developments on a full 4 or 5 floors within the immediate locality. Indeed the only example of a 5 storey building along Banbury Road north of Summertown is some distance further afield at Summertown House 300m to the north. This is a development of graduate student accommodation for the University constructed in the 1960s, where the development's somewhat brutalist eastern wing rises to 5 floors and rather (adversely) dominates that section of Banbury Road.

12. Within this typically suburban residential setting the development expressly does not seek to reflect these characteristics in its designs. Rather the concept is one where a very individualistic, bespoke building is proposed, variously described by the applicant as a “*landmark*” or “*non thematic*” building in “*a distinctive and contemporary aesthetic to stand out from rather than blend with its surroundings.*”
13. Recent years have seen much guidance in government Circulars, PPGs, PPSs and from government agencies such as the Commission for Architecture and the Built Environment (CABE) encouraging good quality design in new developments. Locally these policies and guidance are reflected in Local Plan and Core Strategy policies which seek to encourage good design which should relate to its setting and strengthen and protect local character. Such an approach does not imply a slavish replication of existing built forms in the locality, nor to discourage innovation. It does however seek to achieve developments which have a resonance with the locality in which they are located. In this context it is difficult to reconcile the architectural forms of the proposed development with its North Oxford environs. Rather, with its use of sinuous forms the development has references to the architecture of Gaudi which, in the officers' view, cannot be said to strengthen local distinctiveness. There is always the exception to the rule but such an approach needs to have strong justification in the light of the policy framework. It is the Officers' view that a case has not been made for a one - off landmark building. Although the site has some prominence at a corner location, it's most prominent aspect is when viewed from the south rather than the north. In this respect it cannot therefore be regarded as a landmark site for those entering the City.
14. Moreover in positioning the building further forward towards the Banbury Road and Hernes Road frontages than either the existing property or the recently permitted hotel, the opportunity for new trees and greenery to replace the elders and lilacs lost is limited as although there is space to the boundary wall with Banbury Road of 5m or more, balconies to the first floor above protrude further forward to as close as 3m from the property boundary. Whilst a single garden tree is envisaged to the Banbury Road frontage, there is little scope for meaningful landscaping to Hernes Road as the building is positioned less than 2m from the boundary to the footway there, and in any case the first floor balcony above extends further forward still, at one point to the actual boundary line. Elsewhere along this side of the development frontage space is lost to provide access to the underground car park. Whilst it is envisaged that the 2 false acacia trees to the immediate east of the application site at Randolph House can be retained, (referred to later in this report), the loss of

other shrubs and greenery to Hernes Road without replacement is regretted as new planting would have softened the development and assisted in it sitting more comfortably into its suburban setting. In addition, at the corner entrance to the building 15m of boundary walls and greenery are removed in favour of an open plan paved entrance forecourt. Again such a feature is uncharacteristic in the North Oxford context of strong boundary treatments and greenery.

15. In terms of the height and bulk of the building, it is acknowledged that space is provided for two private gardens to the north - east side of the development to serve the ground floor flats. These total nearly 200 sq m. However approximately 1300 sq m of internal residential floorspace is still also created on site. This is achieved by providing space for car parking etc at basement level and stacking up the building to 5 floors. This results in a building which rises to 14.6m at its highest point, which compares with 10.9m to the apex of the pitched roof to the flats of 378 Banbury Road immediately to the north. In fact the height of 10.9m equates almost exactly to the floor level of the floor and roof terrace to the fifth floor flat in the proposed development. To the Hernes Road frontage the adjacent property at Randolph House steps down in scale from east to west. At its nearest point to the new development it rises to 10.0m to the apex of its pitched roof, (again at or below the floor level of the fifth floor flat). Whilst it does rise to 13.7m to the apex of its roof elsewhere, this is in the context of a design with steeply pitched tiled roofs and a development set behind mature trees protected by Tree Preservation Order.
16. On other matters it is noted that certain functional elements of the development would be less than ideal for intended occupiers. For example although garden areas are provided for the two ground floor flats they are set to the north and east of the proposed building. Sunpath diagrams submitted with the planning application indicate that these garden areas would receive only very limited natural sunlight for much of the year. Further, the ground floor flat to the southern side would possess a window and patio doors to bedrooms no more than 2m from a low brick wall less than 1m in height beyond which is the two way ramp leading to the underground car park. The balcony to the first floor flat immediately above is drawn even closer, to a point directly above the edge to the ramp. Elsewhere balcony areas directly overlooking the street are also less than ideal in terms of privacy, and the potential for noise and pollution from passing traffic. Nor do officers consider the fifth floor 3 bed unit as suitable for families with children as whilst the flat may be generous in size and would have access to a large roof terrace measuring approximately 100 sq m this may not be appropriate for children. No other external amenity space is available to this flat.
17. These features of the development are far from ideal. That is not to say that other elements are not supportable. For example the entrance to the building addressing the corner point of Banbury and Hernes Roads provides a clear and active frontage to the building whilst each of the ground floor flats have their own gated entrances, (though the route from each gate into the respective flats is rather circuitous unless it is intended to enter by the nearby patio doors to a bedroom in each case).

18. Taken together these features of the development and others referred to elsewhere in this report are clear indicators of a development which is attempting to achieve too much on a site whose potential is limited. The result is a development which both fails to respect the character of its suburban location, and which represents overdevelopment of the site in its context. For these reasons the development cannot be supported.

Affordable Housing.

19. The City of Oxford continues to experience acute housing shortages for families and individuals in priority need. As a result of population increases, migration, household formation and economic drivers, housing need in Oxford is very high and growing. This means that each year there is a growing supply deficit with a mismatch between housing need and supply of new houses compounded. With this in mind the City Council needs to ensure that qualifying new developments contribute towards alleviating that pressure through mitigation.

20. In this context the City Council as Local Planning Authority has sought to achieve a minimum of 50% affordable housing from qualifying residential developments. Such a requirement stems primarily from adopted Core Strategy policy CS24 and adopted Local Plan policy HS4, supplemented by the Affordable Housing SPD. Policy HS4 of the Local Plan states:

“The City Council will expect affordable housing to (as defined) from any development of at least 10 dwellings, that includes residential development on a site having the capacity for at least ten dwellings; or on a site of 0.25 ha in area.

Affordable housing should be available to those in housing need in perpetuity. Developers may not circumvent this policy by artificial subdivision of sites”

21. In most cases the affordable housing should be provided on site, though in exceptional circumstances financial contributions to off - site provision may be considered.

22. The current planning application clearly falls short of the 10 unit threshold normally applied, and also of the minimum site area of 0.25 ha. However the policy is clear that it relates to sites *“having the capacity for”* 10 units. This is in order to ensure that artificially low numbers of units are not sought in individual planning applications and that efficient use is made of the land available. Thus notwithstanding the reasons for refusal described in the preceding sections of this report, it has been clearly demonstrated that sufficient floorspace can be achieved at this site to qualify for an element of affordable housing provision.

23. In response to this point the applicant argues, simply, that the site does not have capacity for more than 9 units and that the site falls below 0.25 ha in

area. Therefore the requirement for affordable housing does not apply. The applicant has not suggested non viability as an argument for not providing affordable accommodation in some form.

24. Whilst it is accepted that a further flat of 130 sq m could not be acceptably achieved on site within this form of development, nor indeed that the 9 units indicated in this configuration are acceptable as submitted, there can be little doubt that 10 or more units could be achieved and in substantially less than the 1300 sq m or more of total residential floorspace proposed in the development. As indicated above a typical 3 bedroomed semi detached family house would occupy perhaps 110 to 120 sq m whilst the Balance of Dwellings SPD (referred to below), suggests a unit with a minimum size of 75 sq m could be acceptable as a family sized unit providing it has access to a private garden.
25. For these reasons it is not accepted that the application site could not provide sufficient floorspace to accommodate in excess of 10 residential units, and thereby qualify for a contribution towards affordable housing. Indeed in another residential development nearby at Hernes House in Hernes Crescent also reported on this agenda, the applicant has accepted that the 9 unit development proposed on that site of less than 0.25 ha would qualify for affordable accommodation and has offered a substantial financial sum to off-site provision in lieu of units on-site. With 10 or more units achieved on the current site, financial contributions to various local authority services described in the Planning obligations SPD would also be triggered.
26. In sum, Officers have no alternative but to recommend refusal of the planning application on the grounds that no provision is made for affordable accommodation.

Balance of Dwellings.

27. Policy CS23 of the Core Strategy supplemented by the Balance of Dwellings SPD sets out the policy framework in which the Council as Local Planning Authority seeks to deliver mixed communities, including family accommodation, whilst also addressing the changing household profile towards smaller households. This is in the context of a declining proportion of family houses being available in the City's housing stock. The SPD identifies areas of the City where in new developments it will seek differing mixes and sizes of units within defined ranges. The need for some flexibility is acknowledged however to reflect the particular constraints of individual sites.
28. In this case the application site falls within an "amber" area where in developments of 4 to 9 units the mix should be:

- 1 bed units: 0 - 30%
- 2 bed units: 0 - 50%
- 3 bed units: 30% - 100%
- 4 bed units: 0 - 50%

29. In fact the proposed development provides no 1 bed units; 6 x 2 bed units (67%); and 3 x 3 bed units (33%), thus failing to fully comply with the policy. However the stated bedroom numbers for the proposed development have to be treated with some caution as the 2 bed units occupy similar floorspaces to the 3 bed ones and are shown to possess a further room identified as a “study / library” but fully capable of being utilised as an additional bedroom. In any event the floorspace available to each unit could easily accommodate additional bedrooms with some modification to their internal layout. If 9 x 3 bedroom units were assumed in the current proposal for example, that could be said to meet the BODS requirement in terms of the mix and size of units. However it would fail to provide appropriate external amenity space. As the BODS SPD requires:

“In relation to the creation of new flats either through conversion of a dwelling house over 110 sq m or new build, a flat suitable for a family should comprise a minimum of 3 bedrooms, a floor area of at least 75 sq m and access to a private garden area”.

30. If the intention however is that the development is specifically aimed at childless households, then the objectives of addressing the declining stock of accommodation available to families is prejudiced.

31. The application is therefore opposed in terms of the balance and mix of residential units as currently proposed.

Relationships to Neighbouring Properties.

32. The proposed building, though constructed in a rather sinuous form, broadly consists of an L shaped structure providing street frontages to both Banbury and Hernes Roads, creating space to the north - east for garden areas serving the two ground floor flats. In doing so good window to window distances and therefore privacy is achieved between the development and neighbouring residential properties within Randolph House. Although there are habitable room windows to the northern elevation of the development within 2m of 378 Banbury Road, there are no facing windows present there and the tree screen of yew and Cyprus trees is retained. Similarly to the eastern elevation the windows within the development at this point overlook the front garden area of Randolph House beyond the access ramp to the underground car park and the two false acacias intended for retention. This relationship is also considered acceptable.

33. However each of the upper floor flats retains extensive balcony areas which wrap around the building. For the flats to the northern side these balconies extend to within 2m of the common boundary with 378 Banbury Road at their nearest point, with patio doors to bedrooms within 3m at their nearest point. Whilst it is acknowledged that these balconies are not constructed at right angles to no. 378, nevertheless their presence affords the potential for occupiers of the flats to directly overlook the shared garden area to the neighbouring flats. At first floor levels partial screening may be achieved by the retained trees, as is currently the case for windows within the existing property. However at upper floor levels the balconies would be located above the tree canopy with views directly onto the

garden area below. It is the officers' view that such relationships are unsatisfactory and constitute grounds for refusal of the planning application.

34. In terms of sunlight and daylight, sunpath diagrams have been produced to accompany the planning application, examining the solar shading created in the neighbouring garden from existing and proposed buildings. These are produced for 9.00 am, 12 noon and 3.00 pm for December, March and June as existing, and as proposed with the development constructed. Whilst the analysis indicates some minor changes in the lighting conditions to the garden, generally they are little changed as the greater influence on lighting conditions here is from the existing flats at no. 378 which are located to the western side of the garden. No objection is raised to the development in these terms therefore.

Trees and Landscaping.

35. Whilst there are no specimen trees on the planning application site which are required to be removed for the development to proceed, there are a number of shrubs - elders and lilac - to the Banbury and Hernes Road frontages which make a positive contribution to the leafy suburban character of the locality. However the flatted developments to the north and east at 378 Banbury Road and Randolph House respectively contain trees protected by Tree Preservation Order, several of which abut the application site. These have been the subject of an arboricultural report which accompanies the planning application. Immediately to the north of the application site 2 yews and a Lawson Cypress are present plus a large cotoneaster shrub. One of the yews is classed as of high visual quality whilst the others only of low visual quality. To the north - east of the site within Randolph House is a further Lawson Cypress classified as of moderate visual quality. Immediately to the east, also within Randolph House, are two false acacia (Robinia) trees, one set behind the other on the common boundary. These are both classified as of high visual quality.
36. Of these specimens, those to the north and north - west are not considered to be affected by the development as their crowns do not cross into the application site and they stand on ground approximately 1.5m higher. These specimens are however the less visible trees from public vantage points in any event. The very visible false acacias to Hernes Road classified of high visual quality are the more vulnerable in terms of their relationship to the proposed development as they lie close to the ramped access to the underground car park.
37. In order to examine how these might be affected trial trenches were dug to examine their root structures. In at least one of the trial pits functional transport roots are present demonstrating that the nearby wall foundations have not acted as a barrier to root development. Whilst the majority of the trees' root systems are nevertheless likely to be to their eastern side, it is difficult to predict precisely the impact of the development on their physiological health. It seems unlikely that the trees would be made structurally unstable by the excavation works for the basement ramp as the wall separating the application site from Randolph House is intended for retention. The applicant therefore seeks to retain both trees. They are in their early mature and mature stages of development only with a potential life expectancy of at least another 40 years. In the event that planning permission

were to be granted Officers would support the retention of these specimens, especially in view of the loss of greenery within the application site referred to earlier in this report. However in view of their very particular circumstances their future wellbeing cannot be guaranteed which is regretted as there is no opportunity to replace them on a like for like basis within the development as proposed.

Highways, Access and Parking.

38. Car parking to serve the development is provided via an external ramp from Hernes Road to an underground car park of 18 spaces in a similar arrangement to that accepted for the 2008 hotel permission. Also provided at this level is a bin storage area, 14 cycle parking spaces and a small area for motorcycles. A lift and stairs gives access to the upper floors. Each of the two ground floor flats also have spaces set aside for 2 cycles near their separate entrance gates, whilst a further 10 cycle spaces are provided for visitors near the main entrance to the building off Banbury / Hernes Roads. These levels of provision are accepted as appropriate for what are very large residential flats at a suburban location. Space exists to extend the cycle parking provision if necessary though "Sheffield" style stands would be preferred to the Velopa style ones shown at some locations.

39. On other matters a rumble strip is requested from the Highway Authority within the application site to prevent vehicles exiting the underground car park at speed, whilst in the form indicated means to prevent cars or other vehicles accessing the open plan entrance courtyard would be required. In the event of planning permission being achieved, the site would be required to be excluded from eligibility for residents parking permits within the Controlled Parking Zone in operation in the area.

Other Matters.

40. Sustainability. As a development of 9 units on a total floor area of less than 2,000 sq m a Natural Resource Impact Analysis is not required. Accompanying the planning application in any event are details of certain energy efficiency and sustainability features which it would be intended to include in the development should it proceed. In terms of energy efficiency and renewables, dense blockwork and insulated render is proposed together with high performance double glazing throughout, low energy appliances, integrated energy management controls and brise soleil to prevent excessive heat gain. Photovoltaics are also proposed to the flat roof of the development. Cedar cladding from FSC certified sources is proposed, and the recycling of materials wherever possible, (though not on site). In terms of water resources a sedum roof surrounds the photovoltaics at roof level with low flush WCs and spray taps utilised throughout the development.

Conclusion.

41. Although redevelopment of the application site for residential purposes is accepted, the scale and form of the development proposed sits only uncomfortably within its context and cannot be supported. No provision is made for affordable housing as required by Local Plan and Core Strategy policies, and the mix of units is at odds with balance of dwellings requirements. The development also has a detrimental impact in terms of overlooking of the shared gardens to 378 Banbury Road.
42. Committee is recommended to refuse planning permission accordingly.

Human Rights Act 1998

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.

Section 17 of the Crime and Disorder Act 1998

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 safety.

