

# Agenda

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## East Area Planning Committee

Date: **Wednesday 8 November 2017**

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Time: **6.00 pm**

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

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For any further information please contact the Committee  
Services Officer:

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

Telephone: 01865 252275

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

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If you intend to record the meeting, it would be helpful if you speak to the Committee Services Officer before the start of the meeting.

# East Area Planning Committee

## Membership

<b>Chair</b>	Councillor Sian Taylor	Northfield Brook;
<b>Vice-Chair</b>	Councillor David Henwood	Cowley;
	Councillor Nigel Chapman	Headington Hill and Northway;
	Councillor Mary Clarkson	Marston;
	Councillor Ben Lloyd-Shogbesan	Lye Valley;
	Councillor Sajjad Malik	Cowley Marsh;
	Councillor John Tanner	Littlemore;
	Councillor Ruth Wilkinson	Headington;
	Councillor Dick Wolff	St. Mary's;

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

### Copies of this agenda

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# AGENDA

## Pages

1 **Apologies for absence and substitutions**

2 **Declarations of interest**

3 **17/00584/FUL: Cotuit Hall Old House, Pullens Lane, OX3 0DA**

11 - 44

**Site Address:** Cotuit Hall Old House, Pullens Lane, Oxford, OX3 0DA

**Proposal:** Demolition of single storey lecture hall and refectory buildings. Change of use from Student Accommodation (Sui Generis) to Residential Institution (Use Class C2). Erection of connecting buildings, a new accommodation block at the western end of the site, reconfiguration of the retained buildings, and provision of associated car parking and cycle parking spaces, landscaping, plant, and associated works. (Amended description)

**Officer recommendation:** The Committee is recommended to:

**(a) Approve the application for the reasons given in the report and subject to the required planning conditions set out in section 12 of this report and grant planning permission subject to:**

The satisfactory completion of a legal agreement under s.106 of the Town and Country Planning Act 1990 and other enabling powers to secure the planning obligations set out in the recommended heads of terms which are set out in this report; and

**(b) Agree to delegate authority to the Head of Planning, Sustainable Development and Regulatory Services to:**

1. Finalise the recommended conditions as set out in this report including such refinements, amendments, additions and/or deletions as the Head of Planning, Sustainable Development and Regulatory Services considers reasonably necessary;

2. Finalise the recommended legal agreement under section 106 of the Town and Country Planning Act 1990 and other enabling powers as set out in this report, including refining, adding to, amending and/or deleting the obligations detailed in the heads of terms set out in this report (including to dovetail with and where appropriate, reinforce the final conditions and informatives to be attached to the planning permission) as the Head of Planning, Sustainable Development and Regulatory Services considers reasonably necessary; and

3. Complete the section 106 legal agreement referred to above and issue the planning permission.

4	<b>17/01834/FUL: Land Adjacent Barton Manor, 7 Barton Village Road, Oxford</b>	45 - 60
	<p><b>Site Address:</b> Land Adjacent Barton Manor, 7 Barton Village Road, Oxford</p> <p><b>Proposal:</b> Erection of 2 x 2-bed dwellinghouse (Use Class C3), Provision of private amenity space, bin and cycle storage and car parking.</p> <p><b>Officer recommendation:</b> The Committee is recommended to:</p> <p>(a) Approve the application for the reasons given in the report and subject to the required planning conditions set out in section 12 of this report and grant planning permission.</p> <p>(b) Agree to delegate authority to the Head of Planning, Sustainable Development and Regulatory Services to:</p> <p>Finalise the recommended conditions as set out in this report including such refinements, amendments, additions and/or deletions as the Head of Planning, Sustainable Development and Regulatory Services considers reasonably necessary;</p>	
5	<b>17/02011/FUL: 109 Rose Hill, Oxford, OX4 4HT</b>	61 - 74
	<p><b>Site Address:</b> 109 Rose Hill, Oxford, OX4 4HT,</p> <p><b>Proposal:</b> Demolition of existing dwellinghouse. Erection of three storey building to create 1 x 2-bed flat and 4 x 3-bed flats (Use Class C3). Erection of 2 x 4-bed dwellinghouses (Use Class C3). Provision vehicle access from Rose Hill, car parking, private amenity space, and bin and cycle store. (Amended plans)</p> <p><b>Officer Recommendation:</b> The Committee is recommended to refuse the application for the reasons given in the report</p>	
6	<b>Minutes</b>	75 - 90
	<p><b>Recommendation:</b> That the minutes of the meeting held on 4 October 2017 are approved as a true and accurate record.</p>	
7	<b>Forthcoming applications</b>	
	<p>Items currently expected to be for consideration by the committee at future meetings are listed for information. This is not a definitive list and applications may be added or removed at any point. These are not for discussion at this meeting.</p>	

17/01338/OUT: 23 And Land To The Rear Of 25 Spring Lane, Littlemore, OX4 6LE	Called in
16/02549/FUL: Land Adjacent 4 Wychwood Lane, OX3 8HG	Non-delegated application (still awaiting additional information)
17/00991/OUT: Former Workshop At Lanham Way	Major application
17/01480/FUL: 4 Lime Walk, OX3 7AE	Called in
17/01519/FUL: 55 Collinwood Road, OX3 8HN	Called in
17/01791/VAR: Land Adjacent St George's, 31 Cowley Road, Littlemore, OX4 4LE	In a conservation area
17/02010/FUL: John Radcliffe Hospital, Headley Way, OX3 9DU	Major Development
17/02068/VAR: 70 Glebelands, OX3 7EN	Committee decision
17/02140/FUL: British Telecom, James Wolfe Road, OX4 2PY	Major development
17/02386/FUL: Stoke House, 7 Stoke Place, OX3 9BX	Committee decision
17/02387/FUL - Ruskin Hall, Dunstan Road, OX3 9BZ	Committee decision
17/02437/FUL: Land West Of 75 Town Furze, OX3 7EW	Called in
17/02460/FUL: 10 Hardings Close, OX4 4NT	Committee decision
17/02486/FUL: 22 Cardinal Close, OX4 3UE	Committee decision
17/02494/CT3: Land At Priory Road and Minchery Road,	Council application
17/02655/FUL: 8 Hunsdon Road, OX4 4JE	Committee decision
17/02657/VAR: Royal Mail, 7000 Alec Issigonis Way, OX4 2JZ	Committee decision

## **8      Dates of future meetings**

The dates of future meetings are:

6 December 2017

17 January 2018

7 February 2018

7 March 2018

4 April 2018

23 May 2018

## **Councillors 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. Advice on bias, predetermination and declarations of interest is available from the Monitoring Officer.

The following minimum standards of practice will be followed.

### **At the meeting**

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 (in accordance with the rules contained in the Planning Code of Practice contained in the Council's Constitution).
2. At the meeting the Chair may 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.

### **Preparation of Planning Policy documents – Public Meetings**

4. 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.

### **Public requests to speak**

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



### **Written statements from the public**

6. Any written statements that members of the public and Councillors wish to be considered should be sent to the planning officer by noon two working days before the day of the meeting. The planning officer will report these at the meeting. Material received from the public at the meeting will not be accepted or circulated, as Councillors are unable to view give 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. Any such material will not be displayed or shown at the meeting.

### **Exhibiting model and displays at the meeting**

7. 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 by noon, two working days before the start of the meeting so that members can be notified.

### **Recording meetings**

8. 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 place to record. You are not allowed to disturb the meeting and the chair will stop the meeting if they feel a recording is disruptive.
9. 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.

### **Meeting Etiquette**

10. 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.
11. 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.

**Code updated to reflect Constitution changes agreed at Council in April 2017.**

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## EAST AREA PLANNING COMMITTEE

8th November 2017

**Application Number:** 17/00584/FUL

**Decision Due by:** 30th June 2017

**Extension of Time:** 15<sup>th</sup> November 2017

**Proposal:** Demolition of single storey lecture hall and refectory buildings. Change of use from Student Accommodation (Sui Generis) to Residential Institution (Use Class C2). Erection of connecting buildings, a new accommodation block at the western end of the site, reconfiguration of the retained buildings, and provision of associated car parking and cycle parking spaces, landscaping, plant, and associated works. (Amended description)

**Site Address:** Cotuit Hall Old House , Pullens Lane, Oxford, OX3 0DA

**Ward:** Headington Hill And Northway Ward

**Case Officer** Sian Saadeh

**Agent:** Ms Alexandra Milne      **Applicant:** EF International Academy UK Ltd.

**Reason at Committee:** The proposal is on a site of over 0.5ha.

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## 1. RECOMMENDATION

1.1. East Area Planning Committee is recommended to:

**(a) Approve the application for the reasons given in the report and subject to the required planning conditions set out in section 12 of this report and grant planning permission subject to:**

1. The satisfactory completion of a legal agreement under s.106 of the Town and Country Planning Act 1990 and other enabling powers to secure the planning obligations set out in the recommended heads of terms which are set out in this report; and

**(b) Agree to delegate authority to the Head of Planning, Sustainable Development and Regulatory Services to:**

1. Finalise the recommended conditions as set out in this report including such refinements, amendments, additions and/or deletions as the Head of Planning, Sustainable Development and Regulatory Services considers reasonably necessary;

2. Finalise the recommended legal agreement under section 106 of the Town and

Country Planning Act 1990 and other enabling powers as set out in this report, including refining, adding to, amending and/or deleting the obligations detailed in the heads of terms set out in this report (including to dovetail with and where appropriate, reinforce the final conditions and informatives to be attached to the planning permission) as the Head of Planning, Sustainable Development and Regulatory Services considers reasonably necessary; and

3. Complete the section 106 legal agreement referred to above and issue the planning permission.

## **2. EXECUTIVE SUMMARY**

2.1. This report considers the proposed development for a change of use from Student Accommodation (Sui Generis) to a new boarding school (C2). It also considers the demolition of existing structures on site, alterations to the remaining buildings on site and the construction of new buildings on site.

2.2. The key matters for assessment set out in this report include the following:

- Principle of development;
- Design;
- Impact on conservation area;
- Impact on local residents
- Transport and parking
- Trees
- Biodiversity
- Other matters

2.3. As set out in the report, the proposal is considered acceptable subject to a legal agreement to secure:

- Financial contribution towards affordable housing provision within the City
- Limit on numbers of students at Plater College site

2.4. On balance, the above contribution is considered to mitigate the harm of the loss of the existing student accommodation on housing provision within the City. It would also mitigate harm caused by the current interactions between the site and Plater College. The proposed alterations to the existing buildings and new buildings are considered to be of a high-quality design and would not harm the significance of the heritage assets. The proposal would not result in material harm to the living conditions of neighbouring occupiers. All other matters are also considered acceptable and can be addressed by appropriate conditions.

## **3. LEGAL AGREEMENT**

3.1. This application is subject to a legal agreement to secure:

- Financial contribution towards affordable housing provision within the City

- Limit on numbers of students at application site and Plater College site

#### **4. COMMUNITY INFRASTRUCTURE LEVY (CIL)**

4.1. The proposal is liable for CIL.

#### **5. SITE AND SURROUNDINGS**

5.1. The site extends to 1 hectare, located on and accessed from the west side of Pullens Lane. It is rectangular, with an east-west orientation, sloping significantly down from east to west.

5.2. The site is bounded on its eastern side by Pullens Lane and on its north, west and south sides by large detached residential properties in substantial gardens. The site occupies the south-east quadrant of the junction of Pullens Lane with Harberton Mead which runs along part of the north site boundary. Just touching the south-west corner of the site is a residential property known as High Walls, the garden to which is listed.

5.3. The buildings on the site are generally located along the northern side of the site and include:

- Cotuit Hall – built in 1890 as a three/four storey red-brick residential mansion but being used for various residential and institutional uses from 1916 (private house during the 1930s and 1950s);
- Refectory Building – 1960s, single storey, east-west orientation;
- Brewer Building – 1960s, 3 storey block of student bedrooms, north-south orientation;
- Lecture Hall Building - 1960s, single storey, east-west orientation;
- Marcus Lower Building – 1960s, 3 storey block of student bedrooms, north-south orientation.

5.4. All pedestrian and vehicle access is from the driveway onto Pullens Lane. The driveway extends westwards into the site along the northern site boundary providing a service road to all the buildings. Pedestrian circulation is via the service road and pedestrian routes along the south side of the buildings on the site.

5.5. There are mature trees around the perimeter and open grassed areas south of the buildings with outdoor seating and some ornamental trees (Upper Garden and Middle Garden). There is a thick hedge with trees along the eastern boundary to Pullens Lane. The western end of the site has an area of lawn (Lower Garden) adjacent to the Marcus Lower Building, the remainder being wooded with an untended open area.

5.6. The site is located centrally within the Headington Hill Conservation Area. Cotuit Hall itself is a visual feature in the conservation area, and the trees on the site are integral to the well-treed character of the conservation area.

5.7. A site location plan and more detailed block plan are attached as Appendices 1 and 2.

## 6. PROPOSAL

- 6.1. The application proposes to create a self-contained sixth form school campus on the site with:
- 21 new bedrooms creating a total of 113 student bedrooms to accommodate 244 students (proposed maximum occupancy during term time and the summer);
  - 20 new classrooms which can accommodate 300 students (56 students therefore to live off-site in accommodation with host families);
  - accommodation in small flats within the student accommodation blocks for 9 house parents who are members of the EF Academy staff who reside on site acting as a resource for the students throughout the year;
  - new gym, refectory, prayer and study room, and other ancillary communal space;
  - parking for five cars for staff members (students not to bring cars to Oxford), plus one disabled car parking space all located near the site entrance;
  - 182 cycle parking spaces for staff and student use located within the trees along the north boundary
  - waste storage for eight 1,000litre bins, capacity for recycling, two 120 litre segregated food waste bins and two 240 litre glass bins;
  - landscaped grounds.
- 6.2. To achieve this, Cotuit Hall and the Brewer and Marcus Lower blocks are to be retained (and improved); Upper and Middle blocks are to be demolished. There are to be three new buildings interwoven with the retained buildings and 'cascading' down the site towards the west: a new refectory block and a new teaching block respectively on the sites of the former Upper and Middle blocks; and an additional student accommodation block with an east-west orientation located on presently open ground at the western end of the site.
- 6.3. The main entrance to the school is to be relocated to the north side of the site via a covered walkway (entrance pergola) designed in a trabeated (post and lintel) form and attached to the north wall of Cotuit Hall. This gives access to a new main door and reception in the new teaching block, and flows on into a single internal pedestrian route connecting all the buildings and facilities throughout the site.
- 6.4. Cotuit Hall will be used for classrooms, school offices, student bedrooms and one set of houseparent accommodation. The modern ramp on the south wall of Cotuit Hall, a metal fire escape on the east wall, a porch on the north wall, and a 1930s garage are to be removed and the respective elevations restored appropriately. Other internal and external alterations and restorations sensitive to the historic building are also proposed.

- 6.5. The new refectory and teaching blocks will be similar in height above current ground level to the buildings that they replace: they are to be set within excavated plots giving a lower ground floor and ground floor. The new refectory block occupies a similar building footprint to the building that it replaces. The new teaching block is considerably larger than the building that it replaces but is in scale with the new refectory block and the retained Brewer and Marcus Lower Buildings.
- 6.6. The new accommodation block at the western end of the site has a west facing 'horse-shoe' shaped layout and is in two parts. Its eastern half, where it joins the Marcus Lower building, is on two floors - a lower ground floor and ground floor set in an excavated plot. Its western half is a single storey ground floor only building. The new building encompasses an inner courtyard onto which the student bedroom windows face with minimal fenestration facing outwards towards neighbouring properties.
- 6.7. All the new buildings have a trabeated (post and lintel) architectural form with green roofs, and are to be clad in light bronze anodised aluminium. The different identities and purposes of the new blocks are expressed primarily in different window configurations.
- 6.8. Works to the Brewer and Marcus Lower Buildings are confined to the lowest entrance levels of each block to connect them with the respective elements of the new teaching, refectory and accommodation blocks. PV arrays will be mounted on the roofs of both buildings.
- 6.9. The service road along the north side of the site (set in from the boundary by the existing tree belt) is to be retained with service entrances to the new buildings located on their north sides. An improved vehicle turning facility is proposed near the Marcus Lower Building which will prevent reversing on site. Refuse storage is proposed to be in a dedicated storage facility near the site entrance. This is to be clad in slatted timber to emulate the appearance of the boundary fencing.
- 6.10. A detailed landscape and planting strategy is proposed which has drawn on an historical analysis of the existing garden design. It aims to complement the mature landscape setting of Cotuit Hall and create a characterful setting for the residential school:
- there is to be additional tree, shrub and low level planting to the north and south boundaries to strengthen the existing tree belts and improve screening;
  - the new teaching block is to look out southwards over Upper Garden (to be renamed South Lawn) which is to be retained as lawn with informal stone seating, and shrub planting to vary storey heights;
  - the new refectory building will look out southwards over Middle Garden (to be renamed The Terrace Garden) which will be sculpted into a an amphitheatre which will serve to enclose the external

space to the refectory and its activities. Here there will be fruit tree planting to add visual interest and ecological value;

- external screening to the Brewer and Marcus Lower Buildings will be introduced in the form of vertical greening structures comprised of a lightweight cable and wire support systems with self-twining climbing plants;
- the impact of the new accommodation block on the western woodland area is to be minimised with enhanced woodland flora, additional lower canopy trees and large shrubs, herbaceous plants and stone seating.

