

# Agenda

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## West Area Planning Committee

Date: **Wednesday 12 November 2014**

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Time: **6.30 pm**

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

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For any further information please contact:

**Jennifer Thompson, Committee and Member Services Officer**

Telephone: 01865 252275

Email: [democraticservices@oxford.gov.uk](mailto:democraticservices@oxford.gov.uk)

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As a matter of courtesy, if you intend to record the meeting please let the Contact Officer know how you wish to do this before the start of the meeting.

# West Area Planning Committee

## Membership

<b>Chair</b>	Councillor Oscar Van Nooijen	Hinksey Park;
<b>Vice-Chair</b>	Councillor Michael Gotch	Wolvercote;
	Councillor Elise Benjamin	Iffley Fields;
	Councillor Bev Clack	St. Clement's;
	Councillor Colin Cook	Jericho and Osney;
	Councillor Andrew Gant	Summertown;
	Councillor Alex Hollingsworth	Carfax;
	Councillor Bob Price	Hinksey Park;
	Councillor John Tanner	Littlemore;

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

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# AGENDA

## Pages

1 **APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

2 **DECLARATIONS OF INTEREST**

3 **FORMER TRAVIS PERKINS SITE, COLLINS STREET:  
14/01273/OUT**

1 - 16

The Head of City Development has submitted a report which details an application for the demolition of existing building and outline application (seeking approval of access, appearance, layout and scale) for the erection of a new building on 4 levels consisting of Class B1 offices on ground floor and 17 x 1-bed and 13 x 2-bed flats at upper levels with provision of cycle and bin stores plus communal garden area (amended description and plans) on part of the former Travis Perkins Site, Collins Street.

**Officer recommendation:** to grant outline planning permission subject to conditions:

1. Time – outline / reserved matters.
2. Plans – in accordance with approved plans.
3. Materials – samples agree prior to construction.
4. Contamination – prior to construction.
5. Biodiversity – measures for wildlife.
6. Restrict B1 Office use and no change use allowed.
7. Turning/ servicing area, for turning only; no parking.
8. Residents exclude from CPZ.
9. Construction Traffic Management Plan – details prior to construction.
10. Cycle & bin storage – further details.
11. Fourth floor – roof and terraces; restrict use to maintenance, other than designated terraces.
12. Windows – obscure glazing, as on approved plans; at all times.
13. Public Art – scheme for implementation inc details & location.
14. NRIA – build in accordance with; provide further details of PV, water butts.
15. SUDS – build in accordance with.
16. Tree - Tree Protection Plan.
17. Trees – Details of methods of working (construction and demolition).
18. Tree – no dig.
19. Tree – pruning – detailed specification required.
20. Tree – underground services.
21. Details of boundary treatment prior to occupation.
22. Details of additional privacy division on rear balconies at first and second floors prior to construction.

and completion of a legal agreement: 50% of flats on site as affordable units.

**4 17-41 MILL STREET, OSNEY LANE: 14/02397/VAR**

17 - 26

The Head of City Development has submitted a report which details an application for the variation of condition 2 of planning permission 11/02382/FUL (for 55 student study rooms) to allow inclusion of kitchen, dining room/common room, reception area etc.

**Officer recommendation:** to grant planning permission subject to conditions:

1. Develop in accordance with approved plans.
2. Privacy louvres.
3. Management of students.
4. Out of term use.
5. Tree protection.
6. Trees - no felling, lopping, topping.
7. Landscape - underground services.
8. Tree protection plan.
9. Root protection area.
10. Landscape plan.
11. Landscape carry out after completion.
12. Landscape management plan.
13. Students no cars.
14. No car parking on site.
15. Control of access.
16. Delivery times.
17. Cycle parking.
18. CCTV.
19. Boundary treatment.
20. Ground contamination.
21. Vibration.
22. Noise attenuation.
23. Facilities for disposal of fats, oils, grease etc from kitchen.
24. Flood risk assessment.
25. Sustainable drainage.
26. Sustainability.
27. CEMP.
28. Travel plan.
29. Archaeology.
30. Public art.
31. Wildlife habitats.

**5 ALDI, BOTLEY ROAD: 14/01766/VAR**

27 - 32

The Head of City Development has submitted a report which details a planning application for the variation of condition 11 (opening hours) of planning permission 07/01187/FUL (Erection of supermarket) to allow for the extension of opening hours.

**Officer recommendation:** to grant planning permission subject to conditions

1. Development begun within time limit.
2. Deemed in accordance with approved plans.
3. Opening hours.

**6 96-97 GLOUCESTER GREEN: 14/02663/FUL**

33 - 42

The Head of City Development has submitted a report which details an application for change of use from Use Class A1 (Retail) to Use Class A3 (Restaurant).

**Officer recommendation:** to grant planning permission subject to conditions

1. Development begun within time limit.
2. Develop in accordance with approved plans.
3. Opening hours.
4. Scheme for cooking fumes and odours.
5. Scheme to protect against noise.
6. Noise limits on plant.
7. Bin storage details.

**7 4 - 5 QUEEN STREET / 114 - 119 ST ALDATES: 14/02256/FUL**

43 - 74

The Head of City Development has submitted a report which details an application for planning permission for:

- demolition of 4-5 Queen Street and the rear of 114-119 St Aldates;
- renovation and alteration of remaining properties at 114-119 St. Aldates with roof extension, plus erection of new building to Queen St on 5 levels plus basement.;
- change of use from offices and retail to form 2 Class A1 retail units plus further unit for either Class A1 (retail), Class A2 (offices) or Class A3 (restaurant) at basement and ground floor levels;
- provision of 133 student study rooms at upper levels, plus ancillary facilities at basement level and cycle parking for 110 cycles at ground floor level.

**Officer recommendation:** to grant planning permission subject to conditions and a legal agreement

1. Development begun within time limit.
2. Develop in accordance with approved plans.
3. Submission of design details - windows, roof extension, shop fronts etc.
4. Material Samples in Conservation Area.
5. No demolition before rebuilding contract.
6. Student Accommodation – Full Time Courses / Management Plan.
7. Student Accommodation - No cars.
8. Student Accommodation - Out of Term Use.
9. Archaeology - Design & method statement.
10. Archaeology – WSI.
11. Transport Assessment.
12. Travel Plan.
13. Cycle and Refuse Areas Provided.
14. Construction Traffic Management Plan.
15. Noise - insulation before use.
16. Air conditioning plant
17. Scheme of extraction / treating cooking odours from restaurant.
18. Detailed Energy Statement / NRIA.
19. Drainage Strategy.
20. Biodiversity Measures / Enhancements.
21. Development of a Servicing Plan for all uses.

Legal agreement: £628,028.24 towards off-site affordable housing provision.

The Head of City Development has submitted a report which details two applications at St John's College.

(i) 14/02399/FUL - Erection of new study centre building on 2 and 3 level basement as an extension to existing library. Re-landscaping of Presidents Garden (amended plans).

**Officer recommendation:** to grant planning permission subject to conditions

1. Development begun within 3 years.
2. Development in accordance with approved plans.
3. Samples in Conservation Area.
4. Ground re-surfacing – SUDS.
5. Programme of archaeological work.
6. Implementation of programme of archaeological work.
7. Landscaping plan required.
8. Landscape carry out after completion.
9. Hard landscaping.
10. Landscape underground services.
11. Tree Protection Plan.
12. Arboricultural Method statement.
13. Nesting birds.
14. Lighting scheme – ecology.
15. Remove bower structure by hand.
16. Bat boxes.
17. Construction Management Plan.

(ii) 14/02396/LBD - Internal and external alterations associated with links to the proposed library and study centre in the Presidents Garden. Various alterations to the Old Library, Laudian Library and Paddy Room at east and south ranges of Canterbury Quad, including access (amended plans).

**Officer recommendation:** to grant listed building consent subject to conditions

1. Commencement of works Listed Building consent.
2. Listed Building consent - works as approved only.
3. 7 days' notice to Local Planning Authority.
4. Listed Building notice of completion.
5. Further works - fabric of Listed Building - fire regs.
6. Sample panels of stonework.
7. Repair of damage after works.
8. Preservation of features from demolition.
9. Walls/openings to match adjoining.
10. Setting aside/reinstatement of features.
11. Preservation of unknown features.
12. Recording.
13. Restoration of bookcases.
14. Details relocated fabric.
15. Samples of exterior materials.

**9 ST. EDWARD'S SCHOOL, WOODSTOCK ROAD: 14/02294/VAR**

93 - 98

The Head of City Development has submitted a report which details an application for the variation of condition 2 (approved plans) of planning permission 13/01645/FUL (Erection of two storey building accommodating music school and ancillary facilities) to allow alternative materials to be used and minor amendments to the approved plans involving alterations to windows.

**Officer recommendation:** to grant planning permission subject to conditions

1. Time Limit.
2. Develop in accordance with approved plans.
3. Samples of materials required.
4. Cycle parking details required.
5. Tree protection plan to be implemented.
6. Arboricultural construction methods as approved.
7. Bat Survey recommendations to be carried out.
8. Biodiversity measures required.
9. External lighting scheme required.
10. SUDS.
11. Phased contamination risk assessment required.
12. Sustainability measures to be implemented as approved.

**Community Infrastructure Levy:**

The development is liable for CIL to the amount of £9,500 unless a claim for relief is made.

**10 PLANNING APPEALS**

99 - 104

To receive information on planning appeals received and determined during October 2014.

The Committee is asked to note this information.

**11 MINUTES**

105 - 108

Minutes from 8 October 2014.

**Recommendation:** That the minutes of the meeting held on 8 October 2014 be approved as a true and accurate record.

**12 FORTHCOMING APPLICATIONS**

The following applications which will be considered at future meetings of the committee are listed for information. They are not for discussion at this meeting.

Westgate: 14/02402/RES (to be determined at additional meeting on 25<sup>th</sup> November 2014)

23 Walton Crescent: 14/02531/FUL  
Former Wolvercote Paper Mill: 13/01861/OUT  
Jericho Boatyard: 14/01441/FUL  
Aristotle Lane: 14/01348/FUL  
Dragon School Bardwell Road: 14/02466/FUL  
Chiltern Line - report on conditions  
13 Rectory Road: 14/02445/FUL

### **13 DATE OF NEXT MEETING**

The Committee will meet on the following dates:

#### 2014

Thursday 13<sup>th</sup> November if necessary (overflow meeting)  
Wednesday 25<sup>th</sup> November (additional meeting)  
Wednesday 10<sup>th</sup> December (Thursday 11<sup>th</sup> December if necessary)

#### 2015

Tuesday 13<sup>th</sup> January (Thursday 15<sup>th</sup> January if necessary)  
Tuesday 10<sup>th</sup> February (Thursday 12<sup>th</sup> February if necessary)  
Tuesday 10<sup>th</sup> March (Thursday 19<sup>th</sup> March if necessary)  
Tuesday 14<sup>th</sup> April (Thursday 16<sup>th</sup> April if necessary)  
Tuesday 12<sup>th</sup> May (Thursday 14<sup>th</sup> May 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.

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;
  - (d) 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;
  - (e) 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 Officers and/or other speakers); and
  - (f) voting members will debate and determine the application.

At public meetings Councillors should be careful to be neutral and to listen to all points of view. They should take care to express themselves with respect to all present including officers. They should never say anything that could be taken to mean they have already made up their mind before an application is determined.

### 4. Public requests to speak

Members of the public wishing to speak must notify the Chair or the Democratic Services Officer before the beginning of the meeting, giving their name, the application/agenda item they wish to speak on and whether they are objecting to or supporting the application. Notifications can be made via e-mail or telephone, to the Democratic Services Officer (whose details are on the front of the Committee agenda) or given in person before the meeting starts.

### 5. Written statements from the public

Members of the public and councillors can send the Democratic Services Officer written statements to circulate to committee members, and the planning officer prior to the meeting. Statements are accepted and circulated up to 24 hours before the start of the meeting.

Material received from the public at the meeting will not be accepted or circulated, as Councillors are unable to view proper consideration to the new information and officers may not be able to check for accuracy or provide considered advice on any material consideration arising.

### 6. Exhibiting model and displays at the meeting

Applicants or members of the public can exhibit models or displays at the meeting as long as they notify the Democratic Services Officer of their intention at least 24 hours before the start of the meeting so that members can be notified.

## 7. Recording meetings

Members of the public and press can record the proceedings of any public meeting of the Council. If you do wish to record the meeting, please notify the Committee clerk prior to the meeting so that they can inform the Chair and direct you to the best plan to record. You are not allowed to disturb the meeting and the Chair will stop the meeting if they feel a recording is disruptive.

The Council asks those recording the meeting:

- Not to edit the recording in a way that could lead to misinterpretation of the proceedings. This includes not editing an image or views expressed in a way that may ridicule, or show a lack of respect towards those being recorded.
- To avoid recording members of the public present unless they are addressing the meeting.

For more information on recording at meetings please refer to the Council's [Protocol for Recording at Public Meetings](#)

## 8. Meeting Etiquette

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.

9. Members should not:

- (a) rely on considerations which are not material planning considerations in law;
- (b) question the personal integrity or professionalism of officers in public;
- (c) proceed to a vote if minded to determine an application against officer's recommendation until the reasons for that decision have been formulated; and
- (d) seek to re-design, or negotiate amendments to, an application. The Committee must determine applications as they stand and may impose appropriate conditions.

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West Area Planning Committee

11th November 2014

**Application Number:** 14/01273/OUT

**Decision Due by:** 18th August 2014

**Proposal:** Demolition of existing building. Outline application (seeking approval of access, appearance, layout and scale) for the erection of new building on 4 levels consisting of Class B1 offices on ground floor and 17 x 1-bed and 13 x 2-bed flats at upper levels. Provision of cycle and bin stores plus communal garden area (amended description and plans)

**Site Address:** Part Of Former Travis Perkins Site, Collins Street, Site plan  
**Appendix 1**

**Ward:** St Clement's Ward

**Agent:** Mr Nik Lyzba

**Applicant:** Cantay Estates Ltd And A2  
Dominion Developments  
Ltd

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**Recommendation:** West Area Planning Committee is recommended to support the proposal in principle, and delegate to Officers to issue the decision notice subject to conditions on completion of an accompanying legal agreement. If a legal agreement is not completed, then committee is recommended to delegate Officers to refuse the planning application.

**Reasons for Approval:**

1. Officers consider that the proposed development makes best and most efficient use of the land, whilst retaining the protected employment use and providing for more employees, and providing 50% affordable housing. Whilst the development does not provide large family homes, contrary to BODs, due to material considerations an exception can be accepted in this case. It does provide adequate indoor and outdoor residential amenity space and the amenities of neighbouring properties are not significantly harmed. The development would have an impact on the adjacent protected Sycamore tree, but this could be mitigated by conditions. Car free office and housing is acceptable in this sustainable location and adequate cycle parking is provided. On balance therefore the proposal is considered to accord with the requirements of relevant policies in the Oxford Local Plan, Sites and Housing Plan, Core Strategy and the NPPF.
2. The Council has considered the comments raised in public consultation but consider that they do not constitute sustainable reasons sufficient to refuse planning permission 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 buildings, preserve the special character and appearance of the area.

**Conditions:**

1. Time – outline / reserved matters
2. Plans – in accordance with approved plans
3. Materials – samples agree prior to construction
4. Contamination – prior to construction
5. Biodiversity – measures for wildlife
6. Restrict B1 Office use & no change use allowed
7. Turning/ servicing area, for turning only; no parking
8. Residents exclude from CPZ
9. Construction Traffic Management Plan – details prior to construction
10. Cycle & bin storage – further details
11. Fourth floor – roof and terraces; restrict use to maintenance, other than designated terraces
12. Windows – obscure glazing, as on approved plans; at all times
13. Public Art – scheme for implementation inc details & location
14. NRIA – build in accordance with; provide further details of PV, water butts
15. SUDS – build in accordance with
16. Tree - Tree Protection Plan
17. Trees – Details of methods of working (construction and demolition)
18. Tree – no dig
19. Tree – pruning – detailed specification required.
20. Tree – underground services
21. Details of boundary treatment prior to occupation
22. Details of additional privacy division on rear balconies at first and second floors prior to construction.

**Legal Agreement:**

50% of flats on site as affordable units.

**Community Infrastructure Levy (CIL)**

Payable at reserved matters stage only

**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
- CP22 - Contaminated Land

TR1 - Transport Assessment  
TR3 - Car Parking Standards  
TR4 - Pedestrian & Cycle Facilities  
TR12 - Private Non-Residential Parking  
TR13 - Controlled Parking Zones  
TR14 - Servicing Arrangements  
NE14 – Water and sewerage infrastructure  
NE15 – Loss of trees and hedgerows  
NE16 – Protected trees  
NE21 - Species Protection  
NE23 - Habitat Creation in New Developments  
HE10 - View Cones of Oxford  
EC1 - Sustainable Employment  
HE2 – Archaeology

### **Core Strategy**

CS1 – Hierarchy of Centres  
CS2 - Previous developed land & greenfield land  
CS9 - Energy & natural resources  
CS10 - Waste & recycling  
CS12 - Biodiversity  
CS13 - Supporting access to new development  
CS17- Infrastructure & Developer contributions  
CS18 – Urban Design, townscape character and historic environment  
CS19 - Community safety  
CS22 -Level of housing growth  
CS24 - Affordable housing  
CS23 - Mix of housing  
CS27 - Sustainable economy  
CS28 - Employment sites

### 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  
SP56\_ - Travis Perkins, Chapel Street

### Other Planning Documents

Supplementary Planning Documents:

- National Planning Policy Framework
- Planning Obligations Supplementary Planning Document
- Natural Resource Impact Analysis
- Parking Standards, Transport Assessment and Travel Plans

## Public Consultation:

### Statutory Consultees Etc.

- Drainage Team Manager: No objection. Build in accordance with SUDs
- Thames Water Utilities Limited  
Thames Water would advise that with regard to sewerage infrastructure capacity and water infrastructure capacity, they do not have any objection. They advise 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 groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required.
- Highways Authority: No objection subject to conditions excluding the development from CPZ and construction traffic management plan.
- Environment Agency Thames Region No objection to the application, subject to a condition relating to contamination requiring a remediation strategy to be submitted and agreed if contamination identified, to ensure that any unexpected contamination encountered during the developments is suitable assessed and dealt with, such that it does not pose a unacceptable risk to ground or surface water.
- English Heritage Commission:  
Not necessary for this application to be notified to English Heritage

### Third Parties

Oxford Design Review Panel (ODRP): (note: a desktop appraisal was done by ODRP in this case on the submitted proposal. It was not involved at pre-app stage).

Comments are summarised as:

- Proposed density is a strain on site;
- Design quality, north facing single aspect of some units, privacy/ overlooking issues a concern;
- Needs careful design management due to proximity to student accommodation;
- High quality materials, internal / external spaces/ detailing is needed to compensate for intensification;
- Commercial units on ground floor should be designed with interim uses in mind if they remain vacant to ensure street feels safe and active;
- Planting space along Collins street could be more generous;
- Access and design of communal gardens should be improved, without compromising privacy of ground floor flats.



### Individual Comments:

The main points raised were:

- Overdevelopment of Travis Perkins as a whole, (inc. existing student development);
- Effect on character of area – existing buildings look like a prison. Design is not of a particularly high standard and out of keeping with area;
- Effect on sewers, gas, water pipes, electricity etc overloaded;
- Effect on privacy– impacted on already by existing development;
- Height of proposal;
- Daylight/sunlight – impacted on already by existing development;
- Should remain as an open space for children to use;
- Parking provision – should be provided; pressure for on-street parking;
- Effect on traffic from office parking and movements;
- The provision of additional housing is encouraged;
- Density and site coverage does not provide enough amenity and buffer space resulting in an adverse effect on the adjoining school and residential units;
- Although the 256 sqm of office space should support required employment level net usable floor area will be less due to toilets etc. provided.

### Planning History:

04/02259/OUT - Demolition of existing buildings on site. Outline application for 2044 sq.m of Class B1(a) office use and residential development, notionally of 57 x 1 and 2 bedroom flats (All matters reserved). (Travis Perkins, Chapel Street). PER 14th March 2006.

09/02518/OUT - Demolition of existing buildings on site. Outline application (with all matters reserved) for up to 2100sq m of class B1(a) offices and up to 200 student study rooms. Provision of cycle and car parking, landscaping and ancillary facilities.. PER 22nd September 2010.

11/01712/RES - Demolition of existing buildings on site. Erection of 166 student study rooms and 4 fellows flats in two blocks on 3 and 4 levels, together with sunken gym, single storey pavilion amphitheatre, 5 car parking spaces, 90 cycle parking spaces, landscaping and ancillary works. (Reserved Matters as part of Outline planning permission 09/02518/OUT seeking approval of details of layout, scale, appearance, access and landscaping) (Amended description and plans). PER 19th October 2011.

12/01388/RES - Demolition of existing buildings on site. Erection of 190 student study rooms in two blocks on 3 and 4 levels together with 2 bedrooms in gatehouse buildings, 5 car parking spaces, 100 cycle parking spaces, landscaping and ancillary works. (Reserved Matters of outline planning permission 09/02518/OUT seeking approval of details of layout, scale, appearance, access and landscaping) (Amended plans). PER 23rd August 2012.

13/01215/FUL - Erection of three storey block of student accommodation consisting of 9 cluster flats and 14 bedsit/studios (59 units) plus ancillary accommodation, cycle parking and bin storage (amended document). Withdrawn

14th October 2013; Contrary to Policy.

Pre-application consultation:

The applicant undertook pre-application discussions with Officers prior to submission of the application.

