

Agenda

www.oxford.gov.uk



West Area Planning Committee

Date: **Tuesday 12 November 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;
	Councillor Alex Hollingsworth	Carfax; apologies
	Councillor Dan Iley-Williamson	Holywell;
	Councillor Louise Upton	North;
	Councillor Dick Wolff	St. Mary's;
	Councillor Jamila Begum Azad	St. Clement's; 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

Reference copies are available to consult in the Town Hall Reception. Agendas are published 6 working days before the meeting and the draft minutes a few days after.

All agendas, reports and minutes are available online and can be:

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

AGENDA

Pages

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 search box.

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

1 Apologies for absence and substitutions

2 Declarations of interest

3 18/02644/FUL: Site Of Millway Close, Oxford, OX2 8BJ

15 - 42

Site address: Site Of Millway Close, Oxford, OX2 8BJ

Proposal: Erection of 4 x 1 bed flats (Use Class C3) to first and second floor infills between existing block gable ends. Provision of bike storage. Retaining all car parking spaces, garages and refuse stores.

Reason at Committee: The application has been called into committee at the request of Councillors Goddard, Gotch, Harris, Garden and Smith due to concerns relating to the impact on existing residents and parking issues.

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 this report and grant planning permission.
2. **agree to delegate authority** to the 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 Head of Planning Services considers reasonably necessary

4 19/02685/RES: Wolvercote Paper Mill , Mill Road, Wolvercote

43 - 58

Site address: Wolvercote Paper Mill, Mill Road, Wolvercote

Proposal: Details of reserved matters (landscaping) for the removal of 58 trees and the planting of 132 replacement trees along Home Close boundary pursuant to outline permission 13/01861/OUT.

Reason at Committee: The application constitutes a significant amendment to the approved landscape proposals subsequent to the grant of planning permission (18/00966/RES)

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 this report and grant planning permission; and
2. **agree to delegate authority** to the Head of Planning Services to:
 - consider and deal with any new material planning considerations that may be raised through public consultation up to 18 November 2019 including deciding whether it is necessary to refer the application back to the committee prior to issuing the permission;
 - finalise the recommended conditions as set out in this report including such refinements, amendments, additions and/or deletions as the Head of Planning Services considers reasonably necessary; and
 - issue the planning permission.

5 19/01456/FUL: The Eagle And Child, 49 - 51 St Giles', Oxford

59 - 86

Site address: The Eagle and Child, St Giles', OX1 3LU

Proposal: Demolition of part ground floor and first floor rear extensions. Change of use of ground floor and first floor of 50 St Giles from Cafe (Use Class A3) to Hotel reception and accommodation (Use Class C1). Conversion of upper floors at 49-51 St Giles for use as hotel accommodation (Use Class C1). Erection of single storey rear extension, formation of new entrance off Wellington Place through boundary wall, alterations to north and south boundary walls, installation of ventilation equipment to

rear and alterations to fenestration (amended plans and information).

Reason at Committee: The application has been called in by Cllrs Hollingsworth, Tanner, Fry, Turner and Rowley because of concerns about the impact on the historic buildings and streetscape in St Giles, and the potential impact on trees in the adjoining street at Wellington Place.

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 this report and grant planning permission; and subject to:
 - the satisfactory completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 and other enabling powers to secure the planning obligations set out in the recommended heads of terms which are set out in this report; and
2. **agree to delegate authority** to the 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 Head of Planning Services considers reasonably necessary; and
 - finalise the recommended legal agreement under section 106 of the Town and Country Planning Act 1990 and other enabling powers as set out in this report, including refining, adding to, amending and/or deleting the obligations detailed in the heads of terms set out in this report (including to dovetail with and where appropriate, reinforce the final conditions and informatives to be attached to the planning permission) as the Head of Planning Services considers reasonably necessary; and
 - complete the section 106 legal agreement referred to above and issue the planning permission.

6 19/01457/LBC: The Eagle and Child, 49-51 St Giles', Oxford

87 - 106

Site address: The Eagle and Child, St Giles', OX1 3LU

Proposal: Demolition of part ground floor and first floor rear extensions. Change of use of ground floor and first floor of 50 St Giles from Cafe (Use Class A3) to Hotel reception and accommodation (Use Class C1). Conversion of upper floors at 49-51 St Giles for use as hotel

accommodation (Use Class C1). Erection of single storey rear extension, formation of new entrance off Wellington Place through boundary wall, alterations to north and south boundary walls, installation of ventilation equipment to rear and alterations to fenestration (amended plans and information)

Reason at Committee: Associated full planning application has been called-in.

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 conditions set out in section 11 of this report and grant listed building consent for the works as proposed; and
2. **agree to delegate authority** to the 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 Head of Planning Services considers reasonably necessary; and
 - issue the listed building consent.

7 19/01205/FUL: 327 Woodstock Road, Oxford, OX2 7NX

107 -
130

Site address: 327 Woodstock Road, Oxford, OX2 7NX

Proposal: Demolition of existing dwelling. Erection of a three storey building to create 3 x 2-bed, 2 x 3-bed and 2 x 1-bed flats (Use Class C3). Provision of private amenity space, car parking and bin and cycle storage. Creation of new dropped kerb and new vehicular access. (Amended description) (Amended plans)

Reason at Committee: The application is before the committee because of the number of residential units proposed.

Recommendation:

The West Area Planning Committee is recommended to:

1. **approve the application** for the reasons given in the report and subject to planning conditions for the matters set out in section 12 of

this report and grant planning permission;

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

- finalise the wording of the recommended conditions referred to in this report including such refinements, amendments, additions and/or deletions as the Head of Planning Services considers reasonably necessary
- issue the planning permission.

8 19/01696/FUL: Unit 1 Toys R Us And Car Park, 219 Botley Road, Oxford, OX2 0HA

131 -
144

Site address: Unit 1 Toys R Us and Car Park, 219 Botley Road, Oxford, OX2 0HA

Proposal: Refurbishment of existing retail unit (Class A1). Installation of new shop front; revised car parking; and associated works (Amended plans and description; Additional information)

Reason at Committee: The application is a major planning application because of the size of the site area

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 this report and grant planning permission, and
2. **agree to delegate authority** to the 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 Head of Planning Services considers reasonably necessary.

9 19/01704/VAR: Unit 1 Toys R Us And Car Park, 219 Botley Road, Oxford, OX2 0HA

145 -
156

Site address: Unit 1 Toys R Us and Car Park, 219 Botley Road, Oxford, OX2 0HA

Proposal: Removal of condition 8 (Servicing Hours) and 13 (Sale of Food) of planning permission 87/00762/NOY (Demolition of garage & showroom. 124,728 sq. ft of non-food retail,

including garden centre of 4,200 sq. ft, with 550 car spaces & access to Botley Rd. Extension of light industrial premises by 800 sq. ft (duplicate application, revised).

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 this report and grant planning permission, and
2. **agree to delegate authority** to the 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 Head of Planning Services considers reasonably necessary.

10 19/02089/FUL: 31 Charlbury Road, Oxford, OX2 6UU

157 -
172

Site address: 31 Charlbury Road, Oxford, OX2 6UU

Proposal: Erection of outbuilding for use as ancillary accommodation (amended plans)

Reason at Committee: Called in by the Head of Planning Services following concerns about the determination of the application, made by the applicant.

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 this report and grant planning permission
2. **agree to delegate authority** to the 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 Head of Planning Services considers reasonably necessary.

11 Minutes

173 -
180

Recommendation: to approve the minutes of the meeting held on 8 October 2019 as a true and accurate record.

12 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
19/00608/FUL: Jurys Inn, Godstow Road, Oxford, OX2 8AL	Committee level decision
18/03133/FUL: Linton Lodge Hotel, 11-13 Linton Road, Oxford, OX2 6UJ	Committee level decision
19/00481/FUL: 367 Iffley Road, Oxford, OX4 4DP	Committee level decision
19/01662/FUL: 75 Botley Road, Oxford, OX2 0EZ	Called in by Cllrs Cook, Pressel, Munkonge and Lygo
18/02989/FUL: 269 Cowley Road, Oxford, OX4 2AJ (Bartlemas Nursery)	Committee level decision
19/02032/FUL: Sir Geoffrey Arthur Building, Long Ford Close, Oxford, OX1 4NJ	Committee level application
19/02141/FUL: 42 Park Town, Oxford, OX2 6SJ	Called in by Cllrs Fry, Munkonge, Pressel, Tanner and Upton
19/02142/LBC: 42 Park Town, Oxford, OX2 6SJ	Called in as above
19/02306/FUL: Castle Hill House, 9 New Road, Oxford, OX1 1LT	Committee level decision
19/02307/LBC : Castle Hill House, 9 New Road, Oxford, OX1 1LT	Committee level decision
19/02531/FUL: St Pauls House , Walton Street, Oxford, OX2 6ER	Committee level decision
19/02578/OUT: Land Forming The Site Of Former Cold Arbour Filling Station, 281 Abingdon Road, Oxford, OX1 4US	Committee level decision

13 Dates of future meetings

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

2019

27 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.**

This page is intentionally left blank

WEST AREA PLANNING COMMITTEE

12th November 2019

Application number:	18/02644/FUL
Decision due by	4th December 2018
Extension of time	22 nd November 2019
Proposal	Erection of 4 x 1 bed flats (Use Class C3) to first and second floor infills between existing block gable ends. Provision of bike storage. Retaining all car parking spaces, garages and refuse stores.
Site address	Site Of , Millway Close, Oxford, OX2 8BJ – see Appendix 1 for site plan
Ward	Wolvercote Ward
Case officer	Michael Kemp
Agent:	Mr James Gillies Applicant: Mr James McCarthy
Reason at Committee	The application has been called into committee at the request of Councillors Goddard, Gotch, Harris, Garden and Smith due to concerns relating to the impact on existing residents and parking issues.

1. RECOMMENDATION

1.1. **The 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.

1.1.2. **agree to delegate authority** to the 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 Head of Planning Services considers reasonably necessary;

2. EXECUTIVE SUMMARY

2.1. This report considers a proposed development of four, one bedroom flats. The proposed flats would infill two spaces located between two existing blocks of flats at Millway Close in Wolvercote. Each of the additional infills would be three storeys and comprise ground floor refuse and cycle storage and one flat on the first and second floors of the infill development. The proposed plans

have been amended in respect of the design of the flats and the location of the proposed cycle parking.

- 2.2. Officers consider that the principle of development complies with Policies CS22 and CS2 of the Core Strategy and would bring forward the delivery of four new dwellings on previously developed land, which would provide a contribution towards meeting local housing need.
- 2.3. The amendments, which have been made to the design and elevational treatment of the proposed flats, are considered beneficial in achieving a more comfortable relationship in design terms between the existing and new elements of the building. Officers consider that the proposals achieve an acceptable visual relationship with the character and appearance of the area.
- 2.4. The development would be located on an area of land, which is currently used as a turning head and also functions as an area of informal parking for four vehicles. It is proposed that the development would be car free. The applicant's transport consultants have conducted a parking survey which was included within their transport assessment. This concludes that capacity exists within the existing roads in the immediate vicinity of the site to accommodate any additional demand for parking and to accommodate vehicles which may be displaced. The applicants have indicated that 116 cycle parking spaces would be provided which is equivalent to two spaces for both the existing and proposed flats. Officers consider that the development would not have an unacceptable impact on highway safety and amenity and the cumulative impact on the highway network would not be severe, consequently the proposals would not conflict with the requirements of Paragraph 109 of the National Planning Policy Framework (NPPF).
- 2.5. The proposals would not by reason of overlooking, or loss of light compromise the residential amenity of existing occupiers or other surrounding properties and the proposals would afford an appropriate standard of amenity for future occupiers.
- 2.6. For the reasons expressed within the report, officers consider that the proposed development complies with the provisions of the Existing Local Plan; the Sites and Housing Plan; the Core Strategy as well as the provisions of the Emerging Local Plan and the NPPF. Consequently approval is recommended subject to conditions.

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

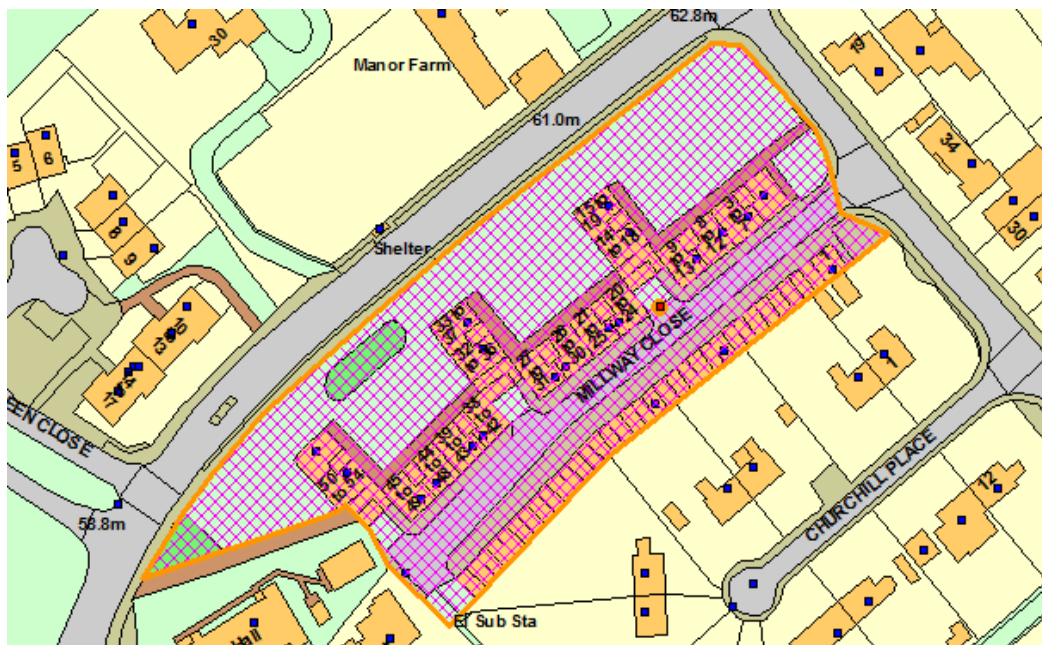
- 3.1. The proposal is liable for a CIL payment

4. **SITE AND SURROUNDINGS**

- 4.1. The site is located in Wolvercote and consists of a 1970's large 3 storey linear blocks of flats with pitched roofs. The existing flats are constructed from buff brick. The proposed development would infill two gaps in the existing row of flats in two areas which currently comprise hardstanding and single storey bin stores. The two spaces where the flats are proposed are adjacent to Millway

Close, which is an adopted highway, though the spaces do not form part of the public highway. There is no delineation between the highway and these spaces. Currently the spaces are used as informal parking by residents.

- 4.2. There is a communal area of landscaped private amenity space to the north of the flats. This area contains a number of trees which are subject to a Tree Preservation Order. There is a row of single storey garages located to the west of the site which are used by residents of the flats; these would be retained and unaltered.
- 4.3. The Wolvercote with Godstow Conservation Area extends to the south of the site up to the edge of the wider site boundary and along the opposite side of Godstow Road to the North; the site itself is outside of the Conservation Area, though the site would be considered to lie within the setting of the Conservation Area. A Grade II listed property, Manor Farm lies to the north of the site. The site would be considered to lie within the wider setting of this listed building.
- 4.4. The surrounding development in the area is suburban in character and consists mainly of detached and semi-detached 20th Century houses of no predominant design. Typically existing development in the wider area is two storey and modest in scale. The existing flats at Millway Close differ considerably from the prevailing character of the area, particularly in terms of the much larger scale of the built form.
- 4.5. The site plan is shown below:



© Crown Copyright and database right 2011.
Ordnance Survey 100019348

5. PROPOSAL

- 5.1. The application proposes two infill extensions to the south west elevation of the three storey block of flats which would consist of four flats across two

storeys with refuse and cycle storage at ground floor level. The extensions would have a flat roof in contrast to the pitched roof of the main block. The roof ridge of the infill elements would sit below the pitched roof of the existing flats.

- 5.2. The first and second floor of the building would be faced with a grey cladding. The ground floor of the building would be faced with a dark brick. It is proposed that the development would be car free.

6. RELEVANT PLANNING HISTORY

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

18/01371/OUT - Outline application with all matters reserved for the demolition of 31 garages and 3no. refuse stores. Erection of 23 new garages and 15 x 2-bed maisonettes above the garages over 3 storey's. Erection of 3no. new refuse stores and 4no. new bikes stores for 26 bikes. Infill the gaps between the existing flats with the erection of 6 x 1-bed flats. Withdrawn - 7th September 2018.

7. RELEVANT PLANNING POLICY

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

Topic	National Planning Policy Framework	Local Plan	Core Strategy	Sites and Housing Plan	Emerging Local Plan
Design	7	CP1 CP6 CP8 CP9 CP10	CS18		DH1
Conservation/Heritage	16	HE3 HE7			DH3
Housing	5			HP4_ HP9_ HP12_ HP13_ HP14_ HP15_ HP16_	H1 H2 H4 H14 H15 H16
Natural environment	15			CS12	
Transport	9	TR1	CS13, CS14		M1 M2

					M3 M5
Environmental	14, 15		CS12		RE1 RE2 RE3 RE4
Miscellaneous		CP.13 CP.24 CP.25		MP1	

8. CONSULTATION RESPONSES

- 8.1. Site notices were displayed around the application site on 19th October 2018. Following the provision of amended plans the application was re-advertised by site notice on the 20th June 2019.

Statutory and non-statutory consultees

Oxfordshire County Council (Highways)

- 8.2. The proposal seeks to create 4 x 1-bed flats as an infill development to the existing block of flats along Millway Close, Wolvercote which contains 54 flats. The highway authority previously objected to the application on cycle and car parking grounds.
- 8.3. The applicant has since undertaken a parking beat survey and shown a level of capacity is present to which parking associated with 4 x 1-bed flats is not considered to be severe.
- 8.4. The applicant has also shown a plan for cycle parking although has confirmed this is subject to change so a condition is required to ensure covered, secure and accessible parking is required for the existing and proposed flats.
- 8.5. Oxfordshire County Council therefore removes the previous objection subject to a condition requiring the provision of cycle parking.

Public representations

- 8.6. 27 letters of objection were received in relation to the original proposals from addresses in Mere Road, Millway Close, Linton Road, Angel yard, Elmthorpe Road, Riverside, Kingsthorpe (York), Cyprus Terrace, Cameron Avenue (Abingdon), Wolvercote Court and Woodstock Road. In summary, the main comments are categorised as follows:

Highways

- Existing roads in the area suffer from parking issues, the proposals would exacerbate this.
- The development would result in the loss of parking spaces.
- Location of the bike stores is not appropriate.
- Cycle parking provision is not adequate.

- There is no means of enforcing that the development is car free as Millway Close is not within a CPZ.
- The proposals would generate additional traffic.

Design

- The render should be a natural colour.
- Development would result in a continuous elevation along the Millway Close.
- The development would be cramped and would be an overdevelopment of the site.
- The development would be out of context with the character and appearance of Wolvercote.
- The two north facing rooms would not benefit from adequate natural light.
- The development would affect views into and out of the Wolvercote and Godstow Conservation Area.
- The design would be monolithic and cluttered.
- The density of development would be excessive.
- The design is unimaginative and does not achieve high quality design.
- The existing spaces between the flats reduce the scale and harshness of the blocks.
- The provision of the bike stores would result in a loss of green space for existing occupiers.
- Future residents would have a poor outlook from the flats.
- The proposal is not well integrated into the wider area.

Other

- The asbestos in the roof spaces of the existing flats needs to be replaced before other properties are built.
- Existing roofs and garage doors need to be replaced before the other flats are built.
- Solar panels should be built on.
- There needs to be a passage from the front to the back by the bin stores for existing residents.
- The covered bike and bin store needs to be fire resistant.
- The development will result in noise disturbance for existing occupiers.
- No consultation was carried out by the applicant.
- Uncertainty around access to bin stores.
- Concern about fire safety due to location of flats above the bin stores and access in the event of a fire.
- Development would put pressure on existing drainage infrastructure.
- Access to the flats is narrow.
- The provision of the cycle store would result in the loss of a visually important silver birch tree.
- There is no suggestion that the flats would be affordable.
- The proposals would not improve the balance of residential accommodation.
- The development will result in a loss of privacy for existing occupiers.
- Concerns raised about repair and maintenance of the flats.

1 letter of support has been received from a resident in Millway Close. Support is expressed for the application on the basis that there is a housing need in the city and the proposals would provide additional cycle parking.

8.7. Following re-consultation on the amended plans submitted, 17 letters of objection have been received from addresses in Elmthorpe Road, Millway Close, Churchill Place, First Turn, Courtfield Road, Mere Road and Kingsthorpe (York). The further representations reiterate previous objections and raise the following additional points:

- The width of the access to the flats is still unsatisfactory.
- The attempt to articulate the front elevation is half hearted.
- The bay window at the rear would be close to the gable end and the room would be dark.
- There would also be overlooking concerns associated with the rear facing windows.
- The revised plans do not address parking provision.
- The appearance of the infills would not be in keeping with the surrounding area.
- The building work would be a threat to bats present at 1 Millway Close.
- The outlook of the rear facing flats would be unappealing for tenants.
- No additional provision has been made for parking spaces.
- There are concerns about cladding for safety reasons. Aesthetically the clad sections will stand out from the rest of the building.
- The property is undermanaged and essential works have not been carried out.
- The effect of construction will cause dust, noise and nuisance.
- The proposals would create a continuous curtain wall along the front elevation of the flats.
- 4 previously designated bike spaces would be lost, cycle parking is insufficient.
- Front overhang of infill is unattractive.
- Wider tunnel is insecure and could attract rough sleepers.
- Rear windows are an unattractive addition to the flats.
- Potential structural problems caused by lack of maintenance.

Councillor Liz Wade objected to the application for the following reasons:

- The design would be out of keeping with the character of the area. The blocks are not recessed and will create a curtain wall effect as the blocks are not recessed. The windows are of a different scale and would have a jarring effect.
- The development would have an overbearing impact on the adjacent homes.
- Development would not take the opportunity to reduce opportunities for crime in accordance with CP9 of the Oxford Local Plan.
- Cycle provision is inadequate.
- Refuse and recycling storage beneath the flats will create problems with noise, smell and fire risk. Cycle storage below the flats will create disruption for residents.

- 4 parking spaces would be lost and additional spaces would be needed for new residents.
- The development would detract from views into and out of the Conservation Area.

9. PLANNING MATERIAL CONSIDERATIONS

9.1. Officers consider the determining issues to be:

- Principle of development
- Balance of Dwellings
- Affordable Housing
- Design and Impact on Heritage Assets
- Neighbouring amenity
- Highways
- Trees
- Sustainability
- Flooding
- Ecology

Principle of Development

- 9.2. The National Planning Policy Framework has a presumption in favour of sustainable development, of which there are 3 distinct objectives in achieving sustainable development, with a social, economic and environmental objective.
- 9.3. Paragraph 59 of the NPPF states that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
- 9.4. Paragraph 117 of the NPPF states that planning policies and decisions should promote effective use of land in meeting the need for homes and other uses while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.
- 9.5. Policy CS2 of the Core Strategy outlines that new development should be focused on previously developed land. Policy RE2 of the Emerging Local Plan requires that development proposals should make efficient use of land, which includes making the best use of previously developed land to achieve a maximum density of the development which is appropriate for the site.

- 9.6. The site exists as tarmac hardstanding and bin storage for the existing flats and would constitute previously developed land. The redevelopment of the site would therefore be in line with Policies CS2 and CS22 of the Core Strategy and Paragraphs 117 and 118 of the NPPF.
- 9.7. Policy H1 of the Councils Emerging Local Plan identifies that provision will be made for at least 8620 new homes to be built in Oxford over the plan period 2016-2036. This equates to a delivery of 431 dwellings per annum. It is envisaged that the majority of these units would be provided within the various sites allocated within the Emerging Local Plan; however there would be a requirement to deliver at least 60 dwellings per annum (1020 across the plan period) through windfall sites which are not allocated within the Local Plan. The proposed development would make a small, but nevertheless valuable windfall contribution towards local housing need.

Balance of Dwellings

- 9.8. Policy CS23 of the Core Strategy states that development should comply with the Balance of Dwellings Supplementary Planning Document (SPD). This document highlights that across Oxford, new development should include a certain percentage of family dwellings, typically 3+ bedroom units. The site falls within the Wolvercote Neighbourhood Area. Wolvercote is listed as an ‘amber’ area where there is considerable pressure in terms of the provision of family dwellings. The Balance of Dwellings SPD specifies that the target housing mix within developments of 4-9 units in amber areas should be as stated in Table 8 below:

Table 8: Mix for ‘amber’ areas

Dwelling types	Residential developments of 10-24 units (percentage range)	Residential developments 4-9 units (percentage range)	Residential developments 1-3 units
1 bed	0-20 %	0-30 %	No net loss of 'family units'
2 bed	10-35 %	0-50 %	
3 bed	30-75 %	30-100 %	
4+bed	0-35 %	0-50 %	

- 9.9. The proposed development would comprise solely of one bedroom flats and would not comply with the requirements of The Balance of Dwellings SPD, particularly as the proposals do not make provision for three bedroom dwellings within the development.
- 9.10. Policy H4 of the Emerging Plan requires that new developments of 25 or more units outside of the City Centre and District Centres provide a mix of dwelling sizes for the affordable element. The proposed development would clearly be below this threshold and in line with the requirements of the Emerging Local Plan there would be no requirement to comply with the specified mix of units. It is worth noting that only limited weight can be given to the Emerging Plan Policies at the present time.
- 9.11. Regard should be given the size of the site and practical implications associated with providing larger units on what is a constrained plot. There

would be insufficient space to provide private amenity space for future occupiers of three bedroom units, furthermore as the site is located between existing smaller flats it would be logical that the development should consist of one bedroom flats.

