

Agenda

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West Area Planning Committee

Date: **Tuesday 6 August 2019**

Time: **6.00 pm**

Place: **The Old Library - Oxford 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 Colin Cook	Jericho and Osney;
Vice-Chair	Councillor Michael Gotch	Summertown;
	Councillor Tiago Corais	Littlemore;
	Councillor Alex Donnelly	Hinksey Park;
	Councillor Paul Harris	St. Margaret's; apologies
	Councillor Alex Hollingsworth	Carfax;
	Councillor Dan Iley-Williamson	Holywell;
	Councillor Louise Upton	North; apologies
	Councillor Dick Wolff	St. Mary's;
	Councillor Sian Taylor	Northfield Brook; as substitute
	Councillor Tom Landell Mills	St. Margaret's; as substitute

The quorum for this meeting is five members. Substitutes are permitted. Substitutes for the Chair and Vice-chair do not take on these roles.

Copies of this agenda

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AGENDA

Pages

1 Apologies for absence and substitutions

Planning applications - background papers and additional information

To see representations, full plans, and supplementary information relating to applications on the agenda, please [click here](#) and enter the relevant Planning Reference number in the box.

Any additional information received following the publication of this agenda will be reported and summarised at the meeting.

2 Declarations of interest

3 19/00436/FUL: Convent of the Incarnation, Fairacres Road, Oxford, OX4 1TB

11 - 48

Site address: Convent Of The Incarnation, Fairacres Road, Oxford, OX4 1TB

Proposal: Redevelopment of the existing site including erection of new two storey wing; single storey cottage building to create 3 self contained units; single storey fruit store; single storey garage and workshop; 2no. single storey glazed cloisters and changes to fenestration of St Raphael's Building. Demolition of existing buildings along the southern boundary, associated landscaping and site works.

Recommendation:

The West Area Planning Committee is recommended to:

1. **approve the application** for the reasons given in the report and subject to the required planning conditions set out in section 11 of the report and grant planning permission; and
2. **agree to delegate authority** to the Acting Head of Planning Services to:
 - finalise the recommended conditions as set out in the report including such refinements, amendments, additions and/or deletions as the Acting Head of Planning Services considers reasonably necessary.

4	<p>19/01474/FUL:19 Harley Rd, Oxford, OX2 0HS</p> <p>Site address: 19 Harley Road, Oxford, OX2 0HS</p> <p>Proposal: Erection of part single, part two storey rear extension. Alteration to 1no. window to north side elevation.</p> <p>Reason at Committee: This application was called in by Councillors Pressel, Munkonge, Tanner, Rowley and Djafari-Marbini due to concerns about the possible impact of the development proposal on the amenity of neighbouring occupiers.</p> <p>Recommendation:</p>	49 - 60
	<p>The West Area Planning Committee is recommended to:</p> <ol style="list-style-type: none"> 1. approve the application for the reasons given in the report and subject to the required planning conditions set out in section 12 of the report and grant planning permission. 2. agree to delegate authority to the Acting Head of Planning Services to: <ul style="list-style-type: none"> • finalise the recommended conditions as set out in the report including such refinements, amendments, additions and/or deletions as the Acting Head of Planning Services considers reasonably necessary. 	
5	<p>Oxford City Council - Jury's Inn (No.1) Tree Preservation Order 2019</p> <p>Site address: Land to the south of Jury's Inn Hotel, north of Rawson Close, Rawson Close, Oxford</p> <p>Recommendation:</p>	61 - 66
6	<p>19/01298/CT3: 16 Sparsey Place, Oxford, OX2 8NL</p> <p>Site address: 16 Sparsey Place, Oxford, OX2 8NL</p> <p>Proposal: Erection of a two storey side extension, erection of single storey front extension and erection of single storey rear extension (amended plans).</p>	67 - 78

Recommendation:

The West Area Planning Committee is recommended to:

1. **approve the application** for the reasons given in the report and subject to the required planning conditions set out in section 12 of the report and grant planning permission;
2. **agree to delegate authority** to the Acting Head of Planning Services to:
 - finalise the recommended conditions as set out in the report including such refinements, amendments, additions and/or deletions as the Acting Head of Planning Services considers reasonably necessary.

7 Minutes

79 - 84

Recommendation: to approve the minutes of the meeting held on 9 July 2019 as a true and accurate record.

8 Forthcoming applications

Items currently expected to be considered by the committee at future meetings are listed for information. This is not a definitive list and applications may be added or removed at any point. These are not for discussion at this meeting.

18/02065/OUTFUL: Oxford North (Northern Gateway) Land Adjacent To A44, A40, A34 And Wolvercote Roundabout, Northern By-Pass Road, Wolvercote, Oxford, OX2 8JR	Major application
18/02644/FUL: Site Of Millway Close, Oxford, OX2 8BJ	Called in
18/03369/FUL: Site Of Gibbs Crescent, Oxford, OX2 0NX	Committee level application
18/03370/FUL: Simon House, 1 Paradise Street, Oxford, OX1 1LD	Committee level application
19/00608/FUL: Jurys Inn, Godstow Road, Oxford, OX2 8AL	Committee level application
18/03133/FUL: Linton Lodge Hotel, 11-13 Linton Road, Oxford, OX2 6UJ	Committee level application
18/02982/FUL: Old Power Station, 17 Russell Street, Oxford, OX2 0AR	Committee level application
19/00481/FUL: 367 Iffley Road, Oxford, OX4 4DP	Committee level application
19/00720/FUL: Parish Church Of	Committee level

SS Mary And John, Cowley Road, Oxford, OX4 1UR	decision
19/01456/FUL: The Eagle And Child, St Giles', Oxford, OX1 3LU	Called in
19/01662/FUL: 75 Botley Road, Oxford, OX2 0EZ	Called in
19/01604/FUL: 255 Woodstock Road, Oxford, OX2 7AE	Called in
19/01005/FUL: 61 Godstow Road, Oxford, OX2 8PE	Called in
19/01418/FUL: 26 Davenant Road, Oxford, OX2 8BX	Called in
19/01205/FUL: 327 Woodstock Road, Oxford, OX2 7NX	Committee level application
18/02989/FUL: 269 Cowley Road, Oxford, OX4 2AJ	Committee level application
19/01797/FUL: 29 Cranham Street, Oxford, OX2 6DD	
19/01510/LBC: 51 St Giles' Oxford OX1 3LU	Called in

9 Dates of future meetings

Future meetings of the Committee are scheduled at 6.00pm on:

2019

10 September
24 September
8 October
12 November
10 December

2020

21 January
11 February
10 March
7 April

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.
Unchanged in last Constitution update agreed at Council November 2018.**

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Delegated Report

Application number: 19/00436/FUL

Decision due by 12 June 2019

Extension of time 16 August 2019

Proposal Redevelopment of the existing site including erection of new two storey wing; single storey cottage building to create 3 self contained units; single storey fruit store; single storey garage and workshop; 2no. single storey glazed cloisters and changes to fenestration of St Raphael's Building. Demolition of existing buildings along the southern boundary, associated landscaping and site works.

Site address Convent Of The Incarnation , Fairacres Road, Oxford, OX4 1TB – see **Appendix 1** for site plan

Ward Iffley Fields Ward

Case officer Natalie Dobraszczyk

Agent: Mr Charles Darby **Applicant:** Sister Claire-Louise Marriott

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:

1.1.1. **approve the application** for the reasons given in the report and subject to the required planning conditions set out in section 11 of this report and grant planning permission; and

1.1.2. **agree to delegate authority** to the Acting Head of Planning Services to:

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

2. EXECUTIVE SUMMARY

2.1. This report considers an application for the redevelopment of the convent site and alterations and extensions to existing buildings including the erection of a new two storey wing; single storey cottage building to create 3 self-contained

units; single storey fruit store; single storey garage and workshop; 2no. single storey glazed cloisters; single storey extension to St. Joseph's Building; and changes to fenestration. Also included is the demolition of existing buildings along the southern boundary, associated landscaping and site works.

- 2.2. Officers consider that the proposal would accord with the policies of the development plan when considered as a whole and the range of material considerations on balance support the grant of planning permission.
- 2.3. The scheme would also accord with the aims and objectives of the National Planning Policy Framework, would constitute sustainable development and given conformity with the development plan as a whole, paragraph 11 advises that the development proposal should be approved without delay. Furthermore there are not any material considerations that would outweigh the compliance with these national and local plan policies.

3. COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 3.1. The proposal is liable for a CIL contribution of £21,276.54.

4. SITE AND SURROUNDINGS

- 4.1. The application site is located to the rear of Parker Street to the east, Fairacres Road to the south, Bedford Street to the north and Meadow Lane to the west. Vehicular access is located via a driveway off Parker Street while pedestrian access is gained between two properties on Fairacres Road.
- 4.2. A site location plan is shown below:



- 4.3. The site operates as a convent which was established in 1911 and currently is home to around 25 Sisters. The existing site layout features a linear development of low rise (two to three storey) buildings that have developed over a number of years. The buildings are located along the eastern edge of the application site. To the rear of the buildings is a grassed garden area which is separated by hedging from the historic orchard and field areas to the west of the site. There are a number of large trees and substantial vegetation both along the site boundaries and within the areas of amenity space. To the rear of the application site, outside of the red line area, is Iffley Fields, a designated site of local importance for nature conservation which is located within the Green Belt.
- 4.4. The site as a whole is a Non-Designated Heritage Asset and is listed on the Oxford Heritage Asset Register. The justification for the inclusion on the register cites the value of the Old Convent (formerly Fairacres), St Mary's and the Chapel buildings and the "green oasis" setting.
- 4.5. Officers consider that the site currently falls within a sui generis use class. The site is located within Flood Zone 1.

5. PROPOSAL

- 5.1. The application proposes the redevelopment of the existing site including the following:
- Erection of new two storey wing;
 - 2no. single storey glazed cloisters;
 - Single storey cottage building to create 3 self-contained units;
 - Single storey fruit store;
 - Single storey garage and workshop;
 - Single storey extension to St. Joseph's Building;
 - Changes to fenestration;
 - Demolition of existing buildings along the southern boundary and associated landscaping and site works.
- 5.2. The proposed new two storey wing would measure approximately 6 metres in height to the eaves and 9 metres to the apex of the roof, 9.5 metres wide and 54.5 metres in length. The proposed floor area for the new wing is 860 m². The intention for this new wing would be to provide a new public entrance to the convent with public functions in the western end of the building and monastic functions in the eastern end. At ground floor level these include office and reception areas and work rooms and a library respectively. At first floor level the building would house guest bedrooms and facilities as well as offices for the Sisters. New signage is shown above the main entrance to the

building which would require separate advertisement consent.

- 5.3. In addition two single storey glazed cloisters are proposed to link the new wing building with the existing chapel to the south east and St. Joseph's and St. Raphael's to the south. The cloisters would measure approximately 2.5-3 metres in height, 2.5 metres in width and 24-30 metres in length.
- 5.4. To the south west of the application site, along the boundary with the rear gardens of nos. 62 – 88 Fairacres Road the application proposes single storey buildings to provide three guest cottages, a fruit store and a garage/ workshop. The proposed guest cottages would measure approximately 3.5 metres in height at their highest point 24.4 metres in width and 11.5 metres in depth. The cottages would provide total floor areas of 40 m², 34m² and 43m² plus some communal space. The proposed fruit store would measure up to 4.5 metres in height, approximately 8 metres in width and 8 metres in depth. The proposed garage/ workshop would measure up to 3.8 metres in height, approximately 11 metres in width and 6 metres in depth.
- 5.5. Internal floor areas for each of the new buildings/ extensions is as follows:

Building	Proposed increase in internal floorspace (m ²)
New Wing	860
Cloisters	110
Guest Cottages	130
Fruit Store	50
Garage	52
St. Joseph's Extension	54

- 5.6. The application proposes amendments to existing fenestration within the following buildings: St. Joseph's, St. Mary's, St. Raphael's, and the Chapel.
- 5.7. To facilitate the redevelopment of the site the following buildings are proposed to be demolished:
- Chapter House;
 - St. Joseph's Link;
 - St. Joseph's Back;
 - Lower Cloister;
 - St. Elizabeth of Hungary (guest cell);

- Fruit Store;
- Tool Store;
- Garage;
- Chicken Shed.

5.8. Finally, the application proposes landscaping works which would include the creation of a new courtyard, landscaping to the area between St. Michael's and Fellowship House, gravel driveway vehicular access leading to a car parking area adjacent to the proposed guest cottages.

6. RELEVANT PLANNING HISTORY

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

56/05414/A_H - Alterations and extension to convent. Refused 24th July 1956.

56/05694/A_H - Change of use from residential to convent living accommodation. Approved 27th November 1956.

57/05805/A_H - Extension to convent. Approved 9th April 1957.

58/07205/A_H - Rebuilding of convent. Approved 22nd July 1958.

73/00250/A_H - Alterations to access to Parker Street, formation of parking spaces and extensions. Approved 10th April 1973.

90/00374/NF - Erection of two-storey and single storey extensions for use as an infirmary and single storey cloister to refectory. New single storey detached building to be used as fruit store. Extension freezer/store building. (Amended plans). Approved 23rd August 1990.

92/00321/NF - Erection of metal gates to drive, security metal railing on top of existing northern boundary wall, replacement of vehicular gates and pedestrian gate on to Parker Street. Approved 15th May 1992.

11/03222/FUL - Proposed infill rear extension to create lift shaft for new lift installation to St Mary's Convent residential building. Approved 3rd February 2012.

7. RELEVANT PLANNING POLICY

7.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework	Local Plan	Core Strategy	Other planning documents	Local Plan 2036 Proposed Submission Draft
Design	124 – 132	CP1, CP6, CP8, CP10, CP11, CP13, CP19, CP20	CS2, CS18		RE1, RE2, RE7
Conservation/Heritage	189 – 202	HE.2, HE.6, HE.11			DH1, DH4, DH5
Natural Environment	148-165, 170 – 183	CP21, CP22, CP23	CS9, CS10, CS11, CS12	Energy Statement TAN	RE3, RE4, RE6, RE9, G2, G7
Social and Community	91 – 93	CP19			RE5
Transport	102 – 111	TR3, TR4		Parking Standards SPD	M1, M2, M3, M4, M5
Miscellaneous	7 – 12, 47 – 48	CP.13 CP.24 CP.25			S1

8. CONSULTATION RESPONSES

8.1. Site notices were displayed around the application site on 29 March 2019 and an advertisement was published in The Oxford Times newspaper on 28 March 2019. Following amendments to the scheme additional site notices were displayed on 5 July 2019 and an advertisement was published in The Oxford Times newspaper on 11 July 2019.

Statutory and non-statutory consultees

Oxfordshire County Council (Highways)

8.2. No objections subject to conditions to submit a construction traffic management plan

Oxfordshire County Council (Drainage)

8.3. No objections subject to conditions requiring additional information relating to SuDS and drainage strategy.

Flood Mitigation Officer

- 8.4. No objections subject to conditions requiring additional information relating to SuDS and drainage strategy.

Crime Prevention Design Advisor

- 8.5. No objections but recommended design solutions to improve the safety of the development.

Tree Officer

- 8.6. No objections subject to conditions requiring details of landscaping; hard surfaces; underground services; tree protection plans and an Arboricultural Method Statement.

Ecology Officer

- 8.7. No objections subject to conditions relating to the submitted bat survey report; the requirement for the submission of a badger mitigation strategy; details of ecological enhancements and; details of a lighting strategy.

Archaeology Officer

- 8.8. No objections subject to conditions requiring details of a programme of archaeological work and the submission of a Level II photographic record.

Contaminated Land Officer

- 8.9. No objection subject to conditions requiring the submission of a phased risk assessment

Thames Water Utilities Limited

- 8.10. No objections. Requested the inclusion of an informative relating to the water pressure in the area.

Natural England

- 8.11. No objections.

Environment Agency

- 8.12. No comments.

Public representations

- 8.13. 24 letters of comment were received on this application from addresses in Parker Street, Fairacres Road and Bedford Street.
- 8.14. Comments were also received from the Victorian Group of Oxfordshire Architecture and Historic Society and Oxford Preservation Trust.

