

Agenda

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West Area Planning Committee

Date: **Tuesday 13 October 2015**

Time: **6.30 pm**

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

For any further information please contact:

Jennifer Thompson, Committee and Member Services Officer

Telephone: 01865 252275

Email: democraticservices@oxford.gov.uk

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

Chair

Vice-Chair	Councillor Michael Gotch	Wolvercote;
	Councillor Elise Benjamin	Iffley Fields;
	Councillor Colin Cook	Jericho and Osney;
	Councillor Andrew Gant	Summertown;
	Councillor Alex Hollingsworth	Carfax;
	Councillor Michele Paule	Rose Hill and Iffley;
	Councillor Bob Price	Hinksey Park;
	Councillor John Tanner	Littlemore;
	Councillor Louise Upton	North;

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

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AGENDA

Pages

1 ELECTION OF CHAIR FOR THE REMAINDER OF THE 2015/16 MUNICIPAL YEAR

The Chair, Councillor van Nooijen, has resigned as a member of the Committee. The Committee is therefore asked to elect a new Chair for the remainder of this municipal year.

2 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

3 DECLARATIONS OF INTEREST

4 EAST / WEST RAIL - SPLITTING SECTION I INTO I1 AND I2: 15/01978/CND

11 - 52

Site Address: Chiltern Railway from Oxford to Bicester Section I (see appendix 1)

Proposal: Details submitted in compliance with condition 3 (Individual scheme Sections) of TWA ref: TWA/10/APP/01 (The Chiltern Railways (Bicester to Oxford Improvements) Order - deemed planning permission granted under section 90(2A) of the Town and Country Planning Act 1990).

The Committee is asked to consider and determine the acceptability of splitting the approved section I into two parts: I1 and I2 as shown in **Appendix 2**. It is proposed that section I1 extends from Oxford North Junction down to the Aristotle Lane crossing; and section I2 extends from there down to the original end point at section J just north of the Station.

Officer recommendation: that the application be approved.

5 FAIRFIELD RESIDENTIAL HOME, REAR OF 115 BANBURY ROAD:15/01104/FUL

53 - 88

This application was deferred from the meeting on 8 September

Site Address: Part of 115 Banbury Road, University College Annexe, 19A and 25 Staverton Road, Oxford.

Proposal: Demolition of existing bungalow, part of existing Fairfield Residential Home and various outbuildings. Erection of replacement residential care home consisting of 38 bedrooms, communal and ancillary facilities on 1, 2 and 3 storeys, together with extension and alteration to existing garage to rear of 25 Staverton Road to form manager's accommodation. New vehicular access from Banbury Road, 18 car parking spaces and landscaped garden.

Officer recommendation: to approve the application subject to and including conditions

1. Time – outline / reserved matters.
2. Plans – in accordance with approved plans.

3. Exclude details and resubmit; roof plant room.
4. Materials – samples agree prior to construction.
5. Works to historic walls; re-use materials and make good etc.
6. Biodiversity – measures for wildlife.
7. Construction Traffic Management Plan – details prior to construction.
8. Cycle & bin storage – further details prior to substantial completion.
9. Sustainability – in accordance with details submitted.
10. SUDS – build in accordance with.
11. Landscape plan in accordance with submitted documents and plans.
12. Landscape – planting carry out after completion.
13. Trees - Hard Surfaces – tree roots).
14. Trees - (Underground Services – tree roots).
15. Trees - (Tree Protection Plan).
16. Trees - (Arboricultural Method Statement).
17. Details of boundary treatment prior to occupation.
18. Archaeology – WSI.
19. Obscure glazing.

6 MODERN ART OXFORD, 30 PEMBROKE STREET: 15/02347/FUL

89 - 98

Site Address: Modern Art Oxford 30 Pembroke Street.

Proposal: Refurbishment of the entrances and approaches from Pembroke Street and St. Ebbes. Demolition of existing stairs and partitions. Erection of a new staircase and enclosure with glazed rooflights. Erection of new lift shaft and enclosure and introduction of new window openings together with new flat roofed area with parapet and glazed door to lobby.

Officer recommendation: to approve the application subject to the following conditions:

1. Development begun within time limit.
2. Develop in accordance with approved plans.
3. Samples in Conservation Area.
4. Arch - Implementation of prog + historic late Saxon, medieval and 19th century remains.
5. Details of paint removal/repairs.
6. Construction Travel Plan.

7 60 WALTON STREET: 15/02206/FUL

99 - 106

Site Address: 60 Walton Street, Oxford

Proposal: Erection of two storey garden annexe.

Officer recommendation: to refuse planning permission for the following reasons:

1. The proposed annexe is of an unacceptable scale and form at a visually prominent location which will result in an inappropriate addition to the streetscene at this location, which could be further exacerbated by the impact on a tree in the rear garden of the neighbouring property to the south east that adds significant amenity value to the streetscene. As a result, the proposal will have detrimental impact on the character and appearance of the conservation area at this location. In this respect, the proposal does not comply with policies CP1, CP8 and HE7 of the Oxford

Local Plan, policy CS18 of the Core Strategy and policy HP9 of the Sites and Housing Plan.

2. The proposed annexe is of a large footprint which represents over-development of the rear garden area, and will leave insufficient private amenity space for future occupiers of the property. Consequently, the proposal does not comply with the relevant provision of policy CP10 of the Oxford Local Plan.
3. The window at first floor level of the proposed annexe will create a feel of being overlooking for occupiers of the neighbouring property to the south east. The proposal is therefore contrary to policy HP14 of the Sites and Housing Plan and policy CP10 of the Oxford Local Plan.

8 23 STRATFIELD ROAD: 15/01414/FUL

107 - 118

Site Address: 23 Stratfield Road, Oxford

Proposal: Conversion of House in Multiple Occupation (Use Class C4) into 2 x 2-bed maisonette flats (Use Class C3). Erection of a part single, part two storey rear extension with first floor internal access stair and associated landscaping. Erection of side infill extension and replacement of front and rear dormer windows (Amended plans and description).

Officer recommendation: to approve the application subject to the following conditions:

1. Development begun within time limit.
2. Develop in accordance with approved plans.
3. Samples, to include colour of render.
4. No additional windows.
5. Amenity - windows obscure glazed.
6. Amenity - no balcony.
7. Sustainable drainage.
8. Cycle and bin stores.
9. Landscape plan.
10. Details excluded submit revised plans.
11. Submission of further matters - Method of preventing access to the flat roof(s).
12. Landscape plan required.
13. Landscape - carry out by completion.
14. Boundary treatment.

9 PLANNING APPEALS

119 - 124

Summary information on planning appeals received and determined during September 2015.

The Committee is asked to note this information.

10 MINUTES OF PREVIOUS MEETING

125 - 130

Minutes from the meetings of 8 September 2015.

Recommendation: That the minutes of the meeting held on 8 September 2015 are approved as a true and accurate record.

11 FORTHCOMING APPLICATIONS

Items for consideration by the committee at future meetings are listed for information. They are not for discussion at this meeting.

- Former Wolvercote Paper Mill: 13/01562/OUT: Residential
- Jericho Canalside: 14/01441/FUL: Residential etc
- Westgate: 14/02402/FUL: Various conditions.
- Oxford Castle: 15/01510/FUL & 15/01511/LBC: Change of use of gallery to bedroom
- 333 Banbury Road: 15/01548/VAR: Variation of condition
- Dragon School, Bardwell Road: 15/01561/FUL: New music building
- 26 Norham Gardens: 15/01601/FUL: Student accommodation
- Manor Place: 15/01747/FUL: Student accommodation
- 298 Abingdon Road: 15/01983/FUL: Change of use from car dealership to veterinary centre
- Abbey Road: 15/02137/FUL: 13 houses and flats
- 21/27 Chatham Rd & 10/40 Fox Crescent: 15/02223/CT4: Car parking spaces
- 18 Hawkswell Gardens: 15/02352/FUL: 3 houses
- 8 Hollybush Row: 15/02694/FUL: 7 flats

12 DATES OF FUTURE MEETINGS

The Committee will meet on the following dates:

10 November 2015
1 December 2015
5 January 2016
9 February 2016
8 March 2016

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.
4. Preparation of Planning Policy documents – Public Meetings

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.
5. Public requests to speak

Members of the public wishing to speak must notify the Democratic Services Officer before the meeting starts 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.
6. 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 by noon, two working days 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.
7. 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.

8. 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](#)

9. 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.

10. 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; or
- (d) seek to re-design, or negotiate amendments to, an application. The Committee must determine applications as they stand and may impose appropriate conditions.

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WEST AREA PLANNING COMMITTEE

13 October 2015

Application Number: 15/01978/CND

Decision Due by: 26 August 2015

Proposal: Details submitted in compliance with condition 3 (Individual scheme Sections) of TWA ref: TWA/10/APP/01 (The Chiltern Railways (Bicester to Oxford Improvements) Order - deemed planning permission granted under section 90(2A) of the Town and Country Planning Act 1990).

Site Address: Chiltern Railway From Oxford To Bicester **Appendix 1**

Ward: Summertown, St Margaret's, North, and Jericho and Osney

Agent: Mr Andrew Deacon

Applicant: Mr Rob Mole

Recommendation:

APPLICATION BE APPROVED

REASONS FOR APPROVAL:

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

CONDITIONS:

None

Main Local Plan Policies:

Oxford Local Plan 2001-2016

CP6 - Efficient Use of Land & Density

CP10 - Siting Development to Meet Functional Needs

Core Strategy

CS13 - Supporting access to new development

CS27 - Sustainable economy

Other Material Considerations:

- National Planning Policy Framework
- National Planning Policy Guidance
- Environmental Information
- Other comments representations and submissions made in connection with the applications
- The deemed planning permission of 23 October 2012 and documents related to it including the Noise and Vibration Mitigation Policy (January 2011)

List of Appendices:

1. Site plan and scheme sections
2. Proposed Sections I1 and I2
3. Letter from ERM dated 8th July 2015
4. City Council's letter of 5th March 2015
5. ERM's letter of 12th February 2015
6. Letter from NR of 4th February 2015
7. ERM's email and table of 21st July 2015
8. NR's letter and table of 20th July 2015

Background and Purpose of the Report

1. On 7th May 2013, approval was given under delegated powers for the proposed development sections of East West Rail as required by condition 3 of the deemed planning permission of 23 October 2012 (reference 13/00918/CND).
2. Condition 3 reads as follows:

"3. Development sections

No development shall commence until a scheme (which may be amended or varied in whole or part from time to time with the approval of the local planning authority) setting out the division of the development into Individual Sections has been submitted to and approved in writing by the local planning authority. The scheme shall include details of all land to be occupied permanently or temporarily during the construction of each section.

***Reason:** To identify Individual Sections for the purpose of these conditions".*

3. Within Oxford, as shown in **Appendix 1**, Section H starts at the northern boundary of the administrative area of Oxford City Council and ends at Oxford North Junction (in the vicinity of St Edwards School playing field); section I continues down from section H to just north of the Station; and section J extends over the station area.

4. The Committee is being asked to consider and determine the acceptability of splitting the approved section I into two parts: I1 and I2 as shown in **Appendix 2**. It is proposed that section I1 extends from Oxford North Junction down to the Aristotle Lane crossing; and section I2 extends from there down to the original end point at section J just north of the Station.
5. The reason given by Network Rail (NR) for this change is:

“to facilitate a revised phasing of the construction programme within the area previously defined as Section I”.
6. This reason was elaborated in a letter of 8th July (**Appendix 3**).

Representations Received:

7. Objections have been received from:
 - The Rewley Park Management Company;
 - The Waterways Management Company;
 - The William Lucy Way Residents Association;
 - Residents of Plater Drive: numbers 30, 32 and 59; The Crescent: numbers 2, 45, 47, 51 and 53; and 27 Rutherway.
8. In summary the objections are as follows:
 - if this change is allowed NR will carry out the work in Sections I2 and J as permitted development which will deny local residents in those areas the right/entitlement to/eligibility for, the noise and vibration mitigation set out in the original planning permission. These areas experience the same level of train movements as other Sections and so should have the same mitigation;
 - NR's assertion that the work in section I2 can be carried out as permitted development is not accepted: this point is one of form rather than substance and is not the kind of technicality upon which a public body like Network Rail should be relying. It would create unequal treatment as between people suffering exactly the same levels of noise and vibration as a result of their work
 - in its letter of 5th March 2015 (**Appendix 4**) responding to ERM's letter of 12th February (**Appendix 5**) the City Council said that mitigation is needed for the whole of Section I – this stance should be upheld in the strongest terms, not to do so in the light of NR's record of managing projects would be foolhardy. The Local Planning Authority has the power to consider whether the proposal would 'injure the amenities of the neighbourhood';
 - this is an underhand attempt to by-pass the democratic process to the detriment of local residents;
 - new conditions should be imposed to achieve noise and vibration

mitigation and monitoring; noise attenuation fencing should be constructed in Section I2, as promised by NR in the vicinity of Waterways (**Appendix 6**);

- work has already started in Section I in contravention of the planning permission (because pre-commencement conditions have not been discharged) – enforcement action is requested;
- there is a primary school adjacent to the line in Section I2 as well as residential properties and this needs to be taken into consideration.
- Comments were additionally submitted challenging the correctness of the decision notices for the Condition 19 approvals given in Section H by this Committee in June – these comments are not relevant to the consideration of this case.

Statutory and Internal Consultees:

None

Sustainability:

9. In granting deemed planning permission for Chiltern Evergreen 3 (now East West Rail Phase 1), the Secretary of State concluded that there is a compelling case to increase rail capacity between Oxford and London, and that the scheme would bring substantial transport benefits in terms of reduced travel times, better public transport connectivity, and better rail network capability. In the decision, the Secretary of State weighed these sustainability benefits against the potential adverse impacts that the scheme might cause. Those considerations gave rise to several of the planning conditions dealing with the natural environment and residential amenity.

Officers Assessment

Issues:

- The principle of the split.
- The practical outcome of the split.

The principle of the split

10. Condition 3 of the original planning permission for the scheme, requires that the local planning authority approves the development sections; and then, if necessary, determines the acceptability of any subsequent amendments to those sections.
11. The 'planning' purpose of condition 3 is not affected by the geographic extent of the sections. In other words, the precise extent of the sections has no impact on the City Council's ability to discharge or enforce the requirements of any of the conditions of the permission.

12. The split of Section I into two parts is therefore acceptable in principle in that it does not impair the environmental controls embodied in the conditions attached to the planning permission.
13. In this connection, residents in their comments point to the City Council's letter of 5th March 2015 (**Appendix 4**) responding to ERM's letter of 12th February (**Appendix 5**). At that time there was no proposal to split Section I and yet NR was proposing to carry out work in the northern part of Section I without having fulfilled the requirements of Condition 19 in Section I. The City Council's letter did not say that mitigation is needed for the whole of Section I, rather the Council pointed out that if any work authorised by the Transport & Works Act Order was to be carried out in Section I, even if only in a small area, then Condition 19 needed to be fulfilled for the whole of the Section not just the small part in which construction was to take place. The Council was emphasising that Condition 19 refers to whole "sections" not parts of sections.
14. In effect that exchange of letters has given rise to this application to split Section I and will enable NR to fulfil its obligations under the planning permission in the more restricted northern part of Section I (the proposed Section I1) while taking an alternative approach in the southern part of Section I (proposed Section I2). This is explained below.

The practical outcome of the split.

15. NR no longer intends to implement an additional track and spur (through Section I and into the Station) which were part of the original permission (known as Works Numbers 3 and 3a). East West Rail will now use the existing track (renewed) through Section I, while the new track (from Bicester down to Section H) will connect with the existing main line in the proposed Section I1. Signalling improvements in the Oxford area which were not available at the time of the original planning permission have made this scheme change possible.
16. NR asserts that the work currently taking place and envisaged in proposed Section I2 (track renewals) is permitted development: those works are different from the permitted scheme and do not rely on, or need the sanction of the original permission. Effectively they are normal operational work. Further, in NR's view, none of the conditions of the planning permission for East West Rail Phase 1 need to be discharged in proposed Section I2.
17. Residents consider that as a result of this change of approach by NR, they are being denied the noise and vibration mitigation to which they are entitled, even though their local environment will be subject to the increased levels of rail activity brought about by the construction and operation of East West Rail Phase 1. Residents are requesting that enforcement action be authorised against the works currently taking place in Section I without, in particular, Condition 19 being discharged; and are requesting that additional conditions be imposed to bring about noise and vibration mitigation.
18. Officers have challenged the views of NR on its permitted development rights

but NR maintains its views as set out in **Appendix 7** (from ERM on behalf of NR) and in **Appendix 8** (from NR). In those circumstances, enforcement action is not available and there is no scope for adding conditions to development which is permitted development. Outside of the planning system however NR has been asked to look into the provision of noise attenuating fencing or full noise barriers to help overcome local concerns.

Conclusion

19. Officers conclude that there is no justifiable basis for refusal of this application because, as explained above, the planning controls available within the split sections would be the same as those available within the original consent for Section I.
20. It is not the splitting *per se* of Section I into I1 and I2 that allows NR to assert that they may use permitted development rights to carry out the railway developments in proposed Section I2. It is the changes to the configuration of the scheme and the associated ability of NR to assert their rights to classify the reconfigured elements as permitted development outside of and not reliant upon the original 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 approve this application, officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

Background Papers: 13/00918/CND and 15/01978/CND

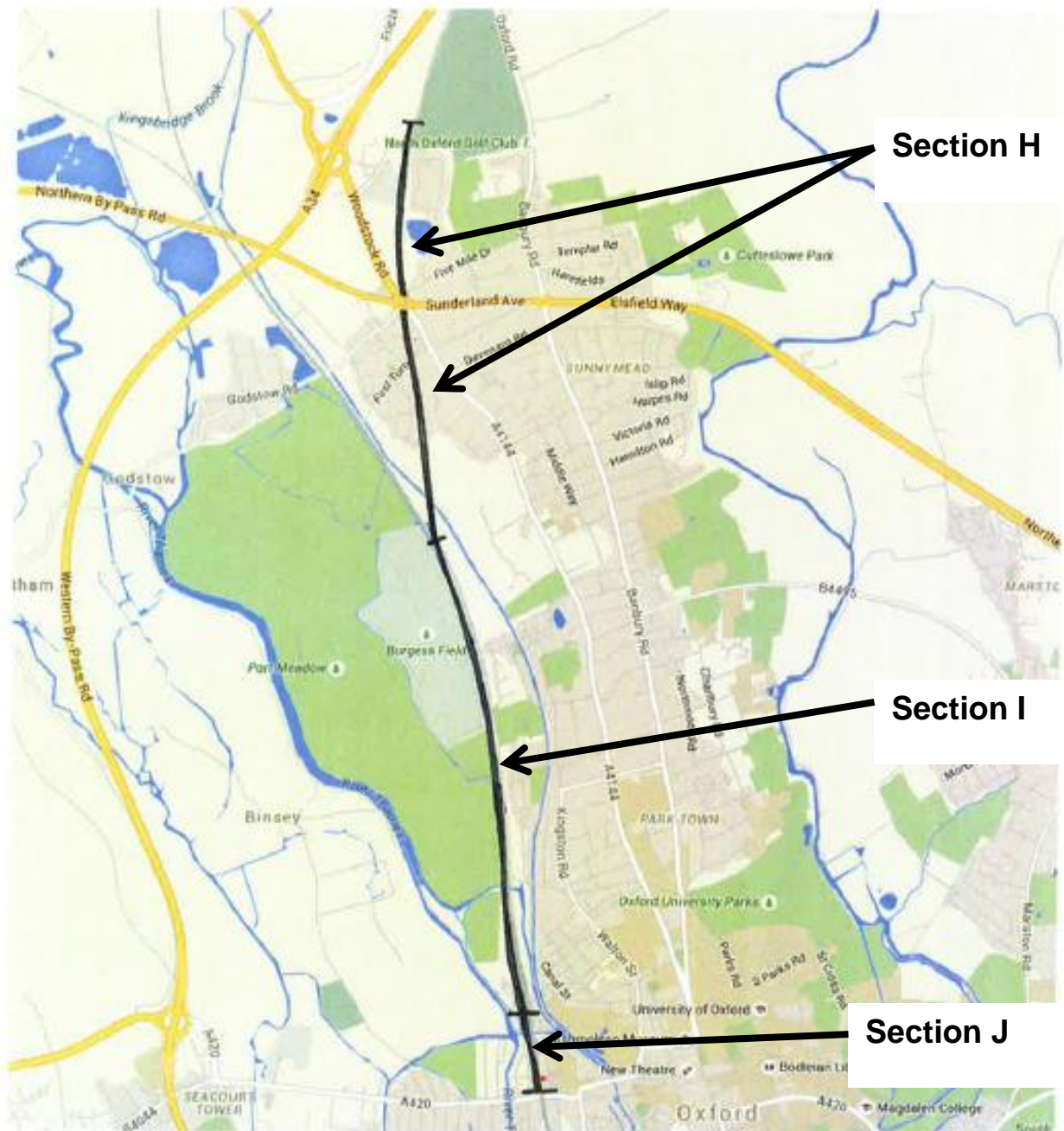
Contact Officer: Fiona Bartholomew

Extension: 2774

Date: 25th August 2015

APPENDIX 1

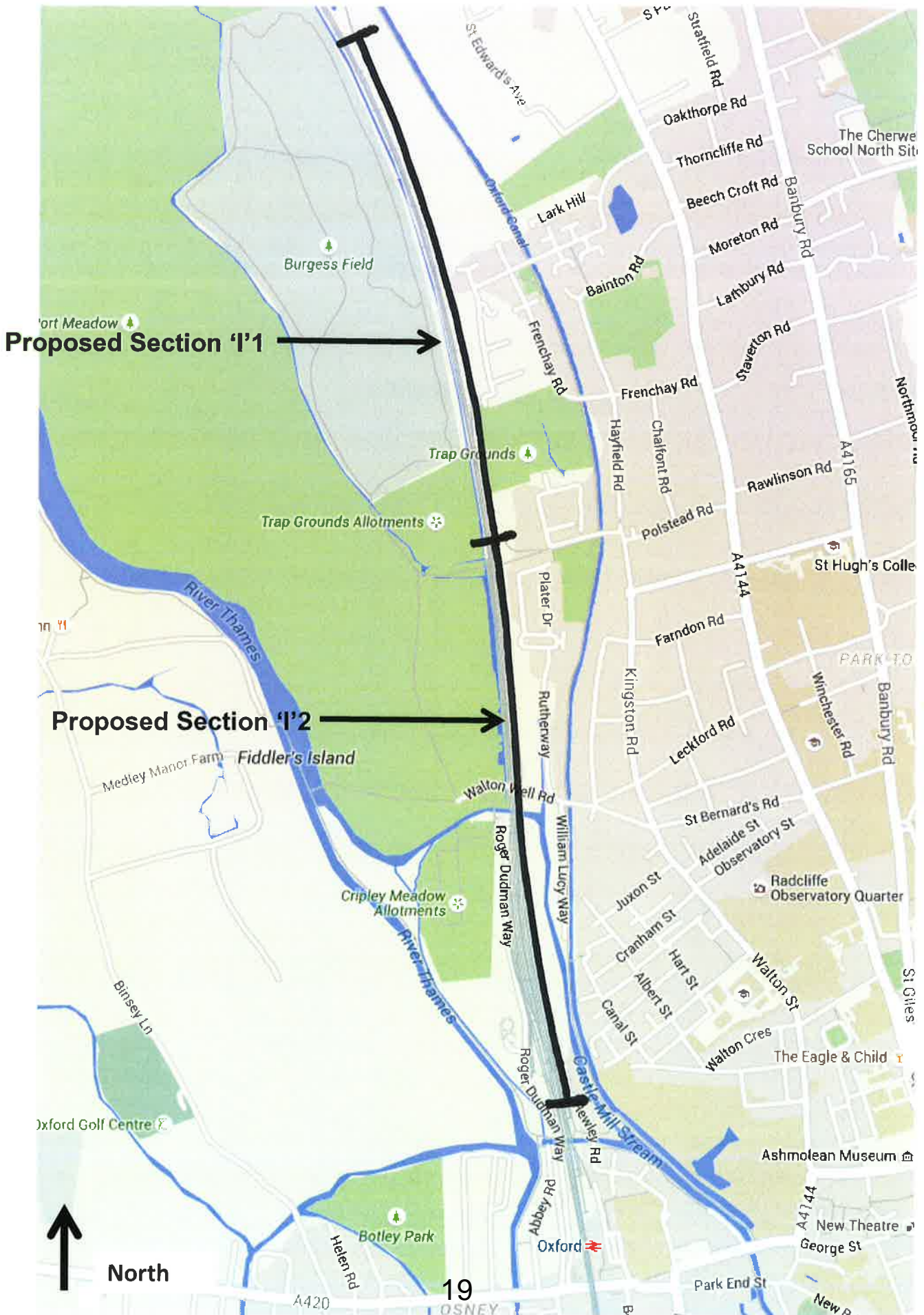
SITE PLAN - SCHEME SECTIONS



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APPENDIX 2

PROPOSED SECTIONS '1'1 AND '1'2



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Fiona Bartholomew,
Principal Planning Officer,
The Planning Department,
Oxford City Council,
St Aldate's Chambers,
109 St Aldate's,
Oxford,
OX1 1DS



8 July 2015

Our Ref: TWA/10/APP/01/Oxford/C3/Sec I

Dear Fiona,

Planning Condition 3 of The Chiltern Railways (Bicester to Oxford Improvements) Transport Works Act Order (TWA/10/APP/01) - Amendment of Development Section I - Oxford City Council Planning Ref: 15/01978/CND

Further to your e-mail dated 6 July 2015 in relation to the above discharge application, I wish to confirm Network Rail's intentions.

