

Agenda

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West Area Planning Committee

Date: **Tuesday 16 January 2018**

Time: **6.00 pm**

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

For any further information please contact the Committee Services Officer:

Catherine Phythian, Committee and Member Services Officer

Telephone: 01865 252402

Email: democraticservices@oxford.gov.uk

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.

West Area Planning Committee

Membership

Chair	Councillor Louise Upton	North;
Vice-Chair	Councillor Colin Cook	Jericho and Osney;
	Councillor Jamila Begum Azad	St. Clement's;
	Councillor Jean Fooks	Summertown;
	Councillor Alex Hollingsworth	Carfax;
	Councillor Dan Iley-Williamson	Holywell;
	Councillor Tom Landell Mills	St. Margaret's;
	Councillor Marie Tidball	Hinksey Park;
	Councillor Bob Price	Hinksey Park;

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

Copies of this agenda

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- downloaded from our website
- viewed using the computers in the Customer Services, St Aldate's, or
- subscribed to electronically by registering online at mycouncil.oxford.gov.uk

AGENDA

Pages

1	Apologies for absence and substitutions	
2	Declarations of interest	
3	17/02842/POM: Travis Perkins site, 6 Collins Street, Oxford	13 - 22
	Site address: Travis Perkins site, 6 Collins Street, Oxford	
	Proposal: Variation of legal agreement attached to planning permission 15/03328/FUL (Demolition of existing building. Erection of new building on four levels consisting of Class B1 (Offices) at ground floor level and 12 x 1-bed and 12 x 2-bed flats at upper levels. Provision of bin and cycle stores, 1no. disabled car parking space and communal garden area. (Amendments to approved planning permission 14/01273/OUT.) to allow a change in tenure of one unit from shared ownership to affordable rent	
	Recommendation:	
	The West Area Planning Committee is recommended to:	
	(a) Approve the modification to the legal agreement for the reasons given in the report; and	
	(b) Agree to delegate authority to the Head of Planning, Sustainable Development and Regulatory Services to:	
	1. Finalise the recommended legal agreement under section 106 of the Town and Country Planning Act 1990 and other enabling powers as set out in this report, including refining, adding to, amending and/or deleting the obligations detailed in the heads of terms set out in this report (including to dovetail with and where appropriate, reinforce the final conditions and informatives to be attached to the planning permission) as the Head of Planning, Sustainable Development and Regulatory Services considers reasonably necessary; and	
	2. Complete the section 106 legal agreement referred to above.	
4	17/02762/FUL: Holiday Inn Peartree Roundabout, Woodstock Road, Oxford, OX2 8JD	23 - 38
	Site address: Holiday Inn Peartree Roundabout, Woodstock Road, Oxford, OX2 8JD	

Proposal: Demolition of existing Leisure Suite. Erection of four-storey extension to hotel plus roof plant.

Recommendation:

The West 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; 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.

5 17/02778/FUL: Land To The Rear Of 16 Chester Street Oxford OX4 1SN

39 - 60

Site address: Land To The Rear Of 16 Chester Street Oxford OX4 1SN

Proposal: Demolition of existing garage. Erection of a two storey building to create 1 x 1 bed dwellinghouse (Use Class C3). Provision of bin a cycle store. (Amended plans)

Reason at Committee: The application is before the committee because it was called in by Cllrs Curran, Kennedy, Fry, Rowley, Price, Azad and Tanner because it caused a great deal of local opposition and constitutes over development of the site.

Recommendation:

The West 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; 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

6 17/02419/FUL: Dragon School Bardwell Road, Oxford, OX2

61 - 96

6SS

Site address: Dragon School, Bardwell Road, Oxford, OX2 6SS

Proposal: Erection of new Music School, construction of link to Lynam Hall, landscaping including the formation of a new courtyard, garden area to Lane House and entrance courtyard. (Amended plans) (Additional information-Acoustic Report and Engineering Report)

Recommendation:

The West 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; 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

7 17/01965/FUL: 22 Charlbury Road, Oxford, OX2 6UU

97 - 114

Site address: 22 Charlbury Road, Oxford, OX2 6UU

Proposal: Demolition of existing extensions. Erection of a basement and two single storey rear extensions. Insertion of 7no. rooflights and alterations to landscaping including formation of a new wall and railings. (Amended plans and description).

Reason at Committee: This application has been called in by Cllr Wade, Cllr Goff, Cllr Fooks and Cllr Wilkinson due to impact on the conservation area, impact of the proposed basement extension, light pollution and effects on residential amenity of a backland development.

Recommendation:

The West 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

(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

8 17/02495/RES: Westgate Shopping Centre, Bonn Square, Oxford, OX1 1NX

115 -
124

Site address: Westgate Shopping Centre, Bonn Square, Oxford

Proposal: The outline planning application (13/02557/OUT) was an Environmental Impact Assessment application and an Environmental Statement was submitted. Approval of all reserved matters was granted (14/02402/RES) under condition 5 of the outline planning permission. This application seeks approval of amended reserved matters in respect of the use and internal reconfiguration of floorspace located in building 2 (upper ground), building 3 (upper ground) and building 4 (first and second floors)

Recommendation:

The West 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; 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.

9 17/03039/LBC: Museum of Oxford, Town Hall, St Aldate's, Oxford

125 -
138

Site address: Museum of Oxford, Town Hall, St Aldate's, Oxford

Proposal: Internal and external alterations to ground floor and basement in association with the

redevelopment of the Museum of Oxford, including the installation of 2 platform lifts, opening-up of a blind arcade, installation of raised platform and steps, removal of wall sections and partitions, new partitions, new openings, damp-proofing works to basement, and other internal alterations; re-glazing of external pavement lights, and alterations to south west external entrance door.

Recommendation:

The West 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 listed building consent subject to:

1. Historic England raising no objection to the application.

(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

10 Minutes

139 -
158

To approve as a true and accurate record the minutes of the meetings held on 31 October and 12 December 2017.

11 Forthcoming applications

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

15/03524/FUL: Oxford Spires Four Pillars Hotel, Abingdon Road, Oxford, OX1 4PS	Major application - awaiting response from applicant
17/02893/RES: Westgate Development Site, Westgate Shopping Centre, Bonn Square, OX1 1NX	Major application
16/01220/FUL: 16 Northmoor Road, Oxford, OX2 6UP	Called in by Cllrs Wade, Goff, Landell Mills and Fooks. Linked to determination of 17/00758/FUL
16/01221/FUL: 16 Northmoor	Called in by Cllrs Wade, Goff, Landell

Road, Oxford, OX2 6UP	Mills and Fooks. Linked to determination of 17/00758/FUL
17/02229/FUL: 12 Crick Road, Oxford, OX2 6QL	Called in by Cllrs Upton, Pressel, Fry, and Clarkson
17/02447/FUL: 8 Chadlington Road Oxford OX2 6SY	Called in by Cllrs Fry, Pressel, Upton, Tanner and Chapman
17/02537/FUL: St Hilda's College, Cowley Place, Oxford, OX4 1DY	Major development: conservation area
17/02817/FUL: 472-474 Banbury Road, Oxford, OX2 7RG	Committee level
17/03086/FUL: 1A Cranham Street, Oxford, OX2 6DD	Called in by Councillors Cook, Turner, Smith, Pressel and Rowley.
17/02971/CT3: 20 Girdlestone Road, Oxford, OX3 7LZ	Council application
17/02778/FUL: Land To The Rear Of 16 Chester Street Oxford OX4 1SN	called in by Cllrs Curran, Kennedy, Fry, Rowley, Price, Azad, Tanner and Tarver
17/02832/FUL: 276 - 280 Banbury Road, Oxford, OX2 7ED	Major development
17/02979/FUL: Wadham College, Parks Road, Oxford, OX1 3PN	Major development: conservation area
17/03182/LBC: 18-19 Covered Market, Market Street, Oxford	Committee level
17/03182/CT3: 18-19 Covered Market, Market Street, Oxford	Committee level
17/03148/FUL: Oxford High School, Belbroughton Road, Oxford, OX2 6XA	Committee level

12 Dates of future meetings

The Committee will meet at 6.00pm on the following dates:

2018
21 February 2018
13 March 2018
10 April 2018
21 May 2018
12 June 2018

Councillors declaring interests

General duty

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

What is a disclosable pecuniary interest?

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

Declaring an interest

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

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

Members' Code of Conduct and public perception

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

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

Code of practice for dealing with planning applications at area planning committees and planning review committee

Planning controls the development and use of land in the public interest. Applications must be determined in accordance with the Council's adopted policies, unless material planning considerations indicate otherwise. The Committee must be conducted in an orderly, fair and impartial manner. Advice on bias, predetermination and declarations of interest is available from the Monitoring Officer.

The following minimum standards of practice will be followed.

At the meeting

1. All Members will have pre-read the officers' report. Members are also encouraged to view any supporting material and to visit the site if they feel that would be helpful (in accordance with the rules contained in the Planning Code of Practice contained in the Council's Constitution).
2. At the meeting the Chair may draw attention to this code of practice. The Chair will also explain who is entitled to vote.
3. The sequence for each application discussed at Committee shall be as follows:-
 - (a) the Planning Officer will introduce it with a short presentation;
 - (b) any objectors may speak for up to 5 minutes in total;
 - (c) any supporters may speak for up to 5 minutes in total;
 - (d) speaking times may be extended by the Chair, provided that equal time is given to both sides. Any non-voting City Councillors and/or Parish and County Councillors who may wish to speak for or against the application will have to do so as part of the two 5-minute slots mentioned above;
 - (e) voting members of the Committee may raise questions (which shall be directed via the Chair to the lead officer presenting the application, who may pass them to other relevant Officers and/or other speakers); and
 - (f) voting members will debate and determine the application.

Preparation of Planning Policy documents – Public Meetings

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

Public requests to speak

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

Written statements from the public

6. Any written statements that members of the public and Councillors wish to be considered should be sent to the planning officer by noon two working days before the day of the meeting. The planning officer will report these at the meeting. Material received from the public at the meeting will not be accepted or circulated, as Councillors are unable to view give proper consideration to the new information and officers may not be able to check for accuracy or provide considered advice on any material consideration arising. Any such material will not be displayed or shown at the meeting.

Exhibiting model and displays at the meeting

7. Applicants or members of the public can exhibit models or displays at the meeting as long as they notify the Democratic Services Officer of their intention by noon, two working days before the start of the meeting so that members can be notified.

Recording meetings

8. Members of the public and press can record the proceedings of any public meeting of the Council. If you do wish to record the meeting, please notify the Committee clerk prior to the meeting so that they can inform the Chair and direct you to the best place to record. You are not allowed to disturb the meeting and the chair will stop the meeting if they feel a recording is disruptive.
9. The Council asks those recording the meeting:
 - Not to edit the recording in a way that could lead to misinterpretation of the proceedings. This includes not editing an image or views expressed in a way that may ridicule, or show a lack of respect towards those being recorded.
 - To avoid recording members of the public present unless they are addressing the meeting.

Meeting Etiquette

10. All representations should be heard in silence and without interruption. The Chair will not permit disruptive behaviour. Members of the public are reminded that if the meeting is not allowed to proceed in an orderly manner then the Chair will withdraw the opportunity to address the Committee. The Committee is a meeting held in public, not a public meeting.
11. Members should not:
 - (a) rely on considerations which are not material planning considerations in law;
 - (b) question the personal integrity or professionalism of officers in public;
 - (c) proceed to a vote if minded to determine an application against officer's recommendation until the reasons for that decision have been formulated; or
 - (d) seek to re-design, or negotiate amendments to, an application. The Committee must determine applications as they stand and may impose appropriate conditions.

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

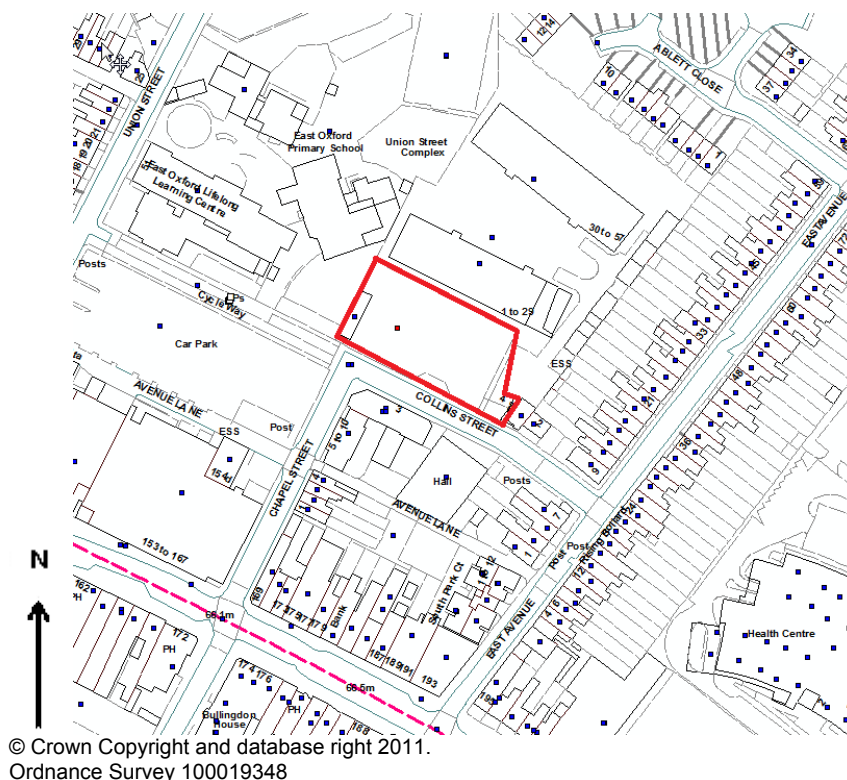
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2. EXECUTIVE SUMMARY

- 2.1. This report considers the proposed modification of the S106 legal agreement that accompanies approval 15/03383/FUL, as varied under 16/02673/VAR, to allow the change to the tenure of one of the units within the 50% affordable housing provision on this site from shared ownership unit to affordable rent. It concludes that this would be acceptable.
- 2.2. The key matters for assessment set out in this report include the following:
 - Affordable Housing;
- 2.3. Summary heads of terms 50% affordable housing: 12 affordable units, 11 social rent and one intermediate affordable rent unit.

3. SITE AND SURROUNDINGS

- 3.1. The site is located on Collins Street off the Cowley Road and was formally occupied as a builders yard, for many years known as Tuckwells Yard, and subsequently Travis Perkins builders yard who in recent times have relocated to a site at Sandy Lane. Part of the yard was developed in the early 1980s for residential purposes and more recently the part of the remaining Travis Perkins yard was development as student accommodation owned and managed by A2Dominion. The last part at the front of the yard, which is subject of this proposal, has more recent permission for mixed office and residential use which is currently under construction also by A2Dominion.
- 3.2. Site Location Plan



4. BACKGROUND & PROPOSAL

- 4.1. This is not a planning application. It is an application to modify the accompanying s106 legal agreement attached to planning permission 15/03328/FUL under S106a of the Town and Country Planning Act. The current approval 15/03328/FUL, as varied by 16/02673/VAR, and currently under construction is for 24 1 and 2 bed flats above office accommodation on the ground floor, which will be A2 Dominion's Headquarters when complete.
- 4.2. 50% of the total number of flats are affordable units (12 units) and these are secured within the legal agreement in an 80:20 split equating to 11 social rent (units F1, F2, F3, F4, F10, F11, F12, F13, F19, F20 and F21) and one shared ownership (unit F8) (Schedule 2, clause 1 refers). Social rent is defined by the Sites and Housing Plan 2103 as homes that are let at a level of rent generally set much lower than those charged on the open market, available to those recognised by the Council as being in housing need, and offering long term security of tenure (through Secure or Assured tenancies). Shared Ownership is defined as a form of intermediate affordable housing which is partly sold and partly rented to the occupiers, with a Registered Provider (normally a housing association) being the landlord. Shared ownership housing should normally offer a maximum initial share of 25% of the open market value of the dwelling and the annual rental charges on the unsold equity (share) should be no more than 2.75% of this share.
- 4.3. It is proposed to modify the legal agreement to allow the single shared ownership unit (F8) to intermediate affordable housing in the form of affordable rent. Intermediate affordable housing is defined by the Sites and Housing Plan 2103 as housing at prices and rents above those of social rent, but below market prices or rents. These can include shared ownership, affordable rented housing and intermediate rent. Affordable rented housing is defined as rented housing that has similar characteristics as social rented housing (see below) except that it is outside the national rent regime, thus subject to other rent controls that require it to be offered to eligible households at a rent of up to 80% of local market rents, on a minimum 2-year fixed-term tenancy. Providers will be expected to consider the Local Housing Allowance for the area, and any cap on total household benefit payments, when setting rents.

5. RELEVANT PLANNING HISTORY

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

14/01273/OUT - Demolition of existing building. Outline application (seeking approval of access, appearance, layout and scale) for the erection of new building on 4 levels consisting of Class B1 offices on ground floor and 17 x 1-bed and 13 x 2-bed flats at upper levels. Provision of cycle and bin stores plus communal garden area (amended plans and additional information). PER 29th July 2015.

15/03328/FUL - Demolition of existing building. Erection of new building on four levels consisting of Class B1 (Offices) at ground floor level and 12 x 1-bed and

12 x 2-bed flats at upper levels. Provision of bin and cycle stores, 1no. disabled car parking space and communal garden area. (Amendments to approved planning permission 14/01273/OUT).. PER 5th April 2016.

16/02673/VAR - Variation of condition 14 (Energy and Sustainability Statement) of planning permission 15/03328/FUL (Demolition of existing building. Erection of new building on four levels consisting of Class B1 (Offices) at ground floor level and 12 x 1-bed and 12 x 2-bed flats at upper levels. Provision of bin and cycle stores, 1no. disabled car parking space and communal garden area) to enable the rewording of the condition to reflect the revised outline NIRA statement.. PER 3rd February 2017.

15/03328/NMA - Non-material amendment of planning permission 15/03328/FUL to allow smoke vent windows to be added to south-east elevation, oriel windows on north-east elevation to be linked vertically, change curtain walling to north-west and south-east office elevations to windows, increase in size of third floor plant enclosure, insertion of smoke vents to roof, change balcony screens to north-west elevation to timber and use gravel to pathway to rear of office.. PER 8th December 2016.

6. RELEVANT PLANNING POLICY

6.1. 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				
Conservation/ Heritage	12				
Housing	6		CS24_	HP3_	
Commercial	1, 2				
Natural Environment	9, 11, 13				

Social and community	8				
Transport	4				Parking Standards SPD
Environmental	10				Energy Statement TAN
Misc	5	CP.13, CP.24, CP.25		MP1	Telecommunications SPD, External Wall Insulation TAN,

7. CONSULTATION RESPONSES

7.1. Site notices were displayed around the application site on 24th November 2017 and an advertisement was published in newspaper on .

Statutory and Non-Statutory Consultees

Natural England

7.2. No comment to make.

Public representations

7.3. None received.

8. PLANNING MATERIAL CONSIDERATIONS

8.1. Officers consider the determining issues to be:

i. Affordable Housing;

i. Affordable Housing

8.2. Policy CS24 of the Core Strategy states that generally a minimum of 50% of residential developments must be provided as affordable housing. Policy HP3 of the Sites and Housing Plan 2011-2026 (SHP) states that planning permission will only be granted for residential development on sites with capacity for 10 or more dwellings if a minimum of 50% of the dwellings on the site are provided as affordable homes, with 80% of these social rented and 20% intermediate tenure in the form of shared ownership. Policy HP3 also sets out that exceptions will be made only if it is robustly demonstrated that this level of provision makes a site unviable, in which case developers and the City Council will work through a cascade approach, incrementally reducing affordable housing provision or financial contribution, until the scheme is made viable.

- 8.3. The development as approved under 15/03328/FUL fully was compliant with Policy CS24 of the CS and HP3 of the SHP as it provided 50% affordable housing; creating 12 flats of mixed tenure with a 80:20 split: 11 social rent (units F1, F2, F3, F4, F10, F11, F12, F13, F19, F20 and F21) and one shared ownership (unit F8). The affordable housing was secured via a S106 agreement.
- 8.4. On implementing the permission, A2Dominion has decided not to sell the private sale units but instead make them affordable rented units, which they are entirely able to do without the Councils consent. This means that on completion there will be 23 social and affordable rented units on this site and only one shared ownership unit. A2Dominion has identified that on a managerial level one shared ownership unit within a large number of social rent and affordable rented units is not practical. Neither would it be attractive to persons wanting a shared ownership property being the only one within 23 rented units. They are therefore proposing to make this unit affordable rent instead and seek agreement of the Council to modify the legal agreement in order to do so.
- 8.5. In terms of Policy context the development would still provide the 50% affordable housing as required under Policy HP3 of the SHP and secured by the existing S106, furthermore the tenure mix would be the same 80:20 split as both shared ownership and affordable rent both fall under the intermediate affordable housing category as defined under HP3. Housing Officers advise that the change of tenure of unit F8 from shared ownership to affordable rent where the rent is up to 80% of market value would be acceptable as it would still fall under intermediate housing and it would help the Council meet priority housing need. The unit would be allocated through the Choice Based Lettings scheme in the same way as social rent housing.
- 8.6. There would be no material change to the approved scheme as a result of the proposed change and the development would still comply with Policy HP3 of the SHP. Officers therefore consider the proposed modification to the legal agreement would also be acceptable.
- 8.7. The legal agreement should also be modified to include reference to the variation of 15/03328/FUL under by 16/02673/VAR.

9. CONCLUSION

- 9.1. The change of one shared ownership unit to intermediate affordable rent would be acceptable in this case in accordance with HP3 of the SHP and CS24 of the CS.
- 9.2. It is recommended that the Committee resolve to agree modification of the legal agreement under section 106a of the Town and Country Planning Act 1990 and under authority delegated to the Head of Development Management.

10. APPENDICES

Appendix 1 – Site Location Plan

11. HUMAN RIGHTS ACT 1998

11.1. Officers have considered the implications of the Human Rights Act 1998 in reaching a recommendation to modify this legal agreement. 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.

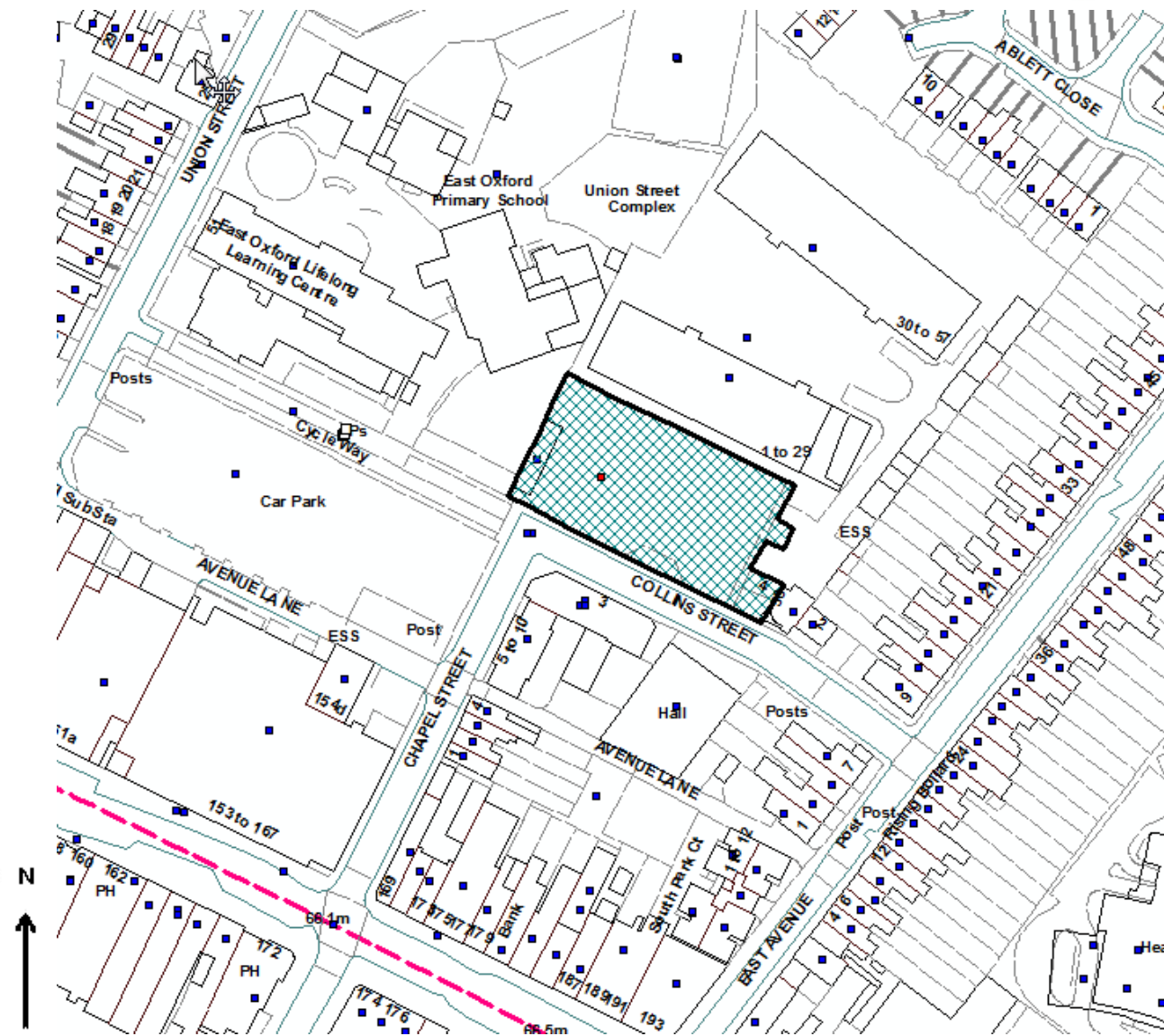
12. SECTION 17 OF THE CRIME AND DISORDER ACT 1998

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

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Appendix 1

17/02842/POM – Travis Perkins, Collins Street



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Ordnance Survey 100019348

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WEST AREA PLANNING COMMITTEE

16th January 2018

Application Number: 17/02762/FUL

Decision Due by: 7th February 2018

Extension of Time: n/a

Proposal: Demolition of existing Leisure Suite. Erection of four-storey extension to hotel plus roof plant.

Site Address: Holiday Inn, Peartree Roundabout, Woodstock Road, Oxford, OX2 8JD

Ward: Wolvercote Ward

Case Officer: Nadia Robinson

Agent: Mr Stephen Brooker **Applicant:** Mr Justin Robinson

Reason at Committee: Major application

1. RECOMMENDATION

1.1. West 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; 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 an application for the demolition of the leisure suite at the Peartree Holiday Inn and the erection of a four-storey extension to the building.

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

- **Principle of development**
- **Design**
- **Loss of leisure facilities**

- **Transport**
- **Residential amenity**
- **Sustainability**
- **Trees and landscaping**
- **Flooding and drainage**
- **Other matters**

3. LEGAL AGREEMENT

3.1. A unilateral undertaking by the applicant is to be entered into in respect of a Travel Plan monitoring fee payable to the Highways Authority.

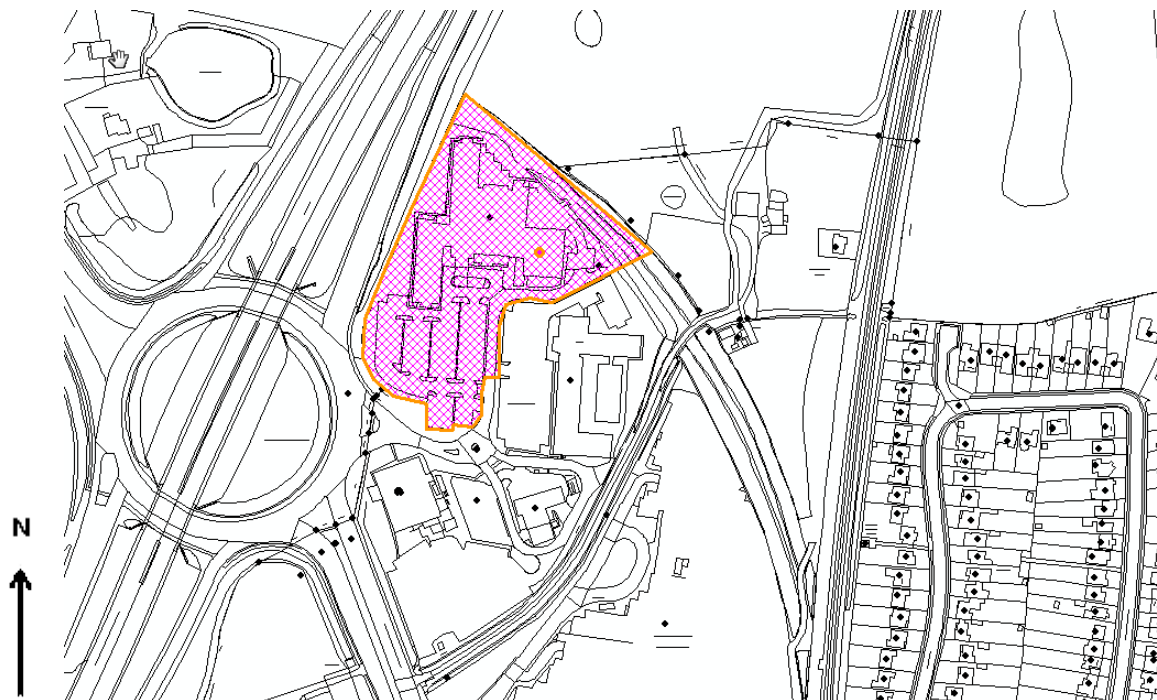
4. COMMUNITY INFRASTRUCTURE LEVY (CIL)

4.1. The proposal is liable for a CIL contribution of £35,559.30.

5. SITE AND SURROUNDINGS

5.1. The site takes up an area to the north of the Peartree Interchange, a service area close to the A34 and accessed from the A44 Woodstock Road. It is bounded to the north-east by farmland, and to the north-west by the A34. The hotel has a western wing at five storeys with a link, containing the reception area, to the 2.5-storey leisure wing to the east. A parking area lies to the south of the hotel building, with servicing to the rear of the east wing. There is a three-storey Travelodge hotel to the south of the site, also within Peartree Interchange Services.