8.15. In summary, the main points of objection (13 residents) were:

- Concerns about the loss of 4 on-street car parking spaces- questions as to whether this is a temporary or permanent arrangement;
- Suggestions that the loss of on street car parking will encourage cars to drive faster in the 20 mph zone;
- Queries as to why the existing access will need to be widened;
- Concerns about construction traffic and movement;
- Concerns about road safety at the junction of Daubeney Road, Parker Street and Warwick Street;
- Objection to the siting of the car parking area and the need for car parking on this site;
- Concerns that the proposals would increase pollution, car noise and footfall and impact on local residents' quiet, security and seclusion;
- The proposed development would do nothing to improve the appearance of the convent from the rear gardens of Parker Street;
- The proposed north wing would be higher than the existing Chapter House link which would reduce the amount of breaks in the skyline and impact on the amount of sunlight reaching the backs of the houses and gardens;
- Concerns that the proposals exclude information on what is planned for the old convent building and the existing bungalows.
- Suggestion that the guest cottages would function as a short term accommodation business which would conflict with environmental and local community values;
- It was implied that the applicant shouldn't be allowed to develop as the site is large and there are already numerous buildings. Also it was suggested that the proposals to expand the site would conflict with the Sisters "vow of poverty";
- It was suggested that the rear of the site along Meadow Lane would be a better location for some of the proposed elements;
- Suggestions that the proposed guest cottage would be too close to the boundary wall with the neighbouring residential properties and that it would be too high. Concerns that this would detrimentally impact on neighbouring outlook and lead to a loss of light as well as light pollution for neighbouring occupiers;
- The development would be harmful to the view from the neighbouring dwellings;
- The Victorian Group of Oxfordshire Architecture and Historic Society stated that they believe the main building (St. Mary's) and the chapel should be listed. The group are of the opinion that the west end of the chapel should remain clear and that the ground floor windows on St. Mary's should not be lowered as this could disrupt the proportions of the building. Comments were also made that the architectural quality of the

proposed works would be poor.

- Oxford Preservation Trust raised no objections but stated that they considered that the proposals would not represent high quality architectural design. They felt the cloisters would be a clumsy addition to the existing Chapel.
- Concerns about the impact on ecology;
- Objections to the loss of the existing brick wall boundary between the site and residents at Fairacres Road;
- Request that Officers restrict any further building on the site and that the orchard and larger trees be protected;
- Objections to the design which was considered to be out of keeping with the surrounding area. Likewise, comment was made that the proposals would not respect the historic layout of the surrounding streets;
- Concerns that the proposed car park would lead to increased anti-social behaviour;
- It was stated that the proposals would not promote any social inclusion. Comments were made about the declining number of Sisters and the long term future of the site;
- The potential impacts on flooding and drainage were raised as well as the Council's climate change objectives;
- Objection was made to the fact that the proposal would not help Oxford's work or housing need.

8.16. The main points in support of the application (2 residents) were:

- Support for the proposed green roof as it was felt that this would lessen any impact;
- The proposals would enhance the facilities and make the existing buildings more user friendly.

8.17. One response was received which was neither in support or objecting to the proposal.

Officer response

8.18. Officers note concerns about the future of the existing bungalows, however, no changes to these buildings are proposed in the current application and therefore have no bearing on the assessment made in this report.

8.19. There were suggestions that the proposed guest cottages would function as a short term accommodation business. The applicant has confirmed that the intention of these cottages is that they will be used by the Sisters and for specific religious visitors to the site (e.g. men who would not be allowed to reside in the main building). These visitors would be known to the Sisters and, more generally, visitors to the site are restricted and pre-arranged. As such, the cottages would have an ancillary use to support the primary use of the

convent not as in independent use as an accommodation business. A condition has been suggested to ensure this remains the case.

- 8.20. Comment was made suggesting that the proposed development was not justified due to the demographic of the existing occupiers and the size of the site within their ownership. This is not considered to be a material consideration nor an appropriate reason to justify refusal of the application.
- 8.21. The applicant has confirmed that an illustrative access drawing was submitted with the application in error. This plan showed the widening of the Parker Street access and loss of on-street car parking spaces. For clarity, the proposals would not include any work in the highway or the pavement, there would be no alteration to the existing yellow lines or on-street car parking provision. As such, this plan has now been withdrawn from the application submission.

9. PLANNING MATERIAL CONSIDERATIONS

9.1. Officers consider the determining issues to be:

- i. Principle of development;
- ii. Design and impact on non-designated heritage assets;
- iii. Impact on neighbouring amenity;
- iv. Transport;
- v. Trees and landscape;
- vi. Sustainability;
- vii. Biodiversity;
- viii. Other matters.

i. Principle of development

- 9.2. The National Planning Policy Framework (NPPF) sets out a presumption in favour of sustainable development (paragraph 11) and encourages the efficient use of previously developed (brownfield) land (paragraph 117), as well as the importance of high quality design (section 12).
- 9.3. Policy CS2 of the Oxford Core Strategy 2011 requires that the majority of development takes place on previously developed land where appropriate. The proposals would reuse suitable buildings located to the south east of the application site and erect a number of buildings on previously developed land along the southern boundary following the demolition of the existing buildings. Likewise, the proposed new wing building would be located partially within the footprint of the existing Chapter House.
- 9.4. A proportion of the proposed development, would fall on previously undeveloped, or greenfield, land notwithstanding this officers consider that the proposals reuse existing buildings where possible and demonstrate a site layout which seeks to consolidate and make more efficient use of the existing

site. As such, the principle of development is considered to be acceptable and compliant with the relevant NPPF paragraphs and Core Strategy Policy CS2.

- 9.5. The Local Plan 2036 (Proposed Submission Draft) was submitted for examination on 22 March 2019 and, at the time of writing, Officers can only apply limited weight to the emerging policies. There are no policies within the emerging Local Plan which would be contrary to the assessment made above.

ii. Design and Impact upon Non-Designated Heritage Assets

Non-Designated Heritage Assets

- 9.6. The NPPF requires proposals to be based upon an informed analysis of the significance of all affected heritage assets and expects applicants to understand the impact of any proposal upon those assets with the objective being to sustain their significance (paragraph 189). When assessing the impact of a proposal on a non-designated heritage asset the NPPF requires the Local Planning Authority to undertake a balancing judgement having regard to the scale of any harm or loss and the significance of the heritage asset (paragraph 197).
- 9.7. The NPPF requires that local authorities seek high quality design and a good standard of amenity for all existing and future occupants of land and buildings. It suggests that opportunities should be taken through the design of new development to improve the character and quality of an area and the way it functions. Policies CP1, CP6, CP8 and HE.6 of the Oxford Local Plan, together with Policy CS18 of the Core Strategy require that development proposals incorporate high standards of design and respect local character.
- 9.8. The site as a whole is designated as having local heritage importance and is included on the Oxford Heritage Asset Register. The site's heritage significance is comprised of the following:
- There are a number of buildings on the site which comprise local heritage importance by reason of their historic and architectural interest, which include the Old Convent (formerly Fairacres), St Mary's and the Chapel.
 - The wide open landscaped parkland setting, the existing trees and orchard, and tranquil nature are key characteristics and features of the site, contributing to the setting of the buildings and illustrate the more open-nature of this part of East Oxford prior to its residential development in the later 19th century.
 - The continuous and continued use of the site by the Sisters of the Love of God for over a century contributes substantially to the site's historical significance.
- 9.9. There are also a number of existing buildings which are considered to have neutral and negative impact on the site's significance detracting from the

special interest of the site and above buildings, which are namely the late-20th century developments St Joseph's and St Raphael's.

- 9.10. Officers have given great weight to the significance of the non-designated heritage assets and the impact of the proposal upon them is considered in detail below.

Siting/ Layout

- 9.11. The Convent of the Incarnation is an Anglican community, living a contemplative monastic life. It is currently home to around 20 Sisters who have come together to make a gift of themselves to God for the sake of the world. The layout of the proposed development has been largely influenced by the Sisters, their day to day activities and requirements for improvements to the accessibility of the existing buildings.

- 9.12. The current site arrangement comprises of a number of buildings which display a range of ages and architectural styles, the siting of which takes a broadly linear form along the eastern and southern boundaries. The site currently comprises the following main buildings:

Building	Construction Date (approximately)	Current Use
The Old Convent	1900s	Offices (for the Charity and the Order), library, common room, art room, cell bedrooms, storage
St. Mary's	1920s	Cell bedrooms, Sacristy and storage
The Chapel	1920s	Chapel
Chapter House	1950s	Cell bedrooms, offices, kitchen
St. Joseph's	1950s	Refectory, cloakroom, cell bedrooms, kitchen, laundry
St. Theresa's Lodge	1960s	Shop, printing facility and parlours
Rhoda	1960s	Entrance link between Old Convent and St. Theresa's
St. Raphael's	1990s	Care facility

- 9.13. Additionally, there are 3 self-contained guest bungalows, a guest house at 2 Parker Street and at 38 Fairacres Road, as well as garages, greenhouses, garden huts, fruit store, chemical store and a parking area.

- 9.14. In support of the application the Sisters have provided a statement of need for the proposed redevelopment but in summary the existing buildings are problematic for the following reasons:
- The buildings are too large and spread out over a great distance;
 - The buildings have operational problems, maintenance and health issues;
 - Some buildings fight against “Monastic” life and “Enclosure”;
 - The buildings that have barriers to accessibility;
 - The existing site layout does not provide all “missional needs” for visitors;
 - The existing buildings have energy / sustainability issues;
 - St Raphael’s wing has specific care needs / limitations
- 9.15. The application seeks to address these issues and provide more sustainable buildings, to reduce travel distances between buildings and building levels and to live in a more compact area of the site. Therefore, the proposals are centred around re-using and extending the buildings along the eastern edge of the site and in the south east corner of the site.
- 9.16. The application proposes that St Mary’s would be retained and refurbished, which in conjunction with the chapel would allow these buildings greater importance in the centre of the redeveloped convent site.
- 9.17. The Old Convent building (Fairacres House) would be retained and with some later additions / extensions proposed to be demolished. The preservation of this non-designated heritage asset is supported and complies with the NPPF. The removal of the later additions to the building is considered to make a positive contribution to the asset and better reveal its significance.
- 9.18. The new two-storey wing is proposed to create a new public entrance to the convent and to house some of the more public functions in its western end. Towards the east of the building the proposed uses become “monastic” with work rooms at ground floor and monastic offices above, and this area, along with the cells in St Mary’s, would form the most private part of the convent. The design rationale for the siting of the proposed new wing is to establish a new cloister / courtyard area which would help to create a more functional core to the site, as opposed to the current linear form.
- 9.19. A second, smaller courtyard would be created by the positioning of the southern cloister, to provide a “processional route” to the Chapel (something which the Sisters currently lack). Whilst the larger courtyard would be centred on, and symmetrical to, the main St Mary’s elevation, the smaller courtyard is intended to re-establish an appreciation of the end gable of the chapel and the large crucifix which adorns it.

- 9.20. The proposed single storey extension to St. Joseph's would provide a laundry room following the demolition of the rear section of the building. It would be sited almost entirely on the same footprint as the existing building.
- 9.21. The positioning of the proposed guest cottages, fruit store, garage and workshop has been partially informed by ecological constraints and the needs of the convent, and has been informed following pre-application discussions with officers. In order to function to meet the needs of the convent the cottages were required to be separate and distinct from the main buildings and provide private space, but also be close enough to be accessible and to be managed by the Sisters and for security reasons. Therefore, the application proposes to group the cottages along the southern boundary, separated by the driveway and near to the gardens.
- 9.22. Officers have undertaken extensive pre-application discussion with the applicant to establish the best layout for the proposed works. It is considered that the proposals will rationalise the existing built form and meet the needs of the convent whilst retaining the important existing buildings and open garden land as much as possible. Therefore, the proposed layout is considered to be acceptable.

Access

- 9.23. The existing access to the Convent is to be maintained from Parker Street, although the alignment of this within the site will change to relate to the proposed built form and the proposed new entrance to the convent (within the new wing building). The new access route would be surfaced in a gravel effect finish. Secondary pedestrian access would be retained from Fairacres Road. A new pedestrian link is proposed from the main access drive into the site, between the existing trees.
- 9.24. The proposed car parking areas have been positioned away from the main entrance to avoid visual clutter in views from the entrance area and proposed cloisters. To help provide screening of the car parking areas planting is proposed planted around parking areas. Additionally a vehicle drop off area is proposed to the front of the new wing entrance.
- 9.25. The application proposes a new estate railing style fence with vehicle and pedestrian gated access points to increase the security of the site.
- 9.26. One of the key aspects of the proposal is to deliver buildings which are accessible and improve the accessibility of the existing buildings. As such, level or ramped access is proposed to all the new doors and most of the existing ones. All the buildings in the convent would be set at the same ground floor finished floor level. The new cloister links would be enclosed and allow for level access around the site, and the floor of St Mary's would be lowered by approximately 500mm so that it is at the same level as the Chapel, St Joseph's and St Raphael's. The proposed new wing would also be set into the ground partly to facilitate this level access across the site.

Scale and Massing

- 9.27. The proposed two-storey wing would be substantial in its scale and massing, being a significant addition to the site and have a substantial impact on the setting of the Old Convent, St Mary's and the Chapel, causing a moderate level of less than substantial harm to their heritage interest. However, the requirement for this amount of floorspace and a building of this type to meet the needs of the convent has been demonstrated and is considered justified. In light of the historic significance of the convent use officers consider that this would outweigh the harm caused to the setting of these buildings.
- 9.28. The proposed cottages and stores would be single storey buildings with building footprints which would be appropriate for their proposed uses. As such, these buildings are found to be acceptable in terms of their scale and massing.
- 9.29. The proposed cloisters are considered to be of a suitable height and massing to integrate with the existing and proposed buildings and meet the functional requirements of providing additional linkages across the site.
- 9.30. The proposed single storey extension to St. Joseph's would be a modest size and scale and as such is considered to be an acceptable addition to the existing building.

Appearance and Materials

Convent extensions

- 9.31. The proposed architectural response has been informed by the use of the site and needs of the Sisters. Whilst the elevational treatments of the new two-storey wing are relatively simple and plain in design, to reflect the needs and wishes of the Sisters for a visually simple building that would not compete with the Chapel, the design provides a contemporary response to the architectural character of St Mary's and the Chapel reflecting the fenestration proportions and comprising both similar and contrasting finishes. The proposed materials; render (soft and roughcast), reconstituted stone, aluminium and timber framed fenestration, and a standing seam zinc roof, subject to approval of the finished appearance, would be suitable for the context.
- 9.32. The proposed cloisters with solid roofs, glazed elevations and reconstituted stone plinths, subject to the submission of details, are considered to be of an appropriate design that would not detract from the setting of heritage assets, but help to emphasise the setting and monastic character of the convent community.
- 9.33. The proposed extension to St. Joseph's would utilise materials which would match the existing building.
- 9.34. Critical to the success of the scheme is the landscaping which will be key in ensuring the buildings are successfully integrated into the site and that the green and verdant nature of the site is retained, and the approval of further

large scale drawn architectural details. As such, officers have recommended conditions to secure these details.

Works to St Marys and the Chapel

- 9.35. There are a number of opportunities to improve and enhance the heritage significance of these locally significant buildings, including the replacement of the existing concrete tiles with clay tiles, the replacement of the existing render with render of a more suitable colour and finish, and the reinstatement of the shutters on St Mary's.
- 9.36. The application proposes the repainting of the render and the reinstatement of the external timber shutters, which would better enhance the significance of the heritage assets and there is no objection to this.
- 9.37. The original windows have at some point in the past been replaced, therefore, there is no objection to the principle of replacing them with new slim double glazed units that would replicate the original design and traditional timber detailing of the windows. To ensure the fenestration is of high quality officers have included a condition to secure further details.
- 9.38. The proposal to lower the cill of the ground floor arched windows on the west elevation would alter the original design and proportions of the windows causing a low level of harm to the architectural interest of the building. The reason for this alteration is in conjunction with the lowering of the internal floor level of the corridor (forming part of the cloister arrangement) which runs alongside the windows, to enable level access to the Chapel and would provide a suitable internal environment for the Sisters in this private part of the convent. This justification is considered to outweigh the low level of harm caused to the architectural interest of the building.

Guest cottages & stores

- 9.39. The proposed stores and guest cottages are of a fairly standard functional design, however, due to their low height, incorporation of green roofs and the surrounding landscaping treatment, their visual impact would be minimised, and is not considered detrimental to the general amenity or heritage significance of the site.

