

Agenda

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West Area Planning Committee

Date: **Tuesday 8 October 2013**

Time: **6.30 pm**

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

For any further information please contact:

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West Area Planning Committee

Membership

Chair	Councillor Oscar Van Nooijen	Hinksey Park;
Vice-Chair	Councillor Michael Gotch	Wolvercote;
	Councillor Elise Benjamin	Iffley Fields;
	Councillor Anne-Marie Canning	Carfax;
	Councillor Bev Clack	St. Clement's;
	Councillor Colin Cook	Jericho and Osney;
	Councillor Graham Jones	St. Clement's;
	Councillor Bob Price	Hinksey Park;
	Councillor John Tanner	Littlemore;

The quorum for this meeting is five members. Substitutes are permitted

HOW TO OBTAIN AGENDA

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AGENDA

Pages

1 **APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

2 **DECLARATIONS OF INTEREST**

Members are asked to declare any disclosable pecuniary interests they may have in any of the following agenda items. Guidance on this is set out at the end of these agenda pages.

3 **ST. CROSS COLLEGE: 13/01800/FUL & 13/01801/LBD**

1 - 18

The Head of City Development has submitted a report which details a planning application and a listed building consent to:

(i): 13/01800/FUL - Demolition and rebuilding of existing boundary walls. Erection of 53 study bedrooms, lecture theatre, library, seminar rooms and ancillary accommodation on 4 floor plus basement.

(ii): 13/01801/LBD - Demolition and rebuilding of existing boundary walls

Officer recommendation: That the Committee APPROVE the planning application (13/01800/FUL) subject to the following conditions and legal agreement

Conditions:

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Samples in Conservation Area
- 4 SUDS drainage
- 5 Contamination
- 6 Arch - Implementation of programme
- 7 Construction Traffic Management Plan
- 8 Travel Plan
- 9 Student Accommodation - Out of Term Use
- 10 Student Accommodation - Management Controls
- 11 Students - No cars
- 12 Cycle parking provision – St Giles
- 13 NRIA Sustainability design/construction
- 14 Landscape Plan
- 15 Landscape implementation
- 16 Fire Hydrants
- 17 Public Art

Legal Agreement:

City Council:

- £3,160 towards Indoor Sport

County Council:

- £7314.00 towards cycle safety measures within the area in accordance with the standards for this type of student

- accommodation.
- £4,505 towards libraries
- £265 towards Museum Resource Centre
- £3,392 towards waste management

These requirements can be secured by Unilateral Undertaking.

Officer recommendation: That the Committee GRANT the listed building consent (13/01801/LBD) subject to the following conditions:

Conditions:

- 1 Commencement of works LB/CAC consent
- 2 LB consent - works as approved only
- 3 7 days' notice to LPA
- 4 LB notice of completion
- 5 Repair of damage after works
- 6 Detailed method statement
- 7 No power tools
- 8 Stones replaced in existing locations
- 9 Additional stones to match
- 10 Sample panels stonework and pointing
- 11 Stone pile in garden, destination
- 12 Architectural recording
- 13 Stone cleaning

4 MANSFIELD COLLEGE: 13/01637/FUL

19 - 28

The Head of City Development has submitted a report which details a planning application to erect a new building of 5 floors plus basement to provide 78 student study rooms, offices, common rooms, ancillary facilities and landscaping improvements

Officer recommendation: That the Committee APPROVE the planning application subject to the following conditions and legal agreement.

Conditions

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Samples of materials in Central Conservation Area
- 4 Landscaping plan
- 5 Landscape completion
- 6 Landscape Management Plan
- 7 Tree Surgery Works
- 8 Car parking details
- 9 Cycle and refuse storage details
- 10 Mud on highway
- 11 Foul and surface water drainage
- 12 Underground services
- 13 Surface water drainage
- 14 Students - no cars
- 15 Limitation on occupancy
- 16 Energy efficiency
- 17 Archaeology
- 18 Outside term time

Legal Agreement

The impact of the development on public infrastructure has already been mitigated as a result of financial contributions made to the City and County Councils at the time of granting consent for the extant scheme back in 2008. No new financial contributions are therefore required.

5 333 BANBURY ROAD: 13/01319/FUL

29 - 46

The Head of City Development has submitted a report which details a planning application to demolish the modern extension to 333 Banbury Road and change of use of original house to form 4 x 2-bed flats, plus new 2 storey extension to form 2 x 3-bed houses. Erection of terrace of 5 x 5-bed and 6 x 3-bed flats on 3 and 4 levels with access from Capel Close. Provision of 33 car parking spaces, cycle parking and landscaped garden.

Officer recommendation: That the Committee REFUSE the planning application for the following reasons:

1. The proposed scheme for the erection of 17 dwellings does not include an adequate contribution towards the provision of affordable housing in Oxford which is contrary to policy CS24 of the Core Strategy and policy HP3 of the Sites and Housing Plan.
2. To register No. 333 Banbury Road on the Oxford Heritage Assets Register as a building of local interest.

6 40 CHALFONT ROAD: 13/02123/FUL

47 - 54

The Head of City Development has submitted a report which details a planning application to demolish the existing single and two-storey rear extension. Erection of a single storey flat roof rear extension with basement level beneath, and a rear pitched-roof three storey extension, with associated landscaping.

Officer recommendation: That the Committee APPROVE the planning application subject to the following conditions

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Materials as specified
- 4 SUDs
- 5 No balcony

7 81 WYTHAM STREET: 13/02084FUL

55 - 64

The Head of City Development has submitted a report which details a planning application to erect a single storey side and rear extension.

Officer recommendation: That the Committee REFUSE the application for the following reason:

As a result of its bland side wall, awkward roof form and poor articulation with the form of the existing house, the proposed extension would detract from the appearance of the prominent corner plot and consequently the streetscene contrary to the requirements of policies CP1 and CP8 of the Oxford Local Plan 2001-2016, policy CS18 of the Oxford Core Strategy 2026 as well as policy HP9 of the Sites and Housing Plan 2011-2026.

8 PLANNING APPEALS

65 - 68

To receive information on planning appeals received and determined during August 2013.

The Committee is asked to note this information.

9 MINUTES

69 - 72

Minutes from 10 September 2013

Recommendation: That the minutes of the meeting held on 10 September 2013 be APPROVED as a true and accurate record.

10 FORTHCOMING APPLICATIONS

The following items are listed for information. They are not for discussion at this meeting.

- St. Edward's School, Woodstock Road: 13/01645/FUL: Music room.
- 6 & 8 Park Town: 13/02089/FUL & 13/02090/LBD: Change of use to single house.
- Part Former Travis Perkins Site, Collins Street: 13/01215/FUL: Student accommodation.
- Former Wolvercote Paper Mill: 13/01861/OUT: Residential.
- Avis Site, Abbey Street: 13/01376/FUL: Residential.
- Adjacent to Thames Wharf, Roger Dudman Way: Student accommodation.
- New Road / Tidmarsh Lane: 13/00843/FUL & 13/00844/CAC: Science Innovation Centre.
- 9 Green Street 13/02303/FUL
- Former Ruskin College, Walton Street: 13/00832/FUL & 13/01075/LBD: Educational and student accommodation
- Lamarsh Road: 13/01647/VAR: Variation to residential development.

11 DATE OF NEXT MEETING

The Committee NOTES the following future meeting dates:

Thursday 10 October 2013 if needed

Tuesday 12 November 2013 (and Thursday 14 November if necessary)

Tuesday 10 December 2013 (and Thursday 12 December if necessary)

DECLARING INTERESTS

General duty

You must declare any disclosable pecuniary interests when the meeting reaches the item on the agenda headed "Declarations of Interest" or as soon as it becomes apparent to you.

What is a disclosable pecuniary interest?

Disclosable pecuniary interests relate to your* employment; sponsorship (ie payment for expenses incurred by you in carrying out your duties as a councillor or towards your election expenses); contracts; land in the Council's area; licenses for land in the Council's area; corporate tenancies; and securities. These declarations must be recorded in each councillor's Register of Interests which is publicly available on the Council's website.

Declaring an interest

Where any matter disclosed in your Register of Interests is being considered at a meeting, you must declare that you have an interest. You should also disclose the nature as well as the existence of the interest.

If you have a disclosable pecuniary interest, after having declared it at the meeting you must not participate in discussion or voting on the item and must withdraw from the meeting whilst the matter is discussed.

Members' Code of Conduct and public perception

Even if you do not have a disclosable pecuniary interest in a matter, the Members' Code of Conduct says that a member "must serve only the public interest and must never improperly confer an advantage or disadvantage on any person including yourself" and that "you must not place yourself in situations where your honesty and integrity may be questioned". What this means is that the matter of interests must be viewed within the context of the Code as a whole and regard should continue to be paid to the perception of the public.

*Disclosable pecuniary interests that must be declared are not only those of the member her or himself but also those member's spouse, civil partner or person they are living with as husband or wife or as if they were civil partners.

**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 sclaridge@oxford.gov.uk 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 of the public are reminded that the recording of the meeting (audio or visual) is not permitted without the consent of the Committee, which should be sought via the Chair
7. 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.

Agenda Item 3

West Area Planning Committee

8th October 2013

Application Number: (i): 13/01800/FUL
(ii): 13/01801/LBD

Decision Due by: 15th October 2013

Proposal: (i): 13/01800/FUL - Demolition and rebuilding of existing boundary walls. Erection of 53 study bedrooms, lecture theatre, library, seminar rooms and ancillary accommodation on 4 floor plus basement.

(ii): 13/01801/LBD - Demolition and rebuilding of existing boundary walls

Site Address: St Cross College, St Giles, **Appendix 1.**

Ward: Carfax

Agent: Terry Gashe

Applicant: St Cross College, Oxford

Recommendations:

(i): 13/01800/FUL: Committee is recommended to support the proposals in principle but defer the planning application in order to satisfactorily complete an accompanying legal agreement and to delegate to the Head of City development the issuing of the Notice of Permission upon its completion. Should however the Community Infrastructure Levy (CIL) charging schedule come into force prior to the completion of the legal agreement, then it shall exclude any items included on the list of infrastructure published in accordance with Regulation 123 of the CIL Regulations.

If the required legal agreement is not completed within a reasonable period, then the Committee is recommended to delegate the issuing of a Notice of Refusal to the Head of City Development on the grounds that the development is not adequately mitigated.

(ii): 13/01801/LBD: Grant listed building consent.

Reasons for Approval:

- 1 The proposed development provides student accommodation in a sustainable and appropriate location that preserves the special character and appearance of the conservation area in which it lies, the setting of St Cross College quad and adjacent listed buildings. The loss of existing trees is mitigated by new

planting. Consequently the proposals are considered to accord with the requirements of policies in the development plan.

- 2 The Council has considered the many comments raised in public consultation which are summarised below but consider that they do not constitute sustainable reasons sufficient to refuse planning permission and/or listed building consent and that the imposition of appropriate planning conditions will ensure a good quality form of development that will enhance the appearance of the street scene and relate satisfactorily to nearby properties, preserve the special interest of the listed building, its setting and the character and appearance of the conservation area.
- 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.
- 4 The Council considers that the proposal, subject to the conditions imposed, would accord with the special character and appearance of the conservation area and with the special character, setting, features of special architectural or historic interest of the listed building. It has taken into consideration all other material matters, including matters raised in response to consultation and publicity.

Conditions: (i): 13/01800/FUL

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Samples in Conservation Area
- 4 SUDS drainage
- 5 Contamination
- 6 Arch - Implementation of programme
- 7 Construction Traffic Management Plan
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- 9 Student Accommodation - Out of Term Use
- 10 Student Accommodation - Management Controls
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- 13 NRIA Sustainability design/construction
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- 17 Public Art

Legal Agreement:

City Council:

- £3,160 towards Indoor Sport

County Council:

- £7314.00 towards cycle safety measures within the area in accordance with the standards for this type of student accommodation.

- £4,505 towards Libraries
- £265 towards Museum Resource Centre
- £3,392 towards Waste Management

These requirements can be secured by Unilateral Undertaking.

Conditions: (ii): 13/01801/LBD

- 1 Commencement of works LB/CAC consent
- 2 LB consent - works as approved only
- 3 7 days' notice to LPA
- 4 LB notice of completion
- 5 Repair of damage after works
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- 8 Stones replaced in existing locations
- 9 Additional stones to match
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- 11 Stone pile in garden, destination
- 12 Architectural recording
- 13 Stone cleaning

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
- CP14 - Public Art
- CP17 - Recycled Materials
- CP18 - Natural Resource Impact Analysis
- CP21 - Noise
- NE14 - Water and Sewerage Infrastructure
- NE15 - Loss of Trees and Hedgerows
- NE16 - Protected Trees
- HE2 - Archaeology
- HE3 - Listed Buildings and Their Setting
- HE4 - Archaeological Remains Within Listed Bldgs
- HE7 - Conservation Areas
- HE9 - High Building Areas
- HE10 - View Cones of Oxford

Core Strategy

- CS2 - Previously developed and greenfield land
- CS9 - Energy and natural resources
- CS10 - Waste and recycling
- CS11 - Flooding

CS13 - Supporting access to new development
CS14 - Supporting city-wide movement
CS17 - Infrastructure and developer contributions
CS25 - Student accommodation
CS18 - Urban design, town character, historic environment

Sites and Housing Plan

MP1 - Model Policy
HP5 - Location of Student Accommodation
HP6 - Affordable Housing from Student Accommodation
HP9 - Design, Character and Context
HP11 - Low Carbon Homes
HP13 - Outdoor Space
HP15 - Residential cycle parking

Other Planning Documents

- National Planning Policy Framework
- Planning Obligations Supplementary Planning Document
- Natural Resource Impact Analysis
- The application site lies within the Central (City and University) Conservation Area and affects the setting of Grade II* and Grade II listed building and structures.

Planning History:

- 55/04391/A H - Rear of Pusey House Pusey Street - 6 garages (demolished). PER 10th May 1955.
- 75/00916/HA H - Land at garden of Pusey House Pusey Street and St Giles - Outline application to erect a 2 or 3 storey building comprising 20 residents flats with parking and facilities for 26 cars (amended plans). PER 21st January 1976.
- 81/00907/NFH - Change of use of four rooms from College use to offices for a period of two years and retention of the whole building for that period. PER 12th January 1982.
- 86/01080/NRH - Rear extension with 3 storey range to St. Cross College to provide new accommodation including social facilities and 22 study bedrooms (Reserved Matters of NXH/925/85). REF 19th December 1986.
- 86/01081/L - Listed Building Consent for (1) Demolition of garages at rear and their enclosing walls. (2) Rear extension with 3 storey range to St. Cross College to provide new accommodation including social facilities and 22 study bedrooms. REF 19th December 1986.
- 87/01003/L - Demolition of garages. 3 storey extension to form quadrangle for study bedrooms/flat/guest suite/dining hall/kitchen/communal facilities. Lecture hall/dining hall / bookstack & offices/stores & guest rooms (amended plans). PER 16th February 1989.