5.2. See site location plan below:



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Ordnance Survey 100019348

6. PROPOSAL

- 6.1. The proposal seeks to demolish the existing wing of the hotel that contains the fitness suite, and erect a four-storey extension containing 64 new bedrooms, a small gym, meeting rooms and various supporting facilities. The existing hotel comprises 154 guest rooms, a restaurant, bar/lounge area, fitness suite and meeting rooms. The proposals will result in a total of 218 guest rooms in the hotel. It will also create an additional 10 employees, bringing the total to 40.

7. RELEVANT PLANNING HISTORY

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

00/00277/NF - Amended scheme in relation to permission 99/00229/NF for erection of 3-4 storey 154 bed hotel plus function facilities and single storey health and fitness club. 171 visitors and 10 staff parking spaces, access road and service yard. (Holiday Inn, Peatree Roundabout, Woodstock Road). Approved 15th May 2000.

99/00229/NF - Erection of building (mainly 3-4 storey) to provide hotel (153 bedrooms) plus conference facilities plus 2 storey health & fitness club. 172 visitors & 10 staff parking spaces, access road & service yard. (Holiday Inn, Peatree Roundabout, Woodstock Road). Approved 26th October 1999.

97/00691/NX - Demolition & comprehensive redevelopment for new & replacement services including petrol & derv refuelling facilities, restaurant with ancillary facilities, hotel & health & leisure facilities. (Extension of 92/647/NFY). Approved 23rd July 1997.

92/00647/NFY - Redevelopment for new & replacement services inc. petrol & derv refuelling facilities, restaurant, offices, retail, public WCs, parking, 40 bedroom Travelodge, replacement hotel accommodation (107 beds) & ancillary facilities. Approved 10th November 1992.

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	Paras 56–68	CP1 CP8 CP9 CP10	CS2 CS18	HP14	Northern Gateway AAP NG7

Commercial	Paras 18–27	TA4	CS1 CS6 CS32		Northern Gateway AAP NG2
Natural Environment	Paras 109–125, 142–149	CP11 NE15	CS12		
Social and community	Paras 69–78	CP13	CS21		
Transport	Paras 29–41	TR2 TR3 TR4 TR14			Northern Gateway AAP NG4 NG5 NG6 Parking Standards SPD
Environmental	Paras 93–108	CP22 CP21 CP23 CP18	CS9 CS10 CS11		Natural Resource Impact Analysis SPD
Misc	Paras 42–46	CP13		MP1	

9. CONSULTATION RESPONSES

- 9.1. Site notices were displayed around the application site on 13th November 2017 and an advertisement was published in The Oxford Times newspaper on 16th November 2017.

Statutory and non-statutory consultees

Oxfordshire County Council (Highways)

- 9.2. No objection subject to conditions. Overall it is not considered that this proposal will have a significant impact upon the transport network. Therefore, providing the recommended conditions are met, Oxfordshire County Council does not object to this application.

Oxfordshire County Council (Drainage)

- 9.3. No objection subject to condition.

Public representations

- 9.4. Fifteen local people commented on this application from addresses in Churchill Road, Five Mile Drive, Godstow Road, Grove Road, Hatch Way, Home Close, Kingston Road, Linkside Avenue, Lonsdale Road, Templar Road, The Paddocks and Woodstock Road. Comments were also received from addresses in Freeborn Close, Kidlington and High Street, Eynsham.

9.5. In summary, the main points of objection were:

- Loss of leisure facility
- No replacement facility proposed
- Excessive height of proposed development
- Insufficient parking at peak times
- Loss of skilled jobs despite overall increase in jobs

Officer comments

9.6. The application indicates that there would be an overall increase in jobs as a result of the proposal. The possible variation in skill level of the jobs alluded to in the public consultation, given the small number of jobs affected and that this application is for the extension of an existing development, is not considered harmful.

9.7. The remaining points of objection are addressed in the following section of the report.

10. PLANNING MATERIAL CONSIDERATIONS

10.1. Officers consider the determining issues to be:

- i. Principle of development
- ii. Design
- iii. Loss of leisure facilities
- iv. Transport
- v. Residential amenity
- vi. Sustainability
- vii. Trees and landscaping
- viii. Flooding and drainage
- ix. Other matters

i. Principle of development

10.2. Policies CS32 of the Core Strategy and TA4 of the Oxford Local Plan support the principle of development that maintains and modernises existing short-stay accommodation in Oxford, providing it is acceptable in terms of access, parking, highway safety, traffic generation, pedestrian and cycle movements. The hotel is located on Woodstock Road, which is an acceptable location under policy TA4. Similarly, policy CS6 of the Core Strategy and the Northern Gateway Area Action Plan (AAP) are supportive of hotel uses in this location.

10.3. The NPPF (paragraph 24) requires planning authorities to apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. As noted above, the proposal accords with an up-to-date Local Plan and so a sequential test is not required.

10.4. Therefore the principle of this development – an extension to an existing

hotel – is acceptable.

ii. Design

- 10.5. Policy CS18 of the Oxford Core Strategy 2026 requires development to demonstrate high-quality urban design that responds appropriately to the site and surroundings; creates a strong sense of place; attractive public realm; and high quality architecture. The Oxford Local Plan 2001-2016 requires development to enhance the quality of the environment, with Policy CP1 central to this purpose. Policy CP6 emphasises the need to make an efficient use of land, in a manner where the built form and site layout suits the sites capacity and surrounding area. Policy CP8 states that the siting, massing, and design of new development should create an appropriate visual relationship with the built form of the surrounding area.
- 10.6. The Northern Gateway AAP notes that the site occupies a prominent position at the gateway to Oxford and that the Council would seek improvements to the urban design in the area to enhance this entrance.
- 10.7. The footprint and siting of the proposed extension broadly matches those of the existing wing. At four storeys, the height is lower than that of the main bulk of the western wing of the hotel; the proposed wing would result in a well-proportioned addition to the existing. Given the existing built form and the character of the immediate area, being the area of services, the scale and massing is considered appropriate.
- 10.8. The new wing would follow a similar palette of materials to the existing hotel, for instance through the use of buff brick and white render. A more contemporary architectural style is proposed, with good quality brick detailing, stone-effect horizontal ledges, and deep window reveals with metal windows. The proposal would integrate well visually with the existing and provide activity on and passive surveillance from the southern elevation.
- 10.9. The roof plant includes a small enclosure that would project above the top storey, as well as the rear stair enclosure. This occupies a small area and is set well back from the principal, most visible (southern) elevation and is therefore considered acceptable.
- 10.10. The proposal is considered to comply with the relevant local plan policies in respect of design. Conditions are recommended to secure material samples and window reveal details.

iii. Loss of leisure facilities

- 10.11. The existing development's primary use is hotel accommodation. It has a fitness suite including swimming pool which is an ancillary use, i.e. a subsidiary or secondary use closely associated with the main use of the building. Members of the public can subscribe to a membership scheme to gain access to the fitness suite, along with hotel guests. This arrangement is made at the discretion of the hotel; public access is not secured through planning, for instance through a condition on a previous permission.

- 10.12. It is noted from the public consultation that the fitness suite, and in particular the swimming pool, will be missed by some local residents. It is also noted from the planning statement that the hotel has not found the facility to be successful or viable. A small gym is proposed for use by hotel guests, not the public.
- 10.13. Policy CS21 of the Core Strategy states that planning permission will only be granted for development resulting in the loss of existing sports and leisure facilities if alternative facilities can be provided and if no deficiency is created in the area. However, in this instance, the fitness suite is not an independent planning unit and so the demolition of this part of the hotel does not constitute the loss of a leisure facility for the purposes of policy CS21. It would therefore not be reasonable to refuse planning permission on the basis of the loss of the fitness suite nor to require the applicant to justify its loss or make re-provision of alternative facilities. The proposal is not contrary to policy CS21.

iv. Transport

- 10.14. The proposals will result in the addition of 64 bedrooms, closure of the publically-accessible gym and addition of ancillary gym open to hotel guests only (therefore would not generate trips in its own right). All other aspects of the hotel will remain unchanged. Therefore, the trip generation analysis contained within the Transport Statement focuses on the addition of bedrooms.
- 10.15. The County Council's calculations show a more significant rise in the traffic generation caused by the development than the information provided in the Transport Statement. However, due to the location and the volume of traffic the Peartree roundabout already facilitates, it is unlikely the traffic generated by the development will cause an overly adverse effect on the local transport network.
- 10.16. The existing car park has 159 bays allocated towards both the existing gym and hotel. These are to be retained and will remain the same for the new use. The number of bays provided exceeds the Highway Authority's standards and those of Oxford City Council's Local Plan by 30 bays. A proportion of the existing use will be from the gym; these trips will be removed and will be replaced by the additional guest rooms.
- 10.17. Whilst the number of bays exceeds the adopted policy in regards to hotel guests and staff, the meeting rooms will generate parking which will make use of the remaining bays. The level of car parking is therefore considered acceptable.
- 10.18. There is a lack of information provided on cycle parking. The Transport Statement does not provide a number of spaces and the plans do not show where the existing cycle parking is located. Sufficient space for patrons and staff must be constructed and included within curtilage of the site. Showers and lockers for staff commuting by bike are also needed. A condition is recommended to secure this.

- 10.19. The Transport Statement confirms that the servicing and delivery of the hotel would not change as a result of the proposals.
- 10.20. A travel plan has been submitted as part of the application which does not meet the criteria of the Highway Authority. A number of specific revisions have been requested by the County Council to secure a satisfactory travel plan, which officers propose be secured via condition.
- 10.21. Overall it is not considered that this proposal will have a significant or harmful impact upon the transport network, subject to the recommended conditions.

v. Residential amenity

- 10.22. Policy HP14 of the Sites and Housing Plan states that development should provide reasonable privacy and daylight for the occupants of both existing and new dwellings. This is supported by Oxford Local Plan Policy CP10.
- 10.23. The new development is over 160 metres from the nearest residential property at Peartree Hill Farm, with properties in Linkside Avenue just beyond this property, on the other side of the railway line. There is therefore not considered to be any impact on residential amenity.

vi. Sustainability

- 10.24. A revised energy statement, dated 28 December 2017, was submitted by the applicant. The measures proposed include lighting improvements, space heating and climate control built into the design, along with low carbon technologies for space heating, hot water production and climate control.
- 10.25. The energy statement demonstrates that the development will achieve a 24.4 per cent reduction in carbon dioxide emissions as compared to a baseline case in which Building Regulations compliance is just met. This exceeds the 20 per cent target for renewable energy and low carbon technology set out in the Natural Resource Impact Analysis SPD.
- 10.26. It is recommended that a condition be applied to ensure that the development is built out in accordance with the final energy statement to comply with policy CS9 of the Core Strategy.

vii. Trees and landscaping

- 10.27. The proposed extension should not harm any existing trees that are significant to public amenity, as required by policies CP1, CP11 and NE15 of the Oxford Local Plan.
- 10.28. Retained trees will need to be adequately protected during the demolition and construction phases. Any new underground utility services and drainage should be located to avoid damage to retained trees. Details of these matters are recommended to be required by planning conditions.
- 10.29. The existing area in front of the fitness facility on the southern elevation is

pleasantly landscaped with some seating. The retention of a similar area of soft landscaping would help the development sit comfortably and therefore a landscape plan and its implementation are recommended to be secured by condition.

viii. Flooding and drainage

- 10.30. The site is not at significant flood risk from any sources of flooding.
- 10.31. The Flood Risk Assessment states that details of the existing drainage network are not known, and does not provide a drainage strategy for the proposed development. Details of this are recommended to be required by condition.
- 10.32. Given the overall increase in impermeable area, details of the drainage infrastructure will be required prior to commencement, and also details on how this is to be maintained in order to ensure the systems remains safe and functional for the lifetime of the development. In line with Policy CS11 of the Core Strategy, it is expected that Sustainable Drainage systems (SuDS) would be used unless shown not to be feasible. Conditions are recommended accordingly.

ix. Other

- 10.33. Accessibility: Five per cent of the 64 new bedrooms, i.e. three, are proposed to be fully accessible by wheelchair users, as set out in the Design and Access Statement.
- 10.34. Biodiversity: Officers concur with the recommendations of the submitted Preliminary Ecological Appraisal. These include:
- Bats are unlikely to be using the building, but care should be taken during demolition.
 - Birds may use trees, shrubs, etc. for nesting.
 - Lighting should be designed so as not to light surrounding trees, shrubs etc., so that it does not disrupt bat flight routes.
 - Biodiversity enhancement measures in the form of swift boxes should be installed.
- 10.35. In addition to the above, officers also recommend that any landscape planting should incorporate nectar and berry-producing plants (i.e. non-double, non-hybrid types) as these will be of most benefit to insects and birds.
- 10.36. Air quality: Both the submitted Air Quality Assessment and the Transport Assessment confirm there would be a reduction of daily traffic trips post-development. There are also no energy systems to be installed on site, or as part of the extension. The dust mitigation measures proposed during the construction phase (according to the level of risk identified) are adequate. Officers recommend the dust mitigation measures be considered and included in the site's Construction Environmental Management Plan (CEMP),

to be secured by condition.

- 10.37. Land quality: A Phase 1 Desk Study Report is submitted with the planning application. No significant potential pollution risks have been identified on site by the desk study report and it is considered that the risk of any significant contamination being present on the site is low. An informative is recommended to be placed on any planning permission regarding unexpected contamination that may be identified on site during the course of development.

11. CONCLUSION

- 11.1. The extension to the hotel proposed is appropriate in design terms and would not result in the loss of leisure facilities. The proposal would therefore comply with local plan policies and the NPPF and is considered sustainable development.
- 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 Prior to the commencement of construction works above ground level (excluding the demolition of the existing structures and site clearance), samples of the exterior materials and sample panels of brickwork and brick course to be used shall be submitted to, and approved in writing by, the local planning authority and only the approved materials and details shall be used.

Reason: In the interests of visual amenity in accordance with policies CP1 and CP8 of the Oxford Local Plan 2001-2016 and policy CS18 of the Oxford Core Strategy 2026.

4 Prior to the commencement of construction works above ground level (excluding the demolition of the existing structures and site clearance), details of secure, covered cycle parking in line with standards in the Oxford Local Plan 2001-2016, including means of enclosure, and details of shower and locker facilities for staff 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, shower and locker facilities have been provided within the site in accordance with the approved details and thereafter the areas shall be retained solely for the purpose of the parking of cycles.

Reason: To encourage the use of sustainable modes of transport in line with policy TR4 of the Oxford Local Plan 2001-2016.

5 The submitted travel plan shall be revised in accordance with guidance contained within the Oxfordshire County Council document 'Guidance for new development - Transport Assessments and Travel Plans' March 2014, and resubmitted to and approved by the local planning authority before first occupation. The accommodation shall be operated in accordance with the approved details.

Reason: In order to encourage the use of sustainable modes of transport, in accordance with policies CP1, TR2 and TR12 of the Adopted Oxford Local Plan 2001-2016.

6 A Construction Traffic Management Plan (CTMP) shall be submitted to the local planning authority and agreed prior to commencement of demolition and construction and should follow Oxfordshire County Council's template if possible. This should 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 local residents

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 policies CP1, CP19, CP21 and TR2 of the Adopted Oxford Local Plan 2001-2016.

7 Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include:

- Discharge Rates
- Discharge Volumes

- Maintenance and management of SUDS features
- Sizing of features - attenuation volume
- Infiltration in accordance with BRE365
- Detailed drainage layout with pipe numbers
- SUDS (list the suds features mentioned within the FRA to ensure they are carried forward into the detailed drainage strategy)
- Network drainage calculations

Reason: To prevent flooding affecting the highway and to prevent an increase in flood risk in accordance with policy CS11 of the Oxford Core Strategy.

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 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.

10 Prior to the commencement of the development, details of biodiversity enhancement measures including at least 6 x bird nesting devices (swift boxes) 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.

11 No development shall take place until full details of external lighting have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the location, height, type and direction of light sources and intensity of illumination. Any lighting which is so installed shall not thereafter be altered without the prior consent in writing of the Local Planning Authority other than for routine maintenance which does not change its details.

Reason: To ensure that flight paths of protected species are not disturbed in accordance with paragraph 117 of the NPPF.

12 The development shall be carried out in accordance with the approved Energy Statement dated 28 December 2017, unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of sustainable energy use in accordance with policy CS9 of the Core Strategy 2026.

13 Prior to commencement of development, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority.

The plan may refer, inter alia, to the following matters:

- signage for construction traffic, pedestrians and other users of the site;
- controls on arrival and departure times for construction vehicles;
- piling methods (if employed);
- earthworks;
- hoardings to the site, including to future adjacent development plots;
- noise limits;
- hours of working;
- vibration;
- control of emissions including dust, odours and dirt;
- waste management and disposal, and material re use;
- prevention of mud / debris being deposited on public highway;
- materials storage; and
- hazardous material storage and removal

All the dust mitigation measures identified in the Dust Assessment, as part of the submitted Air Quality Assessment shall be included in the CEMP.

The approved CEMP shall be implemented accordingly throughout the construction phase of development.

Reason: In the interests of the amenities of neighbouring occupiers, in accordance with policies CP1, CP19 and CP21, CP23 of the Oxford Local Plan 2001-2016.

13. APPENDICES

- **Appendix 1 – Site Location Plan**

14. HUMAN RIGHTS ACT 1998

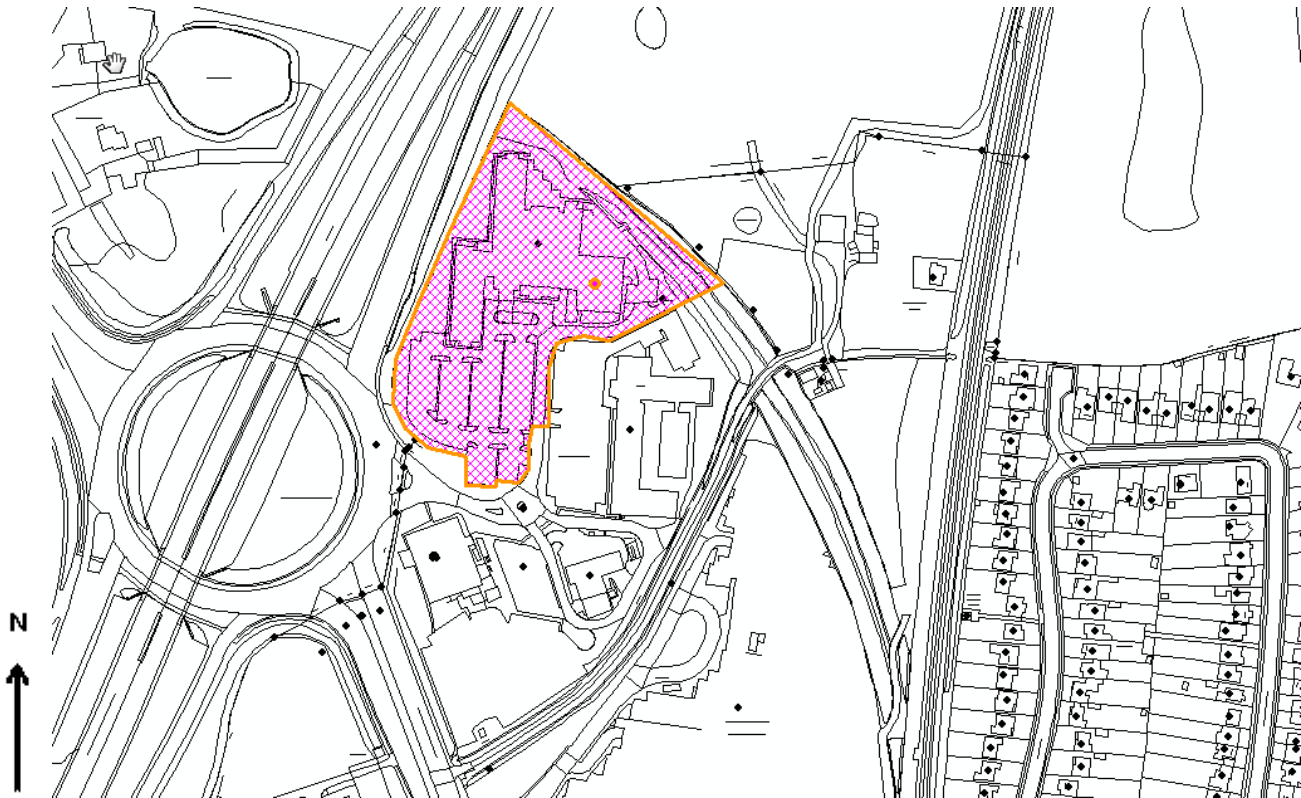
- 14.1. Officers have considered the implications of the Human Rights Act 1998 in reaching a recommendation to approve this application. They consider that the interference with the human rights of the applicant under Article 8/Article 1 of Protocol 1 is justifiable and proportionate for the protection 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 grant planning permission, officers consider that the proposal will not undermine crime prevention or the promotion of community.

Appendix 1

17/02762/FUL - Holiday Inn Peartree Roundabout



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WEST AREA PLANNING COMMITTEE

Application Number: 17/02778/FUL

Decision Due by: 14th December 2017

Extension of Time: 23rd January 2018

Proposal: Demolition of existing garage. Erection of a two storey building to create 1 x 1 bed dwellinghouse (Use Class C3). Provision of bin a cycle store. (Amended plans)

Site Address: Land To The Rear Of 16 Chester Street, Oxford, Oxfordshire, OX4 1SN

Ward: Iffley Fields Ward

Case Officer Julia Drzewicka

Agent: Mr Alex Cresswell **Applicant:** RHHS Repository Limited

Reason at Committee: The application is before the committee because it was called in by Cllrs Curran, Kennedy, Fry, Rowley, Price, Azad and Tanner because it caused a great deal of local opposition and constitutes over development of the site.

1. RECOMMENDATION

1.1. West 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 1x1 bedroom dwellinghouse and the provision of a bin and cycle store. The proposed dwelling would be sited on the same footprint as the existing garages. The dwelling would be a two-storey detached property. The design, materials, scale and size of the proposed development are considered to be acceptable. The design comprises some contemporary elements. The property would have an outdoor balcony and

atrium. The Highway Authority have concluded that the proposed new dwelling would not increase the parking pressure in the area. The proposal provides bin and cycle storage to the side of the proposed dwelling.

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

- Principle of development;
- Design;
- Residential amenity;
- Impact on the neighbouring properties;
- Cycle and bin storage;
- Car parking;
- Flooding;
- Energy/Sustainability;
- Land contamination;

2.3. Officers consider that the proposal would be acceptable in all regards and would be in accordance with the relevant National and Local Policies.

3. LEGAL AGREEMENT

3.1. Not applicable.

4. COMMUNITY INFRASTRUCTURE LEVY (CIL)

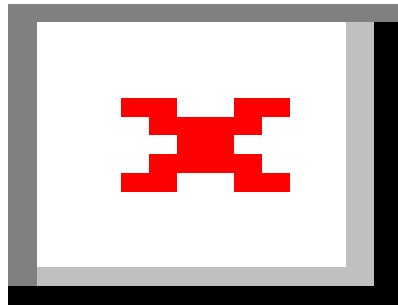
4.1. The proposal is liable for CIL. The total amount required is £5,086.79

5. SITE AND SURROUNDINGS

5.1. No. 16 and 16A Chester Street lie on the corner of Chester Street and Stratford Street. The application site sits between the end of the rear garden of No. 16 and 16A Chester Street and a passageway off the public highway which provides access to garages and bin storage areas of the neighbouring properties. The area is characterized by mostly Victorian terraced properties with small front gardens and narrow rear gardens. The surrounding properties have brick or render finish to the front elevation. The area is mostly residential. The application site lies outside the St Clements's and Iffley Road Conservation Area. The existing garages are too small for a modern car. The existing garages do not add architectural value into the streetscene and therefore the loss of the existing building would not be harmful to the character or appearance of the area.

5.2. Site location plan

N



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6. PROPOSAL

- 6.1. The application proposes the demolition of existing garages and erection of a two storey 1x1 bedroom dwellinghouse (Use Class C3) and provision of bin and cycle store. The amended plans were received on the 24th and 27th November to improve the visual appearance of the proposed dwellinghouse and to amend to the internal layout to create a better living environment for the future occupiers.

7. RELEVANT PLANNING HISTORY

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

61/10082/A_H - Private garage and garden shed.. PER 15th August 1961.

69/22221/A_H - Removing two ground floor chimney breasts and out internal partition.. PER 23rd December 1969.

15/02618/CPU - Application to certify that the proposed re-allocation of rooms between 16 and 16A Chester Street to form 2no. vertically aligned dwellinghouses is lawful. PER 23rd October 2015.

16/00704/FUL - Erection of infill front extension. Change of use from dwellinghouse (Use Class C3) to House in Multiple Occupation (Use Class C4).. REF 2nd June 2016.

16/01554/FUL - Erection of infill front extension (Part retrospective).. PER 3rd August 2016.

16/01856/FUL - Change of use from dwellinghouse (Use Class C3) to House in Multiple Occupation (Use Class C4). Insertion of 1No. window to first floor side elevation. (Part retrospective). REF 17th November 2016.

17/00007/FUL - Change of use from dwellinghouse (Use Class C3) to House in Multiple Occupation (Use Class C4). Insertion of 1No. window to first floor side elevation, Insertion of 1No. rooflight to front roofsope and 1no. rooflight to rear roofsope.. REF 27th February 2017.

17/00608/FUL - Demolition of existing garages. Erection of 1 x 1-bed dwellinghouse (Use Class C3). Provision of bin and cycle store.. REF 3rd May 2017.

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 [paragraphs 56, 57, 58, 60, 61]	CP1, CP8, CP9,	CS18_	HP9_	
Housing	6	CP6, CP10, CP22,		HP10, HP12, HP13, HP14,	Balance of Dwellings SPD, Affordable Housing and Planning Obligations, Space Standards TAN
Natural Environment	9, 11, 13		CS9, CS11,	HP11,	Natural Resource Impact Analysis SPD
Transport	4			HP15, HP16,	Parking Standards SPD
Environmental	10				Energy Statement TAN
Misc	5			MP1	

9. CONSULTATION RESPONSES

- 9.1. Site notices were displayed around the application site on 7th November 2017 and 24th November 2017 (the second consultation following the submission of amended plans).

Statutory and Non-Statutory Consultees

Oxfordshire County Council (Highways)

- 9.2. The application proposes the demolition of two existing garages and the erection of 1x1bed dwelling. We note that the application proposes the removal of two existing garages. However, the dimensions of the existing garages are considered too small for a modern car by the County Council's Design Guide for New Residential Developments document. Therefore it would not be considered that the removal of these garages would be likely to result in any change to the existing parking arrangements. The application proposes no off-street parking spaces associated with the 1 bed dwelling. However, one on-street parking space is provided in lieu of the white line currently stated in front of the existing garages. This additional space would meet guidance required for a 1 bedroom dwelling according to Policy HP16 of the Sites and Housing Plan. Therefore, as a new on-street parking space is provided, and taking into account the scale of the proposed dwelling, the application is unlikely to increase on-street parking pressures in the area for existing residents. The existing dropped kerb is to be reinstated at the expense of the applicant. We note that two cycle parking spaces are proposed in the application. This is in line with the HP15 policy of the Sites and Housing Plan. It is noted that the dimensions of the cycle storage is insufficient for a bicycle to be stored horizontally, however the plans indicate that vertical wall stands are proposed. This is acceptable where space constraints dictate that bicycles cannot be stored horizontally. The County Council does not object to the application subject to conditions.

Public representations

- 9.3. Five local people commented on this application from addresses 46 Warwick Street, 10 Chester Street, 20 Chester Street, 53 Stratford Street, 60 Stratford Street.

The Iffley Fields Residents' Association also commented.