## 7. RELEVANT PLANNING HISTORY

7.1. The table below sets out the relevant planning history for the application site:

12/01106/FUL Erection of 3 new buildings on 3 floors plus basement to provide teaching, residential and ancillary accommodation, together with underground common room to frontage. Refurbishment of existing Marcus and Brewer buildings, including alteration to existing elevations. Provision of new pedestrian footpath from Pullens Lane. WDN 3<sup>rd</sup> May 2013

## 8. RELEVANT PLANNING POLICY

8.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework (NPPF)	Local Plan	Core Strategy	Sites and Housing Plan	Other Planning Documents
<b>Design</b>	7	CP6, CP8, CP10, CP11, CP14, SR7,	CS18_	HP14_	GSP4, CIP1, CIP3, CIP4 HNP
<b>Conservation/ Heritage</b>	12	HE2, HE7, HE8			Headington Hill Conservation Area Appraisal
<b>Housing</b>	6	CP19, CP20, CP21,		HP2_	
<b>Commercial</b>	1, 2				



Natural Environment	9, 11, 13	NE14, NE15, NE16, NE20, NE23,			
Social and community	8		CS19_		
Transport	4	TR1, TR2,		HP15_, HP16_	Parking Standards SPD, TRP3 HNP
Environmental	10	CP17, CP18, CP22, CP23,	CS9_, CS10_, CS11_, CS12_	HP11_	Energy Statement TAN, GS3 HNP
Misc	5	CP.13, CP.24, CP.25	CS16_	HP5_ , HP6 _ , MP1	

## 9. CONSULTATION RESPONSES

- 9.1. Site notices were displayed around the application site on 10<sup>th</sup> April 2017 and an advertisement was published in The Oxford Times newspaper on 6<sup>th</sup> April 2017. Following an amendment to the description, revised site notices were displayed on 23<sup>rd</sup> May 2017 and a new advertisement was published in The Oxford Times newspaper on 25<sup>th</sup> May 2017.

### **Statutory and Non-Statutory Consultees**

#### Oxfordshire County Council (Highways)

- 9.2. No objection subject to conditions. The site is situated in a highly accessible location where a low-car development, as is proposed, would be considered suitable. A preliminary Construction Traffic Management Plan (CTMP) has been submitted with the application. This will require updating with further details once they are available and the final CTMP must be agreed with the County Council's Network Management and fully implemented prior to the commencement of construction. The Travel Plan submitted with the application does not currently meet the County Council's criteria and will require further work. Details of how vehicle movements are to be managed while students are moving into / out of the accommodation must be included within the Travel Plan. A Drainage Layout Plan has not been provided and is required as part of a wider surface water drainage scheme for the site. Details of cycle parking required.

#### Drainage and Flooding Officer

- 9.3. No objection subject to conditions.

#### Ecology Officer

9.4. No objection, enhancement measures sought by condition.

Land Quality Officer

9.5. No objection subject to condition.

Air Quality Officer

9.6. No objection subject to condition.

Archaeologist

9.7. Condition required.

Tree Officer

9.8. No objection subject to conditions.

### **Public representations**

9.9. 95 people objected to this application from addresses in Bickerton Road, Harberton Mead, Rolfe Place, Feilden Grove, Holmes Park, Pullens Lane, Pullens Field, Jack Straw's Lane, and Woodstock Road.

In summary, the main points of objection were:

- Supporters are employees of applicant and others who would financially benefit from proposal
- Taxis already cause nuisance dropping off students on lane
- Transport assessment does not correctly consider impact of displaced students nor increased use of site
- Increased traffic will result in increased danger for road users
- The proposal explicitly contravenes the local plan which states that changes of use from residential or student accommodation to teaching/administrative uses for private colleges will not be granted permission
- The proposal would pave the way for further applications increase the density of students or staff. It would also make it easier for other site within the area to apply for and obtained changes to the institutional use thus degrading and eroding the quiet residential nature of the area
- The Headington Hill Conservation Area Appraisal notes that the growth of institutional uses particularly on Pullens Lane has begun to erode the residential character of the area particularly through the development of Plater College in the 1970s and its subsequent redevelopment and the construction of large blocks to the rear of Cotuit Hall. This has resulted in the loss of green space and the development of increasingly visible buildings of institutional character in high densities. The current proposal will further erode character of the area by increasing building density and reducing green space.
- It will inevitably lead to an increase in traffic and noise pollution
- The new accommodation block in particular will neither preserve or enhance the conservation area

- The addition of buildings at the western end of the site reduces the green space and brings buildings much closer to a number of houses within Feilden Grove further impinging on the peaceful and tranquil setting they enjoy today
- EF is a purely commercial operation with profits leaving Oxford, it does no research, it is not involved in technical training, and its students are neither local nor from the UK.
- The large increase in teaching accommodation in the application implies an increased requirement for teaching staff. Given the teacher shortage in Oxfordshire this is clearly undesirable and will negatively impact on the ability of local schools to recruit teachers or will contribute to population pressures on housing and services in Oxfordshire through external recruitment.
- Huge increase in the number of students will create unacceptable increased noise and traffic and decrease road safety particularly for pedestrians, as there are no footways.
- In the last few years there has been a noticeable increase in the numbers of cars, delivery vehicles and taxis along Pullens Lane and this has had a very bad impact on road safety and the character of the area
- The infrastructure of the area (roads/sewerage/drainage) cannot accommodate 300 new students and 45 staff. There is already too much traffic on Pullens Lane making passage along it very difficult at times.
- Increased light pollution and air pollution (from traffic and industrial sized kitchen)
- Loss of view of a green open and wooded landscape. The new accommodation block will result in the loss of large numbers of mature trees which will take many years to replace. The trees are key to the character of the conservation area.
- Very detrimental to local biodiversity including birds badger and deer, and deleterious effect on flora and fauna
- View of the rear of a modern accommodation block is entirely unacceptable
- Object to this site becoming a commercial school rather than the quiet accommodation it has been
- Possible future development and intensification of use
- Unacceptable noise and traffic associated with the kitchens, deliveries, refuse, taxis
- The proposal is overdevelopment in a conservation area. The density of persons per acre will be 175 which is far greater than current residential densities in the area
- All accommodation should be housed within the same footprint of the existing buildings and not allowed to spread to previously undeveloped areas
- Detrimental to the neighbourhood and character of the conservation area
- Approval would render the conservation area designation meaningless and degrade the character of the area
- Contrary to the emerging Neighbourhood Plan
- Frustrated about so many similar applications on the same site
- Pullens Lane is by nature a country lane not suitable to support the development and the additional traffic this would entail
- Pullens Lane is a private lane unsuitable for marauding teenagers
- The proposal is contrary to the councils housing policies

- There will be increased traffic on small private roads in terms of service deliveries and travel by staff and students
- There will be more students in the area as the language students currently living in Cotuit Hall will be replaced by new sixth form students and the number of language students at the language school site will not reduce. Moreover there is no cap on the number of students to be accommodated in the new boarding school this could be increased at a later date
- While the plans have been improved since the last application development is still too large for the site and the conservation area
- Wildlife will be disturbed
- The previous permission for accommodation on this site should be withdrawn and the premises returned to its original use compliant with the area
- Some students drop litter, make noise on site and break into neighbouring gardens. Students walk down Pullens Lane in large groups and frustrate residents wishing to drive along the lane.
- Dust from the demolition will be hazardous to health
- The area should be valued and preserved. These special nooks and crannies make Oxford very special.
- The buildings are too close to Jean Cottage and concerned about impact of water table at Jean Cottage where there is a well.
- Ban on coaches using Pullens Lane is needed
- The site is not big enough to accommodate the necessary outdoor facilities needed by these young people.

9.10. 55 people commented in support of this application from addresses in Hastoe Grange, Wadham Court, Linnet Drive, Trafford Road, Crescent Road, Fairacres Road, Pullens Lane, Ouseley Close, Westminster Way, Blewbury (Didcot), and Exbourne Road (Abingdon).

In summary, the main points in support were:

- Benefit to local economy
- Allows reduction in traffic and movements between two sites
- Improved educational facilities
- Appearance of buildings improved
- Changes away from main views of site
- Concerns raised in 2012 have been listened to
- Best development for site
- The quiet residential setting can continue to be enjoyed because the design respects existing trees and the amenities of neighbouring properties
- The application would improve the working environment of the educational establishment and reduces potential annoyance to those living in the vicinity
- The design increases the privacy of neighbours and improves the landscape and environment of the site and the architecture corrects previous mistakes made over the last few decades.
- Footfall on Pullens Lane will be reduced because all students will be based on one campus. Noise in the evenings will be reduced.

- Teachers are largely local and arrive by public transport, bicycle or on foot. Their income is directed back into the local economy thus supporting local businesses.
- There is no increase in parking so the numbers of students has little impact on traffic.
- EF Academy Oxford brings many economic benefits to the city through employment and take-up of services. This should be supported in these times of economic uncertainty. Education is of critical importance in the 21<sup>st</sup> century and these proposals should be supported.
- The academy works with the local community for example on social enterprise programs and with local charities. Many students have been actively involved in local charities, events (such as litter picking) and sports clubs. The students are here to work (not for a holiday) and are serious and exam-focused.
- This will be an academic community in a beautiful environment that respects the local community
- The development will have a lasting positive effect
- Only a very low level of increased noise will be apparent
- The proposals include restoration of Cotuit Hall to its former design thus enhancing the conservation area

### **Officer Response**

9.11. The points raised are considered in more detail below.

## **10. PLANNING MATERIAL CONSIDERATIONS**

10.1. Officers consider the determining issues to be:

- i. Principle of development;
- ii. Design and the impact on the conservation area;
- iii. Impact on local residents
- iv. Transport and parking
- v. Trees and biodiversity
- vi. Other matters.

### **i. Principle of Development**

#### **Existing Use of Site**

10.2. The original building at Cotuit Hall was constructed as a private home. A change of use to a hostel for Technical College was granted in 1958. Since then there have been various applications for the expansion of the site which have increased the student accommodation at the site. The site was occupied by students from Oxford Brookes University. Most recently the site has been used as student accommodation for EF students studying at both the EF Academy and Language School at the Plater College site nearby on Pullens Lane.

- 10.3. Given the history of the development of the site and that the majority of the buildings on the site were built for their current use, the site is considered to constitute purpose-built student accommodation. This type of student accommodation is protected by policy HP5 of the Sites and Housing Plan.

#### Need for Student Accommodation

- 10.4. The supporting text and policy HP5 set out the need to protect existing purpose built student accommodation. Student accommodation which is lost should be replaced by an equivalent amount of an equal mix, occupancy and affordability. The proposal does not set out to do this given the nature of the current occupier and that the loss would be to a new school use.
- 10.5. Student accommodation is needed within the City to free up other forms of housing for the wider housing market. A large number of students house-sharing in the private market affects the availability of larger houses for families or workers within the City. This in turn puts further pressure on the already limited supply and affordability of other units on the market. This is particularly true of the HMO market which is increasingly relied on by young workers who cannot afford private rentals or to purchase a home.
- 10.6. It is noted that the current use differs from other student accommodation in the nature of the students who are residing there. These students would not be likely to otherwise live in HMOs or other forms of accommodation in the City. The model of the current user is that students are either housed with families or at accommodation such as Cotuit Hall.
- 10.7. Nevertheless, the nature of the end user can only be given very limited weight in the consideration of the application. The current planning use of the site would enable another user to occupy the site for any students and this would reduce pressure on the wider housing market in the City. The proposed change of use is therefore contrary to policy HP5.

#### Proposed Mitigation

- 10.8. In order to mitigate the harm identified above, the applicant has offered to make a financial contribution towards affordable housing provision within the City. The contribution would be based on the formula used for new student accommodation as set out in policy HP6 of the Sites and Housing Plan.
- 10.9. The GIA of the existing student accommodation at the site is 2750 sq m. This would equate to a contribution of approximately £385,000.
- 10.10. On balance, the proposed mitigation is considered acceptable in this case for the reasons set out below.

10.11. The financial contribution would offset the harm caused to the wider housing market by creating additional capacity for affordable housing within the City. This helps to create a balanced and mixed housing market.

10.12. There are also a number of site specific benefits from the scheme which need to be considered in balancing a final decision. These are:

- Controls over use of this and Plater College site which would reduce impact on surrounding area
- Improvements to appearance of Cotuit Hall building and high quality new buildings

10.13. These benefits are discussed in more detail in the relevant sections below.

10.14. For these reasons, whilst it is acknowledged that the application conflicts with policy HP5, on balance the application is acceptable, would not result in harm to the mix and affordability of housing within the City and would result in benefits to the local area. The new school would be located in an accessible location as required by policy CS16.

## **ii. Design and Impact on conservation area**

10.15. The site is located within Headington Hill Conservation Area and to the south is the registered Historic Park and Garden at High Wall. Overall, the proposed development is considered to be a high quality design which would not harm the significance of these heritage assets.

### Demolitions

10.16. It is proposed to demolish the existing lecture hall and refectory buildings. These buildings are modern additions to the site and do not have any special interest. Their demolition and replacement with high quality new buildings is welcomed.

### Cotuit Hall

10.17. The original Cotuit Hall building is identified as a positive building within the Headington Hill Conservation Area Appraisal. The proposal would remove unsympathetic additions and alterations to the building, such as the external metal staircase. Windows and openings would be reinstated to match the existing details. The most significant changes would be the glazed link to the new teaching block and the entrance pergola to the site which would run along the northern elevation of this building.

10.18. These new additions would be lightweight and open structures which would be subordinate to the main building. Overall the proposals would improve the appearance of Cotuit Hall and its contribution to the appearance of the conservation area. Conditions are recommended for details of all new materials and alterations to ensure a high quality development.

### New Blocks

- 10.19. Cotuit Hall would be connected to a new teaching block which would replace the previous refectory building. This new block would also be linked to the altered Brewer Building. This new block would appear as single storey from outside the building but would have a lower ground floor level. The additional height would be achieved at this lower level and the height of the structure above ground level would remain the same. The massing of the proposed building would reflect the existing and would limit its impact on the wider conservation area. The new block would have a rooflight, boiler flue and lift overrun which would add to the height of the building. However, these structures are set to the centre of the roof and have a height of 1.6m. Given their positioning relative to other buildings, it is not considered that they would create significant additional massing.
- 10.20. The new refectory block would be in the same location as the existing lecture hall. The refectory block would have a larger footprint than the existing but this would not bring it closer to the boundaries of the site and so its impact on the wider conservation area is minimised. The height of the building would be similar to the existing above ground level. As with the other new blocks, a lower ground level is being created. The additional height of the structure would not therefore be perceived from outside the site and would not have a significant impact on the conservation area.
- 10.21. Both new blocks would be connected to the existing Brewer and Marcus Lower buildings. The elevations of these existing buildings would be renovated to improve their appearance. The links created would result in more continuous development through the site. However, they are limited in the footprint to minimise their impact. The overall form of the development with the existing buildings running north to south would be maintained.
- 10.22. A new accommodation building is proposed to the western end of the site. This structure does not replace any existing and would be a new element of development. As above it links to the Marcus Lower building, but this is a discreet link that still allows a break in the built form and massing of development on the site.
- 10.23. The new accommodation block would read as a single storey above ground. The second storey would be in the form of a lower ground floor level. The design of the block around a courtyard minimises its footprint and massing. This new block would increase the area of the site that is developed. However, the overall green and landscaped character of this part of the site would be maintained with a significant tree screen. The landscaping around the building would also contribute to this green character. Whilst the character of the conservation area overall is typified by homes in spacious plots, the application site already differs from this with the extent of development within it. The additional area of building has been sensitively designed to respond to its surroundings and as such would not harm the character or appearance of the conservation area. The proposal overall would also not harm the setting of the adjoining historic park and garden



given the separation between the two and the very limited views there would be between the sites.

10.24. The change of use has also been raised as a concern for its potential impact on the character of the conservation area. It is noted that the Headington Hill conservation area appraisal does raise a concern with the balance between institutional and residential uses. However, the application site does not currently conform to the residential character of other plots given it is not in private residential use. Moreover, the site is located close to the other existing institutional uses within the conservation area. The change of use would not significantly alter the existing balance between the different uses within the conservation area. Its location would also not introduce such a use into a part of the conservation area which was more consistently residential in nature. As set out in more detail below, there are not considered to be significantly increased activities at the site that would harm the character of the conservation area. The change of use is considered acceptable and would not harm the significance of the heritage asset.

10.25. The scheme complies with the requirements of Local Plan policies HE2, HE7, HE8, CP6, CP8, CP10, CP11 and CS18.

#### Details

10.26. The proposed new buildings and structures would be primarily constructed from anodised aluminium. The warm nature of the material would complement the existing building at Cotuit Hall. It would give the proposed buildings a modern, high quality appearance. The details of the proposed elevations show that the form of the building would have a modular appearance with recessed window sections to help break up the massing and add interest to its form. This form also helps create a link to the appearance of the existing modern buildings on site. A condition is recommended for samples of the proposed materials to be approved prior to the commencement of the relevant part of the works.

10.27. The new buildings would all have green roofs. There would also be planted screening constructed to the elevations of the existing buildings. These additions are welcomed for their environmental benefits and as they will add to the overall green appearance of the site which is part of its contribution to the conservation area. Full details of both elements are required by a proposed condition.

10.28. Photo-voltaic panels are also proposed to the roof of the existing buildings. These are again welcomed but a condition is recommended to view final details to ensure that their visual impact is minimised.

10.29. Limited details have been provided on the appearance of the ancillary structures such as bin and bike stores. A condition is recommended to provide those

details. The location of these structures is acceptable and subject to their appearance they would not detract from the appearance of the site or area.