Background Papers: 07/ 02903/FUL, 11/00755/FUL

Contact Officer: Murray Hancock

Extension: 2153

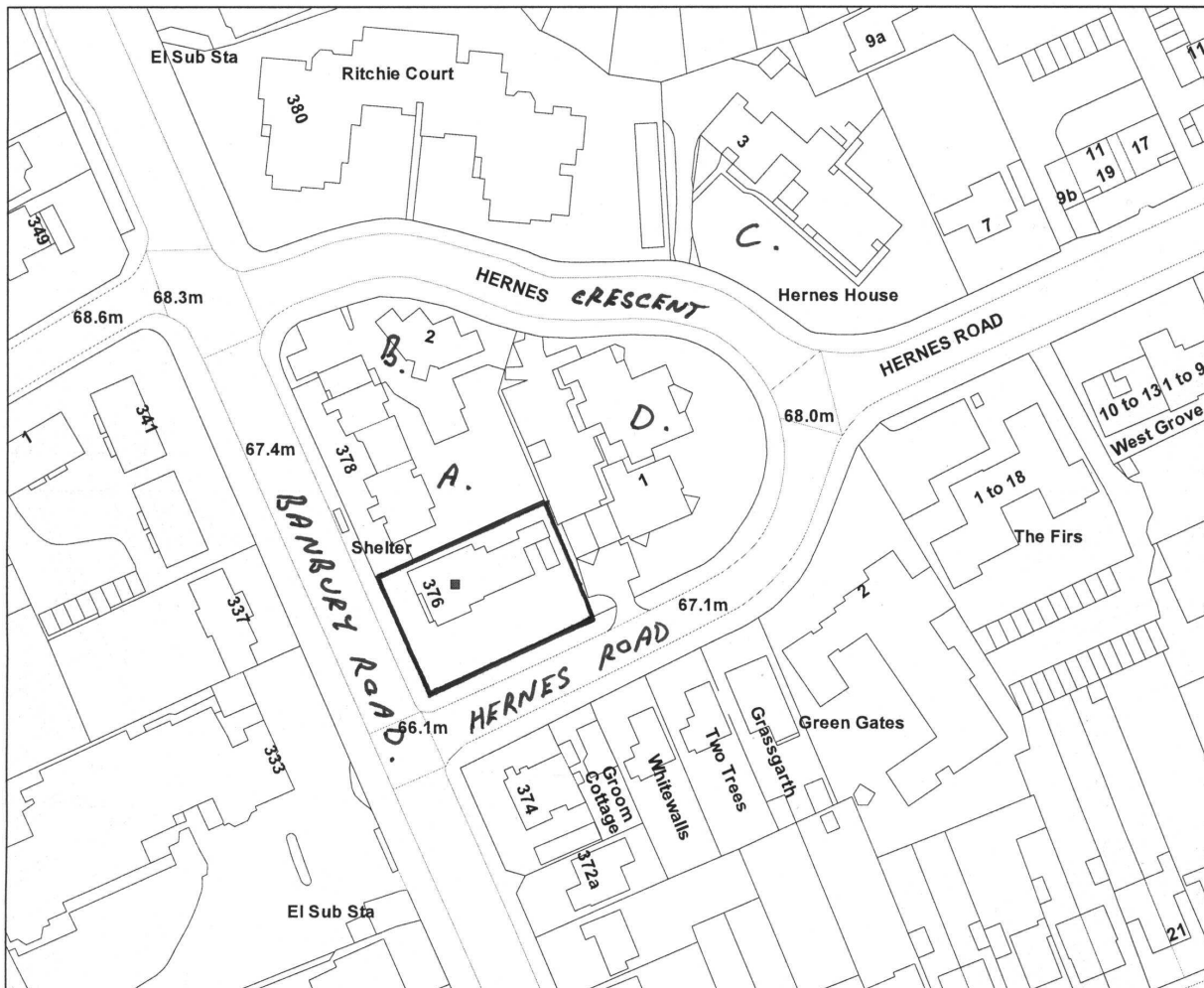
Date: 29 June 2011

376 Banbury Road

11/00755/FUL



GIS by ESRI (UK)



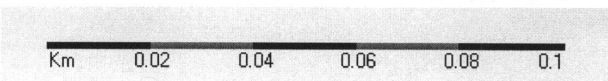
Legend

A. 378 BANBURY ROAD.

B. VAUGHAN WILLIAMS HOUSE

C. HERNES HOUSE.

D. RANDOLPH HOUSE, 1 HERNES ROAD.



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Organisation	Not Set
Department	Not Set
Comments	Not Set
Date	30 June 2011
SLA Number	Not Set

West Area Planning Committee

13 July 2011

Application Number: 11/01214/FUL

Decision Due by: 20 July 2011

Proposal: Demolition of existing Oxonian Rewley Press premises.
Erection of 8 flats (2x1, 4x2 and 2x3 bed) in a three storey block with 10 car parking spaces, cycle and bin storage.

Site Address: Oxonian Rewley Press Ltd Lamarsh Road
(Site Plan – Appendix 1)

Ward: Jericho And Osney Ward

Agent: Kemp And Kemp

Applicant: Oxonian Rewley Press

Recommendation: The West Area Planning Committee is recommended to be minded to grant planning permission but to delegate authority to officers the power to issue the notice of permission on completion of the legal agreement. For the following reasons:

- 1 The principle of development has been established under the previous planning consent (ref 07/00421/RES). The scale and form of the proposal is unchanged, as is the footprint. The proposal differs to the approved scheme in its mix of units and the size of its balconies; these changes are considered to accord with the Local Plan and Core Strategy policies. The proposal would not result in an increase in flooding due to its previously development nature and the surface and foul water system can accommodate the additional discharge subject to a effective drainage strategy.
- 2 The Council has had regard for the comments received through the consultation process. The issues set out below have been addressed within the report and are not considered to be significant enough to warrant refusal of the application.
- 3 The Council considers that the proposal accords with the policies of the development plan as summarised below. It has taken into consideration all other material matters, including matters raised in response to consultation and publicity. Any material harm that the development would otherwise give rise to can be offset by the conditions imposed.

subject to the following conditions, which have been imposed for the reasons stated:-

- 1 Development begun within time limit

- 2 Develop in accordance with approved plans
- 3 Materials - samples
- 4 Boundary treatment
- 5 Landscape plan required
- 6 Landscape carry out after completion
- 7 Parking
- 8 Bin/cycle stores
- 9 Foul and surface water drainage system
- 10 Tree Protection Plan (TPP) 1
- 11 Arboricultural Method Statement (AMS) 1
- 12 Schedule for Tree Surgery
- 13 Sustainable drainage strategy
- 14 Details of sustainable measures
- 15 Desk Study – Contaminated Land
- 16 Details of balconies – Increase in size

Planning Obligations:

£20,000 – towards flood mitigation measures in the locality

Main Local Plan Policies:

Oxford Local Plan 2001-2016 (OLP)

- CP1** - Development Proposals
- CP6** - Efficient Use of Land & Density
- CP8** - Design Development to Relate to its Context
- CP9** - Creating Successful New Places
- CP10** - Siting Development to Meet Functional Needs
- CP11** - Landscape Design
- HS11** - Sub-Division of Dwellings
- HS19** - Privacy & Amenity
- HS20** - Local Residential Environment
- HS21** - Private Open Space
- TR3** - Car Parking Standards
- TR4** - Pedestrian & Cycle Facilities
- NE14** - Water and Sewerage Infrastructure

Core Strategy 2026

- CS11** - Flooding
- CS17** - Infrastructure and developer contributions
- CSP18** - Urban design townscape char & historic environment
- CSP23** - Mix of housing
- CSP28** - Employment sites

Other Material Considerations:

National Guidance:

- PPS 1 – Delivering Sustainable Development
- PPS3 - Housing

- PPG 13 – Transport
- PPS25 – Development and Flood Risk

Local Policy and Guidance:

- Parking Standards, Transport Assessments and Travel Plans-Supplementary Planning Document (October 2006)
- Balance of Dwellings Supplementary Planning Document
- Planning Obligations Supplementary Planning Document

Relevant Site History:

02/00439/OUT - Demolition of Oxonian Rewley Press Building. Outline application, (all Matters Reserved), for 2 flats and 5 houses – withdrawn

02/00952/OUT - Demolition of existing Oxonian Press premises. Outline application (with all matters of detail reserved) for 8 flats in 3-storey block with 11 parking spaces (Amended plans) – approved

07/00421/RES - Demolition of existing Oxonian Rewley Press premises. Erection of 8 x 2 bed flats in 3 storey block with 8 car parking spaces, 16 internal cycle parking spaces, and bin store. (Reserved matters of approved application 02/00952/OUT) - approved

Representations Received: The following comments have been received:

- Increase pressure on drainage system
- Flood risk
- Noise and light pollution
- Inadequate access arrangements
- Insufficient consideration of trees

Statutory and Internal Consultees:

Environment Agency Thames Region – No comments – Officers will update at the meeting

Thames Water Utilities Limited – No objection

Highways And Traffic – No objection

Officers Assessment:

Site Description and Proposal

1. The application site comprises a single storey building that is presently occupied by a food recycling charity. The previous was as a printing works in association with Rewley Press. The building occupies the majority of the L-shaped site with only the area directly adjacent to the site entrance given over to hardstanding. The site is heavily vegetated along its east and south boundaries, comprising mature trees of high amenity value.

2. The site is located at the southern end of Marlborough Court, with a public foot path directly to the east, beyond which is No 1-15 Marlborough Court, separated by a verge and mature trees. The site is accessed from the west off Lamarsh Road, whilst to the south are the King George playing fields.
3. The application proposes the demolition of the existing building and the erection of a 3-storey building to accommodate 8 flats, comprising 2x1, 4x2 and 2x3 beds. Provision is made for 10 car parking spaces and a communal garden.
4. Officers consider the principles issues in this case to be:
 - Principle of Development
 - Housing Mix and Affordable Housing
 - Design and Visual Appearance
 - Future Residential Amenity
 - Parking/Highway Implications
 - Flooding and Drainage
 - Sustainability

Principle of Development

5. Planning permission was granted in 2010 for matters reserved under a 2002 outline consent. The approved scheme proposed the erection of a three storey building to provide 8x2 bed flats. Although the proposal fell below the then affordable housing threshold of 20 units, the outline consent (ref 02/00952/OUT) secured 2 of the flats as affordable. Under the reserved matters application (ref 07/00421/RES) a financial contribution of £20,000 towards flood mitigation measures within the locality was secured.
6. The current application differs from the approved scheme in the following ways:
 - Mix of units changed from 8x2 bed flats to 2x1, 4x2 and 2x3 bed flats
 - Affordable housing omitted
 - Balconies on east and south elevations are larger
 - Southern elevation has been redesigned to accommodate larger balconies, particularly to the 3 bed flats on the 2nd floor
 - Number of car parking spaces increased to 10
7. With the exception of the above, the proposal is identical to that approved in 2010. In this regard officers would advise the Committee to focus its consideration on the matters that have changed. There has been no change to the policy context that would justify reconsideration of the other matters.

Housing Mix and Affordable Housing

8. PPS 3 also encourages a mix in the balance of dwellings and this is reflected in policy CS23 of the Oxford Core Strategy. Policy CS23

recognises that the predominance of one particular form of housing type within a locality may have unwelcome social implications. As such the policy supports a mix of dwelling types within any given locality.

9. In support of policy CS23 the Balance of Dwellings Supplementary Planning Document (BoD SPD) (adopted Jan 08) has assessed the housing stock within Oxford and has identified areas of pressure. The aim of the SPD is to ensure that development provides a balanced and mixed community and as a result Neighbourhood Areas provide the framework for the assessment of new residential developments.
10. The application site falls within an area defined by the BoD SPD as amber, which indicates that the scale of pressure is considerable and as such a proportion of family dwellings should form part of new development. The application proposes a mix of 2x1, 4x2 and 2x3 bed flats. This does not comply with the prescribed mix set by the BoD SPD, which seeks a minimum of 30% 3 bed units in a development of this size at this location. However, in the light of the mix of the approved scheme, officers consider the proposed mix, 25% of which are 3 bed units, to be acceptable.
11. The approved scheme secures 2 of the units as affordable housing, despite the development not triggering the then affordable housing threshold of 20 units. The applicant has indicated that due to the additional costs incurred as a result of the contribution toward flood mitigation and the unknown costs that would be incurred in complying with the condition requiring an on and off site drainage strategy (requested by Thames Water), providing affordable housing is no longer viable. No Viability Study has been submitted to substantiate this claim.
12. Whilst officers are disappointed by this approach and have been provided with no evidence to confirm the applicant's position, the current policy threshold is 10 or more units or sites above 0.25 hectares. The proposal fits neither trigger, nor is it feasible to accommodate two more units on this restricted site to trigger the 10 unit threshold. Officers are aware of the options set out in the Affordable Housing Development Plan Document, which is currently being consulted upon. However, while this may have implications for sites such as this in the future, currently the document has no material weight and can not be relied upon to secure affordable housing on this site.

Design and Visual Appearance

13. The scale and form of the building is unchanged from the approved scheme. The changes relate to the increased size of the balconies on the east and south elevations, along with alterations to the window configuration and eave line of the south elevation. These changes do not significantly alter the appearance of the building, or how it relates to its context.

Future Residential Amenity

14. The Local Plan requires proposals for new residential development to adequately provide for the needs of future occupiers. An acceptable internal and external environment must be provided. Specifically policy HS11 requires flats to be well lit and ventilated, fully self contained and to have a floor area in excess of 25m². The Balance of Dwellings Supplementary Planning Document (BoD SPD) is more specific and requires 3 bed dwellings to have a minimum floor area of 75m².
15. The proposed flats all comply with these requirements.
16. Residential accommodation is also required to cater for the outdoor needs of future occupiers by way of an acceptable residential environment and gardens space. Local Plan policy HS21 states that planning permission should be refused when insufficient or poor quality private open space is provided. The policy explains that where the units proposed are unlikely to be occupied by a family then access to a communal space may be reasonable. It goes on to say that units with two or more bedrooms should have exclusive use of an outdoor space.
17. All but unit 4, a 1 bed flat, have exclusive use of a balcony or in the case of the ground floor units a terrace. The 1 bed flat does however have access to the communal garden and is therefore adequately provided for. The balconies are larger than those of the approved application and as such officers consider the balconies serving the 2 bed flats to be acceptable.
18. As regards the 3 bed flats, the balconies are larger than those serving the two bed flats. Flat 7 has access to two balconies, one on the 1st and an one on the 2nd level. The former is approximately 14m², while the latter is 6m². Flat 8 has access to a single 7.5m² terrace.
19. Within a location such as this officers would ordinarily expect the outdoor space for 3 bed flats to be larger and in the form of a garden. However, the site is immediately adjacent to the King George playing fields, which provides additional outdoor space within very close proximity. In view of these circumstances and the very restricted nature of the site, officers are prepared in particular case to accept balcony space in lieu of a garden space to serve the 3 bed units. It is considered that these should be enlarged however and a condition is suggested accordingly.

Parking/Highways

20. The approved application was served by 8 car parking spaces, equating to one car per unit. The current scheme will retain the one-one provision for the 1 and 2 bed flats, whilst the 3 bed units will have two car parking spaces each. Given the sustainable nature of this site, within close proximity to shops, services, alternative transport links, and the City centre, officers consider the parking provision to be acceptable.
21. Parking provision of 18 cycles is provided on the ground floor of the

building. This level of provision exceeds the requirements of Appendix 4 of the Oxford Local Plan which requires only 2 spaces per dwelling. The site fall outside the West Oxford Controlled Parking Zone and would not therefore be eligible for residents parking permits.

Other Matters

22. As with the approved scheme the applicant has agreed to pay a contribution of £20,000 towards flood mitigation measures in the locality. The applicant has also confirmed that the development will be achieving Code for Sustainable Homes Level 3 and will also incorporate a grey water recycling system and heat recovery.

Conclusion: It is considered that the proposal is acceptable for the reasons set out above. Subject to the above conditions officers recommend that planning permission be granted.

Human Rights Act 1998

Officers have considered the Human Rights Act 1998 in reaching a recommendation to grant planning permission, subject to conditions. Officers have considered the potential interference with the rights of the owners/occupiers of surrounding properties under Article 8 and/or Article 1 of the First Protocol of the Act and consider that it is proportionate.

Officers have also considered the interference with the human rights of the applicant under Article 8 and/or Article 1 of the First Protocol caused by imposing conditions. Officers consider that the conditions are necessary to protect the rights and freedoms of others and to control the use of property in accordance with the general interest. The interference is therefore justifiable and proportionate.

