

# Agenda

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## East Area Planning Committee

Date: **Wednesday 1 August 2018**

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Time: **6.00 pm**

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Place: **The Old Library - Oxford 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 Shaista Aziz	Rose Hill and Iffley;
	Councillor Nigel Chapman	Headington Hill and Northway;
	Councillor Mary Clarkson	Marston;
	Councillor Stef Garden	Headington;
	Councillor Mark Lygo	Churchill;
	Councillor John Tanner	Littlemore;
	Councillor Roz Smith	Quarry and Risinghurst;

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

### Copies of this agenda

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# AGENDA

## Pages

- |          |   |         |
|----------|---|---------|
| <b>1</b> | <b>Apologies for absence and substitutions</b>  |         |
| <b>2</b> | <b>Declarations of interest</b>   |         |
| <b>3</b> | <b>18/00872/FUL: Helena Kennedy Centre, Headington Hill, Oxford, OX3 0BT</b>  | 13 - 50 |
|          | <b>Site Address:</b> Helena Kennedy Centre, Headington Hill   |         |
|          | <b>Proposal:</b> Demolition of existing Helena Kennedy building, and erection of replacement academic building for the Faculty of Technology, Design, and Environment   |         |
|          | <b>Recommendation:</b> 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 11 of the report and grant planning permission; and  |         |
|          | (b) agree to delegate authority to the Head of Planning, Sustainable Development and Regulatory Services to:  |         |
|          | finalise the recommended conditions as set out in the report including such refinements, amendments, additions and/or deletions as the Head of Planning, Sustainable Development and Regulatory Services considers reasonably necessary.            |         |
| <b>4</b> | <b>18/01329/FUL: Land South Of Oxford Road, Horspath, Oxford, OX4 2DQ</b>   | 51 - 62 |
|          | <b>Site Address:</b> Land South of Oxford Road, Horspath, Oxford  |         |
|          | <b>Proposal:</b> Construction of two-storey building for training purposes and associated external works such as creation of access road, car park and means of enclosure.  |         |
|          | <b>Recommendation:</b> 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 the 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:

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

**5 18/01385/VAR: Land South Of Oxford Road Horspath Oxford OX4 2DQ**

63 - 70

**Site Address:** Land South of Oxford Road, Horspath, Oxford

**Proposal:** Variation of condition 2 (Develop in accordance with approved plans) of planning permission 16/03078/FUL (The change of use of land for purposes within Class D2 'Assembly & Leisure' of the Town & Country Planning (Use Classes) Order 1987 (as amended) including the development of: a new vehicular access; an internal road and vehicle parking area; grass and floodlit artificial sports pitches; a pavilion building including changing facilities; cycle tracks; drainage infrastructure including surface water storage; means of enclosure; & the creation of wildlife habitat) to allow changes to the pavilion design including an alternative ground floor layout.

**Reason at Committee:** The proposals are a variation to a scheme which constituted major development.

**Recommendation:** 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 the report and grant planning permission; and

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

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

**6 18/01390/FUL: 104 Fern Hill Road OX4 2JP**

71 - 76

**Site Address:** 104 Fern Hill Road, Oxford, OX4 2JP

**Proposal:** Erection of single storey rear extension. Formation of raised patio and steps with guard rail to rear.

**Recommendation:** 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 the report; and
- (b) agree to delegate authority to the Head of Planning, Sustainable Development and Regulatory Services to:

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

**7 18/01239/FUL: 19 Ferry Road, Marston, OX3 0ET**

77 - 88

**Site Address:** 19 Ferry Road, Oxford, OX3 0ET

**Proposal:** Demolition of existing dwelling and erection of 2x 4 bed dwellings (Use Class C3). Provision of amenity space, bin and cycle storage.

**Recommendation:** 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 the report and grant planning permission.
- (b) agree to delegate authority to the Head of Planning, Sustainable Development and Regulatory Services to:

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

**8 18/01403/FUL: 63 Waynflete Road, Oxford, OX3 8BJ**

89 - 94

**Site Address:** 63 Waynflete Road, Oxford, OX3 8BJ

**Proposal:** Erection of a single storey rear extension (retrospective).

**Recommendation:** 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 the report and grant planning permission.
- (b) agree to delegate authority to the Head of Planning, Sustainable Development and Regulatory Services to:

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

**9 18/1180/FUL 12 Bleache Place, Oxford, OX4 2JD**

95 - 110

**Site Address:** 12 Bleache Place, Oxford, OX4 2JD

**Proposal:** Erection of a 1 x 3-bed dwellinghouse (Use Class C3). Erection of a garage, provision of bin and cycle storage.

**Recommendation:** 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 the report and grant planning permission; and
- (b) agree to delegate authority to the Head of Planning, Sustainable Development and Regulatory Services to:

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

**10 18/00757/FUL: 3 Green Ridges Oxford, OX3 8LY**

111 -  
118

**Site Address:** 3 Green Ridges, Oxford, OX3 8LY

**Proposal:** Erection of two storey extension to front; increase in ridge height and insertion of rooflights to east and west elevations.

**Recommendation:** 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 the report and grant planning permission; and
- (b) agree to delegate authority to the Head of Planning, Sustainable Development and Regulatory Services to:

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

## 11 18/00012/FUL: 3 David Nicholls Close, Oxford, OX4 4QX

119 -  
130

**Site Address:** 3 David Nicholls Close, Oxford, OX4 4QX

**Proposal:** Change of use from current annexe (Use Class C3) to 2 bed independent dwelling house. Introduction of amenity space. Relocation of kitchen from ground to first floor.

**Recommendation:** 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 the report and grant planning permission; and
- (b) agree to delegate authority to the Head of Planning, Sustainable Development and Regulatory Services to:

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

## 12 Minutes

131 -  
136

**Recommendation:** That the minutes of the meeting held on 4 July 2018 are approved as a true and accurate record.

## 13 Forthcoming applications

Items currently expected to be considered 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.

18/00877: car wash and cafe in Peterley Road	Called in
17/01338/OUT: 23 And Land To The Rear Of 25 Spring Lane, Littlemore, OX4 6LE	Called in
17/01519/FUL: 55 Collinwood Road Oxford OX3 8HN	Called in
17/02068/VAR: 70 Glebelands, Oxford, OX3 7EN	Committee decision
17/03050/FUL: Land North Of Littlemore Healthcare Trust Sandford Road, Littlemore OX4 4XN	Committee decision
17/03050/FUL: Land North Of Littlemore Healthcare Trust, Sandford Road, Littlemore, Oxford, OX4 4XN	Major development
17/03064/CT3: Land On The East Side Of Field Avenue, Oxford	Council application
17/03380/FUL: The Iffley Academy, Iffley Turn,	Major

Oxford, OX4 4DU	development: listed building
17/03425/FUL: Land to the Rear of 2 and 4 Fern Hill Road, OX4 2JN	Called in
18/00217/CT3: Site of (cons), 1 - 36 Brome Place, Oxford	Council application
18/00433/FUL: Beechwood House, The Beeches, Oxford, OX3 9JZ	Called in
18/00571/FUL: 11 Horseman Close, Oxford, OX3 0NR	Called in
18/00591/VAR: 255A Marston Road, Oxford, OX3 0EN	Committee decision
18/00686/OUT: 1 Gurl Close	Called in
18/00688/FUL: 20 Osler Road, Oxford, OX3 9BJ	Called in
18/00713/VAR: Littlemore Priory	Called in
18/00770/VAR: British Telecom , James Wolfe Road, Oxford, OX4 2PY	Committee decision
18/00837/FUL: 28 Sandfield Road, Oxford, OX3 7RJ	
18/00870/FUL: 1 Pullens Lane, Oxford, OX3 0BX	Committee decision
18/01081/FUL: 75 Bartholomew Road, Oxford, OX4 3QN	Committee decision
18/01091/FUL: The Stadium Grenoble Road, Oxford, OX4 4XP	Called in
18/01153/FUL: 9 Binswood Avenue	
18/01173/FUL: St Nicholas Primary School, The Harlow Centre, Raymund Road, Oxford, OX3 0PG	Committee Decision
18/01468/VAR: 138-142 Tm Rana Court, Hollow Way, OX4 2NL	
18/01477/VAR - John Radcliffe Hospital, Sandfield Road OX3 9DU	Committee decision
18/01555/FUL - 5 Colwell Drive Oxford OX3 8XD	Called in
18/01654/FUL - Littlemore Mental Health Centre OX4 4XN	Committee level decision
18/01789/FUL - Street Record, Amory Close (creation of 18 residents parking spaces)	Committee decision

## 14 Dates of future meetings

Future meetings are at 6.00pm on

1 Aug 2018	16 Jan 2019
5 Sep 2018	6 Feb 2019
3 Oct 2018	6 Mar 2019
7 Nov 2018	3 Apr 2019
5 Dec 2018	22 May 2019



## **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

1<sup>st</sup> August 2018

**Application Number:** 18/00872/FUL

**Decision Due by:** 9th July 2018

**Extension of Time:** TBA

**Proposal:** Demolition of existing Helena Kennedy building, and erection of replacement academic building for the Faculty of Technology, Design, and Environment

**Site Address:** Helena Kennedy Centre , Headington Hill

**Ward:** Headington Hill And Northway Ward

**Case Officer** Andrew  
Murdoch

**Agent:** Mr Chris  
Pattison

**Applicant:** Oxford Brookes University

**Reason at Committee:** Major Application

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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 11 of this report and grant planning permission subject to:**

**(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 an application for the redevelopment of part of Oxford Brookes University's Headington Hill site. It would involve the demolition of the existing Helena Kennedy Building, and the erection of a new building which would provide a new building for the Faculty of Technology, Design, and Engineering.

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

- Principle of development;
- Design & Impact upon Designated Heritage Assets;
- Impact on Neighbouring Amenity;
- Landscaping
- Transport
- Sustainability
- Flooding;
- Biodiversity
- Other Matters – Land contamination, archaeology, and air quality

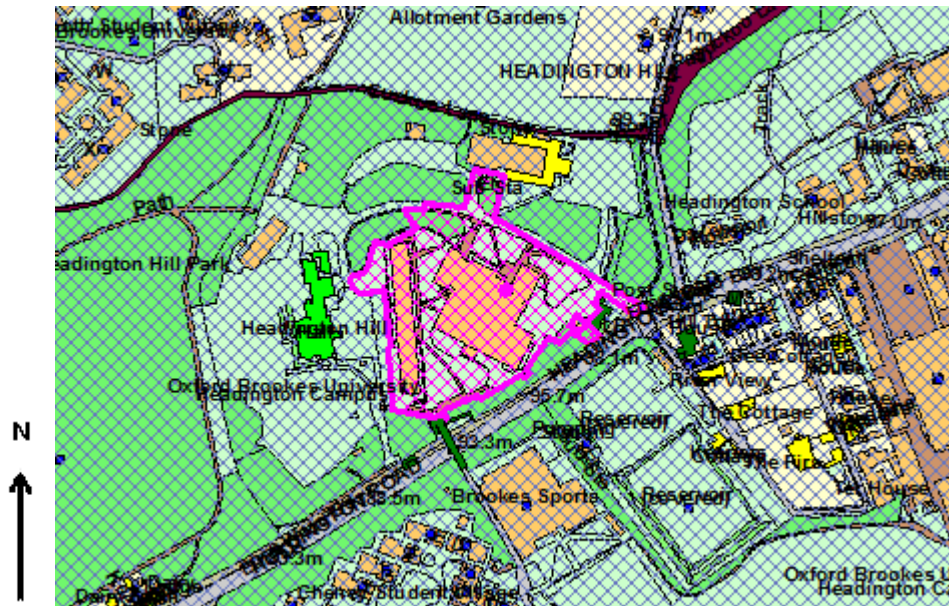
- 2.3. The application has been developed following pre-application discussions with officers, including two reviews by the Oxford Design Review Panel. Copies of their comments are included within **appendix 1** of this report. The panel were supportive of the scheme.
- 2.4. Officers consider that the proposal would accord with the policies of the development plan when considered as a whole and the range of material considerations on balance support the grant of planning permission.
- 2.5. The scheme would also accord with the aims and objectives of the National Planning Policy Framework would constitute sustainable development, and, given conformity with the development plan as a whole, paragraph 14 advises that the development proposal should be approved without delay. Furthermore there are not any material considerations that would outweigh the compliance with these national and local plan policies.

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

- 3.1. The proposal is liable for a CIL payment of £20,635.01

### **4. SITE AND SURROUNDINGS**

- 4.1. The site is located within Oxford Brookes University's Headington Hill Hall Estate, which is sited on the northern side of Headington Road, approximately 2.2km to the east of the city centre. It is bordered by Pullens Lane to the east, Cuckoo Lane to the north, and Headington Hill Park to the west.
- 4.2. The site includes the Helena Kennedy Building, a temporary portacabin (Willow building) which provides classrooms, car parking areas and open landscaping.
- 4.3. The site lies within the Headington Hill Conservation Area. The estate includes a number of listed buildings which lie adjacent to the site, including the Headington Hill Hall and attached forecourt wall (Grade II\*), Headington Hill Hall Lodge House (Grade II), Bridge over the Headington Road (Grade II), and the stone on the north side of the bridge (Grade II).
- 4.4. A site location plan is included below



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Ordnance Survey 100019348

## 5. PROPOSAL

- 5.1. The application proposes the demolition of the Helena Kennedy Building and Willow building, and the erection of a new academic building which will incorporate functions from the Faculty of Technology, Design, and Environment.
- 5.2. The aim for the new building is to provide a new educational facility that comprises courses in Mechanical Engineering, Computer Sciences, Built Environment, Architecture, and Art, all within a single facility. The vision for the building being to bring together all of the 'making; spaces from these departments into a single building in order to foster interdisciplinary working and collaboration.
- 5.3. The proposal would consist of a two-storey pavilion building that has been designed to sit within the woodland landscape setting of the site.
- 5.4. The building is to provide a flexible space which includes the following practical making spaces
  - A digital arts theatre and associated project rooms
  - Audio production area
  - A fabrication lab
  - Engineering labs and testing areas
  - Architecture workshops and studios
  - Computing rooms
  - Robotics labs
  - Academic office space
- 5.5. The building would also include a first floor café, along with social spaces and exhibition areas at ground floor level.

5.6. The proposed building has been amended since it was originally submitted. The amendments are minor in nature and reduce the extent of the proposal from that originally submitted. In summary the amendments involve the following changes

- A more considered landscape proposal, which incorporates succession planting, additional under storey and tree planting along the embankment between the Hall and the proposed building and re-instatement of some lime trees originally proposed to be removed.
- A reduction in the building height and footprint. The proposed building height has been reduced by 0.5m and the northwest elevation of the building has been pulled back by 1.5m, decreasing the overall footprint of the building.
- A minor reduction in the extent of the proposed balcony. The balcony will no longer wrap around the northwest and southwest elevations, instead it will be limited to the northwest elevation only. This is to take advantage of the view to Oxford City; however reduce overlooking of the Hall.

## 6. RELEVANT PLANNING HISTORY

6.1. The Headington Hill Hall Estate has an extensive planning history. The following is considered relevant to the proposal

92/00540/NFZ - Change of use from residential and business use to use for educational purposes by Oxford Brookes University HEC. Approved

## 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	Headington Neighbourhood Plan
Design	7	CP6, CP8, CP9, CP10, CP11,	CS2_		CIP1, CIP2, CIP3
Conservation/ Heritage	12	HE3, HE2, HE7, HE10, NE15, NE16,			GSP4, CIP4
Transport	4	TR2, TR1,		HP15_	TRP3
Natural Environment	9, 11, 13				



<b>Environmental</b>	10	CP19, CP20,	CS9_, CS11_, CS12_,		GSP3
<b>Misc</b>	5	CP.13, CP.24, CP.25		MP1	

## 8. CONSULTATION RESPONSES

- 8.1. Site notices were displayed around the application site on the 3<sup>rd</sup> May 2018 and an advertisement was published in The Oxford Times newspaper on 19th April 2018.
- 8.2. The consultation responses received in relation to the application are summarised below. Officers would make members aware that copies of all the consultation responses listed below are available to view in full on the Council's public access website.

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

#### Oxfordshire County Council (Local Highways Authority)

- 8.3. No objection subject to conditions

#### Oxfordshire County Council (Drainage)

- 8.4. No details of the sustainable urban drainage strategy have been provided. Full details will be needed. The exceedance routes identified to flow onto the adjoining highway are not acceptable the detailed design will require that exceedance is catered for within the site boundary.

#### Natural England

- 8.5. No comments to make on the application

#### Thames Water

- 8.6. No objection subject to foul flows being connected to the public sewer by gravity (not pumped) and that no surface water flows will be discharged to the public sewer

#### Historic England (26<sup>th</sup> April 2018 & 17<sup>th</sup> July 2018)

- 8.7. Historic England initially raised concerns regarding the impact of the development upon the Grade II\* Listed Headington Hill Hall. Although they did not formally object as they considered that the harm to the hall could be mitigated through further discussions with the amendments.

- 8.8. This application involves the demolition and replacement of the Helena Kennedy Building with a larger structure. The Helena Kennedy building is not in our view of architectural or historical value and the proposed replacement would be a well-designed and handsome building but the increased size of the proposal means that its impact on key views out of and across Oxford, and its impact on the significance of the nearby grade II listed Headington Hall House, need to be carefully assessed.
- 8.9. Verified views taken in summer and winter from St Mary's Tower has indicated that the proposals would not have a serious impact on the green backdrop that surround Oxford and makes such an important contribution to its cityscape. However, the impact on Headington Hall would be much more noticeable. The current Helena Kennedy centre is completely invisible from the Hall and despite the space in front of the building being given over to car parking and the long line of single storey classrooms facing the façade across the car park there is still enough greenery around the Hall to give it a park-like setting, so it is still recognisable as a country house rather than part of a university campus. While the temporary classrooms are ugly they are at least very low and their impact on the setting of the Hall is mitigated by mature tree screening.
- 8.10. As the visualisations in section 3 of the Design and Access Statement make clear the proposed new building will markedly change the setting of Headington Hall. It would have a much more assertive presence than the single storey classrooms and the illusion that the Hall is still a country house surrounded by gardens would be broken, harming its significance to a moderate degree. It would not be possible to hide the new building from the Hall and create the sort of spaces required by the brief but it would be possible to mitigate its impact through a landscaping strategy that used substantial trees that filtered views of the new building and softened its outline, making it something that is glimpsed from the hall rather than an assertive presence. It is also a pity that the opportunity to enhance the significance of Headington Hall by removing carp parking and restoring a dignified forecourt has not been taken.
- 8.11. The proposals will need to be assessed against the policies contained in the National Planning Policy Framework. Whilst Paragraph 63 of this Framework states that great weight should be given to outstanding and innovative designs (and while outstanding may be overly high praise it is likely to be a fine building) paragraph 132 requires equally great weight to be given to the conservation of a listed building and that clear and convincing justification for any harm to its significance. Similarly, paragraph 129 stresses the need to avoid or minimise the conflict between the conservation of heritage assets and proposals. Paragraph 134 of the framework requires any harm caused by the proposals to be weighed against the public benefits.
- 8.12. At present we do not consider the harm entailed by the proposals to have been minimised or justified, as it could be mitigated with a more considered landscaping scheme. Furthermore, there is an opportunity to offset the harm to the listed building to an extent by taking the opportunity to improve its original surroundings which should be taken. We urge the Council to explore these issues with the applicant further to arrive at a scheme which allows the University to fulfil their aspirations for delivering education on the site while at the same time getting the best outcome possible for the heritage assets within it.

- 8.13. NB: In light of these comments the applicant has subsequently amended the proposals to reduce the scale of the development and Historic England has provided the following comments.
- 8.14. The slight reduction in the size of the proposed building along with the proposal to retain an additional lime tree and create some succession planting behind the current tree screen would address the concerns raised in our initial letter. We believe that there would now be enough screening to mediate views between old and new buildings. We also understand that at present it is not possible to remove car parking from in front of Headington Hill Hall. Further work is needed to determine exactly what the succession planting would be and on the landscaping in the area where trees are to be removed needs more development but we would be content for these issues to be determined via a planning condition.
- 8.15. Historic England has no objection to the application on heritage grounds. We consider that the application meets the requirements of the NPPF, in particular paragraph numbers 131, 132 and 134.

#### Oxford Preservation Trust

- 8.16. The Helena Kennedy Centre sits at the heart of the Oxford Brookes University (OBU) Headington Campus on the Headington Hill site, linking across London Road to the main Gipsy Lane site. It is within the Headington Hill Conservation Area, in the setting of the Grade II\* Headington Hill Hall, and visible in the green backdrop of the Oxford skyline from the centre of Oxford and across the City from the Western Hills. We recognise the current Helena Kennedy Centre is not a building of beauty, highlighted in the Headington Hill Conservation Area Appraisal as ‘particularly unattractive ... in poor materials with an uncomfortable ‘boxy’ design that detracts from the mature woodland garden setting created by the historic tree planting of the grounds.’
- 8.17. The Trust recognises this redevelopment as a welcome opportunity and is pleased to see the proposed building is of some architectural merit, better able to sit alongside the recent high-quality improvements on the Gipsy Lane Campus as well as providing better facilities. We note that the proposal is larger than the current Helena Kennedy Centre both in footprint and ridge height and OPT has concerns over its impact in long distance views from the centre of Oxford.
- 8.18. In the short view, we understand Historic England have concerns that the current proposal will cause a moderate degree of harm. The Grade II\* Hall illustrates the ‘trend for wealthy Oxford merchants to establish small estates outside the City’ (Heritage Impact Assessment) during the Nineteenth Century, established by the Morrell family who are intrinsic to Oxford’s history. The Headington Hill Conservation Area states that Headington Hill Hall is ‘probably the most lavish among the mansions built by Oxford’s 19<sup>th</sup> century merchants.’ The parkland setting of the Hall is essential to its character and significance as a country house, and therefore should be protected as such. The larger footprint of the proposed building and the landscaping makes the proposal appear dominant in the setting of the Hall. The Design and Access Statement suggests that this new

relationship 'recognised the current chapter in the history of the site, with both significant structures sharing the function of providing academic facilities for Oxford Brookes University.' While Headington Hill Hall does currently have an academic function, its significance as a historic building is its country house status within a green setting. Currently, no significant buildings are visible from Headington Hill Hall. By creating a development visually dominant in the immediate vicinity of the Hall, this impact's on its essential character and it will no longer be seen as a country house with its associated land, causing a degree of harm. We wonder if the building was stepped down in the corner closest to the Hall, this may mitigate some harm, and consequentially reduce the appearance of the building in the view from St Marys Tower. Effective and sensitive landscaping to retain the Hall's parkland feel could also mitigate this harm.

- 8.19. In the longer view, the Headington Hill Conservation Area was in part given its designation in recognition of the views to and from Oxford as well as for its well-timbered character, all forming part of the dreaming spires green backdrop. OPT accepts that over the years, the trees have not been managed for the views as they should have been, and some of the views have been lost. We are pleased to see this proposal intends to open up this view providing public access to the site so the view can be enjoyed by all. However, by opening up the view, combined with the higher ridge height, the proposed new building will be more visible from St Mary's Tower and it is important that the Hall is still read as a country house in its setting from this view. Whilst the current Helena Kennedy Centre can be seen behind Headington Hill Hall, the Design and Access statement states 'There is a clear hierarchy, with this significant house occupying a prominent position on the Hill, enjoying commanding views across the City.' The proposed development has a 'palette of materials of a more muted tone' which will better blend with the surrounding environment than the stark white of the current building. However, we feel it is important that Headington Hill Hall should still be read as a country house in its green setting and that the proposed building should not read as a continuation of it.
- 8.20. In addition, we can find no reference in the Design and Access Statement to lighting and the impact it will have in the view as the view is opened up. Bright lights visible in the green backdrop, especially behind Headington Hill Hall after sun down, would be an alien addition, detracting from Headington Hill Hall and the view itself which may cause some harm. We strongly urge the applicants to consider the impacts and ways to minimise this.
- 8.21. Finally, we hope that every opportunity will be taken to make improvements to the Grade II bridge which historically links the Morrell estate on the other side of the London Road, and is key in the views up and down the hill. It is currently in a poor state of repair, and we hope that it can form part of these improvements and not be left behind as the campuses on either side of the road are upgraded. This would certainly be a demonstrable public benefit for the scheme.
- 8.22. In conclusion, OPT does not object to the principle of the demolition of the Helena Kennedy Centre and the re-development of this site. However, we do have concerns about the current proposal and its relationship in longer views and

its impact on the setting of Headington Hill Hall and ask for further work to be conducted to reduce this harm.

### **Public representations**

8.23. No letters of comment have been received from third parties.

## **9. PLANNING MATERIAL CONSIDERATIONS**

9.1. Officers consider the determining issues to be:

- i. Principle of development;
- ii. Design & Impact upon Designated Heritage Assets
- iii. Landscaping
- iv. Transport
- v. Sustainability and Energy
- vi. Flood Risk and Drainage
- vii. Biodiversity
- viii. Other Matters – Land contamination, archaeology, and air quality

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

9.2. The National Planning Policy Framework [NPPF] includes a presumption in favour of sustainable development (paragraph 14) and recognises that the planning system has an economic, social, and environmental role in achieving this aim. The Core Principles (paragraph 17) encourage the efficient use of previously developed (brownfield) land, as well as the importance of high quality design.

9.3. This is supported by Oxford Core Strategy Policy CS2 and Oxford Local Plan Policy CP6 which support the use of previously development land in an efficient manner that suits the sites capacity. The principle of redeveloping the site for a more efficient academic use would be considered broadly acceptable however consideration would also need to be given to the impact upon other development plan policies that deal with the provision of new university accommodation.

#### *Academic Accommodation*

9.4. The existing Helena Kennedy Building and temporary Willow Building both benefit from an authorised use for educational purposes and have a combined gross internal floor area of 5,632 m<sup>2</sup>. The Helena Kennedy Building formerly provided a range of office, academic, and social space for the university but is currently vacant as the uses have decanted to Gypsy Lane. This building could be brought back into educational use associated with the university at any time without the benefit of planning permission. The Willow Building is currently used as temporary academic accommodation.