Southern boundary wall

- 9.40. This wall has a low level of heritage interest as it is partially constructed of the walls of former stable and outbuildings associated with the Old Convent. The rest of the wall is made up of more recent brickwork associated with the construction of the adjoining buildings which date from the mid-late 20th century. The scheme proposes to demolish these buildings but retain the southern boundary wall up to a height of 3m. This would include the areas of historic brickwork and as such there is no objection to this element of the works. A condition to secure details of the boundary treatments along the southern edge of the site has been recommended by officers.

Appearance and Materials Conclusion

- 9.41. Officers note comments received from Oxford Preservation Trust (OPT) and The Victorian Group of Oxfordshire Architecture and Historic Society (VGOAHS) which queried the design quality of the scheme. Following discussion with the applicant further details and material samples were submitted to improve the appearance of the buildings and reassure officers of the quality of the build. These amendments and additional details were re-advertised. At the time of writing no further comments have been received from OPT.
- 9.42. Officers are also mindful that the design of the buildings has been informed, in part, by the requirements of the Sisters and by a desire to achieve highly sustainable buildings and that this has consequently impacted on certain elements e.g. the location and sizes of window openings. The functionality and specific operational requirements of the building are accepted by officers. The high energy performance of the buildings is also supported and provides some justification for the building designs.
- 9.43. Therefore, Officers are satisfied that on balance, and subject to the requirements of the proposed conditions, the proposals would not be harmful in terms of their appearance and design.

Security

- 9.44. Comments were received from neighbouring occupiers about the potential for anti-social behaviour to take place within the site. Officers consulted with the Thames Valley Police Secured by Design Officer who raised a number of principles which should be adhered to.
- 9.45. The applicant has confirmed that these suggested measures will be incorporated within the scheme. These include access control systems, lighting controls and CCTV.

Conclusion

- 9.46. The proposed two-storey wing by reason of its siting, scale massing and design, would encroach into the immediate garden setting of the Old Convent, St Mary's and the Chapel having an adverse impact on their setting, and would therefore not be in accordance with policy HE6 which states that:

"Planning permission will only be granted for development that involves the demolition of a Building of Local Interest, or that would have an adverse impact on the building or its setting, if:

- a) the applicant can justify why the existing building cannot be retained or altered to form part of the redevelopment; and*
- b) the development will make a more positive contribution to the character and appearance of the area"*

- 9.47. However the NPPF post-dates this Local Plan policy and as such, where the policies differ from one another, greater weight should be given to the NPPF on this matter. NPPF Paragraph 197 states that:

“the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.”

- 9.48. In line with the NPPF considerations, it is considered that the level of harm to the setting of the individual non-designated heritage assets (the Old Convent, St Mary’s and the Chapel) caused by the two-storey wing would be less than substantial, and that this harm is outweighed by the benefits that the development would have in enabling the site to remain in convent use for the foreseeable future by rationalising the floorspace, layout and accessibility of the site making it fit for purpose and enhancing its monastic character. The other alternatives would involve significant substantial alterations to the locally important buildings, or siting substantial new buildings on an undeveloped area of the site.
- 9.49. On balance, it is considered that the proposed development would be the least harmful way of meeting the needs of the convent, whilst retaining what is most important in terms of the heritage significance of the site. This being: the wide open landscaped parkland setting, the existing trees and orchard and tranquil nature of the site; the architectural character and appearance of the locally important buildings; and the continued use of the site by the Sisters of the Love of God. The continued occupation of the site by the convent for over 100 years contributes substantially to the heritage significance of the site as a whole.
- 9.50. Additionally, it is considered that with the strong focus on landscaping and incorporating planting up and around the buildings, the buildings over time would become well integrated into the site, reinforcing the verdant nature and character of the site and their impact mitigated.
- 9.51. The proposed cloisters, guest cottages and stores are considered to be acceptable.
- 9.52. Therefore, subject to conditions the application would comply with paragraphs 127, 197 and 199 of the NPPF, policies CP1, CP8 of the Oxford Local Plan 2001-2016, and policy CS18 of the Oxford Core Strategy.

iii. Impact on neighbouring amenity

- 9.53. The Oxford Local Plan Policy seeks to safeguard the amenities of the occupiers of properties surrounding any proposed development. As a result Policy CP10 requires development to be sited in a manner which ensures that the amenities of the occupiers of properties surrounding any proposed development are safeguarded.

- 9.54. The application site is bounded by residential properties to the north (Bedford Street), east (Parker Street and partially Warwick Street) and south (Fairacres Road). The surrounding dwellings benefit from largely unobstructed views into the application site with the exception of those properties which have an outlook onto existing buildings or, in the case of some properties on Fairacres Road, the large boundary wall. The surrounding dwellings are of a generous size with large rear gardens that reflect this.
- 9.55. Due to the enclosed and entirely overlooked nature of the application site the proposed buildings and alterations would be visible to a large number of residential occupiers in the surrounding streets, however, the visibility of the proposals, and general increase in built form on the application site, would not automatically result in harm. Therefore, in assessing the impact on neighbouring amenity Officers have considered the potential impact of specific elements of the proposals on those dwellings most likely to be affected.

Bedford Street

- 9.56. Turning first to the impact on the properties along Bedford Street, the dwellings which are closest to the proposals are nos. 1- 31. These dwellings are sited to the rear of the existing access road from Parker Street, however, the siting of the access would remain unchanged so officers consider that they would not be significantly impacted by the proposals regarding access.
- 9.57. Nos. 1-31 Bedford Street would be able to view the north elevation of the proposed new wing building however due to the significant separation distance between them, amounting to approximately 32 metres between the new building and the rear boundary of the properties, officers are satisfied that the proposed new building would not result in harmful overlooking, overbearing or loss of light to neighbouring dwellings.

Parker Street/ Warwick Street

- 9.58. The properties which are immediately adjacent to the proposed works on Parker Street are nos. 14-22. Nos. 24-32 share a boundary with the existing Chapel and St. Mary's. No. 2 Parker Street and no. 98 Warwick Street bound the main vehicle access into the application site.
- 9.59. The main aspect of the proposal that would have the potential to impact on these properties would be the new wing building, of which the gable end eastern elevation of the building would be visible. The proposed building would be sited partially upon the existing footprint of the Chapter House so would not reduce the existing separation distance of approximately 2.5 metres being retained between the building and the boundary.
- 9.60. The proposed building would represent an increase in height from the existing building of approximately 2.7 metres and concerns have been raised by residents that the resultant effect would be visually overbearing and would infill the existing gap between the Old Convent Building and St. Mary's. While the proposed building would be more visually prominent than the existing it is not considered to be unduly overbearing. The significant separation distance

between the rear of no. 22 and the building would be approximately 32 metres which is large enough to ensure that there would not be significant harm to neighbouring occupiers. Furthermore, the proposed building would not infill the existing gap between buildings as the building line would step down from St. Mary's and back up Fairacres House.

- 9.61. There are no east facing windows on the first floor of the proposed building and as such officers are satisfied that the building would not lead to increased overlooking of neighbouring occupiers.

Fairacres Road

- 9.62. Along Fairacres Road the properties closest to the proposed works which share the southern boundary of the site are nos. 48-88. Comments have been received from residents expressing concerns about the removal of the existing boundary wall between the site and nos.48-54 Fairacres Road. The existing wall forms part of St. Joseph's which would be demolished under the proposed works. Following consultation with the Council's Heritage Officers it was determined that the wall does not have significant heritage value so as to be required to be retained. The submitted plans indicate that a boundary wall would be re-built as part of the associated site works. Officers consider that the re-provision of a red brick wall would be appropriate and suggest a condition to secure details of boundary treatments to ensure the wall would be of a suitable height to provide adequate privacy for the affected residents.
- 9.63. With regard to the proposed partial demolition of St. Joseph's officers consider that the removal of built form along the boundary edge would reduce the sense of enclosure currently created by the large, sprawling building form. As such, the impact of this demolition on neighbouring occupiers is found to be acceptable.
- 9.64. Concerns have been raised about the proposed guest cottages which suggest that they would be too close to the boundary wall with the neighbouring residential properties, would be too high and consequently would detrimentally impact on neighbouring outlook and lead to a loss of light. Officers have considered these concerns and have concluded that the proposed building would not have a harmful impact on residential amenity. The proposed building would be single storey measuring approximately 3 metres in height along the boundary. As such only 0.2 – 0.7 metres would be visible over a standard wooden fence panel. The proposal includes boundary treatments and a green roof to further integrate the building into the verdant setting. As such, the proposed building is found to be acceptable in terms of its impact on the neighbouring residential occupiers.

Conclusion

- 9.65. It is considered in light of the assessment detailed above that the development would not have a significant adverse impact upon any adjoining residential properties and therefore is found to be compliant with Policy CP1 of the Local Plan, HP14 of the Sites and Housing Plan and emerging Policy RE7 of the Proposed Submission Draft Local Plan 2036.

iv. Transport

Car Parking

- 9.66. The main access onto the site is off Parker Street which leads into a visitors' parking area. The application proposes to make improvements to the existing access which would be limited to widening the access within the application site to allow for emergency vehicles, bin lorries and delivery vans to more easily navigate the driveway.
- 9.67. The Highway Authority has considered the amendments to the existing access and consider it acceptable. It was also noted that the development would not result in an intensification of use which would require significant changes to the existing arrangements.
- 9.68. The applicant has confirmed that an illustrative access drawing was submitted with the application in error. This plan showed the widening of the Parker Street access and loss of on-street car parking spaces. For clarity, the proposals would not include any work in the highway or the pavement, there would be no alteration to the existing yellow lines or on-street car parking provision. As such, this plan has been removed from the application submission and would not form part of any scheme if the application is approved.
- 9.69. The application proposes a relative increase in the current parking spaces by one, bringing the total to 14 bays including disabled parking spaces. Officers and the Highway Authority consider that the proposal would not result in an increased demand of parking on/around the site and therefore find the proposals to be acceptable.

Cycle parking

- 9.70. The site does not currently include any cycle parking provision and no cycle parking is proposed as part of the application. To ensure that the site supports sustainable transport methods officers consider that cycle parking provision should be provided. The site includes a wide number of uses associated with the monastic function of the buildings and is currently considered to fall within a sui generis use class. Therefore, to establish an appropriate number of spaces the Highway Authority have suggested that the level of cycle parking provision should be derived from the land use with the biggest attraction of use. As such, it is reasonable to assume that the Chapel (which seats 50) should form the basis of the cycle parking levels.
- 9.71. The minimum requirement set out in the Adopted Parking Standards for places of worship (Use Class D2) is 1 cycle parking space per 20sqm. This equates to a minimum of 4 cycle parking spaces details of which will be secured by condition.

Construction Traffic

- 9.72. To mitigate the impact of construction vehicles on the surrounding network, road infrastructure and local residents a condition has been included to secure the submission of a Construction Traffic Management Plan (CTMP).

v. Trees and Landscape

- 9.73. All trees are a material consideration in the planning process; whether by the preservation of existing and/or through new tree planting opportunities. However, there are no special planning constraints related to trees at this site (i.e. TPOs or Conservation Areas). The proposals include the removal of several trees as identified in the submitted Arboricultural Impact Assessment (AIA) but given the contained nature of the application site this would not have a significant detrimental effect on public views and public amenity in the area.
- 9.74. The most significant impact on public amenity would be the removal of the large lime tree, which is near to the Parker Street entrance and which is a prominent skyline feature in public views from Parker Street, Daubney Road and Bedford Street. However, this tree is infected with a progressive decay causing fungus and the Council's Tree Officer has recommended that it should be removed regardless of any development of the site.
- 9.75. The submitted AIA included tree protection proposals and of the design and method of construction of hard surfaces in outline, but further details will be required to ensure that retained trees are not damaged along with details of underground utility services and drainage. A condition has been added to secure these details.
- 9.76. A draft Landscape Plan has been submitted with the application which shows the location of proposed new trees and proposed soft landscaping. Officers have no objection to the planting indicated, however the tree planting offering should be extended to include a new large growing tree at the location of lime tree which is to be removed. A condition has been added to secure further landscaping details including a planting plan.
- 9.77. As such officers consider the proposal to be acceptable and compliant with Local Plan Policies, CP1, CP11, NE15 and NE16, and emerging Local Plan Policy G7 (Other Green and Open Spaces).

vi. Sustainability

- 9.78. Core Strategy Policy CS9 (Energy and Natural Resources) states that all developments should seek to minimise their carbon emissions and should demonstrate sustainable design and construction methods and energy efficiency through design, layout, orientation, landscaping and materials.
- 9.79. The energy strategy for the new wing building closely aligned with the Passivhaus principles which includes the following:
- Emphasis on the building fabric to achieve low energy consumption passively;

- High levels of insulation without gaps;
 - Air-tight construction;
 - High performance glazing (normally triple glazing);
 - Mechanical ventilation with heat recovery;
 - High levels of thermal comfort- no cold draughts or cold surfaces.
- 9.80. The proposals also consider the need for suitable ventilation and glazing to combat overheating and heat loss from the new building.
- 9.81. The fabric of the proposed new building would significantly exceed the minimum requirements of building regulations. It is predicted that the building's performance would be equivalent to the PHI Low Energy Building standard, although it is not intended that the building would be certified. When considered against Part L2A of the Building Regulations the proposal would achieve a 19.8% reduction in carbon emissions.
- 9.82. Officers consider that the proposal would significantly minimise the carbon emissions resulting from the development and does demonstrate sustainable design and construction methods and energy efficiency through design and materials. As such, Officers conclude that the proposal would comply with the aims of Core Strategy Policy CS9.

vii. Biodiversity

- 9.83. Consideration is required to be given to European Protected Species and the requirements of the Conservation of Habitats and Species Regulations 2010, which exist to safeguard against activities affecting European Protected Species. In this instance, Bat and badger surveys have been submitted with the application which demonstrate the presence of a Common Pipistrelle bat maternity roost within St. Joseph's/ St. Raphael's and badgers on the site. Natural England was consulted on the original application and had no objection. However, where a licence will be required because of disturbance to European Protected Species, the Planning Authority, when dealing with planning applications, are required to have regard to the likelihood of a licence being granted and in so doing the three tests under Regulation 53 of the 2010 Regulations.
- 9.84. The three tests are:
1. Imperative Reasons of Overriding Public Interest
 2. No satisfactory alternative
 3. Favourable Conservation Status
- 9.85. In consideration of these it can be advised as follows:

1. As detailed in section ii of this report the application site partly derives its historical importance from its continuous use by the Sisters of the Love of God for over a century. The proposals will facilitate the continuation of this use which would support this non-designated heritage asset which is considered to be in the public interest. Likewise, the proposals offer opportunities to improve and enhance the heritage significance of the locally significant buildings on the site which is also considered to be a reason of overriding public interest.
 2. In order to ensure that the site can meet the requirements of the Sisters, and to protect the majority of the green garden space forming the curtilage of the Convent, it would be necessary to undertake works to buildings where there are protected species.
 3. The third test relates to ensuring the action authorised is not detrimental to the maintenance of the population of the species concerned at a favourable conservation status. The Council's Biodiversity Officer has considered that the impact of the proposals is unlikely to be considered significant and that mitigation measures and enhancements to be secured by condition would be satisfactory.
- 9.86. Overall having regard to the above, the Planning Authority considers that the proposal meets the three tests under Regulation 53 of the Habitats and Species Regulation 2010 in that there are imperative reasons of overriding public interest, no satisfactory alternative sites that would deliver that interest and it provides favourable conservation status. As such, it is considered that a licence is likely to be granted.
- 9.87. A condition has been included to confirm that the development must be undertaken in accordance with the recommendations of the bat survey report, including obtaining a European Protected Species Mitigation Licence from Natural England and provision of artificial roost features.
- 9.88. A main badger sett has been identified within the site, which would not be directly impacted by the proposals. However, the scheme has the potential to indirectly affect badgers which are known to commute and forage through the site. The construction phase, without mitigation, has potential to harm or disturb the species. A badger mitigation strategy is therefore required and a condition has been included to secure these details.
- 9.89. Finally a condition has been included to require the submission of a scheme of ecological enhancements, to include landscape planting of known benefit to wildlife and provision of bat and bird boxes, to ensure an overall net gain in biodiversity is achieved.
- 9.90. Following the assessment of the submitted supporting documents officers consider that the application is found to comply with the requirements of the NPPF paragraph 175, Core Strategy Policy CS12 and emerging Local Plan Policy G2.

viii. Other matters

- 9.91. The application site is located within Flood Zone 1 and therefore it is considered to be low risk for flooding. Officers consider that the details contained within the application and to be secured through conditions would ensure the proposals would be acceptable and compliant with the requirements of section 14 of the NPPF, Core Strategy Policy CS11 and emerging Local Plan Policy RE3.
- 9.92. Officers consider that it is necessary to secure the submission of a a phased risk assessment at the site with regards to potential ground contamination risks. This is because the site has had historical uses that may have given rise to ground contamination including fuel and chemical storage and buildings that contain ACM (asbestos containing materials). In addition, the development proposals include residential accommodation which is considered to be a sensitive use. This means that there remains the potential for workers and end users of the site to be exposed to potential contaminants which could cause harm.
- 9.93. The application site is of archaeological interest and therefore conditions have been included to secure further details of archaeological works.
- 9.94. The potential impacts of the proposal on air quality have been considered and found to be acceptable subject to the conditions set out in section 11 of this report.