Works within Section I/1

Your general understanding that the scheduled works within Sections H and the yet to be agreed Section I/1 will be undertaken using the TWA Order powers is correct.

The works to construct the separate Bicester tracks and the two turnouts from the main DCL line, which form Oxford North Junction, will be undertaken using the TWA Order powers and will be built in accordance with the deemed planning permission. These are Works Nos 2 and 7 in Schedule 1 of the TWA Order. The amendment to Section I as set out in the above application is being sought to bring the agreed Sections more in line with the scheduled works as set out in the Order.

Prior to the commencement of the TWA development within the yet to be agreed Section I/1, the following planning conditions attached to the planning direction remain to be discharged in relation to activities in that section:

Registered office
2nd Floor, Exchequer Court
33 St Mary Axe
London EC3A 8AA

Registered number
1014622 England

VAT Registration
404 6180 80

A member of
Environmental Resources
Management Group

- Condition 6 Fencing – This will require an extension of the Fencing Strategy drawings as submitted and approved by OCC under Planning Ref: 13/01965/CND. Sheets 5 and 6 of the submitted Fencing Strategy report will be updated and submitted before the end of July 2015;
- Condition 19 – This will only be discharged in relation to Section I/1, with both Noise and Vibration Schemes of Assessments currently being prepared. We intend to hold a public consultation for both Noise and Vibration in August 2015 with a view to submission to OCC in late September 2015; and
- Conditions 31 and 32 - The remaining aspects of Conditions 31 and 32 will need to be discharged before works commence in Section I/1. The methodology for the baseline elements has already been submitted and approved by OCC Planning Ref: 14/00007/CND. We would hope to submit an application setting out the baseline reporting and the remaining monitoring proposed before the end of July 2015.

Works within Section I/2 and J

The dedicated Chiltern Railways track and works to Oxford Station which would have been located within Sections I/2 and J as described in Works No 3 and 3A in Schedule 1 of the TWA Order are no longer to be built and so the powers for these will not be exercised.

Network Rail's Western Team will be carrying out their own works in Sections I/2 and J but these are not works as set out in Schedule 1 of the Order and so will not be undertaken using the TWA Order powers. The works to be undertaken in these areas are considered to be authorised by Network Rail's Permitted Development rights under Parts 18 of the General Permitted Development Order 2015. Network Rail's Western Team have previously written to the Council in their letter dated 4 February outlining the works they intend to deliver in the Oxford area. Any issues you have about this development can be taken up directly with Colin Field, Network Rail's Town Planning Manager

I hope the above provides an adequate response to your queries, but please do not hesitate in contacting me to discuss. We would be happy to arrange a meeting between the relevant teams and the City Council, if you believe that this is needed to resolve these matters.

Yours sincerely,

Andrew Deacon
Consultant
ERM

Law and Governance

Direct Line:

E-mail:

St. Aldate's Chambers

St. Aldate's

Oxford OX1 1DS

DX 4309 OXFORD1

Central Number: 01865 252027

Appendix 4

www.oxford.gov.uk



Mr A Deacon
ERM
2nd Floor
Exchequer Court
33 St Mary Axe
London
EC3A 8AA

5 March, 2015
Our ref: MSM/0008720
Your ref:

Dear Sir,

**Bicester to Oxford Transport and Works Act Order (TWA/10/APP/01) –
Discharge of conditions in sections H to J**

We write with reference to your letter of 12 February 2015. Given the nature of that letter we respond in the same order.

We have still not received the overlay plans that should have been received some two weeks ago. Whilst your keenness to proceed is noted matters are likely to better proceed if you can provide accurate clear material.

The Position Regarding Planning Permission and Conditions in Sections I and J

It is far from clear how NR can, in substance, effect changes to the TWA Order scheme via Part 11 and 17 PD rights. If, as you state, you believe that this can be “strongly argued” then please present such strong argument. As matters stand we have no such argument so find ourselves unable to agree with the proposition advanced.

We should also note that is also far from clear that proceeding in such a manner is reconcilable with the EIA Directive. The project has been assessed on the basis as subjected to local public inquiry; not on the basis now presented.



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We should also note that the deemed permission has clearly been implemented. As such the conditions attached thereto are enforceable in accord with their own terms. By way of example; condition 19 precludes the commencement of development in any section until.... Development is defined by the deemed permission as the works authorised by the Order. It is not defined as works executed in reliance upon the Order. The proposition therefore that authorised works may be done under PD so that the conditions imposed by the Secretary of State need not be complied with appears to be wrong. As an aside, we would also comment that we consider that it is, to say the least, unfortunate that a body such as NR should seek to avoid conditions considered necessary by the Secretary of State in order for the project to proceed..

Whilst your comments as to article 6 of the Order are noted they appear to be misplaced. For development control purposes the more relevant control would be condition 2 of the deemed permission and the requirement that the development be carried out in accordance with specified approved drawings. Whilst it is hoped that the outstanding overlays will show whether or not this condition would be breached, unless and until those overdue overlays are provided, we are not able to conclude that your deviations would be lawful for planning purposes.

These proposed changes raise a further issue. There is material provided by NR in connection with condition approvals (e.g. condition 19) that is predicated upon the works being as per the plans; not anywhere within limits of deviation on plans. Your comment would appear (again using condition 19 as an example) to require that we will have to consider these matters on the basis that works could be anywhere within the limits of deviation. This could result in refusals where approvals might otherwise be forthcoming. It would also appear to call into question EIA Directive compliance insofar as likely significant impacts may change through translocation within limits of deviation.

In the circumstances we must request as a matter of urgency your confirmation that such deviation will not occur and your agreement to approvals under conditions that are based upon works being in a particular position being conditioned to ensure that the works are actually in the location assessed.

The issues raised above clearly impact upon the “concession” on offer. In any event the Council is a local planning authority required to exercise its statutory responsibilities in the normal lawful manner and in the public interest. It will not entertain some form of private transaction whereby it agrees not to properly exercise its statutory functions.

Although your assertion as to whether the currently proposed works in Section I are within the scope of the deemed planning permission is noted the Council will come to its own view once it has been provided with the still outstanding overlays. Similarly the Council will form its own view as to the adequacy of environmental information available to it on the receipt of subsequent applications in accordance with the EIA Regulations.

Discharge of Planning Conditions in Section I

The requirements of the conditions are what they are. If you are of the view that such requirements are not sensible then that is a matter that should have been addressed via the local public inquiry. Neither NR nor this Council has the power to rewrite the deemed planning permission as anything other than what they actually say.

Re conditions 5, 7, 10, 11, 12 and 13; our comments as to the overlays and interpretation of the deemed planning permission are reiterated.

Re condition 6; the approval to which you refer only addresses approximately half of Section I. The wording of condition 6 requires approval of relevant details for the whole of the Section before development in that section commences. It therefore appears that what is proposed would be a breach of planning control.

Re condition 18; we simply note that the condition requires that "Development [the works authorised by the Order] shall be in accordance with the approved Code of Construction Practice.

Re condition 19; its provisions apply to the entirety of Section I. If you consider that it applies only to the northern part please explain by reference to the wording of the condition. Similarly it appears that the condition applies equally to Section J.

As previously stated, NR has no power to rewrite the deemed planning permission. NR's "position" therefore cannot effect a change in the condition and the Council will require the condition to be complied with.

It is noted that there is a tight programme for works. That would appear to be a circumstance of NR's own making.. Your identification of the "key trigger" indicates an intent not to comply with other parts of the condition That would result in a breach of planning control.

Your comments regarding vibration SoA and reports not "explicitly" addressing what is now proposed are noted. They reinforce our earlier comments regarding compliance with the deemed planning permission and EIA Directive compliance. Please either demonstrate that the material provided to the Council does effect compliance with the relevant parts of condition 19 or provide such supplementary or replacement material as will effect such compliance.

Re conditions 31 and 32; we repeat our comments as to the conditions being as imposed upon the deemed planning permission. Again what you propose would appear to constitute a breach of planning control. The "practical significance" or otherwise of a particular breach is likely to be relevant to and decisions concerning enforcement but we can find no "practical significance" limitation in the conditions themselves.

Programme for Decision on the Noise and Vibration SoAs

There is nothing to add beyond what has been said above.

Matters for the City Council to Confirm

The City Council is not content with the approach proposed in your letter.

- (i) It does not accept the proposed intention as set out.
- (ii) It is not reasonable and acceptable to the City Council (or lawful) to effect the relaxation proposed.

The City Council would request that NR effects compliance with the deemed planning permission including the conditions.

Yours faithfully,

Michael Morgan
Lawyer
for Head of Law and Governance.

Fiona Bartholomew,
City Development,
Oxford City Council,
St Aldate's Chambers,
109-113, St Aldate's,
Oxford,
OX1 1DS

Your ref: 13/03202/CND

12 February 2015



Dear Fiona,

**BICESTER TO OXFORD TRANSPORT AND WORKS ACT ORDER
(TWA/10/APP/01) - DISCHARGE OF CONDITIONS IN SECTIONS H
TO J**

I write to you in response to your letter dated 5 February 2015, which refers, in particular, to Network Rail's intentions in relation to Section I and to the programme for reaching decision on the Noise Scheme of Assessment (for Section H) and on the Vibration Scheme of Assessment (for the Sections within Oxford City).

Andy Milne from Network Rail provided you, on 26 January, with the most up to date final track layouts for the mainline works and the junction with the Bletchley Line, in parts of Sections H and I, as shown on drawings B90505B-DRG-PWY-3003 and 3004, Revision P01, which are the Network Rail approved GRIP 2 drawings.

As agreed, during your call with Ian Gilder on 12 February, we will provide drawings which overlay this latest track layout on the TWA Order plans. These should be with you next week. I am, however, keen to progress these matters, so, in the remainder of this letter, refer to the drawings you already have.

**The Position Regarding Planning Permission and Conditions in Sections I
and J**

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The first point in your letter relates to these drawings, where you suggest that the works now proposed in Section I, that is from the 'land divide' between the Bicester/Bletchley Line at chainage 23450, southwards in the mainline corridor as far as the Sheepwash Channel/Rewley Abbey Stream, just north of Oxford station, are 'not the same as those included in the deemed planning permission in the TWA Order'.

It may be helpful to explain these drawings. These include track that will be relaid as part of the Oxford Area Improvements, in particular, the 'Up Relief' as well as other works, including the Oxford North Junction turnouts and the twin track Bicester/Bletchley line.

When the Bicester to Oxford line is brought back into use for passenger services in March 2016, there will be a period of about a year, for signalling reasons, when the Bicester/London trains will use the northern Oxford North Junction turnout at ch 22680, run in both directions on the (western) Down Bletchley track to the crossover at ch 23140 before transferring to the (eastern) Up Bletchley track as far as the Woodstock Road crossover. In this section, the line will effectively be single track, with train speeds limited by the limits at the crossovers. Most of the parallel twin track infrastructure for the Bicester/Bletchley line on these drawings will be in place at this stage and will be in full use after March 2017.

Drawing 3003 shows the new turnouts for the Oxford North Junction at ch 22360 and 22680, which is in the same general location as the existing junction (and of Work No 7, the new junction connection in the TWA Order). From chainage 23000 (the northern end of the Stone Meadow development), northwards, there will be the new, parallel twin track Bicester/Bletchley line. This would effectively be on or close to the alignment of Work No 2 (the railway from Bicester to Oxford North Junction in the TWA Order) and replace the existing single track plain line. Taking these together, there will be new track, close to the same centre lines shown in the TWA Order, from the southern end of the Stone Meadow housing, opposite 94-110, northwards.

The new 'Up Relief' on the mainline is to be relaid track on the alignment of the existing, to allow 90/75 mph working into Oxford station. The EWR services will use these mainline tracks, south of Oxford North Junction. I can confirm that, from the new Oxford North Junction, southwards to Oxford Station, the new track alignment will stay within the footprint of the existing mainline, and will not use the proposed alignment of Work No 3 in the TWA Order, which was on the former LNWR track bed to the east of the existing mainline tracks.

The ERM letter to the City Council, 25 November 2014, made reference to three scheduled works, 3/3A and 7, not to be undertaken under the TWA Order. It made no reference to Work No 2, which is the entire double track Bletchley line from ch 22400 or thereabouts in Section I to Bicester.

Within the mainline corridor, it can be argued strongly that NR retain their Part 11 and 17 PD rights, even on land within the TWA Order Limits of Deviation, and that these powers could be used for the construction of the new turnouts at Oxford North Junction and for the double track Bletchley line as far as the boundary of Sections H and I.

However, the Oxford North turnouts and the double track Bletchley line lie entirely within the TWA Order Limits of Deviation and in the same location as Works Nos 2 and 7. There is an explicit power in Clause 6 (a) of the TWA Order, which allows the Company, as they are referred to in the Order, to deviate scheduled works laterally from the centre lines shown on the Order plans anywhere within the Limits of Deviation. The deemed planning permission in the conditions leaves approval of certain details to the City Council, but it is clear from this permission that the City Council has no powers to consider the horizontal or vertical track alignment, provided that these remain within the limits set out in the Order.

Having given careful consideration to these matters, although these could have been works carried out under PD rights, Network Rail is prepared to concede that **these works will, in practice, be undertaken under the TWA Order powers, as Works Nos 2 and 7, and will be built in accordance with the deemed planning permission.**

Network Rail's concession on this point is conditional, and the City Council is being asked to agree certain consequential matters in relation to these works and the discharge of planning conditions, which I explore further below.

I take the view that these works in Section I are within the scope of those approved in the deemed planning permission and no amendment to the planning permission is required. The environmental information in the Environmental Statement also remains valid, although as discussed in previous correspondence, we do use any more up to date environmental information, where that is appropriate, as part of any submissions to discharge planning conditions.

The City Council can be re-assured that the station works in Section J and the whole of the relaid 'Up Relief' are not works to be carried out under the TWA Order, in line with the ERM letter of 25 November. In practice, no

works under the TWA Order will be undertaken south of a point opposite 94 - 110, Stone Meadow, within Section I.

Discharge of Planning Conditions in Section I

Network Rail's concession in relation to the works in the northern part of Section I now falling under the TWA Order alters the position regarding the planning condition discharges required in Section I and J, previously set out in the ERM letter of 25 November. In summary, the following is, I believe, a sensible interpretation of the condition discharges required:

Conditions 5, 7, 10, 11, 12 and 13

These only relate to works located in Section J, some of which are no longer relevant. There is, therefore, no intention or need to discharge any of these conditions.

Condition 6

This relates to a fencing strategy and requirements, already approved for works up to just south of 94 - 110, Stone Meadow (OCC Ref: 13/01965/CND). This will be implemented as approved as far as this point in Section I. Since it requires secure fencing of the railway boundary, this would be normal NR practice, in any event, and will be implemented.

Condition 18

This applies the approved Code of Construction Practice. This will be applied to the junction works and the double track Bletchley line works (and any other works under the TWA Order eg noise mitigation) in Section I, but not to other works carried out by Network Rail in Sections I or J.

Condition 19

The provisions of Condition 19 will apply to the northern part of Section I and a Noise Scheme of Assessment (SoA) therefore needs to be prepared, and should, to be entirely in accord with the condition, be approved before TWA works start in this section. Section J will not need a Noise SoA.

Network Rail's position is that noise mitigation needs only to be considered for noise impacts arising from use of the Bletchley line services running on the tracks from ch 22400 northwards in Section I. This would take into account any noise impacts as far south as about ch 22200, Aristotle Lane bridge, although the exact point will be confirmed by modelling.

In the Noise SoA for the northern part of Section I, we would follow the same approach used in Section H in relation to the temporary single track running. We would assess trains running on the final double track layout, but with a sensitivity test that considers the temporary layout. Mitigation would meet the worst case arising from either of those two layouts.

The Network Rail concession in relation to the TWA Order is dependent on the City Council accepting the point that no noise mitigation will be considered or provided south of Aristotle Lane.

Work will commence on preparing a Noise SoA for Section I immediately, but, as we discussed, Network Rail will need to conduct local residents' consultation, before formal submission of the SoA. This means that the formal submission will not take place until April/May 2015. There is a tight programme for these railway works and Network Rail would request that the normal pre-commencement requirement in the condition is relaxed by the City Council. The key trigger in the planning condition is the requirement to complete noise mitigation before trains on the Bicester line resume operation and this will be achieved.

The Vibration SoA and reports, which are already with the City Council for approval, did not explicitly consider the potential for vibration impacts arising from the track layouts now shown on Drawings B90505B-DRG-PWY3003 and 3004, where these run alongside the mainline and are to be built under the TWA Order. However, having checked these drawings, we can confirm that, nowhere in Section I, or J, are there any existing residential properties closer to the proposed track than the 15m threshold used to define 'properties at risk of vibration' in the VSoA. In consequence, the City Council can be re-assured that there are no additional properties that would need specific consideration for vibration mitigation in the northern part of Section I.

Conditions 31 and 32

The situation in relation to these conditions was explained in detail in the ERM letter of 25 November.

Legally, because the pre-development wording of the conditions refers to the Section(s) from Oxford North Junction, southwards, it could be argued that the position taken in that letter can still apply and that no further work needs to be undertaken to discharge the rest of these conditions.

However, NR recognises that this could be construed as beyond the purpose and spirit of the planning conditions, given the location of the SAC and SSSI concerned, and is prepared to accept that the remaining aspects of Conditions 31 and 32 will need to be discharged. However, as with Condition 19, there are both pre-commencement of development and pre-operation requirements in these conditions. While NR will use its best endeavours to secure approvals of the remaining elements of the Further Schemes of Assessment (FSOAs), before these dates, this may not be achievable. As you know, the FSOAs need to be approved by Oxford City Council and the other two LPAs, Cherwell and West Oxfordshire, which will itself depend on securing timely technical agreement with Natural England. There is no practical significance in the pre-commencement requirement and the City Council can be assured that the next phase of air quality monitoring will take place as soon as is sensible after use of the Bicester line resumes for passenger services. This would be starting in April 2016, if the services resume into Oxford, as planned in March 2016.

Programme for Decision on the Noise and Vibration SoAs

As you know, Network Rail needs to commence works, particularly in Section H, as soon as possible, not least because the Natural England European Protected Species Licence for the bats in Wolvercot Tunnel, now issued, restricts work to the period between April and August 2015.

There are a small number of amendments being made to the Technical Addendum to the Vibration SoA, which have already been discussed with Arup, and this should be with you by 20 February.

As far as the Noise SoA for Section H is concerned, I would remind you that the planning conditions were deliberately structured to allow work to commence on a section by section basis. While I hope that the City Council is satisfied with our response in this letter in relation to Section I, any disagreement can be resolved and this should not be taken as a reason for not progressing the Section H Noise SoA to approval.

Copies of the consultation responses and our replies for Section H have been passed to the Independent Expert and we plan to submit the Noise SoA, in final form on 20 February.

It is essential, in Network Rail's view, that both SoAs are presented to West Area Planning Committee on 14 April 2015, at the latest. We and Network Rail will, of course, work closely with you to deal with any further responses received from residents or the IE, before that Committee.

Matters for the City Council to Confirm

Can you please confirm, as soon as possible, that the City Council is content with the approach proposed in this letter? In particular, your confirmation of the following would be helpful:

(i) that the City Council accepts the proposed intention only to assess the need for and provide, under the TWA Order, mitigation, for example for noise, as far south in Section I as Aristotle Lane bridge; and

(ii) that it would be reasonable, and acceptable to the City Council, to relax the pre-development requirements in Condition 19 in relation to the Noise SoA for Section I, and for Conditions 31 and 32.

If there are any aspects of this letter that you wish to discuss, please talk to me or to Ian Gilder, the ERM Project Director. If there is further information you need to complete consideration of either the VSoA or the Section H Noise SoA, not noted above, please let me know and we will do our best to provide it to allow a decision on 14 April.

Yours sincerely,

Andrew Deacon
Consultant
ERM

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Fiona Piercy – Regeneration and Partnership
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Lisa Bullock
Town Planning Manager

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4 February 2015

Dear Fiona

As you know from your involvement with our organisation over the last couple of years Network Rail (NR) is in the process of undertaking a number of projects along the railway network including Great Western Electrification to Oxford, Re-signalling and the Oxford Corridor Capacity Improvements. Details of the electrification project have been given directly to the Council through various submissions and my colleague Ian Wheaton has been dealing with these.

Information of the above NR projects that have already started can be found on the NR website including a copy of the Environmental Statement for Oxford City Council (OCC) area.

Future aspirations of the Railway (although none yet formally funded) can be found in the Western Route Study, Long Term Planning Process document; this document sets out the strategic vision for the future of the Western Route.

Following complaints and enquiries by residents surrounding the railway line and sidings to the north of the station NR thought it prudent to write and provide an update with regards to the planned works under a number of individual projects which are being known as Oxford Corridor Phase 1 which NR intend to undertake within the city of Oxford for Control Period 5 (CP5). This work will take place on the DCL between Oxford Station to Oxford North Junction; much of this work will not require planning permission. The aim of this project is to improve capacity, linespeeds and route availability without the need to build new additional railway lines.

Discussions have already taken place at length with residents of William Lucy Way following their concerns about some of our low level vegetation clearance on site a month or so ago following advice we have received from an arboriculture expert who has assessed the condition of the trees in this locality. As a result of these meetings additional work has been commissioned in the form of tree planting, erection of a fence and improved lighting, all of which will improve the surrounding environ.

Future works comprise the following: -

- Oxford Railway Station works include extension to the length of existing north bay platforms, replacement platform canopies, new relocatable rail staff accommodation

building and reconfiguration of short stay and staff car parking - a prior notification application has been submitted and validated by the Local Planning Authority (LPA) and details can be found in this application reference number 15/00096/PA11.