- 87/01004/NFH - 3 storey extension & basement car park to form quadrangle for 44 study beds, 1-bed flat, guest suite, dining hall, kitchen & communal facilities. Lecture hall, dining hall, bookstack & offices, stores & guest rooms (amended plans). PER 16th February 1989.

Representations:

Statutory Consultees:

Environmental Development: With respect to contaminated land it is recommend that a condition requiring a phased risk assessment is attached to any planning permission. This recommendation has been made due to the sensitive nature of the proposed development, i.e. the creation of new residential properties with landscaping. As a minimum, a desk study and documented site walkover are required to ensure that there are no sources of contamination on or near to the site and that the site is suitable for its proposed use.

Environment Agency: No comments made, considered low environmental risk.

Thames Water: Surface Water Drainage - With regard to surface water drainage 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 to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system. Water Comments - On the basis of information provided, Thames Water would advise that with regard to water infrastructure we would not have any objection to the planning application.

English Heritage: The chosen solution is ingenious and successful although its homage to the existing buildings, especially those of Temple Moore is indirect. The chief reserve about the design must concern its overall size, which at four storeys is taller, and more intensive, than the existing ranges of either date. Because of the way in which the architects have worked to break up the mass EH believes this amount of accommodation could be accepted: this 'busyness' might increase the apparent size, but at the same time it would break up the mass and humanise the building, especially by the use of splayed reveals. The external design, similarly broken up into bays, would echo the rhythm of the Chapel of Pusey House when seen from St Giles'. Concerned that the building might crowd the very fine western elevation of the Chapel and advised that vegetation should be kept to a minimum on the north side of this space to enable views still. English Heritage: originally advised that the existing listed wall should be incorporated in the scheme, then after further historical evidence was produced, it has agreed that the walls could be recorded and rebuilt.

Victorian Society: Objects: the new development will adversely affect setting of the grade II* listed chapel. New building too close and too high. Design is blocky, busy and assertive

County Drainage: Complaints from local residents concerning the existing surface drainage flows from the site discharging onto the Highway adding to local flooding. We require information of how the existing drainage is dealt with and proof that the new development will improve the situation.

County Highways Authority: No objection. The proposed site is within the Transport Central Area and as such has excellent accessibility and sustainability. No general private parking is proposed for the development and the removal of some off street parking is to be welcomed in this highly sustainable area of the City. Cycle parking is to be proposed as 58 spaces are to be provided in double deck cycle parking and this is satisfactory and adequate, although having inspected the site there is some shortfall in terms of other uses on the site, and it is considered to be essential to provide 6 cycle parking stands at the frontage of the proposal in St Giles. As is usual for this type of proposal within the Central Area for students, no student must own or bring a car in to Oxford. Before any work take place on the site a construction traffic management plan must be submitted and agreed with The Highway Authority. This is essential for this sensitive area in terms of traffic and HGV's.

County Asset Strategy: No objection subject to conditions, legal agreement and informative. The County Council considers that the effect of the application forming this development will place additional strain on its existing community infrastructure and therefore contributions are sought towards libraries, museum & waste management. Fire hydrants sought and secured by condition. Fire & Rescue Service recommends that new dwellings should be constructed with sprinkler systems (informative).

Neighbour/ Groups/ Association Comments:

The main points raised were:

- Concern over construction traffic; request traffic allowed down Pusey Street from St Giles, residents' parking should be safeguarded during construction.
- Flooding of drain system, soakaways cannot cope with more development, less garden area to absorb water, frequent standing water in Pusey Lane.
- Too high, large and bulky.
- Loss of light and overshadowing to Pusey Lane.
- Tunnelling/ canyon effect of Pusey Lane.
- Out of keeping with context, visual inconsistency to adjacent buildings and detrimental to character of the area and Conservation Area, including roofscape.
- Unsympathetic and detrimental to adjacent listed buildings: Chapel, St Johns Street etc.
- Loss of views of Chapel and the window. New building too close and should be pulled back. Eaves height should be lowered to match Chapels.
- Flat roof out of keeping.
- Architecturally uninteresting and unexciting. Aggressively angular & blockish. Lacks aesthetic synergy. Too assertive and busy.

- Direct overlooking
- Increase nuisance to residents from increased student numbers.
- Impact on potential archaeology.
- object to the principle of rebuilding the walls; the college intended to restore the walls in 2010 and this could still be done; there is a risk of architectural pastiche and that most of the wall material will be judged unsuitable for modern building purposes and would be discarded.
- Sedum roof will deteriorate without proper maintenance, no benefit over traditional roofing materials.
- Lift shaft rising above roof level.
- Areas of decking and glazing would be unattractive and inappropriate.
- Removal and rebuilding of (listed) boundary wall unacceptable. Its character cannot be replicated by rebuilding.
- Full length windows in wall unacceptable and out of character.
- Car and cycle parking provision inadequate; loss of 20 car spaces and replacement with just 5
- Inadequate bin storage.
- Loss of significant mature trees.
- Access points to Pusey Lane and Street; more pedestrian activity, cause 'smokers corners'.
- Increased serving and deliveries along Pusey Street and Pusey Lane.

In addition, the proposal was the subject of pre-application discussion with the City Council, County Council and English Heritage and presentation to two South East Region Design Panels, and community consultation and presentations to residents, Councillors and public amenity groups/ Associations.

Officers Assessment:

Site Description and Proposed Development.

1. The site lies within the rear of St Cross College which faces on to St Giles and is bounded by Pusey Street to the north, Pusey Lane to the west and Blackfriars College and the Oriental Institute to the south. The application site includes garaging and cycle shelter set behind an old brick wall to Pusey Street, and garden which contains two mature trees
2. The College lies within the Central Conservation Area and the early C20th Pusey House and Pusey Chapel are listed, the Chapel at Grade II*. The boundary walls along Pusey Lane and Pusey Street are Grade II listed. It is surrounded by large collegiate and institutional buildings, together with Georgian residential properties on St John Street and smaller scale mews type buildings along Pusey Lane. Currently this western corner of the college is open to views and Pusey House Chapel and its fine window can be afforded over the boundary walls, as can the mature trees within the college garden.
3. It is proposed to build an L-shaped building on the north/ west corner of the college to create the final element of a quad, providing 53 student study

bedrooms with shared kitchens, lecture theatre, meeting lecture rooms, dining and other associated facilities. Currently only 18 students can live on site and the additional 52 rooms would enable the College to provide dining facilities and more of a social hub.

4. The building is proposed on 4 storeys, with a flat roof with elevations to both Pusey Lane to the west and Pusey Street to the north. It is modern in its architectural design, with an articulated frontage and appearing as a cluster of buildings with glazed connections to reduce the massing. Windows would have distinctive deep reveals with the fourth floor designed as glazed pavillions enabling glimpses through and a lighter feel. It involves the taking down and rebuilding of the boundary walls and removal of two mature trees. Accommodation on the top floor has access to small decked terraces. A simple palette of materials is proposed using stone, reinforced concrete, render and wood.
5. Previous approval was given in the 1980's for a new quad and revised again in the late 1980's, proposed as two phases. The first phase on the south side of the quad was completed but Phase 2 on the western side was not. The permission for the phase 2 is still extant. The footprint of the proposed scheme is similar to that of the 1980s phase two.
6. Officers consider the principal determining issues in this case to be:
 - planning policy;
 - design and heritage;
 - amenities;
 - listed walls;
 - transport;
 - trees;
 - drainage;
 - NRA;
 - archaeology; and
 - public art.

Planning Policy

7. The principle of development on this site, in this location and for student accommodation and teaching etc. was accepted in granting approval in the 1990s and the site was allocated for such uses in Oxford Local Plan. However, this allocation has not been taken forward in the newly adopted Sites and Housing Plan (SHP). As such the proposal falls under, and is in accordance with, SHP Policy HP5 which states that permission will be granted for student accommodation on or adjacent to existing University or College academic site or in the City Centre.
8. SHP Policy HP6 sets out the requirement to either provide or contribute towards affordable housing on student accommodation of over 20 bedrooms, and also criteria for exemption. As the proposal is within an existing academic University site the proposed development is exempt from this Policy requirement.

9. Policy CS25 of the Core Strategy encourages the provision of high quality purpose-built student accommodation buildings that do not significantly harm the amenity enjoyed by local residents. The policy also states that the Council will seek appropriate management controls to restrict students from bringing cars to Oxford through the imposition of appropriate conditions or planning obligations. Such conditions are recommended by officers in the development is permitted.

Design and Heritage

10. Local planning authorities have a duty to have special regard to the preservation or enhancement of designated heritage assets, (e.g. listed buildings and conservation areas). In the NPPF the government has reaffirmed its commitment to the historic environment and its heritage assets which should be conserved and enjoyed for the quality of life they bring to this and future generations. It states that 'when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of a heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification', measured in terms of the public benefits to be delivered through the proposal.
11. The NPPF encourages local planning authorities to look for opportunities to better reveal or enhance heritage assets and their settings and states that proposals that do make a positive contribution should be treated favourably.
12. Published guidance by English Heritage in *The Setting of Heritage Assets*, October 2011 provides a methodology for understanding the setting of a heritage asset and how it contributes to the heritage significance of that asset and explains how to assess the impact of development. English Heritage explains that the setting of a heritage asset is the surroundings in which it is experienced; and that the setting is not fixed and may change as the surrounding context changes.
13. Policy CP1 of the Oxford Local Plan states that planning permission will only be granted for development that shows a high standard of design that respects the character and appearance of the area and uses materials of a quality appropriate to the nature of the development, the site and its surroundings. Policy CP6 states that development proposals should make the best use of site capacity but in a manner that would be compatible with both the site itself and the surrounding area. Policy CP8 suggests that the siting, massing and design of any new development should create an appropriate visual relationship with the form, grain, scale, materials and detailing of the surrounding area.
14. Policy HE7 of the Oxford Local Plan states that planning permission will only be granted for development that preserves or enhances the special character

and appearance of conservation areas and their settings and policy CS18 of the Core Strategy emphasizes the importance of good urban design that contributes towards the provision of an attractive public realm.

15. In this case the site is visible from St John's Street and more obliquely from St Giles with the rear of St John's Street properties in the background. The site is bounded by a high stone wall enclosing the rear quad and in the corner a modern block of flat roofed garages replace the wall. The proposal will change this view with new student accommodation buildings above the walls. In particular the new buildings will close down (but not eliminate) the view of the west end of Temple Moore's Grade II* listed Chapel and stained glass window, which are currently prominent along Pusey Street. A 10m gap is retained between the new building and the chapel, which is a similar gap as previously approved in the 1980s scheme. The submitted sunlight/ daylight study shows that the new building would have very little impact on the window. This view would become similar to that seen elsewhere in the City, where views of buildings are revealed and glimpsed between buildings.
16. The height of the building is below that of the Chapel and the 1980s quad building on Pusey Lane. The architectural style is distinctively modern in style and makes no attempt to copy the gothic detailing of the listed buildings. It is informed by the structural logic of those buildings and the traditional collegiate staircase layout, which influences the external form of the proposed building. The supporting information explains that the design of solid to void and use of render and stone reflects that of St John's Street and the vertical rhythm of Regent's Park College and Oriental Institute, even the bays of the Chapel. The language of modern buildings sitting behind or over historic boundary walls is a familiar one on Oxford and almost inevitable where colleges seek to provide additional facilities on tightly constrained sites. The siting, height and use of a flat roof is not considered inappropriate in this instance.
17. It is considered that whilst the existing views of the site would change including how the west window of the chapel is experienced officers conclude that this change would not be harmful, introducing new buildings and views that would offer a different but not diminished experience of the heritage assets in the area and their context.

Amenities

18. Concern has been expressed that the building would overshadow Pusey Lane and create a tunnelling effect, to the detriment of the occupiers of the student accommodation opposite. The submitted sunlight / daylight study shows that due to orientation, the existing buildings on Pusey Lane would not be affected by overshadowing or loss of sun / daylight. Clearly the building would create a different aspect along the Lane but given the height of the Mews buildings opposite and the orientation Officers consider that it would not create a tunnelling effect.

19. The building would be approximately 6.8m away from the existing Mews buildings on Pusey Lane, which are used as student accommodation. The first floor sits above the rebuilt stone wall and the lower part of the window openings (approximately 80cm) are obscured where the study desks are located in similar fashion to those at the recently completed student accommodation for Somerville College at the former infirmary site by the same architects). This obscured element would be level with the top of the windows of the Mews buildings opposite. This means that there would be some overlooking created but it would not be direct, but rather oblique when standing behind the desk looking down towards the Mews Buildings. Furthermore as it is across a public space the Mews buildings already experience some degree of overlooking and they are used by students which are transient by nature. It is therefore considered that the new development would not cause a significant level of overlooking that would justify refusal in this case.

Listed Walls

20. Three boundary walls are present on the site. Firstly, the wall that runs east to west along Pusey Street; secondly, the wall enclosing the west end of the site along Pusey Lane; and thirdly a shorter wall within the site that runs east to west, inside of and parallel to Pusey Street.
21. The internal wall has large irregular stones with irregular coursing and has twelve courses of red bricks built on top of it. A length is missing where modern 20th century garages have been built between this and the wall to Pusey Street. It appears as a boundary on Agas' Map of Oxford, 1578, and as a wall on Loggan's Map of 1675, and Hoggar's Map, 1850, running into the buildings that faced onto St. Giles at the time. It is shown to follow the line of the parish boundary from Hoggar's 1850 map onwards.
22. The wall that runs east - west along Pusey Street abuts St Cross College on its west side and it is likely that this wall was built when Alfred Street was constructed in 1828. A large gateway for vehicles has been inserted into the wall towards the west to provide access to the 20th century garages.
23. The wall that runs north to south along Pusey Lane is on the same alignment as the late medieval boundary wall of the Beaumont Estate and it was thought that this partially dated to this period. The northern extent of the wall has been removed to insert garages into this western façade and the southernmost part replaced with a wooden gate in the 20th century.
24. The walls form an important part of the streetscape at Pusey Street and Pusey Lane and define the college boundaries. Their significance derives from their appearance with varying surface treatments and details. Their layout is important in understanding the evolution of the buildings and gardens at the site and of the college's growth. The condition of the walls is generally sound, although a stretch at Pusey Street near to the garages is bowing, probably due to the modern interventions and lack of support. Some sections have been repointed very poorly with cement-rich pointing, causing some damage.