**Officers Assessment:**

**Background to the Proposal:**

1. The site was formally occupied as a builders yard, for many years known as Tuckwells Yard. Subsequently it was occupied by Travis Perkins also as a builders yard who in recent times have relocated to a site at Sandy Lane. Part of the site was developed in the early 1980s for residential purposes accessed off East Avenue at what is now Ablett Close.
2. In 2004 planning permission was sought to redevelop the remainder of the site with outline planning permission being granted in 2005 for 57 x 2 bed flats and 2044 sq m of business floorspace under reference 04/02259/OUT. At that time the outgoing 1997 Local Plan was still in force which did not allocate the site for redevelopment, though the successor Local Plan intended to identify the site as a key employment site under policy EC2. In the event the Plan was adopted in November 2005 as the 2005 Local Plan though by this time the outline permission had been granted.
3. In 2009 a further outline application was submitted under 09/02518/OUT which was similar to the previous one but substituting student accommodation for the residential element. This was granted permission.
4. The outline permission was followed up by a reserved matters application for the student accommodation on only part of the development under reference 11/01712/RES, with St. Hilda's as the intended occupier. However the college withdrew its interest in the development and as a consequence a revised reserved matters application was submitted as 12/01388/FUL which remained essentially as the previous one but without some of the features which the college had sought, such as the central buildings accommodating fitness and meeting rooms etc. This permission has been completed and is occupied.
5. In 2013 an application was submitted on the remainder of the site to the front, comprising student accommodation under ref 13/01215/FUL. However this proposal was considered unacceptable in principle due to the loss of the protected key employment site and further student accommodation, over and above the student accommodation constructed under 12/01388/FUL, contrary to Policy CS28 of the Core Strategy and Policies SP56 and HP5 of the SHP by then in force. The applicant subsequently withdrew the application.

**Current Proposal:**

6. This application is for outline approval of access, appearance, layout and scale, with only landscaping reserved.

7. The proposal is for a four storey building fronting Collins Street comprising a mix of office and residential use, 50% of which would be affordable. On the ground floor are 3 office units to the front (256sqm of space) and 5 flats to the rear made up of 2 x 1beds and 3 x 2 beds. At first and second floors are 6 x 1beds and 4 x 2 beds. Finally at fourth floor are 3 x 1beds and 2 x 2 beds. This floor is set back from the main façades.. A total of 30 units would be provided. Originally 31 units were proposed but reduced following design issues and as there would be under 50% affordable housing provision. The affordable housing is provided in conjunction with A2 Dominion, who is also named as joint Applicants. The flats have a mix of private terrace on the top floor and balconies elsewhere together with a communal rear garden. The office units each have their own access direct onto Chapel Street and the flats have two entrances also from Chapel Street but also two secondary side accesses. Cycle and bin storage is provided for both office and residential units, with the development would be car free. The site lies with in the East Oxford Controlled Parking Zone.
8. Officers consider the principal determining issues to be:
  - Principle of mixed use development;
  - Balance of Dwellings;
  - Affordable Housing;
  - Site layout and built forms;
  - Amenities;
  - Impact on neighbours;
  - Tree;
  - Parking and transport;
  - Contamination;
  - Biodiversity; and
  - Sustainability.

**Principle of Mixed Use development:**

9. This part of the former larger Travis Perkins site is allocated under Policy SP56 which states that planning permission will be granted for a mix of residential and employment. As a Protected Key Employment site, the existing level of employment should be retained on site. Planning permission will not be granted for any other uses. The development will be expected to minimise car parking spaces on site. Applicants will be expected to demonstrate how the development mitigates against traffic impacts and maximises access by alternative means of transport. Pedestrian and cycle links through the site should be enhanced.
10. The supporting text goes on to clarify that any redevelopment [of the larger Travis Perkins site] would be expected to retain the existing level of employment, which means the number of employees not employment area. This could potentially be achieved by making more efficient use of the site by developing the employment at a greater density on a smaller footprint. The remainder of the site would be suitable for residential.
11. As the rear of the site has been development for student residential use this front half of the site naturally falls to provide the replacement employment use. The

outline permission of 2009 established this principle because whilst the overall amount of employment land on this site was significantly reduced the employment generated would be greater as the builders yard employed relatively few people. It was on this basis that this proposal was supported. This outline has now lapsed however and therefore the reserved matters that secured this employment cannot be submitted.

12. Policy CS28 of the Core Strategy and supporting text sets out the Councils policy for employment sites and states clearly that planning permission will not be granted for development that results in the loss of key protected employment sites. The policy allows for modernisation of an employment site where it can be demonstrated that new development secures employment; allows for higher-density development that seeks to make the best and most efficient use of land; and does not cause unacceptable environmental intrusion or nuisance.
13. Policy SP56 in conjunction with Policy CS28 protect the employment use, but do not prevent the further development of this part of the site for mixed residential and employment use.
14. The builders merchant / yard employed between 15 - 20 people with the office units now proposed likely to provide in the range of 20-25 employees depending on the nature of the business occupiers. Therefore, whilst the amount of office floor space provided is relatively small it would still create employment and provide for more employees than the previous builders yard, and is therefore in accordance with SP56. It also makes efficient use of land, providing much needed housing, including 50% affordable, and would not lead to any unacceptable environmental intrusion or nuisance in accordance with CS28.
15. It is therefore concluded that the proposal accords with the requirements of both the above policies and can be accepted accordingly.

#### **Balance of Dwellings (BODs):**

16. CS23 of the CS requires an appropriate mix of residential dwellings and is supported by the BODs SPD. The site lies within a neighbourhood area highlighted as 'red' in the BODs SPD requiring developments of 10 or more units to provide a mix of sized units including family units of 3 or more beds. This current proposal does not provide any 3 or 4 bed units and therefore is contrary to the SPD. However it is considered that there are other material considerations in this case which mean development of this site is not suited to family units and therefore an exception to the BODs requirement can be fully justified. The size of the plot and its rectangular shape and the need in urban design terms for the building to front the road frontage means that the garden area to the rear is relatively small and north facing. Family units require a private garden, and it has not been possible to provide adequate garden area for a family, together with communal garden and other private space for the ground floor flats and the necessary ancillary bins and cycle storage requirements. Together with its proximity to the student development behind and the orientation the family garden space would be somewhat overlooked and overshadowed and therefore not apposite in the circumstances to use by a family. Nor is there any parking

provision. In weighing up these other considerations and the benefits of the development Officers take the view that on balance the site is not suitable to development for 3 or 4 bed family flat units. Whilst contrary to the overall principles of BODs the development provides for a mix of units and much needed affordable housing provision in accordance with CS22 and CS23 of the CS.

### **Affordable Housing:**

17. In addition to the general principle of mixed use development on this site, it is considered that the mixed nature of the development itself makes best and most efficient use of the land whilst meeting the need for affordable housing. In this respect the proposal is compliant with Policy CS24 of the CS and HP3 of the SHP as it would provide 50% affordable housing; creating 15 flats of mixed tenure with a 80:20 split of social rent to shared ownership. The Affordable Housing Officer has raised no objection to provision of 1 and 2 bed units, in light of the above issues regarding mix. The affordable housing would be secured via a S106 agreement.

### **Site Layout and Built Forms.**

18. The building is a contemporary rectilinear design and minimalist in detailing, using clean lines. The use of set backs and a mix of hung tiles and render materials serve to give vertical emphasis and break up the massing to the frontage. The balconies are glass and the top floor set back from the front façade and of a lighter weight construction to reduce the visual impact and appearance of overall height. Each employment unit has its own entrance to Collins Street, as do the flats, which is in line with urban design principles of active frontages and design against crime.

19. The character of the surrounding area varies from the large Victorian period building of the adjacent school, the domestic scale Victorian terrace houses along East Street and the commercial buildings of Tesco's and other properties along the Cowley Road, not to mention the three and four storey contemporary student accommodation to the rear of the former Travis Perkins site. Whilst the comments of the ORDP are noted Officers consider that the development as now proposed is suited to its location and given the mix of architectural styles would not be harmful or detrimental to the varied architectural mix in the immediate locality. Whilst it is a four storey building, this is not considered unacceptable, given the top floor is set back and against the back drop of the existing development behind, the tall school building adjacent and three storey Hooper building opposite. The design has been altered during the application process; reducing the number of units on the ground floor by one which has improved the layout and quality of these flats, enlarging balconies, improving privacy and re-adjusting the bins/ cycle storage to provide an improved garden space.

20. The development is therefore considered acceptable in accordance with Policies CP1, CP8, CP9, CP10 of the OLP and HP9 of the SHP and CS18 of the CS.

### **Amenities:**

21. The flats are of the required floor area set out in HP12 of the SHP and two units are wheelchair accessible and all are to Lifetimes Homes standard in accordance with HP2 of the SHP. The flats have private balconies and access to a communal garden to the rear. Ground floor flats have their own private terrace area which would be screened off using landscaping. Most balconies and terraces are to minimum standards but one or two are just below but combined with the communal area the amount of outdoor amenity space is acceptable in accordance with Policy HP13 of the SHP.
22. Bin storage is provided for both employment and residential uses, details of which can be secured by condition.

### **Impact on neighbours:**

#### *Overlooking / Privacy*

23. The building has been carefully designed to avoid overlooking to the neighbouring school and its playground, using angled oriel windows. To the rear overlooking to and from the student accommodation has been overcome using obscure glazed panels (as used on another flatted development to the rear of the former Blackwell's building on the Cowley Road) and glazed windows. On the fourth floor there are no private terraces to the rear. To East Avenue the balconies / terraces are again screened using obscure glazing and due to the set back from the façade at fourth floor views from the building are impaired. The building faces Hooper House (offices) opposite across Collins Street where any amenity issues are reduced across this public space. The setback at fourth floor level and balcony screening also impair views. The obscure glazing could be secured by condition.

#### *Sunlight / Daylight*

24. The student accommodation to the rear is occupied on a long term lease with occupiers usually out of the building during the day after breakfast, returning in the evening. The applicant has submitted a solar study and, further to concerns expressed by Officers, a 3D solar study. Whilst the development will have some shading and loss of sun light to the front facing study bedrooms, taking into account the nature of occupation of the building, it is not considered harmful to their amenities such as to warrant refusal of planning permission.
25. In respect of other neighbouring properties it is considered that there would be no significant adverse impact on daylight or sunlight.

#### *Overbearing*

26. Despite the overall massing of the development, it is considered that the proposal is sufficiently distanced away from neighbouring properties, including the student accommodation behind and its lodge, not to appear overbearing.
27. In summary therefore Officers consider the development acceptable in accordance with Policy HP14 of the SHP.

### **Tree:**

28. To the west of the site, on the boundary, is a mature Sycamore tree, which stands within the grounds of the adjacent East Oxford Primary School. This tree makes a significant contribution to public amenity and is now protected by a provisional Tree Protection Order.
29. The development would come with-in the canopy of the tree at second, third and fourth floor levels, as the canopy begins above the ground floor. Branches which overhang the site will have to be pruned to accommodate the building during construction phase of development. The impact of the development on the public amenity value of the tree will increase the further the tree is pruned back from the line of the proposed building from 1st floor and above during construction. 1.5 metres is usually the minimum space required to erect scaffolding for example and this would be significantly harmful.
30. However, Officers consider the impact can be minimised by conditions that require a detailed pruning specification and detailed statement setting out the methods of working where the branches overhang which takes account of the need to minimise any pruning of the tree and to avoid impact damage to its branches during both the demolition and construction phases of development. Pruning to provide space for scaffolding will not be permitted unless there is evidence that construction cannot reasonably be undertaken in any other way. These arrangements have been agreed following a detailed negotiation between the applicant's arboriculturalist and the Planning Service's Tree Officer.
31. On the basis of these conditions the potential harm to public amenity in the area can be mitigated in accordance with OLP policies CP1, CP11, NE15 and NE16.

#### **Transport:**

32. The development site lies with in the East Oxford Controlled Parking Zone and the proposal would be car free. Whilst just slightly outside the District Centre, and behind the Cowley Road, the site is extremely sustainable; it is close to shops and facilities with good public transport links in and out of the City. There are car clubs close to the site which residents could engage in and which are popular in this part of Oxford. Public car parking is also available at the adjacent Union Street car park. As the site is within the CPZ, then car parking can be controlled. The Highways Authority has raised no objection to the development subject to a condition excluding residents from eligibility for parking permits, which could be secured by condition. No objection is therefore raised by Officers to a car free development in accordance with HP16 of the SHP and TR1, TR3 and TR13 of the OLP.
33. 62 cycle spaces are proposed (2 per unit) and 8 spaces for the Office units (1 space per 55sqm of office space), which is accordance with the Policy requirements of HP15 of the SHP and TR4 of the OLP.
34. There is an area allocated on site for turning of delivery vehicles because as Collins Street is not a through route. This is a requirement of the Highway Authority and can be controlled by condition in accordance with TR14 of the OLP.

#### **Biodiversity:**

35. The existing two storey building on this part of the site is to be demolished. A bat survey was undertaken and a Report submitted by Eco-consult dated 2012. No bats were found. The Biodiversity Officer agrees with the report findings and suggests a condition to secure measures to create new habitats for wildlife within the development. The proposal is therefore in accordance with Policies CS12 of the CS and NE21 and NE23 of the OLP.

#### **Sustainability :**

36. A Natural Resource Impact Assessment (NRIA) has been submitted under Policy CS9 of the Core Strategy and CP14 of the OLP and the NRIA SPD indicates that the development would achieve a score of 6 out of a maximum of 11.

37. The development will have photovoltaics on the roof and air source heat pumps for the commercial units to provide in excess of 20% renewable energy. It will also feature gas combination boilers, water efficient fittings, including water butts for garden maintenance, and will have a high efficiency fabric, low air permeability and fixtures and fittings to reduce carbon dioxide emissions. Sustainable materials and recycled aggregates will be used.

38. Officers consider that adequate energy efficiency measures are shown as being provided in accordance with CS9, CP14 and the SPD and further details of PV's and water butts and their implementation in accordance with the NRIA can be secured by condition.

#### **Other Matters:**

##### **Public Art:**

39. Public Art is required under Policy CP14 of the OLP and no details have been given at this stage. The provision can be secured by condition and therefore no objection is raised.

##### **Archaeology:**

40. The Historic Environment Record has been consulted and it is concluded that, on present evidence, this scheme would be unlikely to have significant archaeological implications. The proposal is therefore in accordance with Policies HE2 of the OLP.

#### **Conclusion:**

41. Officers consider that the proposed development makes best and most efficient use of the land, whilst retaining the protected employment use and providing for more employees. It also provides 50% affordable housing. Whilst the development does not provide large family homes, and is not therefore fully in compliance with BODs, in view of the other benefits of the development and the physical constraints of the site the proposed mix of units can be accepted in this case. The development provides adequate indoor and outdoor residential amenity space and the amenities of neighbouring properties are protected. The development would have an impact on the adjacent protected Sycamore tree, but this could be mitigated by conditions. Car free office and housing is acceptable in



this sustainable location and adequate cycle parking is provided.

42. On balance therefore Officers conclude that the development can be supported subject to conditions and accompanying legal agreement.

#### 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:** 14/01273/OUT

**Contact Officer:** Felicity Byrne

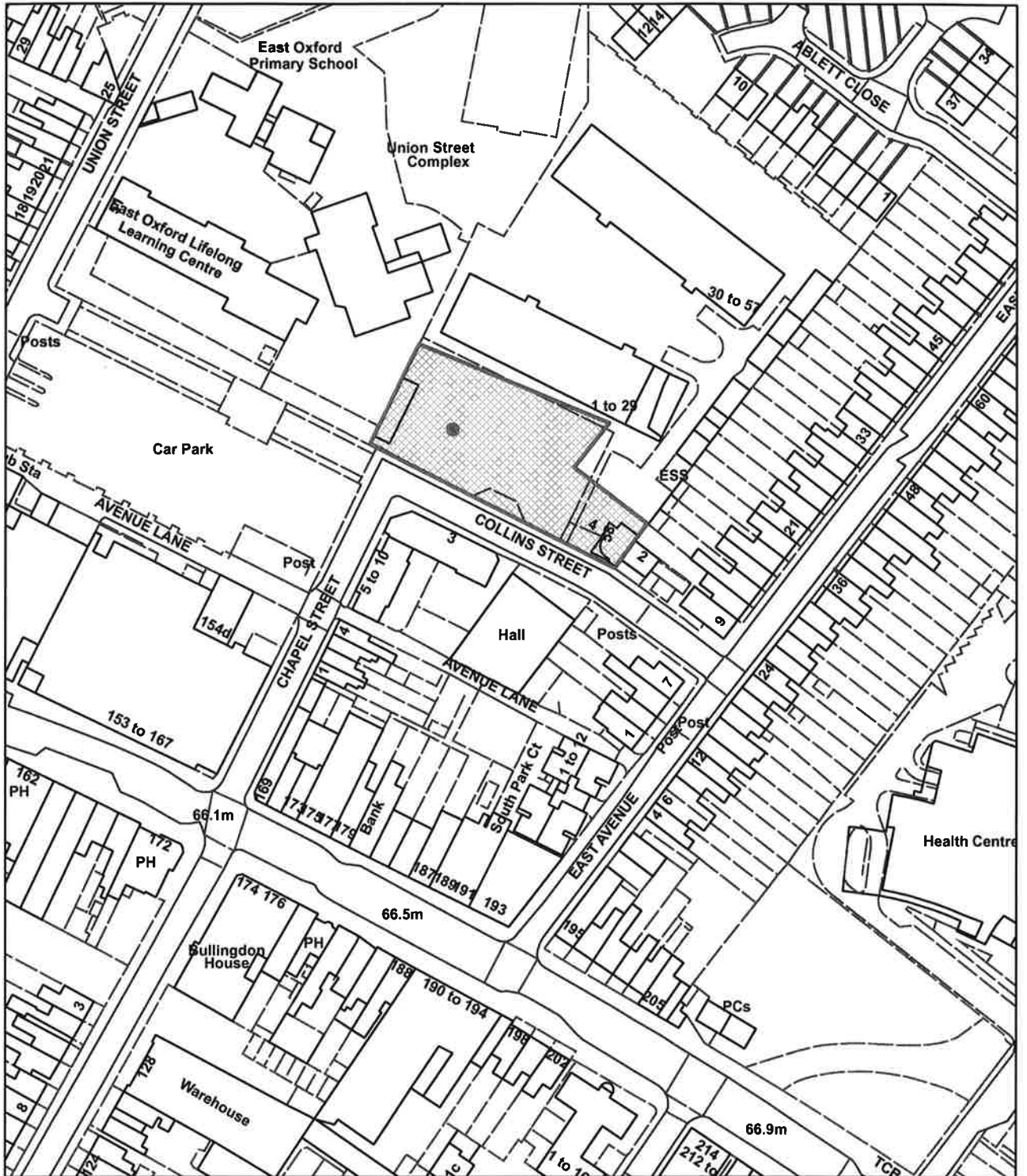
**Extension:** 2159

**Date:** 15th October 2014

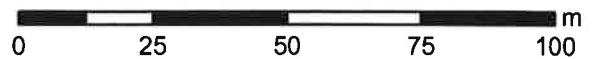
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# Appendix 1

## Former Travis Perkins, Colins St



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Ordnance Survey 100019348.



Oxford City Council

City Development

Scale: 1:1,325 (printed to A4)

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**West Area Planning Committee**

12<sup>th</sup> November 2014

**Application Number:** 14/02397/VAR

**Decision Due by:** 21st November 2014

**Proposal:** Variation of condition 2 of planning permission 11/02382/FUL (for 55 student study rooms) to allow inclusion of kitchen, dining room/common room, reception area etc.

**Site Address:** Land at Osney Lane to the rear of 17 - 41 Mill Street,  
**Appendix 1.**

**Ward:** Jericho and Osney

**Agent:** Brookes Architects Ltd

**Applicant:** Cantay Estates Ltd

The planning application has been "called in" to West Area Planning Committee for determination by Councillor Pressel, supported by Councillors Fry, Upton and Clarkson, due to concerns about additional traffic generation, supervision of students and possible noise and disturbance.

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**Recommendation:** Grant planning permission, subject to conditions.

### Reasons for Approval

- 1 The Council considers that the proposal accords with the policies of the development plan as summarised below. It has taken into consideration all other material matters, including matters raised in response to consultation and publicity. Any material harm that the development would otherwise give rise to can be offset by the conditions imposed.
- 2 The development seeks a variation to an already permitted development of student accommodation located at a brownfield site which is ill suited to family housing due to its particular configuration adjacent to the railway line, or to commercial development in view of its poor access arrangements via a residential street. The variation relates to dining arrangements only by the inclusion of a dining room / common room and kitchen which allows meals to be provided for students. The use of the site for the intended purpose has been established by previous planning permissions and is well suited for occupation by students as the development would generate little traffic and reduces the need to travel. As such the development makes good and efficient use of the land for the intended purpose.
- 3 Objections to the development have related to the additional traffic generated

by daily deliveries now required, though officers consider the additional movements to be very few and insufficient to warrant refusal of planning permission for that reason.

## Conditions

- 1 Develop in accordance with approved plans
- 2 Privacy louvres
- 3 Management of students
- 4 Out of term use
- 5 Tree protection
- 6 Trees - no felling, lopping, topping
- 7 Landscape - underground services
- 8 Tree protection plan
- 9 Root protection area
- 10 Landscape plan
- 11 Landscape carry out after completion
- 12 Landscape management plan
- 13 Students no cars
- 14 No car parking on site
- 15 Control of access
- 16 Delivery times
- 17 Cycle parking
- 18 CCTV
- 19 Boundary treatment
- 20 Ground contamination
- 21 Vibration
- 22 Noise attenuation
- 23 Facilities for disposal of fats, oils, grease etc from kitchen.
- 24 Flood risk assessment
- 25 Sustainable drainage
- 26 Sustainability
- 27 CEMP
- 28 Travel plan
- 29 Archaeology
- 30 Public art
- 31 Wildlife habitats

## Legal Agreement and Community Infrastructure Levy (CIL):

The planning permission to which this current application seeks a variation was granted before Community Infrastructure Levy (CIL) arrangements were adopted but secured the following sums by S.106 agreement:

- £30,000 towards public realm improvements to Osney Lane adjacent to entrance of site.
- £3,583 towards library facilities within the City.
- £3,425 towards indoor recreation facilities within the City.