- A number of track renewals including renewal of the down Jericho line and renewal of station ladder and track at Oxford Station - this will involve replacement of steel sleepers with concrete sleepers and replacement of existing track for new. The improved track quality will allow faster, quieter trains due to the smoothed alignment design, and track will be continuous welded reducing the noise created by trains on the track; in addition there will be a reduction in future maintenance requirements (less disruption in the long term).
- Due to the weight of the replacement concrete sleepers the underbridge at Castle Mill Stream will be strengthened to accommodate the heavier track.
- Vegetation clearance to the Oxford North siding (east) – an Arboricultural Management Plan has been commissioned which will identify the trees to be removed or pollarded. The management plan will also provide detail of the type, amount and location of new planting as discussed with the residents of William Lucy Way.
- Remodelling of the Oxford North sidings both east and west side. This is to accommodate Electrical Multiple Units (EMU) to the east, Super Express Trains and Intercity Express Programme (IEP) trains to the west. The west siding will be extended to provide space for longer electric trains (2 x 260m sidings) – detailed plans are not yet finalised.
- The existing haul road, used for maintenance vehicles runs along the eastern side of the track and siding. Part of this road will be realigned to allow for the remodelling of the east siding. There will be no alteration to the means of access of this road on to the public highway.
- To improve light overspill the existing high level lamppost lighting at the Oxford North sidings will be replaced with low level bollard lighting columns similar to that recently installed in Reading. This will be a significant improvement on the current situation.
- As requested by the residents of William Lucy Way a new boundary fence with noise attenuation qualities will be erected on the boundary to the Oxford North siding (east).

The work listed above falls under Part 11 Class A to Schedule 2 of the GPDO 1995 as permitted development. It does not require planning permission or any formal notification (accept for the station work already formally notified).

In addition to the work listed above the underbridge (culvert) over Castle Mill Stream will be replaced as its life expired; this is not an enhancement scheme. Again this work will be submitted under Part 11 Class A to Schedule 2 of the GPDO 1995 as permitted development but the bridge replacement will require the LPA to give its approval prior to implementation of the scheme (prior approval).

Part 11 of the GPDO is applicable to developments which were initially authorised by an Act of Parliament. The railway through Oxford was constructed under the Parliamentary powers contained in two enabling acts the Oxford & Rugby Railway Act 1845 and the Oxford, Worcester & Wolverhampton Railway Act 1845. Both of these Acts incorporated the Railways Clauses Consolidation Act 1845 (the 1845 Act). This Act grants powers to alter

and execute all things necessary for making, maintaining, altering or repairing and using the railway.

This bestows the railway company and its successors the power to make developments necessary to the running and management of the railway; including the erection, construction, alteration or extension of any building and the formation, laying out or alteration of a means of access to any highway used by vehicular traffic.

As outlined in Part 11 Class A of Schedule 2 of the GPDO. Paragraph A.2 sets out the process by which the LPA can give prior approval and comment on the proposals. It states:

The prior approval referred to in paragraph A.1 is not to be refused by the appropriate authority nor are conditions to be imposed unless they are satisfied that –

- the development (other than the provision of or works carried out to a dam) ought to be and could reasonably be carried out elsewhere on the land; or
- the design or external appearance of any building, bridge, aqueduct, pier or dam would injure the amenity of the neighbourhood and is reasonably capable of modification to avoid such injury.

The LPA may consider only the design, materials, or siting of the project to ensure that development 'would not injure the amenities of the neighbourhood', and be satisfied that it could not be 'reasonably carried out elsewhere'. A prior approval application is only required for the work to the bridge (culvert) over Castle Mill Stream and the works to the station (already submitted) none of the other work will require any formal application to the council.

NR will however endeavour to keep the Council informed of the ongoing work and provide updates when additional information is available. Detailed design plans and reports are yet to be finalised, at this point NR will be in a position to provide further information.

I hope this letter will help the Council and any interested parties to understand the scope of work and reason why they are necessary for the betterment of the railway and facilitate improved rail services to Oxford.

Yours sincerely,

Lisa Bullock MRTPI
Town Planner

CC Fiona Bartholomew

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Appendix 7 – Table of works to be undertaken under the Chiltern railways (Bicester to Oxford improvements) Order 2012 and covering email.

Dear Fiona,

Further to Colin Fields earlier e-mail I set out the East West Rail projects response to your below query.

ERMs letter to OCC of 8 July 2015 (attached here) sets out the extent of the works to be undertaken under The Chiltern Railways (Bicester to Oxford Improvements) Order powers within Sections H and the yet to be agreed Section I/1. This is generally the area which runs southward from Oxford North Golf Course to a point 50m north of the Aristotle Lane foot crossing. In summary these are the works to construct the separate Bicester tracks and the two turnouts from the main DCL line, which form Oxford North Junction. These are Works Nos 2 and 7 in Schedule 1 of the TWA Order.

I attach a table which includes a breakdown of the works by the agreed and the yet to be agreed Sections (H and I/1), the consents required for each set of works and an expected commencement date. I have also posted you a full set of all the relevant plans (Amended Order Plans and Planning Direction drawings), along with the submitted documents and where appropriate OCC's Decision Notices on CD (due to size).

As set out in ERMs letter of 8 July 2015 the dedicated Chiltern Railways track and works to Oxford Station which would have been located within Sections I/2 and J as described in Works No 3 and 3A in Schedule 1 of the TWA Order are no longer to be built and so the powers for these will not be exercised. Network Rail's Western Team will be carrying out their own works in Sections I/2 and J but these are not works as set out in Schedule 1 of the Order and so will not be undertaken using the TWA Order powers. As these are not to be undertaken using the TWA Order powers Colin Fields earlier e-mail includes a separate table and letter setting out these works and the consents required where appropriate.

I hope the attached in tandem with Colin Fields e-mail provides you with a comprehensive information source of the railway works taking place within Oxford City Councils administrative area.

As discussed on the phone yesterday I will provide an answer separately on your queries relating to First Turn Bridge.

If you have any further queries please let me know.

Kind regards

Andrew

Andrew Deacon
Consultant II

Impact Assessment and Planning

Environmental Resources Management Ltd

Works to be undertaken under The Chiltern Railways (Bicester to Oxford Improvements) Order 2012 Powers					
Scheme	Proposed works	Consent required	Benefit	Expected commencement	Drawings / Documents
40 Section H Works	<p>Section H Works set out in Schedule 1 of the Order to be undertaken in the administrative area of the City of Oxford are as follows:</p> <p>Part of Work No. 2– A double track railway (17,600 metres in length) commencing in the county of Oxfordshire, district of Cherwell by a junction with the termination of Work No.1 and terminating in the city of Oxford by a junction at a point 370 metres north of Aristotle Lane Crossing where Works No. 7 described below begins.</p> <p>Work No.2 also includes the lowering of track through Wolvercot Tunnel and related remedial works to bridge OXD49 First turn bridge.</p> <p>Article 5(4) of the Order also permits the construction of various ancillary works to the Schedule 1 and 2 works.</p>	<p>The Conditions to be discharged to allow development to commence on the above in Section H are as follows:</p> <ul style="list-style-type: none"> • Condition 3 – Development Sections discharged by OCC 7 May 2013 under Planning Ref: 13/00918/CND • Condition 4 Notification of commencement of Development was provided to Fiona Bartholomew on the 2 July 2015 • Condition 6 Implementation and maintenance of railway fencing – discharged by OCC 28 January 2013 under Planning Ref: 13/01965/CND • Condition 9 Archaeology – discharged by OCC 6 June 2013 under Planning Ref: 13/01276/CND • Condition 11 – Contaminated Land. A route wide Scheme of Investigation (Sol) was submitted and approved by OCC on 29 November 2013 under Planning Ref: 13/03209/CND. This Sol identified a further requirement for the development and submission of a Conceptual Site Model (CSM) for the Wolvercot Tunnel which was submitted and discharged by OCC on 17 December 2014 under Planning Ref: 14/03453/CND • Condition 16 – Protection of National European designated sites during construction. Method Statements for works within 500m of both the Port Meadow with Wolvercote Common and Green SSSI, The Hook Meadows and Trap Grounds SSSI and the Oxford 	Required TWA works	Written Notification of commencement of development provided to OCC 2 July 2015	The location and extent of the above works are shown on the Approved Drawings (Sheets 24 to 28 of the Amended Order Plans and the Planning Direction Drawings included here)*.

Works to be undertaken under The Chiltern Railways (Bicester to Oxford Improvements) Order 2012 Powers					
Scheme	Proposed works	Consent required	Benefit	Expected commencement	Drawings / Documents
41		<p>Meadow SAC were submitted and discharged by OCC on 7 April 2015 under Planning Ref: 15/00442/CND</p> <ul style="list-style-type: none"> • Condition 18 – Code of Construction Practice. This was discharged by OCC on 17 September 2013 under Planning Ref: 13/00917/CND with Condition 18 Item B (List of Buildings at Risk) which was set out in the CoCP also approved in writing by OCC on 6 July 2015. • Condition 19 – Noise. This was discharged by OCC on 30 June 2015 under Planning Ref: 15/00956/CND. This included details required to discharge both Items 2 and 4 of Condition 19 • Condition 19 Vibration. This application was discharged by OCC on 30 June 2015 under Planning Ref: 13/03202/CND • Condition 19 Vibration S&C. This application was discharged by OCC on 30 June 2015 under Planning Ref: 14/00232/CND <p>Further submissions will be required in relation to the noise barriers in Section H, which must be approved before installed. This submission will be made a later date when final design information is available. Condition 19 also requires that mitigation in the form of the proposed noise mitigation as set out in the agreed Scheme of Assessment (Planning Ref: 15/00956/CND) must also be installed no later than the date on which a passenger rail service is resumed on this section</p>			

Works to be undertaken under The Chiltern Railways (Bicester to Oxford Improvements) Order 2012 Powers					
Scheme	Proposed works	Consent required	Benefit	Expected commencement	Drawings / Documents
		of the railway.			
42 Section I/1 Works	<p>Section I/1 Works set out in Schedule 1 of the Order to be undertaken in the administrative area of the City of Oxford are as follows:</p> <p>Part of Work No. 2– A double track railway (17,600 metres in length) commencing in the county of Oxfordshire, district of Cherwell by a junction with the termination of Work No.1 and terminating in the city of Oxford by a junction at a point 370 metres north of Aristotle Lane Crossing where Works No. 7 described below begins.</p> <p>Work No. 7 is a railway (200 metres in length) forming a connection between the Bletchley to Oxford Railway and the Oxford to Birmingham Railway commencing by a junction with the termination of Work No.2 at a point on the</p>	<p>The Conditions to be discharged to allow development to commence on the above in Section I/1 are as follows:</p> <ul style="list-style-type: none"> • Condition 3 – Development Sections discharged by OCC 7 May 2013 under Planning Ref: 13/00918/CND. A further application to amend the agreed Section I is currently with the Council 15/01978/CND and is awaiting a decision • Condition 4 – not provided yet • Condition 6 - not provided yet • Condition 9 Archaeology – discharged by OCC 6 June 2013 under Planning Ref: 13/01276/CND • Condition 11 – Contaminated Land. A route wide Scheme of Investigation (SoI) was submitted and approved by OCC on 29 November 2013 under Planning Ref: 13/03209/CND. • Condition 16 – Protection of National European designated sites during construction. Method Statements for works within 500m of both the Port Meadow with Wolvercote Common and Green SSSI, The Hook Meadows and Trap Grounds SSSI and the Oxford Meadow SAC were submitted and discharged by OCC on 7 April 2015 under Planning Ref: 15/00442/CND • Condition 18 – Code of Construction Practice. This was discharged by OCC on 17 September 2013 under Planning Ref: 13/00917/CND. Further written approval in relation to Condition 18 Item B (List of Buildings at Risk) will be sought 	Required TWA works	Commencement works expected January 2016	These works are shown on the Approved Drawings (Sheets 27 and 28 of the Amended Order Plans and the Planning Direction Drawings included here)*.

Works to be undertaken under The Chiltern Railways (Bicester to Oxford Improvements) Order 2012 Powers					
Scheme	Proposed works	Consent required	Benefit	Expected commencement	Drawings / Documents
43	<p>Bletchley to Oxford Railway 370 metres north of Aristotle Lane Crossing and terminating on the Oxford to Birmingham Railway at a point 185 metres north of that crossing.</p> <p>Article 5(4) of the Order also permits the construction of various ancillary works to the Schedule 1 and 2 works</p>	<p>from OCC</p> <ul style="list-style-type: none"> • Condition 19 Noise - not provided yet • Condition 19 Vibration - not provided yet • Conditions 31 and 32 Measures for the protection of the Oxford meadows Special Area of Conservation and Hook Meadow and Trap Ground Site of Specific Scientific Interest– The baseline reporting element of these conditions was discharged by OCC on 16 June 2014 under Planning Ref: 14/00007/CND. Further submissions relating the monitoring and mitigation elements will be submitted to fully discharge both conditions. 			

*Articles 5 and 6

Article 5 of the TWA Order states that all of the above works may be constructed in the lines or situations shown on the deposited plans and in accordance with the levels shown on the deposited sections. However Article 6 of the Order allows the promoter to:

- (a) deviate laterally from the lines or situations shown on the deposited plans to the extent of the limits of deviation (area shaded in pink on the Approved Drawings) for that work; and
- (b) deviate vertically from the levels shown on the deposited sections—
- (i) to any extent not exceeding 3 metres upwards; or
- (ii) to any extent downwards as may be found to be necessary or convenient.

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Fiona Bartholomew - Principal Planner
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20 July 2015

Dear Fiona

NETWORK RAIL WESTERN ROUTE TEAM DELIVERY

I write in response to your email sent on the 13th July 2015 regarding the above and your request for further information. As I understand it there are two main issues you seek clarity on, firstly why is it proposed to amend condition 3 which ERM is dealing with on behalf of Network Rail/ Chiltern Railways and secondly further details on the other projects which Network Rail is delivering in Oxford.

On the first issue ERM sent a letter to you on 8th July 2015 giving clear detail as to why we propose to amend Section I. The wording of the Condition 3 of the Chiltern Railways Order gives us the ability to amend or vary in whole or part from time to time with your approval. The proposed bisecting of the section makes sense as it reflects the works we intend to do (or not to do) under the authorising order. The amendment of the Section I into 1 and 2 will enable us to manage public consultation and mitigation for noise and vibration more effectively for the work we do propose to implement in the Order.

In answer to the second part of your query directed to the Western Team I can confirm the proposed work at Oxford Railway Station has a deemed planning consent under Part 18 of the Town and Country Planning (General Permitted Development) Order 2015 (GPDO) and we are currently seeking the council's prior approval to the detailed plans and specifications submitted on 12 January 2015. As you know this was originally proposed to be considered by your members in March recommended for approval with conditions albeit was put on hold whilst you sought legal advice. After finally being presented to members on 7 May they deferred the decision for further clarity on siting and design. We submitted revised design and additional supporting information and hope that our amended application will be approved at Planning Cttee on 11 August as the revised scheme addresses all the concerns flagged up by your members.

In reference to track work we are completing I can clarify that the renewal of track and sleepers on the alignment of an existing railway which has been in situ for the last 150 years would clearly be permitted development and such asset renewals are part of Network Rail's core maintenance function and we do not need to submit detail and plans or seek your approval for such works under the town planning legislation. This principle is exactly the same as the Highway Authority tarmacking one of their roads when the surface has

become life expired; they would not expect to seek the authority or approval of the Local Planning Authority for such works. We will be renewing track and sleepers on the DCL mainline from the south of the City up as far as Wolvercote Junction and we will not need any planning consent for this work. This track renewal is not works that is authorised by the Chiltern Railways Order.

As you flag up in your email there are a number of different projects taking place in the wider Oxford City Council administrative area and the letter we sent to you on 4th February 2015 was written in a non-technical manner on the basis that it would be shared with local stakeholders. I thought this was a reasonable explanation but I have drafted something more detailed in a table format (see attached) and hope that this is what you are looking for. I have tried to be as comprehensive as I can but as I'm sure you understand things can move on and works amended. The attached table gives detail of each scheme, proposed works, planning consent required either deemed or express, the benefit the works will provide, our expected commencement and any relevant documents.

You will see from the attached list that the majority of works proposed have deemed consent and fall under Schedule 2, Part 18, Class A of the Town and Country Planning (General Permitted Development) Order 1995 (GDPO) (as amended). Class A covers development under a local or private Act or Order. The two primary authorising Acts which relate to the railway corridor within Oxford are Oxford & Rugby Railway Act 1845 and the Oxford, Worcester & Wolverhampton Railway Act 1845. Both of these Acts incorporated the Railways Clauses Consolidation Act 1845 (the 1845 Act).

Clause 16 of the Railways Clauses Consolidation Act states the following:

Subject to the Provisions and Restrictions in this [Act] it shall be lawful for the Company [...] to execute any of the following works; [...] They may from Time to Time alter, repair, or discontinue the before-mentioned Works or any of them, and substitute others in their Stead; and, They may do all other Acts necessary for making, maintaining, altering, or repairing, and using the Railway.

The RCCA 1845 bestows the railway company and its successors the power to make developments necessary to the running and management of the railway.

You will notice that whilst there are planned works as set out in the attached table detail designs are yet to be produced, whilst we do have draft designs which we are working on these have been produced for engineering purposes and often not in a format that members of the public would be familiar with. I hope you can appreciate the difficulties of bundling together detailed information for schemes which some designs are yet to be finalised so this information is relevant as of today but could be subject to change in the future.

I hope this information will help clarify current and future work proposed to be delivered outside of the works authorised by Chiltern Railways Order by Network Rail in Oxford.

Yours sincerely

Colin Field (MRTPI)
Town Planning Manager

Enc.

List of Railway Works in Oxford – as at 20 July 2015

Scheme	Proposed works	Consent required	Benefit	Expected commencement	Drawings / Documents
Sheepwash Bridge	Strengthening	Part 18 – No permission needed	<ol style="list-style-type: none"> Ongoing maintenance liability of structure To provide safe access for railway maintenance staff. 	Estimated date 2016	Plans for the walkway are due to be finalised in August 2015.
	Addition of a walkway	Part 18 - Prior Notification			
DCL Mainline Track Renewals (from the south of the station through to Wolvercote Junction)	Replacement of steel sleepers with concrete sleepers	Part 18 – No permission needed	<ol style="list-style-type: none"> Maintain the good functioning of the railway track. Improve safety. Maintain performance. Remove the need to replace asset for approximately 25 years. 	Start date Autumn 2015	No requirement for proposal plans.
	Replacement of existing track for new				
	Removal of life expired ballast				
W10 Train Lengthening Project	Reinstatement of Oxford North Passing Loop.	Part 18 - No permission needed	<ol style="list-style-type: none"> Increase length of existing freight trains. Allow passenger trains to pass freight trains to avoid delays to passenger services. Remove need for freight trains to stop and idle on mainline near housing. 	The majority of works have been completed albeit the final commissioning of track to take place in 2016.	Certificate of lawful use or development application numbers 13/00580/CPU -approved 13/05/2013 13/02156/CEU - approved 10/10/2013
Oxford Area Signalling Renewal	Installing new signal support structures (poles and gantries).	Part 18 - No permission needed	<ol style="list-style-type: none"> Provide the potential to integrate enhancements in order to create additional 	Largely complete	

	<p>Re-control signalling back to the Thames Valley Signalling Control Centre.</p> <p>All signal heads will be replaced with LED Dorman heads (15 -20 year life).</p> <p>Installation of new cabling troughs and lineside equipment cabins and cabinets.</p> <p>Upgrading of Principal Supply Points (PSP's) – electrical power points.</p> <p>Demolition and removal of redundant equipment and buildings on completion of new signalling equipment including the Panel Box.</p>		<p>railway and platform capacity.</p> <ol style="list-style-type: none"> 2. Upgrade for future deployment of European Rail Traffic Management System (ERTMS) signalling systems. 3. Less maintenance and replacement of asset. 4. Removal of outdated equipment lineside. 		
Great Western Main Line Electrification	Provision of the OLE.	Part 18 - Prior Notification required for bridge works only.	<ol style="list-style-type: none"> 1. More seats and faster Journeys. 2. 20-35% lower carbon emissions. 3. Improving air quality. 4. Quieter trains will improve the quality of 	OLE - Estimated date for installation in Oxford 2016/2017	Hinksey Lake FB - Appeal decision APP/G3110/A/13/2196202 Oxford FB – Appeal decision APP/G3110/A/14/2215004 Osney Lane - Design

	<p>Gauge Clearance Works:</p> <ul style="list-style-type: none"> · Hinksey Lake Footbridge · Oxford Footbridge · Osney Lane Footbridge (PA imminent) 		<p>life for people living near the railway.</p> <ol style="list-style-type: none"> 5. Electric Trains are more reliable and require less maintenance. 6. Faster trains with more seats will stimulate economic growth. 7. Increasing capacity for commuters into and out of Oxford. 	<p>Hinksey Lake FB - Imminent Oxford FB – Works in progress Osney Lane - Estimated date 2016</p>	<p>available in Sept 2015. Switching Station - letter and plans submitted to OCC 4 April 2014.</p>
	<p>Construction and Operation of a Switching Station.</p>			<p>Switching Station - Estimated date 2016/2017</p>	
<p>Remodelling of the existing Oxford North Sidings</p>	<ul style="list-style-type: none"> – The west siding will be extended to provide space for longer electric trains. – Realignment of the haul road running along the eastern side of the track and siding. – High level lighting gantries will be replaced by low level lampposts (similar to Reading sidings). – Landscaping and tree planting along the boundary. 	<p>Part 18</p>	<ol style="list-style-type: none"> 1. To accommodate Electric Trains. 2. Far less idling of noisy diesel trains reducing noise and fumes as many of the trains will be electric. 3. Improved lighting with significantly reduced lighting spill. 4. Landscaping and tree planting along the boundary in accordance with arboricultural advice that once established will provide a much better screen to railway sidings and student flats on opposite side of 	<p>Work has started in site preparation and removal and pollarding of vegetation.</p>	<p>Design yet to be finalised.</p>

			railway.		
Oxford Station	<ul style="list-style-type: none"> - Extending existing platforms. - New canopies. - Relocation of accommodation building (this is required to extend the platforms). - Change to layout of car parking. 	Part 18 - Prior Approval (awaiting decision due on 11 August).	<ol style="list-style-type: none"> 1. Provision for additional capacity for passengers and trains. 2. Implementation of the first phase of the Station Masterplan. 3. Aesthetic improvements. 4. Operational improvements. 	Autumn 2015.	Prior Notification application 15/00096/PA11
Aristotle Lane Footbridge	<ul style="list-style-type: none"> - Demolition of existing footbridge. - Erection of replacement footbridge. - Provision of 12 car parking spaces. - Facilitating the extension of school grounds 	Planning permission granted 08/05/2015 - Conditions to be discharged	<ol style="list-style-type: none"> 1. Improved safety. 2. Closure of the level crossing meaning trains no longer need to use horn. 3. Reduced noise and disturbance to local residents in houses and boats alike. 4. Improved gauge clearance. 5. Wider structure. 6. Increased outdoor space for SS Phillip and James School. 	Delivery to start late 2015.	Planning Approval 8/5/15 - 14/01348/FUL

Hinksey Flood Alleviation	Strouds Underbridge – life expired bridge to be partly replaced. New culvert under the railway and adjoining land – negotiations ongoing with EA and land owner. Track lift and installation of elevated signalling and distribution cabinets.	Underbridge – Prior Approval. Culvert – Planning Permission. Track – Part 18 Permitted Development.	<ol style="list-style-type: none"> 1. DfT priority infrastructure resilience project. 2. No track flooding. 3. No signalling failure due to flooding. 4. Assists Environment Agency in their enabling works for flood management in Oxford 	Estimated date 2016.	Pre-application meeting already taken place with Head of City Development and Environment Agency (EA). Prior Approval to be submitted in August 2015.
Canal Bridge (OXD50)	Addition of a cantilevered walkway. Waterproofing of deck and re-pointing of brickwork.	Prior Approval – Part 18 (for the walkway only).	<ol style="list-style-type: none"> 1. To provide safe access for railway maintenance staff. 2. Routine ongoing repairs. 3. Remove the need for future maintenance works. 	Estimated date 2016.	Plans for the walkway are finalised and will be submitted in August/ September 2015.
Castle Mill Stream Bridge	The replacement of this life expired bridge on behalf of the Route Asset Manager.	Prior Approval – Part 18	<ol style="list-style-type: none"> 1. Ongoing asset renewal 2. By doing the work now less disturbance later. 3. EA already consulted informally on works. 	Summer 2016	Plans will be submitted for prior approval in August/ September 2015.
Walton Wells Road Bridge	This bridge fails gauge clearance for electrification	Prior Approval – Part 18	<ol style="list-style-type: none"> 1. Same benefits as electrification 	Undecided	

Transport and Works Act - The Chiltern Railways Order	To be delivered by Network Rail LNW team with works associated with that project finishing 50m north of Aristotle Lane Footbridge on behalf of Chiltern Railways.	TWAO	Many benefits to Oxford which are all listed in the Chiltern submission documents.	Works in progress.	See the project web site and other documents already on the Council's web site.
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Other works in the pipeline are station capacity and station masterplan where a separate station TWAO will be required due to the need to seek powers for land acquisition amongst others.