In summary, the main points of objection were:

- The garages should be made available to the residents of 16 Chester Street or the new development of 16a Chester Street.
- Limited parking provision in the area under more strain
- Development is out of keeping with the Victorian character of the area and will have a detrimental impact therefore.
- Overdevelopment of the garages will have a negative effect.
- Site is overdeveloped already not in interest of local community
- 16A should be considered an illegal dwelling
- Severe lack of parking

- Building work will constrain access to local garages which have a narrow passageway alongside the proposed dwelling
- The plan show a design with no thought about the character of the neighbourhood- it will be aesthetic vandalism
- The plans for the house offer no privacy, with an overlooking balcony
- Large window to the front and a balcony to the side leave no privacy for neighbours or the residents of the house
- To suggest that this single home offers affordable housing is misleading
- To introduce another short term let property to the street brings additional parking problems and demands on services and has a negative impact on the community
- There have been six separate planning applications for in respect of the site of which this is a part. At no time has one application for the redevelopment of the site ever been contained within one planning application
- Size of the rooms in the proposed property
- 16A Chester Street is of such a small size that it is let as 'whole house' Air B&B which is disruptive and inappropriate in a residential area.
- Concerns that the minute rooms in this proposed development will lead to the same result and not provide suitable accommodation for longer term residents.
- Design is out of character with the neighbourhood
- Unduly prominent
- Lack of outside amenity space and loss of privacy, only a balcony
- The bins and bike store are accessed from what appear to be French windows or folding doors from the narrow access to the residents garages. There is a concern that bins left out in the access road may prove an obstruction
- Lack of light into the building
- Construction
- Various retrospective applications

10. PLANNING MATERIAL CONSIDERATIONS

10.1. Officers consider the determining issues to be:

- i. Principle of development;
- ii. Design;
- iii. Residential amenity;
- iv. Impact on the neighbouring properties;
- v. Cycle and bin storage;
- vi. Car parking;
- vii. Flooding
- viii. Energy/Sustainability
- ix. Land contamination

i. Principle of Development and background

- 10.2. The National Planning Policy Framework (NPPF) encourages the effective use of land by reusing land that has been previously developed (brownfield land) provided that it is not of high environmental value. Policy CS2 of the Oxford Core Strategy states that previously developed land should be the focus of new development. Policy CS23 states that planning permission will only be granted for residential development that delivers a balanced mix of housing to meet the projected future household need, both within each site and across Oxford as a whole. The Balance of Dwellings Supplementary Planning Document (BoDSPD) seeks to ensure that an appropriate mix of dwelling sizes will be provided in new developments. Policy CP6 states that planning permission will only be granted where development proposals make maximum and appropriate use of land.
- 10.3. The provision of a 1 bedroom dwellinghouse would not conflict with Policy CS23 and the BoDSPD as the proposal would not result in the net loss of family unit.
- 10.4. The site is used as garages. However, the size of garages is not sufficient for a modern size car. Because of the existing building and its use, the site would be considered to be previously developed land. Policy CS2 together with the National Planning Policy Framework require that previously developed land should be the focus of new development. As a result, the proposed development would be acceptable in principle.
- 10.5. Previous application ref. 17/00608/FUL was submitted for the erection of 1x1 bed dwellinghouse. The application was refused by the Council. The reasons for refusal were the provision of adequate internal living accommodation and impact of the proposed balcony in terms of overlooking and loss of privacy. The principle of development, design, outdoor amenity space, bin storage and car parking were not considered to be an issue and did not form reasons for refusal. Following the refusal of the application an appeal was lodged. The planning inspector stated that the main issues for that case were the effect of the proposal on the living conditions of the dwelling's intended future occupiers, having particular regard to its size, and its effect upon the living conditions of nearby occupiers with regard to privacy. The appeal was dismissed on grounds relating to the impact of the balcony on neighbouring properties.
- 10.6. The full text of the appeal decision appears in Appendix 2 of this report.
- 10.7. This submission took into consideration the issue raised by the Inspector and addressed this issue in this current scheme. The design of the current scheme changed slightly to improve the outdoor space, internal environment and to reduce the impact on the neighbouring properties. The current scheme proposes the balcony on the side elevation rather than the rear, the internal space creates a better bedroom and the alteration to the front windows create a better source of sunlight/daylight.
- 10.8. Comments have been made regarding the overdevelopment of the site. Policy CP6 of the Oxford Local Plan states that planning permission will only be granted where development proposals make maximum and appropriate use of land. Development proposals must make best use of site capacity, in a manner compatible with both the site itself and the surrounding area. The new dwelling

would be sited on the same footprint as the existing garage and therefore there is no loss of garden space. In addition it is considered that the development would be acceptable in design term in that it would not change the character of the streetscene and the area as the frontage of the proposed house would face the street. The proposed development would comply with the National Space Standard, the scale and massing is acceptable and it would not change the level of activity of the adjacent access lane. It is acknowledged that the intensity of the use of the site will increase, however the proposed dwelling would not constitute overdevelopment due to the combination of the factors specified above.

ii. Design and Impact on Character of Surrounding Area

- 10.9. The NPPF requires that local authorities seek high quality design and a good standard of amenity for all existing and future occupiers of buildings. It suggests that opportunities should be taken through the design of new development to improve the character and quality of the area and the way it functions. Policy CS18 of the Core Strategy, HP9 of the Sites and Housing Plan and Policies CP1 and CP7 of the Oxford Local Plan combine to require that planning permission will only be granted for development which shows a high standard of design that respects the character and appearance of the area and uses materials of a quality appropriate to the nature of the development and creates an appropriate visual relationship with the form of the existing buildings and the surroundings. Policy HP9 of the Sites and Housing Plan states that planning permission will only be granted for residential development that responds to the overall character of the area, including its built and natural features. Policy CP8 states that planning permission will be only be granted where the siting, massing and design of the proposed development creates an appropriate visual relationship with the form, grain, scale, materials and details of the surrounding area. Furthermore, the Policy CP8 of the Local Plan states that the planning permission will only be granted where building design is specific to the site and its context and should respect, without necessarily replicating, local characteristics, and should not rule out innovating design.
- 10.10. The local area is predominantly characterized by traditional two storey terraced dwellinghouses. However, there are some examples of more modern buildings in the area for example the Seventh-Day Adventist Church. In addition to that a contemporary dwelling at No. 1 Warwick Street has recently been allowed on appeal, ref. 16/03138/FUL. The loss of the existing garages would not be harmful to the character or appearance of the area.
- 10.11. The proposed dwellinghouse will be highly visible from the public realm. The proposed house would be located on the same footprint as the existing garage. The house would be two storey. The design of the proposed house incorporates the traditional elements such as brick and slate and the more contemporary elements such as fuller sized windows and timber louvres. Officers recommend that some of these features would add visual interest to the development and streetscene. The proposed house would be higher than the existing building; however it is considered that it would sit comfortably between the neighbouring properties.

- 10.12. The proposal comprises large windows looking out to the street. The proposal does not try to imitate the surrounding large bay window as this would not fit with the contemporary design of the new dwelling. It is considered that the proposed front windows would not harm the appearance of the streetscene as a result of their different appearance.
- 10.13. The proposal is considered to make appropriate use of the space available. The scale, size, design and materials of the proposed development are considered to be appropriate. The proposed dwelling does not replicate the architectural style which is characteristic of this area, however it is considered that it would not be detrimental to the character of the area and the appearance of the streetscene. The design is considered visually acceptable and not overly dominant.
- 10.14. A condition is recommended to be imposed to provide samples of the exterior materials to ensure that the materials are of a high quality and visually appropriate.

iii. Residential Amenity

- 10.15. Policy HP12 states that planning permission will only be granted for new dwellings that provide good-quality living accommodation if each dwelling has its own lockable entrance, its own kitchen and at least one bathroom; the space provided within each room allows for reasonable furnishing, circulation and use of household facilities in each part of the house; each dwelling provides adequate storage space. Planning permission will not be granted if the proposed dwelling does not comply with the minimum space standard and if inadequate ceiling height, lack of natural lighting or natural ventilation, or restricted outlook prevents proper use and enjoyment of the dwelling. Oxford City Council's Technical Advice Note 1A: Space Standards for Residential Development states that the Government set out how they wished local planning authority to implement the New National Standard. In cases where a Local Plan already included internal space standards, the internal space should be interpreted by reference to the nearest equivalent new national technical standard. Policy HP13 of the Sites and Housing Plan states that planning permission will only be granted for new dwellings that have direct and convenient access to an area of private open space.
- 10.16. The National Space Standard sets out a minimum standard space for a 1 bedroom-2storey-2-people, however the standard does not include a standard for a 1 bedroom-2storey-1person dwellinghouse.
- 10.17. The previous dwellinghouse had the gross internal floor area of 42.05sqm. The appeal decision for the application 17/00608/FUL concluded that the dwellinghouse would be likely to be occupied by a single person, as the space for people to sleep would be very limited and the study room would not comply with the minimum standard to provide a single bedroom. The Inspector considered that the dwelling would be of sufficient size to provide comfortable living accommodation and that there would be no conflict with the aims of policy HP12 and National Space Standard.

- 10.18. The internal layout of the proposed dwellinghouse is slightly different to the previously submitted scheme. However, it had been established in the appeal decision that the new property has to comply with the minimum space standard for a 1 bedroom-1storey-1person, which is 39sqm if a bathroom is being proposed or 37sqm if a shower room is being proposed and it has to have 1.0sqm built-in storage.
- 10.19. The proposed dwelling would have an internal floor area of approximately 41sqm, which exceeds the National minimum standard.
- 10.20. The single bedroom has to be at least 7.5sqm and at least 2.2m wide.
- 10.21. The proposed single bedroom would be approximately 9.5sqm and the width of the bedroom would exceed 2.2m. Therefore it is considered that the proposed single bedroom complies with the minimum space standard. The size of the bedroom is not adequate to provide a two bed space, as the minimum size set out in the National Space Standard for a double bedroom is 11.5sqm.
- 10.22. The proposed floor plan shows a built-in storage, which would measure approximately 1sqm. The provision of the proposed built-in storage complies with the minimum space standard, which specifies that the built-in storage have to be minimum 1sqm.
- 10.23. The proposed study room would measure approximately 4.34sqm therefore it is considered to be too small to be a bedroom.
- 10.24. Policy HP13 of the Sites and Housing Plan states that planning permission will only be granted for new dwellings that have direct and convenient access to an area of private open space. The policy states that 1 or 2 bedrooms flats and maisonettes should provide either a private balcony or terrace of useable level space, or direct access to a private or shared garden.
- 10.25. The proposed dwelling would have a small atrium on the ground floor and a balcony on the first floor. The plans show vertical louvres and glass balustrade along the balcony to provide screening. The atrium would have a wall around it therefore no overlooking would occur, however it would allow sunlight to go through to this room.
- 10.26. It is acknowledged that the provision of the private amenity space would be sufficient for a 1 person dwellinghouse and officers recommend that it is acceptable in the context of the Council's Policy HP13 of the Sites and Housing Plan (2013).
- 10.27. The appeal decision of the previous scheme concluded that "the dwelling would be of sufficient size to provide comfortable living accommodation. The living conditions of the intended future occupiers would not be adversely affected as a result. There would be no conflict with the aims of SHP Policy HP12 or the NDSS [National Space Standard]". This current scheme changed the internal layout, which consequently comparing with the previous scheme, which as stated above complies with relevant policies will provide better internal environment for future

occupiers.

iv. Impact on Neighbouring Amenity

- 10.28. Policy HP14 of the Sites and Housing Plan states that planning permission will only be granted for new residential development that provides reasonable privacy and daylight for the occupants of both existing and new homes. HP14 also states that planning permission will not be granted for any development that has an overbearing effect on existing homes.
- 10.29. The proposed dwelling would be situated on the footprint of existing garages, which are located on the bottom of rear garden on 16 and 16A Chester Street. The proposed dwelling would not take any garden space away from the neighbouring property.

Privacy

- 10.30. The proposed dwelling features a window and a rear door opening to the atrium, however it is considered that the proposed window and door would not create any overlooking issues as the window is proposed to be obscure glass and also there is a brick wall along the boundary, which would restrict anybody looking in and out from that space.
- 10.31. The previous scheme featured a balcony on its rear elevation, which was not considered to be acceptable in terms of overlooking and loss of privacy for the neighbouring properties.
- 10.32. The proposed development features a balcony at the first floor of its side elevation. This change was made to overcome the reason for refusal. The proposed development includes vertical timber louvers, which would restrict the overlooking onto the neighbouring rear gardens and properties and glass balustrade. The neighbouring property No. 76 Stratford Street features a blank side elevation, therefore no overlooking would occur to this property. The proposed louvres along Stratford Street have been angled to allow only views onto the road and the proposed louvres along boundary with No. 18 Chester Street would be more compacted to prevent looking into the rear gardens and for the neighbouring properties looking into the balcony. It is considered that due to the location of the balcony and the proposed louvres the balcony would provide good outdoor space for the future occupiers but at this same time it would safeguard the neighbouring amenity. Therefore, it is considered that the proposed dwelling overcomes the previous reason for refusal and it would be considered acceptable.

Overbearing

- 10.33. The proposed development would be located along the boundaries with No. 16 and 16A Chester Street and 18 Chester Street. The proposed dwelling, due to its height would change the outlook afforded to the neighbouring properties. However, the appeal decision did not conclude that the height and scale of the proposed development is unacceptable in terms of outlook and it would not be

considered overbearing. Therefore, as it is considered that the size and scale have not changed from the previous scheme, the proposed dwelling would be acceptable in this regard.

Loss of light

- 10.34. The proposed two storey dwellinghouse would be located some distance from No. 16 and 16A Chester Street. The proposed development due to the distance from the neighbouring habitable windows and the sun orientation would not be considered to cause unacceptable levels of harm to the amenities of the neighbouring properties in term of loss of light. As a result, Officers recommend that the development complies with the requirements of Policy HP14 of the Sites and Housing Plan (2013) and specifically the requirements of the 45/25 degree code set out in that policy. Furthermore, the appeal decision did not conclude that the proposed dwelling would have a detrimental impact in terms of loss of light, therefore the proposal is acceptable in this respect.
- 10.35. To safeguard the amenity of the neighbouring properties, it is recommended that permitted development rights to insert any additional windows be removed by condition.

v. Transport

Car Parking

- 10.36. Policy HP16 of the Sites and Housing Plan states that planning permission will only be granted for residential development where the relevant maximum car parking standards are complied with. Policy CS13 states that planning permission will only be granted for development that prioritises access by walking, cycling and public transport.
- 10.37. The dimensions of the existing garages are considered to be too small for a modern car by the County Council's Design Guide for New Residential Developments document. Therefore it would not be considered that the removal of these garages would be likely to result in any change to the existing parking arrangements.
- 10.38. The application proposes no off-street parking spaces associated with the 1 bed dwelling. However, one on-street car parking is provided in lieu of the white line currently stated in front of the existing garages. The Highways Authority concluded, that as a new on-street parking space is provided, and taking into account the scale of the proposed dwelling, the application is unlikely to increase on-street parking pressures in the area for existing residents.
- 10.39. The proposal is acceptable in this respect and it complies with policies CP1 of the Oxford Local Plan, CS13 of the Core Strategy and HP16 of the Sites and Housing Plan.

Cycle Parking

10.40. Policy HP15 of the Sites and Housing Plan sets out minimum cycle parking standards. For houses and flats up to 2 bedrooms at least 2 spaces per dwelling will be required. All residential cycle storage must be secure, undercover, preferable enclosed, and provide level, unobstructed external access to the street.

10.41. The plans submitted show the location of the cycle storage at the side of the proposed dwelling. The location of the cycle store is considered to be acceptable. The storage area is insufficient to store bikes horizontally, however the plan shows two vertical cycles stands to allow the storage of two bicycles, which complies with Policy HP15.

Refuse

10.42. Policy HP13 of the Sites and Housing Plan states that planning permission will not be granted for residential dwellings unless adequate provision is made for the safe, discrete and conveniently accessible storage of refuse and recycling.

10.43. The bin storage would be located at the side of the proposed dwelling and it will be discreet. The proposed refuse store is considered to be acceptable to comply with the requirements of Policy HP13.

vi. Sustainability and Energy

10.44. The application does not include any information on how sustainable design and construction methods will be incorporated into the building and how energy efficiency has been optimised through design and by utilising technology that helps to minimise carbon emissions, therefore a condition is recommended to be imposed that the new dwelling shall not be occupied until the relevant requirement of energy performance have been met.

vii. Flooding

10.45. The site is on the edge of an area of higher flood risk; however the detailed mapping shows that the area of the land on which the development is proposed is actually unaffected. Therefore a condition is recommended to be imposed in order to prevent any increase in surface water runoff, which may contribute to flooding. The proposal complies with the requirements of policy CS11 of the Core Strategy.

viii. Land Contamination

10.46. The development involves the creation of residential dwellings. Residential dwellings are considered to be sensitive uses. The risk of any significant contamination being present on the site is low. However, it is the developer's responsibility to ensure that the site is suitable for the proposed use. Therefore an informative is recommended to be placed with the permission.

ix. Other

10.47. There are no protected trees on the application site.

11. CONCLUSION

11.1. The proposed dwellinghouse complies with the National Space Standard. The current scheme overcame the previous reasons for refusal. The provision of cycle, refuse and amenity space are considered to be acceptable. The officers are satisfied with the form, scale and appearance of the proposed dwelling and its relationship with surrounding development in accordance with the requirements of policies CP1, CP8 of the Local Plan, CS18 of the Core Strategy and HP9 of the Sites and Housing Plan. The impact of the proposed development on the neighbouring properties is considered acceptable.

11.2. On the basis of the above, the officer recommendation is to grant planning permission subject to the conditions listed 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 provisions of the Town and Country Planning (General Permitted Development) Order 2015, (or any Order revoking or enacting that Order), no structure including additions to the dwelling as defined in Classes A and 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 the subject of further consideration in order to safeguard the appearance of the area in accordance with policies CP1 and CP8 of the Oxford Local Plan 2001 - 2016 and policies HP9 of the Sites and Housing Plan.

- 5 The bin and cycle storage shall be provided within the site in accordance with the details submitted with the application hereby approved prior to the first occupation of the property and thereafter the areas shall be retained solely for the purpose of bin and cycle storage.

Reason: To promote recycling and to ensure that the development provides adequate cycle parking in accordance with policies CP1 and CP10 of the Adopted Oxford Local Plan 2001-2016 and policy HP15 of the Sites and Housing Plan 2011-2026.

- 6 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. 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

- 7 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.

- 8 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.

- 9 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.

13. APPENDICES

Appendix 1 – Site Location Plan

Appendix 2 - Appeal decision for 17/00608/FUL

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.

Appendix 1

17/02778/FUL - Land To The Rear Of 16 Chester Street



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Ordnance Survey 100019348

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Appeal Decision

Site visit made on 6 September 2017

by **R C Kirby BA(Hons) DipTP MRTPI**

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

Decision date: 22nd September 2017

Appeal Ref: APP/G3110/W/17/3175515

16 Chester Street, Oxford OX4 1SN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by RHHS Repository Limited against the decision of Oxford City Council.
 - The application Ref 17/00608/FUL, dated 8 March 2017, was refused by notice dated 3 May 2017.
 - The development proposed is demolition of existing garages and erection of 1no. two storey one bedroom dwelling.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are the effect of the proposal on the living conditions of the dwelling's intended future occupiers, having particular regard to its size, and its effect upon the living conditions of nearby occupiers with regard to privacy.

Reasons

Intended Future Occupiers

3. The aim of Policy HP12 of the Sites and Housing Plan 2011-2026 (SHP) is for new homes to have rooms and corridors that are comfortable, able to accommodate furniture and household equipment that would be expected in that part of the home, and allow for convenient circulation and access. In this regard, the policy states, amongst other matters, that planning permission will not be granted for new dwellings if any single dwelling provides less than 39 square metres (m²) of floorspace (measured internally).
4. The appellant submits that the new dwelling would be suitable for a single person and has calculated that the gross internal floor area would be 42.05 m². Of this, 23.87 m² would be on the ground floor and 18.13 m² on the first floor. The staircase would have an area of 3.04 m². The Council does not dispute these calculations. The new dwelling would have a greater floor area than that required by SHP Policy HP12 and as such there would be no conflict with the space standard set out within it.
5. However, in March 2015, the Government introduced Technical Housing Standards – Nationally Described Space Standard (NDSS). A written ministerial

statement (WMS) published on 25 March 2015 stated that after 1 October 2015, existing Local Plan policies relating to water efficiency, access and internal space should be interpreted by reference to the nearest equivalent new national technical standard.

6. In accordance the WMS, the Council indicate that it is the NDSS which is applied to new housing in the area. I have no reason to disagree with the Council's approach in this regard. The NDSS sets out requirements for the gross internal floor area (GIA) of new dwellings at a defined level of occupancy, as well as floor areas and dimensions for key parts of a home.
7. Table 1 of the NDSS does not include a standard for a 1 bedroom, 1 person, 2 storey house. The Council consider that the standard set out in this table for a 1 bedroom, 1 person single storey house (39m² with a bathroom, or 37m² with a shower room) is not appropriate to apply in this case. That is because it considers that a 2 storey dwelling would be occupied by more than 1 person. It considers therefore that the minimum floor space should be 58m², which is the standard for a 1 bedroom, 2 person, 2 storey dwelling.
8. Whilst I note the Council's concern, it is not substantiated. It seems clear to me that the dwelling would be likely to be occupied by a single person, as the space for people to sleep would be very limited. The study is small and the floor area of this room would fall well below the standard set out for a single bedroom in the NDSS. It is therefore unlikely that this room could accommodate furniture generally associated with a bedroom. Furthermore, the bedroom indicated would have a floor area of 7.63m², which having regard to the NDSS, would only be suitable as a single bedroom, not a double. I therefore find that on the basis of the evidence before me that the dwelling would be likely to be occupied by a single person only.
9. Recognising that the proposal does not fall within the table set out in the NDSS, it seems reasonable therefore to consider whether or not the new dwelling would provide satisfactory space to place furniture and items necessary for day to day living. The ground floor would be open plan and whilst of a modest size, the submitted drawings indicate that there would be space for a small kitchen and dining area, and space for a settee and television. Whilst the new dwelling would be likely to be sparsely furnished, it would provide areas for the intended future occupier to cook a meal, eat and relax. There would be sufficient circulation space within the dwelling for the intended future occupier to undertake their day to day living. Furthermore there would be space on the first floor to put a desk and chair within the study and space for a seating area in the atrium.
10. In light of the foregoing, I consider that the dwelling would be of sufficient size to provide comfortable living accommodation. The living conditions of the intended future occupiers would not be adversely affected as a result. There would be no conflict with the aims of SHP Policy HP12 or the NDSS.

Nearby Occupiers

11. The new dwelling would have a balcony on its rear elevation. There would be a low screen along the length of the balcony and full height screens to the sides. Although it is not clear from the submitted drawings whether or not the side screens would be of a solid design, the appellant has indicated that they would be privacy screens which would prevent overlooking of nearby gardens. The

design of these screens could be the subject of a suitably worded planning condition to ensure this.

12. However, although the appellant considers that the views from the balcony would be towards nearby garages, users of it would also be able to see into the rear gardens of nearby properties. Such views would be in close proximity and at an elevated level. A loss of privacy to these gardens would be likely to occur as a result of the use of the balcony. Furthermore, given that the balcony would be the only outside space for the dwelling, there would be a high probability that it would be regularly used by the intended future occupier, sometimes for long periods, such as when eating upon it or entertaining. On warm days and evenings, such use would be likely to coincide with nearby occupiers enjoying their outside space, thereby exacerbating the harm that I have identified.
13. In light of my findings, I share the concerns raised by nearby occupiers and the Council that the use of the balcony would result in a loss of privacy to nearby occupiers as a result of overlooking private garden spaces. This would be harmful to nearby occupiers' living conditions. The proposal therefore conflicts with the overlooking and privacy aims of SHP Policy HP14. There would also be conflict with the core planning principle of the Framework in that a good standard of amenity for all existing and future occupants of land and buildings would not be provided. The Council has referred to Policy CP.1 of the Oxford Local Plan 2001-20016 in its decision notice. This policy makes no reference to living conditions and it has not formed part of my consideration of the proposal.

Other Matters

14. The appellant suggests that a balcony was included in the design after taking advice from the Council. Whilst I note the appellant's frustration that the planning application was refused, amongst other matters, because of the use of the balcony, I am obliged to consider the appeal proposal on its merits. I have found that harm would result to neighbouring occupiers' living conditions for the reasons given. This matter does not therefore alter the conclusion that I have reached.

Conclusion

15. For the above reasons, and having regard to all other matters raised, the appeal is dismissed.

R C Kirby

INSPECTOR

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WEST AREA PLANNING COMMITTEE

Application Number: 17/02419/FUL

Decision Due by: 22nd January 2018

Extension of Time: N/A

Proposal: Erection of new Music School, construction of link to Lynam Hall, landscaping including the formation of a new courtyard, garden area to Lane House and entrance courtyard. (Amended plans)(Additional information-Acoustic Report and Engineering Report)

Site Address: Dragon School , Bardwell Road, Oxford, OX2 6SS

Ward: North Ward

Case Officer Julia Drzewicka

Agent: Mrs Lucy Smith **Applicant:** The Bursar

Reason at Committee: The application is before the committee because it is a major planning application.

1. RECOMMENDATION

1.1. West 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 new music school, construction of link to Lynam Hall, landscaping including the formation of a new courtyard, garden area to Lane House and entrance courtyard. Trees along Dragon Lane are proposed to be retained. The proposed music school would preserve the appearance and character of the North Oxford Victorian Suburb. The design, materials, scale and size of the new music school are considered to be acceptable. The building would sit comfortably within the existing surroundings.

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

- Principle of development;
- Design and impact on the Conservation Area;
- Trees and landscaping;
- Neighbouring amenity;
- Noise;
- Transport, construction vehicles and cycle parking;
- Sustainability and energy;
- Flooding and drainage;
- Biodiversity;
- Air quality;
- Other: Archaeology, Contaminated land

2.3. Officers consider that the proposal would be acceptable in all regards and would be in accordance with the relevant National and Local Policies.

3. LEGAL AGREEMENT

3.1. Not applicable.

4. COMMUNITY INFRASTRUCTURE LEVY (CIL)

4.1. The proposal is liable for CIL. The total amount required is £39,574.84.

5. SITE AND SURROUNDINGS

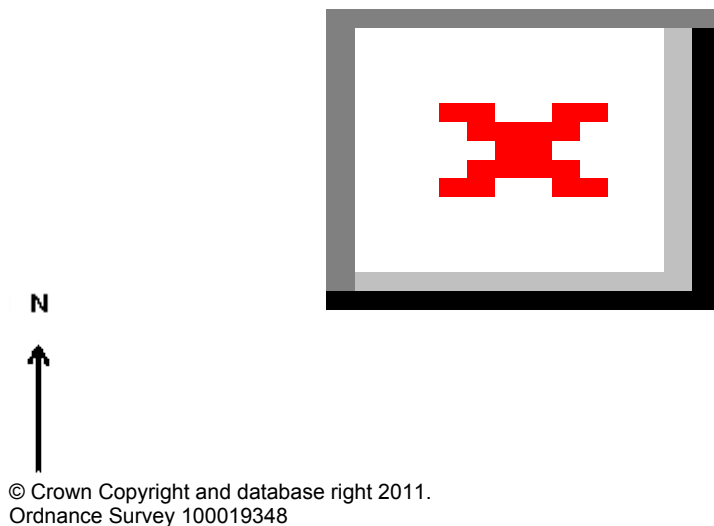
5.1. Dragon School is located on the corner of Bardwell Road and Dragon Lane. Dragon School comprises a collection of buildings dating from the late 19th Century through to the twenty-first century that lie on the eastern edge of the North Oxford Victorian Suburb Conservation Area, backed by open playing fields that run down to the banks of the River Cherwell. The site for the music school lies immediately behind, to the east of Lane House an early twentieth century building currently used for staff accommodation that fronts onto Dragon Lane directly behind the eastern crescent of Park Town (listed grade II). The building is proposed to sit immediately to the south of and adjacent to communal school buildings in the form of Lynam Hall and to the west of Art buildings. The proposed building would be linked to Lynam Hall and the Forum.

5.2. Dragon Lane connects Norham Road and Bardwell Road. The boundary treatment along Dragon Lane features various trees. Trees make an important contribution to the suburban character of the lane. Therefore, the retention of those trees which form an important element of this quiet lane is welcomed. Also trees along Norham End would be kept. On one side of Dragon Lane is Dragon School and on the other side is Park Town. Brick rear elevations, garages and rear gardens of properties of Park Town are visible from Dragon Lane. Lane House is located between the application site and Dragon Lane and is largely hidden due to the existing large trees. Lane House and existing trees would restrict the visibility of the proposed development from the public realm.