These sums have been paid in full and no further 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  
CP11 - Landscape Design  
CP13 - Accessibility  
CP14 - Public Art  
CP17 - Recycled Materials  
CP18 - Natural Resource Impact Analysis  
CP19 - Nuisance  
CP20 - Lighting  
CP22 - Contaminated Land  
TR3 - Car Parking Standards  
TR4 - Pedestrian & Cycle Facilities  
TR13 - Controlled Parking Zones  
NE14 - Water and Sewerage Infrastructure  
NE15 - Loss of Trees and Hedgerows  
NE16 - Protected Trees  
NE20 - Wildlife Corridors  
NE23 - Habitat Creation in New Developments  
HE2 - Archaeology  
HS20 - Local Residential Environment  
TA5 - Tourist Accommodation - Dual Use

### 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  
CS19 - Community safety  
CS25 - Student accommodation

### Sites and Housing Plan

HP5 - Location of Student Accommodation  
HP6 - Affordable Housing from Student Accommodation  
HP9 - Design, Character and Context  
HP15 - Residential cycle parking

### Other Planning Documents

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance

## Public Consultation

### Statutory Consultees Etc.

- Thames Water Utilities Limited: No objection in respect of water infrastructure capacity; recommend installation of facilities for disposal of fats, oils and grease from kitchen.
- Environment Agency Thames Region: No objections.
- Oxfordshire County Council: No response will be given to the planning application.

### Individual Comments:

The main points raised from local residents are:

- potential for noise and disturbance;
- amendments to building already undertaken;
- noise from additional deliveries;
- increased traffic and parking difficulties;
- access and parking arrangements on site;
- control of car parking outside term time;
- potential for inclusion of bar; and
- privacy louvres not shown on plan drawings. *(NB: amended drawings now received indicating privacy louvres).*

### **Officers Assessment:**

#### **Background to Proposals.**

1. In December 2011 Committee resolved to grant planning permission for the construction of 55 student study rooms at this linear site to the rear of 17 to 41 Mill Street and to the west of the Becket Street Rail Users car park. At that time this brownfield former railway land was overgrown and not in active use. The development was permitted on two floors with its entrance at the southern end accessed from the western arm of Osney Lane near the western side of the footbridge crossing the car park and railway line. **Appendix 1** refers. The building permitted is now nearing completion and is constructed in the main of red and buff brickwork.
2. The development is intended to be managed by Cherwell Tutorial College for occupation by its pre university students, generally in the 16 to 18 age group. Although this current application seeks to vary the previous permission, it does not involve any external changes to the building as previously permitted but does propose a reorganisation of the internal space in order to provide a dining room / common room plus kitchen instead of a series of smaller kitchenettes. This would allow dining facilities to be provided for students rather than the development being self catering.
3. The provision of a kitchen and dining room would allow a cold morning breakfast to be provided for students plus a hot evening meal. Meals would be partially prepared off site and completed in the kitchen on site. At 30 sq m the kitchen is too small for full catering in any event. Some 40 covers would



be available in the dining room with student meals timed for a period of 90 minutes each morning and evening. Outside of meal times, the dining area would be available as a common room, with vending machines dispensing drinks and snacks. No bar is provided, and indeed the college will not permit alcohol on the premises. As previously each student study room would possess its own en suite shower room as well as writing desk, bookshelves, storage facilities etc. Disabled access is provided to the development and rooms available suitable for occupation by a disabled student.

4. The previous permission was subject to an accompanying legal agreement, referred to above, plus a series of planning conditions which would be carried through to this current application if permitted.

### **Planning Policy.**

5. The previous planning permission had been granted before the publication of the National Planning Policy Framework (NPPF) or the adoption of the Sites and Housing Plan. The latter identifies at policy HP5 the locations where student accommodation would be considered favourably subject to other policy considerations, namely at existing university or college educational sites; at hospital or research sites; within the city centre or district centres; on or adjacent to a main thoroughfare; or at an allocated site. Whilst the development does not meet these criteria, the original permission predates these requirements with the current application representing a relatively minor variation to that permission. In any event in recommending the 2011 application to committee officers had commented that this linear brownfield site had little potential for other uses due to its adjacency to the railway line and its poor access for commercial purposes via a residential street, and that student accommodation therefore represented a good use of the site.
6. In summary Officers have concluded that the current application does not raise any land use policy issues, but rather that the key determining issues are:
  - access, traffic and parking;
  - supervision of students;
  - potential for noise and disturbance; and
  - imposed planning conditions.

### **Access, Traffic and Parking.**

7. Access to the development, both vehicular and pedestrian, is taken from the western arm of Osney Lane with a single car parking space provided for the resident warden, some 30 cycle parking spaces for students, and turning space for delivery vehicles. Approximately 8 x 2 hour short stay visitor spaces are available near the entrance in Osney Lane within the Controlled Parking Zone in operation, with public transport facilities available at the nearby railway station. A requirement of the previous permission was that students did not bring vehicles to the site, and in any event most of the students present would not possess a driving licence. Traffic generation to the site would therefore be low, indicated by the applicant to be as follows:

- domestic waste collection by local authority - twice weekly;
  - catering deliveries - once daily by refrigerated vehicle;
  - cleaning - daily;
  - linen deliveries – weekly;
  - landscape maintenance - twice weekly; and
  - postal deliveries - as and when.
8. These arrangements are the same as intended for the previous permission, with the addition only of a daily delivery of food for the meals now to be provided. Where deliveries or collections are within the control of the applicant, they are intended to be outside of peak hours. A condition is suggested accordingly. Students would typically arrive or depart at weekends.
9. The Highway Authority did not previously object to the proposals subject to conditions, and have not chosen to comment on the current applications. Planning Officers similarly conclude that these arrangements are acceptable

### **Supervision of Students.**

10. A resident warden's flat is provided within the development, located near the entrance. Also provided is a reception area which would be staffed each day between 8.30 am and 7.30 pm. Adult supervision is provided on site at all times. These details have already been agreed with the applicant with these requirements being carried forward to this latest application if permitted.
11. Moreover the college has a duty of care to the students it is responsible for and employs a Welfare Officer accordingly. It also has internal procedures in place for breaches of discipline or absenteeism. The college pursues its own *Personal, Social, Health and Economic Education (PSHE) Policy* and is required to deliver the National Curriculum for its students.
12. The level of supervision provided is therefore in excess of what is often provided at developments of student accommodation, and appropriate for the typical age of student present. Again officers recommend that these arrangements be accepted.

### **Noise and Disturbance.**

13. The existing permission was granting subject to planning conditions requiring details of attenuation from railway noise and vibration to be submitted and agreed. Specialist consultants reports subsequently submitted have been scrutinised by Environmental Development colleagues and agreed accordingly. Officers are satisfied therefore that occupants of the development are protected from any nuisance caused by noise or vibration.
14. In terms of any potential for noise breakout which may impact on neighbouring properties, nearby residential properties are generally located at a good distance from the site. The nearest properties are at 3 to 6 Abbey Walk which are located at approximately 14m distance, though the facing elevation displays only 2 non habitable (bathroom) windows. Nos. 1 and 2

Abbey Walk are located at approximately 17m. The nearest point of the residential properties in Mill Street are at more generous distances, varying from 30m to over 40m. These relationships are of course as previously permitted, the only change in circumstances being the creation of a dining room and single kitchen to replace a series of smaller kitchenettes.

15. Whilst the concerns of local residents are noted, there will be no bar on site and there will be 24 hour supervision. Officers are satisfied therefore that adequate controls are in place to ensure noise and disturbance is not caused to local residents.

### **Planning Conditions.**

16. In permitting the previous permission early in 2012 a raft of conditions were imposed on the development, a number of them requiring further details to be submitted and agreed and others imposing an ongoing requirement. These details have been agreed by officers under delegated authority in the normal way and remain in force. However as the intention now is to implement this latest variation application, then it is required that the imposed conditions carry through to this latest application if permitted.

### **Other Matters.**

17. In the 2012 permission west facing windows to the development were angled to avoid any direct overlooking of neighbouring properties, notwithstanding that most of the Mill Street properties are located at a good distance from the development in any event. However at the southern end the closest windows were also fitted with privacy louvres to provide additional protection for the closest properties at Abbey Walk. In this current application these louvres were not indicated in the submitted floor plan drawings but were shown in the elevational ones. This error has now been corrected and a revised floor plan drawing received, though the louvres have yet to be installed on the building. A condition is therefore required that the development cannot be occupied until such time as the louvres are installed, and that they should remain in place at all times thereafter.

### **Conclusion.**

18. The planning application represents a relatively minor variation to the permission previously granted, with the creation of dining facilities for students to replace self catering arrangements. This allows better supervision which is an important consideration as students will be enrolled on pre university courses and will therefore generally be within the 16 to 18 age group.
19. Officers are satisfied that with a resident warden and 24 supervision of students, adequate controls are in place and the proposal can be supported as a variation to the 2012 planning permission.

## **Human Rights Act 1998**

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

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

## **Section 17 of the Crime and Disorder Act 1998**

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

**Background Papers:** Applications 11/00927/FUL; 11/02382/FUL; 14/02397/VAR.

**Contact Officer:** Murray Hancock

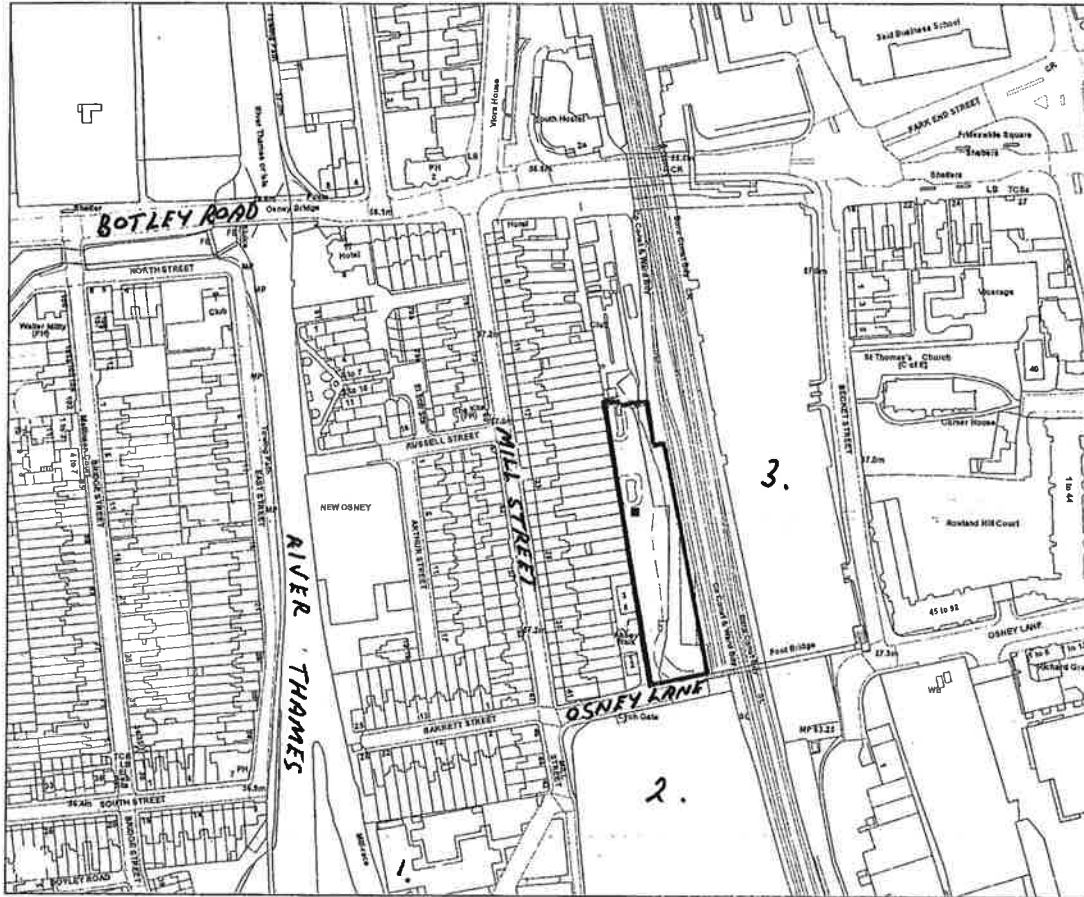
**Extension:** 2153

**Date:** 29th October 2014

Rear of 17 - 41 Mill Street



GIS by ESRI (UK)



**Legend**

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



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

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**WEST AREA PLANNING COMMITTEE**

12<sup>th</sup> November 2014.

**Application Number:** 14/01766/VAR

**Decision Due by:** 26th September 2014

**Proposal:** Variation of condition 11 (opening hours) of planning permission 07/01187/FUL (Erection of supermarket) granted on appeal to allow for the extension of opening hours.

**Site Address:** Aldi, Botley Road, Oxford.

**Ward:** Jericho And Osney Ward

**Agent:** Miss Charlotte Taylor

**Applicant:**

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**Recommendation:** West Area Planning Committee are recommended to approve the application subject to conditions:

**Reasons for approval:**

- 1 It is considered that the extended opening hours Monday to Saturday (excluding Bank and Public Holidays) would allow more flexible retailing hours for the application site without having a detrimental impact upon the amenities of local residents in accordance with policies CP19 and CP21 of the Oxford Local Plan 2001-2016.
- 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.

**Conditions**

- 1 Development begun within time limit
- 2 Deemed in accordance with approved plans
- 3 Opening hours

**Principal Planning Policies:**

Oxford Local Plan 2001-2016

**CP1** - Development Proposals

**CP19** - Nuisance

**CP21** - Noise

### Other Planning Documents.

- National Planning Policy Framework

### **Public Consultation and Statutory Consultees.**

- Environment Agency Thames Region-have assessed the application as having low environmental risk and have no objections to the proposal.
- Thames Water Utilities Limited-have no comments to make on the proposal.

### **Relevant Site History.**

87/00762/NOY-(Wickes & Toys R Us) Planning permission was granted for demolition of garage and showroom and erection of 11,587m<sup>2</sup> of non-food retail including garden centre of 390m<sup>2</sup> with 550 car parking spaces and access to Botley Road. Extension of light industrial premises by 74m<sup>2</sup> sq ft. Approved 5/6/89.

Outline Planning permission (98/00409/NO) (including details of siting and means of access) was granted in 1998 for the erection of a building on the application site to provide 895m<sup>2</sup> non-food retail, with use of remaining car park (435 spaces) shared with the adjacent units at Wickes & Toys' R' Us.

The application for reserved matters (99/01905/NR) was approved in February 2000, and as a result, the development formally commenced in 2004. However, an occupier was not secured at that time and work ceased on site.

In 2005, an application (05/02191/VAR) was approved for a variation to condition 12 of the outline permission for alterations and sub-division of previously approved non-food retail units totalling 895m<sup>2</sup>. The sub-division created 2 smaller retail units plus consequential works which took the form of 1) an amended customer entrance along the front elevation to create two doors and 2) the provision of an additional service door on the rear elevation to accommodate delivery vehicles.

In April 2007, planning permission was refused for a similar proposal (06/01608/FUL) on the grounds of flood risk, and traffic impact on Botley Road. Whilst officers recommended the application for approval, members overturned this recommendation and resolved to refuse the application.

07/01187/FUL-proposed exactly the same development as above. Although the highways concerns were resolved, the matter of flooding remained, and planning permission was refused for this reason alone. A subsequently lodged appeal was allowed by the Inspector.



## Officers Assessment:

### Site Description.

1. The application site is located approximately 1.5km west of Oxford City Centre in an established retail park off Botley Road. Other businesses on the retail park comprise Wickes, Toys'R'Us, Comet, Argos, Curry's and Jewson's. A number of 1930's style residential properties face onto Botley Road and back onto the retail park.
2. The application site itself comprises 0.35ha and is positioned on a triangular infill plot between Toys'R'Us and Wickes, with a plot frontage of 35 metres wide and car parking to the side. The Toys'R'Us building provides the southern boundary of the site. Car parking on the north-western boundary abuts mature landscaping adjacent to the Seacourt Stream, whilst the eastern boundary abuts Wickes.

### Proposal.

3. The store was granted on appeal in 2008 and Condition 11 of that decision states that *"No retail sales shall take place from the premises other than between 08.00 and 21.00 hours Monday – Saturday, between 09.00 hours and 18.00 hours on Sundays, and between 09.00 and 20.00 hours on public holidays"*.
4. The applicant now wishes to extend these opening hours to allow retail sales between 0800-2200 Monday to Saturday (including public holidays). The opening hours for Sunday remain unaltered.

### Principle of extending hours and potential impact upon neighbouring properties.

5. Policy CP19 of the Oxford Local Plan 2001-2016 indicates that planning permission will be refused for development proposals that cause unacceptable nuisance. Where such nuisance is controllable, appropriate planning conditions will be imposed. In addition to this, policy CP21 indicates that planning permission will be refused for developments which will cause unacceptable noise. Particular attention will be given to noise levels close to noise-sensitive developments and the City Council will impose easily enforceable conditions to control the operation of the development as a result of noise and its transmission.
6. No objections are raised to the store proposing to open an extra hour on normal days Monday to Saturday (0800-2200), however concern is expressed regarding the proposed extended opening hours on public and bank Holidays. The store is currently restricted to opening only between 0900 to 2000 on public and bank holidays, and it is considered that the additional three hours (one at the beginning of the day and two at the end of the day) requested by the agent could potentially have a detrimental effect upon the amenities of local residential properties on these holiday days. Whilst it does not appear that any complaints have been raised regarding current operations at the

store, clearly the absence of complaints does not provide support for the change in hours. It may be that existing trading restrictions adequately protect the amenity of local residents and trading within those limits does not result in complaints.

7. The Inspectors appeal decision clearly provided a formal determination as to the need for a condition covering operating hours. As a result of lengthy discussions the agent has now agreed to a compromise accepting the extended hours Monday to Saturday (excluding public and bank holidays) and retaining the current hours on Sundays and public and bank holidays as imposed by the Planning Inspector in order to protect residential amenity in this location.

### **Conclusion:**

It is recommended that extended opening hours be approved but subject to a condition which only accepts extended opening hours on a Monday to Saturday (excluding Public and Bank Holidays).

### Human Rights Act 1998

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

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

### Section 17 of the Crime and Disorder Act 1998.

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

**Background Papers:** Applications 07/01187/FUL, `4/01766/VAR

**Contact Officer:** Amanda Rendell

**Extension:** 2477

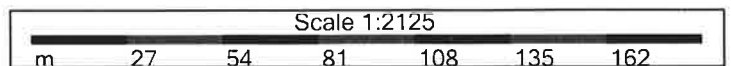
**Date:** 3<sup>rd</sup> November 2014

# Appendix 1

Aldi, Botley Road (14/01766/VAR)



1:2124



<b>Organisation</b>	Oxford City Council
<b>Department</b>	City Development
<b>Comments</b>	Not Set
<b>Date</b>	03 November 2014
<b>SLA Number</b>	100019348

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## WEST AREA PLANNING COMMITTEE

12<sup>th</sup> November 2014

**Application Number:** 14/02663/FUL

**Decision Due by:** 14th November 2014

**Proposal:** Change of use from Use Class A1 (Retail) to Use Class A3 (Restaurant)

**Site Address:** 96-97 Gloucester Green, **Appendix 1.**

**Ward:** Carfax Ward

**Agent:** Mr Nick Diment

**Applicant:** New River Retail Property Unit Trust No. 3

**Application Called in** – by Councillors – Hollingsworth, Fry, Pressel and Coulter for the following reasons – the application raises significant issues regarding the application of local plan policies in relation to secondary retail frontages in the city centre, and as such is something that needs to be discussed and decided in public by the relevant Planning Committee.

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### **Recommendation:**

APPLICATION BE APPROVED

For the following reasons:

- 1 The proposal would represent an appropriate change of use of the premises within this mixed use area in the City Centre. Whilst objections have been raised, it is considered that conditions can be imposed to ensure that all environmental issues are controlled in accordance with policy RC12 of the Oxford Local Plan 2001-2016 in order to protect the neighbouring residential or commercial properties in this location. Furthermore the loss of a retail (Class A1) unit would not have a detrimental impact upon the retail function of the Secondary Shopping Frontage, as the percentage of retail units within this frontage would remain at the required threshold in accordance with policy RC5 of the Oxford Local Plan 2001-2016. In summary, the proposal would therefore accord with Policies CS1 and CS31 of the Oxford Core Strategy 2026, and Policies CP1, RC5, and RC12 of the adopted Oxford Local Plan 2001-2016.
- 2 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.

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

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Opening hours
- 4 Scheme for cooking fumes and odours
- 5 Scheme to protect against noise
- 6 Noise limits on plant
7. Bin storage details

**Main Local Plan Policies:**

Oxford Local Plan 2001-2016

- CP1** - Development Proposals
- CP9** - Creating Successful New Places
- CP10** - Siting Development to Meet Functional Needs
- RC5** - Secondary Shopping Frontage
- RC13** - Shop Fronts
- RC14** - Advertisements
- RC15** - Shutters & Canopies

Core Strategy

- CS1\_** - Hierarchy of centres
- CS18\_** - Urban design, town character, historic environment
- CS31\_** - Retail

West End Area Action Plan

- WE10** - Historic Environment
- WE23** - Retail

**Other Material Considerations:**

- National Planning Policy Framework
- This application is located in the Central Conservation Area.
- Planning Practice Guidance

### **Relevant Site History:**

- 02/01062/ADV - Internally illuminated fascia signs. PER 8th August 2002.
- 79/00941/A H - Redevelopment to provide public squares linked by arcade, shops, theatre, cinemas, public house (the Gloucester Arms retained), open air amphitheatre, bus/coach station, roof top parking, bicycle park, WCs, & related road improvement - Outline application. REF 5th March 1979.
- 82/00666/L - Land at Gloucester Green - Listed Building Consent for demolition of unlisted buildings in a Conservation Area including former Municipal Restaurant building fronting Worcester Street.. PER 31st January 1983.
- 82/00667/NOH - Outline application for new shops, flats, offices, extension to Arts Centre, bus station and change of use of car park to Public Open Space, including Open Market. Change of use of former Boys Central School to either public house, restaurant, offices or community/social use. Consequential modification of roads and footpaths within application site, including part of Gloucester Street.. PER 18th March 1983.
- 84/00281/NFH - Construct new bus station, market square, offices, flats, shops and cafes, new entrance to George Street Arts Centre, public conveniences, bus station and market traders offices, bus station covered waiting area, underground car park with access to Gloucester Street and City Engineer's facility. New pedestrian and vehicular access and alterations to existing. PER 19th June 1984.
- 84/00282/LH - Land at Gloucester Green - Listed building consent for demolition of unlisted buildings in a Conservation Area including Greyhound P.H., left luggage office and adjoining temporary buildings, cafe, WCs, former Municipal restaurant & kiosk (fronting Gloucester Green). PER 19th June 1984.