### **iii. Impact on local residents**

#### **Noise and disturbance**

- 10.30. Concerns have been raised from local residents regarding noise and disturbance that would arise from the proposed use. The current situation does give rise to noise and disturbance outside the site from the students moving between their residences here and their teaching at Plater College. These creates a number of movements throughout the day which can cause disturbance to local residents in terms of noise and when using the highway.
- 10.31. The current proposal seeks to resolve those issues by splitting the relationship between the two sites. Whilst they would still be run by the same organisation, the Plater College site would then operate as the language school and the application site would be the Academy. There may be some inter-relationship between the two but there would not be necessity for such large numbers of students to move between the sites throughout the day. There would be a small number of day pupils who are housed off site but it is considered that this level of activity at drop-off and collection times could be managed in such a way to ensure that it would not cause harm. This would be addressed through the travel plan which is requested by a recommended condition.
- 10.32. This would result in a benefit to the local area from removing a source of disturbance to local residents. The proposal is also recommended on the basis of a legal agreement to limit student numbers at Plater College so that these could not increase because of the proposed changes. Conditions are also recommended to limit the numbers of students at this site. These controls help to resolve the existing issues and ensure that the proposal would not result in any harmful levels of noise or disturbance.
- 10.33. Concerns are also raised about potential noise and disturbance that could be created by the new school use on the application site. It should be noted that the proposed use does not include any significant outdoor spaces, such as playing fields, which would result in large numbers of students gathering in one location. The communal external amenity areas would be used by students but it is not considered that this would result in materially increased noise and disturbance to local residents compared the existing use.
- 10.34. The impacts of comings and goings to the site are again not considered to materially increase compared to the existing situation such as to result in harmful disturbance to local residents. The impact in terms of highway safety and free flow is assessed below. Servicing would now take place within the site at a different location closer to the proposed refectory building. Whilst this would mean larger vehicles coming further into the site, areas for them to be able to safely manoeuvre have been included within the plans. The levels of servicing are not considered to significantly increase. It is considered appropriate to recommend a condition for a servicing management plan to ensure that these

are carried out in the least disruptive way.

- 10.35. New plant is shown on the proposed drawings. Whilst these are not considered to be of a significant scale, conditions are recommended to ensure that there would not be any noise or disturbance created by these units.

#### Overbearing, Privacy and Light

- 10.36. It is not considered that the proposals would result in any increased sense of overbearing nor loss of privacy or light to any neighbouring properties. The closest buildings to the boundaries of the site are the existing Marcus Lower and Brewer Buildings which come close to the southern boundary of the site. The new teaching and refectory blocks would have a similar scale and position to existing buildings on the site. The new accommodation block would introduce development closer to existing properties as this part of the site is currently open. However, at its closest point it is approximately 13m away from the boundaries of the site. It is also only a single storey above ground level and screened by vegetation. As such, it would not have a harmful impact on the living conditions of the adjoining buildings.
- 10.37. For the reasons set out above, overall the proposal would reduce existing issues for local residents and would not result in any harmful impacts on their living conditions. The proposals comply with Local Plan policies HP14, CP19 and CP21.

### **Transport**

#### Pedestrian and Vehicle Movements

- 10.38. As noted above, the proposed change of use would reduce overall pedestrian movements in the local area as students would no longer be moving from the site to Plater College throughout the day. The day pupils for the new school would be the main source of pedestrian activity at the site. The proposals allow for up to 56 day students to attend the site. The current user includes within its rules how the site can be accessed and does not allow car/taxi access to the site. It is recommended by condition that a travel plan is submitted for the proposed development to ensure that such measures are in place no matter what end user may occupy the site.
- 10.39. It is not considered that the proposed change of use would result in a significant increase in vehicle movements to/from the site. The start and end of term would see vehicles coming to site to drop-off/collect pupils and their belongings. A robust travel plan would have to set out how this process would be managed so as to minimise disruption. However, this would be similar to the current situation when students moved in or out of the block. Teaching staff would be able to drive to site as car parking would be provided for 5 members of staff. This level of activity is not considered to result in a harmful increase in movements. The overall level of car parking is being reduced in line with planning policies to reduce reliance on the private car.

- 10.40. Given the reduction in overall pedestrian movements from the site, the proposal is not considered to result in any increase to highway safety or local access.

#### Cycle Parking

- 10.41. The application sets out that 182 cycle parking spaces are to be provided as part of the development. This is in line with the minimum requirement set out in the Adopted Parking Standards SPD. The proposed site plan sets out that 62 stands (124 cycle parking spaces) are to be located near to the accommodation block. This is a sufficient provision for those students who will be resident in that block. The remaining cycle parking spaces, for non-resident students and staff are appropriately located closer to the site access, the new teaching block and Cotuit Hall.
- 10.42. Staff and residents' cycle parking must be secure and undercover. A condition is recommended to ensure that these details are provided and approved.

#### Servicing

- 10.43. As noted above, servicing arrangements would change as part of the proposal. However, the likely volume of traffic would not result in any safety issues to the shared access nor result in materially harmful levels of disturbance.
- 10.44. A swept path analysis has been submitted to demonstrate that the largest proposed vehicles would be able to safely enter, turn and exit in a forward gear.
- 10.45. Refuse collections would be from Pullens Lane as per the existing arrangements. A refuse vehicle can turn using the site access. As per above, a servicing management plan is recommended by condition to ensure that the measures put in place are reasonable and would minimise any potential sources of disruption.

#### Construction Traffic

- 10.46. Due to the site's location in proximity to a key arterial and public transport route into the city and the constrained nature of Pullens Lane and Jack Straw's Lane, a Construction Traffic Management Plan is required as one of the recommended conditions. This should mitigate the impact of construction vehicles on the surrounding network, road infrastructure and local residents, particularly at peak traffic times.
- 10.47. Overall, the proposals are considered acceptable in terms of their impact on the local road network and highway safety. The proposals would comply with policies TR1 and TR2.

#### **iv. Trees and biodiversity**

- 10.48. The trees on the site are protected as they are within the Headington Hill conservation area. The proposals require the removal of 24 trees from the 202 trees on site that have been surveyed. Overall the recommendations of the

Arboricultural Impact Assessment and Arboricultural Method Statement are accepted. The impact of the removed trees would not be significantly detrimental to the visual amenity of the area due to the presence of many other retained trees on the site. The proposed new planting would help to enhance the character and appearance of the conservation area.

- 10.49. The proposed construction works would encroach on the root protection areas of a number of retained trees. The site circumstances are such that if the technical solution outlined in the AMS are implemented under close supervision the viability of these trees is not likely to be significantly harmed.
- 10.50. It is essential that new underground drainage and utility services are located to avoid damage to retained trees. New hard surfaces within the RPA of retained trees must be appropriately designed to avoid damage to roots by excavation and ensure water and air permeability. Retained trees will need to be robustly protected during the construction phase. Conditions are recommended to ensure details of proposed landscaping, new services, hardstanding and tree protection measures.
- 10.51. The proposed development is not considered to have a harmful impact on biodiversity within the local area and City. The recommendations of the surveys submitted with the application are noted. The applicant will need to ensure that these are carried out. Conditions are also recommended to ensure that the enhancement measures are put in place and should include at least 20 swift boxes.
- 10.52. Subject to the recommended conditions, the proposals are considered acceptable in relation to their impact on trees and biodiversity. The proposals would comply with policies NE15, NE16 and CS12.

**v. Other**

Flooding

- 10.53. The details submitted with the application demonstrate that it would not have an unacceptable impact on flood risk within the surrounding area. A condition is recommended to ensure that a surface water drainage plan is submitted to ensure this is managed properly.

Sustainability

- 10.54. The proposal incorporates a number of energy efficiencies and sustainable features such as green roofs and photovoltaic panels. The proposal would be a sustainable development which would meet the relevant policy requirements.

Contaminated Land

- 10.55. The site is not identified as having any potential contamination issues. A condition is recommended to ensure that any unexpected contamination that is found is dealt with appropriately.

#### Air Quality

- 10.56. The proposal is not considered to have a harmful impact in relation to air quality.

#### Archaeology

- 10.57. A condition is recommended to ensure that a written scheme of investigation is approved. Subject to this, the proposal is not considered to have a harmful impact on archaeological remains.

### **11. CONCLUSION**

- 11.1. It is acknowledged that there is a conflict with policy HP5 but this is offset by the proposed mitigation of a contribution towards affordable housing. On balance, the scheme is considered acceptable in principle as it also creates a number of benefits, in particular the reduction in movements between the site and Plater College as well as creating controls over these two sites that do not currently exist. The proposed development would be of a high quality design which would not harm the special interest of the designated heritage assets. There would be a benefit from the improvement works to the original Cotuit Hall building. The pedestrian and vehicular movements associated within the proposed use would not be harmful to the local traffic and highway safety. A robust travel plan and servicing management plan are the subject of recommended conditions to ensure that any potential impacts are minimised. There would be no harmful impact to the living conditions of local residents compared to the existing situation in terms of noise and disturbance. The position and massing of the proposed new buildings would prevent any loss of light, privacy or increased sense of overbearing. The impact on trees and biodiversity would be acceptable. All other matters are considered acceptable and could be addressed through conditions. The proposals comply with the Council's policies, in particular HE2, HE7, HE8, CP6, CP8, CP10, CP11 and CS18; HP14, CP19 and CP21; NE15, NE16 and CS12; and the guidance set out in the NPPF.

- 11.2. It is recommended that the Committee resolve to grant planning permission for the development proposed subject to the conditions set out below and the satisfactory completion (under authority delegated to the Head of Development Management) of a legal agreement under section 106 of the Town and Country Planning Act 1990.

### **12. CONDITIONS**

1. The development to which this permission relates must be begun not later than the expiration of three years from the date of this permission.

Reason: In accordance with Section 91(1) of the Town and Country Planning Act 1990 as amended by the Planning Compulsory Purchase Act 2004.

2. The development permitted shall be constructed in complete accordance with the specifications in the application and approved plans listed below, unless otherwise agreed in writing by the local planning authority.

Reason: To avoid doubt and to ensure an acceptable development as indicated on the submitted drawings in accordance with policy CP1 of the Oxford Local Plan 2001-2016.

3. Sample panels of all proposed elevation materials, including windows and doors, demonstrating the colour, texture and finish shall be made available on site and approved in writing by the Local Planning Authority before relevant parts of the work are commenced. The development shall be completed in accordance with the approved details.

Reason: To ensure a sympathetic appearance for the new work and in the interest of the special character of the area and/or building, in accordance with policies CP1, CP8, HE3 and HE7 of the Adopted Oxford Local Plan 2001-2016 and policy CS18 of the Oxford Core Strategy 2026.

4. Detailed drawings of the works to Cotuit Hall shall be submitted and approved in writing by the Local Planning Authority, prior to the commencement of the relevant parts of the work. The detailed drawings shall show all new and re-instated openings, and details of the junction between the existing building and the new pergola to the northern elevation. All works of making good to the Cotuit Hall building shall be finished in materials to match the existing.

Reason: To ensure a sympathetic appearance for the new work and in the interest of the special character of the area and/or building, in accordance with policies CP1, CP8, HE3 and HE7 of the Adopted Oxford Local Plan 2001-2016 and policy CS18 of the Oxford Core Strategy 2026.

5. Detailed drawings in relation to the following
  - i. Green roofs
  - ii. Planted screens to Brewer and Marcus Lower Buildings
  - iii. Photo voltaic panels
  - iv. Bin stores
  - v. New rooflights
  - vi. Plant areas

shall be submitted to, and approved in writing by the Local Planning Authority prior to the relevant part of the works and the works shall be carried out in accordance with the approved details.

Reason: For the avoidance of doubt and so that the Local Planning Authority can agree these details in accordance with policies CP1, HE3 and HE7 of the Adopted Oxford Local Plan 2001-2016 and policy CS18 of the Oxford Core Strategy 2026.

6. The site shall only be used for a residential school; and for no other purpose (including any other purpose in Class C2; of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class revoking or enacting that Order).

Reason: To ensure that the Local Planning Authority can properly consider any alternative use of the premises in accordance with the relevant policies of the Adopted Oxford Local Plan 2001-2016 and to control the impact on the local area.

7. The number of students to be resident on the site at any one time shall not exceed a maximum of 244 and the number of day pupil students to be enrolled at any one time shall not exceed a maximum of 56.

Reason: To ensure that the number of students and associated activities do not create a source of noise or disturbance to local residents and to control pedestrian and vehicular activity associated with the site.

8. Prior to the first occupation of the development hereby permitted the applicant shall submit to and obtain the agreement in writing of the local planning authority, a servicing management plan. The plan shall detail the levels of servicing proposed and how it is to be managed to minimise disruption.

Reason. To ensure that activities associated with the servicing of the site are appropriately managed to minimise any potential disruption to the local area.

9. A landscape plan shall be submitted to, and approved in writing by, the Local Planning Authority demolition, excavation or construction works, including site clearance, start on site, whichever is the earliest. The plan shall include a



survey of existing trees showing sizes and species, and indicate which (if any) it is requested should be removed, and shall show in detail all proposed tree and shrub planting, treatment of paved areas, and areas to be grassed or finished in a similar manner.

Reason: In the interests of visual amenity in accordance with policies CP1, CP11 and NE15 of the Adopted Local Plan 2001-2016.

10. The landscaping proposals as approved by the Local Planning Authority shall be carried out upon substantial completion of the development and be completed not later than the first planting season after substantial completion.

Reason: In the interests of visual amenity in accordance with policies CP1 and CP11 of the Adopted Local Plan 2001-2016.

11. Prior to the start of any demolition, excavation or construction work on site including site clearance, details of the design of all new hard surfaces and a method statement for their construction shall be submitted to and approved in writing by the Local Planning Authority. Details shall take into account the need to avoid any excavation within the rooting area of any retained tree and where appropriate the Local Planning Authority will expect "no-dig" techniques to be used, which might require hard surfaces to be constructed on top of existing soil levels using treated timber edging and pegs to retain the built up material.

Reason: To avoid damage to the roots of retained trees. In accordance with policies CP1, CP11 and NE16 of the Adopted Local Plan 2001-2016.

12. Prior to the start of any demolition, excavation or construction work on site, details of the location of all underground services and soakaways shall be submitted to and approved in writing by the Local Planning Authority (LPA). The location of underground services and soakaways shall take account of the need to avoid excavation within the Root Protection Areas (RPA) of retained trees as defined in the British Standard 5837:2012- 'Trees in relation to design, demolition and construction-Recommendations'. Works shall only be carried in accordance with the approved details.

Reason: To avoid damage to the roots of retained trees; in support of Adopted Local Plan Policies CP1, CP11 and NE15.

13. Detailed measures for the protection of trees to be retained during the development shall be submitted to, and approved in writing by, the Local Planning Authority (LPA) before any demolition, excavation or construction work on site, including site clearance works, begin. Such measures shall include scale plans indicating the positions of barrier fencing and/or ground protection materials to protect Root Protection Areas (RPAs) of retained trees and/or create Construction Exclusion Zones (CEZ) around retained trees. Unless otherwise agreed in writing by the LPA the approved measures shall be in accordance with relevant sections of BS 5837:2012 Trees in Relation to Design, Demolition and Construction- Recommendations. The approved measures shall be in place before the start of any work on site and shall be retained for the duration of construction unless otherwise agreed in writing by the LPA. Prior to the commencement of any works on site the LPA shall be informed in writing when the approved measures are in place in order to allow Officers to make an inspection. No works or other activities including storage of materials shall take place within CEZs unless otherwise agreed in writing by the LPA.

Reason: To protect retained trees during construction. In accordance with policies CP1, CP11 and NE16 of the Adopted Local Plan 2001-2016.

14. A detailed statement setting out the methods of working within the Root Protection Areas of retained trees shall be submitted to and approved in writing by the Local Planning Authority (LPA) before any demolition, excavation or construction work on site, including site clearance works, begin. Such details shall take account of the need to avoid damage to tree roots through excavation, ground skimming, vehicle compaction and chemical spillages including lime and cement. The development shall be carried out in strict accordance with of the approved AMS unless otherwise agreed in writing by the LPA.

Reason: To protect retained trees during construction. In accordance with policies CP1,CP11 and NE16 of the Adopted Local Plan 2001-2016.

15. Monitoring of approved tree protection measures and also supervision of all construction activities undertaken within the Root Protection Areas (RPAs as defined by British Standard 5837:2012) of any retained tree, shall be undertaken by a Project Arboriculturalist appointed by the applicant. Prior to their construction details of all new built structures foundation locations (relative to tree roots) and design within RPAs shall be submitted to and approved in writing by the Local Planning Authority following investigation of root distribution with pit locations trial excavated by hand under the supervision of the Project Arboriculturalist (refer to section 6.1.3 of the approved Arboricultural Impact Assessment Report). Details of the frequency of site visits, recording of monitoring and the actions taken and subsequent

reporting shall be submitted to and agreed in writing by the Local Planning Authority before the start of any demolition or construction works on site.

Reason: To protect retained trees during construction. In accordance with policies CP1, CP11 and NE16 of the Adopted Local Plan 2001-2016.

16. No demolition, excavation or construction work on site, including site clearance works shall commence until the role and responsibilities and operations to be overseen by an appropriately competent person [e.g. an ecological clerk of works] have been submitted to and approved in writing by the local planning authority. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

Reason: The purpose of securing ecological expertise on site during construction is to ensure adequate professional ecological expertise is available to assist those implementing the development to comply with statutory requirements, planning conditions and any relevant protected species licences.

17. Prior to the commencement of demolition, excavation or construction work on site, including site clearance works, details of biodiversity enhancement measures including at least .20 x bird nesting (swift boxes) devices shall be submitted to and approved in writing by the local planning authority. The approved measures shall be incorporated into the scheme and be fully constructed prior to occupation of the approved development and retained as such thereafter.

Reason: In the interests of improving the biodiversity of the City in accordance with NPPF and policy CS12 of the Oxford Core Strategy 2026.

18. Any contamination that is found during the course of construction of the approved development shall be reported immediately to the local planning authority. Development on that part of the site affected shall be suspended and a risk assessment carried out by a competent person and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development (or relevant phase of development) is resumed or continued.

Reason: To ensure that any soil and water contamination is identified and adequately addressed to ensure the site is suitable for the proposed use in accordance with the requirements of policy CP22 of the Oxford Local Plan 2001-2016.