Surrounding development are mostly constructed from brick and render. The height of the surrounding development varies from two and three storeys. The proposed development would not be higher than the Forum and Art buildings. The proposed development would be slightly higher than Lane House, however the view of the proposed music school would be restricted by the chimneys on Lane House and trees along Dragon Lane.

5.3. The planning permission was given in 1975, ref. 75/00776/A_H to build Norham End development, which was constructed to the south of the application site. Norham End is a three storey building, which comprises 17 flats and garages. The garages are located along the boundary with Dragon School.

5.4. Site location plan:



6. PROPOSAL

6.1. The application proposes the erection of a new music school, construction of a link to Lynam Hall and provision of landscaping including the formation of a new courtyard, garden area to Lane House and entrance courtyard. The School has temporary planning permission for music rooms, which are currently accommodated in a temporary building off Chadlington Road. The temporary permission expires in February 2022, the condition associated with this permission states that if a permanent replacement building be completed before the expiration of this permission, the temporary facility shall be removed upon completion of the replacement building and the land shall be reinstated to its former condition.

6.2. The proposed music school would be built over two storeys. The new music school would provide: 29 teaching and practise rooms, 4 teaching rooms for heads of section, 3 rehearsal rooms and ensemble playing, 2 music teaching classrooms, instrument storage, music library and breakout area. The building would be located next to the existing Lynam Hall, which provides the school's

main assembly space. The practise, rehearsal, classroom and music staff rooms would be distributed over the two floors. The largest rehearsal room is proposed to be on the East elevation, looking out to the river Cherwell.

7. RELEVANT PLANNING HISTORY

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

14/02466/FUL - Demolition of Lane House. Erection of new music facility.. WDN 30th December 2014.

15/01562/FUL - Demolition of existing Lane House and garages. Erection of new music facility on 2 and 3 floors.. WDN 4th November 2015.

16/03259/VAR - Variation of condition 1 (Temporary Permission) of planning permission 12/01168/VAR to allow temporary music room building to be used for a further period.. PER 14th February 2017.

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 [paragraphs 56, 57, 58, 60, 61]	CP1, CP8, CP9	CS18		
Conservation/ Heritage	12	HE3, HE7, HE2			North Oxford Victorian Suburb Conservation Area
Housing	6	CP10		HP14	
Natural Environment	9, 11, 13	CP11, CP17, CP18, NE15, NE16	CS2, CS11, CS12, CS9		Natural Resource Impact Analysis SPD
Social and community	8	SR2	CS19, CS16		
Transport	4			HP15, HP16	Parking Standards

					SPD
Environmental	10	CP19, CP21, CP22			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 3rd November 2017 and 6th December 2017 and an advertisement was published in The Oxford Times newspaper on 2nd November 2017.

Statutory and Non-Statutory Consultees

Oxfordshire County Council (One Voice)

- 9.2. No objection subject to conditions.

Historic England

- 9.3. We do not wish to offer any comments.

Natural England

- 9.4. No comments.

Thames Water Utilities Limited

- 9.5. With the information provided Thames Water, has been unable to determine the water infrastructure needs of this application. Should the Local Planning Authority look to approve the application ahead of further information being provided, we request that the 'Grampian Style' condition be applied. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharge into public sewer. On the basis of information provided, Thames Water would advise that with regard to water infrastructure capacity, we would not have any objection to the above planning application. Thames Water advise that a drainage strategy should contain details of pre and post development surface water run off rates and the proposed methods of surface water flow management e.g. attenuation, soakways etc. The drainage strategy also make clear the location of where the development's drainage will be connected to the public sewer.

Public representations

- 9.6. Seven local people commented on this application from addresses in 313 Woodstock Road, 55 Park Town (2 comments), 58 Park Town (2 comments), 60 Park Town (2 comments), 61 Park Town (2 comments), 64 Park Town, 56 Park

Town.

The Park Town Trustees also commented.

In summary the main points of support were:

- The profiles of the new building do not obstruct any views and do not impinge on the quality of life of those living nearby
- This music building is not about scope- creep for the school, it is a constructive use of brownfield infill land
- No reason why residents should prevent the inoffensive evolution of a nearby educational organisation
- It would free up the existing music schools to be perhaps developed

In summary the main points of objection were:

- Access
- Amount of development on site
- Effect on adjoining properties
- Effect on character of area
- Effect on pollution
- Effect on privacy
- Effect on traffic
- Height of proposal
- Local ecology, biodiversity
- Noise and disturbance
- On-street parking
- Parking provision
- Public transport provision/accessibility
- Removal of trees
- Local Plan policies
- Noise that will be generated by the activities in the Music School, not only during term time, but also during holiday periods when the Dragon School is often rented out to other organisations
- Noise late into the night
- Noise levels are already high in the houses and gardens
- It will be important that proper soundproofing is installed throughout the new building and that any outdoor activities are properly supervised by the Dragon School and its sub-contractors, proper measures to mitigate to mitigate this noise
- Plant equipment in the East-West oriented segment and lack of acoustic report
- Noise from heat pumps
- We want condition for – all elements of construction to final completion to take place Monday-Friday only; any ground work or construction work involving heavy plant or machinery which is noisy not to be undertaken before 8am; construction to take place regularly and consistently throughout the period and not staged to have intensive periods during the vacations at Christmas, Easter and the Summer; no use of radios externally on site
- Use of vans, contractors in Dragon Lane

- Throughout the period of construction produce a weekly newsletter to update and inform the local residents and provide a person who can be contacted during the construction
- Substantial protrusion of the new building beyond the Southern end of Lane House, which will obstruct views across fields and down to the river. This would obstruct part of the view to the river from Park Town terrace houses
- Reducing its size would be much appreciated by the local residents
- The new building compromises the view through the Park Town Archway
- Traffic in and around Dragon Lane
- It is essential that conditions are put in place both during the construction phase of the project and afterwards that will avoid putting all the users of Dragon Lane at risk
- The current plan entails the destruction of the Lane House garden and many established trees, which are home to a wide variety of birds
- Removal of trees
- During construction, provisions should include a prohibition on any construction equipment or vehicles parking or driving through Dragon Lane and a requirement that construction company staff are used to guide vehicles in and out of the construction site
- The new building should also not result in any additional parking spaces
- A condition must be that there will be no increase in vehicle traffic due to staff or visitors

Comments received after the additional Acoustic Report had been submitted:

- The report makes clear noise from Dragon Lane will be audible in the music school, it would seem likely that the reverse applies and we will be able to hear the music in Dragon Lane and The Terrace
- It is not possible for a layperson to assess whether the recommendations made in this report are in fact going to be followed
- The external door that will allow external noise to penetrate the building from external vehicles. Given that there is this concern about the external noise, we are very worried about the noise that will emanate from the building around these doors.
- The back of the Park Town Terrace houses will all be affected by noise from this new building. It must be ensured that no noise will emanate from the Rehearsal and Practice rooms, especially in summer when windows are open and residents will be sitting in their gardens.
- We ask for assurance that the School has the strictest rules about the use of these rooms out of term
- The summer months will be the worst for noise
- The report does not comment on excessive noise generated by Summer schools ending from Dragon School
- The report does not address the impact on neighbours of the plant noises that will inevitably be generated by the building's heating and cooling system.
- The impact from environmental control systems is not clear
- It does say that there wouldn't be open windows on the West side of the building to avoid causing "annoyance" to the residents of Lane House, no mention is made of the residents of the Park Town Terrace.

- The reports says there will be windows opened for ventilation on the East side of the building, but noise will then inevitably seep out of the open windows towards the Park Town on the West side of the block.
- There is a mention made of protecting staff in Lane House from excessive noise by avoiding having percussion instruments on that side of the building, but no mention is made of protecting Park Town residents, not is it clear that the “recommendation” to keep wind and string instrument practise rooms on the West side of the building can or will be enforced.
- It must be made clear to the Dragon School that the present Music block application should not in any way be seen as an agreed step in a major series of building works in the coming years.

10. PLANNING MATERIAL CONSIDERATIONS

10.1. Officers consider the determining issues to be:

- i. Principle of development;
- ii. Design and impact on the Conservation Area;
- iii. Trees and landscaping;
- iv. Neighbouring amenity;
- v. Noise
- vi. Transport
- vii. Sustainability and energy
- viii. Flooding
- ix. Biodiversity
- x. Air quality
- xi. Other: Archaeology, contaminated land

i. Principle of Development

10.2. The National Planning Policy Framework (NPPF) states that the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should give great weight to the need to create, expand or alter schools; and work with schools’ promoters to identify and resolve key planning issues before applications are submitted. Policy CS16 of the Core Strategy states that planning permission will only be granted for new education facilities in locations accessible by walking, cycling and public transport.

10.3. The National Planning Policy Framework (NPPF) encourages the effective use of land by reusing land that has been previously developed (brownfield land) provided that it is not of high environmental value. Policy CS2 of the Oxford Core Strategy states that development will be focused on previously developed land.

10.4. The application site is just outside of an area that is designated as protected open space, therefore the proposal would not result in the loss of open-air sports

facilities and the requirements set out in Policy SR2 of the Oxford Local Plan are not relevant.

- 10.5. Dragon School have previously sought planning permissions for a new music school, ref. 14/02466/FUL and 15/01562/FUL. Both applications were withdrawn. The previous proposals included the demolition of Lane House and the erection of new buildings which would have been three storeys in height and ranged from about 2200sqm to 2400sqm in proposed floorspace.
- 10.6. The development site comprises a hard playground and the existing garden of Lane House. The current scheme comprises the retention of Lane House, which would continue to provide staff accommodation. The proposed new building would be two storey and have an overall footprint of approximately 1600sqm.
- 10.7. Lane House will lose the existing garden at the rear, however a new outdoor area is proposed at the front of Lane House, which would replace the existing parking area. The front garden would improve the existing appearance of that front driveway and create a more domestic appearance.
- 10.8. Officers consider that the proposal is acceptable in principle having had specific regard to the requirements of Policy CS16 of the Core Strategy (2011).

ii. Design and Impact on Character of Surrounding Area

- 10.9. The NPPF requires that local authorities seek high quality design. It suggests that opportunity should be taken through the design of new development to improve the character and quality of an area and the way it functions.
- 10.10. Paragraph 132 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Paragraph 134 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. Paragraph 137 of the NPPF states that local planning authorities should look into opportunities for new development within Conservation Areas and within the setting of heritage assets to enhance or better reveal their significance.
- 10.11. Policy CS18 of the Core Strategy together with Policies CP1 and CP8 of the Oxford Local Plan require that planning permission will only be granted for development which shows a high standard of design that respects the character and appearance of the area and uses materials of a quality appropriate to the nature of the development and creates an appropriate visual relationship with the form of the existing building and its surroundings. Policy HE3 of Oxford Local Plan states that planning permission will only be granted for development which is appropriate in terms of its scale and location and which uses materials and colours that respect the character of the surroundings, and have due regard to the setting of any listed building. Policy HE7 of the Oxford Local Plan states that planning permission will only be granted for development that preserves or

enhances the special character and appearance of the conservation areas or their setting.

- 10.12. The site falls within the North Oxford Victorian Suburb Conservation Area, a designated heritage asset within the definition set in the NPPF.
- 10.13. The Dragon School main site comprises a collection of nineteenth century and twentieth century buildings that have developed on a site to the east of Park Town in North Oxford. The school now occupies the main site on the southern part of Bardwell Road and the opposite side of Bardwell Road where the current music department occupies a number of temporary buildings sited in the gardens of a number of early twentieth century houses also within the school's ownership.
- 10.14. The new music building has been designed on a site at the southern end of the main site adjacent to an area of car parking that is accessed off Norham Road, to the east of Lane House, an early twentieth century house designed by the architect George Gardiner.
- 10.15. The views from the River Cherwell are dominated by the existing Art Building. The Art Building would sit forward of the proposed music school. The proposed building would sit comfortably between the existing Art Building and the Norham End development.
- 10.16. The site is relatively well screened from public view in that it would be set behind Lane House and adjacent to Lynam Hall and the enclosed area of the school called the Forum which are either of greater mass or set at a higher level to the proposed building. Furthermore there is a row of trees along Dragon Lane, which provides additional screening. There would be glimpsed views of the proposed building from Dragon Lane, set against the mass of the existing buildings when viewed looking up Dragon Lane from Norham Road to the south as well as through the modest gap between the existing Lynam Hall building and the north end of Lane House where the sense of built form rather than any distinctive view of a building will be evident. There is a modest gap between Lane House and the Norham End development, it is considered that the proposed building due to its scale, size and existing trees along Dragon Lane would still allow the glimpsed views through Dragon Lane and would still allow distant views from the properties along Park Town.
- 10.17. The proposed development comprises a two sided, "I" shaped plan building set around an open quad. The overall building mass is proposed to be two-storey. The ridge height of the proposed building would be approximately 10.8m and with louvers approximately 11.6m and the eaves height would be approximately 7.1m.
- 10.18. To reduce the massing of the build form a "nested" double pitch has been proposed. The building form comprises a large range with a smaller range, "nested" within the outer providing a central corridor and circulation space joining the two ranges.

- 10.19. The “ends” of building have been designed with detached gables that provide a stop end to the essentially unbroken roof slopes. The building facades are proposed to be finished in a red facing brick with roofs finished in a plain clay tile. A ventilated rendered rain screen is proposed for the North elevation (facing Lynam Hall) to provide more reflective and lighter wall treatment. The palette of materials is restrained, complementing the simplicity of form and clarity of architectural form of the proposed building. A condition is recommended to be imposed to ensure that the materials are of high quality.
- 10.20. The building has been designed with a relatively simple form relying on the specific detailing of elements, windows and openings to provide the appropriate level and quality of detailing in the context of the Conservation Area and the neighbouring listed buildings. The strong, unbroken, continuous roof slopes will be seen as a contrast to the more decorative, domestic architecture of its immediate neighbour.
- 10.21. The building design responds to the change in level from west to east across the site and the thoughtful landscape design for the “quad” provides an elegant setting to the hard architecture of the building that frames its eastern and northern sides with the repetitive rhythm of the colonnade that creates a cloister with the consequent visual interest that will be created through the play of shadows and the movement of light and shade.
- 10.22. The weakest part of the proposed design is the relationship between the new music building and its eastern neighbour. This space will provide the formal entrance to the building. The proposal strengthens this space by introducing a shared garden. This has no visual impact on the character and appearance of the Conservation Area in that it is enclosed within the school site and barely visible in long distance views from the eastern bank of the River Cherwell from where the new building will sit as a relatively simple mass in contrast to the existing school buildings.
- 10.23. In reviewing the design prior to submission the Oxford Design Review Panel were supportive of the revised design proposals but had some reservations about the design of the building’s facades. In response the architects have revisited the detail of the facades and the proposed materials and are now presenting a more consistent and unified proposal with a strong albeit simplified design. The design panel felt that the design of the spaces around the building needed more careful consideration in order to allow a better relationship between Lane House and the new building. In response the contribution of the landscape architect appears stronger and more integrated. The panel were concerned about accessibility particularly given the level changes across the site and whilst they understood and applauded the design response in its use of existing levels they felt that there needed to be a more obvious response to the question of accessibility. The proposal includes a lift, which would provide access to the spaces within the new building and also the proposed link between the new building and adjacent Lynam Hall which would give greater connection between these spaces.

- 10.24. The application site lies within the North Oxford Victorian Suburb Conservation Area, which is a designated heritage asset. The closest listed buildings are properties in Park Town. There are also other listed buildings in the area such as Lady Margaret Hall and 2 and 4 Charlbury Road, however due to their location, it is considered that the proposed development would not impact on their significance. The proposed development would be situated on the existing open space, which is between Lane House and Art Building. The Lane House and trees along Dragon School contribute to the character and appearance of the Conservation Area. The application site would be very well screened due to the retention of Lane House and trees along Dragon Lane, therefore the views of the new building and its impact on the Conservation Area and Listed Buildings would be restricted.
- 10.25. Overall, on balance, it is considered that the proposed development will not harm either the character or appearance of the North Oxford Victorian Suburb Conservation Area and that the design of the building and its siting sits comfortably in the context of its surroundings. The visibility from the Conservation Area and surrounding listed buildings to the proposed building would be very limited. It is considered that the proposed building would have no harmful impact on the setting of the listed buildings. The proposed development is considered to preserve the character of the Conservation Area.
- 10.26. As stated in the report above, the proposed development will not harm the Conservation Area and the setting of listed buildings. Therefore, as there will be no harm the proposals meet the requirements of paragraphs 132-134 of the NPPF and Policy HE3 and HE7 of the Oxford Local Plan 2001-2016.

iii. Trees and landscaping

- 10.27. Trees along Dragon Lane and along the boundary with Norham End are proposed to be retained.
- 10.28. The proposal would involve the loss of 9 substantial trees. A Norway spruce, which has been identified as an 'A' quality category tree (i.e. the highest value), notwithstanding this categorisation, the tree makes only a limited impact to public view points and its form and incoherence with the landscape context and setting determine that its contribution to the character and appearance of the Conservation Area is not significant.
- 10.29. The best trees, in terms of visual amenity contribution and physical condition, are those that are visible through a narrow view point gained from Dragon Lane at the south-eastern corner of Lynam Hall; these are a large weeping willow and a mature Laburnum.
- 10.30. The most significant functional landscape features of the site are the hedge/tree-line along Dragon Lane, which provides screening and enclosure to the school site as well as imbuing a distinctive landscape character to the lane as a public route between Bardwell Road, Park Crescent and Benson Place; and the boundary trees to the south of the site, which provide mutual screening with Norham End, Benson Place. There is also a yew tree within the boundary of

Norham End (covered by a Tree Preservation Order) that contributes to screening and enclosing Norham End from the school. These elements are unaffected by the proposals. The loss of the weeping willow and laburnum trees will be mitigated through the proposed retention of the boundary hedge and trees fronting Dragon Lane, and the southern screen trees between the school site and Norham End; also the high standard of design indicated for landscape strategy proposals, which includes enhancements to various parts of the wider school site. An existing large Magnolia to the south of Lane House is proposed to be retained; whilst this tree has little relevance to the wider street scene, it is an excellent specimen that will provide an attractive feature of landscape maturity to the site; therefore its retention is welcomed as an element of good design. A new tree is proposed to be sited to the north of Lane House; this would provide some mitigation to the loss of the willow tree. The landscape strategy proposals require further development which is recommended to be secured under appropriate conditions.

10.31. The proposed development is therefore considered acceptable in terms of arboricultural impacts in regard to Oxford Local Plan Policies CP1, CP11, NE15 and NE16. The impact of the loss of trees is mitigated by the high standard of design indicated for landscape proposals, which respects the character and appearance of the area, and include landscape enhancements to various parts of the wider school site.

iv. Impact on Neighbouring Amenity

10.32. The proposed building would be located to the north of the Norham End development and to the west of Park Town properties. The distance between the proposed development and Norham End would be approximately 39m, the distance between the proposed building and the rear elevations of the properties in Park Town would be approximately 44m-50m. The distance from Park Town varies as a result of the shape of Park Town being laid out as a crescent.

10.33. It is considered that the proposed building would not have any detrimental impact on the neighbouring properties in terms of loss of light, overlooking or have an overbearing impact.

10.34. The existing distant views from rear elevations of Park Town properties are already restricted by the chimneys of Lane House and large trees along Dragon School.

10.35. Officers recommend that the proposed development complies with Policy HP14 of the Sites and Housing Plan.

v. Noise

10.36. The nature of the proposed use is in principle the same as the present, and an acoustic assessment report demonstrating that sound from the practice rooms would not harm the amenity of neighbours has been provided. The Stage 3 Acoustics Report applies conservative or 'worse case' assumptions regarding performance sound breakout from the new development. It also contains

recommendations for noise mitigation measures to be built in at the construction stage and maintained thereafter. A condition requiring a noise insulation scheme adopting these or similar measures is recommended.

- 10.37. Construction phase noise and vibration might, if carried out in an irresponsible way, cause unreasonable impact on neighbours. Therefore details of the measures to be adopted to minimise impacts from noise, fumes and other environmental emissions are recommended to be submitted in the Construction Environmental Management Plan (CEMP) as a requirement of a condition.
- 10.38. Heating and ventilation plant, including the proposed air source heating pumps, are likely to generate noise. Although noise of this sort is readily controlled, no acoustic details or mitigation measures have been submitted, therefore a condition is recommended to be imposed in order to maintain the existing noise climate and prevent noise creep in the interests of the residential amenities in accordance with Policies CP1, CP10, CP19 and CP21 of the Oxford Local Plan.
- 10.39. Representations from neighbouring residents include concerns about use of the facilities by 3rd parties, late into the evening and from outdoor events. In principle none of these should be expected to cause unreasonable impact or harm to the existing amenity and character of the area, provided that the school acts responsibly and complies with separate noise control and licensing legislation. The Council's noise departmental records give no reason to suggest that this has not been the case to date.
- 10.40. Various objections were received in terms of the impact of the proposed development on noise. The conditions, which are recommended to be imposed will maintain the existing noise climate and prevent noise creep. Subject to the recommended conditions being included the development is considered to comply with the requirements of Policy CP21 of the Oxford Local Plan 2001-2016.

vi. Transport, construction vehicles and cycle parking

- 10.41. The new music building would reduce the need for pupils to cross the road to access the existing music building. The proposed building would enable all teaching to take place on the same side of Bardwell Road. The proposed building is larger than the existing, however there is no increase in pupils or staff numbers. It is therefore considered that there would be no additional vehicular trips as a result of the development. Furthermore the area is currently within a Controlled Parking Zone and therefore any potential over-spill parking would be restricted. As this proposal is unlikely to cause an increase in vehicle movements, a travel plan or statement is not required.
- 10.42. The Technical Appraisal of Traffic and Highway Impact states that parents would continue to drop-off and collect their children as they currently do. There would be no vehicular or pedestrian access into the proposed Music School from either the south (Benson Place/Norham Road) or from the West (Dragon Lane). Therefore the proposed development is not considered to disturb the existing school traffic.

- 10.43. Construction would take place within a managed and secure site compound within the Dragon School site. Access to the compound would be via the dedicated driveway access off Norham Road. If deliveries cannot use the driveway, other routes may be to be considered such as through the main school site using the access from Bardwell Road. Entry and Exit of all vehicles would be supervised at all times by a banksman to ensure the safety of the public. The Technical Appraisal of Traffic and Highway Impact states that construction vehicles would not use Dragon Lane.
- 10.44. The Highway Authority did not object to the proposal, subject to conditions. The conditions included the requirement for a Construction Traffic Management Plan (CTMP) to be submitted and agreed prior to commencement of construction. The CTMP should include details of delivery and servicing arrangements, construction worker trips, routing of construction vehicles, mitigation measures, etc. It is also recommended that a condition is required for swept path analyses for construction and delivery vehicles using the accesses outline in the Transport Statement and that these are submitted as part of the CTMP.
- 10.45. Heavy construction vehicles could result in damage to kerbs and footways. Given the surfacing material of the local roads (in some areas granite setts rather than concrete kerbs), a dilapidation survey is requested from the applicant to establish the existing condition of the public highway. Any damage to the public highway would need to be remediated at the applicant's expense.
- 10.46. The application site is currently occupied by a hard play area including bicycle shelters. No details have been provided on the relocation of the cycle parking spaces. Therefore a condition is recommended to be imposed to provide details on the number, type, location, design of the new cycle store.

vii. Sustainability and Energy

- 10.47. Policy CP18 of the Oxford Local Plan states that Natural Resource Impact Analysis (NRIA) would be required for all major developments. For the purpose of this policy a major development is defined as 10 or more dwellings or 2000sqm or more of floorspace.
- 10.48. The proposed gross internal floorspace of the proposed new Music School is 1,636sqm therefore the NRIA is not required.
- 10.49. Policy CS9 of the Core Strategy states that all developments should seek to minimise their carbon emissions. Proposals for development are expected to demonstrate how sustainable design and construction methods will be incorporated. All development must optimise energy efficiency by minimising the use of energy through design, layout, orientation, landscaping and materials, and by utilising technologies that help achieve Zero Carbon Developments.
- 10.50. The applicant provided information regarding energy efficiency, the information can be found in the section 5.28 of the Planning Statement and in the Design and Access Statement. The Planning Statement states that "the energy strategy for

the building follows a 'fabric first' approach in line with the Energy Hierarchy, which is the most effective methodology to reduce the energy demand (and thereby carbon emissions) and utility costs of a building". Section 6.0 of the Design and Access statement demonstrated the energy strategy and what is being proposed to reduce the energy demand and utility costs of a building. The solar photovoltaic (PV) panels are being proposed. The PV panels would be located on the southeast and southwest facing pitched roofs.

10.51. It is considered that the proposed development, because of its design, materials, sun orientation, proposed PV panels, high efficiency and air source heat pumps would enable it to meet the energy performance measures required to meet Policies CP15, CP16 and CP17 of the Oxford Local Plan and Policy CS9 of the Core Strategy (2011).

viii. Flooding and drainage

10.52. The site is not in an identified area of high flood risk. Given the overall increase in impermeable area that would result from the proposed development, details of the drainage infrastructure is recommended to be required prior to commencement. This condition would also require details on how this is to be maintained in order to ensure the systems remain safe and functional for the lifetime of the development. In line with Policy CS11 of the Oxford Core Strategy, it is expected that Sustainable Drainage Systems (SuDS) would be used unless shown not to be feasible.

10.53. The principles of drainage set out in section 5.6 of the Design and Access Statement are generally acceptable. For previously developed sites, Oxford City Council would seek to limit discharge rates to greenfield runoff rates ideally, or if this is not feasible, then a degree of betterment should be provided. As noted in the Design and Access Statement Section 5.6, agreements should be sought with Thames Water when considering the drainage strategy.

10.54. A condition is recommended to be imposed to provide further details regarding drainage to ensure compliance with Policy CS11 of the Oxford Core Strategy.

10.55. Thames Water commented on the proposal. No objections were received from Thames Water, however they recommended two conditions to deal with the waste water infrastructure and surface water drainage and two informatives regarding groundwater risk management permit and water infrastructure capacity. The recommended conditions and informatives are included in the officer recommendation.

ix. Biodiversity

10.56. Policy CS12 of the Core Strategy states that opportunities will be taken (including through planning conditions or obligations) to ensure the inclusion of features beneficial to biodiversity (or geological conservation) within new developments throughout Oxford.

10.57. In addition to local policy, the NPPF sets out that "The planning system should

contribute to and enhance the natural and local environment by: minimising impacts on biodiversity and providing net gains in biodiversity where possible” and “opportunities to incorporate biodiversity in and around developments should be encouraged”.

- 10.58. Updated Phase 1 Habitat Report and Biodiversity Impact Assessment Calculation were submitted on the 7th December 2017. Officers reviewed the application documents including the revised Phase 1 Habitat Survey Report, Windrush Ecology November 2017 and a completed biodiversity metric confirming no net loss of biodiversity, provided the recommendations in the report for planting of trees, shrubs etc., plus bird and bat boxes are met. The revised Phase 1 Habitat Survey Report also details recommended building enhancements in the form of bird and bat boxes to be installed. Officers recommend that the findings of the report are acceptable.
- 10.59. However, recommendations in the revised Phase 1 Habitat Survey Report have not been taken up as firm commitments in revisions to either the site plans or the Design and Access Statement, therefore conditions are recommended to be imposed in the interests of improving the biodiversity of the City in accordance with NPPF and Policy CS12 of the Oxford Core Strategy 2026.
- 10.60. Furthermore, scrub, trees and buildings on site offer suitable habitat for nesting birds. All wild birds, their nests and young are protected during the nesting period under The Wildlife and Countryside Act 1981 (as amended), therefore an informative is recommended to ensure that removal of vegetation shall be undertaken outside of bird nesting season.

x. Air Quality

- 10.61. The Air Quality Assessment states that there will be no car parking spaces provided and it is anticipated that no road traffic will be generated by the proposed development. The technical appraisal of traffic and highway impact report confirms the information provided with the air quality assessment. The document states that the new facilities will not give rise to any net increase in traffic movements and that the number of vehicle trips made along Benson Place/Norham Road before and after construction will remain unchanged, as well as the number of parking spaces provided within the curtilage of the planning.
- 10.62. The emissions from the energy plant to be installed on site have not been modelled as part of this assessment as the combined emissions fall below the Environmental Protection UK and the Institute of Air Quality Management guidance criteria of 5mg/s.
- 10.63. A dust assessment has been submitted, to account for the potential impacts of the construction work. Mitigation measures have been identified which can be secured by condition.
- 10.64. Overall, the operational air quality impacts of the proposed development are considered to be not significant. A condition is recommended to be imposed to ensure that the Construction Environmental Management Plans shall be

submitted to and approved in writing by the Local Planning Authority in the interest of the amenities of neighbouring occupiers to comply with policies CP1, CP19 and CP21 of the Oxford Local Plan 2001-2016.

xi. Other- Archaeology, contaminated land

- 10.65. This site is of interest because is located on the edge of the Summertown-Radley gravel terrace, within an extensive landscape of Middle-Neolithic- Early Bronze Age ritual and funerary monuments and subsequent Iron Age and Roman rural settlement sites. A desk based assessment has been produced for this site by Oxford Archaeology (2017) which identifies that the site has the potential to contain below-ground archaeological remains dating to the later prehistoric and Roman periods.
- 10.66. In this case, bearing in mind the constraints placed on field evaluation by existing tree cover, the Officers recommend that, in line with the advice in the National Planning Policy Framework, any consent granted should be subject to an archaeological condition.
- 10.67. The development involves the creation of school facilities. School facilities are considered to be sensitive uses. The risk of any significant contamination being present on the site is low. However, it is the developer's responsibility to ensure that the site is suitable for the proposed use. Therefore, it is recommended that an informative is placed on any planning permission regarding unexpected contamination.