### **Representations Received:**

St Johns Residents Association- raise the following objections which represent the views of residents in the area between George Street and Little Clarendon Street.

- The application breaches Local Plan policy RC12 as it would give rise to unacceptable environmental problems. There is no evidence that this site has the external space for the storage of waste. Extraction would be necessary and would have to be placed on the rear wall under the flats above which would have a serious impact upon the amenity of residents above. Noise disturbance from users of the restaurant leaving late and night.
- It breaches policy RC5 and no adequate justification is provided for such a breach.
- No decisions should be made on such changes until the applicants have provided evidence of their long term intentions for Gloucester Green.

Oxford Civic Society- Comment that the application should be refused for the following reasons:

- It is contrary to City Council policy on the percentage of retail premises in the area. Gloucester Green and its immediate surrounds are already heavily serviced by restaurants and the protection of retail outlets afforded by the policy is essential to prevent the remaining outlets from withering away.
- The application is also contrary to Local Plan Policy RC 12, which is designed to prevent environmental problems, including excessive noise, smell or

undesirable visual impact. Residents of the Square would be adversely affected by a further addition of a food and drink outlet on the ground floor of their building. They will suffer noise and smells for up to 16 hours a day or even more.

- No plans provided so there can be no clarity about the location of waste storage externally. Those facilities could not be at the rear of the premises because the road entrance to the Gloucester Green car park occupies all the space immediately behind these premises.

Ten letters of representation have been received from the occupiers of 1,10, 21, 23, 26 and 42 The Chilterns, 6 Court Farm Barns and the local Ward Councillor raising the following objections and comments:

- Saturation of restaurants and food outlets in Gloucester Green area changing significantly the character of the space.
- Recent closure of restaurants where there are no other alternative retail outlets e.g. prison/castle square.
- No space for waste bins or food storage areas and refrigeration plant.
- Noise and fumes from fans, too close to residential flats.
- Restricted access for deliveries and collections.
- Loss of A1 units
- The character of Gloucester Green would be threatened by a further increase in the number of restaurants and food outlets here. This particular property has access limitations which make it unsuitable for use as a restaurant.
- The resultant late night activity, noise and litter are real concerns for residents whose experiences of such issues increasingly goes beyond the normal expectations of City Centre living.
- 96 & 97 Gloucester Green have a reduced area at the rear of the units for waste disposal which is already a problem at Gloucester Green with multiple "trade waste" bins located in a very visible location by the bus station - not a good first impression for Oxford visitors.
- We trust that the concerns of residents living in close proximity to this proposed change of use will be taken into consideration.

Councillor Ruth Brand- The development would be contrary to Local Plan Policy RC.5 which would take the percentage of A1 units down to 50% which is the very minimum of A1 units our planning policy allows. However, Michael Crofton-Briggs's original response, dated August 8, states that the area would reach 50% A1 units *without* taking into account the former Jessops unit, and that taking this current application and the change of use for the former Jessops unit, will bring the A1 percentage to 49% - below the acceptable threshold. These discrepancies show that the area is so close to the allowed threshold that for all practical reasons it can be considered to have reached that threshold already. Moreover, even if this change in usage will not tip the balance below the acceptable 50%, that would be so only due to the fact that for historical reasons the kiosks on the cinema side of Gloucester Green are not part of that calculation. It is my understanding that there is no practical reason for this exclusion, and therefore in a case such as this, which is so close to the balance, the existence of these units should be taken into account.



The last three eating establishments to have opened in Gloucester Green and its vicinity have all closed within three months. Surely that is a strong indicator that this area has reached saturation in terms of such establishments. With regard to Local Plan Policy RC.12, the location of the shop in question is such that a Class A3 establishment there is bound to have some unacceptable environmental problems. One of the main concerns is the issue of waste disposal, or rather that of waste storage: there is no external space for waste bins. The front area is on the public square, with no area where bins can be kept discreetly, and the back faces the ramp leading to the underground car park, and there is no space there for any commercial-sized bins. Another big concern is the issue of extraction: with flats directly above the shop, it means that the extraction units will have a direct – and adverse – impact on the residents.

#### **Site Description:**

1. The application site is situated in the far corner of Gloucester Green adjacent to the entrance to the bus station. It is currently occupied by Animal Clothing which is classed as an A1 unit.

#### **Proposed Development:**

2. The application proposes the change of use of the existing A1 unit to an A3 unit (Café/restaurant). No other changes are proposed to the unit as it is proposed that these would be dealt with by any future occupier should the application receive planning permission.

#### **Determining Issues:**

- Principle of Change of Use
- Impact upon the amenity of the area.

#### **Officers Assessment:**

3. Policy RC5 of the Oxford Local Plan states that within the secondary shopping frontage, planning permission will only be granted for a) Class A1 (shop) uses, b) other Class A uses only where the proportion of units at ground floor level in A1 use does not fall below 50% of the total units. These percentages are worked out on the basis of the percentage of units within the total Secondary Shopping Frontage that are within each use class.
4. The latest retail shopping frontage survey was undertaken in August 2014 which indicated that within the Secondary Shopping Frontage covered by Policy RC.5, the current figure for A1 uses was 51.52%. Given the figure was so close to the threshold a further re-survey was undertaken prior to determination of this application. This resurvey showed that there has been no change and the percentages are as per the August survey (51.52%).
5. In assessing the development against the requirements of this policy, consideration has been given to the former Jessops unit at 63 George Street

(13/01198/FUL) which is currently being developed. Permission was granted for Change of use of basement and ground floor from a retail unit (Use class A1) to a restaurant (Use class A3).

6. Taking this permission into account, counting the Jessops unit as an A3 this would bring the current percentage down to 50.75% (rounded up to 51%) and subsequently the change of use of the application site at 96-97 Gloucester Green would bring the figure down to exactly 50%.
7. Clearly the proposed change of use would be in accordance with the requirements of this policy therefore no objections are raised in these terms.

#### Environmental Health Matters.

8. Concern has been expressed by local residents regarding the proposed bin storage for the new A3 unit. Whilst no details have been specified in the application (as the new occupier is not yet known), current arrangements for bin storage are at the rear of the unit adjacent to the car park where neighbouring commercial units also store their waste. It is anticipated that any new occupier would have the same arrangements, and a condition will be imposed to require these details to be submitted and agreed.
9. The City Councils Environmental Health Team have not raised any objections to the proposal subject to the imposition of a condition which requires details of an extraction system to remove cooking odours and measures to address noise from associated mechanical plant to be submitted to and approved by the Local Planning Authority. They also suggest that an informative should be added to any decision which requires the applicant to comply with 'Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust systems'.

#### **Conclusion:**

It is considered that the application is in accordance with the requirements of policy RC5 of the Oxford Local Plan 2001-2016. Whilst concerns have been expressed about the nature of an A3 unit in this location instead of an A1 unit, providing adequate measures can be implemented and secured by planning conditions to cover noise, fumes, bin storage etc, it is considered that the development is acceptable and should be approved for the reasons stated.

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

**Background Papers:** 14/02663/FUL

**Contact Officer:** Amanda Rendell

**Extension:** 2477

**Date:** 30th October 2014

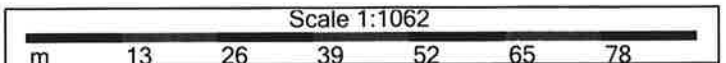
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# Appendix 1

96-97 Gloucester Green (14/02663/FUL)



1:1062



<b>Organisation</b>	Oxford City Council
<b>Department</b>	City Development
<b>Comments</b>	Not Set
<b>Date</b>	03 November 2014
<b>SLA Number</b>	100019348

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**West Area Planning Committee**

12<sup>th</sup> November 2014

**Application Number:** 14/02256/FUL

**Decision Due by:** 11th November 2014

**Proposal:** Demolition of 4-5 Queen Street and rear of 114-119 St Aldates. Renovation and alteration of remaining properties at 114-119 St. Aldates with roof extension, plus erection of new building to Queen St on 5 levels plus basement. Change of use from offices and retail to form 2 Class A1 retail units plus further unit for either Class A1 (retail), Class A2 (offices) or Class A3 (restaurant) at basement and ground floor levels. Provision of 133 student study rooms at upper levels, plus ancillary facilities at basement level and cycle parking for 110 cycles at ground floor level.

**Site Address:** Site Of 4 To 5 Queen Street And 114 - 119 St Aldate's (**Site Plan: Appendix 1**)

**Ward:**

**Agent:** Philip Brown

**Applicant:** Reef Estates Ltd

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## **Recommendation:**

The West Area Planning Committee is recommended to support the development in principle but defer the application in order to draw up a legal agreement in the terms outlined below, and delegate to officers the issuing of the notice of permission, subject to conditions on its completion:

## **Reasons for Approval**

- 1 That the principle of redeveloping this site for mixed-use student accommodation / commercial development would make an efficient use of previously developed land in the West End Regeneration Area. The student accommodation would be suitable for the site and would contribute towards creating a balanced and mixed community within the West End, and provide suitable contributions towards off-site affordable housing provision. The commercial uses would not have an adverse impact upon the retail hierarchy of the city. The City Council has given considerable weight and importance to the desirability of preserving or enhancing this conservation area, as a designated heritage asset. It considers that any harm that would result from the proposed development is justified by the public benefits that would result through a replacement building of better quality to the existing buildings that

sits comfortably within the local context and creates better quality accommodation, making full use of the site and providing a mix of uses that will contribute to the vitality and viability of the city centre. The development would also be acceptable in terms of highway considerations, sustainable design, archaeology noise and environmental health considerations subject to appropriately worded conditions.

- 2 In considering the application, officers have had specific regard to the comments of third parties and statutory bodies in relation to the application. However officers consider that these comments have not raised any material considerations that would warrant refusal of the applications, and any harm identified could be successfully mitigated by appropriately worded conditions.
- 3 The Council considers that the proposal accords with the policies of the development plan as summarised below. It has taken into consideration all other material matters, including matters raised in response to consultation and publicity. Any material harm that the development would otherwise give rise to can be offset by the conditions imposed.

### **Conditions**

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Submission of design details for windows, roof extension, shop fronts etc
- 4 Material Samples in Conservation Area
- 5 No demolition before rebuilding contract
- 6 Student Accommodation – Full Time Courses / Management Plan
- 7 Student Accommodation - No cars
- 8 Student Accommodation - Out of Term Use
- 9 Archaeology - Design & method statement
- 10 Archaeology - WSI
- 11 Transport Assessment
- 12 Travel Plan
- 13 Cycle and Refuse Areas Provided
- 14 Construction Traffic Management Plan
- 15 Noise - insulation before use
- 16 Air conditioning plant
- 17 Scheme of extraction / treating cooking odours from restaurant
- 18 Detailed Energy Statement / NRIA
- 19 Drainage Strategy
- 20 Biodiversity Measures / Enhancements
- 21 Development of a Servicing Plan for all uses

### **Legal Agreement:**

- £628,028.24 towards off-site affordable housing provision

### **Principal Planning Policies:**

Oxford Local Plan 2001-2016

**CP1** - Development Proposals

**CP5** - Mixed-Use Developments



**CP6** - Efficient Use of Land & Density  
**CP8** - Design Development to Relate to its Context  
**CP9** - Creating Successful New Places  
**CP10** - Siting Development to Meet Functional Needs  
**CP13** - Accessibility  
**CP14** - Public Art  
**CP19** - Nuisance  
**CP20** - Lighting  
**CP21** - Noise  
**TR1** - Transport Assessment  
**TR4** - Cycle Parking  
**HE2** - Archaeology  
**HE3** - Listed Buildings and Their Setting  
**HE7** - Conservation Areas  
**HE9** - High Building Areas  
**HE10** - View Cones of Oxford  
**RC3** - Primary Shopping Frontage  
**RC5** - Secondary Shopping Frontage  
**RC12** - Food & Drinks Outlets  
**RC13** - Shop Fronts

#### Core Strategy

**CS1\_** - Hierarchy of centres  
**CS2\_** - Previously developed and greenfield land  
**CS5\_** - West End  
**CS9\_** - Energy and natural resources  
**CS10\_** - Waste and recycling  
**CS11\_** - Flooding  
**CS12\_** - Biodiversity  
**CS13\_** - Supporting access to new development  
**CS17\_** - Infrastructure and developer contributions  
**CS18\_** - Urban design, town character, historic environment  
**CS19\_** - Community safety  
**CS24\_** - Affordable housing  
**CS25\_** - Student accommodation  
**CS31\_** - Retail

#### West End Area Action Plan

**WE10** - Historic Environment  
**WE11** - Design Code  
**WE12** - Design & construction  
**WE13** - Resource efficiency  
**WE18** - Student accommodation  
**WE20** - Mixed uses  
**WE23** - Retail

#### Sites and Housing Plan

**HP5\_** - Location of Student Accommodation  
**HP6\_** - Affordable Housing from Student Accommodation

### Other Planning Documents

- National Planning Policy Framework
- Affordable Housing and Planning Obligations SPD
- Natural Resource Impact Analysis SPD

### **Public Consultation**

A summary of all comments received from statutory and third party consultees are set out in **Appendix 2** of this report.

### **Pre-Application Discussions / Oxford Design Review Panel**

The applicant undertook detailed pre-application discussions through a series of meetings with Oxford City Council and English Heritage in order to develop the scheme. The applicant has also met with Oxford Preservation Trust separately.

The proposal was reviewed positively by the Oxford Design Review Panel on the 20<sup>th</sup> March 2014. Their comments were summarised as follows. The mixed use development is an excellent opportunity to enhance the Oxford Central conservation area. They stated that it is critical that the project should be seen as a single concept that combines both a clear idea grounded in the site and the desire to create high quality accommodation.

The panel took the view that the initial concept for the building was not as strong as the site merited. There needed to be more clarity about how the building will work internally to provide an excellent environment for student houses, and make the best use of the opportunities that the internal elevations and courtyards presented. If this was developed the external aspects of the project such as entrances, roofs, and facades would come together and help develop a more fitting building for central Oxford.

114-119 St. Aldates is a robust and good quality building that may benefit from a bold approach, with the insertion of a new internal layout and roof extension offering opportunities for creative design. A similar boldness should be adopted for the 4-5 Queen Street elevation, which should look to take architectural cues from Carfax and the east, rather than the heavily eroded plot boundaries of Queen Street to the west. The elevation of 4-5 Queen Street appears to have been conceived simply as a façade, as opposed to an integral part of a complete concept. Nonetheless, the emerging design integrity of that façade is encouraging and should be extended across the site as a whole. The proposal offers the opportunity to improve the immediate roofscape as viewed from Carfax, and the panel are encouraged by the commitment to achieving this. The choice of materials and design of a confident roof form which is informed by a single concept would help.

### **Officers Assessment:**

### **Background to Proposal**

1. The application site is located within the heart of the city centre to the south and west of Carfax Tower, and can be viewed in two parts with street frontages onto St Aldate's and Queen Street (**appendix 1**)

2. The first is 114-119 St Aldate's which comprises two 4 storey buildings that front onto the eastern side of the road with 2 and 3 storey buildings to the rear. There are two ground floor commercial units with basements that are currently occupied by Blacks (Class A1) and Santander (Class A2), whilst the upper floors of the building are currently vacant but were previously in office (Class B1) use.
3. The second is 4-5 Queen Street, which includes two 3 storey buildings that front onto Queen Street. There are two commercial units at ground floor level Swarovski (Class A1) and Eat (Class A1/A3). The basements and upper floors of the building are currently vacant.
4. The site is within the Central Conservation Area and the West End Regeneration Area. The commercial units on Queen Street form part of the Primary Shopping Frontage, while St Aldate's is within the Secondary Shopping Frontage in the retail hierarchy.
5. In December 2010, a report to committee was prepared relating to a comprehensive mixed-use redevelopment of a group of buildings in St Aldate's and Queen Street, which included the buildings subject to this application, under 08/02261/FUL and 08/02260/CAC. In determining this application, the general principle of a mixed-use retail led development which included student and office accommodation was accepted but the application was recommended for refusal on the basis that satisfactory arrangements to mitigate the impact of the proposal upon the transport network, public realm and other services in the West End Regeneration Area were not in place. The application was subsequently withdrawn shortly before the committee was due to meet to determine the case.
6. The current proposal is more modest but seeks planning permission for an extensive redevelopment of the site to create a mixed-use commercial and student accommodation development. The main frontage building to St Aldate's would be retained, with the rear additions and Queen Street buildings demolished. This would be replaced by a new four storey building that fronts onto Queen Street and links with the rear of the St Aldate's building, which would have an additional floor added at roof level.
7. The student accommodation would provide 133 rooms, 79 of which would provide accommodation for Christ Church with the remainder available for occupation by others. The accommodation would be accessed from Queen Street and generally arranged in clusters around shared kitchens and study rooms with some have communal facilities in the basement. The Christ Church Accommodation has been designed to meet the specific standards of the college.
8. The new building at 4-5 Queen Street will provide a single retail unit at ground and basement level, and there would be two ground floor units fronting onto St Aldate's.
9. The proposed development is to be car-free. There would be a designated space for 110 cycle spaces to the rear of the site at ground floor level which would be used by both the commercial and student accommodation.

10. Officers consider the principal determining issues to be:

- Principle of Development
- Student Accommodation
- Affordable Housing
- Commercial Use
- Impact on Heritage Assets
- Highway Matters
- Archaeology
- Ecology
- Sustainability
- Noise
- Drainage
- Community Infrastructure Levy

### **Principle of Development**

11. The National Planning Policy Framework [NPPF] has a presumption in favour of sustainable development. The NPPF has a set of core principles which requires planning to proactively support sustainable economic development and encourage the effective use of previously developed land provided that it is not of high environmental value and to promote mixed use developments.

12. The Oxford Core Strategy encourages development proposals to make an efficient use of land in built up areas through Policy CS2. The site is within the West End Regeneration Area, which is a key location whose regeneration has been identified as fundamental to the overall long-term success of Oxford. Policy CS5 of the Oxford Core Strategy identifies this area as suitable for mixed-use developments.

13. The site is specifically allocated within the West End Area Action Plan as being suitable for redevelopment to a range of uses including retail and student accommodation

14. Therefore the principle of redeveloping the site for a mixed use development would be consistent with the aims of the NPPF and relevant policies of the West End Area Action Plan and the Oxford Core Strategy.

### **Student Accommodation**

15. The West End Area Action Plan identifies the West End as being suitable for student accommodation as it contributes to creating a mixed and balanced community. The Sites and Housing Plan Policy HP5 is supportive of locating student accommodation within the city centre.

16. The proposed redevelopment would result in a loss of the existing office space on the upper levels of 114-119 St Aldates. This space is currently vacant, and is not considered a key protected employment site. The West End Area Action Plan has identified the site as being suitable for redevelopment to a range of uses such as student accommodation. Therefore there would be no objection to the resultant loss of office accommodation.

17. In terms of the general use of the student accommodation, the Oxford Core Strategy Policy CS25 restricts the occupancy to students that are in full-time education on courses of an academic year or more. Sites and Housing Plan Policy HP5 then goes on to states that developments of 20 or more bedrooms should provide both communal indoor space and outdoor space which would be available to all residents. The accommodation will need to include a management regime for the building and an undertaking that residents will be prevented from parking their cars anywhere on site, and in Oxford. A condition would be imposed accordingly.
18. The layout has been developed following pre-application discussions with officers and also the Oxford Design Review Panel. The student rooms are arranged in clusters with individual rooms with private ensuite bathrooms set around shared kitchens and study rooms. The accommodation would be of an appropriate size and designed in a manner to ensure that the rooms that do not face onto St Aldates or Queen Street benefit from good quality daylight. The internal corridors are wide and there are windows and lightwells to give these circulation areas access to natural light. The layout would be fully accessible for those with mobility problems and would accord with the standards required by Part M of the Building Regulations.
19. With regards to external space, it is recognised that this is a constrained site which restrict the ability to provide meaningful areas of amenity space. The proposed layout has sought to address this challenge to provide some outdoor space for residents. The shared kitchens and lounges have balconies and there is also a roof terrace that officers consider utilises well the available external space. The accommodation would also provide good quality communal facilities with the kitchens, lounges, and also a common room, cinema, gym, lounge, and laundry in the basement of the building. As such officers consider that the layout makes the best use of the site to provide external and internal communal space and is considered acceptable.
20. In terms of management the Christ Church accommodation will be managed by the college itself. As the remaining accommodation does not have a current end user, there are no details with respect to management. However the layout includes an office at basement level to allow for on-site supervision if required. Similarly the accommodation has its own refuse stores at ground floor level which is accessible and collected by private contractors. In accordance with Policy HP5 a condition should be attached which requires a management plan to be provided for both the Christ Church and remaining accommodation, and also includes provisions for preventing students from bringing cars into Oxford.

### **Affordable Housing**

21. Sites and Housing Plan Policy HP6 states that new student accommodation that includes 20 or more bedrooms will be required to make a financial contribution towards delivering affordable housing elsewhere in Oxford.

22. The proposed student accommodation would qualify for an off-site affordable housing contribution. The student accommodation would have a gross internal floor area of 4485.96m<sup>2</sup>, and therefore would attract an off-site contribution of £628,028.24. The applicant has agreed to meet this contribution, and this should be secured through legal agreement.