- 9.12. NPPF Paragraph 11 states that in applying a presumption in favour of sustainable development Local Authorities should approve development proposals that accord 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; or 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.
- 9.13. The Council's Core Strategy and Balance of Dwellings SPD predate the NPPF and as such the policy provisions of the existing framework must be read in conjunction with the NPPF in terms of their mutual compatibility. Policy H4 of the Emerging Local Plan, unlike the Balance of Dwellings SPD does not predate the NPPF and as such takes into account all other material planning considerations outlined within the framework. There is a clear requirement to balance the provision of a mix of housing in order to achieve balanced communities with a need to make effective use of land which forms a fundamental element of the NPPF (Chapter 11).
- 9.14. In this instance the proposed mix of one bedroom represents the most appropriate approach given the size and practical constraints of the site, whilst also accounting for the prevailing character of the adjacent built form. The provision of three bedroom dwellings on this site would be neither practical nor desirable given the site specific circumstances. Accounting for these factors and the schemes compliance with the provisions of Policy H4 of the Emerging Local Plan it is considered that the proposed housing mix would be acceptable.

Affordable Housing

- 9.15. The Policy position in relation to the application of adopted Policy HP4 for decision making has been altered following the receipt of an appeal decision at 4 Lime Walk and conclusions from the Planning Inspectors examining the draft policy in the H2(a)(ii) in the emerging Oxford Local Plan 2036.
- 9.16. The adopted Sites and Housing Plan includes a policy that seeks affordable housing contributions from sites with capacity for 4 to 9 dwellings (HP4).
- 9.17. Since the adoption of Policy HP4, Government planning policy has evolved in respect of securing affordable housing (including off site contributions) from small residential developments. Relevant Government policy is now set out in the NPPF. At paragraph 63, the NPPF provides as follows:

“Provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer ...”

- 9.18. “Major development” is defined in the NPPF as, in respect of housing development, “... development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more”.
- 9.19. In accordance with the NPPF, when determining planning applications, the City Council is required to determine the weight to be attached to policy HP4. One factor required to be considered when determining weight to be attached to a development plan policy is the degree of consistency of that policy with the NPPF (see NPPF para.213). Although the conflict is acknowledged, the City Council has, to date, been seeking to attach material weight to, and to rely upon, policy HP4, when determining applications for planning permission for residential development comprising less than 10 new homes and on sites of less than 0.5 ha. This has been on the basis that that the acute need for affordable housing in Oxford and limited opportunities to meet this need due to significant constraints on land within the City meant that there were locally specific circumstances that meant HP4 should continue to attract material weight notwithstanding the conflict with national policy.
- 9.20. The City Council were also pursuing the retention of this policy approach in the draft Oxford Local Plan 2036 for a similar reason. Draft policy H2(a)(ii) of the submitted plan provides that an off-site affordable housing contribution should be provided from development proposals on sites of between four and nine new homes. The draft Oxford Local Plan 2036 is currently being examined by 2 Government appointed Planning Inspectors.
- 9.21. The issue of weight to be attached to policy HP4 was the key issue for determination in an appeal made against the refusal by the City Council of planning permission for development of six flats on land at 4 Lime Walk.
- 9.22. In his decision letter, the Inspector addressed the City Council’s arguments and extensive evidence as to why, notwithstanding the conflict with the NPPF, weight should be attached to policy HP4 and, as such, a contribution towards off site affordable housing should be required from the development under consideration.
- 9.23. The Inspector rejected the City Council’s case and held that there was insufficient justification for weight to be given to policy HP4 given the conflict with national planning policy. In effect, the Lime Walk Inspector held that national policy should prevail.
- 9.24. The Lime Walk decision is one which, acting reasonably, as local planning authority we must take into account in future decisions where Policy HP4 is engaged (see *North Wiltshire District Council v Secretary of State for the Environment* (1993) 65 P. & C.R. 137).
- 9.25. The soundness of that element of Policy H2(a)(ii) has been the subject of extensive correspondence between the City Council and the Inspectors as

part of the Local Plan examination process. The City Council has put before the Inspectors a body of evidence to demonstrate why, due to the particular circumstances which prevail in Oxford and most particularly affordable housing need, policy HP2(a)(ii) is sound notwithstanding the conflict with the NPPF. The Inspectors, in their response to submission OCC.1.AB, have concluded that Policy H2(a)(ii) is not sound. Subject to final consultation on main modifications, the Inspectors have directed that the policy H2(a)(ii) should be deleted from the Plan.

- 9.26. Given the outcome of the Lime Walk appeal and the decision of the Inspectors on the soundness of policy H2(a)(ii) of the draft Oxford Local Plan 2036 and in light of legal advice, the Head of Planning advises that the Local Planning Authority can no longer reasonably continue to attach material weight to, and rely upon, policy HP4. This means that the Local Planning Authority would no longer seek affordable housing contributions when determining applications for planning permission for development on sites with capacity for between nine and four homes unless the site is greater than 0.5 hectare.

Amenity of Existing Occupiers

- 9.27. The proposed flats would be sited within a space between the side and end walls of the blocks of flats; these end elevations are blank walls which do not feature any windows. The proposed flats would not project beyond the front or rear walls of the flats, therefore the siting of the flats would not result in a loss of light to habitable windows serving the existing flats.
- 9.28. In terms of the front south east facing windows, which would serve the living spaces of the flats, it is noted that these windows would face the rear gardens of existing properties in Churchill Place which are sited behind the existing row of single storey garages. The separation distance between the windows of the proposed flats and the rear gardens would be more than 15 metres. The windows in the proposed flats would not directly face the rear windows of the dwellings in Churchill Place, given the siting of the existing properties and in any event the separation distance between the proposed dwellings and existing properties would be 32 metres. The proposed separation distance would be adequate to ensure that the residential amenity of the existing occupiers in Churchill Place would not be compromised by reason of overlooking and the development would not result in a loss of privacy for existing residents.
- 9.29. The rear facing elevation of the flats would feature projecting bay windows. The purpose of the bay windows would be to achieve a greater amount of natural light to the bedrooms. It is noted that a number of representations consider that this would result in a loss of privacy to existing residents. Officers consider that this would not be the case as the principal bay window would face the blank end gable of the existing flats, whilst the smaller side windows would not directly face into the rear windows of the neighbouring flats.

- 9.30. It is therefore considered that the proposed development would not impact detrimentally on the residential amenity of existing occupiers and the development would comply with the requirements of Policy HP14 of the Sites and Housing Plan.

Amenity of Future Occupiers

- 9.31. Policy HP12 of the Sites and Housing Plan states that planning permission will only be granted for new dwellings that provide good quality living accommodation and developments are required to meet the Government's Nationally Applied Space Standards for residential dwellings.
- 9.32. Each of the proposed dwellings would be one bedroom flats; the Government's National Minimum Space Standards require that the minimum size of a one bedroom flat should be at least 39 m². The proposed flats would measure 56.88m² in terms of GIA, which would exceed the minimum requirements for GIA. The living spaces to the front of the flats would benefit from good levels of natural light. It is noted that the rear facing bedrooms would face the blank end gables of the adjacent blocks of flats, the proposals have been amended to include the addition of a bay window which would ensure a greater degree of natural light to the bedroom spaces. On balance officers consider that future occupiers would benefit from adequate standards of internal residential amenity and the development would comply with the requirements of Policy HP12 of the Oxford Local Plan.
- 9.33. Policy HP13 of the Sites and Housing Plan outlines standards relating to external amenity spaces and requires that one or two bedroom flats should provide either a private balcony or terrace area of usable outdoor amenity space; or alternatively have direct access to a private or shared garden.
- 9.34. The proposed flats would not have balconies or external terraces, though it should be noted that none of the existing flats in Millway Close have balconies either. The block of flats is served by a large shared area of private amenity space surrounding the flats, which future occupiers would have access to and would represent an adequate area of external amenity space. The location of the flats also means that there is good access to public open space nearby (including Wolvercote Green which is less than half a mile away).
- 9.35. Bin storage would be provided at ground floor level which would replace the existing bin store which would be demolished; this would serve both the new and existing flats.
- 9.36. In summary the development is considered to afford appropriate standards of internal and external amenity for future occupiers in accordance with Policies HP12 and HP13 of the Sites and Housing Plan.

Design and Heritage Impacts

- 9.37. The site lies within the wider setting of the Wolvercote with Godstow Conservation Area as well as the Grade II listed Manor Farm. In accordance with Section 66(1) of the Planning (Listed Buildings and Conservation Areas)

Act 1990, special regard should be given to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses, which it is accepted is a higher duty. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that when considering development in Conservation Areas that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

- 9.38. Paragraph 192 of the NPPF requires that when determining applications local authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets. Paragraph 193 of the NPPF states that when considering the impact of new development on the significance of a designated heritage asset, great weight should be given to its conservation. The NPPF provisions are reflected in Policies HE3 and HE7 of the Existing Local Plan; and Policy DH3 of the Emerging Local Plan. These policies relate to development within the settings of listed buildings and Conservation Areas respectively.
- 9.39. Notwithstanding the sites spatial proximity to both the Conservation Area and the Grade II listed Manor Farm, the impact on the setting and significance of these designated heritage assets is likely to be negligible. The location of the development between the adjacent parallel blocks of flats and perpendicular projecting rear blocks means that the new flats would not be visibly prominent within the setting of the Conservation Area. The development would only be visible in glimpsed views from Godstow Road where the rear wall of the new blocks would sit alongside the existing 1970's flats. Officers consider that the impact on the setting of the Conservation Area would be negligible and the development would not result in harm to the significance of this designated heritage asset.
- 9.40. The siting of the new flats would not be perceived within the setting of the nearby Grade II listed Manor Farm and consequently the development would have a negligible impact on the setting of the Grade II listed building and would not result in harm to the setting of this designated heritage asset.
- 9.41. Policies CP1, CP6 and CP8 of the Oxford Local Plan, together with Policy CS18 of the Core Strategy and Policies HP9 and HP14 of the Sites and Housing Plan require that development proposals incorporate high standards of design and respect local character. This is also reflected within Policy DH1 of the Emerging Local Plan, which specifies that planning permission will only be granted for development of high quality design that creates or enhances local distinctiveness.
- 9.42. The existing development to the north and east of the site is suburban in scale and character. The surrounding buildings in Mere Road and Churchill Place are two storey properties set back behind front gardens with hedgerows and low fences and walls. There is however a notable contrast in the design of the existing dwellings in the area, contrasting between the more traditional pitched roof forms and flat roofed dwellings on Mere Road. The scale of the existing three storey flats is notably larger and visibly differs from the scale of the more modest 20th century development in the immediate vicinity and more

traditional vernacular buildings, within the nearby Wolvercote with Godstow Conservation Area.

- 9.43. The proposed design of the infill blocks of flats has been amended since the original proposals were submitted. The proposed infill blocks would feature flat roofs; the mid-section of the blocks would be clad in anthracite grey colour cladding. Notably the appearance of the new blocks would differ from the design and elevational treatment of the existing blocks of flats. Officers consider that this would be an appropriate approach compared with imitating the design of the existing flats as this provides some variation which breaks up what would otherwise be a repetitive elevation.
- 9.44. Further to the above, the existing spaces between the flats help to an extent to break up what is a repetitive and plain elevation, notwithstanding this, in officers' opinion infilling these spaces would not necessarily be harmful as the differing design of the new elements ensures that there would still be visual interest to this aspect of the site.
- 9.45. The scale of the infill flats is appropriate in officers' view as the roof ridge of the new elements would relate appropriately to the eaves and roof ridge of the existing building. The use of cladding contrasts from the buff brick which is the only material used on the south east facing elevation of the existing flats. The addition of cladding and variation in the design and appearance of the proposed windows adds more of a vertical emphasis to the flats, which helps to break up the repetitiveness of what is an extensive elevation whilst adding visual interest to this elevation.
- 9.46. In considering views into the Conservation Area from Mere Road and the upper sections of Millway Close, officers consider that there would be no harm to the significance of the Conservation Area. The new development would be sited adjacent to the existing large scale non-vernacular 1970's blocks of flats and from Mere Road views of the new elements would not be significantly discernible and would not result in a loss of any key views into the Conservation Area. For the reasons described above it is considered that the design is appropriate and adds visual interest and variation to the existing south west elevation of the flats and the introduction of these new elements would not result in harm to the setting of the Conservation Area and its overall significance.
- 9.47. Officers consider that the design of the development respects the character and appearance of the area and is compliant with policies CP1, CP6 and CP8 of the Oxford Local Plan, CS18 of the Core Strategy; Policy DH1 of the Emerging Local Plan; HP9 of the Sites and Housing Plan and the NPPF.
- 9.48. Officers have given considerable weight and importance to the desirability of preserving or enhancing designated heritage assets and their settings, including the Grade II listed Manor Farm and the Wolvercote with Godstow Conservation Area. Officers have been particularly mindful of the requirements of Paragraphs 192-193 of the NPPF which require that great weight is placed on the importance of conserving designated heritage assets and the statutory duties referred to above. It is considered that no harm would

arise from the proposal and therefore the proposal is considered to comply with policies contained within the adopted Oxford Local Plan, the adopted Oxford Core Strategy, and National Planning Policy and Guidance.

Transport

- 9.49. Policy HP16 of the Sites and Housing Plan outlines maximum parking standards relating to residential developments, which are listed within Appendix 8. The parking standards relating to new development should account for the overall sustainability of the location in terms of its proximity to existing shops, services and public transport links, whilst also accounting for parking controls in the immediate area. Policy HP16 of the Sites and Housing Plan states that the Council encourages car free developments in appropriate locations. For infill housing development, of which the proposed development would constitute, it is specified that applications are determined on their individual merits to reflect local context and existing parking and safety issues.
- 9.50. The Council's Emerging Local Plan outlines a requirement to achieve a modal shift towards more sustainable means of transport including walking, cycling and public transport and a move away from private car ownership. This is also supported by the NPPF. The parking standards outlined under Policy M3 of the Emerging Local Plan are permissive of car free development in locations deemed to be sustainable in terms of access to services, facilities, good public transport links and within controlled parking zones, where there is a means of enforcing the car free nature of developments.
- 9.51. It is proposed that the development would be fully car free. The majority of the existing properties in the area, which are mainly houses, are served by off street parking. Some of the flats at Millway Close are served by existing garages, though these are small spaces which probably would not be considered to comply with modern parking standards.
- 9.52. It is noted from visiting the site that a number of residents currently park along Millway Close where there no parking restrictions at present, this includes the spaces between the flats adjacent to the bin stores where the proposed development would be sited. The roads surrounding the site including Mere Road, Churchill Place and Godstow Road are largely unrestricted in terms of parking controls.
- 9.53. In terms of general sustainability the site is well served in terms of public transport. There is a bus stop immediately adjacent to the site with regular services to the City Centre. Wolvercote is in a peripheral location in the city and whilst there is a small convenience store within 200 metres of the site, the nearest district centre (Summertown) is around 1.8km from the site.
- 9.54. It is noted that the County Council have long term proposals to implement a CPZ in Wolvercote, however there is no specific timescale on when this would potentially be delivered and funding is not currently in place. In terms of local implementation of CPZ's in Oxford the County Council have highlighted Wolvercote as a low priority. Accounting for this, the development must be

considered within the present context and weight cannot be given at the present time to the future proposals for the implementation of the CPZ.

- 9.55. Given the lack of parking controls in the area and peripheral location of the site there would be no feasible means at the present time of enforcing that the development is car free. Nevertheless this would not necessarily render the proposed development to be unacceptable as the Council's parking standards reflected in Policy HP16 are maximum rather than minimum standards. The policy is clear that individual applications should be determined on their individual merits. The NPPF makes clear in Paragraph 109 that development should only be refused on highway safety grounds if there would be an unacceptable impact on highway safety or if the cumulative residual impacts on the local road network would be severe.
- 9.56. The applicants have provided a parking survey as part of a Transport Statement in order to demonstrate whether there is on-street capacity to accommodate any overspill in parking which would arise as a result of the proposed development. At the request of the County Council the scope of this survey was extended to include an overnight survey.
- 9.57. Based on average census data it is forecast that the proposed development would result in a potential need for 2-3 car parking spaces. It is noted that the proposals would involve developing on areas of hardstanding to the front of the existing bin stores which have capacity for 4 cars. Whilst these areas are currently used as a form of informal street parking, it should be noted that these are not dedicated parking bays.
- 9.58. The applicant's parking survey concludes that there would be capacity in the surrounding streets including Millway Close, Mere Road and Godstow Road to accommodate the additional requirement for parking that the proposed development would generate. Following a review of the applicant's parking survey the County Council have raised no objection to the proposed development. Officers would conclude that it cannot be demonstrated that the proposed development would have a severe impact residual impact on the local highway network and would not have an unacceptable impact on highway safety in accordance with Paragraph 109 of the NPPF.
- 9.59. Policy HP15 of the Sites and Housing Plan outlines a requirement to provide cycle parking within all new residential developments. For the proposed development there would be a requirement to provide two cycle parking spaces for each of the one bedroom flats. It is noted that the existing flats at Millway Close are not served by any dedicated cycle parking at present. Whilst there would only be a statutory requirement to provide cycle parking for the new flats the applicants have proposed to provide 116 cycle parking spaces which would be equivalent to two cycle parking spaces for both the new and existing flats. This would provide benefits to the existing residents and would assist in encouraging an uptake in sustainable means of transport, thereby reducing potential dependency on car ownership.
- 9.60. The applicants have provided a site plan showing the indicative location of the proposed 116 cycle parking spaces, which would be located to the north west

of the eastern row of flats and in the ground floor space below the proposed flats. Further details in relation to the specification and location of the 116 cycle parking spaces would be required by condition.

- 9.61. Taking the above factors into consideration officers consider that the car free nature of the development would be acceptable accounting for existing on street parking capacity in the area. The residual impact associated with the development and requirement for new parking spaces along with the loss of the existing spaces to the front of the bin stores would not be, in officer's view severe. The development is therefore considered to comply with Policy HP16 of the Sites and Housing Plan and Policy CP1 of the Existing Local Plan and would not conflict with Paragraph 109 of the NPPF.

Trees

- 9.62. There are a number of trees on the application site which are currently subject of a Tree Preservation Order. Policy NE16 of the Existing Local Plan specifies that planning permission will not be granted for any proposal that destroys or involves major surgery to protected trees if it will have a significant adverse effect upon public amenity, unless such action can be shown to be good arboricultural practice.
- 9.63. The siting of the infill development would have no impact on these trees as these are sited some distance from the proposed flats. The proposed cycle parking would be located away from the existing trees and there would be no requirement to remove or carry out works to the trees to enable this provision. There would therefore be no conflict in this instance with the requirements of Policies NE15 or NE16 of the Existing Local Plan.

Ecology

- 9.64. Policy CS12 of the Core Strategy specifies that development will not be permitted which results in a net loss of sites and species of ecological value.
- 9.65. The application is accompanied by an ecology report dated October 2018 which assesses the potential presence of bats on site and found no evidence of bats using or having used the buildings on site. The Council's consultant ecologist has advised that this is satisfactory. The assessment is valid for 12 months and as works would commence after October 2019, an updated assessment will be required prior to the commencement of development. This would be required by condition.

Sustainability

- 9.66. Policies CS9 and HP11 require the applicant to demonstrate how sustainable design and construction methods will be incorporated and how energy efficiencies have been incorporated into the design. Given the proposal is a small scale development that is not a qualifying site to provide 20% of energy consumption through renewals it is considered appropriate to deal with energy and water efficiency by condition.

- 9.67. A condition relating to water efficiency is recommended to ensure that optional requirement of building regulations is triggered in accordance with policy CS9 of the Core Strategy.
- 9.68. A condition is also recommended in relation to energy efficiency to ensure that the new dwelling incorporates sustainable design and appropriate sustainability measures in accordance with Policies HP11 of the Sites and Housing Plan and CS9 of the Core Strategy.

Flooding

- 9.69. Oxford Core Strategy Policy CS11 resists development where it would increase the risk of flooding. The site is located within Flood Zone 1 and is considered to be at a low risk of flooding. The proposals would lead to an increase in impermeable areas and subsequently an increase in surface water runoff. A drainage strategy would be required and is requested by way of condition.

Other Matters

- 9.70. It is noted that a number of representations refer to fire safety and residents safety and vulnerability to crime. This relates mainly to the principle of developing residential space above the proposed bin stores and access for emergency services in the event of a fire. It is noted that in recent years a fire was started deliberately which destroyed the southernmost of the existing bin stores. Notwithstanding this the provision of internal bin stores at ground floor level with accommodation above is relatively common in new developments.
- 9.71. The provision of residential accommodation above future bin stores would provide natural surveillance, which would discourage opportunities for crime. Providing access to the bin store is secure, unauthorised access for non-residents should not be possible. The applicants must satisfy building regulations in respect of the refuse storage; this would include fire safety measures as well as ventilation. Millway Close is sufficiently wide to allow fire tender access; therefore a fire engine would be able to directly access the front of the flats in the event of an emergency.

10. **CONCLUSION**

- 10.1. On the basis of 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 it 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 accord 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 the 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 the Framework taken as a whole.

- 10.3. The proposals would provide an additional four residential dwellings which would provide a small but nevertheless beneficial contribution towards local housing need. The development would be located on previously developed land, the redevelopment of which is promoted within Paragraphs 117 and 118 of the NPPF and officers have given due weight to this.
- 10.4. The proposed design, as amended is considered to relate appropriately to the appearance of the existing blocks of flats and in officers' view would not detract from the character and appearance of the area. Officers have assessed the development in accordance with Sections 66(1) and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Paragraphs 192 and 193 of the NPPF and consider that there would be no harm to either the significance of the Wolvercote and Godstow Conservation Area or the significance of the Grade II listed Manor Farm.
- 10.5. The applicant's transport consultants conducted a parking survey which concludes that capacity exists within the existing roads in the immediate vicinity of the site to accommodate any additional demand for parking and to accommodate vehicles which may be displaced through the loss of the four parking spaces to the front of the bin stores. The applicants have indicated that 116 cycle parking spaces would be provided which is equivalent to two spaces for both the existing and proposed flats. Officers consider that the car free nature of the development would not have an unacceptable impact on highway safety and amenity and the cumulative impact on the highway network would not be severe, consequently the proposals would not conflict with Paragraph 109 of the NPPF.
- 10.6. It is considered that the proposals adequately safeguard the amenity of existing occupiers, whilst the proposals provide adequate internal and external standards of amenity for future occupiers in accordance with the requirements of Policy HP12 and HP13 of the Sites and Housing Plan.
- 10.7. For the reasons outline within this report, it is recommended that the Committee resolve to grant planning permission for the development proposed.

11. **CONDITIONS**

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

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

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

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

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

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

4. Prior to first occupation, covered and secure cycle parking for a minimum of 116 bicycles in accordance with Policy HP15 of the Sites and Housing Plan shall be provided within the curtilage of the site. The agreed cycle parking shall be retained thereafter.

Reason: To encourage the use of sustainable modes of transport.

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

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.

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.

Reason: To ensure compliance with Oxford Core Strategy Policy CS11

6. A SuDS maintenance plan shall also be submitted to and be approved in writing by the Local Planning Authority. The Sustainable Drainage (SuDS) Maintenance Plan will be required to be completed by a suitably qualified and experienced person in the field of hydrology and hydraulics. The SuDS maintenance plan will be required to provide details of the frequency and types of maintenance for each individual sustainable drainage structure proposed and ensure the sustainable drainage system will continue to function safely and effectively in perpetuity.

Reason: To ensure compliance with Oxford Core Strategy Policy CS11

7. A Construction Traffic Management Plan shall be submitted to and be approved in writing by the Local Planning Authority prior to commencement of above ground works. This should identify;
 - The routing of construction vehicles and management of their movement into and out of the site by a qualified and certificated banksman,
 - Access arrangements and times of movement of construction vehicles (to minimise the impact on the surrounding highway network),
 - Details of wheel cleaning / wash facilities to prevent mud, etc from migrating on to the adjacent highway,
 - Contact details for the Site Supervisor responsible for on-site works,
 - Travel initiatives for site related worker vehicles,
 - Details of times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours,
 - Engagement with local residents and neighbours.