11. CONCLUSION

- 11.1. The proposed development complies with the National and Local policies. It makes the efficient use of land available. Officers are satisfied with the form, scale and appearance of the proposed music school and its relationship with surrounding development. The proposed development will not harm the Conservation Area and the setting of listed buildings. The proposed development is not considered to form an unneighbourly development and would not be detrimental to the amenities and living conditions of the neighbouring properties.
- 11.2. On the basis of the above, the officer recommendation is to grant planning permission subject to the conditions listed 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 the visual appearance of the North Oxford Victorian Suburb Conservation Area in which it stands in accordance with policies CP1, CP8 and HE7 of the Adopted Oxford Local Plan 2001-2016.

- 4 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. A landscaping plan shall detail species as recommended by Section 4 of the Phase 1 Habitat Survey Report 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 and in the interests of improving the biodiversity of the City in accordance with NPPF and policies CP1, CP11 and NE15 of the Adopted Local Plan 2001-2016 and CS12 of the Oxford Core Strategy 2026.

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

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

- 6 The development shall be carried out in strict accordance with the approved tree protection measures contained within the planning application details 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.

- 7 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.

- 8 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.

- 9 Details of the design of all new hard surfaces shall be submitted to and approved in writing by the Local Planning Authority.

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

- 10 No development shall take place until a written scheme of investigation (WSI) has been [submitted to and] approved by the local planning authority in writing. For land that is included within the WSI, no development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and

- The programme and methodology for trial trenching and subsequent archaeological recording and the nomination of a competent person(s) or organisation to undertake the agreed works.

- The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

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

- 11 No development shall take place until a Construction Environmental Management Plan shall have first been submitted to and approved in writing by the Local Planning Authority. The plan may refer, inter alia, to the following matters:

- signage for construction traffic, pedestrians and other users of the site;
- controls on arrival and departure times for construction vehicles;
- piling methods (if employed);
- earthworks;
- hoardings to the site, including to future adjacent development plots;

- noise limits;
- hours of working;
- vibration;
- control of emissions including dust odours and dirt;
- waste management and disposal, and material re use;
- prevention of mud / debris being deposited on public highway;
- materials storage; and
- hazardous material storage and removal

The approved Construction Environmental Management Plan shall be implemented accordingly throughout the demolition and construction phases of development, and will consolidate the various mitigation measures identified in the air quality assessment REP-AQA-23102017 Chapter 5 - Mitigation, submitted with the application

Reason: In the interests of the amenities of neighbouring occupiers, in accordance with policies CP1, CP19 and CP21 of the Oxford Local Plan 2001-2016, and in order to make sure that any residual effect from dust generating activities is considered not significant

- 12 A Construction Traffic Management Plan should be submitted to the Local Planning Authority and agreed prior to commencement of works. The CTMP should follow Oxfordshire County Council's template if possible. This should 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 local residents, including the adjacent care home.
 - Swept path analyses of construction/ delivery vehicles using access.
 - A Dilapidation Survey

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 cycle parking strategy including details of number, type and location should be submitted for approval of the Planning Authority to ensure that the development does not result in any net loss of cycle parking.

Reason: To encourage sustainable transport.

- 14 Prior to the commencement of development, plans, calculations and drainage details to show how surface water will be dealt with on-site through the use of

sustainable drainage methods (SuDS) shall be submitted to and approved in writing by the Local Planning Authority. The plans, calculations and drainage details will be required to be completed by a suitably qualified and experienced person in the field of hydrology and hydraulics.

The plans, calculations and drainage details submitted shall demonstrate that;

I. The drainage system is to be designed to control surface water runoff for all rainfall up to a 1 in 100 year storm event with an allowance for climate change.

II. The rate at which surface water is discharged from the site may vary with the severity of the storm event but must not exceed the greenfield runoff rate for a given storm event.

III. Excess surface water runoff must be stored on site and released to receiving system at greenfield rates.

IV. Network drainage calculation to demonstrate the above points

Any proposal which relies on Infiltration will need to be based on on-site infiltration testing in accordance with BRE365 or alternative suitable methodology, details of which are to be submitted to and approved by the LPA.

Details of a Sustainable Drainage (SuDS) Maintenance Plan shall also be submitted to and approved in writing by the Local Planning Authority, and adhered to for the lifetime of the development. 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, and 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 in perpetuity.

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

- 15 Prior to the commencement of development, a Sustainable Drainage (SUDs) Maintenance Plan shall be submitted to and approved in writing 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.

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.

- 16 Prior to the occupation of the development the drainage infrastructure shall be constructed in accordance with the approved details and thereafter retained. The development is to be maintained in accordance with the approved Sustainable Drainage (SUDs) Maintenance Plan.

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

- 17 Biodiversity enhancement measures as specified in Section 4 and the appendices of the Phase 1 Habitat Survey Report, Windrush Ecology, November 2017 shall be incorporated into the scheme and be fully constructed prior to occupation of the approved building and retained as such thereafter. These are as follows:

Four Ibstock Eco-habitat for swifts to be installed at the apex of the walls of the new building. Two of these boxes to be installed along the eastern sides of the building and two boxes to be installed along the western elevation.

A Schwegler 1SP box house sparrow will be erected on the eastern elevation of the new school building.

Removal of the mature trees to be undertaken by an experienced arboriculturalist and trees should be section felled, with checks for bats and any evidence of bats within the felled sections. In the very unlikely event that bats are encountered, works will stop and advice will be sought from an experienced ecologist.

2 Schwegler 1FR bat tubes to be installed along the southern elevation of the new building.

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

- 18 No occupation shall take place until the building has been insulated against noise breakout in accordance with a scheme that has been submitted to, and approved in writing by, the Local Planning Authority. Measures should be in accordance with recommendations made in the Stage 3 Acoustics Report by AMA Acoustics dated 20/10/17 or of an equal effect. There shall be no variation to the approved scheme unless otherwise agreed in writing beforehand by the Local Planning Authority.

Reason: To safeguard the amenities of the occupiers of nearby properties in accordance with policies CP9, CP19 and CP21 of the Oxford Local Plan 2001-2016.

- 19 In respect of any proposed air conditioning, mechanical ventilation or associated plant, the applicant shall ensure that the plant to be installed will meet the noise limit calculated for this purpose by Hoare Lee in their Report Planning Stage Acoustic Assessment Report of 21/02/2017. A noise control scheme, to include this confirmation and appropriate measures for noise management of the potential impact of staff arrival and departure and

deliveries and collections, shall be submitted for approval before the development is brought into operation

Reason: In order to maintain the existing noise climate and prevent ambient noise creep in the interests of the residential amenities in accordance with policies CP1, CP10, CP19 and CP21 Oxford Local Plan 2001-2016..

- 20 No development shall take place until a Construction Environmental Management Plan shall have first been submitted to and approved in writing by the Local Planning Authority. The plan may refer, inter alia, to the following matters:

- signage for construction traffic, pedestrians and other users of the site;
- controls on arrival and departure times for construction vehicles;
- piling methods (if employed);
- earthworks;
- hoardings to the site, including to future adjacent development plots;
- noise limits;
- hours of working;
- vibration;
- control of emissions;
- waste management and disposal, and material re use;
- prevention of mud / debris being deposited on public highway;
- materials storage; and
- hazardous material storage and removal

The approved Construction Environmental Management Plan shall be implemented accordingly throughout the demolition and construction phases of development.

Reason: In the interests of the amenities of neighbouring occupiers, in accordance with policies CP1, CP19 and CP21 of the Oxford Local Plan 2001-2016.

13. APPENDICES

Appendix 1 – Site Location Plan

Appendix 2 – Oxford Design Review Panel Letter

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.

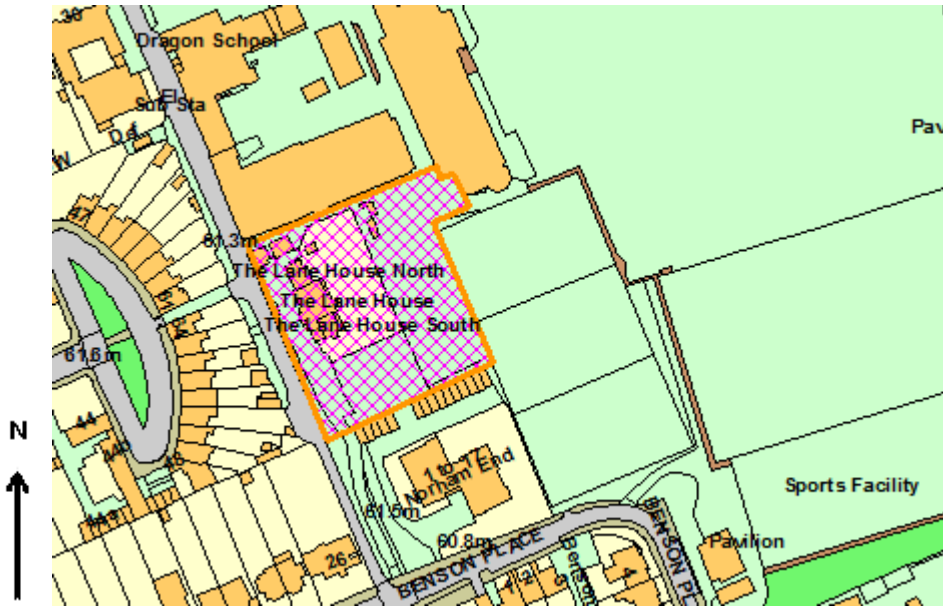
15. SECTION 17 OF THE CRIME AND DISORDER ACT 1998

- 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

17/02419/FUL - Dragon School



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Ordnance Survey 100019348

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Martin Johnson
The Dragon School
Bardwell Road
Oxford
OX2 6SS

6 July 2017

Our reference: DCC/0653

Oxford City Council: Dragon School

Dear Martin Johnson

Thank you for the opportunity to engage in the proposal for Dragon School at a follow-up ODRP design review on 22 June 2017. This is the third review for this site, but the first review of the current scheme by the new design and planning team – BGA Architects and JPPC – and was thus treated as a new scheme in the review discussion. The previous review of the scheme by the previous team was dated 29 June 2015, letter dated 8 July 2015.

Summary

We continue to acknowledge the great and urgent need for a new music building to provide Dragon School students with improved and easily accessible facilities that meet the high demands of the school and curricula. The current proposal seeks to retain Lane House which is supported as it provides housing for staff and is a charming, historic feature within the site. The contents of this letter expand on the ambition to place music at the heart of the school and to achieve the short and long term needs of the site and its surroundings.

The fresh approach to the scheme by the new design team, including some alterations to the brief by the client, is promising and a good progression from the previous scheme for this site. The broad design principles of the new proposal, clearly presented on the review day, are acceptable in principle and we support the building form which provides a sound basis to develop the detailed design. We welcome the general location of the building on the site, and its height and massing, which do not appear to impose negatively on the surrounding views or existing neighbourhood. The layout of external and internal spaces across the site broadly are beginning to work well and provide opportunities for adaptability and future planning if needed, which are important factors in the sustainable life cycle of buildings and sites. We suggest investigating if the proposed building could be shifted eastwards to improve its visibility and alignment with other buildings and routes within the school. There is now a much stronger focus on the

landscape design which strengthens the relationship between the new and the existing buildings and spaces, and provides potentially attractive outdoor areas for teachers, students and visitors.

Despite our support for most of the strategic design moves, we are less convinced by elements of the elevational treatment of the building, specifically the main entrance façade to the east, which does not place the music school confidently within the heart of the site or give the impression of the special use of the building. Furthermore, the entrance to the building is not legible from the route from which most people will arrive. In terms of the site planning, we encourage the team to be braver and to take more strategic moves to secure the long term potential of this site, building on the importance of the Dragon School to this part of North Oxford. We encourage the team to ensure that the proposal is not overly constrained by the immediate needs of the brief for the music facility. There is considerable scope to further maximise the potential of the site in the positioning of the building, and improve legibility and accessibility across the site and the hierarchy of open spaces, routes and entrances.

Design engagement

To deliver a scheme that effectively meets the needs of staff and students and embraces the local area, we encourage the team to take into account a wide spectrum of users and stakeholders who will be crucial to the development of the brief and the proposal. There is an opportunity to engage with students about the design process to help fine-tune the function and character of the proposal. This form of engagement is particularly important as students will in their daily lives be affected by the construction process. Parents and children, some of whom may live in the area, can also help to showcase and share the benefits of the proposal to other interested parties.

In liaison with local residents, the construction process is likely to be a crucial topic but does not appear fully thought through at this stage. We encourage the design team to consider operational issues that are likely to occur and plan ahead to help reduce any potential issues at the earliest possible stage, including vehicular access to and through the site, types and sizes of vehicles, noise, materials and build time. Materials that can be pre-fabricated off-site, for example, could help to cut build time and reduce noise and excessive disturbance.

Site layout, height and massing

Overall, we welcome the design approach to the brief and encourage the client and design team to build upon this approach in a wider masterplan proposal to clarify and solidify the ambitions for the school for the long term, indicating a clear hierarchy of routes, spaces and parking now, and in the future, as well as areas where temporary landscape treatments may be needed. This work will inform the site planning and

architectural design of the music facility. We suggest that future improvements/phases are communicated somewhere in the planning submission (e.g. the Design and Access Statement) to give confidence to the planning officers and local community that the right steps are being taken in the design and delivery of this scheme.

The proposed height and massing appear to be suitable in this context and in relation to neighbouring buildings, such as Park Town. When viewed from afar, the chimneys help to break down the overall mass of the buildings and respond well to the residential character of the area.

The building footprint and layout create a series of successful open and built spaces and routes that are legible, feel connected and provide future flexibility. We recommend investigating slightly shifting the building eastwards which will help to make the main entrance more prominent, and retain some existing trees that add to the character of the site and enlarge the courtyard space providing more space between the music facility and Lane House. To achieve these long term benefits, the loss of one tennis court may be required.

The residential and institutional uses and building characters of Lane House and the proposed music facility respectively could be strengthened as this relationship currently appears a little uncomfortable. We think that while the buildings may have different characters, the hard and soft landscaping could be used to effectively balance these two characters, for example materials that provide a sense of scale, such as paving stones as opposed to resin bound gravel which can appear scaleless.

Access and connectivity

We acknowledge the significant efforts to manage the level differences across the site, and think that in this respect the landscape design has been more successful than the building design. However, at present, the level differences between the internal and external spaces make access across these spaces overly convoluted for users, potentially impossible for wheelchair users. We strongly encourage the team to improve accessibility for all users and build upon the relationship between the spaces across the site. Some more thought is needed in terms of the steep level changes to the east of Lane House as the hedge buffer may not be sufficient.

Level access between the proposed recital hall and Lynham Hall is needed to provide a clear physical relationship between these spaces as they will be used together on a day-to-day basis and during events. We strongly encourage the design team to continue exploring the layout of and access to the spaces in further detail to achieve these aims, and suggest also adjusting the positioning of the recital hall to achieve a better connection. Through this work, the internal layout and character of the main entrance lobby and access to the recital hall from within the building could be improved. We also

recommend that adjustments are made now for the important connection between it and the Forum.

The proposed series of linked spaces across the site help with wayfinding and provide an implicit understanding of the site. We suggest clarifying the hierarchy of spaces and routes in a diagram to inform the detailed design of the landscape and building design. We recommend that the east-west route between Lynham Hall and the new music building be designed as a strong feature of the scheme, and a major access route for staff and students. In the current proposal it is compromised by being thought of as being subsumed into a future development of Lynham Hall. The storage area for theatre seating which protrudes from the recital into this route undermines the quality of this route by reducing its width.

We suggest strengthening the physical and visual links between the outdoors and indoor spaces. Providing direct views to the courtyard from strategic areas within the building, such as the main entrance, could help to capitalise on the concept of the courtyard and create a stronger green character across the scheme.

Open space and courtyards

The new courtyard to the west of the site which integrates school activities and provides open space for students and staff is working well. To create this useful open space, the proposed loss of trees on the site is justifiable, and the Magnolia tree at the centre of the courtyard is a welcome retention. However, we note the loss of the existing Birch tree which adds to the natural character of the area and skyline and encourage the team to provide species that are resilient to climate change and disease.

While the circular form of the western courtyard provides a successful change from the rectilinear building forms, we suggest investigating the oval form to create a more informal feel. Materials used in the outdoors should be integrated in other outdoor areas to create a coherence between the open spaces. However, these materials, such as corten steel, should also be considered carefully in terms of maintenance and use by children.

We also welcome the approach to the open space and seating area to the east of the main entrance, and its relationship to the access routes across the wider site. To allow more space for gathering, the tree could be located to one side as opposed to in the centre of this space.

We strongly recommend integrating the open space to the west of Lane House in the landscape proposals to avoid it becoming an unsightly, car dominated zone. This space could provide a private 'secret garden' and outdoor amenity space for staff residing in Lane House.

To create a more unified feel and character in the local area and maximise on the opportunity to strengthen the relationship of the site with its surroundings, we strongly encourage the team to improve visibility along the western boundary of the site. At present the school feels segregated from Park Town and Dragon Lane due to the thick green planting along this edge.

Building design

With regard to the elevations, the proposed external appearance of the building is vague in terms of its use and does not express its musical function which sits at the heart of the brief. While we support the use of brick, we suggest its colour is carefully considered in relation to Lane House. The elegant concept of the colonnade could also be undermined by the execution of brick detailing. We encourage the team to investigate other tones and/or materials.

We think that the rationale for the elevations, specifically the composition of windows, is confused and needs a much more consistent and rigorous vocabulary. The windows across the building could have a stronger relationship to one another, which could help define why and where windows are flush, inset, ordered and/or floating in the façade. While the elevation facing onto the western courtyard is promising, the elevations to the east and north of the site facing Lynham Hall are unwelcoming. We recommend reassessing the treatment of the main entrance façade and better integrating the stair core which currently appears overly dominant. The solar fins on the eastern façade make the building appear even more solid and austere from an oblique view, which is the view experienced by pedestrians approaching from the site entrance to the north. We suggest a sunlight and daylight and solar heating analysis is needed to justify the extent of fins for solar shading being provided for the building.

We welcome the gabled roof which responds to the residential character of the area but suggest this approach is consistently applied in the overall roof design, for example the north-west corner. In addition, there are a series of built-in issues in the roof design which raise some key concerns in the construction quality and costs, and ongoing maintenance of the building. These issues need to be resolved at this relatively early stage in the design, as they will have a material impact on the external appearance of the building, such as the height and frequency of chimneys. The photovoltaic panels incorporated in the roof are welcome but we encourage the team to further consider their layout and location on the roofscape. The single panels, for example, could be replaced by a continuous panel. The design detail and construction of the chimney and glazed roof will require careful design and may require specialised equipment to allow access for cleaning and maintenance, fire and draft prevention, whilst allowing for drainage. Further information on natural ventilation should be illustrated in the drawings.

Next steps

We are confident that the design team can address the key areas above and continue to build on their successful approach to the buildings and spaces. We recommend a follow up review of this scheme in due course.

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

Yours sincerely,

Victoria Lee

Design Council Cabe Senior Advisor

Email

Review process

Following a site visit and discussions with the design team and local authority, the scheme was reviewed on 22 June 2017 by Joanna van Heyningen (chair), Jessica Byrne-Daniel, Dan Jones, Colin Haylock, Paul Appleby and Martin Stockley. These comments supersede any views we may have expressed previously.

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.

cc (by email only)

Panel

Joanna van Heyningen
Jessica Byrne-Daniel
Dan Jones
Colin Haylock
Paul Appleby
Martin Stockley

Attendees

Martin Johnson	Dragon School
James Roach	BGS Architects
David Bonta	BGS Architects
Ben Roberts	BGS Architects
Nik Lyzba	JPPS

Design Council, Angel Building, 407 St John Street, London EC1V 4AB United Kingdom
Tel +44(0)20 7420 5200 Fax +44(0)20 7420 5300
info@designcouncil.org.uk www.designcouncil.org.uk @designcouncil



Dafydd Warburton LDA Design
Julia Drzewicka Oxford City Council

Design Council Cabe

James Harris Design Council Cabe
Victoria Lee Design Council Cabe

WEST AREA PLANNING COMMITTEE

Application Number: 17/01965/FUL

Decision Due by: 25th September 2017

Extension of Time: 24th January 2018

Proposal: Demolition of existing extensions. Erection of a basement and two single storey rear extensions. Insertion of 7no. rooflights and alterations to landscaping including formation of a new wall and railings. (Amended plans and description).

Site Address: 22 Charlbury Road, Oxford, OX2 6UU,

Ward: St Margarets Ward

Case Officer Tobias Fett

Agent: Mr James Roach **Applicant:** Mr & Mrs George Gunn

Reason at Committee: This application has been called in by Cllr Wade, Cllr Goff, Cllr Fooks and Cllr Wilkinson due to impact on the conservation area, impact of the proposed basement extension, light pollution and effects on residential amenity of a backland development.

1. RECOMMENDATION

1.1. West 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:

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 to demolish existing extensions and erect two single storey rear extensions as well as a basement extension to contain underground parking, with a car lift, turning circle, and landscaping. The proposals would be acceptable in principle having had regard to revised plans

which changed the proposed design and landscaping. The proposed design of the built form would be acceptable having had regard to its scale, mass and bulk. The choice of materials for the proposed development would be acceptable, subject to conditions requiring samples to be submitted. The living conditions provided within the enlarged dwelling would be acceptable. The proposed development would have an acceptable impact on the streetscene and on the character, appearance and special significance of the Conservation Area. Officers are satisfied that the proposed development would not lead to substantial harm to the Conservation Area. Existing trees along the boundary would be replaced and landscaping can be adequately addressed by condition. The proposed development would not lead to an unacceptable impact on neighbouring amenity.

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

- i. Principle of development;
- ii. Design/Heritage;
- iii. Neighbouring amenity
- iv. Transport
- v. Sustainability
- vi. Drainage
- vii. Trees, Biodiversity & Landscaping

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 at a projected amount of £31,089.29 for 257 sqm of additional floorspace.

5. SITE AND SURROUNDINGS

5.1. The site is a very large plot, containing a large detached dwelling within a residential area, which is part of the North Oxford Victorian Suburb Conservation Area. The area is characterised by larger properties set within generous plots. The front gardens of the properties tend to have a verdant and semi-rural appearance and there are examples of mature planting that contribute positively to the streetscene and Conservation Area. The rear gardens of properties in the area are also characterised by mature planting and the glimpses of these rear gardens are a significant aspect of the Conservation Area. Properties in this part of Charlbury Road tend to be used as family homes and incorporate typical Victorian features and materials.

5.2. The existing dwelling is an attractive double fronted Edwardian property with a large front garden, driveway and small brick boundary wall. The main house is constructed of red brick, hung tiles at the gable and tiled roof.

- 5.3. The property has been previously extended: a domestic office, likely soon after the dwelling was originally built, with more work carried out to that area in the 1950s to create a larger single storey extension for the kitchen.
- 5.4. The front garden has been planted informally, containing two mature trees, and some hedges along the boundary walls, with a side gate providing access to the rear.
- 5.5. Surrounding properties are of a similar scale, size and design and are fronted with informal gardens and bound by fences or walls with railings.
- 5.6. SITE LOCATION PLAN

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6. PROPOSAL

- 6.1. The development proposes the demolition of existing extensions, the erection of a basement, two single storey extensions and the insertion of seven roof lights with alterations to landscaping and a new wall with railings. Plans were originally submitted which included the development of an outbuilding; this was removed from the plans following concerns raised by officers.

7. RELEVANT PLANNING HISTORY

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

53/03297/A_H - Private garage. PDV 14th November 1953.

54/03692/A_H - Summerhouse. PDV 15th June 1954.

05/01176/CAT - Prune Wild Cherry and Crab Apple (rear garden) and two ornamental Cherry trees (front garden) in the NOVS Conservation Area at 22 Charlbury Road.. RNO 8th July 2005.

17/01965/FUL - Demolition of existing extensions. Erection of a basement and two single storey rear extensions. Insertion of 7no. rooflights and alterations to landscaping including formation of a new wall and railings. (Amended plans and description).. PDE .

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,	CS18_	HP9_	
Conservation/ Heritage	12	HE7, HE2,			
Housing	6	CP6, CP10,	CS2_	HP12_, HP13_, HP14_	
Commercial	1, 2				
Natural Environmental	9, 10, 11, 13	NE11,	CS9_, CS11_	HP11_	Energy Statement TAN
Social and community	8				
Transport	4		CS13_	HP15_, HP16_	Parking Standards SPD
Misc	5	CP.13, CP.24, CP.25		MP1	Telecommunications SPD, External Wall Insulation TAN,

9. CONSULTATION RESPONSES

9.1. Site notices were displayed around the application site on 15th August 2017. On 21st November 2017 a new set of site notices were displayed to alert local residents to the submission of amended plans. Advertisements were published in The Oxford Times newspaper on 10th August and 23rd November 2017.

Statutory and Non-Statutory Consultees

Oxfordshire County Council (Highways)

9.2. No comments were submitted

Oxford Preservation Trust

9.3. Objection, due to impact on character of Conservation Area, scale and massing and the principle of a car lift and turning circle as well as the front garden landscaping.

Linton Road Neighbourhood Association

9.4. Initial comments have been received: Objection, due to loss of character, massing, gaps between buildings, back garden development, materials, boundary treatment, street views, impact on neighbouring properties and biodiversity.

9.5. Further comments have been received for the revised plans. Suggested that the revised plans are too different from the original plans and that a new application should be submitted.

Oxford Civic Society

9.6. Objection, due to revised plans being too greatly different to the original submission.

9.7. Issues identified are impact on neighbouring properties, scale of extension and greenhouse, and loss of tree in front garden.

Victorian Group (OAAHS)

9.8. Objection, due to size of extensions and outbuilding and their impact on character of conservation area, proposed materials, principle of basement parking and the design of the front garden and landscaping.

Public representations

9.9. 9 local residents commented on this application from addresses in Northmoor Road, Northmoor Place, Bardwell Road, Belbroughton Road, Charlbury Road and Garford Road as well as Cllr L Wade (total of 10 residents)

9.10. In summary the main objection responses include the following issues (9 residents):

- Increase in built up space will increase pollution
- Detrimental effect on adjoining properties and character of area
- Overlooking and loss of privacy and light
- Overdevelopment, scale and design
- Light pollution

9.11. In summary the responses include the following neutral issues (1 resident):

- Consider character and heritage of site

Officer Response

- 9.12. Some concerns have been raised by local residents about the process associated with the application. The specific concerns relate to the submission of amended plans which altered the nature of the proposals and removed specific elements (including the outbuilding). Officers have carefully considered the concerns and sought advice about the process. Following the submission of amended plans a new set of site notices were displayed for a period of twenty-one days and an advert was placed in the newspaper. Officers did consider whether or not the amendments to the application should result in the submission of a new application; in reaching the view that this was not required officers came to the following views:
- The development has not materially departed from the original application and has not changed in substance.
 - Nevertheless, to ensure all interested parties had an opportunity to comment on the amended proposals, officers carried out a further consultation exercise.
 - The further consultation exercise provided interested parties with the same opportunity to comment as they would have had with a fresh application.
 - Having regard to all the circumstances, and having made a planning judgement as to the effect of the revisions, officers consider it would be unreasonable to require the applicant to make a separate new application, and cannot justify such action.
 - Householder applications are usually determined by officers under delegated powers. In this case however, the matter will be heard and debated by the planning committee. Interested parties may (by arrangement with the Council in advance of the meeting) speak and answer questions at the planning committee meeting.
- 9.13. On the basis of the above, officers have concluded that the appropriate process has been followed. The original application was for a large householder extension with a large outbuilding. The revised plans have removed the outbuilding and made some changes to the application, remaining the same application in substance.
- 9.14. Other comments received related to light pollution which has been considered. As the proposal focuses residential activities to the front of the plot which is characteristic of the area the additional light from the extensions would not be out of character and this should not form a basis for refusing the application.

10. PLANNING MATERIAL CONSIDERATIONS

10.1. Officers consider the determining issues to be:

- viii. Principle of development;
- ix. Design/Heritage;
- x. Neighbouring amenity
- xi. Transport

- xii. Sustainability
- xiii. Drainage
- xiv. Trees, Biodiversity & Landscaping

i. Principle of Development

10.2. The development proposed would be a proportionate addition to an existing dwelling and would therefore be considered acceptable in principle.

ii. Design/Heritage and Impact on Character of Surrounding Area

10.3. Revised plans have been received that no longer propose a greenhouse or formal landscaping. The assessment below relates to the amended plans.