- 9.5. The proposed replacement building would be a single structure with a total floor area of 5,300m<sup>2</sup>, which would represent a decrease in the available academic floorspace within the Headington Hill site of 332m<sup>2</sup>. The building would be used to incorporate functions of the Faculty of Technology, Design, and Environment within a single flexible space in order to encourage inspiration and interaction amongst the different courses that the faculty offers.
- 9.6. Oxford Core Strategy Policy CS25 states that planning permission will be granted for additional academic / administrative accommodation for Oxford Brookes University where that University can be demonstrated that the number of full-time students at the university who live in Oxford but outside of university-provided accommodation, will, before the particular development is completed, be below the 3,000 level and once that figure is reached, thereafter will not exceed that level. All future increases in student numbers at the university as a result of increases in academic / administrative floor-space must be matched by corresponding increase in purpose built-student accommodation.
- 9.7. Although the general principle of Oxford Brookes making the best and most efficient use of their existing academic accommodation within their campus is supported, consideration has to be given to whether Oxford Core Strategy Policy CS25 is engaged. At the current time it is acknowledged that the current number of Oxford Brookes students living outside purpose built student accommodation exceeds the 3,000 threshold and according to the policy any additional academic accommodation needs to be matched by an increase in purpose built accommodation.
- 9.8. The Planning Statement submitted with the application has set out why the proposal would not conflict with this policy. It states that the proposal relates to a larger estates plan for Oxford Brookes University which is seeking to consolidate its estate in order to make an efficient use of the remaining land to form a more vibrant campus. It is anticipated that this plan will decrease the available academic floor space from 125,000m<sup>2</sup> to 87,000m<sup>2</sup> albeit this will be across all of their sites including those that lie outside of the city. It is intended that the proposed building will be available for use in 2020 when the current faculty building at Wheatley is decommissioned. The new building is not intended to expand the available academic courses or result in a growth in student numbers which is what the policy seeks to control. The statement goes on to suggest that decommissioning the Wheatley site has the potential to bring forward the delivery of 500 homes to Oxfordshire with an outline application currently with South Oxfordshire District Council for consideration.
- 9.9. It also goes on to say that the university is currently seeking to address the issue with respect to the number of students currently living outside of purpose-built student accommodation. The delivery of the Cowley Barracks site which is currently under construction and will provide circa 885 rooms, along with the provision of additional rooms through the future redevelopment of Clive Booth Student Village are anticipated to deal with the issue by 2019.

9.10. Having regards to the above, officers would concur with the applicant in that the aims of Policy CS25 is to deal with managing the expansion of the two main academic institutions within the city rather than their contraction. In this case, it is important to understand that the existing Helena Kennedy Building and Willow Building could be put to academic use without the requirement for planning permission. Therefore the replacement building would result in a significant reduction in available academic space from within the Headington Hill site, and not equate to new academic floor space. That would also be before taking into consideration that the building would give rise to a loss of further space from the wider Oxford Brookes Estate through the decommissioning of their Wheatley Campus. The fallback position would be for the existing buildings on site to be refurbished to provide the new accommodation for the Faculty of Technology, Design, and Environment. This would be a realistic possibility given how the development is tied to the wider university strategy to decommission their Wheatley site for housing, and invest the receipts in redeveloping other sites such as Clive Booth Student Village. Moreover the fallback position would represent a lost opportunity to remove a group of buildings that do not contribute positively to the site in favour of a more thoughtfully and carefully designed building that does make a positive contribution to the site. As such officers consider that the loss of academic floorspace from Headington Hill Hall site and confirmation that the new building is not intended to result in a growth in student numbers would mean that Oxford Core Strategy Policy CS25 is not engaged in this instance.

**ii. Design and Impact upon Designated Heritage Assets**

9.11. 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 of the Sites and Housing Plan in combination require that development proposals incorporate high standards of design and respect local character.

9.12. The NPPF requires proposals which are likely to have an impact upon designated heritage assets to be based upon an informed analysis of the significance of all affected heritage assets and expects applicants to understand the impact upon those assets with the objective being to sustain their significance (paragraphs 128 & 131). In making any such assessment great weight should be given to the asset's conservation. While there is a general presumption that development proposals should not substantially harm, or result in total loss of the significance of a designated heritage asset, Paragraph 134 of the NPPF advises that where development proposals will harm the significance of a designated heritage asset but that harm would be less than substantial then this harm should be weighed against any public benefits the proposed development may offer, including securing its optimum viable use.

9.13. Section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires local planning authorities to have special regard to the desirability

of preserving a listed building, conservation area, or their setting or any features of special architectural or historic interest which they possess. In the Court of Appeal, Barnwell Manor Wind Energy Ltd v East Northants District Council, English Heritage and National Trust made clear that to discharge this responsibility means that decision makers must give considerable importance and weight to the desirability of preserving the setting of listed buildings when carrying out the balancing exercise (of weighing harm against other planning considerations).

- 9.14. Oxford Local Plan Policies HE3 and HE7 seek to seek to preserve or enhance the special character and appearance of Conservation Areas and their settings; and the settings of Listed Buildings. Whilst the wording of these policies does not include the balancing exercise identified in paragraphs 134 of the NPPF and would therefore be deemed to be out-of-date with the framework, they would be consistent with the above-mentioned legal requirements of Section 66 and 72, and they must therefore carry considerable weight in the determination of this application.

#### Designated Heritage Assets

- 9.15. The site lies within the Headington Hill Conservation Area. The estate includes a number of listed buildings which lie adjacent to the site, including the Headington Hill Hall and attached forecourt wall (Grade II\*), Headington Hill Hall Lodge House (Grade II), Bridge over the Headington Road (Grade II), and the stone on the north side of the bridge (Grade II).

#### Demolition

- 9.16. The existing building on site dates back to the 1960s and was used by Pergamon Press. It has more recently been occupied as a student centre for Oxford Brookes and named after Dame Helena Kennedy. The design is attributed to Phillip del Nevo of the Oxford Architects Partnership. It is considered to be an early work of the practice and not identified as being of any particular architectural distinction.
- 9.17. The building sits in a cleared area of the formal parkland which lies immediately in front of and at a higher level than the Hall and therefore the building dominates views from the front of the listed house, disconnecting the house visually from its immediate parkland setting. It is considered that the loss of the building will not harm the character or appearance of the conservation area or have a harmful impact on the setting of adjacent listed buildings. In fact the removal of the building would enhance the setting of the listed building in particular.

#### Design

- 9.18. The proposal has been designed in a manner which has sought to respond intelligently to the surrounding context. It has also been informed through extensive pre-application discussions with officers, and also the Oxford Design Review Panel. The application is accompanied by a Design & Access Statement



and Heritage Assessment which considers the impacts of the proposal upon the designated heritage assets.

- 9.19. The proposed building has been designed as a pavilion like building which sits within mature parkland. The building is positioned to respond to this landscape, nestled within the existing mature trees. The building allows links through from the Headington Road footbridge that connects the site to Cheney Student Village with the other academic buildings on the plot. The building has been designed to be as open and flexible as possible, with a double height space in the 'body' of the building which have specific technical zones. The main functions at ground floor are limited to those that require heavy loading equipment, while the upper levels are used for functions that need more natural light and less services such as architectural and art studios. The 'head' of the building includes social learning spaces, digital arts spaces, a theatre, and music recording studios, along with a café. The head and body are linked by a 'neck' which helps isolate the noisier activities from the more acoustically sensitive activities. This space includes a wide staircase with tiered seating steps which can be used as an informal auditorium for exhibitions, student performances etc.
- 9.20. In terms of size and scale the building would be taller than the existing Helena Kennedy Building, with an overall height of approximately 10.6m but with small sections containing plant extending to approximately 14.1m. The building would have an over-sailing floating canopy roof, with an expressed timber structure that relates to the trunks of the mature specimen trees in the parkland. The palette of materials (steel, glass, and timber) is designed to relate to the setting.
- 9.21. Officers consider that the proposed building would constitute a well-mannered and contextual response to the site. The size, scale, siting design would be appropriate for the site in accordance with the above-mentioned policies however the acceptability of the proposal would need to have regard to the statutory requirement to consider the impact upon the designated heritage assets the lie within the site and also in the surrounding context.

#### Impact on Designated Heritage Assets

##### *Setting of Headington Hill Hall (Grade II\* Listed Building) and other listed structures*

- 9.22. The application site falls within the historic curtilage of Headington Hill Hall as shown on the second edition OS Map 1899-1900 where the site can be identified as set within the informal gardens and parkland that lay to the east of the house and extended as far north as Cuckoo Lane, an important footpath route from Headington Hill to Marston Road in the west. The formal parkland setting of the Hall which significantly provided it with its "country house" appearance is clearly evident today in spite of the additional buildings and subsequent changes in use that have occurred since James Morrell's original vision. The site is presently occupied by a building that was originally constructed for Pergamon Press. Robert Maxwell also rented Headington Hill Hall in the 1950's from the city council who remain the current owners. The house was built in 1824 for James Morrell, owner of The Lion Brewery in St Thomas'. The Grade II\* listed building

was built on former agricultural land that lay across the side of the hill that rises to the east of the city, between St Clements at the bottom of the hill and the then agricultural settlement of Headington at the top. The Hall lies immediately to the west of the application site with its principal, entrance façade with its distinctive porch and former carriage yard facing onto the application site albeit at a lower level. The originally gravelled now tarmac drive presently functions as a car park as does much of the land to the north and northeast of the Hall up to its boundary with Cuckoo Lane. The parkland, beyond the immediate, formal and less formal gardens to the south-east of the Hall, that runs down to a later, Italianate lodge on Marston Road is presently managed by Oxford City Council. The Hall, gardens and remaining parkland on the north and east sides of the Hall, where the application site lies is leased and occupied by Oxford Brookes.

- 9.23. There is a sense of unplanned use to the land immediately around the house, with it primarily used for car parking and the proposed development together with future campus wide plans for the development and management of the surrounding land offers the opportunity to consider the significance of the landscape, both immediate and wider (the historic estate) significant structures that fall within the curtilage of the listed building or its setting (including the Lodge, and William Wilkinson's bridge over Headington Road) together with the setting of the Hall and seek to enhance these heritage assets based upon an understanding of what is important to preserve.
- 9.24. The new building has been designed to sit within the same clearing to the front of the Hall. Conscious of the duty not to harm the setting of the listed building the architects have sought to design a relatively simple building form, with a rectangular plan of two storeys under a flat roof. The architecture presents an expressed structure of "tree like" columns set out on an even grid which take reference from the many distinctive and majestic trees that make up the building's important parkland setting. The removal of the temporary Willow buildings that are sited at top of the bank between the Hall and the existing Helena Kennedy building is a positive benefit to the setting of the Hall and means that any new or replacement building will be sited further from the listed building and important elements of its curtilage than is presently the case. Although large, the new building has been designed to be sited within the area taken up by the existing building and the group of WWII temporary buildings before that, thus minimising or removing any further harm to and/or loss of important parkland trees or disturbance of any undisturbed land. The proposed alignment of the new building has been designed in such a way as to reduce the appearance or visual impact of the building's not unsubstantial size and mass in views from the front of the Hall with the long facades angled away from the front of or inside the house.
- 9.25. In views from Pullen's Lane the new building will still interrupt views of the Hall however the architecture of the proposed building is elegant as opposed to the very ordinary appearance of the existing building and any harm to the setting of the listed building would certainly be no greater than at present, thus preserving the listed building's setting furthermore the harm that would occur is arguably mitigated through a high quality design that meets the expectations of both local and national planning policy.

9.26. The Hall is a significant feature in long views out of the city toward the east. It is particularly evident in views from St Mary's Tower. In these views the existing building sits primarily behind the Hall and is certainly recessive or negative in terms of any architectural contribution that it makes to the panoramic view of the eastern hillside. The former parkland trees, in particular the highly distinctive conifer trees make an important contribution to the whole picture of the hillside and any loss of or harm to these trees would be regrettable. The new building will be partially visible from this important view point. Much of the proposed building will sit discretely behind the Hall however it is intended that the northern end of the new building should have its own vantage over the city and consequently it will itself be seen in long views from the city extending beyond the northern end of the Hall's garden façade. The new landscape to surround the proposed building has been designed to both reinforce existing planting as well as to create a good setting for the new building. The intention is that there would be some "green" within the views of the new building alongside the Hall so as to reduce any negative impact. In this regard Historic England has also confirmed their view that the building will not have a significant impact on the green backdrop of the hill.

*Impact upon character and appearance of the Headington Hill Conservation Area*

9.27. The application site lies in the south western part of Headington Hill Conservation Area in an area where the C19 "escape" from the crowded, poor environment of the city manifested itself in the country houses in landscaped gardens/grounds the largest of which is Headington Hill Hall and smaller, although still large houses that extend along Pullens Lane and into Harberton Mead, along the ridge of the hill in the northern part of the conservation area. The gardens that accompanied these large Victorian villas included individual specimen trees which have now matured to provide the "wooded" hillside that characterises this area and is particularly distinctive in views out from the city and across the city from the south east (Raleigh Park). The buildings, primarily parts of their roofscape can be glimpsed amongst the tree canopies in these important views. At ground level, the area immediately around the site is characterised by the institutional colonisation of the latter part of the C20 surrounded by the open space of the formal parkland that primarily belonged to Headington Hill Hall.

9.28. The proposal to replace a single large building of limited architectural merit that does not respect it's context with a single large building that has been designed to respect the character and appearance of the setting informed by a heritage assessment is welcomed. Although large the replacement building takes some reference from its immediate surroundings, parkland and reflects this in its appearance, the expressed structural "trees" allow the building to sit more comfortably in its place than its predecessor and to make a positive contribution to its surroundings. In considering the design of the landscape around the new building the designers have sought to follow the principles of open parkland reinforcing the existing character but adding some interest and in this way the building is allowed to sit within its landscape rather than appearing as an alien addition.

- 9.29. During the consultation process concerns have been raised with respect to the impact of the buildings internal lighting upon the setting of the hall and long range views. In this regard it should be noted that there has been an existing building on site since the 1960s which would have had internal and external lighting. The new building will change this condition, but on balance it is considered that subject to a detailed study of the light impact and how light spillage from the building will be managed it is considered that the design of the building should not have a harmful impact on either the character and appearance of the conservation area or views of the site.
- 9.30. In assessing the impact of the development, officers have attached great weight and importance to the desirability of preserving or enhancing the character and appearance of the conservation area, long and short range views, and the settings of the surrounding listed buildings as designated heritage assets.
- 9.31. Having regards to all of the above, officers consider that the loss of the existing buildings would not result in harm to the heritage assets or their settings. The overall size, scale and design of the building is appropriate and a contextual response to the site which would relate well to the parkland setting of the conservation area and the listed buildings. The proposed building would not have an adverse impact upon the character and appearance of the conservation area when viewed from the surrounding long and short range views, subject to a further study relating to the light impact and how light spillage from the building is managed. Therefore subject to conditions, the proposal is considered to comply with sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, paragraphs 132 and 134 of the NPPF, policies CP1, CP8, HE3, HE7, and HE10 of the Oxford Local Plan 2001-2016 and policy CS18 of the Oxford Core Strategy, and HP9 of the Sites and Housing Plan

### **iii. Landscaping**

- 9.32. The application has been accompanied by a landscape strategy and arboricultural method statement which has considered the impact of the development upon the parkland setting and importantly the mature trees within the site.
- 9.33. The strategy has sought to take a restrained approach in order to work with the existing mature landscape, so as to allow the building to appear as an object within the parkland setting, and enhance the existing landscaping where required. The building has been sited within the existing footprint of the building in order to reduce the amount of tree removals. An events lawn is located to the south of the building in order to make use of the sunnier aspect of the site, and also better use of a space that currently feels like the rear of the existing building. The strategy will also provide new woodland paths through the trees encouraging activity within them, and formed from metal mesh, timber, or bound gravel in order to respect the setting.
- 9.34. The proposals require the removal of several trees as indicated in the Arboricultural Impact Assessment (AIA), including 2 trees, a Judas tree (T222) and a Norway

maple (T794A) both mature and moderate quality and value (B category according to BS5837:2012), that must be removed as a direct impact of the design of the new building. Other trees to be removed include a young Austrian pine (T7284B) for construction of a new stepped path, 4 lime trees, an oak, and a Tree of Heaven to open up views towards the Oxford skyline (T876, T873, T871, T869, T7299B, T874 respectively) and 5 trees that are in poor condition.

- 9.35. Having regards to the number of trees that are to be retained and the opportunities to plant new trees that will mitigate the losses, it is considered that the impacts of the proposed tree removals will not be detrimental to public visual amenity in the area. None of the trees to be removed are historically significant in the context of the Baxter designed landscape setting of Headington Hill Hall. It is considered that the special character or appearance of the Headington Hill Conservation Area will be significantly harmed by the tree losses in this case.
- 9.36. Officers would have a slight concern that the proposed 'desire-line path' from the access of the site to the entrance of the building requires construction within the Root Protection Areas of several significant trees. Although the AIA advises 'no-dig' design and construction methods for this new path to minimise the impacts on tree roots, the ground levels appear to preclude the sensible use of the three-dimensional cellular confinement geotextile systems that are commonly used and which sit on top of and above existing ground levels. The need for this path and its route of this path should therefore be reconsidered.
- 9.37. It is essential that retained trees are adequately protected during the construction phase. Further details including, the design and construction methods of hard surfaces, the location and construction methods of underground utility services and drainage, and tree protection details and methods, should be required by condition if planning permission is granted.
- 9.38. The Landscape Strategy is considered to be appropriate for the site, and subject to appropriate conditions listed in this report, would not conflict with Oxford Local Plan Policies CP1, CP11 and NE15.

#### **iv. Transport**

- 9.39. The NPPF states that all developments that generate significant amounts of movement should be supported by a Transport Statement. The Oxford Local Plan 2001-2016 also requires Transport Assessments from development that is likely to have significant transport implications. The NPPF also states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe.
- 9.40. A Transport Statement (TS) has been submitted with the application that considers the highway impacts of the proposal. The site is considered to be in a sustainable location, approximately 2.2km to the east of the city centre. There are also excellent public transport links to the city centre and beyond in close proximity, including the university subsidised BROOKESbus service. The Headington District Shopping Centre is also within walking distance.

### Transport Sustainability

- 9.41. The TS confirms that Oxford Brookes are developing a campus wide development plan which looks at opportunities to improved connectivity in and around their Headington Campus (Gipsy Lane, Headington Hill Hall, and Clive Booth Hall) and Harcourt Hill Campus. It is this that will enable other campuses such as Wheatley to be vacated. This Campus Development Plan is not part of the application, and is intended to be submitted as a separate document in the near future.
- 9.42. The replacement building subject to this application will result in an overall reduction in gross floor area on the site, and the TS identifies that the development would not generate an increase in overall traffic movements to this part of the campus.
- 9.43. The Local Highways Authority has raised no objection to the proposal, but has made reference to how it relates to the wider campus development plan which officers would make Members aware is not part of this application. They have suggested that the overall consolidation of the Oxford Brookes Headington sites and closure of places such as Wheatley Campus will lead to an increase in travel to the Headington Hill site. However they have also recognised that given the location of the Headington Hill site in relation to the main Gipsy Lane site and its accessibility by sustainable modes of transport, any increase would not severely impact on the local highway network. Moreover the university's parking permits scheme restricts the opportunity for people to travel to the building by car.

### Accessibility

- 9.44. The TS makes clear that the proposal would maintain the existing access arrangements to the site. The vehicular access would continue via Headington Road, whilst pedestrian and cycle access would come from four main routes – Headington Road; the footbridge which links the Headington Hill Site with the Cheney Student Village; the footpath on Headington Road below this footbridge; the existing footpath network from Cuckoo Lane which links the site with Clive Booth Student Village and Marston Road.
- 9.45. The Local Highways Authority has indicated that the proposed development and the overall Campus wide strategy will increase trip demand to and from the site. This increases the importance of safe crossing facilities between the Gipsy Lane site and Headington Hill site over the London road. There is existing provision here (footbridge/ pedestrian crossing/ informal crossing) so further provision may not be required, however, this may influence flow on the A420. As intensification will occur on both sides, signage may be required to make cyclists/pedestrians aware of available crossing points.
- 9.46. In addition to this, they have also suggested that access will likely occur from Cuckoo Lane and quiet route connections via Pullens lane and to Marston Road (via Clive booth hall) would be subject to increased pedestrian/ cycle usage as a result of the development. This is to be supported as in conformity with aspirations of the transport strategy, however existing provision (lighting/ surface

width and quality/ signage) on these routes could be improved. They have suggested that a contribution towards improvement measures on these paths is sought through CIL to ensure these routes are improved to suit this intensification of use. However, officers would suggest that such improvements are more likely to be delivered as part of the future application for the improvements to Clive Booth Student Village rather than this application.

### Cycle Parking

- 9.47. The proposal would result in the removal of 15 Sheffield stands located on the northern side of the building, and the relocation of 18 bike bins on the southern side. These are to be relocated elsewhere within the campus. The existing cycle spaces (10 cycles) at the gatehouse, and parallel to the Headington Road on the southern boundary of the site (12 spaces) will be retained.
- 9.48. The proposal seeks to provide 206 cycle spaces in accordance with the Local Plan Standards however, it is seeking to reinstate through a phased programme with 100 spaces provided at first through 40 sheffield stands to the north of the building, and a further 10 to the south near the Headington Road footbridge. It is also proposed to increase this by a further 106 spaces at a later date with space safeguarded to accommodate the increase. The phasing is proposed in order to monitor use through the Travel Plan process and additional facilities provided if required. The Local Highways Authority has suggested that all 206 spaces should be provided before the development comes into use. Officers would make members aware that the application of the cycle parking standards is a matter for the Local Planning Authority to apply rather than the Local Highways Authority. As such officers would agree that all 206 spaces should be provided, but that a phased programme of provision would be reasonable as it would allow consideration to be given to understanding where the most appropriate locations for the stands are in order to support use. This should not be at the expense of the applicant understanding whether the additional spaces are required as suggested in the TS, but a clear commitment to providing the spaces, the locations for them, and the timeframe for delivery.

### Car Parking

- 9.49. The proposals will retain the existing levels of on-site parking at 40 spaces which are currently situated around the Helena Kennedy Building. As this level of provision would be below the councils adopted parking standards. The Local Highways Authority have raised concerns about the number of parking spaces on site leading to informal parking and potential safety implications and have asked for a car park management plan to be provided. It is not clear from their response where this informal parking is occurring, and what the specific safety implications are. The parking on site is currently controlled by the university. Students are discouraged from bringing cars into Oxford in accordance with the councils long standing development plan policies, and the parking on site is primarily for staff through a permit system. The Local Highway Authority suggest that the car park management plan makes sure that the number of permits being permitted does not exceed the number of bays available on site.

- 9.50. It is clear that there is a significant amount of staff parking on site, and the parking is currently managed through the permit scheme and access is controlled by security staff at the gatehouse. The manner in which the college manages on-site parking would be a matter for the overall Campus Wide Development Plan, rather than this application, which is not proposing an increase in parking provision. Therefore it is not a matter for the determination of this application and as such the recommended condition would not be reasonable, especially given any such impacts would be dealt with through appropriate management in a Travel Plan.

#### Travel Plan

- 9.51. The TS makes clear that although there will not be an increase in floorspace on site, the development forms part of the proposals for the overall consolidation of the college sites. It is envisaged that approximately 400 peak time students and 30 staff will be relocated to this development. The TS confirms that in order to promote sustainable travel modes to students and staff members, the development will be covered by the university's existing Travel Plan (2016-2018) and it will be updated to provide an overarching strategy across all of the sites.
- 9.52. Officers would suggest that this document would be the best means of dealing with the Local Highway Authority's concerns with respect to parking management and agree that the travel plan should be updated to reflect the changes on site (both physically and in pupil numbers) prior to first occupation of the new building. This should be secured by condition

#### Construction Traffic Management Plan

- 9.53. A Construction Traffic Management Plan should be secured by condition to minimise any impact on the local highway through the construction phase of the development.
- 9.54. Having regards to all these matters, officers consider that the Transport Statement has demonstrated that the proposal satisfies the aims of Paragraph 32 of the NPPF, and also Oxford Local Plan Policy CP1 which states that development should be acceptable in terms of access, parking, highway safety, traffic generation, and pedestrian and cycle movements subject to appropriately worded conditions.

#### **v. Sustainability and Energy**

- 9.55. Oxford Core Strategy Policy CS9 (Energy and Natural Resources) states that all developments should seek to minimise their carbon emissions and should demonstrate sustainable design and construction methods and energy efficiency through design, layout, orientation, landscaping and materials.
- 9.56. The proposed development would meet the definition of qualifying development and the applicant has submitted an Energy Statement in support of the application.



- 9.57. The energy statement sets out a comprehensive strategy for the scheme. The development will employ a 'be lean, be clean, be green' approach which means ensuring the building uses less energy, deliver energy efficiently, and utilise renewable energy. A fabric first approach will minimise heat loss through the use of high efficiency insulating materials in walls, floor and roofs, and high efficiency double glazing for the windows. The building will utilise passive design measures and has been orientated south-east / north-west facing in order to optimise the solar gain in winter but to reduce it in summer. Rooms are located according to function so as to suit natural light and ventilation, solar gain etc. The development will also use energy efficient mechanical systems in order to control and manage energy performance. In terms of renewable energy, on-site low and zero carbon technologies are to be utilised. In particular photovoltaics are considered the most suitable, because the electricity for the PV can be used for the development when there is demand. It will enable use of the large expanse of south facing roof for mounting the arrays. The strategy states that the amount of PV will be developed further during the detailed design stage in order to confirm the precise requirement.
- 9.58. Overall the energy strategy would accord with the aims of Policy CS9. A condition should be attached which seeks details of the photovoltaic array as it is developed further.

**vi. Flood Risk and Drainage**

- 9.59. Oxford Core Strategy Policy CS11 states that development mitigation measures must be implemented to mitigate risk and that schemes should incorporate sustainable urban drainage measures to limit run off, and preferably reduce the existing rate of run-off.
- 9.60. A Flood Risk and Drainage Assessment have been submitted with the application. The site is located within Flood Zone 1 which has a low probability of flooding. The strategy sets out that the surface water drainage system proposed for the scheme would incorporate sustainable drainage systems and be designed to meet the 1 in 100yr return period rainfall + 40% climate change.
- 9.61. The Flood Risk and Drainage Assessment sets out a preliminary drainage strategy based on infiltration, with the results of soakage tests confirming this is feasible. The strategy is based on a permeable paving carpark, rainwater harvesting, and an infiltration tank allowing surface water to be infiltrated on site. The strategy also suggests further implementation of Sustainable Urban Drainage may be integrated at the next stage.
- 9.62. The Lead Local Flood Authority (LLFA) has noted that no details of the SUDS scheme have been provided. They have commented that the report does not provide details of what other forms of infiltration could be used in conjunction with an infiltration tank. The LLFA have also said that the routes identified for water to flow onto the adjoining highway are not acceptable and the detailed design of the drainage scheme will need to ensure that any exceedance of surface flows are catered for within the site boundary.