The approved CTMP shall be implemented during the course of the construction phase of development.

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

8. The dwellings hereby permitted shall not be occupied until an Energy Statement has been submitted to and approved in writing by the Local Planning Authority to ensure that the proposed dwellings incorporate sustainability measures. The agreed measures shall be implemented prior to first occupation and shall be retained thereafter.

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

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

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

10. 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 accordance with the agreed details which shall be implemented prior to the construction phase of development.

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.

11. 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.

12. 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.

13. A detailed Arboricultural Management Statement (AMS) setting out the methods of working within the Root Protection Areas of retained trees shall be submitted to and approved in writing by the Local Planning Authority (LPA) before any works on site begin. Such details shall take account of the need to avoid damage to tree roots through excavation, ground skimming, vehicle compaction and chemical spillages including lime and cement. The development shall be carried out in

strict accordance with of the approved AMS unless otherwise agreed in writing by the LPA.

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

14. An updated assessment of the site in respect of bats will be required prior to the commencement of development. The results of the updated assessment shall be provided to, and approved in writing by, the Local Planning Authority.

Reason: To comply with the requirements of The Conservation of Habitats and Species Regulations 2017 and to protect species of conservation concern.

15. Prior to the first occupation of the development, details of ecological enhancements shall be submitted to and approved by the Local Planning Authority. The scheme will include details of the provision of artificial roost features, including bat and bird nest boxes and a minimum of two swift nest boxes. The bat boxes shall be installed prior to first occupation of the dwellings. The development shall be carried out in accordance with the approved details.

Reason: In the interests of improving the biodiversity of the City in accordance with NPPF and policy CS12 of the Oxford Core Strategy 2026 and to ensure the survival of protected and notable species protected by legislation that may otherwise be affected by the development.

16. Prior to first occupation of the dwellings hereby permitted, details of refuse storage shall be submitted to and shall be approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and the approved refuse storage shall be retained thereafter.

Reason: To ensure adequate provision for the disposal of refuse in accordance with Policy HP13 of the Sites and Housing Plan.

12. APPENDICES

- **Appendix 1 – Site Block plan**

13. HUMAN RIGHTS ACT 1998

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

This page is intentionally left blank

Appendix 1 – Site Plan

18/02644/FUL – Site of Millway Close



This page is intentionally left blank

WEST AREA PLANNING COMMITTEE

12 November 2019

Application number:	19/02685/RES
Decision due by	12 December 2019
Extension of time	Not required
Proposal	Details of reserved matters (landscaping) for the removal of 58 trees and the planting of 132 replacement trees along Home Close boundary pursuant to outline permission 13/01861/OUT.
Site address	Wolvercote Paper Mill , Mill Road, Wolvercote – see Appendix 1 for site plan
Ward	Wolvercote Ward
Case officer	Nadia Robinson
Agent:	Mr Jonathan Hill Applicant: Ms Vikki Roe
Reason at Committee:	The application constitutes a significant amendment to the approved landscape proposals subsequent to the grant of planning permission (18/00966/RES)

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; and

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

- consider and deal with any new material planning considerations that may be raised through public consultation up to 18 November 2019 including deciding whether it is necessary to refer the application back to the committee prior to issuing the permission;
- finalise the recommended conditions as set out in this report including such refinements, amendments, additions and/or deletions as the Head of Planning Services considers reasonably necessary; and
- issue the planning permission.

2. EXECUTIVE SUMMARY

- 2.1. This report considers a reserved matters application for the landscaping of a small area of the Wolvercote Paper Mill site. This follows the grant of outline consent, reference 13/01861/OUT and the approval of reserved matters application 18/00966/RES. If this application is approved, it is anticipated that the applicant would implement it, rather than the landscaping approved under 18/00966/RES within the red line of this application.
- 2.2. The red line of the application relates to the strip of land along the boundary with Home Close properties within which lie a number of mature trees.
- 2.3. The reason for the application is the discovery during groundworks along this boundary of asbestos fibres sufficient to present a potential human health risk. It is necessary to remove the existing trees in order to remediate the land and therefore a replacement tree planting scheme is proposed.
- 2.4. Officers consider the measures to be necessary and the replacement tree planting scheme to be appropriate in providing screening, visual amenity and supporting biodiversity through native planting. Officers are therefore recommending approval.

3. LEGAL AGREEMENT

- 3.1. This application is not subject to a legal agreement.
- 3.2. The Section 106 legal agreement for the outline consent 13/01861/OUT remains in force and would apply to the development under consideration, should permission be granted. No new legal agreement is needed in relation to this reserved matters application.

4. COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 4.1. This application is not subject to CIL. CIL is payable on the already consented reserved matters application 18/00966/RES.

5. SITE AND SURROUNDINGS

- 5.1. The wider Wolvercote Paper Mill development site is located within lower Wolvercote between the residential properties of Home Close to the east and Wolvercote Mill Stream to the west. It is bounded to the north by the A34 and Mill Road to the south, from where it is accessed.
- 5.2. The application site is a small part of the overall development site, being a narrow strip of land that runs along the site's eastern boundary, backing onto Home Close properties. On the plans approved via reserved matters application 18/00966/RES, this area is designed as service access lane between the gardens of proposed dwellings and the gardens of the Home Close properties in order to allow for the management of the tree belt within it.
- 5.3. A Thames Water main until recently ran along the narrow strip of the application site. This has since been relocated as part of the wider

development. The water main remains in situ alongside the approved apartment block closest to the eastern boundary, apartment block D, but it no longer runs within the service access lane.

- 5.4. The wider site was formerly home to a paper mill with large-scale industrial buildings located in its southern part. Most of the buildings associated with the mill have been demolished although areas of hardstanding remain, as well as some smaller buildings, including an office building on Mill Road.
- 5.5. The development consented under outline permission 13/01861/OUT with reserved matters approval reference 18/00966/RES has commenced.
- 5.6. The Wolvercote with Godstow Conservation Area lies to the south of the site. There are a number of Grade II listed buildings close to the site: 1-7 and 11 Mill Road, the White Hart Public House and the Red Lion Public House (now operating as Jacob's Inn).
- 5.7. The site lies to the east of Pixey Mead which is a Site of Special Scientific Interest (SSSI) that forms part of the internationally protected Oxford Meadows Special Area of Conservation (SAC).
- 5.8. See block plan below:



6. PROPOSAL

- 6.1. This reserved matters application is for landscape proposals along the Wolvercote Paper Mill site's eastern boundary, where it meets the boundaries of Home Close properties.

- 6.2. The application follows the grant of outline consent, reference 13/01861/OUT and the approval of reserved matters application 18/00966/RES. The reserved matters application 18/00966/RES proposed the retention of the existing trees and vegetation along the eastern boundary, close to the rear boundaries of Home Close properties. This tree belt was proposed to be maintained via a service access lane to separate the tree belt from the private gardens of the “Meadow Way” properties within the development site. There was to be access at either end only for maintenance by the management company.
- 6.3. Subsequent to the approval of reserved matters, groundworks revealed the presence of asbestos in the area and the solution to remediate this land contamination has led to the applicant revising the landscape proposals. The applicant is now proposing to remove the existing 58 trees and plant 132 native trees by way of replacement. There would be no change to the approved service access lane or the maintenance arrangements.
- 6.4. A “Woodland Management Strategy” was submitted with the outline application 13/01861/OUT and referred to in condition 6 of the outline permission. The proposal to remove the Home Close boundary trees is not in accordance with this Strategy because it designates these trees as “retained trees”. Part a) of condition 6 of the outline permission allows for retained trees to be removed with the written approval of the local planning authority. Part b) of condition 6 states that if any retained tree is removed, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority. The proposed regular planting of trees to form a belt within the area of the service access lane along the Home Close boundary would constitute planting trees in the same place as those removed.
- 6.5. No variation to condition 6 (or any other condition) of the outline permission is therefore necessary to permit the new tree planting proposals. However, the proposals do differ from the approved planting plans in the reserved matters application 18/00966/RES and so permission is sought for the change via a new reserved matters application for landscaping only. This approach accords with condition 6 of the outline consent since the approval of this application would constitute written approval of the local planning authority.

7. RELEVANT PLANNING HISTORY

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

<p>13/01861/OUT - Outline application (seeking means of access) for up to 190 residential units, employment space, community facilities, public open space and ancillary services and facilities.(Amended plans)(Additional information). Approved 21st September 2017.</p> <p>18/00966/RES - Reserved matters of outline planning permission 13/01861/OUT seeking permission for the appearance, landscaping, layout and scale of 190 residential units, employment space, community facilities, public open space and facilities. (Amended plans and additional information). Approved 25th September 2018.</p>

13/01861/CND3 - Details submitted in compliance with conditions 5 (Design Code), 12 (Landscape and Open Space Strategy), 15 (Construction Traffic and Environmental Management Plan), 16 (Scheme for noise mitigation), 18 (Secured by Design), 21 (Travel Plan), 26 (Flood Risk Assessment), 27 (Contaminated land remediation strategy), 30 (Foul Water Drainage Strategy), 31 (Surface Water Drainage Strategy), 35 (Landscape and Ecological Management Plan), 36 (Archaeology (partial discharge)), 37 (Natural Resource Impact Assessment), 38 (Electric Vehicle Charging Points Scheme) of planning permission 13/01861/OUT. Split decision 25th September 2018.

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	Other planning documents	Emerging Local Plan 2036	Wolvercote Neighbourhood Plan
Design	Paragraphs 117-132	CP1 Development Proposals CP8 Designing Development to Relate to its Context			National Design Guide	DH1	
Conservation / Heritage	Paragraphs 184-202	HE3 Listed Buildings and their setting HE7 Conservation Areas				DH3	
Natural environment	Paragraphs 170-177	CP11 Landscape Design NE15 Loss of Trees and Hedgerows NE16 Protected trees	CS12 Biodiversity CS18 Urban design, townscape, character, historic environment			G2 G8 G9	GBS5 GBS6
Social and community	Paragraphs 91-101		CS19 Community safety	HP14 Privacy and daylight			
Environmental	Paragraphs 148-165, 178-183	CP22 Contaminated Land NE14 Water and Sewerage Infrastructure	CS11 Flooding			RE9	BES7

Topic	National Planning Policy Framework	Local Plan	Core Strategy	Sites and Housing Plan	Other planning documents	Emerging Local Plan 2036	Wolvercote Neighbourhood Plan
Miscellaneous	Paragraphs 7-14, 38-46, 54-56			MP1		S1 S2	

8.2. Paragraph 48 of the NPPF states that local planning authorities may give weight to relevant policies in emerging plans according to:

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

8.3. The emerging local plan (the Local Plan 2036) is in Proposed Submission Draft format pending the Inspectors' independent examination into its soundness. It is therefore at examination stage. Weight can be given to the emerging policies; the level of weight is guided by the stage of the plan in the plan-making process and the objections made to relevant policies. Objections have been made to a number of policies and the Inspector has issued a number of questions to the City Council. Very limited weight is therefore attributed to these emerging policies.

8.4. The Wolvercote Neighbourhood Plan is also at examination stage, having received the Examiner's Report. Its boundary takes in the whole of the Oxford North outline application site. It has reached an advanced stage and therefore reasonable weight should be attached in particular to the spatial policies that, if the plan is made, will form part of the Development Plan. The plan will however only come into force (if approved) after a decision taken at the Referendum.

8.5. Accordingly, the policies in the emerging Local Plan 2036 and the Wolvercote Neighbourhood Plan are given limited but reasonable weight. The relevant policies are referred to where appropriate in section 10 of this report.

8.6. In addition to the policies and documents above, National Planning Practice Guidance (NPPG) is also a material planning consideration.

9. CONSULTATION RESPONSES

9.1. Site notices were displayed around the application site on 18 October 2019 and an advertisement was published in The Oxford Times newspaper on 24 October 2019.

- 9.2. The closing date for public comments is 18 November 2019, which is after the publication of this committee report and after the committee date. Officers will therefore provide a verbal update to committee of any consultation responses received after the publication of the report, and the officer recommendation set out in paragraph 1.1.2 makes allowance for any new material considerations being raised through the public consultation after a committee resolution. Members should be aware that in the event that further comments are made which are considered to raise new material considerations then officers may need to bring this application back to committee to be re-considered.

Statutory consultees

Oxfordshire County Council (drainage)

- 9.3. No concerns from the works affecting the proposed drainage strategy for the [wider Wolvercote Paper Mill] site.

Public representations

- 9.4. None received

10. PLANNING MATERIAL CONSIDERATIONS

- 10.1. Officers consider the determining issues to be:

- a) Principle of development
- b) Land quality
- c) Trees and landscaping
- d) Impact on neighbouring amenity
- e) Drainage and flooding

a. Principle of development

- 10.2. The principle of development has been established through the granting of outline planning consent, reference 13/01861/OUT.
- 10.3. The outline application was accompanied by an Environmental Statement because the development was classed as Environmental Impact Assessment (EIA) development. This reserved matters application has been prepared within the parameters of the Environmental Statement; an EIA statement of conformity is included in this application. Officers would concur with the conclusion of this statement:

Ultimately the landscaping strategy remains the same, with the tree line to be retained and managed in that location, although there is a need to amend the strategy in the interim for pressing remediation needs. That is to say that the proposed development will not result in potential

effects on the environment in excess of those already assessed, including Ecology and Townscape considerations.

10.4. The principle of development is therefore acceptable.

b. Land quality

10.5. Oxford Local Plan 2001-2016 policy CP22 (Contaminated Land) states that, where necessary, the City Council will require prospective developers to submit details of an investigation of the site and any remedial measures that need to be carried out. The City Council will, where necessary, require the developer to carry out remedial measures and to verify that the approved measures have been carried out. Emerging policy RE9, to which limited weight can be afforded, requires investigations to assess the nature and extent of contamination of land and appropriate mitigation.

10.6. The outline consent for the site has three conditions relating to land contamination. Condition 29 requires the developer to maintain a watching brief for unexpected contamination.

10.7. In March 2019 during groundworks along the eastern boundary, asbestos-containing materials were encountered by the developers. Samples of soil taken confirmed the presence of low concentrations of asbestos fibres between 0.2m and 0.4m depth. This reflects identification of asbestos fibres across many parts of the larger development site so was not considered unusual. However the levels of asbestos present were sufficient to present a potential human health risk so a remedial approach was deemed necessary.

10.8. Following a site meeting in March with the Council's land quality officer, various remedial options were explored. These are detailed within the submitted letter from the applicant's consultants RSK on the subject of "Clarification of Approved Remedial Measures". The most favourable option was determined as being the bulk removal of impacted soils and disposal off-site followed by placement of a clean cover system without raising site levels. This option however would require the existing tree belt to be removed due to the fact that if left in place, disturbance of tree roots and placement of a clean cover system would excessively compromise tree health and present a potentially significant risk of tree mortality and trees falling.

10.9. Officers are satisfied with the proposed remediation approach to the eastern tree belt landscaping plan. Accordingly, officers consider the justification for the removal of the trees to be sound and the approach to dealing with the unexpected contamination to be compliant with policy CP22 of the Oxford Local Plan.

10.10. No additional conditions are recommended in relation to land quality because the outline consent conditions are sufficient.

c. Trees and landscaping

- 10.11. Oxford Local Plan 2001-2016 policy NE15 prevents the removal of trees, hedgerows and other valuable landscape features that would have a significant adverse impact upon public amenity or ecological interest. It also requires soft landscaping, including tree planting, to be undertaken whenever appropriate. Landscaping schemes should take account of local landscape character and should include the planting of indigenous species where appropriate. Where necessary, the City Council will seek long-term management plans, which will be secured through planning conditions or a planning obligation. Oxford Local Plan 2001-2016 policy CP11 sets out the Council's requirements for landscape design and maintenance and requires protection of existing trees. Emerging policy G9, to which limited weight can be afforded, requires proposals to demonstrate how green infrastructure features have been incorporated within the design of the new development where appropriate. This applies to protected and unprotected green infrastructure features, such as hedgerows, trees and small public green spaces.
- 10.12. It was noted in the consideration of reserved matters application 18/00966/RES that the rationale for retaining the tree belt along the eastern boundary was to provide enclosure and visual screening for the rear garden boundaries of properties in Home Close. Seen from aerial or tangential photos views the tree line appears solid, but seen perpendicular to the boundary from ground level the feature can be seen to possess poor aesthetic value; its functional value is variable due to gaps below the canopy. The existing trees comprise an odd mix of alternating topped evergreen Leyland cypress and pollarded deciduous London plane. The landscape plan proposed a management strategy to retain and maintain the tree belt and to in-fill new tree planting to reinforce and renew it over time.
- 10.13. The application seeks to remove 58 trees identified as "retained trees" in the Woodland Management Strategy submitted with application 13/01861/OUT. The application includes details of replacement planting proposals for mainly semi-mature trees, all native species. This selection follows discussions with the Council's tree officer prior to submission of the application. The Planting Schedule (Ref:00272.200A) consists of 132 replacement trees along the Home Close boundary. The replacement scheme provides significantly more species diversity and structural variation in terms of crown form and heights. All of the species selected are native to the British Isles as compared with the planes and cypresses that they replace which are both non-native. The planting design should achieve a closed canopy within five years and the species selections will offer seasonal interest, good screening and support biodiversity.
- 10.14. The proposals would accord with condition 6 of outline consent 13/01861/OUT and with local plan policies CP11 and NE15 and are acceptable in relation to trees and landscaping.

d. Impact on neighbouring amenity

- 10.15. Policy HP14 of the Sites and Housing Plan states that development should provide reasonable privacy and daylight for the occupants of both existing and

new dwellings and guards against overbearing development. Policy CP10 of the Oxford Local Plan 2001-2016 requires development proposals to be sited in a manner which meets functional need, but also in a manner that safeguards the amenities of other properties. With respect to contaminated land, policy CP22 of the Oxford Local Plan 2001-2016 requires the City Council to be satisfied that there will be no threat to the health of future users or occupiers of the site or neighbouring land.

10.16. The existing tree belt screens views to the west from properties on the west side of Home Close. It would therefore screen views of the new development under construction at Wolvercote Paper Mill. To give an indication of the height of trees at the point of planting, and their height after five, 10 and 20 years, the following *indicative* summary of the proposed planting scheme has been compiled:

Quantity	Common Name	Type	Height at planting	Height (m) after 5 years (approx)	Height (m) after 10 years (approx)	Height (m) after 20 years (approx)
12	Field maple	Small-Medium sized native deciduous broadleaf	4-4.5m	6	8-10	12
9	Alder	Medium sized native deciduous broadleaf	4-4.5m	8	12-15	15-18
10	Alder	Medium sized native deciduous broadleaf	4-4.5m	8	12-15	15-18
11	Silver birch	Medium sized native deciduous broadleaf	4-4.5m	8	12-15	15-18
10	Silver birch	Medium sized native deciduous broadleaf	4-4.5m	8	12-15	15-18
36	Hazel	Deciduous native broadleaf shrub/small tree	1.5-1.75m	4	6	8
15	Holly	Evergreen native broadleaf medium sized tree	0.6m	3	6	10
6	Scots pine	Medium-large native pine	3-3.5m	5	8	15
5	Scots pine	Medium-large native pine	3-3.5m	5	8	15

18	Guelder-rose	Native deciduous flowering shrub	1.5-1.75m	3	3	3
----	--------------	----------------------------------	-----------	---	---	---

10.17. Officers note that there would inevitably be a relatively short period after planting when the visual screening is reduced. The length of Home Close gardens and the boundary fencing mean that this will not cause harm to residential privacy or amenity. This must be weighed against the removal of the threat to human health of the asbestos to on-site and off-site residents. In time, the improved quality of the tree belt will provide a better buffer between the existing residents and the dwellings under construction.

10.18. The proposals, on balance, would safeguard neighbouring residential amenity and would therefore comply with policy HP14 of the Sites and Housing Plan, CP10 and CP22 of the Oxford Local Plan 2001-2016.

e. Drainage and flooding

10.19. Paragraph 163 of the NPPF states that when determining planning applications, local planning authorities should ensure that flood risk is not increased elsewhere, supported where appropriate by a site-specific flood-risk assessment. Oxford Core Strategy Policy CS11 states that development will not be permitted that will lead to increased flood risk elsewhere, or where the occupants will not be safe from flooding.

10.20. No change in the drainage strategy for the wider Wolvercote Paper Mill site is proposed with this application. However, officers understand that there have been concerns raised by local residents in relation to flood risk from the drainage along the eastern boundary of the Wolvercote Paper Mill site affecting Home Close properties.

10.21. The applicant has submitted a letter from their flood risk consultants, Glanville, which explains that there is a now unused culvert in the eastern part of the site which historically drained eastwards into Wolvercote Lakes. Under the surface water drainage strategy for the wider Wolvercote Paper Mill site as approved under reference 18/00966/RES, surface water flows from the site will not enter this culvert. They will be directed westwards to the Wolvercote Mill Stream.

10.22. The letter also explains the reasons why the tree removals and the proposed replanting will not result in an increase in the risk of flooding to existing properties on Home Close or future properties within the site.

10.23. Officers would agree that, as set out in the Glanville letter, the proposals in this reserved matters application will not result in any increased flood risk to Home Close properties. Oxfordshire County Council as Lead Local Flooding Authority concurs. As such this application would comply with the NPPF and policy CS11 in respect of flooding.

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 NPPF. The relevant development plan policies are considered to be consistent with the NPPF despite being adopted prior to the publication of the framework.

Compliance with Development Plan Policies

- 11.3. 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.
- 11.4. The application has demonstrated robustly the need to remove the existing trees and the replacement tree planting scheme to be appropriate in providing screening, visual amenity and supporting biodiversity through native planting.
- 11.5. As noted in section 10 of this report, the application is consistent, subject to conditions, with local and national planning policy. Therefore officers consider that the proposal would accord with the development plan as a whole.

Material considerations

- 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. 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.
- 11.8. 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.

- 11.9. Officers would advise members that having considered the application carefully including all representations made with respect to the application, that the proposal is considered to be acceptable in terms of the aims and objectives of the National Planning Policy Framework, and relevant policies of the Sites and Housing Plan 2011-2026, Oxford Core Strategy 2026, and Oxford Local Plan 2001-2016, when considered as a whole, and that there are no material considerations that would outweigh these policies.
- 11.10. 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. The development permitted shall be carried out 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.

2. The landscaping proposals hereby approved shall be carried out in the first planting season following substantial completion of the development if this is after 1st April. Otherwise the planting shall be completed by the 1st April of the year in which building development is substantially completed. All planting which fails to be established within three years shall be replaced with the same species and stock unless otherwise agreed in writing by the local planning authority.