Siting & Layout

10.4. The proposed development would be sited to the side and rear of the dwelling. The most visible aspect of the proposal would be the single storey library extension to the side and rear. This would not be unusual or uncharacteristic in the streetscene, as many properties have garages or small outbuildings. The mass, scale and design is appropriate, and will retain a sufficiently large gap to preserve a feeling of spaciousness which is a particularly important feature in the North Oxford Victorian Suburb Conservation Area.

10.5. The other rear extensions proposed would also be sympathetically sited to the rear, and away from any impact on neighbouring amenity. The siting of these developments would minimise their impact on the public realm.

10.6. The layout of the landscaping as originally proposed appeared very formal; revised plans have addressed this by putting forward a scheme that is more appropriate, particularly in the context of the streetscene and Conservation Area. Officers are satisfied that these matters can be dealt with by condition which would ensure that an appropriate scheme of landscaping and boundary treatments can be secured.

Appearance & Materials

10.7. The front elevation of the dwelling would remain largely unchanged, with a small subservient side extension, and the library extension also set back substantially. It would be similar to many garages/outbuildings, and would be screened with a side gate, which would also screen the car lift area.

10.8. Landscaping, a small boundary wall and railings are recommended to be conditioned to ensure appropriate designs to form an appropriate relationship with the Conservation Area.

10.9. The proposal is for a large single storey rear extension, which is broken down into three sections, which would project 9 metres at the furthest point from the house.

- 10.10. The library extension is designed in matching materials to the existing house, and has the appearance of a traditional outbuilding/garage, and would have a gabled roof covered in hung tiles.
- 10.11. The kitchen extension is designed with a stone fascia and a modest flat sedum roof with roof light and French windows, and would project 4.8m from the existing rear wall.
- 10.12. The lounge extension would project 1.5m more than the existing rear extension and have a more prominent flat sedum roof and solar panels slightly elevated with clerestory glazing and slim-line aluminium windows.

Conservation Area

- 10.13. The NPPF requires that all developments must be considered in the context of designated heritage assets. Where development would impact upon any designated heritage assets then the harm that would arise must be considered. Local Policy HE7 requires proposals to have regard to the special character and appearance of conservation area.
- 10.14. It is considered that the revisions to the proposals have overcome the majority of the previous concerns. Whilst the overall size and footprint has not been reduced, there are now improvements to the design which have raised the acceptability of the development as a whole. However, details could be improved to ensure the glazed doors are aligned with the clerestory glazing and raised section of roof above, officers are satisfied that these aspects of the development can be adequately addressed by conditions which are recommended in Section 12 of the report.
- 10.15. Although the front rooflights could be considered a distraction from the roof's appearance and these features are not characteristic of the streetscene or Conservation Area, officers consider that they could be installed without a grant of planning permission on the basis of permitted development (as set out in Part 1, Class C of the Town and Country Planning (General Permitted Development) Order 2015 (as amended)). On this basis, although the rooflights are not ideal aspects of the development it is not considered reasonable that they should form a basis for refusing planning permission.
- 10.16. The proposed replacement of the existing windows could require planning permission if materially altering the external appearance of the dwelling, which the change from single to double glazed units could result in. Officers would encourage slim double glazed units to be retrofitted into the existing frames if they are in a sound condition. If complete replacement is proposed the framing and glazing bars should match as closely as possible the size and profile of the existing, to ensure the slender elegant appearance of the existing windows is retained. Officers are satisfied that the proposed fenestration would be acceptable and a high quality of materials can be adequately secured through conditions.
- 10.17. It is acknowledged that the heritage report states that no photographic or written

documentary evidence has been found which confirms the original boundary treatment to the property, and that having a more visually permeable boundary treatment would be preferable in design terms. However, the recently endorsed North Oxford Victorian Suburb Conservation Area Appraisal (Oct 2017) states that *'most houses (in the Bardwell character area) were originally enclosed on the front by feather edged board fencing, often standing on a low brick wall of only three courses'* (p.30), and *'high front garden boundaries, sometimes introducing inappropriate railings, are contrary to the aesthetic of the area'* (p.32). Furthermore, the northern half of Charlbury Road falls outside of the known railings area as shown in the North Oxford Railings guide.

- 10.18. The proposed railing design does not relate to any design in the guide and from the information currently available, it is considered that a feather edged board fence on top of a low brick wall would be the most appropriate form of front boundary treatment. Officers have considered the potential harm arising from the proposed railings on this basis. It is considered that featheredged board fencing would be more appropriate than railings, but railings would not be harmful. Therefore in principle railings could be acceptable, subject to the design details, which can be secured by condition.
- 10.19. There is no principle objection to a basement and car lift. It would have no harmful impact on the Conservation Area as the basement would not be visible. The car lift would be screened by a timber gate, and therefore this part of the proposal would be acceptable in design terms and in the context of the Conservation Area.

Design/Heritage Conclusion

- 10.20. The proposals have been carefully considered in terms of their siting, appearance and choice of materials. Officers consider that the proposed development would not result in a harmful impact on the character, appearance and special significance of the Conservation Area for the purposes of Paragraph 132 of the NPPF. Any harm that would arise from the cumulative impacts of the proposed development; specifically the presence of some more contemporary additions (including rooflights on the front elevation) would be considered to be less than substantial harm. Paragraph 134 of the NPPF requires that any less than substantial harm should be weighed against the public benefits that arise from the proposal. Whilst in this case the public benefits arising from a householder development are harder to identify it is considered that the proposals do offer the opportunity to modernise and improve an existing dwelling. On this basis the proposed development would be considered acceptable in design terms and in terms of its impact on the Conservation Area having had specific regard to the less than substantial harm that would arise from the development and the requirement of Policies CP1, CP8 and HE7 of the Oxford Local Plan 2001-2016, Policy CS18 of the Core Strategy (2011) and Paragraphs 132-134 of the NPPF.

iii. Impact on Neighbouring Amenity

Privacy and Light

- 10.21. The proposed development would be extending a detached dwelling on a large plot and would be sited a sufficient distance from neighbours to protect their privacy. The development would not lead to an unacceptable loss of privacy or light. The proposal meets the requirements of the 45/25 degree code as set out in Policy HP14 of the Sites and Housing Plan (2013).

Overbearing

- 10.22. The revised plans show a more modest and scaled back design. The development would not appear overbearing in its impact on residential amenities. The overall height of the development would not be considered to be an unneighbourly form of development having had regard to the width of the plot and existing boundary treatments.

iv. Transport

- 10.23. The proposal contains a basement extension that would provide space for two car parking spaces, as well as enough space to store bikes, and other plant and equipment. The proposed development would make use of an existing access onto Charlbury Road.
- 10.24. The proposal contains a car lift and a basement car turntable to access the parking spaces. This would ensure that any vehicles making use of the car lift would be able to enter the highway in a forward gear.
- 10.25. The driveway also provides off-street parking for two cars if needed.
- 10.26. The proposals would not lead to an excessive increase in car parking that would be contrary to Policy HP16 of the Sites and Housing Plan (2013). Officers are satisfied that the development would not lead to a detrimental impact on highway safety and the development complies with the requirements of Policy CP10 of the Oxford Local Plan 2001-2016.

v. Sustainability and Energy

- 10.27. The proposed development would make use of sustainable building methods and materials, and install energy saving measures such as solar roof panels. Officers have considered the acceptability of solar panels in this location and conclude that these can be sensitively sited in such a way that they would not give rise to a harmful impact on the character, appearance and special significance of the Conservation Area. It is recommended that a condition is included that relates the detailed specifications for the solar panels to ensure that these are provided and are appropriately specified.

vi. Drainage

Flooding

10.28. The site is situated within Flood Zone 1 and is therefore not in an area of defined high flood risk.

Sustainable Drainage

10.29. Considering the scale of the proposed development it would lead to a significant increase in built area (approximately 110m²). However, having had regard to the existing situation on this site it is considered that drainage could be adequately dealt with by a condition requiring the submission and approval of a SuDs compliant drainage scheme (including permeable paving surfaces for all exterior hardstanding).

Basement

10.30. A Flood Risk Assessment (FRA) prepared by Solid Structures has been submitted, and states that the Council's Level 1 Strategic Flood Risk Assessment (L1 SFRA 2011) does not indicate that the area as having issues of flooding from ground water sources. The FRA does not give any details on how the proposals will affect ground water from the construction of the basement. It is noted that there are public concerns on what effect the development will have on the ground water table.

10.31. Policy NE.11 requires the following;

Planning permission will not be granted for development that would have an adverse impact on groundwater flow. The City Council will, where necessary, require effective preventative measures to be taken to ensure that the flow will not be obstructed.

10.32. The proposed basement, measures approximately 207m². From review of the plans the basement would extend approximately 3m below the existing ground surface and would span 14 of the 16m width of the site. It is noted that the proposal also includes a car lift which it not known the extent in which the lift would need to extend under the ground for footings and installation. Considering this, the proposal could have a significant effect on groundwater flow.

10.33. An evaluation in regards to the above policy has not been provided. Considering the scale of the proposal it is considered that an evaluation in regards to Council's Policy NE.11 is required. Given this, it is recommended that a condition requiring the submission and approval of a Groundwater table and Groundwater Flow Assessment Report and mitigation measures are submitted prior to the commencement of the development. Officers have included a condition to ensure that these requirements are met.

Drainage Conclusion

10.34. The proposal can be mitigated by the imposed conditions and is therefore acceptable, as it is in accordance with Policy NE11 of the Local Plan and CS11 of the Core Strategy

vii. Trees, Biodiversity & landscaping

- 10.35. The proposals require two flowering cherry trees to be removed from the front garden of 22 Charlbury Road. One of these trees is partially dead and the other has a low spreading crown that obstructs reasonable use of the access drive; pruning of the latter to increase head clearance over the drive would be significantly detrimental to its appearance and amenity value. Officers agree with the Tree Survey Report and consider that visual amenity in the area and the appearance and character of this part of the North Oxford Victorian Suburb Conservation Area would benefit from these trees being removed and replaced with two new trees of appropriate species.
- 10.36. The application offers the opportunity to deliver the benefit of additional landscaping but the soft landscaping proposals as specified in the current application are not acceptable. The tree planting included would not adequately mitigate the impact of removing existing trees and the current design does not fit well within the Conservation Area. Despite this it is considered that adequate planting can be secured by condition.
- 10.37. On the basis of the above, officers consider that specific conditions relating to landscaping can adequately address the need to provide an acceptable planting scheme that contributes positively to the character, appearance and special significance of the Conservation Area. As a result, the development would comply with the requirements of Policies CP1, CP11 and NE15 of the Oxford Local Plan 2001-2016.

viii Other

Light pollution

- 10.38. The proposal includes some roof lights to the rear extensions. These are in keeping with the residential character and scale of the development and will not be unusual in this residential area. The proposal will contain residential activities to the front of the plot, like surrounding properties, therefore any increase in light emissions from these new extensions will be at a scale and activity level in keeping with other surrounding residential uses, and would not amount to a harmful increase in light pollution.

Archaeology

- 10.39. The application site lies in an area of potential archaeological interest, as a result officers recommend a condition is included to require an archaeological investigation prior to the start of work.

11. CONCLUSION

- 11.1. The proposed development is considered to be in accordance with policies of the NPPF and the local development plan, and would therefore be acceptable,

subject to the recommended conditions as set out in Section 12 of the report 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 are to be made available on site (brick sample panels), and details 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: 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 Prior to commencement of the development a Groundwater table and Groundwater Flow Assessment Report prepares by a suitably qualified and experienced professional in the field of geotechnical engineering or science is to be submitted to and approved by the Local Planning Authority. The Groundwater table and Groundwater Flow Assessment Report is to provide an investigation and evaluation of the existing geotechnical conditions (including details of the groundwater table/level and any aquifers the proposal may affect), an evaluation of the existing groundwater flow conditions, the likely effects of the proposed basement on groundwater flows as well as any mitigation measures which will ensure the development will not have an adverse impact on groundwater flow (i.e. the introduction of free flowing material to ensure that water passes around the basement freely). The proposal will require an onsite intrusive geotechnical investigation outlining the onsite conditions, as well as an assessment of the likely effects of contamination which may be located on the site.

The suitability of ground conditions for the use of soakaways and permeable paving are also to be assessed in accordance with the requirements of BRE365 or British Standard infiltration testing measures/methods are also to be presented within the report.

Any proposed mitigation measures outlined within the Groundwater table and Groundwater Flow Assessment Report are to be implemented onsite and maintained for the life of the development.

Reason: To avoid increase in flood risk in accordance with policies CS11 of the Oxford Core Strategy 2011-2026 and provide adequate information in accordance with Council's Policy NE.11

- 5 Prior to the commencement of development, plans, calculations and drainage details to show how surface water will be dealt with on-site through the use of sustainable drainage methods (SuDS) shall be submitted to and approved in writing by the Local Planning Authority. The plans, calculations and drainage details will be required to be completed by a suitably qualified and experienced person in the field of hydrology and hydraulics.

The plans, calculations and drainage details submitted shall demonstrate that;

- i. The drainage system is designed to control surface water runoff for all rainfall up to a 1 in 100 year storm event.
- ii. The rate at which surface water is discharged from the site may vary with the severity of the storm event but must not exceed the current runoff rate and be aimed at reducing runoff to greenfield runoff rate for a given storm event.
- iii. Excess surface water runoff must be stored on site and released to receiving system at as close to greenfield rates as possible.

Any proposal which utilizes infiltration via a soak away is to be based on onsite geotechnical testing.

Prior to the occupation of the development the drainage infrastructure shall be constructed in accordance with the approved details and thereafter retained and maintained.

Reason: To ensure a proposal specific drainage designs is submitted for the development and ensure compliance with Policy CS11 of the Oxford Core Strategy 2011-2026.

- 6 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 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 Roman remains (Local Plan Policy HE2).

- 7 Notwithstanding the submitted landscape proposals, 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.

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

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

- 9 The development shall be carried out in strict accordance with the approved tree protection measures contained within the planning application details 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 following details 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:

1. Large scale joinery and finish details of all new external doors and windows
2. Large scale drawn details of the roof junctions of the new extensions, including eaves, fascias, bargeboards and clerestory glazing, and methods of surface water drainage
3. Large scale details of rooflights, which should be traditional conservation types with slender metal frames and fitted flush to the roof plane

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.

- 11 Notwithstanding the approved plans, further details of the new front railings shall be submitted to, and approved in writing by, the Local Planning Authority, to show:
- a) large scale elevations of railings and low brick wall design
 - b) fixings to the new boundary wall/plinth
 - c) colour and finish of the new railings and gate
 - d) either by sample or by large scale drawing profiles and sections of the different elements of the new railings and gate
 - e) any security or opening/closing devices

- f) details of automated gates and method of opening

The above details shall be approved prior to the installation of the railings and the works shall be carried out in accordance with the approved details only.

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.

- 12 Prior to the commencement of the approved development, details relating to the specification, location and design of the solar panels shall be submitted to and approved in writing by the Local Planning Authority. Only the approved solar panels shall be installed in accordance with the approved details.

Reason: To secure appropriate low carbon energy production on site and to ensure that solar panels are not incongruously sited in a way that is detrimental to the character, appearance and special significance of the Conservation Area as required by Policy CP1, CP8 and HE7 of the Oxford Local Plan 2001-2016 and Policy CS9 of the Core Strategy (2011).

13. APPENDICES

Appendix 1 – Site Location Plan

Appendix 2 - etc.

14. HUMAN RIGHTS ACT 1998

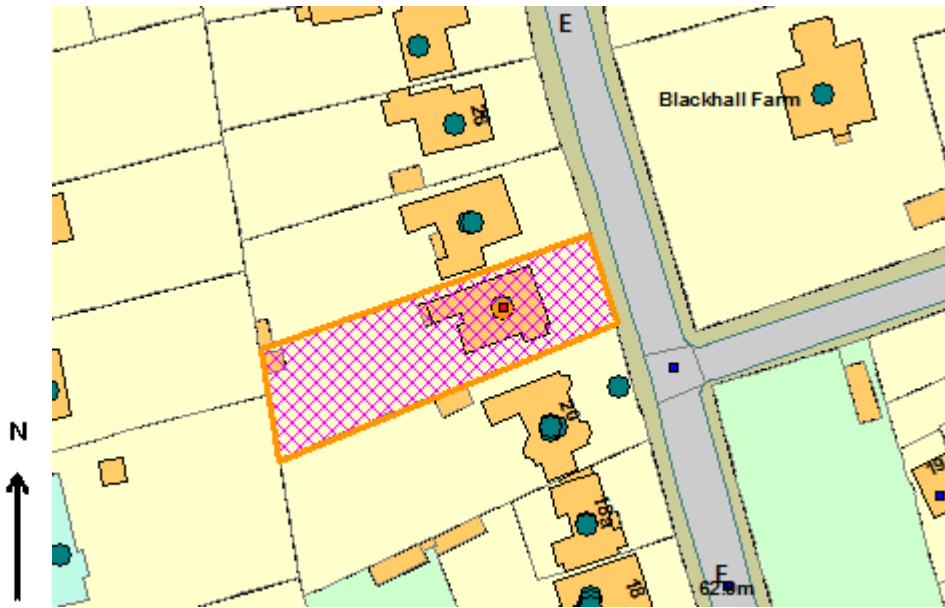
- 14.1. Officers have considered the implications of the Human Rights Act 1998 in reaching a recommendation to approve this application. They consider that the interference with the human rights of the applicant under Article 8/Article 1 of Protocol 1 is justifiable and proportionate for the protection 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.

Appendix 1

17/01965/FUL – 22 Charlbury Road



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WEST AREA PLANNING COMMITTEE

16th January 2018

Application Number: 17/02495/RES

Decision Due by: 10th January 2018

Extension of Time:

Proposal: The outline planning application (13/02557/OUT) was an Environmental Impact Assessment application and an Environmental Statement was submitted. Approval of all reserved matters was granted (14/02402/RES) under condition 5 of the outline planning permission. This application seeks approval of amended reserved matters in respect of the use and internal reconfiguration of floorspace located in building 2 (upper ground), building 3 (upper ground) and building 4 (first and second floors)

Site Address: Westgate Shopping Centre, Bonn Square, Oxford

Ward: Carfax Ward

Case Officer Andrew
Murdoch

Agent: Mr Rory McManus **Applicant:** Westgate Oxford Alliance

Reason at Committee: Major Application

1. RECOMMENDATION

1.1. The West 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

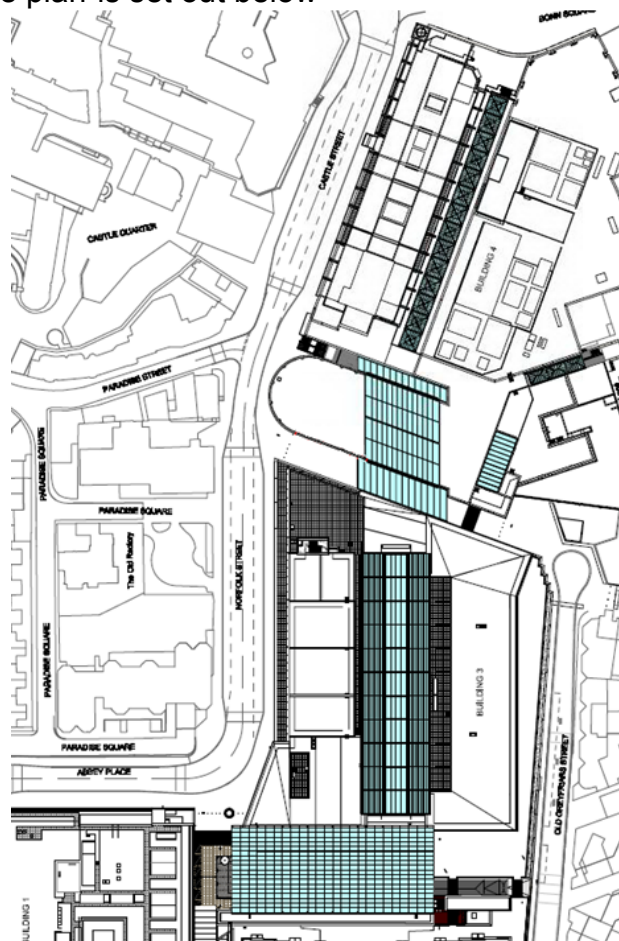
2.1. This report considers an additional reserved matters application relating to the outline planning permission (with all matters reserved) for a retail-led mixed-use

development of the former Westgate Shopping Centre, Multi-storey and Surface level car-park under reference 13/02557.

- 2.2. The application is seeking permission with respect of the uses and/or internal reconfiguration of the floorspace located in Building 2 (Upper Ground), Building 3 (Upper Ground) and Building 4 (Upper Ground, First, and Second Floors).
- 2.3. The West Area Planning Committee approved a similar reserved matters application for clarification of uses and reconfiguration of the spaces for other parts of the centre under reference number 17/00460/RES in June 2017.
- 2.4. The key matters for assessment set out in this report include the following:
 - Alterations to Use Classes on Reserved Matters Floor Plans
 - Internal Reconfiguration of Floor plans
 - Conformity to the Environmental Statement and its addendum

3. SITE AND SURROUNDINGS

- 3.1. The site relates to the Westgate Shopping Centre which covers an area of approximately 5.9ha, and extends from Bonn Square in the north to Thames Street in the south and from Castle Mill Stream in the west to Old Greyfriars Street and Pennyfarthing Place in the east
- 3.2. A copy of the site plan is set out below



4. PROPOSAL

- 4.1. In March 2014 outline planning permission with all matters reserved was granted by the West Area Planning Committee for a retail-led mixed use development of the former Westgate Shopping Centre, Multi-Storey and Surface Level Car Park and Abbey Place Car Park under reference 13/02557/OUT. The reserved matters for the layout, scale, appearance, and landscaping of the development was subsequently approved under reference number 14/02402/RES by the West Area Planning Committee meeting on the 25th November 2014.
- 4.2. The centre began trading on the 24th October 2017, with the entire scope of the works approved as part of the outline and reserved matters permissions to be completed by early 2018.
- 4.3. The current application is an additional reserved matters application that is seeking permission with respect of the uses and/or internal reconfiguration of the floorspace located in Building 2 (Upper Ground), Building 3 (Upper Ground) and Building 4 (Upper Ground, First, and Second Floors).
- 4.4. The reserved matters (layout, scale, appearance, and landscaping) previously approved under application 14/02402/RES will be unaffected by this application which would relate solely to the use and configuration of the floorspace subject to this application.

5. RELEVANT PLANNING HISTORY

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

13/02557/OUT - Demolition of southern part of Westgate Centre, 1-14 Abbey Place and multi-storey car park, retention of library, refurbishment of remainder of the existing Westgate Centre and construction of a retail-led mixed use development together providing A1 (retail), A2 (finance and professional services) and/or A3 (restaurants and cafes) and/or A4 (public house, etc.) and/or A5 (hot food takeaways) uses, C3 (residential) use and D2 (assembly and leisure) uses, public toilets, associated car and cycle parking, shopmobility facility, servicing and access arrangements together with alterations to the public highway (Amended plans and further information). APPROVED

14/02402/RES - Demolition of southern part of Westgate Centre, 1-14 Abbey Place and multi-storey car park, retention of library, refurbishment of remainder of the existing Westgate Centre and construction of a retail-led mixed use development together providing A1 (retail), A2 (finance and professional services), and/or A3 (restaurants and cafes and/or A4 (public houses, etc.) and/or A5 (hot food takeaways), uses, C3 (residential) use and D2 (amenity and leisure) uses, public toilets, associated car and cycle parking, shopmobility facility, servicing and access arrangements together with alterations to the public highway (Reserved matters of outline planning permission 13/02557/OUT seeking permission for detailing of appearance, landscaping, layout and scale). APPROVED

16/01495/RES - The outline planning application (13/02557/OUT) was an Environmental Impact Assessment application and an Environmental Statement was submitted. Approval of all reserved matters was granted (14/02402/RES) under condition 5 of the outline planning permission. This application seeks approval of amended reserved matters for the appearance of a proposed canopy over Bridge 13 (connecting Buildings 3 and 4) only. All other reserved matters previously approved remain unaffected. APPROVED

16/02139/RES - The outline planning application (13/02557/OUT) was an Environmental Impact Assessment application and an Environmental Statement was submitted. Approval of all reserved matters was granted (14/02402/RES) under condition 5 of the outline planning permission. This application seeks approval of amended reserved matters for the appearance, landscaping, layout and scale of part of the rooftop garden space of Building 3: APPROVED

16/02620/RES - The outline planning application (13/02557/OUT) was an Environmental Impact Assessment application and an Environmental Statement was submitted. Approval of all reserved matters was granted (14/02402/RES) under condition 5 of the outline planning permission. This application seeks approval of amended reserved matters for the appearance of the east elevation of Building 2 and 3 in respect of a revised window arrangement. APPROVED

17/00460/RES - The outline planning application (13/02557/OUT) was an Environmental Impact Assessment application and an Environmental Statement was submitted. Approval of all reserved matters was granted (14/02402/RES) under condition 5 of the outline planning permission. This application seeks approval of amended reserved matters in respect of the use and internal reconfiguration of floorspace located in Building 2 (Second Floor), Building 3 (Lower Ground, Upper Ground, First and Second Floors) and Building 4 (Lower Ground and Upper Ground Floors). APPROVED

17/00719/RES - The outline planning application (13/02557/OUT) was an Environmental Impact Assessment application and an Environmental Statement was submitted. This application seeks approval of amended reserved matters for the appearance of the southern elevation of Building 4 in respect of a revised window design, including the introduction of a door. APPROVED

6. RELEVANT PLANNING POLICY

6.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework (NPPF)	Local Plan	Core Strategy	West Area Plan	End Action	Other Planning Documents
Design		CP8, CP9, CP10,				
Commercial		CP5, RC3, RC4, RC5, RC12,	CS1, CS5, CS31,	WE20, WE23		
Misc		CP1	CS2	MP1		

7. CONSULTATION RESPONSES

7.1. Site notices were displayed around the application site on the 30th October 2017 and an advertisement was published in The Oxford Times newspaper on 26th October 2017.

Statutory and Non-Statutory Consultees

Oxfordshire County Council (Highways)

7.2. No comment to make.

Natural England

7.3. No comment to make

Historic England

7.4. No comments to make

Public representations

7.5. No comments have been received.

8. PLANNING MATERIAL CONSIDERATIONS

8.1. Officers consider the determining issues to be:

- i. Alterations to uses classes listed on floor plans

- ii. Internal reconfiguration of floor plans
- iii. Conformity to the Environmental Statement and its addendum

i. Alterations to use classes listed on floor plans

- 8.2. The need for this application has arisen from the leasing campaign that is underway to secure tenants throughout the Westgate development. During this process, prospective tenants of certain demises have been seeking clarification from the Westgate Alliance of the permitted uses, as well as expressing a need for reconfigured floorspace, in the context of what is shown on the approved reserved matters drawings.
- 8.3. The original outline and reserved matters applications approved under reference numbers 13/02557/OUT and 14/02402/RES granted planning permission for the overall redevelopment of the centre to allow for
- Class A1: 81,922 m²
 - Classes A2 and/or A3 and/or Class A4 and/or Class A5: 26,712 m²
 - Class C3: 8,500 m²
 - Class D1: 200 m²
 - Class D2: 5,986 m²
 - Toilets: 1,550 m²
- 8.4. The detailed drawings approved under reserved matters application 14/02402/RES identified specific use classes for each unit and ancillary back-of house areas throughout the Westgate development and although not identified specifically as such, was intended to be illustrative as uses had already been approved under the outline planning permission. This has resulted in a number of the approved floor plans including a specific use class for a respective unit (i.e. A1 or A3) which limits the flexibility for this unit to be let for all of the uses allowed under the original outline planning permission.
- 8.5. This anomaly on the approved reserved matters plans effects 6 units across Buildings 2, 3 and 4. In order to provide certainty for prospective tenants, the application seeks formal clarification that the floorspace within these respective units may be used for the range of uses allowed under the outline planning permission. The amount of floorspace in any particular use will remain within the approved minimum and maximum floorspace limits in condition 12 of the outline planning permission.
- 8.6. Having regards to the fact that the outline planning permission sets the minimum and maximum floor space limits for the development under condition 12 of the outline planning permission and this would remain in place following such a change, officers would raise no objection to the proposal to amend the floor plans as they would not materially alter the development. The need for the Alliance to have flexibility to let all of the units within the scheme under the terms granted through the outline planning permission is understood.

ii. Internal reconfiguration of floor plans

- 8.7. In addition to the amendments to the uses shown on the reserved matters plans, the application is also seeking permission for amendments to some of the floor layouts set out at reserved matters stage.
- 8.8. Again this has come about through the leasing campaign for the development and the individual requirements of prospective tenants who are looking to take on the respective units. The proposed changes are set out in the table below

Application site	Change to details shown on approved reserved matters drawings
AS3	Subdivision of one unit into two units and associated re-sizing of unit
AS4	Subdivision of one unit into two units and associated re-sizing of unit
AS5	Amalgamation of two units into one unit

- 8.9. The changes to the configuration of the units would not materially alter the scheme from that approved at outline and reserved matters stage and allow the Westgate Alliance more flexibility to let the units. Moreover the proposed changes would not conflict with the relevant development plan policies in the Oxford Core Strategy 2026, Oxford Local Plan 2001-2016, and West End Area Action Plan

iii. Conformity to the Environmental Statement and its addendum

- 8.10. The outline planning application for the Westgate development was accompanied by an Environmental Statement (September 2013) and Environmental Statement Addendum (January 2014). The reserved matters application was also accompanied by an Environmental Statement (August 2014) and Environmental Statement Addendum (September 2014).
- 8.11. This reserved matters application would constitute a 'subsequent application' under Regulation 2(1) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. As such the likely significant effects of the proposed development need to be considered.
- 8.12. The covering letter submitted in support of this application confirms that all details remain as previously approved under the outline planning permission (in terms of use) and subsequent reserved matters (in terms of details of appearance, landscaping, layout and scale) with the exception of the minor internal changes to the configuration of the floor space above. As such the Application proposals do not give rise to any new or different likely significant effects to those identified and assessed previously.