19. No demolition, excavation or construction work, including site clearance works, shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work (including building recording) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the planning authority. All works shall be carried out and completed in accordance with the approved written scheme of investigation, unless otherwise agreed in writing by the Local Planning Authority.

Reason: Because the development may have a damaging effect on known or suspected elements of the historic environment of the people of Oxford and their visitors, including prehistoric, Roman and Victorian remains (Local Plan Policy HE2).

20. A Construction Traffic Management Plan should be submitted to the Local Planning Authority and approved in writing prior to the commencement of demolition, excavation or construction work on site, including site clearance works. The submitted plan should identify:

- i. The routing of construction vehicles and management of their movement into and out of the site by a qualified and certificated banksman
- ii. Access arrangements and times of movement of construction vehicles to minimise the impact of the surrounding highway network
- iii. Details of wheel cleaning/wash facilities to prevent mud etc from being deposited on the adjacent highway
- iv. Contact details for the Site Supervisor responsible for on-site works
- v. Travel initiatives for site related worked vehicles
- vi. Details of times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours
- vii. Engagement with local residents and neighbours

Reason: In the interests of highway safety and to mitigate the impact of construction vehicles on the surrounding network, road infrastructure and local residents, particularly at peak traffic times.

21. Prior to the commencement of the development hereby permitted the applicant shall submit to and obtain the agreement in writing of the local planning authority, a travel plan. The plan shall detail how pupil access to the site is to be managed, including at start/end of terms, how vehicle movements to and from the site are to be minimised, the means for implementing the plan, method of monitoring and amending the plan on an annual basis. The results of the annual monitoring exercise shall be submitted to the local planning authority in writing and the travel plan amended accordingly in light of discussions with the local planning authority.

Reason. To limit the number of journeys by private motor car, the limit the potential disturbance to local residents and reduce the pressure on the highway in the locality in accordance with policies CP1, TR2 and TR12 of the Adopted Oxford Local Plan 2001-2016.

22. Prior to the commencement of demolition, excavation or construction work on site, including site clearance works, a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is completed. The scheme shall also included:

- i. Discharge rates
- ii. Discharge volumes
- iii. Maintenance and management of SUDS features
- iv. Sizing of features – attenuation volume
- v. Infiltration in accordance with BRE 365
- vi. Detailed drainage layout with pipe numbers
- vii. SUDS in accordance with the measures set out in the Flood Risk Assessment submitted with the applications
- viii. Network drainage calculations
- ix. Phasing
- x. Flood route

Reason: To ensure that the development would include adequate provision for surface water drainage.

23. Before first occupation of the site, details of the cycle parking areas, including means of enclosure, shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until the cycle parking areas and means of enclosure have been provided within the site in accordance with the approved details and thereafter the areas shall be retained solely for the purpose of the parking of cycles.

Reason: To encourage the use of sustainable modes of transport and to ensure the appearance of the conservation area.

24. The recommendations set out in 'Acoustic Report – Planning Rev C' prepared by Max Fordham shall be implemented in full.

Reason: To ensure that the proposed development would not result in any harmful noise or disturbance to local residents.

#### INFORMATIVES :-

- 1 In accordance with guidance set out in the National Planning Policy Framework, the Council tries to work positively and proactively with applicants towards achieving sustainable development that accords with the Development Plan and national planning policy objectives. This includes the offer of pre-application advice and, where reasonable and appropriate, the opportunity to submit amended proposals as well as time for constructive discussions during the course of the determination of an application. However, development that is not sustainable and that fails to accord with the requirements of the Development Plan and/or relevant national policy guidance will normally be refused. The Council expects applicants and their agents to adopt a similarly proactive approach in pursuit of sustainable development.
- 2 The responsibility to properly address contaminated land issues, irrespective of any involvement by this Authority, lies with the owner/developer of the site.
- 3 Scrub, trees and buildings on site offer suitable habitat for nesting birds. All wild birds, their nests and young are protected during the nesting period under The Wildlife and Countryside Act 1981 (as amended) and I therefore recommend the following informative is included if minded to approve. Removal of vegetation and demolition of buildings shall be undertaken outside of bird nesting season. This is weather dependent but generally extends between March and August inclusive. If this is not possible then a suitably qualified ecologist shall check the areas concerned immediately prior to the clearance works to ensure that no nesting or nest-building birds are present. If any nesting birds are present then the vegetation or buildings shall not be removed until the fledglings have left the nest.

#### **13. APPENDICES**

**Appendix 1 – Site Location Plan**  
**Appendix 2 - Proposed Block Plan**

**14. HUMAN RIGHTS ACT 1998**

- 14.1. Officers have considered the implications of the Human Rights Act 1998 in reaching a recommendation to grant this application. They consider that the interference with the human rights of the applicant under Article 8/Article 1 of Protocol 1 is justifiable and proportionate for the protection of the rights and freedom of others or the control of his/her property in this way is in accordance with the general interest.

**15. SECTION 17 OF THE CRIME AND DISORDER ACT 1998**

- 15.1. 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.

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meters



NOTES

All dimensions are from structure to structure unless indicated otherwise.

Elements of structure and services are indicated for coordination purposes only. For full structural and services layouts refer to Structural and Services Engineers' drawings.

Do not scale directly from the drawing. All dimensions to be checked on site prior to construction or fabrication of any elements.

Any discrepancies between figured dimensions to be reported to the architect for clarification prior to commencing work.

For legend see signature sheet 112\_C02B\_001.

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Rev	Date	Comments
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KEY :

Surrounding Buildings

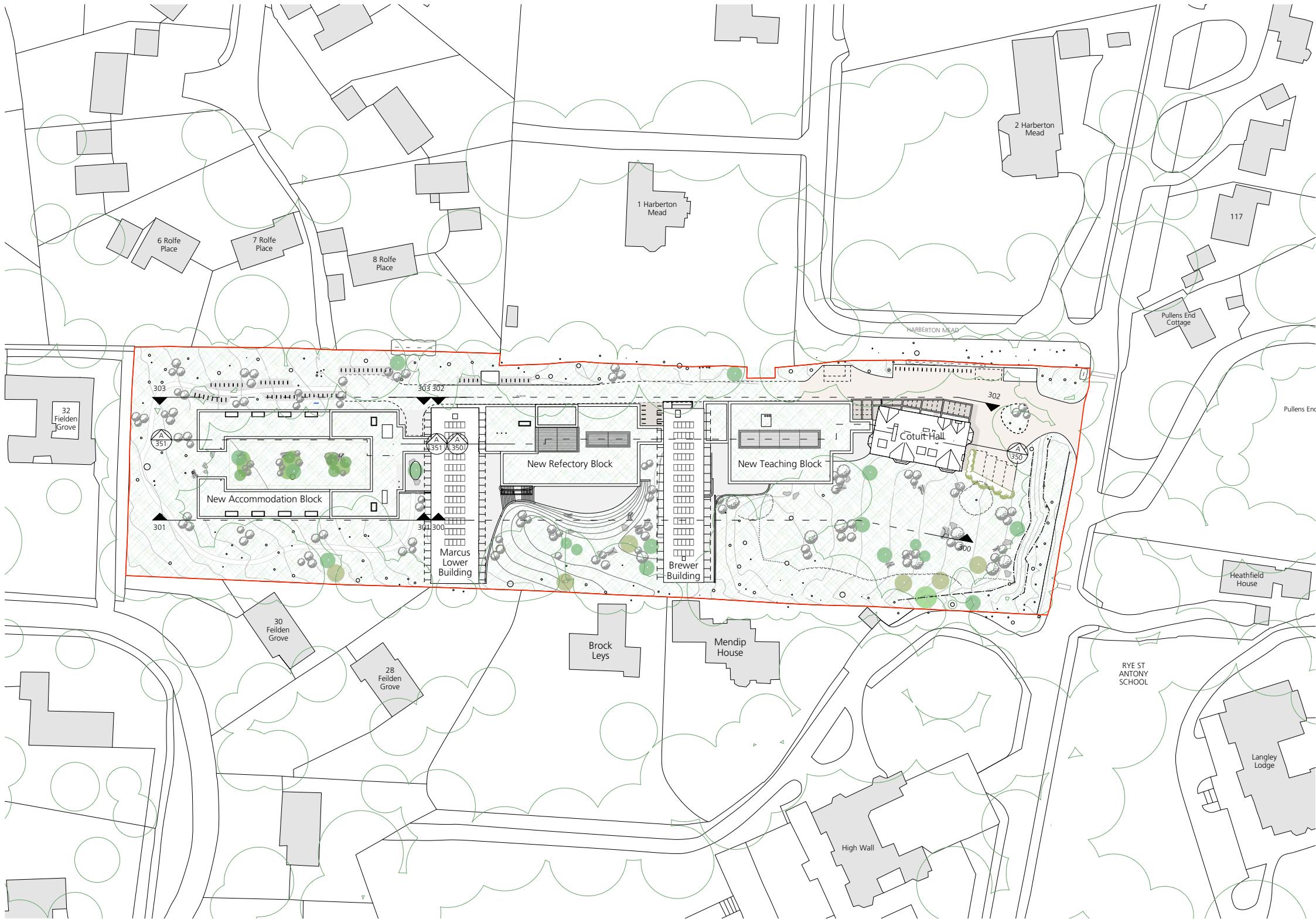
Site Boundary

**TONY FRETTON ARCHITECTS**

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Job No:	275
Project:	EF Academy, Oxford
Drawing title:	Location Plan As Existing
Scale:	1:1250 @ A1 & 1:2500 @ A3
Origination Date:	August, 2016
Status:	Planning
Drawing No :	275_PL_001
Rev	-

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NOTES

All dimensions are from structure to structure unless indicated otherwise.

Elements of structure and services are indicated for coordination purposes only. For full structural and services layouts refer to Structural and Services Engineers' drawings.

Do not scale directly from the drawing. All dimensions to be checked on site prior to construction or fabrication of any elements.

Any discrepancies between figured dimensions to be reported to the architect for clarification prior to commencing work.



For legend see signature sheet 112\_C02B\_001.

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Rev	Date	Comments
-	-	Use this section for notes on revisions

**NOTE: Drawing must be printed in colour**

KEY :

-  Surrounding Buildings
-  Site Boundary

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Job No:	275
Project:	EF Academy, Oxford
Drawing title:	Proposed Site Plan
Scale:	1:500 @ A1 & 1:1000 @ A3
Origination Date:	July, 2016
Status:	Planning
Drawing No :	275_PL_200
Rev	-

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## EAST AREA PLANNING COMMITTEE

8th November 2017

**Application Number:** 17/01834/FUL

**Decision Due by:** 18th September 2017

**Extension of Time:** 17<sup>th</sup> November 2017

**Proposal:** Erection of 2 x 2-bed dwellinghouse (Use Class C3), Provision of private amenity space, bin and cycle storage and car parking.

**Site Address:** Land Adjacent Barton Manor 7, Barton Village Road, Oxford, Oxfordshire

**Ward:** Barton And Sandhills Ward

**Case Officer** Sarah Orchard

**Agent:** Victor Brown      **Applicant:** Mr GARY SHENTON

**Reason at Committee:** Call-in by Cllrs Rowley, Fry, Malik and Kennedy.

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## 1. RECOMMENDATION

1.1. EastArea Planning Committee is recommended to:

**(a) Approve the application for the reasons given in the report and subject to the required planning conditions set out in section 12 of this report and grant planning permission.**

**(b) Agree to delegate authority to the Head of Planning, Sustainable Development and Regulatory Services to:**

1. Finalise the recommended conditions as set out in this report including such refinements, amendments, additions and/or deletions as the Head of Planning, Sustainable Development and Regulatory Services considers reasonably necessary;

## 2. EXECUTIVE SUMMARY

2.1. This report considers the erection of 2no. two bedroom dwellings with access and parking following partial demolition of a listed wall.

2.2. The key matters for assessment set out in this report include the following:

- Principle of development;
- Design;

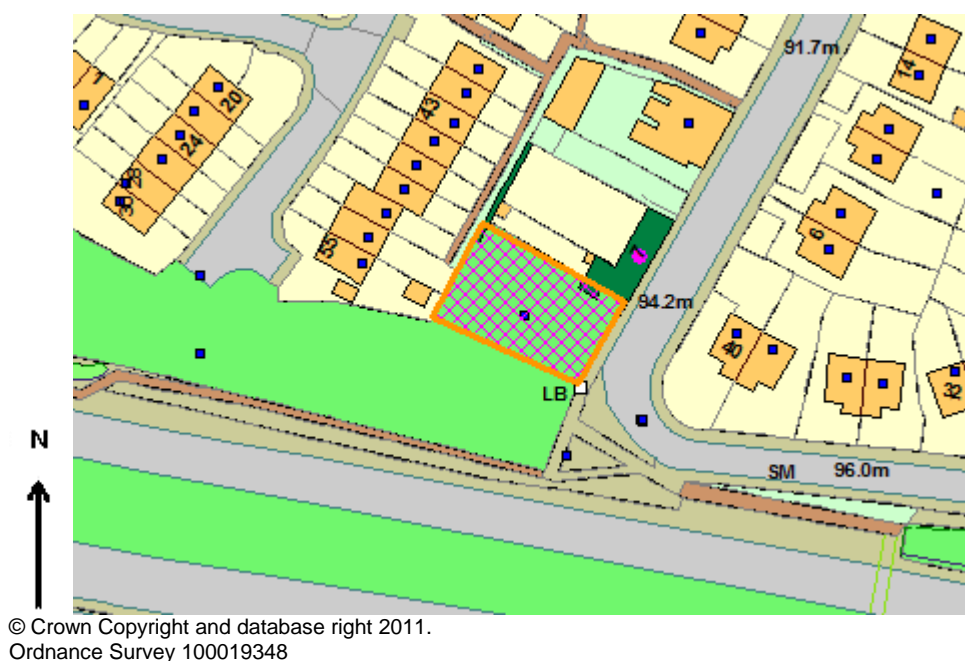
- Impact on the setting of a listed building and wall;
- Residential Amenity;
- Indoor and Outdoor Space;
- Parking and Highways;
- Noise;
- Archaeology;
- Trees;
- Drainage;

### 3. COMMUNITY INFRASTRUCTURE LEVY (CIL)

3.1. The proposal is liable for CIL.

### 4. SITE AND SURROUNDINGS

4.1. The site is located within the Barton Area of Oxford. To the south of the site is the Eastern Bypass. To the north of the application site is the Grade II listed building, 7 Barton Village Road.



### 5. PROPOSAL

5.1. The application proposes to partially demolish part of the Grade II listed garden wall to provide access and parking and erect 2no. two bedroom dwelling houses adjacent to 7 Barton Village Road.

### 6. RELEVANT PLANNING HISTORY

6.1. The table below sets out the relevant planning history for the application site:

13/00097/FUL - Erection of 1x2 bed and 2x1 bed flats including parking, cycle
---



and bin store. WDN 10th October 2013.

15/00041/FUL - Erection of a two storey building incorporating 1 x 2 bed and 2 x 1 bed flats (Use Class C3), including new access through boundary wall with provision for 3 no. parking spaces and bin and cycle stores. WDN 5th May 2015.

15/00042/LBD - Demolition of section of boundary wall fronting Barton Village Road. WDN 11th May 2015.

16/00369/FUL - Erection of 2 x 2-bed semi-detached dwellinghouses (Use Class C3) including new access through boundary wall, with provision of private amenity space and bin and cycle store. WDN 28th April 2016.

16/00370/LBD - Demolition of section of boundary wall fronting Barton Village Road in association with new access. REF 7th April 2016.

17/01835/LBC - Part removal and retention and repair of existing stone boundary wall. PER 20th October 2017.

## 7. RELEVANT PLANNING POLICY

7.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework (NPPF)	Local Plan	Core Strategy	Sites and Housing Plan	Other Planning Documents
Design	7	CP1, CP6, CP8	CS18	HP9	
Conservation/Heritage	12	HE2, HE3,			
Housing	6			HP2, HP10, HP12, HP13	
Natural Environment	9, 11, 13	CP11, NE15, NE16			
Transport	4			HP15, HP16	Parking Standards SPD
Environmental/Amenity	10, 109	CP10, CP21, CP22	CS11	HP14	

Misc	5			MP1	
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## 8. CONSULTATION RESPONSES

- 8.1. Site notices were displayed around the application site on 31st July 2017 and an advertisement was published in The Oxford Times newspaper on 3rd August 2017.

### **Statutory and Non-Statutory Consultees**

#### Oxfordshire County Council (Highways)

- 8.2. No objection subject to visibility splays being demonstrated and amendment of the Road Traffic Order to provide double yellow lines on the bend.

### **Public representations**

- 8.3. 1no. local resident commented on this application from addresses in Barton Village Road.

In summary, the general points raised were:

- This is an opportunity to improve the appearance of the area.
- The access will prevent parking on the bend in the road improving access for buses.
- No details are given of how the grass verge will be treated.

### **Officer Response**

- 8.4. The verge will not significantly change and it is not required any further details are required in relation to this.

## 9. PLANNING MATERIAL CONSIDERATIONS

- 9.1. Officers consider the determining issues to be:

- i. Principle of development;
- ii. Design/Impact on the setting of a listed building and wall;
- iii. Neighbouring amenity etc.
- iv. Indoor and Outdoor Space;
- v. Parking and Highways
- vi. Noise
- vii. Archaeology
- viii. Trees
- ix. Drainage



**i. Principle of Development**

- 9.2. Policies CS2 and HP10 support development on previously developed land and residential gardens for new housing development. The application site is formerly garden land and also has evidence of previous thatched cottages on the site, therefore in principle a residential development is acceptable on the site subject to material considerations discussed below.