9.63. A condition should therefore be imposed which seeks to secure the more detailed drainage scheme by condition.

**vii. Biodiversity**

9.64. The NPPF states that development proposals should conserve and enhance biodiversity by applying the certain principles. These include, if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, the permission should be refused. Opportunities to incorporate biodiversity in and around developments should be encouraged (paragraph 118)

9.65. Oxford Core Strategy Policy CS12 states that development will not be permitted that result in a net loss of sites or species of ecological value. Where there is opportunity, development will be expected to enhance Oxford's biodiversity.

9.66. An Extended Phase 1 Habitat Survey and Bat Survey have been undertaken at the site by BSG and a scheme of Biodiversity Enhancement Measures produced. The proposal would seek to provide enhancements by means of bat and bird boxes on the mature trees surrounding the site in order to provide roosting features. These will be managed and maintained by Oxford Brookes staff on an annual basis. In addition to this, hedgehog houses are to be provided within the Headington Hill campus. The proposed tree and shrub planting will be native species in keeping with the local character and providing a resource for birds, invertebrates and small mammals.

9.67. Having reviewed these documents officers are satisfied that the potential impacts upon protected species have been sufficiently taken into account and that the proposed mitigation and enhancement measures provided are acceptable and should be secured by condition. As such the proposal would accord with the aims of Oxford Core strategy Policy CS12.

**viii. Other Matters**

9.68. Land Contamination: The site was previously occupied by a printing works which is considered to be a potentially contaminative use. A ground contamination questionnaire has been submitted with the application.

9.69. A site walkover and ground investigation has been carried out which has found no visual or olfactory signs of contamination. However no reports have been provided with the application to confirm this statement. It is noted that there are proposals to import soils into the site which will need testing to ensure that they are suitable for use.

9.70. Therefore in view of the above, officers would recommend that a phased risk assessment condition is imposed to ensure that the site is suitable for use post development.

- 9.71. Archaeology: The application is of archaeological interest because it involves ground works on crest of Headington Hill, close to the break in slope and approximately 50m from a spot where a number of early Saxon loom weights were found which were suggestive of domestic settlement on the crest of the hill. Roman and Iron Age settlement has also been recorded further east on the top of Headington Hill.
- 9.72. In this case, bearing in mind the scale of the new development and the extent of the existing building footprint, officers would request that, in line with the advice in the National Planning Policy Framework, a condition requiring a written scheme of investigation should be imposed.

## **10. CONCLUSION**

- 10.1. Having regards to the matters discussed in the report, officers would make members aware that the starting point for the determination of this application is in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004 which makes clear that proposals should be assessed in accordance with the development plan unless material considerations indicate otherwise.
- 10.2. The NPPF recognises the need to take decisions in accordance with Section 38(6) but also makes clear that it is a material consideration in the determination of any planning application (paragraph 2). The main aim of the NPPF is to deliver Sustainable Development, with Paragraph 14 the key principle for achieving this aim. The NPPF also goes on to state that development plan policies should be given due weight depending on their consistency with the aims and objectives of the Framework. The relevant development plan policies are considered to be consistent with the NPPF despite being adopted prior to the publication of the framework.

### *Compliance with Development Plan Policies*

- 10.3. Therefore in conclusion it would be necessary to consider the degree to which the proposal complies with the policies of the development plan as a whole and whether there are any material considerations, such as the NPPF, which is inconsistent with the result of the application of the development plan as a whole.
- 10.4. In summary, the proposed development would seek to make an efficient use of previously developed land in accordance with Oxford Core Strategy Policy CS2. The redevelopment of the site for academic accommodation for the university college within their own campus is also supported by Oxford Core Strategy Policy CS25. The site layout and built form has been developed in a comprehensive and thoughtful manner following an extensive pre-application process which has considered the impact upon designated heritage assets and subject to conditions would not cause harm. As such it would accord with Local Plan Policies CP1, CP6, CP8, HE3, HE7, and HE10 along with Core Strategy Policy CS18. In transport terms, it is considered that the proposal would be acceptable in terms of access, parking, highway safety, traffic generation, and pedestrian and cycle movements in accordance with Local Plan Policy CP1. The development would not have an adverse impact upon biodiversity and would secure appropriate

mitigation measures in order to ensure that there is no net loss of biodiversity in accordance with Core Strategy Policy CS12. The proposed landscaping would accord with Local Plan Policies CP1, CP11, and NE15. The development would also be acceptable in terms of archaeology (Local Plan Policy HE2), Land Quality (Local Plan Policy CP22). Where there are any adverse impacts in relation to these matters officers consider that these could be mitigated through appropriately worded conditions.

- 10.5. Therefore officers consider that the proposal would accord with the development plan as a whole.

#### *Material Considerations*

- 10.6. The principal material considerations which arise are addressed below, and follow the analysis set out in earlier sections of this report.
- 10.7. National Planning Policy: The NPPF has a presumption in favour of sustainable development which should be viewed as the golden-thread running through decision taking.
- 10.8. NPPF paragraph 14 states that proposals that accord with the development plan should be approved without delay, or where the development plan is absent, silent, or relevant plans are out of date, granting permission unless any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole; or specific policies in the framework indicate development should be restricted.
- 10.9. Officers consider that the proposal would accord with the overall aims and objectives of the NPPF for the reasons set out within the report. Therefore in such circumstances, Paragraph 14 is clear that planning permission should be approved without delay. This is a significant material consideration in favour of the proposal.
- 10.10. Officers would advise members that having considered the application carefully including all representations made with respect to the application, that the proposal is considered to be acceptable in terms of the aims and objectives of the National Planning Policy Framework, and relevant policies of the Oxford Core Strategy 2026, and Oxford Local Plan 2001-2016, when considered as a whole, and that there are no material considerations that would outweigh these policies.
- 10.11. Therefore it is recommended that the Committee resolve to grant planning permission for the development proposed subject to the conditions set out in Section 12 of this report.
- 10.12. It is recommended that the Committee resolve to grant planning permission for the development proposed subject to 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.

## 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 referred to shall be constructed strictly in complete accordance with the specifications in the application and the submitted plans.

Reason: To avoid doubt as no objection is raised only in respect of the deemed consent application as submitted and to ensure an acceptable development as indicated on the submitted drawings.

- 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 the visual appearance of the Conservation Area in which it stands in accordance with policies CP1, CP8 and HE7 of the Adopted Oxford Local Plan 2001-2016.

- 4 The development hereby permitted shall not be brought into use until a detailed Lighting Strategy with technical specifications and lighting contour plans has been submitted to and approved in writing by the Local Planning Authority. The lighting strategy shall include the following:

- Details of the external lighting of the development in particular architectural lighting of the buildings
- Details of the impact of the lighting upon views into the site from within the city

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: In the interests of amenity and in the absence of information, in accordance with policies CP1, HE3 and HE11 of the Adopted Oxford Local Plan 2001-2016 and policy CS18 of the Oxford Core Strategy 2026.

- 5 A landscape plan shall be submitted to, and approved in writing by, the Local Planning Authority before development starts. 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.

- 6 Prior to the start of any 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

- 7 Prior to the start of any 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.

- 8 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 works on site 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.

- 9 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 works on site 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.

- 10 The landscaping proposals as approved by the Local Planning Authority 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.

- 11 Prior to use or occupation, details of the phasing strategy for the provision of covered and secure cycle parking for a minimum of 206 bicycles in accordance shall be submitted to and approved in writing by the Local Planning Authority. The cycle parking shall be provided in accordance with this strategy and be retained in place thereafter.

Reason: To encourage the use of sustainable modes of transport in accordance with Oxford Local Plan TR4 and Policy HP15 of the Sites and Housing Plan.

- 12 A Construction Traffic Management Plan (CTMP) shall be submitted to the Local Planning Authority and agreed prior to commencement of works. This shall identify;
- The routing of construction vehicles and management of their movement into and out of the site by a qualified and certificated banksman,
  - Access arrangements and times of movement of construction vehicles (to minimise the impact on the surrounding highway network),
  - Details of wheel cleaning / wash facilities to prevent mud, etc from migrating on to the adjacent highway,
  - Contact details for the Site Supervisor responsible for on-site works,
  - Travel initiatives for site related worker vehicles,
  - Parking provision for site related worker vehicles,
  - Details of times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours,
  - Engagement with other academic institutions in the vicinity of Cowley Place, including Magdalen College School

The development shall be carried out in accordance with the approved CTMP

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.

- 13 A full Travel Plan shall be submitted to and approved in writing by the Local Planning Authority prior to occupation of the development. The approved Travel Plan shall be implemented on occupation and maintained thereafter.

Reason: To encourage the use of sustainable modes as a means of transport.

- 14 No work shall commence until a final drainage strategy has been submitted to and approved in writing by the Local Planning Author, in accordance with the principles of the drainage strategy as detailed within the submitted Flood Risk and Drainage Assessment (Doc: HK-ARUP-RP-C-0001 | 02 | 29 March 2018). The drainage strategy shall ensure that infiltration should be based on the soakage rates obtained, and each of the SuDS components should be designed to control surface water up to and including a 1 in 100y + 40% Climate Change allowance storm event. The development shall be carried out in accordance with the approved drainage strategy

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

- 15 The development shall not be brought into use until a SuDS maintenance plan has been submitted to and approved by the Local Planning Authority. The Sustainable Drainage (SuDS) Maintenance Plan will be required to be completed by a suitably

qualified and experienced person in the field of hydrology and hydraulics. The SuDs maintenance plan will be required to provide details of the frequency and types of maintenance for each individual sustainable drainage structure proposed and ensure the sustainable drainage system will continue to function safely and effectively in perpetuity. The development shall be operated in accordance with the approved maintenance plan

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

- 16 No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the local 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 and early Saxon remains (Local Plan Policy HE2).

- 17 No work shall commence until details of the sustainability measures to be incorporated into the development as specified within the Energy Statement has been submitted to and approved in writing by the Local Planning Authority. The energy efficiency measures shall be implemented and retained thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: To minimise carbon emissions in accordance with policy CS9 of the Oxford Core Strategy 2026.

- 18 Prior to the commencement of the development, details of biodiversity enhancement measures including bat and bird boxes and nectar rich planting 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 dwellings 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.

- 19 Prior to the commencement of the development a phased risk assessment shall be carried out by a competent person in accordance with relevant British Standards and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR11) (or equivalent British Standards and Model Procedures if replaced). 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 and preliminary risk assessment. 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 remediation strategy, validation plan, and/or monitoring plan be submitted to and approved by the local planning authority to ensure the site will be suitable for its proposed use.

The development shall not be occupied until any approved remedial works have been carried out and a full validation report has been submitted to and approved by the local planning authority. If topsoil material is imported to the site the developer should obtain certification from the topsoil provider to ensure that the material is appropriate for the proposed end use.

Reason- To ensure that any ground 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.

- 20 A watching brief should be undertaken throughout the course of the development to identify any unexpected contamination. Any unexpected 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.

## **12. APPENDICES**

### **Appendix 1 – Oxford Design Review Panel Letter**

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

- 13.1. Officers have considered the implications of the Human Rights Act 1998 in reaching a recommendation to grant planning permission for 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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# Helena Kennedy Building, Oxford Brookes University Design Review

Notes from 22 February 2018

### Summary

The scheme has progressed well since the last review and we support the principles of the proposal. The new building helps in fostering innovative ways of working and the contemporary nature of the architecture will create a distinctive building for Oxford Brookes University. We offer some comments to refine the building design and landscape, but we think it is important to review the parking arrangements for the site to prevent the public realm from being dominated by cars.

It is positive that a wider campus development plan has been prepared since the last workshop, and it is also evident that significant work has been undertaken on how the site will integrate with the surrounding area. However, the new building will sit within the vicinity of the Grade II\* listed Headington Hill Hall and we think more thought on how the proposal could enhance the setting of this heritage asset is required - by considering this building as part of the site. More work is required on the landscape to better frame this new building and create a stronger connection to this special context as well as to rationalise parking and movement routes.

We support the restrained architectural approach and rational response to the context which creates a distinctive contemporary building that responds to its potential for a noteworthy building for Oxford Brookes University and the surrounding area of Headington. Internally, the principle of combining and providing new facilities for design, technology, the arts, and architecture on one site is a great opportunity for Oxford Brookes University to facilitate interaction between the different departments and generate new insights and ways of working. Whilst we appreciate the open nature of this building, it might benefit from a sense of hierarchy and rules to set some parameters for each of the departments that will occupy this space and would recommend continuing to experiment and explore creative options. In addition, some further work on the positioning of the 'fab lab' space and the noisier uses would help advance the design. We would also recommend some work on the detailing of the building, particularly at roof level to refine its design.

### Relationship with the wider context

It is evident that significant work has been undertaken since the last workshop to understand how the Helena Kennedy building will integrate with the wider campus, and this is positive. Connections

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between the site and the wider campus will be important in strengthening the relationship between the university's facilities and accommodation. However, we think that more work is required to achieve a good level of integration with Headington Hill Hall. The proposal presents an opportunity to significantly enhance the Hall's surrounding context. It may be helpful to consider redrawing the red line to accommodate this building within the boundary, given that it is a key feature within the site and considering how the development can deliver benefits for this striking heritage asset. At present the Headington Hill Hall's context is compromised by the adjacent car parking and there is scope to improve this landscape.

### Landscape

The setting of the scheme is noteworthy and therefore the landscape makes an important contribution to the character and identity of the wider campus. We think the Helena Kennedy building could have a stronger connection to this special context and the landscape could better support the innovative nature of this new building. The proximity of the nearby woodland and abundance of majestic trees within the site present a unique opportunity to create a very special place.

It is positive that a wider analysis of the landscape and the on-site trees has been carried out since the last review, we recommend continuing to develop the tree strategy for the proposal, taking into account successional tree planting for the future when the existing trees reach the end of their life span. Some of the existing trees constrict visual and physical permeability within the site and therefore we suggest continuing to assess whether the removal of some of these trees could help rationalise movement and improve the openness of the site. For example, the role of the row of lime trees as a screening device between this site and Headington Hill Hall has come to an end with the removal of a building and there is potential to create a greater sense of arrival to Oxford Brookes University from the gate house to the east of the site by removing a few of the existing Holm Oak trees in this location. At the minimum, raising the canopy of some of the trees by pruning could be considered to help improve the openness and wayfinding of the site.

The distribution of car parking and vehicle and pedestrian routes across the site, the choice of paving material and markings equally has a significant impact on the character of the landscape. At present the Headington Hill Hall's context is compromised by the adjacent car parking, whilst surrounding the new Helena Kennedy building with a strictly orthogonal car park layout detracts from its appearance. We think it would be fruitful to consider this project as a "building sitting within a clearing in the woodland". To this end we recommend positioning the car parking spaces amongst the trees in a more informal way and using discreet markings in order to achieve the required number of spaces. We also recommend continuing to assess access, deliveries and vehicular movements.

We recommend continuing to progress the work on pedestrian movement routes and desire lines that has commenced. For example, we think that the paths would be more useful if they were straight and followed the routes that people will want to take, and a more contemporary ground



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plain design would better support the architectural approach. To help the scheme integrate with the surrounding university facilities and student accommodation and the suburban settlement beyond, it would be beneficial to create a new direct route north to the Clive Booth Village, ideally as soon as possible and preferably as part of these proposals.

### Building design

We support the ambition of the client and design team to create a notable piece of contemporary architecture in this location to promote Oxford Brookes University. A proposal of this nature would celebrate innovation in the design and functioning of the building whilst enhancing its natural and historic context. To progress the design, we recommend some more work on the roof treatment – the oversailing roof and soffit, and particularly how the columns could better complement the large Scots pines which are a key feature of the campus. Falling leaves from the surrounding trees are likely to accumulate on the flat roof and the overall maintenance of the roof and water runoff requires further thought. A more distinctive roof form could be explored which might resolve this issue and better complement the building.

We recommend more work on uses and the adaptability of the internal layout as well as preparing drawings showing flexibility to demonstrate the building will be functional and viable in the long term whilst meeting the needs of each separate university department. We welcome the ambition to create adaptable spaces to help facilitate the innovative practices within the building. However, creating a sense of hierarchy and rules within this flexible space in addition to defining the location and type of some of the uses would help to fix parameters that could shape and configure the internal layout and the building footprint and define ownership of spaces for different departments. At the same time the size, configuration and location of the 'fab lab' space could constrict its future growth and flexibility and we recommend continuing to explore its positioning within the building. In terms of the proposed uses, the team should carefully consider the positioning of noisy activities and move them to less prominent locations. We support the location of café which will benefit from impressive views and provide a valuable asset for both students and the wider public potentially. However, we recommend considering positioning the café in a corner or across the full width of the building to maximise these views.

### Attendees

#### Design Review Panel

Joanna van Heyningen (Chair)

Dan Jones

Martin Stockley

Deborah Nagan

Tony Edwards

### Scheme presenters

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Paul Austin	Oxford Brookes University
James Roach	BGS
Hamish McMichael	BGS
Clara Byrne	BGS
Chris Pattison	Turnberry
Susie Byrne	Turnberry
Brie Foster	Turnberry
Dafydd Warburton	LDA

### Local Authority

Adrian Arnold	Oxford City Council
Andrew Murdoch	Oxford City Council
Gill Butter	Oxford City Council

### Design Council Cabe

James Harris  
Annabel Osborne

### Historic England

Richard Peats

### Confidentiality

Since the scheme is not yet the subject of a planning application, the advice contained in this letter is offered in confidence, on condition that we are kept informed of the progress of the project, including when it becomes the subject of a planning application. We reserve the right to make our views known should the views contained in this letter be made public in whole or in part (either accurately or inaccurately). If you do not require our views to be kept confidential, please write to [cabe@designcouncil.org.uk](mailto:cabe@designcouncil.org.uk).

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# Helena Kennedy Building, Oxford Brookes University Design Workshop

Notes from 12 October 2017

Thank you for providing the Oxford Design Review Panel with the opportunity to advise on this proposal at the Design Workshop on 12 October 2017. We look forward to engaging in future dialogue as the proposal develops.

### Summary

To help deliver the key objectives for this scheme and other neighbouring sites in the university's ownership and ensure a coherent and joined-up approach between sites, we recommend developing a masterplan framework at the earliest possible stage. This framework could also help to inform the future expansion of the University's campus and future development proposals going forward.

The principle of combining and providing new facilities for design, technology, the arts, and architecture on one site is a great opportunity for Oxford Brookes University to facilitate interaction between the different departments and generate new insights and ways of working. To achieve this aim, we welcome the demolition of the existing Helena Kennedy building which appears in need of redevelopment to meet the current needs of Oxford Brookes University.

It is crucial that this proposal responds to both its striking setting and its potential for a noteworthy building for Oxford Brookes University and the surrounding area of Headington. We think there is scope to create an inventive, contemporary building that respects its wider context and encourage the team to continue to experiment and explore creative options for this building. We support the modest height and innovative function of the building which begins to respond to the landscape and key views. To move forward in the design process, we recommend that the design team better define the key parameters of the scheme starting with the wider context. To do so, more thorough contextual analysis is required, particularly in terms of trees, key desire lines, movement routes and views.



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### Relationship with the wider context

To develop a successful proposal for this site that integrates with the wider campus, a good understanding of the context beyond the redline boundary of the site is needed. It is yet not clear how the scheme integrates with the surrounding university facilities and student accommodation and the suburban settlement beyond. At this early stage of the design process we recommend a more thorough contextual analysis of the wider campus and its relationship to the site.

- Connections between the site and the wider campus will be important in strengthening the relationship between the university's facilities and accommodation. We recommend exploring pedestrian, cycling and vehicular routes outside the redline boundary in further detail and mapping new routes to and through the site to improve connectivity across the campus. Connections to the pedestrian bridge over Headington Road should also form part of this analysis.
- Further thought should be given to the location of the main entrance, and the number of entrances and types of entrances for different users into the site. The main entrance into the site is not yet clear in the current proposal. Studies on the wider connectivity are needed to help define the entrance points to the building, and whether creating additional entrances would undermine the role of the principal access to the building.
- Consider how car parking across the wider campus could be rationalised and reduced to remove the potential for conflicts between vehicular, pedestrian and bicycle movements. To help achieve this objective, thought should also be given to future car ownership trends and the long term parking requirements for the University.
- Given the striking setting within the vicinity of the Grade II\* listed Headington Hill Hall, we think this proposal offers the opportunity to celebrate and help frame this Hall in the positioning and orientation of the proposed Helena Kennedy Building. It is a key feature within the site that could be capitalised on as the proposal presents an opportunity to significantly enhance the Hall's surrounding context.
- At present the Headington Hill Hall's context is compromised by the adjacent car parking. Relocating and/or redistributing these spaces to create a more usable space that better frames this building would be a benefit.
- We encourage the design team to carry out a more in-depth analysis of long and short views across the site, specifically from the city centre and Headington Road. We suggest assessing which of these key views should be opened up to give the building a bit more prominence within the campus and from key routes in the wider area. Given the sensitive context, the reflectivity of the new building should be tested in long and short views.
- A number of potential views within the site are obstructed by trees, and we suggest considering which trees should be removed to enhance the visibility of this key building. The existing trees constrict visual and physical permeability within the site and therefore we suggest exploring the removal of some of these trees to help rationalise movement and improve the openness of the site.



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- The loss of any trees would need to be justified by an exemplary approach to the architecture and landscape. Raising the canopy of the trees by pruning could be considered to help improve the wayfinding of the site.
- There is a potential to create a greater sense of arrival to Oxford Brookes University from the gate house to the east of the site by removing a few of the existing Holm Oak trees in this location.

### Building design

We support the ambition of the client and design team to create a notable piece of contemporary architecture in this location to promote Oxford Brookes University. We think a proposal of this nature could celebrate innovation in the design and functioning of the building whilst enhancing its natural and historic context.

- We suggest the design team explores and build on the concept of the exhibition space within the design at ground floor level to help celebrate the innovative practices within the building and make it more outward looking.
- Acknowledging that the building design is a work in progress, we support the modest height of the building as it will form a discreet new building within its context.
- More thought should be given to how the building design and construction will be affected by wider contextual issues and constraints. As an example, the tree root protection zones during the construction period, innovative construction methods could be explored to address this issue such as deep piling in a central location and shallow piling in others and cantilevers.
- We suggest investigating a quieter ground plain treatment to help give the proposed building more prominence within this landscape-led setting. This could help to make the building appear to 'float' within the trees and look more lightweight in appearance.
- Whilst we welcome the proposed regular grid of the building, we think the grid could be irregular in some parts of the building to create interesting internal spaces and a more distinctive external structure.
- We welcome the ambition to create adaptable spaces to help facilitate the innovative practices within the building. However, defining the location and type of some of the uses within this flexible space would help to fix parameters that could shape and configure the internal layout and the building footprint.
- The quality of the internal spaces for the users could be further explored at this stage. In the design development of the building, the orientation could better inform the building design, particularly in terms of solar gain. Whilst we welcome the use of glazing in this context, the proposed materials should take into account the potential for the building to overheat. Overshadowing from trees could also affect the internal spaces.
- There is an opportunity for the University to showcase the expertise of its built environment departments in the building design; more thought should be given to the environmental credentials of this scheme in this regard.

## CONFIDENTIAL

### Attendees

Design Workshop Panel  
Keith Bradley (Chair)  
Dan Jones  
Martin Stockley  
Kathryn Davies  
Deborah Nagan

#### Scheme presenters

Paul Austin	Oxford Brookes University
James Roach	BGS
Hamish McMichael	BGS
Clara Byrne	BGS
Chris Pattison	Turnberry
Susie Byrne	Turnberry
Brie Foster	Turnberry
Dafydd Warburton	LDA

#### Local Authority

Adrian Arnold	Oxford City Council
Andrew Murdoch	Oxford City Council
Gill Butter	Oxford City Council
Louise Waite	Oxford City Council

#### Confidentiality

Since the scheme is not yet the subject of a planning application, the advice contained in this letter is offered in confidence, on condition that we are kept informed of the progress of the project, including when it becomes the subject of a planning application. We reserve the right to make our views known should the views contained in this letter be made public in whole or in part (either accurately or inaccurately). If you do not require our views to be kept confidential, please write to [cabe@designcouncil.org.uk](mailto:cabe@designcouncil.org.uk).

## EAST AREA PLANNING COMMITTEE

**Application Number:** 18/01329/FUL

**Decision Due by:** 20th August 2018

**Extension of Time:**

**Proposal:** Construction of two-storey building for training purposes and associated external works such as creation of access road, car park and means of enclosure.

**Site Address:** Land South Of, Oxford Road, Horspath, Oxford

**Ward:** Lye Valley Ward

**Case Officer** Michael Kemp

**Agent:** Mr Guy Roberts **Applicant:** Mr R. Blackmore

**Reason at Committee:** The proposals constitute major development.

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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. EXECUTIVE SUMMARY

2.1. This report considers the proposed development of a two storey building, which would be used for training purposes by Oxford United Football Club. The application is part retrospective as the modular training building, access and parking has already been constructed and the development as proposed is close to completion.

- 2.2. The building would be sited on former agricultural land located on the edge of the city close to the village of Horspath. Permission was granted for the redevelopment of the wider site in 2017 for a community sports use and for use by Oxford United FC (16/03078/FUL). The previous permission showed an indicative position for a training building associated with the football club, though the building did not form part of the original permission and design for the building was not submitted.
- 2.3. The proposed building is a modular structure, which would be two storeys in height. The building would be clad in timber similar to the adjacent pavilion building. The proposals also include the addition of fencing between the pitches used by the football club and the pitches made available for wider community use.
- 2.4. The application is recommended for approval as it is considered that the proposed building would represent an appropriate form of development in the Green Belt and the building would not in terms of its scale and siting impact detrimentally on the open character of the Green Belt.

### **3. LEGAL AGREEMENT**

- 3.1. This application would not be subject of a legal agreement.