10. CONCLUSION

- 10.1. Having regard to the matters discussed in the report, officers would make members aware that the starting point for the determination of this application is in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004 which makes clear that proposals should be assessed in accordance with the development plan unless material considerations indicate otherwise.
- 10.2. In the context of all proposals Paragraph 11 of the NPPF requires that planning decisions apply a presumption in favour of sustainable development, this means approving development that accords with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Compliance with Development Plan Policies

- 10.3. Therefore, in conclusion, it is necessary to consider the degree to which the proposal complies with the policies of the development plan as a whole and

whether there are any material considerations, such as the NPPF, which is inconsistent with the result of the application of the development plan as a whole.

- 10.4. The proposal is considered to comply with the development plan as a whole with the exception of Local Plan Policy HE.6. As the NPPF post-dates this Local Plan policy, and as the policies differ from one another, greater weight should be given to the NPPF on this matter. The proposal is found to comply with NPPF Paragraph 197 and therefore is considered to be acceptable.

Material considerations

- 10.5. The principal material considerations which arise are addressed below, and follow the analysis set out in earlier sections of this report.
- 10.6. Officers consider that the proposal would accord with the overall aims and objectives of the NPPF for the reasons set out within the report. Therefore in such circumstances, Paragraph 11 is clear that planning permission should be approved without delay. This is a significant material consideration in favour of the proposal.
- 10.7. The proposal will not have an unacceptable impact on non-designated heritage assets, the neighbouring amenity, public highways and biodiversity. Conditions have been included to ensure this remains the case in the future.
- 10.8. Therefore it is recommended that the Committee resolve to grant planning permission for the proposed development subject to the conditions set out in section 11 of this report.

11. CONDITIONS

1. Development Time Limit

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. Development in Accordance with Approved Plans

Subject to condition 6, 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. Material Samples

Prior to commencement of above ground works on the site samples of the exterior materials and finishes to be used shall be submitted to and approved in writing by the Local Planning Authority. Material samples to be submitted shall include as a minimum:

- Paint samples for St. Mary's and the Chapel;
- Colour of aluminium framed windows & doors and shutters (new extension);
- Colour of renders (new extension);
- Glass, frame, door frames, and roof materials (cloisters);
- Timber cladding, render, fascia boards (guest cottages).

The development shall be completed in accordance with the approved details unless otherwise agreed in writing.

Reason: In the interests of the visual appearance of the non-designated heritage assets and in accordance with policies CP1, CP8 of the Adopted Oxford Local Plan 2001-2016 and Core Strategy Policy CS18.

4. Materials (as approved)

Notwithstanding the requirements of condition 3 of this consent, the materials to be used in the new development shall be as detailed on approved plan 'New Wing External Finishes' (ref: 1541b-MEB-MC-XX-DR-A-4-321). For the avoidance of doubt these are as follows:

- Reconstituted Stone - Vobster Bath Stone Deep Etch;
- Zinc Standing Seam Roof - VM Zinc Pigmento Blue;
- Smooth Render - Knauf Marmorit Conni S 1.0mm;
- Rough Textured Render - Knauf Marmorit Noblo 1.5mm;
- Solid Oak - Aspex Crown Cut American White Oak.

There shall be no variation of these materials without the prior written consent of the Local Planning Authority.

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

5. Timber Shutters and Painting

Prior to occupation of the approved new buildings, external works to St. Mary's and the Chapel (comprising the repainting of the render and the reinstatement of the external timber shutters) shall be completed.

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

6. Large Scale Details

Notwithstanding the details submitted with the application, prior to commencement of development large scale design details shall be submitted to and approved in writing by the Local Planning Authority. These shall include, as a minimum:

- i. Vertical and horizontal sections and profiles for:
 - Cloisters showing eaves, roof, plinth, glazing, frame, doorways
 - New convent extensions showing eaves, expressed stonework, windows and doors including recesses.
 - Guest cottages showing eaves.
- ii. Large scale joinery and finish details of replacement windows and doors and new shutters in St. Mary's.

The development shall be carried out in accordance with these approved details unless otherwise agreed in writing.

Reason: For the avoidance of doubt and in the interests of the visual appearance of the non-designated heritage assets and in accordance with policies CP1, CP8 of the Adopted Oxford Local Plan 2001-2016 and Core Strategy Policy CS18.

7. Boundary Treatments

Prior to commencement of the development hereby approved details of the proposed boundary treatments shall be submitted to and approved by the Local Planning Authority. Details shall include as a minimum:

- A plan to show the location and extent of the proposed boundary treatments;
- Plans to show the proposed height and dimensions;
- Samples of proposed materials.

The development shall be carried out in strict accordance with of the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the amenity of neighbouring occupiers in accordance with Policy CP1 (Development Proposals) of the Local Plan and HP14 of the Sites and Housing Plan (2013).

8. CTMP

Prior to commencement of development; a construction traffic management plan shall be submitted to and approved in writing by the Local Planning Authority. Throughout the carrying out of the development the approved plan shall be adhered to. The CTMP shall be required to incorporate the following in detail:

- The CTMP must be appropriately titled, include the site and planning permission number.

- Routing of construction traffic and delivery vehicles is required to be shown and signed appropriately to the necessary standards/requirements. This includes means of access into the site.
- Details of and approval of any traffic management needed during construction including approved road closures.
- Details of road sweeping and/or wheel cleaning/wash facilities – to prevent mud etc, in vehicle tyres/wheels, from migrating onto adjacent highway.
- Details of appropriate signing, to accord with the necessary standards/requirements, for pedestrians during construction works, including any footpath diversions.
- A regime to inspect and maintain all signing, barriers etc.
- Contact details of the Project Manager and Site Supervisor responsible for onsite works to be provided.
- The use of appropriately trained, qualified and certificated banksmen for guiding vehicles/unloading etc.
- No unnecessary parking of site related vehicles (worker transport etc) in the vicinity – details of where these will be parked and occupiers transported to/from site to be submitted for consideration and approval. Areas to be shown on a plan not less than 1:500.
- Layout plan of the site that shows structures, roads, site storage, compound, pedestrian routes etc.
- A before-work commencement highway condition survey and agreement with a representative of the Highways Depot – contact 0845 310 1111. Final correspondence is required to be submitted.
- Local residents to be kept informed of significant deliveries and liaised with through the project. Contact details for person to whom issues should be raised with in first instance to be provided and a record kept of these and subsequent resolution.
- Details of times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours.

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

9. Contaminated Land

Prior to the commencement of the development, other than that required to carry out the risk assessment, a phased risk assessment shall be carried out by a competent person in accordance with relevant British Standards and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR11) (or equivalent British Standards and Model Procedures if replaced). Each phase shall be submitted in writing and approved by the local planning authority. –

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

- Phase 3 requires that a remediation strategy, validation plan, and/or monitoring plan be submitted to and approved in writing by the local planning authority to ensure the site will be suitable for its proposed use.

The development hereby approved shall be carried out in accordance with the approved Phase 1 Ground Contamination Desk Study dated 20th December 2017 (ref: 3030.1.0) unless otherwise agreed in writing by the Local Planning Authority.

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

10. Remedial Works

The development shall not be occupied until any approved remedial works have been carried out and a full validation report has been submitted to and approved by the local planning authority.

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

11. Protected Species: Bats

The development shall be undertaken in accordance with the recommendations provided within the Bat Survey Report produced by Middlemarch Environmental (February 2019). No works of site clearance, demolition or construction shall take place until a European Protected Species Mitigation Licence has been granted by Natural England. A copy of the licence is to be provided to the Local Planning Authority.

Reason: To comply with the requirements of The Conservation of Habitats and Species Regulations 2017, Wildlife and Countryside Act 1981 (as amended) and to protect species of conservation concern.

12. Protected Species: Badger

Prior to the commencement of development a Badger Mitigation Strategy shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall include, but not be limited to, the following: a) Details of updated surveys and monitoring of the setts to confirm they remain active, their classification and to identify any new setts; b) An up to date evaluation of the impacts of the development on badgers and an assessment of all associated risks posed.; and c) Working practices to be followed to ensure that badgers are not harmed during any phase of the works.

The development shall be carried out in strict accordance with of the approved details unless otherwise agreed in writing by the Local Planning Authority.

Should any works result in direct or indirect disturbance to a sett or its tunnels, a licence will need to be obtained from Natural England

Reason: The prevention of harm to badgers within and outside the site during construction and occupation in accordance with the Protection of Badgers Act 1992.

13. Ecological Enhancements

Prior to the commencement of development, a scheme of ecological enhancements shall be submitted to and approved in writing by the Local Planning Authority to ensure an overall and net gain in biodiversity will be achieved. The scheme shall include details of native landscape planting of known benefit to wildlife, including nectar resources for invertebrates. Details shall be provided of artificial roost features, including bird and bat boxes and a minimum of two dedicated swift boxes.

The development shall be carried out in strict accordance with of the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To comply with the requirements of the National Planning Policy Framework, the Conservation of Habitats and Species Regulations 2017, Wildlife and Countryside Act 1981 (as amended) and Policy CS12 of the Oxford Core Strategy 2026.

14. Lighting design strategy for light-sensitive biodiversity

Prior to occupation, a “lighting design strategy for biodiversity” for buildings, features or areas to be lit shall be submitted to and approved in writing by the local planning authority. The strategy shall: a) identify those areas/features on site that are particularly sensitive for wildlife and that are likely to cause disturbance in or around breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places. All external lighting shall be installed in accordance with the specifications and locations set out in the approved strategy, and these shall be maintained thereafter in accordance with the approved strategy.

Under no circumstances should any other external lighting be installed without prior written consent from the local planning authority.

Reason: The prevention of disturbance to species of conservation concern within the site during operation in accordance with the Conservation of Habitats and Species Regulations 2017, Wildlife and Countryside Act 1981 (as amended) and Policy CS12 of the Oxford Core Strategy 2026

15. Landscape Plan

A landscape plan shall be submitted to, and approved in writing by, the Local Planning Authority before development starts. The plan shall include details of hard and soft landscaping including planting up and around buildings, a survey of existing trees showing sizes and species, and indicate which (if any) it is requested should be removed, and shall show in detail all proposed tree and shrub planting, treatment of paved areas, and areas to be grassed or finished in a similar manner.

The development shall be carried out in strict accordance with of the approved details unless otherwise agreed in writing by the Local Planning Authority.

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

16. Landscape Proposals: Implementation

The landscaping proposals as approved by the Local Planning Authority shall be carried out no later than the first planting season after first occupation or first use of the new buildings hereby approved unless otherwise agreed in writing beforehand by the Local Planning Authority.

Reason: In the interests of visual amenity in accordance with policies CP1 and CP11 of the Oxford Local Plan 2001-2016 and CS12 of the Oxford Core Strategy 2011-2026.

17. Hard Surfaces Tree Roots

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

The development shall be carried out in strict accordance with of the approved details and approved method statement unless otherwise agreed 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 Adopted Local Plan 2001-2016.

18. Underground Surfaces Tree Roots

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.

19. Tree Protection Plan

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.

20. Root Protection Areas

A detailed Arboricultural Method 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 Arboricultural Method Statement 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.

21. Archaeological Survey

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 in writing by the Local Planning Authority.

All works shall be carried out and completed in accordance with the approved written scheme of investigation, unless otherwise agreed in writing by the Local Planning Authority.

Reason: Because the development may have a damaging effect on known or suspected elements of the historic environment of the people of Oxford and their visitors, including Roman remains and also modern structures of local historic interest. In accordance with Policy HE2 of the Adopted Local Plan 2001-2016.

22. Air Quality

Prior to the occupation of the development, evidence that proves that all new emission gas fired boilers that are going to be installed on-site are going to be ultra-low NOx (i.e. meeting a minimum standard of ,40mg/kWh for NOx) shall be submitted to and approved in writing by the Local Planning Authority.

The development shall be completed in accordance with the approved details unless otherwise agreed in writing.

Reason – to ensure that the expected NO2 emissions of the combustion system to be installed at the proposed development will be negligible, in accordance with Core Policy 23 of the Oxford Local Plan 2001- 2016.

23. Construction Environmental Management Plan (CEMP)

No development shall take place until a Construction Environmental Management Plan (CEMP), containing the specific dust mitigation measures identified for this development, has first been submitted to and approved in writing by the Local Planning Authority. The specific dust mitigation measures to be included in the CEMP can be found in the Air Quality Assessment - Project Ref: 43172/5004 (from May 2019) – Chapter 6: Mitigation (pages 19 and 20), that was submitted with the planning application.

The development shall be completed in accordance with the approved details unless otherwise agreed in writing.

Reason – to ensure that the overall dust impacts during the construction phase of the proposed development will be “not significant”, in accordance with Core Policy 23 of the Oxford Local Plan 2001- 2016.

24. Cycle Parking

Prior to the occupation of the approved development details of the cycle parking areas, including dimensions and means of enclosure, shall be submitted to, and approved in writing by, the Local Planning Authority. A minimum of 4 cycle parking spaces shall be provided and retained for that purpose.

The development shall not be brought into use until the cycle parking areas and means of enclosure have been provided within the site in accordance with the

approved details and thereafter the areas shall be retained solely for the purpose of the parking of cycles.

Reason: To encourage the use of sustainable modes of transport in line with Local Plan Policy TR4 and emerging policy M5 in the Oxford Local Plan 2036 Proposed Submission Draft.

25. SuDS

Prior to the commencement of the approved development, a drainage strategy comprising 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 (LPA). The plans, calculations and drainage details must be completed by a suitably qualified and experienced person in the field of hydrology and hydraulics.

The drainage strategy should be in accordance with Oxford City Council SuDS Design and Evaluation Guide (available at www.oxford.gov.uk/floodriskforplanning), Non-statutory technical standards for SuDS, and CIRIA C753 – the SuDS Manual.

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 a 40% 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 runoff rates.
- IV. Where sites have been previously developed, discharge rates should be at greenfield rates.

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. Consultation and agreement should also be sought with the sewerage undertaker where required.

Prior to occupation of the approved development the approved drainage strategy shall be fully implemented, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure compliance with Oxford Core Strategy Policy CS11.

26. SuDS Maintenance Plan

Prior to the commencement of the approved development a Sustainable Drainage (SuDS) Maintenance Plan shall be submitted and approved in writing by the Local Planning Authority. The (SuDS) Maintenance Plan must be completed by a suitably qualified and experienced person in the field of hydrology and hydraulics. The SuDS Maintenance Plan shall provide details of the frequency and types of maintenance

for each individual sustainable drainage structure proposed and ensure the sustainable drainage system will continue to function safely and effectively in perpetuity.

The drainage strategy approved pursuant to condition 25 shall thereafter be maintained in accordance with the approved SuDs Maintenance Plan following occupation of the approved development.

Reason: To ensure compliance with Oxford Core Strategy Policy CS11.

27. Use

The development hereby permitted shall be used as a Convent (sui generis use) and for no other purpose without the prior written approval of the Local Planning Authority. The approved cottages shall be used for purposes ancillary to the main Convent use and for no other purpose without the prior written approval of the Local Planning Authority.

Reason: To avoid doubt and to allow the Local Planning Authority to give further consideration to other forms of occupation.

12. APPENDICES

- **Appendix 1 – Site location plan**

13. HUMAN RIGHTS ACT 1998

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

14. SECTION 17 OF THE CRIME AND DISORDER ACT 1998

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

Appendix 1 – Site Plan

19/00436/FUL – Convent of the Incarnation



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West Area Planning Committee

6 August 2019

Application number:	19/01474/FUL		
Decision due by	30 July 2019		
Extension of time	13 August 2019		
Proposal	Erection of part single, part two storey rear extension. Alteration to 1no. window to north side elevation.		
Site address	19 Harley Road, Oxford, OX2 0HS, – see Appendix 1 for site plan		
Ward	Jericho And Osney Ward		
Case officer	James Paterson		
Agent:	Mr James MacKenzie	Applicant:	Ms Carol Brady and Mr Gavin Bishop
Reason at Committee	This application was called in by Councillors Pressel, Munkonge, Tanner, Rowley and Djafari-Marbini due to concerns about the possible impact of the development proposal on the amenity of neighbouring occupiers.		