### **Commercial Use**

23. The City Centre is at the top of the retail hierarchy as defined by the Oxford Core Strategy 2026, with Policy CS1 and CS31 encouraging proposals that support the role of the City centre as the main focus for retail, leisure, and cultural activities.

24. The City centre is separated into two types of shopping frontage, Primary and Secondary. The two commercial units - Swarovski (Class A1) and Eat (Class A1/A3) - at 4-5 Queen Street form part of the Primary Shopping Frontage, while the two units - Blacks (Class A1) and Santander (Class A2) – form part of the Secondary frontage. The proposed development would create 3 commercial units in total with a single retail unit (Class A1) on Queen Street and a retail unit (Class A1) and either a Retail (Class A1), Financial and Professional Services (Class A2), or Food and Drink (Class A3) on St Aldates. The retail (Class A1) unit on Queen Street would accord with the aims of Oxford Local Plan Policy RC5 which encourages the provision of retail uses within the Primary Shopping Frontage.

25. In terms of St Aldates, the proposed Class A1 use for 117-119 St Aldates and an Class A1 or A2 use for 114 St Aldates would maintain the status quo with respect to the current authorised use of the current premises and therefore there would be no change to the Secondary Frontage. The potential use of the current Santander unit (114 St Aldates) for retail (A1) would accord with the aims of Oxford Local Plan Policy RC5 which has a general presumption in favour of retail units. The potential use of this unit for food and drink (A3) outlet would not have any impact on the overall percentage of retail units within the Secondary Shopping Frontage given the authorised use of the existing premises is Class A2 use. Therefore the proposed uses for the St Aldates frontage would fully accord with the requirements of Policy RC5.

26. The Local Plan recognises that food and drink outlets (Class A3-5) uses make an important contribution to the vitality and viability of the City centre, but that they can give rise to environmental problems. Therefore Policy RC12 states that food and drink outlets should not give rise to unacceptable environmental problems or nuisance from noise, smell, or visual disturbance including the impact of any equipment or plant associated with the use. It also states that where necessary conditions will be imposed to control the impact of food and drink outlets.

27. Environmental Health Officers have identified that the proposed Food and Drink Outlet could give rise to possible odour nuisance for the residential accommodation above. Therefore a condition should be attached which ensures that cooking odours are discharged at or above roof level to allow dispersion of cooking fumes. Similarly the standard condition requiring prior approval of a scheme for the treatment of cooking fumes and odours shall also be added.

## Impact on Heritage Assets

28. The site is in a sensitive location at the heart of the Oxford Central (City and University) Conservation Area, and within the setting of a number of listed buildings, all of which are defined as designated heritage assets. The Queen Street frontage lies in the south-west quadrant of the ancient crossing in the centre of the City opposite the Grade II listed Carfax Tower. This crossing has undergone major phases of redevelopment in the late C19th with the development of the Town Hall and widening of roads, and in the 1930s with the reconstruction of buildings around the crossroads. There are Grade II listed buildings on the north-west and north-east corners and the Grade II\* listed Town Hall to the south-east. The northern part of St Aldate's has a city scale to its buildings derived from the Town Hall and the neo-classical buildings opposite erected during the 1930s. The site and its other adjoining building at 121 St Aldates are not listed. Queen Street was largely rebuilt in the C19th and has undergone further progressive and incremental changes over time. Its early medieval origins are still evident in the gentle curve of the street, widening in the central section, and narrow plots widths albeit some of which have been lost as part of C20th changes in retailing.
29. Conservation principles, policy and practice seek to preserve and enhance the value of heritage assets. With the issuing of the National Planning Policy Framework (NPPF) in March 2012 the Government has re-affirmed its aim that the historic environment and its heritage assets should be conserved and enjoyed for the quality of life they bring to this and future generations. The NPPF requires proposals to be based upon an informed analysis of the significance of any affected Heritage Asset and expects applicants to understand the impact of any proposal upon the asset with the objective being to sustain that significance. These aims are embodied in Local Plan Policy HE7 which seeks to preserve or enhance the special character and appearance of the conservation area or its setting. In considering the impact of development on the significance of Heritage Assets, the objective must be for new development to sustain that significance but where there is potential for harm, then the public benefits must clearly outweigh that harm.
30. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires local planning authorities to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. In the Court of Appeal, *Barnwell Manor Wind Energy Ltd v East Northants District Council, English Heritage and National Trust*, 18<sup>th</sup> February 2014, Sullivan LJ made clear that to discharge this responsibility means that decision makers must give considerable importance and weight to the desirability of preserving the setting of listed buildings when carrying out the balancing exercise (of judging harm against other planning considerations).
31. The proposal involves the demolition of the Queen Street frontage buildings and rearward additions, and erection of a new building on the site of 4-5 Queen Street which wraps around to the rear of 115 St Aldates, and a new attic storey to 114-119 St Aldates. Officers consider that potential impact of the scheme upon Queen Street and surrounding views at street level, and the potential impact on the

important views of the distinctive city skyline are the two main issues that need to be considered when assessing the impact of the development upon the significance of the designated heritage assets and their setting.

32. The scheme has been developed following extensive pre-application discussions with the Local Planning Authority and English Heritage and also been presented to the Oxford Design Review Panel. It is supported by a Design and Access Statement, Local Character Assessment, Character Assessment Toolkit, Visual and Townscape Assessment, and Built Heritage Statement and Addendum which considers these two issues.

#### *Impact upon Queen Street*

33. During the consultation process, concerns have been raised about the impact the proposed development would have upon the significance of the remnant tenement boundaries within the historic core of the town and in particular Queen Street. The historic tenement character assessment in the Oxford Archaeological Action Plan (2013-2018) demonstrates that these boundaries remain a significant component of the townscape around central Carfax crossroads and that the width of frontages in this area contribute to the way residents and visitors can appreciate central Oxford as a historic medieval town. The area has already been affected by the new Brewer Street Quadrangle for Pembroke College which was one area of moderately well preserved tenement boundaries within the study area. The cumulative impact of these two developments on the remaining tenement boundaries could arguably be assessed as constituting harm to the character of the Central Conservation Area. This view has to some extent been echoed in the consultation response from Oxford Preservation Trust which expresses regret at the loss of the narrow plots of 4-5 Queen Street.
34. Officers and English Heritage had raised concerns at the pre-application stage that the proposals did not successfully reflect the narrow plot widths in Queen Street or handle the competing need to negotiate the transition from the city scale buildings surrounding Carfax. The applicants subsequently prepared options for the new development that sought to provide a memory of the narrow medieval plots. These options were subsequently considered by the Oxford Design Review Panel [ODRP] who raised concerns that the Queen Street frontage was being conceived as a façade rather than an integral part of a complete concept. The panel were encouraged by the emerging design treatments for this frontage but recommended that it be treated as one rather than two separate components. The panel concluded that the tenement boundaries of Queen Street had already been eroded and having reviewed some of the historic evidence and photographs in the Character Assessment, which illustrated phases of change to this part of Queen Street, suggested that the scheme should look to take cues from the civic scale of Carfax.
35. The challenge of how to meet modern retailing needs, preserve the historic narrow tenement boundaries and deliver a well designed building is evidenced in ODRP's comments. However, the comments that the scheme would benefit from a single design concept, which responds to the civic scale of the Carfax junction are valid given that site would be seen in that context when viewed from other streets such



as High Street and Cornmarket. As a result the pre-application discussions, which followed on from the design review panel meeting, focussed on a single plot concept for the Queen Street elevation and resulted in the scheme submitted in this application.

36. The proposed loss of the tenement boundaries exhibited in the existing buildings at 4-5 Queen Street would result in less than substantial harm to the historic interest of Queen Street and the significance of the Central Conservation Area. However, a significant proportion of medium and high quality examples of these tenement plots would remain throughout Queen Street and the other streets within the Central Conservation Area and the loss of above ground evidence (in the form of the buildings) can be mitigated by the preservation of the below ground references to these medieval burgage plots through the revised basement design, which officers have negotiated. Queen Street has undergone progressive change throughout the C19th/20<sup>th</sup> and the current proposal would represent part of this change. The harm that would result from the proposed development would be mitigated by the preservation of below ground evidence and justified by the public benefits that would be achieved through a well designed replacement building (and of better quality than the existing buildings) that would sit comfortably within the local context and make full use of the site with mixed commercial and residential accommodation. In that respects the proposal would accord with the aims of the National Planning Policy Framework and Oxford Local Plan Policy HE2 and HE7.

#### *Impact upon Long and Short Distance Views*

37. The Oxford Local Plan recognises the importance of views of Oxford from surrounding high places, both from outside Oxford's boundaries but also in shorter views from prominent places within Oxford. As a result there is a high buildings policy (HE9), which states that development should not exceed 18.2m in height or ordnance datum 79.3m, whichever is the lower, within a 1,200m radius of Carfax except for minor elements of no great bulk.
38. The manner in which the height of the new building and the proposed roof would impact upon views from high vantage points within and outside the city were considered at length during the pre-application process. At the design review, the ODRP recognised that the redevelopment of the plot was an opportunity to improve the immediate roofscape of the site as viewed from Carfax Tower and encouraged this.
39. In terms of the high buildings policy, the maximum height for the application site would be 79.3m as stipulated by the policy. The proposal would exceed this level, but would ensure that the majority of the roof would sit below the 18.2m limit with only the lift shafts protruding marginally beyond this limit. The application is accompanied by a Visual and Townscape Assessment, which considers the impacts of the scheme upon the skyline. It is clear from the applicant's analysis of the proposal upon these short and long distance views that there is potential for the scheme to have an impact on these views.
40. Carfax Tower: The existing view (6) demonstrates that the important features of the

view are the domes and spires of the Town Hall, Tom Tower, and St Aldates with the tenement plots of Pembroke Street and the green hills beyond. The existing buildings at 4-5 Queen Street and St Aldates Chambers are not particularly positive elements within the foreground of this view, and nor are the collection of roofs and plant from the other retail units.

The proposed view (6) shows how the series of mono-pitched roofs would provide a more varied and interesting roofscape than exists at present. Furthermore it would not interrupt views of the main elements of significance such as the Town Hall, Tom Tower, Christ Church, tenement blocks of Pembroke Street, and the green hills beyond.

41. St Mary's Tower: This is the highest viewing point within the city. The existing view (7) highlights the views across the roofs of the colleges and historic buildings in this part of the city including the spires and towers of Tom Tower, St Aldates, Town Hall, All Saints, Carfax Tower and Nuffield Tower. Again the green hills set the background for the city.

The proposed view (7) demonstrates that the proposed building will not interfere with these key elements and would form an integrated part of the existing lower level roofscape of the buildings within the view.

42. St Michaels at the Northgate: The existing view (8) looks southwards down Cornmarket and the prominent features are the Town Hall, St Aldates, and Carfax Tower. 121 St Aldates is clearly visible at Carfax junction. The green hills beyond the city are less prominent.

The proposed view (8) shows that there will be little impact upon the existing roofline with all of the prominent features visible in the view and the attic extension of 114-119 St Aldates only marginally visible.

43. St Georges Tower: The existing view (6) highlights the importance of the tower as a defensive position with the city surrounded by hills and trees. The view has site of Carfax Tower and other prominent features of St Mary's, All Saints, Town Hall, Tom Tower and St Aldates. The viewer has the sense of being within an environment of more domestic scale, albeit with the bulk of County Hall obscuring the view of the centre.

The proposed view (8) shows that the building will protrude above the existing undistinguished roof line and directly in front of the Town Hall. The loss of a view of the Town Hall would not be so significant although this does highlight the importance of ensuring that the material treatment for the roof and its scale will help to integrate the building into the setting of rooftops that frame the foot of the view.

44. Castle Mound: The existing view (10) again shows how the castle mound provided a 360° view of the surrounding landscape. The towers of St Mary's, All Saints, Town Hall, Tom Tower, and St Aldate's are visible but far less prominent than in other views. The foreground has more of a domestic scale, but again is largely dominated by County Hall.

The proposed view (10) shows that the new building would not interfere with these elements and would be hardly visible from this vantage point.

45. Raleigh Park View Cone: The existing views (11 & 12) highlight that the view of Oxford from Raleigh Park is framed by trees within parkland. The high buildings within the city are set within the middle distance across the framed area, above the lower scale roofscape of the city suburbs. The foreground preserves the elements of the hillside and meadows, and Headington Hill provides the backcloth against which the historic buildings are seen.

The proposed view (11 & 12) shows that the roofline of the proposed building would not obscure the important elements of this view. It would be set within the existing roofline of the buildings just above the existing Westgate shopping centre (which has outline planning permission for redevelopment). There would be no material impact upon this view.

46. South Park View Cone: This is a 'close-up' view of the city from South Park. The existing view (13) shows the belt of trees that provides a green fringe which separates the historic city centre buildings from the low rise suburbs of St Clements and East Oxford. Wytham Hill and Hinksey Hill provide a green backcloth with prominent dip that focuses the view of the city centre. The spires, towers and domes break the skyline.

The proposed view (13) shows that the roofline of the building will be obscured by the gable of the Main Hall of the Town Hall, with small elements protruding either side that sit within the general roofscape of the buildings in that view.

47. Boars Hill View Cone: The existing view (14 and 15) show that the city is seen at a distance with the city set above green fields and woodlands. The hills of Elsfield and Woodeaton form a green backcloth. The limestone churches and university and college buildings are a prominent feature in the south east of the city centre, whilst the rest of the city centre is mainly comprised of a mix of small, pitched rooftops. The towers of Carfax and the Town Hall are set to the west of these college buildings.

The proposed view (14 and 15) highlights that the building will be more prominent in this view cone than Raleigh Park and South Park. The building will sit below Exeter College Chapel and between Carfax Tower and the Town Hall and within the collection of roofs that form the base to which these towers protrude. The building will not have a significant impact upon the prominent features of this view cone however the roof form would be likely to provide some order to the collection of roofs that it would sit within. That said the colour of the roof and choice of material will be an important element for integrating the building into this view.

48. The views into and across Oxford from the various viewing places identified above hold interest for the buildings in the view (aesthetic and historic value), the history of the view and the green backcloth in the views (which help understanding of Oxford's location as a crossing point within the Thames Valley). In summary, officers recognise that the proposed building would exceed the maximum height for new buildings as set out in Local Plan Policy HE9 and that the proposed buildings

would be visible in the views.. However, officers recognise that views are dynamic and subject to change over time. Indeed change is a part of the history of the view. The challenge is to ensure that the change adds interest, rather than depletes it. The design of the roof has created a visually interesting high quality roofscape, which as recognised by English Heritage,would sit comfortably amongst its surrounding buildings in long views from protected view cones and short views such as Carfax Tower and would add interest. As such the projection beyond the high buildings policy is considered to be an acceptable exception.

## **Form and Appearance**

49. Policy CS18 of the Oxford Core Strategy 2026 requires development to demonstrate high-quality urban design responding appropriately to the site and surroundings; creating a strong sense of place; contributing to an attractive public realm; and providing high quality architecture. The Local Plan requires new development to enhance the quality of the environment, with Policy CP1 central to this purpose. Policy CP8 requires development to relate to its context with the siting, massing and design creating an appropriate visual relationship with the form, grain and scale of the surrounding area. This is supported through Policy HP9 of the Sites and Housing Plan, and the West End Area Action Plan design codes.

50. Layout: The proposal is designed to make use of the two main street frontages with the existing retail frontage onto St Aldates maintained and a single retail unit onto Queen Street provided. The student accommodation not intended for Christ Church would be accessed from Queen Street via the archway between 4-5 Queen Street and 121 St Aldates. The existing archway currently provides service access to the rear of the Queen Street buildings, and so using this as the main point of entrance would provide a more legible access that responds well to the activity within Carfax. This would also provide access to the cycle and refuse stores for the main uses within the proposed development. The Christ Church accommodation would be accessed via St Aldates using the existing access to the upper floors of the building. The application site is a constrained site in the city centre and as such the upper levels of the building have been designed to ensure that as many aspects face out onto the street and to the rear in order to maximise the outlook for the accommodation. Where smaller courtyards / atriums are proposed consideration has been given to light and outlook by locating some of the communal rooms in these areas.

51. Size, Scale, and Massing: The overall size and scale of the proposed development would respond to the city scale of the Carfax junction. The Queen Street building would be four storeys high with a recessed roof level extension which follows the building line of Queen Street. There would be a return frontage that faces towards High Street and creates a stronger corner junction than the existing buildings. The overall massing of the building would be reduced by the recessed roof, which would only be visible in glimpsed views from the surrounding streets. The building would confidently handle the transition between the city scale Carfax buildings and the smaller scale and narrower building plots that exist as the street runs westwards. The Visual and Townscape Assessment submitted with the application demonstrates in the existing and proposed street views (3-5) how the building would frame both Carfax and Queen Street.

52. The proposal would maintain the existing St Aldates frontage and preserve the positive contribution they make to the appearance of St Aldates. The roof extension would again be recessed to maintain an appropriate scale. The overall roof design comprises a series of mono-pitched roofs, which will be an improvement on the existing roofscape and help to break up the built form and scale of the development while not harming long and short distance views of the city's skyline.
53. Appearance: The proposed building would have a contemporary appearance. Officers would concur with English Heritage's views that the Queen Street building would have a well-ordered and rational frontage which would work well in its setting. The additional relief of the elevation proposed by the deep window openings and projecting bands create a visually interesting elevation that reflects the more intricate modelling of buildings in the surrounding area. The one concern officers would raise would relate to the return frontage on the Queen Street elevation, where the windows should be reduced in size to better reflect the scale of openings in the adjoining building at 121 St Aldates. This should be controlled by a condition on any consent to secure amendments.
54. The Queen Street frontage would be formed from stone, whilst the rear elevations would be facing brick. The roof structure would be copper with standing seams extending to wall cladding, and the windows would be of a bronze finish. The material treatments for the main elevations would be acceptable in principle subject to a condition requiring prior approval of these details. The main concern with the materials would relate to the choice of copper for the roof, which may appear too strident in this context and as such needs further consideration to ensure the building successfully integrates into its local setting and so as not to adversely impact upon long and short range views. This should be secured by condition which would allow for a more detailed consideration of the alternatives available.
55. Overall officers consider that the size, scale and massing of the development would be appropriate for the site and would not harm the significance of the Central Conservation Area or the setting of the listed buildings surrounding the site. This would accord with the aims of the NPPF and also the above-mentioned policies of the Oxford Core Strategy 2026, Oxford Local Plan 2001-2016, Sites and Housing Plan 2026, and West End Area Action Plan.

## Highway Matters

56. A Transport Assessment has been submitted with the application which has demonstrated that the uses proposed within the development would result in a net reduction of 194 vehicle wide trips across the city's road network when compared to the trips that would be generated by the existing office and retail uses on site.
57. The existing building currently provides pedestrian access to the retail elements from St Aldate's and Queen Street, with the offices on the upper levels accessed via St Aldate's. The proposed development would maintain this existing situation with respect to the ground floor commercial uses, whilst the student accommodation would be accessed from both St Aldate's and Queen Street in order to disperse pedestrian demand.

58. The proposal will not provide any vehicle parking on site, and would maintain its existing 'car-free' status. The West End is an appropriate location for car-free development given the excellent walking, cycling and public transport opportunities that exist in this central location. It is also recognised that Sites and Housing Plan Policy HP5 requires a condition that prevents occupants of the student accommodation from bringing cars into Oxford.
59. In order to help encourage the uptake in sustainable modes of transport to the site, the scheme will provide 110 cycle parking spaces for both the commercial use and student accommodation. This would comfortably exceed the minimum cycle parking standards set out within the Oxford Local Plan 2001-2016 Policy TA4. A condition should be attached which requires this cycle parking provision to be provided and made available for use before the development is first occupied.
60. The Oxfordshire County Council have highlighted the potential for servicing of the development to have a negative impact upon the operation of St Aldate's and Queen Street particularly during the daytime hours where there are a large numbers of buses arriving and departing from St Aldates. St Aldate's is a narrow street which conveys a high number of passengers bound for East and South Oxford and beyond. It has 10 heavily used bus stops including two outside the application site. The footway in St Aldate's adjacent to the site is also narrow and is used by a large number of pedestrians and passengers waiting for buses. As a result it is imperative that the proposed development does not result in any reduction in the width of the footway, and that deliveries and servicing of the proposed development are properly considered.
61. There is currently no direct servicing to 114-116 St Aldates from Queen Street and all servicing for this retail unit is via St Aldate's. The servicing for the remainder of the site is via Queen Street. As the majority of the servicing will take place from Queen Street. There may be a requirement for some servicing of 114-116 & 117-119 St Aldates as is currently the case given the entrance location of these units are onto St Aldate's. However all servicing of the site is to be between 1800 and 1000 hours, and would comply with all local loading / unloading restrictions. The refuse storage for the proposal is located on the ground floor and is fully accessible through the cycle store, and will be collected via a private (commercial) collection contractor. It is not proposed to alter the footway onto St Aldates as part of the scheme.
62. The County Council as Highways Authority has raised no objection to the development but recommended a service plan be developed which prevents routine deliveries and servicing from disrupting the operation of buses on St Aldate's or pedestrian amenity on Queen Street. The plan would also need to address how student's belongings can be dropped off and picked up at either end of university terms without impacting negatively on the operation of the streets. This should be secured by an appropriately worded condition.
63. A Framework Construction Traffic Management Plan has also been submitted at the request of the Local Highways Authority to ensure that the potential disruption

from the construction phase is considered at an early stage. The Highways Authority has raised no objection in principle to this document but recommend that the formal plan should ensure that all construction traffic is routed via Queen Street (outside the core trading hours, i.e. 1000 to 1800hours) and that St Aldate's should not be used for loading/unloading or stationary construction/contractor vehicles at any time. In addition the Highway Authority also seeks that the full width of the footway in St Aldate's is maintained for pedestrian use at all times. Any temporary relocation of bus stops would be required to be agreed in advance with the Highways Authority.