**ii. Design and Impact on Character of Surrounding Area**

*The Listed Wall*

- 9.3. The proposal involves the partial removal and repair of a listed wall associated with Barton Manor. The surviving stone wall that currently bounds land lying immediately to the west of Barton Manor was originally the front wall of three buildings dating from the C14. The wall lies contiguous with the front façade of Barton Manor and is currently in the same ownership as that building which is included in the statutory list at grade II. That C14 fabric survives implies its importance. Photographic evidence suggests that the surviving wall is the remains of the front wall of a pair of thatched cottages and the front of a further, taller building that may have had some association with the public house that existed on the land to the west and north of the application site.
- 9.4. The wall is currently in a poor condition. The surviving fabric is vulnerable to acute weathering and elements of wall have been replaced with modern, concrete blocks in order to provide some stability to the structure without undertaking proper repair.
- 9.5. An application for listed building consent has already been granted to repair and rebuild a significant part of the surviving wall but to demolish part of the structure in order to enable development of the plot of land that lies behind the surviving stone wall. The repair and rebuilding of the remainder of the wall is facilitated, it is stated, by the development of the plot of land for two houses. The repaired/re-built wall is proposed in part to become the south (fronting onto Barton Village Road) façade of the two proposed dwellings.
- 9.6. The surviving wall fabric is significant. It has both evidential and historic value, evidential in the surviving fabric and the method of construction and historic in that it contributes to our understanding of place and how it has evolved and changed over time.
- 9.7. The loss of a portion of surviving fabric is regrettable and this will be harmful to the significance of the whole structure. This harm, however has been balanced against the benefits that will clearly result from the proper repair of the remainder of the wall and the secured future of the structure as part of new buildings.

*The New Dwellings*

- 9.8. The proposed dwellings are designed as subservient structures to the main

house, Barton Manor. From the road the dwellings are built into the listed wall enabling its repair. The low eaves ensure they do not appear as overly dominant features in the streetscene and respect the eaves height of the side projection to Barton Manor. The side elevations are designed with natural stone to match that of the Listed Wall. To the rear two red brick gable projections extend from the rear of the properties to read as later additions. The dormers to the front respect the scale and proportions of those in Barton Manor and sit comfortably on the roofslope as subservient additions.

- 9.9. In order to respect the setting of the adjoining listed building, samples and sample panels of the materials to be used are requested by condition to ensure they are of a suitable quality and appearance.

**iii. Impact on Neighbouring Amenity**

- 9.10. The proposed dwellings sit adjacent to Barton Manor. Whilst they project beyond the rear elevation of this property by approximately 5 metres, a courtyard separates the new dwellings from Barton Manor. The rear projections to the proposed dwellings have also been kept as low as possible and slope away from the boundary.
- 9.11. Properties to the rear are located over 20 metres away and side windows facing towards to garden of Barton Manor are to be obscurely glazed therefore the proposal is not considered to cause a detrimental loss of privacy to neighbouring occupiers.

**iv. Indoor and Outdoor Space**

- 9.12. In order to comply with national space standards each dwelling is required to have an internal floorspace of at least 70m<sup>2</sup> providing a double and a single bedroom suitable for 3 occupants. The application proposes an internal floorspace of 77m<sup>2</sup> in line with this standard and is clearly laid out as a double and a single bedroom.
- 9.13. The properties also have their own private entrances, outlook over private amenity space and natural light to the rooms rear garden garden. Furthermore the proposal also retains an adequately sized rear garden for Barton Manor. Details of the proposed bin storage has also been provided, is away from the streetscene and a condition can ensure that this storage is implemented prior to occupation to meet the requirements of policy HP13 of the Sites and Housing Plan.
- 9.14. Policy HP2 relates to accessible and adaptable homes. This has now been superseded by Part M of Building Regulations. The proposal is considered to comply with the Lifetime Homes standards. The proposed dwelling has adequate access to the property, adequate doorways and circulation space, a bathroom at ground floor and the home could be adapted in the future. The proposed dwelling therefore complies with policy HP2 of the Sites and Housing Plan. A condition could also be attached to ensure that the development shall be designed and constructed in accordance with M4 (2) Category 2 of Part M of the

Building Regulations (the nearest equivalent for the requirement of a new single dwelling in relation to policy HP2).

**v. Parking and Highways**

- 9.15. The County Council does not object to the principle of the proposed development which will result in the addition of two 2-bed dwellings. However, the County Council required further information to provide comments on the planning application.
- 9.16. The Design and Access Statement states that the access can achieve visibility splays of 2.4 x 25 metres which is appropriate for the posted speed limit of 20mph. A plan showing the visibility splays that can be achieved was then provided as the request of the Local Highway Authority and found to be acceptable.
- 9.17. The proposal seeks to provide two cycle parking spaces, which are covered and secure, per dwelling which meets the requirements of Policy HP15 of the Sites and Housing Plan.
- 9.9 The Sites and Housing Plan also sets out the car parking standards which require the provision of two spaces per 2 bed dwelling. The application sets out that two off-street parking spaces will be provided for the development, equalling one space per dwelling. This provision is below the maximum and recommended standard set out in the Sites and Housing Plan. Whilst the site is not located within a CPZ and therefore the potential for overspill on-street parking cannot be restricted, the site is however also located on a relatively tight bend in the road which is on a frequent bus route. Additional overspill parking in this area could obstruct buses passing through this bend. Therefore, The Local Highway Authority request that if the Local Planning Authority be minded to grant planning permission, funding of £3,000 towards a Traffic Regulation Order for Double Yellow Lines in the vicinity of the site would be required in order to mitigate against this impact.

**vi. Noise**

- 9.18. The location of this proposal is approximately 25m from the eastbound carriageway of the A40. Defra noise mapping data obtained in accordance with the Environmental Noise Directive predicts road traffic noise levels to be within the 65.0-69.9 dB Lden noise contour. Speed limit changes made since the currently available data was produced may have reduced the actual level slightly but noise levels would still be expected to exceed acceptable limits.
- 9.19. The National Planning Policy Framework NPPF) of 2012 states that “...109... *The planning system should contribute to and enhance the local environment by.....preventing new....development from...being put at unacceptable risk from, or being adversely affected by unacceptable levels of noise pollution*”.
- 9.20. In addition, the current Oxford City Local Plan Core Policy CP19 includes the statement that “*Planning permission will not be granted for residential*

*development where the future occupiers would be likely to suffer from substantial nuisance from noise...unless adequate protective measures can be implemented before the development is occupied”.*

- 9.21. A Noise Impact Assessment Report was requested and submitted by ATSPACE Ltd. The Report has correctly identified the main impacts, guidance standards and some appropriate mitigation measures for the properties in question. It uses measurement survey data for current road traffic flows over a suitable time sample in order to predict mitigated and unmitigated noise levels at the properties.
- 9.22. The conclusions of the report are that, provided its guidance on building and materials is followed, indoor noise levels will be achieved which are within good design standard specifications.
- 9.23. For external amenity areas the report correctly states that similar design standards cannot be met. A quote from the design standard BS8233:2014 has been provided and refers to situations where development is desirable but the recommended external standard for amenity areas cannot be met. The entire quote is relevant, but a specific part of it states that *“In such a situation, development should be designed to achieve the lowest practicable levels in these external amenity spaces, but should not be prohibited”*. The report includes a partial mitigation measure in the form of a 2m high solid barrier/fence (min mass 20kg/m<sup>2</sup>) along the southern boundary facing North Way.
- 9.24. The development is therefore considered acceptable subject to a condition requesting a scheme of noise insulation in the interests of the health and wellbeing of occupiers of the proposed dwellings, in accordance with policy CP21 of the Oxford Local Plan.

#### **vii. Archaeology**

- 9.25. There is good reason to believe that these applications will affect important archaeological remains because the site is located within the historic core of Barton, adjacent to the 17th century grade II listed Barton Manor. The evolution of the hamlet of Barton is poorly understood. In 1931 a series of early-Saxon finds and features were identified approximately 40m to the west of this site, including an inhumation burial retrieved at the bottom of a possible sunken featured building (OHER No.3802). The earliest reference to the medieval hamlet of Barton dates to 1246 by which time it is already referred to as ‘Old Barton’ (VCH v: 158). The Hundred Rolls of 1279 record eleven households in the hamlet. Two cottages of post-medieval character and a stone built structure of unknown function are known to have occupied the street frontage of this plot until the mid-1950s at least and structures associated with Halls Brewery may also have occupied part of the site in the 20th century.
- 9.26. A desk based assessment and an addendum assessing the archaeological interest of this site and the heritage interest of the street frontage stone wall has been submitted by John Moore Heritage Services (October 2013 and November

2013). The assessment notes the potential for Saxon, medieval and post-medieval archaeology in this location and the addendum identifies the surviving frontage wall of this property as the standing remains of likely 17th century date, including the front walls of now demolished cottages. A further possible late medieval wall forms the western boundary of the plot, which is not affected by this application.

- 9.27. It is noted that the current proposal involves the retention of the best preserved section of post-medieval street frontage wall that includes readable features (i.e. window jambs) from one of the original cottages. This is a very welcome development. Furthermore it is understood from the applicant's submission that the possible late medieval section of wall will not be impacted by this development. Nevertheless the overall impact of any development in this plot on the setting of the listed building requires careful consideration given the denuded character of the historic environment in historic Barton and the desirability of sustaining and enhancing the significance of the heritage assets that remain. The application site is a sensitive location within the former historic village where the tree cover, historic wall and open space adjacent to the listed structure make a contribution to its setting.
- 9.28. The National Planning Policy Framework 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 local planning authorities should require developers 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.
- 9.29. In this case, bearing in mind the scale of the proposed works and current site constraints, it is requested that, in line with the advice in the National Planning Policy Framework, any consent granted for this development should be subject to a condition requesting a written scheme of investigation (WSI) because the development may have a damaging effect on known or suspected elements of the historic environment of the people of Oxford and their visitors, including Saxon, medieval and post-medieval remains (Local Plan Policy HE.2).

#### **viii. Trees**

- 9.30. The site lies to the south of the existing Barton Manor, and consists of an over grown plot in the ruins of a former building. The site is bounded on the south side by another derelict plot covered by natural regeneration. Modern housing is established to the west. From the Barton Village Road the boundary is green in summer and reasonably attractive due to the canopy cover of self-seeded native trees and shrubs, goat willow and hawthorn. However none of the trees are of good quality such that they should be regarded as constraints upon development. The proposal involves loss of all the trees on the site, however

none of these are of sufficient quality to be regarded as constraints. It is therefore considered that the proposal is acceptable in reference to adopted Local Plan Policies related to design, trees and landscape CP1,a,e,g,,NE15, NE16.

**ix. Drainage**

*Flooding*

- 9.31. The proposed development is located within Flood Zone 1 according to the Environment Agency's Flood Maps. Furthermore the Environment Agency's Surface Flood Mapping does not indicate the development as being in an area subject to surface water flooding.

*Sustainable Drainage*

- 9.32. Considering the potential increase in impermeable area (approximately 272m<sup>2</sup>) it is expected that the site has the potential to create significant increase in rainfall runoff and potential drainage issue. However, the proposed dwellings to be located onsite are modest (approximate foot print of 91m<sup>2</sup>), with the bulk of the impermeable area (approximately 181m<sup>2</sup>) being outbuildings, patio and access drive.
- 9.33. The Design and Access Statement provides the following in regards to drainage; *"Permeable paving to the driveway and forecourt areas will prevent run-off to the highway and to retain rainwater to the site. It is anticipated that rainwater will be diverted to soakaways but rainwater butts will be provided."* However no drainage plans or other details have been submitted.
- 9.34. Considering the scale and layout of the proposal, the potential for the proposed development to increase rainfall runoff and the available site area it is recommended that a condition be included within the planning consent. The condition will be required to ensure the submission of details of a sustainable drainage strategy prior to commencement, to ensure compliance with policy CS11 of the Core Strategy.

**10. CONCLUSION**

- 10.1. It is recommended that the Committee resolve to grant planning permission for the development proposed for the reasons set out in above and subject to the conditions set out below

**11. CONDITIONS**

- 1 The development to which this permission relates must be begun not later than the expiration of three years from the date of this permission.

Reason: In accordance with Section 91(1) of the Town and Country Planning Act 1990 as amended by the Planning Compulsory Purchase Act 2004.

- 2 The development permitted shall be constructed in complete accordance with the specifications in the application and approved plans listed below, unless otherwise agreed in writing by the local planning authority.

Reason: To avoid doubt and to ensure an acceptable development as indicated on the submitted drawings in accordance with policy CP1 of the Oxford Local Plan 2001-2016.

- 3 Samples of the exterior materials to be used shall be submitted to, and approved in writing by, the Local Planning Authority before the start of work on the site and only the approved materials shall be used.

Reason: In the interests of visual amenity in accordance with policies CP1 and CP8 of the Adopted Oxford Local Plan 2001-2016.

- 4 Sample panels of stonework/brickwork demonstrating the colour, texture, face bond and pointing shall be erected on site and approved in writing by the Local Planning Authority before relevant parts of the work are commenced. The development shall be completed in accordance with the approved details.

Reason: To ensure a sympathetic appearance for the new work and in the interest of the special character of the area and/or building, in accordance with policies CP1, CP8, HE3 and HE7 of the Adopted Oxford Local Plan 2001-2016 and policy CS18 of the Oxford Core Strategy 2026.

- 5 Prior to the installation of the vehicular access gates, details shall be submitted to and approved in writing by the local planning authority.

Reason: In the interest of the setting of Barton Manor in accordance with policy HE3 of the Oxford Local Plan.

- 6 The units hereby approved as shown on approved plans shall achieve compliance with optional requirement M4(2) of the building regulations and none of the specified units shall be occupied until Building Regulations approval has been issued certifying that these criteria have been achieved.

Reason - To ensure satisfactory provision for people with disabilities and meet the changing needs of households in accordance with development plan policies in particular policy HP2 of the Oxford Local Plan.

- 7 Prior to the occupation of the dwellings the parking bays and driveway shall be laid out in accordance with the approved plans and retained for this purpose thereafter.

Reason: In the interests of retaining off-road parking in accordance with policy HP16 of the Sites and Housing Plan.

- 8 Occupation of the development shall not commence before a scheme of noise insulation has been submitted approved and implemented to the satisfaction

of the Local Planning Authority, The Scheme shall refer to the Noise Impact Assessment Report by ATSPACE Ltd dated 11/10/2017 and shall achieve at least the levels of mitigation recommended within that Report.

Reason: In the interests of the health and wellbeing of occupiers of the proposed dwellings, in accordance with Policies CP19 and CP21

- 9 No development shall commence until a written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and
- The programme and methodology of site investigation and recording (including trial trenching followed by further mitigation if required) and the nomination of a competent person(s) or organisation to undertake the agreed works
  - The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI

Reason: Because the development may have a damaging effect on known or suspected elements of the historic environment of the people of Oxford and their visitors, including Saxon, medieval and post-medieval remains (Local Plan Policy HE.2).

- 10 Prior to the commencement of development, plans, calculations and drainage details to show how surface water will be dealt with on-site through the use of sustainable drainage methods (SuDS) shall be submitted to and approved in writing by the Local Planning Authority. The plans, calculations and drainage details will be required to be completed by a suitably qualified and experienced person in the field of hydrology and hydraulics. The plans, calculations and drainage details submitted shall demonstrate that;
- I. The drainage system is to be designed to control surface water runoff for all rainfall up to a 1 in 100 year storm event.
- II. The rate at which surface water is discharged from the site may vary with the severity of the storm event but must not exceed the greenfield runoff rate for a given storm event.
- III. Excess surface water runoff must be stored on site and released to receiving system at greenfield rates.
- IV. Permeable paving is to be utilised within the patio and access drive areas. Prior to the occupation of the development the drainage infrastructure shall be constructed in accordance with the approved details and thereafter retained and maintained.

Reason: To ensure compliance with Policy CS11 of the Oxford Core Strategy 2011-2026.

## 12. APPENDICES



## **Appendix 1 – Proposed Block Plan**

### **13. HUMAN RIGHTS ACT 1998**

- 13.1. Officers have considered the implications of the Human Rights Act 1998 in reaching a recommendation to grant this application. They consider that the interference with the human rights of the applicant under Article 8/Article 1 of Protocol 1 is justifiable and proportionate for the protection of the rights and freedom of others or the control of his/her property in this way is in accordance with the general interest.