25. An addendum to the archaeological evaluation has been submitted which assesses the archaeological interest of the Grade II listed western boundary wall fronting onto Pusey Lane. The report concludes of the western boundary that 'the wall at the north end appears to be a post-medieval wall associated with a lost garden building, and the wall further south was perhaps rebuilt for Pusey House in the early twentieth century. There is little reason to support the view that the wall is medieval. The loss of the wall followed by its rebuilding would not cause substantial harm, and of itself would not have a significant effect on the Conservation Area. The historic fabric should be investigated/recorded during removal, and much of the masonry can be re-used'. The findings of the report are accepted and it is therefore considered that its removal is acceptable. A condition should ensure that the wall is adequately recorded and every effort is made to secure the appropriate and sympathetic re-use of the existing stonework in the new scheme.
26. In terms of the impacts of the proposals, the ability to understand the history and the narrative values of the perimeter walls would remain, as the external surfaces to the streetscape would be retained. The inner wall would be removed but the college intends to incorporate markers or lines in the floor to show the location of the removed wall.
27. An important benefit would be the rebuilding of the walls where the later 20th century garages were built. On balance, the special historic and architectural importance of the perimeter historic walls would be retained. The character and appearance of that part of the conservation area would be retained with respect to the walls. Any loss would be mitigated by recording and by the rebuilding of the lost areas of wall.

Transport

28. The proposed site falls within the Transport Central Area and as such has excellent accessibility and sustainability. The site is close to all public transport modes including good walking and cycling facilities. The railway station is also not too far away at approximately 700m. Parking is controlled in this area and adjoining the site is the pay and display area of St Giles.
29. It is proposed to remove the vehicular access and 6 garages off Pusey Street and remove the informal parking for approximately 10 cars from Pusey Lane. No general private parking is proposed for the development and the removal of some off street parking is welcomed by the Highways Authority in this highly sustainable area of the City. The development would result in more residents' on street parking on Pusey Street as a result of the removal of the garages and access. The Highways Authority raises no objection to the proposed development. As is usual for this type of proposal within the Central Area for students the Highways Authority requests that no student must own or bring a car in to Oxford, which can be secured condition.

30. Cycle parking is to be proposed in the form of 58 spaces provided in double deck cycle parking system. The SHP requires a minimum of 3 spaces per 4 study bedrooms, which can be reduced to 1 space per 2 study bedrooms where they are located close to their main studying and teaching facilities, plus 1 space per resident staff. 58 spaces are therefore considered satisfactory and adequate. The Highways Authority does however consider that there is a shortfall in terms of parking provision for other uses on the site, and therefore requests some additional cycle parking on street at the frontage of the proposal in St Giles, which the applicant has agreed to provide. This can be secured by condition requiring 6 Sheffield cycle stands to be provided in the space between the car parking areas.
31. Concern has been raised by neighbouring residents however regarding construction traffic and the impact on the neighbouring properties / streets, and the ability to manoeuvre large construction vehicles. Whilst construction arrangements are normally dealt with post permission, some discussion has already taken place, and agreement reached with the Highway Authority that construction traffic could be routed via St. Giles for the duration of the construction period to avoid use of St. John Street. Pedestrians and cyclists would continue to use Pusey Street however and there would therefore be a need for “banksmen” at either end and possibly at Pusey Lane. During working hours a certain number of residents’ parking spaces would be displaced to facilitate the construction and consideration given to re-instating these spaces outside of normal working hours so that residents could continue to use them during the evenings and overnight. Such an arrangement would cause difficulties however if such vehicles were not removed early the following day. As such an alternative suggestion has been considered to provide temporary replacement car parking in Wellington Square, though this is not favoured by the Highway Authority. At the time of writing a dialogue continues between the parties, and members will be updated accordingly. Details of the finalised arrangements would be secured by condition as part of a Construction Traffic and Management Plan.

Trees and Landscaping

32. These proposals require the removal of an ash tree and a false acacia (Robinia) tree from the garden of St Cross College. These trees are prominent in public views from Pusey Street and Pusey Lane and while the ash is a low quality and value tree having poor form being multi-stemmed, the false acacia is a higher quality and value tree that makes a positive contribution to the appearance and character of this part of the Central Conservation Area. It should be noted that false acacia is a fast growing species and this specimen is relatively young tree i.e. less than 25 years old.
33. It is proposed to plant 3 new trees as mitigation, including an advanced nursery stock sized specimen tree that will be planted near to the location of the removed false acacia. Significantly, the new trees also include a tree that will be planted in the gap between the new building and the existing chapel adjacent to Pusey Street. The precise position and species of this tree must be carefully chosen to ensure that it is not overbearing on the chapel and its

window and it is therefore likely to be a small growing tree. However, it is considered important because as it grows its crown will spill out over the street into the public realm, (in a way that is typical of the secondary streets within Central Conservation Area such as at St Michael's Street and Turl Street), replacing some of the tree cover that has been lost in public views, and helping to mitigate the effect of the development on visual amenity in the area.

34. The loss of the existing trees, in particular the false acacia, is regrettable. However on balance the need for the building in its proposed form is otherwise acceptable. Given the new tree planting proposed the harm to public amenity is not considered significant and therefore their loss is not considered a reason to refuse planning permission in this case.

Flood Risk and Drainage

35. The site lies within Flood Zone 1 which has a low risk of River flooding. There is no watercourse on or adjacent to the site and due to the underlying clay soil and probable high water table the architects consider that it is not expected that soakaways would be effective. The surface water run off from the site will most likely need to connect to the public surface water sewer system.
36. In accordance with PPS 25, Development and Flood Risk, the surface water run off rate should be limited to no more than the existing by the incorporation of Sustainable Drainage Systems as the site area is less than 1.0ha. However as there appears to be no existing drainage it is assumed that the additional run off will need to be attenuated to a greenfield rate. A preliminary estimate of the required surface water attenuation has been undertaken. This includes the run off from the roofs and the proposed paving. Rainwater harvesting is proposed and this is likely to be combined with an attenuation tank. There does not appear to be an existing foul water drain on the site and therefore it is assumed that the new drainage will connect via a new gravity connection to the public foul water sewer either in Pusey Street or Pusey Lane.
37. Some residents have raised concern that the existing surface water drainage system cannot cope with additional development as there is frequent flooding and standing water in Pusey Lane. Thames Water however has raised no objection to the development and the Environment Agency consider it to be of low environmental risk and therefore have not commented. It is considered that a condition securing details and provision of sustainable drainage to ensure attenuation and rainwater harvesting would mitigate the potential risk of flooding and impact of the development on the drainage system. No objection is therefore raised.

Natural Resource Impact Analysis (NRIA)

38. An NRIA and Energy Strategy has been submitted with the planning application. The NRIA achieves a score of 8 out of a maximum of 11 points.

The building includes high thermal mass components, a mixed ventilation strategy (natural and heat recovery), sensory lighting, solar shading and internal blinds. Combined Heat and Power renewable technology has been chosen to reach the optimal renewable and low carbon technology providing heating and cooling. Rainwater harvesting will serve the WC's and sedum roof are being considered.

39. Officers consider that adequate energy efficiency measures are shown as being provided for both buildings, in accordance with the NRIA SPD and their implementation can be secured by condition.

Archaeology

40. The application site is of interest because of the potential for medieval and post-medieval remains associated with the development of settlement along St Giles from the 12th century onwards. An archaeological desk based assessment and subsequent field evaluation report have been submitted for this site (Oxford Archaeology 2013). The evaluation recorded a series of inter-cutting ditches, perhaps demarcating the eastern boundary of the lands of the former medieval royal palace of Beaumont and later Carmelite Friary. In addition to the upstanding stone built walls located within the St Cross College plot the evaluation noted a substantial wall foundation, a stoned-lined well that had been backfilled in the late 17th - mid 18th century, rubbish pits dating from the mid 18th and late 19th centuries and the corner of a mid-late 19th century subterranean structure (probably a basement). Previously in 1991-2 the Oxford Archaeological Unit undertook trench excavations and a watching brief at the college prior to building work. These investigations recorded features associated with a medieval tenement fronting onto St Giles and a possible plough soil (UAD Event No 359).

Public Art

41. The College wish to install public art incorporated in the development itself. However the exact location and details are yet to be finalised. A condition requiring these further details could secure this provision.

Conclusion

42. The proposals are considered to represent development that preserves the special character and appearance of the heritage assets with their context whilst providing good quality sustainably located student accommodation in a location that is unlikely to give rise to material harm to the living conditions of occupiers of residential properties. Consequently the proposals are considered to accord with all relevant policies of the development plan such that Committee is recommended to grant planning permission subject to the conditions set out at the beginning of this report.

Human Rights Act 1998

Officers have considered the Human Rights Act 1998 in reaching a recommendation to grant planning permission and listed building 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.

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: 13/01800/FUL & 13/01801/FUL

Contact Officers: Felicity Byrne & Katherine Owen

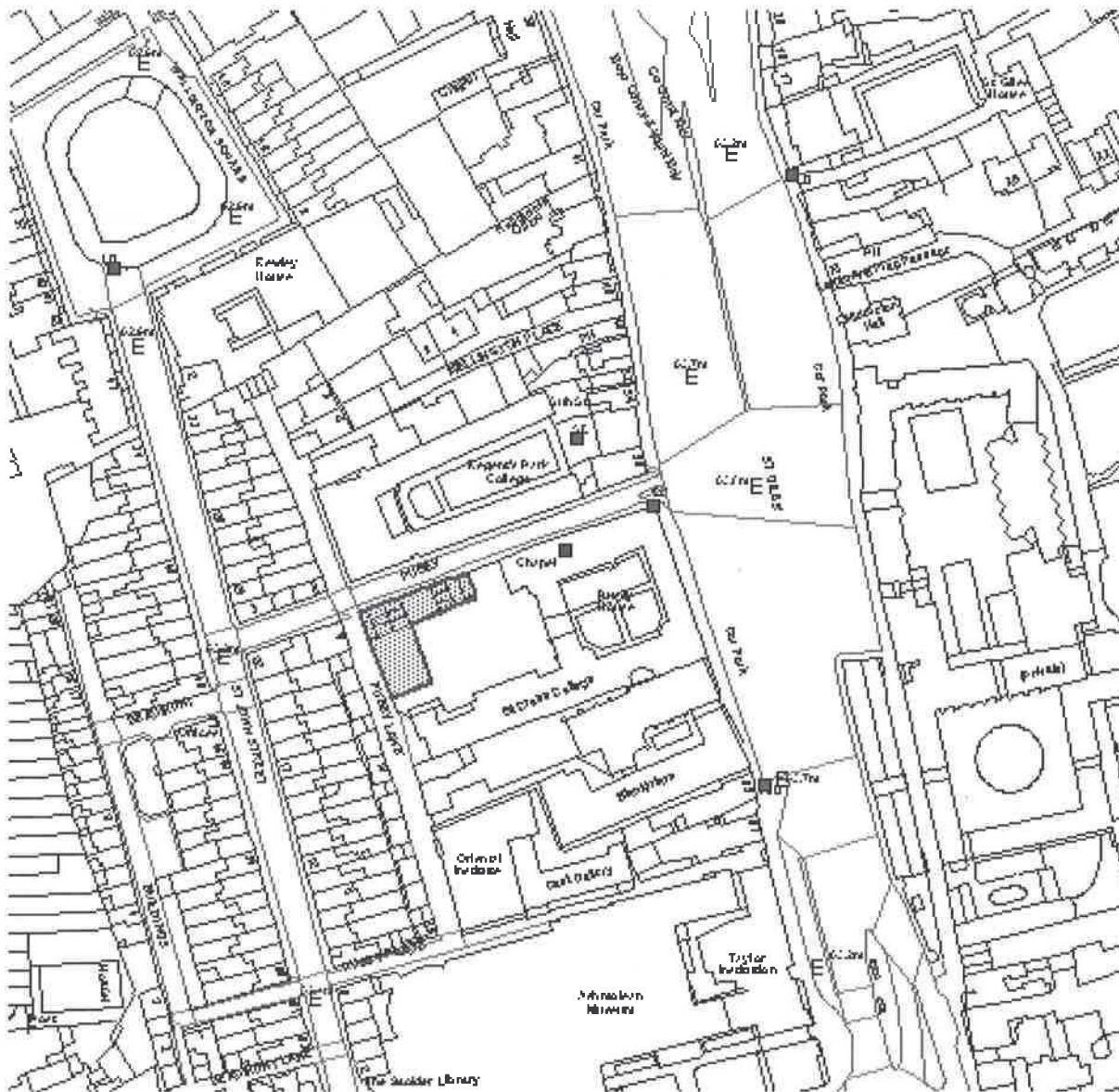
Extension: 2159 & 2148

Date: 27th September 2013

Appendix 1

13/01800/FUL & 13/01801/LBD:

St Cross College



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Ordnance Survey 100019348

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WEST AREA PLANNING COMMITTEE

8th October 2013

Application Number: 13/01637/FUL

Decision Due by: 27th September 2013

Proposal: Erection of new building on 5 floors plus basement to provide 78 student study rooms, offices, common rooms, ancillary facilities and landscaping improvements

Site Address: Mansfield College, Mansfield Road – Appendix 1

Ward: Holywell Ward

Agent: Mr Nik Lyzba

Applicant: Mansfield College

Recommendation:

APPLICATION BE APPROVED

Reasons for Approval

- 1 The proposed development provides student accommodation in a sustainable and appropriate location that preserves the special character and appearance of the conservation area in which it lies, the setting of the Mansfield College quad and nearby listed buildings and gardens. No loss of important trees will occur as a result of the development. Consequently the proposals are considered to accord with the requirements of policies CP1, CP6, CP8, CP9, CP10, CP11, NE15, NE16, HE2, HE3 and HE7 of the Oxford Local Plan 2001-2016 as well as policies CS2, CS18 and CS25 of the Oxford Core Strategy 2026.
- 2 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.
- 3 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.

- 4 The Council considers that the proposal, subject to the conditions imposed, would accord with the special character, setting, features of special architectural or historic interest of the listed building. It has taken into consideration all other material matters, including matters raised in response to consultation and publicity.

Conditions

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Samples of materials in Central Conservation Area
- 4 Landscaping plan
- 5 Landscape completion
- 6 Landscape Management Plan
- 7 Tree Surgery Works
- 8 Car parking details
- 9 Cycle and refuse storage details
- 10 Mud on highway
- 11 Foul and surface water drainage
- 12 Underground services
- 13 Surface water drainage
- 14 Students - no cars
- 15 Limitation on occupancy
- 16 Energy efficiency
- 17 Archaeology
- 18 Outside term time

Legal Agreement:

The impact of the development on public infrastructure has already been mitigated as a result of financial contributions made to the City and County Councils at the time of granting consent for the extant scheme back in 2008. No new financial contributions

are therefore required.