1. RECOMMENDATION

1.1. **West Area Planning Committee** is recommended to:

1.1.1. **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.

1.1.2. **agree to delegate authority** to the Acting Head of Planning Services to:

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

2. EXECUTIVE SUMMARY

2.1. This report considers the proposed part single, part two storey rear extension to the property in addition to the installation of a window to the north elevation at ground floor level. The proposal would be of sufficient design quality so as to be considered acceptable. Officers have carefully considered the impact of the proposed development on the amenity of neighbouring occupiers and consider that it would not give rise to a harmful impact on neighbours. Officers also consider that the proposal would have an acceptable impact on flood risk,

subject to the imposition of the relevant conditions included as part of the recommendation.

3. LEGAL AGREEMENT

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

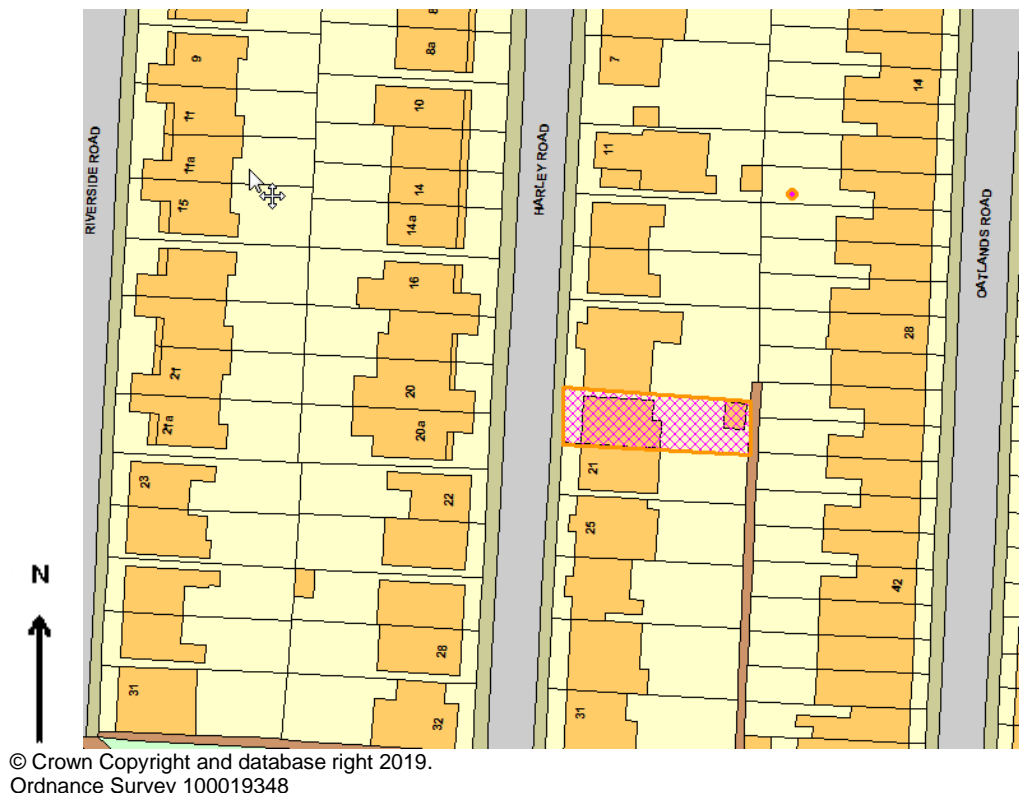
4. COMMUNITY INFRASTRUCTURE LEVY (CIL)

4.1. The proposal is not liable for CIL.

5. SITE AND SURROUNDINGS

5.1. 19 Harley Road is a two storey semi-detached dwelling, located on the east side of the street. Harley Road itself lies off of Botley Road and north of the Oatlands Road Recreation Ground. The house is finished in a mixture of brick and white render and the main body of the house, below the eaves, has remained largely unaltered from its original form. Substantial changes have taken place to the roof, as a hip-to-gable roof conversion has taken place in association with a box dormer on the rear roofslope and a rooflight on the front roofslope. To the rear of the house, half of the ground floor of the property extends beyond the rear wall of the first floor by 1.5m while the half nearest the boundary with No. 21 extends 2.5m beyond the first floor, to match that of No. 21. This appears to be an original arrangement as these extending elements are similar at No. 21, which appears to have been erected at the same time as No. 19, and the Council has no record of the property being extended to the rear since its erection.

5.2. See site location plan below:



6. PROPOSAL

- 6.1. The application proposes to erect a part single, part two storey rear extension. The single storey element would extend across the width of the house but would not extend a uniform distance out from the rear of the house. Part of the extension nearest the boundary with No. 21 would extend 1.2m beyond the existing rear wall of the ground floor while part of the extension nearest No. 17 would extend 3.65m beyond the existing rear ground floor of the property. In relation to the rear ground floor wall of No. 21, the proposed single storey element would extend 1.2m beyond No. 21 for the area 1.75m nearest the boundary with No. 21 while the rest would extend 2.5m beyond the rear wall of No. 21. The ground floor element would have a height of 3m with a flat roof and feature large glazed doors to the rear as well as windows to the side and rear. The ground floor element of the proposal would be finished in facing brick with aluminium windows and doors
- 6.2. The first floor element would extend 1.5m from the existing rear wall at first floor level and would feature a sloped roof, which would slope away from the property. This part of the extension would be rendered and would feature two windows to the rear. This element would have a maximum height of 5m and a height to the eaves of 4.6m.
- 6.3. The extension would necessitate the replacement of the existing fence on the boundary with No. 21 with a new timber fence. This fence would be 1.8m in height.
- 6.4. It is also proposed to relocate an existing window on the north elevation of the house at ground floor level. The current window which serves the kitchen would be filled in and relocated 3m further east to serve the new proposed kitchen area.

7. RELEVANT PLANNING HISTORY

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

09/00305/CPU - Application for a Certificate of Lawful Development in respect of a loft conversion with side and rear dormer windows. Approved 25 February 2009.
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8. RELEVANT PLANNING POLICY

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

Topic	National Planning Policy Framework	Local Plan	Core Strategy	Sites and Housing Plan
Design	8, 11, 129, 128, 130	CP1, CP6, CP8, CP10	CS18	HP9

Miscellaneous	47, 48		CS11	MP1
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9. CONSULTATION RESPONSES

9.1. Site notices were displayed around the application site on 10 June 2019.

Statutory and non-statutory consultees

9.2. None Received

Public representations

9.3. One local person commented on this application from an address in Harley Road.

9.4. In summary, the main points of objection (1 resident) were:

- Inaccuracy of Submitted Plans
- Impact on Daylight to No. 21
- Damage to Tree at No. 21

Officer response

9.5. Officers have considered carefully the objections to these proposals. Officers have come to the view, for the detailed reasons set out in the officer's report, that the reasons for the objections do not amount, individually or cumulatively, to a reason for refusal and that all the issues that have been raised have been adequately addressed and the relevant bodies consulted.

9.6. Officers have assessed the plans on site and against the Council's own records and are satisfied that they are of sufficient accuracy to enable a decision to be made on the basis of the applicant's submission.

9.7. Given that the tree in question is not protected and privately owned while not contributing to the amenity of the public realm, any indirect damage to the tree caused by the development would be a civil matter and does not form a material consideration for this assessment.

10. PLANNING MATERIAL CONSIDERATIONS

10.1. Officers consider the determining issues to be:

- i. Design
- ii. Neighbouring amenity
- iii. Flooding
- iv. Other Matters

i. Design

- 10.2. Policy CP1 of the Oxford Local Plan 2001-2016 states that a development must show a high standard of design, including landscape treatment, that respects the character and appearance of the area; and the materials used must be of a quality appropriate to the nature of the development, the site and its surroundings. CS18 of the Core Strategy states that planning permission will be granted for development that demonstrates high-quality urban design through responding appropriately to the site and its surroundings; creating a strong sense of place; and contributing to an attractive public realm. 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.
- 10.3. The extension would be a proportionate addition to the house and would not compete with the host dwelling in terms of form or use. This is due to the fact that it would not radically increase the footprint of the house while the single storey element would also not extend disproportionately beyond the first floor element. The extension would therefore be of an acceptable size.
- 10.4. It is noted that the development proposal would result in a departure in appearance from that of No. 21, the near symmetrical house from which No. 19 is detached. However, the alterations proposed would take place to the rear of the house and would not change the appearance of the house when viewed from the public realm. In any case, the symmetry of the two houses is not considered to be of special significance in terms of design as the houses themselves are not of special architectural merit. The extension also responds to the host dwelling through mirroring the existing use of materials and retaining the staggered nature of the ground floor extension, with the first floor extension being set back from the ground floor element. With this in mind, it is considered that the extension responds sufficiently to the context of the site and the features of the host dwelling
- 10.5. Planning officers also consider that the extension would also leave sufficient private rear amenity space so as to ensure the house remains fit for habitation by current and future families.
- 10.6. In light of the above considerations, the proposal would therefore be acceptable in terms of design and thereby Policies CP1, CS18 and HP9.

ii. Impact on Neighbouring Amenity

- 10.7. Policy HP14 of the Sites and Housing Plan states that planning permission will not be granted for development that has an overbearing effect on existing homes, and will only be granted for new residential development that provides reasonable privacy and daylight for the occupants of both existing and new homes. Policy HP14 of the Sites and Housing Plan sets out guidelines for assessing development in terms of whether it will allow adequate sunlight and daylight to habitable rooms of the neighbouring dwellings.

Privacy

- 10.8. The proposed glazing on the rear elevation would not result in views being possible which would be materially worse than is possible under the existing arrangement. This is because the existing rear windows of No. 19 afford views into the rear gardens of both neighbours and of the opposite terraces on Oatlands Road. Likewise, it is considered that there would remain a sufficient distance between No. 19 and the houses to the rear, on Oatlands Road; this distance would be approximately 20m, in accordance with the guidance in Policy HP14.
- 10.9. The window on the side elevation of the proposed extension would have privacy implications for No. 21, as this window would face towards their rear garden. It is noted that the top of the window in question would be 2m in height from the ground level while the proposed boundary treatment would be 1.8m. It is also noted that the shape of the extension means that views from the window would be partially blocked by part of the proposed extension. Planning officers consider that views into the internal rooms of No. 21 would therefore not be possible from this window due to its being set back from the boundary and due to this view being blocked by the part of the extension on the boundary with No. 21. Views into the garden would also be limited due to the proposed boundary treatment mostly blocking these views while the window would also be set back from the boundary. On balance, it is therefore considered that the view from this window would be largely blocked by the proposed boundary treatment and any views from this window into the property and amenity space of No. 21 would be likely to be no more intrusive than is possible from the existing dwelling. Therefore the proposed side window facing No. 21 is considered acceptable.
- 10.10. Planning officers have noted that the tree in the rear garden of No. 21 would help to screen views from the proposed extension into the house and garden of No. 21. However, given that the tree could be removed by the occupiers of No. 21 at any time without needing planning permission, any screening provided by the tree has not formed part of this assessment. A condition requiring the retention of the tree would also not be possible due to the fact that the tree lies outside of the occupation site.
- 10.11. The proposed window on the north elevation would not cause unacceptable overlooking into the internal rooms or garden of No. 17. This is due to the fact that the window would be no higher than the existing boundary treatment in addition to it being set back from the boundary. This element is therefore considered acceptable in terms of the privacy of neighbouring occupiers.

Overbearing

- 10.12. Given that the two storey element of the extension only extends 1.5m beyond the rear wall of No. 21 and is set back from the boundary with No. 17, it is considered that this element of the proposal would not result in an unacceptable feeling of overbearing on either neighbour. In terms of the single storey element, the height of this part of the extension would be 3m. The majority of the extension would be pulled back from both boundaries with the element of the extension on the boundary with No. 21 only extending 1.2m beyond the rear wall of No. 21. With this in mind, officers consider that the

ground floor element of the proposed extension would not give rise to an unacceptable feeling of overbearing on either neighbour.

Daylight

10.13. The proposal would be compliant with the 25/45 degree access to light test outlined in Policy HP14. It is noted that concerns have been raised that the proposed extension would result in a loss of light to the occupants of No. 21. However, on balance, while the proposal may have a low impact on the level of ambient light received by the rear rooms of No.21 nearest the boundary with No. 19, it is considered unreasonable to refuse the application on these grounds as the proposed extension complies with Policy HP14. Furthermore, No. 21 lies south of No. 19 and, having regard to the orientation of the sun, the proposal would therefore be unlikely to block direct sunlight to the internal rooms or private amenity space of No. 21. It is also considered unlikely that the proposal would cause unacceptable overshadowing to the private amenity space of No. 17, due to the modest depth and height of the majority of the extension as well as it being pulled back from the boundary of Nos. 17 and 19, which is a 1.8m high fence.

10.14. Having had regard to all of the above considerations, the proposal would have an acceptable impact on the amenity of neighbours and would therefore also be acceptable in terms of Policy HP14 of the Sites and Housing Plan.

iii. Flooding

10.15. Policy CS11 of the Core Strategy states that planning permission will not be granted for any development in the functional flood plain (flood zone 3b) except water-compatible uses and essential infrastructure. The suitability of developments proposed in other flood zones will be assessed according to the NPPG sequential approach and exceptions test. All developments will be expected to incorporate sustainable drainage systems or techniques to limit runoff from new development, and preferably reduce the existing rate of runoff. Development will not be permitted that will lead to increased flood risk elsewhere, or where the occupants will not be safe from flooding.

10.16. The site lies within a Flood Zone 2 area and is therefore is not at a high risk of flooding. However, Policy CS11 requires necessary proportionate mitigation measures to be implemented in order to ensure current and future occupants would remain safe from flooding and also to ensure flood risk would not be increased elsewhere as a result of the proposed development. Having regard to this requirement, it is considered necessary to secure the mitigation measures recommended in the submitted Flood Risk Assessment by condition. In the interest of the safety of the occupants of No. 19, the condition would also require the development to accord with the recommendations made in EA/DEFRA standing advice and MHCLG Guidance: *Improving the flood performance of new buildings*.

10.17. With the inclusion of condition four, the proposal is considered acceptable in terms of flood risk and Policy CS11.

iv. Other Matters

- 10.18. Most of the concerns raised during the consultation period were addressed in the above sections, where they have not been, they are addressed in this section.
- 10.19. While it is noted that if permission is granted for the development proposal then a degree of damage to the tree in the rear garden of No. 21 is likely to occur. However, given that the tree is not of significant value and does not contribute to public amenity then there is no policy basis for its protection, as per Policies NE15 and NE16. In any case, harm to the tree can likely not be avoided if permission is granted. If the committee resolves to grant planning permission then the issue of damage to the third party owned boundary vegetation during building work would be a civil matter to be resolved under common law. Therefore the protection of the tree has not formed a material consideration for the recommendation reached by planning officers.

11. CONCLUSION

- 11.1. Having regards to the matters discussed in the report, officers would make members aware that the starting point for the determination of this application is in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004 which makes clear that proposals should be assessed in accordance with the development plan unless material considerations indicate otherwise.
- 11.2. The NPPF recognises the need to take decisions in accordance with Section 38 (6) but also makes clear that it is a material consideration in the determination of any planning application (paragraph 2). The main aim of the NPPF is to deliver Sustainable Development, with paragraph 11 the key principle for achieving this aim. The NPPF also goes on to state that development plan policies should be given due weight depending on their consistency with the aims and objectives of the Framework. The relevant development plan policies are considered to be consistent with the NPPF despite being adopted prior to the publication of the framework.
- 11.3. Therefore in conclusion it would be necessary to consider the degree to which the proposal complies with the policies of the development plan as a whole and whether there are any material considerations, such as the NPPF, which are inconsistent with the result of the application of the development plan as a whole.
- 11.4. In summary, the proposed development would be an acceptable addition to the existing dwellinghouse. The proposals are suitable in design terms and comply with policies CP1, CP8 and CP10 of the Oxford Local Plan 2001-2016, HP9 of the Sites and Housing Plan, CS18 of the Core Strategy and DH1 of the emerging Oxford Local Plan 2036. The proposals would not result in any harm to neighbouring amenity and are compliant with HP14 of the Sites and Housing Plan and H14 of the emerging Oxford Local Plan. The proposals would also not compromise any trees which make an important contribution to public amenity and are compliant with NE15 and NE16 of the Oxford Local Plan and G8 of the emerging Oxford Local Plan 2036. The proposal would

also not lead to an unacceptable increase in flood risk either on or off the site and thereby complies with CS11 of the Core Strategy and RE3 of the emerging Oxford Local Plan.