Section 17 of the Crime and Disorder Act 1998

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

Background Papers: 07/00421/RES, 02/00952/OUT

Contact Officer: Steven Roberts

Extension: 2221

Date: 23 June 2011

11/01214/FUL

Oxonian Rewley Press Ltd, Lamarsh Road



Legend

Scale: 1:1250



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Organisation	Not Set
Department	Not Set
Comments	Appendix 1
Date	30 June 2011
SLA Number	Not Set

West Area Planning Committee

13 July 2011

Application Number: 11/01307/FUL, 11/01308/LBC

Decision Due by: 18/07/2011

Proposal: i) 11/01307/FUL – Change of use from educational use to single dwelling. Erection of two storey side extension and erection of garden studio, involving removal of existing classroom building.

ii) 11/01308/LBC – Demolition of existing conservatory, toilet block and garage. Erection of two-storey extension. Internal alterations including new openings, removal of existing partitions, new staircase and new partitions.

Site Address: 7 Norham Gardens, Oxford – **Appendix 1**

Ward: North

Agent: Riach Architects, 65 Banbury Road, Oxford **Applicant:** Merit Rich Ltd

Called in by Councillor Armitage

Supported by Cllrs McCready, Jones, Campbell, (and Brown, Brundin and Mills)

For the following reasons –

Local concern at the demolition of a Victorian conservatory and the effect in the conservation area of a new substantial side extension

Recommendation: - APPLICATIONS BE APPROVED

For the following reasons:

- 1 The Council considers that the proposal accords with the policies of the development plan and Government advice on the management of the historic environment. Any harm to the heritage assets that the works would otherwise give rise to can be justified and mitigated by detailed design, which the conditions imposed would control.
- 2 The works correspond with conversion back to a single family dwelling and will reverse a number of insensitive alterations allowing the use for which the building was originally designed to be reinstated. Whilst there will be some impacts on the heritage assets it is considered that these impacts have been

mitigated by design and are justified. Overall the proposals will secure a viable use of the listed building in support of its long term conservation. The proposed extensions are of an appropriate design for the context and will preserve the special interest of the listing building and character and appearance of the conservation area, justify granting listed building consent and planning permission.

subject to the following conditions, which have been imposed for the reasons stated:-

10/03409/LBD

- 1 Commencement of works LB/CAC consent
 - 2 LB/CAC consent - approved plans
 - 3 7 days notice to LPA
 - 4 LB notice of completion
 - 5 Further works - fabric of LB - fire regs
 - 6 Repair of damage after works
 - 7 Materials - samples
 - 8 Internal features – partitions, openings, staircase, doors, fireplaces, cornices etc
 - 9 Further Details floors, windows, staircases, new internal doors etc
 - 10 Archaeological building recording
 - 11 Extraction/fumes
 - 12 External lighting
 - 13 Boundary treatment
 - 14 Retain historic doors
 - 15 Retain historic fireplaces
 - 16 Amended plans - dormer window on north-west elevation
 - 17 Walls/openings to match adjoining
-

10/03407/FUL

- 1 Development begun within time limit
 - 2 Develop in accordance with approved plans
 - 3 Samples in Conservation Area
 - 4 Archaeological recording
 - 5 Boundary details
 - 6 Amenity – no additional side windows
 - 7 Provision of cycle parking and bin stores prior to first occupation
 - 8 Gates not to open over the highway
 - 9 Restricted boundary treatments either side of access points
 - 10 Conservation rooflight in side elevation to be 1.6 metres above ffl
 - 11 Use of garden pavilion to be ancillary to enjoyment of main house
 - 12 Drainage to be SUDS compliant
 - 13 Variation of Road Traffic Order – Norham Gardens
 - 14 Porous materials for new driveway areas
 - 15 Side window to be obscure glazed with restricted openers and so retained
 - 16 No felling, lopping, cutting
 - 17 Details of refurbished gates
 - 18 Detailed landscape plan including a planting plan and schedule
 - 19 Trees - Underground services and drainage soakaways
-

- 20 Detailed Tree Protection Plan
 - 21 Design and construction details for doors and windows
 - 22. Cycle parking – secure and covered
 - 23 Amended plans - dormer window on north-west elevation
-

Main Local Plan Policies:

Oxford Local Plan 2001-2016

CP1 - Development Proposals

CP8 - Design Developmt to Relate to its Context

HE3 - Listed Buildings and Their Setting

HE7 - Conservation Areas

CP13 – Accessibility

NE15 – Loss of Trees and Hedgerows

NE16 – Protected Trees

NE17 - Biodiversity

HE2 – Archaeology

Core Strategy 2026

CS19 – Urban design, townscape, character and the historic environment

Other Material Considerations: The applications are in the North Oxford Victorian Suburb Conservation Area. The development is affecting a Grade II Listed Building.

Relevant Site History:

Recent planning history as follows:

- 10/03409/LBD – APPROVED. Listed Building Demolition for extension and alterations involving demolition associated with the subdivision of the existing building to form 2 dwellings. Works include: Demolition of toilet block, conservatory and detached garage; erection of two storey extension; internal works to block existing and form new openings, removal of modern partitions, removal of staircase between ground and first floor, insertion of new door, staircases and partitions; form new opening with gate in front boundary wall.
- 10/03407/FUL – APPROVED. Change of use and erection of two-storey side extension, from existing educational use, to form two dwellings, including garden studio building and bike stores.
- 10/03408/CAC – APPROVED. Demolition of existing art block and existing garage.

Representations Received: none received

Statutory Consultees:

1. **Highways & Transport** – Have not objections to the development subject to sustainable drainage system.
2. **Thames Water** – Proper provision required for surface water drainage, no objections with regard to sewerage or water infrastructure.

3. **English Heritage** - Have no objections to the proposal and are happy for the local authority to resolve any outstanding details.

Issues: The main issue is the impact of the proposal on the special architectural and historic interest of this grade II listed building and on the special character and appearance of the North Oxford Conservation Area.

Sustainability protection of historic environment, continued use of historic building stock

Officers report:

1. This is a revised scheme to that previously approved at Strategic Development Control Committee on 31st March 2011. The difference is this new submission proposes a change of use of the educational establishment to form one dwelling not two, which has minor consequential impacts on the internal layout and landscaping.
2. A copy of the previous report by officers is attached as **Appendix 2**, which covers the main issues and impacts. The differences between the approved applications and the previous scheme are

Internal differences:

- Part replacement of the secondary staircase from ground to first floor
- No longer blocking openings between the two parts of the building
- Insertion of new en-suite facilities
- Insertion of new partitions and formation of new openings

External differences:

- The bike storage by the proposed garden studio has been deleted
- There is no dividing hedge shown in the back garden
- The new feature tree proposed in the back garden moves
- The planting bed proposed along the rear elevation changes shape
- The door on the north-west elevation is a different design and smaller

Assessment of Impact

4. Internally, works are proposed to correspond with conversion back to a single family dwelling rather than the building's division into two separate dwellings. These remain minor, albeit slightly different from the approved scheme. Returning the building to single residential use will allow a use for which the building was originally designed. This proposed use also provides the opportunity to restore and reinstate missing internal features such as fireplaces and parts of the secondary staircase. The insertion of new partitions and formation of new openings in order to improve circulation space and form new en-suite facilities are sensitive alterations and designed to respect the principal plan form and design aesthetic of the building.
5. Externally the differences are minor. Demolition of the conservatory, new extensions and garden studio as proposed remain as shown in the previously approved scheme. The door changes on the north-west elevation are designed to reflect the comments made by Strategic Development Control

Committee when it considered the application.

Conclusion:

6. This revised scheme has less impact on the listed building than the previous scheme and proposals comply with local and national planning policy. Officers consider that the proposals will preserve the special architectural and historic interest of the listed building and conservation area.

Human Rights Act 1998

Section 17 of the Crime and Disorder Act 1998

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 these applications, in accordance with section 17 of the Crime and Disorder Act 1998. In reaching a recommendation to approve, officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

Officers have considered the Human Rights Act 1998 in reaching a recommendation to grant listed building consent and planning permission, subject to conditions. Officers have considered the potential interference with the rights of the owners/occupiers of surrounding properties under Article 8 and/or Article 1 of the First Protocol of the Act and consider that it is proportionate.

Officers have also considered the interference with the human rights of the applicant under Article 8 and/or Article 1 of the First Protocol caused by imposing conditions. Officers consider that the conditions are necessary to protect the rights and freedoms of others and to control the use of property in accordance with the general interest. The interference is therefore justifiable and proportionate.

Background Papers: 11/01307/FUL, 11/01308/LBC

Contact Officer: Sarah Billam/Nick Worledge

Extensions: 2640/2147

Date: 22 June 2011

Appendix 1

7 Norham Gardens



Scale : 1:1250



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Organisation	Oxford City Council
Department	City Development
Comments	
Date	15 February 2011
SLA Number	100019348

Addendum report for 7 Norham Gardens

Application Number: 10/03409/LBD & 10/03407/FUL & 10/03408/CAC

Decision Due by: 15 February 2011

- Proposal:**
- i) 10/03407/FUL –Change of use & erection of two-storey side extension
 - ii) 10/03409/LBD – Extension and alterations involving demolition associated with the subdivision of the existing building to form 2x dwellings.
 - iii) 10/03408/CAC – Demolition of existing art block and garage

Site Address: 7 Norham Gardens, Oxford

1. At the last North Area Committee meeting on the 4 March 2011 Members resolved to refuse the above applications, contrary to officers' recommendation for the following reasons: –

10/03409/LBD:-

- i) The demolition of the conservatory, which is considered to possess architectural and historic interest, will result in harm to the heritage significance of the listed building and is not justified. The proposal is therefore contrary to the policy and advice in PPS 5 *Planning for the Historic Environment*.
- ii) The proposed two-storey extensions, by reason of their appearance and height will have a harmful impact on the special interest of the listed building and its setting. The proposal is therefore contrary to the policy and advice in PPS 5 *Planning for the Historic Environment*.

10/03407/FUL:-

- i) The proposed two-storey extensions involve the loss of an existing conservatory, which is considered to possess architectural and historic interest. The harm this will cause to the heritage significance of the listed building and the character and appearance of the conservation area is not justified and is therefore contrary to policies HE3, HE7 of the Oxford Local Plan 2001-2016, Policy CS18 of the Oxford Core Strategy 2026 and the policy and advice in PPS 5 *Planning for the Historic Environment*.
- ii) The proposed two-storey extension and garden studio building, by reason of their appearance, height, sitting and the reduction in the gap between neighbouring buildings will have a harmful impact on the heritage significance of the listed building, its setting and the character and appearance of the conservation area. The proposal is therefore contrary to policies HE3, HE7, CP1, CP8 of the Oxford Local Plan 2001-2026, policy CS18 of the Oxford Core Strategy 2026 and the policy and advice in PPS 5 *Planning for the Historic Environment*.

10/03408/CAC:-

Members resolved to approve Conservation Area Consent for the Demolition of the existing art block and existing garage.

2. North Area Committee's concern focused on the loss of the conservatory and the

impact of the new extension on the gap between the buildings, the conservation area, the special interest and setting of the listed building.

Following this meeting the applicant has commissioned a structural engineers report to provide more information on the condition of the conservatory.

3. The report describes the conservatory as late 19th century in date which has subsequently been remodelled in the 1940s or 1950s, including a new section at the southern end of the conservation using joinery which does not match the original, either in terms of the timber section or the pattern of the glazing bars. The report also states that the roof glazing has been removed and the rafters has been boarded and finished with bituminous mineral felt.
4. The report highlights a number of defects with the existing conservatory and that its general condition is poor. Defects are identified as follows:
 - significant movement in the base brick walls resulting in differential settlement and outward horizontal movement. This has created inclined brick courses, bowing and leaning in the vertical faces.
 - at the southern end significant cracking and separation is evident between the conservatory and house.
 - extensive spalling and cracking in the brickwork and numerous poor quality repairs have been carried out with inappropriate cement based mortar mix.
 - roof timbers are in a poor state of repair including areas of wet rot.
 - the floor screed is damp and lifting in places.
 - movement in the timber framework resulting in 30mm gaps over rear door frame.
5. The report concludes the conservatory is beyond economic repair.
6. Officer's recommendation remains as the original report.

Date: 16 March 2011

Application Number: 10/03409/LBD & 10/03407/FUL & 10/03408/CAC

Decision Due by: 15 February 2011

- Proposal:**
- i) 10/03407/FUL – Change of use and erection of two-storey side extension, from existing educational use, to form 2 dwellings, including garden studio building and bike store.
 - ii) 10/03408/CAC – Demolition of existing art block and existing garage
 - iii) 10/03409/LBD – Extension and alterations involving demolition associated with the subdivision of the existing building to form 2x dwellings. Works include:
 - a) Demolition of toilet block, conservatory and detached garage
 - b) Erection of 2 storey extension
 - c) Internal works to block existing and form new openings, removal of modern partitions, removal of staircase between ground and first floor, insertion of new door, staircases and partitions
 - d) Form new opening with gate in front boundary wall

Site Address: 7 Norham Gardens, Oxford

Ward: North Ward

Agent: Riach Architects, 65 Banbury Road, Oxford **Applicant:** Merit Rich Ltd

Called in by Councillors –Cllr Brundin
Supported by Cllrs Campbell, Gotch and Fooks

For the following reasons –
For the effect on the conservation area and local concern.

Recommendation: - APPLICATIONS BE APPROVED

For the following reasons:

- 1 The Council considers that the proposal accords with the policies of the development plan and Government advice on the management of the historic environment. It has taken into consideration all other material matters, including matters raised in response to consultation and publicity. Any harm to the heritage assets that the works would otherwise give rise to can be justified and mitigated by detailed design, which the conditions imposed would control.
- 2 Comments received in response to public comments relate to particular elements of the scheme rather than the overall objectives sought, in particularly the loss the conservatory, impact on historic fabric, impact on architectural quality. The proposals have evolved through informed analysis of the architectural and historic interest of the building and through pre-application discussions with officers and English Heritage and in consultation with local groups. Whilst there will be some impacts on the heritage assets it is considered that these impacts have been mitigated by design and are justified. Overall the benefits will secure the

optimum viable use of the listed building in support of its long term conservation. The proposed extensions are of an appropriate design for the context and will preserve the special interest of the listing building and character and appearance of the conservation area, justify granting listed building consent/planning permission/conservation area consent.

subject to the following conditions, which have been imposed for the reasons stated:-

10/03409/LBD

- 1 Commencement of works LB/CAC consent
 - 2 LB/CAC consent - approved plans
 - 3 7 days notice to LPA
 - 4 LB notice of completion
 - 5 Further works - fabric of LB - fire regs
 - 6 Repair of damage after works
 - 7 Materials - samples
 - 8 Internal features – partitions, openings, staircase, doors, fireplaces, cornices etc
 - 9 Further Details floors, windows, etc
 - 10 Archaeological building recording
 - 11 Extraction/fumes
 - 12 External lighting
 - 13 Boundary treatment
 - 14 Retain historic doors
-

10/03407/FUL

- 1 Development begun within time limit
 - 2 Develop in accordance with approved plns
 - 3 Samples in Conservation Area
 - 4 Archaeological recording
 - 5 Boundary details before commencement
 - 6 Amenity – no additional side windows
 - 7 Provision of cycle parking and bin stores prior to first occupation
 - 8 Gates not to open over the highway
 - 9 Restricted boundary treatments either side of access points
 - 10 Conservation rooflight in side elevation to be 1.6 metres above ffl
 - 11 Use of garden pavilion to be ancillary to enjoyment of main house
 - 12 Drainage to be SUDS compliant
 - 13 Variation of Road Traffic Order – Norham Gardens
 - 14 Porous materials for new driveway areas
 - 15 Side window to be obscure glazed with restricted openers and so retained
 - 16 No felling, lopping, cutting
 - 17 Details of refurbished gates
 - 18 Detailed landscape plan including a planting plan and schedule
 - 19 Trees - Underground services and drainage soakaways
 - 20 Detailed Tree Protection Plan
-

10/03408/CAC

- 1 Development begun within time limit
- 2 Develop in accordance with approved plns

Main Local Plan Policies:

- Oxford Local Plan 2001-2016
- CP1 - Development Proposals
- CP8 - Design Developmt to Relate to its Context
- HE3 - Listed Buildings and Their Setting
- HE7 - Conservation Areas
- CP13 – Accessibility
- HS11 – Subdivision of dwellings
- NE15 – Loss of Trees and Hedgerows
- NE16 – Protected Trees

NE17 - Biodiversity
HE2 – Archaeology

Core Strategy 2026

CS19 – Urban design, townscape, character and the historic environment

Other Material Considerations: The applications are in the North Oxford Victorian Suburb Conservation Area. The development is affecting a Grade II Listed Building.