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
- HE7** - Conservation Areas
- HE3** - Listed Buildings and Their Setting
- HE2** - Archaeology
- NE15** - Loss of Trees and Hedgerows
- NE16** - Protected Trees
- CP11** - Landscape Design

Core Strategy

- CS18**_ - Urb design, town character, historic environment
- CS2**_ - Previously developed and greenfield land
- CS25**_ - Student accommodation

Other Material Planning Considerations

National Planning Policy Framework
Extant planning permission 11/02210/EXT

Relevant Planning History:

89/00790/NFH – Erection of 40 bedroom student residential and ancillary accommodation in two storey building – Permitted February 1990

91/01340/NFH - Erection of three storey block (including roof space) to provide 36 study bedrooms and ancillary facilities (Amended Plans) – Permitted August 1992

94/01368/NFH - 4 levels for 35 study beds, 4 single bed sits, ancillary accommodation for Mansfield College & for Oxford Centre for the Environmental Ethics Society. (Research & administration/meeting/seminar rooms) (Revised NFH/790/89) – Permitted November 1996

01/01498/NXH - Erection of building on 4 levels (including basement and roofspace) to provide 35 study bedrooms, 4 single bedsits, ancillary accommodation for Mansfield College, and accommodation for the Oxford Centre for the Environment, Ethics and Society. (Research and ancillary administration/meeting/seminar rooms) (Extension of time granted under permission 94/1368/NFH) – Permitted September 2003

03/02412/FUL - Erection of 24 student study rooms on 4 floors, together with seminar rooms and ancillary accommodation – Withdrawn May 2004

04/00986/FUL - Erection of 4 storey building to house 24 student study rooms, 2 seminar rooms and ancillary facilities – Permitted October 2004

08/01741/FUL - Erection of new buildings over four floors and basement to provide student accommodation (78 rooms), meeting rooms, offices, common rooms and ancillary facilities. Associated landscaping and pedestrian access and landscaping improvements to existing main quadrangle – Permitted October 2008

11/02210/EXT - Application to extend the time limit of planning permission 08/01741/FUL for erection of new buildings over four floors and basement to provide student accommodation (78 rooms), meeting rooms, offices, common rooms and ancillary facilities. Associated landscaping and pedestrian access and landscaping improvements to existing main quadrangle – Permitted 16.12.2011

Public Consultation:

Statutory Consultees:

- English Heritage – No comments to be made on the proposals.
- County Council – no objection, requirements for cycle parking, construction traffic management plan, SuDs condition, contribution towards cycle safety measures, library, waste management and museum resource centre

Third Parties

- Victorian Group of OAHS – objects. New building is excessively large and intrusive.

Officers' Assessment:

Application Site and Locality

1. The development is proposed to take place on part of an area known as the Fellows Garden, an undeveloped and soft landscaped area to the south-west of the Mansfield College site. Mansfield College is situated to the north-east of Oxford city centre close to the University science department buildings and the University Parks. A site location plan is attached as Appendix 1.

2. The College is relatively small both in size and numbers of staff and students with a site area of 0.16 hectares and approximately 50 staff, 220 undergraduates, 50 graduates and 35 visiting students. Currently less than a third of graduates and undergraduates are accommodated on the site with the majority housed off-site in five College owned properties or in private rented accommodation.

3. The site is dominated by the northern range of Victorian stone buildings constructed by Basil Champneys (1887-1889) which are Grade II* listed. The main public rooms of Mansfield College are located within these buildings and this includes the Hall, Chapel and Library as well as a number of common rooms. The Principal's

lodgings which are also Grade II* listed are situated slightly set back from the main quadrangle and face Fellows Garden. Adjacent to the application site is the Garden building (constructed in March 2006) which provides accommodation for 24 undergraduates as well as conference and seminar rooms on the ground floor. This building is constructed of light colour ashlar stone with a timber clad upper storey and overhanging flat roof.

Description of Proposed Development

4. The application seeks consent for a five storey building set over six floors (as it incorporates a basement level) to provide 78 student rooms on the upper floors as well as seminar and conference rooms at ground and basement level. Associated landscaping works are also proposed to take place including the relocation of car parking facilities towards the entrance to the site.

Principle

5. Planning permission was granted in 2008 for a four storey building (over five floors) on the same site of near identical footprint, scale and form. This permission was extended in 2011 such that the scheme is extant. Consequently the principle of a building of similar size and in the same location has already been established. The application proposals differ only from that already approved by virtue of the addition of a large basement level which projects further out than the building itself. Consequently officers have no concerns about the principle of constructing a building in this location.

Design and Appearance

6. As set out above, a building of very similar form, scale and general appearance has already been approved in the same location such that no concern is raised about the impact of the building on the setting of the College grounds, listed buildings within the quadrangle as well as the wider Central Conservation Area. The creation of a basement level will have no impact on the appearance of the building or the College site and is thus an efficient and sensitive method of providing greater teaching accommodation on the site. Consequently officers are satisfied that the proposals preserve the character and appearance of the site as well as designated heritage assets in accordance with the requirements of policies HE3 and HE7 of the Local Plan.

Archaeology

7. The site has already been the subject of archaeological investigations and the development has the potential to have a damaging effect on known or suspected buried heritage assets including prehistoric, Roman and Civil War deposits (including the inner ditch of the inner defensive circuit). An enlarged basement level is unlikely to have any significant archaeological implications beyond the scheme already approved and the City Council's Archaeologist has not raised any particularly concerns subject to a written scheme of investigation being agreed prior to the commencement of development. A condition is recommended to achieve this.

Student Accommodation

8. Policies HP5 and HP6 of the SHP support student accommodation development where they are to be located on an existing University or College site. In such circumstances the impact on residential properties is considered likely to be lower

and the students more sustainably located close to teaching facilities and amenities. Financial contributions towards off-site provision of affordable housing are not required in this instance as policy HP6 specifically excludes such developments where they are located on existing university/college grounds. Consequently the principle of student accommodation on the site remains acceptable and officers therefore have no objection to the scheme in this respect.

9. Policy CS25 of the Core Strategy encourages the provision of high quality purpose-built student accommodation buildings that do not significantly harm the amenity enjoyed by local residents. The policy also states that the Council will seek appropriate management controls to restrict students from bringing cars to Oxford through the imposition of appropriate conditions or planning obligations. Such conditions are recommended by officers.

Trees

10. The proposed development would result in the loss of 12 trees from the site consisting of: a copper beech, sycamore, Austrian pine, holly, 2 x Lawson cypress, laburnum, almond, common walnut, flowering cherry, Japanese larch tree, and a black mulberry tree. All of these trees are within or immediately adjacent to the footprint of the proposed building. This approach has already been agreed as part of the extant permission and so no objection is again raised to this element of the proposals.

11. The proposals will not result in any greater loss or harm to existing trees of importance than the scheme already approved and extant. Consequently no additional harm will occur to public amenity, the conservation area or the setting of the grade II* listed gardens nearby at Wadham College. The City Council's Tree Officers have not raised any particular concerns about the proposals given the extant planning permission. Officers therefore have no objection to the scheme in this respect.

Planning Obligations

12. The applicant has already made the necessary financial contributions to both the City and County Councils as a requirement of granting consent for the original planning application in 2008. This development has never been undertaken though its impact on public services/infrastructure has been 'mitigated' and the two Councils will have spent or saved the funds accordingly. Consequently there is no requirement to seek financial contributions again given the number of student rooms proposed remains unchanged.

Sustainability

13. The development proposes a number of low carbon measures which contribute towards it achieving an impressive score of 11/11 on its Natural Resource Implications Analysis (NRIA) checklist. These include ground source heat pumps, efficient use of ventilation and solar gain as well as use of locally sourced and recycled buildings materials. A condition is recommended to be imposed requiring the development to be carried out in accordance with the specifications set out in the NRIA.

Other Matters

14. The additional student rooms as well as teaching accommodation will give rise to a need for additional on-site cycle storage as well as bin storage. Details of such provision is recommended to be required by condition.

15. As part of the scheme it is proposed to relocate existing staff/visitor car parking (which occurs informally within the quadrangle to the detriment of its setting) to the entrance off Mansfield Road. This will help return the grassed quadrangle to its originally intended open and more picturesque landscape thus contributing positively towards the setting of the listed College buildings. Details of such provision is recommended to be required by condition as was the case on the previous planning permissions.

Conclusion:

16. The proposals are considered to represent development that preserves the special character and appearance of the heritage assets with their context whilst providing good quality sustainably located student accommodation in a location that is unlikely to give rise to material harm to the living conditions of occupiers of residential properties. Consequently the proposals are considered to accord with all relevant policies of the development plan such that Committee is recommended to grant planning permission subject to the conditions set out at the beginning of this report.

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

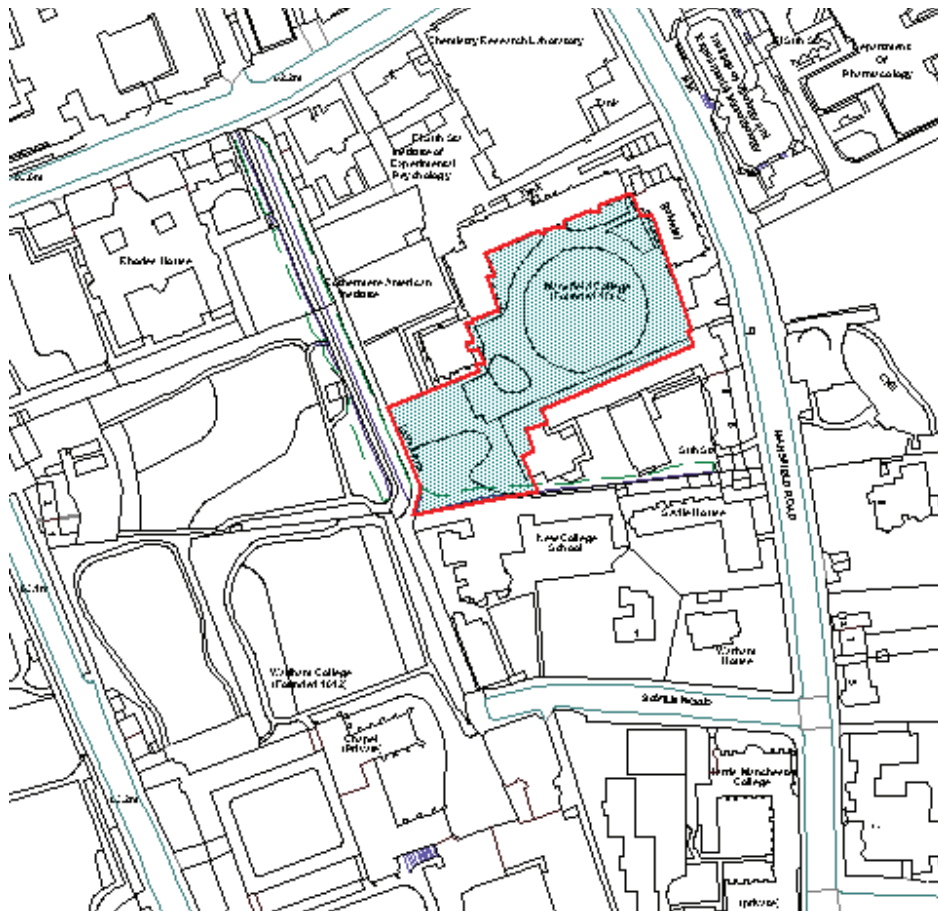
Officers have considered, with due regard, the likely effect of the proposal on the need to reduce crime and disorder as part of the determination of this application, in accordance with section 17 of the Crime and Disorder Act 1998. In reaching a recommendation to approve, officers consider that the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

Background Papers:

Contact Officer: Matthew Parry
Extension: 2160
Date: 28th August 2013

Appendix 1

13/01637/FUL - Mansfield College



1:2500



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West Area Planning Committee

8th October 2013

Application Number: 13/01319/FUL

Decision Due by: 29th August 2013

Proposal: Demolition of modern extension to 333 Banbury Road and change of use of original house to form 4 x 2-bed flats, plus new 2 storey extension to form 2 x 3-bed houses. Erection of terrace of 5 x 5-bed and 6 x 3-bed flats on 3 and 4 levels with access from Capel Close. Provision of 33 car parking spaces, cycle parking and landscaped garden.

Site Address: 333 Banbury Road,
Appendix 1

Ward: Summertown

Agent: Berman Guedes Stretton
Architects

Applicant: Homespace Ltd

Recommendations:

1. APPLICATION **13/01319/FUL** BE REFUSED

Reason for Refusal

The proposed scheme for the erection of 17 dwellings does not include an adequate contribution towards the provision of affordable housing in Oxford which is contrary to policy CS24 of the Core Strategy and policy HP3 of the Sites and Housing Plan.

2. To Register No. 333 Banbury Road on the Oxford Heritage Assets Register as a building of local interest.

Justification

The building meets the City Council's adopted Criteria for inclusion on the heritage assets register.

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
CP18 - Natural Resource Impact Analysis
CP22 - Contaminated Land
TR1 - Transport Assessment
TR2 - Travel Plans
NE15 - Loss of Trees and Hedgerows
NE16 - Protected Trees
NE23 - Habitat Creation in New Developments
HE2 - Archaeology

Core Strategy

CS2_ - Previously developed and greenfield land
CS9_ - Energy and natural resources
CS10_ - Waste and recycling
CS11_ - Flooding
CS12_ - Biodiversity
CS17_ - Infrastructure and developer contributions
CS18_ - Urban design, town character, historic environment
CS22_ - Level of housing growth
CS23_ - Mix of housing
CS24_ - Affordable housing

Sites and Housing Plan

HP2_ - Accessible and Adaptable Homes
HP3_ - Affordable Homes from Large Housing Sites
HP9_ - Design, Character and Context
HP11_ - Low Carbon Homes
HP12_ - Indoor Space
HP13_ - Outdoor Space
HP14_ - Privacy and Daylight
HP15_ - Residential cycle parking
HP16_ - Residential car parking

Other Planning Documents

- National Planning Policy Framework
- Planning Obligations Supplementary Planning Document (SPD)
- Draft Affordable Housing and Planning Obligations SPD
- Parking Standards, Transport Assessment and Travel Plans SPD
- Natural Resource Impact Analysis SPD
- Balance of Dwellings SPD

Relevant Planning History

53/00184/D_H - Change of use to masonic temple (in principle). PER 14th April 1953.