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

Material consideration

- 11.6. The principal material considerations which arise are addressed below, and follow the analysis set out in earlier sections of this report.
- 11.7. National Planning Policy: the NPPF has a presumption in favour of sustainable development.
- 11.8. NPPF paragraph 11 states that proposals that accord with the development plan should be approved without delay, or where the development plan is absent, silent, or relevant plans are out of date, granting permission unless any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole; or specific policies in the framework indicate development should be restricted.
- 11.9. Officers consider that the proposal would accord with the overall aims and objectives of the NPPF for the reasons set out within the report. Therefore in such circumstances, paragraph 11 is clear that planning permission should be approved without delay. This is a significant material consideration in favour of the proposal.
- 11.10. Officers would advise members that, having considered the application carefully, the proposal is considered to be acceptable in terms of the aims and objectives of the National Planning Policy Framework and relevant policies of the Oxford Core Strategy 2026, and Oxford Local Plan 2001-2016, and the emerging Local Plan 2036, when considered as a whole, and that there are no material considerations that would outweigh these policies.
- 11.11. Therefore it is recommended that the Committee resolve to grant planning permission for the development proposed subject to the conditions set out in Section 12 of this report.

12. CONDITIONS

1. Time limit

The development to which this permission relates must be begun not later than the expiration of three years from the date of 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. Build in Accordance with Approved Plans

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

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

3. Materials as Specified

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

Reason: To ensure that the development is visually satisfactory as required by policy CP1 of the Oxford Local Plan 2001-2016.

4. Flood Resilience Measures

Flood resilience and resistance measures suitable for the residual depth of flooding shall be incorporated into the building. These should be in accordance with those recommended in the submitted Flood Risk Assessment, DEFRA/Environment Agency Planning Practice Guidance, and the DCLG publication 'Flood resilient construction of new buildings'.

Reason: To manage flood risk in accordance with the NPPF and Oxford Core Strategy Policy CS11

13. APPENDICES

- **Appendix 1 – Block Plan**

14. HUMAN RIGHTS ACT 1998

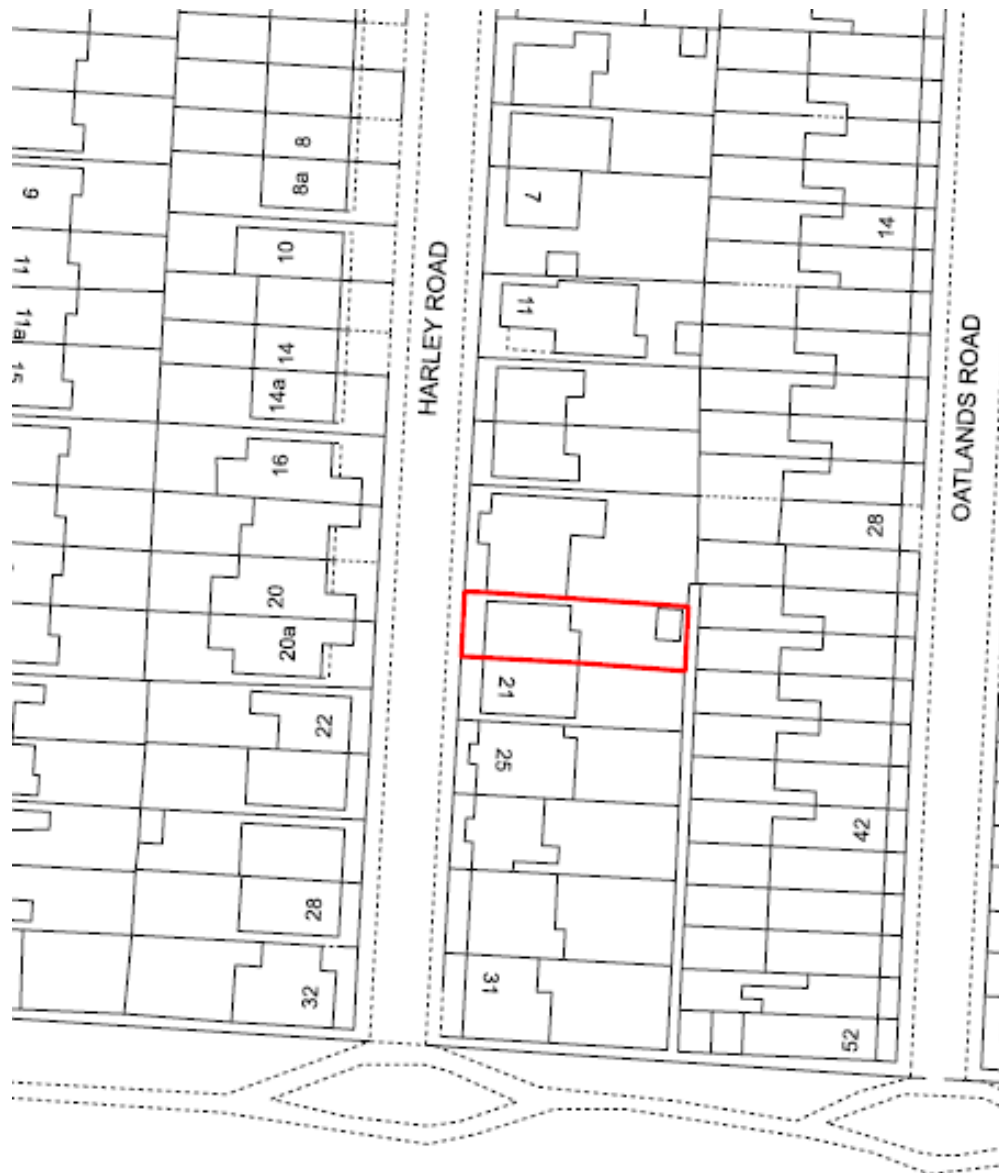
- 14.1. Officers have considered the implications of the Human Rights Act 1998 in reaching a recommendation to approve this application. They consider that the interference with the human rights of the applicant under Article 8/Article 1 of Protocol 1 is justifiable and proportionate for the protection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

15. SECTION 17 OF THE CRIME AND DISORDER ACT 1998

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

Appendix 1 – Site Plan

19/01474/FUL – 19 Harley Road



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COMMITTEE REPORT: WEST AREA PLANNING COMMITTEE

Order Name: Oxford City Council - Jury's Inn (No.1) Tree Preservation Order 2019.

Decision Due by: 05.12.2019

Site Address: Land To The South Of Jury's Inn Hotel, North Of Rawson Close Rawson Close Oxford

Ward: Wolvercote Ward

Recommendation:

To confirm the: Oxford City Council- Jury's Inn (No.1) Tree Preservation Order 2019 with modification to include additional information in the Specification of Trees under Schedule 1 of the Order; to include the number and species of trees included in G1.

Background:

The Oxford City Council- Jury's Inn (No.1) Tree Preservation Order 2019 was made on 05.06.2019. The Tree Preservation Order (TPO) currently has provisional status until 05.12.2019, after which time it will lapse unless confirmed by the West Area Planning Committee.

It is a 'Group' designation Order, which includes 1 group; Group 1 (G1) is composed of x 8 field maples. The group is located along the southern boundary of the hotel, adjacent to the rear gardens of No.s 4,5,6,7 and 7a Rawson Close. The location of G1 is indicated on the TPO map, as reproduced at Appendix 1.

The TPO was made in relation to the Council's statutory responsibilities under Section 197 of the Town and Country Planning Act 1990 (as amended) as Local Planning Authority to make Tree Preservation Orders if it appears to them to be in the interests of public amenity. The making of the provisional TPO was related to a planning application (19/00608/FUL); if granted the planning application proposal would have resulted in the loss of trees, including those that compose G1. The application was withdrawn on 02.07.2019.

Reason for making the Order:

1. To protect in the interest of public amenity, trees that make a significant contribution to amenity to public views gained from Rawson Close, Mere Road, Godstow Road and the A40 in the vicinity of the roundabout approach. The trees form a cohesive group, which is attractive and prominent in views from areas in the vicinity of the Woodstock Road roundabout and which act to help soften the appearance of the hotel complex from these views. The group also creates a boundary demarcation and screening between the hotel and the residences at the end of Rawson Close.

2. In order to provide interim legal protection to important amenity trees that are

considered to be under threat from potential development.

Relevant Site History:

Pre-application advice was sought by the hotel owners for a proposed new 2- storey, 36 bedroom accommodation block to south of existing entrance.

Statutory and Internal Consultees:

Oxfordshire County Council
No.s 4,5,6,7 and 7a Rawson Close
-No comments or objections

Representations Received:

One objection; Alistair Horner of ICA, agents for Jurys Hotel Management (UK) Ltd. Including arboricultural report by CBA Trees.

Officer's Assessment:

Site location and description:

Jury's Inn hotel is situated in north Oxford, to the north of Godstow Road and west of the A40. The southeastern and eastern side of the hotel site abuts the boundary of the Wolvercote with Godstow Conservation Area. The southern boundary of the site flanks the rear boundaries of properties in Rawson Close. The northern boundary abuts Green Belt land that falls within the Northern Gateway Action Plan Area. The provisional TPO relates to the southern boundary of the site abutting Rawson Close.

Trees and their amenity:

The trees within G1 form a contiguous canopy group on the southern boundary of the hotel site. The group is composed of 8 mature field maples; field maple is a medium sized, native deciduous tree species. The individual condition and quality of the trees is good, apart from one individual which has been shaded-out by surrounding stronger trees and is in relatively poor condition, but is not dangerous.

The trees' inclusion with a Group designation reflects the fact that as a landscape feature the contribution made to amenity is one of a collective and cumulative nature. The group contributes towards a green back-cloth in local views and as a screen between the hotel and the rear private gardens of house numbers 4,5,6, 7 and 7A Rawson Close. The trees, as seen from the hotel car park and a series of other local public views will be presented in the committee presentation slides (which will also be circulated in advance of the committee meeting).

Representation: Objection:

The owners of the hotel have been represented by CBA Trees acting for them in raising an objection to confirmation of the Tree Preservation Order. The reasons set out in their submission are best summarised at paragraph 5.8 of their submission which asserts;

"It is my opinion that the loss of the group would barely impact the local street scene or landscape from the A40 or from Godstow Road, let alone cause a 'significant' impact

on the environment and its enjoyment by the public' as indicated in the reasons stated for the serving of the TPO. This is, in my opinion, a gross exaggeration of the benefits afforded by the subject trees."

The arguments set out in the objection are considered in turn in the officer's response (below).

Officer response to the objection:

Objection comment [abridged]: The vast majority of the public use of the areas is by people who are driving and therefore they are not focusing on trees.

Officer response: This point fails to take into account the experience of cyclist, pedestrians and those who live within the immediate vicinity including the residents of Rawson Close.

Objection comment [abridged]: The boundary trees significantly overhang the gardens of the properties to the south in Rawson Close, whose residents probably haven't been consulted.

Officer response: All the properties in Rawson Close have been duly consulted in the service of the provisional Order in accordance with regulatory requirements, and therefore have had the opportunity to comment or object. In fact no objections have been received from local residents. By contrast, three residents of Rawson Close objected to the planning application for the extension of the hotel, giving reasons that included the loss of canopy cover between themselves and the hotel buildings.

Objection comment [abridged]: The Council did not express any concern over the impact on trees in the pre-application advice it provided the applicant.

Officer response: The Pre-App submission did not contain an Arboricultural Implications Statement. Nor did the applicant request specific tree advice from the Council in its Pre-App request (this is an option). The Council's Pre-App included comments that further design work and justification of the chosen site was needed, which should address design and appearance, overlooking, impact on neighbours, amenity space, tree impacts and parking/highway matters.

Objection comment [abridged]: The TPO group includes a tree that has been assessed as being poor and graded for removal irrespective of development so cannot be worthy of legal protection.

Officer response: One tree in the group is of low quality and as an individual it would not merit protection; however the tree is included as it is a part of the group as a whole. The tree is not unsafe and should the tree die the TPO would not apply to it; apart from providing a mechanism for ensuring appropriate replacement planting.

Objection comment [abridged]: The TPO does not detail how many trees are in the group, nor the species of the trees and therefore it is fundamentally flawed in terms of its enforceability.

Officer response: This omission described is correct; it appears to have been a transcription error during the drafting of the TPO. However, the omission can easily be remedied by confirming the Order with a modification to include this information in the Order as confirmed; as follows, 'A group of 8 field maples in the area defined within a broken black line on the TPO plan'.

Conclusion:

The tree group designated under the TPO provides significant visual amenity benefit to the street-scene in local views and it acts as a green buffer to the boundary of the hotel site with Rawson Close. The group also acts to soften views of the hotel buildings in views from the east.

The TPO does not hinder appropriate development of the site. Trees are a material consideration in the planning process whether or not they are legally protected. However, the TPO will prevent any preemptive removal of protected trees, and provides legal weight to tree protection measure conditions that might be applied to any planning consent.

Recommendation:

To confirm the Oxford City Council - Jury's Inn (No.1) Tree Preservation Order 2019 with a modification to include additional information in the description of the trees in G1 at Schedule 1 of the Order; as follows, G1- Description - *'A group of 8 field maples in the area defined within a broken black line on the TPO plan'*.

Human Rights Act 1998

Officers have considered the implications of the Human Rights Act 1998 in reaching a recommendation to confirm the modified Tree Preservation Order. 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.

Section 17 of the Crime and Disorder Act 1998

Officers have considered, with due regard, the likely effect of the confirmation of the modified order on the need to reduce crime and disorder, in accordance with section 17 of the Crime and Disorder Act 1998. In reaching a recommendation to confirm the modified Tree Preservation Order, officers consider that this decision will not undermine crime prevention or the promotion of community safety.