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

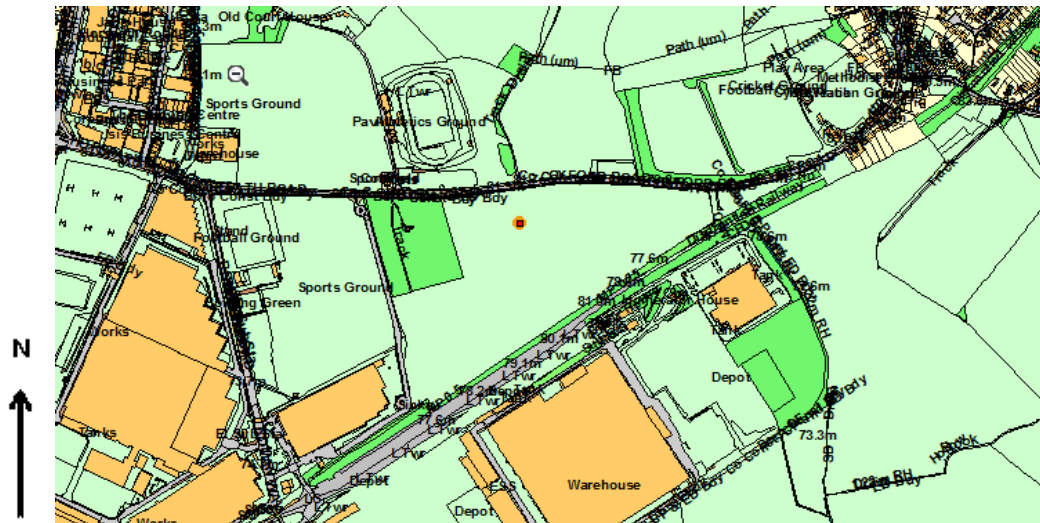
- 4.1. The development would be liable for a CIL contribution of £29,460.60

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

- 5.1. The site is located on former agricultural land on the edge of the city close to the village of Horspath. Redevelopment of the site for a community sports use and for use by Oxford United Football Club was approved by members in February 2017 (16/03078/FUL). Works to implement the approved planning permission for community sports use have already commenced on the site and are close to completion. Works have also commenced on the training building, which is now in place in the position shown on the site plan. The access road and associated parking has also been partly constructed. The fencing indicated on the site plan has not been erected on site.
- 5.2. The majority of the site is located within the Oxford Green Belt; this includes the footprint of the new building. Access to the site is via Oxford Road to the north. The area to the south of the site consists of a number of large industrial buildings on the BMW and Unipart sites, which is separated from the application site by a railway track. The existing sports facilities located to the west of the site accessed from Roman Way are presently being used by Oxford United but would be vacated.
- 5.3. The building is located to the rear of an approved single storey timber clad pavilion building, which has been constructed to the north of the Oxford United

training building. The site of the training building has been excavated and consequently sits at a lower level than the adjacent single storey pavilion.

5.4. The site location plan is included below:



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Ordnance Survey 100019348

## 6. PROPOSAL

- 6.1. The application proposes the erection of a two storey timber clad modular building, which would be used as a training facility by Oxford United FC. Variations are also sought to the wider site layout which includes the proposed addition of new fencing, this would separate the training pitches used by the football club from those used by the wider community. A design and specification of the proposed fencing has not been submitted.
- 6.2. The application has been subject of further amendments which include an increase in the footprint of the building by a further 186m<sup>2</sup>.

## 7. RELEVANT PLANNING HISTORY

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

16/03078/FUL - The change of use of land for purposes within Class D2 'Assembly & Leisure' of the Town & Country Planning (Use Classes) Order 1987 (as amended) including the development of: a new vehicular access; an internal road and vehicle parking area; grass and floodlit artificial sports pitches; a pavilion building including changing facilities; cycle tracks; drainage infrastructure including surface water storage; means of enclosure; & the creation of wildlife habitat: Approved

16/03078/NMA - Non-material amendment of planning permission 16/03078/FUL to amend the layout of the site to replace the approved 2no. water storage ponds with 1No. resized area surface water storage pond: Approved



## 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
Design	7	CP1, CP8, CP9, CP10, CP11	CS18		
Conservation/ Heritage	12	HE2			
Natural Environment	9, 11, 13		CS4		
Social and community	8		CS21		
Transport	4	TR1, TR2, TR3, TR4,	CS13		Parking Standards SPD
Environmental	10				
Misc	5	CP.13, CP.24, CP.25		MP1	

## 9. CONSULTATION RESPONSES

9.1. Site notices were displayed around the application site on 01/06/2018 and an advertisement was published in The Oxford Times newspaper on 7th June 2018. Amended site notices were posted on the 6<sup>th</sup> July advertising amendments to the approved development and changes to the description of development.

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

#### Oxfordshire County Council (Highways)

9.2. No specific objections – it is noted that the proposed access road would cut across the route of previously approved pedestrian footpaths though traffic will be a slow speed.

#### Environment Agency

9.3. No Objection

Natural England

9.4. No objection

**Public representations**

9.5. No public representations have been received in relation to this application.

**10. PLANNING MATERIAL CONSIDERATIONS**

10.1. Officers consider the determining issues to be:

- i. Principle of development
- ii. Impact on Green Belt
- iii. Design and visual impact
- iv. Amenity
- v. Parking and Access provision
- vi. Flood Risk

**i. Principle of Development**

10.2. Policy SP21 of the Sites and Housing Plan allocates the application site for an outdoor sports use. The principle of the redevelopment of the site for a community sports use has been established by virtue of the recent planning approval granted in February 2017 (16/03078/FUL), this permission included the development of 16 new football pitches, 2 cricket pitches and a single storey pavilion building. The approved plans also indicated the position of a proposed training building, which would be used by Oxford United, though no plans were submitted for the building as it was anticipated that this would be subject of a future application.

10.3. The in-principle acceptability of the use of the wider site for a sports use has already been established. Policy CS21 of the Oxford Core Strategy and Paragraph 70 of the NPPF are supportive in principle of the provision of new sports based facilities. The proposed development of the training building is in connection with the partial use of the site as a sports facility by Oxford United FC, the community sports use arrangement for the rest of the site would remain in place. The Councils Leisure and Communities Team have indicated that the use of the sports pitches indicated on the site plan by Oxford United would not conflict with the community use agreement for the wider site.

10.4. The proposed training facilities would replace the clubs existing training base which is located at Roman Way to the west of the site and are of an enhanced standard. It is outlined within the design and access statement that the land currently used as a training facility by Oxford United has been acquired by BMW who require the land in event of a need to expand the existing production facilities at the plant. This has necessitated the need for the club to consider an

alternative location for their training facility. It is considered that the provision of the training building would be acceptable in principle in accordance with Policy CS21 of the Oxford Core Strategy and Paragraph 70 of the NPPF.

**ii. Green Belt**

- 10.5. The proposed training building would be located within an area of the site, which falls within the parameters of the Oxford Green Belt. The provisions of Policy CS4 of the Oxford Core Strategy and Paragraph 89 of the NPPF are therefore of material relevance. Paragraph 89 of the NPPF is restrictive in general of new development in the Green Belt, however exception is allowed in principle for the provision of appropriate facilities for outdoor sport and recreation, as long as it preserves the openness of the Green Belt. Policy CS4 of the Oxford Core Strategy is permissive of development in the green belt, only where this would not detract from the landscape setting or special character of Oxford.
- 10.6. The site specific policy provisions, outlined within Policy SP21 of the Sites and Housing Plan specifies that any built development on the site should be located within areas of the site which do not fall within the parameters of the Green Belt, unless such development is an essential facility for outdoor sport and providing that it can be demonstrated that development preserves the openness of the Green Belt.
- 10.7. The approved car parking and 3G pitches are sited outside of the Green Belt parameters, whilst the Pavilion building for the main site falls partially within the Green Belt. The proposed training building would be located within the parameters of the Green Belt; however the building would be as close as practically possible to the other existing built form on the site which is concentrated within south west corner of the site and includes the pavilion building and 3G pitches. The position of the parking and 3G pitches is limiting of the potential to locate the building outside the confines of the Green Belt. The buildings location in the south of the site means that this would be set against a backdrop of the large industrial buildings on the Unipart and BMW sites, when viewed from the north, particularly from Oxford Road and the building would merge visually with this existing development as well as the adjacent pavilion.
- 10.8. The proposed building would at two storeys be the largest building on the site in terms of its scale and height, however officers are satisfied that the scale of the building is necessary for its intended use. The area of the site where the building is located has been excavated and sits at a much lower level than the adjacent single storey pavilion. Owing to the change in levels, when seen in wider views from the north from Oxford Road the proposed building would appear to be of a similar height to the adjacent pavilion and would appear no more prominent in wider views.
- 10.9. Overall it is considered that proposed building would not have a diminishing impact on the open character of the Oxford Green Belt and would consequently comply with the provisions of Policy CS4 of the Oxford Core Strategy and Paragraph 89 of the NPPF.



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

- 10.10. The proposed design is functional, reflecting its modular construction. The overall form of the building is similar to that of the adjacent smaller pavilion building and is considered acceptable within the overall context of the site. The building would be clad in timber similar to the adjacent pavilion, this helps to soften the visual impact of the building. As the building is set at a lower position to the pavilion, the scale of the proposed building appears similar to that of the adjacent structure and consequently the building would not appear prominent in wider views.
- 10.11. The proposals include the addition of a fence, which would extend along the boundary of the area of the site used by Oxford United. The club have outlined that there would be a requirement for the fencing on practical and security grounds. Officers accept that there would be a basis for some form of boundary treatment to meet the clubs requirements; however any boundary treatment should be in keeping with the character of the area. The site was formerly an agricultural field and redevelopment of the site for a sports use was partly permitted on the basis that the proposals would preserve a sense of openness, which would be fundamental to retaining the character of what is a semi-rural approach to the city. Introducing any form of hard boundary treatment for example close boarded fencing would in officer's opinion fail to respect the open character of the site and surrounding area and would have an adverse, enclosing and urbanising impact that would result in visual harm.
- 10.12. Officers consider that natural planting in the form of a boundary hedge would be preferable to fencing; however some form of mesh fencing could be acceptable. Officers note that Oxford United have specified that any boundary treatment should provide physical screening to protect privacy and for a professional football club this is fundamental for training sessions. Officers have discussed the acceptability of a combination of both mesh fencing to provide a physical barrier and the provision of a boundary hedge to provide visual screening. As details and a specification of the proposed fencing have not been agreed at this stage, such details would be requested by way of a planning condition.
- 10.13. In summary the design of the proposed building and overall development as a whole is considered acceptable and would comply with the provisions of Policies CP1, CP8 and CP9 of the Oxford Local Plan and Policy CS18 of the Oxford Core Strategy.

**iv. Impact on Neighbouring Amenity**

- 10.14. The siting of the building would not impact detrimentally on the amenity of any adjacent land users or occupiers.

**v. Transport**

- 10.15. The proposed training building would be served by the existing approved means of access also serving the adjacent community sports development. The means of access is presently under construction and includes a pedestrian access,

which would run alongside the road.

- 10.16. The supporting travel plan outlines that an agreement has been reached between the City Council and Oxford United to use the main car park serving the community sports pitches between 8am to 6pm, this would be at a time when usage of the community sports pitches would generally be lower at which point there would be less demand for parking, which coincides with the regular time at which the football club would be principally using the pitches. It is estimated that the building would be used by 20 staff and up to 45 players.
- 10.17. The application includes a small parking area to the front of the building, which includes the provision of 10 spaces. The applicants have indicated that the car park to the front of the training building would only be used by visitors and for servicing. An agreement has also been reached that some of the 60 cycle parking spaces installed on the adjacent site would also be made available for use by the club.
- 10.18. The proposed parking area would be served by a new access road which branches off from the main car park. The existing pedestrian access path would be extended to serve the training building, in order to ensure that there is a separate and safe route for pedestrians to access the site.
- 10.19. Officers consider that the proposed development would be acceptable in highway terms and would comply with the provisions of Policies CP3, TR1 and RT4 of the Oxford Local Plan.

**vi. Sustainability and Energy**

- 10.20. Consideration is given within the supporting energy statement to a range of measures to achieve a 20% reduction in carbon in CO2 emissions through on site renewables; this would include the provision of a solar array on the roof of the building. The building itself would comprise of several existing modular buildings which would be up-cycled to create the proposed building, which has environmental benefits. Overall it is considered that the proposals comply with the provisions of Policy CP9 of the Oxford Local Plan.

**vii. Flooding**

- 10.21. The site is located in Flood Zone 1; however an area to the south of the site is shown to be susceptible to surface water flooding according to Environment Agency mapping. This area of the site is shown to be at medium to high risk of surface water flooding. Given the potential risk of surface water flooding it is strongly recommended that the development incorporates flood resistance/resilience measures.
- 10.22. The car parking and access road are shown to be unaffected by surface water flooding, so there are no concerns regarding access and egress in the event of a flood.
- 10.23. All impermeable areas should be drained via sustainable drainage systems in

order to prevent an increase in flood risk; a condition would be attached to this effect.

**viii. Archaeology**

10.24. The impact on buried archaeological remains resulting from the development carried out on site is likely to have been relatively minor and localised. It is therefore not requested that any further archaeological recording is required.

**11. CONCLUSION**

11.1. The application is for an essential sports facility and is considered to represent an appropriate, relatively low and unobtrusive form of development which would not in officer's view have a compromising impact on the open character of the Green Belt. The proposals are considered to comply with the relevant provisions of the Oxford Local Plan; Oxford Core Strategy and NPPF.

11.2. It is recommended that the Committee resolve to grant planning permission for the development proposed subject to 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 referred to shall be constructed strictly in complete accordance with the specifications in the application and the submitted plans.

Reason: To avoid doubt as no objection is raised only in respect of the deemed consent application as submitted and to ensure an acceptable development as indicated on the submitted drawings.

2. The materials to be used in the building shall be as specified in the approved Design and Access Statement. 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.

3. Details of all boundary treatments and means of enclosure shall be provided prior to the first use of the building hereby approved. The development shall be carried out in accordance with the approved details. No other means of enclosure shall be erected without the prior consent of the Local Planning Authority.

REASON: In the interests of protecting the character and visual amenity of the area in accordance with Policies CP1, CP8, CP9 and CP11 of the Oxford Local Plan.

4. Before the development permitted is brought into use the areas for parking and manoeuvring of vehicles shall be constructed and laid out in accordance with the approved plans and thereafter such areas shall be retained solely for such purposes.

Reason: In the interests of highway safety in accordance with policies CP1, CP6, CP10, TR3 and TR4 of the Adopted Oxford Local Plan 2001-2016.

5. A landscape plan shall be submitted to, and approved in writing by, the Local Planning Authority before development starts. 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. 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, CP11 and NE15 of the Adopted Local Plan 2001-2016.

6. Prior to the commencement of development, details of the Electric Vehicle charging infrastructure shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the following provision:

- 1 charging point per 10 spaces.

The electric vehicle infrastructure shall be formed, and laid out in accordance with these details before the development is first occupied/operated and shall remain in place thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of improving air quality in accordance with Oxford Local Plan Policy CP23

7. All Impermeable areas of the proposed development, including roofs, driveways, and patio areas should be drained using Sustainable Drainage measures (SuDS).

This may include the use of porous pavements and infiltration, or attenuation storage to decrease the run off rates and volumes to public surface water sewers and thus reduce flooding.

Soakage tests should be carried out in accordance with BRE Digest 365 or similar approved method to prove the feasibility/effectiveness of soakaways or filter trenches.

Where infiltration is not feasible, surface water should be attenuated on site and discharged at a controlled discharge rate no greater than prior to development using appropriate SuDS techniques and in consultation with the sewerage undertaker where required.

If the use of SuDS are not reasonably practical, the design of the surface water drainage system should be carried out in accordance with Approved Document H of the Building Regulations.

The drainage system should be designed and maintained to remain functional, safe, and accessible for the lifetime of the development.

Reason

To avoid increasing surface water run-off and volumes to prevent an increase in flood risk in accordance with policies CS11 of the Oxford Core Strategy 2011-2026

### **13. APPENDICES**

#### **Appendix 1 – Site Location Plan**

### **14. HUMAN RIGHTS ACT 1998**

- 14.1. 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.

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

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## EAST AREA PLANNING COMMITTEE

**Application Number:** 18/01385/VAR

**Decision Due by:** 28th August 2018

**Extension of Time:**

**Proposal:** Variation of condition 2 (Develop in accordance with approved plans) of planning permission 16/03078/FUL (The change of use of land for purposes within Class D2 'Assembly & Leisure' of the Town & Country Planning (Use Classes) Order 1987 (as amended) including the development of: a new vehicular access; an internal road and vehicle parking area; grass and floodlit artificial sports pitches; a pavilion building including changing facilities; cycle tracks; drainage infrastructure including surface water storage; means of enclosure; & the creation of wildlife habitat) to allow changes to the pavilion design including an alternative ground floor layout.

**Site Address:** Land South Of, Oxford Road, Horspath, Oxford

**Ward:** Lye Valley Ward

**Case Officer** Michael Kemp

**Agent:** Mr Timothy Pope      **Applicant:** Mr Andrew Corcoran

**Reason at Committee:** The proposals are a variation to a scheme which constituted major development.

---

## 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.**

**(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 proposals to vary condition 2 of planning application 16/03078/FUL; the application is retrospective as the building has already been erected on site in accordance with the submitted details. Planning application 16/03078/FUL related to a large scale change of use of an open agricultural field located to the south of Oxford Road between Oxford and the village of Horspath.
- 2.2. The variations relate to internal and external changes to the design of the pavilion building as well as the minor repositioning of the structure. The alterations to the design and siting are considered acceptable in design and visual terms.
- 2.3. The key matters for assessment set out in this report include the following:
  - Principle of development;
  - Design, siting and visual impact;

### **3. LEGAL AGREEMENT**

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

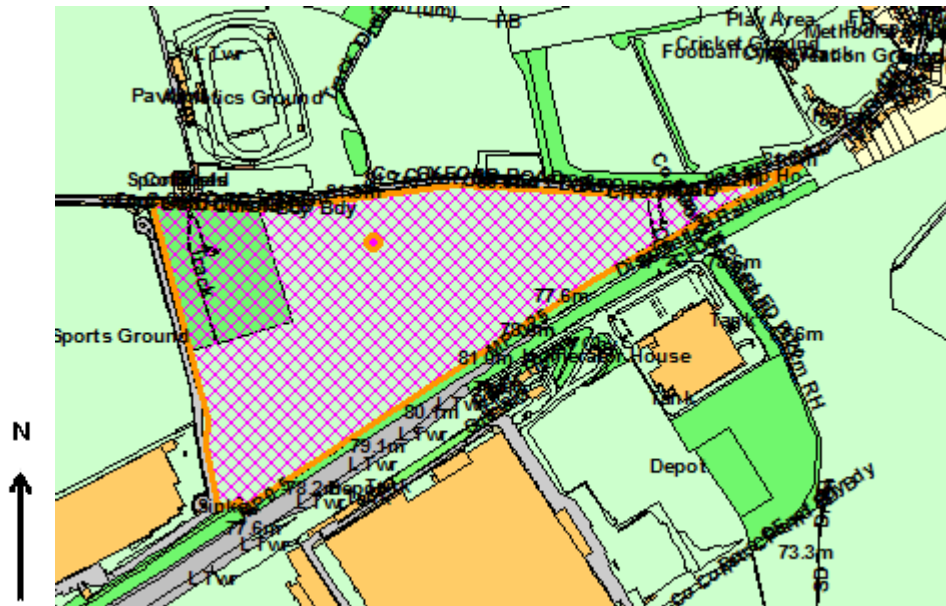
### **4. COMMUNITY INFRASTRUCTURE LEVY (CIL)**

- 4.1. The original proposals were liable for a CIL contribution of £10,103.73. This will be amended to account for the minor decrease in floor area, as amended.

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

- 5.1. The site is located on former agricultural land on the edge of the city close to the village of Horspath. Redevelopment of the site for a community sports use including space for Oxford United Football Club was approved by members in February 2017 (16/03078/FUL). Works to implement the planning permission have commenced on site and the pavilion building as proposed has already been erected, therefore the proposals are retrospective. The building constructed is a single storey timber clad building, which features extensive glazing on the north facing elevation, which is orientated towards the adjacent cricket pitches.
- 5.2. The majority of the site is located within the Oxford Green Belt; this includes the footprint of the new building. Access to the site is via Oxford Road to the north. The area to the south of the site consists of a number of large industrial buildings on the BMW and Unipart sites, which is separated from the application site by a railway track.
- 5.3. A modular two storey building has been erected to the rear of the pavilion and is subject of a separate retrospective planning application (18/01329/FUL). This building would be used by Oxford United Football Club. There is also an access road and parking area for 10 vehicles which would also be used by Oxford United FC which is presently under construction.
- 5.4. The site location plan is shown below:





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Ordnance Survey 100019348

## 6. PROPOSAL

6.1. The application proposes internal and external changes to the design of the pavilion building, alongside amendments to the positioning of the building and a minor reduction in the overall scale of the pavilion. No changes are proposed within this application to landscaping or access arrangements. The application is retrospective as the pavilion building has already been constructed.

## 7. RELEVANT PLANNING HISTORY

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

16/03078/FUL - The change of use of land for purposes within Class D2 'Assembly & Leisure' of the Town & Country Planning (Use Classes) Order 1987 (as amended) including the development of: a new vehicular access; an internal road and vehicle parking area; grass and floodlit artificial sports pitches; a pavilion building including changing facilities; cycle tracks; drainage infrastructure including surface water storage; means of enclosure; & the creation of wildlife habitat. Approved

16/03078/NMA - Non-material amendment of planning permission 16/03078/FUL to amend the layout of the site to replace the approved 2no. water storage ponds with 1No. resized area surface water storage pond: Approved

## 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
Design	7	CP1, CP8, CP9, CP11, CP13, CP20, SR2,	CS18_,		
Natural Environment	9, 11, 13		CS4_,		
Social and community	8				
Transport	4				
Environmental	10				
Misc	5, 89	CP.13, CP.24, CP.25		MP1	

## 9. CONSULTATION RESPONSES

- 9.1. Site notices were displayed around the application site on 1<sup>st</sup> June 2018 and an advertisement was published in The Oxford Times newspaper on 7th June 2018.

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

#### Oxfordshire County Council (Highways)

- 9.2. No comments to make on the proposed revisions

#### Land Quality

- 9.3. No comments to make

#### Natural England

- 9.4. No comments

#### Sport England

- 9.5. No comments

#### Oxfordshire County Council (Highways)

- 9.6. No further conditions required.

## **Public representations**

9.7. No third party comments have been received in respect of this application.

## **10. PLANNING MATERIAL CONSIDERATIONS**

10.1. Officers consider the determining issues to be:

- i. Principle of development;
- ii. Design;
- iii. Impact on Green Belt
- iv. Highways and access

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

10.2. The principle of the change of use of the land to a D2 Leisure use has been established by virtue of the approved planning application 16/03078/FUL along with the general scope of development on the site. The matters for consideration relate only to the alterations to the design and siting of the pavilion. The proposed alterations are driven by functional requirements relating to buildings use as a sports pavilion. The principle of development is therefore deemed acceptable.

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

10.3. The proposals include an overall reduction in the size of the pavilion building from 582sqm to 414sqm. Alterations are also proposed to the appearance of the building, namely a reduction in the extent of glazing, though the appearance is broadly similar to that of the design of the building consented under 16/03078/FUL. The building has been clad with timber boarding as consented.

10.4. The majority of the site and pavilion building lies within the parameters of the Oxford Green Belt. The provisions of Policy CS4 of the Oxford Core Strategy and Paragraph 89 of the NPPF are therefore of material relevance. Paragraph 89 of the NPPF allows as an exception, the provision of appropriate facilities for outdoor sport and recreation, as long as such development preserves the openness of the Green Belt. Policy CS4 of the Oxford Core Strategy is permissive of development in the green belt, only where this would not detract from the landscape setting or special character of Oxford.

10.5. The in principle acceptability of the proposed reuse of the site for Class D2 purposes has already been established, alongside the overall scope of development on the site, with the majority of the built form located in the south west corner of the site, outside the parameters of the green belt and in a location where the built form would be set against the backdrop of large industrial buildings to the south.

10.6. The reduction in the size of the building lessens the buildings overall prominence within immediate and wider views and when viewed from the principle vantage point along Oxford Road it is considered that the scale of the building is

appropriate and would not impact detrimentally on the open character of the Oxford Greenbelt. The amended positioning of the building in officers view would have no more or less of an impact on the openness of the Greenbelt than the previously permitted siting. The proposals are therefore considered to comply with the provisions of Policy CS4 of the Oxford Core Strategy and Paragraph 89 of the NPPF.

- 10.7. The alterations to the building in terms of the form and external appearance are considered acceptable in design terms and are not compromising of the buildings appearance.
- 10.8. It is therefore considered that the proposals are acceptable and represent good design in accordance with policies CP1, CP8 and CP9 of the Oxford Local Plan and Policy CS18 of the Oxford Core Strategy.

### **iii. Transport and Access**

- 10.9. No alterations are proposed in terms of overall parking provision or access arrangements.

## **11. CONCLUSION**

- 11.1. The proposals relate to minor alterations to the design, external appearance and positioning of the building and are considered acceptable in design terms. It is considered that the development would not compromise the openness of the Green Belt or visual amenity of the area.
- 11.2. It is recommended that the Committee resolve to grant planning permission for the development proposed subject to 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 referred to shall be constructed strictly in complete accordance with the specifications in the application and the submitted plans.

Reason: To avoid doubt as no objection is raised only in respect of the deemed consent application as submitted and to ensure an acceptable development as indicated on the submitted drawings.

2. The materials to be used in the new pavilion building shall be as specified in the approved Design and Access Statement. 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.

3. The playing field shall be used for Outdoor Sport and for no other purpose (including without limitation any other purpose in Class D2 Use Classes Order 2005, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: To protect the playing field/artificial grass pitch from loss and/or damage, to maintain the quality of and secure the safe use of sports pitches and to accord with Oxford Core Strategy Policy CS21

4. The landscaping scheme approved under condition 6 of 16/03078/FUL shall be implemented and shall be retained hereafter.

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

5. The drainage strategy as approved under condition 13 of 16/03078/FUL shall be implemented and shall remain in place thereafter.

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

6. The Sustainable Drainage (SUD's) Maintenance Plan as approved under condition 14 of 16/03078/FUL shall be implemented and shall remain in place thereafter.

Reason: To ensure that the proposed development is maintained in perpetuity and to avoid increasing surface water run-off and thereby attenuating flood risk in accordance with Policy CS11 of the Oxford Core Strategy 2011-2026.

7. Prior to the use of the new vehicle access hereby approved, vision splays measuring 2.4m x 215m shall be provided to each side of the access. The vision splays shall not be obstructed by any object, structure, planting or any other material of a height exceeding 0.6m measured from the carriageway level. Thereafter, the vision splays shall be kept permanently free from obstruction to vision.