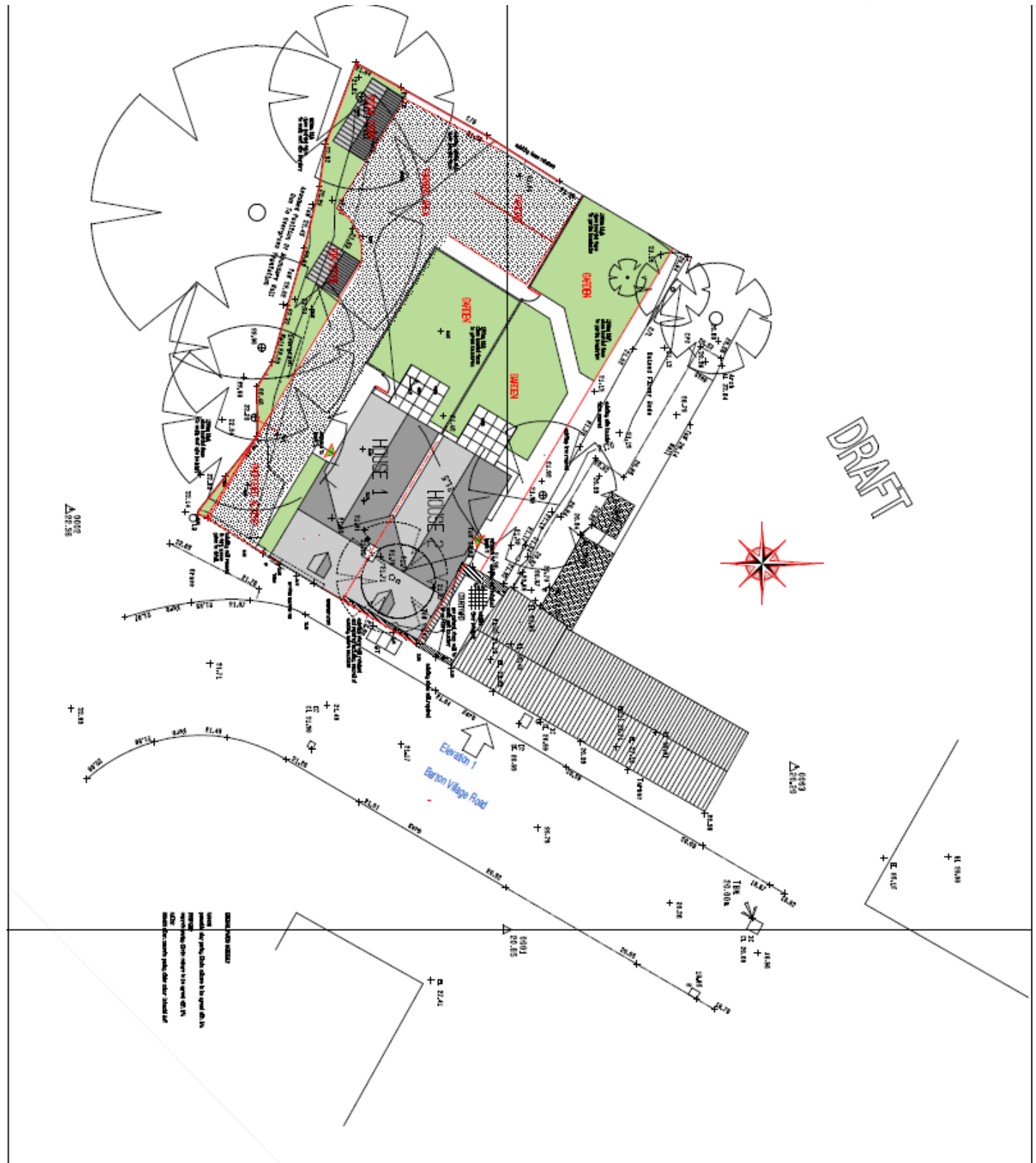
### **14. SECTION 17 OF THE CRIME AND DISORDER ACT 1998**

- 14.1. 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.

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# Appendix 1

## 17/01834/FUL - Land Adjacent Barton Manor 7





## EAST AREA PLANNING COMMITTEE

**Application Number:** 17/02011/FUL

**Decision Due by:** 11th October 2017

**Extension of Time:** 17<sup>th</sup> November 2017

**Proposal:** Demolition of existing dwellinghouse. Erection of three storey building to create 1 x 2-bed flat and 4 x 3-bed flats (Use Class C3). Erection of 2 x 4-bed dwellinghouses (Use Class C3). Provision vehicle access from Rose Hill, car parking, private amenity space, and bin and cycle store. (Amended plans)

**Site Address:** 109 Rose Hill, Oxford, OX4 4HT,

**Ward:** Rose Hill And Iffley Ward

**Case Officer** Hayley Jeffery

**Agent:** Mr Umair Waheed (RIBA) **Applicant:** Mr Francis Blake Rich

**Reason at Committee:** The proposed number of new residential units is over 5

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## 1. RECOMMENDATION

1.1. East Area Planning Committee is recommended to:

**(a) Refuse the application for the reasons given in the report and set out below:**

1. The proposals due to the amount of development and the scale, layout and detailed design would be wholly out of keeping with the surroundings and result in a cramped and overdeveloped form. The proposals would significantly detract from the character and appearance of the locality, contrary to policies CP1, CP6 and CP8 of the Oxford Local Plan, CS2 and CS18 of the Core Strategy and HP9 of the Sites and Housing Plan.
2. The proposed development would have a significant adverse impact upon the amenities of neighbouring properties. The proposals would unacceptably overlook and reduce the privacy of nos. 105 and 111 Rose Hill, be overbearing, overshadow and create undue noise and disturbance. The proposals would therefore be contrary to policies CP19 and CP21 of the Oxford Local Plan and HP14 of the Sites and Housing Plan.
3. The application has not shown that adequate car parking could be provided on site in terms of the number of spaces as well as the dimensions of those spaces proposed. The proposals have therefore failed to demonstrate that additional pressure for on street car parking would not be created, in a locality

which consists of a main radial route where on street parking would be unacceptable and cannot be controlled on nearby side roads either. The proposals would therefore have the potential to cause obstruction, danger and inconvenience to other highway users, contrary to policy HP16 of the Sites and Housing Plan.

4. The application has not shown that sufficient cycle parking/storage can be provided on site, contrary to policy TR4 of the Oxford Local Plan and HP15 of the Sites and Housing Plan.
5. The proposals have failed to demonstrate that there is adequate space for a fire vehicle to safely enter and exit the site in a forward gear or that adequate pedestrian and vehicle visibility splays can be provided, contrary to policy TR4, CP1 and CP10 of the Oxford Local Plan.
6. The application fails to provide any contribution to affordable housing and no evidence has been provided to indicate that a financial contribution towards affordable housing would make the scheme unviable. As a result, the development fails to provide an appropriate mix of housing nor contribute to the wider housing needs of the City, and is contrary to Policy HP4 of the Sites and Housing Plan (2013) and Policy CS24 of the Core Strategy (2011).

## **2. EXECUTIVE SUMMARY**

- 2.1. This report considers the demolition of the existing dwelling and its replacement with a block of 5 flats and a pair of semi detached dwellings.
- 2.2. The key matters for assessment set out in this report include the following:
  - Principle of development;
  - Design;
  - Impact on Neighbouring Amenity;
  - Indoor and Outdoor Space;
  - Transport;
  - Flooding and Drainage
- 2.3. The development is considered to have a significant detrimental impact upon the character and appearance of the locality as well as neighbouring amenity. The application has also failed to demonstrate that there would be adequate car provision, cycle parking, fire vehicle access and pedestrian and vehicle visibility splays. The proposals would therefore be contrary to policies CP1, CP6, CP8, CP19 and CP21 of the Oxford Local Plan, CS2 and CS18 of the Core Strategy and HP9, HP14, HP15 and HP16 of the Sites and Housing Plan. The scheme also fails to contribute towards affordable housing provision within the city, contrary to policies HP4 of the Sites and Housing Plan and CS24 of the Core Strategy.

## **3. LEGAL AGREEMENT**

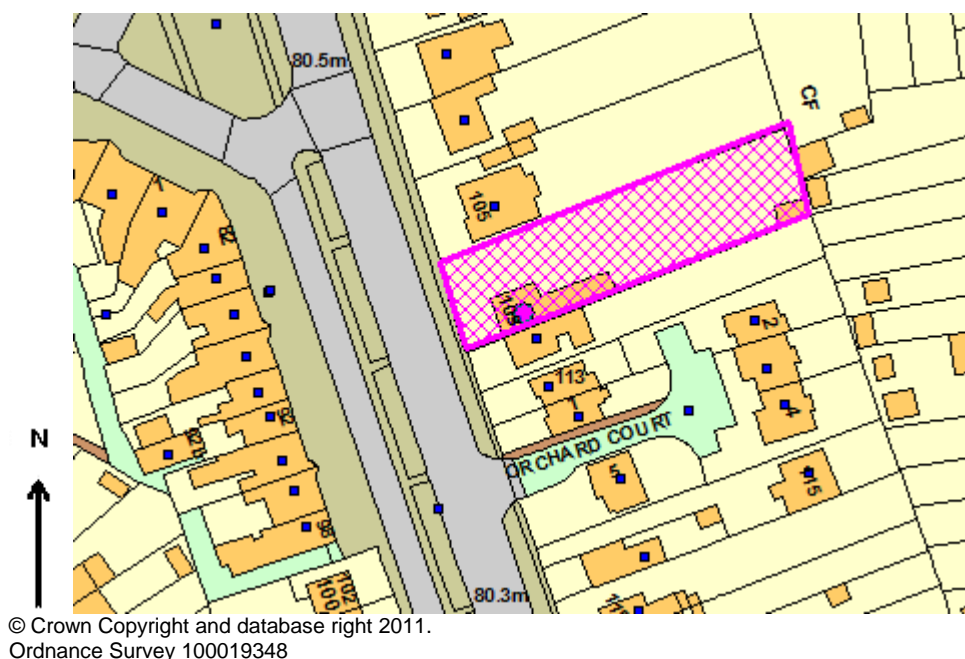
- 3.1. This application is not subject to a legal agreement.

## **4. COMMUNITY INFRASTRUCTURE LEVY (CIL)**

4.1. The proposal is liable for CIL.

## 5. SITE AND SURROUNDINGS

- 5.1. The site is located on the eastern side of Rose Hill. The site comprises a two storey Victorian semi-detached dwelling. It is constructed of red brick under a slate roof. It has a bay window to the front and canopy over the front door as well as a two storey gable wing to the rear (shared with the attached semi no. 111) and single storey lean-to extensions to the rear of this. There is a generous curtilage to the rear and side. Further residential properties flank the site with the main highway of Rose Hill to the front/west and the parade of retail, commercial and take away uses opposite forming the district centre of Rose Hill.
- 5.2. A site location plan is shown below. A more detailed block plan of the proposed scheme is attached as Appendix 1.



## 6. PROPOSAL

- 6.1. The application seeks full planning permission for the demolition of the existing semi-detached dwelling and erection of a total of 7 residential units. Five of these units would be provided as flats (1 x two bed, 4 x three bed) within a three storey building to the front. A further two units (both four bedroom) in the form of a pair of semi-detached properties would be provided to the rear of the site. There would also be provision for vehicular access off Rose Hill, car parking, amenity space, bin and cycle stores.
- 6.2. The proposed three storey flat building to the front would have overall dimensions of 29.2m in depth, 9.4m in width (at the widest point) and height of 7.5m to the eaves and 9.05m to the highest part of the ridge.
- 6.3. The pair of semi-detached dwellings would have overall dimensions of 9.1m in depth, 11.5m in width and height of 7.5m to the eaves and 8.85m to the ridge.

- 6.4. The access road would utilise the existing access to the site and a shared surface would be provided which would run along the southern boundary to the proposed semi-detached dwellings and car parking at the rear. A total of 7 car parking spaces would be provided, two to the northern side of the frontage and a further five to the rear of the flat block, in front of the pair of semis. Cycle parking for the flats is shown as well as adjacent to each dwelling. Two bin stores are shown, one to the southern side of the frontage and another more centrally within the site.

## 7. RELEVANT PLANNING HISTORY

- 7.1. The table below sets out the relevant planning history for the application site:

08/00152/FUL - Demolition of side extension. Erection of single storey 1 bed dwelling to side and terrace of 3 houses (2x2, 1x3 bed) at rear. Parking for cars (together with 1 space for existing house) and alterations to vehicular access.. REF 25th March 2009.

## 8. RELEVANT PLANNING POLICY

- 8.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework (NPPF)	Local Plan	Core Strategy	Sites and Housing Plan	Other Planning Documents
<b>Design</b>	7	CP1, CP8, CP9	CS18	HP9	
<b>Housing</b>	6	CP6, CP10	CS23	HP4, HP8, HP10, HP12, HP13, HP14	Balance of Dwellings SPD, Affordable Housing and Planning Obligations SPD, Space Standards TAN
<b>Natural Environment</b>	9, 11, 13	CP11, CP18, NE12, NE14, NE15, NE20, NE21	CS2, CS9, CS11, CS12	HP11	Natural Resource Impact Analysis SPD



Transport	4	TR.1, TR.2, TR.6, TR.12, TR.13, TR.14	CS13	HP15, HP16	Parking Standards SPD
Environmental	10	CP.20, CP.21, CP.22, CP.23	CS11		Energy Statement TAN
Misc	5, 17			MP1	

## 9. CONSULTATION RESPONSES

- 9.1. Site notices were displayed around the application site on 29<sup>th</sup> August 2017.

### **Statutory and Non-Statutory Consultees**

#### Flood Mitigation Officer

- 9.2. No objections subject to conditions.

#### Contaminated Land

- 9.3. Residential dwellings are considered to be sensitive uses. The risk of any significant contamination being present on the site is low. However, it is the developer's responsibility to ensure that the site is suitable for the proposed use. Recommend that an informative regarding unexpected contamination.

#### Natural England

- 9.4. No comments to make

#### County Highways

- 9.5. Object due to number and dimensions of car parking spaces proposed, insufficient cycle parking/storage and failure to demonstrate that adequate pedestrian and vehicle visibility splays can be provided and that fire vehicles can safely enter and exit the site.

### **Public representations**

- 9.6. One person commented on this application from 150 Rose Hill.

The Rose Hill Tenants and Residents Association also commented.

In summary, the main points of objection were:

- Effect on character of the area and height of the building – it is too modern for

- the area, would clash with conventionally built development;
- Effect on traffic and parking – cycle and car parking proposed is inadequate for number and size of dwellings which is unacceptable on a main route and close to main junctions;
- Problems already along Ashurst slip way preventing residents parking outside their homes and if only one car parking space per unit is provided for the proposals, this would be exacerbated;
- Support objections from County Highways in respect of access for emergency vehicles;
- Lack of access for refuse vehicles would mean bins lined up along frontage which would look unsightly and restrict access to neighbouring properties;
- Amount of development on site – completely out of character and an overdevelopment of the site;
- Effect on privacy – would overlook remaining attached semi.

### **Officer Response**

9.7. The above issues are dealt with in detail below.

## **10. PLANNING MATERIAL CONSIDERATIONS**

10.1. Officers consider the determining issues to be:

- i. Principle of development;
- ii. Design;
- iii. Impact on Neighbouring Amenity;
- iv. Indoor and Outdoor Space
- v. Transport;
- vi. Affordable Housing
- vii. Flooding and Drainage;

### **i. Principle of Development**

10.2. It must be considered that the site is not previously developed land due to its use as garden land and its environmental value must be assessed as part of any development proposals. Residential garden land is not defined as previously developed land as set out in the National Planning Policy Framework (NPPF). However, in the scope of the Council's adopted planning policies, specifically Policy CP6 of the Oxford Local Plan 2001-2016 and Policies HP9 and HP10 of the Sites and Housing Plan (2013) there is scope to accept the principle of development on garden land where the size of the plot to be developed is of appropriate dimensions to accommodate the proposal, taking into account the minimum requirements for living conditions set out in Policies HP12, HP13 and HP14. In this case the site forms side and rear garden and there is the potential to make more efficient use of land subject to a detailed assessment below.

### **ii. Design and Impact on Character of Surrounding Area**

10.3. The NPPF requires that local authorities seek high quality design and a good standard of amenity for all existing and future occupants of land and buildings. It

suggests that opportunities should be taken through the design of new development to improve the character and quality of an area and the way it functions. Policies CP1, CP6 and CP8 of the Oxford Local Plan, together with Policy CS18 of the Core Strategy and Policies HP9, HP13 and HP14 of the Sites and Housing Plan in combination require that development proposals incorporate high standards of design and respect local character.

- 10.4. The proposals would be wholly out of keeping with the surrounding area and represent a vast overdevelopment of the site.
- 10.5. In terms of the layout of the surroundings, the predominant form is dwellings fronting the highway of Rose Hill. There are some isolated cases of development set towards the rear, in the form of Orchard Court to the south so development to the rear may not be unacceptable. However this would need to be carefully designed and respectful of the surroundings which will be explored in more detail below.
- 10.6. With regard to the detailed design, the proportions, height and depth, particularly of the flatted building to the front would in no way be respectful of the locality. Dwellings and flats in the area are two storey in their form, with traditional span depths and pitched roofs with only limited examples of accommodation being provided in the roof space. The proposals on the other hand would provide three floors of accommodation with an incredibly shallow roof, large expanses of which would be flat in nature and not a true pitch. Whilst this is no doubt in an attempt to restrict the height the proposals, it would still result in a building taller than either of its neighbours. The semi-detached dwellings to the rear would follow this design and for the same reasons be out of keeping.
- 10.7. A 29m deep building as proposed for the flats would be wholly uncharacteristic of the area and this depth would certainly be apparent from the street scene as views would be gained along either side of the building. When viewed from the south, the south eastern side elevation would contain little relief with only one break in the roofline and a small number of windows and minor change in materials.
- 10.8. The site would be dominated by buildings and hardsurfacing providing the access way and car parking. There would be little opportunity for landscaping. More importantly, there would be extremely limited outdoor amenity space provided with the semi-detached dwellings to the rear sitting only 2-3m away from the rear boundary. While there are limited examples of dwellings sitting in similar positions i.e. to the rear of frontage development as described above at Orchard Court, these have adequate rear gardens and on plot parking to the front. The proposals would (and could) not follow this pattern due to the size of the site and amount of development proposed and would appear dense and cramped as a consequence.
- 10.9. Overall it is considered that the proposals for the above reasons would significantly detract from the character and appearance of the area, contrary to policies CP1, CP6 and CP8 of the Oxford Local Plan, CS2 and CS18 of the Core

Strategy and HP9 of the Sites and Housing Plan.