Relevant Site History:

Recent planning history as follows:

- 51/01782/A_H – Change is use to School – approved
- 51/01888/A_H – Alterations to form Lavatory accommodation – approved
- 72/25674/A_H – Erection of prefabricated classroom unit in garden – approved
- 77/00243/AH_H – Renewal of temporary consent for erection of prefabricated classroom – approved
- 10/01439/FUL – Change of use of education establishment to dwelling house – approved

Representations Received:

1. **The Victorian Group of the Oxfordshire Architectural and Historical Society** – have strong objections to the loss of the existing conservatory and the design of the proposed 'studio' building in the rear garden. They are also strongly opposed to the size and height of the new side extension, the use of tiles and amount of glazing proposed. They also consider the size, height, and design of the northern two-storey addition overbearing and inappropriate.
2. **Norham Manor Residents Association** – Consider this second application little changed from the previous application and question the financial motive for subdividing this property. They are opposed to the part demolition of this grade II listed house, the subdivision of the property into two separate residences and the erection of a separate building for ancillary residential accommodation which will dominate the rear garden. .
3. **Six letters have been received from the occupants of the following properties: No 9 Norham Gardens, No 9a Norham Gardens, No 13 Crick Road, No 7 Crick Road, No 17 Bradmore Road and No 19 Bradmore Road raising the following objections and comments: –**
 - impact on the residential amenity
 - impact on the listed building
 - Proposals for a permanent structure in the rear garden
 - the demolition of the existing conservatory
 - erection of a two-storey extension
 - impact on character and appearance of North Oxford Conservation Area
 - impact on trees
 - noise and nuisance
 - Loss of privacy

Statutory Consultees:

1. **Highways & Transport** – Have not objections to the development subject to conditions.
2. **Thames Water** – have no objections with regard to sewerage or water infrastructure.
3. **English Heritage** - The Statement of Significance fails to acknowledge the significance of the existing conservatory, dismissing it as a later addition which has been altered in the 20th century. However, the City Council has picked up on this and negotiated a revised design which aims to retain this aspect of the character of the building. English Heritage has no objections to the proposal and is happy for the local authority to resolve any outstanding details.

4. **The Victorian Society** – have raised objections to the subdivision of the building and the size, height, detail and style of the new side extension. They also consider that the new garden building is not a traditional garden building as the name 'pavilion' implies and the previous permission for a temporary structure is not justified for allowing a permanent building.

Issues:

The main issue is the impact of the proposal on the special architectural and historic interest of this grade II listed building and on the special character and appearance of the North Oxford Conservation Area. However it is also necessary to have regard to the following other issues:

- Principle of conversion to two dwellings
- Impact on neighbours
- Trees
- Highways and parking
- Private amenity space
- Bin and recycling stores

Sustainability protection of historic environment, continued use of historic building stock

Officers Assessment:

Brief history of site:

1. Much of the area on which North Oxford now stands was acquired by St John's College in the 16th century. It was developed between Walton Manor and Summertown as a residential suburb of large detached and semi-detached houses beginning in the 1850s with Park Town. After 1860 the College employed the Oxford architect William Wilkinson to lay out and superintend the development of Norham Manor. The houses built by Wilkinson, H W Moore, Frederick Codd and others employed the use of plain and multi-coloured bricks, stone window dressings and tall tiled roofs combined with the very up-to-date use of early French Gothic detailing, in what has become known as the High Victorian Gothic. Conservatories were a popular feature, reflecting the Victorian fashionable interest in the study and care of tropical plants and made more accessible with the lifting of a tax on glass in 1845.
2. Norham Gardens was the first road to be laid out as part of the Norham Manor Estate. Characterised by large red and yellow brick Gothic villas, set in large gardens amidst wide avenues. The southern side of Norham Gardens was built to take advantage of its proximity to University Parks and therefore, that main facades do not look over the road. Since the planting between the development and the park has matured, the houses are well screened and only enticing glimpses are now possible from the Park.
3. No 7 Norham Gardens is located on the southern side of Norham Gardens close to the junction of Bradmore Road and forms part the Norham Manor Estate. Along with Nos 1, 5, 11 & 13, No 7 is designed to turn its back on the road so that its principle elevation faces south overlooking the rear garden and beyond into University Parks. It is a listed building Grade II and is situated in the North Oxford Conservation Area.
4. Built in 1862, No 7 was the first house on the new Norham Manor Estate. It was designed by William Wilkinson and was important as a showpiece for the new estate. Originally built for Professor Goldwin Smith, the property was then bought by Professor Max Muller, who extended the property in 1867 to provide additional accommodation for his extended family. The conservatory was added to the eastern elevation of the 1867 extension between 1876 and 1900, but has been remodelled and extended, probably between 1939 and 1957.
5. In June 1951 permission was granted for a change of use from residential to education use. Further alterations and extensions followed including a toilet extension on the road elevation, remodelling the conservatory and the erection of a detached prefabricated classroom and detached garage in the garden.

Heritage Significance

6. The house was built in two principal phases with the main block constructed in 1862 and a large extension added in 1867. The original 1862 building comprises of 3 adjoining ranges including a two storey and a two-and-a-half storey range on the southern side and a one-and-a-half storey range on the northern side. Adjoining the eastern side of the earlier block is the two-and-a-half storey extension erected in 1867. This includes a contemporary single storey bay on its north elevation that also abuts the eastern elevation of the 1862 block.
7. In common with other properties along the south side of Norham Gardens, internally the rooms are arranged so that the domestic offices face north, while family rooms take advantage of the southern aspect and the light that this affords. Externally, the south elevation is also much more architecturally distinguished with large triple leaded stone mullioned windows and a large rectangular bay window with hipped stone coping.
8. The existing canted conservatory is plainly decorated and not of the same scale and quality as the rest of the building. It is much smaller and has been remodelled and extended to accommodate the 1950s toilet block at the front of the building. The existing felt roof is modern.
9. The building is a good example of the work of an architect with a key responsibility for the design and development of the garden suburb. It possesses characteristics and features that help understanding of Victorian values and ideals that have influenced the design and layout (gothic architecture, landscape setting, conservatory). It is not as originally designed and has been extended in subsequent years. The conservatory is not as originally designed and its individual architectural merits have been eroded by subsequent alteration and extension.
10. Much of the building 19th century interior plan form and features remain intact, including the original 1862 staircase with turned spindle balusters. Within the 1867 wing, the original matchstick balustrades have been retained on the first floor upwards. The original 19th century shutters have been retained in the principle rooms together with door cases with architrave shafts and chamfered panel doors. The original family rooms also retain their arched and carved stone fireplaces with either zigzag or foliage capitals. Inside the entrance hall to the left of the front door, there are the initials GS (presumably Professor Goldwin Smith) carved in spandrels. There have been some C20th internal alterations, but these have not undermined the quality or the integrity of the interior plan and features.
11. There is a large garden to the rear of the property and space either side contributing to the sense of spaciousness and green setting that prevails throughout the suburb. However, there are C20th buildings in the garden – a response to the change in use during this period, which have eroded the integrity of the garden and its setting.

Policy Framework

12. In PPS5 Planning for the Historic Environment, the government states its objective that the historic environment and its heritage assets should be conserved and enjoyed for the quality of life they bring to this and future generations. It defines the *Historic Environment* as meaning all aspects of the environment resulting from the interaction between people and places and a *Heritage Asset* as:

“a building, site, place, area or landscape positively identified as having a degree of significance meriting consideration in planning decisions. Heritage assets are the valued components of the historic environment”.

13. The guidance asks that applicants and the local planning authority have sufficient information to understand the significance of a heritage asset and to understand the impacts that any proposal would have. It advises that harmful impacts need to be justified and the greater the

harm then the greater the justification needed. When making planning decisions Policy HE7.4 of PPS5 explains that local planning authorities should take into account the desirability of sustaining and enhancing the significance of heritage assets and the positive role that their conservation can make to the establishment and maintenance of sustainable communities and economic viability.

14. The Government recognises that intelligently managed change may sometimes be necessary if heritage assets are to be maintained for the long term, but it does highlight in Policy HE7.5 that it is desirable for development to make a positive contribution. Policy HE9.1 of PPS5 explains that there should be a presumption in favour of the conservation of designated heritage assets (conservation area, listed building) and the more significant the asset the greater the presumption in favour of conservation should be.
15. The Government's objectives for the management of the historic environment are given effect locally in the Council's Adopted Local Plan and Core Strategy, in particular policies CP1, HE3 and HE7 of the Local Plan and Policy CS19 of the Core Strategy.
16. Other policies in the Oxford Local Plan are relevant to the proposals and relate to the sub-division of dwellings [policy HS11]; the provision of car and cycle parking [policies TR3 and TR4]; the provision of adequate gardens [policy HS21]; the provision of bin and recycling stores [policy CS10] and the impact of the development on neighbouring occupiers [policy HS19]. These issues are all considered in more detail later in this report.

Brief description of proposals:

- Subdivision of the existing building and other minor internal alterations to form two dwellings.
- Demolition of a single storey building at the front of the building and single storey conservatory on the East elevation.
- Erection of new single storey extension on the North elevation and East elevation with accommodation in the roof space.
- Erection of a new single storey pavilion building in the rear garden, replacing the existing prefabricated art block building.
- Replacement of existing dilapidated single garage building with a new garage building on approximately the same footprint.

Assessment of Impact

17. The application is supported by supplementary reports that indicate the proposals have been informed by analysis and understanding of the heritage assets. An earlier application for a similar proposal was withdrawn on officers' advice because of the harm that would result to the special interest of the listed building and its setting. Subsequent pre-application advice secured a number of changes to address the concerns raised by officers and consultees on the earlier application.

Impact on heritage assets:

18. The proposals involve the replacement of the toilet block with a new one and half storey extension with a pitched roof and small dormer window that will have a more positive relationship with the host building and will improve the appearance of the building. The additive nature of the proposed extension is a characteristic of the listed building and the provision of the new entrance will not detract from the original entrance which will be retained. The scale of this extension is appropriate and will not obscure or harm existing features.
19. The gabled eastern end wall of the proposed northern extension is also an improvement on the existing flat-roofed block. The roof of the new one and half storey side extension is to be natural slate to match the host building and a single high level conservation style rooflight rather than dormer windows will be used to light the new ensuite. The design of the new extension will also ensure a significant portion of the existing 1867 chimneystack is retained and visible at high level.

20. As stated earlier conservatories are a characteristic of the suburb. Many have been lost during the C20th and those that remain have greater significance through rarity and as a reminder of earlier fashions and life styles. However, the intrinsic architectural merits of this conservatory has been eroded by subsequent changes and decay. Retention of this structure is not justified, but retention of a conservatory as a feature of the house and the suburb is important in order to preserve its special interest. This is achieved in these revised proposals and is considered acceptable.
21. Given that the character and appearance of the garden has changed its subdivision as proposed need not harm the setting or affect the historic integrity of the house in its plot.. Given that the original layout of the gardens in the suburb is often compartmented, the subdivision of this garden can be achieved with landscaping features that will ensure that this aspect of the proposals will not cause harm and there is the potential that an appropriate scheme of landscaping will better reveal the sylvan characteristics of the suburb.
22. The new garden building in the eastern corner of the garden is a contemporary response to a building within the garden landscape. Smaller than the existing building and of more permanent materials this building will reduce the harm caused by the existing structure.
23. Internally, some alterations and internal finishes that have taken place reflect the institutional use that existed. Returning the building to residential use will reverse these changes allowing the use for which the building was originally designed to be reinstated. This proposed reuse also provides the opportunity to restore and reinstate missing domestic features such as fireplaces and a staircase. Its subdivision into two dwellings is a difference, but the changes that involves to the internal layout, weighed against the beneficial internal alterations and more appropriate use will not be harmful. The junction between the 1862 and 1867 ranges affords itself well to the division of the two properties and allows the removal of later modern partitions to reinstate room proportions and features.

Principle of conversion

24. Policy HS11 of the Oxford Local Plan states that planning permission will only be granted for the sub-division of a dwelling if each resultant unit will be self contained with its own lockable entrance, kitchen and bathroom; each resultant unit will be a minimum size of 25 square metres, measured internally and the proposal will not prejudice the aims of policy HS8.
25. The proposal is for the sub-division of a substantial property to form two, large, five bedroom dwellings each with 4 bathrooms. In terms of the Balance of Dwellings [BoDS] Supplementary Planning Document [SPD] the only issue relating to new development of 1 – 3 units is that there should be no loss of a family dwelling. In this case, the proposal would result in an additional family dwelling and therefore the proposal complies with the requirements of BoDS.

Impact on neighbours

26. Policy HS19 of the Oxford Local Plan states that planning permission will only be granted for development that adequately provides both for the protection and/or creation of the privacy or amenity of the occupants of the proposed and existing neighbouring, residential properties.
27. In this case, the only properties directly affected by the proposal are numbers 5 and 9 Norham Gardens which are located on either side of the application site. The proposals involve the erection of a two storey extension on the side of the dwelling closest to number 9 and a replacement garden pavilion that would also be close to the boundary with number 9. The proposal also includes the erection of a single garage with a height of 4.8 metres close to the boundary of the site with number 5 Norham gardens. However, the new garage is a modest, domestic structure and officers take the view that it would have a minimal impact on the amenities enjoyed by the occupiers of number 5 particularly having regard to the established trees that exist along this boundary.
28. As regards the two storey side extension, this would be sited some 6.5 metres from the joint

boundary with number 9 Norham Gardens and 10.4 metres from the side wall of the property itself. As a result of pre-application discussions, two previously proposed dormer windows on the side elevation of the new extension facing towards number 9 have been removed and the only windows now proposed are a high level conservation rooflight serving an en-suite bathroom [conditioned to be 1.6 metres above finished floor level] and an obscure glazed window with opening restrictors serving a further en-suite bathroom. Officers therefore take the view that the proposal would not result in any overlooking towards the side windows of number 9.

29. The objections raised by the occupiers of number 9 include the view that the proposed extension would be overbearing in the outlook from the side windows in their property which serve upper floor bedrooms, a study on the lower ground floor and a playroom on the ground floor. Officers have carefully considered this issue. However given the distance involved [10.4 metres] together with the restricted height of the proposed extension [8.2 metres] relative to the main house which has a maximum height of some 13 metres, it is considered that the proposed extension would not cause unacceptable harm or appear so overbearing to the occupiers of number 9 to warrant a refusal of planning permission on this basis. In addition, the existing trees and shrubbery along the joint boundary of the site with number 9 is conditioned to be both protected during the course of development and retained to maintain a privacy screen between the two properties.
30. The new garden building that would replace the existing, unsightly prefabricated classroom building, would measure 10 metres in depth by 5 metres in width with a height of 3.2 metres. This would be significantly smaller than the existing building on the site. As a result of pre-application discussions, its form and appearance has changed and what is now proposed is a lightweight, contemporary building erected using timber boarding, brickwork and glazing. Its use is conditioned to be ancillary to the main house and in this respect is likely to be far more low key than its previous use for educational purposes.

Trees

31. A number of significant amenity trees stand within and adjacent to the application site which could be affected by the proposals.
32. The application is supported by an Arboricultural report, which includes a tree survey and an assessment of the quality and value of existing trees which is consistent with good practice. The report accurately assesses the constraints that existing trees impose on the layout of development and includes an Arboricultural Implications Assessment which reasonably assess identifies the impact of the development of existing trees.
33. The layout of the development proposed requires the removal of two existing trees to allow access to the new garage and to remove two other trees from the rear garden. These are all low quality value trees. The impact of their removal on the appearance and character of this part of the conservation area will be minor and can be adequately mitigated by planting new trees and shrubs as part of the final landscaping. A detailed landscape plan including a planting plan and schedule should be required by condition if planning permission is granted.
34. The layout of the development requires demolition and construction work to be undertaken in close proximity to several existing high and moderate quality and value trees which are to be retained and protected. The application is supported by a detailed Arboricultural Method Statement, which describes the special precautions that will be put in place during the demolition and construction phases of development to ensure that these valuable retained trees are not damaged. These special precautions need to be controlled by condition. Underground services and drainage soakaways will need to be located away from rooting area of retained trees if the development takes place. If planning permission is granted it should be conditional upon a plan showing services being submitted for approval prior to the start of work on site.
35. During demolition and construction phases of development retained trees will need to be protected using a combination of barrier fencing and ground protection. A detailed Tree

Protection Plan should be required by condition if planning permission is granted.