West Area Planning Committee

13 October 2015

Application Number: 15/01104/FUL

Decision Due by: 22 July 2015

Proposal: Demolition of existing bungalow, part of existing Fairfield Residential Home and various outbuildings. Erection of replacement residential care home consisting of 38 bedrooms, communal and ancillary facilities on 1, 2 and 3 storeys, together with extension and alteration to existing garage to rear of 25 Staverton Road to form manager's accommodation. New vehicular access from Banbury Road, 18 car parking spaces and landscaped garden.

Site Address: Part Of 115 Banbury Road University College Annexe 19A
And 25 Staverton Road Staverton Road, **Appendix 1**.
Oxford Oxfordshire

Ward: St Margarets Ward

Agent: Kemp & Kemp

Applicant: Fairfields Residential Care Home

Addendum Report:

1. The application was reported to the West Area Planning Committee meeting of 8th September, a copy of the report is attached at **Appendix 1** for ease of reference.
2. The Committee resolved to defer determining the proposed development in order for them to view the full advice given by the Oxford Design Review Panel (ODRP) in its letter of 14th July 2015, following a desktop review of the proposal, which was summarised in the Officer's report at paragraph 13. The ODRP letter is reproduced in full at **Appendix 2**. For clarification, this letter has been available to view online from the time it was received shortly after the 14th July.
3. The Applicant had submitted a full rebuttal to the comments raised by ODRP and this was summarised in the Officer's report at Paragraph 14. Their letter is reproduced in full at **Appendix 3**.
4. Following comments made by the Committee Members at that meeting, the Applicant has taken the opportunity to make further adjustments to the proposed scheme in order to address their concerns and those of ODRP. This has resulted in revised plans being submitted of which the key changes are as listed below. A full list of the alterations can be found at **Appendix 4**. Officers consider that these changes do not materially alter the proposed plans, nor materially change the Officer's recommendation in the original report.

- Reduction in height of the 3 storey block and entrance block & stairs;
 - Reduction in height of plant and lift overrun enclosure on roof to approximately 60cm, so that it would hardly be seen from the ground;
 - Simplification of elevation materials to just render and stone;
 - Addition of timber 'brises soleil' to the stone Colonnades surround so that it also has a function as well as form (solar shading), narrowing in the size of the colonnade itself;
 - Entrance moved approximately 1m south to make it more visible. Canopy added over the entrance;
 - Moved further away from Thackley End boundary to 2.1m;
 - Further glazed link between the two storey and single storey elements (dinning/ kitchen areas) to emphasise the 'pavilion';
5. Whilst Officers were fully supportive of the originally submitted plans, it is considered that these changes successfully respond further to the advice given by the ODRP and Members. The alterations would reduce the overall scale, height and bulk of the main three storey element and changes to the materials and colonnade would simplify its overall appearance. The reduction in height has also improved the relationship to the adjacent Student accommodation, which WAPC approved at the meeting of 8th September. The reduction in the staircase and moving of the front entrance south by 1m better aligns the main entrance with the access road and a canopy over the entrance doors enhances the entrance and sense of arrival. By further separating the dining and kitchen areas with a glazed link this reinforces the idea of pavilions buildings in a garden setting. Officer's support these changes.
6. Committee also queried the cycle parking provision for the scheme. The Applicant has confirmed that there would be a maximum of 15-16 staff on site. As set out in paragraph 26 of the Officers Report, there is no minimum standard for residential homes and each development should be judged on its own merits. In this case, Officer's considerer 1 cycle parking space for every two staff is appropriate. 10 cycle spaces are proposed and this more than meets this requirement (min 8 spaces).
7. The Applicant has also sought to allay concerns expressed at the meeting regarding construction traffic and impact on Staverton Road and has set out the following points listed below which would be included in the Construction Traffic Management Plan (CTMP) submitted. They would create the new access from Banbury Road first, and these points therefore are based on this assumption:
- All demolition works and deliveries for the new access road construction and main Fairfield building construction to be via the new Banbury Road access.
 - Deliveries solely for construction of the Fairfield Managers House to be via the existing vehicular entrance to University College on Staverton Road.

- In the event that any contractor's staff and sub-contractors vehicles need to be brought to site, parking will be accommodated within the existing Fairfield and University College areas to avoid local on-street parking, accessed via Banbury Rd (with the exception of the Manager's house).
 - All delivery vehicles to avoid using Staverton Road, except for construction of the Manager House above.
 - No contractor vehicles to use the existing Fairfield entrance on Banbury Road, except at commencement of the project for site set up and for demolition of the Banbury Road wall to create the new access.
 - Contractors to be required to sign up to the Considerate Contractors Scheme.
 - The above provisions to be included in the building contracts for the project.
8. It is considered that these points could reasonably be included in any CTMP and included in the CTMP condition, should committee be minded to approve the proposal, with the exception of the Considerate Contractors point which is normally an informative on any approval and is not a requirement of a CTMP. The details of course would also need to be agreed with the HA as part of any conditions compliance process.
9. It has been noted that the condition required by Thames Water relating to a drainage strategy was omitted from the list of conditions in the main report. This should be added as condition 13.

Recommendation:

10. Officers therefore recommend that West Area Planning Committee approve the application for the reasons and subject to and including conditions set out in the Officers report at Appendix 1 and para.9 above.

Background Papers: 15/01104/FUL & 15/01102/FUL

Contact Officer: Felicity Byrne

Extension: 2159

Date: 30th July 2015

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Report to the West Area Planning Committee

8 September 2015

Application Number: 15/01104/FUL**Decision Due by:** 22nd July 2015

Proposal: Demolition of existing bungalow, part of existing Fairfield Residential Home and various outbuildings. Erection of replacement residential care home consisting of 38 bedrooms, communal and ancillary facilities on 1, 2 and 3 storeys, together with extension and alteration to existing garage to rear of 25 Staverton Road to form manager's accommodation. New vehicular access from Banbury Road, 18 car parking spaces and landscaped garden.

Site Address: Part Of 115 Banbury Road University College Annexe 19A
And 25 Staverton Road Staverton Road, **Appendix 1**.
Oxford Oxfordshire

Ward: St Margarets Ward

Agent: Kemp & Kemp

Applicant: Fairfields Residential Care Home

Recommendation: West Area Planning Committee is recommended to approve the application for the following reasons and subject to and including conditions listed below.

Reasons for Approval:

- 1 The development is considered to provide for an identified need for retirement accommodation in an appropriate design and form. It would not harm the character and appearance of the Central Conservation Area, which is a designated heritage asset. Any loss of trees that are important within public views are suitably mitigated for by new planting. There would be no harm to adjoining neighbours. The proposal accords with the Policies contained within the Local Development Framework and NPPF.
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.

Conditions:

1. Time – outline / reserved matters
2. Plans – in accordance with approved plans

3. Exclude details and resubmit; roof plant room
4. Materials – samples agree prior to construction
5. Works to historic walls; re-use materials and make good etc
6. Biodiversity – measures for wildlife
7. Construction Traffic Management Plan – details prior to construction
8. Cycle & bin storage – further details prior to substantial completion
9. Sustainability – in accordance with details submitted
10. SUDS – build in accordance with
11. Landscape plan in accordance with submitted documents and plans
12. Landscape – planting carry out after completion
13. Trees - Hard Surfaces – tree roots)
14. Trees - (Underground Services – tree roots)
15. Trees - (Tree Protection Plan)
16. Trees - (Arboricultural Method Statement)
17. Details of boundary treatment prior to occupation
18. Archaeology – WSI
19. Obscure glazing

Community Infrastructure Levy (CIL):

The development is liable for CIL.

Principal Planning Policies:

Oxford Local Plan 2001-2016 (OLP)

- CP1 - Development Proposals
- CP6 - Efficient Use of Land & Density
- CP8 - Design Development to Relate to its Context
- CP9 - Creating Successful New Places
- CP10 - Siting Development to Meet Functional Needs
- CP11 - Landscape Design
- 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

Core Strategy (CS)

- 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

Sites and Housing Plan

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

Other Planning Documents

Supplementary Planning Documents:

- National Planning Policy Framework
- Balance of Dwellings SPD
- Natural Resource Impact Analysis SPD
- Parking Standards, Transport Assessment and Travel Plans SPD

Other Material Considerations:

National Planning Policy Framework
Planning Practice Guidance

Public Consultation:

Statutory Consultees Etc.

- Oxfordshire Architectural & Historical Society:
 - Object to backland development
 - Banal Architecture
 - scale and density are inappropriate
 - Loss of tree regrettable
 - Loss of boundary walls regrettable
 - Increase in traffic [from both developments]
 - Pleased retaining the coach house
- Historic England Commission: It is not necessary to be consulted on this application
- Highways Authority: No objection subject to conditions; See Main Report

- Thames Water Utilities Limited: No objection subject to a condition requiring a drainage strategy
- Environment Agency Thames Region: Deemed to either have a low environmental risk
- Environmental Development: The report does not identify any unacceptable risks from contamination at the site. The report findings are accepted and agreed that an intrusive investigation is not likely to be necessary. However, informatives are recommended to ensure a watching brief is undertaken throughout the redevelopment to report any unexpected contamination and that topsoil is suitable for use.

Residents:

Comments received were from individuals, Thackley End Management team on behalf of their residents and a petition contacting X signatures: The main points raised can be summarised as:

- Out of keeping with the character and appearance of the Conservation Area
 - Backland development;
 - Overdevelopment
 - Significant reduction in openness
 - Institutionalisation of CA
 - Too high
 - Too close/ overbearing/ loss of privacy to Thackley End garden and flats
 - Loss of trees/ screening and harmful to their roots (particularly Limes)
 - Harmful to visual amenity from neighbouring properties
 - Noise and disturbance from construction
 - Loss of light
 - Light to northerly ground floor flat in Thackley End is adversely/ heavily impacted by the height of the existing Leylandii hedge between Thackley End and new building (west boundary).
 - Design of the new Fairfield accommodation is underwhelming; similar to an office block with repetitive windows of equal size on three sides.
 - Brick facing more appropriate to CA
 - Unclear what will happen to Fairfields in the future
-
- The overall impact on a large and significant part of the Conservation Area is quite positive.
 - It will provide a long term future for the residents of Fairfield
 - welcome the additional accommodation for OU graduate students.
 - Principle of development on this area acceptable, support provision of dedicated student accommodation
 - Concern of conflict between construction traffic and cyclists on Staverton Road; suggest temporary signing for diverting cyclists through a more appropriate route

Pre – App Discussion:

The Applicant undertook extensive joint pre-app discussion together with Univ with Officers of the Council, ODRP and the community. A public consultation event was held on 17th and 18th October 2014 and further consultation with Thackley End Management on behalf of its resident was done on 5th March 2015.

The proposed residential home has undergone several reiterations, not least as a result of the comments from the ODRP. They supported the two applicants' collaboration and aim to create an excellent place for elderly and post-grad students, recognising it represented a unique opportunity to create special place for the two generations to enjoy. They felt that the joint proposals needed an improved site wide masterplan which encompassed landscaping, movements and access, and building principles. Specifically in relation to the new residential home they considered that whilst the quantum of development was acceptable the layout, height and massing did not relate to the garden setting, the elevations should be simplified using classical architectural principles, and the entrance from Banbury Road better identified. They suggested balconies, sharing the use of the rose garden to Redcliffe Maud House adjacent, and increasing the residents south facing internal garden space. Furthermore they suggested sharing the orchard and vegetable garden with the students. In relation to the Univ proposal, the new home in their view appeared cramped with the change in ground levels between the two developments causing an uncomfortable relationship and unclear access through the sites. However, the new Manager's house, was highly praised as simple and elegant, successfully combining old and new architecture.

The Applicant and Architects, both Univ and Fairfield's, individually and collectively responded to these comments. The levels between Univ and the building were removed and, whilst a good deal of landscaping had already been proposed, a site wide landscape masterplan, landscape strategy and Narrative and planting plans for soft/ hard landscape plan were produced. Specifically in relation the new residential home Fairfield's chose a contemporary architectural response with a simplified window rhythm and use of three materials; stone, wood and render. Initially the proposal had balconies within a stone framework, however latterly the balconies were removed due to cost, health and safety issues and residents' preference, but the stone framework retained to add interest. The entrance has been more defined.

In relation to Thackley End, comments were received on the first design in October 2014 and then further on the new design in March 2015. The residents were concerned about the following:

- The new access and pedestrian safety along Banbury Road;
- Intensification of the Staverton Road access;
- Impact on the existing Lime trees adjacent to new access road;
- The high concentration of institutional uses within the locality and the long term impact that this might have on the character of the area;
- Close proximity of the new building to Thackley End residents; and
- Noise and disturbance associated with the construction works.

Their further comments in March indicated that they considered progress had been made in their view, for example the proposed flat green roof on the two-storey section immediately adjacent to the Thackley End boundary was improved. However, they still had concerns amongst other things regarding the overall appearance, proximity to them, direct overlooking and future failure to retain or protect their trees.

Officers Assessment:

Background to Proposals.

Site Description:

- 1 The application site lies to the rear of 115 Banbury Road, currently operating as a private residential home known as Fairfield House (Fairfields), and also on land adjacent owned by University College Oxford (Univ) known as 'Stavetonia'. It is unusual in shape and extends to the rear of properties on Staverton Road and Thackley End, see Site Plan **Appendix 1**. The site lies within the North Oxford Conservation Area, which is characterised in part by Victorian villas and academic buildings within generous gardens, with mature trees and planting.
2. Fairfield House itself is now substandard to its functional requirements and upgrading of the main building has been explored but is not possible. It is therefore proposed to construct a new purpose built residential home within the grounds of both Fairfields and Univ. It also includes demolition of an existing bungalow and rebuilding of a house, for use by the care home manager, by converting and extending the old coach house which lies to the rear of No.25 Staverton Road (also owned by Univ). Part of a later extension to Fairfields is to be demolished to allow the new access from Banbury Road.
3. Officers consider the principal determining issues to be:
 - Principle;
 - Site Layout, Built Form & heritage;
 - Transport;
 - Impact on Neighbours;
 - Landscaping and Trees;
 - Flood risk and Drainage;
 - Biodiversity;
 - Sustainability; and
 - Archaeology

Principle:

4. The submitted statement of need for the new care home is noted and also that the care home cannot be suitably or economically adapted to meet the needs of the occupiers and requirements of the Care Quality Commission. It is considered that the replacement care home would meet the requirements set out in the Core Strategy to provide a mix of housing and meet the needs of the community (Policy CS23) whilst making best use of previously developed

garden land in accordance with Policy CS2 and the principles of HP10 of the SHP. Therefore the development is considered acceptable in principle.

Site Layout, Built Form & Heritage:

5. Local planning authorities have a duty to have special regard to the preservation or enhancement of designated heritage assets, (e.g. listed buildings and conservation areas). The NPPF encourages local planning authorities to look for opportunities to better reveal or enhance heritage assets and their settings and states that proposals that do make a positive contribution should be treated favourably.
6. In considering the impact of a proposed development the NPPF states that the significance of a designated heritage asset should be considered and great weight given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of a heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification, measured in terms of the public benefits to be delivered through the proposal.
7. Policy CP1 of the Oxford Local Plan states that planning permission will only be granted for development that shows a high standard of design that respects the character and appearance of the area and uses materials of a quality appropriate to the nature of the development, the site and its surroundings. Policy CP6 states that development proposals should make the best use of site capacity but in a manner that would be compatible with both the site itself and the surrounding area. Policy CP8 suggests that the siting, massing and design of any new development should create an appropriate visual relationship with the form, grain, scale, materials and detailing of the surrounding area.
8. Policy HE7 of the Oxford Local Plan states that planning permission will only be granted for development that preserves or enhances the special character and appearance of conservation areas and their settings and policy CS18 of the Core Strategy emphasizes the importance of good urban design that contributes towards the provision of an attractive public realm.
9. The site lies within the North Oxford Conservation Area and a Heritage Assessment (HA) has been submitted as part of the proposed development, which also relates to the adjacent application for Univ. The HA discusses the heritage significance of the Conservation Area and Officers concur with its findings. This part of the Conservation Area is characterised by large dwellings within generous gardens, set back from the road with walls and hedges bounding the footpaths. The area has a 'leafy quality' with large trees and shrubs visible in both front and back gardens.
10. The site also forms part of that character; the large rear garden to Fairfields contains glass houses, orchard and a large area of lawn, bounded by brick walls and interspersed with individual and groups of mature and semi-mature

trees and shrubs. Redcliffe Maude House within 'Stavetonia' is set with a walled rose garden and areas of lawn divided by clipped hedging, creating several different garden 'rooms'. Adjacent to it are two mid 20thC student accommodation blocks. Redcliffe Maude House, whilst a fine villa in the Arts and Crafts style, is not listed and is used for teaching and offices by Univ. Thackley End to the north and north east of the site is a series of Mid 20th C blocks of flats with shared garden spaces and with a parking court. To the north the existing bungalow is set within a large garden area, made up of trees, large shrubs and mainly grass. The site plan shows the context at **Appendix 1**.

11. The building layout itself is unusual in shape constrained by historical boundaries, significant trees and existing buildings and therefore the proposal itself is unusual in form and footprint as a result, folding itself round Redcliffe Maude House and in between the boundaries of Fairfields House, Redcliffe Maude and Thackley End flats. See **Appendix 2** for the site layout.
12. The proposed building has been through several transformations and reiterations during the pre-application process, particularly as a result of comments from the Oxford Design Review Panel (ODRP). It has been designed, in collaboration with the Univ proposal adjacent, to create a series of buildings, or pavilions, within a garden setting. These linked buildings create essentially an L-shaped building that wraps around Redcliffe Maude, ranging from a maximum of three storeys to the frontage as seen from Banbury Road, two storeys adjacent to Thackley End and down to single storey to the rear when viewed from Staverton Road. These individual parts of the overall proposal seek to reinforce the existing 'garden rooms' such as the rose garden and also create new ones such as the residents' sun garden. The link also seek to indicate the historic wall along Fairfield's boundary. The architectural style is contemporary in form, as a direct result of comments from ODRP and materials proposed are stone, wood and render. The main element of the building containing the majority of the bedrooms has a flat parapet roof and windows framed by a stone surround. Elsewhere the roofs are also flat covered with a green roof covering and again the stone surround is used around the bedroom windows.
13. The ODRP has undertaken a further desktop review requested by Officers, given the change in the architecture of the proposal. The Panel considered that the new design did not go far enough in addressing previous shortcomings in the design, although it did acknowledge that the height and quantum of development was acceptable. It also acknowledged the further landscape strategy / plan work done, including the creation of the new garden spaces and route and uses through the two sites, and recommended a lighting strategy be undertaken. However, the Panel considered that the proposal did not meet their expectations in terms of architectural response and response to the landscape setting. It considered the would appear cramped and bulky between the Univ development, Redcliffe Maud and site boundaries. Improvements could be made by emphasising further the 'pavilion buildings within a garden approach, linking spaces together (e.g. kitchen and dining room) and reducing bulk. Improvement could be made to

the rear staff and servicing area to make it more inviting through landscaping and framing the space using the kitchen building. Whilst they applauded the improvements to the front of the Home from Banbury Road, the entrance could be further emphasised and the entrance hall given more space internally. They criticised the stone framework around the windows without the balconies within to serve its purpose and felt health and safety concerns could be designed out. However, they still commended the simple and elegant manager's house.

14. The Applicant has responded to their comments and considers that the new proposal does relate to its garden setting and consider the bulk of the buildings does adhere to the pavilion building principle, whilst also responding to the functional requirements of the home itself. Suggestions made by ODRP in relation to the west servicing / staff entrance and car park area cannot be done due to the constraints imposed by the existing trees, not least the very large and old oak tree. The design intention here has specifically been to make this area appear subservient and distinct from the front main entrance. Specifically in relation to the front entrance the design intention is that of a domestic hallway and arrival at 'home' rather than an institution, and thus not overwhelm residents with large spaces or dramatic architectural gestures. Furthermore in relation to balconies, notwithstanding that they would have to be entirely encased in glass or some other measure to prevent falling and thus negate the purpose of a balcony, the residents themselves, when consulted, did not want them as they prefer to sit together in the communal areas.
15. Comments raised by neighbours that the proposal is backland overdevelopment, out of keeping in appearance and harmful to the character and appearance of the CA and, destroying the open leafy quality, have been taken into consideration.
16. Officers consider that, notwithstanding comments from ODRP, the contemporary architectural form and the varied height and massing of the proposal are considered acceptable in this location. There is much to be applauded in the proposed design, particularly when viewed together with the Univ proposal and in the context of previous discarded designs. Given the Mid 20th Century buildings adjacent and nearby it is considered that the contemporary architecture is not necessarily out of place and would not appear harmful to the character and appearance of the Conservation Area. Whilst it is development in the rear garden area the proposal would appear as series of linked buildings within a garden setting and this again is considered appropriate and respects the existing character. The only element that Officers considers inappropriate is the plant room on the roof, which does not appear subservient or sufficiently integrated to the whole design. It is considered that it could be re-housed within the building and this could be explored further by excluding it from the plans and requiring further details to be submitted, should Committee support the application.
17. It is acknowledged that this is an unusual building layout, but this has been derived mostly by the constraints formed by key significant trees that could not

be lost and is therefore considered acceptable. The design has taken into account the old historical boundary with Thackley End and sought to reinforce it by separating the main building with a glazed link at this point. During the pre-app process the internal rear gardens and south facing courtyard gardens were made bigger in response to ODRP comments, moving the 2 and 3 storey elements of the building away from Redcliffe Maude to a minimum distance of approximately 21m and 8m at single storey. In Officers opinion it would not appear overbearing, intrusive or overshadowing to it.