64. Overall the proposed development is considered acceptable in highway terms, subject to the above conditions in accordance with the aims of Oxford Local Plan Policies CP1, CP10, TR1 and TR4

### **Archaeology**

65. The application involves a substantial ground works in an area of high archaeological sensitivity. An archaeological desk based assessment (Heritage Assessment) has been submitted for this site by CgMs Ltd (2014) along with a subsequent addendum (September 2014).

66. The site is centrally located within the historic core of the city, central to the Late Saxon burh, fronting onto the medieval market which encompassed Queen Street (Great Bailey) and St Aldates (Fish Street) and located partly within the 13<sup>th</sup> century Jewish 'Quarter' in the vicinity of suggested high status Jewish dwellings of likely stone construction. The site has previously produced evidence for significant Late Saxon and medieval remains including in-situ Late Saxon street surfaces and medieval floor levels. The site as a whole has the potential to preserve a wide range of features, ecofacts and artefacts that may be of national significance in terms of the study of the development of early towns.

67. The importance of Late Saxon urban sites, such as Oxford, at a regional level is recognised by the Thames Solent Research Assessment which notes that the Late Saxon urban remains of the region represent a nationally important resource (Dodd and Crawford 2014: 230). In the post-Conquest period the national significance of Oxford in economic terms increased significantly, until a period of decline in the 14<sup>th</sup> century. By 1066 it was '*one of the largest towns in England, exceeded in size only by London, York, Norwich, Lincoln, and Winchester*' (Victoria County History 1979). The town's rising prosperity in the later 12th and early 13th centuries, reflected in tallage contributions, in 1176-7 it paid the same as Exeter, Gloucester, Norwich, Bedford, Dover, and Canterbury, but less than London, Northampton, York, or Lincoln, Winchester, and Dunwich. In 1227 Oxford paid the same amount as York, and more than any other town except London. In 1334 Oxford ranked 8th among English provincial towns on the basis of taxable wealth. The potential archaeological significance of well-preserved deposits along the principal market frontages of the central crossroads is therefore clear.

68. Officers initially raised concerns that the submitted basement design would have a likely impact upon archaeological remains. The basement designs have been

significantly amended to secure the preservation in-situ of Late Saxon and medieval street frontage remains known to be present at Nos 4 and 5 Queen Street. Officers welcome these amendments which will secure Oxford's important below ground heritage. Therefore officers would raise no objections to the proposal subject to conditions which ensure that a sympathetic demolition and construction methodology is employed and that post demolition evaluation of the remaining impacted areas be undertaken in order to guide subsequent mitigation by archaeological excavation and/or localised redesign, if appropriate.

## **Ecology**

69.A Bat Survey has been included with the application. The survey found no evidence that the application site was being used by roosting bats. The location is considered too far into the centre of Oxford for bats to commute to find roost sites, and there are more optimal roost sites in surrounding buildings and closer to green space which they are more likely to use. The Survey recommends a precautionary approach is followed during construction to monitor for the presence of bats.

70. Officers are satisfied with the conclusions and recommendations contained within the survey and recommend a condition be attached which requires these recommendations to be carried out.

## **Community Infrastructure Levy**

71. The Community Infrastructure Levy (CIL) is a standard charge on new development. The amount of CIL payable is calculated on the basis of the amount of floor space created by a development and applies to developments of 100 square metres or more. The reason that CIL has been introduced is to help fund the provision of infrastructure to support the growth of the city, for example transport improvements, additional school places and new or improved sports and leisure facilities.

72. The proposal will be liable for a CIL payment of £231,123.62. The Oxfordshire County Council have requested this money be spent on a number of schemes. There are no longer any direct allocations towards specific infrastructure projects from applications. The CIL contribution from this application will go into a central fund and the Council will decide the spending priorities in consultation with the County Council through the infrastructure planning and budget setting process.

## **Sustainability**

73. Sites and Housing Plan Policy HP11 requires development proposals for student accommodation to include at least 20% of their energy needs from on-site renewable or low carbon technologies where practical. This is supported by Oxford Core Strategy Policy CS9 which states that all development should optimise energy efficiency by minimising the use of energy through design, layout, orientation, landscaping and materials.

74.A Natural Resource Impact Analysis (NRIA) and Energy Strategy have been



submitted with the application. The NRIA scores 9/11 which exceeds the minimum score of 6. The Energy Strategy sets out how the proposed accommodation intends to reduce energy consumption through efficient design and utilising renewable technology. It focuses upon using low energy lighting and lighting control to optimise lighting efficiency; small power management systems in student bedrooms to minimise power consumption; improved building fabric thermal properties to reduce heating loads and solar shading to minimise the risk of overheating during summer months; and an energy efficient ventilation strategy and installation of heat recovery to ventilation systems. The proposal will use air source heat pumps in order to meet the energy target of 20% required by the policy. Similarly the commercial units will be fitted out to ensure that they achieve the 20% renewable energy target.

75. Having reviewed these documents, officers consider that they have provided a good baseline for optimising energy efficiency within the building but have not entirely demonstrated how the 20% target for total energy needs will be met. In terms of renewable technologies the NRIA scores poorly as only Air Source Heat Pumps have been proposed. A number of other technologies such as Solar Water Heating Systems, Biomass Boilers, Grey and Rain Water Harvesting have seemingly been discounted on the basis that they may not be permitted in a Conservation Area. The location of the site within a Conservation Area should not necessarily preclude such technologies if they are appropriately designed.

76. A more detailed energy statement would therefore be required which properly considers all options and sets out firm commitments as to how the building will optimise energy efficiency to meet the 20% target for energy needs would be required in accordance with the above-mentioned policies. This could reasonably be secured by an appropriately worded condition.

## **Drainage**

77. A Drainage Statement has been submitted with the application which indicates that all drainage will utilise the existing connections from the existing buildings to the public network.

78. Thames Water have raised concerns with the strategy and made clear that it would not be appropriate to allow surface water from the site to be discharged via the existing connection into the public foul sewer in Queen Street. St Aldates and Queen Street are serviced by separate foul and surface water sewers that the development could connect to provided that all other surface water disposal methods have been demonstrated as being impractical. The foul sewer system in the city is not intended to convey surface water and therefore it is imperative that new developments actively seek to separate foul and surface water flows and control the rate of surface water flows by incorporating sustainable urban drainage into their design. Thames Water have therefore reiterated their comments that a separate foul and surface water drainage strategy should be submitted which calculates peak foul and surface water discharge rates at each existing connection to the public sewer system, calculated peak foul and surface water discharge rates at each proposed connection (post development) to the public sewer system, Sustainable Urban Drainage methods to be incorporated

into the development's drainage with attenuation capacity requirement and associated calculations and proof that the surface water disposal methods hierarchy has been investigated. The Drainage Authority have raised no objections to the proposal, but have acknowledged that the drainage flow from the existing hard surfaces on site drain to the existing sewers. These flows could be reduced by the use of grey water recycling.

79. It is clear that the current drainage strategy is not sufficient to demonstrate that the proposed drainage will not have an impact upon the existing sewerage network. However, as originally recommended by Thames Water this could be dealt with by imposing a condition which requires a more detailed drainage strategy to be developed before development commences.

### **Noise**

80. A Noise Impact Assessment has been submitted which has been developed in conjunction with Oxford City Council Environmental Health. The noise assessment criteria meet recognised guidance levels and are therefore appropriate.

81. In order to ensure that the residential accommodation is designed to meet the agreed criteria, a condition should be attached which recommends the following.

- All residential accommodation to meet agreed noise level of 30 dB LAeq in living rooms and bedrooms prior to occupation with no single noise event to exceed 45dB LAmax.
- In addition all applicable rooms to be capable of meeting these levels with windows in the open position. Where windows need to remain in the closed position to achieve agreed levels, applicant to install an acoustic ventilation to ensure that an adequate supply of fresh air is provided.

82. In addition to the above, a condition should also be attached which requires a Demolition and Construction Management Plan in order to ensure any adverse impact on local and residential amenity is reduced to a minimum.

### **Conclusion:**

83. The proposal is considered to be in accordance with the relevant policies of the Oxford Core Strategy 2026, Oxford Local Plan 2001-2016, Sites and Housing Plan 2011-2016, and West End Area Action Plan. Therefore officer's recommendation to the Members of the West Area Planning Committee is to approve the development in principle, but defer the application for the completion of a legal agreement to secure the necessary financial contribution towards off-site affordable housing as set out above.

### **Human Rights Act 1998**

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

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

**Section 17 of the Crime and Disorder Act 1998**

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

**Contact Officer:** Andrew Murdoch

**Extension:** 2228

**Date:** 3rd October 2014

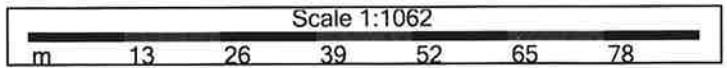
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# Appendix 1

4-5 Queen Street and 114-119 St Aldates (14/02256/FUL)



1:1062



<b>Organisation</b>	Oxford City Council
<b>Department</b>	City Development
<b>Comments</b>	Not Set
<b>Date</b>	03 November 2014
<b>SLA Number</b>	100019348

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## Appendix 2: Summary of Public Consultation

### 4-5 Queen Street and 114-119 St Aldate's (14/02256/FUL)

The following comments have been received from Statutory Organisations and Third Parties in relation to the application.

#### Statutory Organisations

- English Heritage

English Heritage had extensive pre-application discussions on the design of the proposed new building at 4-5 Queen Street and 114-119 St Aldates. We are content that the design, scale and appearance of the proposed new building at 4-5 Queen Street and additional storey on 114-119 St Aldates would not harm the significance of the Central (University and City) Conservation Area. However, the site has high potential for archaeological remains of national importance and further field evaluations are required prior to determining the application to establish the significance of any buried archaeology.

This application consists of a proposal to construct an entirely new building on the site of 4-5 Queen Street which wraps around the rear of 115 St Aldates and add a new attic storey to 114-119 St Aldates in order to provide student accommodation. This raises two conservation issues: firstly, the potential impact on views of the distinctive Oxford roofscape of towers and spires which is a defining characteristic of the city (and therefore a key aspect of the significance of the conservation area). Secondly, Queen Street is one of the major historic streets within the city where, although most buildings are relatively modern, it still retains the route of the medieval street and has an interesting streetscape characterised by some relatively narrow frontages inherited from medieval burgage plots. Any new building needs to sit comfortably within this context and contribute positively to the appearance of the street.

The height of the proposed building would exceed the maximum height for new buildings of 79.3m above Ordnance Datum set out in Policy HE.9 of the Oxford Local Plan. However, in our view the height of the proposed building would not be harmful to the distinctive Oxford skyline and thus the significance of the conservation area as no buildings of architectural note would be obscured by the proposed building in views from nearby Carfax Tower. The design of the roof is clever and comprises a series of mono pitched roofs covered in a copper coloured metal that together would create a visually interesting roofscape of a very high quality and would thus be a significant improvement on the quality of the roofscape currently visible from the Tower. Long views towards the City (shown in views 11, 12, 13, 14 and 15) would also not be harmed by the proposed building as the varied and high quality roofscape would sit comfortably amongst surrounding buildings of similar scale and massing. That said, English Heritage would not view the scale of the proposed building as a precedent for new buildings along Queen Street, as a distinctive characteristic of this street is the descending scale in building heights from 115 St Aldates to the more modest buildings of three to four storeys further down the street. We also consider that the current proposals represent the maximum height that could be accommodated on the site.

Anything higher would begin to obscure buildings of note in views from Carfax Tower and would likely dominate and rise above the distinctive and rich tapestry of buildings that underpin the spires and towers which together form the attractive and highly significant Oxford skyline.

We are also content with the proposed Queen Street elevation, a well ordered and rational frontage which would work well alongside the varied but ordered frontages surrounding it. The additional relief on the elevation provided by the proposed deep window openings and projecting bands would create a visually interesting elevation that reflects the more intricate modelling of buildings in the surrounding area. We are also content with the proposed attic storey on 114-119 St Aldates as the way in which the attic is recessed means that it would only be visible in glimpsed views from St Aldates and Cornmarket.

Our only concern remains the buried archaeology. The site is located in a critical area for the understanding of the origins of the town of Oxford lying as it does at the very centre of the oldest part of the town. As yet it is unclear whether there are intact archaeological deposits under the current building. If these do survive they could be of national significance. This potential should be assessed through field evaluation before any decision is taken on this application in accordance with paragraphs 128 and 129 of the NPPF.

English Heritage is content with the design, scale and appearance of the proposed building but remains concerned about the potential impact on buried archaeology which could be of national importance. We therefore recommend that further field evaluation is required prior to determination of the application. We would welcome the opportunity of advising further. Please consult us again if any additional information or amendments are submitted. If, notwithstanding our advice, you propose to approve the scheme in its present form, please advise us of the date of the committee and send us a copy of your report at the earliest opportunity.

- Environment Agency Thames Region: No objection

- Oxford Civic Society

The Society is concerned about the following points.

- The location of the refuse storage area is through the cycle storage area, at the furthest point from Queen St on the ground level and a long way from the street. This arrangement is inconvenient, risks litter being dropped and it seems inevitable that bicycles will be damaged on occasions.
- The only amenity area for resident students is located in the basement; this is not satisfactory for students who may have no other nearby such facility (as in other college buildings). Consideration should be given to alternative or additional provision elsewhere in the development, e.g. common rooms on upper floors
- There appear to be no area for management of the accommodation, except for a small office in the basement. It is unclear what arrangements are proposed for management of the student accommodation, but particularly in this location, we would consider that onsite supervision is necessary



- Oxford Preservation Trust

The Trust have been pleased to be involved in the pre-application discussions in this very sensitive position at the heart of Oxford

We have been concerned at the heights of this development in this location next to Carfax Tower throughout and would have preferred that any building in this location was no higher than the existing. However, we recognise the attempts that have been made to create a varied roofscape which will not dominate in the view and that the top storey has been set back behind the Queen Street façade building line in an attempt to soften its impact from street level. We do still make the point that it will be prominent in the views

This is a big building in a narrow street and we have had a number of discussions over the façade onto Queen Street. We regret the loss of the reference to narrow plots which date from Saxon times when this formed part of the Jewish Quarter, and which remain the character of the adjoining buildings in Queen Street. What is proposed pays more reference to Carfax than to Queen Street and we are concerned that it will not sit easily here.

- Oxfordshire County Council

- General comment: The county council supports the development in principle. However, the following issues need to be considered in determining this proposal.

The servicing of the development could cause a negative impact on the operation of St Aldate's and Queen Street, particularly during the daytime when there are large numbers of buses arriving and departing from the St Aldate's street. A servicing plan needs to be submitted and agreed by the county council for the development which prevents routine deliveries and servicing from disrupting the operation of buses on St Aldate's or pedestrian amenity on Queen Street. The plan would also need to address how student's belongings can be dropped off and picked up at either end of university terms without impacting negatively on the operation of the streets.

St Aldate's is the location of significant numbers of bus services to south and east Oxford, as well as to locations outside the city. Many other bus services pass through St Aldate's without stopping, on route to/from other stops in the High Street, Speedwell Street and beyond. It is always difficult to provide bus stops and the routing of buses in Oxford city centre. Therefore, the county council would request that any temporary relocation of bus stops as a result of this development be avoided. Around 50% of people currently access the city centre by bus, so it is important to maintain the flow of buses and their passengers.

If permitted, the proposal will impact upon various infrastructure and services provided by the county council. To address these, Community Infrastructure Levy (CIL) revenue would be necessary. The transport schemes that CIL could be put towards are: Improved environment for pedestrians and cyclists in City centre, including Queen Street, St Giles, Magdalen Street, George Street and Broad Street; Improved City centre cycling environment; Cycle

parking, cycle hire or cycle hubs; Public realm improvements within City centre; Reconfiguration of city centre bus and passenger waiting facilities

- Highways Authority: St Aldates is a narrow street which conveys very large numbers of buses and coaches (up to 200 per hour) and their passengers linking the City Centre with a wide swathe of East and South Oxford and beyond. The full width of the carriageway at the northern end of St Aldates is required for the passage of buses and other vehicles. St Aldates also contains 10 very busy bus stops, including stops G4 and G5 in the close vicinity of the development site. These stops serve the very busy Cowley Road corridor and the Thornhill Park and Ride site.

The footway adjacent to the development site in St Aldates is very narrow, and is used by huge numbers of pedestrians walking along the length of this key city thoroughfare and is also used to form long queues of waiting passengers for buses. It is imperative that there is no reduction in the available width of this footway.

The provision of bus stops and the routeing of buses in Oxford is a hugely controversial subject, and the temporary relocation of any bus stops should be avoided, not only because of the extreme difficulties in finding alternative locations, but also because of the likelihood of many complaints, adverse media comment etc. Around 50% of people currently access the city centre by bus, so the importance of maintaining the flow of buses and their passengers cannot be overstated.

The Local Highways Authority have raised no objections subject to the following conditions

- A Construction Traffic Management Plan shall be included which ensures that all construction traffic is routed via Queen Street outside core trading hours and that St Aldates will not be used.
  - A management regime for the student accommodation that prevents cars being brought into Oxford.
- Drainage Authority: The drainage flow from the existing hard areas drain to the existing sewers, these flows could be reduced by the use of grey water recycling.
  - Property: It is calculated that this proposed development would generate a population of 133 additional residents. If permitted, the proposal will impact upon various County Council related infrastructure and services. To address these, CIL revenue would be necessary. The County's non-transport infrastructure priorities arising from development in this area are (not in particular order):
    - Improved capacity and accessibility of Westgate library
    - Improved capacity and accessibility of early intervention centres
    - Older people day centre and learning disabilities day centre in West Oxford
    - Extensions to existing primary schools
    - Extensions to existing secondary schools

- Extensions to special needs accommodation
  - Extensions to existing 6th form schools
  - Improved capacity and accessibility of existing children's centres
- Thames Water Utilities Limited  
Thames Water have submitted two sets of comments on the 9<sup>th</sup> September 2014 and 29<sup>th</sup> October 2014

#### Water Comments

Thames Water recommend the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

Thames Water recommend the following informative be attached to any planning permission: There is a Thames Water main crossing the development site which may/will need to be diverted at the Developer's cost, or necessitate amendments to the proposed development design so that the aforementioned main can be retained. Unrestricted access must be available at all times for maintenance and repair. Please contact Thames Water Developer Services, Contact Centre on Telephone No: 0845 850 2777 for further information.

#### Waste Comments

In their comments dated 9<sup>th</sup> September 2014, Thames Water stated

With the information provided Thames Water has been unable to determine the waste water infrastructure needs of this application. Should the Local Planning Authority look to approve the application ahead of further information being provided, we request that the following 'Grampian Style' condition be applied –

*"Development shall not commence until a drainage strategy detailing any on and/or off site drainage works, has been submitted to and approved by, the local planning authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed".*

*Reason - The development may lead to sewage flooding; to ensure that sufficient capacity is made available to cope with the new development; and in order to avoid adverse environmental impact upon the community'*

Should the Local Planning Authority consider the above recommendation is inappropriate or are unable to include it in the decision notice, it is important that the Local Planning Authority liaises with Thames Water Development Control Department (telephone 0203 577 9998) prior to the Planning Application approval

A Drainage Statement had been supplied at the time of the application, and following a review of the document, Thames Water made the following comments on the 29<sup>th</sup> October 2014.

Section 3.3 of the drainage statement for the proposed development (Drainage Statement, 114-119 ST ALDATES AND 4-5 QUEEN STREET, OXFORD, dated: June 2014) indicates that the developer plans to discharge surface water via the existing 300mm diameter combined (foul and surface water) connection to the 225mm diameter public FOUL sewer in Queen Street.

This proposal contradicts current plans to address flooding in Oxford by separating surface water connections from the foul network. Both St Aldates and Queen Street are serviced by separate foul and surface water sewers that the development could connect to following demonstration that the hierarchy of surface water disposal methods (1st Soakaways; 2nd Watercourses; 3rd Sewer) have been examined and proven to be impracticable, In accordance with part H of the Building Regulations Act 2002.

Section 3.3 of the development's Drainage Statement concludes that the existing combined (foul and surface water) 300mm diameter connection to the public system has a maximum flow capacity of 57 litres/second. The receiving 225mm diameter foul sewer has a maximum flow capacity of 43.45 litres/second. Please Note that the foul sewer system is not intended to convey surface water, and has been sized to accommodate foul flows only. This is why there is a separate surface water system servicing the City. Miss-connection of surface water to the foul system can rapidly consume capacity in foul sewer during wet weather and result in sewer flooding. This is why it is of prime importance that new developments actively seek to separate foul and surface water flows and control the rate of discharge to the public system by incorporating SuDS into their design.

As previously requested, the developer is required to submit a separate foul and surface water drainage strategy. Detailing; calculated peak foul and surface water discharge rates at each existing connection to the public sewer system, calculated peak foul and surface water discharge rates at each proposed connection (post development) to the public sewer system (Please Note: Foul and surface water must not be combined), SuDS incorporated into the development's drainage with attenuation capacity requirement and associated calculations and proof that the surface water disposal methods hierarchy has been investigated. It is recognised that some of this information has been provided in separate documents, but for continuity, the developer is requested to include this information in the drainage strategy. If, following review of the requested drainage strategy, initial investigations conclude that the existing foul or surface water sewer network is unlikely to be able to support the demand anticipated from this development, it will be necessary for the developer to fund an Impact Study to ascertain, with a greater degree of certainty, whether the proposed development will lead to overloading of existing waste foul and/or surface water infrastructure, and, if required, recommend network upgrades.

### Third Parties

17 London Place: Whilst the proposal meets the policy of student accommodation on a main road, I feel the site is more suitable for commercial, and it would be a pity to lose central commercial / employment space. The accommodation seems to be in 2 parts - part for Christ Church and part for private letting. Whilst the Christ Church

part has local support from the college, the private section has no amenity space (roof garden perhaps) and poor light and outlook to the rear. The access for bins is poor having to collect through a cycle store and down a narrow alley. Service access generally is poor. Also there does not seem to be any level 3 (disabled) provisions. I think a more detailed design should be considered by the Design Review Committee.