Highways and parking

36. Oxfordshire County Council as Local Highway Authority are not raising any objection to the application subject to a number of conditions relating to the provision of secure and sheltered cycle parking; the new refurbished timber gates at the two entrance points shall not open outwards onto the highway and the retention of pedestrian visibility splays. In addition, the site shall be excluded from the local Controlled Parking Zone and eligibility for parking permits.
37. The site is substantial and there is ample space for parking and manoeuvring for both of the proposed dwellings.

Private amenity space

38. Policy HS21 of the Oxford Local Plan states that planning permission will not be granted for new development involving residential uses where poor quality or inadequate private open space is proposed. It goes on to say that family dwellings of two or more bedrooms should have exclusive use of a private garden that should generally have a length of 10 metres.
39. The site is substantial and each of the dwellings proposed would have rear gardens extending to 22.5 metres together with planting and open areas to the side. Officers consider that the gardens are more than adequate to serve the two, five bedroom dwellings. In addition, the site backs onto University Parks with its extensive open area.

Bin and recycling stores

40. Bin and recycling stores were originally proposed at the front of the site but officers considered that such siting would be detrimental to the character and appearance of the conservation area and the setting of the listed building. The stores have therefore now been relocated to the side of the new single garage in the case of house A and to the side of the new garden pavilion in the case of house B. These are shown to be 2 metre high, timber enclosures.

Conclusion:

Many listed buildings can sustain some degree of sensitive alterations or extension to accommodate continuing or new uses. The present extensions proposed have been designed to minimise the impact on the special character and appearance of the listed building and, subject to the amendments identified, officers consider that the proposals will preserve the special architectural and historic interest of the historic building.

Human Rights Act 1998

Section 17 of the Crime and Disorder Act 1998

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 these applications, in accordance with section 17 of the Crime and Disorder Act 1998. In reaching a recommendation to approve, officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

Officers have considered the Human Rights Act 1998 in reaching a recommendation to grant listed building consent and planning permission and conservation area consent, subject to conditions. Officers have considered the potential interference with the rights of the owners/occupiers of surrounding properties under Article 8 and/or Article 1 of the First Protocol of the Act and consider that it is proportionate.

Officers have also considered the interference with the human rights of the applicant under Article 8 and/or Article 1 of the First Protocol caused by imposing conditions. Officers consider that the conditions are necessary to protect the rights and freedoms of others and to control the use of

property in accordance with the general interest. The interference is therefore justifiable and proportionate.

Background Papers:

Contact Officer: Sarah Billam/Nick Worledge

Extensions: 2640/2147

Date: 13 February 2011

West Area Planning Committee

13 July 2011

Application Number: 11/01135/FUL

Decision Due by: 15 June 2011

Proposal: Change of use of a ground floor retail unit from class A1 (shop) to use within class A3 (restaurant). (Additional Information)

Site Address: 92 Gloucester Green Oxford (**site plan: appendix 1**)

Ward: Carfax Ward

Agent: John Philips Planning Consultancy

Applicant: AXA Real Estate

Application Called in by Councillors Brown, Armitage, Campbell and Rundle on grounds of impact upon balance of A1/A3 uses around the green; noise (residential amenity); waste storage and removal provision; challenges of providing adequate ventilation

Recommendation:

The West Area Planning Committee is recommended to approve planning permission for the following reasons:

- 1 The proposal would represent an appropriate change of use of the premises that would not give rise to any unacceptable environmental problems or nuisance for the residential or commercial properties within this mixed-use area in the City centre. Furthermore the loss of a retail (Class A1) unit would not have a detrimental impact upon the retail function of the Secondary Shopping Frontage, as the percentage of retail units within this frontage would remain above the required threshold. The proposal would therefore accord with Policies CS1 and CS31 of the Oxford Core Strategy 2026, and Policies CP1, RC5, and RC12 of the adopted Oxford Local Plan 2001-2016.
- 2 In considering the application, officers have had specific regard to all the comments of third parties and statutory bodies in relation to the application however officers consider that these comments have not raised any material considerations that would warrant refusal of the applications, and that any harm identified by the proposal could be successfully mitigated by appropriately worded conditions.

- 3 The Council considers that the proposal accords with the policies of the development plan as summarised below. It has taken into consideration all other material matters, including matters raised in response to consultation and publicity. Any material harm that the development would otherwise give rise to can be offset by the conditions imposed.

Conditions:

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Opening hours
- 4 Noise assessment & sound insulation scheme
- 5 Limits on noise levels / emissions
- 6 Scheme for treatment of cooking fumes

Main Local Plan Policies:

Oxford Local Plan 2001-2016

CP1 - Development Proposals

RC5 - Secondary Shopping Frontage

RC12 - Food & Drinks Outlets

Core Strategy

CS1_ - Hierarchy of centres

CS31_ - Retail

Other Material Considerations:

This application is within the Central Conservation Area and the West End Regeneration Area.

Relevant Site History:

82/00667/NOH: Land at Gloucester Green - Shops, flats, offices, extension to Arts Centre, bus station & change of use of former school to public house/restaurant/offices/community/social use. Modification of roads & footpaths within site, including part of Gloucester Street: APPROVED

84/00281/NFH: Land at Gloucester Green - Construct bus station, Market Sq., offices, flats, shops & cafes, entrance to George St Arts Centre, WCs, covered waiting area, underground car park with access to Gloucester St & City Engineer's facility. Pedestrian and vehicle access: APPROVED

84/00282/LH: Land at Gloucester Green - Listed building consent for demolition of unlisted buildings in a Conservation Area including Greyhound P.H., left luggage office and adjoining temporary buildings, cafe, WCs, former Municipal restaurant & kiosk (fronting Gloucester Green): APPROVED

01/01194/NFH: Change of use of retail shop to use as ticket office and drivers rest room: APPROVED

Representations Received:

13 Letters of comment have been received whose comments are summarised below.

- There is a need to preserve the balance of the mixed economy of Gloucester Green, as the number of A3 uses is changing the area into an 'eating-only' environment
- There are already too many restaurants and food and drink outlets in Gloucester Green.
- The additional restaurants will increase competition and place pressure on the other outlets
- If the retail stores cannot afford the high rents then maybe these rents need to be lowered to get shops to open and stay open.
- There is a need for a variety of shops within the square
- Gloucester Green is a modern mixed-use development with high quality residential units above commercial units
- The new restaurants will have an impact upon the flats within the square, in terms of noise from their usage, and also the ventilation equipments
- The late opening hours of the outlets cause too much noise for residents and so further late opening hours would add to this disturbance
- The addition of new A3 units within the square will exacerbate the general level disturbance for the residential properties
- The music from the venues will have an impact upon the flats and add to alcohol related disturbance
- The conversion of the remaining three A3 units within the centre, could lead to the current owner-occupiers drifting away and the apartments becoming a low level student rental enclave
- Any further erosion of the retail capacity of the Market Square would be unwelcome
- There would be access problems for servicing of the units
- There is no external waste storage for the units which will add to the existing problems from other units, whereby waste is stored on the access ramp to the underground car park which is easily viewable from the public realm
- It is not clear whether there would be adequate storage for food supplies within the units
- How would these units provide adequate air conditioning and extraction ventilation, so as not to impact upon the residential properties above

Statutory and Internal Consultees:

Oxford Civic Society: These would be very regrettable alterations. There are already far too many restaurants and food shops in the centre of Oxford, whereas good, varied and interesting retail shops are becoming rare. Retail provision need to be encouraged, perhaps by keeping rents within reasonable bounds and discouraging changes of use such as these.

St John Street Area Residents Association:

The association objects to the proposal as the infrastructure of Gloucester Green is not adequate to sustain further restaurant provision

Issues:

- Principle of change of use
- Food and Drink outlets

Officers Assessment:**Site Location and Description**

1. The application site is situated on the western side of Gloucester Green and comprises a ground floor commercial unit. The site is within the Central Conservation Area and the West End Regeneration Area (**site plan: appendix 1**).
2. Gloucester Green is a public square which has ground floor commercial units along the northern, eastern, and western boundaries, and residential accommodation above the commercial units to the north and west. There is a direct link to the City centre bus station through the square, and a taxi rank to the east.
3. The commercial unit is currently vacant however the authorised use would be retail (Class A1). Whilst there are residential units within the square, the prevailing character is of a mixed-use environment with a commercial/leisure emphasis throughout the square and surrounding streets.

Proposal

4. Planning permission is sought for a change of use of the commercial unit from retail (Class A1) to use within Class A3 (restaurant and cafe).

Principle of Change of Use

5. The City Centre is at the top of the retail hierarchy as defined by the Oxford Core Strategy 2026, with Policy CS1 encouraging proposals that support the role of the City centre as the main focus for retail, leisure, and cultural activities.
6. The City centre is separated into two types of shopping frontage – Primary and Secondary – with the commercial units throughout Gloucester Green forming part of the Secondary Shopping Frontage. The intention of the Secondary Shopping Frontage is to allow more flexibility and diversification of uses than would be allowed in the Primary Shopping Frontage where there is a greater predominance of retail uses (Class A1).
7. Any change of use of premises within the secondary shopping frontage are considered against Policy RC5 of the Local Plan, which has a general presumption in favour of retail (Class A1) uses, but allows other Class A uses where the proportion of units at ground floor level in retail use does not fall below 50% of the total number of units. It should be recognised that Policy RC5 seeks to control the range of uses within the Secondary Shopping Frontage as a whole rather than within separate streets such as Gloucester Green.
8. The most recent survey of the Secondary Shopping Frontage was conducted in

January 2011, and indicated that approx 55.38% of the total number of units within this frontage were in retail (Class A1) use. The change of use of the premises to Class A3 would on its own reduce the retail threshold to 54.62%, and to 53.07% when viewed cumulatively with the other two applications for similar changes of use at 98 and 99 Gloucester Green

9. Therefore the proposed change of use of the application site and the other two premises within Gloucester Green would satisfy the requirements of Policies CS1 of the Oxford Core Strategy 2026, and Policy RC5 of the Oxford Local Plan 2001-2016.

Food and Drink Outlets

10. The Local Plan recognises that food and drink outlets (Class A3-5) uses make an important contribution to the vitality and viability of the City centre, but that they can have an impact (both during the day and evening), particularly where outlets are clustered, leading to environmental problems, and loss of residential amenity.
11. Therefore Policy RC12 states that food and drink outlets should not give rise to unacceptable environmental problems or nuisance from noise, smell, or visual disturbance including the impact of any equipment or plant associated with the use. It also states that where necessary conditions will be imposed to control the impact of food and drink outlets.
12. During the consultation process concerns have been raised by the local residents of the flats within the square (The Chilterns and The Heyes), and local area that the proposal will create additional noise and disturbance from the use of the premises, extraction plant and waste management beyond that which already exists in the area.

Noise

13. In assessing the impact of the proposed change of use, it is important to recognise that the square is in a central location, within the heart of Oxford's entertainment area with cinema, bars, cafes, clubs located in close proximity to the square. The square also accommodates Oxford's main bus station, and has a taxi rank within it. Therefore it is clearly a mixed-use area which attracts high numbers of people throughout all hours of the day but particularly the night, and early morning.
14. There are already a number of Class A3 uses within Gloucester Green which open at different times during the day, and therefore it would be difficult to suggest that the change of use of the application site, and the other three premises would significantly increase the level of noise and disturbance beyond the existing situation considering the nature of the square as a busy thoroughfare adjacent to the main bus station, and part of the central entertainment area. It would also be inappropriate to presume that the premises would not be responsibly managed so as to minimise any additional noise and disturbance.
15. The Oxford City Council Environmental Health Officers have raised no objection

to the changes of use, but mindful of the residential properties on the upper levels of the building, have recommended a condition requiring the submission of a noise assessment of the ground floor unit and a scheme of soundproofing so as to protect the residential properties from noise arising from the use of the premises and any mechanical ventilation associated with the property, and a condition that sets limits from noise emissions from mechanical plant.

Mechanical Ventilation

16. There would be a need to ensure that the food and drink outlets have suitable ventilation to ensure that any fumes and odours from cooking can be successfully discharged without having an impact upon the adjoining residential properties.
17. The applicant has confirmed that the unit, subject to this application, has a vertical riser with a width of 450mm leading from the unit through the first, second, and third floors of the building where it can discharge at roof level. This would enable high level discharge of cooking odours from the premises.
18. The Oxford City Council Environmental Health Officers have again raised no objection to this aspect of the proposal, subject to a condition requiring a scheme for the treatment of cooking fumes and odours to be submitted for approval.

Waste

19. In terms of waste, the applicant has indicated that the tenancy agreements include management arrangements for the storage and removal of waste from the facilities.
20. The unit, subject to this application, is double fronted facing onto the main square of Gloucester Green and onto the bus station. This restricts the ability to store waste, and so these units along with others on the western side of the square have a refuse storage area to the West of the Old School House. This existing situation would be retained, and would be considered acceptable.
21. Therefore officers consider that the proposed food and drink outlet would not give rise to any unacceptable environmental problems or nuisance, in accordance with Policy RC12 of the Oxford Local Plan 2001-2016 and any possible impact could be controlled by appropriate conditions.

Conclusion

22. The proposal is considered to be in accordance with the relevant policies of the adopted Oxford Core Strategy 2026, and the Oxford Local Plan 2001-2016 and therefore Members of the West Area Planning Committee are recommended to grant planning permission for the proposed development.

Human Rights Act 1998

Officers have considered the Human Rights Act 1998 in reaching a recommendation to grant planning permission, subject to conditions. Officers have considered the potential interference with the rights of the owners/occupiers of surrounding properties under Article 8 and/or Article 1 of the First Protocol of the Act and consider that it is proportionate.

Officers have also considered the interference with the human rights of the applicant under Article 8 and/or Article 1 of the First Protocol caused by imposing conditions. Officers consider that the conditions are necessary to protect the rights and freedoms of others and to control the use of property in accordance with the general interest. The interference is therefore justifiable and proportionate.

Section 17 of the Crime and Disorder Act 1998

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

Background Papers:

Contact Officer: Andrew Murdoch

Extension: 2228

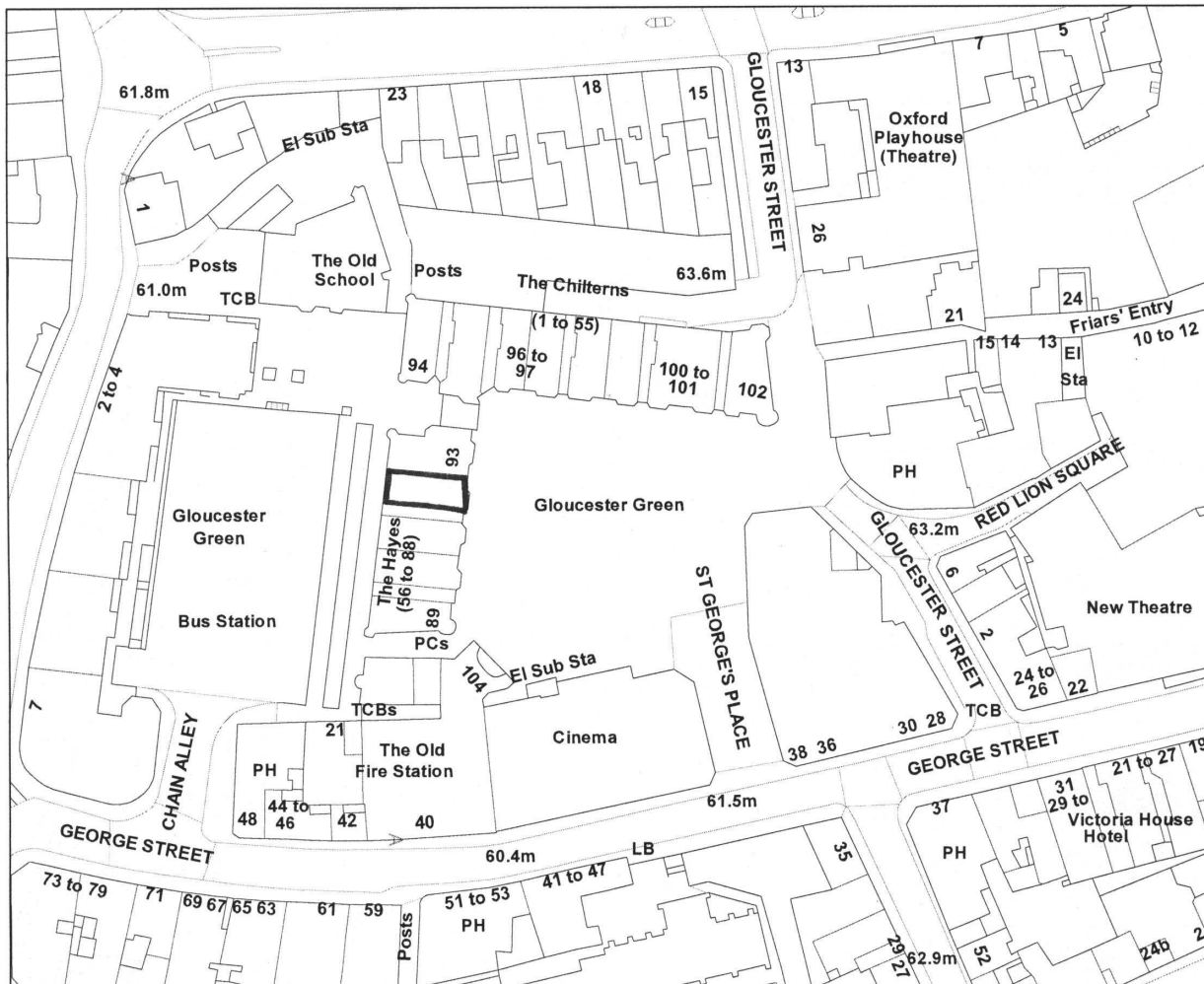
Date: 21 June 2011

Appendix 1

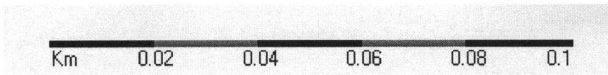
92 Gloucester Green (11/01135/FUL)