**iii. Impact on Neighbouring Amenity**

**Privacy**

- 10.10. Policy HP14 of the Sites and Housing Plan states that planning permission will only be granted for residential development which provides reasonable privacy and daylight to existing and new homes with reference also to overlooking, orientation of windows, overbearing, overshadowing and 45 degree rules.
- 10.11. No. 105 Rose Hill lies to the north. This is a two storey property with single storey rear extensions. The proposed flats would have balconies to the side (north western elevation) that would completely overlook this property and the garden. Given the location of the balconies, they would overlook the area immediately to the rear of no. 105 where a high degree of privacy is expected. This would be severely compromised.
- 10.12. The retained semi, no. 111 lies to the south. The windows proposed to the south eastern elevation of the flats are generally to stairwells or bathrooms which would not reduce privacy. One bedroom window is shown at first floor on the floor plans provided but appears to have been omitted from the elevations. Nonetheless this window, is set further back and at 5.8m from the shared boundary would not significantly overlook or reduce privacy.
- 10.13. The proposed semi-detached dwellings being sited to the rear would be 30m from the rear elevations of nos. 105 and 111. However given their height and location of balconies on the second floor, while there may not be direct overlooking, there would certainly be a perception of overlooking and reduction in privacy.

**Overbearing**

- 10.14. The proposals would overbear and overshadow no. 105. The rear portion of the proposed flat building would be sited only 1m from the shared boundary and extend over 8m beyond the rear elevation of the single storey extensions at 105 and over 10.5m beyond the first floor. The building would be sited to the south of no. 105, with an overall depth of 29.2m and height of 9m. This would cast a significant shadow from late morning onwards. For the same reasons, the proposed flats would also affect the outlook from the rear windows at no. 105.
- 10.15. The proposed flat building would be located 4.8m to the north of no. 111. Due to the building being offset and positioned to the north, it is unlikely to significantly overbear or overshadow no. 111.
- 10.16. Given the semi-detached properties would not be as deep as the flat block and given their location to the rear, it could not be argued that would unduly overshadow or overbear no. 105 and 111.

### Noise/disturbance

- 10.17. Policies CP19 and CP21 state that planning permission will be refused for development which causes unacceptable nuisance and noise respectively.
- 10.18. For both of the flanking properties, there would be considerable noise and disturbance created. For no. 105, the proposed car parking spaces would be adjacent to the shared boundary. For no. 111, the proposed bin stores would be sited immediately adjacent to the shared boundary along with the proposed access way. Therefore significant movements would be experienced as well as noise from people using the bin stores and car parking spaces, thus creating a high and unacceptable level of disturbance for both of the flanking properties, particularly when compared to the existing situation. It is acknowledged that Orchard Court lies to the south of no. 111 but the car parking and bin stores for these do not lie immediately adjacent to the boundary and their frontages do not have the same relationship with no. 111 as the proposals.
- 10.19. Taking all of the above into account, it is considered that the proposals would have a significant adverse impact upon the amenities of the neighbouring properties, contrary to policy HP14 of the SHP and CP19 and CP21 of the Oxford Local Plan.

### **iv. Transport**

#### Access

- 10.20. The plans show that the existing access will be utilised in the proposals. County Highways object on the basis that pedestrian visibility splays have not been shown and as the proposals represent an intensification in use, vehicle visibility splays of 2.4m x 43m will be required.

#### Cycle Parking

- 10.21. A total of 14 cycle spaces are proposed whereas under policy HP15 of the Sites and Housing Plan, a minimum of 20 spaces would be required in total for the number and size of the units proposed. Additional cycle parking is also encouraged for visitors. Cycle parking should be undercover, enclosed and secure.

#### Car Parking

- 10.22. One car parking space is proposed per property, providing a total of 7. The disabled space shown is of adequate dimensions but the remaining spaces fall short of the County Council's requirements. Furthermore one space per property is considered inadequate and below the recommended standard for 2, 3 and 4 bedroom properties. This is likely to lead to vehicles parking on Rose Hill which, given it comprises a main radial route, would be unacceptable. Nearby side roads are not subject to Controlled Parking Zones (CPZ) and any additional demand for on street car parking could not therefore be controlled either.

### Refuse, Delivery and Servicing Arrangements

- 10.23. County Highways have raised concern in respect of fire vehicle access as such a vehicle should not reverse more than 20m. Therefore a swept path analysis will be required in order to demonstrate that this can be avoided and fire vehicles can enter and exit the site in a forward gear.
- 10.24. Bin storage is located close to the flats and dwellings to the rear. The Design and Access Statement advises that it will be the responsibility of the occupants to pull the bins closer to the road so they can be collected easily.
- 10.25. Therefore with respect to transport issues it is considered that the application has failed to demonstrate that adequate car and cycle parking can be provided on site as well as fire vehicle access and vehicle and pedestrian visibility splays, contrary to policies TR4, CP1 and CP10 of the Oxford Local Plan and HP15 and HP16 of the Sites and Housing Plan.

### **v. Indoor and Outdoor Space**

- 10.26. In terms of indoor space, policy HP12 of the Sites and Housing Plan states that 39m<sup>2</sup> of internal space is required for a single dwelling. This requirement has now been updated by the Nationally Described Space Standard. The proposed units meet the relevant standards with respect to gross internal floor space, storage and room dimensions in accordance with policy HP12 of the Sites and Housing Plan.
- 10.27. Policy HP13 states that planning permission will only be granted for new dwellings that have direct and convenient access to an area of private amenity space. Flats 1 and 2 have direct access to a terrace and garden area at ground floor which would provide the occupants of these flats with adequate outdoor space. However the remaining flats only have access to balconies. While it is acknowledged that multiple balconies are proposed, none of them meet the requirement of 1.5m in depth. The balconies proposed measure between 0.8-0.9m in depth which would not provide useable space as policy HP13 requires. Indeed balconies of such a depth would almost be impossible for the average person to sit, facing outwards comfortably. The balconies proposed would not provide space for tables, chairs and space for drying clothes plus reasonable circulation space as the preamble to the policy sets out. With regard to the dwellings proposed, these would have limited garden areas, particularly when compared to the size of the dwellings proposed which would be for family occupation, as well as balconies of limited depths. It is therefore considered that flats 3 – 5 and the dwellings proposed would have inadequate outdoor space, contrary to policy HP13 of the Sites and Housing Plan.

### **vi. Flooding**

- 10.28. The existing building on site occupies an approximate footprint of 90m<sup>2</sup>. The proposal includes an approximate building footprint area of 310m<sup>2</sup>, and associated patio and driveway area of approximately 402m<sup>2</sup>. The proposal is

considered to be increasing the built and hardstand footprint by over 600m<sup>2</sup>.

10.29. The proposed development is located within Flood Zone 1 according to the Environment Agency's Pluvial (river) Flood Maps. Furthermore, the Environment Agency's Surface Flood Mapping does indicate the development as being at risk to surface water (fluvial) flooding. However, the risk category is less likely.

10.30. No details of the proposed drainage system have been submitted on the plans. It is noted that the Design and Access Statement has provided the following in regards to SuDs.

*"We do not consider the site is suitable for a dedicated SUDS drainage system however there are measures that shall be put in place to minimise the likelihood of surcharge of storm water from the public sewer network. This is subject to soil permeability and hydrology investigation."*

Considering the increase in impermeable area it is considered that the scheme will need to adopt a significant amount of SuDs to ensure that the proposal will not increase flooding.

Therefore, due to the significant increase in impermeable area, the scale of the proposal and the surface water flood risk category, it is considered that the proposal should provide betterment through the use of a SuDs drainage system aimed at reducing storm water runoff to greenfield rates. It is recommended that conditions requiring the provision of further Sustainable Drainage system design/plans be provided prior to commencement of work. Subject to this condition, the proposals would accord with policy CS11 of the Core Strategy.

#### **vii. Affordable Housing**

10.31. The proposed development is over the threshold for a small site and should be making a financial contribution towards affordable housing provision in the City. No offer has been received as part of the application and no viability statement has been submitted to demonstrate that a contribution cannot be made. As a result, the development fails to provide an appropriate mix of housing nor contribute to the wider housing needs of the City, and is contrary to Policy HP4 of the Sites and Housing Plan (2013) and Policy CS24 of the Core Strategy (2011).

#### **viii. Other**

10.32. While there are trees within the site and along the boundaries, none are protected by Tree Preservation Orders.

### **11. CONCLUSION**

11.1. The proposals would represent an overdevelopment of the site and be of an unacceptable design, scale and form that would significantly detract from the character and appearance of the locality. The proposals would also have an adverse impact upon the amenities of nos. 105 and 111 Rose Hill and in

particular overbear, overshadow, overlook and reduce privacy and create undue noise and disturbance. In addition flats 3 – 5 and the dwellings proposed would be served by inadequate outdoor space and there would be a number of highway related issues namely that the proposals have not demonstrated that adequate pedestrian and vehicle visibility splays, fire vehicle access and cycle and car parking can be provided on site. Therefore while a condition could ensure Sustainable Drainage Techniques were used, this does not outweigh the significant harm identified in other areas. The proposals would therefore be contrary to CP1, CP6, CP8, CP19, CP21 of the Oxford Local Plan, CS2 and CS18 of the Core Strategy and HP9, HP13, HP14, HP15 and HP16 of the Sites and Housing Plan. the development fails to provide an appropriate mix of housing nor contribute to the wider housing needs of the City, and is contrary to Policy HP4 of the Sites and Housing Plan (2013) and Policy CS24 of the Core Strategy (2011).

11.2. It is recommended that the Committee resolve to refuse planning permission for the development proposed for the reasons set out in the reports. .

## **12. APPENDICES**

### **Appendix 1 – Block Plan**

## **13. HUMAN RIGHTS ACT 1998**

13.1. Officers have considered the implications of the Human Rights Act 1998 in reaching a recommendation to refuse this application. They consider that the interference with the human rights of the applicant under Article 8/Article 1 of Protocol 1 is justifiable and proportionate for the protection of the rights and freedom of others or the control of his/her property in this way is in accordance with the general interest.

## **14. SECTION 17 OF THE CRIME AND DISORDER ACT 1998**

14.1. 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 refusal of planning permission, officers consider that the proposal will not undermine crime prevention or the promotion of community.



# Appendix 1

17/02011/FUL - 109 Rose Hill



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## **Minutes of a meeting of the EAST AREA PLANNING COMMITTEE on Wednesday 4 October 2017**



### **Committee members:**

Councillor Taylor (Chair)

Councillor Clarkson

Councillor Tanner

Councillor Wolff

Councillor Henwood (Vice-Chair)

Councillor Lloyd-Shogbesan

Councillor Wilkinson

Councillor Pegg (for Councillor Malik)

### **Officers:**

Adrian Arnold, Development Management Service Manager

Robert Fowler, Planning Team Leader

Jennifer Thompson, Committee and Members Services Officer

Rachel Drinkwater, Committee Services Support Officer

Laura James, Planning Lawyer

### **Apologies:**

Councillor(s) Chapman, Malik and Lygo sent apologies.

### **38. Declarations of interest**

There were no declarations of interest.

### **39. 17 01521 OUT - William Morris Close**

The Chair stated that this item had been withdrawn from the agenda.

### **40. 17/01212/FUL: Nuffield Orthopaedic Centre, Windmill Road, Oxford, OX3 7HE**

The Committee considered an application (17/01212/FUL) Nuffield Orthopaedic Centre, Windmill Road for retention of single storey building with ramped access to the east elevation and incorporating internal access to the main building.

The Planning Officer presented a report and highlighted some minor updates:

- On page 39 should be an extra column to planning policies to show Headington Neighbourhood policies, they have been taken into account and will make no change to decision.

- On page 41 an informative to be updated to reflect whether or not this development attracts CIL payment or not.

Mark Utting, agent for the applicant, did not speak but came to the table to answer questions.

The Committee asked questions of the officer about the details of the application, in particular about parking and disabled parking spaces. The Planning Officer said that the hospital tried to promote alternative modes of transport to site and parking was at a premium.

In reaching its decision, the Committee considered all the information put before it.

On being put to the vote a majority of the Committee agreed with the officer recommendations.

**The Committee resolved to :**

- (a) Approve the application for the reasons given in the report and subject to the one required planning condition and one informatives set out in section 12 of this report, and one further informative and grant planning permission.
- (b) delegate authority to the Head of Planning, Sustainable Development and Regulatory Services to:
  1. Finalise the recommended conditions as set out in this report including such refinements, amendments, additions and/or deletions as the Head of Planning, Sustainable Development and Regulatory Services considers reasonably necessary;
  2. Add CIL informative to confirm that CIL is or is not applicable.

## **41. 17/01793/VAR: Plowman Tower**

The Committee considered an application 17/01792/VAR: Flat 1, Evenlode Tower, Blackbird Leys for Removal of condition 4 (Landscape plan) and Variation of condition 2 (Develop in accordance with approved plans) of planning permission 14/02640/CT3 to allow alterations to parking layout and landscaping.

The Planning Officer presented the report and highlighted some minor updates:

- With regard to the conditions relating to this application the Planning Officer tabled a revised list of conditions for the Committee to consider
- Changes to 2014 application
- Feature tree to be retained
- Modifications to access,
- Additional car parking and disabled spaces

The Committee asked questions about the condition relating to the boundary treatments, low level barriers to stop people parking on the grass from Pegasus Road. In reaching its decision, the Committee considered all the information put before it. On being put to the vote the Committee agreed unanimously with the officer recommendation.

**The Committee resolved to :**

- (a) Approve the application for the reasons given in the report and subject to the required 12 planning conditions (as amended and presented at the meeting and detailed below).
- (b) Agree to delegate authority to the Head of Planning, Sustainable Development and Regulatory Services to: Finalise the recommended conditions as set out below including such refinements, amendments, additions and/or deletions as the Head of Planning, Sustainable Development and Regulatory Services considers reasonably necessary;

**Conditions**

**1. Time Limit**

The development to which this permission relates must be begun not later than the expiration of three years from the date of permission 14/02640/CT3.

Reason: In accordance with Section 91(1) of the Town and Country Planning Act 1990 as amended by the Planning Compulsory Purchase Act 2004.

**2. Develop in accordance with approved plans**

The development permitted shall be constructed in complete accordance with the specifications in the application and approved plans listed below, unless otherwise agreed in writing by the local planning authority.

Reason: To avoid doubt and to ensure an acceptable development as indicated on the submitted drawings in accordance with policy CP1 of the Oxford Local Plan 2001-2016.

**3. Bat and bird boxes integrated into build**

Within six months of the date of this decision, details of biodiversity enhancement of integrated bat / bird boxes to be incorporated into the building shall be submitted to, and approved in writing by the Local Planning Authority. The development shall proceed in accordance with the approved integrated bat / bird box scheme, which shall have been installed prior to the first occupation of the development and retained thereafter unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of improving biodiversity in accordance with Policy CS12 of the Oxford Core Strategy 2016 and Saved policy NE23 of the Oxford Local Plan 2001-2026

#### **4. Landscape carry out after completion**

The landscaping proposals as shown on sheet L(9-)100 P7 shall be carried out in the first planting season following substantial completion of the development if this is after 1st April. Otherwise the planting shall be completed by the 1st April of the year in which building development is substantially completed. All planting which fails to be established within three years shall be replaced.

Reason: In the interests of visual amenity in accordance with policies CP1 and CP11 of the Adopted Local Plan 2001-2016.

#### **5. Hard surface design : Tree roots**

Within six months of the date of this decision details of the design of all new hard surfaces and a method statement for their construction shall be submitted to and approved in writing by the Local Planning Authority. Details shall take into account the need to avoid any excavation within the rooting area of any retained tree and where appropriate the Local Planning Authority will expect "no-dig" techniques to be used, which might require hard surfaces to be constructed on top of existing soil levels using treated timber edging and pegs to retain the built up material.

Reason: To avoid damage to the roots of retained trees. In accordance with policies CP1, CP11 and NE16 of the Adopted Local Plan 2001-2016.

#### **6. Materials as specified**

The materials to be used in the new development shall be as specified in the application. There shall be no variation of these materials without the prior written consent of the Local Planning Authority.

Reason: To ensure the satisfactory visual appearance of the new development in accordance with policies CP1 and CP8 of the Adopted Oxford Local Plan 2001-2016.

#### **7. Car parking management plan**

Prior to the first use of the car parking areas a management plan shall have been submitted to and approved in writing by the local planning authority to control the use of the car parking spaces and restricting their use to residents and visitors of residents.

Reason: To ensure that the parking spaces provide parking for tower block residents and not for other local residents to avoid residents parking being displaced onto the public highway to the detriment of highway safety and

convenience in accordance with policies CP1, CP10 and TR3 of the Oxford Local Plan.

#### **8. Landscape underground services - tree roots**

Within six months of the date of this decision details of the location of all underground services and soakaways shall be submitted to and approved in writing by the Local Planning Authority (LPA). The location of underground services and soakaways shall take account of the need to avoid excavation within the Root Protection Areas (RPA) of retained trees as defined in the British Standard 5837:2012- 'Trees in relation to design, demolition and construction- Recommendations'. Works shall only be carried in accordance with the approved details.

Reason: To avoid damage to the roots of retained trees; in support of Adopted Local Plan Policies CP1, CP11 and NE15.

#### **9. Tree Protection Plan (TPP) 1**

Detailed measures for the protection of trees to be retained during the development shall be submitted to, and approved in writing by, the Local Planning Authority (LPA) within six months of the date of this decision. Such measures shall include scale plans indicating the positions of barrier fencing and/or ground protection materials to protect Root Protection Areas (RPAs) of retained trees and/or create Construction Exclusion Zones (CEZ) around retained trees. Unless otherwise agreed in writing by the LPA the approved measures shall be in accordance with relevant sections of BS 5837:2012 Trees in Relation to Design, Demolition and Construction- Recommendations. The approved measures shall be in place before the start of any work on site and shall be retained for the duration of construction unless otherwise agreed in writing by the LPA. Prior to the commencement of any works on site the LPA shall be informed in writing when the approved measures are in place in order to allow Officers to make an inspection. No works or other activities including storage of materials shall take place within CEZs unless otherwise agreed in writing by the LPA.

Reason: To protect retained trees during construction. In accordance with policies CP1, CP11 and NE16 of the Adopted Local Plan 2001-2016.