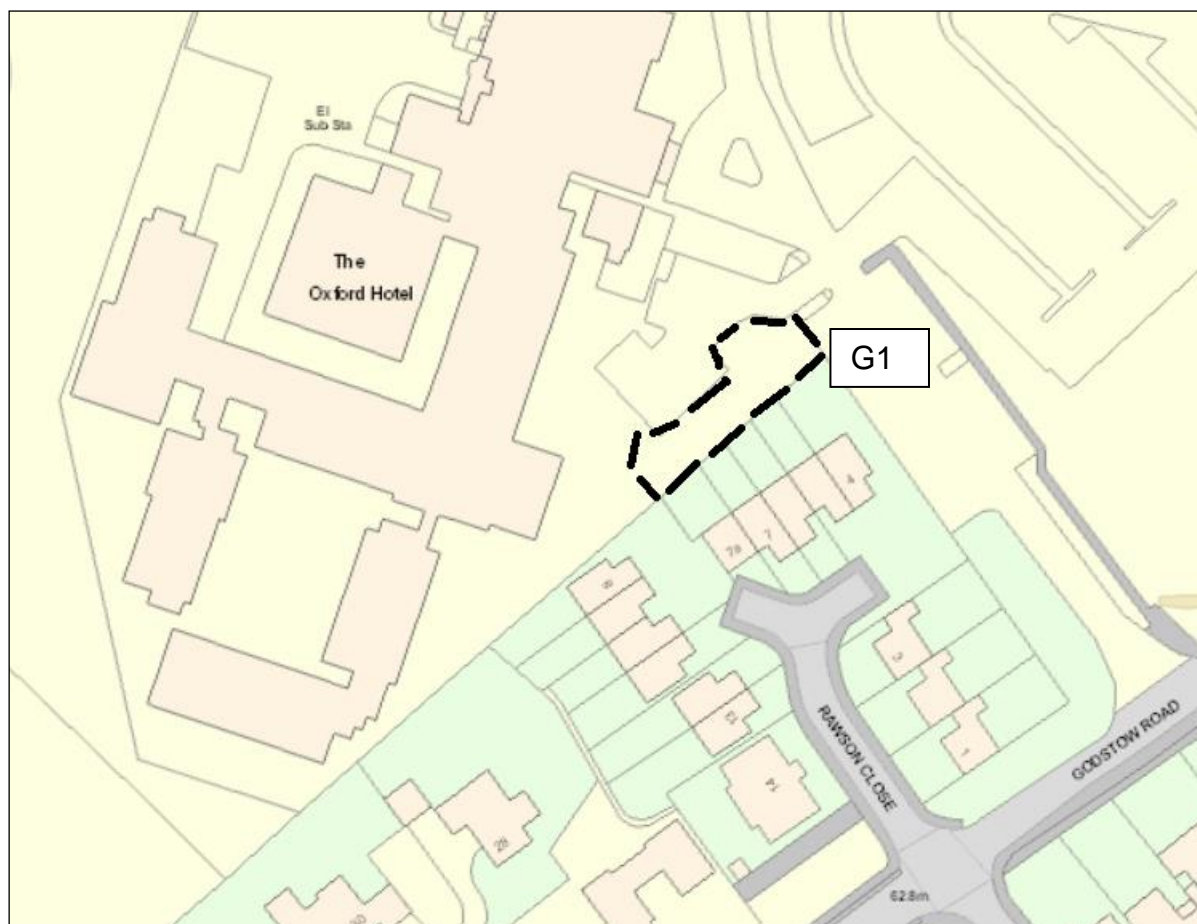
Background Papers:

Oxford City Council - Jury's Inn (No.1) Tree Preservation Order 2019
CBA objection

Contact Officer: Chris Leyland

Extension: 2149

Date: 4 July 2019



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West Area Planning Committee

6 August 2019

Application number:	19/01298/CT3		
Decision due by	23 July 2019		
Extension of time	16 August 2019		
Proposal	Erection of a two storey side extension, erection of single storey front extension and erection of single storey rear extension (amended plans).		
Site address	16 Sparsey Place, Oxford, OX2 8NL, – see Appendix 1 for site plan		
Ward	Wolvercote Ward		
Case officer	Sarah Orchard		
Agent:	Jessop And Cook Architects	Applicant:	Oxford City Housing Ltd
Reason at Committee	The application is made on behalf of Oxford City Council		

1. RECOMMENDATION

1.1. West Area Planning Committee is recommended to:

1.1.1. **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;

1.1.2. **agree to delegate authority** to the Acting Head of Planning Services to:

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

2. EXECUTIVE SUMMARY

2.1. This report considers the erection of a two storey side and rear extension, a single storey front extension and a single storey rear extension to the existing dwelling.

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

- Design
- Residential amenity
- Trees

2.3. The development is considered acceptable in design terms and will not detract from the character and appearance of the existing dwelling or surrounding area. The proposal would not have a detrimental impact on the neighbouring properties or adversely affect trees that make a significant contribution to public amenity in the area. The proposal is considered to comply with Policies CP1, CP6, CP8, CP10, NE15 and NE16 of the Oxford Local Plan, HP9 and HP14 of the Sites and Housing Plan and CS18 of the Core Strategy and the NPPF.

3. LEGAL AGREEMENT

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

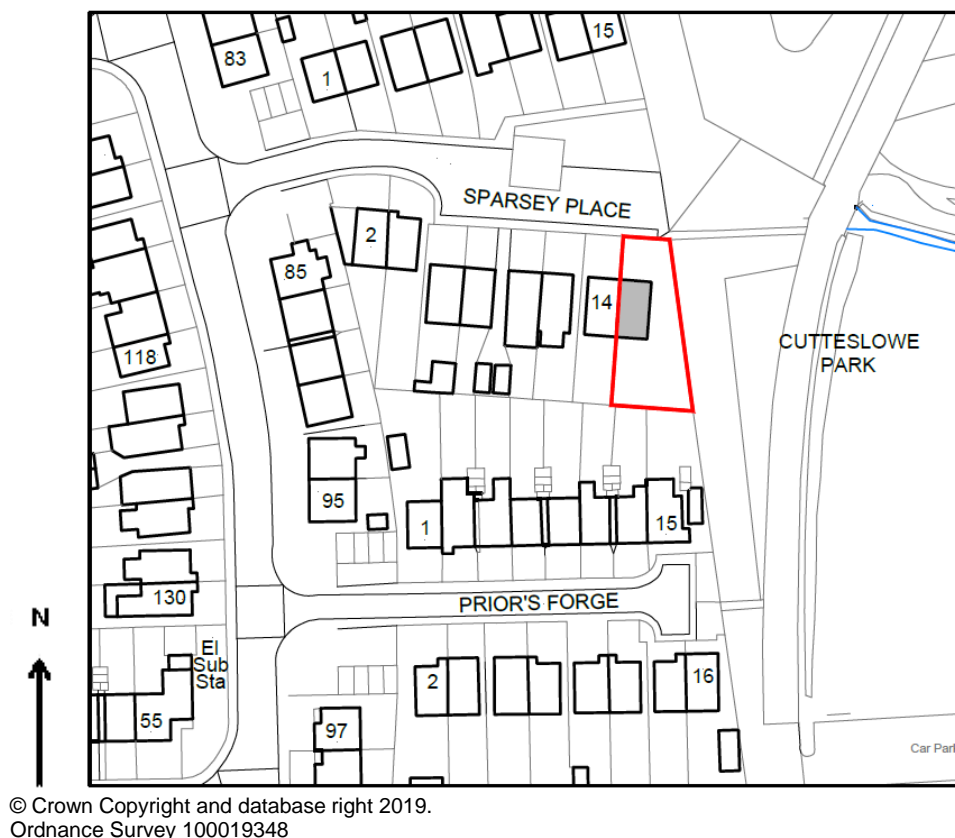
4. COMMUNITY INFRASTRUCTURE LEVY (CIL)

4.1. The proposal is not liable for CIL.

5. SITE AND SURROUNDINGS

5.1. The site is located within the Wolvercote ward of Oxford to the north of the city. The property is a two storey semi-detached dwelling with a garden to the front, side and rear. To the west is the attached property at 14 Sparsey Place and to the south are dwellings located on the north side of Prior's Forge. The site is bounded to the west by the boundary of Cutteslowe Park, which includes a number of mature trees.

5.2. See location plan below:



6. PROPOSAL

- 6.1. The application proposes the erection of a two storey side and rear extension, a single storey front extension and single storey rear extension to the existing dwelling. The two storey side and rear extension would project beyond the original side elevation of the dwelling by 4 metres. It would have a depth at ground floor of 8.8 metres, and would be set back from the original front elevation of the dwelling by 4 metres and project beyond the original rear elevation of the dwelling by 3.9 metres. At first floor the extension would have a reduced depth of 7.8 metres and project beyond the original rear elevation by 2.9 metres. The side extension would have an eaves height of 4.2 metres and a ridge height of 7.1 metres, which would be set down from the ridge of the main roof by 0.45 metres.
- 6.2. The proposed single storey rear extension would project beyond the original rear elevation of the dwelling by 1.1 metres across the full width of the dwelling (5.1 metres). It would have a lean-to roof with an eaves height of 2.5 metres. The proposed single storey front extension would, at its greatest extent, project beyond the original front elevation of the dwelling by 1.4 metres. It would also have a lean-to roof with an eaves height of 2.5 metres. The proposed extensions would be finished in brick with concrete tiles to the roof to match the existing dwelling.
- 6.3. Officers note that amendments to the originally submitted scheme were sought following concerns about the impact of the proposed side extension on trees along the boundary of Cutteslowe Park. The two storey side extension was moved further from the front elevation of the main dwelling in order to address these concerns. The application was re-advertised following the submission of revised plans.

7. RELEVANT PLANNING HISTORY

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

No relevant planning history.

8. RELEVANT PLANNING POLICY

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

Topic	National Planning Policy Framework	Local Plan	Core Strategy	Sites and Housing Plan	Emerging Oxford Local Plan
Design	117, 118, 122, 127	CP1 CP6 CP8 CP10	CS18	HP9	DH1

Natural environment		NE15 NE16			G8
Social and community				HP14	H14
Miscellaneous	38, 47	CP13		MP1	

9. CONSULTATION RESPONSES

9.1. Site notices were displayed around the application site on 6th June 2019 and an advertisement was published in The Oxford Times newspaper on 20th June 2019. Further site notices were displayed around the application site on 1st July 2019 following the submission of amended plans.

Statutory and non-statutory consultees

9.2. No relevant statutory or non-statutory consultees.

Public representations

9.3. No third party comments received.

10. PLANNING MATERIAL CONSIDERATIONS

10.1. Officers consider the determining issues to be:

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

i. Design

10.2. Policies CP1, CP8, CP10, CS18 and HP9 seek to ensure that a development is well designed and relates well to the existing house and surroundings.

10.3. A number of properties in the surrounding area have been altered and extended with single storey rear extensions and rear box dormers. While larger two storey extensions are less common, the dwelling sits on an unusually large plot. It is also atypical in being separated from the boundary of Cutteslowe Park by a substantial area of garden to the side (4.7 metres at minimum). The opposite dwelling at 15 Sparsey Place, and nearby similar dwellings at 15 and 16 Prior's Forge were developed closer to the boundary of the park. As such, it is considered that the addition of a relatively substantial side extension can comfortably be accommodated within the existing streetscene, without causing harm to the character or appearance of the existing dwelling or surrounding area.

- 10.4. While relatively substantial, the side extension would be set back from the front elevation of the existing dwelling by 4 metres, and the roof of the extension would be set down from that of the main dwelling by 0.45 metres, and would therefore appear subservient to the host dwelling. The side extension would have a half dormer at first floor to the front, which would also ensure the side extension appears subservient to the main dwelling. The fenestration would form an acceptable relationship with that of the existing dwelling. The proposed two storey extension is considered to form an acceptable relationship with the host dwelling in terms of scale and form.
- 10.5. The proposed single storey front and rear extensions would be small scale additions to the existing dwelling. The rear extension would not be visible from the public realm, and is smaller in scale than existing single storey extensions to many surrounding properties. The front extension would infill between the main front elevation and an existing porch and canopy. It would be similar in appearance and scale to neighbouring front extensions at 14 and 10 Sparsey Place, and would form an acceptable relationship with the host dwelling and would not be harmful to the character and appearance of the dwelling or the streetscene. The proposed extensions would be finished in materials to match the existing dwelling, which is considered acceptable.
- 10.6. The proposals are considered to comply with policies CP1, CP8 and CP10 of the Oxford Local Plan 2001-2016, HP9 of the Sites and Housing Plan, CS18 of the Core Strategy and DH1 of the emerging Oxford Local Plan 2036, noting that it only has limited weight at this time.

ii. Impact on neighbouring amenity

- 10.7. Policy HP14 of the Sites and Housing Plan states that planning permission will only be granted for development that provides reasonable privacy and daylight to neighbouring properties, does not have an overbearing impact or result in a loss of outlook afforded to neighbouring properties
- 10.8. 14 Sparsey Places lies to the east of the application site. The proposals are compliant with the 45 degree line when applied to windows serving habitable rooms at no.14 and are therefore not considered to result in any unacceptable loss of daylight to these rooms. The two storey element would be separated from the shared boundary between 14 and 16 Sparsey Place by 5.1 metres, and is therefore not considered to have an overbearing impact on the garden or dwelling at no.14. The single storey rear extension would only project beyond the rear elevation of no.14 by 1.1 metres and is also not considered to have an overbearing impact on the garden or dwelling at no.14. There would be no windows on the side elevations of the first floor extension, and the proposals would not result in any loss of privacy or impact of overlooking to no.14.
- 10.9. To the south the application site lie 13 and 15 Prior's Forge. Regard has been had to the potential impacts of overlooking and loss of privacy arising from rear-facing first floor windows in the two storey extension. At first floor, the rear elevation of the extension would be set in by 1 metre, which would ensure that a distance of 20 metres would be maintained between rear facing

windows of the dwellings at 13 and 15 Prior's Forge. The rear first floor window would also be separated from the shared boundary between 16 Sparsey Place and 13 and 15 Prior's Forge by 8.9 metres. The proposals are therefore not considered to result in any unacceptable loss of privacy or impact of overlooking to 13 or 15 Prior's Forge. The ground floor front and rear extensions would have no impact on the amenity of these dwellings.

10.10. To the west the application site is the boundary of Cutteslowe Park. There would therefore be no impact on residential amenity afforded by views in this direction.

10.11. The proposal is considered to comply with HP14 of the Sites and Housing Plan and H14 of the emerging Oxford Local Plan 2036, noting that it only has limited weight at this time.

iii. Trees

10.12. Policy NE15 of the Oxford Local Plan 2001-2016 states that planning permission will not be granted for any development which involves the destruction or major surgery of trees where this would have a significant adverse effect upon public amenity, unless such action can be shown to be good arboricultural practice.

10.13. Adjacent to the western boundary of the site there are a number of mature trees located within Cutteslowe Park.

10.14. Concerns were initially raised about the likely need to remove the ash tree (identified as T4 on the submitted plans) and the encroachment of the proposed two storey side and rear extension on the Root Protection Area (RPA) of another ash tree (identified on the plans as T2) and impacts on the crown of this tree. Amendments were sought which moved the proposed extension to the rear by approximately 2.7 metres.

10.15. Following the submission of amended plans and a revised Arboricultural Impact Assessment it is considered that the amended proposals reduce the encroachment within the RPA of ash tree T4 and result in a better spatial relationship with its crown. As a result of these changes the tree would not need to be removed as a direct result of the development. The encroachment removes a small proportion of the RPA, but it is considered that this can be compensated for within the park contiguous with the RPA and officers are satisfied that the viability of the tree would not be significantly harmed. Subject to recommended conditions, the proposals are not considered to compromise existing trees that are significant to public amenity in the area; as a result it is considered that the proposals comply with policies CP1, CP11, NE15 and NE16 of the Oxford Local Plan and G8 of the emerging Oxford Local Plan 2036, noting that it only has limited weight at this time.

iv. Flooding and Drainage

10.16. Policy CS11 of the Core Strategy relates to drainage and flooding. Whilst the proposed development is located in flood zone 1 and is at a low risk from

flooding, it results in the loss of green garden land and increases impermeable areas on the site. To ensure that the proposed development does not result in an increase in surface water run-off which could contribute to flooding elsewhere, sustainable drainage would need to be incorporated into the site which would be secured by the recommended condition.

11. CONCLUSION

- 11.1. Having regards to the matters discussed in the report, officers would make members aware that the starting point for the determination of this application is in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004 which makes clear that proposals should be assessed in accordance with the development plan unless material considerations indicate otherwise.
- 11.2. The NPPF recognises the need to take decisions in accordance with Section 38 (6) but also makes clear that it is a material consideration in the determination of any planning application (paragraph 2). The main aim of the NPPF is to deliver Sustainable Development, with paragraph 11 the key principle for achieving this aim. The NPPF also goes on to state that development plan policies should be given due weight depending on their consistency with the aims and objectives of the Framework. The relevant development plan policies are considered to be consistent with the NPPF despite being adopted prior to the publication of the framework.
- 11.3. Therefore in conclusion it would be necessary to consider the degree to which the proposal complies with the policies of the development plan as a whole and whether there are any material considerations, such as the NPPF, which are inconsistent with the result of the application of the development plan as a whole.
- 11.4. In summary, the proposed development would be an acceptable addition to the existing dwellinghouse. The proposals are suitable in design terms and comply with policies CP1, CP8 and CP10 of the Oxford Local Plan 2001-2016, HP9 of the Sites and Housing Plan, CS18 of the Core Strategy and DH1 of the emerging Oxford Local Plan 2036. The proposals would not result in any harm to neighbouring amenity and are compliant with HP14 of the Sites and Housing Plan and H14 of the emerging Oxford Local Plan. The proposals would also not compromise any trees which make an important contribution to public amenity and are compliant with NE15 and NE16 of the Oxford Local Plan and G8 of the emerging Oxford Local Plan 2036.
- 11.5. Therefore officers consider that the proposal would accord with the development plan as a whole.

Material consideration

- 11.6. The principal material considerations which arise are addressed below, and follow the analysis set out in earlier sections of this report.