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West Area Planning Committee

12<sup>th</sup> November 2014

**Application** (i): 14/02399/FUL

**Numbers:** (ii):14/02396/LBD

**Decision Due by:** 4th November 2014

**Proposal:** (i) 14/02399/FUL - Erection of new study centre building on 2 and 3 level basement as an extension to existing library. Re-landscaping of Presidents Garden (amended plans).

(ii) 14/02396/LBD - Internal and external alterations associated with links to the proposed library and study centre in the Presidents Garden. Various alterations to the Old Library, Laudian Library and Paddy Room at east and south ranges of Canterbury Quad, including access (amended plans).

**Site Address:** St Johns College, St Giles, **Appendix 1**

**Ward:** Carfax Ward

**Agent:** Mr James Taylor

**Applicant:** Mr Andrew Parker

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## Recommendations:

(i): 14/02399/FUL: Committee is recommended to support the proposals

## Reasons for Approval:

1. The proposed development would seek to make an appropriate and efficient use of an already constrained college campus to meet an identified need and support the long term development of the academic function of St John's College.
2. 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 buildings and gardens and 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.
3. The Council considers that the proposal accords with the policies of the

development plan as summarised below. Any material harm that the development would otherwise give rise to can be offset by the conditions imposed.

### **Conditions**

1. Development begun within 3 years
2. Development in accordance with approved plans
3. Samples in Conservation Area
4. Ground re-surfacing – SUDS
5. Programme of archaeological work
6. Implementation of programme of archaeological work
7. Landscaping plan required
8. Landscape carry out after completion
9. Hard landscaping
10. Landscape underground services
11. Tree Protection Plan
12. Arboricultural Method statement
13. Nesting birds
14. Lighting scheme – ecology
15. Remove bower structure by hand
16. Bat boxes
17. Construction Management Plan

ii): 14/02396/LBD: Grant listed building consent.

### **Reasons for Approval:**

1. 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 Commencement of works Listed Building consent
- 2 Listed Building consent - works as approved only
- 3 7 days' notice to Local Planning Authority
- 4 Listed Building notice of completion
- 5 Further works - fabric of Listed Building - fire regs
- 6 Sample panels of stonework
- 7 Repair of damage after works
- 8 Preservation of features from demolition
- 9 Walls/openings to match adjoining
- 10 Setting aside/reinstatement of features
- 11 Preservation of unknown features
- 12 Recording
- 13 Restoration of bookcases
- 14 Details relocated fabric
- 15 Samples of exterior materials

## **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
- CP14** - Public Art
- CP18** – Natural Resource Impact Analysis
- CP19** – Nuisance
- CP20** – Lighting
- CP21** – Noise
- TR3** - Car Parking Standards

- TR4** - Pedestrian & Cycle Facilities
- TR11** - City Centre Car Parking
- NE15** - Loss of Trees and Hedgerows
- NE16** - Protected Trees
- NE21** – Species Protection
- NE22** – Independent Assessments
- NE23** – Habitat creation in New Developments
- HE2** - Archaeology
- HE3** - Listed Buildings and Their Setting
- HE4** – Archaeological Remains Within Listed Buildings
- HE5** – Fire Safety in Listed Buildings
- HE7** - Conservation Areas
- HE8** – Important Parks and Gardens
- 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
- CS12** - Biodiversity
- CS16** - Access to education
- CS18** - Urban design, town character, historic environment
- CS29** - The universities

Sites and Housing Plan

- MP1 – Model Policy
- HP9 – Design, Character and Context

**Other Material Considerations:**

National Planning Policy Framework and Guidance

The application site lies within the Central (City and University) Conservation Area and affects the setting of Grade I and II listed buildings and structures and a Grade II Registered Park and Garden.

**Relevant Site History:**

The site has an extensive planning history and the most relevant cases in this application are considered to be:

14/01026/LBC - Internal alterations to improve fire safety, including installation of staircase new doors and removal of partitions. Permission granted on 30th May 2014.

70/23231/A\_H - Internal alterations to library and students accommodation. PDV 18th August 1970.

70/23231/L\_H - Internal alterations to library and students accommodation. PER 13th October 1970.

75/00394/L\_H - Internal alterations to library. Phase 2. PER 22nd August 1975.

## **Public Consultation**

### Statutory Consultees Etc.

- English Heritage: No objection.
- Highways Authority: No objection subject to conditions relating to a detailed Construction Traffic Management Plan and SUDS drainage scheme.
- Thames Water Utilities Limited: No objection.
- Garden History Society, Oxford Architectural and Historical Society (OAHS), Victorian Group of the OAHS, Society for the Protection of Ancient Buildings (SPAB), Victorian Society: No comments received.
- Individual Comments: None received.

### **Pre-application discussions:**

Three pre-application meetings were held with the College and their architects, along with English Heritage to discuss the proposal and inform the evolution of the design.

### **Officers Assessment:**

### **Principal Issues**

Officers consider the principal determining issues to be:

- Sustainability
- Principle of the development and principal planning policy context
- site layout and built forms;
- heritage;
- transport;
- landscaping;
- flood risk and drainage;
- biodiversity

### **Sustainability**

1. In accordance with Policy CS9 (Energy and natural resources), the proposed development would make an efficient use of land within a constrained College campus. The re-design of the President's Garden will also ensure that this is a

more meaningful and functional garden.

2. The thermal performance of the historic buildings would be improved and the new building would offset carbon emissions. The Design and Access Statement and Appendix A of that document, outline how the proposal seeks to use renewable energy technologies and passive design solutions. These include a ground source heat array located under the President's Garden which would provide heating for the new library. Photovoltaic panels on the roof of the new library would supply the building with electricity. The design of the library also employs a number of other passive measures to minimise energy use which include; high thermal mass in the construction and materials in the new building; passive ventilation; optimising natural lighting and fitting efficient, responsive lighting.
3. The solar panels will be either concealed behind parapets, located above the rooms and staircases to the north and south of the new building or integrated into the central mono pitched roof area.

### **Background to and details of the proposals**

4. The application site is part of St John's College to the east of St Giles and to the north of Balliol College and Trinity College. The site is accessed from St Giles.
5. The site was founded in 1437 as a Cistercian college and later re-founded as St John's College in 1555. The College occupies a large main site to the north of the city centre with Balliol College and Trinity College located to the south. The College lies within the Central Conservation Area. The site contains buildings and structures of significant historic and architectural interest, (Grade I and II) some of which are affected by this application.
6. This application relates specifically to two sites within the College. The proposed new library extension would be located within the President's Garden, an enclosed, private garden to the east of the Senior Common Room (Grade I) and separated from the grade II Listed garden known as 'The Groves' by a Grade II Listed wall known as 'Sprotts Wall'. The site also lies to the north of the Grade I Canterbury Quadrangle (1631-1633) and to the south of Thomas White Quadrangle (1970s).
7. The alterations proposed to the historic buildings relate to The Laudian Library (1631) and The Old Library (1596) both located within Canterbury Quadrangle.

### **New Library/Study Centre:**

8. The existing undergraduate library comprises the Laudian Library (located on the first floor within the eastern range of Canterbury Quadrangle and the Paddy Room at the ground floor. The Paddy Room was heavily altered in the 1960s, removing 16<sup>th</sup> Century fabric and this application proposes to repair this damage.

9. The new library extension would provide 4,059 linear metres of shelving, 91 readers' seats, a 20 person seminar room, group study spaces, dedicated librarian's office, library reception and enquiry desk, special collections area and provision for network access, scanners and printers, self-issue points and lockers. The extension would have two storeys with an additional mezzanine floor and a basement. The basement would house an archive of books including the College's special collection.

10. The proposals can be summarised as the refurbishment of the existing historic libraries to ensure compliance with fire and disability legislation and an extension to create a new reading room with additional reader space, book storage and fully modernised facilities.

11. In detail, proposals to the Laudian Library:

- Relocation of existing bookcases to improve the layout and relationship between readers' seats and bookshelves and to provide space for a relocated Laudian Bookcase.
- Removal of the bookcases from the eastern window bays which will be replaced with built in readers' desks
- The provision of a concealed automated ramp at the southern entrance to the Laudian Library from the corner room adjoining the Laudian and Old Libraries.
- Services rationalised and improved. Pipework removed and concealed.
- 1970s insertion of a staircase and book hoist reversed

12. Proposals to the Old Library:

- Existing radiators and surface mounted heating pipework, which penetrates the joinery will be removed and the historic bookcases restored.
- New heating will be provided by floor level trenches integrated into the central aisle which was altered in conjunction with the 1970s extension works to the rooms below
- Security for the collection of historic books enhanced by freestanding frameless glass doors with structural glass frames. These will be anchored to a structure concealed beneath the timber floorboards allowing the doors to stand independently of the existing bookcases.

13. Proposals to the Paddy Room:

- Restoration of the original 16<sup>th</sup> Century layout to create a series of teaching rooms with ancillary facilities. Re-opening of blocked doorways, infilling of 1960's doorway with stone.
- 

14. Environmental Improvements to the buildings:

- Introduction of insulation to the first floor of the Laudian Library
- Replacement of current heating pipework, radiators
- Rationalisation and improvement of power and data sockets

## **Principle of development and Principal Planning Policy context:**

15. The Local Plan recognises that the University of Oxford is a world-renowned centre of academic excellence and the vitality and viability of the University is important provided that there is an appropriate balance between the growth of the University and other land use requirements.
16. Policy CP6 of the Oxford Local Plan 2001-2016 requires development proposals to make an efficient use of land in a manner where the built form suits the sites capacity. The proposal first seeks to repair and sympathetically alter the existing historic buildings to improve their accessibility and usability. The proposed location for the new library is of a size appropriate to accommodate it and it has been chosen to reflect the existing layout of buildings and to reconnect those historic buildings with the current main centre of student activities.
17. Policy CS29 of the Adopted Core Strategy supports new academic floorspace on existing University of Oxford sites and increasing density where proposals respect the character and setting of the City's historic core. Although the site is encapsulated within the College site, some distance from the public realm, it is located within the City's historic core, within the Central Conservation Area and within the setting of several Grade I and II Listed buildings and on land with the potential for significant archaeology. The principal planning policies relevant to each issue and pertinent to the consideration will be introduced in order in the main body of the report below.
18. The principle of improving and expanding the existing facilities within the existing College site would represent a sustainable and efficient use of existing land and be consistent with the aims of local and national planning policies.

## **Need for the Library/Study Centre**

19. The present library facilities are considered by the College to fall short of the standard of facilities expected by today's student. The current undergraduate library provides around 1500 linear metres of shelving and 77 readers' seats. This is less than some other Colleges which have 3000 linear metres of shelving and between 100 and 120 readers' seats. The present libraries are underused because their facilities do not respond to the needs of today's students which include demand for more desk space, group break out spaces, internet access etc. Furthermore, most of the student activity now takes place to the north of the site and there is less reason to visit the historic core of the College site.
20. It is clear that previous attempts to provide additional library space within the existing libraries have resulted in some harmful alterations to the existing historic fabric. The two existing libraries are of such special architectural and historic significance that it would be impossible to alter and upgrade them to a modern standard without drastically altering that significance. Equally, the College are keen that the existing libraries do not remain as museums, rather that they are used alongside and complementary to the new building. The new

development would help strengthen the link between the north of the College and the more historic Canterbury Quad and core of the academic site.

21. Alternative locations for the proposed library extension were considered by the College. However, these were rejected because they were remote from the original library or because of their negative effects on the historic fabric.
22. There is a clear need for additional library space. The existing library facilities are constrained by the historic buildings that they lie within which limit further alterations other than those required to make the buildings more accessible and to meet fire safety requirements. The new building would provide much needed new facilities and enhance the existing and improve the usability and connections throughout the College site. Officers therefore consider that the applicant has demonstrated the need for additional library accommodation within the site.

### **Site Layout and Built Forms.**

23. The National Planning Policy Framework requires proposals to be based on an informed analysis of the significance of any heritage asset affected and expects applicants to understand the impact of any proposal on the asset with the objective being to preserve that significance.
24. Policy CS18 of the Oxford Core Strategy requires development to demonstrate high quality urban design responding appropriately to the site and surroundings; creating a strong sense of place; contributing to an attractive public realm; and providing high quality architecture. Oxford Local Plan policies CP1, CP8 and HE7 require new development to enhance the quality of the environment in a manner that relates to its context and preserves the special character and appearance of the conservation area.
25. Layout: The proposed library would be linked to the existing Canterbury Quad, extending to the north of it so that the new building would also be sited adjacent to The Groves, a Grade II Listed Registered Park and Garden. The new building would cover part of the area of the original President's Garden, enclosing the eastern side above Sprott's Wall. The new building would have a vertical emphasis on plan, forming a natural extension to Canterbury Quad and complementing the existing grain of development within the site. Despite building on part of an existing garden, this space is not considered to be of significant value and over half of the existing garden would remain. A good amount of space (18 metres) would remain between the north of the new building and the Thomas White Quadrangle. The new building would be accessed through the Laudian Library at the first floor which helps ensure that there is a clear link between the two buildings and establishing a route which takes in the historic building.
26. The building would also be accessed from the north, close to the bulk of the College's student accommodation. The creation of these two entrances would establish a new route which will connect the historic core of the College to the more recent expansion of the College to the north. The intention for this is to

increase footfall back to the Library, Canterbury Quadrangle and Front Quadrangle.

27. Size and Scale: The new library building would have four levels which include the basement. The highest point of the building, a lead clad roof lantern, would be 12.4 metres high although the ground level changes slightly at different points. Overall, the building is broken up into different visual parts with two 'book end' features at either end. The second highest portion of the building forms the northern end of the proposed building, then the building steps down until it rises up again to meet the glazed link which leads into The Laudian Library.
28. The overall height of the proposed library has increased since the last pre-application discussions. However, the impact of the apparent mass has been reduced by setting the upper storey of the building back sufficiently away from the Sprott wall.
29. From the President's Garden, the view of the building has been reduced by a sequence of walls which would serve to break up the mass. The building would be visible from the Great Lawn in oblique views with the stone walls and large window forming a new element in the view. This would alter the character of one area to some extent from being a more enclosed, private space with smaller mullioned windows, to one that has glazing, overlooking the space. With the planting of mature trees, that effect would be softened. Overall, given that the views are wide and the Great Lawn is a substantial area with several mature trees, it is not considered that the change could be harmful.
30. The new building would have an impact on the north elevation of Canterbury Quadrangle with the loss of localised areas of fabric and more significantly, in that a new relationship would be set up with the proposed building. The view of the north elevation would change, however this would be perceived as part of the historic pattern of growth and the legibility of the elevation would not be affected. The new building would clearly read as a new element. The elevation is currently somewhat heavily screened by dense evergreen trees in the President's Garden and logically, this is the only location acceptable for the new building.
31. Impact on neighbouring amenity: The existing libraries and proposed new building are located well within the site and thus their visual impact will be limited outside of the site. Similarly, any potential impacts on neighbour amenity outside of the College site outlined in Policies CP1, CP10, CP19 and CP21 of the Oxford Local Plan will not occur.
32. Nevertheless, consideration has been given to the potential impact of occupiers using the existing buildings in the site which will surround the new development. These include Canterbury Quad, the 'Beehive', Thomas White Quadrangle and the Garden Quadrangle which all accommodate undergraduate student accommodation. The proposed new building will clearly change the outlook from the closest neighbouring buildings, however its siting



as a natural extension to the existing Canterbury Quad and the retention of a good degree of open space around it to the north, east and west will ensure that it does not appear overbearing, or result in a significant loss of privacy or daylight or sunlight to the occupiers of neighbouring buildings.

33. Policy CP21 relates to noise and the potential harm this may cause to noise-sensitive developments and public and private amenity space. There will be some plant equipment associated with the new building and the majority of this will be accommodated within internal plant room spaces. The nearest noise sensitive buildings are approximately 140 metres to the west of the proposed new building. The southern boundary of the site shared with Balliol and Trinity Colleges is at least 50 metres away from the site of new building.
34. A noise impact assessment has been carried out which concluded that the proposed new building will not have a detrimental impact on the occupiers of surrounding buildings and by virtue of the degree of separation and low levels of potential noise resulting from the new building, no impact on occupiers of buildings on neighbouring sites.

#### **Impact on Heritage Assets:**

35. The significance of the college buildings deriving from their evidential, historic, aesthetic and communal values is high. One alternative of converting the historic libraries to form modern library spaces such as the College requires would cause harm to their significance that would not be justified.
36. It is considered that there would be no impacts on the conservation area, due to the buildings' location set within an extensive College footprint and because it would not be visible from other parts of the conservation area. The proposed library would not harm the significance of the parts of college that it would affect.
37. The proposals to the Laudian Library would be an overall improvement to the historic building with the replacement of radiators and surface mounted heating pipework. The relocation of existing bookcases would result in an improved layout and improved relationship between readers' seats and bookshelves. The removal of later bookcases from the eastern window bays and their replacement with built in readers' desks would improve the legibility of the library, all of which would help better reveal more of the heritage asset.
38. Access within the building would also be improved with the provision of a concealed ramp at the southern entrance to the Laudian Library from the corner room adjoining the two Libraries.
39. The proposals to The Old Library would also be an overall improvement with the replacement of radiators and surface mounted heating pipework, restoration of the historic bookcases, integration of service and the removal of inappropriate interventions of the 20<sup>th</sup> century services. The proposed freestanding frameless glass doors with structural glass frames would greatly improve security and by virtue of the non-reflective glass and modest design

proposed, they would be read as a simple intervention, relating to the height of the adjacent bookcases. The anchoring structure would not be visible. The removal of 19<sup>th</sup> century bookcases either side of the central aisle would enhance the legibility of the library and serve to open it out.

40. The Paddy Room proposals would also better reveal the significance of that room with the restoration of the original 16th Century layout. The legibility of the room would be improved and the correct axis reinstated, with the re-opening of blocked doorways and infilling of the 1960s doorway with stone.
41. The proposed new library would be visible from the Great Lawn in oblique views with the stone walls and large window forming a new element in the view. This would alter the character of one area to some extent from being a more enclosed, private space with smaller mullioned windows, to one that has glazing, overlooking the space. With the planting of mature trees, that effect would be softened. Overall, given that the views are wide and the Great Lawn is a substantial area with several mature trees, it is not considered that the change could be harmful.
42. The new building would have an impact on the north elevation of Canterbury Quadrangle with the loss of localised areas of fabric and more significantly, in that a new relationship would be set up with the proposed building. The view of the north elevation would change, however this would be perceived as part of the historic pattern of growth and the legibility of the elevation would not be affected. The new building would clearly read as a new element. The elevation is currently somewhat heavily screened by dense evergreen trees in the President's Garden. Logically this is the only location acceptable for the new building.
43. The addition of a two-storey link to the north elevation requires the removal of original stone window frames that would be removed and re-used in landscaping proposals for the proposed courtyard.

## **Transport**

44. There are no changes proposed to the existing accesses into and out of the site. The Local Highway Authority has no objection to the proposed development but has requested that a Construction Travel Management Plan is requested by a condition with the details to be approved prior to the start of construction.
45. The proposal would in fact improve the accessibility of the key facilities within the College site and improve permeability throughout it, encouraging a shift in footfall back towards the historic centre of the College. A new pedestrian connection would be made from Thomas White Quad to Canterbury Quad.
46. The new development would not result in any changes to the current car parking provision at the College. The number of students within the site would not change and there are no plans to change the number of cycle parking spaces.

47. Officers consider that the proposed development would have no further implications on the highway network or on highway safety. The accessibility within the site would be improved however and the proposals are considered acceptable in accordance with Policies CP1, TR3, and TR4 of the adopted Oxford Local Plan 2001-2016 subject to conditions requiring a surface water drainage scheme for all hard surfacing, details of cycle parking, and a construction traffic management plan.

### **Landscaping:**

48. Policies NE15 and HE7 of the Local Plan place emphasis on retaining important landscape features, such as trees, as part of any development.

49. The proposed new library and study centre would be located inside the existing President's Garden, adjacent to Sprott's Wall which forms the physical barrier with The Groves, which are Grade II Listed in the English Heritage register of Registered Parks and Gardens.

50. The present form of the President's Garden begun to emerge in 1613 with the construction of Sprott's Wall. Since then, the garden has been subject to later subdivision and the addition of garden buildings. The construction of the Grade II listed 'Beehive' building in 1958 reduced the garden to the present size and the erection of the Thomas White Quad (1976), The Garden Quad (1993) and the Fellows Common Room (2005) enclosed the garden and reduced the amount of open sky visible. The garden was filled in the second part of the 20<sup>th</sup> Century with many different types of trees. These trees are not planted to any particular design and are competing for space to grow. Furthermore, their growth adjacent to Sprott's Wall is causing excessive moisture to the detriment of its condition.

51. The character of the garden can be described as a private space but one that lacks a cohesive design and proper management of the vegetation growth. Views into the garden are limited by the presence of Sprott Wall and existing trees within formal lawn known as The Grove.

52. The landscaping proposals are threefold; to seek to provide a high quality setting for the new library extension; to preserve the wider landscaping setting of the College buildings and The Groves and to provide a new, more useable President's Garden.

53. The garden contains 35 trees ranging from semi-mature to recently planted. The proposal would result in the removal of 17 trees within the President's Garden but these are relatively young trees with no historic interest. The removal of these trees will not harm public amenity in the area and neither will it harm the adjacent gardens Grade II Listed gardens.

54. The visual interest and integrity of Sprott's Wall will be preserved and its visual interest will be enhanced because it will become the main physical boundary to the new building from The Groves and it will be the most

prominent feature in the foreground with the lightweight appearance of the east elevation of the new building

### **Flood Risk and Drainage.**

55. In accordance with policies CS11 and CS17 of the Core Strategy and policy NE14 of the Oxford Local Plan, applicants must demonstrate that there is adequate capacity both on and off the site to serve the development and that it would not lead to problems for existing users. The new library would connect to the existing utility supplies and because the new building is relatively small in area with respect to the existing College and is designed to minimum energy consumption, it is considered that the additional utility loads would be relatively small in comparison to the existing infrastructure.
56. Foul Drainage: The new development would connect into the existing foul water network and consent has been provided for the indirect connection by Thames Water.
57. Surface Drainage: The new building would be provided with a soakaway beneath the adjacent garden in order to produce no net increase to surface water runoff from the College site.