18. The proposal also involves the demolition of some small parts of the existing home to facilitate the new access. Officers consider that this would not be detrimental to the character and appearance of the existing building and materials used should match the existing as far as possible.
19. In relation to Univ student accommodation adjacent, the distance between the buildings is approximately 3m which is considered sufficient for it not to appear overbearing or cramped. The Univ buildings would be in buff brick and the stone surround of the new building picks up on this in colour and height on the building. Internally the spaces have been specifically designed to the resident's and staffing requirements and how they would like the building to operate. Although, the ODRP consider more should be done to the main entrance porch and the rear kitchen/service elevation/ area, Officer's consider that what is proposed is acceptable given the design ethos, constraints and justification presented by the Applicant in this case.
20. From the Banbury Road the new building, which is set back over 110m away, is obscured by the existing Fairfield's building, high brick wall boundary wall and boundary trees. Therefore glimpsed views would be only achievable within the new access point onto that road. It is considered that the building would not harm views into our out of the site or the character of the CA from this point. From the Staverton Road end, the views are obscured by existing dwellings and trees and it would not be harmful to views into or out of the site at this point.

Manager's Accommodation:

21. The conversion and extension of the old coach house to the rear of No.25 Staverton Road for the Manager's accommodation again is considered a sustainable re-use for the existing heritage asset. The overall design and form is considered acceptable and is not harmful to the character and appearance of the Conservation Area. Furthermore it counterbalances the loss of the existing bungalow on the site and therefore accords with Policy HP1 of the SHP which states there shall be no net loss of a dwelling on a site. Adequate internal and external amenity space is provided in accordance with Policies HP12 and HP13 of the SHP and the development has been carefully designed to avoid overlooking, appear overbearing, overshadowing or visually intrusive to neighbours in accordance with HP14 of the SHP. Adequate boundary treatment, bins and cycle storage are proposed in accordance with HP13, HP14 and HP15 of the SHP and can be secured by condition.

22. In conclusion, whilst contemporary in architectural style, it is considered that the development is of a suitable height, form and massing that is appropriate to its context. As such it therefore would not cause harm to known heritage assets but makes best use of available land and provision of much needed care home facilities in accordance with Policies CP1, CP8, CP9, CP10, HE3 and HE7 of the OLP, CS18 of the Core Strategy, HP9 of the SHP, and the NPPF.

Transport:

23. A detailed Transport Assessment was submitted and supplemented in response to comments from the Highways Authority. It is proposed to create a new access from Banbury Road that essentially serves the residential home for visitors and dropping off, ambulances and the like, but would also serve the Univ student accommodation at the beginning and end of terms. 6 car parking spaces are provided along this access and within the turning area. Deliveries, staff car parking and the Managers House would be accessed from Staverton Road, via the existing private access road to Univ and through the car park for Redcliff Maude (due to tree constraints). A total of 12 car parking spaces are proposed, including provision for the Manager's house.

24. The HA commented that as part of the Oxford Transport Strategy, Banbury Road is proposed to operate as a Mass Rapid Transit (MRT) route. They therefore raised concerns that the proposed new access would have an adverse impact on the future MRT. However, the access from Banbury Road will serve six parking spaces for use by visitors and staff parking and deliveries / servicing access will be taken from the existing access off Staverton Road. The HA have therefore accepted that the provision of six car parking spaces for visitor use only would not result in significant traffic generation. Furthermore sharing of these parking spaces and access by the student accommodation and residential home is unlikely to result in a significant impact on the operation of a MRT system in future.

25. SHP Policy HP16 requires a minimum of 1 space per 3 bedrooms (32 rooms being provided), plus one per staff. This would equate to a minimum of 11 spaces for residents plus staff. Clearly there is under provision of car parking but given that the majority of residents will not drive and its sustainable location on a good public transport route, it is considered that on balance adequate car parking is provided in this case. One space must be designated for the manager's accommodation, which could be secured via condition.

26. In relation to cycle parking, parking for staff must be provided and must be sheltered and secure. There is no minimum standard identified in Policy HP15 for care homes and therefore each development is to be judged on its own merits. At least 1 cycle parking space for every two staff is considered appropriate by Officers. Some cycle parking is indicated on the plans however this is not in any detail and in any event may not be in a suitable location, these further details could be secured by condition.

Landscaping:

27. The OLP requires that as far as possible existing trees and other landscape features are successfully retained within new development and that new trees and new soft landscaping including tree planting is included whenever it is appropriate. Planning permission will not usually be granted for development proposals which include the removal of trees, hedgerows and other valuable feature that form part of a development site where this would have a significant adverse impact upon public amenity or ecological interest; Policy NE15.
28. The application includes a joint site-wide Univ and Fairifelds Landscape Masterplan, Landscape Strategy & Narrative, Detailed Planting Plans, an Arboricultural Tree Report, and a Conservation Area Tree Assessment. The latter has assessed the character of the area in relation to trees and landscape and an arboricultural report which accurately records existing trees growing within and adjacent to the application site in a tree survey to BS5837:2012. An arboricultural impact plan which identifies trees to be removed and retained, and a preliminary tree protection plan which includes proposals for protecting retained trees during the construction phase. The detailed planting proposals are underpinned by the Landscape Masterplan, Strategy & Narrative which has taken on board ODRP comments.
29. It is proposed to remove a large number of individual and group of trees, all of which are categorised as moderate to low quality and value. However, it is also proposed to plant 16 new ornamental trees, 8 orchard fruit trees and 8 espalier fruit trees, including; 2 heavy standard Himalayan birch and a heavy standard incense cedar along the boundary with Staverton Road; a semi-mature silver birch, 2 extra heavy standard sized flowering cherry trees and an extra heavy standard sized Judas tree along north side of the new entrance drive; and, an extra heavy standard flowing cherry tree and 4 snowy mespilus at the front of the proposed replacement residential care home.
30. It is considered that although the proposals include the removal of a number of trees and hedges, most of these are not visible in any public views. However, the 2 false acacia trees that stand in the densely planted garden area east 19A Staverton Road near to the boundary with Thackley End, are visible as skyline trees along a short section of Staverton Road when looking north between Nos. 19 and 21. It is proposed to plant 2 new Himalayan birch trees and an incense cedar along the southern boundary of the application site within this gap and this will go some way to mitigating the loss of trees in this view. However, further mitigation could be achieved by adding an additional 2 new semi-mature false acacia trees to the planting proposals in this area, which could reasonably be secured by condition.
31. The existing false acacia trees are very tall and the very tops of their crowns can also be seen from in gaps between properties from the street in Rawlinson Road. However, these are long distance views and it is considered that their loss will not be significant in these views.

32. Also, the mature silver birch (3006) and Lawson cypress (3005) trees which stand adjacent to the site boundary are visible in public views from the section of Banbury Road adjacent to the site, as is the top of the crown of the walnut (3001). Their removal and the construction of a new vehicular access from Banbury Road will open up new views into the site and trees beyond. New planting will include 2 new small leaved lime trees planted along the Banbury Road frontage south of the new vehicular access and a semi-mature silver birch planted close to the new entrance and this, together with other planting along the verge or the north side of the vehicular access which includes new cherry and Judas trees, will ensure that the change is not harmful.
33. Some of the trees that will be removed will be seen in private views from neighbouring residential properties in Staverton Road, Thackley End, Rawlinson Road and Woodstock Road. The presence of other trees in these private views, including trees retained within the application site, existing trees within adjacent properties, including a row mature lime trees that grow along the southern boundary of Thackley End and existing trees within the rear gardens of the other properties, will ensure that in most cases the residential amenities of neighbouring are not significantly harmed by these tree removals. Proposed new tree planting, including for example new trees planted along the boundary with properties in Staverton Road will further mitigate any impact on neighbours.
34. However, removal of the vegetation which is growing in the garden area of the bungalow near to the boundary of Thackley End, which includes the 2 tall false acacia trees (3168 and 3169) and a row of Leyland cypress and other boundary trees (TG3023 and TG3022), will affect existing private views towards the site from those adjacent Thackley End flats that have an outlook to the west. This garden area will be replaced by the new home and due to the proximity to the boundary there is not opportunity to plant trees to mitigate this change.
35. The draft North Oxford Victorian Suburb Conservation Appraisal and the Conservation Area Tree Assessment submitted both identify the significance of the leafy character of the area and the importance of trees to that. Although the proposals will reduce canopy cover in the area to some degree, it is considered that the proposed new soft landscaping and tree planting is appropriate to the area and will ensure that the site retains a leafy appearance and character and thus would not harmful to the Conservation Area.
36. The preliminary tree protection plan includes proposals which are appropriate to ensure that retained trees are adequately protected during the construction phase, for example including no-dig construction for the hard surfaces proposed within the Root Protection Area of the lime trees which stand adjacent to the site within Thackley End, the trees adjacent to the boundary within the North Oxford Overseas centre, 117 Banbury Road and the retained veteran oak tree (adjacent to the car park). The concerns of residents, in particular of Thackley End residents regarding impact on their lime trees as a result of the new access road, have been taken into account. If planning permission is granted more detailed final tree protection proposals and

arboricultural method statements would be required for approval before any work starts on site as will the location and construction method of all new underground services and drainage to ensure they are not harmed during or post construction.

Impact on Neighbours:

37. The new residential home would affect the residents of Thackley End, Redcliffe Maud House owned by Univ and the residents and neighbours of No.25 Staverton Road in relation to the new manager house.
38. In relation to Thackley End the two storey element of the home would be approximately 1.5m from the joint boundary. As mentioned above there are currently high trees (Leylandii) along this boundary, and within Thackley End is the shared garden for its residents bounded by one of the blocks of flats. The proposal would alter the outlook from this part of Thackley End. The new building has two windows facing the garden, which are a secondary window to the end bedroom and the corridor window. It is proposed to etch the glass to a height of 1.5m from finished floor level so that it would be obscured. Officers are satisfied this would overcome direct overlooking and loss of privacy into the garden area. Whilst it is acknowledged that the loss of trees will obviously change the outlook for these residents, Officers consider that the building would not be overbearing to them, taking into account the existing trees. Neither, due to orientation and existing trees, would the development result in any significant increase in overshadowing or loss of sun or day light to the garden than currently exists. In respect of impact on the windows to habitable rooms of the block of flats adjacent to the garden, Officers consider that due to distance between the buildings, orientation and existing boundary treatment, that the development would not harm their residential amenities in terms of overshadowing or overbearing impact, or loss of daylight, sunlight or privacy.
39. With regard to Redcliffe Maud, this building is used for teaching and office space. The purpose of the collaboration between the two proposals is to encourage the residents to use the rose garden. It is considered none the less that here would be no harm as a result of overlooking, given the distance of approx. 21m between the two buildings and the nature of the use of Redcliffe Maud. Issues of overshadowing, overbearing etc. have already been dealt with elsewhere in this report.
40. In relation to the new manager house, the conversation and extension has been designed so that it is essentially single storey. Officers consider that it would not adversely impact neighbours' residential amenities in terms of overbearing, overshadowing, visually intrusive or loss of day/sun light or privacy.
41. In conclusion the proposal accords with Policies CP1, CP10 of the OLP and HP14 of the SHP.

Flood Risk and Drainage:

42. A Flood Risk and Drainage Strategy was submitted and concludes that the site of the proposed building is located in Flood Zone 1 and has a low risk of fluvial, surface water and tidal flooding to the proposed building. The proposed development will not increase the risk of flooding on or off site. Any risk of ground water and sewer flooding to the semi basements which can be mitigated by appropriate waterproofing and non-return valves. The surface water drainage will discharge into the ground via infiltration SuDS methods subject to further infiltration tests or a restricted connection to the public sewer subject to approval by Thames Water. Again, foul drainage from the proposed building will discharge via gravity into the public foul sewer system subject to agreement with Thames Water.
43. The EA has not commented as it considers the site low risk and Thames Water has not objected but has requested a Grampian style condition requiring a drainage strategy for the residential home, and raised no objection to the student accommodation. It is considered therefore, subject to the condition, that there would be no adverse impact from the development proposal in accordance with Policy NE14 of the OLP.

Biodiversity:

44. A Phase 1 Habitat Survey and Bat Survey Report by Bioscan was submitted for this application, and an updated bat survey has been subsequently undertaken by Bioscan to assess the presence or not of bat roosts within the buildings to be demolished in June this year. Officers consider the botanical and ornithological elements of this report are considered to be appropriate to use in 2015. The survey study area includes that of the adjacent Univ application (15/01102/FUL) and the findings and proposed measures are applicable to both sites.
45. The assessment states that the study area has no statutory or non-statutory nature conservation designation. No specially protected species were identified as resident within the study area during the surveys or are known from background records to be present. In particular no evidence of bats roosting in the buildings or trees affected by the proposals has been found and no roosts have been identified. Four bat species were detected incidentally during the bat surveys foraging and commuting within the study area. The study area is however assessed to be of only limited value to bats for foraging due to the largely ornamental and/or well-maintained nature of the habitats present and large areas of buildings and hardstanding. Retention of a large number of the mature trees within the overall study area will ensure that commuting activity through the study area is not significantly affected.
46. No other additional protected species surveys are regarded as necessary, bird species found were reflective of the presence of mature garden habitats and no particular constraint was identified over and above the standard legal protection afforded to all nesting birds. The existing orchard (to the rear of Staverton and Thackley End properties) is of interest but considered too small

and isolated by its urban context to be likely to support significant secondary biodiversity interests.

47. The report states that the proposed development is not likely to change local conditions to an extent that could be detrimental to the conservation status of any bird or bat species. An addendum containing details of bird and bat enhancement measures have been submitted with this application, including bat and bird boxes.
48. Officers concur with the findings of the report(s) and the survey mitigation and enhancement measures contained therein. The orchards retention is welcomed and additional tree planting proposed would mitigate the loss of any foraging or nesting habitat. A condition is recommended in accordance with the conclusions and recommendations including the provision of bat and birds boxes in accordance with policy CS12 of the CS and the NPPF.

Sustainability:

49. An Energy Efficiency statement has been submitted to show how 20% on site renewables can be achieved in accordance with Policies HP11 of the SHP and Core strategy CS11. It states the development would make a 25% saving in energy usage and 30% reduction in carbon emissions, by installing an on-site combined Heat and Power System, coupled with highly efficient gas fired boiler. The proposal would therefore accord with Policies HP11 of the SHP and CS9 of the CS.

Archaeology:

50. The site is of interest because of the scale of the proposed development and its central location on the Summertown-Radley gravel terrace, in an area that has not been subject to much previous archaeological investigation and where dispersed Prehistoric and Roman rural settlement might be anticipated, bearing in mind the pattern of settlement evidence to the north and south along the terrace. A targeted geophysical survey has undertaken at this site by Stratascan (2014) and archaeological desk based assessment has been produced for this site by CgMs Ltd (2015) for the joint Univ and Fairfields sites. In this instance the limited geophysical survey did not identify any strong anomalies of likely archaeological origin and it is noted that the site is constrained in terms of pre-determination access for trenching.
51. The NPPF states the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. Where appropriate developers should be required to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible.

52. In this case, bearing in mind the results of the Heritage Impact Assessment, Officers consider that any consent granted for this development should be subject to condition requiring the archaeological investigation take the form of targeted building recording and watching brief in accordance with Policy HE2 of the OLP and the NPPF.

Conclusion:

53. The development would provide a purpose built residential home which meets the needs of a mixed community. It represents efficient use of brownfield land and whilst back land development would not be harmful to the character and appearance of the Conservation Area or adjacent neighbours. Loss of any significant trees would be mitigated by new planting and works close to significant trees would be carefully controlled. Officers therefore recommend that planning permission is granted, 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: 15/01104/FUL & 15/01102/FUL

Contact Officer: Felicity Byrne

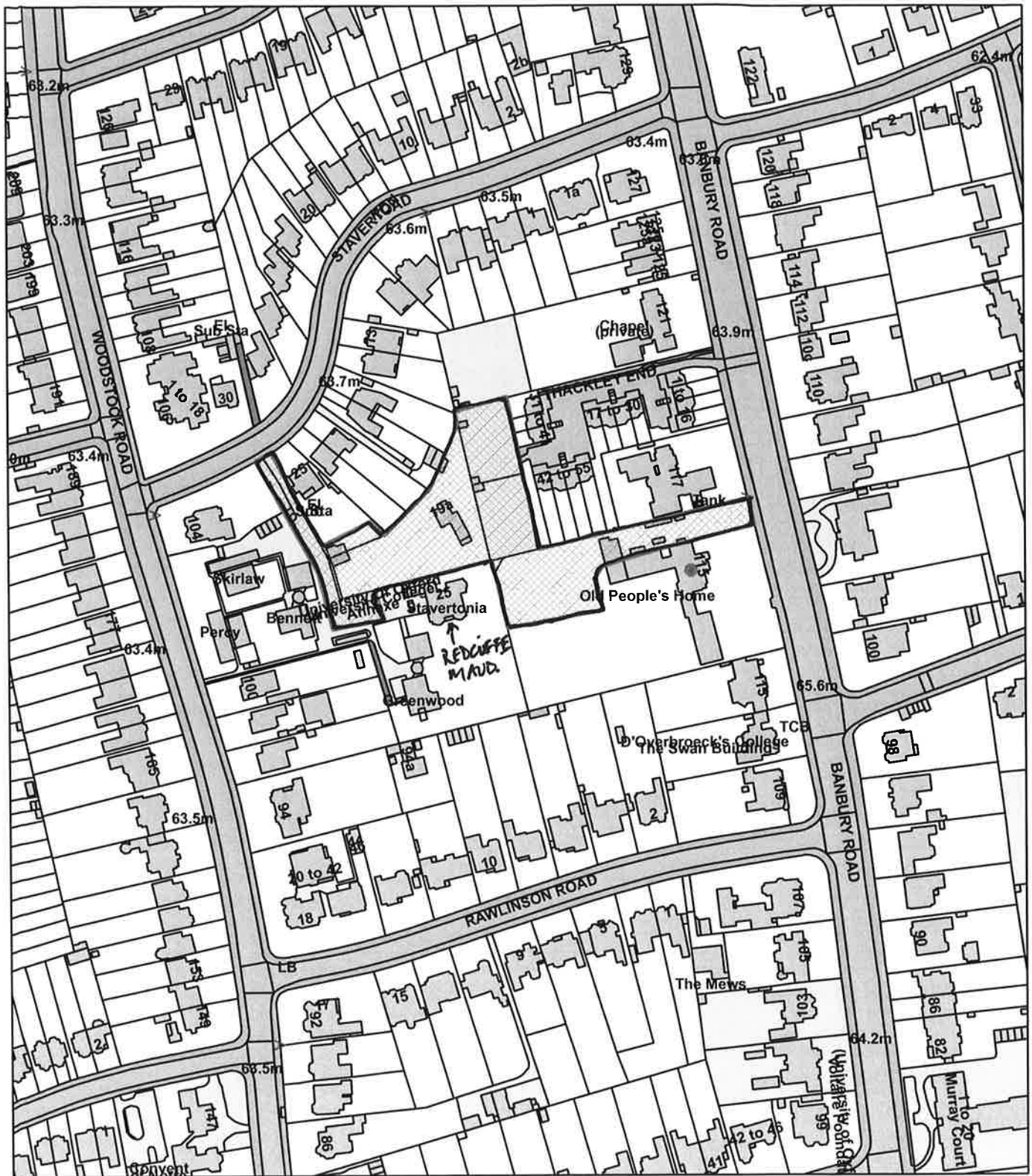
Extension: 2159

Date: 30th July 2015

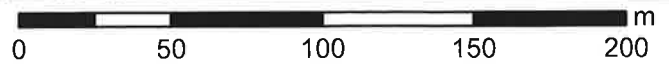
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Appendix 1

15/01104/FUL - Rear of 115 Banbury Rd and 19A & 25 Staverton Rd



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Ordnance Survey 100019348.



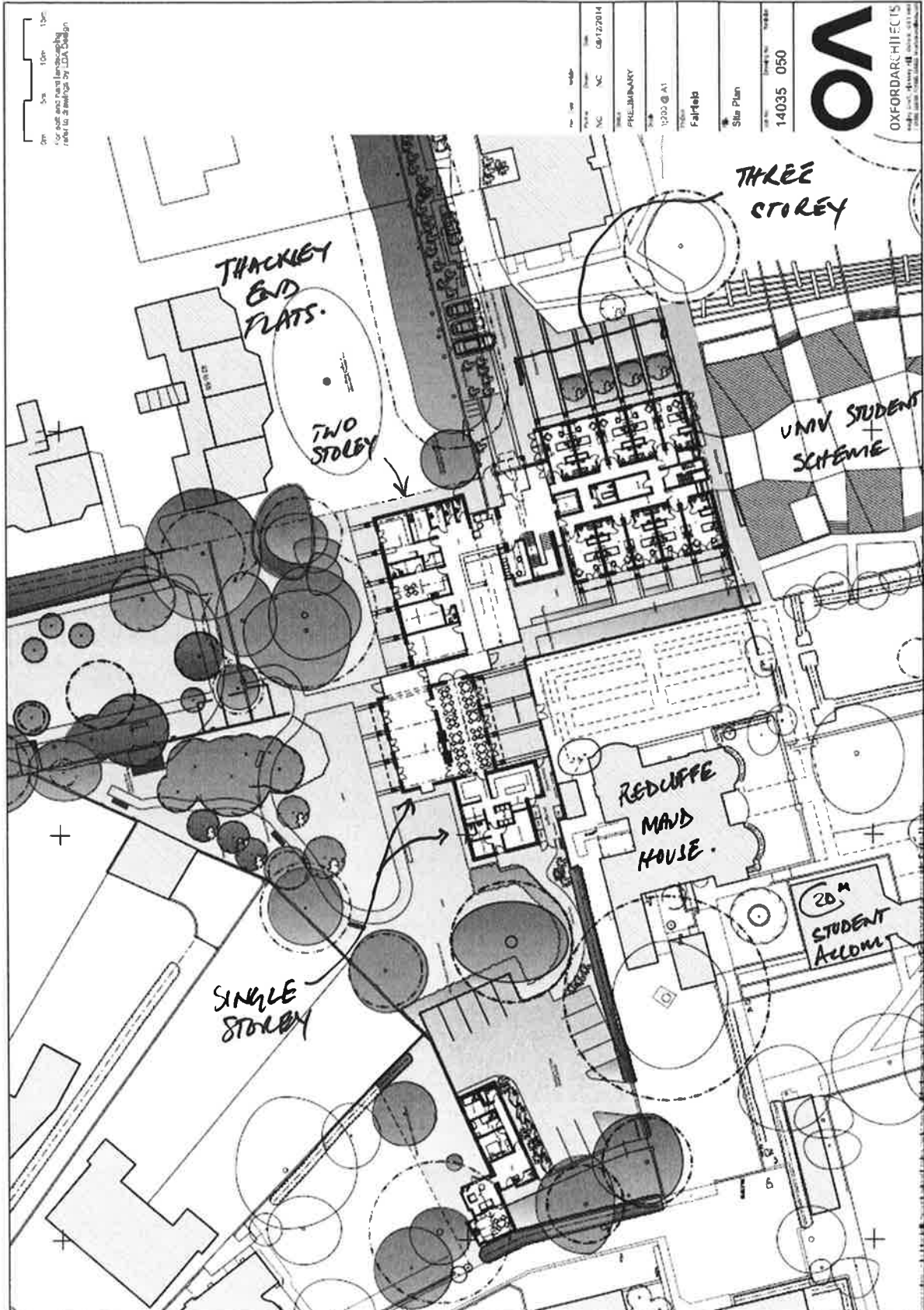
Oxford City Council

Scale: 1:2,500 (printed to A4)

City Development

APPENDIX 2

Site Layout Plan



14 July 2015

Felicity Byrne
 Oxford City Council
 St. Aldates Chambers
 109-113 St. Aldates
 Oxford, OX1 1DS

Our reference: DCC/0659

Oxford City Council: Fairfield Residential Home

Your reference: 15/01104/FUL

Dear Felicity Byrne,

Thank you for consulting the ODRP on this scheme; we reviewed the proposal on 29 June 2015. This is our formal response to the planning application.