GIS by ESRI (UK)



Legend



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Organisation	Not Set
Department	Not Set
Comments	
Date	29 June 2011
SLA Number	Not Set

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West Area Planning Committee

13 July 2011

Application Number: 11/01140/FUL

Decision Due by: 15 June 2011

Proposal: Change of use of ground floor retail unit from class A1 (Shop) to class A3 (restaurant). (Additional Information)

Site Address: 98 Gloucester Green Oxford (**site plan: appendix 1**)

Ward: Carfax Ward

Agent: John Philips Planning Consultancy

Applicant: AXA Real Estate

Application Called in by Councillors Brown, Armitage, Campbell and Rundle on grounds of impact upon balance of A1/A3 uses around the green; noise (residential amenity); waste storage and removal provision; challenges of providing adequate ventilation

Recommendation:

The West Area Planning Committee are recommended to approve planning permission for the following reasons:

- 1 The proposal would represent an appropriate change of use of the premises that would not give rise to any unacceptable environmental problems or nuisance for the residential or commercial properties within this mixed-use area in the City centre. Furthermore the loss of a retail (Class A1) unit would not have a detrimental impact upon the retail function of the Secondary Shopping Frontage, as the percentage of retail units within this frontage would remain above the required threshold. The proposal would therefore accord with Policies CS1 and CS31 of the Oxford Core Strategy 2026, and Policies CP1, RC5, and RC12 of the adopted Oxford Local Plan 2001-2016.
- 2 In considering the application, officers have had specific regard to all the comments of third parties and statutory bodies in relation to the application however officers consider that these comments have not raised any material considerations that would warrant refusal of the applications, and that any harm identified by the proposal could be successfully mitigated by appropriately worded conditions.

- 3 The Council considers that the proposal accords with the policies of the development plan as summarised below. It has taken into consideration all other material matters, including matters raised in response to consultation and publicity. Any material harm that the development would otherwise give rise to can be offset by the conditions imposed.

Conditions:

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Opening hours
- 4 Noise assessment & sound insulation scheme
- 5 Limits on noise levels / emissions
- 6 Scheme for treatment of cooking fumes

Main Local Plan Policies:

Oxford Local Plan 2001-2016

CP1 - Development Proposals

RC5 - Secondary Shopping Frontage

RC12 - Food & Drinks Outlets

Core Strategy

CS1_ - Hierarchy of centres

CS31_ - Retail

Other Material Considerations:

This application is within the Central Conservation Area and the West End Regeneration Area.

Relevant Site History:

82/00666/L: Land at Gloucester Green - Listed Building Consent for demolition of unlisted buildings in a Conservation Area including former Municipal Restaurant building fronting Worcester Street: APPROVED

82/00667/NOH: Land at Gloucester Green - Shops, flats, offices, extension to Arts Centre, bus station & change of use of former school to public house/restaurant/offices/community/social use. Modification of roads & footpaths within site, including part of Gloucester Street: APPROVED

84/00281/NFH: Land at Gloucester Green - Construct bus station, Market Sq., offices, flats, shops & cafes, entrance to George St Arts Centre, WCs, covered waiting area, underground car park with access to Gloucester St & City Engineer's facility. Pedestrian and vehicle access: APPROVED

84/00282/LH: Land at Gloucester Green - Listed building consent for demolition of unlisted buildings in a Conservation Area including Greyhound P.H., left luggage office and adjoining temporary buildings, cafe, WCs, former Municipal restaurant & kiosk (fronting Gloucester Green): APPROVED

Representations Received:

13 Letters of comment have been received whose comments are summarised below.

- There is a need to preserve the balance of the mixed economy of Gloucester Green, as the number of A3 uses is changing the area into an 'eating-only' environment
- There are already too many restaurants and food and drink outlets in Gloucester Green.
- The additional restaurants will increase competition and place pressure on the other outlets
- If the retail stores cannot afford the high rents then maybe these rents need to be lowered to get shops to open and stay open.
- There is a need for a variety of shops within the square
- Gloucester Green is a modern mixed-use development with high quality residential units above commercial units
- The new restaurants will have an impact upon the flats within the square, in terms of noise from their usage, and also the ventilation equipments
- The late opening hours of the outlets cause too much noise for residents and so further late opening hours would add to this disturbance
- The addition of new A3 units within the square will exacerbate the general level disturbance for the residential properties
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- The conversion of the remaining three A3 units within the centre, could lead to the current owner-occupiers drifting away and the apartments becoming a low level student rental enclave
- Any further erosion of the retail capacity of the Market Square would be unwelcome
- There would be access problems for servicing of the units
- There is no external waste storage for the units which will add to the existing problems from other units, whereby waste is stored on the access ramp to the underground car park which is easily viewable from the public realm
- It is not clear whether there would be adequate storage for food supplies within the units
- How would these units provide adequate air conditioning and extraction ventilation, so as not to impact upon the residential properties above

Statutory and Internal Consultees:

Oxford Civic Society: These would be very regrettable alterations. There are already far too many restaurants and food shops in the centre of Oxford, whereas good, varied and interesting retail shops are becoming rare. Retail provision need to be encouraged, perhaps by keeping rents within reasonable bounds and discouraging changes of use such as these.

St John Street Area Residents Association:

The association objects to the proposal as the infrastructure of Gloucester Green is not adequate to sustain further restaurant provision

Issues:

- Principle of change of use
- Food and Drink outlets

Officers Assessment:**Site Location and Description**

1. The application site is situated on the northern side of Gloucester Green and comprises a ground floor commercial unit. The site is within the Central Conservation Area and the West End Regeneration Area (**site plan: appendix 1**).
2. Gloucester Green is a public square which has ground floor commercial units along the northern, eastern, and western boundaries, and residential accommodation above the commercial units to the north and west. There is a direct link to the City centre bus station through the square, and a taxi rank to the east.
3. The commercial unit is currently vacant however the authorised use would be retail (Class A1). Whilst there are residential units within the square, the prevailing character is of a mixed-use environment with a commercial/leisure emphasis throughout the square and surrounding streets.

Proposal

4. Planning permission is sought for a change of use of the commercial unit from retail (Class A1) to use within Class A3 (restaurant and cafe).

Principle of Change of Use

5. The City Centre is at the top of the retail hierarchy as defined by the Oxford Core Strategy 2026, with Policy CS1 encouraging proposals that support the role of the City centre as the main focus for retail, leisure, and cultural activities.
6. The City centre is separated into two types of shopping frontage – Primary and Secondary – with the commercial units throughout Gloucester Green forming part of the Secondary Shopping Frontage. The intention of the Secondary Shopping Frontage is to allow more flexibility and diversification of uses than would be allowed in the Primary Shopping Frontage where there is a greater predominance of retail uses (Class A1).
7. Any change of use of premises within the secondary shopping frontage are considered against Policy RC5 of the Local Plan, which has a general presumption in favour of retail (Class A1) uses, but allows other Class A uses where the proportion of units at ground floor level in retail use does not fall below 50% of the total number of units. It should be recognised that Policy RC5 seeks to control the range of uses within the Secondary Shopping Frontage as a whole rather than within separate streets such as Gloucester Green.

8. The most recent survey of the Secondary Shopping Frontage was conducted in January 2011, and indicated that approx 55.38% of the total number of units within this frontage were in retail (Class A1) use. The change of use of the premises to Class A3 would on its own reduce the retail threshold to 54.62%, and to 53.07% when viewed cumulatively with the other two applications for similar changes of use at 92 and 99 Gloucester Green
9. Therefore the proposed change of use of the application site and the other two premises within Gloucester Green would satisfy the requirements of Policies CS1 of the Oxford Core Strategy 2026, and Policy RC5 of the Oxford Local Plan 2001-2016.

Food and Drink Outlets

10. The Local Plan recognises that food and drink outlets (Class A3-5) uses make an important contribution to the vitality and viability of the City centre, but that they can have an impact (both during the day and evening), particularly where outlets are clustered, leading to environmental problems, and loss of residential amenity.
11. Therefore Policy RC12 states that food and drink outlets should not give rise to unacceptable environmental problems or nuisance from noise, smell, or visual disturbance including the impact of any equipment or plant associated with the use. It also states that where necessary conditions will be imposed to control the impact of food and drink outlets.
12. During the consultation process concerns have been raised by the local residents of the flats within the square (The Chilterns and The Heyes), and local area that the proposal will create additional noise and disturbance from the use of the premises, extraction plant and waste management beyond that which already exists in the area.

Noise

13. In assessing the impact of the proposed change of use, it is important to recognise that the square is in a central location, within the heart of Oxford's entertainment area with cinema, bars, cafes, clubs located in close proximity to the square. The square also accommodates Oxford's main bus station, and has a taxi rank within it. Therefore it is clearly a mixed-use area which attracts high numbers of people throughout all hours of the day but particularly the night, and early morning.
14. There are already a number of Class A3 uses within Gloucester Green which open at different times during the day, and therefore it would be difficult to suggest that the change of use of the application site, and the other three premises would significantly increase the level of noise and disturbance beyond the existing situation considering the nature of the square as a busy thoroughfare adjacent to the main bus station, and part of the central entertainment area. It would also be inappropriate to presume that the premises would not be responsibly managed so as to minimise any additional noise and disturbance.

15. The Oxford City Council Environmental Health Officers have raised no objection to the changes of use, but mindful of the residential properties on the upper levels of the building, have recommended a condition requiring the submission of a noise assessment of the ground floor unit and a scheme of soundproofing so as to protect the residential properties from noise arising from the use of the premises and any mechanical ventilation associated with the property, and a condition that sets limits from noise emissions from mechanical plant.

Mechanical Ventilation

16. There would be a need to ensure that the food and drink outlets have suitable ventilation to ensure that any fumes and odours from cooking can be successfully discharged without having an impact upon the adjoining residential properties.

17. The applicant has confirmed that unlike the other premises (92 & 99) there is no such vertical riser within this unit, and therefore any ventilation will need to be accommodated horizontally. There are other units within the square which are in Class A3 use and successfully use this arrangement, and therefore no objection would be raised to cooling plant and extract equipment being located to the rear of the premises

18. The Oxford City Council Environmental Health Officers have again raised no objection to this aspect of the proposal, subject to a condition requiring a scheme for the treatment of cooking fumes and odours to be submitted for approval.

Waste

19. In terms of waste, the applicant has indicated that the tenancy agreements include management arrangements for the storage and removal of waste from the facilities.

20. The units on the northern side of Gloucester Green store their bins either directly to the rear, or on the strip of block paving adjacent to the ramp which leads from the underground car park. The unit would do the same as the other commercial units in this location, and as such it would be difficult to suggest that this arrangement was unacceptable.

21. Therefore officers consider that the proposed food and drink outlet would not give rise to any unacceptable environmental problems or nuisance, in accordance with Policy RC12 of the Oxford Local Plan 2001-2016 and any possible impact could be controlled by appropriate conditions.

Conclusion

22. The proposal is considered to be in accordance with the relevant policies of the adopted Oxford Core Strategy 2026, and the Oxford Local Plan 2001-2016 and therefore Members of the West Area Planning Committee are recommended to grant planning permission for the proposed development.

Human Rights Act 1998

Officers have considered the Human Rights Act 1998 in reaching a recommendation to grant planning permission, subject to conditions. Officers have considered the potential interference with the rights of the owners/occupiers of surrounding properties under Article 8 and/or Article 1 of the First Protocol of the Act and consider that it is proportionate.

Officers have also considered the interference with the human rights of the applicant under Article 8 and/or Article 1 of the First Protocol caused by imposing conditions. Officers consider that the conditions are necessary to protect the rights and freedoms of others and to control the use of property in accordance with the general interest. The interference is therefore justifiable and proportionate.

Section 17 of the Crime and Disorder Act 1998

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

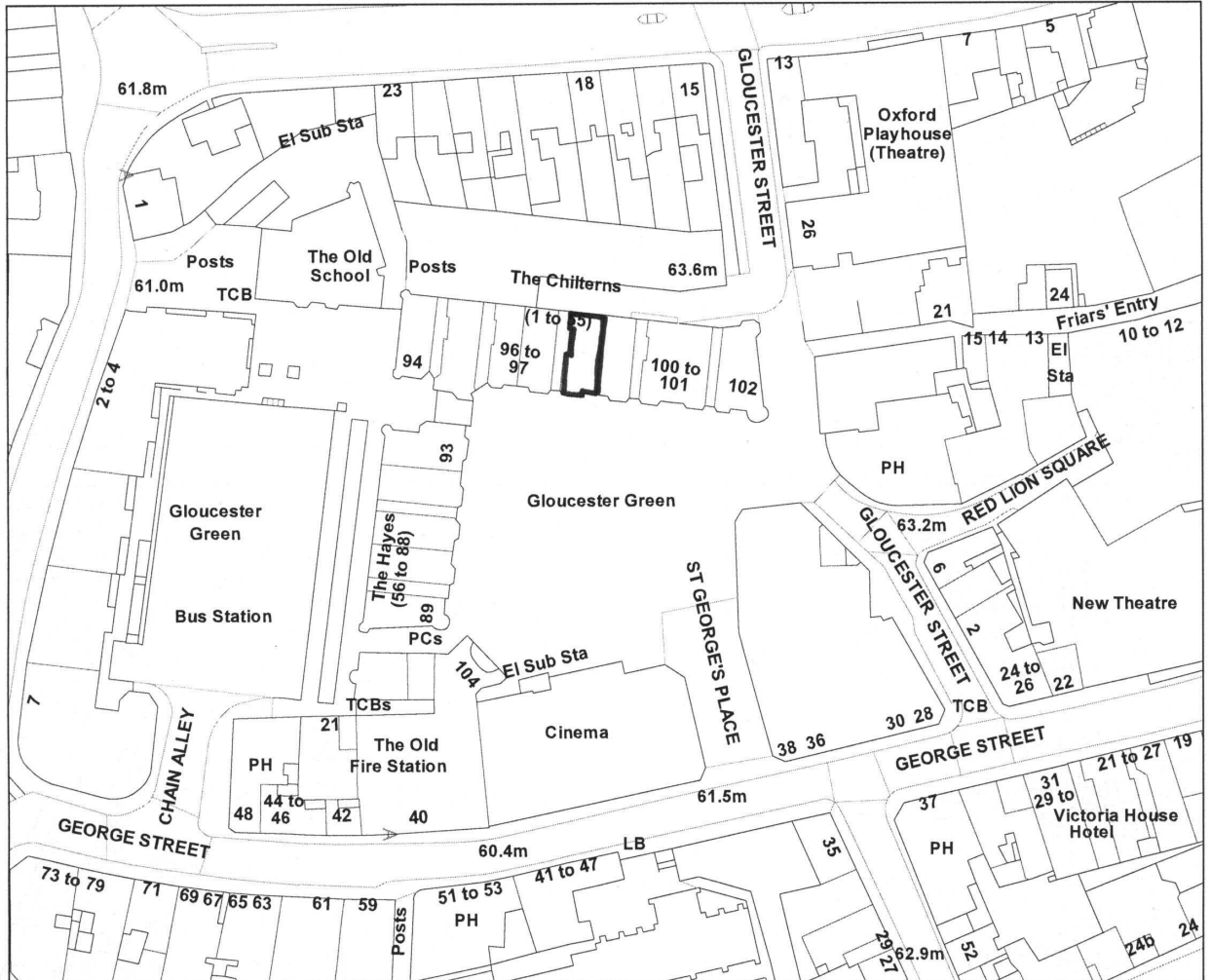
Contact Officer: Andrew Murdoch

Extension: 2228

Date: 21 June 2011

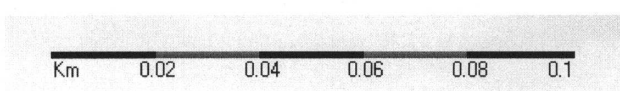
Appendix 1

98 Gloucester Green (11/01140/FUL)



Legend

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Organisation	Not Set
Department	Not Set
Comments	
Date	29 June 2011
SLA Number	Not Set