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

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

13. APPENDICES

- **Appendix 1 – Site location plan**

14. HUMAN RIGHTS ACT 1998

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

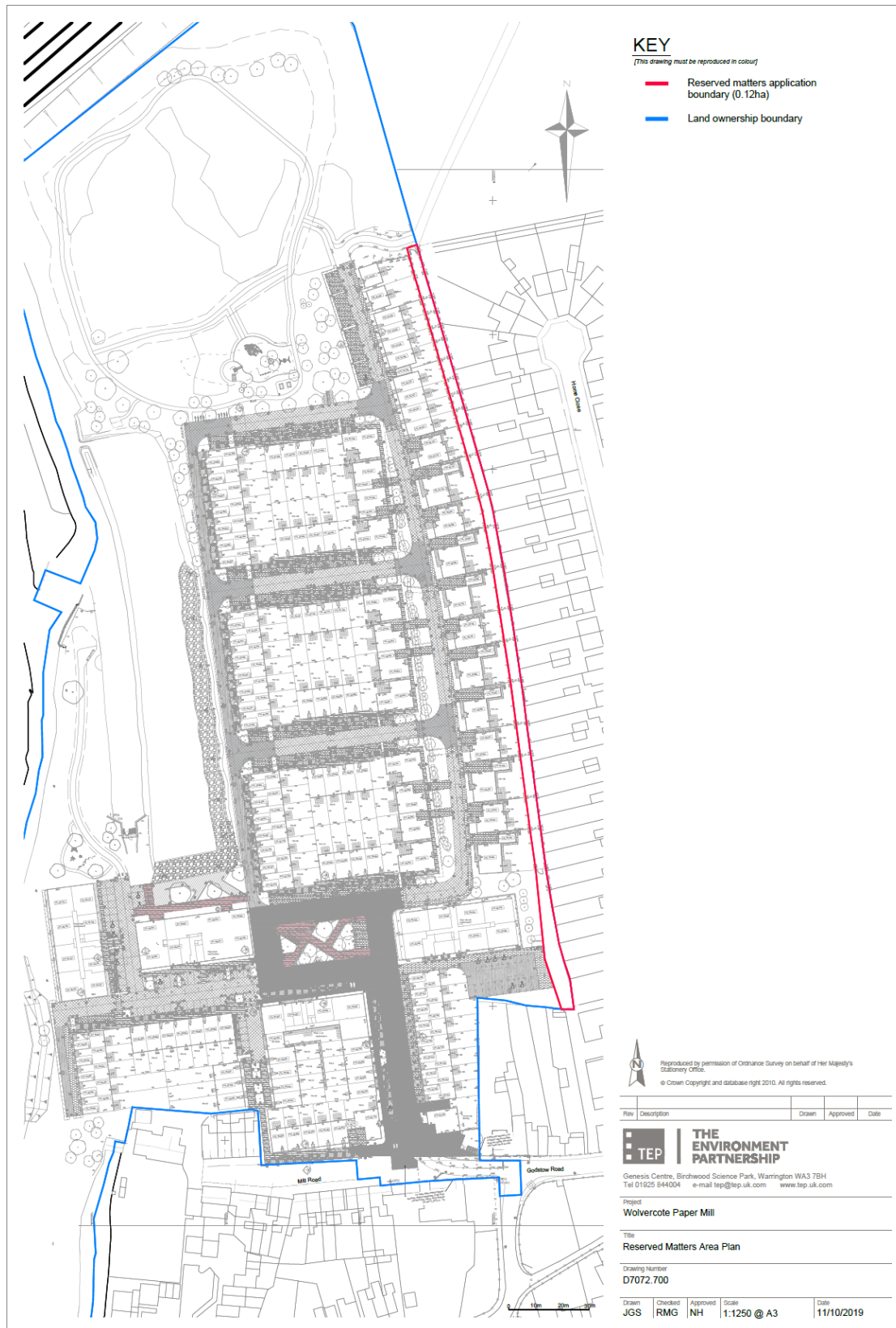
15. SECTION 17 OF THE CRIME AND DISORDER ACT 1998

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

Appendix 1

19/02685/RES – Wolvercote Paper Mill

Site location plan



This page is intentionally left blank

WEST AREA PLANNING COMMITTEE

Application number: 19/01456/FUL

Decision due by 26th July 2019

Extension of time To be confirmed

Proposal Demolition of part ground floor and first floor rear extensions. Change of use of ground floor and first floor of 50 St Giles from Cafe (Use Class A3) to Hotel reception and accommodation (Use Class C1). Conversion of upper floors at 49-51 St Giles for use as hotel accommodation (Use Class C1). Erection of single storey rear extension, formation of new entrance off Wellington Place through boundary wall, alterations to north and south boundary walls, installation of ventilation equipment to rear and alterations to fenestration. (amended plans and information)

Site address The Eagle And Child, 49-51 St Giles', Oxford, Oxfordshire – see **Appendix 1** for block plan

Ward Carfax Ward

Case officer Tobias Fett

Agent: Mrs Marion Brereton **Applicant:** Rob Linnell

Reason at Committee The application has been called in by Cllrs Hollingsworth, Tanner, Fry, Turner and Rowley because of concerns about the impact on the historic buildings and streetscape in St Giles, and the potential impact on trees in the adjoining street at Wellington Place.

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; and subject to:

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

1.1.2. **agree to delegate authority** to the 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 Head of Planning Services considers reasonably necessary; and
- finalise the recommended legal agreement under section 106 of the Town and Country Planning Act 1990 and other enabling powers as set out in this report, including refining, adding to, amending and/or deleting the obligations detailed in the heads of terms set out in this report (including to dovetail with and where appropriate, reinforce the final conditions and informatives to be attached to the planning permission) as the Head of Planning Services considers reasonably necessary; and
- complete the section 106 legal agreement referred to above and issue the planning permission.

2. EXECUTIVE SUMMARY

- 2.1. This report considers the demolition of part of the rear ranges of a set of interconnected listed buildings, the change of use of a substantial part of the site to a Hotel (C1) and the erection of a single storey rear extension, with new side entrances new and altered boundary walls as well as ventilation equipment and alterations to fenestration.
- 2.2. The existing building on the site is Grade II Listed and within the Central (University and City) Conservation Area. The contemporary design approach has sensitively considered the constraints of the site that can be mitigated by a number of conditions to ensure the development would not give rise to harm to designated heritage assets.

3. LEGAL AGREEMENT

- 3.1. This application is subject to a legal agreement. Oxfordshire County Council requested a legal agreement to secure additional off-site bicycle parking to be installed on St Giles as this is not possible within the constrained site.

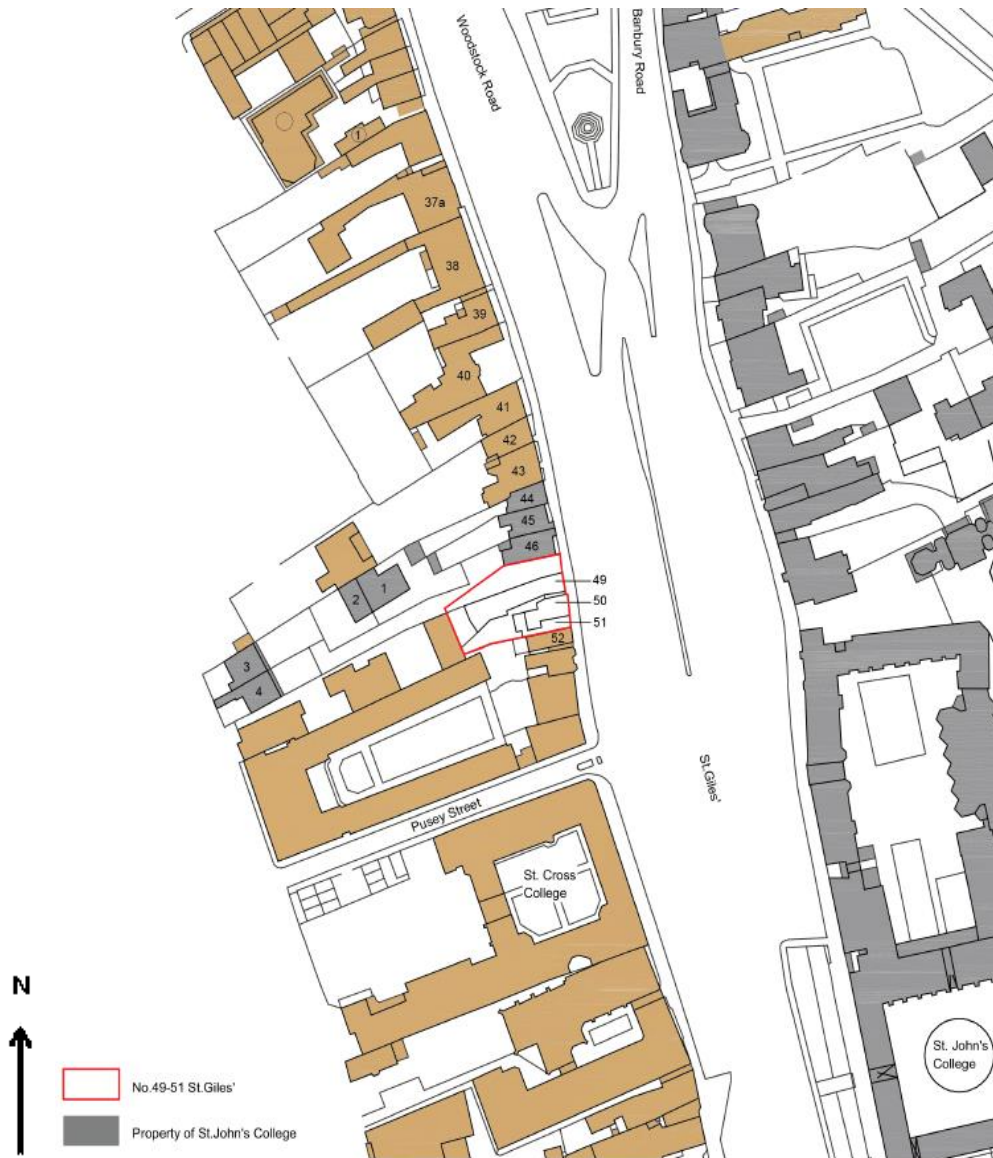
4. COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 4.1. The proposal is liable for a CIL contribution of £6,521.35.

5. SITE AND SURROUNDINGS

- 5.1. The site is located on the west side of St Giles towards the street's northern end.
- 5.2. The site covers three, two storey plus attic buildings that front the street, whose wall enclosed curtilages extend back westward, include rear building ranges of both single and two storeys and whose rear boundary is formed by a four storey, 20th Century building range belonging to Regent's Park College that curtails the original, much longer burgage plots that defined the early 16th Century urban grain.

- 5.3. The northern boundary of the site is formed by the north façade of No.49, a three storey brick gable extended west with a random coursed rubble stone wall against which has been constructed a single-storey 20th Century extension to No 49. These walls bound Wellington Place, formerly a “public” route through to St John Street, now a closed gated courtyard giving access to four dwellings and associated parking and amenity access.
- 5.4. All three buildings, 49, 50 and 51 St Giles are included in the statutory list of buildings of architectural and historic interest at grade II.
- 5.5. No. 49 which houses the Eagle and Child Public House at ground floor and in later, 20th Century ranges/additions to the rear of the principal, front building range with associated domestic accommodation on its upper floors has evidence of at least 17th Century origins. The significance of the building derives primarily from its architecture, its original, timber frame and rubble wall structure and internal fabric which offer some evidence of its age, which has been subject to not inconsiderable alteration since its original building and of which there is no external, physical or visible evidence.
- 5.6. Nos 50 and 51 comprises a single building divided into two dwellings that has been altered at ground floor street side to create two retail units, one being used as Greens café and one as the St Giles Barber. The building is a C18 fronting of an earlier, probably 17th Century possibly earlier core. The street façade is dressed ashlar in a double-gabled form with a mix of 19th Century sash and casement windows. The earlier, back range of the building appears to have been rebuilt in brickwork at ground floor but retains its earlier, coursed rubble stone external skin at first floor with a gabled, slate roof over. There is a poor quality, late C20, single-storey, lean-to extension on the rear of this early building range. The significance of the building derives primarily from its architecture which defines its evolution and offers evidence of its age.
- 5.7. The pub also has a high cultural significance as an early meeting place of the Inklings literati around JRR Tolkien and CS Lewis and therefore is a popular tourist destination.
- 5.8. The site three ground floor commercial premises with mixed uses above. The pub is one end of this row of buildings to the north and a further commercial ground floor with mixed use above is located to the south of the application site.
- 5.9. The western end or rear of the site is flanked by large modernist buildings associated with Regents Park College, which is mainly access through Pusey Lane and Pusey Street.
- 5.10. See Location plan below:



© Crown Copyright and database right 2019.
Ordnance Survey 100019348

6. PROPOSAL

- 6.1. The application proposes the removal of late 20th Century extensions to the rear of Nos 49 and 51 St Giles, the construction of a new, principally single storey extension to No.49 enclosing the open courtyard to the rear of Nos 50 and 51 with a shallow pitched, metal seamed roof and associated services enclosed on the roof of the extension which would be screened by an additional brick wall from Wellington Place.
- 6.2. The distance between the pub and no. 46 S Giles is just over 4 metres, and no changes are proposed to affect this.
- 6.3. The nearest neighbour to the rear extension would be 1 Wellington Place, approximately 12 metres away, across its communal entrance lane and front garden.

- 6.4. The new extension would provide an increase and improvement of the existing catering and food provision on site by providing a new covered open plan seating area for serving food, a new modern kitchen as well better level access routes and sanitary facilities.
- 6.5. In addition the application proposes alterations to the interiors of Nos 49, 50 and 51 to create a suite of six hotel rooms together with alterations to the roof of the rear wing to No.51. The current Barber shop unit would remain but the café shop unit would create the hotel entrance and lobby. The intricate internal configuration means the upper floors don't necessarily relate to the exterior building separation.
- 6.6. The upper floors have been three residential flats that are currently in use partially as seating area for Greens café and an office for the cafe, as well as a flat ancillary to the pub. And vacant spaces that do not meet current building standards and are therefore not lettable and below standard. All upper floors would be converted to six en-suite bedrooms accessible off two stair cases within no's49 and 50.
- 6.7. The frontage would remain largely unaltered. Changes to the advertising would be dealt with under future advertisement consent. The Iron Gate to the passage way would remain, but paving would be re-laid to accommodate improved disabled access through the former middle passage access path. This area would provide level access to the rear of the pub/restaurant, which would provide better accessibility than currently. Additionally an accessible platform lift would be installed internally to further make the pub more accessible.
- 6.8. The side passage alongside the north of the site in Wellington Place would be re-landscaped to retain the yew tree and plant one new tree, new landscaping and drainage to suit the walled location.

7. RELEVANT PLANNING HISTORY

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

86/00692/NFH - Extension at rear. Permission granted 19th November 1986.

91/00464/NFH - Demolition of chimney, external wall to store and internal wall and staircase. Incorporation of independent 2 storey store building into public house to extend kitchen, knocking through into adjacent store to enlarge existing trade kitchen.. Permission granted 26th June 1991.

93/00302/NFH - Erection of conservatory type structure to rear of P.H. and structure to cover existing gap between bottle store and flat roofed toilets. PER 19th May 1993.

12/03105/FUL - Demolition of part ground and first floor extensions. Erection of part single storey, part three storey, rear extensions to provide additional pub floorspace on ground floor and new academic teaching space/offices (use class D1) on first and second floors. Formation of new entrance through boundary

wall to provide access off Wellington Place and provision of new courtyard..
Permission granted 6th February 2013.

17/00455/FUL - Change of use of ground floor and first floor of No. 50 St Giles from Cafe (Use Class A3) to Hotel reception and accommodation (Use Class C1) . Demolition of part ground and first floor rear extensions. Erection of single storey rear extension to provide additional pub floorspace at ground floor level. Conversion of upper floors at No.49 - 51 St Giles to form 7No. ensuite bedrooms for use as hotel accommodation (Use Class C1). Formation of new entrance through boundary wall to provide access off Wellington Place and rebuilding of existing south boundary wall. Installation of air conditioning units and extraction ducting to rear roof. Replacement of windows.. Withdrawn 5th July 2017.

17/02164/FUL - Change of use of ground floor and first floor of No. 50 St Giles from Cafe (Use Class A3) to Hotel reception and accommodation (Use Class C1) . Demolition of part ground and first floor rear extensions. Erection of single storey rear extension to provide additional pub floorspace at ground floor level. Conversion of upper floors at No.49 - 51 St Giles to form 7No. ensuite bedrooms for use as hotel accommodation (Use Class C1). Formation of new entrance through boundary wall to provide access off Wellington Place and rebuilding of existing south boundary wall. Installation of air conditioning units and extraction ducting to rear roof. Replacement of windows. (Amended Plans). Refused 19th April 2018.

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	Other planning documents
Design	117-123 124-132	CP6 Efficient Use of Land & Density CP8 Designing Development to Relate to its Context CP10 Siting Development to Meet Functional Needs CP11 Landscape Design	CS18 Urban design, townscape, character, historic environment,	HP9 Design, Character and Context	
Conservation/ Heritage	Para's 193-202	HE2 Archaeology HE3 Listed			

		Buildings and their setting HE7 Conservation Areas			
Housing	59-76			HP1 Change of Use from existing homes HP14 Privacy and Daylight	
Commercial	Sections 6&7	TA4 Tourist Accommodation RC9 Individual Shops RC13 Shop Fronts RC18 Public Houses	CS1 Hierarchy of centres CS27 Sustainable economy CS31 Retail CS32 Sustainable tourism		
Natural environment	Para's 133-142, 148-165, 170-183	NE15 Loss of Trees and Hedgerows NE16 Protected trees	CS12 Biodiversity		
Social and community	Para's 91-101		CS19 Community safety CS20 Cultural and community development		
Transport	Para's 102-111	TR4 Pedestrian & Cycle Facilities			Parking Standards SPD
Environmental	117-121 148-165 170-183		CS9 Energy and natural resources CS10 Waste & Recycling CS11 Flooding		Energy Statement TAN
Miscellaneous	7-12	CP.13 CP.24 CP.25		MP1	Telecommunications SPD, External Wall

					Insulation TAN,
--	--	--	--	--	--------------------

9. CONSULTATION RESPONSES

- 9.1. Site notices were displayed around the application site on 4th June and 6th September and an advertisement was published in The Oxford Times newspaper on 13th June 2019 and 12th September 2019.

Statutory and non-statutory consultees

Oxfordshire County Council (Highways)

- 9.2. The Highways Authority has provided the following comments:
- 9.3. “The proposal seeks the demolition of part ground floor and first floor rear extensions. Change of use of ground floor and first floor of 50 St Giles from Cafe (Use Class A3) to Hotel reception and accommodation (Use Class C1). Conversion of upper floors at 49-51 St Giles for use as hotel accommodation (Use Class C1). Erection of single storey rear extension. The proposal is located in a highly sustainable area with good access to public transport and local amenities. The proposal is located within the Transport Central Area (TCA) and within the Central Area (A) Controlled Parking Zone (CPZ).
- 9.4. The proposal does not include any alterations to the current car parking arrangement. This is considered acceptable as there are strict car parking controls in place, the development is located within a highly sustainable location and is also in a CPZ.
- 9.5. The proposal does not include any additional provision of cycle parking. Given that the proposal intends to increase the area of the site by an additional 100sqm of hotel and restaurant/pub (C3) use, it is considered that there is a shortfall in cycle parking provision. It is the opinion of the officer that the property offers no convenient and appropriate ways to include cycle parking within its curtilage given its listed status and multiple level changes. There is an amount of public cycle parking in St Giles, however it is noted this is for public use and not to fulfill the shortfall in provision on the site. Based on the above reasons, an off-site requirement for an additional 2 Sheffield Bike stands on St Giles will be requested via condition. These will be installed by Oxford City Council at the expense of the applicant.”
- 9.6. The above comment by the county council should refer to Hotel as use class (C1) and restaurant/pub as use class (A3) in paragraph 9.5.

Historic England

- 9.7. Standard commentary has been provided to refer to council led conservation advice.

Public representations

9.8. 4 local people commented on this application from addresses in Wellington Place. This also includes St John Street Residents Association and OXON Architectural and Historical Society.

9.9. In summary, the main points of objection (4 parties) were:

- Brick wall design too abstract and Tolkien centric
- Effect on adjoining properties
- Effect on character of area and listed buildings
- Information missing from plans
- Impact on Tree (Yew tree in particular)
- Scale of hotel and restaurant operation
- Impact of mechanic equipment
- Drainage and landscaping impacts
- Access and escape
- Amount of development on site
- Effect on privacy
- Flooding risk
- General dislike or support for proposal
- Height of proposal
- Noise and disturbance

Officer response

9.10. As far as the above raised concerns are considered material to this application they will be considered in section 10 of this report. The county councils highway concern in relation to bicycle storage would be dealt with by a legal agreement and concerns raised in relation to the trees and landscaping have been considered and adequate conditions are proposed.

9.11. The concerns related to impact on neighbours have been addressed in multiple design revisions in particular to the the proposed wall and equipment screen, and adjusting the location of the emergency exit.

10. PLANNING MATERIAL CONSIDERATIONS

10.1. Officers consider the determining issues to be:

- i. Principle of Development
- ii. Uses
- iii. Design/Heritage
- iv. Neighbouring amenity

- v. Transport
- vi. Trees
- vii. Drainage
- viii. Noise/Odour

i. Principle of Development

- 10.2. The National Planning Policy Framework (NPPF) states that sustainable development should be granted planning permission without delay, unless other material considerations dictate otherwise. The NPPF and Oxford Core Strategy (CS) Policy CS2 encourage the reuse of previously developed land, while Policy CP6 of the Oxford Local Plan 2001-2016 (OLP) requires development proposals to make an efficient use of land in a manner where the built form suits the site's capacity.
- 10.3. The proposed development is acceptable in principle as a lower quality development would be replaced with a higher quality extension. The facilities would be upgraded and this city centre sustainable location would be put to a more efficient use, in accordance with the above policies. The locational and site specific aspects of the developments are assessed in policy terms in the following section of this report.

ii. Uses

Retail

- 10.4. The proposal would lead to the loss of one retail unit. The lawful use would appear as A1. The current occupier is Greens Café.
- 10.5. The property is not on a protected street frontage where A-class uses are protected under policy and therefore the loss of the café is not prohibited from a policy perspective. Notwithstanding this, the provision currently made by the café will be re-provided albeit in an alternative form as part of the enlarged and enhanced public house provision. The proposal would lead to the loss of the retail unit on the ground and upper floors. The loss of this unit is acceptable, and cannot be refused on policy grounds. The proposal would be in accordance with CP1, CP6, and CP8 of the Oxford Local Plan 2001-2036.

Residential

- 10.6. Housing policy HP1 of the Sites and Housing Plan requires developments should not lead to a loss of residential units.
- 10.7. There are currently 2 former residential units and one flat within the site which are to varying degrees ancillary to the pub and existing business facilities.
- 10.8. There is a flat above the public house that comprises three bedrooms and can only be accessed through the ground floor of the public house. It has only ever been occupied in conjunction with the public house and is currently occupied

by the pub manager. It therefore cannot be considered an independent dwelling in the proper sense. Furthermore the flat does not meet the indoor or outdoor space requirements for flats of more than two bedrooms as set out in Policy HP12 and HP13 of the Sites and Housing Plan (2013). There is no way of providing adequate separate access while respecting the listed building and other competing uses.

- 10.9. There is a one bedroom dwelling on the second floor of No. 51 formerly used as a flat and now used as an office for the café. This flat would have inadequate facilities to be considered a self-contained dwelling. Although there is a W.C there is no bathroom or cooking facilities. It therefore fails to meet the internal and external space standards set out in Policy HP12 and HP13 of the Sites and Housing Plan (2013) for residential dwellings. The flat can only be accessed via a staircase on the first floor of the existing café business.
- 10.10. Lastly, there is a flat to the rear of and above 50 and 51 (number 51a). It can only be accessed through the passageway between 49 and 50 and through refuse areas for Greens Café and the Eagle and Child. Access arrangements are currently unsatisfactory and therefore the flat has been unoccupied for a number of years. The proposed development would remove this direct access by virtue of the extensions to the public house which are in line with those previously approved. It also does not meet the indoor or outdoor space requirements for one bedroom flats as set out in Policy HP12 and HP13 of the Sites and Housing Plan (2013). This results in the accommodation not being appropriate for the general market.
- 10.11. The three existing residential units are of a low quality. Fire escape issues have been identified which would not only provide a bad quality living environment but also potentially an unsafe environment for residential occupation.
- 10.12. The units have not been used as residential accommodation available to the open market and only the pub manager's flat has been occupied over the last few years. The proposal would change the business model and the manager's flat would not be required.
- 10.13. The proposal would therefore be contrary policy HP1 of the Sites and Housing Plan, but the above reasons are considered acceptable that this would be acceptable given the poor standard of the units and the constrained nature of the listed buildings, which prohibits adequate access and would not allow other technical requirements being met.

Restaurant & Hotel

- 10.14. The existing buildings and facilities are very dated and do not adhere to modern standards for a busy pub business, specifically one that relies upon the quality of its food offering.

- 10.15. The restaurant use has been established as part of the existing public house, and the proposal would further expand and enhance the space to create a more viable and attractive business. This is considered acceptable.
- 10.16. The proposal will provide short stay accommodation with six bedrooms which will contribute to encouraging longer stays and greater spend in Oxford in line with Policies CS32 and TA.4. The application site is within the City Centre and the St Giles arterial route and very easily accessible to tourists and visitors.
- 10.17. The property is serviced via St Giles and no new access arrangements are proposed. No car parking will be provided as there is abundant public car parking available on St Giles. There would be some additional bicycle parking provided on St Giles, which would be secured through a legal agreement.
- 10.18. It is not considered that the proposal will generate an increase in vehicular movements that would significantly impact traffic flows or that would be detrimental to highway safety. The proposal is therefore acceptable in terms of access, parking, and highways in accordance with Policy TA.4 of the Oxford Local Plan 2001-2016.
- 10.19. Policy TA4 also requires that consideration is given to residential amenities of the proposal. The scale of the hotel operation is very small at 6 bedrooms. The effective loss of the café would reduce visitors and diners at this part of the site, which would therefore mean the pub expansion, would not be unacceptable on balance due to the shift of uses within the sites buildings.
- 10.20. There would be some impact on neighbours visually due to the new extension and built form as well as through the intensification and use of the site. These factors have been considered and mitigated through inclusion of revised wall and extraction screen for the visual aspects, and revised design to ensure no openable windows and conditions relation to noise and odour for environmental health control. This part of policy TA4 of the Local Plan 2001-2016 is therefore adequately mitigated and therefore acceptable.
- 10.21. The NPPF supports the use of public houses as essential for sustainable healthy and safe communities for the services and spaces they provide. As this proposal would help provide a better viable future and strengthen the services provided the proposal would be in accordance with paragraph 92 of the NPPF

iii. Design/Heritage

Burgage Plots

- 10.22. The proposal has been sensitively designed to preserve and enhance the distinction of the historic burgage plots. The burgage plots are an important characteristic of this part of the Conservation Area and contribute to the significance of the listed building as well. There would be a stone wall reflecting the boundary between plots within the site that would be visible and could be experienced inside the new extension to the building, as well as seen

as an element of the roof design reinforced by sections of glazing marking the historic plots.