- 11.7. National Planning Policy: the NPPF has a presumption in favour of sustainable development.
- 11.8. NPPF paragraph 11 states that proposals that accord with the development plan should be approved without delay, or where the development plan is absent, silent, or relevant plans are out of date, granting permission unless any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole; or specific policies in the framework indicate development should be restricted.
- 11.9. Officers consider that the proposal would accord with the overall aims and objectives of the NPPF for the reasons set out within the report. Therefore in such circumstances, paragraph 11 is clear that planning permission should be approved without delay. This is a significant material consideration in favour of the proposal.
- 11.10. Officers would advise members that, having considered the application carefully, the proposal is considered to be acceptable in terms of the aims and objectives of the National Planning Policy Framework and relevant policies of the Oxford Core Strategy 2026, and Oxford Local Plan 2001-2016, and the emerging Local Plan 2036, when considered as a whole, and that there are no material considerations that would outweigh these policies.
- 11.11. Therefore it is recommended that the Committee resolve to grant planning permission for the development proposed subject to the conditions set out in Section 12 of this report.

12. CONDITIONS

1. Time Limit

The development to which this permission relates must be begun not later than the expiration of three years from the date of 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. Develop in Accordance with Approved Plans

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

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

3. Materials

The materials to be used in the proposed development shall be as specified in the application hereby approved. There shall be no variation of these materials without the prior written consent of the local planning authority.

Reason: To ensure that the development is visually satisfactory as required by policy CP1 of the Oxford Local Plan 2001-2016.

4. Drainage and SuDS

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

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

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

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

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

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

Oxford City Council SuDS Design Guide can be found at www.oxford.gov.uk/floodriskforplanning

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

5. Tree Protection Measures

The development shall be carried out in strict accordance with the approved methods of working and approved tree protection measures contained within the planning application details unless otherwise agreed in writing by the Local Planning Authority.

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

INFORMATIVES:

- 1 In accordance with guidance set out in the National Planning Policy Framework, the Council tries to work positively and proactively with applicants towards achieving sustainable development that accords with the Development Plan and national planning policy objectives. This includes the offer of pre-application advice and, where reasonable and appropriate, the opportunity to submit amended proposals as well as time for constructive discussions during the course of the determination of an application. However, development that is not sustainable and that fails to accord with the requirements of the Development Plan and/or relevant national policy guidance will normally be refused. The Council expects applicants and their agents to adopt a similarly proactive approach in pursuit of sustainable development.

13. APPENDICES

- **Appendix 1 – Block plan**

14. HUMAN RIGHTS ACT 1998

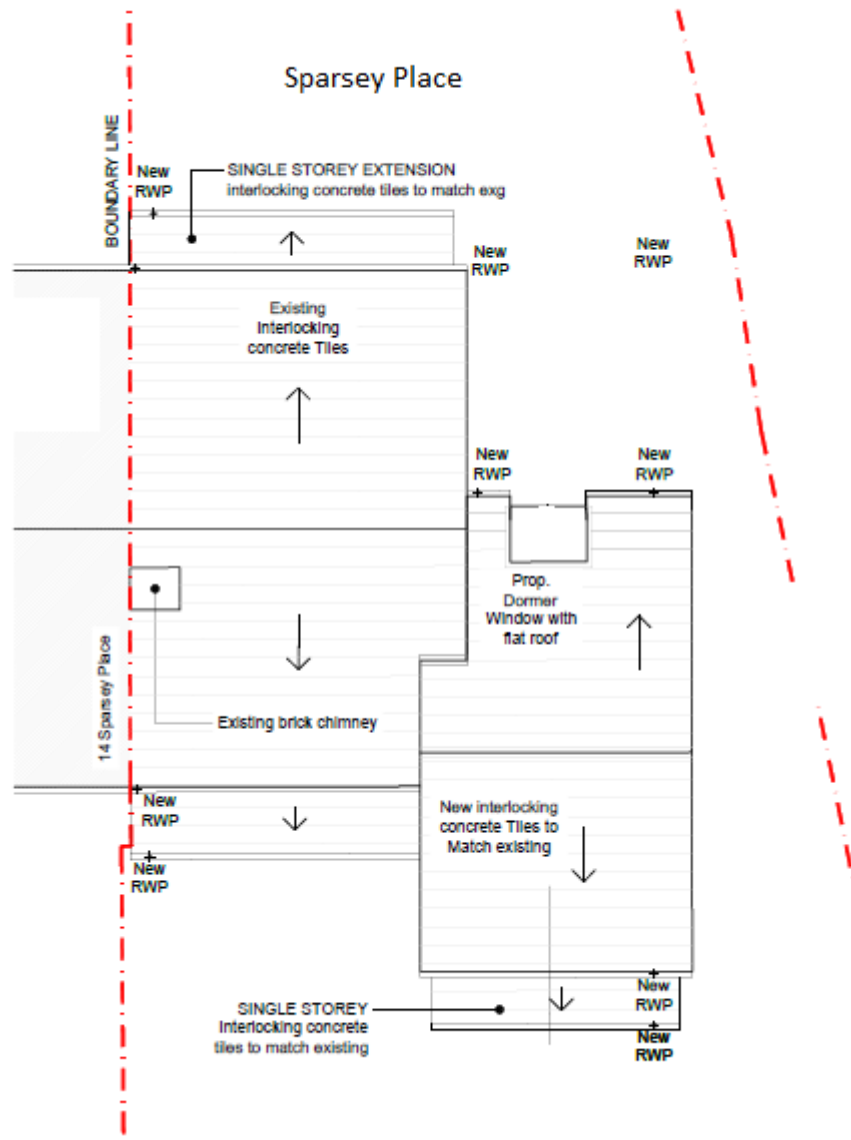
- 14.1. Officers have considered the implications of the Human Rights Act 1998 in reaching a recommendation to approve this application. They consider that the interference with the human rights of the applicant under Article 8/Article 1 of Protocol 1 is justifiable and proportionate for the protection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

15. SECTION 17 OF THE CRIME AND DISORDER ACT 1998

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

Appendix 1 – Block Plan

19/01298/CT3 – 16 Sparsey Place



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Minutes of a meeting of the WEST AREA PLANNING COMMITTEE on Tuesday 9 July 2019

www.oxford.gov.uk



Committee members:

Councillor Cook (Chair)

Councillor Gotch (Vice-Chair)

Councillor Corais

Councillor Donnelly

Councillor Harris

Councillor Hollingsworth

Councillor Iley-Williamson

Councillor Upton

Officers:

Adrian Arnold, Acting Head of Planning Services

Robert Fowler, Planning Team Leader

Sally Fleming, Planning Lawyer

Catherine Phythian, Committee Services Officer

Gill Butter, Conservation and Urban Design Officer

Sarah De La Coze, Planning Officer

Apologies:

Councillors Wolff sent apologies.

11. Declarations of interest

Councillors Cook and Upton stated that as Council appointed trustees for the Oxford Preservation Trust and as members of the Oxford Civic Society, neither had taken part in those organisations' discussions or decision making regarding any of the applications before the Committee and that they were approaching the applications with an open mind, would listen to all the arguments and weigh up all the relevant facts before coming to a decision.

18/02982/FUL

Cllr Cook stated that although he was employed by the University of Oxford he did not have a disclosable pecuniary interest in the matter being discussed and considered that he was able to take part in the determination of the application.

Cllr Corais stated that although his spouse was employed by the University of Oxford he did not have a disclosable pecuniary interest in the matter being discussed and considered that he was able to take part in the determination of the application.

Cllr Upton stated that although she was employed by the University of Oxford she did not have a disclosable pecuniary interest in the matter being discussed and considered that she was able to take part in the determination of the application.

Cllr Donnolly stated that he was a member of the University of Oxford but that he had no involvement in relation to the application and so, for the avoidance of doubt, he declared he would be approaching the application with an open mind.

12. 18/02982/FUL: Old Power Station, 17 Russell Street, Oxford, OX2 0AR

Councillor Iley-Williamson arrived during the Planning Officer's presentation and consequently took no part in the deliberation or voting on this item.

The Committee considered an application (18/02982/FUL) for planning permission for the conversion, redevelopment and extension of Osney Power Station to a Centre of Executive Education to be run by Said Business School.

The Planning Officer presented the report.

- Para 2.2, page 12: insert '1904' after "dating from..."
- Para 6.2, page 16: for clarification the meaning of the final two sentences is that smaller or larger groups can be accommodated between the expected ranges of 30 - 40 but with a maximum capacity of 50 people.
- Para 6.6, page 18: refers to an operational space for services which would be for the servicing of the building as only 2 disabled spaces are proposed. The agent has indicated that the applicant is willing to have a maximum dwell time for service vehicles. This would be dealt with as part of the existing condition 24. This is alluded to in paragraph 10.119.
- Para 10.24, page 32: delete "streeel", insert "steel".

Ann Sherry, local resident, spoke against the application.

Peter Turfano, Said Business School spoke in favour of the application and he and Robert Linnell (agent) answered questions from the committee.

The Committee discussion focussed on matters relating to the impact of the development on the neighbouring properties and the rationale for the size of the development and questioned whether it would not be viable at a reduced size.

The Committee considered the merits of a deferral following advice from Planning Officers.

On being proposed, seconded and put to the vote, **the Committee resolved to defer consideration of application 18/02982/FUL for the following reasons:**

To enable further details to be provided by the applicant on the viability of the proposal and evidence to support the assertion by the applicant that any reduction in the scale of the development would make it unviable.

13. 19/01123/FUL: land to rear of 167 Howard Street, Oxford, OX4 3BA

The Committee considered an application (19/01123/FUL) for planning permission for the demolition of existing garages; erection of 3no. single storey buildings to provide 2 x 1-bed dwellings and 1 x 2-bed dwelling (Use Class C3) and the provision of amenity space, bin and cycle stores.

The application was called in by Councillors Tarver, Fry, Rowley, Clarkson, Kennedy, Curran and Munkonge due to concerns regarding overlooking, County safety concerns, design, access flood risk and land ownership.

The Planning Officer presented the report and briefed the Committee on the issues raised in two late representations which had been submitted by local residents. The Planning Officer said that most of these points had been considered within the report but offered the following supplementary comments:

Land ownership: One of the late representations stated that no consideration had been paid to land ownership or restrictive covenants within the report on the application. The Planning Officer confirmed that land ownership is not a material planning consideration and therefore does not form part of the consideration of the application. Notwithstanding this, with regard to procedure, it transpired that the owner of the site had not served notice of the application on the individual owners of the property and therefore there was a requirement for this notice to be served. If the application was to be approved, the decision notice would not be issued until 21 days had passed from the notices being served. The recommendation was therefore amended accordingly.

Thames Valley Police: Thames Valley Police had raised some concerns with the scheme and offered suggested improvements but they raised no objection to the application subject to a condition requiring that the development achieve a secured by design accreditation'. The suggested condition will therefore be included on any approval. Thames Valley Police also suggested that the gate to the site should be retained. This request would be contrary to policy HP9 of the Sites and Housing Plan which seeks to resist gated communities and therefore would not be appropriate. Given this, a condition will be added to ensure that the entrance gate is removed as part of the proposal.

Rooflights and Privacy: the roof lights are proposed to be high level. The sills of the roof lights will be located 2.7m above the finished floor level and therefore they will be at such a height that occupiers are unlikely to be able to look out on to the private amenity space of neighbouring properties. Given the angle of the roof any views from the rooflights would be angled and not direct. It is not uncommon for these types of relationships given that rooflights can usually be installed under permitted development.

Table of planning policies: A number of policies were referenced within the report but were not detailed within the table at paragraph 8.1. The Planning Officer confirmed that where the policy was not named directly the relevant issue had been considered as part of the drafting of the report.

Biodiversity: The biodiversity officer had reviewed the comments raised regarding the biodiversity appraisal submitted with the application and was satisfied that the report was accurate and proportionate for the type of application, and that the condition proposed would allow for enhancements to be achieved on the site.

Energy Efficiency: Policy CS9 of the Core Strategy requires applications to demonstrate how sustainable design and construction methods will be incorporated. The application details that energy efficiencies have been considered as part of the submission in section 5 of the Design & Access statement. The proposal seeks to provide good levels of insulation in line with part L of the building regulations and proposes low energy type fittings throughout the development. In addition the buildings' heating systems will incorporate management and energy efficiency systems and officers are satisfied with the details submitted for a scheme of 3 dwellings.

The Planning Officer confirmed that condition 11 would be amended on any approval to require a boundary to the front of the dwellings in the form of a low fence or wall to be kept in perpetuity in order to prevent parking within the site.

Dominic Woodfield, local resident, spoke against the application.

Huw Mellor, agent, spoke in favour of the application.

The Committee asked questions of the officers and public speakers about the details of the application.

The Committee was satisfied that this was an acceptable development which made good use of a poor quality, previously developed site in a city with a recognised housing shortage.

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

After debate and on being proposed, seconded and put to the vote, the Committee agreed with the officer's recommendation to approve the application subject to the following additional and amended conditions:

- a condition requiring the development to achieve 'secured by design accreditation'.;
- a condition requiring the removal of the gate to the site in compliance with policy HP9;
- an amendment to Condition 11 to require a front boundary to the dwellings in perpetuity.

The West Area Planning Committee resolved to:

1. **approve application** 19/01123/FUL subject to 2(i) below for the reasons given in the report and subject to the 15 required planning conditions set out in section 12 of the report and the 2 additional conditions and the amendment to condition 11 as detailed above; and grant planning permission; and
2. **delegate authority** to the Acting Head of Planning Services to:
 - i. i. consider and deal with any new material planning considerations that may

- be raised through the consultation period of 21 days as a result of the notice of the application being served on the owners of the application site including deciding whether it is necessary to refer the application back to the committee prior to issuing the permission;
- ii. finalise the recommended conditions as set out in the report including such refinements, amendments, additions and/or deletions as the Acting Head of Planning Services considers reasonably necessary; and
- iii. issue the planning permission.

14. 19/00715/CT3: Town Hall, St Aldate's, Oxford, OX1 1BX

The Committee considered an application (19/00715/CT3) for advertisement consent for the flying of various flags scheduled throughout the year from the mast above the 1930's extension of the Town Hall.

In reaching its decision, the Committee considered all the information put before it including the Planning Officer's presentation.

After debate and on being proposed, seconded and put to the vote, the Committee agreed with the officer's recommendation to approve the application.

The West Area Planning Committee resolved to:

1. **approve application 19/00715/CT3** for the reasons given in the report and subject to the 5 required planning conditions set out in section 12 of the report and grant advertisement consent for the submitted flag flying schedule.
2. **delegate authority** to the Acting Head of Planning Services to:
 - finalise the recommended conditions as set out in the report including such refinements, amendments, additions and/or deletions as the Acting Head of Planning Services considers reasonably necessary.

15. 19/01406/CT3: Government Building, Floyds Row, Oxford, OX1 1SS

The Committee considered an application (19/01406/CT3) for planning permission for the installation of ramps at entrances, enclosure of existing porch on west elevation to create a lobby, replacement of external doors, formation of external enclosures for storage and dog play area, erection of fencing and gates, installation of lighting and CCTV, landscaping of external areas, erection of wayfinding arches, erection of pergolas, installation of bike storage, installation of solar panels, erection of signage, various other minor external changes (amended description) and (amended plans).

The Planning Officer presented the report and gave the following verbal updates:

- the Flood Mitigation Officer had recommended a new condition on the Sustainable Urban Drainage Scheme (SUDs)
- Officers had reviewed the additional information about parking controls and were satisfied that these would meet the requirements of Condition 6 which would be amended accordingly

- The police had submitted a late comment regarding security and reiterating advice already given directly to the applicant.

Polly McKinlay, on behalf of the applicant, spoke in favour of the application. In reaching its decision, the Committee considered all the information put before it.

After debate and on being proposed, seconded and put to the vote, the Committee agreed with the officer's recommendation to approve the application subject to the inclusion of an additional condition on SUDs.

The West Area Planning Committee resolved to:

1. **approve application 19/01406/CT3** subject to 2(i) below for the reasons given in the report and subject to the 7 required planning conditions set out in section 12 of the report and an additional condition relating to SUDS and grant planning permission; and
2. **delegate authority** to the Acting Head of Planning Services to:
 - i. consider and deal with any new material planning considerations that may be raised through public consultation up to 18 July 2019 including deciding whether it is necessary to refer the application back to the committee prior to issuing the permission;
 - ii. finalise the recommended conditions as set out in this report including such refinements, amendments, additions and/or deletions as the Acting Head of Planning Services considers reasonably necessary; and
 - iii. issue the planning permission.

16. Minutes

The Committee resolved to approve the minutes of the meeting held on 11 June 2019 as a true and accurate record.

17. Forthcoming applications

The Committee noted the list of forthcoming applications.

18. Dates of future meetings

The Committee noted the dates of future meetings.

The meeting started at 6.00 pm and ended at 7.45 pm

Chair

Date: Tuesday 6 August 2019