We continue to support the aim of the applicant to work collaboratively with the adjacent site by using their collective assets and shared vision to create an excellent place for elderly people and post-graduate students to live within shared grounds. Given the immediate site context, the height and quantum of accommodation for the proposed Fairfield Residential Home is acceptable. Designing for a backland site however presents challenges which have not yet been met. We think that the current site layout and architectural response is neither ambitious nor sensitive enough for this unique site. We are therefore unable to support the scheme in its current form and recommend that substantial design work, perhaps with the support of other architects, is needed to overcome weaknesses in the current proposal.

For the purposes of this review letter, Fairfield Residential Home is referred to as "Fairfield" and University College Oxford Student Accommodation is referred to as "Univ".

Landscape design

The attempts to embrace the garden landscape in the site layout are to be commended. The herb garden offers a space for inter-generational contact and provides a rich living experience for residents, and a successful sequence of spaces, routes and uses has been established between Fairfield and Univ. Continuing to develop the walking routes across the site will help to engage the users in the open space. A lighting strategy is needed to ensure the safety of residents and visitors after dark, as well as their pleasurable use of the grounds. Whilst there has been some thought on the collective food production and shared use of the garden, developing more meaningful



opportunities in the landscape design and daily site operations will allow residents to enjoy the garden to a greater extent.

Site layout

We recommend taking a far more ambitious and imaginative design approach to creating a place that is inspiring and enhances the wellbeing of people in later stages of life and staff. The footprint, organisation and massing of the building do not yet sufficiently relate to the garden landscape or surrounding buildings to create a scheme that achieves this. Given the backland nature of the site, the 'Victorian arboretum' feel and the areas available for construction of the buildings, the idea of pavilions set within the landscape is compelling. The proposed site layout is beginning to respond to the site's special qualities, its boundaries and the wider leafy suburban context, in particular to the south and east. However, at present, the proposed building feels bulky and cramped between the Univ student housing, the Arts and Crafts Redcliffe-Maud House and the site boundaries.

The western and northern parts of the site deserve a more sophisticated response. The proposed arrangement of the three blocks for leisure, dining and kitchen facilities does not yet work with the landscape setting or as a legible sequence of spaces, and could be more sensitive in terms of the views from neighbouring sites. This could be achieved, for example, by combining the kitchen and dining room/lounge areas to create two instead of three distinctive blocks. More generous space between the blocks will allow more through views to better embrace the surrounding landscape and strengthen the pavilion concept.

The proposed car parking area to the west of the site is poor and a missed opportunity to create an inviting place. An attractive and positive entrance courtyard with car parking should prioritise pedestrians over the car, capitalise on the successful design of the manager's house and use the kitchen/dining building to frame the entrance space. Better hard and soft landscaping is required in the design of this space. We recommend that the kitchen/dining building is redesigned to respond to this opportunity and to achieve better service access from the west. The bin store and service yard to the south of the kitchen block within close proximity to the Redcliffe-Maud House is not ideal.

Entrance experience

Given the proposed location of the building in a backland site, the experience of entering the home is key to its success. The new Gateway Square is welcoming and has the potential to provide a high quality entrance court. Such high quality public realm should be carried through along the access road from Banbury Road to the site. This key route into the site should be designed as a pedestrian priority with careful hard and soft landscape design, and effective lighting without appearing to be dominated by service vehicle movements, parking and drop-offs.

The main entrance to the building could be more prominent and visible when approaching it from Banbury Road. We recommend revisiting the layout of the entrance hall to allow a more generous entrance, together with the canopy design to signal the building entrance more effectively.



Elevations

Whilst we appreciate that the elevations have been greatly changed we feel that a significant redesign, driven by clear design rules and informed by the context, is needed. The proposed elevational treatment appears superficial and we question whether it is appropriate for all the building elements. The proposed frame of reconstituted stone and timber panels appears to be 'stuck-on' without a clear logic informed by its use or orientation. For example, the frame should be used in a meaningful way to support balconies or provide solar shading for the southern elevation. For the residential elements of the project, balconies would provide a softer relationship between the building and its landscape, and allow the residents direct contact with the outdoors from their rooms. Any potential health and safety concerns can be addressed through careful design. In refining the overall elevational language, the impact of the southern elevation, currently treated as of secondary importance yet visible directly from the Univ courtyard and the surrounding landscape, should be addressed. By contrast, the design approach to the manager's house is to be commended as it is simple and elegant, successfully combining the architecture of the old and new.

Thank you for consulting us and please keep us informed of the progress of the scheme. If there is any point that requires clarification, please telephone us.

Yours sincerely

Victoria Lee
Cabe Advisor, Design Council

cc (by email only)

Kevin Minns	Fairfield Residential Homes
Nick Caldwell	Oxford Architects LLP
Steven Sensecall	Kemp and Kemp LLP
Ben Croot	LDA Design

Review process

Following a site visit and discussions with the design team and local authority, the scheme was reviewed on 29 June 2015 by Joanna van Heyningen (chair), Dan Jones and Jessica Byrne Daniel. These comments supersede any views we may have expressed previously.

As this scheme is the subject of a planning application, we will publish our views on our website, www.designcouncil.org.uk



Our Ref: SJS/7472/ml

22nd July 2015

Mrs Felicity Byrne
Principal Planner
City Development
Oxford City Council
St Aldate's Chambers
109-113 St Aldate's
Oxford
OX1 1DS

Dear Felicity

Re: Fairfield Residential Home, Banbury Road, Oxford
Application Reference: 15/01104/FUL

I refer to the above mentioned planning application and write further to the letter to you from the Oxford Design Review Panel (ODRP) dated 14th July 2015 and our subsequent exchange of emails, which culminate in your email of today's date, and for which thank you.

I was pleased to note in your email dated 14th July that you did not think that the ODRP's latest comments would alter your recommendation to approve this application and the parallel application from University College. This helpful comment notwithstanding, we still wish to respond to the ODRP letter. That response is set out below and for ease of reference each response is preceded by the relevant paragraph in the ODRP letter.

We continue to support the aim of the applicant to work collaboratively with the adjacent site by using their collective assets and shared vision to create an excellent place for elderly people and post-graduate students to live within shared grounds. Given the immediate site context, the height and quantum of accommodation for the proposed Fairfield Residential Home is acceptable. Designing for a back land site however presents challenges which have not yet been met. We think that the current site layout and architectural response is neither ambitious nor sensitive enough for this unique site. We are therefore unable to support the scheme in its current form and recommend that substantial work, perhaps with the support of other architects, is needed to overcome weaknesses in the current proposal.

This paragraph indicates that the ODRP found the "height and quantum" i.e. the mass of the proposed building to be acceptable in "the immediate site context". As the ODRP acknowledges, the building will be located in "a back land location", the nature of which is such that it is the "immediate site context" that is important and

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Associate: Nicky Brock BA (Hons), Dip T.P., MRTPI

that needs to be properly assessed, which is what the project team has done both in terms of the design of the building and the design of the "immediate" landscape within which the building will sit.

Every site is "unique", and this site is no different: it has a unique character shaped by its history and the changing nature of the boundaries over time, which the proposed building responds to in a positive manner.

There is no justification for what is meant by 'ambitious' or 'sensitive' in the context of the ODRP letter. We are of the view that the proposals are ambitious in terms of accommodation; the relationships between internal and external spaces and their use by residents; and that in utilising positively the existing landscape and external areas in the design with existing boundaries, the scheme is sensitive to its location.

The attempts to embrace the garden landscape in the site layout are to be commended. The herb garden offers a space for inter-generational contact and provides a rich living experience for residents, and a successful sequence of spaces, routes and uses has been established between Fairfield Residential Home and University College. Continuing to develop the walking routes across the site will help to engage the users in the open space. A lighting strategy is needed to ensure the safety of residents and visitors after dark, as well as their pleasurable use of the grounds. Whilst there has been some thought on the collective food production and shared use of the garden, developing more meaningful opportunities in the landscape design and daily use operations will allow residents to enjoy the garden to a greater extent.

The proposed access, movement and legibility of spaces and routes within the site, bringing together both the University College and Fairfield schemes, as a coherent whole, is commended by the ODRP, which we welcome.

The Landscape Strategy submitted as part of the application clearly defines the special qualities of the site and how the landscape concept and vision has responded to this, working with those special qualities to sensitively assimilate new built form within its landscape setting and create new, high quality spaces for residents and visitors.

Food production and the productivity of the landscape underpin the landscape concept as set out in the Landscape Strategy, and planting has been specifically chosen for its food and sensory qualities. The use and function of the landscape will, of course, evolve and grow as the residents take ownership of their grounds but the building blocks of opportunity have been laid – through interconnectivity of natural and built form, species selection and provision of meaningful routes – allowing residents to explore and engage with their environment.

As detailed within the Landscape Strategy, the gateway square and entrance approach would be a pedestrian priority entrance and a high quality pallet of soft planting and hard materials is proposed.

We recommend taking a far more ambitious and imaginative design approach to creating a place that is inspiring and enhances the wellbeing of people in later stages of life and staff. The footprint, organisation and massing of the building do not yet sufficiently relate to the garden landscape or surrounding buildings to create a scheme that achieves this. Given the back land nature of the site the 'Victorian arboretum' feel and the areas available for construction of the buildings, the idea of pavilions set within the landscape is compelling. The proposed site layout is beginning to respond to the site's special qualities, its boundaries and the wider leafy suburban context, in particular to the south and east. However, at present, the proposed building feels bulky and cramped between the University College student housing, the Arts and Crafts Redcliffe-Maud House and the site boundaries.

We strongly disagree that the building does not relate to its landscape setting. It works around its landscape setting and creates new spaces within it. Internal spaces have very direct relationships at ground floor levels with a variety of external garden and courtyard spaces allowing easy use by residents. Existing views and vistas are reinforced by new views and vistas, particularly the relationship of the Herb Garden to new Fairfield to create a variety of interconnected, interrelated spaces.

The site is not a Victorian Arboretum nor anything like one. Arboretums' were created specifically for the collection of rare species in a studied and scientific manner. The site contains a few specimen trees that date from the construction of the houses but there are many more that are much younger. The use of the term Arboretum romanticises what are essentially the remnants of rear gardens of large houses.

The comments on the bulk contradict the comments on massing in the first paragraph.

It should be emphasised that difference of bulk and a tightening down and opening up of spaces by different height buildings are key characteristics building blocks in the environment of Oxford whether in the city centre or the North Oxford Victorian Suburb. Access to many back of the land sites in this part of Oxford is traditionally tight and constrained between high hedges or houses.

The western and northern parts of the site deserve a more sophisticated response. The proposed arrangements of the three blocks for leisure, dining and kitchen facilities does not yet work with the landscape setting or as a legible sequence of spaces, and could be more sensitive in terms of the views from neighbouring sites. This could be achieved, for example, by combining the kitchen and dining room / lounge areas to create two instead of three distinctive blocks. More generous space between the blocks will allow more through views to better embrace the surrounding landscape and strengthen the pavilion concept.

In the context of this scheme, we do not understand what the ODRP means by a "sophisticated response". The spaces are clearly legible and form a sequence for

daily activities within the residential home. They provide what Fairfield aspire to and link to a variety of external spaces, new and existing, for use by the residents. The ODRP does not appear to have any understanding of the constraints affecting this site.

Creating two pavilions would if it were possible increase the travel distance for residents; it would also increase the building footprint and increase cost of the development.

The proposed car parking area to the west of the site is poor and a missed opportunity to create an inviting place. An attractive and positive entrance courtyard with car parking should prioritise pedestrians over the car, capitalise on the successful design of the manager's house and use the kitchen / dining building to frame the entrance space. Better hard and soft landscaping is required in the design of this space. We recommend that the kitchen / dining building is redesigned to respond to this opportunity and to achieve better service access from the west. The bin store and service yard to the south of the kitchen block within close proximity to the Redcliffe-Maud House is not ideal.

The ODRP fails to understand that the rear car park is not an entrance courtyard as only staff enter the building from that side. Our view is that it should be low key to provide relief and contrast from other much more important spaces on the site and has been designed as such with hard and soft landscaping. The presence of a large oak tree with and large Root Protection Area and other constraints to the north do not allow the kitchen wing to frame the space.

The landscape design of the proposed car parking area to the west of the site seeks to retain and enhance the landscape features of value that make this area distinct. The mature oak and beech trees, and beech hedge would be retained and complemented with natural planting comprising daffodils, snowdrops and ferns. Ornamental planting comprising lavender and alliums is proposed to complement the elegance of the manager's house, whilst legibility of space is provided by a sweet box hedge anchored with specimen witch hazel, which would also provide winter interest. Car parking would be screened from the residents' gardens by a clipped hornbeam hedge. The design is respectful of its context, complementary to the Fairfield and manager's house buildings and would significantly improve what is currently an uninviting area dominated by hard materials, in complement, not competition, with the gateway square to the east.

The service yard is located where it was in the previous scheme. In commenting on that scheme the ODRP did not mention the service yard. Given the extent of the Oak tree's Root Protection Zone, there is no other place in this area of the site where the service yard could be located. .

Given the proposed location of the building in a back land site, the experience of entering the home is key to its success. The new Gateway Square is welcoming and has the potential to provide a high quality entrance court. Such high quality public realm should be carried through along the access road from Banbury Road to the site. This key route into

the site should be designed as a pedestrian priority with careful hard and soft landscaping design, and effective lighting without appearing to be dominated by service vehicle movements, parking and drop-offs.

These comments are a statement of the obvious, and are consistent with the applicant's intentions. Service vehicles will not be using this access.

The main entrance to the building could be more prominent and visible when approaching it from Banbury Road. We recommend revisiting the layout of the entrance hall to allow a more generous entrance, together with the canopy design to signal the building entrance more effectively.

We are happy that the entrance reflects the arrival at a 'home' rather than an 'institution'. The current home is accessed through a house doorway which works well into a domestic hallway of human scale proportions. Our design intention is not to over-whelm residents with large spaces or dramatic architectural gestures, nor to institutionalise the building. We reject the suggestion of creating a more generous entrance hall as inappropriate to the nature of the home, and to the scale we desire for the residents.

Our preference is for a recessed entrance; we have investigated a canopy which, in our view, would look 'stuck on' and inappropriate.

Whilst we appreciate that the elevations have been greatly changed we feel that a significant redesign, driven by clear design rules and informed by the context, is needed. The proposal elevational treatment appears superficial and we question whether it is appropriate for all the building elements. The proposed frame of reconstituted stone and timber panels appears to be 'stuck-on' without a clear logic informed by its use or orientation. For example, the frame should be used in a meaningful way to support balconies or provide solar shading for the southern elevation. For the residential elements of the project, balconies would provide a softer relationship between the building and its landscape, and allow the residents direct contact with the outdoors from their rooms. Any potential health and safety concerns can be addressed through careful design. In refining the overall elevational language, the impact of the southern elevation, currently treated as of secondary importance yet visible directly from the University College courtyard and the surrounding landscape, should be addressed. By contrast, the design approach to the manager's house is to be commended as it is simple and elegant, successfully combining the architecture of the old and new.

There are clear design rules applied to the building to create depth to the elevations, shadowing and screening to reduce solar glare and to create a building that is simple and dignified as suggested by the previous review. Our 'rules' have been developed in response to comments made by the ODRP at the first review and as a response to the site and its context.

The three storey colonnades facing east and west provide shading and screening as described above with the east elevation partially terminating one edge of the

view along the access road and hinting that something else is around the corner. This approach is one that is supported by well recognised urban design principles and leads to variety in the experience of those using the site. Other colonnades to the dining/lounge pavilion provide covered and sheltered external sitting space for residents whilst that to the two storey block provides privacy both to residents and to adjoining neighbours from any overlooking.

While Fairfield does not cater for residents with dementia, there is a possibility that some residents will at some stage suffer from the almost unrecognisable early stages of the condition. Balconies present a risk of unintentional falls by people in that condition and are therefore not a feature that could be incorporated in the design without considerable enclosure in glass or railings, thereby negating the whole purpose of a balcony. Fairfield also consulted its residents who felt that the outside garden was far more important and that a balcony would not be of significant benefit to them given that most prefer to spend their time in the communal spaces rather than their rooms. The colonnades can take additional brise soleil to control solar gain, but that will depend on further detailed environmental studies at a detailed design stage.

The simplicity of the south elevation is seen as a counter to the complexity of the adjoining University College accommodation, providing a foil and contrast to that building, as suggested in the previous ODRP response.

There is a serious flaw in the ODRP's comments on the manager's house design and the main building that does not recognise that they are two separate and present different architectural problems. The manager's house extension was designed to avoid impacting on the existing garage building, which has its own distinct character. For the main building to apply the same principles that embody the random window arrangements and a flat facade would be to take a contrary direction to the advice for a "classical" approach with depth given at the first review.

We trust these comments are helpful and we would be happy to meet with you and, if necessary, the ODRP, to discuss matter further, if that would be of assistance.

Yours sincerely

Steven J Sensecall, BA (Hons), Dip. T.P., MRTPI
Partner
On behalf of Kemp & Kemp LLP

Direct Dial
E Mail Address

Application 15/01104/FUL Revisions made, September 2015:

- Reduction in height of the 3 storey block and entrance block.
- Omission of the high plant room and south stair to roof. Lower plant and lift overrun enclosure.
- Reduction of stair glazing and addition of rendered panel north of stair with window to the ground floor office.
- Windows to upper level offices added to north side of entrance block.
- Bay over entrance uses same windows as main blocks.
- Canopy added over entrance.
- Omission of timber panels by windows to simplify elevations 2. Increase in top meet of colonnade to 350mm plus a 100mm goading to give a top to the colonnade.
- Colonnades made 900mm deep (except dining/living ones) with 300 x 300mm columns in lieu of 450mm square one reducing the bulk.
- Colonnades support timber 'brises solaire' to shade room windows to prevent rooms overheating.
- North wings (2 storey and dining/living room) moved 675mm west away from the Thackley End boundary.
- Kitchen wing moved 1675mm west to create a separate pavilion and given a roof over-sailing the service area to emphasis the separateness of the pavilion. Glazed link between this pavilion and the dining/living pavilion.
- Staircase altered to allow a solid wall to the offices adjacent at all floors.
- Entrance moved approximately 1m south to make it more visible. Canopy added. First and second floor rooms over entrance smaller and further away from Thackley End.
- Ground floor – 2No additional windows on south wall. Service riser cupboard doors omitted.
- First floor – corridor window to east reduced in width.
- Second floor – plant room shown on the plan in core of south wing on two levels.

The Applicant has advised that the fitness room needs to be separate for Health & Safety reasons so must to be enclosed and cannot be opened up into the dining room as suggested by ODRP. They are unable to use the pavilions to frame the car park area, as suggested by ODRP, due to the existing large oak tree that must be retained for historic and amenity value.

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West Area Planning Committee

13 October 2015

Application Number: 15/02347/FUL

Decision Due by: 30 September 2015

Proposal: Refurbishment of the entrances and approaches from Pembroke Street and St. Ebbes. Demolition of existing stairs and partitions. Erection of a new staircase and enclosure with glazed rooflights. Erection of new lift shaft and enclosure and introduction of new window openings together with new flat roofed area with parapet and glazed door to lobby.

Site Address: Modern Art Oxford 30 Pembroke Street. Site plan at **Appendix 1**

Ward: Carfax Ward

Agent: Terry Gashe

Applicant: Mr Paul Hobson

Application Called in – by Councillors – van Nooijen, Rowley, Kennedy and Pressel for the following reasons - application which would remove the popular and successful St Ebbe's Street entrance to Modern Art Oxford and return it to loading bay use, and would add a large tower above the Carfax line.

Recommendation:

The West Area Planning Committee is recommended to support the proposal.

For the following reasons:

- 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 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.

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

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 Samples in Conservation Area
- 4 Arch - Implementation of prog + historic late Saxon, medieval and 19th century remains,
- 5 Details of paint removal/repairs
- 6 Construction Travel Plan

Main Local Plan Policies:

Oxford Local Plan 2001-2016

CP1 - Development Proposals

CP6 - Efficient Use of Land & Density

CP8 - Design Development to Relate to its Context

CP9 - Creating Successful New Places

CP10 - Siting Development to Meet Functional Needs

CP13 - Accessibility

HE2 - Archaeology

HE7 - Conservation Areas

HE9 - High Building Areas

HE10 - View Cones of Oxford

TA7 - Arts Facilities

Core Strategy

CS1_ - Hierarchy of centres

CS18_ - Urban design, town character, historic env

CS20_ - Cultural and community development

CS5_ - West End

West End Area Action Plan

WE23 - Retail

Other Material Considerations:

National Planning Policy Framework

This application is in or affecting the Central Conservation Area.

Planning Practice Guidance

Relevant Site History:

66/17185/A_H - Change of use from warehouse to museum of modern art.. PER 8th

February 1966.

77/00902/G_H - Change of use of ground floor from warehouse to storage and warehouses for Museum of Modern Art. PER 7th December 1977.

79/00724/AH_H - Change of use from storage to exhibition gallery and ancillary purposes.. PER 6th September 1979.

85/00736/NFH - Reconstruction of entrance behind existing facade, restoration of facade and provision of new disabled access (Amended Plans).. PER 23rd September 1985.

02/00163/FUL - New frontage to incorporate new entrance doors and windows.. PER 26th April 2002.

09/02799/FUL - Erection of replacement gates to St Ebbe's Street and use of service area as extension to exhibition, cafe space etc.. PER 16th February 2010.

Representations Received:

None

Statutory and Internal Consultees:

None

Issues:

Design/Impact on Conservation
Sustainability
Archaeology
Other Issues

Officers Assessment:

Site Description

1. The gallery's main entrance is located on Pembroke Street next to the service entrance for Marks and Spencer. It also has an entrance on St Ebbe's Street which was a service entrance but is also now used as extension to the exhibitions space, a café and any other use suited to the museum as well as servicing.
2. The street is a medieval survivor albeit the buildings enclosing it in the main date from the 2nd half of the 20th century. Its origins are still legible but the quality of the street is compromised by street clutter and poor quality buildings. However the buildings and their entrances face directly onto the street and help to create active frontages. Whilst the existing entrance has a utilitarian appearance it at least too addresses and encloses the street – a significant improvement on the approach used for Marks and Spencer in Pembroke Street.

Proposal

3. The application is seeking permission for refurbishment of entrances and

approaches from Pembroke Street and St Ebbes Street, erection of new staircase and enclosure, new lift and new window openings.

4. The majority of the proposals involve internal alterations which will provide gallery spaces for exhibitors; improved access for objects which will enable a wider variety of shows to be produced; modernising gallery lighting and improving environmental conditions. There will also be improved public access and a dedicated area for education and learning for children and young people to work with artists.
5. Works to St Ebbes entrance are mainly cosmetic involving refurbishment and redecoration. The Pembroke Street entrance is proposed to be improved and reconfigured which will provide easy access to the gallery spaces.
6. The proposed new stair will be contained in a tower alongside the existing tower providing better access to the galleries and a new events space on the fifth floor including a new high level viewing area of views across the city.