- 10.23. The proposal is considered to make an efficient use of the available space in what is a very tight, urban site while acknowledging and respecting the site's important heritage. The development would provide a high quality scheme incorporating the historic plot boundaries and would enable many people to experience this in the spaces that are being created.

Roof

- 10.24. The proposed roof would consist of two large glazed sections representing the historic burgage plots and allowing day light into the new extension at the rear of the plot. The glazing would be complemented by zinc cladding. The main rear extension behind no49 would utilise zinc cladding preserving the distinction of the existing slate roof over retained rear wings. The small sections of flat roofs together with their traditional roof lanterns that sit immediately adjacent to the front building range would be repaired to ensure their future longevity as well as permitting important access to and egress from the upper storeys of No 49.
- 10.25. The western end of the proposed extension would accommodate the essential mechanical equipment for extraction and ventilation which would be partially sited in a ground floor plant room as well as on top of the roof of this plant room/kitchen. It is proposed to enclose the rooftop equipment with a 1.4m tall, perforated brick wall to mitigate both visual and acoustic the visual impact of the essential equipment.
- 10.26. The proposed roof design, its materials and shape have been developed to sit sensitively in this significant place, to take careful account of views from within and into the site as well as to sensitively accommodate essential equipment. The proposal is well designed and would meet requirements of policies CP1, CP8, HE3 and HE7 of the Oxford Local Plan and CS18 of the Core Strategy and NPPF 127 and 189-196.

Brick wall

- 10.27. The proposed extension would preserve the existing stone, boundary wall, and add a decorative brick extension to it in order to reinforce the important sense of enclosure, reducing the impact of multiple extensions as well as providing a well-crafted intervention that would enhance the cultural significance of the building.
- 10.28. The pattern for the new brick wall is proposed to be an abstract representation of the arch of the Door of Durin and the Star of Fëanor and its glow. These are literary references to Tolkein who composed some of his works inside the pub. The inspiration for the star comes from the Book of Ishness which is seen as a unifying Tolkien symbol featured in The Silmarillion, the Lord of the Rings and The Hobbit. It was drawn by the author himself and relates to one of the most prolific elves in Tolkien's universe. The star is also used in an illustration of the Doors of Durin at the gates of Moria, symbolising the friendship of the House

of Fëanor, and the dwarves of the underground realm of Moria. Integrating these cultural references into the built fabric of the proposals contributes positively to the overall experience of the building and would make a playful but sensitive addition to the Listed Building.

- 10.29. Furthermore The Star of Fëanor on the Doors of Durin is associated with the message “Speak, friend, and enter”. This is referenced at the entrance of the Story Museum in Oxford which is also within the Central Conservation Area.
- 10.30. The majority of the public would get a glimpse of the new wall through the gated entrance to Wellington Place when passing the pub. A very small amount of people would access Wellington Place itself. In both cases the extended wall would add interest to whilst retaining the importance of the stone walled boundary and would clearly relate to the urban environment of St Giles and the application site and thus not impact on the surviving rural character that can be detected receding west into Wellington Place.
- 10.31. The principle and design of the brick wall addition to the stone wall is considered to be acceptable, and its high quality design and materials would comply with policies CP1, CP8, HE3 and HE7 of the Oxford Local Plan and CS18 of the Core Strategy and the NPPF 127 and 189-196.

Impact on Listed Building & Conservation Area

- 10.32. Numbers 49 - 51 are all Grade II Listed and are located within the Central Conservation Area. There are a number of other designated heritage assets in the area immediately surrounding the application site. In accordance with Section 12 of the NPPF and local plan policies relating to heritage, sufficient documentation has been submitted with this application to describe the significance of any designated heritage assets affected, including any contribution made by their setting.
- 10.33. The proposal would lead to some minor loss of historic fabric and a low level of less than substantial harm to the significance of the listed buildings and their setting. The new additions to the buildings including the altered boundary wall and new landscape along the easternmost southern boundary of Wellington Place would have some impact on the present appearance of the area however it is considered that those elements that make a positive contribution to the important character and appearance of the Conservation Area, including the section of stone boundary wall and the sense of historic rural lane that survives in views into Wellington Place from St Giles would be preserved and that consequently there would be no harm to the important character or appearance of the Central Conservation Area as a whole. The benefits put forward by the applicant, including the reinforced definition of the historic burgage plots are considered sufficient to outweigh the small level of less than substantial harm to the significance of the designated heritage assets that would occur. The benefits put forward by the applicant include reducing the risk to the assets as well as securing and improving their long-term uses and bringing vacant spaces back into use as well as a vast improvement of energy efficient and modern building standards where possible.

- 10.34. Paragraph 193 of the NPPF requires great weight to be given to the conservation of designated heritage assets. Paragraph 196 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. The proposal is considered to cause a low level of less than substantial harm to the setting of the listed buildings, and this has been given great weight as required by 193 NPPF. However, in carrying out the balancing exercise required by paragraph 196, it is considered that there are adequate and sufficient public benefits which would outweigh this identified harm. The proposal is not considered to cause harm to the Conservation Area.
- 10.35. Special attention has also been paid to the statutory test of preserving the listed buildings or their setting or any features of special architectural or historic interest which they possess and the statutory test of preserving or enhancing the character and appearance of the conservation area under sections 66 and 72 respectively of the Planning (Listed Buildings and Conservation Areas) Act 1990, which it is accepted are higher duties. Considerable importance and weight has been given to the statutory duties when carrying out the balancing exercise and it has been concluded that the proposal would cause a low level of less than substantial harm to the listed buildings, but this harm would be out-weighed by the benefits of the proposal and the character and appearance of the Central Conservation Area would not be harmed, and so the proposal accords with sections 66 and 72 of the Act and paragraphs 193 and 196 of the NPPF.
- 10.36. The replacement building elements have been designed to read as a clear, subservient extension to the existing buildings while reflecting and providing a legible design of the site's historic context.
- 10.37. The design is sympathetic and provides high quality contemporary interventions within this essentially urban landscape.
- 10.38. The proposal would accord with policies CP1, CP6, CP8, CP10, HE3 and HE7 of the Oxford Local Plan and CS18 of the Core Strategy and NPPF 127 and 189-196.
- 10.39. The proposed extension would incorporate the existing stone wall, and built upon with a rose brick extension, and create a patterned band of brick alongside the stone wall.
- 10.40. The majority of the public would get a glimpse through the gated opening going past the pub. A very small amount of people would access Wellington Place itself. In both cases the additional wall would add another layer to the built form and create an innovative feature in material, colour and texture in an urban landscape, reflecting on this historic wall adjacent a historic lane.
- 10.41. The principle and design of the brick wall addition to the stone wall is acceptable, and its high quality design and materials would comply with policies CP1, CP8, HE3 and HE7 of the Oxford Local Plan and CS18 of the Core Strategy.

iv. Impact on neighbouring amenity

Privacy

10.42. The proposal would not lead to an increase or unacceptable loss of privacy for neighbouring residents.

Overbearing

10.43. The proposal would be replacing an existing single storey extension. The proposal would be single storey with one taller element towards the western end of the site for the plant enclosure, which would appear as a beautiful brick patterned wall. This would not appear overbearing on Wellington Place. The existing stone wall of 2 metres would be topped up with a patterned rose brick wall of 3.4 metres in height at a length of 7 metres. The design would not lead to a blank façade, and due to the pattern as well as the mix of materials and the available space and greenery existing and proposed would be an acceptable impact. The height is to mitigate the unattractive mechanical equipment.

Noise/Odour

10.44. There would be some impact from the proposed noise and odour schemes. Officers have considered the proposal and are confident that two proposed conditions would mitigate those impacts to ensure the noise levels stays below 10dB and an extensive odour scheme would be agreed with the council prior to use commencing and therefore the proposal would be acceptable in principle in terms of noise and odour impacts on neighbouring uses.

10.45. The proposed scheme would not lead to loss of privacy or create an overbearing appearance; however the intensification of the site increases the requirement for ventilation and mechanical equipment. All efforts have been undertaken to minimise the impact, and to ensure the location provides a visually acceptable and efficient appearance. The harm arising from the development would be acceptable and can be mitigated by the proposed conditions. The scheme is therefore acceptable as it complies with CP1, CP8 and CP10 of the Oxford Local Plan and HP14 of the Sites and Housing Plan.

v. Transport

Transport sustainability

10.46. Oxfordshire County Council has provided the following comment:

10.47. "The proposal seeks the demolition of part ground floor and first floor rear extensions. Change of use of ground floor and first floor of 50 St Giles from Cafe (Use Class A3) to Hotel reception and accommodation (Use Class C1). Conversion of upper floors at 49-51 St Giles for use as hotel accommodation (Use Class C1). Erection of single storey rear extension. The proposal is located in a highly sustainable area with good access to public transport and local amenities. The proposal is located within the Transport Central Area (TCA) and within the Central Area (A) Controlled Parking Zone (CPZ).

- 10.48. The proposal does not include any alterations to the current car parking arrangement. This is considered acceptable as there are strict car parking controls in place, the development is located within a highly sustainable location and is also in a CPZ.
- 10.49. The proposal does not include any additional provision of cycle parking. Given that the proposal intends to increase the area of the site by an additional 100sqm of hotel and restaurant/pub (C3) use, it is considered that there is a shortfall in cycle parking provision. It is the opinion of the officer that the property offers no convenient and appropriate ways to include cycle parking within its curtilage given its listed status and multiple level changes. There is an amount of public cycle parking in St Giles, however it is noted this is for public use and not to fulfil the shortfall in provision on the site. Based on the above reasons, an off-site requirement for an additional 2 Sheffield Bike stands on St Giles will be requested via condition. These will be installed by Oxford City Council at the expense of the applicant.”
- 10.50. The above comment by the County Council should refer to the hotel aspect as use class C1 and the restaurant use as A3.
- 10.51. The application site is located very centrally and can be easily reached by walking within the city centre and public transport. The proposal would accord with local and national planning policies and can be mitigated and would be therefore acceptable. The public bike stands would be located outside the red line of the application site, and therefore a legal agreement would be required to secure the payment as this cannot be required by condition.

vi. Trees

- 10.52. It is proposed to remove existing trees, with one retained and new soft landscaping to be provided as detailed in the submitted Arboricultural Report which due to their growth potential and proximity to the listed building are not suitable for their location.
- 10.53. The impact that removal will have on amenity in the area can be mitigated by new soft landscaping.
- 10.54. The future of the yew tree, T5, will be dependent on investigations into the extent of any root system within the footprint of the proposed new building, which will only become apparent when the existing building is demolished. The yew tree should not be removed until these investigations have taken place, and unless there is evidence that is not possible to retain the tree without incurring root damage that would make its retention unviable. If the yew tree is retained it must be carefully protected during demolition and construction phases. Any new hard surfaces, utility services and drainage within its Root Protection Area should be appropriately designed and constructed to minimise root damage. Details would be required by condition if planning permission is granted.

10.55. The proposal can be mitigated through the proposed conditions and would therefore meet requirements of Oxford Local Plan 2001-2016 policies CP1, NE15 and NE16 and would therefore be acceptable.

vii. Drainage

10.56. The site is in Flood Zone 1, and is not shown to be at risk of surface water flooding. CS11 of the CS states that development is expected to provide sustainable drainage (SuDS) unless it can be demonstrated that it isn't feasible. Policy NE14 of the OLP seeks to ensure that there is either adequate capacity for on or off-site infrastructure currently or future capacity could be provided. Emerging Policy RE4 (Sustainable drainage, surface and groundwater flow) of the OLP 2036, noting its limited weight, requires that surface water is managed through SuDS or other techniques to limit run-off on previously developed sites. Surface water runoff should be managed as close to its source as possible.

10.57. A Drainage Statement has been submitted which considers this requirement. The proposal includes a hydro brake and an attenuation tank along the north boundary within Wellington Place. As the impermeable area would be increased, the option proposed proves that there is scope and opportunity to mitigate surface water drainage. Further detailing would be required through conditioning, that would ensure the landscape, tree and drainage issues would be resolved in one strategy while not harming neighbouring uses.

10.58. Thames Water (TW) has not raised any objection to the development.

Having regard to the site constraints and location it is considered that the proposal is acceptable in this case, adequate infrastructure capacity could be provided and subject to conditions, the development accords with Policies CS11 of the CS.

viii. Noise/Odour

10.59. The proposal includes new mechanical equipment which would be located in a purpose built brick enclosure above the proposed new kitchen in the new extension at the western end of the site.

10.60. The proposal has been sensitively designed to provide space and accommodate the necessary equipment in an acceptable manner. Officers are content that this amount, scale and impact of any equipment has been given due consideration and has been located accordingly.

10.61. The proposal can be mitigated to require a condition to ensure noise impact is not above 10dB and an extraction/odour scheme is agreed in writing with the Local Planning Authority prior to the use of the new facilities. These measures ensure the proposal is in accordance with CP1, CP9, CP10, CP19 and CP21 of the Oxford Local Plan 2001-2016.

viii. Planning obligations

10.62. It is considered that the payment of a financial contribution should be secured through a section 106 legal agreement to provide additional public bicycle storage on St Giles, as requested by Oxfordshire County Council

ix. Other matters

10.63. Oxford City Council has proposed a new Local Plan 2036 which is due to be publicly examined in December. The new plan is therefore a material consideration but has limited weight. There are no policies individually or cumulatively which would alter the officer's considerations and conclusions, and this proposal would comply with relevant policies of the proposed new Local Plan 2036.

11. CONCLUSION

11.1. The proposed demolition of modern low quality extensions and the erection of a single storey restaurant extension and alterations to change the use of the café premises and the upper levels of the site to hotel accommodation are considered acceptable, in ensuring longevity of the designated heritage assets and long term viability for the business use.

11.2. The low level of less than substantial harm caused to the listed buildings has been considered and would be outweighed by the benefits provided. Council policy supports new and enhanced tourist accommodation and a thriving economy in such a sustainable city centre location.

11.3. The proposal has been considerate of the sites heritage, neighbours and other site constraints and has provided a scheme that can accommodate and mitigate where necessary any harm, and therefore the scheme is considered acceptable on balance with reference to section 38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 11 of the NPPF.

11.4. It is recommended that the Committee resolve to grant planning permission for the development proposed subject to the satisfactory completion (under authority delegated to the Head of Planning Services) of a legal agreement under section 106 of the Town and Country Planning Act 1990.

12. CONDITIONS

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

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

2 Subject to conditions 4 and 10, the development permitted shall be constructed in complete accordance with the specifications in the application and approved plans listed below, unless otherwise agreed in writing by the local planning authority.

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

- 3 Samples of all exterior materials to be used shall be made available for inspection on site, and approved in writing by the Local Planning Authority before the start of work on the site and only the approved materials shall be used. The samples shall include panels showing the bricks, stone, cladding and mortar to be used.

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

- 4 Notwithstanding the approved plans the details for signage and illumination at the front elevation is specifically excluded from this permission.

Reason: For clarity and to avoid doubt

- 5 A Construction Traffic Management Plan shall be submitted to and be approved in writing by the Local Planning Authority prior to commencement of works. The CTMP should follow Oxfordshire County Council's template if possible. This should identify;
- Works carried out with the approved plans
 - The routing of construction vehicles and management of their movement into and out of the site by a qualified and certificated banksman,
 - Access arrangements and times of movement of construction vehicles (to minimise the impact on the surrounding highway network),
 - Details of wheel cleaning / wash facilities to prevent mud, etc from migrating on to the adjacent highway,
 - Contact details for the Site Supervisor responsible for on-site works,
 - Travel initiatives for site related worker vehicles,
 - Parking provision for site related worker vehicles,
 - Details of times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours,
 - Engagement with local residents.

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

- 6 Prior to the commencement of development, plans, calculations and drainage details to show how surface water will be dealt with on-site through the use of sustainable drainage methods (SuDS) shall be submitted to and approved in writing by the Local Planning Authority (LPA). The plans, calculations and drainage details will be required to be completed by a suitably qualified and experienced person in the field of hydrology and hydraulics. The plans, calculations and drainage details submitted shall demonstrate that;
- I. The drainage system is to be designed to control surface water runoff for all

rainfall up to a 1 in 100 year storm event with 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 shall be based on on-site infiltration testing in accordance with BRE365 or alternative suitable methodology, details of which shall be submitted to and approved in writing by the LPA prior to relevant works. Consultation and agreement should also be sought with the sewerage undertaker where required and works carried out in accordance with the approved plans prior to first approved use.

Reason: To ensure compliance with Oxford Core Strategy Policy CS11

- 7 A SuDS maintenance plan shall also be submitted to and be approved in writing by the Local Planning Authority. The Sustainable Drainage (SuDS) Maintenance Plan shall be completed by a suitably qualified and experienced person in the field of hydrology and hydraulics and 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. The approved plans and details shall be carried out and maintained for perpetuity once the SuDS and agreed details has been installed

Reason: To ensure compliance with Oxford Core Strategy Policy CS11

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

- The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works.

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

Reason: Because the development may have a damaging effect on known or suspected elements of the historic environment of the people of Oxford and their visitors, including prehistoric, medieval and post-medieval remains (Local Plan Policy HE2 and Submission Draft Policy DH4).

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

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

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

Notwithstanding the submitted details, the yew tree, T5, shall not be removed without the prior written consent of 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.

- 11 The landscaping proposals as approved by the Local Planning Authority shall be carried out upon substantial completion of the development and be completed no later than the first planting season after substantial completion of the development and any trees or plants that die within 5 years of planting shall be replaced.

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

- 12 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 approved details shall be implemented prior to any relevant works are being carried out.

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.

- 13 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.

- 14 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.

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

- 16 In respect of any proposed air conditioning, mechanical ventilation or associated plant, the applicant shall ensure that the existing background noise level is not increased when measured one metre from the nearest noise sensitive elevation. In order to achieve this, the plant must be designed / selected or the noise attenuated so that it is 10dB below the existing

background level. This will maintain the existing noise climate and prevent 'ambient noise creep'

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

- 17 The development shall not be brought into use unless and until a scheme for treating cooking fumes and odours before their emission to the atmosphere, so as to render them innocuous, has been submitted to and approved in writing by the Local Planning Authority. Any such works that form part of this approved scheme shall be completed before the development is brought into use and should include the use of grease filters and other specialist filtering and deodorising equipment that will be serviced according to the manufacturer's recommendations.

Reason: To safeguard the amenities of the occupiers of nearby properties in accordance with policies CP1, CP9, CP19 and CP21 Oxford 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.
- 2 Oxford City Council strongly encourages that when this permission is implemented, all building works and the management of the development site are carried out in accordance with the Code of Considerate Practice promoted by the Considerate Contractors scheme. Details of the scheme are available from

Considerate Contractors Scheme
PO Box 75
Ware
Hertfordshire
SG12 9UY

01920 485959
0800 7831423

enquiries@ccscheme.org.uk
www.considerateconstructorsscheme.org.uk

3 A Construction Traffic Management Plan (CTMP) will need 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 road closures needed during construction.
- Details of and approval of any traffic management needed during construction.
- Details of 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.
- The erection and maintenance of security hoarding / scaffolding if required.
- A regime to inspect and maintain all signing, barriers etc.
- Contact details of the Project Manager and Site Supervisor responsible for on-site 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.
- Any temporary access arrangements to be agreed with and approved by Highways Depot.
- Details of times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours.

13. APPENDICES

- **Appendix 1 – Site location plan**

14. HUMAN RIGHTS ACT 1998

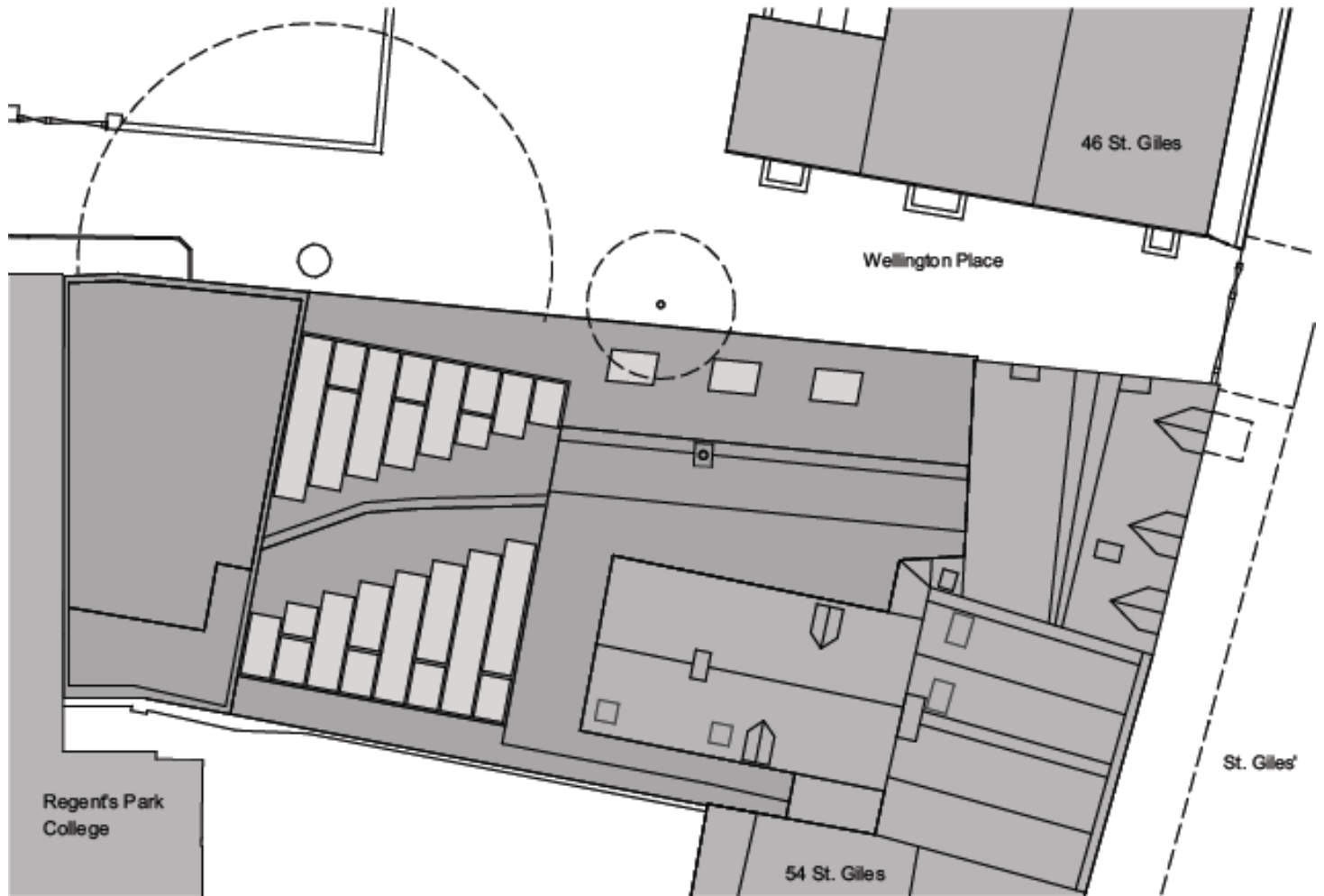
14.1. Officers have considered the implications of the Human Rights Act 1998 in reaching a recommendation to approve this application. They consider that the interference with the human rights of the applicant under Article 8/Article 1 of Protocol 1 is justifiable and proportionate for the protection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

15. SECTION 17 OF THE CRIME AND DISORDER ACT 1998

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

Appendix 1 – Site Plan

19/01456/FUL – The Eagle And Child, 49-51 St Giles'



This page is intentionally left blank

West Area Planning Committee

12th November 2019

Application number: 19/01457/LBC

Decision due by 26th July 2019

Extension of time To be agreed

Proposal Demolition of part ground and first floor rear extensions and internal openings and doorways. Extension and alterations to form enlarged public house restaurant on the ground floor to the rear of 49-51 St Giles, conversion and change of use of first and second floors to form hotel bedroom accommodation above 49-51 St Giles and change of use of 50 St Giles from Cafe/Delicatessen to Hotel reception. New services to be installed in the basement and alterations to fenestration and signage. (Amended plans and information).

Site address The Eagle And Child, 49-51 St Giles', Oxford, Oxfordshire – see **Appendix 1** for site plan

Ward Carfax Ward

Case officer Gill Butter

Agent: Mrs Marion Brereton **Applicant:** Rob Linnell

Reason at Committee Associated full planning application has been called-in.

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 conditions set out in section 11 of this report and grant listed building consent for the works as proposed; and

1.1.2. **agree to delegate authority** to the 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 Head of Planning Services considers reasonably necessary; and
- issue the listed building consent.

2. EXECUTIVE SUMMARY

- 2.1. This report considers the impact of proposed alterations to the interior and exterior of nos. 49-51 incl. St Giles on the significance of these grade II listed buildings.