Reason: in the interest of highway safety in accordance with Oxford Local Plan Policy CP1

8. The site access arrangement plan as approved under condition 16 of 16/03078/FUL shall be implemented and shall remain in place thereafter.

Reason: In the interest of highway safety in accordance with Oxford Local Plan Policy CP1

9. The cycle parking areas as approved under condition 19 of 16/03078/FUL shall be implemented and shall remain in place thereafter.

Reason: To encourage the use of sustainable modes of transport in line with Oxford Local Plan Policy TR4.

10. The footpath and access as approved under condition 20 of 16/03078/FUL shall be implemented and shall remain in place thereafter.

Reason: In the interest of highway safety in accordance with Oxford Local Plan Policy CP1

11. The construction management plan as approved under condition 21 of 16/03078/FUL shall be implemented and shall remain in place thereafter.

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 in accordance with Oxford Local Plan Policy CP1

12. The Event Travel Management Plan as approved under condition 22 of 16/03078/FUL shall be implemented and shall remain in place thereafter.

Reason: To encourage the use of sustainable modes of transport in line with Oxford Local Plan Policy CP1.

13. The Management and Maintenance Scheme for the facility including management responsibilities, a maintenance schedule and a mechanism for review as approved under condition 25 of 16/03078/FUL shall be complied with in full, with effect from commencement of use of the development.

Reason: To ensure that new facility is capable of being managed and maintained to deliver a facility which is fit for purpose, sustainable and to ensure sufficient benefit of the development to sport (National Planning Policy Framework (NPPF) para 74) and to accord with Oxford Core Strategy Policy CS21

14. The Floodlighting as approved under condition 27 of 16/03078/FUL shall be implemented and shall remain in place thereafter.

Reason: In the interests of visual and residential amenity in accordance with Oxford Local Plan Policy CP1

### **13. APPENDICES**

#### **Appendix 1 – Site Location Plan**

### **14. HUMAN RIGHTS ACT 1998**

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

## EAST AREA PLANNING COMMITTEE

1st August 2018

**Application Number:** 18/01390/FUL

**Decision Due by:** 2nd August 2018

**Extension of Time:**

**Proposal:** Erection of single storey rear extension. Formation of raised patio and steps with guard rail to rear.

**Site Address:** 104 Fern Hill Road, Oxford, OX4 2JP,

**Ward:** Lye Valley Ward

**Case Officer** Michael Kemp

**Agent:** Mr Robin Akers **Applicant:** Ms Sarah Smith

**Reason at Committee:** Applicant is an employee of the Council

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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.**

**(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.

## 2. EXECUTIVE SUMMARY

2.1. This report considers a proposed single storey extension, which would be sited to the rear of a semi-detached dwelling.

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

- Design;
- Residential Amenity

2.3 The proposal is considered acceptable in design terms and would not have an adverse impact on neighbouring amenity. The proposals are therefore considered to accord with the relevant planning policies listed.

### 3. LEGAL AGREEMENT

3.1. This application is not subject of a legal agreement.

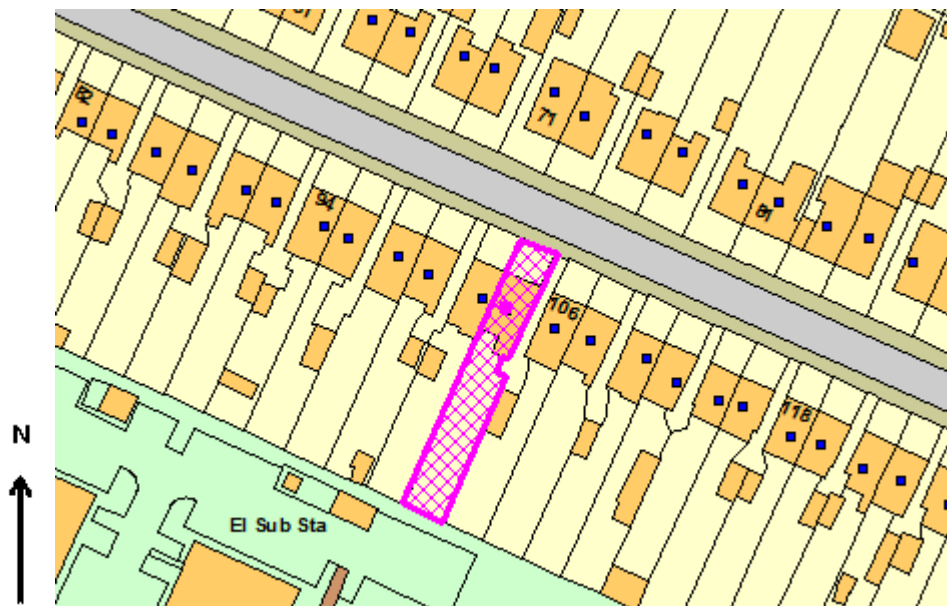
### 4. COMMUNITY INFRASTRUCTURE LEVY (CIL)

4.1. The proposal would not be liable for CIL.

### 5. SITE AND SURROUNDINGS

5.1. The property is a 20<sup>th</sup> century semi-detached property constructed from a mix of brick and render. The proposed extension would be located to the rear of the property in a position adjacent to an adjoining conservatory extension to No.102 Fern Hill Road. No 104 Fern Hill Road features a single storey rear element which is located on the side of the property nearest to No.106 Fern Hill Road. The application site is not located within a Conservation Area.

5.2. The site location plan is located below:



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Ordnance Survey 100019348

### 6. PROPOSAL

6.1. The application proposes a single storey, flat roofed rear extension. The extension would measure a total of 5.5 metres in length and 3 metres in height to the eaves, the extension would infill a space between the side and rear wall of No.104 Fern Hill Road and the adjacent property No.102 Fern Hill Road.

### 7. RELEVANT PLANNING HISTORY

7.1. There is no planning history on the site.



## 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
Design	7	CP8, CP9, CP10,			
Conservation/ Heritage	12				
Housing	6			HP9_, HP13_, HP14_,	
Commercial	1, 2				
Natural Environment	9, 11, 13				
Social and community	8				
Transport	4				
Environmental	10				
Misc	5	CP.13, CP.24, CP.25		MP1	

## 9. CONSULTATION RESPONSES

9.1. Site notices were displayed around the application site on 22<sup>nd</sup> June.

### Statutory and Non-Statutory Consultees

#### Natural England

9.2. No comments

### **Public representations**

9.3. No public representations have been received in relation to this application.

## **10. PLANNING MATERIAL CONSIDERATIONS**

10.1. Officers consider the determining issues to be:

- i. Design;
- ii. Neighbouring amenity

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

10.2. The proposed extension would measure a total of 5.5 metres in length and 3 metres in height and would infill a space between the side of a single storey addition to the property and an adjacent conservatory at no. 102. The existing pitched roof of the single storey rear element would be removed in place of a flat roof. A roof lantern is also proposed.

10.3. The proposals are considered to represent a minor and unobtrusive addition to the dwelling and the overall scale of the extension is considered to be subservient in relation to the host property. The extension would be constructed from a mix of brick and render to match the host property.

10.4. The extension, which would be located to the rear of the property, would not be visible in views in the adjacent street scene in Fern Hill Road. The design of the proposed extension is considered acceptable and would harmonise appropriately with the character and appearance of the host dwelling. The proposal is considered to be compliant with policies CP1 and CP6 of the Oxford Local Plan, HP9 of the Sites and Housing Plan and CS18 of the Core Strategy.

### **ii. Impact on Neighbouring Amenity**

10.5. The proposed extension would be sited immediately adjacent to the side boundary of the attached property No.102 Fern Hill Road. No.102 Fern Hill Road has a single storey conservatory extension, which projects significantly beyond the rear wall of No.104. The proposed extension would project 2 metres beyond the rear elevation of the adjoining conservatory. There would be some loss of light to the nearest windows of the conservatory, in addition to a loss of light to secondary, higher level side elevation windows, notwithstanding this it is considered that the conservatory would still benefit from significant natural light.

10.6. The proposed extension would comply with the Councils 45 degree rule, when applied in relation to the principle projecting rear windows of the adjacent conservatory.

10.7. Given the existing rear projection at no. 104, the proposals would have no impact upon no. 106 Fern Hill Road to the east. There would be no other properties

directly affected by the proposals. It is therefore considered that the development would comply with Policy HP14 of the Sites and Housing Plan. In respect of the scale of the extension, it is not considered that this would not be overbearing, accounting for the limited height of the extension.

## **11. CONCLUSION**

11.1 The Proposed extension is considered to be an appropriately designed, secondary addition to the host property. Considering the scale and siting of the extension it is considered that this would not have a detrimental impact on the amenity of the adjoining property in respect of the scale of the built form or in terms of loss of light or overshadowing, therefore the proposals are considered compliant with policies CP10 of the Oxford Local Plan and HP14 of the Sites and Housing Plan.

11.2 It is recommended that the Committee resolve to grant planning permission for the development proposed subject to the conditions set out below.

## **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 referred to shall be constructed strictly in complete accordance with the specifications in the application and the submitted plans.

Reason: To avoid doubt as no objection is raised only in respect of the deemed consent application as submitted and to ensure an acceptable development as indicated on the submitted drawings.

- 3 The materials to be used in the new development shall be as shown on the approved plans; 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.

## **13. APPENDICES**

### **Appendix 1 – Site Location Plan**

## **14. HUMAN RIGHTS ACT 1998**

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

## EAST AREA PLANNING COMMITTEE

- 1<sup>st</sup> August 2018

**Application Number:** 18/01239/FUL

**Decision Due by:** 19th July 2018

**Extension of Time:** 10<sup>th</sup> August 2018

**Proposal:** Demolition of existing dwelling and erection of 2x 4 bed dwellings (Use Class C3). Provision of amenity space, bin and cycle storage.

**Site Address:** 19 Ferry Road, Oxford, OX3 0ET,

**Ward:** Marston Ward

**Case Officer** Sarah Orchard

**Agent:** Mr Michael Crofton-Briggs      **Applicant:** Mr Paul Dale-Harris

**Reason at Committee:** Called in by Cllrs Clarkson, Fry, Chapman, Lygo and Taylor due to concerns with overdevelopment, inadequate cycle parking and lack of parking in a heavily congested road.

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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.**

**(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 demolition of the existing dwelling house and erection of 2no. four bedroom semi-detached dwellings. The report considers the impact on the character and appearance of the streetscene, the impact on the amenity of neighbouring occupiers, the quality of internal and external accommodation, provision of car parking and bicycle storage. It is concluded that the proposal is acceptable in these regards and complies with the relevant policies of the development plan.

### 3. LEGAL AGREEMENT

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

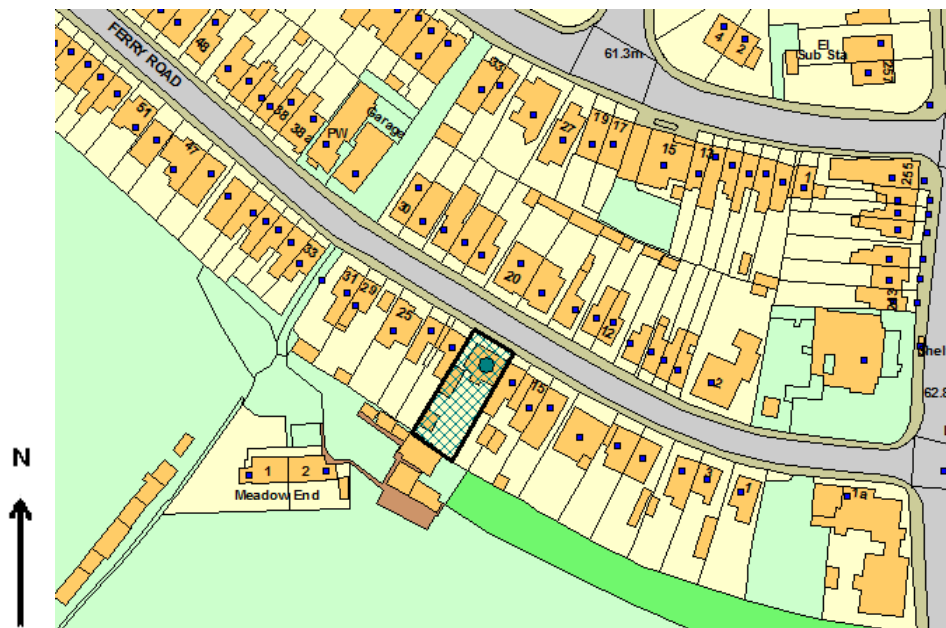
### 4. COMMUNITY INFRASTRUCTURE LEVY (CIL)

4.1. The proposal is liable for CIL contribution of £25,311.93.

### 5. SITE AND SURROUNDINGS

5.1. The site is located within the Marston area of Oxford to the east of the city centre. Ferry Road is located to the west of the southern end of Marston Road. The street is predominantly characterised by two storey terraces and semi-detached dwellings with the odd detached property. The plots are predominantly narrow in character, with dwellings located close to the highway with gardens located at the rear. The existing two storey, two bedroom dwelling on the site is not overly characteristic of the streetscene. It has a wider than average frontage with large metal windows. The property is attached to a terrace to the east and has a side pedestrian access to the west leading to a garage and the large rear garden.

5.2. Site Location Plan:



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Ordnance Survey 100019348

### 6. PROPOSAL

6.1. The application proposes the demolition of the existing end of terrace dwelling and erection of 2no. four bedroom terraced dwellings with single storey front bay windows. The dwellings read as a pair and appear two storey from the front. To the rear they are formed as a series of flat roofs extending into dormers at roof level providing a second floor of accommodation within the roof space. The

proposed dwellings are 13 metres deep (excluding the front bay windows), the same as the adjacent property, 17 Ferry Road and 1.3 metres deeper than 21 Ferry Road. Each dwelling is approximately 5.6 metres wide and 8.5 metres high (excluding the chimneys). The application is proposed as a car free development.

## 7. RELEVANT PLANNING HISTORY

7.1. There is no formal planning history on the site.

## 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
Design	7-9, 17, 53, 56-68,	CP1, CP6, CP8,	CS2_, CS18_,	HP9_, HP10_,	
Housing	51,			HP2_, HP12_, HP13_,	
Natural Environment	14, 94, 96		CS9_, CS11_,	HP11_,	
Transport	9, 29-41,			HP15_, HP16_,	Parking Standards SPD
Environmental	10	CP10, CP22,		HP14_,	
Misc		CP.13, CP.24, CP.25		MP1	

## 9. CONSULTATION RESPONSES

9.1. Site notices were displayed around the application site on 1st June 2018.

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

Oxfordshire County Council (Highways)

- 9.2. No objection subject to the properties being eligible to a total of 2no. off road parking permits (one per property) and provision of bicycle storage to the front of the dwellings.

### **Public representations**

- 9.3. 2no. third party comments received from addresses in Ferry Road. The objections relate to:
- Impact on the adjoining neighbour (including legality of turning a semi-detached house into a terrace, property values, damp issues and noise).
  - No notification from landlord (Oxford City Council) of the proposal.
  - Lack of parking.
  - Privacy of neighbouring gardens.
  - Damage to neighbouring properties during construction.

### **Officer Response**

- 9.4. Where these objections relate to material planning considerations, they are addressed in the report below. Impact on neighbouring properties during the construction process is a party wall matter. Planning applications are advertised by means of a yellow site notice by the planning department. There is not a requirement for landlords to advise tenants of planning applications adjoining the site.

## **10. PLANNING MATERIAL CONSIDERATIONS**

- 10.1. Officers consider the determining issues to be:

- i. Principle of development;
- ii. Design;
- iii. Neighbouring amenity;
- iv. Indoor and outdoor space;
- v. Highways/parking;
- vi. Energy/water efficiency
- vii. Drainage
- viii. Land quality

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

- 10.2. Policies CP6 of the Oxford Local Plan and HP10 of the Sites and Housing Plan support making a more efficient use of sites and developing on residential gardens subject to other material considerations. In this case these other material considerations primarily relate to impact on the character of the area, impact on the amenity of neighbouring occupiers, quality of internal and external space and parking provision, bin and bicycle storage.
- 10.3. Given that there is an existing dwelling on the site which is not of any particular architectural merit, the demolition and redevelopment of the site is acceptable in principle and could make a more efficient use of land, subject to the above, in accordance with policy CP6 of the Oxford Local Plan.



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

- 10.4. Policies CP1 and CP8 of the Oxford Local Plan, CS18 of the Core Strategy and HP9 of the Sites and Housing Plan seeks to promote development which relates to the character of the surrounding area this includes scale and appearance. Policy CP6 seeks to make a more efficient use of sites and density should be at least equivalent to the surrounding area.
- 10.5. The proposed development consists of two terraced dwellings which read as a pair. The proposal picks up on the typical narrow plot widths of the streetscene and provides two dwellings to replace one which would make a more efficient use of the site. The proposal also relates to the height of the adjoining dwelling at 17 Ferry Road to the east of the site. The design of the dwellings to the front incorporates features to relate to the character of the streetscene including single storey front bay windows and chimney stacks but interprets these in a contemporary manner rather than attempting to replicate traditional design. The contemporary design is carried through to the rear with a series of stepped flat roofs. Given that the appearance of nearby dwellings at the rear varies greatly, there is no predominant character and there are existing two storey flat roof extensions and dormers. On that basis the appearance of the proposal is considered acceptable.
- 10.6. The proposed dwellings would be rendered with slate roofs with brick front boundary walls fronting the highway. The use of various types of brick and render and slate roofs are commonly used in the street and the proposal is therefore considered to form an appropriate visual relationship with the surrounding area. A condition is recommended requesting samples of the materials to be used to ensure that they are of an appropriate colour, texture and quality to relate to the surrounding area.
- 10.7. The proposal is therefore considered to comply with policies CP1, CP6, and CP8 of the Oxford Local Plan, CS18 of the Core Strategy and HP14 of the Sites and Housing Plan.

## **iii. Impact on Neighbouring Amenity**

- 10.8. Policies CP10 of the Oxford Local Plan and HP14 of the Sites and Housing Plan relate to amenity. In this case it is necessary to assess the impact on the amenity of the neighbouring occupiers, primarily those at 17 Ferry Road and 21 Ferry Road who are nearest to the development. Other neighbours are considered to be far enough away from the development to not be detrimentally impacted.
- 10.9. The proposed development has been designed to have an acceptable impact on the amenity of the neighbouring occupiers in terms of light, overbearing impact and privacy. In relation to 17 Ferry Road, the proposal would extend no further than the two storey rear, flat roof extension to this property. In relation to 21 Ferry Road, to the west of the site, the proposal would comply with 45 degree lines from the rear facing windows of this property indicating that there would not be a detrimental loss of light to this property. The single storey element would extend up to the boundary, alongside the outrigger to this neighbouring property

which while single storey is of some height and would obstruct views of the proposed single storey adjacent to the boundary. Whilst at first floor level upwards it is proposed to site the dwelling back and off the boundary with the neighbouring occupier to ensure that the proposal would not be overbearing. The windows to the proposed development would also all face rear over the garden of the host property and would therefore not cause a detrimental loss of privacy to neighbouring occupiers. It can be expected in a terrace that there is a sense of mutual overlooking of gardens and this is typical and certainly not unusual in a residential area such as this.

10.10. Since the proposal is formed of a series of flat roofs at the rear it is considered appropriate to restrict the use of the flats roofs to ensure they are not used as terraces/balconies. This is to safeguard to amenities of neighbouring occupiers in terms of the sense/perception of overlooking.

10.11. The proposal is therefore considered to comply with policies CP10 of the Oxford Local Plan and HP14 of the Sites and Housing Plan.

#### **iv. Indoor and Outdoor Space**

10.12. Any new proposed residential units, in accordance with policy HP12 of the Sites and Housing Plan, need to comply with National Space Standards, should provide natural lighting and outlook and have a separate lockable entrance and kitchen and bathroom facilities. A three storey, four bedroom unit for up to 8 occupants should be at least 130m<sup>2</sup>. The proposed dwellings would comply with this standard (151 and 166m<sup>2</sup>) and would have adequately sized double bedrooms above 11.5m<sup>2</sup>.

10.13. New dwellings, as required by policy HP2, are expected to be accessible and adaptable and meet the lifetime homes standard. This is now replaced by the nearest equivalent of Part M of building regulations, optional requirement M4(2). A condition could therefore be recommended to ensure the homes are built to this standard to ensure compliance with this policy.

10.14. In terms of outdoor space, policy HP13 of the Sites and Housing Plan sets out a space requirement for dwellings with 2 or more bedrooms suitable for 4 or more occupants. A family home (for 4 or more occupants) is required to have a garden equivalent to the footprint of the dwelling. The proposed development proposes a large outdoor amenity area to the rear of each dwelling which would meet this requirement for private amenity space in accordance with the aims of policy HP13.

10.15. The outside space proposed to the front of each of the dwellings has been designed to accommodate bin storage. This has level access to the street in accordance with policy HP13 of the Sites and Housing Plan. Further details of the bin storage shelter could be required by condition to ensure that it is a suitable appearance within the streetscene.

10.16. The proposal is therefore considered to comply with policies HP12 and HP13 of the Sites and Housing Plan subject to submission of further satisfactory details

by condition.

**v. Highways/Parking**

- 10.17. The existing dwelling at 19 Ferry Road has a side access/driveway leading to a detached garage but would be inaccessible by car as the drive is not wide enough for a car to pass and would therefore not result in a loss of off road parking. The property has unlimited access to parking permits within the Marston South Controlled Parking Zone (CPZ), it is therefore considered unreasonable to remove eligibility for parking permits from both new dwellings as only one additional dwelling would be creating additional parking demand in the street. To ensure the proposed dwellings would have equal access to permits it is considered it would be reasonable to recommend that each property should be eligible for one residents parking permit each which equals the maximum parking standard for one dwelling in relation to policy HP16 of the Sites and Housing Plan. Since the property is located in a sustainable location, close to a shop, cycle and walking route to the city centre and on major bus routes, this provision of on-street parking is considered acceptable.
- 10.18. Concerns have been raised that the proposed cycle parking facility is situated in the rear garden with no external access, therefore cycles would need to be carried through each property. Desirably each dwelling should have cycle storage located at the front which is covered and secure in line with the requirements of policy HP15 of the Sites and Housing Plan. There is a concern that whilst this could be achieved, the scale of the structure would obscure the front bay windows to the proposed dwellings and would be harmful to the character and appearance of the streetscene. Given that properties in Ferry Road are located so close to the highway, many of which do not have external access to rear gardens, it is common for bicycles to have to be located in rear gardens. Further details of cycle storage could be required by condition and an option is to have uncovered stands to the front with more secure storage also to the rear. It is considered that it would be unreasonable to refuse planning permission on this aspect alone given the local context.

**vi. Water/Energy Efficiency**

- 10.19. Policies CS9 and HP11 expect the applicant to demonstrate how sustainable design and construction methods will be incorporated and how energy efficiencies have been incorporated into the design. Given the proposal is a small scale development that is not a qualifying site to provide 20% of energy consumption through renewals it would be considered appropriate to deal with energy and water efficiency by condition.
- 10.20. A condition relating to water efficiency is recommended to ensure that optional requirement of building regulations is triggered in accordance with policy CS9 of the Core Strategy.
- 10.21. A condition is also recommended in relation to energy efficiency to ensure that the new dwelling meets an energy performance equivalent to ENE1 level 4 of the

Code for Sustainable Homes in accordance with Policies HP11 of the Sites and Housing Plan and CS9 of the Core Strategy.

**vii. Drainage**

10.22. Policy CS11 of the Core Strategy relates to drainage and flooding. The proposal would result in an increase of impermeable areas on the site. In order to ensure that this would not result in increased surface water run-off and increased flooding elsewhere in the city a condition is recommended to ensure that the development is drained using SuDs in order to comply with this policy.

**viii. Land Quality**

10.23. The development involves the creation of new residential dwellings which are considered to be sensitive uses. The council do not hold records of known contamination on the site and it is the developer's responsibility to ensure that the site would be suitable for the proposed use, therefore it is considered appropriate to attach an informative on any planning permission regarding unexpected contamination to advise the developer of their responsibilities in accordance with policy CP22 of the Oxford Local Plan.

**11. CONCLUSION**

11.1. The proposed development is considered to be acceptable in design terms, relates to the character and appearance of the streetscene, provides an acceptable level of internal and external accommodation and would not increase parking pressure on the street.

11.2. It is recommended that the Committee resolve to grant planning permission for the development proposed subject to the conditions set out below.

**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 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 The dwelling(s) shall not be occupied until the Building Regulations Part M access to and use of building, Category 2 accessible and adaptable dwellings, Optional requirement M4(2) has been complied with.

Reason: To ensure that new housing meets the needs of all members of the community and to comply with the Development Plan, in particular Local Plan policies CP1, CP13, Core Strategy Policy CS23 and Sites and Housing Plan Policy HP2.

- 5 The dwelling(s) shall not be occupied until the relevant requirements of level of energy performance equivalent to ENE1 level 4 of the Code for Sustainable Home have been met and the details of compliance provided to the local planning authority.

Reason: To ensure that new dwellings are sustainable and to comply with the Development Plan, in particular Core Strategy Policy CS9 and Sites and Housing Plan Policy HP11.

- 6 The dwelling(s) shall not be occupied until the Building Regulations Part G sanitation, hot water safety and water efficiency, Category G2 water efficiency, Optional requirement G2 36 (2) (b) has been complied with.

Reason: To ensure that new dwellings are sustainable and to comply with the Development Plan, in particular Core Strategy Policy CS9 and Sites and Housing Plan Policy HP11.

- 7 All Impermeable areas of the proposed development, including roofs, driveways, and patio areas shall be drained using Sustainable Drainage measures (SuDS).

This may include the use of porous pavements and infiltration, or attenuation storage to decrease the run off rates and volumes to public surface water sewers and thus reduce flooding.

Soakage tests shall be carried out in accordance with BRE Digest 365 or similar approved method to prove the feasibility/effectiveness of soakaways or filter trenches.

Where infiltration is not feasible, surface water shall be attenuated on site and discharged at a controlled discharge rate no greater than prior to development using appropriate SuDS techniques and in consultation with the sewerage undertaker where required.

If the use of SuDS are not reasonably practical, the design of the surface water drainage system shall be carried out in accordance with Approved Document H of the Building Regulations.

The drainage system shall be designed and maintained to remain functional, safe, and accessible for the lifetime of the development.