Produced using ESRI (UK)'s MapExplorer 2.0 - <http://www.esriuk.com>

West Area Planning Committee

13 July 2011

Application Number: 11/01142/FUL

Decision Due by: 15 June 2011

Proposal: Change of use of ground floor retail unit from class A1 (Shop) to class A3 (restaurant).(Additional Information)

Site Address: 99 Gloucester Green Oxford (**site plan: appendix 1**)

Ward: Carfax Ward

Agent: John Philips Planning Consultancy

Applicant: AXA Real Estate

Application Called in by Councillors Brown, Armitage, Campbell and Rundle on grounds of impact upon balance of A1/A3 uses around the green; noise (residential amenity); waste storage and removal provision; challenges of providing adequate ventilation

Recommendation:

The West Area Planning Committee is recommended to approve planning permission for the following reasons:

- 1 The proposal would represent an appropriate change of use of the premises that would not give rise to any unacceptable environmental problems or nuisance for the residential or commercial properties within this mixed-use area in the City centre. Furthermore the loss of a retail (Class A1) unit would not have a detrimental impact upon the retail function of the Secondary Shopping Frontage, as the percentage of retail units within this frontage would remain above the required threshold. The proposal would therefore accord with Policies CS1 and CS31 of the Oxford Core Strategy 2026, and Policies CP1, RC5, and RC12 of the adopted Oxford Local Plan 2001-2016.
- 2 In considering the application, officers have had specific regard to all the comments of third parties and statutory bodies in relation to the application however officers consider that these comments have not raised any material considerations that would warrant refusal of the applications, and that any harm identified by the proposal could be successfully mitigated by appropriately worded conditions.

- 3 The Council considers that the proposal accords with the policies of the development plan as summarised below. It has taken into consideration all other material matters, including matters raised in response to consultation and publicity. Any material harm that the development would otherwise give rise to can be offset by the conditions imposed.

Conditions:

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Opening hours
- 4 Noise assessment & sound insulation scheme
- 5 Limits on noise levels / emissions
- 6 Scheme for treatment of cooking fumes

Main Local Plan Policies:

Oxford Local Plan 2001-2016

CP1 - Development Proposals

RC5 - Secondary Shopping Frontage

RC12 - Food & Drinks Outlets

Core Strategy

CS1_ - Hierarchy of centres

CS31_ - Retail

Other Material Considerations:

This application is within the Central Conservation Area and the West End Regeneration Area.

Relevant Site History:

82/00667/NOH: Land at Gloucester Green - Shops, flats, offices, extension to Arts Centre, bus station & change of use of former school to public house/restaurant/offices/community/social use. Modification of roads & footpaths within site, including part of Gloucester Street: APPROVED

84/00281/NFH: Land at Gloucester Green - Construct bus station, Market Sq., offices, flats, shops & cafes, entrance to George St Arts Centre, WCs, covered waiting area, underground car park with access to Gloucester St & City Engineer's facility. Pedestrian and vehicle access: APPROVED

84/00282/LH: Land at Gloucester Green - Listed building consent for demolition of unlisted buildings in a Conservation Area including Greyhound P.H., left luggage office and adjoining temporary buildings, cafe, WCs, former Municipal restaurant & kiosk (fronting Gloucester Green): APPROVED

Representations Received:

13 Letters of comment have been received whose comments are summarised below.

- There is a need to preserve the balance of the mixed economy of Gloucester Green, as the number of A3 uses is changing the area into an 'eating-only' environment
- There are already too many restaurants and food and drink outlets in Gloucester Green.
- The additional restaurants will increase competition and place pressure on the other outlets
- If the retail stores cannot afford the high rents then maybe these rents need to be lowered to get shops to open and stay open.
- There is a need for a variety of shops within the square
- Gloucester Green is a modern mixed-use development with high quality residential units above commercial units
- The new restaurants will have an impact upon the flats within the square, in terms of noise from their usage, and also the ventilation equipments
- The late opening hours of the outlets cause too much noise for residents and so further late opening hours would add to this disturbance
- The addition of new A3 units within the square will exacerbate the general level disturbance for the residential properties
- The music from the venues will have an impact upon the flats and add to alcohol related disturbance
- The conversion of the remaining three A3 units within the centre, could lead to the current owner-occupiers drifting away and the apartments becoming a low level student rental enclave
- Any further erosion of the retail capacity of the Market Square would be unwelcome
- There would be access problems for servicing of the units
- There is no external waste storage for the units which will add to the existing problems from other units, whereby waste is stored on the access ramp to the underground car park which is easily viewable from the public realm
- It is not clear whether there would be adequate storage for food supplies within the units
- How would these units provide adequate air conditioning and extraction ventilation, so as not to impact upon the residential properties above

Statutory and Internal Consultees:

Oxford Civic Society: These would be very regrettable alterations. There are already far too many restaurants and food shops in the centre of Oxford, whereas good, varied and interesting retail shops are becoming rare. Retail provision need to be encouraged, perhaps by keeping rents within reasonable bounds and discouraging changes of use such as these.

St John Street Area Residents Association:

The association objects to the proposal as the infrastructure of Gloucester Green is not adequate to sustain further restaurant provision

Issues:

- Principle of change of use
- Food and Drink outlets

Officers Assessment:**Site Location and Description**

1. The application site is situated on the northern side of Gloucester Green and comprises a ground floor commercial unit. The site is within the Central Conservation Area and the West End Regeneration Area (**site plan: appendix 1**).
2. Gloucester Green is a public square which has ground floor commercial units along the northern, eastern, and western boundaries, and residential accommodation above the commercial units to the north and west. There is a direct link to the City centre bus station through the square, and a taxi rank to the east.
3. The commercial unit is currently vacant however the authorised use would be retail (Class A1). Whilst there are residential units within the square, the prevailing character is of a mixed-use environment with a commercial/leisure emphasis throughout the square and surrounding streets.

Proposal

4. Planning permission is sought for a change of use of the commercial unit from retail (Class A1) to use within Class A3 (restaurant and cafe).

Principle of Change of Use

5. The City Centre is at the top of the retail hierarchy as defined by the Oxford Core Strategy 2026, with Policy CS1 encouraging proposals that support the role of the City centre as the main focus for retail, leisure, and cultural activities.
6. The City centre is separated into two types of shopping frontage – Primary and Secondary – with the commercial units throughout Gloucester Green forming part of the Secondary Shopping Frontage. The intention of the Secondary Shopping Frontage is to allow more flexibility and diversification of uses than would be allowed in the Primary Shopping Frontage where there is a greater predominance of retail uses (Class A1).
7. Any change of use of premises within the secondary shopping frontage are considered against Policy RC5 of the Local Plan, which has a general presumption in favour of retail (Class A1) uses, but allows other Class A uses where the proportion of units at ground floor level in retail use does not fall below 50% of the total number of units. It should be recognised that Policy RC5 seeks to control the range of uses within the Secondary Shopping Frontage as a whole rather than within separate streets such as Gloucester Green.
8. The most recent survey of the Secondary Shopping Frontage was conducted in

January 2011, and indicated that approx 55.38% of the total number of units within this frontage were in retail (Class A1) use. The change of use of the premises to Class A3 would on its own reduce the retail threshold to 54.62%, and to 53.07% when viewed cumulatively with the other two applications for similar changes of use at 92 and 98 Gloucester Green

9. Therefore the proposed change of use of the application site and the other two premises within Gloucester Green would satisfy the requirements of Policies CS1 of the Oxford Core Strategy 2026, and Policy RC5 of the Oxford Local Plan 2001-2016.

Food and Drink Outlets

10. The Local Plan recognises that food and drink outlets (Class A3-5) uses make an important contribution to the vitality and viability of the City centre, but that they can have an impact (both during the day and evening), particularly where outlets are clustered, leading to environmental problems, and loss of residential amenity.
11. Therefore Policy RC12 states that food and drink outlets should not give rise to unacceptable environmental problems or nuisance from noise, smell, or visual disturbance including the impact of any equipment or plant associated with the use. It also states that where necessary conditions will be imposed to control the impact of food and drink outlets.
12. During the consultation process concerns have been raised by the local residents of the flats within the square (The Chilterns and The Heyes), and local area that the proposal will create additional noise and disturbance from the use of the premises, extraction plant and waste management beyond that which already exists in the area.

Noise

13. In assessing the impact of the proposed change of use, it is important to recognise that the square is in a central location, within the heart of Oxford's entertainment area with cinema, bars, cafes, clubs located in close proximity to the square. The square also accommodates Oxford's main bus station, and has a taxi rank within it. Therefore it is clearly a mixed-use area which attracts high numbers of people throughout all hours of the day but particularly the night, and early morning.
14. There are already a number of Class A3 uses within Gloucester Green which open at different times during the day, and therefore it would be difficult to suggest that the change of use of the application site, and the other three premises would significantly increase the level of noise and disturbance beyond the existing situation considering the nature of the square as a busy thoroughfare adjacent to the main bus station, and part of the central entertainment area. It would also be inappropriate to presume that the premises would not be responsibly managed so as to minimise any additional noise and disturbance.
15. The Oxford City Council Environmental Health Officers have raised no objection

to the changes of use, but mindful of the residential properties on the upper levels of the building, have recommended a condition requiring the submission of a noise assessment of the ground floor unit and a scheme of soundproofing so as to protect the residential properties from noise arising from the use of the premises and any mechanical ventilation associated with the property, and a condition that sets limits from noise emissions from mechanical plant.

Mechanical Ventilation

16. There would be a need to ensure that the food and drink outlets have suitable ventilation to ensure that any fumes and odours from cooking can be successfully discharged without having an impact upon the adjoining residential properties.
17. The applicant has confirmed that the unit, subject to this application, has a vertical riser with a width of 450mm leading from the unit through the first, second, and third floors of the building where it can discharge at roof level. This would enable high level discharge of cooking odours from the premises.
18. The Oxford City Council Environmental Health Officers have again raised no objection to this aspect of the proposal, subject to a condition requiring a scheme for the treatment of cooking fumes and odours to be submitted for approval.

Waste

19. In terms of waste, the applicant has indicated that the tenancy agreements include management arrangements for the storage and removal of waste from the facilities.
20. The units on the northern side of Gloucester Green store their bins either directly to the rear, or on the strip of block paving adjacent to the ramp which leads from the underground car park. The unit would do the same as the other commercial units in this location, and as such it would be difficult to suggest that this arrangement was unacceptable.
21. Therefore officers consider that the proposed food and drink outlet would not give rise to any unacceptable environmental problems or nuisance, in accordance with Policy RC12 of the Oxford Local Plan 2001-2016 and any possible impact could be controlled by appropriate conditions.

Conclusion

22. The proposal is considered to be in accordance with the relevant policies of the adopted Oxford Core Strategy 2026, and the Oxford Local Plan 2001-2016 and therefore Members of the West Area Planning Committee are recommended to grant planning permission for the proposed development.

Human Rights Act 1998

Officers have considered the Human Rights Act 1998 in reaching a recommendation to grant planning permission, subject to conditions. Officers have considered the potential interference with the rights of the owners/occupiers of surrounding properties under Article 8 and/or Article 1 of the First Protocol of the Act and consider that it is proportionate.

Officers have also considered the interference with the human rights of the applicant under Article 8 and/or Article 1 of the First Protocol caused by imposing conditions. Officers consider that the conditions are necessary to protect the rights and freedoms of others and to control the use of property in accordance with the general interest. The interference is therefore justifiable and proportionate.

Section 17 of the Crime and Disorder Act 1998

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

Contact Officer: Andrew Murdoch

Extension: 2228

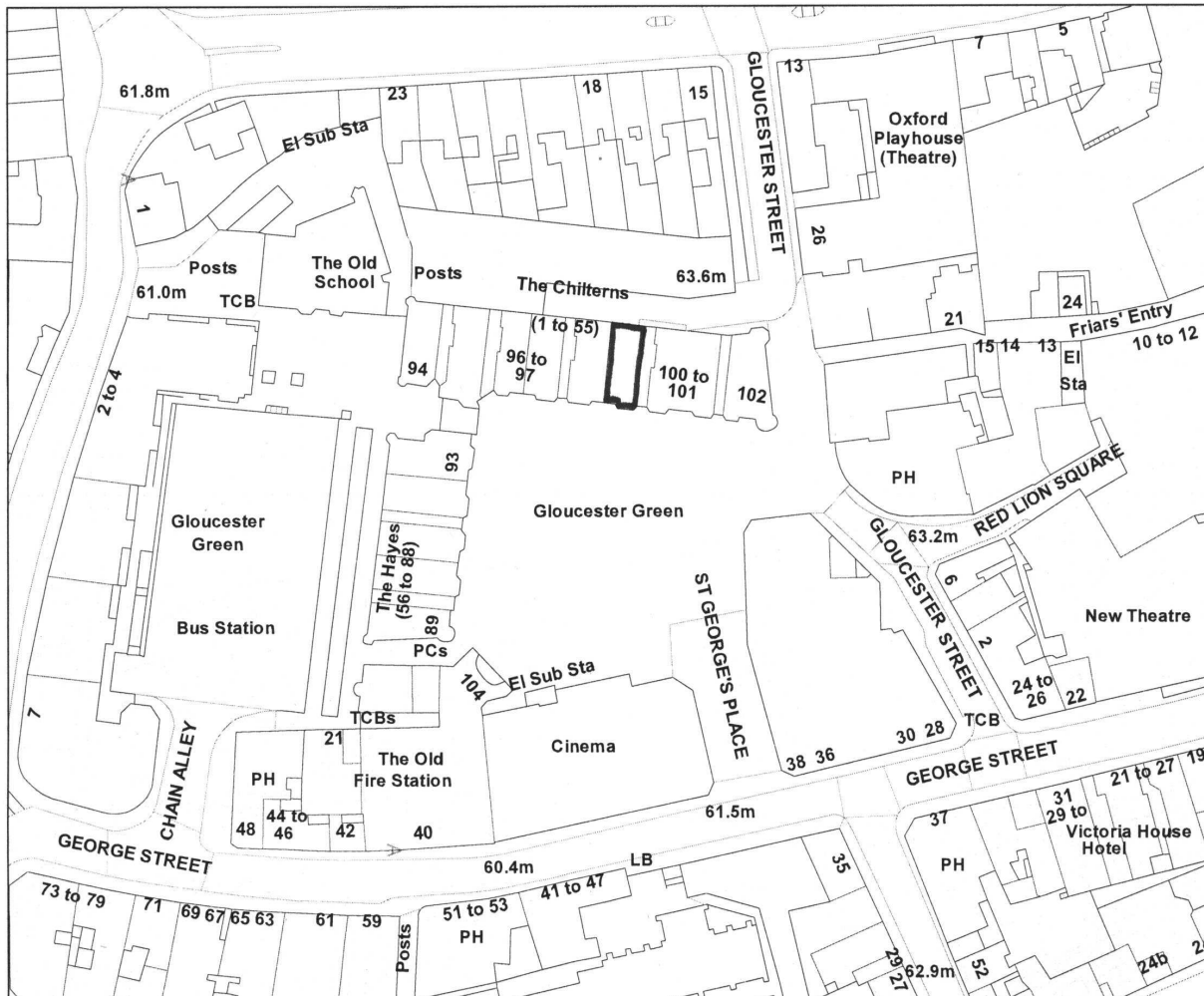
Date: 21 June 2011

Appendix 1

99 Gloucester Green (11/01142/FUL)

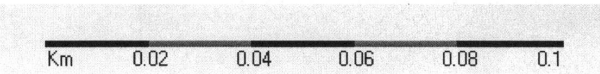


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Organisation	Not Set
Department	Not Set
Comments	
Date	29 June 2011
SLA Number	Not Set

Agenda Item 14

Monthly Planning Appeals Performance Update – May 2011

Contact: Head of Service City Development: Michael Crofton-Briggs.
Tel 01865 252360.