3. LEGAL AGREEMENT

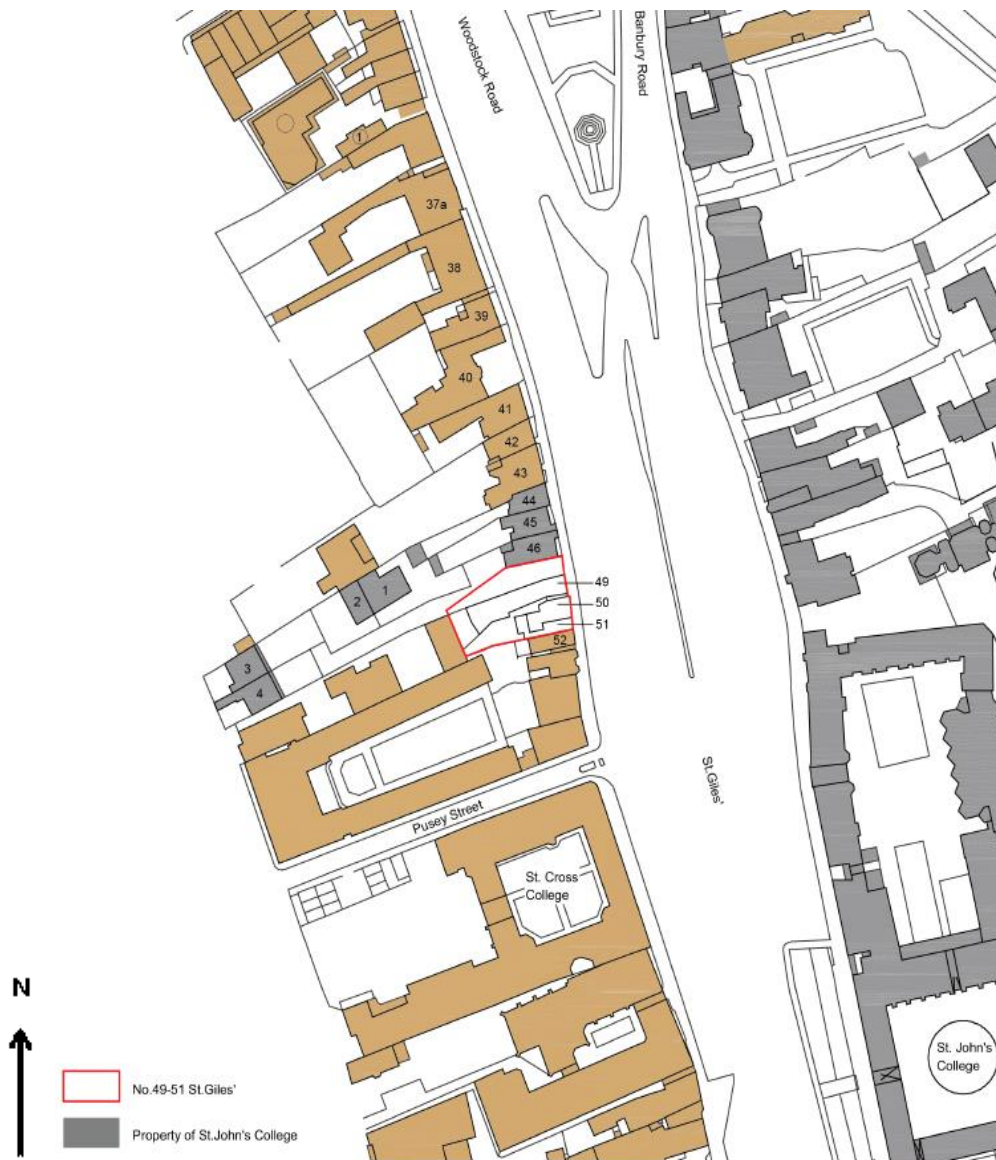
- 3.1. This application is not subject to a legal agreement.

4. COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 4.1. This application is not liable for CIL

5. SITE AND SURROUNDINGS

- 5.1. The site is located on the west side of St Giles towards the street's northern end.
- 5.2. The site covers three, two storey plus attic buildings that front the street, whose wall enclosed curtilages extend back westward, include rear building ranges of both single and two storeys and whose rear boundary is formed by a four storey, 20th Century building range belonging to Regent's Park College that curtails the original, much longer burgage plots that defined the early 16th Century urban grain.
- 5.3. The northern boundary of the site is formed by the north façade of No.49, a three storey brick gable extended west with a random coursed rubble stone wall against which has been constructed a single-storey C20 extension to No 49. These walls bound Wellington Place, formerly a "public" route through to St John Street, now a closed courtyard giving access to four dwellings.
- 5.4. See block plan below:



© Crown Copyright and database right 2019.
 Ordnance Survey 100019348

6. PROPOSAL

6.1. The application proposes the removal of late 20th Century extensions to the rear of Nos. 49 and 51 St Giles, the construction of a new, principally single storey extension to No.49 enclosing the open courtyard to the rear of Nos. 50 and 51 with associated services enclosed on the roof of the extension. In addition the application proposes alterations to the interiors of Nos. 49, 50 and 51 to create a suite of hotel rooms together with alterations to the roof of the rear wing to No.51.

6.1.1. The application seeks listed building consent for the removal of the existing 20th Century part of the rear wing to No 49 which comprises a series of separately and variously roofed, single-storey buildings that currently accommodate a kitchen, a sequence of medium sized, cellular rooms used as restaurant for the pub, small cellular spaces accommodating WCs and a boiler room; the replacement of the flat roof over part of the rear wing immediately adjacent to the two-storey, front building with a shallow pitched roof containing three rooflights; the removal of two courses of common bricks and the addition

of a new, decorative brick wall above the existing, coursed, rubble stone wall that bounds Wellington Place; the construction of two sections of shallow pitched, metal, seamed roof over former restaurant space and former open courtyard, sections to be divided by a projecting fin/parapet wall that defines the boundary between historic burgage plots. New boiler room, kitchen and services space at the west end of the site.

- 6.2. The application proposes the retention of the basement room of No.49 to be continued in use as a beer cellar, the preservation of the series of small, adjoining rooms in the ground floor of No. 49 and to retain the fundamental arrangement of rooms at both first and second floors with the exception of closing the direct access from the staircase landing to one room and providing two new openings in lath and plaster walls to connect three of the four rooms on each floor.
- 6.3. The application currently proposes no alteration of the basement of No 50, initially intended to be used for services but presently envisaged to remain without a specific purpose.
- 6.4. The application proposes the enclosure of the currently open, rear yard to Nos. 50 and 51 with a shallow pitched, metal seamed roof. A raised floor is proposed to cover the existing yard and to extend through part of the passageway between Nos. 49 and 50.
- 6.5. The ground floor of the rear building, currently occupied by the kitchen for the café and an unoccupied rear room formerly part of the upper floor accommodation, is to be converted into a bin store and lavatories. Alterations would include new floors and drainage associated with the lavatories, required ventilation is proposed to occupy a space adjacent to the existing chimney stack and to dispel through the chimney at high level.
- 6.6. The upper storey of the rear building is proposed to be converted into a bedroom suite accessed through an existing opening through the front range of No 50. New mechanical and electrical services will be installed to support the intended function of the rooms.
- 6.7. The upper storeys of the frontage building, Nos. 50 and 51, are to fundamentally retain the form, size and arrangement of rooms although new openings will be made, requiring the removal of existing lath and plaster and the creation of new doorways connecting rooms to each other to create bedroom suites. New services, electrical and mechanical will need to be installed to sustain the intended function of the rooms.

RELEVANT PLANNING HISTORY

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

12/03106/LBD - Various demolitions to facilitate construction of academic centre at rear and extended pub; various refurbishments, window replacements, alterations and upgrading.. PER 6th February 2013.
--

17/00456/LBC - Demolition of part ground and first floor rear extensions. Erection of single storey rear extension to provide additional pub floorspace at ground floor level, with installation of air conditioning units and extraction ducting to roof. Internal alterations including removal and insertion of partition walls, insertion of new openings, removal of staircases, and introduction of necessary servicing in association with formation of new restaurant area and conversion of upper floors at No.49 - 51 St Giles to form 7No. ensuite bedrooms for use as hotel accommodation (Use Class C1). Formation of new entrance through boundary wall to provide access off Wellington Place and rebuilding of existing south boundary wall. Replacement of windows.. WDN 15th September 2017.

17/02165/LBC - Demolition of part ground and first floor rear extensions. Erection of single storey rear extension to provide additional pub floorspace at ground floor level, with installation of air conditioning units and extraction ducting to roof. Internal alterations including removal and insertion of partition walls, insertion of new openings, removal of staircases, and introduction of necessary servicing in association with formation of new restaurant area and conversion of upper floors at No.49 - 51 St Giles to form 7No. ensuite bedrooms for use as hotel accommodation (Use Class C1). Formation of new entrance through boundary wall to provide access off Wellington Place and rebuilding of existing south boundary wall. Replacement of windows. (Amended Plans). REF 18th April 2018.

19/01274/CAT - Works to 1no. maple tree, as specified by Mrs Ellie King in the Central conservation area (retrospective notification).. RNO 5th June 2019.

19/01457/LBC - Demolition of part ground and first floor rear extensions and internal openings and doorways. Extension and alterations to form enlarged public house restaurant on the ground floor to the rear of 49-51 St Giles, conversion and change of use of first and second floors to form hotel bedroom accommodation above 49-51 St Giles and change of use of 50 St Giles from Cafe/Delicatessen to Hotel reception. New services to be installed in the basement and alterations to fenestration and signage. (Amended plans and information).
 . PDE .

7. RELEVANT PLANNING POLICY

7.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework	Local Plan	Core Strategy	Sites and Housing Plan	Other planning documents	Neighbourhood Plans:
Design	Section 12 Paragraphs 124, 127-132	CP.1, CP.8,	CS18		Draft Central Conservation Area Appraisal Planning	

					Practice Guidance Design Guide.	
Conservation/ Heritage	Section 16- Paragraphs 184, 189-200.	HE2 Archaeology HE3 Listed Buildings and their setting HE4 Archaeological Remains Within Listed Buildings HE5 Fire Safety in Listed Buildings			Planning Practice Guidance - Historic environment Central Conservation Area Appraisal – Draft.	

8. CONSULTATION RESPONSES

- 8.1. Site notices were displayed around the application site on 4th June and 6th September and an advertisement was published in The Oxford Times newspaper on 13th June 2019 and 12th September 2019.

Statutory and non-statutory consultees

Historic England

- 8.2. The response to the initial consultation in June and then the consultation on amended plans in September were the same and stated:

“Thank you for your letter of 4 June 2019/ 3rd September 2019 regarding the above application for listed building consent. On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation adviser.

It is not necessary for us to be consulted on this application again, unless there are material changes to the proposals. However, if you would like detailed advice from us, please contact us to explain your request.”

Ancient Monuments Society

- 8.3. The AMS were consulted in June and September but only sent a response to the first consultation dated 27th June which stated:

“Thank you for consulting us on this application. We have reviewed the documents available on your website and wish to support the representations of the Oxford Archaeological and Historical Society. In particular, we agree with them that this is a highly sensitive site and that insufficient information has been provided about the impact of the proposals. Any removal of historic fabric would be damaging to the listed buildings’ significance and the removal of plaster and lath is certainly not justified.

We would be happy to be consulted again, should additional information be made available.”

- 8.4 There were no responses from any of the other Amenity Societies, all of whom were consulted in both June and again in September.

Oxford Archaeological and Historical Society (OAHS)

- 8.5 The society commented in response to the first and second rounds of publicity. In response to the first publicity the comments were:

All three buildings are listed and sit in the Oxford Central Conservation Area. They occupy historic burgage plots, dating back probably to the 13th Century. The proposed changes are to the listed buildings or to buildings attached to them or within their curtilages. We recognise the desire to utilise the whole of the site, but believe that the scale of these plans would cause considerable harm to its significance. We would welcome plans which are not as intrusive or damaging to the historic fabric, evidence or character of the buildings. Harm is not justified by a desire to generate private commercial profit or to make a boutique hotel. This is not a public benefit. There is currently considerable public access to the ground and first floors of Nos. 50-51 (including part of the rear two storey building) via Greens Cafe. The hotel would limit access to those visitors who had paid for a hotel room, and then only give access to that particular room.

Finding an optimum viable use for historic buildings (consistent with their conservation) must first consider the possible options for the buildings concerned. An applicant cannot create plans for an historic building and then assert that that is the only viable use for the building, without any analysis of the options and further evidence. No evidence has been submitted showing that, with proper repair, the existing spaces within the building, which are currently underused, could not be used. (No evidence has been submitted which would satisfy paragraph 195 of the NPPF.) Failure to repair, permitting listed buildings to deteriorate, is not justification for granting this application, as paragraph 191 of the NPPF makes clear. Page 2 of 4

Under paragraph 193 of the NPPF, clear and convincing justification must be given for any harm to or loss of a listed building, regardless of how substantial the harm or loss is. There now follows a detailed list of specific matters that concern us, divided into matters that (a) appear to create clear harm or (b) on which insufficient information has been given to judge properly.

Clear Harm

1. Historic Walls

The survival of the physical remnants of long narrow burgage-like plots is rare in Oxford, and needs to be preserved where it still exists, even in part. The rubble stone walls bounding Wellington Place and what was Eagle and Child Yard (between Nos. 49 and 50) mark historic passage ways. The fabric is old. It may be older than the 18th Century. That in Wellington Place is still clearly visible from St Giles' and contributes to the historic character of the area. We are concerned that the plans for the north elevation involve a substantial, overbearing red brick wall being placed (effectively) on top of the rubble wall in Wellington Place. The designs appear incongruous, large and damaging to

the historic significance of the rubble stone wall. The proposed Irish rose brick seems to be very red and does not blend sympathetically with the older fabric: See Proposed Elevation No. 1. This effect will be all the more dominant now that two of the trees in Wellington Place have been felled. Wellington Place currently reads as a country lane; a reminder of the rural nature of St Giles' until recent years. This should not be lost. Moreover, an increase in the height of this wall would impede views of the rubble stone two storey property at the rear of Nos. 50-51. This, according to the applicant's evidence, is the oldest and most historic part of the site.

We are glad that the proposals include retention of the rubble stone wall marking Eagle and Child Yard. This wall extends (with some modern interruptions) all the way to the western boundary with Regent's Park College. It has immense character as well as historical evidential value. If works are required to repair it, they must be carefully monitored and recorded with a proper archaeological watching brief. Any reconstruction of historic fabric should be carried out so that fabric is placed back into its original position, if at all possible, so that historic evidence of construction is not lost. (It seems that the applicant wants to demolish a part of this wall immediately adjacent to the western boundary wall with Regent's Park College. This appears to be an historic rubble stone wall, and, if so, should not be demolished. Nor should the historic boundary line of Eagle and Child Yard be truncated in this manner.)

2. Air Conditioning Units

This site is a small, narrow historic site. It is not appropriate to seek to insert numerous air conditioning units into it, merely because these might be present at other modern, new-build hotels. Users of an historic site understand its differences from a modern site, and choose to use it for its historic character.

Insufficient Evidence

1. Roofs

The design statement mentions, in passing, putting insulation into the roof spaces. It seems to suggest that this might involve loss of material or roof/ceiling lines. The roof spaces may well contain significant evidence concerning the history of the site. This is often the case with old buildings. The historic buildings appraisal (2009) has not investigated them. The roof in No. 51b, which is visible at second floor level, is described as clearly historic. We suggest that permission should not be given for what could be very harmful interventions without further detail or justification. The type of insulation is not specified. It is essential that a breathable material is used, to ensure that the roof timbers do not succumb to dry rot or other damage.

2. Building Walls

The design statement mentions, in passing, putting insulation into the building walls, by removing plaster and lath. The plaster and lath is in many places a key part of the historic fabric of the buildings. The wall paintings survey confirmed that there is historic plaster in these buildings. We suggest that permission should not be given for what could be very harmful interventions without further detail or justification.

3. Historic Features

There are numerous historic features surviving in Nos. 50-51 in particular. These were identified in the 2009 appraisal. They include chamfered beams, original windows, shutters, hinges, cupboards, substantial chimney stack, fireplaces and surrounds, floorboards, narrow winder staircases,

decorated/moulded posts, amongst other things. A brief site visit to Greens Cafe and the next door barbers has observed many of these features, many of them currently available for the public to see. These features should be protected and conserved. In particular, we are puzzled and worried by the plans to put an indoor bin store and extensive toilet block into the ground floor at the rear of No. 50. This is identified in the 2009 appraisal as the oldest part of the site, with extant historic features. Usage as a bin store and toilet block will not enhance this historic fabric. Moreover, many of the new services required for the toilets and bin store will have to be inserted into this part of the site, according to the applicant's plans. It seems odd to put one of the most intrusive parts of the proposed development into one of the oldest and most sensitive parts of the site. Some of these toilets will go directly over the trench in which Oxford Archaeology have most recently identified a substantial north-south stone wall and other early walls/ building remains (in the ground floor of No. 51b – described in that report as No. 51a).

There is, also, a statement that services will be placed into the cellars. The cellars of Nos. 50-51 are identified in the 2009 appraisal as having historic features, and being used historically for domestic accommodation, not just storage. The historic fabric in the cellars must be carefully preserved and not harmed.

4. Iron gates into St Giles' from Wellington Place

The proposal envisages an emergency exit being made through the rubble stone wall into Wellington Place. Katherine Owen pointed out in her report on a previous application last year (17/01265/LBC) that this would necessitate changes to the iron historic gates between Wellington Place and St Giles. They would have to be altered to open outwards. The applicant has not addressed this point. Proper details should be given of how these characterful and significant gates would be treated.

5. Floor levels

The buildings appraisal (2009) points out how differing floor levels reveal potential different phases of construction. As such it is important historic evidence. The application refers, in general terms, to levelling floor levels and removing differences. This must not destroy historic fabric and evidence. Under ss. 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the Council in the exercise of its planning functions must have special regard to the desirability of preserving listed buildings and their settings and any features of special historical or architectural interest, and of preserving and enhancing the character or appearance of the conservation area.”

In response to the second round of publicity in September the Society simply stated that;

“The updated proposals do not address any of our substantial concerns in our letter to you of 24 June 2019. All of these points have been supported by the Society for Ancient Monuments in their letter of 26 June 2019 [available on your website under 19/01457/LBC but not visible under 19/01456/FUL].

We therefore reiterate all of the points made in our original letter, and ask that these points be taken fully into account when a decision is made on these applications.”

Before proceeding to comment, aspects of the alterations that are particularly pertinent to the associated planning application will be covered in the officer's report for 19/01456/FUL, the associated planning application.

Public representations

- 8.6 Public representations were received from two local residents, 1 and 3 Wellington Place to the first round of publicity and from St John's Street Residents' Association to both the first and second rounds of publicity.

In summary, the main points of objection were:

- Key information is missing from the application to assess its full effects.
- The proposals would damage listed and historic buildings, their settings and, more generally, the Oxford Central (City and University) Conservation Area.
- They would increase the risk of flooding which is already a problem in the area.
- There would be a serious loss of valuable trees and no landscaping is proposed or practical.
- There is a risk of noise and fumes affecting residents in the surrounding areas and there is little information about these.
- The proposals raise issues of safety.
- Amount of development on site
- Effect on adjoining properties
- Effect on privacy
- General dislike or support for proposal
- Height of proposal

Officer response

- 8.7 The majority of these public comments have more bearing on the extensions to the listed buildings than the works to the buildings themselves and therefore have more particular relevance to the full planning application that accompanies this listed building consent application and will be dealt with in the report pertaining to that application. Clearly the comments relating to noise and disturbance will apply to those works that purely apply to the listed building consent application as to the works proposed outside the listed buildings. The comments raised by AMS and OAHS will be covered in Section 9 of this report.

9 MATERIAL CONSIDERATIONS

- 9.1 Officers consider the determining issues to be:
- i. Impact of the proposed alterations to the listed buildings on the significance of those designated heritage assets.
 - ii. Harm to the significance of the listed buildings that may result from the proposed alterations including the removal of existing extensions and the proposed new extensions.
 - iii. Justification for the proposed alterations
 - iv. Any mitigation of any harm that may result through design of the proposed alterations.
- i. Impact of the proposed alterations on the significance of the listed buildings.**
- 9.2 All three buildings, 49, 50 and 51 St Giles are included in the statutory list of buildings of architectural and historic interest at grade II.
- 9.3 No. 49 which houses the Eagle and Child Public House at ground floor and in later, 20th Century ranges/additions to the rear of the principal, front building range with associated domestic accommodation on its upper floors has evidence of at least 17th Century origins. The significance of the building derives primarily from its architecture, its original, timber frame and rubble wall structure and internal fabric which offer some evidence of its age, which has been subject to not inconsiderable alteration since its original building and of which there is no external, physical or visible evidence. The building holds some historic significance derived from its frequentation by the Inklings prior to their decamping to the Lamb and Flag on the opposite side of St Giles a significance which would also include a cultural element.
- 9.4 No.s 50 and 51 comprise a single building divided into two dwellings that has been altered at ground floor street side to create two retail units. The building is a 18th Century fronting of an earlier, probably 17th Century, possibly earlier core. The street façade is dressed ashlar in a double-gabled form with a mix of 19th Century sash and casement windows. The earlier, back range of the building appears to have been rebuilt in brickwork at ground floor but retains it's early, coursed, rubble stone, external skin at first floor with a gabled, slate roof over. There is a poor quality, late 20th Century, single-storey, lean-to extension on the rear of this early building range. The significance of the building derives primarily from its architecture which defines its evolution and offers evidence of its age.
- 9.5 The building elements to be removed from the back of both No.s49 and 50-51 make no contribution to the buildings' significance being of later 20th Century origin and having little or no design quality.
- 9.6 The replacement building elements proposed to be added to the rear of the listed buildings have been designed to read as architecturally distinct additions to the important, older buildings, retaining the clear subservience that the current hotchpotch of additions display. The older elements to the rear of No

49 with their distinctive external form and internal rooms that contribute to the building's historic significance are proposed to be retained and carefully repaired to ensure their long term preservation. The materials and strong but uncomplicated architecture will allow the new elements to be read as a unified modern addition. The split or divided roof surface into two principal slopes is intended to enable the historic burgage plot division to be identifiable externally. This definition is proposed to be further reinforced by the extension of the internal wall, along the historic division above and between the new roof slopes which would be visible through the carefully placed glazed sections of roof. The retention/restoration of this significant element, the dividing wall, inside the building is proposed to provide a visible and tangible perception of this feature inside the building. This carefully and considerably designed intervention would remain subservient to and architecturally distinctive from the listed buildings. The consolidation of highly serviced space primarily kitchen to the rear of the site enables essential service areas and extract ducting to be sited in a distinct area contained within a purpose designed brick enclosure screen architecturally identifiable as an integral part of the beautifully crafted modern interventions on this site. Through considered design the intervention/additions would enhance the visibility and consequently understanding of the historic form of the urban plots within the application site, reinforcing that element of the settings of those listed buildings.

- 9.7 The new, brick addition to the rubble stone north boundary wall has been designed, essentially through its use of material to be seen as an integral part of the new extension to the listed buildings. The existing, coursed rubble stone boundary wall that presently defines the site's boundary with Wellington Place has in the past been roughly increased in height to provide some support for the hotchpotch of late 19th Century and 20th Century extensions to No 49 with two courses of common bricks. The removal of the poor quality brickwork would have a positive impact on the appearance of the wall and consequently on the contribution that the structure makes to the setting and thereby significance of the listed building. The proposed extension to the wall would serve to reinforce the sense of enclosure that the wall so importantly provides to the setting of the listed building. The use of a different material will not compromise the importance of the original stone wall and thus not impact on the contribution that this makes to the setting of both No 49 as well as to the setting of other, nearby listed buildings in particular those in Wellington Place. Concerns have been raised by OAHs that the addition of highly decorative brickwork on top of the more rustic stone wall will appear overbearing and incongruous. The exact brick detail and construction detail remains to be approved through condition and although the meaning of the imagery may not immediately be obvious to the unknowing observer it is not an entirely unreasonable method of generating an interesting and rich design to what has the potential to be a beautifully crafted addition to the existing stone boundary allowing the latter to remain distinct and to retain its historic importance as a burgage plot boundary, not atypical of older boundaries that survive across the earlier parts of the medieval and post-medieval city as well as reinforcing the cultural significance of the site.

9.8 The alterations to the interior of the buildings, in particular the older building ranges will essentially retain the arrangement, plan-form and much of the existing historic fabric that survives. Concerns have been raised by both OAHs and AMS that the information provided to support the application is thin in detail, however the principles of alterations are clearly set out and a number of site visits over the extended timeframe of pre-applications and withdrawn applications have given officers' a reasonable understanding of the significance of fabric that would be altered and lost as a result of the proposed changes and of the implications of the changes to the legibility of the rooms and spaces within the buildings. The loss of and alteration to historic fabric and the creation of a number of new openings would combine to result in some impact on the architectural significance of the listed buildings.

ii. Harm to the significance of the listed buildings that may result from the proposed alterations including the removal of existing extensions and the proposed new extensions

9.9 The removal of existing extensions from the rear of No.s 49, 50 and 51 would have no impact on the significance of the listed buildings and consequently would result in no harm to that significance.