57/03551/A_H - Change of use to masonic use, alterations and additions. PER 27th April 1957.

57/03552/A_H - Masonic temple. PER 27th April 1957.

58/00726/D_H - Masonic hall extension and car park (in principle). PER 27th May 1958.

59/08723/A_H - Masonic hall extension and car park and caretakers house. PER 8th December 1959.

60/08723/A_H - Extension at the rear and alterations (revised). PER 28th June 1960.

63/13590/A_H - Formation of a rear vehicular access. PER 25th June 1963.

67/19144/A_H - Extension to kitchen and chair store. PER 29th September 1967.

73/00883/A_H - Extension to enlarge bar, provide ladies room, garden room and new temple. REF 10th July 1973.

73/01597/A_H - Extension to enlarge bar, provide ladies room and garden room on ground floor, new temple and ante-room on first floor and fire escape staircase. PER 10th January 1974.

81/00474/NF - Extensions at ground and first floor levels. PER 28th July 1981.

81/00613/NF - Engineering works and re-organisation of part of existing car park to create additional car parking spaces (retrospective). PER 25th October 1981.

84/00966/NF - First floor extension to form new temple, robing room and new flat. Conversion of existing flat to small meeting room and bedsitting room and bathroom. Two single storey extensions to form dining room and chair store.. PER 11th January 1985.

93/00534/NF - New lobby, steps and canopy. REF 21st July 1993.

97/00623/NF - Single storey extension to kitchen to provide cold/frozen stores with external plant.. PER 12th June 1997.

00/00155/NF - 2 storey extension on west elevation for 4 training rooms, office and store. 1st floor extension to south elevation over floor pillars to extend temple. formation of 53 parking spaces, landscaping and new boundary walls.. PER 5th July 2000.

11/00756/PDC - PERMITTED DEVELOPMENT CHECK - To erect a sign along the frontage of the property.. PNR 14th April 2011.

In addition numerous applications to carry out works to trees under the Tree Preservation Order

Public Consultation

Statutory Consultees

- Oxfordshire Strategic Planning Consultations Team –
 - Fire Service: requests provision of fire hydrants as a condition; recommended that new dwellings be constructed with sprinkler systems.
 - Highways: objections to the balance of allocated and unallocated parking spaces across the site, and to the apparent lack of manoeuvring space for heavy vehicles within the site. Further information required on refuse collection facilities; and request that the Travel Plan includes an Oxford Smart Zone card of longer than 1 week's duration.
 - Drainage Team Manager – no objection, development should be drained by SUDS methods
- Thames Water Utilities Limited – no objections but water infrastructure informative suggested
- Environment Agency Thames Region – low environmental risk so no individual response

Individual Comments:

Representations were received from 73 addresses in the locality and from further afield. 27 representations were wholly in support of the proposals, 32 were wholly against, and 14 voiced support for the principle of the redevelopment but objected to or raised concerns about aspects of it.

The main points raised in support were:

- High quality and green development which will be an asset to the area and this part of Oxford, sympathetic to the nature and history of the site
- Housing a better use of the site
- Visual improvement of a neglected site and dilapidated buildings, welcome restoration of the Villa and its landscape setting
- Open book viability study shows only modest return to developer

The main points of objection were:

- The tree removals and effects on trees of additional residential and delivery traffic
- Loss of bat colony and impact on biodiversity of tree removal

- Style of architecture, height of buildings, massing and open view of site is out of keeping with Capel Close
- Overdevelopment, too dense, overlooking of properties in Capel Close
- Access should not be taken from Capel Close which is a safe, quiet road where children play, additional traffic from the development on Capel Close unacceptable
- Increased population will lead to unacceptable pressure on local schools and services
- Problems with drainage locally since the Conference Centre built, high water table creates risk of flooding which will be made worse by tree removal
- Need a pedestrian island on Banbury Road
- Should provide elderly persons accommodation for local people to move to, and more affordable housing

A further concern raised alluded to the possible conflict of interest of people making representations in support of the proposals who are currently living in developments constructed and possibly still managed by the applicant. The Committee will be aware that it is open to anyone to comment on planning applications and all material planning issues raised must be taken into account.

Officers Assessment:

Site and Surroundings

1. The site is located in the north of the city on the western side of Banbury Road north of Summertown. It has road frontage and two vehicle access points to Banbury Road.
2. The site extends to 0.52 hectares and is the remnant of a much larger historic plot with a residential villa known as Summerhill built in 1823 set in landscaped gardens. It is now surrounded on three sides by residential development in Squitchey Lane (north side), Capel Close (west) and Summerhill Road (south) dating mainly from the early 20th century but with some modern infill developments. The urban grain here and the wider surroundings is typically characterised by detached and semi-detached houses together with some flats. Development on the opposite side of Banbury Road exhibits the same urban characteristics but also with some modern 3 and 4 storey flats. There are also some commercial and institutional uses in the area.
3. In 1953 the Villa was acquired by the Oxford Masonic Lodge and was subsequently expanded with major but piecemeal extensions to house masonic functions and The Oxford Conference Centre. These uses ceased in 2012 when the site was acquired by the current applicant. Substantial buildings remain on the site (27% of the site area) together with extensive tarmac parking areas (49%) and some soft landscaping (24%).
4. The site is also characterized by significant trees that are the subject of a Tree Preservation Order.

Inclusion of 'Summerhill' in the Oxford Heritage Assets Register

5. In processing the planning application the building and its curtilage have been assessed against the Council's adopted criteria for possible inclusion on the Oxford Heritage Assets Register. The assessment is set out in **Appendix 2**. In summary, it meets the criteria for inclusion and holds interest because of its history of development, survival, setting, association with the 19th century mercantile elite of Oxford and helps understanding of the history of Oxford and of Summertown and its people in particular.

The Development Proposal

6. The proposal is to redevelop the site with 17 family homes (15 market units, 2 affordable units) and 33 parking spaces; together with a £500,000 contribution to the provision of off-site affordable housing elsewhere in Oxford.
7. The housing is to be of very high sustainability standards and meets Lifetime Homes standards. It comprises:
 - 2 x 3-bed affordable houses (for shared ownership) as an extension to the north side of the Villa;
 - 4 x 2-bed conversion apartments in the retained Villa (for market sale); and,
 - 6 x 3-bed new build duplex apartments and 5 x 5-bed houses (for market sale) set in a terrace on the same footprint as the existing extensions to the Villa.
8. The Villa is not a listed building nor in a conservation area but has been treated very sensitively in this proposal as if it were formally designated as such. As part of its conversion to flats the proposal is to retain and where possible restore its remaining historic features including an appropriate landscaped setting.
9. The new-build housing design is contemporary, and in its layout, detailing and materials is intended to complement the Villa and its historic setting. A high quality maintained landscape is proposed including the retention of most of the trees together with improved root environments for the retained trees and succession planting. Soft landscaping on the site will increase from the current 24% of the site area to 53%.
10. Officers consider the determining issues in the case to be:
 - site capacity;
 - housing mix, design and layout;
 - highways considerations;
 - affordable housing provision;
 - sustainability; plus
 - other issues - biodiversity and archaeology

Site Capacity

11. It is national and Council planning policy to make efficient use of available development land with the context, location and history of any development site informing the density, scale and design of buildings, building materials, landscaping and how parking is provided. In those terms the application site is subject to significant development constraints that reduce the developable area of the site.
12. The principal constraint in this case is the existence of some 49 trees on the site with an additional 25 standing in close proximity. The applicant's assessment of the quality and value of these trees and the constraints that the trees proposed for retention impose on the developable area are broadly accepted by officers.
13. A further significant constraint results from the desire to retain an appropriate setting for the Villa to reflect its historic value with the recommendation that it becomes a designated Heritage Asset. It is suggested that an area in front of the Villa be kept free of development to allow views of the Villa from the southern Banbury Road approach and across the site from the west.
14. Additionally the proximity of adjacent residential properties imposes some restrictions on the scale and orientation of residential development in order that existing residential amenity is preserved.
15. These constraints and the resulting developable area are shown on the plan at **Appendix 3** to this report. They are broadly agreed by officers as a necessary guide to the form and scale of development of the site.

Housing Mix, Design and Layout

16. The proposed mix of dwellings is 24% 2-bed, 47% 3-bed and 29% 5-bed. This mix accords with Core Strategy Policy CS23 and the Balance of Housing SPD.
17. The NPPF requires that local authorities seek high quality design and a good standard of amenity for all existing and future occupants of land and buildings. It suggests that opportunities should be taken through the design of new development to improve the character and quality of an area and the way it functions. Moreover policies within the Core Strategy, Sites and Housing Plan and Local Plan require that development proposals incorporate high standards of design and residential amenity. They should draw inspiration from the historic environment, respond appropriately to the surroundings, create a strong sense of place, contribute to an attractive public realm and incorporate high quality architecture.
18. Having carefully assessed the scheme, it is concluded that there are no significant concerns about the design and layout of the scheme as proposed. Indeed it represents a significant improvement over current site conditions.

19. The architecture, scale, massing and layout of the new block are considered to respond appropriately to the setting and constraints of the site. The scheme creates a strong contemporary sense of place that is successfully blended and juxtaposed with the historic Villa. The interior amenities of the units and their relationship to existing adjacent and nearby residential properties all meet policy requirements in terms of accessible homes; privacy and daylight; amenity areas; bin and cycle storage and parking provision. As previously noted the scheme is highly sustainable and meets the requirements of Policy HP11 of the Sites and Housing Plan in respect of low carbon homes.
20. Officers consider that, subject to conditions, the required tree removals and works in the vicinity of trees will not have a significant harmful impact on public amenity in the area. The 24 new trees to be planted and other soft landscaping will benefit the appearance and character of the site, enhance the setting of the Villa and help to ensure that mature tree cover will be sustainable in the long term. The reduction in tarmac areas and increased soft landscaping will greatly improve the porosity of the site and the health of the tree root environment.
21. In terms of the retained villa, the removal of extensions and the reversal of some of the 20th century losses and interventions to the interior would be a significant improvement. The massing, design, materials and disposition of the windows in the new extension to accommodate 2 affordable houses is also in keeping with the Villa. The existing tarmac parking areas are chaotic and in places there is tarmac up to the stems of trees. The proposed arrangement has reduced the number of spaces and their impact is reduced by staggered formation and screening. The landscaping is considered to be too structured and a more organic flowing scheme would be appropriate. This can be achieved through a landscaping condition.
22. In response to local consultation it is evident that there are concerns about the impact of the proposals on drainage in the vicinity. The Environment Agency and Oxfordshire County Council (Drainage) have been consulted on this issue and neither has raised objections or concerns about the scheme. It is recommended that the scheme be drained using Sustainable Urban Drainage methods.

Highways Considerations

23. The County Highway Authority has objected to the balance of allocated and unallocated parking spaces across the site, and to the apparent lack of manoeuvring space for heavy vehicles within the site. Further information was also requested on refuse collection facilities; and it was suggested that the Travel Plan includes an Oxford Smart Zone card of longer than 1 week's duration. The applicant has been in contact with the Authority and has submitted amended plans to meet these objections and suggestions.
24. Further, as part of public consultation, the issue of the safety of pedestrians crossing Banbury Road in this vicinity was raised. In response, the Highway Authority has said that they agree that pedestrians are poorly served in the

area between Squitchey Lane and South Parade. It would also seem to be relatively easy to provide additional pedestrian refuges south of Squitchey Lane similar in form to those provided at Squitchey Lane and Wentworth Road (which sacrifice the cycle strip). However, the only way that a developer contribution could be justified to provide this would be if it could be demonstrated that the increase in foot traffic and bus users as a result of the development created more exposure to risk for these people. A new refuge would mitigate that risk. Given the site's previous use, the proposed development would be likely to reduce the number of pedestrians and bus users using the site.

Affordable Housing

25. Policy CS24 of the Core Strategy and HP 3 of the Sites and Housing Plan require that residential schemes on sites with a capacity for 10 or more dwellings should provide 50% affordable housing. Exceptions on viability grounds may be considered in the light of robust evidence, using a cascade approach that reduces the percentage contribution until a viable point is reached. To accord with policy therefore this scheme should include at least 8 affordable units on site.
26. The applicant has submitted evidence that provision of 50% or 40% affordable housing units on-site is not viable and therefore proposes 2 on-site affordable units together with a contribution of £500,000 towards off-site provision.
27. This evidence has been carefully assessed by officers but it has been concluded that it is insufficiently robust to justify a departure from Policy HP3. Officers disagree with the approach taken by the applicant to the appraisal of Residual Land Value and its comparison with the Existing Use Value plus a reasonable uplift. The applicants' approach does not conform to the methodology stipulated in the adopted Affordable Housing and Planning Obligations SPD (this approach was regarded as being robust and sound by the Examiner for the Sites and Housing Plan in her report). The officers' view is that the applicant's appraisal method has resulted in a significant overpayment for the site given the policy and site constraints which were not fully factored in. Further, officers consider that it is not appropriate to attach weight to the information on alternative bids or Alternative Use Values suggested by the applicant since it is not clear whether any of the suggested alternatives would meet the Council's adopted planning policies. In addition, officers do not accept that a 5% reduction on open market values should be applied on the market sale units. In the absence of alternative proposals therefore, the scheme is recommended for refusal on the grounds of non-compliance with Policy CS24 of the Core Strategy and HP3 of the Sites and Housing Plan.

Sustainability

28. This proposal involves the redevelopment of an existing developed site in a sustainable location in north Oxford and as such in principle represents sustainable development in accordance with Policies CS2 and CS22 of the

Core Strategy.

29. The new build is designed to be highly sustainable and 'low carbon' in accordance with policies CS9 of the Core Strategy and HP11 of the Sites and Housing Plan, through careful attention to the building fabric, ventilation, heating and hot water systems, lighting, and site and water management.
30. A Natural Resource Impact Analysis (NRIA) has been submitted showing the new build achieving an exemplary 11/11 and the Villa restoration 4/11. This division was considered appropriate by officers given the substantial differences in design and constraints between new build and restoration. Nonetheless this scheme pursues all reasonable, technically feasible, and economically viable solutions to achieve a low carbon design for the Villa. The aggregated NRIA score of 6.8 is acceptable in terms of the NRIA SPD.
31. An energy statement has been submitted which shows that on-site renewables (Air Source Heat Pumps and Solar Thermal panels) will supply substantially more than 40% of energy consumption. The new build development aims to exceed Building Regs Part L CO₂ emissions targets by 75%.