Reason: To avoid increasing surface water run-off and volumes to prevent an increase in flood risk in accordance with policies CS11 of the Oxford Core Strategy 2011-2026

- 8 Notwithstanding the approved plans, prior to the occupation of the dwellings details of the bin and bicycle storage, including means of enclosure, shall be submitted to and approved in writing by the Local Planning Authority, provided on site and retained thereafter for the purposes of storing bins and bicycles.

Reason: In the interests of the character and appearance of the streetscene and promotion of sustainable modes of transport in accordance with policies HP13 and HP15 of the Sites and Housing Plan.

- 9 The development hereby permitted shall not be occupied until the Order governing parking at Ferry Road Road has been varied by Oxfordshire County Council as highway authority to exclude the site, subject to this permission, from eligibility to no more than 1 residents' parking permit per property unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development does not generate a level of vehicular parking which would be prejudicial to highway safety, or cause parking stress in the immediate locality, in accordance with policies CP1, CP6, CP10 and TR13 of the Adopted Oxford Local Plan 2001- 2016.

- 10 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or enacting that Order) no additions to the dwelling house as defined in Class A or B of Schedule 2, Part 1 of the Order shall be erected or undertaken without the prior written consent of the Local Planning Authority.

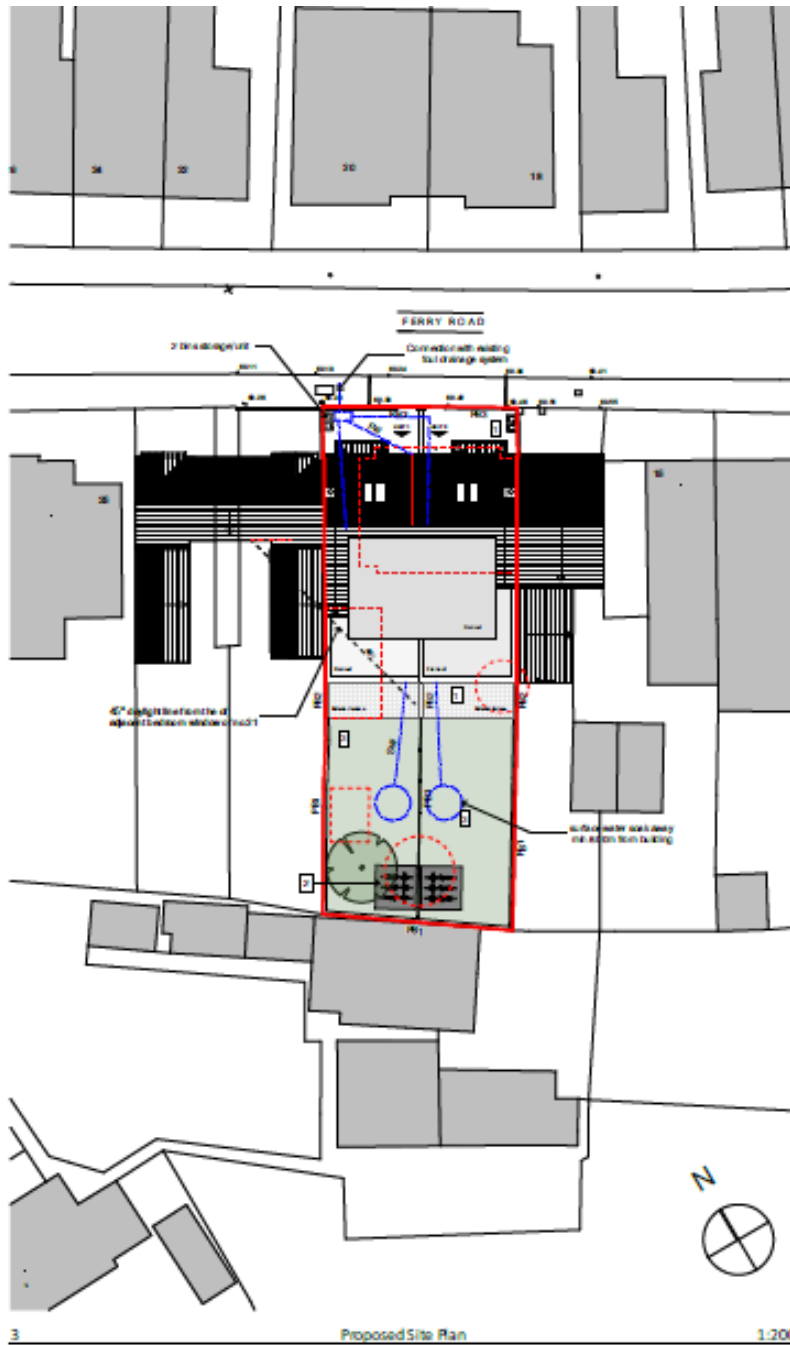
Reason: The Local Planning Authority considers that even minor changes in the design or enlargement of the development should be subject of further consideration to safeguard the appearance of the area and the amenity of neighbouring occupiers in accordance with policies CP1, CP8 and CP10 of the Adopted Oxford Local Plan 2001-2016, HP9 and HP14 of the Sites and Housing Plan and CS18 of the Core Strategy.

- 11 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or enacting that Order) no part(s) of the roof of the building(s) permitted shall be used as a balcony or terrace nor shall any access be formed to the roof.

Reason: To safeguard the amenities of the adjoining occupiers in accordance with policies CP1 and CP10 of the Adopted Oxford Local Plan 2001-2016 and HP14 of the Sites and Housing Plan.

## **13. APPENDICES**

### **Appendix 1 – Site Plan**



#### 14. HUMAN RIGHTS ACT 1998

14.1. 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.

#### 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 grant approval of planning permission, officers consider that the proposal will not undermine crime prevention or the promotion of community.



## EAST AREA PLANNING COMMITTEE

1st August 2018

**Application Number:** 18/01403/FUL

**Decision Due by:** 31st July 2018

**Extension of Time:** 10<sup>th</sup> August 2018

**Proposal:** Erection of a single storey rear extension (retrospective).

**Site Address:** 63 Waynflete Road, Oxford, Oxfordshire, OX3 8BJ

**Ward:** Barton And Sandhills Ward

**Case Officer** Sarah Orchard

**Agent:** Mr Michael Embling      **Applicant:** Mr And Mrs Leon Hall

**Reason at Committee:** The applicant is an employee of Oxford City Council.

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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.**

**(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 a single storey rear extension. The extension is already in place therefore this report retrospectively considers the impact of the extension on the neighbouring properties and the design of the extension. It is concluded that the extension relates to the character of the area and has an acceptable impact on neighbouring occupiers in accordance with the relevant planning policies.

### 3. LEGAL AGREEMENT

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

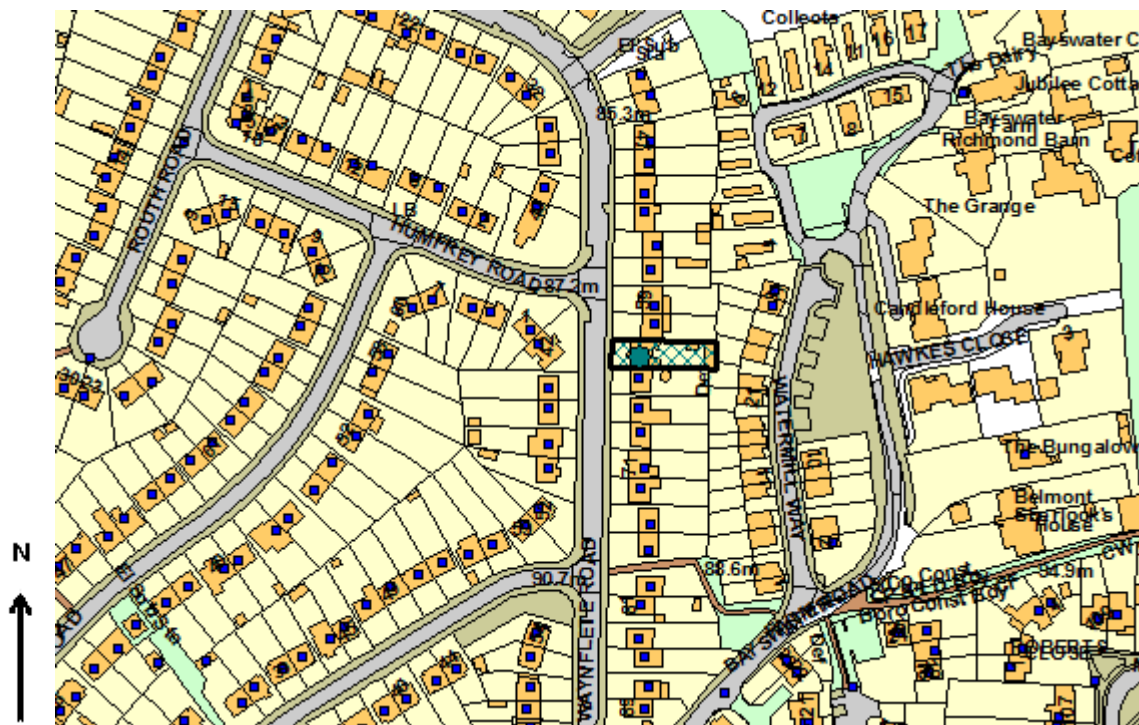
## 4. COMMUNITY INFRASTRUCTURE LEVY (CIL)

4.1. The proposal is not liable for CIL.

## 5. SITE AND SURROUNDINGS

5.1. The site is located within the Barton area of Oxford to the east of the city centre, beyond the by-pass. The site sits in the east of Barton. The property is a two storey semi-detached property and is typical of those found in the area.

5.2. Site Location Plan:



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Ordnance Survey 100019348

## 6. PROPOSAL

6.1. The application proposes the erection of a single storey extension which projects 4.4 metres from the original rear wall of the dwelling. The extension is 3.2 metres high. The extension was built without planning permission and exceeds 3 metres from the original rear elevation of the property, planning permission is therefore sought retrospectively. Prior to its construction it is understood that a conservatory sat on the site.

## 7. RELEVANT PLANNING HISTORY

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

95/00290/P - Single storey side extension. PNR 13th March 1995.
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## 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
Design	7-9, 17, 53, 56-68,	CP1, CP6, CP8,	CS18_,	HP9_,	
Environmental		CP10,		HP14_,	
Misc	5	CP.13, CP.24, CP.25		MP1	

## 9. CONSULTATION RESPONSES

9.1. A site notice was displayed outside the application site on 18th June 2018.

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

#### Barton Community Association

9.2. No comments received.

### **Public representations**

9.3. No third party representations received.

## 10. PLANNING MATERIAL CONSIDERATIONS

10.1. Officers consider the determining issues to be:

- i. Design;
- ii. Neighbouring amenity;

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

10.2. The proposed extension is a fairly large extension which extends off the rear of the original dwellinghouse but still remains as a subservient addition to the host property. The extension has a flat roof which is clad in white uPVC boards which is a material commonly used in the surrounding area. There are also other large single storey extensions to properties within the street, which are larger than at this property. The proposal is therefore considered to relate to the character and appearance of the existing dwelling and area in general.

10.3. On this basis, it is concluded that the proposal complies with policies CP1, CP6 and CP8 of the Oxford Local Plan, HP9 of the Sites and Housing Plan and CS18 of the Core Strategy.

**ii. Impact on Neighbouring Amenity**

10.4. The extension sits closest to the adjoining neighbours at 65 Waynflete Road which lies directly south of the host property. Since the extension is located to the north of no. 65 there is not considered to be a detrimental impact on sunlight to this neighbouring property. The proposed floor plan shows that the development complies with a 45 degree guideline from a kitchen/diner window at the neighbouring property. This window is a secondary light source to the room with double doors also serving this room which are closest to the extension. Whilst the extension breaches a 45 degree guideline from the glazed doors, when lifted at 25 degree, it clears the height of the extension and therefore complies with the guidelines under policy HP14. Furthermore there is also the above secondary light source serving the room.

10.5. In relation to 61 Waynflete Road to the north of the site, this property forms a pair of semi-detached properties which are set further away from the street than the host property. Given this and that the property is set away from the host property, the extension complies with 45 degree guidelines from the rear of this property.

10.6. The proposal has rear facing windows only, overlooking the garden of the property and is therefore not considered to cause a detrimental loss of privacy to neighbouring occupiers. Since the extension is single storey only and has reasonable boundary treatments surroundings there is little potential for overlooking.

10.7. It is considered that since the properties to the rear in Watermill Way are located over 20 metres away from the property and extension, they would not be affected by the proposal.

10.8. The proposal is therefore considered to comply with policies CP10 of the Oxford Local Plan and HP14 of the Sites and Housing Plan.

**11. CONCLUSION**

11.1. The proposal is considered to have an acceptable visual impact on the character and appearance of the host property and the surrounding area and also has an acceptable impact on the amenity of neighbouring occupiers in accordance with the relevant planning policies.

11.2. It is therefore recommended that the Committee resolve to grant planning permission for the development.

**12. CONDITIONS**

No conditions.

### 13. APPENDICES

#### Appendix 1 – 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 approve 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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## EAST AREA PLANNING COMMITTEE

**Application Number:** 18/01180/FUL

**Decision Due by:** 3rd July 2018

**Extension of Time:** 7<sup>th</sup> August 2018

**Proposal:** Erection of a 1 x 3-bed dwellinghouse (Use Class C3).  
Erection of a garage, provision of bin and cycle storage.

**Site Address:** 12 Bleache Place, Oxford, OX4 2JD,

**Ward:** Lye Valley Ward

**Case Officer** Tim Hunter

**Agent:** Mr Michael Gilbert      **Applicant:** Louise Heppell

**Reason at Committee:** The application has been called in by Councillors Kennedy, Turner, Rowley, Fry and Taylor on the grounds of over development of the site and possible parking problems.

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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.**

**(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 a new, 3 bedroom dwellinghouse and associated cycle and bin storage, along with a detached garage.

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

- Principle of development;
- Design;

- Effect on adjacent occupiers
- Parking, Cycle and Bin Stores
- Inside and Outside SpaceFlooding / SSSI and Trees

2.3. The proposals are considered acceptable in design terms and are not considered to have a detrimental impact to neighbouring amenity. The loss of the tree is considered acceptable and issues relating to parking, flooding and Lye Valley SSSI can be resolved by the recommended conditions. The proposal is considered to comply with the relevant policies of the Local Plan as listed below.

### 3. LEGAL AGREEMENT

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

### 4. COMMUNITY INFRASTRUCTURE LEVY (CIL)

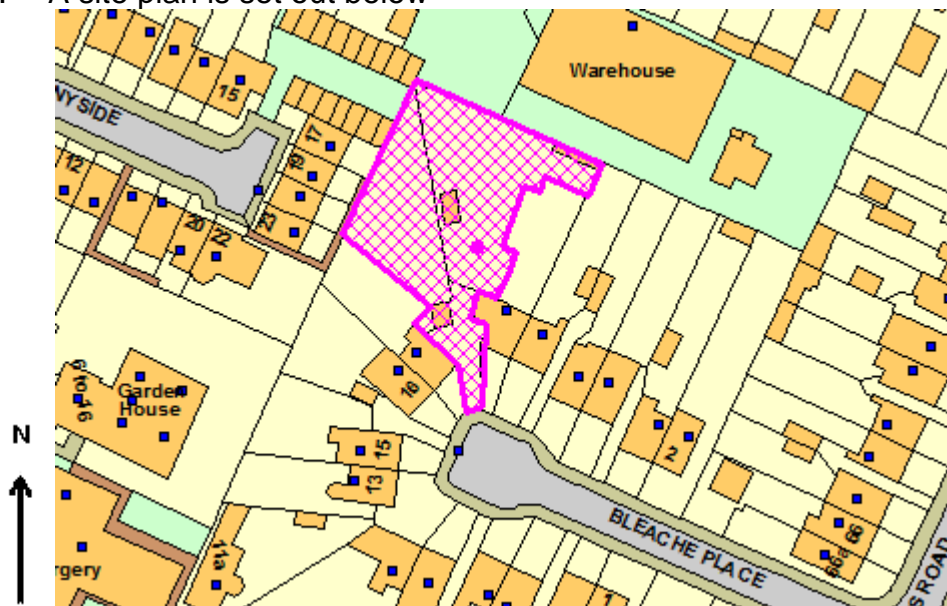
4.1. The proposal is liable for a CIL payment of £14,985.67.

### 5. SITE AND SURROUNDINGS

5.1. The site is located on a sizeable corner plot at the end of a cul-de-sac within the residential area of Cowley. The existing house is semi-detached and has a shared drive (with no. 14 to the south west) which leads to an area of garden behind, which it is proposed to subdivide.

5.2. The red line site plan indicates that the application site also includes an element of land within the curtilage of 14 Bleache Place. This is discussed in the section on parking below, but officers note that the application form states that the relevant notice has been served on the person with an interest in that land.

5.3. A site plan is set out below



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Ordnance Survey 100019348



## 6. PROPOSAL

- 6.1. The application proposes a two storey new dwelling in the rear garden, set back behind the existing houses at 12 (to be known as 12A) and 14 Bleach Place. Parking for 2 cars would be provided for each of the three houses, two of them within a new detached garage to be shared between the new house and number 14. Cycle parking and bin storage are proposed behind the new garage. The house would have a footprint of 9m x 7.5m, eaves height of 3.83m and a maximum height at the ridge of 6.76m, whilst the garage would measure 6m x 6m, with an eaves height of 2.5m and a maximum height of 4m.
- 6.2. The current scheme is a revised version of that submitted under application 18/00233/FUL, which was withdrawn when it became clear it was likely to be refused for reasons of visual amenity, effect on adjacent occupiers and conflicts of access. The revised scheme has addressed these issues by setting the house back in the plot and reducing its scale.
- 6.3. The plans also show a proposed extension at 14 Bleache Place, but this is not included in the description of development or red line plan, no further details are supplied and this should be excluded from any grant of permission.

## 7. RELEVANT PLANNING HISTORY

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

60/09745/A_H - Private garage. PDV 9th August 1960.
97/01659/NF - Two storey side extension.. PER 12th November 1997.
18/00233/FUL - Erection of a 1 x 3-bed dwellinghouse (Use Class C3). Provision of car parking and bin storage.. WDN 29th March 2018.

## 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
Design	7 [INSERT PARAGRAPH NUMBERS]	CP1, CP6, CP8, CP10, CP11, CP13,	CS18_		

Conservation/ Heritage	12				
Housing	6			HP9_, HP10_, HP11_, HP12_, HP13_, HP14_,	
Commercial	1, 2				
Natural Environment	9, 11, 13	NE15,	CS12_,		
Social and community	8				
Transport	4			HP15_, HP16_,	Parking Standards SPD
Environmental	10		CS9_, CS11_,		Energy Statement TAN
Misc	5	CP.13, CP.24, CP.25		MP1	

## 9. CONSULTATION RESPONSES

9.1. Site notices were displayed around the application site on 23rd May 2018.

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

#### Oxfordshire County Council (Highways)

9.2. No objection subject to a condition requiring sustainable drainage to the parking area.

#### Thames Water Utilities Limited

9.3. No objection, but suggests water pressure informative.

#### Internal

9.4. Heritage (Trees): Identifies one apple tree of note, but it is not a significant arboricultural constraint to development

9.5. Flooding: The site is not at significant risk of flooding, however it does lie within the catchment zone for the Lye Valley fen SSSI, which is sensitive to changes in

water quantity and quality. Therefore, a Sustainable Drainage scheme will be required. Inert materials should be used in order to prevent adversely affecting the Ph of the receiving waterbodies.

### **Public representations**

9.6. One local person commented on this application from an address in Sunnyside.

In summary, the main points of objection were:

- Loss of trees
- Noise impact from parking and garage
- Maintenance of boundary treatment issues

### **Officer Response**

Issues relating to trees, boundary treatments and noise are discussed below.

## **10. PLANNING MATERIAL CONSIDERATIONS**

10.1. Officers consider the determining issues to be:

- i. Principle of development;
- ii. Design;
- iii. Neighbouring amenity
- iv. Parking
- v. Trees
- vi. Flooding / Effect on Lye Valley SSSI

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

10.2. Policy CP2 of the Core Strategy requires that the majority of development should take place on previously developed sites, where appropriate. The proposed development would take place on residential garden land, though it appears that part of the site is not currently in use as such. Residential garden land is not defined as previously developed land as set out in the National Planning Policy Framework (NPPF).

10.3. 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.

10.4. In this case, Officers consider that 12 Bleache Place has an area of garden land that provides ample outdoor amenity space and that there is scope to consider that more efficient use of this land could be made with regard to Policy HP10.

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

- 10.5. The proposed development will only be visible in glimpses from the street, in views between 12 and 14 Bleach Place. It will also be visible from the surrounding properties around Bleach Place and Sunnyside. At 4m eaves height and 6.7m to the ridge, the house will be relatively modest in height and the footprint and overall scale and bulk is not unacceptably different to the scale of other properties around Bleach Place (which are generally arranged as pairs of semis, or the properties along Sunnyside (which are arranged as terraces). The proposal also reflects the 1.5 storey dwelling permitted under application 06/01752/FUL, in that it occupies a similar position in the corresponding corner site on the other side of the cul-de-sac at 13 Bleach Place and as such could not be regarded as an unacceptable backland development.
- 10.6. The proposed garage, whilst having a footprint sufficient to accommodate two cars, has managed to keep a modest roof profile with a low pitch and hipped design that will keep the visual impact of this element to a minimum.
- 10.7. The house will share some design cues with the existing houses around Bleach Place but does not attempt to replicate them and will appear as what it is – a dwelling house on an infill site. Limited information is provided about materials and officers consider that samples should be required by condition to ensure an appropriate visual relationship with surrounding buildings.
- 10.8. Because of its relatively limited height, position behind the existing houses and the appropriate visual relationship with the buildings next door, the impact of the proposed house and garage on the character of the area will be relatively modest, the development will not be unacceptably harmful to visual amenity and the proposal complies with Policies CP1 and CP8 of the adopted Oxford Local Plan 2001 - 2016, Policy CS18 of the Core Strategy and Policy HP9 of the Site and Housing Plan.

### **iii. Impact on Neighbouring Amenity**

- 10.9. Oxford City Council requires development proposals to safeguard the privacy and amenities of adjoining occupiers and policies CP1 and CP10 of the OLP and Policy HS14 of the SHP support this aim.
- 10.10. Appendix 7 of the SHP sets out the 45/25 degree guidance, used to assess the effect of development on the windows of neighbouring properties.
- 10.11. The proposed house does not materially conflict with the 45 degree line from the existing house at number 12, but will break the 45 degree line from number 14. However because of its distance from number 14, the 25 degree line will pass well above the eaves and roof of the new house, indicating there will be no material loss of light to adjacent habitable rooms.
- 10.12. Because of the splayed nature of the plots, neither 12 nor 14 will experience a material loss of outlook. Furthermore because of the distance of the new dwelling from the boundaries, the gardens of these houses will not be materially over shadowed or overbourne. For the same reason, overlooking of habitable

rooms at 12 and 14 will not be material and overlooking of the gardens of those properties can be almost eliminated by conditions to prevent overlooking from side facing windows.

- 10.13. The houses at the end of Sunnyside have rear windows and gardens that face directly towards the site. At 6m in depth, these houses have small gardens and the effect on these properties has been carefully considered. Whilst both the garage and the proposed house would lie between the 45 degree lines from windows at Sunnyside, they are far enough away from these windows for the 25 degree line to pass above the roofs, indicating that there would be no unacceptable loss of daylight to habitable rooms.
- 10.14. The supporting text to HP14 states that regard should always be paid to the impact of windows overlooking other homes' windows and gardens. The text of the SHP also states that there should be at least 20m distance between directly facing windows to habitable rooms in separate dwellings. This is generally taken to refer to the "back to back" distance. In this case, the nearest upper floor rear facing window in the new house will be 15m from the nearest rear facing windows along Sunnyside, but the proposed window is set at an angle of around 45 degrees to Sunnyside, thus oblique, and will not result in a level of overlooking that would justify refusal.
- 10.15. The proposed garage is much closer to the rear of the gardens at Sunnyside – less than 1m at its closest point. At 2.5m to the eaves, the roof of the garage will be visible above the boundary treatment. Because of the design of the roof, and the orientation of the site, any overshadowing to these properties will be limited, as for most of the year the sun will be too high in the sky to pass behind the garage. Never the less, the proximity of the garage and to some extent the new house, means that there will be some loss of outlook to the gardens at Sunnyside. Officers do not consider that this is of a nature or magnitude that would justify refusing or excluding this element of the scheme, and note that an incidental building could be constructed in the garden of number 12 or 14 under Permitted Development rights. Such structures could be even closer to the boundary and have the same eaves height, but would have a flat roof.
- 10.16. In summary, the proposal complies with the 45-degree guidance and will not be experienced as overshadowing or overbearing to surrounding properties. Subject to conditions to prevent overlooking, the development will not have an unacceptable effect on adjacent properties, and complies with Policies CP1 and CP10 of the OLP and Policy HP14 of the SHP.

#### **iv. Transport**

##### Car parking

- 10.17. Policy CP1 of the OLP states that permission will only be granted for development that is acceptable in terms of access, parking and highway safety. The Sites and Housing Plan makes it clear that different levels of parking will be suited to different areas, that the design of car parking spaces is vitally important to the success of development and that developers should have regard to

current best practice. Oxfordshire County Council has published “Car parking standards for new residential developments” (parking standards) which includes detailed technical guidance on parking space dimensions and visibility, along with a guide to maximum parking provision in Appendix A.

- 10.18. Appendix 8 of the SHP suggests that when assessing car parking for this type of development in this area, cases will be judged on their merits and officers will have regard to the sustainability of the location.
- 10.19. Access to the new house is across a shared space, in that 12 and 14 both have rights of access across it. Both of these houses, along with the proposed dwelling would be provided with two spaces, arranged in tandem. A tandem layout is not generally the best arrangement of car parking, but is not unusual and in this area, where local shops, services and bus routes are all within easy reach, the provision is acceptable and accords with Policy CP1 and HP16 of the Sites and Housing Plan.
- 10.20. Previous issues relating to the accessibility of the parking have been successfully addressed and overall, the parking arrangements are acceptable, subject to a condition requiring that the spaces are provided before occupation.