9.10 The proposed new extensions to the listed buildings including the addition to the coursed rubble stone wall that adjoins the north gable wall to No.49 and forms the north boundary of the site would not impact on the architectural or historic significance of the listed buildings including the contribution that the buildings' settings make to that significance and would consequently not result in any harm to that significance.

9.11 The proposed internal alterations to the listed buildings including loss of historic fabric, creation of new openings in walls and consequential alteration/addition of new M&E services would have some impact on the architectural and historic significance of the listed buildings and consequently would result in less than substantial harm to that significance. The impact would be relatively modest and consequently the level of less than substantial harm would fall into the lower category of that harm.

iii. Justification for the proposed alterations.

9.12 The terms of paragraph 193 of the National Planning Policy Framework 2019 (NPPF 2019) set out that great weight should be attached to the conservation of a designated heritage asset irrespective of the level of harm. Paragraph 194 of the NPPF 2018 states that "Any harm to or loss of, the significance of a designated heritage asset (listed building) (from its alteration or destruction, or from development within its setting), should require clear and convincing justification".

9.13 The harm to significance has been identified as being a low level of less than substantial harm resulting from the proposed internal alterations to the listed buildings. The applicant justifies these alterations as being the minimum necessary in order to support the proposed change-of use of essentially the upper storeys of the listed buildings. The upper storeys of the buildings are

currently substantially underused or in the case of what may be the earliest building on the site, the rear wing to No.51 not used at all. It is important if buildings are to be appreciated that these buildings are used. The applicant supports their proposed change of use through examples of very similar use directly associated with public houses across the city.

- 9.14 Officers have discussed the proposed alterations at length with the applicant, their architects and agents in order to seek the least damaging alterations. Concern has been raised by OAHS that there is insufficient detail included to support the proposals for which consent is being sought. Given the amount of engagement that officers have had with the Applicant's agents, officers feel confident that the careful design of alterations will be able to mitigate some harm that may be of concern and that further mitigation will be provided through the careful application of conditions that seek full details of the alterations proposed and that will not permit any fundamental alterations that have not been identified as part of the application. If additional detail gives rise for concern, officers would be able to seek the submission of further applications for listed building consent for such work and would consider such work very carefully against statutory regulations and national and local planning policies.

iv. Any mitigation of any harm that may result through design of the proposed alterations

- 9.15 Throughout the design process officers have engaged with the applicants and in particular with their architects to ensure that the design of the alterations will be such that it mitigates as far as possible any harm to the significance of the listed buildings, No.s 49, 50 and 51 St Giles including harm to their settings.
- 9.16 Examples of such design mitigation include the carefully considered design of the proposed extensions to the public house. Including the reduction and considered siting of absolutely essential mechanical equipment and designing an enclosure at the far west end of the site as an integrated structural element that would through its use of material appear as a subservient element to the principal listed buildings. The overall reduction in the number of materials proposed to be used for the new extensions to the listed buildings and the careful use of those materials will ensure that new additions will appear subservient to significant structures such as the random rubble stone walls that mark important burgage boundaries, notably the northern boundary wall between the site and Wellington Place. The materials proposed are typically used in a subservient architectural role across the city.
- 9.17 The arrangement of internal alterations to the listed buildings was discussed at length with the applicants, their architects and agents and further investigation carried out in areas of internal walls that were proposed to be disturbed and that were thought might have a greater significance than visually obvious at present (testing for wall paintings). It is true that the application does not include all details of what will be necessary work. Some of this work, where it does not impact harmfully on the architectural or historic significance of the listed buildings will be considered as repair not alteration,

works of repair will not require listed building consent. Where the applicant will need to make alterations that have not been carefully described in the application, including its supporting documents officers consider that the conditions that are proposed to be imposed on any grant of listed building consent would ensure that such works would be carefully considered and that they would be carried out in such a manner that they would have the least harmful impact on the significance of the listed buildings.

10 CONCLUSION

- 10.1 Officers consider that the proposed alterations and extensions to the listed buildings would have a low level of less than substantial harm on the architectural and historic significance of the listed buildings, No.s 49 and 50-51 St Giles including on their settings and consequently on the contribution that those settings make to the significance of the listed buildings. The harm has been justified through the making use of currently not or underused parts of important listed buildings from which the future preservation of those buildings would follow and mitigated through careful and considerate design, an approach that would be ensured to be continued through the application of carefully considered conditions.
- 10.2 It is recommended that the Committee resolve to grant listed building consent for the development proposed.

11 CONDITIONS

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

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

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

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

- 3) This Listed Building consent relates only to the works specifically shown and described on the approved drawings. Any other works, the need for which becomes apparent as alterations and repairs proceed, are not covered by this consent and details of any other works must be submitted to and be approved in writing by the Local Planning Authority before work continues.

Reason: For the avoidance of doubt and to protect the special interest of the historic building in accordance with policies CP1 and HE3 of the Adopted Oxford Local Plan 2001-2016 and policy CS18 of the Oxford Core Strategy 2026.

- 4) Any additional works to the fabric of the listed building that may be required to conform to fire regulations shall be submitted in detail to, and be approved in writing by the Local Planning Authority prior to commencement of this part of the contract on site.

Reason: In order to permit the Local Planning Authority to give consideration to further works in the context of the special character of the listed building in accordance with policies CP1, HE3 and HE5 of the Adopted Oxford Local Plan 2001-2016 and policy CS18 of the Oxford Core Strategy 2026.

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

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

- 6) All original architectural features exposed by demolition and/or during the progress of the works shall be preserved in situ or relocated in accordance with details to be submitted to, and approved in writing by, the Local Planning Authority.

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

- 7) All new and disturbed walls, infilled openings, doors (except glass entrance doors), cornices and similar features shall match those adjoining, reusing displaced materials wherever possible.

Reason: To ensure that the internal changes match those of the existing interior in accordance with policies CP1 and HE3 of the Adopted Oxford Local Plan 2001-2016 and policy CS18 of the Oxford Core Strategy 2026.

- 8) Any as yet unknown features of historic interest discovered during the progress of the works shall be retained in situ and preserved to the satisfaction in writing of the Local Planning Authority.

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

- 9) Where existing doors are required to be upgraded to fire resistant standards the work shall be carried out in character with the date of the building's fittings in accordance with details to be submitted to, and approved in writing by, the Local Planning Authority.

Reason: To ensure the preservation of the interior fittings of this historic building and to maintain its character as a result of the works in accordance with policies CP1, HE3 and HE5 of the Adopted Oxford Local Plan 2001-2016 and policy CS18 of the Oxford Core Strategy 2026.

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.

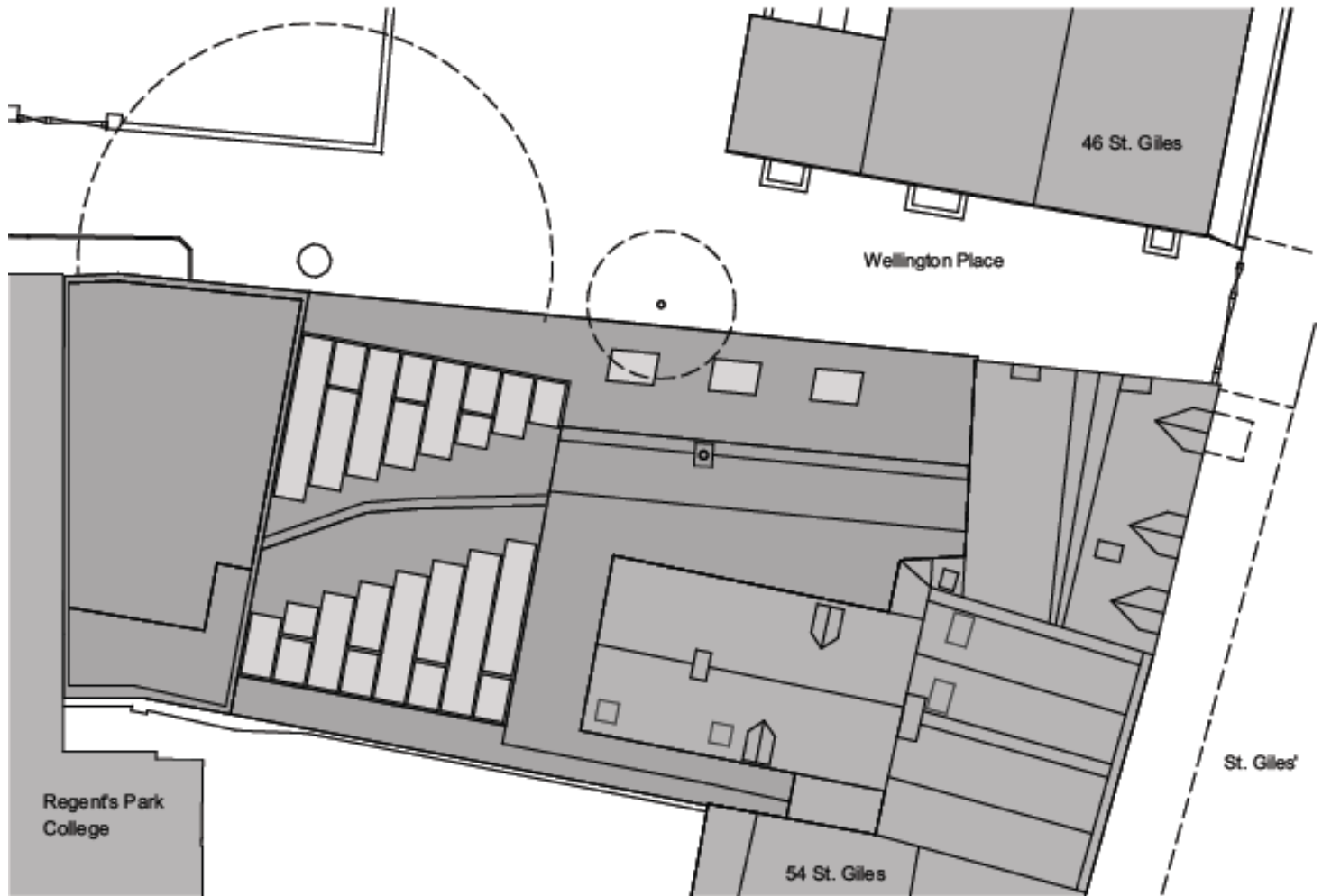
14 SECTION 17 OF THE CRIME AND DISORDER ACT 1998

- 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 listed building consent, officers consider that the proposal will not undermine crime prevention or the promotion of community.

This page is intentionally left blank

Appendix 1 – Site Plan

19/01457/LBC– The Eagle And Child, 49-51 St Giles'



This page is intentionally left blank

WEST AREA PLANNING COMMITTEE

12th November 2019

Application number:	19/01205/FUL
Decision due by	10th July 2019
Extension of time	1st October 2019
Proposal	Demolition of existing dwelling. Erection of a three storey building to create 3 x 2-bed, 2 x 3-bed and 2 x 1-bed flats (Use Class C3). Provision of private amenity space, car parking and bin and cycle storage. Creation of new dropped kerb and new vehicular access. (Amended description) (Amended plans)
Site address	327 Woodstock Road, Oxford, OX2 7NX, – see Appendix 1 for site plan
Ward	Wolvercote Ward
Case officer	Robert Fowler/Julia Drzewicka
Agent:	Mr Adrian James Applicant: Mr Bright
Reason at Committee	The application is before the committee because of the number of residential units proposed.

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 planning conditions for the matters set out in section 12 of this report and grant planning permission

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

- finalise the wording of the recommended conditions referred to in this report including such refinements, amendments, additions and/or deletions as the Head of Planning Services considers reasonably necessary
- issue the planning permission.

2. EXECUTIVE SUMMARY

2.1. This report considers proposals for the demolition of an existing large detached house and the erection of a three storey building to contain seven flats (3 x 2 bedroom flats, 2 x 3 bedroom flats and 2 x 1 bedroom flats). The

proposals also include the provision of five car parking spaces, private amenity spaces, bin and cycle storage.

- 2.2. The proposed development is considered acceptable in principle as the site is predominantly constituted of previously developed land and the proposals would make more efficient use of land. The proposals also provide additional housing units in a sustainable location.
- 2.3. The proposed building would have a contemporary form and includes the provision of generous private gardens for the larger ground floor units and balcony areas for the upper floor flats. The proposed design of the development would be acceptable and whilst it would have a very different appearance from the existing dwellinghouse on the site there is no overriding character to the properties in the area.
- 2.4. The proposed development would have an acceptable impact on neighbouring occupiers; specifically with regards to privacy, light and overbearing impact. Officers have recommended conditions that would ensure that further measures are provided to mitigate the impact of the proposed development on neighbouring properties.
- 2.5. The two bedroom and three bedroom flats would each be provided with a single car parking space. It is proposed that the one bedroom flats would be car free and this can be secured by condition.
- 2.6. Indicative areas for landscaping are proposed at the front and side of the building.
- 2.7. Each level of the building would have access by a lift which improves the accessibility of the units proposed.

3. LEGAL AGREEMENT

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

4. COMMUNITY INFRASTRUCTURE LEVY (CIL)

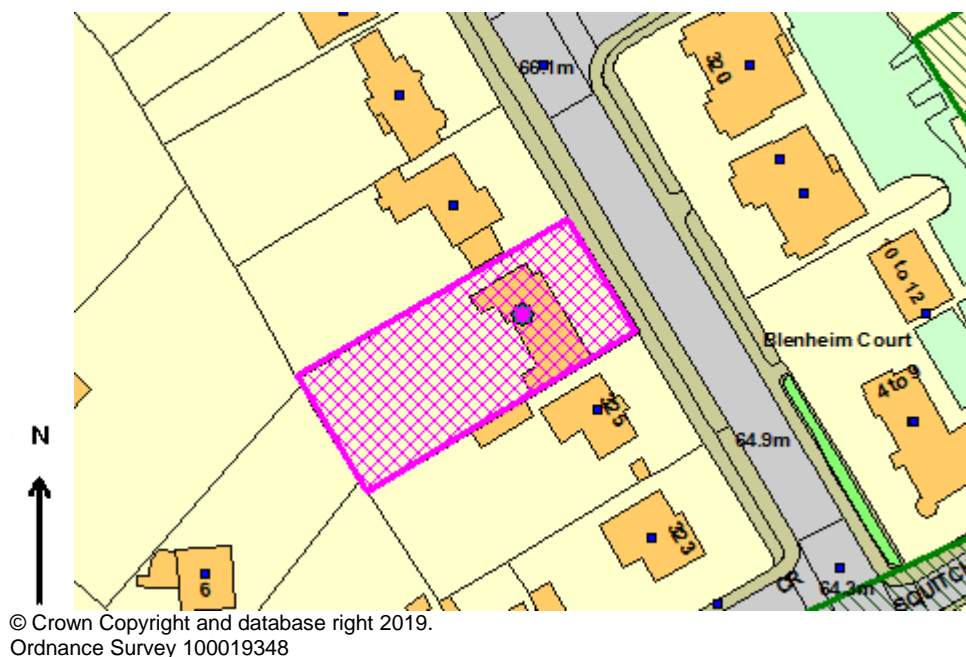
- 4.1. The proposal is liable for a CIL contribution of £62,246.82.

5. SITE AND SURROUNDINGS

- 5.1. The site is at the northern end of Woodstock Road, being sited close to the junctions of Woodstock Road and Blenheim Drive. The area is characterised by larger detached properties with generous front and rear gardens. Parking areas are commonly provided at the front of the houses and some mature vegetation contributes positively to the verdant suburban character of the area.
- 5.2. The application site itself contains a large detached family dwellinghouse. The property is a mid-20th century house with two gable wing elements and a flat roofed single storey element on the southern side. A pedestrian access around the side of the house exists on the north side. The house has a large

front garden that is predominantly given to providing a driveway. There is also a large rear garden measuring 30m.

- 5.3. Both adjoining neighbours at 325 and 329 Woodstock Road are also large detached family dwellinghouses. The properties have different designs but incorporate some features that are seen on the application property (including decorative half-timber features, gables and a steeped pitched roof).
- 5.4. To the rear of the site there are properties in Blenheim Drive; which include No.s 2, 9 and 12 Blenheim Drive which are detached properties sited in large plots. It is worth noting that No.s 9 and 12 Blenheim Drive occupy backland plots that are accessed by private driveways between the properties on the Blenheim Drive frontage.
- 5.5. To the south-east of the application site there is a large tree (a beech); this lies just within the site but is close to the boundary with No. 325 Woodstock Road. There is some mature vegetation along the boundary with the neighbouring Woodstock Road properties (325 and 329) and the rear of the garden contains some mature trees (notably two cypress trees and a cherry). A significant amount of vegetation and mature trees did exist in front of the application site but this has been removed in the last couple of years.
- 5.6. The application site lies approximately half a mile from the Summertown District Centre but does not lie in the Summertown and St Margaret's Neighbourhood Plan area (as it lies within the Wolvercote Ward). A off-road cycle route and wider pavement area lie to the front of the property; an existing road access to the site cross over the pedestrian and cycle route at the south eastern edge of the application site (close to the aforementioned beech tree).
- 5.7. See block plan below:



6. PROPOSAL

- 6.1. The application proposes the demolition of the existing large detached house and the erection of a three storey building. The proposed building would have a total height of 9m to the top of the highest part of the roof. The building would have an unusual form; effectively formed of a number of interlocking blocks. The first floor of the building would be cantilevered slightly over the ground floor at the front, the rear half of the building would have a lower height at second and first floor; the lower sections forming balconies to serve upper floor flats and areas of flat roof). The different levels of the building, as well as varying in height would introduce different materials with areas of timber cladding, copper cladding and pale buff brickwork. Pre-cast concrete is proposed for the window surrounds and varying sizes of windows are used throughout the building.
- 6.2. The layout of the proposed building on the plot would mean that there would be accesses to the rear around each side of the building; these would measure 2m in width and in places are proposed to provide limited areas for landscaping and planters. The side accesses would provide access to the private rear gardens for the ground floor units. The middle of the proposed building would be narrower in width; this has been proposed to reduce the impact of the development on light for neighbouring occupiers.
- 6.3. The accommodation in the building would provide 2 x 3 bedroom flats at ground floor, 3 x 2 bedroom flats at first floor and 2 x 1 bedroom flats at second floor. The ground floor units would have access to rear gardens, the 2 bedroom flats at first floor would have balconies at the front of the building and the 3 bedroom flat would have a larger balcony at the rear of the building. Both the second floor flats would have balconies at the rear of the building. All flats are proposed to be accessed from a shared entrance at the front of the building (although the side accesses around each side of the building would also allow the ground floor flats to be accessed around the back as well). A lift is proposed to be provided in the shared lobby that would serve all floors.
- 6.4. Shared bin and bike stores would be located at the front of the building in integral stores. These would be accessed externally adjacent to the parking area at the front of the building and underneath the overhanging first floor element. Space is provided for sixteen cycles.
- 6.5. To the front of the building there would be parking provided for five car parking spaces. These would serve the three bedroom and two bedroom flats (the proposed one bedroom flats would be car free). The residual area of front garden would provide space for limited areas of landscaping.

7. RELEVANT PLANNING HISTORY

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

55/04670/A_H - Alterations. PDV 17th August 1955.

85/00217/NF - Single storey side extension to form garage and store, and erection of fence along the boundary fronting Banbury Road. (Amended plans).
PER 10th May 1985.

01/00075/P - Conversion of attached garage to habitable room. Replacement of 'up and over' door with glazed doors.. PNR 6th February 2001.

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	Other planning documents	Emerging Policy
Design	Paragraphs 91, 92, 117, 118, 122, 124, 127, 128, 129, 130, 131	CP1 CP6 CP8 CP9 CP10 CP11 CP13 CP14 HE9 HE10	CS1 CS2 CS18	HP2 HP9 HP12 HP13 HP14		H14, H15, H16, RE2, RE7, DH1, DH2, DH7
Conservation/Heritage	Paragraphs 184, 189, 190, 191, 192, 193, 194, 196, 197, 199, 200, 201, 202	HE2 HE7				DH3, DH4
Housing	Paragraphs 61, 62	CS2 CS23 CS24	CS2 CS23 CS24	HP3		H1, H2, H4
Commercial	Paragraph 175,	NE6 NE15 NE16 NE21	CS11 CS12			RE3, RE4, G2
Natural environment	Paragraphs 102,103, 105,106, 109, 110	TR1 TR3 TR4 TR5 TR6 TR13 SR9	CS13 CS17	HP15 HP16		M1, M2, M3, M4, M5
Social and community	Paragraphs 148, 150, 153, 155, 163, 165	CP11 CP17 CP18 CP22	CS9	HP11		RE1, RE6
Transport	Paragraphs 11, 38, 39, 40,	CP.13 CP14		MP1	Parking Standards	S1, S2, H10, RE5, RE8, RE9

	41, 47, 48, 54, 55, 56, 57, 178, 179, 180	CP19 CP20 CP21 CP.24 CP.25			SPD	
Environmental	Paragraphs 91, 92, 117, 118, 122, 124, 127, 128, 129, 130, 131	CP1 CP6 CP8 CP9 CP10 CP11 CP13 CP14 HE9 HE10	CS1 CS2 CS18	HP2 HP9 HP12 HP13 HP14	Energy Statement TAN	
Miscellaneous	Paragraphs 184, 189, 190, 191, 192, 193, 194, 196, 197, 199, 200, 201, 202	HE2 HE7			Telecommu nications SPD, External Wall Insulation TAN,	

9. CONSULTATION RESPONSES

- 9.1. Site notices were displayed around the application site on 29th May 2019 and additional notices (relating to revised plans) were displayed on 3rd October 2019.

Statutory and non-statutory consultees

Oxfordshire County Council (Highways)

- 9.2. The County Council as highway authority has raised no objection, and requested three conditions to mitigate the proposal to exclude the development from parking permits, alterations to the highways due to dropped kerb and installation of visibility splays.

Public representations

- 9.3. 36 local people commented on this application from addresses in Blenheim Drive, Woodstock Road, Blenheim Court, Templar Road, Copcot Place, Dorchester Court, Hendred Street, Hillsale Piece, Manor Close, The Avenue, Upper Fisher Row, Wolvercote Green, Godstow Road, Hayward Road, Mere Road, Ash Grove and Home Close. One submission was without address and one was from Cllr Wade

- 9.4. In summary, the main points of objection (36 residents) were:

- Access
- Amount of development on site
- Effect on adjoining properties
- Effect on character of area
- Effect on existing community facilities

- Effect on privacy
- Effect on traffic
- General dislike or support for proposal
- Height of proposal
- Information missing from plans
- Local ecology, biodiversity
- Local plan policies
- Noise and disturbance
- Not enough info given on application
- On-street parking
- Open space provision
- Other - give details
- Parking provision

Officer response

- 9.5. Revised plans were submitted that dealt with some of the neighbour concerns relating to impact on light, specifically for 325 Woodstock Road. Other objections have been responded to by specific conditions to ensure that the development has an acceptable impact in terms of parking, access, privacy and biodiversity.

10. PLANNING MATERIAL CONSIDERATIONS

- 10.1. Officers consider the determining issues to be:

- i. Principle of development
- ii. Design
- iii. Neighbouring amenity
- iv. Access and Parking
- v. Trees and Landscaping
- vi. Flooding and Drainage
- vii. Biodiversity
- viii. Other matters

i. Principle of development

General principle of development

- 10.2. The existing site is made up of an existing dwellinghouse and the surrounding residential garden land. On this basis, whilst part of the application site represents previously developed land (the existing house) the majority of the site is considered to be residential garden land. Policy HP10 of the Sites and Housing plan and G6 of the emerging Local Plan relates to development on residential gardens. The policy states that planning permission will be granted for new dwellings on residential gardens provided that the proposal responds

to the character and appearance of the area, the size of the plot is of an appropriate size and any loss to biodiversity would be mitigated.

- 10.3. The National Planning Policy Framework (NPPF) encourages the effective use of land by reusing land that has been previously developed provided that it is not of high environmental value. Whilst the NPPF does not identify residential garden land as previously developed land there is considerable scope within the suite of the City Council's local planning policies (particularly Policy CP6 of the Oxford Local Plan (2001-2016), HP10 of the Sites and Housing and the emerging Policy G6 of the Oxford Local Plan 2036).
- 10.4. The existing dwelling is not listed and the site does not fall within a Conservation Area. The demolition of the existing dwelling in itself would therefore not require planning permission.
- 10.5. Officers consider that the proposed development would bring about a more efficient use of land. Clearly there would be a reduction in the amount of garden land on the site but the application site would still retain a substantial amount of garden land. The amount of garden provided to the ground floor residents would be very generous and it is considered that there would be sufficient outdoor space provided for the upper floor residents.
- 10.6. The immediate context of the site is characterised by larger family houses in generous plots. The proposed development would be at odds with that established suburban character. This is an important consideration in planning principle terms; specifically with regards to Policy HP9 of the Sites and Housing Plan (2013). However, Officers have had regard to the sustainable location of the site, the acute need for housing and the wider context of the site that does contain some infill development and flats (including Blenheim Court on the opposite side of the road). In terms of the sustainable nature of the site it lies within half of a mile of Summertown District Centre, is on a major bus route with regular services to the City Centre and is within two miles of Oxford Parkway Station. On this basis it is considered that the proposed development should be considered a sustainable form of development that should be welcomed in the context of providing additional residential units and making more efficient use of land. This approach is supported by Policies CP1 and CP6 of the Oxford Local Plan 2001-2016.
- 10.7. The proposed development would also allow for the acceptable functional requirements of future occupiers including access and parking provision. The proposals for the refuse and cycle stores would also enable the site to meet functional requirements.