Assessment

Local Policy Context

7. Policy CS20 of the Core Strategy seeks to protect and enhance existing cultural and community facilities. This is reiterated in policy TA7 of the Oxford Local Plan which will protect public venues, cultural and art attractions and promote enhancements or extensions to existing art-related premises and states planning permission will be granted for additional public art venues, cultural and art attractions, and enhancements or extensions to existing facilities if they make a contribution to the conservation or regeneration of the area are appropriate in terms of siting, scale, massing and materials, and respect the character of the area; and do not cause environmental or traffic problems.
8. Policy HE9 of the Local Plan states planning permission will not be granted for any development within a 1,200 metre radius of Carfax which exceeds 18.2 m (60 ft) in height or ordnance datum (height above sea level) 79.3 m (260 ft) (whichever is the lower) except for minor elements of no great bulk. Policy HE10 goes on to state the City Council will seek to retain significant views both within Oxford and from outside and protect the green backcloth from any adverse impact. Planning permission will not be granted for buildings or structures proposed within or close to the areas that are of special importance for the preservation of views of Oxford (the view cones) or buildings that are of a height which would detract from these views.
9. Opposite the site is a row of grade II listed buildings therefore policy HE3 of the OLP applies. This states Planning permission will only be granted for development which is appropriate in terms of its scale and location and which uses materials and colours that respect the character of the surroundings, and have due regard to the setting of any listed building.

10. The application site lies within the Central Conservation Area therefore policy HE7 of the Oxford Local Plan applies. This states Planning permission will only be granted for development that preserves or enhances the special character and appearance of the conservation areas or their setting.
11. Policy CS18 of the Core Strategy requires proposals to demonstrate high-quality urban design that responds appropriately to the site and surroundings; creates a strong sense of place; contributes to an attractive public realm; and high quality architecture. The Local Plan encourages 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.

Design/Impact on Conservation

12. St Ebbes Street will continue to be the main access for deliveries, as it is now and the proposal intends to restrict public access to the gallery to the Pembroke Street entrance. Pembroke Street is currently the main entrance with St Ebbes Street being a secondary entrance. The restriction to Pembroke Street will reduce visitor confusion and improve their experience when entering the gallery. The Westgate redevelopment intends Pembroke Street to become the main pedestrian route from Westgate towards St Aldates and the City Council is currently proposing a scheme to improve the public realm in Pembroke Street. Proposed improvements include raising the carriageway to be flush with the footways and the construction of a raised table top in the junction of St Ebbes Street, Penny Farthing Place and Pembroke Street. This can only benefit Modern Art Oxford and emphasises its need to concentrate its main entrance to Pembroke Street.
13. The Pembroke Street façade is to be restored the existing dark grey paint will be removed and new glazed timber doors and fanlights will open onto an enlarged entrance lobby. Removing the paint and unnecessary cabling on the Pembroke Street façade will reveal the original red brick and horizontal stone banding. Historic England guidelines will be followed for the removal of paint from historic masonry walls with the use low-pressure water abrasion (with calcium carbonate) or solvent strippers. A condition is suggested to seek detail of this to ensure the fabric of the building is maintained/ repaired appropriately.
14. The three glazed entrance doors will be removed and the three windows onto the Upper Gallery will be altered to improve their thermal performance. The existing boxing out in the reveals of the three doorways will be removed and replaced with carefully detailed ventilation grilles.
15. A new staircase will be introduced from ground floor to fifth floor. The stair tower will be externally finished in lightweight metal cladding and will be of a similar height to the existing Brewery Tower. The entirety of the building will become accessible and the upper floors will be able to open to the public with a viewing platform with views across the city.

16. The two roofs west of the Piper gallery will be demolished, to make way for the new stair tower, staff facilities, and plant. All existing roofs will be thermally improved with increased insulation.
17. The roof over Middle Gallery 2 will be retained, its rooflights will be refurbished with double glazing. The lantern above Piper will be refurbished and the glass replaced with double-glazing. The performance of roof lights above the Upper Gallery will be increased and the roof made good in the location of the removed cowls.
18. Whilst the stair tower will be above ordnance datum (height above sea level) of 79.3m by 6.3m as detailed in policy HE10 it is a lightweight structure of no great bulk and will be seen in the context of the adjoining brewery tower which is of a similar height and therefore will not detract from any views. It adds interest to the roofscape which is predominantly flat and bulky and the new stair enclosure takes the traditional language of the brewery building but interprets it in a contemporary way. It will be seen as a part of the evolving roofscape of the city centre along with the approved schemes at the Storey Museum (new stair turret) and the proposed tower at Westgate by Jeremy Dixon. It will create a new publicly accessible viewing point from which to look at the roofscape and surrounding hills and spires which will give visitors of Oxford alternative view of the city. For these reasons officers consider it acceptable.

Sustainability

19. Improvements to the fabric of the building will reduce energy consumption and maximum use of daylight and natural ventilation. By improving the existing fabric and using passive design measures to make full use of natural light and to maximise natural ventilation the cost and environmental impact of the building's active systems have been reduced dramatically.
20. All new external elements shall be super insulated and shall exceed the regulatory minimum u-value requirements. Making the building more air tight is an important part of the environmental strategy, particularly within the gallery spaces.
21. Many parts of the new building require mechanical ventilation, either because they have no windows or are climate controlled for art display. The existing ventilations systems are not fit for purpose and have reached the end of their life. These systems will generally be replaced with modern alternatives that incorporate higher efficiency fans, motors and heat recovery heat exchangers.
22. The options available to incorporate renewable technology within the building are limited particularly as many of the roofs are shaded by surrounding buildings. On this basis renewable technology does not form part of the scheme. Investment has been prioritised on improving the performance of the building fabric.

Archaeology

23. This site is of interest because it is located within the historic core of the late Saxon and medieval town, close to a possible pre-burh axial route-way along Pembroke Street and within a block of medieval tenements fronting onto Pembroke Street, St Ebbe's and Queen Street. Extensive archaeological investigations have taken place on surrounding properties and in 1976 a watching brief was carried out by the Oxford Archaeological Unit at 13-18 Queen Street and 30 Pembroke Street (now the Modern Art Oxford). Late Saxon, medieval and post medieval pits were found to survive, despite extensive post-medieval cellar impacts. Therefore whilst MAO has a substantial basement, there remains some potential for truncated deeper features to survive below the basement floor.
24. The structure of No 30 Pembroke Street is also of interest as a remnant of Oxford's Industrial heritage. The City Brewery operated on the east side of St Ebbe's Street in the 19th century, originally run by Hanley it became part of Hall's brewery in 1896. The brewery closed in 1926 and the Museum of Modern Art (Modern Art Oxford) occupies one of its former buildings.
25. In this instance the proposed ground works are of limited scope (lift pit and steps). Having considered the available information officers would request that an archaeological condition be added to any planning consent requiring archaeological monitoring (and if necessary recording) of the impacted area (lift pit/steps). The building itself is also of local interest and would warrant appropriately formatted record to Level II Standard (English Heritage Understanding Historic buildings 2006) prior to the commencement of works.

Other Issues

Transport

26. Given the proposed development involves refurbishments and reorganisation and will not result in a significant increase in the number of staff a Travel Plan Statement is not required. The site is centrally located within the city within walking distance of local bus stops and also Oxford's rail and bus/coach stations, it is also located close to the National Cycle Network route 5 and cycle parking facilities located in close proximity to the site. The proposal is unlikely to have a significant impact on highway/transport issues.
27. A construction traffic management plan has been submitted as part of the application which outlines the framework by which deliveries are made to the site in order to protect the adjoining local highway network and environment within the vicinity of the site. Given this is only a framework a condition is suggested to request a Construction Traffic Management Plan.

Waste/Recycling

28. Refuse and recycling is currently stored in the workshop and collections are made from St. Ebbes Street. As the gallery is not intending to immediately

increase the number of its staff, or the number of covers in the cafe, or the floor area of the building overall, it is assumed that the waste requirements are unlikely to increase. Proposal for waste storage which is broadly based on the existing facilities and volume of waste. The internal waste management route will remain as existing.

Conclusion:

29. Members are recommended to approve the application subject to the conditions suggested.

Human Rights Act 1998

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

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

Section 17 of the Crime and Disorder Act 1998

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

Background Papers:

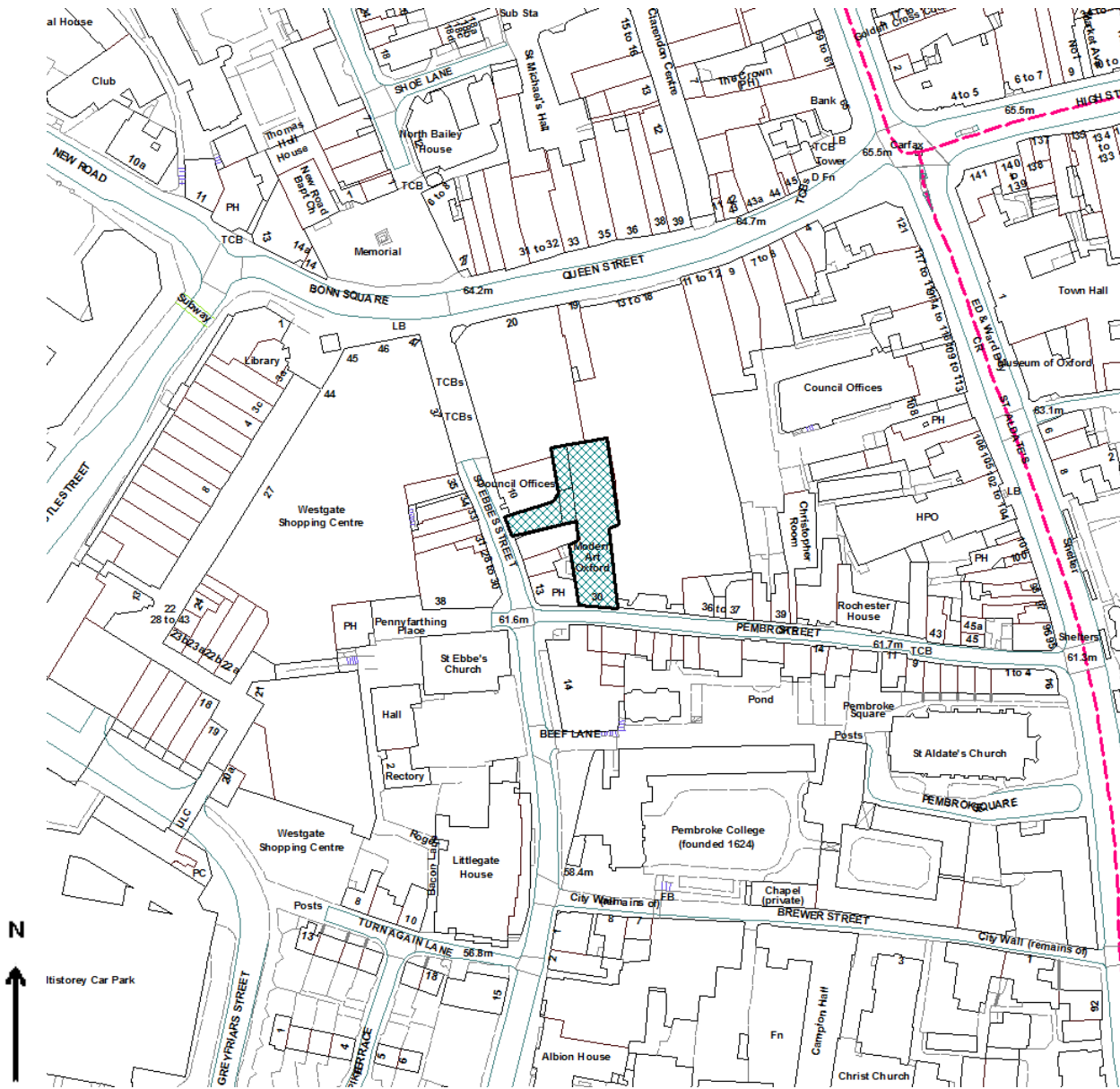
Contact Officer: Lisa Green

Extension: 2614

Date: 1st October 2015

Appendix 1

15/02347/FUL - Modern Art Oxford



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Ordnance Survey 100019348

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West Area Planning Committee

13th October 2015

Application Number: 15/02206/FUL

Decision Due by: 21st October 2015

Proposal: Erection of two storey garden annexe.

Site Address: 60 Walton Street, Oxford (**site plan: appendix 1**)

Ward: Jericho and Osney

Agent: Mr and Mrs Bernard and **Applicant:** Mr Paul De Villiers
Jacinta Ross and Evans

Application Called in by Councillors Cook, Fry, Clarkson and Price on the basis that the applicant has an opportunity to present the planning merits of the case to the planning committee

Recommendation:

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

Reasons for Refusal

- 1 The proposed annexe is of an unacceptable scale and form at a visually prominent location which will result in an inappropriate addition to the streetscene at this location, which could be further exacerbated by the impact on a tree in the rear garden of the neighbouring property to the south east that adds significant amenity value to the streetscene. As a result, the proposal will have detrimental impact on the character and appearance of the conservation area at this location. In this respect, the proposal does not comply with policies CP1, CP8 and HE7 of the Oxford Local Plan, policy CS18 of the Core Strategy and policy HP9 of the Sites and Housing Plan.
- 2 The proposed annexe is of a large footprint which represents over-development of the rear garden area, and will leave insufficient private amenity space for future occupiers of the property. Consequently, the proposal does not comply with the relevant provision of policy CP10 of the Oxford Local Plan.
- 3 The window at first floor level of the proposed annexe will create a feel of being overlooking for occupiers of the neighbouring property to the south east. The proposal is therefore contrary to policy HP14 of the Sites and Housing Plan and policy CP10 of the Oxford Local Plan.

Main Local Plan Policies:

Oxford Local Plan 2001-2016

CP1 - Development Proposals

CP8 - Design Development to Relate to its Context

CP10 - Siting Development to Meet Functional Needs

HE7 - Conservation Areas

Core Strategy

CS18_ - Urban design, town character, historic environment

Sites and Housing Plan

HP9_ - Design, Character and Context

HP14_ - Privacy and Daylight

Other Material Considerations:

This application is in the Jericho and Osney Conservation Area.

National Planning Policy Framework

Planning Practice Guidance

Relevant Site History:

03/01474/FUL: Alterations at roof level, by raising ridge to roof and construction of dormer window to rear. Conservatory at rear, Approved

Representations Received:

Letters have been received from the following addresses, and the comments are summarised below

- 59 Walton Street, 30A Jericho Street
- Structure is significant and very careful consideration should be given to impact on streetscene
- The impact on the privacy has yet to be tested as the Grantham House development is unoccupied.
- Concern over the impact on daylight afforded to the lower ground floor, kitchen and ground floor windows of 59 Walton Street.
- Proposal will dramatically reduce the amount of external space and exacerbate the imbalance between internal accommodation and external amenity space.
- Building of this size with separate entrance into the office indicates a potential use that could be solely domestic with potential to become a commercial use.
- The shower and separate entrance are indicators that the applicant's true

intention may be for this annex to function as a separate one bedroom dwelling.

- Quality design in a conservation area should seek to respond to and enhance the setting of existing buildings not simply to mimic them, thereby presenting a false and confused architectural legacy.
- The design ambition for the proposal appears at best to aim to be inoffensive.
- The garden elevation has an oddly proportioned double casement and modern rooflight.
- The proposal is an attempt to overdevelop an already constrained site to the detriment of the neighbouring property and the wider local environment.
- The tree at 59 Walton Street makes a significant contribution to the greening of the locality and is a significant mature feature of the garden
- The size of the tree at 59 Walton Street has been misrepresented.
- Description of the tree and its condition appears to play down its significance and make an unqualified statement regarding its condition.
- No root protection area, arboricultural report, or tree protection method statement is included in the application
- The tree has also become critical to the privacy of the garden of No.59 after the development of Grantham House to the west of the property

Statutory Consultees:

No responses from statutory consultees.

Officers Assessment:

Site Location and Description:

1. The site is located on the south west side of Walton Street at its junction with Cranham Street. The site is within the Jericho and Osney Conservation Area (**site plan: appendix 1**)

Proposal

2. Planning permission is sought for the erection of a two storey annexe with a pitched roof in the rear garden of the property.
3. Officers consider that the principle determining issues with regards to the proposal are as follows: scale, form, appearance and impact on the conservation area; and impact upon adjoining properties.

Scale, Form, Appearance and Impact on the Conservation Area

4. Policy CS18 of the Oxford Core Strategy 2026 requires development to respond 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. Policy HE7 of the Local Plan states that new development in conservation areas should preserve or enhance the special character and appearance of the conservation area or its setting.
5. The proposed annexe, in terms of its footprint, is of a scale which is not subservient to the main house and covers an unacceptable proportion of the garden area, leaving limited usable, private amenity space to the rear of the property for future occupants, which is not an efficient use of land. The design and access statement states that a justification for the scale of the annexe is that surrounding buildings are of a greater height. However, the fact that surrounding buildings are of a greater height is not a justification for over-development of a residential garden. In relation to scale in terms of height, the proposed annexe will be an inappropriate addition to the streetscene due to the fact that it is proposed to be sited in a visually prominent location with the property being located on a corner plot. Although the surrounding buildings located on Cranham Street are of a larger scale, the proposed annexe will read unusually within the streetscene as an outbuilding of an excessively bulky and incongruous form that gives the appearance that the vast majority of the garden area has been developed.
6. The scale and form of the proposed annexe coupled with the fact it will be inappropriate addition to the streetscene, the proposed annexe will have a detrimental impact on the character and appearance of the conservation area at this location. The proposed outbuilding would also not conform to the spatial pattern of development, in that residential properties are not characterised by large scale outbuildings in rear gardens.
7. Overall, in its scale, form and appearance, the proposed annexe does not form an appropriate visual relationship with the site and the surrounding area will have a detrimental impact on the character and appearance of the conservation. The proposal does not accord with policies CP1, CP8, CP10, HE7 of the Oxford Local Plan, policy CS18 of the Core Strategy and policy HP9 of the Sites and Housing Plan.

Trees

8. The design and access statement asserts that an existing Hawthorn shrub/tree 'appears to be at the end of its natural life'. No evidence has been provided to substantiate this claim; ostensibly the tree appears to provide a positive landscape feature to the streetscene. In the absence of such evidence the tree in question is a material consideration in the determination of this application.
9. The hawthorn bush/tree provides significant amenity value to the streetscene

from both Walton Street and Cranham Street. If this tree were to be lost as a result of the construction of the proposed annex, this would have a detrimental impact on the streetscene and the appearance of the conservation area at this location.

Impact upon Adjoining Properties

10. Sites and Housing Plan Policy HP14 states that permission will only be granted for development that protects the privacy and amenity of proposed and existing residential properties, and will be assessed in terms of potential for overlooking into habitable rooms, sense of enclosure, overbearing impact and sunlight and daylight standards. This is also supported through Local Plan Policy CP10.
11. In respect of neighbouring privacy, the first floor level window will look immediately down into the garden of 60 Walton Street. If sightlines are drawn at 45 degrees from the window there will be a degree of overlooking into the garden of 59 Walton Street, which is partly screened by vegetation. The dormer with balcony of 59 Walton Street looks down into the application site already and the annexe would cause mutual overlooking between gardens. However, the location to the rear would generate a feel of being overlooked for current and future occupiers with a window facing back towards properties Walton Street at first floor level, unlike the dormer and balcony which are set back and not within the immediate outlook of 60 Walton Street. There will be overlooking of 59 and 60 Walton Street caused by the balcony on the north east facing elevation of Grantham House but this does not justify the erection of inappropriate development as a screening measure.
12. In respect of overshadowing, the gable of the two storey element of the proposed annexe will face onto the shed of the neighbouring property, which is not usable amenity space. Overall, unreasonable harm will not be caused to neighbouring amenity in respect of overshadowing.
13. Concern has been raised in representation regarding the size of the annexe and its potential for intensifying commercial activity and use as an unauthorised dwelling. The application submitted must be judged on its merits alone and any potential, future intentions of the owners cannot be considered.

Conclusion

14. The proposal is considered to be unacceptable in terms of the relevant policies of the Oxford Core Strategy 2026, Oxford Local Plan 2001-2016, and Sites and Housing Plan 2026 and therefore officer's recommendation to the Members of the West Area Planning Committee is to refuse the development.

Human Rights Act 1998

Officers have considered the Human Rights Act 1998 in reaching a recommendation to refuse 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 refuse planning permission, officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

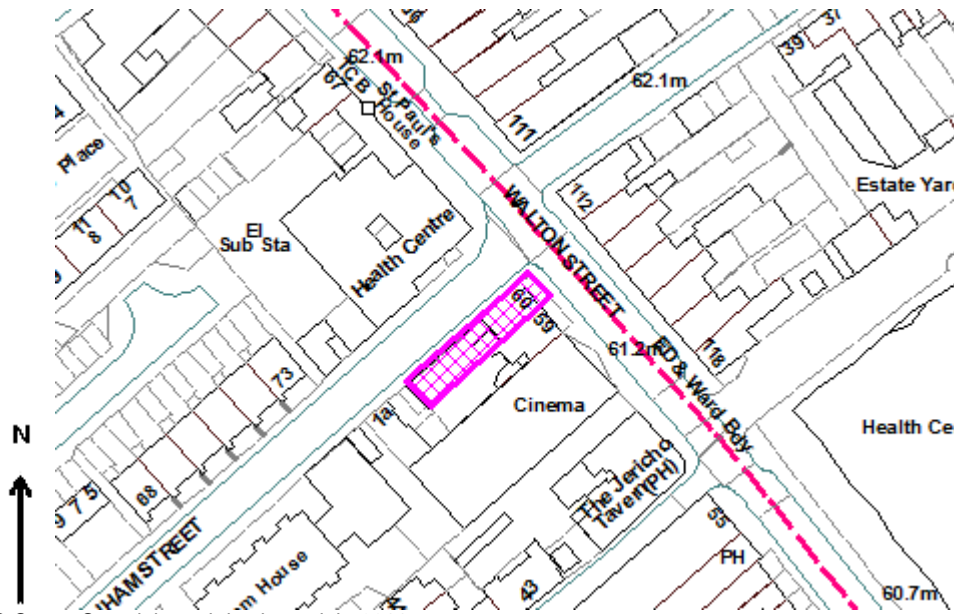
Contact Officer: Matthew Watson

Extension: 2160

Date: 29th September 2015

Appendix 1

15/02206/FUL - 60 Walton Street



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West Area Planning Committee

13th October 2015

Application Number: 15/01414/FUL

Decision Due by: 3rd July 2015

Proposal: Conversion of House in Multiple Occupation (Use Class C4) into 2 x 2-bed maisonette flats (Use Class C3). Erection of a part single, part two storey rear extension with first floor internal access stair and associated landscaping. Erection of side infill extension and replacement of front and rear dormer windows (Amended plans and description)

Site Address: 23 Stratfield Road
Appendix 1- Location Plan

Ward: Summertown Ward

Agent: Mr Phil Waind

Applicant: Mr Iain Dickson

Application Called in – by Councillors - Fooks, Gotch, Goddard and Wilkinson, for the following reasons – Effect on adjacent occupiers

Recommendation:

APPLICATION BE APPROVED

For the following reasons:

- 1 The proposal would make a more efficient use of land within an existing residential area which is sustainably located. The development is considered to form an acceptable visual relationship with the existing building and local area and will not have an unacceptable effect on the current and future occupants of adjacent properties. An acceptable level of accommodation, bin and bike storage and private amenity space would be provided and any remaining issues can be dealt with by condition to ensure the development accords with policies CP1, CP8 and CP10 of the Oxford Local Plan 2001 - 2016, CS11, CS18 and CS23 of the Oxford Core Strategy 2026 and HP2, HP7, HP9, HP10, HP12, HP13, HP14, HP15 and HP16 of the Sites and Housing Plan.
- 2 Officers have considered carefully all objections to these proposals. Officers have come to the view, for the detailed reasons set out in the officers report, that the objections do not amount, individually or cumulatively, to a reason for refusal and that all the issues that have been raised have been adequately addressed and the relevant bodies consulted.