#### Cycle Parking

- 10.21. Policy HP15 of the SHP states that permission will only be granted for dwellings of up to 2 bedrooms that provide at least 2 cycle parking spaces per dwelling and that this storage should be secure, undercover, preferably enclosed and provide level, unobstructed access to the street.
- 10.22. A dedicated cycle storage area is shown on the proposed plans allowing level access out to the road. However there are no further details supplied.
- 10.23. If permission is granted, it is considered reasonable and appropriate to impose conditions to secure an acceptable provision of cycle storage to ensure the needs of the new dwelling are successfully met and that the development complies with Policies HP15 of the SHP.

#### Refuse, Delivery and Servicing Arrangements

- 10.24. Policy HP13 of the SHP states that permission will not be granted for dwellings unless adequate provision is made for the safe, discrete and conveniently accessible storage of refuse and recycling.
- 10.25. A bin storage area for the new house is shown in the proposed plans allowing decent level access out to the road. However there are no further details supplied.
- 10.26. If permission is granted, it is considered reasonable and appropriate to impose conditions to secure an acceptable provision of bin storage to ensure the needs of the new dwelling are successfully met and that the development complies with Policies HP13 of the SHP.

**v. Flooding**

10.27. The development will add to the level of non-porous surfaces on the site, resulting in an increased level of rain water run-off. However the increase is relatively modest and subject to a condition to ensure the development is carried out in accordance with the principles of Sustainable urban Drainage Systems, the proposals will not result in an unacceptable risk of flooding and comply with Policy CS11 of the Core Strategy.

**vi. SSSI**

10.28. The application site is in the ground water catchment area for Lye Valley Site of Special Scientific Interest (SSSI). As such special care and attention has to be given to the potential impact a development may have on this protected site. The development will increase the level of hardstanding and extensions at the site and therefore impact on surface water run-off.

10.29. Policy NE12 of the OLP states that permission will not be granted for development that will have an adverse impact on groundwater flow, whilst policy CS12 of the Core Strategy states that SSSIs must be protected from any development that will have an adverse impact.

10.30. Natural England has indicated it has no comments to make on the application, but officers are concerned about the cumulative effect of an increase in impermeable hard surfacing in the surface water catchment zone of Lye Valley fen (and thus the effect upon the hydrology of the site), caused by any further increases in development.

10.31. A number of conditions are therefore proposed which will ensure the water flows in the area will not be detrimentally impacted by the development and the application complies with policy NE18 of the OLP.

**vii. Inside Space**

10.32. The new dwelling will have its own front door, kitchen and bathroom and at around 114sqm, the indoor space provided is of a good size, in excess of the 102sqm required by the Nationally Described Space Standard for a six person dwelling over 2 floors. The house will be provided with reasonable light and outlook and acceptable circulation and potential storage space, in accordance with Policy HP12 of the SHP.

**viii. Private Open Space**

10.33. Policy CP10 of the OLP states that permission will only be granted where developments are sited to ensure that outdoor needs are properly accommodated, including private amenity space. Policy HP13 of the SHP states that permission will only be granted for houses of 2 or more bedrooms that have direct access to an area of private open space that is of adequate size and proportions for the size of house proposed, while the accompanying text states

that the City Council will expect an area of private garden for each family house which is at least equivalent to the original building footprint.

10.34. The new dwelling will be provided with a garden well in excess of the building footprint or indeed of most houses in the area.

10.35. The proposed development would result in the loss of private amenity space to the existing houses at 12 and 14, but the remaining areas are both larger than the original building footprint and will provide an acceptable level of amenity in accordance with Policies CP10 and HP13.

#### **ix. Trees**

11.37. Policy CP1 of the OLP states that where relevant, development proposals must retain and protect important landscape and ecological features. NE15 of the OLP states that permission will not be granted for development proposals which include the removal of trees that form part of a development site where this would have a significant adverse impact upon public amenity or ecological interest. This application involves the loss of some trees (possibly the remnants of an overgrown hedge) to the edge of the site which are of poor quality and have negligible public amenity value as well as a mature orchard apple tree from the rear garden. The loss of this tree is regrettable but it is not a significant arboricultural constraint to development as it has negligible public amenity value. The proposals are therefore considered to accord with policy NE15 of the OLP.

### **11. CONCLUSION**

11.1. The proposals are considered acceptable in design terms and are not considered to have a detrimental impact to neighbouring amenity. The proposed dwelling would be served by adequate indoor space as well as outdoor space (including the existing properties). The loss of the tree is considered acceptable and issues relating to parking, bins, cycle storage, flooding and Lye Valley SSSI can be resolved by the recommended conditions. The proposal is considered to comply with the relevant policies of the Local Plan as listed above.

11.2. It is recommended that the Committee resolve to grant planning permission for the development proposed subject to the conditions laid out below.

### **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 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 Notwithstanding the approved plans, this permission specifically excludes the details of the extension at number 14 Bleache Place shown on plan(s) No(s) AHA0548 Rev.B received on 08.05.2018.

Reason: To avoid doubt.

- 5 Unless otherwise agreed in writing by the Local Planning Authority, and before first occupation of the dwelling hereby approved, the six car parking spaces shall be provided in the positions shown in the approved drawing AHA0548 Rev.B and two spaces shall be made available to the existing houses 12 and 14 Bleache Place and the dwelling hereby approved. The spaces shall measure a minimum of 2.7m x 5m. and shall be retained as parking spaces in perpetuity.

Reason: For the avoidance of doubt.

- 6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or enacting that Order) no structure including additions to the dwelling house as defined in Classes A, B, C, D, E of Schedule 2, Part 1 of the Order shall be erected or undertaken without the prior written consent of the Local Planning Authority.

Reason: The Local Planning Authority considers that even minor changes in the design or enlargement of the development should be subject of further consideration to safeguard the appearance of the area in accordance with policies CP1 and CP8 of the Adopted Oxford Local Plan 2001-2016.

- 7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, no additional windows shall be placed in the side elevation(s) without the prior written consent of the Local Planning Authority.

Reason: To safeguard the amenities of the adjoining occupiers in accordance with policies CP1 and CP10 of the Adopted Oxford Local Plan 2001-2016 and HP14 of the Sites and Housing plan.

- 8 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or enacting that Order), the upper floor side facing windows shall be glazed in obscure glass, be non-opening below 1.7 metres above finished floor levels in the room(s) they serve and thereafter retained.

Reason: To safeguard the amenities of the adjoining occupiers in accordance with policies CP1 and CP10 of the Adopted Oxford Local Plan 2001-2016 and HP14 of the Sites and Housing Plan.

- 9 Before the start of above ground works, details of the boundary treatments shall be submitted to, and approved in writing by the Local Planning Authority and the

development shall be undertaken in accordance with the details as approved before first occupation of the development hereby permitted,

Reason: To enable the Local Planning Authority to give further consideration to these matters

- 10 Before the start of above ground works,, details of bins storage (including refuse and recycling) within the premises shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully implemented prior to first occupation of the development hereby approved and maintained at all times thereafter.

Reason: In the interests of the amenities of future occupiers of the dwellings as well as to prevent unacceptable environmental problems and nuisance from noise, smell and visual disturbance in accordance with Policies HP13 of the Sites and Housing Plan.

- 11 Before the start of above ground works, 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 promote the use of cycles thereby reducing congestion on adjacent roads in accordance with policies CP1, CP10 and TR4 of the Adopted Oxford Local Plan 2001-2016.

- 12 All Impermeable areas of the proposed development, including roofs, driveways, and patio areas should be drained using Sustainable Drainage measures (SuDS).

This may include the use of porous pavements and infiltration, or attenuation storage to decrease the run off rates and volumes to public surface water sewers and thus reduce flooding.

Soakage tests should be carried out in accordance with BRE Digest 365 or similar approved method to prove the feasibility/effectiveness of soakaways or filter trenches and demonstrate the surface water can be adequately treated prior to discharge to a sensitive receptor such as a SSSI.

Where infiltration is not feasible, surface water should be attenuated on site and discharged at a controlled discharge rate no greater than prior to development using appropriate SuDS techniques, and in consultation with the sewerage undertaker where required.

If the use of SuDS are not reasonably practical, the design of the surface water drainage system should be carried out in accordance with Approved Document H of the Building Regulations.

The drainage system should be designed and maintained to remain functional, safe, and accessible for the lifetime of the development.

Reason: To avoid increasing surface water run-off and volumes to prevent an increase in flood risk in accordance with policy CS11 of the Oxford Core Strategy 2011-2026

- 13 Inert gravel materials are to be used in any Sustainable Drainage system.

Reason: To ensure groundwater chemistry upstream of the Lye Valley Sites of Special Scientific Interest (SSSI) is maintained.

- 14 The dwelling(s) shall not be occupied until the Building Regulations Part M access to and use of building, Category 2 accessible and adaptable dwellings, Optional requirement M4(2) has been complied with.

Reason: To ensure that new housing meets the needs of all members of the community and to comply with the Development Plan, in particular Local Plan policies CP1, CP13, Core Strategy Policy CS23 and Sites and Housing Plan Policy HP2.

- 15 The dwelling(s) shall not be occupied until the relevant requirements of level of energy performance equivalent to ENE1 level 4 of the Code for Sustainable Home have been met and the details of compliance provided to the local planning authority.

Reason: To ensure that new dwellings are sustainable and to comply with the Development Plan, in particular Core Strategy Policy CS9 and Sites and Housing Plan Policy HP11.

- 16 The dwelling(s) shall not be occupied until the Building Regulations Part G sanitation, hot water safety and water efficiency, Category G2 water efficiency, Optional requirement G2 36 (2) (b) has been complied with.

Reason: To ensure that new dwellings are sustainable and to comply with the Development Plan, in particular Core Strategy Policy CS9 and Sites and Housing Plan Policy HP11.

### **13. APPENDICES**

#### **Appendix 1 – Site Location Plan**

### **14. HUMAN RIGHTS ACT 1998**

- 14.1. Officers have considered the implications of the Human Rights Act 1998 in reaching a recommendation to approve 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.

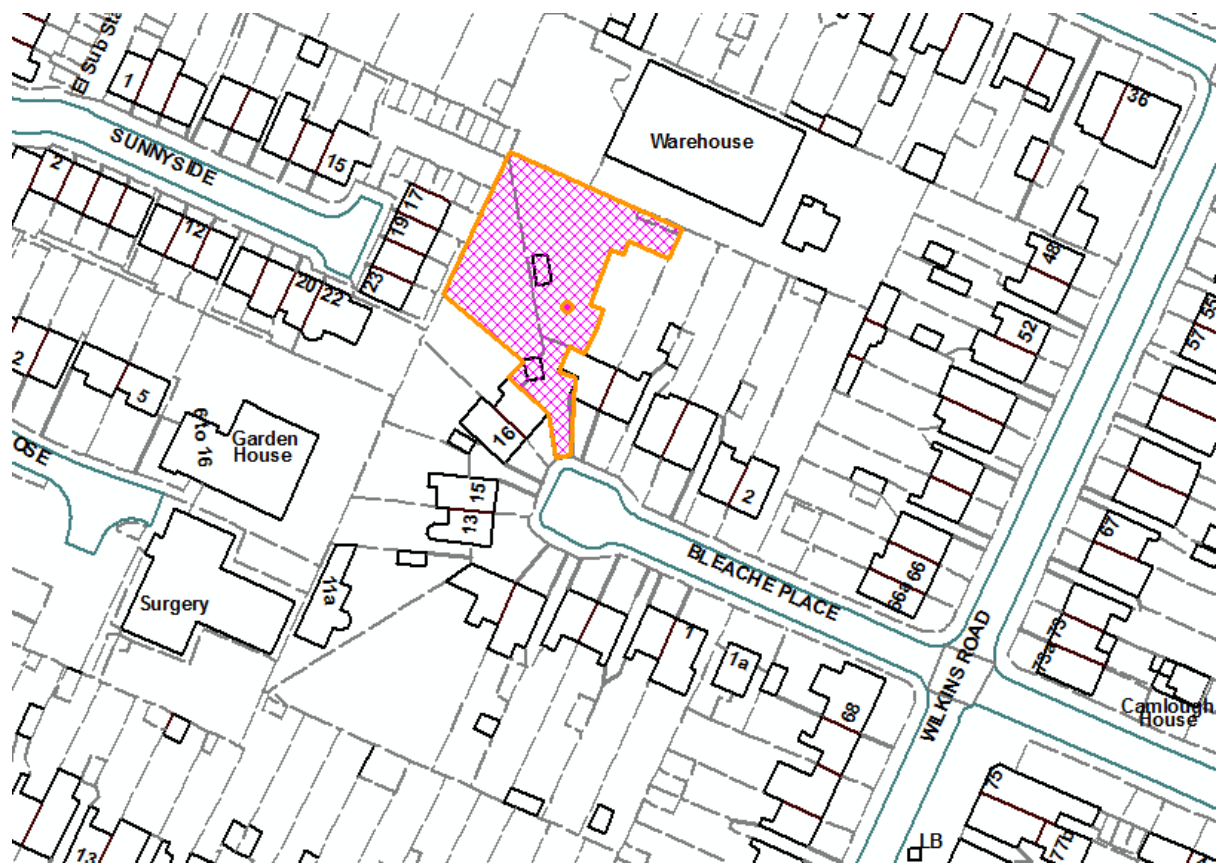
### **15. SECTION 17 OF THE CRIME AND DISORDER ACT 1998**

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

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# Appendix 1

12 Bleache Place



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## EAST AREA PLANNING COMMITTEE

**Application Number:** 18/00757/FUL

**Decision Due by:** 29th May 2018

**Extension of Time:** N/A

**Proposal:** Erection of two storey extension to front; increase in ridge height and insertion of rooflights to east and west elevations.

**Site Address:** 3 Green Ridges, Oxford, OX3 8LY,

**Ward:** Barton And Sandhills Ward

**Case Officer:** Alice Watkins

**Agent:** N/A                      **Applicant:** Mr Luke Skiffington

**Reason at Committee:** Called in by Councillors Rowley, Fry, Kennedy and Rush due to significant local concern.

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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.**

**(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 a two storey front extension, increase in ridge height and insertion of rooflights.

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

- Design
- Residential Amenity

- Trees

The proposals are considered acceptable in design terms and are not considered to have a detrimental impact to neighbouring amenity. The loss of the tree is considered acceptable subject to a condition requiring replacement planting. The proposal is considered to comply with CP1, CP6, CP8, CP10 and NE15 of the Local Plan, HP9 and HP14 of the Sites and Housing Plan and CS18 of the Core Strategy.

### 3. LEGAL AGREEMENT

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

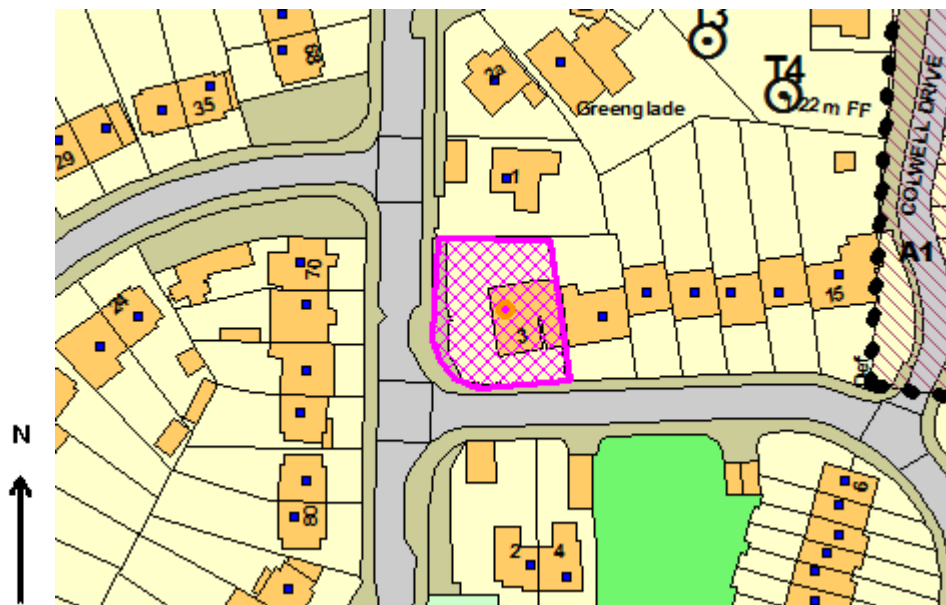
### 4. COMMUNITY INFRASTRUCTURE LEVY (CIL)

4.1. The proposal is not liable for CIL.

### 5. SITE AND SURROUNDINGS

5.1. 3 Green Ridges is a bungalow located on the north side of the road and at the junction with Waynflete Road. The property is of a simple design and is finished with brick. A high boundary wall surrounds the site and the property is not easily visible from Waynflete Road. The property's front door is located on the west elevation whilst the vehicular access is from the south.

5.2. A site plan is set out below:



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Ordnance Survey 100019348

### 6. PROPOSAL



- 6.1. The application proposes the erection of a two storey front extension, increase in ridge height and insertion of rooflights. The proposal would result in an increase in the overall height of the property by 1.5m. The extension features a pitched roof with a ridge height of 5.9m and an eaves height of 2.3m. The existing dwelling is single storey height. The proposal would enable the creation of a first floor level to provide an additional bedroom. The development is to be constructed using materials to match the host dwelling.

## 7. RELEVANT PLANNING HISTORY

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

55/00343/D\_H - Rear of Green Ridges Waynflete Road - Post office and/or shop with living accommodation. PER 23rd March 1955.

70/23338/A\_H - Erection of detached bungalow and garage for private car. PER 13th October 1970.

77/00115/A\_H - Erection of covered area. PER 23rd March 1977.

## 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
Design	7	CP1, CP6, CP8, CP10	CS18	HP9	
Natural Environment	9, 11, 13	NE15, NE16			
Environmental	10			HP14	
Misc	5			MP1	

## 9. CONSULTATION RESPONSES

- 9.1. Site notices were displayed around the application site on 16th April 2018.

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

9.2. No comments from consultees were received in response to the application.

### **Public representations**

9.3. 3 objection comments were received from addresses in Green Ridges and Waynfleete Road. One additional comment was received from a property in Colwell Drive but only comments on the construction traffic.

In summary, the main points of objection were:

- Plans are misleading as suggest there are no properties to the west of the site.
- Plans do not show placement of large mature tree.
- Cannot be worked out how two storey development can only be one metre higher.
- Concerns property to be used for business purposes.
- Proposal intrusive and will overlook all main areas of house (1 Green Ridges) and would be overbearing.
- Anomalies with plans.
- Concerns regarding loss of trees

### **Officer Response**

9.4. The design, impact to neighbouring amenity and loss of trees will be discussed below. Concerns have been raised that the future intention is to use the property for business use. This would be subject to a separate planning application and is not being considered as part of this application.

## **10. PLANNING MATERIAL CONSIDERATIONS**

10.1. Officers consider the determining issues to be:

- i. Design
- ii. Neighbouring amenity
- iii. Trees
- iv. Parking

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

10.2. The proposed extension extends by 3.5m from the west elevation. It features a pitched roof with a ridge height of 5.9m and an eaves height of 2.3m. The development would result in an increase in the height of the property by 1.5m. The height of the properties along Waynfleete Road varies; the properties along the eastern side are bungalows. Linton Cottage (1 Green Ridges) is higher than 3 Green Ridges and does not read as a bungalow. It has a much steeper roof

pitch with higher ridge and eaves heights. The properties along Green Ridges are predominantly two storey as are the properties on the opposite side of Waynflete Road to the west. The increase in the height of the bungalow is considered acceptable given the varying roof heights within surrounding area.

- 10.3. The proposed extension would form a good visual relationship with the host dwelling. It is set back from Green Ridges by 3.5m and would not read as a dominant feature in the street scene. The extension would be visible from Waynflete Road. However, due to the existing boundary wall to the western side of the site and the property being set back from the highway by 7m, the extension would not read as an overly dominant feature in the streetscene. The extension would be constructed using materials to match the host dwelling and is considered acceptable in design terms.
- 10.4. The proposal is considered to comply with CP1, CP6, CP8 and CP10 of the Local Plan, HP9 of the Sites and Housing Plan and CS18 of the Core Strategy.

## **ii. Impact on Neighbouring Amenity**

### Privacy

- 10.5. The site shares a boundary with Linton Cottage (1 Green Ridges) and 5 Green Ridges. The proposed windows to the north elevation would face the principal elevation of 1 Green Ridges. The proposal includes the provision of floor-ceiling windows in the north elevation at first floor level to a bedroom which would also be served by a rooflight within the western roof slope. These windows would face the rooflights at No. 1 which serve two bedrooms and a landing. There is currently one high level window at the rear of No. 3 which faces No. 1. The proposed first floor rear facing windows at No. 3 would be 15m from the rooflights at No. 1. Given the relatively close proximity of the windows, a condition has been recommended requiring the rear facing windows at No. 1 to be obscure glazed to ensure there is no impact on the privacy afforded to the rooflights at 1 Green Ridges.
- 10.6. Concerns have been raised by the occupants of Linton Cottage regarding overlooking into their garden areas. It is considered that a condition requiring the first floor windows to be obscurely glazed will ensure that the proposal does not result in the creation of any new views into the garden of No. 1. The existing rooflights at No. 1 directly overlook the garden of No. 3. Mutual overlooking between properties is common in a residential area within an urban environment.
- 10.7. The development does not propose any windows which would face directly onto 3 Green Ridges. The proposal would therefore have no impact on the privacy afforded to No. 5.
- 10.8. All other properties are a sufficient distance so as to not be directly affected by the proposals.

### Overbearing

10.9. The proposal is located 8.3m from the boundary wall shared with 1 Green Ridges. The proposal would result in an increase of the ridge height by 1.5m. There would be a sizeable gap between 1 Green Ridges and the proposed extension. The dwellings sit comfortably within their plots and there is a sense of space around the properties. Due to the existing boundary treatments, space between the dwellings and increase in height by 1.5m it is not considered that the proposal would have an overbearing impact or result in a loss of outlook when experienced from 1 Green Ridges.

#### Impact on Light

10.10. Due to the 1.5m increase in height, distance from the shared boundary and existing boundary treatments, the proposal would not impact the light afforded to the front facing windows at 1 Green Ridges.

10.11. The other properties are a sufficient distance from the site so as to not be directly affected by the proposals.

10.12. On the basis of the above, the proposal is considered to comply with HP14 of the Sites and Housing Plan and the NPPF.

#### **iii. Trees**

10.13. Officers requested additional information regarding the impact to trees on the site. An Arboricultural Implications Assessment was submitted and the tree report (Sylva Consultancy, May 2018) concludes that the tree cannot be retained in the context of the proposal. The report categorises the tree as 'Low' amenity, based on the assessment methodology of BS.5837:2012; Officers concur with this view. The Architect's Statement includes a statement in mitigation of the impact. The report states that the tree has caused the reported wall crack which is a reasonable assumption (it is not supported by an engineer's report). Although it may be technically possible to repair the wall using a lintel to mitigate risk of future damage, Officers are satisfied that on balance the option to allow the tree's removal- as an impact of this development proposal- is not contrary to the Council's Adopted Local Plan Policy NE15- Loss of Trees and Hedgerows. A condition has been recommended requiring a replacement tree be planted.

#### **iv. Parking**

10.14 The proposal would increase the number of bedrooms at the property from three to four. The property currently benefits from two off-street parking spaces to the southern side. The parking standard for three and four bedroom dwellings is the same and two off-street spaces are required to be provided. The proposal therefore complies with the maximum parking standards set out under HP16 of the Sites and Housing Plan.

## **11. CONCLUSION**

11.1. The proposal is considered acceptable in design terms and would not have a detrimental impact on the neighbouring amenity. The proposal would result in the loss of a tree but the loss could be justified subject to a condition requiring replacement planting. The proposal is therefore considered to comply with CP1, CP6, CP8, CP10 and NE15 of the Local Plan, HP9 of the Sites and Housing Plan, CS18 of the Core Strategy and the NPPF.

11.2. It is recommended that the Committee resolve to grant planning permission for the development proposed.

## 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 The materials to be used in the external elevations of the new development shall match those of the existing building.

Reason: To ensure that the new development is in keeping with existing building(s) in accordance with policies CP1 and CP8 of the Adopted Oxford Local Plan 2001-2016.

- 4 The first floor windows to the north elevation shall be obscure glazed and shall not be glazed or reglazed other than with obscure glazing. There shall be no additional windows installed in the north elevation without the prior written consent of the Local Planning Authority:

Reason: In the interests of the privacy of neighbouring properties and in accordance with the requirements of HP14 of the Sites and Housing Plan.

- 5 A tree shall be planted to serve as a replacement for the tree to be felled, subject of the application. The replacement will be planted during the first planting season after felling. The tree will be planted within 3m of the felled tree, unless agreed in writing with the Council. The tree shall be a 10-12 stem girth size, containerised or root-balled Rowan (*Sorbus aucuparia*), unless otherwise agreed in writing by the Council. Should the tree fail to establish within 3 years for whatever reason, a further approved replacement tree will be required within the first planting season following removal.

Reason: To maintain the continuity of tree cover to the local area and to comply with policy NE15 of the Local Plan.

### **13. APPENDICES**

#### **Appendix 1 – Site Location 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.

## EAST AREA PLANNING COMMITTEE

**Application Number:** 18/00012/FUL

**Decision Due by:** 13th March 2018

**Extension of Time:**

**Proposal:** Change of use from current annexe (Use Class C3) to 2 bed independent dwelling house. Introduction of amenity space . Relocation of kitchen from ground to first floor.

**Site Address:** 3 David Nicholls Close, Oxford, OX4 4QX,

**Ward:** Littlemore Ward

**Case Officer** Tim Hunter

**Agent:** N/A **Applicant:** David Henwood

**Reason at Committee:** The applicant is an elected Member of Oxford City Council

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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.**

**(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 proposed change of use of an annex to a self-contained two bedroom dwelling, along with internal changes and the creation of a private outside amenity area.

2.2. The proposals are considered acceptable in principle and are not considered to have a detrimental impact to neighbouring amenity. Inside and outside space is adequate and issues relating to parking and cycle and bin storage can be addressed by condition. The proposal is considered to comply with the relevant policies of the Local Plan as listed below.