#### **10. Arboricultural Method Statement (AMS) 1**

A detailed statement setting out the methods of working within the Root Protection Areas of retained trees shall be submitted to and approved in writing by the Local Planning Authority (LPA) within six months of the date of this decision. Such details shall take account of the need to avoid damage to tree roots through excavation, ground skimming, vehicle compaction and chemical spillages including lime and cement. The development shall be carried out in strict accordance with of the approved AMS unless otherwise agreed in writing by the LPA.

Reason: To protect retained trees during construction. In accordance with policies CP1,CP11 and NE16 of the Adopted Local Plan 2001-2016.

## **11. Suspected contamination - Risk assess**

It is suspected that this site and/or nearby land and water may be contaminated as a result of former industrial or other use. Within six months of the date of this decision a phased risk assessment shall be carried out by a competent person in accordance with current government and Environment Agency Guidance and Approved Codes of Practice.

Each phase shall be submitted in writing and approved by the Local Planning Authority.

Phase 1 shall incorporate a desk study and site walk over to identify all potential contaminative uses on site, and to inform the conceptual site model. If potential contamination is identified in Phase 1 then a Phase 2 investigation shall be undertaken.

Phase 2 shall include a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals.

Phase 3 requires that a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use be submitted and approved in writing by the Local Planning Authority. The remediation shall be carried out in accordance with the approved scheme and the applicant shall provide written verification to that effect.

The development shall not be occupied until any approved remedial works, have been carried out and a full validation report has been submitted and approved to the satisfaction of Local Planning Authority.

Reason: To ensure that any ground and water contamination is identified and adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use.

## **12. Boundary details**

A plan showing the means of enclosure for the new development including details of the treatment of all the boundaries of the site shall be submitted to, and approved in writing by, the Local Planning Authority within six months of the date of this decision. The approved treatment of all of the site boundaries shall be completed prior to first occupation of the approved development and retained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.



Reason: In the interests of visual amenity and to safeguard the privacy of adjoining occupiers in accordance with policies CP1, CP8, CP9 and CP10 of the Adopted Oxford Local Plan 2001-2016 as well as policy HP14 of the Sites and Housing Plan 2011-2026.

**42. 17/01792/VAR: Flat 1, Evenlode Tower, Blackbird Leys Road, Oxford, OX4 6JA**

The Committee considered an application 17/01792/VAR: Flat 1, Evenlode Tower, Blackbird Leys for Removal of condition 4 (Landscape plan) and Variation of condition 2 (Develop in accordance with approved plans) of planning permission 14/02640/CT3 to allow alterations to parking layout and landscaping.

The Planning Officer presented the report and highlighted some minor updates:

- With regard to the conditions relating to this application the Planning Officer tabled a revised list of conditions for the Committee to consider
- Changes to 2014 application
- Feature tree to be retained
- Modifications to access,
- Additional car parking and disabled spaces

The Committee asked questions

- The condition relating to the boundary treatments, low level barriers to stop people parking on the grass from Pegasus Road

In reaching its decision, the Committee considered all the information put before it.

On being put to the vote the Committee agreed unanimously with the officer recommendation.

## **East Area Planning Committee resolved to:**

- (a) Approve the application for the reasons given in the report and subject to the required planning conditions (as amended and presented at the meeting and detailed below).
- (b) Agree to delegate authority to the Head of Planning, Sustainable Development and Regulatory Services to: Finalise the recommended conditions as set out in this report including such refinements, amendments, additions and/or deletions as the Head of Planning, Sustainable Development and Regulatory Services considers reasonably necessary;

## **Conditions**

### **1. Time Limit**

The development to which this permission relates must be begun not later than the expiration of three years from the date of permission 14/02640/CT3.

Reason: In accordance with Section 91(1) of the Town and Country Planning Act 1990 as amended by the Planning Compulsory Purchase Act 2004.

### **2. Develop in accordance with approved plans**

The development permitted shall be constructed in complete accordance with the specifications in the application and approved plans listed below, unless otherwise agreed in writing by the local planning authority.

Reason: To avoid doubt and to ensure an acceptable development as indicated on the submitted drawings in accordance with policy CP1 of the Oxford Local Plan 2001-2016.

### **3. Bat and bird boxes integrated into build**

Within six months of the date of this decision details of biodiversity enhancement of integrated bat / bird boxes to be incorporated into the building shall be submitted to, and approved in writing by the Local Planning Authority. The development shall proceed in accordance with the approved integrated bat / bird box scheme, which shall have been installed prior to the first occupation of the development and retained thereafter unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of improving biodiversity in accordance with Policy CS12 of the Oxford Core Strategy 2016 and Saved policy NE23 of the Oxford Local Plan 2001-2026

### **4. Landscape carry out after completion**

The landscaping proposals as shown on sheet L(9-)100 P7 shall be carried out in the first planting season following substantial completion of the development if this is after 1st April. Otherwise the planting shall be completed by the 1st April of the year in which building development is substantially completed. All planting which fails to be established within three years shall be replaced.

Reason: In the interests of visual amenity in accordance with policies CP1 and CP11 of the Adopted Local Plan 2001-2016.

#### **5. Hard surface design : Tree roots**

Within six months of the date of this decision details of the design of all new hard surfaces and a method statement for their construction shall be submitted to and approved in writing by the Local Planning Authority. Details shall take into account the need to avoid any excavation within the rooting area of any retained tree and where appropriate the Local Planning Authority will expect "no-dig" techniques to be used, which might require hard surfaces to be constructed on top of existing soil levels using treated timber edging and pegs to retain the built up material.

Reason: To avoid damage to the roots of retained trees. In accordance with policies CP1, CP11 and NE16 of the Adopted Local Plan 2001-2016.

#### **6. Materials as specified**

The materials to be used in the new development shall be as specified in the application. There shall be no variation of these materials without the prior written consent of the Local Planning Authority.

Reason: To ensure the satisfactory visual appearance of the new development in accordance with policies CP1 and CP8 of the Adopted Oxford Local Plan 2001-2016.

#### **7. Car parking management plan**

Prior to the first use of the car parking areas a management plan shall have been submitted to and approved in writing by the local planning authority to control the use of the car parking spaces and restricting their use to residents and visitors of residents.

Reason: To ensure that the parking spaces provide parking for tower block residents and not for other local residents to avoid residents parking being displaced onto the public highway to the detriment of highway safety and convenience in accordance with policies CP1, CP10 and TR3 of the Oxford Local Plan.

#### **8. Landscape underground services - tree roots**

Within six months of the date of this decision details of the location of all underground services and soakaways shall be submitted to and approved in writing by the Local Planning Authority (LPA). The location of underground services and soakaways shall take account of the need to avoid excavation within the Root Protection Areas (RPA) of retained trees as defined in the British Standard 5837:2012- 'Trees in relation to design, demolition and construction- Recommendations'. Works shall only be carried in accordance with the approved details.

Reason: To avoid damage to the roots of retained trees; in support of Adopted Local Plan Policies CP1, CP11 and NE15.

## **9. Tree Protection Plan (TPP) 1**

Detailed measures for the protection of trees to be retained during the development shall be submitted to, and approved in writing by, the Local Planning Authority (LPA) within six months of the date of this decision. Such measures shall include scale plans indicating the positions of barrier fencing and/or ground protection materials to protect Root Protection Areas (RPAs) of retained trees and/or create Construction Exclusion Zones (CEZ) around retained trees. Unless otherwise agreed in writing by the LPA the approved measures shall be in accordance with relevant sections of BS 5837:2012 Trees in Relation to Design, Demolition and Construction- Recommendations. The approved measures shall be in place before the start of any work on site and shall be retained for the duration of construction unless otherwise agreed in writing by the LPA. Prior to the commencement of any works on site the LPA shall be informed in writing when the approved measures are in place in order to allow Officers to make an inspection. No works or other activities including storage of materials shall take place within CEZs unless otherwise agreed in writing by the LPA.

Reason: To protect retained trees during construction. In accordance with policies CP1, CP11 and NE16 of the Adopted Local Plan 2001-2016.

## **10. Arboricultural Method Statement (AMS) 1**

A detailed statement setting out the methods of working within the Root Protection Areas of retained trees shall be submitted to and approved in writing by the Local Planning Authority (LPA) within six months of the date of this decision. Such details shall take account of the need to avoid damage to tree roots through excavation, ground skimming, vehicle compaction and chemical spillages including lime and cement. The development shall be carried out in strict accordance with of the approved AMS unless otherwise agreed in writing by the LPA.

Reason: To protect retained trees during construction. In accordance with

policies CP1,CP11 and NE16 of the Adopted Local Plan 2001-2016.

## **11. Suspected contamination - Risk assess**

It is suspected that this site and/or nearby land and water may be contaminated as a result of former industrial or other use. Within six months of the date of this decision a phased risk assessment shall be carried out by a competent person in accordance with current government and Environment Agency Guidance and Approved Codes of Practice.

Each phase shall be submitted in writing and approved by the Local Planning Authority.

Phase 1 shall incorporate a desk study and site walk over to identify all potential contaminative uses on site, and to inform the conceptual site model. If potential contamination is identified in Phase 1 then a Phase 2 investigation shall be undertaken.

Phase 2 shall include a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals.

Phase 3 requires that a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use be submitted and approved in writing by the Local Planning Authority. The remediation shall be carried out in accordance with the approved scheme and the applicant shall provide written verification to that effect.

The development shall not be occupied until any approved remedial works, have been carried out and a full validation report has been submitted and approved to the satisfaction of Local Planning Authority.

Reason: To ensure that any ground and water contamination is identified and adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use.

## **12. Boundary details**

A plan showing the means of enclosure for the new development including details of the treatment of all the boundaries of the site shall be submitted to, and approved in writing by, the Local Planning Authority within six months of the date of this decision. The approved treatment of all of the site boundaries shall be completed prior to first occupation of the approved development and retained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and to safeguard the privacy of adjoining occupiers in accordance with policies CP1, CP8, CP9 and CP10 of the Adopted Oxford Local Plan 2001-2016 as well as policy HP14 of the Sites and Housing Plan 2011-2026.

## **43. 17/01799/VAR: Foresters Tower, Wood Farm Road, Oxford, OX3 8PJ**

The Committee consider an application 17/01799/VAR: Foresters Tower, Wood Farm Road to Removal of condition 4 (Landscape plan) and Variation of condition 2 (Develop in accordance with approved plans) of planning permission 14/02643/CT3 to allow alterations to parking layout and landscaping to allow 33 spaces with 6 accessible spaces.

The Planning Officer presented a report and highlighted some minor changes:

With regard to the conditions relating to this application the Planning Officer tabled a revised list of conditions for the Committee to consider. Recommendations 3 and 4 on the previous permission were to be removed and replaced.

The wider committee discussion included confirming the location of the disabled parking and dropped kerbs to provide level access between the building and the disabled car park spaces.

In reaching its decision, the Committee considered all the information put before it. On being put to the vote the Committee unanimously agreed with the officers recommendations.

**The Committee resolved to :**

- (a) Approve the application for the reasons given in the report and subject to the required 11 planning conditions (as amended and presented at the meeting and detailed below).
- (b) Agree to delegate authority to the Head of Planning, Sustainable Development and Regulatory Services to: Finalise the recommended conditions as set out below including such refinements, amendments, additions and/or deletions as the Head of Planning, Sustainable Development and Regulatory Services considers reasonably necessary;

## **Recommendation**

### **1. Time Limit**

The development to which this permission relates must be begun not later than the expiration of three years from the date of permission 14/02643/CT3.

Reason: In accordance with Section 91(1) of the Town and Country Planning Act 1990 as amended by the Planning Compulsory Purchase Act 2004.

### **2. Develop in accordance with approved plans**

The development permitted shall be constructed in complete accordance with the specifications in the application and approved plans listed below, unless otherwise agreed in writing by the local planning authority.

Reason: To avoid doubt and to ensure an acceptable development as indicated on the submitted drawings in accordance with policy CP1 of the Oxford Local Plan 2001-2016.

### **3. Hard surface design : Tree roots**

Within six months of the date of this decision details of the design of all new hard surfaces and a method statement for their construction shall be submitted to and approved in writing by the Local Planning Authority. Details shall take into account the need to avoid any excavation within the rooting area of any retained tree and where appropriate the Local Planning Authority will expect "no-dig" techniques to be used, which might require hard surfaces to be constructed on top of existing soil levels using treated timber edging and pegs to retain the built up material.

Reason: To avoid damage to the roots of retained trees. In accordance with policies CP1, CP11 and NE16 of the Adopted Local Plan 2001-2016.

### **4. Materials as specified**

The materials to be used in the new development shall be as specified in the application. There shall be no variation of these materials without the prior written consent of the Local Planning Authority.

Reason: To ensure the satisfactory visual appearance of the new development in accordance with policies CP1 and CP8 of the Adopted Oxford Local Plan 2001-2016.

### **5. Car parking management plan**

Prior to the first use of the car parking areas a management plan shall have been submitted to and approved in writing by the local planning authority to control the use of the car parking spaces and restricting their use to residents

and visitors of residents.

Reason: To ensure that the parking spaces provide parking for tower block residents and not for other local residents to avoid residents parking being displaced onto the public highway to the detriment of highway safety and convenience in accordance with policies CP1, CP10 and TR3 of the Oxford Local Plan.

**6. Landscape underground services - tree roots**

Within six months of the date of this decision details of the location of all underground services and soakaways shall be submitted to and approved in writing by the Local Planning Authority (LPA). The location of underground services and soakaways shall take account of the need to avoid excavation within the Root Protection Areas (RPA) of retained trees as defined in the British Standard 5837:2012- 'Trees in relation to design, demolition and construction- Recommendations'. Works shall only be carried in accordance with the approved details.

Reason: To avoid damage to the roots of retained trees; in support of Adopted Local Plan Policies CP1, CP11 and NE15.

**7. Tree Protection Plan (TPP) 1**

Detailed measures for the protection of trees to be retained during the development shall be submitted to, and approved in writing by, the Local Planning Authority (LPA) within six months of the date of this decision. Such measures shall include scale plans indicating the positions of barrier fencing and/or ground protection materials to protect Root Protection Areas (RPAs) of retained trees and/or create Construction Exclusion Zones (CEZ) around retained trees. Unless otherwise agreed in writing by the LPA the approved measures shall be in accordance with relevant sections of BS 5837:2012 Trees in Relation to Design, Demolition and Construction- Recommendations. The approved measures shall be in place before the start of any work on site and shall be retained for the duration of construction unless otherwise agreed in writing by the LPA. Prior to the commencement of any works on site the LPA shall be informed in writing when the approved measures are in place in order to allow Officers to make an inspection. No works or other activities including storage of materials shall take place within CEZs unless otherwise agreed in writing by the LPA.

Reason: To protect retained trees during construction. In accordance with policies CP1, CP11 and NE16 of the Adopted Local Plan 2001-2016.

**8. Arboricultural Method Statement (AMS) 1**

A detailed statement setting out the methods of working within the Root Protection Areas of retained trees shall be submitted to and approved in writing by the Local Planning Authority (LPA) within six months of the date of this decision. Such details shall take account of the need to avoid damage to tree



roots through excavation, ground skimming, vehicle compaction and chemical spillages including lime and cement. The development shall be carried out in strict accordance with of the approved AMS unless otherwise agreed in writing by the LPA.

Reason: To protect retained trees during construction. In accordance with policies CP1,CP11 and NE16 of the Adopted Local Plan 2001-2016.

## **9. Suspected contamination - Risk assess**

It is suspected that this site and/or nearby land and water may be contaminated as a result of former industrial or other use. Within six months of the date of this decision a phased risk assessment shall be carried out by a competent person in accordance with current government and Environment Agency Guidance and Approved Codes of Practice.

Each phase shall be submitted in writing and approved by the Local Planning Authority.

Phase 1 shall incorporate a desk study and site walk over to identify all potential contaminative uses on site, and to inform the conceptual site model. If potential contamination is identified in Phase 1 then a Phase 2 investigation shall be undertaken.

Phase 2 shall include a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals.

Phase 3 requires that a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use be submitted and approved in writing by the Local Planning Authority. The remediation shall be carried out in accordance with the approved scheme and the applicant shall provide written verification to that effect.

The development shall not be occupied until any approved remedial works, have been carried out and a full validation report has been submitted and approved to the satisfaction of Local Planning Authority.

Reason: To ensure that any ground and water contamination is identified and adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use.

## **10. Boundary details**

A plan showing the means of enclosure for the new development including details of the treatment of all the boundaries of the site shall be submitted to, and approved in writing by, the Local Planning Authority within six months of the date of this decision. The approved treatment of all of the site boundaries shall be completed prior to first occupation of the approved development and retained as such thereafter unless otherwise agreed in writing by the Local Planning

Authority.

Reason: In the interests of visual amenity and to safeguard the privacy of adjoining occupiers in accordance with policies CP1, CP8, CP9 and CP10 of the Adopted Oxford Local Plan 2001-2016 as well as policy HP14 of the Sites and Housing Plan 2011-2026.

#### **11. Landscaping carry out after completion**

The landscaping proposals as shown on sheet L(9-)103 P6 shall be carried out in the first planting season following substantial completion of the development if this is after 1st April. Otherwise the planting shall be completed by the 1st April of the year in which building development is substantially completed. All planting which fails to be established within three years shall be replaced.

Reason: In the interests of visual amenity in accordance with policies CP1 and CP11 of the Adopted Local Plan 2001-2016.

#### **44. Minutes**

The Committee resolved to approve the minutes of the meeting held on 6 September 2017 as a true and accurate record.

#### **45. Forthcoming applications**

The Committee noted the list of forthcoming items.

#### **46. Dates of future meetings**

The Committee noted the dates of future meetings.

**The meeting started at 6.00 pm and ended at 7.10 pm**

**Chair .....**

**Date: Wednesday 8 November 2017**