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

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

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Samples, to include colour of render
- 4 No additional windows
- 5 Amenity - windows obscure glazed
- 6 Amenity - no balcony
- 7 Sustainable drainage
- 8 Cycle and bin stores
- 9 Landscape plan
- 10 Details excluded submit revised plans
- 11 Submission of further matters Method of preventing access to the flat roof(s)
- 12 Landscape plan required
- 13 Landscape carry out by completion
- 14 Boundary treatment

Main Local Plan Policies:

Oxford Local Plan 2001-2016 (OLP)

CP1 - Development Proposals

CP8 - Design Development to Relate to its Context

CP10 - Siting Development to Meet Functional Needs

Core Strategy

CS11_ - Flooding

CS18_ - Urban design, town character, historic environment

CS23_ - Mix of housing

Sites and Housing Plan (SHP)

MP1 - Model Policy

HP10_ - Developing on residential gardens

HP2_ - Accessible and Adaptable Homes

HP7_ - Houses in Multiple Occupation

HP9_ - Design, Character and Context

HP11_ - Low Carbon Homes

HP12_ - Indoor Space

HP13_ - Outdoor Space

HP14_ - Privacy and Daylight

HP15_ - Residential cycle parking

HP16_ - Residential car parking

Other Material Considerations:

National Planning Policy Framework

Planning Practice Guidance

Balance of Dwellings SPD

Town and Country Planning (General Permitted Development) Order 2015 (GPDO).

Relevant Site History:

73/00028/A_H - Erection of 3 storey dwelling. PER 22nd February 1973.

Representations Received:

Letters of have been received from the following addresses:

19 Stratfield Road

21 Stratfield Road

27 Stratfield Road

28 Stratfield Road

29 Stratfield Road

30 Stratfield Road

31 Stratfield Road

These can be summarised as: Increase in overlooking from balcony, noise, loss of garden, loss of light, out of character, overdevelopment. Grey render out of keeping. House is unattractive already and development will make this worse. Change from HMO to flats will result in increased parking pressure. Flats out of character with the road.

Statutory and Internal Consultees

Oxford Civic Society: Application should be refused due to lack of information – concern that small terraced house could be converted to two flats.

Issues:

Mix of housing
Living Conditions and Internal Arrangement
Visual impact
Effect on adjacent occupiers
Flooding
Parking
Bin and Cycle Stores

Officers Assessment:

Site Description and Background

1. 23 Stratfield Road is a terraced house, believed to have been built in the 1970s on a street otherwise characterised by Victorian and Edwardian terraces. Although the house fits in with the general run of properties down the street and reflects their bay fronted nature, it is uncharacteristic of the street. The presence of an undercroft opening to the ground floor exacerbates this effect.
2. The site is in a highly sustainable location, with excellent access to local facilities and bus routes at Summertown District Centre being some 500m away. The building itself is believed to have been in use as a Class C4 HMO for a considerable number of years and this is its current lawful use. However it has now fallen into a state of some disrepair.

Proposal

3. Permission is sought to incorporate an existing undercroft into the body of the building, extend somewhat to the rear and divide the house into two flats, both with access to an area of the rear garden. The building will also be refurbished, with new windows and dormers to replace existing, but to the same position and scale.
4. The current proposals are an amended version of that originally submitted, the plans having been revised on several occasions to remove balconies and an external staircase and to reduce the footprint of the ground floor rear extension, all in the interest of neighbour amenity. All changes have been subject to re-consultation, with the most recent consultation period being for a period of 10 days, expiring on the 11th October. This period is appropriate as the changes are minor in nature and will reduce the impact on adjacent occupiers. A summary of any further comments received will be brought to Committee as an addendum to this report.

Mix of Housing

5. Policy CS23 states that permission will only be granted for development that delivers a balanced mix of housing and the accompanying text and Balance of Dwellings SPD makes it clear that there is a balance to be struck between a

pressure for smaller dwellings to meet reduced household sizes and the need to address the fact that the proportion of family housing is falling.

6. Policy HP1 of the Sites and Housing Plan seeks to protect the supply of self-contained dwellings in Oxford and states that permission will not be granted for development that results in the net loss of one or more self-contained dwellings on site. In this case, there will be a net increase in the number of self-contained homes on the site and in any event, the supporting text makes it clear that HP1 will not apply to changes of use from an HMO to one or more self-contained (C3) homes. The proposal therefore complies with HP1.
7. The current application will result in the loss of a House in Multiple Occupation and replace it with two self-contained flats. This will complement the prevailing stock of terraced houses and add to the number and mix of dwellings in the area in accordance with Policy CS23.
8. The text of the SHP (Para A2.52) makes it clear that HMOs in C4 use are classified as dwellings, which have the potential (through Permitted Development rights granted by the GPDO) to be a family home and that therefore, any proposal to change the use of a C4 HMO into two or more separate dwellings must comply with the Balance of Dwellings (BODs) SPD.
9. The BODs SPD provides for different mixes of dwelling types for different area across Oxford, the application site being covered by Table 8: Mix for “amber” areas. This table states that for residential developments of 1-3 units, there must be no loss of ‘family units’. Whilst the existing house has the potential to become a single family dwelling, it currently has a long term established use as an HMO rather than a family house. There would therefore be no net loss of family units, and the application complies with the BODs SPD.

Living Conditions and Internal Arrangements

10. The SHP states that the standard of people’s homes, both inside and out is crucial in meeting people’s everyday needs and Policies HP12, and HP13 support this aim, with Policy HP2 having special regard to accessibility and adaptability for changing needs.
11. Each of the two bed flats have their own lockable entrance, kitchen and bathroom, measure in excess of 39 square metres and are provided with adequate light and space for furnishings and storage, in accordance with Policy HP12.
12. Both have access to an adequate area of outside private space with reasonable accessibility from the dwellings in accordance with Policy HP13.
13. The main entrance to the building is level and the lower flat has a ground floor bedroom and W/C, suitable for use by a wheelchair user. Both flats have adequate space to manoeuvre a wheelchair and minimum door openings of 740mm.

14. Overall, the flats as converted would have a reasonable level of adaptability, particularly to the lower flat.

Visual Impact

15. Oxford City Council requires that all new development should demonstrate high quality urban design where the siting, massing and design creates an appropriate visual relationship with the built form of the local area. The Local Development Plan provides policies to support this aim and CP1, CP8, CS18 and HP9 are key in this regard.
16. As already stated, the existing building is not typical of the street. However the infilling of the undercroft will better reflect the prevailing form of the surrounding terraced houses and the resultant form will represent an improvement on the current situation.
17. In terms of detail and materials, the grey render and somewhat utilitarian front door do not reflect the surrounding character. It is considered that these details can be addressed by way of Conditions to allow more sympathetic details to be agreed. The changes to the rear of the property are considered an appropriate response to the existing building and whilst not typical of the area, the visual impact will not be unacceptable and subject to a condition of planning permission to control the appearance of materials used in the build, the proposal complies with Policies CP1 and CP8 of the OLP, Policy CS18 of the Core Strategy and Policy HP9 of the SHP.

Effect on adjacent occupiers

18. Oxford City Council requires development proposals to safeguard the privacy and amenities of adjoining occupiers and policies CP1 and CP10 of the OLP and Policy HS14 of the SHP support this aim. Appendix 7 of the SHP sets out the 45 degree guidance, used to assess the effect of development on the windows of neighbouring properties.
19. The original submission included a rear balcony and external access stair to the upper flat. These would have led to an increase in overlooking and also increased loss of light to the adjacent dwellings. These elements have been removed from the current proposal.
20. The first floor extension complies with the 45 degree guidance of the SHP. The guidance indicates that the ground floor element will have an effect on an adjacent window and door at number 25. However the affected window does not appear to serve a habitable room, and whilst the kitchen does draw some light from the doorway, the main source of light is from a conventional window, which the guidance indicates is not materially affected.
21. With regard to number 21, the guidance indicates an effect on a rear facing window. This would previously have served a dining, or back room, although 21 has now been opened up to the front room and its bay window. The most recent changes to the proposals have reduced the height of the proposed

flank wall, moved it some 300mm back from its original position and reduced its depth. The proposals are not now considered overbearing or oppressive and the orientation of the properties means there will be no loss of direct sunlight, the only material impact being a loss of daylight and some loss of outlook.

22. Officers note that the ground floor element is materially less harmful than what could be constructed under Permitted Development rights granted by the GPDO, if this element were to be constructed in isolation. However, a decision must be made on the proposal as a whole. Whilst this decision must be made on balance, officers are of the opinion that the effect on the window at number 21 is not of a scale that would justify a refusal of planning permission.
23. Whilst there may be some increase in the perception of overlooking from the increase in glazing, the increase would not be unreasonable or unacceptable. It will however be necessary for any grant of planning permission to be conditional on the submission of further details to demonstrate that no external access to the flat roof areas will be possible, to limit the effect on adjacent occupiers and ensure the development complies with Policies CP1 and CP10 of the OLP and Policy HP14 of the SHP.

Flooding

24. Policy CS11 of the Core Strategy seeks to limit the effect of development on flood risk and expects all developments to incorporate sustainable drainage systems or techniques to limit or reduce surface water run-off.
25. The development will add to the level of non-porous surfaces on the site, resulting in an increased level of rain water run-off. However the increase is relatively modest and subject to a condition to ensure the development is carried out in accordance with the principles of Sustainable urban Drainage Systems, the proposals will not result in an unacceptable risk of flooding and comply with Policy CS11 of the Core Strategy.

Parking

26. At 1.8m wide, the undercroft does not provide a compliant parking space and there would be no loss of parking spaces. Whilst the site would now accommodate 2 self-contained flats, that would not necessarily lead to greater parking pressure than the existing HMO use. The Highway Authority has made no objection to the proposal.

Bin and bike stores

27. Policy HP13 of the SHP requires that dwellings be provided with safe, discrete and conveniently accessible storage of refuse and recycling. Policy HP15 requires secure cycle storage with level, unobstructed access to the street.
28. Dedicated bin and cycle storage areas are shown on the proposed plans allowing level access out to the road. However the layout does not appear to

be ideal, with the location of the bins obstructing two of the cycle spaces. Neither does the application explain how the storage will be enclosed

29. If permission is granted, it is considered reasonable and appropriate to impose conditions to secure an acceptable layout and enclosure of cycle and bin storage to ensure the needs of the new dwellings are successfully met and that the development complies with Policies HP13 and HP15 of the SHP.

Other Matters

30. Comments have been received relating to the loss of soft landscaping to the rear garden area and replacement with synthetic materials. These works appear to have been carried out already, without the need for planning permission and do not form part of this application. The allegation that the ground level has been raised has been passed to the Council's planning enforcement team.
31. Officers note the comments received with reference to a privacy screen at the rear, but would advise that this is not on the boundary of the plot, but between the lower flat's garden and the access from the upper floor flat to its own area of garden. It will therefore have little or no additional effect on the occupiers of adjacent dwellings.

Conclusion:

32. The proposal would make a more efficient use of land within an existing residential area which is sustainably located. The development is considered to form an acceptable visual relationship with the existing building and local area and will not have an unacceptable effect on the current and future occupants of adjacent properties. An acceptable level of accommodation, bin and bike storage and private amenity space would be provided and any remaining issues can be dealt with by condition to ensure the development accords with policies CP1, CP8 and CP10 of the Oxford Local Plan 2001 – 2016, CS11, CS18 and CS23 of the Oxford Core Strategy 2026 and HP2, HP7, HP9, HP10, HP12, HP13, HP14, HP15 and HP16 of the Sites and Housing Plan.

Human Rights Act 1998

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

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

Section 17 of the Crime and Disorder Act 1998

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

Background Papers: 15/01414/FUL

Contact Officer: Tim Hunter

Extension: 2154

Date: 2nd October 2015

Appendix 1

23 Stratfield Road



Appendix 1

23 Stratfield Road



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Monthly Planning Appeals Performance Update – September 2015

Contact: Head of Service Planning and Regulatory: Cathy Gallagher

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 30 September 2015, while Table B does the same for the current business plan year, ie. 1 April 2015 to 30 September 2015.

Table A	Council performance		Appeals arising from Committee refusal	Appeals arising from delegated refusal
	No.	%	No.	No.
Allowed	9	31%	3	6
Dismissed	20	69%	2	18
Total BV204 appeals	29	100.0		

**Table A. BV204 Rolling annual performance
(1 October 2014 to 30 September 2015)**

Table B	Council performance		Appeals arising from Committee refusal	Appeals arising from delegated refusal
	No	%	No.	No.
Allowed	6	67%	3	3
Dismissed	3	33%	1	2
Total BV204 appeals	9	100.0		

**Table B. BV204: Current business plan year performance
(1 April 2015 to 30 September 2015)**

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.

Table C	Appeals	Performance
Allowed	18	38%
Dismissed	29	62%
All appeals decided	47	100.0%
Withdrawn	6	

**Table C. All planning appeals (not just BV204 appeals)
Rolling year 1 October 2014 to 30 September 2015**

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 **September 2015**.
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 **September 2015**. 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 1/09/15 And 30/09/15

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
14/03214/FUL	15/00014/REFUSE	DEL	REF	ALC	14/09/2015	WOLVER	55 Blandford Avenue Oxford OX2 8EB	Demolition of existing dwellinghouse. Erection of 2 x 4-bedroom dwellings (Use Class C3). Provision of private amenity space, car parking and refuse stores. Provision of 2No new vehicle accesses from Blandford Avenue.
14/02445/FUL	15/00018/REFUSE	DEL	REF	DIS	14/09/2015	STCLEM	13 Rectory Road Oxford OX4 1BU	Subdivision of existing House of Multiple Occupation (sui generis) to create 3 self-contained units including retention of existing HMO, 1x3 bed house and 1 x 1 bed basement flat (Use Class C3). Erection of two storey side extension (including basement level) and formation of 1 x dormer window in association with loft conversion. Insertion of 2 x rooflights to front roofslope, 1 x rooflight to rear roofslope, Creation of front lightwell for basement flat. Provision of amenity space, refuse and cycle parking (amended plans)
14/02117/FUL	15/00017/REFUSE	DELCOM	REF	ALC	30/09/2015	NORBRK	15 Kestrel Crescent Oxford Oxfordshire OX4 6DY	Erection of two storey side extension to create 1 x 1 bed dwellinghouse (Use Class C3). Provision of car parking, cycle and bin storage.
14/02354/FUL	CIL appeal Colthorn Farm (plot 1) WITHDRAWN BY PLANNING INSPECTORATE							

Total Decided: 4

Enforcement Appeals Decided Between 1/09/2015 And 30/09/2015

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
14//0049/7/ENF	15/00007/ENFORC	ALLOW	09/09/2015	12 Paget Road Oxford Oxfordshire OX4 2TD	LYEVAL	Appeal against unauthorised outbuilding

Total Decided: 1

Table E

Appeals Received Between 1/09/15 And 30/09/15

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

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DC CASE	AP CASE NO.	RECEIVE	TYPE	OFFICER	ADDRESS	DESCRIPTION	AGENT	
15/00121/FUL	15/00040/REFUSE	01/09/2015	H	Richard Wyatt	79 Downside Road Oxford Oxfordshire OX3 8JJ	Erection of entrance gate. (Retrospective)		
15/01655/VAR	15/00041/REFUSE	01/09/2015	H	Tobias Fett	24 Lathbury Road Oxford Oxfordshire OX2 7AU	Variation of condition 2 (Approved plans) and 3 (Samples) to vary the wording of these conditions. Removal of condition 5 (curtailment of permitted development rights) of planning permission 15/00875/FUL.	Mr Ian Salisbury	
14/00507/ENF	15/00042/ENFORC	22/09/2015	W	Tobias Fett	81 Wytham Street Oxford Oxfordshire OX1 4TN	Appeal against alleged unauthorised outbuilding		
15/00106/VAR	15/00043/REFUSE	23/09/2015	W	Lisa Green	17 Lathbury Road Oxford Oxfordshire OX2 7AT	Variation of condition 4 (hours of use of garden) of planning permission 95/00761/VTH to allow the garden to be used by nursery children for a maximum of 4 hours per day.	Simon Handy	
15/01226/FUL	15/00044/REFUSE	23/09/2015	H	Ed Pigott	2 Mortimer Drive Oxford Oxfordshire OX3 0RR	Erection of front and side porches. Erection of single storey rear extension. Formation of 1No dormer window and hip to gable roof extension.	Mr Michael Gilbert	
							Total Received:	5

MINUTES OF THE WEST AREA PLANNING COMMITTEE

Tuesday 8 September 2015

www.oxford.gov.uk



COUNCILLORS PRESENT: Councillors Van Nooijen (Chair), Gotch (Vice-Chair), Benjamin, Cook, Gant, Hollingsworth, Price and Upton.

OFFICERS PRESENT: Felicity Byrne (Planning and Regulatory Services), Michael Morgan (Law and Governance), Andrew Murdoch (Planning and Regulatory Services), David Radford (Planning and Regulatory Services), Jennifer Thompson (Law and Governance) and Nick Worlledge (Consulting heritage specialist)

43. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Councillor Tanner submitted apologies.

44. DECLARATIONS OF INTEREST

There were no declarations of interest.

45. LAND TO THE REAR FAIRFIELD 115 BANBURY ROAD:15/01102/FUL

The Committee considered a report detailing an application for planning permission for the erection of six pavilion buildings to provide 30 student bedrooms and ancillary facilities, partial demolition of Fairfield House Northern Annex and associated re-formation of Northern elevation, new vehicular access from Banbury Road, and associated openings in existing boundary walls at land to the rear of Fairfield, 115 Banbury Road.

Simon Sharp, planning agent, and Adrian Hewitt and John Mordue, local residents, spoke against the application.

Nick Paterson-Neild, representing the applicant, spoke in support of the application.

The Committee debated the application, with advice from officers, and agreed to expand condition 6 (construction management plan) to include: details to be agreed; working hours between 8am and 4pm; enter and leave site from Banbury Road only; workers to park site; ward councillors to be consulted on the construction management plan before agreement.

The Committee resolved to approve application 15/01102/FUL at with the following conditions:

1. Time – outline / reserved matters.
2. Plans – in accordance with approved plans.
3. Materials – samples agree prior to construction.
4. Works to historic walls; re-use materials and make good etc.
5. Biodiversity – measures for wildlife.
6. Construction Traffic Management Plan – details prior to construction (see above)
7. Cycle & bin storage – further details prior to substantial completion.
8. Sustainability – in accordance with details submitted.
9. SUDS – build in accordance with.
10. Landscape plan in accordance with submitted documents and plans.
11. Landscape – planting carry out after completion.
12. Trees - Hard Surfaces – tree roots).
13. Trees - (Underground Services – tree roots).
14. Trees - (Tree Protection Plan).
15. Trees - (Arboricultural Method Statement).
16. Details of boundary treatment prior to occupation.
17. Archaeology – WSI.
18. Travel Plan.
19. Student Accommodation and Out of Term Use.
20. Student Accommodation - Management Plan.
21. Students - No cars.
22. Lighting Strategy/ Scheme.
23. Obscure glazing.

46. FAIRFIELD RESIDENTIAL HOME, REAR OF 115 BANBURY ROAD:15/01104/FUL

The Committee considered a report detailing an application for planning permission for demolition of the existing bungalow, part of existing Fairfield Residential Home and various outbuildings; the erection of replacement residential care home consisting of 38 bedrooms, communal and ancillary facilities on 1, 2 and 3 storeys; together with extension and alteration to existing garage to rear of 25 Staverton Road to form manager's accommodation; new vehicular access from Banbury Road, 18 car parking spaces and landscaped garden on part of 115 Banbury Road, University College Annexe, 19A and 25 Staverton Road, Oxford.

Simon Sharp, planning agent, and Adrian Hewitt and John Mordue, local residents, spoke against the application.

Stephen Sensecall, representing the applicant, spoke in support of the application.

The Committee asked questions of the officers and applicant. In particular they had concerns about the potential relocation of the plant, the response to and

from the Oxford Design Panel, and that some of the design details round the windows added unnecessarily to the bulk and mass of the building.

The Committee resolved to defer decision on application 15/01104/FUL until a later meeting because of the equivocal nature of the officer's report, to allow officers to present any further information on design, and to allow the applicant to take into account comments on the detailed design and relocating the plant room from the roof.

47. CORPUS CHRISTI COLLEGE: 15/01550/LBC & 15/01549/FUL

The Committee considered a report detailing applications for listed building consent and planning permission at Corpus Christi College, Merton Street, Oxford:

15/01550/LBC - Demolition of Staircase 6 and the West Building. Erection of new four storey annexe with basement (to provide library storage facilities, readers' rooms, public exhibition space and historic and special collections archive), refurbished student rooms, provision of front gates and railings.

15/01549/FUL - Demolition of Staircase 6 and the West Building. Erection of new four storey annexe with basement (to provide library storage facilities, readers' rooms, public exhibition space and historic and special collections archive), refurbished student rooms, provision of front gates and railings and associated re-landscaping of Garden Quad and front car parks including front gates and railings.

Joanna Snelling, James Roach and Chris Pattison representing the applicant, spoke in support of the application.

The Committee debated the proposal and agreed to add to Condition 3 of permission 15/01549/FUL a requirement that details cover the street to ensure this adequately reflected its visual form as an entrance and street.

The Committee resolved to approve application **15/01550/LBC**; deferring to Government Office for the West Midlands (GOWM) and delegate to officers to issue decision once cleared by GOWM, subject to the following conditions:

1. Development begun within time limit.
2. Development in accordance with approved plans.
3. Commencement.
4. Completion.
5. Further construction and design details to be submitted (including details of junction between new work and historic fabric).
6. Samples of materials.
7. Sample panels on site.
8. Archaeological investigation and mitigation.
9. Building recording and details of salvage/reuse.
10. Informative: Considerate Contractors Scheme.

The Committee resolved to approve application **15/01549/FUL** subject to the following conditions:

1. Development begun within time limit.
2. Development in accordance with approved plans.
3. Further construction and design details to be submitted (including details of street paving)
4. Samples of materials.
5. Sample panels on site.
6. Archaeological investigation and mitigation.
7. Building recording and details of salvage.
8. Proposed landscaping and tree planting.
9. Landscaping scheme implementation.
10. Landscape management plan and implementation.
11. Sustainable drainage.
12. Construction traffic management plan.
13. Informative: Considerate Contractors Scheme
14. Informative: Water main.

48. 4 - 5 QUEEN STREET / 114 - 119 ST ALDATES: 14/02256/CND - DETAILS OF CONDITIONS

The Committee considered a report setting out details submitted in compliance with conditions 10 (archaeology), 13 (refuse and cycle storage), and 22 (Queen Street elevation) of planning permission 14/02256/FUL at 4 - 5 Queen Street and 114 - 119 St Aldate's Oxford.

Jason Russell, representing the applicant, spoke in support of the application.

The Committee resolved to:

1. approve the details submitted in compliance with conditions 13 (refuse and cycle storage), and 22 (Queen Street elevation) of planning permission 14/02256/FUL; and
2. approve the outline methodology for archaeological works submitted in compliance with condition 10 (archaeology) of planning permission 14/02256/FUL and delegate to officers the approval of the remaining details to be submitted as part of this condition.

49. PLANNING APPEALS

The Committee noted the report on planning appeals received and determined during August 2015.

50. MINUTES OF PREVIOUS MEETING

The Committee resolved to approve the minutes of the meeting held on 26 August 2015 as a true and accurate record.

51. FORTHCOMING APPLICATIONS

The Committee noted the list of forthcoming applications.

52. DATES OF FUTURE MEETINGS

The Committee noted future meeting dates.

The meeting started at 6.30 pm and ended at 8.50 pm

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