### **Biodiversity.**

58. In accordance with the aims of Policy NE21 (Species Protection), Policy NE22 (Independent Assessment), Policy NE23 (Habitat Creation in New Developments) and the NPPF, the proposal seeks to conserve and indeed enhance the biodiversity interest within this part of the site.
59. An Ecological Survey and Assessment of the site (Appendix C of the Design and Access Statement) was carried out in December 2013. This established that the proposed site within the President's Garden only provided common place garden habitats of low ecological and biodiversity value. The recommendation for specific measures to support biodiversity which include limiting lighting of the exterior of the library to encourage nocturnal wildlife, incorporation of two enclosed bat boxes or bat roost features into the exterior wall of the east side and or south facing elevation of the new library wall, erection of ten woodcrete bird nest boxes within retained vegetation and trees within the President's Garden.

### **Other Matters:**

60. The Community Infrastructure Levy (CIL) is a standard charge on new development. The amount of CIL payable is calculated on the basis of the floor space created by a development. The reason that CIL has been introduced is to help fund the provision of infrastructure to support the growth of the city, for example, transport improvements, additional school places and new or improved sports and leisure facilities.
61. The proposal would be liable for a CIL payment, which has been calculated at

approximately £31,380. However, this will only apply if planning permission is granted and the scheme is implemented.

**Conclusion:**

62. This is a well-considered scheme which will achieve inclusive access and improve facilities for students and visitors to the College whilst seeking to minimise the impacts and secure heritage benefits, reuse of the historic building stock. The scheme will ensure the continued use of the Old Library and Laudian libraries for the purpose for which they were already built. The works are in accordance with Local Plan Policy and national guidance and therefore Officer's recommendation to Members of the West Area Planning Committee is to grant planning permission and listed building consent for the proposed development, subject to conditions.

**Human Rights Act 1998**

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

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

**Section 17 of the Crime and Disorder Act 1998**

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

**Background Papers:**

14/02399/FUL

14/02396/LBD

**Contact Officer:** Clare Golden & Katharine Owen

**Extension:** 2221

**Date:** 3<sup>rd</sup> November 2014

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**Appendix 1: 14/02399/FUL & 2396/LBD, St John's College, Oxford**



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**WEST AREA PLANNING COMMITTEE**

12th November 2014

**Application Number:** 14/02294/VAR

**Decision Due by:** 7th November 2014

**Proposal:** Variation of condition 2 (approved plans) of planning permission 13/01645/FUL (Erection of two storey building accommodating music school and ancillary facilities) to allow alternative materials to be used and minor amendments to the approved plans involving alterations to windows.

**Site Address:** St Edward's School, Woodstock Road – **Appendix 1**

**Ward:** Summertown Ward

**Agent:** Tim Ronalds Architects

**Applicant:** The Governors Of St Edward's School

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## **Recommendation:**

APPLICATION BE APPROVED

## **Reasons for Approval**

- 1 The proposed amendments to the materials and alterations to the fenestration in the approved development are considered to be visually appropriate to the site and its surroundings and therefore accord with the requirements of all relevant policies of the development plan.
- 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.

## **Conditions**

- 1 Time Limit
- 2 Develop in accordance with approved plans
- 3 Samples of materials required
- 4 Cycle parking details required
- 5 Tree protection plan to be implemented
- 6 Arboricultural construction methods as approved
- 7 Bat Survey recommendations to be carried out

- 8 Biodiversity measures required
- 9 External lighting scheme required
- 10 SuDS
- 11 Phased contamination risk assessment required
- 12 Sustainability measures to be implemented as approved

**Community Infrastructure Levy:**

The development is liable for CIL to the amount of £9,500 unless a claim for relief is made.

**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

**NE15** - Loss of Trees and Hedgerows

**NE16** - Protected Trees

Core Strategy

**CS18** - Urban design, town character, historic environment

**CS2** - Previously developed and greenfield land

**CS16** - Access to education

**CS13** - Supporting access to new development

**Public Consultation:**

Statutory Consultees:

English Heritage – No objection.

Third Parties:

No comments received.

**Officers' Assessment:**

Application Site and Locality

1. The application site consists of part of the St Edward's School grounds to the northern side of South Parade. The site is currently home to a number of 1960's era buildings that provide a music school, rifle range and estate management office adjacent a row of more traditional domestically scaled buildings that date back to the 19<sup>th</sup> century. The site sits behind the Lemon Tree public house and Jack FM building when viewed from Woodstock Road and to the south of Alexandra Park. To the east of the site is the County Council maintained Northern House School. Summertown Court (a small development of flats) also lies immediately to the west with rear gardens that abut the site. The application site can be seen within its context on the site location plan attached as **Appendix 1**.

### Description of Proposed Development

2. The application seeks consent for the variation of condition 2 imposed upon planning permission 13/01645/FUL to enable minor amendments to the design of the building and its external materials. As the application relates only to a variation in the external appearance of an approved development, this is the only matter that can be considered as part of this application.

### Design and Appearance

3. Planning permission was granted in November 2013 for a large new music school building on the site. No change is now proposed to the size, form or style of this building. The approved building was designed to be constructed using smooth ashlar natural stone for the South Parade elevation which consisted of dressed stone detailing for the window surrounds together with a decorative stone plinth and band separating the ground and first floors. The remainder of the building was to be constructed using cream coloured brick to tie in with the natural stone.

4. It is now proposed to construct the building using a red brick though retaining the natural stone detailing of the window surrounds, plinth, band and cornice. To continue to accord with the requirements of policies CP1 and CP8 of the Local Plan as well as policy CS18 of the Core Strategy, the development must demonstrate good quality urban design that forms an appropriate visual relationship with the surrounding area.

5. Officers are satisfied that the use of red brick is visually appropriate and would help the building sit comfortably within the more Victorian era buildings that immediately surround it. Officers would however wish to see a sample of the brickwork to ensure that its colour, type and bonding is appropriate prior to commencement of the development. This could be secured by condition as recommended. The use of natural stone detailing would, in officers' view, successfully break up the large expanse of brickwork and add visual interest to the building caused by the juxtaposition of the two materials and their colour. Such a combination of materials is commonplace across the city and officers see no reason why they would not be appropriate in this location. As with the previous planning permission, a condition is also recommended to secure approval of a sample of the stone prior to commencement of the development.

6. With respect to the proposed fenestration changes, these are not significant in nature. They are proposed to be slightly elongated to better match up with the finished floor levels but this would not have an appreciable impact on the appearance of the building. The pattern of fenestration is also shown to be amended slightly with the use of three light windows rather than the approved two. Again however the change would not be visually significant and would continue to reflect the more contemporary design solution adopted.

7. Consequently officers are satisfied that the proposed amendments to the extant planning permission are minor in nature and visually appropriate so that are consistent with the requirements of the aforementioned development plan policies.

8. As this application would result in a whole new planning permission, all of the conditions attached to the extant consent (13/01645/FUL) should be attached on the new consent as set out in the recommendation at the beginning of the report.

**Conclusion:**

9. The proposed change to the external walling materials ensures that the building continues to be of an appearance that is keeping with the surrounding area in accordance with the requirements of development plan policy. Members are therefore recommended to approve the application subject to the imposition of the conditions listed above which are simply replications of those attached to extant planning permission 13/01645/FUL.

**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:**

13/01645/FUL  
14/02294/VAR

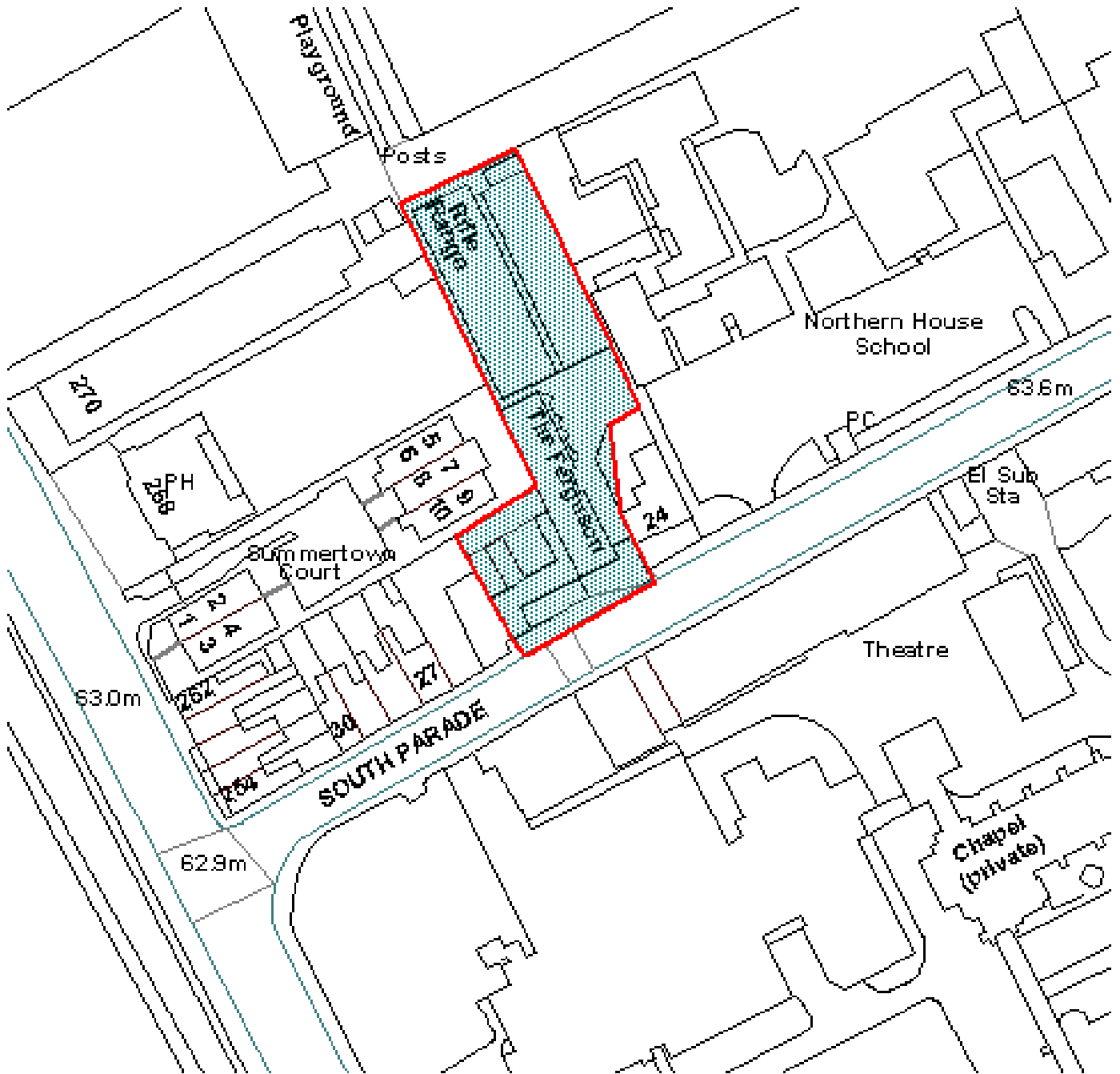
**Contact Officer:** Matthew Parry

**Extension:** 2160

**Date:** 29th October 2014

# Appendix 1

14/02294/VAR - St Edward's School, Woodstock Road



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Ordnance Survey 100019348

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## Monthly Planning Appeals Performance Update – October 2014

Contact: Head of Service City Development: Michael Crofton-Briggs

Tel 01865 252360

1. The purpose of this report is two-fold:
  - i. To provide an update on the Council's planning appeal performance; and
  - ii. To list those appeal cases that were decided and also those received during the specified month.

### Best Value Performance Indicator BV204

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 27 October 2014, while Table B does the same for the current business plan year, ie. 1 April 2014 to 27 October 2014.

Table A	Council performance		Appeals arising from Committee refusal	Appeals arising from delegated refusal
	No.	%	No.	No.
Allowed	23	33.3	8	15
Dismissed	46	66.7	10	36
Total BV204 appeals	69	100.0	18	51

**Table A. BV204 Rolling annual performance  
(1 November 2013 to 27 October 2014)**

Table B	Council performance		Appeals arising from Committee refusal	Appeals arising from delegated refusal
	No	%	No.	No.
Allowed	15	44.1	8	7
Dismissed	19	55.9	7	12
Total BV204 appeals	34	100.0	15	19

**Table B. BV204: Current business plan year performance  
(1 April 2014 to 27 October 2014)**

## All Appeal Types

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.

<b>Table C</b>	<b>Appeals</b>	<b>Performance</b>
Allowed	26	32.9
Dismissed	53	67.1
All appeals decided	79	100.0
Withdrawn	4	

**Table C. All planning appeals (not just BV204 appeals)  
Rolling year 1 November 2013 to 27 October 2014**

4. When an appeal decision is received, the Inspector's decision letter is circulated (normally by email) to the committee chairs and ward councillors. If the case is significant, the case officer also subsequently circulates committee members with a commentary on the appeal decision. Table D, appended below, shows a breakdown of appeal decisions received during October 2014.
5. When an appeal is received notification letters are sent to interested parties to inform them of the appeal. The relevant ward members also receive a copy of this notification letter. Table E, appended below, is a breakdown of all appeals started during October 2014. Any questions at the Committee meeting on these appeals will be passed back to the case officer for a reply.
6. All councillors receive a weekly list of planning appeals (via email) informing them of appeals that have started and been decided, as well as notifying them of any forthcoming hearings and inquiries.



# Table D

## Appeals Decided Between 20/09/14 And 24/10/14

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

DC CASE	AP CASE NO.	DECTYPE:	RECM:	APP DEC	DECIDED	WARD:	ADDRESS	DESCRIPTION
existing garage. Erection of part-	14/01235/FUL	14/00043/REFUSE	DELCOM	PER	ALWCST	26/09/2014	NORTH  OX2 6JE	Demolition of  single, part-two storey extension to side elevation and two storey extension to rear elevation. Extension of existing basement. (amended description)
14/00431/FUL	14/00036/REFUSE	DEL	REF	DIS	03/10/2014	STMARY	13 Circus Street Oxford Oxfordshire OX4 1JR	Extension to existing Flat D comprising 2 x dormer windows to front and rear roofslopes and formation of a balcony, to create a 1 x-2 bed flat.
14/00450/FUL	14/00033/NONDET	DELCOM	PER	ALWCST	03/10/2014	NORTH	32 Little Clarendon Street And 126 And 127 Walton Street Oxford Oxfordshire OX1 2HU	Change of use from Use Class A1 (Shops) to Use Class A3 (Restaurants and cafes).
14/01650/H42	14/00046/PRIOR	DEL	7PA	DIS	03/10/2014	CHURCH	26 Pauling Road Oxford Oxfordshire OX3 8PT	Application for prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 6.00m, for which the maximum height would be 2.80m, and for which the height of the eaves would be 2.45m.
13/02510/FUL	14/00037/REFUSE	DEL	REF	DIS	03/10/2014	STMARY	13 Circus Street Oxford Oxfordshire OX4 1JR	Two storey extension to provide larger living accommodation to flat 13B, creation of an additional 1 x 2 bed flat on ground floor (Flat E) and alterations and extensions to Flats A, C and D to form 2 x 2-bed flats. Provision of private amenity space, street level screened cycle stores and bin stores. Relocation of raised flower bed and Alhambra Lane sign to first floor level (amendments to planning permission 12/03252/FUL). (Amended plans, description and Additional Information)

13/03005/FUL	14/00035/REFUSE	DEL	REF	DIS	07/10/2014	STMARY	227 Iffley Road Oxford Oxfordshire OX4 1SQ	Replacement of all timber windows with white uPVC windows of a similar style.
14/00682/FUL	14/00045/REFUSE	DEL	REF	DIS	16/10/2014	SUMMTN	41 Portland Road Oxford OX2 7EZ	Erection of part single, part two storey rear extension.
14/00725/FUL	14/00039/REFUSE	DEL	REF	DIS	17/10/2014	STMARY	Temple Lounge 21 Temple Street Oxford Oxfordshire OX4 1JS	Raising the height of the roof and insertion of 4No rooflight to rear roofslope and 2No rooflight to front roofslope in association with loft conversion.

**Total Decided: 8**

## Enforcement Appeals Decided Between 20/09/2014 And 24/10/2014

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
13//0066/9/ENF	14/00047/ENFORC	WITHDR	22/09/2014	34 Bartholomew Road, Oxford Oxfordshire, OX4 3QQ	COWLEY	Alleged unauthorised subdivision
13//0049/9/ENF	14/00048/ENFORC	WITHDR	22/09/2014	34 Bartholomew Road, Oxford	COWLEY	Alleged unauthorised conversion of a garage to form living accommodation

**Total Decided: 2**

**Total Decided: 0**

## Table E

### Appeals Received Between 20/09/14 And 24/09/14

**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
14/00396/VAR	14/00054/PRIOR	DEL	REF	W	139 Oxford Road Old Marston Oxford Oxfordshire OX3 0RB	MARST	Removal of condition 11 (removal of PD rights) of planning permission 09/01428/FUL.
14/00429/FUL	14/00053/REFUSE	COMM	REF	I	3-9 Elsfield Way And Land Rear Of 478 And 480 Banbury Road Oxford OX2 8EW	WOLVE	Demolition of existing houses at 3 to 9 Elsfield Way. Erection of 4 x 1-bed and 18 x 2-bed flats to frontage with 6 x 4-bed houses to rear. Provision of 40 car parking spaces, amenity space together with bin and cycle stores. New vehicular access and slip roads from Elsfield Way (A40). (Amended plans) (Amended description)

**Total Received: 2**

## WEST AREA PLANNING COMMITTEE

**Wednesday 8 October 2014**

**COUNCILLORS PRESENT:** Councillors Van Nooijen (Chair), Gotch (Vice-Chair), Clack, Cook, Gant, Henwood, Hollingsworth, Simmons and Tanner.

**OFFICERS PRESENT:** Felicity Byrne (City Development), Michael Morgan (Law and Governance) and Jennifer Thompson (Law and Governance)

### **55. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

Apologies for absence were received from Councillor Price (substitute Councillor Henwood) and Councillor Benjamin (substitute Councillor Simmons).

### **56. DECLARATIONS OF INTEREST**

There were no declarations of interest made.

### **57. SPANISH CIVIL WAR MEMORIAL, BONN SQUARE -14/01888/FUL**

The Head of City Development submitted a report (previously circulated, now appended) which detailed a planning application for the installation of a memorial stone in Bonn Square, Oxford to the volunteers from Oxfordshire who died in the Spanish Civil War.

Colin Carritt, the applicant, spoke in support of the application.

The committee considered the application for the war memorial and in particular its size and location, and the impact of this on the uncluttered space of Bonn Square, the nearby listed building and memorial, and in relation to policy WE5. The committee were concerned about the detailed design of the memorial, the proposed location, its size and whether this application represented the best design and siting of the memorial in relation to the entirety of the public space of Bonn Square and its surroundings.

A motion to defer the application for more information and further discussions was seconded and carried on being put to the vote.

The committee resolved to defer consideration of the application to allow officers and the applicant to:

1. Consider options for the location of the memorial and their merits;
2. Given that the memorial was to sit in a key public open space, to submit a detailed design to the design panel for comment;
3. Submit an amended application with details of design, detail, materials, finish, size, location, and any necessary mitigation measures taking into account the advice given.

## **58. 117 FAIRACRES RD - 14/01012/FUL**

The Head of City Development submitted a report which detailed a planning application for a two storey rear extension, two velux style roof lights to the side roof slope, and porch to the front door at 117 Fairacres Road, Iffley.

David Morris and Sarah Wild, Iffley Fields Residents Association, spoke against the application.

Lee Reed, the applicant, spoke in support of the application.

The planning officer reported that the highways authority had not withdrawn their holding objection, but that the outstanding concerns over parking could be resolved through agreeing detailed parking and access plans under condition 6. The legal adviser reminded councillors that conditions must relate only to matters within the applicant's control and be enforceable.

The committee agreed that parking and access details should require vehicles to enter and exit in a forward direction, and that an informative that access should be from Donnington Bridge not Fairacres should be added.

The committee resolved to grant planning permission for application 14/01012/FUL at 117 Fairacres Road subject to the following conditions and informative:

1. Development begun within time limit.
2. Develop in accordance with approved plans.
3. Materials – matching.
4. Amenity - no windows to side.
5. Sustainable drainage.
6. Details excluded submit revised plans.
7. Flood proofing.
8. Floor levels.

Informative: access should be from Donnington Bridge not Fairacres; negotiation with the highways authority to secure this is recommended.

## **59. 41 PORTLAND RD - 14/02327/FUL**

The Head of City Development submitted a report which detailed a planning application for a part single, part two storey rear extension.

Brian Johns, a local resident, spoke against the application.

Ian Brown, the agent for the applicant, spoke in support of the application.

The committee resolved to grant planning permission for application 14/02327/FUL, at 41 Portland Road, Oxford subject to the following conditions:

1. Development begun within time limit.
2. Develop in accordance with approved plans.
3. Materials – matching.
4. Amenity no additional windows – side.
5. SUDS.

## **60. PLANNING APPEALS**

The Committee noted the reports on planning appeals received and determined during August and September 2014.

## **61. MINUTES**

The Committee resolved to approve the minutes of the meeting held on 3<sup>rd</sup> September 2014 as a true and accurate record.

## **62. FORTHCOMING APPLICATIONS**

The Committee noted the list of forthcoming applications and that application 14/01273/OUT, Part of Former Travis Perkins Site, Collins Street should be added to this.

## **63. DATE OF NEXT MEETING**

The Committee noted that the next meeting would be held on Wednesday 12<sup>th</sup> November 2014

**The meeting started at 6.30 pm and ended at 8.05 pm**

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