9. CONCLUSION

- 9.1. 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.

10. 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.

11. APPENDICES

Appendix 1 – Site Location Plan

12. HUMAN RIGHTS ACT 1998

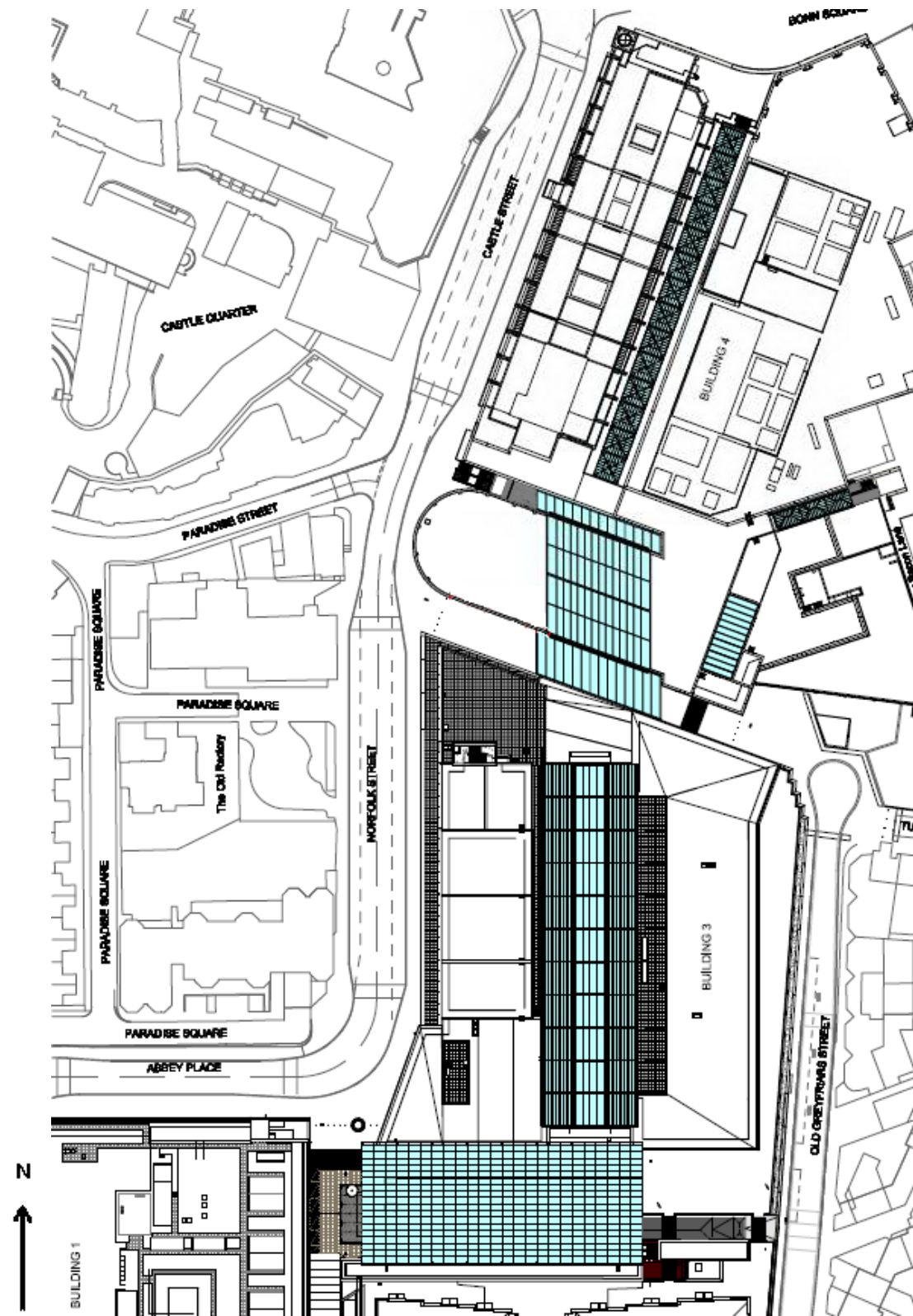
- 12.1. Officers have considered the implications of the Human Rights Act 1998 in reaching a recommendation to grant permission this application. They consider that the interference with the human rights of the applicant under Article 8/Article 1 of Protocol 1 is justifiable and proportionate for the 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.

13. SECTION 17 OF THE CRIME AND DISORDER ACT 1998

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

Appendix 1

17/02495/RES – Westgate



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WEST AREA PLANNING COMMITTEE

Application Number: 17/03039/LBC

Decision Due by: 19th January 2018

Extension of Time: 24th January 2018

Proposal: Internal and external alterations to ground floor and basement in association with the redevelopment of the Museum of Oxford, including the installation of 2 platform lifts, opening-up of a blind arcade, installation of raised platform and steps, removal of wall sections and partitions, new partitions, new openings, damp-proofing works to basement, and other internal alterations; re-glazing of external pavement lights, and alterations to south west external entrance door.

Site Address: Town Hall, St Aldate's, Oxford, Oxfordshire

Ward: Holywell Ward

Case Officer: Amy Ridding

Agent: Miss Suzanna Crabtree **Applicant:** Ms Vanessa Lea

Reason at Committee: Oxford City Council are the applicant

1. RECOMMENDATION

1.1. West 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 listed building consent subject to:

1. Historic England raising no objection to the application.

(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 proposed works to the grade II* listed Town Hall in

association with the Heritage Lottery Funding bid for the redevelopment of the Museum of Oxford. The works include the rationalisation of the museum entrances, improved visitor access and the removal and improvement of existing unsympathetic modern interventions. Overall the proposed scheme would bring substantial public benefits to the city and result in much needed improvements to the museum, including some which would better reveal the significance of the listed building. It is considered that the design of the intervention into the blind arch needs resolving in order to ensure that the less-than-substantial harm caused has been appropriately mitigated.

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

- Impact on the special architectural and historic interest of the grade II* listed building.

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 Museum of Oxford occupies the south western corner of the Town Hall, which is sited at the northern end of St Aldates on the corner of Blue Boar Street, in a prominent central location. The Town Hall is a grade II* listed building located within the Central Conservation Area.

5.2. Site location plan:

N



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6. PROPOSAL

6.1. The application proposes internal and external alterations to the areas of the ground floor and basement of the Town Hall in association with the redevelopment of the Museum of Oxford. The internal alterations include the installation of two platform lifts, opening-up of a blind arcade, installation of a raised platform and steps, removal of wall sections and partitions, new partitions, new openings, and damp-proofing works to the basement. Externally, the alterations include the re-glazing of basement windows and changes to south west external entrance door. Following Officer's and Historic England's assessment of the application, amended plans have been requested to improve the quality of design of the proposed glazing and doorway in the new arched opening to ensure the harm caused to the understanding of the buildings layout is appropriately mitigated and does not detract from the exceptional architectural quality of the existing building.

7. RELEVANT PLANNING HISTORY

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

55/04910/A_H - Alterations to form office. PER 8th November 1955.

55/04911/A_H - Additional two storeys over lavatory. PER 8th November 1955.

65/16290/A_H - Alterations to form additional ladies lavatory accommodation. PER 21st May 1965.

71/25030/A_H - Internal alterations and formation of new window. PER 14th December 1971.

75/00979/LH_H - Erection of high level sign and notice board for Museum of Oxford Town Hall. PER 3rd December 1975.

77/01094/P_H - Banner to be displayed across frontage of Town Hall. REF 4th January 1978.

89/00256/L - Consent to alter the Assembly Room and the Former Reference Library. PER 14th February 1981.

90/00783/L - Listed Building consent for internal canopy at main entrance to house warm-air curtain. PER 28th March 1991.

90/01051/L - Listed Building consent for formation of opening, at ground level, between Town Hall and Carfax. PER 4th July 1991.

93/00460/L - Listed Building Consent to construct lift enclosure, shaft and roof light adjoining Council Chamber. PER 8th October 1993.

95/01788/L - Listed Building consent for alterations to existing counter. Provision of dividing partition to create new cloakroom area. PER 20th March 1996.

97/00082/P - Between the Town Hall and Macmillan House St Aldates - Excavate duct trench and 7 No drawpits between Town Hall and Macmillan House, St. Aldate's. PRQ 13th February 1997.

97/00338/GFH - Between the Town Hall and Macmillan House St Aldates - Excavation (600mm deep) and installation of cable ducts, back filling and reinstatement of highway to provide telecommunication link between council offices. PER 21st April 1997.

97/01610/GFH - Rear of Town Hall and Municipal Buildings Kemp Hall Passage St Aldates - Security fence and gate. PER 19th November 1997.

05/02296/LBC - Listed Building Consent for internal alterations to provide a platform lift within an existing store with a new opening into the Drill Hall Corridor, to overcome the difference in floor levels. Ground floor adjacent to cloakrooms (works under the Disability Discrimination Act 1995). RNGSPR 13th January 2006.

07/00857/CT3 - Listed Building consent for conversion of redundant print unit area to provide new gallery and cafe with alterations and insertion of fire doors in corridor adjacent (Retrospective). Creation of, and alterations to form, new secondary means of escape via the "White Stair", to serve the gallery, cafe and Long Room. RNO 1st August 2007.

11/01152/CT3 - Installation of external fire escape. RNGWPR 7th July 2011.

11/01153/CT3 - Listed Building Consent for external alterations involving installation of external fire escape on rear elevation, internally block modern opening on 1st floor. RNGWPR 15th June 2011.

11/01299/CT3 - Listed Building Consent for internal alterations to convert cloakroom into museum retail area and information point, involving new security screen, new counters and changes to suspended ceiling. RNGWPR 22nd July 2011.

13/02687/CT3 - Listed Building Consent for internal alterations to upgrade and refurbish existing toilets involving removal of walls and partitions and formation of lobby and doorways. (Amended Plans). PDE.

8. RELEVANT PLANNING POLICY

8.1. The following policies are relevant to the application:

Topic	National Planning	Local Plan	Core Strategy	Sites and Housing Plan	Other Planning Documents
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	Policy Framework (NPPF)				
Design	Section 7 Paragraph 57				
Conservation/ Heritage	Section 12 Paragraphs 129, 131, 132, 134	HE2, HE3, HE4, HE5	CS18		

9. CONSULTATION RESPONSES

- 9.1. Site notices were displayed around the application site on 29th November 2017 and an advertisement was published in The Oxford Times newspaper on 30th November 2017.

Statutory and Non-Statutory Consultees

Historic England

- 9.2. Historic England very much supports the principal of using this part of the building as a museum and in general the proposals have been carefully designed to achieve sensitive introductions whilst successfully accommodating the new use with minimal intervention into historic fabric.
- 9.3. No objections are raised regarding the insertion of the proposed stair and platform lift, and the new lift within the former stair cupboard.
- 9.4. Where the historical layout of the building is proposed to be altered, to create a new reception and access to ground floor exhibition space, limited harm would be caused to our understanding of the building's historic layout. However, this is justified by the need to rationalise the museum's entrance and visitor access.
- 9.5. The glazing and doorway in the arched opening requires further refinement. At present this looks rather utilitarian, with a very simple and rather chunky frame. This contrasts poorly with Hare's windows, doors and screens which are of exceedingly high quality and therefore in its current form, this aspect of the proposals would cause harm to the special interest of the Town Hall.
- 9.6. In their current form the proposal would entail a degree of harm to the significance of this listed building and paragraph 132 of the National Planning Policy Framework requires harm to have clear and convincing justification. In this case we do not consider the harm justified as the adverse impact on the architectural qualities of the museum rooms could be avoided if the design of the proposals was improved. Therefore, we recommend that the proposals are revised and we would welcome the opportunity to provide further advice on these.

- 9.7. It is important that the detailing of the new work is completed to a high standard to ensure the proposal robustly achieves the aims of enhancing the listed building. As such, it is recommended conditions be applied to explore the detailing of several elements further, including the installation of the new glazing into the existing blind arch, the reinstatement of cornices to the blind arch, proposed new services, and alterations to doors.

Public representations

- 9.8. The Oxford Preservation Trust commented in support of this application, stating they are pleased to see the proposed improvements to the Museum to make it a more accessible space for all and tidy up the entrance from Blue Boar Street.

Officer Response

- 9.9. Officers share the same concerns as Historic England regarding the design of the proposed glazing and doorway in the arched opening and as such have worked collaboratively with the agent to achieve a more suitable design and thus appropriately mitigate the harm caused.

10. PLANNING MATERIAL CONSIDERATIONS

- 10.1. Officers consider the determining issues to be:

- i. The impact on the special architectural and historic interest of the grade II* listed building.

i. **Impact on the special architectural and historic interest of the grade II* listed building.**

- 10.2. Paragraph 132 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Paragraph 134 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

- 10.3. Policy CS18 of the Core Strategy states that development proposals should respect and draw inspiration from Oxford's unique historic environment, should not result in loss or damage to important historic features, particularly those of national importance, and where possible should include proposals for enhancement of the historic environment. Saved policy HE3 of the Oxford Local Plan states that permission will only be granted for works involving an alteration or extension to a listed building that is sympathetic to and respects its history, character and setting. Saved policy HE4 of the Oxford Local Plan requires the applicant to agree a programme of investigation, recording and publication of the results where the structure of a listed building is considered to conceal important archaeological evidence or remains. Saved policy HE5 of the Oxford Local Plan states that permission will only be granted for proposals affecting a listed building

which involve fire precautions if the council is satisfied that both design and fire safety requirements can be met without harm to the special interest of the building.

- 10.4. Oxford's Town Hall constructed in 1893-97, was designed by Henry Hare in the Elizabethan-Jacobean style. The building exhibits elaborative decoration of exceptionally high quality Victorian craftsmanship. The building is three-storeys with basement, constructed from ashlar and rubble stone under a Cumbrian slate roof. A substantial amount of its original fabric, features, decoration and floorplan survive and for these reasons it is listed as grade II*. The areas of the Town Hall which are the subject of this application comprise the ground floor and basement areas in the south western corner of the building. The ground floor areas originally housed the public library including Newspaper Room, Ladies Room, Reading Room, with the basement floor originally housing a repairing room, W.Cs and store rooms. In 1894 a spiral iron staircase with wooden block treads was installed providing access between the Lending Department on the ground floor and book store in the basement. This staircase was replaced in the late 20th century with a straight flight, and moved to another location within the museum and displayed as an exhibit.
- 10.5. The proposed redevelopment of the Museum of Oxford is part of a Heritage Lottery Funding bid for a wider project called Oxford's Hidden Histories, which aims to uncover, open up and communicate the heritage of the city's communities to the public. It is proposed to create new gallery spaces with flexible displays, learning spaces, a 'Museum Makers' area for researchers to work, a new shop, reception and entrance area. The current museum arrangement dates to the late 20th century (post 1973) and features a number of partitions, additions and interventions, many of which are unsympathetic and detract from the original architectural character of the spaces and confuse the original floor layout of the building. The museum is currently only partially open to the public. Despite the late 20th century interventions, a substantial amount of the original floorplan, historic fabric and decorative features remain within the spaces.
- 10.6. Officers are fully supportive of the aims and objectives of the proposed redevelopment and recognise the public benefits that realising the project would bring to the city. The scheme would result in a number of improvements to the building, including restoring and repairing the Blue Boar Street entrance, improving the impact of and removing a large amount of the harmful 20th century additions to better reveal the significance of the building, rationalising and improving the accessibility and entrances into the spaces to create a better functioning museum facility. These improvements would constitute public benefits in accordance with the NPPF.
- 10.7. In order to improve the current entrance arrangements into the museum and achieve suitable accessibility in compliance with DDA requirements it is proposed to make several interventions into the fabric of the building. The proposal to create an opening between the two reception rooms which are accessed off of the main entrance of the Town Hall would cause some limited harm to the historic floorplan, however, this is considered justified by the need to rationalise the entrance and improve visitor access into the museum. A downstand, the existing

cornicing and side nibs would be retained ensuring the former layout can still be understood, as such the harm caused is considered to be limited.

- 10.8. Similarly, the principle of forming an opening through the blind arch from the reception room into gallery 1 would cause some harm to the original layout and ventilation ducts and is considered justified by the need to improve access into the museum. It is considered that the less-than-substantial harm caused would be adequately mitigated by the retention of the surrounding arch and cornice detailing, the reinstatement of previously lost decoration, and the appropriate elegant design of the proposed glazed infill screen and doorway. Concerns have been expressed by both officers and Historic England that the initial design of the screen and doors with a relatively chunky and crudely detailed frame would appear utilitarian and detract from the architectural character and detailing of the spaces. As such, amended plans have been requested seeking a more refined, elegantly designed screen.
- 10.9. The proposed introduction of a set of stairs and platform lift in gallery 1 and a lift within the stair cupboard at ground floor and basement levels would cause limited harm to the significance of the listed building, which would be justified by the ability to provide better and level access to the museum areas and the appropriate design of the interventions.
- 10.10. A substantial amount of original doors remain in situ within the museum spaces and make an important contribute to the architectural character and appearance of the building. A number of changes have been initially proposed to the existing doors, including their upgrading and replacement, where considered necessary to comply with fire safety requirements. It is considered that as many of the existing original doors as possible should be retained and upgraded as necessary. It is acknowledged that the exact proposals and detailing of the scheme has not been finalised, and as such is considered necessary and appropriate to agree the final door proposals via condition.
- 10.11. The proposal to introduce new floor surfaces in the form of wooden herringbone floors, where existing original surfaces do not remain, including into gallery 1, is considered to be improvement and appropriate to the character of the building. However, further investigation works are required to the existing floor structures to establish the types of surfaces and the most appropriate and least intrusive means of installing new surfaces without damage to existing original architectural features. It is considered necessary and appropriate to agree this detail by condition.
- 10.12. The site is of archaeological interest because it is located within the heart of the Late Saxon and medieval town, in the vicinity of historic plots associated with the medieval Blue Boar Inn and Carry's Inn and at a depth below the Grade II* Town Hall where cut archaeological features may survive. As the proposed scheme would involve the installation of a damp proofing system to the internal faces of the south and western external basement walls involving excavation works to install sump pumps, in accordance with policy HE4, it is considered necessary to apply a condition requiring the undertaking of a programme of archaeological work. The proposed damp proofing system, a cavity membrane system, is

considered to be a relatively sympathetic intervention and appropriate means to deal with the damp ingress in these areas and as such, no objection is raised.

- 10.13. Given that the scheme is still in the design development phase, is it considered reasonable and necessary to approve by condition the detailed design and finished appearance of a number of the proposed interventions and additions, such as the new steps and platform lift in gallery 1, new mechanical and electric services and new floor, wall and ceiling treatments to ensure they are of an appropriate high design quality and do not detract from the special architectural and historic interest of the grade II* listed building. It is also considered necessary and reasonable to condition details of the re-location of the iron staircase to be agreed, to ensure this important original architectural feature is retained within the building.

11. CONCLUSION

- 11.1. Overall the proposed scheme would result in much needed improvements to the museum, including some which would better reveal the significance of the listed building. It is considered that the principle of the altering the original floorplan of the building is justified by the public benefits which would arise; namely the creation of a functional entrance and improved visitor access to the museum. Subject to an appropriate amended design of the glazed infill screen and doorway, the resulting harm that would be caused to the buildings original historic floorplan would be adequately mitigated by the appropriate high quality design of the new intervention and the application would comply with section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, paragraphs 131, 132 and 134 of the NPPF, policies CP1, HE3, HE4 and HE5 of the Oxford Local Plan 2001-2016 and policy CS18 of the Oxford Core Strategy.
- 11.2. It is recommended that the Committee resolve to grant listed building consent for the development proposed subject to the agreement of Officers and Historic England being reached regarding the amended design of the glazed infill screen and doorway, and subject to the following conditions. Officers will provide an update at the committee meeting to confirm whether this element of the proposal has been resolved.

12. CONDITIONS

- 1 The works permitted shall be begun not later than the expiration of three years from the date of this consent.

Reason: In accordance with Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 in accordance with policies CP1 and HE3 of the Adopted Oxford Local Plan 2001-2016 and policy CS18 of the Oxford Core Strategy 2026.

- 2 Unless specifically excluded by subsequent conditions the works permitted shall be carried out strictly in accordance with the terms of, and subject to, the conditions attached to this consent and in compliance with the details specified in the application and the submitted/amended plans listed in this decision notice.

Reason: As Listed Building Consent has been granted only in respect of the application as approved, to ensure that the development takes the form envisaged by the Local Planning Authority when determining the application in accordance with policies CP1 and HE3 of the Adopted Oxford Local Plan 2001-2016 and policy CS18 of the Oxford Core Strategy 2026.

- 3 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 (including historic building recording) 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.

The archaeological historic building recording should consist of a level II building survey (Historic England, Understanding Historic Buildings: A Guide to Good Recording Practice, 2016) undertaken prior to the refurbishment works and an intermittent watching brief during the significant interventions into the building fabric. The recording should be undertaken by a professionally qualified archaeologist working to a brief issued by ourselves.

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 Late Saxon and medieval remains, in accordance with policies HE2, HE3 and HE4 of the Adopted Oxford Local Plan 2001-2016.

- 4 All original architectural features which are currently concealed and may be exposed during the progress of the hereby approved stripping out works shall be preserved in situ or relocated in accordance with details to be submitted to, and approved in writing by, the Local Planning Authority.

Reason: To ensure the preservation of valuable features of historic interest which might otherwise be lost during the proposed works, in accordance with policies CP1 and HE3 of the Adopted Oxford Local Plan 2001-2016 and policy CS18 of the Oxford Core Strategy 2026.

- 5 All existing historic internal features, such as plaster work, floorboards, ironwork, fireplaces, doors, windows, staircase balustrading and other woodwork, shall remain undisturbed in their existing position, and shall be fully protected during the course of works on site unless expressly specified to the contrary in the approved drawings or agreed as part of other conditions.

Reason: To ensure the retention of in-situ features of special architectural or historic interest in accordance with policies CP1 and HE3 of the Adopted Oxford Local Plan 2001-2016 and policy CS18 of the Oxford Core Strategy 2026.

- 6 The existing spiral iron staircase currently sited on the ground floor shall be retained on site and either used or displayed in a new location as necessary or kept in storage in a suitable location. Details of the new location or storage location, including details of its suitability, shall be submitted to, and approved in

writing by, the Local Planning Authority prior to the commencement of the development.

- 7 Notwithstanding the approved plans, the following details regarding the hereby approved new opening within the blind arch shall be submitted to, and approved in writing by, the Local Planning Authority before the relevant parts are installed and the works shall be carried out in accordance with the approved details only.
 - a) Method statement and schedule of works for the construction of the new opening through the blind arch and installation of the glass panels and doors,
 - b) Large scale drawn details of the glass panels and glass doors showing any elements of framing, fixings, door furniture and finished appearance,
 - c) Details of the reinstatement and repair of original historic cornices around the blind arch.

Reason: To ensure a sympathetic appearance for the new work and to conserve the special interest of the building in accordance with policies CP1 and HE3 of the Adopted Oxford Local Plan 2001-2016 and policy CS18 of the Oxford Core Strategy 2026.

- 8 Notwithstanding the approved plans, details of any internal and external ventilation and extraction fixtures and equipment, including soil and vent stacks, heating and air conditioning plant, fume extraction and odour control equipment, to include details of siting, size, design and finished appearance, shall be submitted to, and approved in writing by, the Local Planning Authority before the development commences and only the approved details shall be carried out.

Reason: To ensure a sympathetic appearance for the new work and to conserve the special interest of the building in accordance with policies CP1 and HE3 of the Adopted Oxford Local Plan 2001-2016 and policy CS18 of the Oxford Core Strategy 2026.

- 9 The following details shall be submitted to, and approved in writing by, the Local Planning Authority before the relevant parts are installed and the works shall be carried out in accordance with the approved details only.
 - a) Large scale drawn details of the new stair and platform lift within gallery 1, including finishes,
 - b) Large scale details showing the finished appearance of the new lift doors in the former stairwell.

Reason: To ensure a sympathetic appearance for the new work and to conserve the special interest of the building in accordance with policies CP1 and HE3 of the Adopted Oxford Local Plan 2001-2016 and policy CS18 of the Oxford Core Strategy 2026.

- 10 Notwithstanding the approved plans, a revised door schedule shall be submitted to, and approved in writing by the Local Planning Authority prior to the commencement of the relevant works. The revised door schedule shall show the retention and re-use of as many historic doors as possible together with details of

the proposed method of upgrading to the existing doors to achieve the necessary fire rating and large scale drawn details of any new and replacement doors. Works shall only be carried out in accordance with the approved details.

Reason: To conserve the special interest of the building in accordance with policies CP1, HE3 and HE5 of the Adopted Oxford Local Plan 2001-2016 and policy CS18 of the Oxford Core Strategy 2026.

- 11 Notwithstanding the approved plans, following the stripping out works and further investigative works including trial holes, details of proposed new floor, wall and ceiling finishes shall be submitted to, and approved in writing by, the Local Planning Authority before the relevant parts are installed and the works shall be carried out in accordance with the approved details only.

Reason: To ensure a sympathetic appearance for the new work and to conserve the special interest of the building in accordance with policies CP1 and HE3 of the Adopted Oxford Local Plan 2001-2016 and policy CS18 of the Oxford Core Strategy 2026.

13. APPENDICES

Appendix 1 – Site Location Plan

14. HUMAN RIGHTS ACT 1998

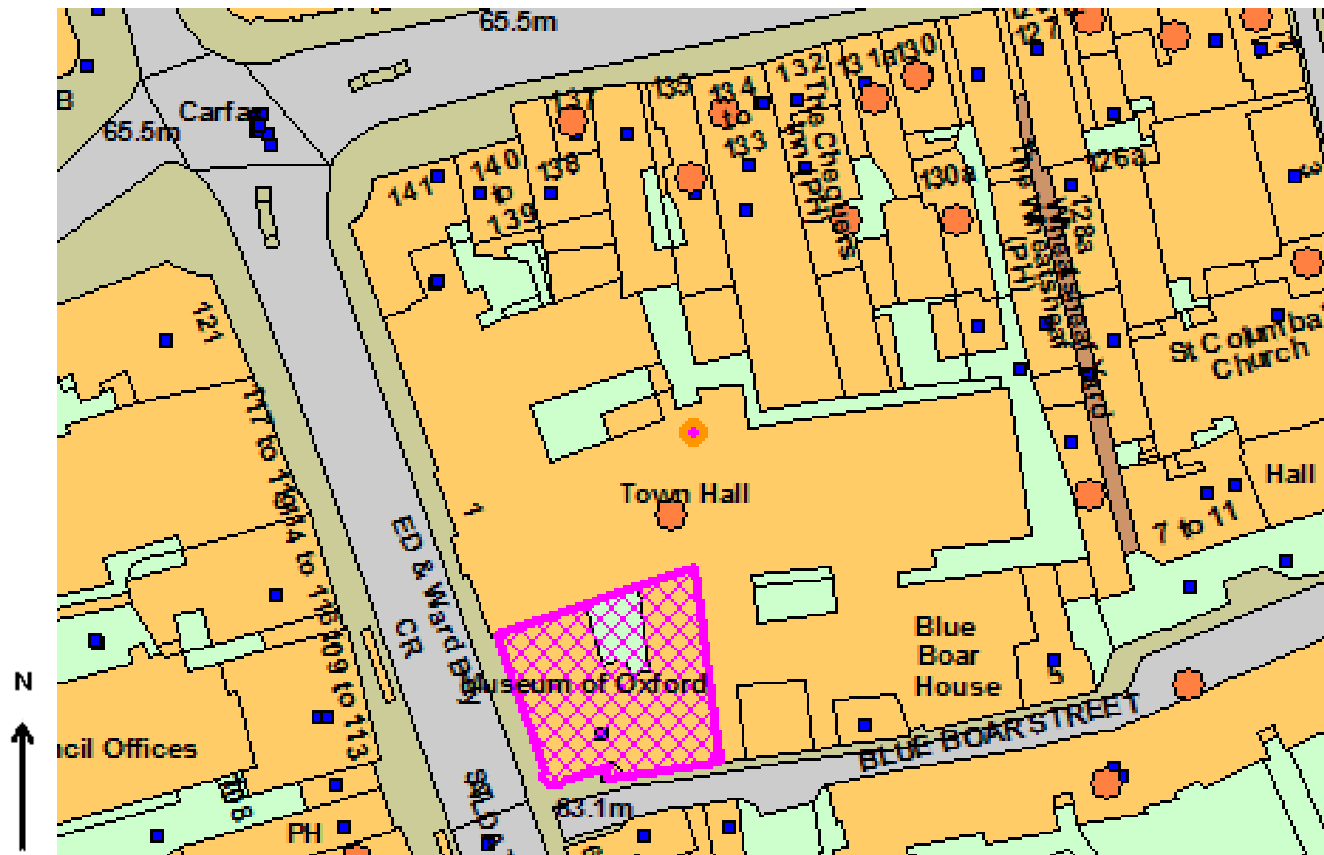
- 14.1. Officers have considered the implications of the Human Rights Act 1998 in reaching a recommendation to approve this application. They consider that the interference with the human rights of the applicant under Article 8/Article 1 of Protocol 1 is justifiable and proportionate for the protection 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 listed building consent, officers consider that the proposal will not undermine crime prevention or the promotion of community.