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

- Principle of development;
- Design;
- Neighbouring amenity
- Parking
- Trees
- Flooding

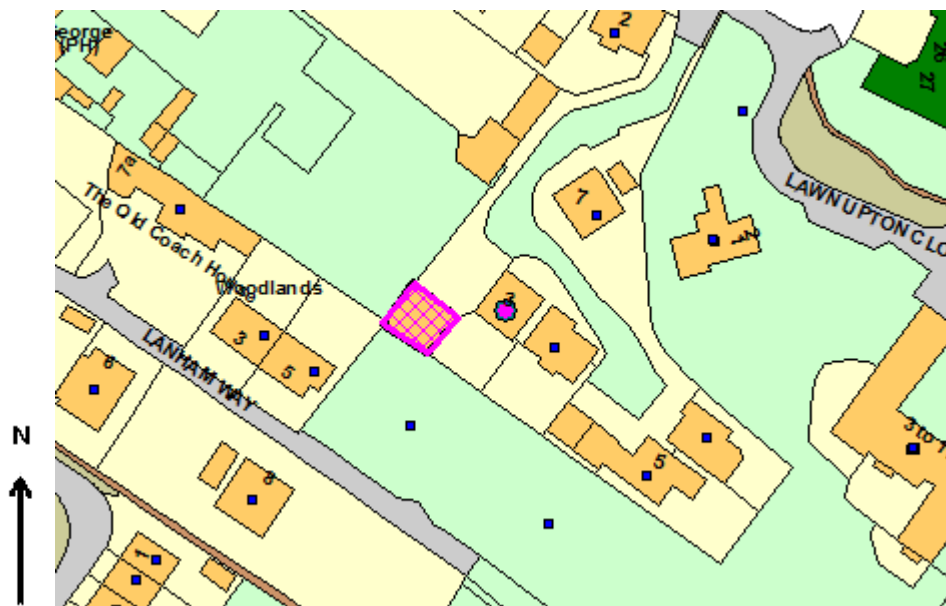
### 3. COMMUNITY INFRASTRUCTURE LEVY (CIL)

3.1. The proposal is not liable for a CIL payment because both uses are within the C3 Use Class and there is no increase in the floorspace of the building.

### 4. SITE AND SURROUNDINGS

4.1. The site is located on a well-proportioned plot within a small modern development in Littlemore Conservation Area. A detached building to the eastern side incorporates both garage space and an annex to the main house.

4.2. A site plan is set out below



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Ordnance Survey 100019348

### 5. PROPOSAL

5.1. The application proposes a change of use of the annex to a self-contained dwelling. The existing kitchen on the ground floor would be moved to the first floor so that the ground floor would consist of a garage, living room and sensory space and a kitchen, bathroom and two bedrooms on the first floor. There would also be dedicated outside space for the new dwelling. Parking for two cars would be provided to the frontage and cycle and bin storage within the garden area.



## 6. RELEVANT PLANNING HISTORY

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

00/00724/NFH - Alterations to existing garage. Additional windows to front elevation, raising the roof to ridge height of 7.30m and the provision of a 1st floor for use as games room, sensory room and storage.. REF 11th July 2000.

02/01542/FUL - Retention of existing garage, including first floor, with ridge height of 5.75 metres incorporating windows at first floor to front elevation, roof lights to rear elevation and false chimney as owl nesting box.. REF 14th October 2002.

99/00928/NFH - Extension at side & rear of garage, raise walls of existing structure & provide new roof to provide storage in roof space & domestic workshop on ground floor. (Amendment to application 99/126/NF). PER 16th September 1999.

04/01550/FUL - Erection of canopy and insertion of windows at first floor level to front elevation. (Ammended Plan). REF 30th September 2004.

05/02177/FUL - Erection of canopy. Alterations to window. (Amended plans). REF 19th December 2005.

06/01569/VAR - Velux rooflight to rear elevation of garage (variation of condition 4 of planning permission 99/00126/NF). PER 22nd September 2006.

06/02014/VAR - Velux rooflights to rear elevation of garage (variation of condition 4 of planning permission 99/00126/NF) and erection of canopy to front.. PER 11th December 2006.

07/00561/VAR - Insertion of two rear first floor windows (variation of condition 4 of planning permission 99/00126/NF) (Amended plan). REF 4th May 2007.

08/00357/VAR - Four (in total) velux roof lights in rear elevation of garage (variation of condition 4 of planning permission 99/00126/NF). PER 7th May 2008.

08/00980/FUL - Retention of first floor window and screen to garage.. REF 10th July 2008.

08/01935/CEU - Application for a Lawful Development Certificate for the retention of 1st floor North facing window.. PER 27th October 2008.

08/02327/CEU - Application for a Lawful Development Certificate for the retention of a first floor north facing window.. PER 24th December 2008.

09/00019/CEU - Application for a lawful development certificate for the retention

of a first floor north facing window.. PER 27th February 2009.

09/00729/FUL - Erection of canopy.. PER 3rd June 2009.

09/02797/FUL - Erection of car port.. REF 20th May 2010.

10/01412/FUL - Two storey front extension (amended description and plans).. REF 17th December 2010.

11/00394/FUL - Increase in ridge height of roof of garage to 5.85m. (Retrospective). REF 21st April 2011.

12/01722/CEU - Certificate of lawfulness to certify that the ridge height at 5.9m is lawful. REF 28th August 2012.

12/01724/FUL - Retrospective planning application to raise ridge height to 5.9m.. APPRET .

12/01725/CAC - Retrospective planning application to raise ridge height to 5.9m.. APPRET .

12/01869/FUL - Change of use of garage to 1 bedroom dwelling.. APPRET .

12/02105/FUL - Change of use of garage to 1-bedroom dwelling (class C3). (Amended plans). REF 10th October 2012.

15/02061/FUL - Increase in ridge height of garage roof. (Retrospective). Conversion of garage into 1 x 1-bed annexe (Use Class C3). PER 30th October 2015.

17/00586/FUL - Enlargement of 1no. existing window including formation of Juliette balcony. Insertion of 1no. side door. Relocation of cycle and bin storage. Erection of single storey front extension to existing annexe (part retrospective).. PER 14th July 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 [INSERT PARAGRAPH NUMBERS]	CP1, CP8, CP10,	CS18_,		

Conservation/ Heritage	12	HE7			
Housing	6		CS23_	HP2_ , HP9_ , HP12_ , HP13_ , HP14_ ,	
Commercial	1, 2				
Natural Environment	9, 11, 13				
Social and community	8				
Transport	4			HP15_ , HP16_ ,	Parking Standards SPD
Environmental	10		CS9_ , CS10_ ,	HP11_ ,	Energy Statement TAN
Misc	5	CP.13, CP.24, CP.25		MP1	

## 8. CONSULTATION RESPONSES

8.1. Site notices were displayed around the application site on 2nd February 2018.

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

#### Oxfordshire County Council (Highways)

8.2. No objection

#### Littlemore Parish Council

8.3. Object – applicant is not the Parish Council, there should be no need to change the use, and a new house is not appropriate in this location.

### **Public representations**

8.4. No local people commented on this application.

### **Officer Response**

8.5. The reference to the Parish Council has been removed from the planning record of this application.

## **9. PLANNING MATERIAL CONSIDERATIONS**

9.1. Officers consider the determining issues to be:

- i. Principle of development;
- ii. Neighbouring amenity etc.
- iii. Internal accommodation
- iv. Private Outside Space
- v. Parking
- vi. Bin and Cycle Stores

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

9.2. Policy CP2 of the Core Strategy requires that the majority of development should take place on previously developed sites, where appropriate. The proposed development would take place within an existing structure and is therefore previously developed land in accordance with Policy CP2.

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

9.3. There are few external changes proposed and these relate to the outside space. The fences to the outside space would have some impact on the visual character of the area, but would be an improvement on the current pillars. This improvement can be secured by condition to ensure that the development preserves the special character and appearance of Littlemore Conservation Area in accordance with Policy HE7 of the OLP.

9.4. Special attention has been paid to the statutory test of preserving or enhancing the character and appearance of the conservation area under sections 72 of the Planning (Listed Building and Conservation Areas) Act 1990, which it is accepted is a higher duty. It has been concluded that the development would preserve the character and appearance of the Conservation Area, and so the proposal accords with section 72 of the Act.

### **iii. Impact on Neighbouring Amenity**

9.5. Oxford City Council requires development proposals to safeguard the privacy and amenities of adjoining occupiers and policies CP1 and CP10 of the OLP and Policy HS14 of the SHP support this aim.

9.6. There would be no impact on surrounding occupiers in terms of loss of light, or overbearing or overlooking given that the structure exists and used for residential purposes.

9.7. There is some potential for an increase in the levels of overlooking to the house behind at 5 Lanham Way, but this is not directly behind the building, and as the building is already in use as residential accommodation, the change is not

considered material.

- 9.8. There may be an increase in activity as a result of the change of use, but this would not be beyond what would be expected in a residential area and would not result in a level of harm that would justify a refusal of planning permission. Overall, the development would not result in unacceptable harm to the amenity of surrounding occupiers and the proposal complies with Policies CP1 and CP10 of the OLP and HP14 of the SHP.

**iv. Internal accommodation**

- 9.9. The new dwelling would have its own front door, kitchen and bathroom and at around 108sqm, the indoor space provided would be of a good size, in excess of the 79sqm required by the Nationally Described Space Standard for a four person dwelling over 2 floors. An acceptable level of circulation and potential storage space is also available.
- 9.10. Officers note that the layout is somewhat unconventional and that light and outlook to one of the bedrooms, the kitchen and the “sensory room area” is somewhat limited, but consider that this is compensated for by the size of the accommodation and the proposal accords with the aims of Policy HP12 of the SHP.

**v. Private Open Space**

- 9.10 Policy CP10 of the OLP states that permission will only be granted where developments are sited to ensure that outdoor needs are properly accommodated, including private amenity space. Policy HP13 of the SHP states that permission will only be granted for houses of 2 or more bedrooms that have direct access to an area of private open space that is of adequate size and proportions for the size of house proposed, while the accompanying text states that the City Council will expect an area of private garden for each family house which is at least equivalent to the original building footprint.
- 9.11 An area of open space would be provided in front of the dwelling. Whilst this would be close to the highway, it is a very quiet lane, with only three other dwellings beyond number 3 and privacy would be increased by the provision of a 2m fence at the front.
- 9.12 The enclosed garden area would measure around 62sqm, in excess of the footprint of the building and would provide an acceptable level of amenity in accordance with Policies CP10 and HP13.

**vi. Transport**

**Car parking**

- 9.11. Policy CP1 of the OLP states that permission will only be granted for development that is acceptable in terms of access, parking and highway safety. The Sites and Housing Plan makes it clear that different levels of parking will be

suited to different areas, that the design of car parking spaces is vitally important to the success of development and that developers should have regard to current best practice. Oxfordshire County Council has published “Car parking standards for new residential developments” (parking standards) which includes detailed technical guidance on parking space dimensions and visibility, along with a guide to maximum parking provision in Appendix A.

9.12. Appendix 8 of the SHP suggests that when assessing car parking for this type of development in this area, cases will be judged on their merits and officers will have regard to the sustainability of the location.

9.13. The new dwelling would be provided with two spaces, arranged in tandem, whilst the existing house would retain three spaces (one in the garage), again in tandem. A tandem layout is not generally the best arrangement of car parking, but is not unusual and in this area, where local shops, services and bus routes are all within easy reach, the provision is acceptable and accords with Policy CP1 and HP16 of the Sites and Housing Plan.

9.14. Overall, the parking arrangements are acceptable, subject to a condition requiring that the spaces are provided/available before occupation.

#### Cycle Parking

9.15. Policy HP15 of the SHP states that permission will only be granted for dwellings of up to 2 bedrooms that provide at least 2 cycle parking spaces per dwelling and that this storage should be secure, undercover, preferably enclosed and provide level, unobstructed access to the street.

9.16. A dedicated cycle storage area is shown on the proposed plans allowing level access out to the road. However there are no further details supplied.

9.17. If permission is granted, it is considered reasonable and appropriate to impose conditions to secure an acceptable provision of cycle storage to ensure the needs of the new dwelling are successfully met and that the development complies with Policies HP15 of the SHP.

#### Refuse, Delivery and Servicing Arrangements

9.18. Policy HP13 of the SHP states that permission will not be granted for dwellings unless adequate provision is made for the safe, discrete and conveniently accessible storage of refuse and recycling.

9.19. A bin storage area for the new house is shown in the proposed plans allowing decent level access out to the road. However there are no further details supplied.

9.20. If permission is granted, it is considered reasonable and appropriate to impose conditions to secure an acceptable provision of bin storage to ensure the needs of the new dwelling are successfully met and that the development complies with Policies HP13 of the SHP.

## 10. CONCLUSION

10.1. The proposals are considered acceptable in principle and are not considered to have a detrimental impact to neighbouring amenity. The proposed dwelling would be served by adequate indoor space as well as outdoor space. Issues relating to parking and cycle and bin storage can be addressed by condition. The proposal is considered to comply with the relevant policies of the Local Plan as listed above

10.2. It is recommended that the Committee resolve to grant planning permission for the development proposed 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 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or enacting that Order) no structure including additions to the dwelling house as defined in Classes A, B, C, D, E of Schedule 2, Part 1 of the Order shall be erected or undertaken without the prior written consent of the Local Planning Authority.

Reason: The Local Planning Authority considers that even minor changes in the design or enlargement of the development should be subject of further consideration to safeguard the appearance of the area in accordance with policies CP1 and CP8 of the Adopted Oxford Local Plan 2001-2016.

- 4 Before the use hereby permitted commences, the amenity space, including the replacement of the existing pillars with the fences, shall be provided as specified on the approved plans and thereafter retained for the sole use of the dwelling hereby approved.

Reason: To ensure the dwelling is provided with an adequate area of private outside space, in accordance with Policies CP10 of the adopted Oxford Local Plan 2001 - 2016 and HP13 of the sites and Housing Plan.

- 5 Unless otherwise agreed in writing by the Local Planning Authority, and before first occupation of the dwelling hereby approved, the two car parking spaces shall be provided in the positions shown in the approved drawings and shall be retained as

parking spaces for the sole use of the occupants of the dwelling hereby approved in perpetuity.

Reason: For the avoidance of doubt and to ensure the development complies with Policy HP16 of the Sites and Housing Plan.

- 6 Before the start of above ground works, 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 promote the use of cycles thereby reducing congestion on adjacent roads in accordance with policies CP1, CP10 and TR4 of the Adopted Oxford Local Plan 2001-2016.

- 7 Before the start of above ground works, details of bin storage (including refuse and recycling) within the premises shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully implemented prior to first occupation of the development hereby approved and maintained at all times thereafter.

Reason: In the interests of the amenities of future occupiers of the dwellings as well as to prevent unacceptable environmental problems and nuisance from noise, smell and visual disturbance in accordance with Policies HP13 of the Sites and Housing Plan.

- 8 Notwithstanding the approved plans, this permission specifically excludes the use of the ground floor lounge as a bedroom.

Reason: To avoid doubt.

## **12. APPENDICES**

### **Appendix 1 – Site Location Plan**

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

- 13.1. Officers have considered the implications of the Human Rights Act 1998 in reaching a recommendation to approve 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.

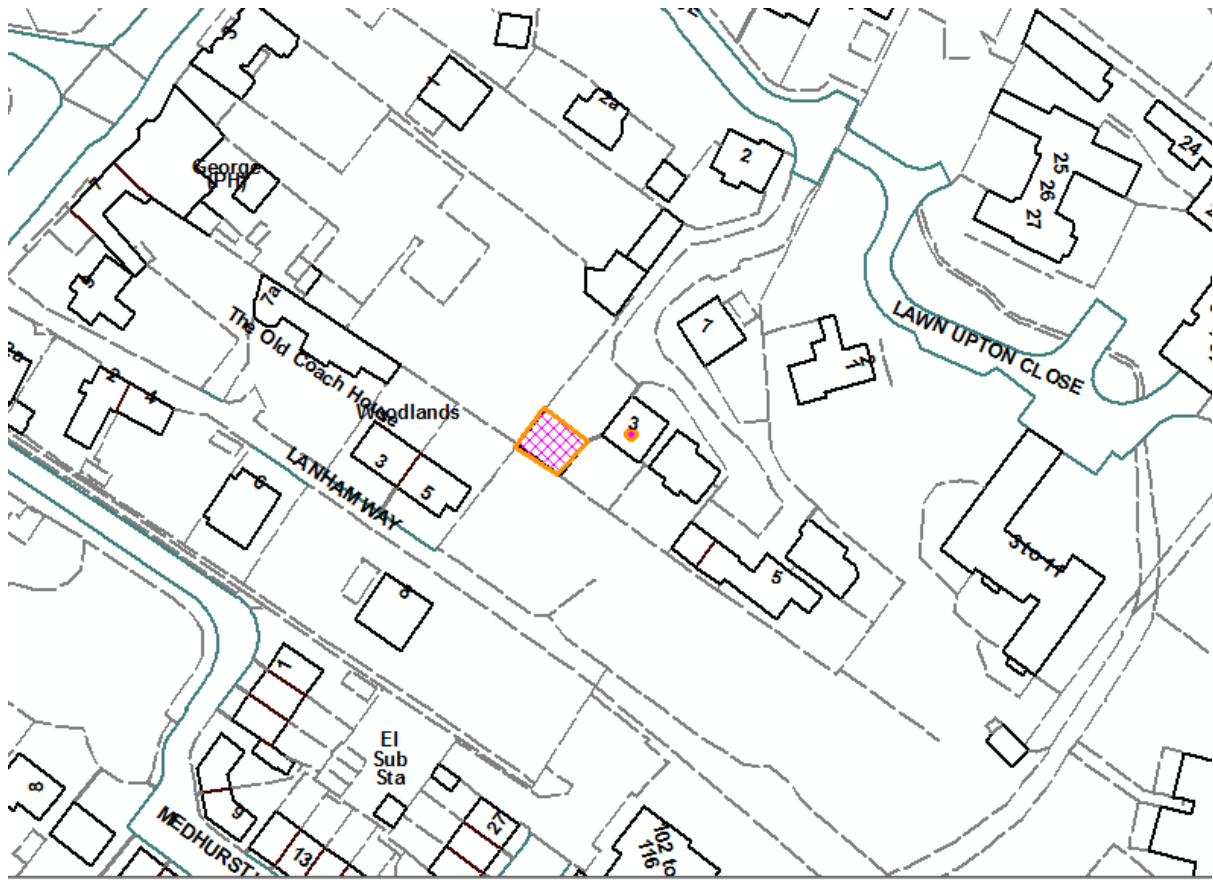
## **14. SECTION 17 OF THE CRIME AND DISORDER ACT 1998**

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



# Appendix 1

3 David Nicholls Place



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## Minutes of a meeting of the EAST AREA PLANNING COMMITTEE on Wednesday 4 July 2018

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### Committee members:

Councillor Taylor (Chair)	Councillor Henwood (Vice-Chair)
Councillor Aziz	Councillor Chapman
Councillor Clarkson	Councillor Tanner
Councillor Roz Smith	

### Officers:

Adrian Arnold, Development Management Service Manager  
Sally Fleming, Lawyer  
Clare Golden, Team Leader, Urban Design and Heritage  
Hayley Jeffery, Development Management Team Leader  
Jennifer Thompson, Committee and Members Services Officer

### Apologies:

No apologies were received

## 14. Declarations of interest

Minute 16: Councillor Tom Hayes declared that as a local resident he had an interest in the TPO but this did not affect his disclosable pecuniary interests.

Minute 20: Councillor Clarkson informed the committee she had assisted one of the residents to lodge an objection but that she did not hold a predetermined view.

## 15. Oxford Heritage Asset Register nominations 2018

The Committee considered a report setting out proposed nominations within the wards falling within the Committee's remit for addition to the Oxford Heritage Asset Register.

The Planning Officer reported a correction to paragraph 6.1 of the report to replace "grant planning permission" with "add these properties to the OHAR" and corrections to paragraph 7.1 of the report to replace "this application" with "these nominations" and replace "grant planning permission" with "approve the addition of these nominations to the OHAR".

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

**The Committee resolved to approve the following nominations listed in the appendix to the report for addition to the register:**

1. Cuckoo Lane
2. All Saints Church, Lime Walk
3. 8th Oxford Scout Hut (formerly All Saints Mission Chapel)
4. Brasenose Farmhouse
5. Central Morrell Avenue
6. Church of St Francis Assisi
7. Hilsboro, 14 Holyoake Road
8. Hockmore Cottages, Bartholomew Road
9. 63 Henley Avenue
10. 18 Windsor Street and 6 Perrin Street
11. 20 Villiers Lane with No. 62 and 64 Rose Hill
12. 50 Rose Hill, west side
13. 85 (All Saints Vicarage), Old Road
14. Rose Hill Methodist Church
15. The Somerset Public House

#### **16. TPO 18/00001 - Order Hill Top Road (No1) - Oxford Golf Club, Hill Top Road**

The Committee considered a report recommending confirmation of *Oxford City Council – Hill Top Road (No.1) Tree Preservation Order (TPO) 2018* at Oxford Golf Club, Hill Top Road, Oxford and setting out the objection received to this.

The Planning Officer reported corrections to the last section of the report relating to Section 17 of the Crime and Disorder Act 1998 replacing “proposal” with “recommendation to confirm the order without modification” and replacing “determination of this application” with “consideration of this matter”.

Lelia Lake, local resident, and Councillor Tom Hayes, local resident and local councillor, spoke in support of confirming the TPO.

Councillor Tom Hayes declared that as a local resident he had an interest in the TPO but this did not affect his disclosable pecuniary interests.

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

**The Committee resolved to confirm the Oxford City Council – Hill Top Road (No.1) Tree Preservation Order, 2018 without modification.**

#### **17. 18/00850/FUL: 18 Osler Road**

The Committee considered an application for planning permission for the demolition of the existing dwelling; erection of a one and a half storey building to provide 2 x 2-bed dwellings (Use Class C3); and provision of private amenity space, and bin and cycle store at 18 Osler Road, Oxford, OX3 9BJ

Mr Deepwell and Mr Peacock, local residents, spoke against the application, including but not restricted to the impact on the historic house at 17 Stephen Road and the narrow access to the development.

Lillian Duffield, agent for the applicant, spoke in support of the application, including but not restricted to outlining the design, scale, and safety of the proposal.

The Committee asked questions of the planning officers and speakers and in discussion raised concerns including: the impact on the neighbouring properties, in particular the detrimental impact on the amenity of 17 Stephen Road of the increased height and reduced separation of the nearest facing wall of the new dwelling; the inadequacy of the access given the increased number of occupants, particularly for fire access; the size and scale of the development creating a cramped feel to the site; and the detrimental effect of these factors on the character of the area.

In the light of the concerns expressed above and notwithstanding the officer's recommendation of approval, on being put to the vote the Committee agreed to **refuse** the application for the reasons set out below, and delegated authority was given to the Head of Planning, Sustainable Development and Regulatory Services to finalise the wording of the refusal reasons.

**The Committee resolved to REFUSE planning permission for application 18/00850/FUL for the following reasons:**

- 1. The development was cramped and overdeveloped in its scale, form, height, positioning and design, creating an unacceptable development particularly with regard to the artisan nature of nearby properties.**
- 2. The reduced separation from 17 Stephen Road coupled with the increased height of the new dwelling had a significant detrimental impact on the amenity of this property.**
- 3. The pedestrian-only access was long, narrow and cramped and as such was inadequate for two individual dwellings with particular concern raised over fire access.**

### **18. 18/00813/FUL: Royal Mail, 7000 Alec Issigonis Way, Oxford**

The Committee considered an application for planning permission for the change of use of the building to Mixed Use Class B1(a), B1(b) and B8 purposes plus external works (with additional information and amended plans) at the site of Royal Mail, 7000 Alec Issigonis Way.

The Planning Officer recommended and the Committee agreed:

- an additional condition to secure adequate cycle storage; and
- deletion of references to a legal agreement in the recommendation as the applicant had already given a unilateral undertaking with Oxfordshire County Council which included the travel plan monitoring fee (para 3.2).

Nick Page, representing BioMedica, spoke in support of the application and explained the proposed use of the building.

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

**The Committee resolved to:**

- (a) approve application 18/00813/FUL for the reasons given in the report and subject to the 11 required planning conditions (10 set out in section 12 of the report, and an additional condition to secure cycle storage) and grant planning permission; and**
- (b) 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 and issue the planning permission.**

### **19. 18/00807/FUL: Premier Inn, Garsington Road, Oxford**

The Committee considered an application for planning permission for the erection of a two storey extension to existing hotel to create 26 bedrooms with alterations to the car park and other associated works including the installation of air conditioning plant at the Premier Inn, Garsington Road, Oxford.

The Committee agreed to add a further condition to explore the possibility of planting more trees on the site as part of either new or existing planting.

On being put to the vote the Committee agreed with the officer recommendation in the report with this one further condition.

**The Committee resolved to:**

- (a) approve application 18/00807/FUL for the reasons given in the report and subject to the 11 required planning conditions (10 set out in section 12 of the report and an additional condition to explore additional/replacement tree planting); and**
- (b) delegate authority to the Head of Planning, Sustainable Development and Regulatory Services to finalise the recommended conditions as set out in the report including such refinements, amendments, additions and/or deletions as the Head of Planning, Sustainable Development and Regulatory Services considers reasonably necessary.**

### **20. 18/00868/FUL: 5 Peacock Road**

The Committee considered an application for planning permission for the erection of a first floor side and a single storey rear extension at 5 Peacock Road, Oxford, OX3 0DQ.

The Planning Officer reported a correction to the report to change the depth of the extension from 4.2m to 4.5m. She confirmed that all calculations and the recommendation were based on the correct 4.5m figure.

The Committee noted the lack of space between the extension and the boundary and agreed to add an informative to the effect that the application had been considered on the basis that it was entirely contained within the red edge application site and should be constructed as such.

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

**The Committee resolved to:**

- (a) approve application 18/00868/FUL for the reasons given in the report and subject to the 3 required planning conditions set out in section 12 of the report, with one informative related to the development being considered and contained within the application site, and grant planning permission; and**
- (b) delegate authority to the Head of Planning, Sustainable Development and Regulatory Services to finalise the recommended conditions as set out in the report including such refinements, amendments, additions and/or deletions as the Head of Planning, Sustainable Development and Regulatory Services considers reasonably necessary.**

**21. Minutes**

The Committee resolved to approve the minutes of the meeting held on 23 May 2018 as a true and accurate record.

**22. Forthcoming applications**

The Committee noted the list.

The Committee noted there would be a committee site visit to the Swan School (18/01173/FUL, St Nicholas Primary) on 13 July to allow them to look at the current traffic, bike and pedestrian movements near the site.

**23. Dates of future meetings**

The Committee noted the dates.

**The meeting started at 6.00 pm and ended at 8.00 pm**

**Chair .....**

**Date: Wednesday 1 August 2018**

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