Other Matters

32. Archaeology - an archaeological desk based assessment has been produced for this site by John Moore Heritage Services (2013). The assessment notes moderate to good potential for Palaeolithic remains associated with the Wolvercote Channel (A Lower Palaeolithic palaeochannel running through the Wolvercote gravel terrace), although the only recorded exposure of finds associated with this channel was located 800m to the north-west of the application site (County HER 1379). The assessment also notes moderate potential for Roman remains and notes the interest of the Regency period (1823) Summerhill Villa. No objection to the proposals is raised but a condition requiring further archaeological investigation and recording during site works is recommended.
33. Biodiversity – an Ecological Assessment has been submitted with which officers concur. It is concluded that the development will not have a significant impact on biodiversity and that if the proposals in the Ecological Assessment are secured, it will have a beneficial impact on biodiversity. While this view assumed that the proposal would be compatible with avoiding impact on the Pendunculate Oak, that tree had to be removed for safety reasons separate from this proposal. Details of biodiversity measures are recommended to be secured by condition.

Conclusion:

34. Although the proposals would make a contribution to the City's housing stock, would meet the Council's requirements for residential design, amenity and sustainability, and would help to preserve and enhance a heritage asset and significant trees, the proposal does not include an adequate contribution

towards the provision of affordable housing in Oxford in the terms specified in policy CS24 of the Core Strategy and policy HP3 of the Sites and Housing Plan. The scheme is therefore recommended for refusal.

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: 13/01319/FUL

Contact Officer: Fiona Bartholomew

Extension: 2774

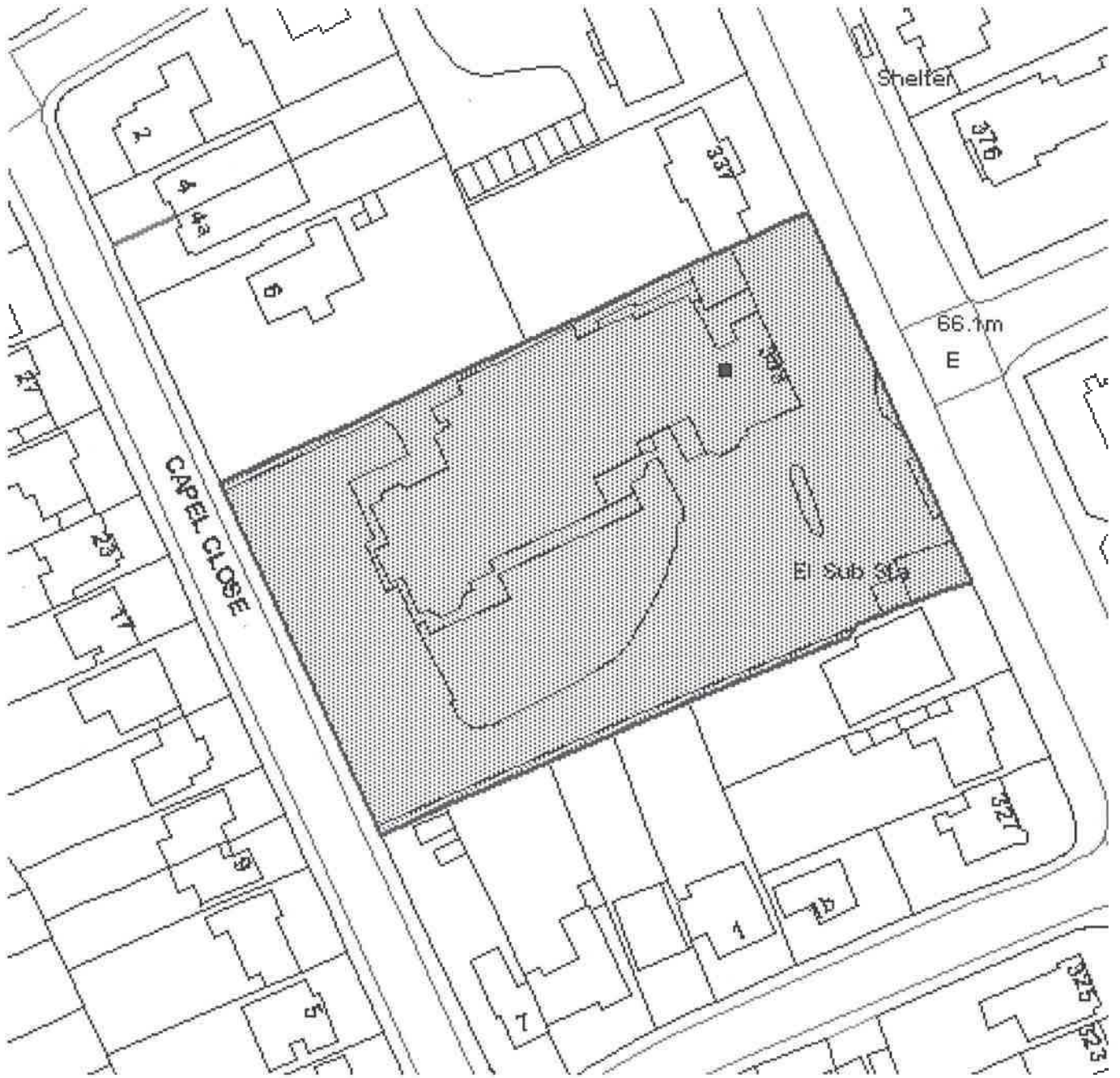
Date: 27th September 2013

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Appendix 1

13/01319/FUL - 333 Banbury Road

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Ordnance Survey 100019348

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Assessment of No. 333 Banbury Road for Inclusion on the Oxford Heritage Assets Register

1. The building at No. 333 Banbury Road (formerly Summerhill Villa) and its curtilage (site plan at Appendix 1) have been assessed against the City Council's adopted criteria for inclusion on the Heritage Assets Register. The building meets all four of the City Council's criteria for inclusion on the Heritage Assets Register and should, therefore, be considered as a good candidate for inclusion on the register as a building of local interest. Its status as such means it is a material consideration in the determination of any planning application affecting it or its setting and subject to the requirements of Local Plan Policy HE.6 as well as the requirements of the National Planning Policy Framework with regard to non-designated heritage assets.

Criterion 1. They must be capable of meeting the government's definition of a heritage asset.

2. *It is eligible to be considered, subject to meeting Criteria 2, 3, and 4.*
3. No. 333 Banbury Road is a building.

Criterion 2. They must possess heritage interest that can be conserved and enjoyed.

4. *The building fulfils the requirement of Criterion 2.*
5. *Historic Interest:* The building was constructed in 1829 as the home and workplace of the local Moberley family of butchers. This followed the enclosure and division of the property between Squitchey Lane and South Parade by the Oxford businessmen Crews Dudley and George Kimber in 1821 as a part of the development of Summertown. It was later occupied by Frank Ryman, of the Oxford printing and publishing company.
6. *Architectural Interest:* The building is a late Georgian villa built in the Regency style with surviving external and internal architectural detailing (documented in the heritage assessment prepared by John Moore Heritage Services). It has some features associated with the activity of the Moberleys as butchers.

Criterion 3. They must have a value as heritage for the character and identity of the city, neighbourhood or community because of their heritage interest beyond personal or family connections, or the interest of individual property owners.

7. *The building fulfils the requirement of Criterion 3.*
8. *Associative and illustrative value:* The building represents one of a series of villas built for well-to-do Oxford tradesmen in the area between Banbury Road and Woddstock Road from 1820 until the later 19th century, which contributed to the development of Summertown as a distinct neighbourhood of the city –

prior to the development of North Oxford in the later 19th century. As such it provides associations with Oxford's historical mercantile elite, who influenced the development of the city in the early and mid-19th century and illustrates the expansion of the city to accommodate them through the establishment of a specialist suburban settlement.

9. *Evidential value*: Trees within the curtilage of the property appear to relate to the historic landscaping of the house and contribute to its setting. They may also be surviving elements of earlier field boundaries. These provide potential to add to understanding of the earlier farming landscape of the Summertown neighbourhood, as well as late Georgian and Victorian tastes in tree planting and landscape gardening in the Oxford area.
10. *Aesthetic value*: The building has retained architectural detailing and a scale and mass that were designed to be aesthetically pleasing in the early 19th century. Through the preservation of its main façades and interior detailing and in spite of later extensions for the masonic hall, these have remained appreciable. The aesthetic value of the building contributes to the wider aesthetic value of Summertown and the Banbury Road frontage in particular as a low-scale area of suburban settlement of mixed 19th and 20th century origins with a variety of architecture representing different phases of its development. Trees within the grounds contribute to the designed aesthetic value of the setting of the house as well as making a fortuitous contribution to the aesthetic value of Banbury Road and Capel Close.
11. *Communal value*: The former masonic hall is likely to have some limited communal significance for Oxford's community of Freemasons as symbolic of their historic identity as a distinct community.

Criterion 4. They must have a level of significance that is greater than the general positive identified character of the local area.

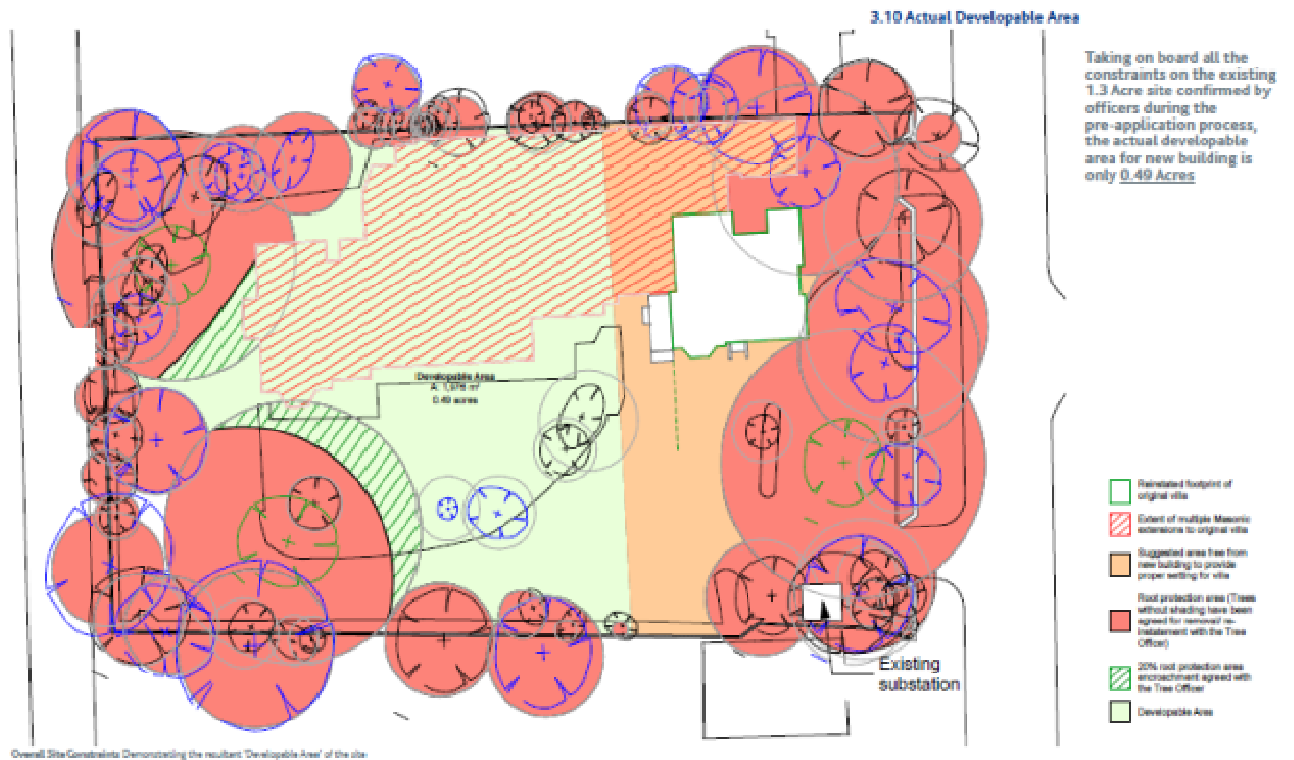
12. *Age*: The building dates from the earliest phase of Summertown's development as a distinct settlement and therefore has special local significance by illustrating its origins.
13. *Group value and rarity*: The villas of Summertown have been a distinctive feature of its character that has been appreciably diminished through demolition (for example: Southlawn, demolished 1960, The Avenue, demolished 1964, The Firs, demolished 1961 and Summertown Vicarage, demolished 1924), whilst others have had their heritage significance eroded by infill development within their grounds. A small number of the surviving examples are listed nationally for their special historic and architectural interest. As such it is considered to have special local value as part of a group of assets within the area (along with examples such as Osberton House, Summertown Villa, Northern House and The Lodge), but is also considered to have value as a result of the rarity of well-preserved examples of these buildings with preserved elements of their landscaped settings.
14. *Identity of a particular part of the city*: The presence of surviving examples of these villas makes an important contribution to understanding of the origins of Summertown as a distinct settlement with a particular social character as the home of wealthy tradesmen (although it was also notorious for speculatively

built rows of cheaply built artisans' housing in its early development). As such, it is important to the identity of Summertown.

15. *The building fulfils the requirement of Criterion 4 and, by fulfilling Criteria 2, 3, and 4, can also be considered to fulfil Criterion 1.*

Appendix 3

Site constraints plan



West Area Planning Committee

8th October 2013

Application Number: 13/02123/FUL

Decision Due by: 14th October 2013

Proposal: Demolition of existing single and two-storey rear extension. Erection of a single storey flat roof rear extension with basement level beneath, and a rear pitched-roof three storey extension, with associated landscaping.

Site Address: 40 Chalfont Road, **Appendix 1**

Ward: St Margaret's

Agent: Mr Dominic Brooke-Read

Applicant: Mr Stephen Westbrook

Application Called in – by Councillors - Cllrs Campbell, Fooks, Brett and Wilkinson For the following reasons - Overbearing impact to No. 38 and a similar less extensive extension for No. 38 was twice refused within in the last five years, and the grounds for those refusals need to be taken into account.

Recommendation: Approve.