Appendix 1

17/03039/LBC - Town Hall



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Ordnance Survey 100019348

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Minutes of a meeting of the WEST AREA PLANNING COMMITTEE on Tuesday 12 December 2017



Committee members:

Councillor Upton (Chair)	Councillor Cook (Vice-Chair)
Councillor Azad	Councillor Brown (for Councillor Price)
Councillor Fooks	Councillor Hollingsworth
Councillor Iley-Williamson	Councillor Tidball
Councillor Wade (for Councillor Landell Mills)	

Officers:

Adrian Arnold, Development Management Service Manager
Robert Fowler, Planning Team Leader
Andrew Murdoch, Planning Team Leader
Nadia Robinson, Planning
Anita Bradley, Monitoring Officer
Caroline Robins, Lawyer, Law & Governance
Catherine Phythian, Committee Services Officer

Apologies:

Councillor(s) Landell Mills and Price sent apologies.

No apologies were received

46. Declarations of interest

16/02745/CT3

Cllr Hollingsworth - As the City Executive Board Member and the Portfolio Holder for Planning and Regulatory Services he had been actively involved in the development of the application and would leave the room and take no part in its determination.

Cllr Upton - as a Council appointed trustee for Oxford Preservation Trust. She stated that she had taken no part in the OPT discussions or decision making regarding the application and was approaching it with an open mind.

Cllr Cook - as a Council appointed trustee for Oxford Preservation Trust. He stated that he had taken no part in the OPT discussions or decision making regarding the application and was approaching it with an open mind.

17/00860/FUL

Cllr Upton - as a Council appointed trustee for Oxford Preservation Trust. She stated that she had taken no part in the OPT discussions or decision making regarding the application and was approaching it with an open mind.

Cllr Cook - as a Council appointed trustee for Oxford Preservation Trust. He stated that he had taken no part in the OPT discussions or decision making regarding the application and was approaching it with an open mind.

17/12519/VAR

Cllr Upton - as an employee of the University of Oxford and of a University College and a member of Oxford University Club. She confirmed that she had no-predetermined view and would participate in the determination of the application.

Cllr Cook - as an employee of the University of Oxford and a member of Oxford University Club. He confirmed that he had a predetermined view in relation to the application and would leave the room and would not participate in the determination.

Cllr Iley-Williamson - as an employee of a College of the University of Oxford. He confirmed that he had no-predetermined view and would participate in the determination of the application.

Cllr Tidball - as an employee of a College of the University of Oxford. She confirmed that she had no-predetermined view and would participate in the determination of the application.

Councillor Hollingsworth, having declared he had been involved in the development of the application in the first agenda item, left the meeting at this point.

The Monitoring Officer reminded the Committee of their obligation to listen very carefully to everything that was presented to them including both arguments for and against the application and to determine the applications on the basis of the information before them and to approach their deliberations with an open mind. She said that they must not give undue regard to any material they may have seen in media coverage or which was on public display or had been previously circulated.

47. 16/02745/CT3: Seacourt Park And Ride, Botley Road, Oxford

Adrian Rosser made a video recording of this agenda item.

The Committee considered an application (16/02745/CT3) from the City Council for planning permission for an extension to the existing Seacourt Park and Ride to accommodate new car parking spaces, a single storey building to provide a waiting area and toilets for customers, cycle parking, lighting, CCTV, ticket machines, new pedestrian and cycle access, landscaping together with reorganisation of the layout of existing car parking spaces, repositioning of turning circle, bus pickup and drop-off and other works incidental to the development.

The Planning Officer presented the report and apologised that the Natural England comments of the 23 November 2017 had been omitted from the officer report. In summary the Natural England position was that:

- they have no comment to make on this application although they had said in another response that they do not object

- That NE has not assessed this application for impacts on protected species
- The lack of comment does not imply that there are no impacts on the natural environment but only that the application is not likely to result in significant impacts on statutory designated conservation sites or landscapes.

The Planning Officer said that it was officers' view that these comments do not change any of the recommendations and conclusions within the biodiversity section of the report.

The Planning Officer informed the Committee of two updates since the publication of the report:

- there had been a further representation from OPT who confirmed that their previous comments stand
- the local Highways Authority and Highways England had raised no objections to the application

The Planning Officer said that, in reaching their recommendation to approve the application, officers had to balance out a number of significant material planning matters, notably:

- Green Belt policies
- Flood Risk
- Transport
- Ecology

The Planning Officer then described these considerations in detail drawing on the material presented in the report.

Debbie Dance (Oxford Preservation Trust), Liz Sawyer (Oxford Flood Alliance), Adrian Rosser and Councillor Craig Simmons spoke against the application and answered questions from the Committee.

Caroline Green (Oxford City Council), Michael Lowndes (agent), Paul Walker (Oxford Bus Company) and Brendon Hattam (Westgate Alliance) spoke in favour of the application and answered questions from the Committee.

The Committee asked questions of the officers and public speakers about the details of the application. In discussion the Committee considered the arguments for and against the following issues:

- whether the application meets the NPPF test for *granting planning permission for inappropriate development on the basis of very special circumstances*
- whether the application meets the requirements of the NPPF exception test for Essential Infrastructure within Flood Zone 3b
- whether the application meets the NPPG requirement that essential infrastructure should remain operational and safe for users in times of flood
- the conclusions of the sequential assessment of 118 potential alternative sites undertaken by the applicant, in particular with regard to the site owned by the Co-operative Group
- whether the siting and layout of the waiting area and terminal building could be operational in times of flood

- the views expressed by local residents and the Oxford Flood Alliance about the nature, extent and frequency of flooding at the site
- whether the applicant had proven the need for the development
- what factors had changed since the Secretary of State refused the previous application on appeal in 1999
- whether sufficient consideration had been given to capacity at the existing Park & Ride and the impact that parking by employees of the offices surrounding the car park had on capacity
- the adequacy of emergency planning arrangements for public safety in the event of a significant flood situation
- the impact of the development on air quality and traffic congestion in the local area
- the impact of the development on ecology and wildlife in the local area

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

Notwithstanding the officer recommendation for approval a motion to refuse the application, for the reasons stated below, was moved and seconded:

1. The application was contrary to Green Belt policy because the “need” case was not sufficient to warrant very special circumstances, as there is capacity at Redbridge P/Ride and alternative sites and other options had not been explored sufficiently.
2. The application site could not be considered to be essential infrastructure within Flood Zone 3b as required by the NPPF exception test
3. The application site could not be considered to be operational in times of flood as required by NPPF

On being put to the vote the Committee were equally divided in support and opposition for the Committee recommendation to reject the application.

The Chair exercised her casting vote against the Committee motion to reject the application.

A motion to approve the application on the basis of the officer recommendation was then moved and seconded.

On being put to the vote the Committee were equally divided in support and opposition for the officer recommendation to approve the application.

The Chair exercised her casting vote in support of the officer recommendation to approve the application.

The West Area Planning Committee resolved to:

(a) Agree to grant planning permission for the reasons given in the report and subject to:

1. Decision subject to confirmation from the Secretary of State that the application is not required to be ‘called in’ in accordance with The Town and Country

Planning (Consultation) (England) Direction 2009;

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

1. Finalise the 23 recommended conditions and 2 informatives as set out in section 11 of the report including such refinements, amendments, additions and/or deletions as the Head of Planning, Sustainable Development and Regulatory Services considers reasonably necessary.

Councillor Hollingsworth returned to the meeting on the conclusion of this item.

48. 17/02109/FUL: Bardwell Court, Bardwell Road, Oxford, OX2 6SX

The Chair took this item next.

The Committee considered an application (17/02109/FUL) for planning permission for the partial demolition of existing building, alteration and extension to create a new link, rear extension and provision of bin and cycle stores and the removal of trees and landscaping.

The application was brought back to West Area Planning Committee for determination following agreement by the Head of Planning, Sustainable Development and Regulatory Services.

The Planning Officer presented the report and advised the Committee that, following publication of the report, the City Council had received representation from Anthony Crean QC about how the development had been assessed. The specific concerns were that the planning officer report failed to apply correct weight to the harm when addressing the balance of harm caused to a designated heritage asset against the benefits. The second concern raised was that the report treated viability as a benefit.

The Planning Officer explained in detail the methodology and approach taken by planning officers in assessing the weight to attribute to the designated heritage assets, being the Conservation Area and setting of listed buildings. The Planning Officer confirmed that, although not explicitly stated in the report, officers had followed the approach set out in paragraphs 132 and 134 of the NPPF.

With regard to the issue of viability the Planning Officer said that officers did not consider that the viability of the site being improved made the development acceptable in isolation and referred the Committee to paragraphs 10.17, 10.18 and 10.21 of the report which detailed the wider benefits of the development.

The Planning Officer confirmed that the officer recommendation remained as stated in the published report: there is less than substantial harm to the designated heritage assets but weighing that against the public benefits from the proposal the development would be acceptable.

Philip Allen and Anthony Crean spoke against the application. Mr Crean presented his arguments regarding the planning officers' assessment of harm to the designated heritage assets. In summary he said that he believed that the assessment overstated the benefit and understated the harm caused by the development.

The Committee discussion included, but was not limited to, the following points:

- any further expansion of the approved roof terraces onto the flat roof areas adjacent would be restricted by Condition 15
- The construction of roof terraces would not set a precedent for similar developments in the North Oxford Conservation Area; some balconies or roof terraces already existed; any future application would be judged on its own merits
- although it was regrettable that the occupants of the top floor properties would not have access to the rear gardens or roof terraces it was felt that the improvements to the front elevation of the development outweighed those concerns
- the parking issues raised by local residents during the consultation were noted and it was suggested that there might be some merit in undertaking a traffic survey in the area but that would be a matter for local residents to pursue with the Highways Authority

In reaching its decision, the Committee considered all the information put before it and were satisfied that planning officers had followed the requirements of paragraphs 132 and 134 of the NPPF.

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

The West Area Planning Committee resolved to:

- a. Approve the application for the reasons given in the report and subject to the 15 required planning conditions and 5 informatives set out in section 12 of this report and grant planning permission; 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.

49. 17/02280/VAR - Land To The Rear Of 200 Woodstock Road, Oxford, OX2 7NH

The Chair took this item next.

The Committee considered an application (17/02280/VAR) for planning permission for the variation of condition 2 (Develop in accordance with approved plans) of planning permission 16/00147/FUL (Erection of 1 x 3 bedroom dwellinghouse (Use Class C3). Erection of garage. Provision of car parking space, private amenity space, bin and cycle storage (amended plans)) to allow for an extension to the basement area.

The application had been called in by Cllrs Fooks, Wade, Wilkinson and Goddard due to concerns over the size of basement and consequent reduction of permeable area and outdoor amenity space, and the boundary treatment being out of character in the street scene.

The application was considered at West Area Planning Committee on 14 November 2017 and the decision was deferred pending further information regarding a previous refusal on the site and further drainage information.

The Planning Officer presented the report and addressed the concerns raised by the Committee at the previous meeting. The Planning Officer said that the overall scale of the refused application 15/00954/FUL was larger than that of the approved application 16/00147/FUL because it included a two-storey side bay, a larger basement and higher ridge height.

The Planning Officer went on to explain that the application that was refused had outdoor amenity space that was split level with a sunken semi-basement outdoor space. The outdoor space was therefore not considered sufficient or satisfactory for a family dwelling. The variation proposal before the Committee has the same area and arrangement of garden as the approved scheme with direct access to a useable garden. This outdoor space is acceptable for a three-bedroom dwelling.

The Planning Officer confirmed that approval of the application currently under consideration would not contradict the refusal of 15/00954/FUL.

The Planning Officer referred the Committee to paragraphs 9.13 to 9.17 of the report and confirmed that there were no grounds to refuse the basement enlargement due to flood risk or drainage issues as the site is not at an unacceptable risk of flooding from rivers or surface water.

Paul Fisher (neighbour) spoke against the application.

Titilola Ajayi-Jones (applicant) spoke in favour of the application.

In discussion the Committee concluded that the outdoor amenity space provided was on balance acceptable for the size of the proposed dwelling but that it would be advisable to include a condition to restrict any future applications to increase the size of the dwelling and thereby reduce the ratio of amenity space to footprint.

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

The West Area Planning Committee resolved to:

1. **approve the application for the reasons given in the report and subject to the 11 required planning conditions and 3 informatives set out in section 11 of the report ;**
2. **include a new condition to restrict the size of the dwelling to a 3 bedroom property;**
3. **grant planning permission; and**
4. **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.**

50. 17/00860/FUL: Greyfriars Court, Paradise Square, Oxford, OX1 1BE

The Chair took this item next.

The Committee considered an application (17/00860/FUL) for planning permission for the demolition of the existing building and the erection of a part 3, part 5 and part 6 storey hotel, with landscaping works in Paradise Square.

The Planning Officer presented the report and said that the development would provide much-needed hotel accommodation in a sustainable location in the city. The application had been through a robust design review process and the officer recommendation reflected a careful weighing of public benefits against harm to heritage assets as required by paragraph 134 of the NPPF. The Planning Officer drew the Committee's attention to an error in Appendix 2 of the report: The first two ODRP letters relate to this development, while the third letter on pages 157 and 158 relate to another development and should be ignored.

Stephen Booker (agent) spoke in favour of the application.

The Committee asked questions of the officers and public speaker about the details of the application and noted the following points:

- There was a clear need for a budget hotel in the city as evidenced by the large volume of on-line enquiries (40,000 plus) received by the applicant in September and October 2017
- The argument set out in the report that the reduction of a single storey would not reduce the harm to the setting of the listed buildings and the conservation area but would have a detrimental impact on the viability of the scheme
- That although the developer was sympathetic to the concerns of the local residents and mindful of their experiences during the construction of the Westgate this was a critical consideration which would need to be reflected in the agreed Construction Traffic Management Plan (Condition 10)
- That 5% of the rooms would be accessible
- The height of the application was compliant with the requirements of HE9

- Conditions 16 and 17 Landscaping: concerns that the species selection of the proposed planting would need to be addressed
- Condition 6: the detail of this condition should take account of the need for appropriate lighting in Paradise Gardens and the wider public realm

In reaching its decision, the Committee considered all the information put before it and on balance considered that overall the development would be a significant improvement to the setting of the street scene, Paradise Gardens and the setting of adjacent listed buildings.

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

The West Area Planning Committee resolved to:

(a) approve the application for the reasons given in the report and subject to the 30 required planning conditions set out in section 13 of this report and grant planning permission subject to:

1. The satisfactory completion of a legal agreement under Section 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;
2. The details of the Construction Traffic Management Plan (Condition 10) to be agreed with the Chair of West Area Planning prior to commencement; and

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

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

51. 17/02519/VAR: The University Club, 11 Mansfield Road, Oxford, OX1 3SZ

The Committee considered an application (17/02519/VAR) for planning permission for the variation of condition 2 (Development in Accordance with Approved) and removal of Condition 14 (Community Use) of planning permission 17/01144/FUL (Erection of a

teaching laboratory modular building for the Departments of Zoology and Biochemistry (Use Class D1) for a temporary period of 4 years and 10 months).

The Planning Officer presented the report. He explained that the variation to Condition 2 proposed the following changes:

- Extension to approved plant enclosure
- Increase in fence height
- Changes to covered walkway roof
- Amendment to fire tender access and hardstanding
- Modifications to bicycle stand position
- Removal/ modifications to fenestration

The Planning Officer advised the Committee that the change to Condition 14 proposed the removal of the community use agreement and that Sport England had been consulted and had raised no objection.

Councillor Colin Cook, as a representative of Unite, spoke against the application. He asked the Committee to consider including an informative to encourage the University of Oxford to be sympathetic to requests to use the Club facilities for community events.

The Committee noted the request made by Councillor Cook but agreed that it would not be appropriate to include such an informative.

As there were no questions from the Committee Councillor Cook left the meeting at this point.

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

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

The West Area Planning Committee resolved to:

(a) Approve the application for the reasons given in the report and subject to the 15 required planning conditions and 4 informatives set out in section 10 of 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.

Councillor Cook returned to the meeting at the conclusion of this item.

52. Minutes

The Committee resolved to approve the minutes of the meeting held on 14 November 2017 as a true and accurate record subject to the following amendment:

Minute 41: insert the italicised phrase as shown below:

In discussion the Committee explored the arguments raised by the public speaker (objecting to the application) *about the size of the basement* and that approval of this application would be inconsistent with the refusal of the 2015 application as both schemes provided for similar size dwellings and amenity space. Officers were not in a position to provide clear and definitive advice on this issue during the meeting and therefore the Committee moved to defer the application.

53. Forthcoming applications

The Committee noted the list of forthcoming applications.

54. Dates of future meetings

The Committee noted the dates of future meetings.

The meeting started at 6.00 pm and ended at 10.15 pm

Chair

Date: Tuesday 16 January 2018

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Minutes of a meeting of the WEST AREA PLANNING COMMITTEE on Tuesday 31 October 2017

Committee members:

Councillor Upton (Chair)	Councillor Cook (Vice-Chair)
Councillor Azad	Councillor Hollingsworth
Councillor Iley-Williamson	Councillor Landell Mills
Councillor Pegg	Councillor Price
Councillor Goddard (for Councillor Fooks)	

Officers:

Philip Devonald, Planning Legal Locum
Adrian Arnold, Development Management Service Manager
Robert Fowler, Planning Team Leader
Felicity Byrne, Principal Planner
Julia Drzewicka, Planning Officer
Catherine Phythian, Committee Services Officer
Rachel Drinkwater, Committee Services Support Officer

Apologies:

Councillor(s) Fooks sent apologies.

29. Declarations of interest

There were no declarations of interest.

30. 16/02689/CND, Unither House, 15 Paradise St

The Committee considered the submitted Construction Traffic Management Plan in compliance with Condition 13 of planning permission 16/02689/FUL.

The Planning Officer presented the report and displayed maps to show the routing of vehicles to the site to take account of the weight restrictions on the Quaking Bridge and Swan Bridge.

The Planning Officer informed the Committee of a late revision to the submitted Construction Traffic Management Plan. The original plan proposed to use Welcome Break Services at Pear Tree as a lay-over point for the construction traffic. But the private land owner had not given consent as the site is too constrained to accommodate any large vehicles (trucks). The revised proposal would be to use lay-bys on the A34 on both the north and southbound sides of the carriageway. The County Highways Authority had confirmed that they were satisfied with the revised proposal.

Jimmy Donnelly (representing the site contractor) made a statement confirming the arrangements in place with local residents to address concerns during the construction and was present to answer questions from the Committee.

In reaching its decision, the Committee considered all the information put before it. The Committee concluded that this was a difficult construction site but were pleased to note that the contractor had demonstrated a sensitive approach to the views of local residents and that the main issues of concern had been addressed.

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

The West Area Planning Committee resolved to:

- a) **approve** the submitted Construction Traffic Management Plan in compliance with Condition 13 of planning permission 16/02689/FUL subject to the submission of a revised document which addressed the revision to the location of the lay-over points; and
- b) **agree** to delegate authority to the Head of Planning, Sustainable Development and Regulatory Services to approve the revised document.

31. 17/01941/FUL: 225-229 Banbury Road Oxford OX2

The Committee considered an application for planning permission for the erection of 3 x 3-bed dwellings (Use Class C3) and provision of private amenity space, cycle parking and refuse storage.

The application was before the Committee as it was called in by Councillors Fooks, Goff, Wilkinson, Wade and Landell Mills because of concerns that the development would have on the access arrangements, the impact on neighbours and the adequacy of the amenity space.

The Planning Officer presented the report and briefed the Committee on the details of the proposed development.

Simon Sharp (agent) spoke in favour of the application.

In discussion the Committee noted the following points:

- Landscaping, including the vegetation boundary, would be secured by Condition 5

- Bin and cycle storage would be secured by Condition 8
- The site would not be eligible for resident's or visitor's parking permits (Condition 10)
- The development would have no permitted development rights (Condition 4)

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

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

The West Area Planning Committee resolved to:

(a) Approve the application for the reasons given in the report and subject to the 13 required planning conditions and 2 informatives as 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.

32. 17/02392/FUL: 8 West St

The Committee considered an application for planning permission for Change of use from dwelling house (Use Class C3) to a large House in Multiple Occupation (Sui Generis).

The application was before the Committee as it was called in by Councillors Pressel, Rowley, Tanner and Fry on the grounds that a 7 occupant HMO is too many people for a small Osney Mead property, with no front garden to store bicycles and bins for the property.

The Planning Officer presented the report and advised that the Highways Authority had submitted a late comment requesting a condition that would ensure that no more than fifty visitor parking permits could be issued each year for the whole property. Officers recommended that this condition be included if planning permission was granted. A copy of the wording of the condition was circulated to the Committee. The Planning Officer explained that the application met the minimum requirements of the Council policies for amenities and facilities; bin storage / outside space; and cycle parking. The decision to recommend approval had been finely balanced.

Barbara Hammond spoke against the application.

The Committee asked questions of the officers and public speaker about the details of the application with particular reference to the following concerns:

- The health and safety implications of installing vertical bike racks in the front hall

- The desirability of moving bikes and refuse/recycling bins through the only amenity space
- the accuracy of the plans
- whether the layout and size of the shower rooms meant that they could actually be used for that purpose
- the limited provision of communal amenity space
- The apparent lack of privacy for the occupants due to the quality of the internal walls
- That the floor space standards would be breached if the walls had adequate insulation

In reaching its decision, the Committee considered all the information put before it. The Committee concluded that the application before them did not provide an acceptable standard of housing and was not of the quality that should be required by the City Council. They felt that the cumulative impact of their concerns about the practicalities of the design features of the application justified challenge on the basis of over-development.

The Committee suggested that officers should review the Council's Planning and HMO policies in the light of the issues identified in determination of this application.

Notwithstanding the officer recommendation for approval and on being put to the vote the Committee agreed the resolution as set out below.

The West Area Planning Committee resolved to refuse planning permission for application 17/02392/FUL for the following reasons:

1. Having had regard to the amount of space within the property within the House in Multiple Occupation it is considered that the proposals would provide an insufficient quantity and quality of indoor space to the detriment of occupier's amenity. The small size and shape of bedrooms in addition to the poor quality provision of shared indoor amenity space, in particular the lack of natural light and ventilation in that space would make the development unacceptable. As a result the development is contrary to Policies CP1 and CP10 of the Oxford Local Plan 2001-2016 and Policies HP7 and HP12 of the Sites and Housing Plan (2013).
2. The proposed development would provide an impractical and unrealistically usable arrangement for the storage of cycles and refuse. As a result the development would fail to adequately address the day to day needs of the occupiers of the large House in Multiple Occupation and would be contrary to Policy CP10 of the Oxford Local Plan 2001-2016 and Policies HP7, HP13 and HP15 of the Sites and Housing Plan (2013).

33. 17/02109/FUL: Bardwell Court, Bardwell Road, Oxford, OX2 6SX

The Committee considered an application for planning permission for the partial demolition of existing building, alteration and extension to create a new link, rear extension and provision of bin and cycle stores and removal of trees and landscaping.

The Planning Officer presented the report and gave a detailed explanation of the application plans and site photographs, paying particular attention to the proposals for the terraces.

The Planning Officer said that two further public comments had been received in relation to the proposals since the agenda was published. The first was from the occupiers of 21 Bardwell Road raising concerns about noise from the terraces. This matter had been addressed in paragraph 10.29 of the officer report.

The second comment was from the Linton Road Neighbourhood Association and raised concerns about the potential impact of the development on the setting of a Listed Building at No. 2 Charlbury Road. The Listed Building was approximately 20m from the end of the proposed rear extensions to Bardwell Court and there was mature vegetation along the boundary to screen the development. As a result, the Planning Officer did not consider that the development would adversely impact on the setting of the listed building and the development complies with the requirements of Policy HE3 of the Local Plan.

The Planning Officer advised the Committee that specific concerns had been raised in the objection about noise from the terraces impacting on the listed building and its setting. The Planning Officer suggested that the proposed terraces would have a similar level of activity to the existing garden which is in closer proximity to No. 2 Charlbury Road and therefore there would not be an increase in activity that would be alien or out of character.

Councillor Price left the meeting during the officer presentation.

John Holland Kaye and Phillip Allan (representing Linton Road Neighbourhood Association) spoke against the application.

Peter Brampton (agent) spoke in favour of the application.

The Committee acknowledged the concerns raised by the public speakers and in discussion noted the following points:

- The terraces had been designed to be set back from the edge of the flat roof area and would have privacy screens to address the concerns of the neighbours about noise and overlooking
- Complaints about noise from the terraces could be addressed under the licensing and environmental health regulations
- The development would remain the property of St John's College and this would provide an additional level of control in the event of problems with noise from the terraces

- The construction of roof terraces was not prohibited in the North Oxford Victorian Suburb Conservation Area
- Further expansion of the roof terraces was restricted by Condition 13
- there was no change to the overall number of residential units (no.10) at the development
- the improvements to the front elevation of the development was welcomed as a significant enhancement and a net benefit to the spatial amenity of the area
- although there was concern that the occupants of the top floor properties would not have access to the rear gardens or roof terraces it was recognised that there was sufficient public green space in the locality

The Committee sought guidance from the Legal Adviser with respect to Historic England guidance on assessing the impact of a development on the setting of Listed Buildings and what weight should be applied to noise. After further deliberation and discussion on this point the Committee were advised that the Planning Officers had taken the view that the development would not have a significant detrimental impact on the setting of the Listed Building at No. 2 Charlbury Road. For clarification the Planning Officer repeated the verbal update he had given during his presentation and reiterated his view that the noise impact from the roof terraces would not have a detrimental impact on the setting of the Listed Building at No. 2 Charlbury Road.

Councillor Cook moved to approve the officer recommendation; this was seconded by Councillor Hollingsworth.

Councillor Landell Mills moved to add a condition to remove the roof terraces from the application; this was seconded by Councillor Goddard.

The Planning Officer explained that the inclusion of such a condition was not advisable and that the Committee should determine the application before them. If the inclusion of roof terraces was unacceptable then the Committee should vote to refuse the application.

The Committee then moved to vote on the original motion to approve the officer recommendation.

In reaching its decision, the Committee confirmed that it had considered all the information put before it taken account of the advice provided at the meeting by the Planning Officers and Legal Adviser.

The West Area Planning Committee resolved to:

- **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
- **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.

Note to Minute 33

On 14 November 2017 the West Area Planning Committee resolved to agree that this Minute should be qualified to show that, in regard to application 17/02109/FUL, the Committee subsequently sought advice from the Monitoring Officer and the Head of Planning, Sustainable Development and Regulatory Services, and concluded that to ensure a robust, fair and effective decision-making process:

- the resolution above to approve application 17/02109/FUL be set aside; and
- that application 17/02109/FUL should be re-submitted to the December meeting of the West Area Planning Committee for determination.

See Minute 43 (14 November 2017).

34. 17/02052/CT3: 40 Morrell Avenue, Oxford, OX4 1ND

The Committee considered an application for planning permission for the erection of single storey rear conservatory extension.

The Committee noted the report.

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

The West Area Planning Committee resolved to:

Approve the application for the reason given in the report and subject to the 3 required planning conditions as set out in section 12 of the report and grant planning permission.

35. Minutes

The Committee resolved to approve the minutes of the meeting held on 12 September 2017 as a true and accurate record.

36. Forthcoming applications

The Committee noted the list of forthcoming applications.

37. Dates of future meetings

The Committee noted the dates of future meetings.

The meeting started at 6.30 pm and ended at 8.50 pm

Chair

Date: Tuesday 12 December 2017