1. The purpose of this report is two-fold: a) to provide an update on the Council's planning appeal performance; and b) to list those appeal cases that were decided and also those received during the specified month.
2. The Government's Best Value Performance Indicator BV204 relates to appeals arising from the Council's refusal of planning permission and telecommunications prior approval refusals. It measures the Council's appeals performance in the form of the percentage of appeals allowed. It has come to be seen as an indication of the quality of the Council's planning decision making. BV204 does not include appeals against non-determination, enforcement action, advertisement consent refusals and some other types. Table A sets out BV204 rolling annual performance for the year ending 31 May 2011, while Table B does the same for the current business plan year, ie. 1 April 2011 to 31 May 2011.

Table A. BV204 Rolling annual performance (to 31 May 2011)

A.	Council performance		Appeals arising from Committee refusal	Appeals arising from delegated refusal
	No.	%	No.	No.
Allowed	14	30%	8 (62%)	6 (18%)
Dismissed	32	70%	5 (38%)	27 (82%)
<i>Total BV204 appeals</i>	46		13	33

Table B. BV204: Current Business plan year performance (1 April to 31 May 2011)

B.	Council performance		Appeals arising from Committee refusal	Appeals arising from delegated refusal
	No.	%	No.	No.
Allowed	1	33%	0 (0%)	1 (50%)
Dismissed	2	66%	1 (100%)	1 (50%)
<i>Total BV204 appeals</i>	3		1	2

3. A fuller picture of the Council's appeal performance is given by considering the outcome of all types of planning appeals, i.e. including non-determination, enforcement, advertisement appeals etc. Performance on all appeals is shown in Table C.

Table C. All planning appeals (not just BV204 appeals): Rolling year to 31 May 2011

	Appeals	Percentage performance
Allowed	19	28%
Dismissed	48	72%
All appeals decided	67	
Withdrawn	8	

4. When an appeal decision is received, the Inspector's decision letter is circulated to all the members of the relevant committee. The case officer may also subsequently circulate members with a commentary on the decision if the case is significant. Table D, appended below, shows a breakdown of appeal decisions received during May 2011.
5. When an appeal is received notification letters are sent to interested parties to inform them of the appeal. If the appeal is against a delegated decision the relevant ward members receive a copy of this notification letter. If the appeal is against a committee decision then all members of the relevant committee and the ward members receive the notification letter. Table E, appended below, is a breakdown of all appeals started during May 2011. Any questions at the Committee meeting on these appeals will be passed back to the case officer for a reply.

Table D

Appeals Decided Between 1/5/11 and 31/5/11

DECTYPE KEY: COMM - Area Committee Decision, DEL - Delegated Decision, DELCOM - Called in by Area Committee, STRACM - Strategic Committee; RECM KEY: PER - Approve, REF - Refuse, SPL - Split Decision; NDA - Not Determined; APP DEC KEY: ALC - Allowed with conditions, ALW - Allowed without conditions, AWD - Appeal withdrawn, DIS - Dismissed

DC CASE NO.	AP CASE NO.	DECTYPE:	RECM:	APP DEC	DECIDED	WARD:	ADDRESS	DESCRIPTION
10/01785/FUL	10/00070/REFUSE	DEL	REF	DIS	11/05/2011	STMARG	Land To The North Of St Johns College Sports Ground Woodstock Road Oxford Oxfordshire	Erection of detached two-storey house (5 bedrooms). Creation of new access off Bainton Road, with forecourt car parking, bin and cycle storage.

TABLE E Appeals Received Between 1/5/11 And 31/5/11

DECTYPE KEY: COMM - Area Committee Decision, DEL - Delegated Decision, DELCOM - Called in by Area Committee, STRACM - Strategic Committee;
 RECMND KEY: PER - Approve, REF - Refuse, SPL - Split Decision, NDA - Not Determined; TYPE KEY: W - Written representation, I - Informal hearing, P - Public Inquiry, H - Householder

DC CASE NO.	AP CASE NO.	DEC TYPE	RECM	TYPE	ADDRESS	WARD:	DESCRIPTION
10/01412/FUL	11/00017/REFUSE	DELCOM	REF	H	3 David Nicholls Close Oxford Oxfordshire OX4 4QX	LITTM	Two storey front extension (amended description and
10/03184/FUL	11/00016/REFUSE	DEL	REF	H	21 William Street Oxford Oxfordshire OX3 0ES	MARST	Single storey rear extension.
10/03330/CAC	11/00018/REFUSE	DEL	REF	W	31 Charlbury Road Oxford Oxfordshire OX2 6UU	STMARG	Demolition of house and outbuildings.
10/03366/FUL	11/00020/REFUSE	DEL	REF	H	27 Henley Avenue Oxford Oxfordshire OX4 4DJ	RHIFF	Proposed roof extension and provision of living accommodation in resultant roof space, construction of dormer windows.
11/00486/FUL	11/00019/REFUSE	DEL	REF	W	289 Iffley Road Oxford Oxfordshire OX4 4AQ	IFFLDS	Single storey rear extension and conversion of rear paper store to 2 self contained 1 bedroom flats. Provision of cycle and bin storage.
10/02570/FUL	11/00021/REFUSE	DEL	REF	W	1 Cloverley Road, Oxford	LYEVA	Demolition of garage and porch. Erection of two storey side. Provision of car parking, bin and cycle storage. extension to form new 1 bedroom house

Total Received: 6

WEST AREA PLANNING COMMITTEE

Wednesday 8 June 2011

COUNCILLORS PRESENT: Councillors Van Nooijen (Chair), Goddard (Vice-Chair), Benjamin, Campbell, Cook, Gotch, Khan, Price and Tanner.

OFFICERS PRESENT: Alec Dubberley (Democratic Services Officer), Nick Worledge (City Development) and Murray Hancock (City Development)

1. ELECTION OF CHAIR FOR THE COUNCIL YEAR 2011/12

Councillor Van Nooijen was elected as Chair for the 2011/12 year.

2. ELECTION OF VICE-CHAIR FOR THE COUNCIL YEAR 2011/12

Councillor Goddard was elected as Vice-Chair for the 2011/12 Council year.

3. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were received from Councillor Graham Jones with Councillor Jim Campbell attending as substitute member.

4. DECLARATIONS OF INTEREST

The following declarations of interest were made:-

5. Parks Road, Oxford - 11/03210/CAC and 11/03207/FUL.
Councillor Colin Cook, Personal, Member of the University.

5. Parks Road, Oxford - 11/03210/CAC and 11/03207/FUL.
Councillor Jim Campbell, Personal, Part-time employee of the University.

5. Parks Road, Oxford - 11/03210/CAC and 11/03207/FUL.
Councillor Oscar Van Nooijen, Personal, Member of the University.

6. Land Adjacent Dyson Perrins Laboratory, South Parks Road, Oxford 11/03254/FUL.
Councillor Colin Cook, Personal, Member of the University.

6. Land Adjacent Dyson Perrins Laboratory, South Parks Road, Oxford 11/03254/FUL.
Councillor Jim Campbell, Personal, Part-time employee of the University.

6. Land Adjacent Dyson Perrins Laboratory, South Parks Road, Oxford 11/03254/FUL.
Councillor Oscar Van Nooijen, Personal, Member of the University.

10. Town Hall, St Aldate's, Oxford - 11/01152/CT3.

Councillor Bob Price, Personal and Prejudicial, Is Executive Board Member for Corporate Governance and Finance.

5. PARKS ROAD, OXFORD - 11/03210/CAC AND 11/03207/FUL

The Head of City Development Submitted a report (previously circulated, now appended) detailing two planning applications for the following developments:

(i): 10/03210/CAC: Removal of existing ornamental gates and sections of railings fronting Lindemann building and to University parks.

(ii): 10/03207/FUL: Demolition of former lodge building and removal of temporary waste stores. Erection of new physics research building on 5 levels above ground plus 2 basement levels below with 3 level link to Lindemann building. Creation of landscaped courtyard to South of new building and cycle parking to North. Re-erection of Lindemann gates to repositioned entrance to University Parks and of University Park gates to new entrance further north opposite Department of Materials. Re-alignment of boundary railings.

In accordance with the criteria for public speaking the Head of the University's Department of Physics spoke in favour of the development highlighting the importance of the new building for the continued success of the Physics Department.

The applicant's architect Oliver Milton of Hawkins Brown Architects spoke about key aspects of the design principles for the building.

Resolved to approve the development subject to the following conditions:-

Conditions

(i): 10/03210/CAC:

- 1 Commencement of work
- 2 Approved plans

(ii): 10/03207/FUL:

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Materials
- 4 Architectural details
- 5 PD rights
- 6 Student numbers
- 7 Landscape plan required
- 8 No felling lopping cutting
- 9 Landscape underground services - tree roots
- 10 Tree Protection Plan (TPP) 1
- 11 Arboricultural Method Statement (AMS) 1
- 12 Landscape carry out after completion
- 13 Landscape management plan
- 14 Car parking numbers
- 15 Control of car parking
- 16 Works to highway / public realm
- 17 Cycle parking spaces
- 18 External lighting

- 19 Travel plan
- 20 Construction travel plan
- 21 Construction management plan
- 22 Ground source heat pumps
- 23 Groundwater drainage
- 24 Groundwater level monitoring
- 25 Plant noise attenuation
- 26 Sustainable drainage
- 27 Petrol / oil interceptors
- 28 Natural resource impact analysis
- 29 Archaeology
- 30 Public art
- 31 Habitat creation

The Committee imposed an additional condition requiring further cycle parking to the forecourt area and that the public art required by condition should be located in a prominent position where it could be enjoyed by the wider public

Committee also added an informative on landscaping of the site to retain as many existing trees on the site as possible, and that consideration should be given to planting to the north side of the building, possibly including within University Parks.

6. LAND ADJACENT DYSON PERRINS LABORATORY, SOUTH PARKS ROAD, OXFORD 11/03254/FUL

The Head of City Development submitted a report (previously circulated, now appended) proposing the demolition of existing Physical and Theoretical Chemistry Laboratory to the north side of South Parks Road. Erection of new chemistry research laboratory to include lecture theatre, teaching and research laboratories, stores, workshops and ancillary cafe space on 3 levels below ground and 4 levels above plus roof level plant room. Provision of hard and soft landscaping, 15 car parking space plus 408 cycle parking spaces. Construction of underground pedestrian tunnel under South Parks Road to connect to existing chemistry research laboratory (CRL1). Extension to offices and atrium at CRL1 and creation of new entrance to Mansfield Road.

In accordance with the criteria for public speaking the Head of the Chemistry Department at the University spoke in favour of the development highlighting the need for a better standard of accommodation for students and staff at the department. The applicant's architect Adrian Yap of Francis – Jones Moreham Thorp Architects spoke about key aspects of the design including the open green space feature of the design.

Resolved to approve the application subject to the following conditions:-

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Materials
- 4 Architectural details
- 5 PD rights

- 6 Student numbers
- 7 Landscape plan required
- 8 No felling lopping cutting
- 9 Landscape underground services - tree roots
- 10 Tree Protection Plan
- 11 Arboricultural supervisor
- 12 Arboricultural Method Statement
- 13 Landscape carry out after completion
- 14 Landscape management plan
- 15 Car parking numbers
- 16 Control of car parking
- 17 Works to highway / public realm
- 18 Constructional details: underground link
- 19 Cycle parking spaces
- 20 External lighting
- 21 Travel plan
- 22 Construction travel plan
- 23 Construction management plan
- 24 Ground source heat pumps
- 25 On and off site foul and surface water drainage
- 26 Flood risk assessment
- 27 Groundwater drainage scheme
- 28 Groundwater level monitoring
- 29 Plant noise attenuation
- 30 Sustainable drainage
- 31 Petrol / oil interceptors
- 32 Cooking fumes
- 33 Natural resource impact analysis
- 34 Archaeology
- 35 Public art
- 36 Habitat creation

The Committee requested a greater proportion of the cycle parking provision to be under cover.

7. THE CLARENDON CENTRE, CORNMARKE STREET, OXFORD - 11/00317/FUL

The Head of City Development submitted a report (previously circulated, now appended) detailing an application for demolition of the existing Curry's Unit, reconfiguration of existing office entrance and construction of new three storey retail (use class A1) unit over part of existing Shoe Lane Mall to incorporate existing retail space on first and second floors.

Resolved to approve the application subject to the following conditions:-

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Samples in Conservation Area ;Central,
- 4 Landscape hard surface design - tree roots
- 5 Landscape underground services - tree roots
- 6 Tree Protection Plan (TPP) 1
- 7 Arboricultural Method Statement (AMS) 1

- 8 Archaeology
- 9 Mechanical plant
- 10 Construction Travel Plan
- 11 Drainage details
- 12 Cycle parking details required
- 13 Gates - opening/closing hours
- 14 Details of gates
- 15 Cleaning regime

The Committee imposed further conditions requiring additional cycle parking to be provided and a Construction Management Plan be submitted. It also suggested an informative be added that the applicant investigate increasing the energy efficiency of the building, for example by installing as many photovoltaic panels as possible.

8. 21 NORHAM ROAD, OXFORD - 11/00839/FUL

The Head of City Development submitted a report (previously circulated, now appended) detailing an application for a part single storey, part two storey, side extension.

In accordance with the criteria for public speaking Kieron Roberts spoke in favour of the application pointing out the at the proposed development would improve the dwelling leading tio more appropriate conditions for bin and cycle storage.

Resolved to approve the application subject to the following conditions:-

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Samples in Conservation Area
- 4 Archaeology - Implementation of programme

9. 30 JERICHO STREET, OXFORD - 11/01152/CT3

The Head of City Development submitted a report (previously circulated, now appended) detailing an application for a single storey extension.

Resolved to approve the application subject to the following conditions:-

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Materials - matching

10. TOWN HALL, ST ALDATE'S, OXFORD - 11/01152/CT3

Councillor Price left the room for consideration of this item (minute 4 refers)

The Head of City Development submitted a report (previously circulated, now appended) detailing a planning application for the installation of an external fire escape.

Resolved to approve the application subject to the following condition:-

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Materials and Details

11. FORTHCOMING PLANNING APPLICATIONS

The Committee noted the following planning applications would be before the Committee at future meetings:-

- 1) St Clements Car Park: Student accommodation: 11/01040/FUL
- 2) Hernes Road: 9 houses: 10/02605/FUL
- 3) 376 Banbury Road: 9 flats: 11/00755/FUL
- 4) University Science Area: Masterplan: 11/00940/CONSLT (not a planning application)
- 5) 190 Iffley Road: Office in garden: 11/00268/FUL
- 6) 16 Blenheim Drive: 11/01033/FUL: 2 houses
- 7) 92 Gloucester Green: 11/01135/FUL: Change of use from retail shop to restaurant
- 8) 98 Gloucester Green: 11/01140/FUL: Change of use from retail shop to restaurant
- 9) 99 Gloucester Green: 11/01142/FUL: Change of use from retail shop to restaurant
- 10) 15 Farndon Road: 11/01200/FUL: Extension.
- 11) Mill St / Osney Lane, Oxford: 11/00927/FUL: Student Accommodation.

12. PLANNING ENFORCEMENT - PERFORMANCE UPDATE

The Head of City Development submitted a report (previously circulated, now appended) summarising the performance of the Planning Enforcement function within City Development.

The Committee noted the report.

13. PLANNING APPEALS

The Head of City Development submitted a report (previously circulated, now appended) giving details of planning appeals received and determined during April 2011.

The Committee noted the report.

14. DATES AND TIMES OF FUTURE MEETINGS

Resolved that the Committee, from the July meeting, would meet at **6 pm** on the following dates:-

Wednesday 13 July 2011 (and 14 July if necessary)
Wednesday 10 August 2011 (and 11 August if necessary)
Wednesday 14 September 2011 (and 15 September if necessary)
Wednesday 12 October 2011 (and 13 October if necessary)
Wednesday 9 November 2011 (and 10 November if necessary)
Tuesday 8 December 2011 (and 9 December if necessary)
Wednesday 11 January 2012 (and 12 January if necessary)
Wednesday 15 February 2012 (and 16 February if necessary)
Wednesday 14 March 2012 (and 15 March if necessary)
Tuesday 11 April 2012 (and 12 April if necessary)

The meeting started at 5.00 pm and ended at 6.28 pm

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