For the following reasons:

- 1 The proposed extensions to the dwelling house are considered to form an appropriate visual relationship with the dwelling and its surroundings. It would not be visually harmful to the Conservation Area in which it lies. The overall scale and massing of the proposed extensions do not affect the privacy, light and outlook of the adjoining properties in accordance with policies CP1, CP6, CP8, CP10 and HE7 of the Adopted Oxford Local Plan 2001-2016 and CS18 of the Oxford Core Strategy 2026 and MP1, HP9 and HP14 of the Sites and Housing Plan.
- 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.

subject to the following conditions:-

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Materials as specified
- 4 SUDs
- 5 No balcony

Main Planning Policies:

Oxford Local Plan 2001-2016

- CP1 - Development Proposals
- CP6 - Efficient Use of Land & Density
- CP8 - Design Development to Relate to its Context
- HE7 - Conservation Areas
- CP10 - Siting Development to Meet Functional Needs

Core Strategy

- CS18 - Urban design, town character, historic environment
- CS11 - Flooding

Sites and Housing Plan

- HP9 - Design, Character and Context
- HP14 - Privacy and Daylight
- MP1 - Model Policy

Other Material Considerations:

- National Planning Policy Framework
- Application is within the North Oxford Victorian Suburb Conservation Area.

Relevant Site History:

None.

Public Consultation

Statutory Consultees:

County Drainage Team Manager – The extension should be drained using SUDs methods.

Third Party Comments Received:

3 letters of objections were received from 38 & 47 Chalfont Road and 122 Woodstock Road.

The following comments were raised:

- Overbearing to no.38
- Concern over the basement, that is would increase flooding and set a precedent for basement extensions in future
- Flat roof ground floor extension is modern in appearance and out of keeping
- First and second floor extension would create loss of sky views from no.38's kitchen velux windows
- Light spillage from the roof lights and overlooking

- Planning permission was sought twice for 38 Chalfont Road and was rejected due to the impact on neighbours.

Determining Issues:

- Design
- Residential amenity

Officers Assessment:

Site:

1. The application site lies on the east side of Chalfont Road. The property is in use as a residential house as part of a pair of semi-detached, 3-storey Victorian Oxford red brick properties.

Proposal:

2. The application proposes to demolish the existing single and two-storey rear extension. It would consist of the erection of a single storey flat roofed ground floor extension, a basement extension and a three-storey rear extension with a pitched roof.

Design:

3. Policy CS18 of the Core Strategy (OCS) states that planning permission will only be granted for development that demonstrates high quality urban design. This is reiterated in policies CP1 and CP8 of the Oxford Local Plan (OLP) and HP9 of the Sites and Housing Plan (SHP). Policy CP1 states that planning permission will only be granted for development that respects the character and appearance of the area and which uses materials of a quality appropriate to the nature of the development, the site and its surroundings. Policy CP8 suggests that siting, massing and design of the proposed development creates an appropriate visual relationship with the form, grain, scale, materials and details of the surrounding area.
4. The application site lies within the North Oxford Victorian Suburb Conservation Area where policy HE7 of the OLP applies. This states that planning permission will only be granted for development that preserves or enhances the special character and appearance of the conservation area and its setting.
5. The proposed basement extension would extend the entire width of the house and would be 10.35m in length. The single storey rear extension would also extend the entire width of the house and would be 8.4m in length. It would be constructed of matching brickwork and render. It would be 3.0m in height with a flat roof. The roof would have three roof lights. There is a brick boundary wall between properties 40 and 38 Chalfont Road which is approximately 2.0m in height.
6. The three-storey rear extension would be 3.65m wide and 8.9m high. It

would mirror the existing three-storey rear extension at no.38 Chalfont Road, the only difference being that it would extend out slightly further in length than no.38's extension by 0.6m further rearwards. The total length would be 3.4m from the existing rear wall. The three-storey extension would be built in matching brick work with a pitch roof with matching tiles.

7. Concerns have been raised with regards to the basement extension affecting the integrity of the adjoining property at 38 Chalfont Road with regards to the displacement of water towards no.38 and increased flooding in the area. In terms of the basement affect the integrity of the structure of 38 Chalfont Road, the construction would need to conform to Building Regulations and will the Party Wall Act. These matters are governed by legislation outside of the planning system and therefore, it is the principle of the basement development that will be considered.
8. The basement extension is substantial in size however; this alone should not be a reason to refuse it. The application has a large rear garden and a large existing house, the basement would not conflict with any current planning policies and there are no other materials considerations that would warrant the basement to be refused. It is considered that the basement is acceptable, and the structural and construction issues will be dealt with under separate legislation outside the planning remit.
9. Concerns have also been raised from no.38 Chalfont Road with regarding to the flat roofed single storey rear extension being modern in appearance and therefore out of keeping. The new ground floor extension is of a contemporary design and this would alter the character of the building at the rear. However, this alteration is considered not significant to harm the character and appearance of the existing house or surrounding area. It would be located at the rear of the property and would not be visible from the public realm. In this regard, it is considered that the proposed extension would preserve the special character and appearance of the conservation area as viewed from public vantage points and therefore complies with HE7 of the OLP.
10. The proposed three-storey rear extension would appear sympathetic to the character of the existing dwelling. In terms of design, officers consider the proposed three-storey extension which would have a form and appearance that would appear in keeping with the existing dwelling and would mirror the extension at no.38 would be appropriate and complies with policies CP1, CP6 and CP8 of the OLP, CS18 of the OCS and HP9 of the SHP.

Residential Amenity:

11. Policies HP.14 of the SHPDPD and CP.10 of the OLP require the appropriate siting of new development to protect the privacy of the proposed or existing neighbouring, residential properties. Proposals are assessed in terms of potential for overlooking into habitable rooms or private open space.

12. Concerns have been raised from the adjoining property that the flat roof could result in a loss of privacy if access to the roof was given. No access to the roof is proposed and a condition shall be imposed to prevent the flat being used as a terrace or balcony in order to protect the privacy of the occupiers of no.38.
13. There is already a degree of mutual overlooking from existing windows and whilst concern has been raised with potential overlooking from No.42 Chalfont Road's side first floor window into the roof lights of No.38 with the demolition of the existing pitched roof extension at ground floor. However, it is considered that the distance and acute angles would not give rise to a significant harmful level of overlooking or loss of privacy to No. 38.
14. Concerns have also been raised with regard to light spillage from the proposed roof lights on the ground floor extension. Amended plans were received on 26th September showing a reduced size in the two large roof lights. The size of the extensions remains the same. It is considered that this would not be harmful to the residential amenity of No.38 and would not be materially different from light spillage that currently occurs from the roof lights in No.38's ground floor extension.
15. Policy HP.14 of the SHPDPD also sets out guidelines for assessing development in terms of whether it will allow adequate sunlight and daylight to reach the habitable rooms of neighbouring dwellings. This policy refers to the 45 degree code of practice, detailed in Appendix 7 of the OLP.
16. The proposed extensions comply with the 45/25 degree lines and therefore, are considered not to cause a significant loss of sunlight or daylight to the neighbouring properties.
17. It is considered that the application complies with the aims and objectives of Policy HP14 of the SHP and CP10 of the OLP, which seeks to safeguard the amenities of adjoining properties and that it has been carefully designed to minimise any adverse impact to the neighbouring property. It is therefore considered acceptable in this regard.
18. Concern has also been raised with regard to the proposed extensions affecting the outlook from the velux windows in No.38's kitchen. Whilst the three-storey would result in some loss of visible sky from these roof lights, the extension is set back from the boundary and the loss of sky would not be significant to warrant refusal of planning permission. It is considered that the occupiers would still be able to see a vast amount of sky from at least 4 of 6 of their roof lights and through their full glazed door. It is considered that the extension would not adversely affect their outlook in this regard.

Other matters:

19. Based on a review of current archaeological evidence the proposal is considered not have any archaeological impacts as it is considered to be relatively small in scale and not located within the main archaeological historic route of the Woodstock Road. Therefore, it is considered that no archaeological condition is necessary for this development.

Conclusion:

The proposed extensions to the dwelling house are considered to form an appropriate visual relationship with the dwelling and its surroundings. It would not be visually harmful to the Conservation Area in which it lies. The overall scale and massing of the proposed extensions do not affect the privacy, light and outlook of the adjoining properties in accordance with policies CP1, CP6, CP8, CP10 and HE7 of the Adopted Oxford Local Plan 2001-2016 and CS18 of the Oxford Core Strategy 2026 and MP1, HP9 and HP14 of the Sites and Housing Plan

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.

Background Papers: 13/02123/FUL

Contact Officer: Davina Sarac

Date: 26th September 2013

13/02123/ful

40 Chalfont Road



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Scale : 1:1250

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Organisation	Not Set
Department	Not Set
Comments	
Date	26 September 2013
SLA Number	Not Set

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WEST AREA PLANNING COMMITTEE

8th October 2013

Application Number: 13/02084/FUL

Decision Due by: 8th October 2013

Proposal: Erection of a single storey side and rear extension.

Site Address: 81 Wytham Street – Appendix 1

Ward: Hinksey Park

Agent: N/A

Applicant: Mr Matthew Fasanya

Application called in by Councillor Van Nooijen supported by Councillors Coulter, Khan and Clarkson due to the significant planning history on the site.

Recommendation:

APPLICATION BE REFUSED

For the Following Reason:

- 1 As a result of its bland side wall, awkward roof form and poor articulation with the form of the existing house, the proposed extension would detract from the appearance of the prominent corner plot and consequently the streetscene contrary to the requirements of policies CP1 and CP8 of the Oxford Local Plan 2001-2016, policy CS18 of the Oxford Core Strategy 2026 as well as policy HP9 of the Sites and Housing Plan 2011-2026.

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

Core Strategy

CS18_ - Urban design, town character, historic environment

Sites and Housing Plan

HP9_ - Design, Character and Context

HP12_ - Indoor Space

HP13_ - Outdoor Space

HP14_ - Privacy and Daylight

Other Material Considerations:

National Planning Policy Framework

Relevant Site History:

09/02342/FUL - Erection of detached 2 storey dwelling with accommodation in the roof space. Erection of double garage and provision of off road parking for new and existing dwelling - Refused 8th February 2010.

10/00363/FUL - Erection of two storey building to form a three bedroom dwelling house with off street parking on land adjacent to 81 Wytham Street - Refused 14th April 2010.

10/03078/FUL - Double storey side extension and detached double garage - Refused 16th February 2011.

11/01739/FUL - Two storey side extension - Refused 11th August 2011.

11/02150/FUL - Proposed two storey side extension and single storey rear extensions (amended plans) - Refused 24th October 2011.

12/00508/FUL - Erection of two storey side extension and single storey rear extension – Declined to Determine 22nd March 2012.

12/00947/FUL - Erection of two storey side extension and single storey rear extension - Refused 30th May 2012.

12/01437/FUL - Erection of single storey side extension and single storey rear extension - Refused 18th July 2012.

12/03016/FUL - Erection of single storey side extension and single storey rear extension – Declined to Determine 25th March 2013.

Representations Received:

Five objections received from third parties raised the following concerns:

- The proposed extension would appear over-dominant within the plot and break up the established building line of Oswestry Road;
- The proposals have changed very little from that rejected at appeal only recently;
- The design has little in common with that of the existing house and has conflicting roof lines that appear unsightly from Oswestry Road;

- The area is subject to flooding and this extension would only exacerbate the problem.

Statutory and Internal Consultees:

Local Highway Authority – No objection subject to imposition of a condition requiring appropriate pedestrian vision splays onto Oswestry Road.

Drainage Officers – No objection subject to development being drained using SuDS methods.

Officers' Assessment:

Application Site and Locality

1. The application site relates to one of a pair of cement rendered semi-detached family sized houses of mid-twentieth century construction. The property is located on a corner plot in a wider suburban residential area featuring predominantly semi-detached and terraced family sized dwellings of similar age. Appendix 1 to this report shows the site within its context. The house has been extended via a single storey rear extension following its original construction. A significant number of other properties in the locality have been altered and/or extended in recent decades such that some of the original uniformity of the area has been lost though the gaps around houses particularly on corner plots give the area a more spacious feel.

Description of Proposed Development

2. The application seeks consent to erect single storey side and rear extensions to 81 Wytham Street. The application drawings also show the creation of a vehicular access from Oswestry Road though this is not set out in the description of development proposals. In any event, the creation of such a new access and associated off-street parking would not require planning permission by itself as the road is not classified. The proposals differ from that previously refused by virtue of the side extension being set back slightly further from the front wall of the house (by approximately 1m) and a change to the roof form to a hipped roof from a gable end (facing Oswestry Road).

Background

3. The site has generated a significant planning history in the past few years. A number of planning applications have been submitted seeking permission for, originally, a new detached dwelling on the site but more recently has been reduced to two storey side/rear extensions and then more latterly to single storey side and rear additions. All such applications have been refused by the Council with five cases also dismissed at appeal including the most recent application for single storey side and rear extensions.

4. The most recent appeal decision related to a scheme for a side and rear extension that the Council refused due to its impact on the streetscene caused by the bland side wall, awkward roof form and loss of openness of the corner plot. At appeal the independent Planning Inspector concurred with the views of the Council and stated that: *“the roof pitches would be shallow and their overall design is at odds with the host dwelling and not characteristic of properties in this locality generally. In addition*

the side elevation would be blank apart from a single doorway. In view of its length, this would create a bland, poorly articulated side elevation. Therefore, given the prominent location of these extensions I conclude that overall the proposal would not achieve an acceptably high quality of design". The appeal was consequently dismissed and the decision is a material planning consideration of very significant weight in the determination of this application. The Inspector's decision letter is attached as appendix 2.

5. Officers consider the principal determining issues in this case to be:

- Design/appearance;
- Impact on Neighbouring Amenity;
- Parking/Highway Implications; and
- Flooding.

Design/Appearance

6. Policies CP1 and CP8 of the Local Plan as well as policy HP9 of the Sites and Housing Plan 2011-2026 (SHP) require development to relate well to its context and, where a site is particularly prominent, proposals should enhance the style and perception of the area. It is against this development plan policy backdrop that the proposals should be assessed in design terms.

7. The Council has previously not considered the rear single storey lean-to element of the proposals to be objectionable and this continues to be the case as it is virtually unchanged from that proposed in the previous application. Indeed the Inspector agreed in her recent appeal decision that the rear extension element was not an issue of concern.

8. The Inspector in her recent appeal decision raised the importance of high quality design given the visual prominence of the corner. The current scheme is not however considered to represent a sufficient improvement over that recently dismissed at appeal. Whilst to an extent the mass of the side wall facing Oswestry Road has been reduced by the elimination of the gable and the slight set back from the front wall, the side wall remains bland and punctuated with just one rather unattractive window sited well down along the side wall so that the visible corner remains predominantly blank and oppressive.

9. The Inspector previously raised concerns about the poor articulation of the extension with the house. In this case the roof forms are considered to be of varying and awkward roof pitches that, whilst from the front elevation appear more acceptable, take on an unusual and rather contrived form when viewed from Oswestry Road that does not appropriately respond to the character of the existing house. For these reasons officers consider the proposals to continue to fail to meet the high quality expected of development on such a prominent site in accordance with the specific requirements of policy CP8 of the Local Plan

Impact on Neighbouring Amenity

10. The impact of the extensions has already been assessed under numerous previous planning applications as well as appeal decisions and been found to be acceptable. No additional harm will result from these new proposals due to their reduced scale such that they must continue to be acceptable.

Parking/Highway Implications

11. The current property does not benefit from any off-street parking provision despite being a three bedroom family house. The proposed drawings include the provision of a hardstanding area for the parking of two cars to be accessed from Oswestry Road which should reduce the level of on-street parking in the locality. In any event, previous applications have been considered acceptable in relation to highway safety impacts and it would not now be reasonable to object to the scheme on these grounds. A condition should however be imposed requiring appropriate pedestrian vision splays as per the Highway Authority's recommendation if the application were to be approved despite officers' recommendation.

Flooding

12. Whilst this issue has been raised by objectors on both this application and previous applications, no concern is raised about the impact on flood risk given the minor scale of the development proposed and that proposed floor levels in the extensions are set no lower than existing floor levels of the house in accordance with Environment Agency standing advice for householder developments. The proposals must therefore continue to comply with policy CS11 of the Core Strategy in this regard as well as national guidance in the NPPF.

Conclusion:

The proposed extensions are not considered to address the reasons for refusal of the previous application or the concerns raised by the Inspector when dismissing the appeal. Consequently the proposed extensions are considered to have an unacceptable visual relationship with the existing house and wider streetscene. Committee is therefore recommended to refuse planning permission for the reason set out at the beginning of this report.

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

Background Papers:

09/02342/FUL

10/00363/FUL

10/03078/FUL

11/01739/FUL

11/02150/FUL

12/00508/FUL

12/00947/FUL

12/01437/FUL

12/03016/FUL

13/02084/FUL

Contact Officer: Matthew Parry

Extension: 2160

Date: 18th September 2013

Appendix 1

13/02084/FUL - 81 Wytham Street



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Appeal Decision

Site visit made on 14 June 2013

by H Butcher BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 29 July 2013

Appeal Ref: APP/G3110/A/13/2192497

81 Wytham Street, Oxford, OX1 4TN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Matthew Fasanya against Oxford City Council.
 - The application Ref 12/03016/FUL, is dated 19 November 2012.
 - The development proposed is single storey rear and side extensions.
-

Decision

1. The appeal is dismissed and planning permission is refused for single storey rear and side extensions.

Procedural matters

2. The Council resolved at its Planning Committee on 16 March 2013 that, had it been in a position to determine the application, it would have refused permission for the scheme for reasons relating to its impact on character and appearance of the surrounding area.

Main issue

3. The main issue is the effect of the proposal on the character and appearance of the host dwelling and surrounding area.

Reasons

Character and appearance

4. The appeal site is located on the corner of Wytham Street and Oswestry Road. Both roads are residential and suburban in character consisting of pairs and terraces of closely spaced dwellings. However the appeal site is more spacious in character due to it being a corner plot and consequently it is visually prominent in the street scene.
 5. The ridge height of the proposed side/rear extension would be well below the main eaves height of the existing dwelling and just below the level of any first floor window sill which would go some way to limiting its visual bulk. However the roof pitches would be shallow and their overall design is at odds with the host dwelling and not characteristic of properties in this locality generally. In addition the side elevation would be blank apart from a single doorway. In view
-

of its length, this would create a bland, poorly articulated side elevation. Therefore, given the prominent location of these extensions I conclude that overall the proposal would not achieve an acceptably high quality of design. Consequently it would have a harmful effect on the character and appearance of the host dwelling, street scene and surrounding area.

6. In coming to my conclusion I have had regard to the other extensions in the area but this has not lead me to change my conclusion, particularly given the specific attributes of the appeal site and its prominent location within the street scene. I have also bourn in mind the fact that Council officers recommended approval of the scheme, although for the reasons indicated above, I disagree with their judgement that it would be in keeping with the area.
7. I therefore find the proposal to be in conflict with policy CS18 of the Oxford Core Strategy 2026 which seeks to ensure development demonstrates high quality urban design through responding appropriately to the site and surroundings. Similarly it also conflicts with policies CP1 and CP8 of the Local Plan and policy HP9 of the Sites and Housing Plan which require development to show a high standard of design that respects the character and appearance of the area.
8. I note the Council has no objection to the rear lean-to element of the scheme and I see no reason to disagree with this stance. However, it is not clear to me that the appellatant could or would wish to implement this independently of the rest of the proposal.
9. For the above reasons, and having regard to all matters raised, I conclude that the appeal should be dismissed.

Hayley Butcher

INSPECTOR

Agenda Item 8

Monthly Planning Appeals Performance Update – August 2013

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 August 2013, while Table B does the same for the current business plan year, ie. 1 April 2013 to 31 August 2013.

Table A. BV204 Rolling annual performance (to 31 August 2013)

A.	Council performance		Appeals arising from Committee refusal	Appeals arising from delegated refusal
	No.	%	No.	No.
Allowed	14	(33%)	4 (50%)	10 (29%)
Dismissed	29	67%	4 (50%)	25 (71%)
<i>Total BV204 appeals</i>	43		8	35

Table B. BV204: Current Business plan year performance (1 April to 31 August 2013)

B.	Council performance		Appeals arising from Committee refusal	Appeals arising from delegated refusal
	No.	%	No.	No.
Allowed	3	(23%)	1(33%)	2 (20%)
Dismissed	10	77%	2 (67%)	8 (80%)
<i>Total BV204 appeals</i>	13		3	10

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 August 2013

	Appeals	Percentage performance
Allowed	16	(32%)
Dismissed	34	68%
All appeals decided	50	
Withdrawn	2	

4. When an appeal decision is received, the Inspector’s decision letter is circulated (normally by email) to all the members of the relevant committee. The case officer also subsequently circulates members with a commentary on the decision if the case is significant. Table D, appended below, shows a breakdown of appeal decisions received during August 2013.
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 committee receive the notification letter. Table E, appended below, is a breakdown of all appeals started during August 2013. Any questions at the Committee meeting on these appeals will be passed back to the case officer for a reply.

Table D

No planning appeals decided.

Enforcement Appeals Decided Between 1/8/13 And 31/8/13

APP DEC KEY: ALC - Allowed with conditions, ALW - Allowed without conditons, AWD - Appeal withdrawn, DIS - Dismissed

EN CASE	AP CASE NO.	APP DEC	DECIDED	ADDRESS	WARD:	DESCRIPTION
12//0063/5/ENF	13/00006/ENFORC	DIS	23/08/2013	73 Dene Road Oxford Oxfordshire	LYEVAL	.Alleged erection of single storey outbuilding without planning permission

Total Decided: 1

TABLE E Planning Appeals Received Between 1/8/13 and 31/8/13

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	AP CASE NO.	DEC TYPE	RECM	TYPE	ADDRESS	WARD:	DESCRIPTION
12/02083/FUL	13/00043/REFUSE	DEL	REF	W	339 Banbury Road Oxford OX2 7PL	SUMMT	Erection of one apartment block comprising 2 x 1-bed and 1 x 2-bed apartments, cycle store and waste recycling point. (Additional information) (Additional plans) (Amended plans)
12/03053/OUT	13/00039/REFUSE	DEL	REF	W	Garages To The Rear Of 1 3 5 7 And 9 Coppock Close Oxford Oxfordshire	QUARIS	Demolition of eleven garages. Erection of 2 x single storey, one bedroom detached dwellings with provision of private amenity space, 2 parking spaces and cycle and bin
13/00386/FUL	13/00041/REFUSE	COMM	REF	W	166 Sandy Lane Oxford Oxfordshire OX4 6LQ	BBLEYS	Erection of a two storey side extension and alterations to existing 4 bedroom dwelling to create 1x1 bedroom dwelling and 1x2 bedroom dwelling
13/00404/FUL	13/00048/REFUSE	DEL	REF	W	102, 102A And 102B Bridge Street Oxford OX2 0BD	JEROSN	Installation of replacement windows to front elevation.
13/01015/VAR	13/00042/COND	DEL	SPL	W	387 Cowley Road Oxford Oxfordshire OX4 2BS	COWLYM	Variation of conditions 1, 2 and 3 of planning permission 12/01835/FUL to allow installation of plywood roof and timber screening on pergolas, change of premises operating hours and change of extraction equipment operating hours, post commencement of development.
13/01131/FUL	13/00040/REFUSE	DEL	REF	W	110 Oliver Road Oxford Oxfordshire OX4 2JG	LYEVAL	Erection of 2 x 2 bedroom dwellings (Class C3) to the rear of the existing property with associated parking for the existing and proposed dwellings.

Enforcement Appeals Received Between 1/8/13 And 31/8/13

TYPE KEY: W - Written representation, I - Informal hearing, P - Public Inquiry, H - Householder

EN CASE	AP CASE NO.	TYPE	ADDRESS	WARD:	DESCRIPTION
13/00170/ENF	13/00044/ENFORC	W	32 Old Marston Road Oxford Oxfordshire OX3 0JP	MARST	Erection of single storey outbuilding without planning permission
13/00317/ENF	13/00047/ENFORC	W	1 Valentia Road Oxford Oxfordshire OX3 7PN	CHURCH	Unauthorised outbuilding

WEST AREA PLANNING COMMITTEE

Tuesday 10 September 2013

COUNCILLORS PRESENT: Councillors Van Nooijen (Chair), Gotch (Vice-Chair), Benjamin, Clack, Cook, Jones, Price, Tanner and Clarkson.

OFFICERS PRESENT: Nick Worlledge (City Development), Matthew Parry (City Development), Michael Morgan (Law and Governance) and Sarah Claridge (Trainee Democratic and Electoral Services Officer)

32. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were received from Councillor Canning (substitute Councillor Clarkson).

33. DECLARATIONS OF INTEREST

There were no declarations of interest made.

34. WITHDRAWN_CASTLE MILL, ROGER DUDMAN WAY 11/02881/FUL

This application was withdrawn by officers so that the Council can seek external legal advice in relation to the discharge of conditions.

35. RUSKIN COLLEGE, WALTON STREET: 13/00832/FUL & 13/01075/LBD

The Head of City Development submitted a report (previously circulated now appended) which detailed a planning application and listed building consent to:

- Redevelop existing student accommodation and teaching site comprising the demolition of all buildings, with exception of the 1913 Ruskin College facade to Walton Street and Worcester Place, and erection of 90 student study rooms, 3 Fellows/Staff residential rooms, teaching facilities, library archive social space, landscaping and associated works. (13/01075/LBD)
- External alterations involving demolition of south and west facades of 1913 building, demolition of 1930's, 1960's and 1980's extensions and removal of existing roof. Erection of 4 storey extension to provide 90 student study bedrooms, 3 Fellows/staff residential rooms, teaching/lecture facilities, library archive and social space. Erection of replacement roof. Alterations to window openings, insertion of replacement windows and new gates to front elevation. (13/00832/FUL)

In accordance with the criteria for public speaking, the Committee noted that Christopher Johnson (South Jericho Residents' Association) and Peter Goatley (Worcester College) spoke against the application and Christopher Paterson (agent) spoke in favour of it.

The Committee resolved to DEFER the application so that the legal issues raised by the speakers opposed to the application could be investigated.

**36. WITHDRAWN_MANSFIELD COLLEGE, MANSFIELD ROAD:
13/001637/FUL**

This application was WITHDRAWN by officers for further consideration.

37. KEBLE COLLEGE: 13/01272/LBC

The Head of City Development submitted a report (previously circulated now appended) which detailed a listed building consent to provide an access control system, involving the erection of glass barrier across main entrance, formulation of new entrance into Porter's Lodge. Re-ordering of layout and other associated works in Porter's Lodge

The Committee resolved to APPROVE the listed building consent subject to the following conditions:

- 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 regulations
- 6 Repairs of damage after work
- 7 Further details – floodlighting/lighting
- 8 Details of screen

38. 24 CORNMARKET STREET:: 13/01760/FUL

The Head of City Development submitted a report (previously circulated now appended) which detailed a planning application to remove existing public telephone kiosk. Installation of kiosk combining a public telephone and ATM (retrospective).

The Committee resolved to APPROVE the planning application subject to the following condition:

1. Complete Development in accordance with approved plans with no variation without prior approval from the Local Planning Authority.

39. 14 LUCERNE ROAD: 13/01834/FUL

The Head of City Development submitted a report (previously circulated now appended) which detailed a planning application to erect 2 x 3-bed semi-detached houses (use class C3). Provision of two parking spaces and access, cycle and bin storage and amenity space.

In accordance with the criteria for public speaking, the Committee noted that Jeremy Teal and Colin Kilpatrick spoke against the application and Simon Sharp spoke in favour of it.

The Committee resolved to APPROVE the planning application subject to the following conditions:

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Materials
- 4 Parking, cycle and bin storage
- 5 Variation of Traffic Regulation Order to remove eligibility for residents' parking permits and provide replacement suitable on-street parking bays at applicant's expense
- 6 SuDS
- 7 Removal of Class A permitted development rights
- 8 Boundary treatments
- 9 Biodiversity improvements
- 10 Details of sustainability measures required
- 11 Construction Traffic Management Plan required
- 12 Glazing on existing window on South side

40. 40 KIRK CLOSE: 13/01724/FUL

The Head of City Development submitted a report (previously circulated now appended) which detailed a planning application to demolish a garage and erection of part two storey and part single storey side and rear extension.

In accordance with the criteria for public speaking, the Committee noted that Guy Roberts (agent) spoke in favour of the application.

The Committee resolved to APPROVE the planning application subject to the following conditions:

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Materials to match including light render side wall facing No.38
- 4 No new windows in south or north (side) elevations

41. RECEIPT AND EXPENDITURE ON S106 CONTRIBUTIONS FOR THE YEAR 2012/13

The Head of City Development submitted a report (previously circulated now appended) which detailed the receipt and expenditure of developer contributions for the last financial year 2012/13.

The Committee resolved to NOTE the receipt and expenditure of developer contributions in the last financial year (2012/13) and the proposed expenditure of developer contributions for 2013/14 plus future years

42. PLANNING APPEALS

The Committee resolved to NOTE the report on planning appeals received and determined during July 2013.

43. MINUTES

The Committee resolved to APPROVE the minutes of the meeting held on 13 August 2013 as a true and accurate record.

44. FORTHCOMING APPLICATIONS

The Committee resolved to NOTE the list of forthcoming applications.

45. DATE OF NEXT MEETING

The Committee resolved to NOTE that the next meeting would be held on Tuesday 8 October 2013.

The meeting started at 6.30 pm and ended at 8.00 pm