Affordable Housing

- 10.8. Officers have had regard to the number of residential units proposed in the development. The proposed development would provide between 4 and 9 dwellings which means that on the basis of Policy HP4 of the Sites and Housing Plan (2013) the Council would have until recently required an affordable housing contribution. When the application was submitted it included proposals to enter into a legal agreement to secure two off-site units

elsewhere in the City for the purpose of providing affordable housing. This was not considered to be policy compliant in the context of Policy HP4. The Policy position in relation to the application of adopted Policy HP4 for decision making has been altered following the receipt of an appeal decision at 4 Lime Walk and conclusions from the Planning Inspectors examining the draft policy H2(a)(ii) in the emerging Oxford Local Plan 2036. Following this recent change to policy the offer of providing off-site affordable housing has been withdrawn.

- 10.9. Since the adoption of Policy HP4, Government planning policy has evolved in respect of securing affordable housing (including off site contributions) from small residential developments. Relevant Government policy is now set out in the NPPF. At paragraph 63, the NPPF provides as follows:

“Provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer ...”

- 10.10. “Major development” is defined in the NPPF as, in respect of housing development, “... development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more”.

- 10.11. In accordance with the NPPF, when determining planning applications, the City Council is required to determine the weight to be attached to policy HP4. One factor required to be considered when determining weight to be attached to a development plan policy is the degree of consistency of that policy with the NPPF (see NPPF para.213). Although the conflict is acknowledged, the City Council has, to date, been seeking to attach material weight to, and to rely upon, policy HP4, when determining applications for planning permission for residential development comprising less than 10 new homes and on sites of less than 0.5 ha. This has been on the basis that that the acute need for affordable housing in Oxford and limited opportunities to meet this need due to significant constraints on land within the City meant that there were locally specific circumstances that meant HP4 should continue to attract material weight notwithstanding the conflict with national policy.

- 10.12. The City Council were also pursuing the retention of this policy approach in the draft Oxford Local Plan 2036 for a similar reason. Draft policy H2(a)(ii) of the submitted plan provides that an off-site affordable housing contribution should be provided from development proposals on sites of between four and nine new homes. The draft Oxford Local Plan 2036 is currently being examined by 2 Government appointed Planning Inspectors.

- 10.13. The issue of weight to be attached to policy HP4 was the key issue for determination in an appeal made against the refusal by the City Council of planning permission for development of six flats on land at 4 Lime Walk.

- 10.14. In his decision letter, the Inspector addressed the City Council’s arguments and extensive evidence as to why, notwithstanding the conflict with the NPPF, weight should be attached to policy HP4 and, as such, a contribution towards off site affordable housing should be required from the development under consideration.

- 10.15. The Inspector rejected the City Council's case and held that there was insufficient justification for weight to be given to policy HP4 given the conflict with national planning policy. In effect, the Lime Walk Inspector held that national policy should prevail.
- 10.16. The Lime Walk decision is one which, acting reasonably, as local planning authority we must take into account in future decisions where Policy HP4 is engaged (see *North Wiltshire District Council v Secretary of State for the Environment* (1993) 65 P. & C.R. 137).
- 10.17. The soundness of that element of Policy H2(a)(ii) has been the subject of extensive correspondence between the City Council and the Inspectors as part of the Local Plan examination process. The City Council has put before the Inspectors a body of evidence to demonstrate why, due to the particular circumstances which prevail in Oxford and most particularly affordable housing need, policy HP2(a)(ii) is sound notwithstanding the conflict with the NPPF. The Inspectors, in their response to submission OCC.1.AB, have concluded that Policy H2(a)(ii) is not sound. Subject to final consultation on main modifications, the Inspectors have directed that the policy H2(a)(ii) should be deleted from the Plan.
- 10.18. Given the outcome of the Lime Walk appeal and the decision of the Inspectors on the soundness of policy H2(a)(ii) of the draft Oxford Local Plan 2036 and in light of legal advice, the Head of Planning advises that the Local Planning Authority can no longer reasonably continue to attach material weight to, and rely upon, policy HP4. This means that the Local Planning Authority would no longer seek affordable housing contributions when determining applications for planning permission for development on sites with capacity for between nine and four homes unless the site is greater than 0.5 hectare.
- 10.19. On the basis of the above, the development would be acceptable in the context of the Council's affordable housing requirements. There is no longer a policy requirement to require affordable housing on this site.

Balance of Dwellings

- 10.20. Policy CS32 of the Core Strategy (2011) requires a mix of dwelling types to be provided in the City and this is further expanded upon in the Council's adopted Balance of Dwellings Supplementary Planning Document (SPD). The emphasis of the Council's adopted policies seeks to gain provision for family dwellings as part of new housing developments and to ensure that there is not a net loss of family dwellings. Wolvercote is listed as an 'amber' area where there is considerable pressure in terms of the provision of family dwellings. The Balance of Dwellings SPD specifies that the target housing mix within developments of 4-9 units in amber areas should be as stated in Table 8 below:

Table 8: Mix for 'amber' areas

Dwelling types	Residential developments of 10-24 units (percentage range)	Residential developments 4-9 units (percentage range)	Residential developments 1-3 units
1 bed	0-20 %	0-30 %	No net loss of 'family units'
2 bed	10-35 %	0-50 %	
3 bed	30-75 %	30-100 %	
4+bed	0-35 %	0-50 %	

10.21. The proposals would provide 29% of the development as three bedroom units, 29% as one bedroom units and 42% as two bedroom units. Whilst there is a small deficit in the number of three bedroom units it is considered that the proposals are effectively policy compliant with regards to Policy CS23 of the Core Strategy (2011) and the proposals would provide a good mix of dwelling sizes.

10.22. Policy H4 of the Emerging Plan requires that new developments of 25 or more units outside of the City Centre and District Centres provide a mix of dwelling sizes for the affordable element. The proposed development would clearly be below this threshold and in line with the requirements of the Emerging Local Plan there would be no requirement to comply with the specified mix of units. It is worth noting that only limited weight can be given to the Emerging Plan Policies at the present time.

Conclusions

10.23. On the above basis it is considered that the proposed development would be acceptable in principle having had regard to the requirements of Policies CP1, CP6 and CP8 of the Oxford Local Plan 2001-2016, Policy CS23 of the Core Strategy (2011) and Policies HP9 and HP10 of the Sites and Housing Plan (2013). The proposed development would also meet the requirements of emerging local plan policies and specifically Policy G6 of the Oxford Local Plan 2036.

ii. Design

Context and Impact on Streetscene

10.24. The proposed building is proposed to be sited back from Woodstock Road which would ensure that it would sit in line with the surrounding buildings in the streetscene. The presence of the proposed building in the streetscene and in particular its increased bulk and width would be reduced by the fact that it would be set back from Woodstock Road.

10.25. The proposed development would be at odds with both the existing building on the site and neighbouring properties in terms of its design. The proposals are for an unashamedly contemporary approach but there are merits to the design which mean that it would represent a high quality design. Firstly, the proposals have responded to the villas that typify this part of North Oxford by

retaining a symmetrical form of development and incorporating a range of materials to provide visual interest.

- 10.26. The proposed contemporary approach also has merits in terms of allowing a greater bulk of development to be built on the site in a way that reduces the perceived bulk in the streetscene and impact on neighbouring amenity but allowing a greater amount of accommodation to be provided in the building (which is supported in principle). The proposed flat roofs have kept the overall height of the building down whilst setting in the second floor elements and treating these parts of the building with a different material would ensure that they are still read as roof elements in the streetscene.
- 10.27. The form of the building; which is described above as a series of blocks would reduce the perceived bulk of the building in the streetscene and ensure that it would not be read as a monolithic and alien addition to the streetscene. The use of contrasting materials would achieve a similar effect whilst adding visual interest.
- 10.28. The front of the building would have fewer windows than the rear and would give rise to quite a bold front façade to a residential building. However, this has merits in terms of ensuring that ground floor rooms would not front directly onto the parking area (which would otherwise give rise to a fairly poor residential amenity and reduced privacy for future residents).
- 10.29. The opportunity to add additional landscaping at the front of the building would soften some of the harsher aspect of the proposed building's design and ensure that it would respond to the verdant suburban character of the area.
- 10.30. On the basis of the above, the proposals would have an acceptable impact in the streetscene and represent high quality design for the purposes of Policies CP1, CP6 and CP8 of the Oxford Local Plan 2001-2016 and Policy CS18 of the Core Strategy (2011).

Living Conditions – Internal Floorspace

- 10.31. The proposed development would need to meet the prescribed national space standards in terms of the quantity of internal floorspace. It is also necessary for the proposed units to have sufficiently high quality of internal floorspace in terms of access to daylight and ventilation.
- 10.32. The proposed ground floor three bedroom units would have a total floor area of 126m²; this exceeds the minimum amount of floorspace prescribed in the national space standard of 86m² for a one storey, five person, three bedroom property. The proposed units would have some bedrooms (notably at the front of the property) with relatively small windows but most of the rooms would have a good access to light and natural ventilation. The rear portion of each of the ground floor flats would have an open plan kitchen and living area that would have direct access to the garden which would provide a good standard of internal accommodation.

- 10.33. The two first floor flats at the front of the building would be identical in terms of their layout. These two flats would have an area of 71m² and 72m² respectively (the slight difference in internal floor area would arise from the layout of the lobby area). This area exceeds the minimum national space standard for a one storey, four person, two bedroom property of 70m². The bedrooms in these units would not provide a particularly good access to natural light but the front of the flats would have access to balconies providing plentiful natural light and ventilation.
- 10.34. The rear first floor flat would provide an internal floor area of 89m². This area exceeds the minimum national space standard for a one storey, four person, two bedroom property of 70m². The bedrooms would also have small windows but provide sufficient daylight and natural ventilation; a large kitchen and living area is proposed with direct access to a balcony which would provide acceptable living conditions.
- 10.35. The two second floor flats would have a total floor area of 58m² each. This exceeds the minimum national space standard for a one storey, two person, one bedroom property of 50m². The bedrooms would have windows to the front and rear and an acceptable level of light would be provided in the open plan living and kitchen space with direct access to a balcony.
- 10.36. The proposed development would therefore comply with the requirements to provide an acceptable internal living environment for new dwellings as set out in Policy HP12 of the Sites and Housing Plan (2013) and the national space standards. The proposals would also comply with the Council's emerging policy for internal space standards set out in Policy H15 of the Oxford Local Plan 2036.

Living Conditions – Accessibility

- 10.37. The proposed development would provide a lift to all floors and no changes between levels within the units. From an accessibility point of view this represents a high standard of design. The proposed outdoor amenity spaces would also be accessible from within the flats and this would ensure that they would be highly accessible for occupiers with reduced mobility.

Living Conditions – Outdoor Amenity Space

- 10.38. The proposed development would provide private outdoor amenity space for each of the flats. The outdoor amenity spaces would be accessible directly from each of the units. The proposed rear gardens in particular would be very generous. All of the balcony areas proposed would meet the minimum space prescribed in the Council's adopted Policy HP13 of the Sites and Housing Plan (2013). In the case of the rear first floor flat and both second floor flats the proposed balconies would significantly exceed the minimum requirement for outdoor amenity space. The proposed development would also meet the requirements of emerging Policy H16 of the Oxford Local Plan 2036.
- 10.39. Officers have carefully considered the privacy of the proposed amenity spaces. The most significant issue is that the proposed first floor balcony at

the rear would overlook most of the rear amenity space for the ground floor unit. Some overlooking is fairly common between flats and balconies but the architect has included a fairly innovative overhanging element at the first floor to ensure that the nearest area of amenity space at ground floor would not be overlooked. The result is that whilst the majority of the proposed ground floor amenity spaces would be overlooked the future occupiers would benefit from a small completely private space adjacent to their flat which would be acceptable in terms of the Council's policies.

10.40. Officers recommend that if planning permission is granted then a condition should be included to ensure that boundary treatments are provided prior to the first occupation of the development to protect the privacy of ground floor occupiers.

Energy Efficiency

10.41. The proposals include some energy efficiency measures that are listed below:

- Full mechanical ventilation heat recovery system (MVHR) for the whole house.
- Primary living spaces on the south façade for optimum solar gain.
- High performing thermal insulation values for walls, floor and roof.
- 100% dedicated energy efficient lighting.
- Reduced water consumption, below 105 litres per person per day.
- Minimal heat loss by air passing through the fabric by achieving excellent airtightness in construction.
- Underfloor heating throughout.
- External drying space provided to all apartments
- Energy labelled white goods

10.42. The above will be secured through a condition which will also align with the building control requirements. The proposals would therefore meet the requirements of Policy HP11 of the Sites and Housing Plan (2013) and emerging Policy RE1 of the Oxford Local Plan 2036.

Refuse and Recycling Stores

10.43. Officers consider that the proposed refuse and recycling store at the front of the proposed building would be acceptable for the purposes of Policy CP1 of the Oxford Local Plan 2001-2016 and Policy HP13 of the Sites and Housing Plan (2013). A condition is recommended to ensure that the proposed development is not occupied until the store is provided.

iii. Impact on neighbouring amenity

Light

- 10.44. The proposed development would give rise to some impact on both neighbouring properties at 325 Woodstock Road and 329 Woodstock Road.
- 10.45. In terms of 325 Woodstock Road, this property is predominantly to the south of the application site; although the site is angled such that if built the proposed rear portion of the development would block some evening light to rear and side windows at 325 Woodstock Road. Officers have carefully considered the impact on this property which has included a site visit. There is a relatively narrow gap between 325 Woodstock Road and the boundary with the application site; towards the rear of the site there is also a garage which directly abuts the application site. The reduced bulk at the rear of the proposed development would ensure that there would be no impact on the rear windows of 325 Woodstock Road and the proposed development would comply with the 45/25 degree code set out in Policy HP14 of the Sites and Housing Plan (2013). The main impact in terms of light on 325 Woodstock Road would impact upon the kitchen at the ground floor of the property that is currently served by three side windows that face towards the application site. The pitched roof and reduced depth of the existing building on the application site allows evening light to pass into these windows; the proposed development would alter the light conditions on the side elevation windows of 325 Woodstock Road with the ground floor windows being most affected (and specifically the kitchen). It is important to appreciate that nearest part of the existing dwelling on the application site to 325 Woodstock Road is single storey; which would mean that the proposed development's increased height adjacent to the boundary would have a more significant impact. The original survey that was carried out by the applicant's agent would have suggested that the development would not comply with the 45/25 degree code in relation to some of these windows and there would have been a marginal infringement of the 45/25 degree code. This matter was brought to the attention of the applicant's architect who provided amended plans following a more detailed survey. The revised plans showed that there would not be an unacceptable infringement of the 45/25 degree code but there would be some loss of light to the eastern-most window. On balance it is considered that having had regard to the loss of light at ground floor side windows it would not be materially harmful to the extent that planning permission should be refused. In reaching this view officers have been mindful that any loss of light would be for a relatively short period of time at the end of the day and the light impact would be reduced by the fact that there are a number of windows serving the ground floor kitchen in particular.
- 10.46. At the upper floor levels the side windows of 325 Woodstock Road would lose some light but the proposals would comply with the 45/25 degree code set out in Policy HP14 of the Sites and Housing Plan (2013).
- 10.47. No. 329 Woodstock Road lies predominately to the north of the application site. Officers have therefore carefully considered the impact on daylight and sunlight that could be caused by the increased depth and height of the proposed development. There are no windows on the side elevation of no. 329 apart from at the first floor level. The house at 329 Woodstock Road also

has a single storey garage/car port on the southern edge adjoining the application site. The presence of the single storey element at the southern edge of 329 Woodstock Road provides sufficient separation between the proposed development to ensure that there would be no unacceptable loss of light in the context of Policy HP14 of the Sites and Housing Plan (2013) and the 45/25 degree code set out in that policy.

10.48. The proposed development would not give rise to a loss of light for any other nearby properties.

Overbearing

10.49. The proposed development would increase the depth and height of development on the application site. This would alter the outlook for neighbouring occupiers, particularly at No. 325 and 329 Woodstock Road. The proposed development has a proposed design that lowers the bulk of the development towards the rear of the proposed building; with a narrower section in the middle and a reduced height (including single storey elements) at the rear. Having had regard to the width of the plot (and the width of neighbouring plots) it is considered that the proposed development would not have an unacceptable impact in terms of being overbearing to the detriment of neighbouring amenity.

Privacy

10.50. The depth of the proposed rear gardens would ensure that there would be no impact on privacy for occupiers at the rear (in Blenheim Drive). The proposed development does not include side facing windows that would impact on the privacy for neighbouring occupiers at 325 and 329 Woodstock Road. The proposed use of windows on the side elevation that face towards the rear of the site mean that rooms in the middle of the plot would not cause an unacceptable impact on overlooking. There are five balcony areas proposed; two of these would be at the front elevation of the proposed building and would not impact on privacy to neighbouring occupiers because a side wall of the balconies would block views towards the front gardens and front habitable rooms of 325 and 329 Woodstock Road. At the rear of the site the proposed balconies at first and second floor levels are proposed to include 1.7m high privacy screens to ensure that there would no views towards the rear gardens of neighbouring properties at 325 and 329 Woodstock Road.

10.51. The expanses of flat roof that would exist at first and second floor level would be larger than the balcony areas themselves; a condition would be necessary to ensure that these areas are not used in conjunction with the balconies as they would otherwise give rise to an unacceptable impact on privacy for neighbouring occupiers. The proposed privacy screens at the rear would need to be secured by condition if planning permission is granted.

10.52. Subject to the conditions set out above the proposed development would have an acceptable impact on neighbouring amenity as required by Policy CP1 of the Oxford Local Plan 2001-2016 and Policy HP14 of the Sites and Housing

Plan. Officers also consider that the proposed development would also comply with the requirements of Policy H14 of the emerging Oxford Local Plan 2036.

iv. Access and Parking

Access

10.53. The proposed development would block up the existing access and provide a new access centrally within the plot. The County Council have not raised any concerns about the proposed access in highway safety terms. A condition is recommended that visibility splays would need to be provided to ensure that the proposed development would not have an adverse impact on pedestrian, cycle or vehicular traffic on Woodstock Road.

Parking

10.54. The proposed development would provide five car parking spaces; these are proposed to be used by occupiers of the three bedroom and two bedroom flats. The one bedroom flats would be car free. Officers have had regard to the size and layout of the proposed car parking area and this would be acceptable in terms of allowing vehicles to turn, manoeuvre and enter the highway in a forward gear.

10.55. The proposed development would be acceptable as car free development. The application site lies within a Controlled Parking Zone (North Summertown CPZ). The application site lies approximately 950m from the BP garage next to the Wolvercote Roundabout and approximately 1000m from the nearest small supermarket on Banbury Road (Summertown). This exceeds the distance of 800m that is considered the threshold for suitability for car free development in Policy HP16 of the Sites and Housing Plan (2013). However, in practice the distance is relatively close to the threshold and the site does lie adjacent to a very frequent bus service on Woodstock Road and occupiers would have access to a very extensive range of services in Summertown District Centre which would be within walking distance. As a result the proposals for some of the units to be car free development would be acceptable in planning terms. The smaller units would be less likely to be occupied by families which further supports their suitability for car free development.

10.56. Conditions would be required to ensure that the car parking area would be completed prior to the occupation of the development if approved and a further condition would be required to remove eligibility for occupiers to gain parking permits in the Controlled Parking Zone; this is recommended by the County Council as Local Highway Authority.

Cycle parking

10.57. The proposed development would provide a cycle store at the front of the building. This would be highly accessible for all the future occupiers of the building and provide convenient and secure access for cycle storage. The proposals would provide space for sixteen pedal cycles for the seven flats.

Policy HP15 of the Sites and Housing Plan (2013) would require a provision of two cycle spaces for each two bedroom dwelling and three spaces for each three bedroom dwelling; with respect of this development that would equate to a minimum provision of twelve spaces. As a result, the proposed development would provide sufficient space for cycle storage. Officers recommend a condition that the cycle store be made available prior to the first occupation of the building if planning permission is granted (and that the store is retained thereafter for that use).

v. Trees and Landscaping

10.58. It is proposed to remove five trees from the rear garden. These trees are all identified as of being of poor or low quality within the submitted tree report (and are mostly apple trees with the exception one elder and one beech tree). The large beech tree on the frontage is proposed to be retained as is the large cherry tree and cypresses in the rear garden. The retention of vegetation is welcomed as providing a verdant backdrop to the proposed building.

10.59. There are limited proposals for landscaping that have been submitted with the application. This includes spaces at the front and side of the proposed building. Officers consider that there is sufficient space to provide a landscaping scheme that would enable the proposed development to make a positive contribution to the character of the area which is characterised by mature vegetation and planting. Conditions are recommended to retain trees where specified and protect the trees during construction. A scheme of landscaping is also recommended to be a condition with details provided prior to commencement.

vi. Flooding and Surface Water Drainage

10.60. The development is not at significant risk of flooding from any sources, however the proposed development would lead to an increase in impermeable area, and subsequently an increase in surface water runoff. Therefore, a sustainable drainage strategy would be required to mitigate this impact. On this basis the proposed development is acceptable in the context of Policy CS12 of the Core Strategy (2011).

vii. Biodiversity

10.61. The proposed development would not impact on protected species and a preliminary ecology report has confirmed that this is the case. Officers recommend a condition is included to ensure that biodiversity enhancement measures are included as part of the proposed development. Subject to this condition the proposed development would comply with the requirements of Policy CS12 of the Core Strategy (2011).

ix. Other Matters

10.62. Some concerns were expressed relating to the plans and the accuracy of the drawings. Further surveys have been carried out and revised plans provided to deal with those concerns. Officers consider that all the relevant material

considerations that were raised in public comments have been addressed in the officer report.

11. CONCLUSION

- 11.1. On the basis of 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 it clear that proposals should be assessed in accordance with the development plan unless material considerations indicate otherwise.
- 11.2. 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 accord 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 the 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 the Framework taken as a whole.
- 11.3. The proposals would provide an additional seven residential dwellings which would provide a small but nevertheless beneficial contribution towards local housing need. The development would be located on previously developed land, the redevelopment of which is promoted within Paragraphs 117 and 118 of the NPPF and officers have given due weight to this.
- 11.4. It is considered that the proposals adequately safeguard the amenity of existing occupiers, whilst the proposals provide adequate internal and external standards of amenity for future occupiers in accordance with the requirements of Policy HP12 and HP13 of the Sites and Housing Plan.
- 11.5. For the reasons outline within this report, it is recommended that the Committee resolve to grant planning permission for the development proposed subject to conditions.

12. CONDITIONS

- 12.1 Officers recommend that conditions would be required relating to the following matters but that the wording is delegated to the Head of Planning.
 - Time limit to ensure that the development commences within three years
 - Development built in accordance with the approved plans
 - Materials should be as specified in the submitted application form
 - Balcony screens need to be provided prior to occupation and retained

- The areas of flat roof that are not shown to be used as balconies should not be used as balconies in perpetuity
- Parking area to be completed prior to occupation
- Removal of eligibility for occupiers to gain parking permits in the Controlled Parking Zone
- Bike storage area to be provided prior to occupation
- Bin storage area provided prior to occupation
- Landscaping scheme to be provided prior to commencement and approved by the Local Planning Authority. The approved landscaping should be completed on site no later than the first planting season after first occupation.
- Boundary treatments to be approved prior to commencement and installed prior to occupation
- Drainage scheme to be provided prior to commencement
- Tree protection measures
- Trees marked to be retained should be retained
- Access to be provided in accordance with County Highways specifications
- Unexpected contamination to be reported to the Local Planning Authority if found
- Biodiversity enhancement measures to be provided to the Local Planning Authority for approval and installed as approved
- Energy measures that are prescribed in the application should be installed as specified

INFORMATIVES :-

- 1 The development hereby permitted is liable to pay the Community Infrastructure Levy. The Liability Notice issued by Oxford City Council will state the current chargeable amount. A revised Liability Notice will be issued if this amount changes. Anyone can formally assume liability to pay, but if no one does so then liability will rest with the landowner. There are certain legal requirements that must be complied with. For instance, whoever will pay the levy must submit an Assumption of Liability form and a Commencement Notice to Oxford City Council prior to commencement of development. For more information see: www.oxford.gov.uk/CIL
- 2 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** – Proposed site plan

14. HUMAN RIGHTS ACT 1998

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

This page is intentionally left blank

Appendix 1

19/01205/FUL – 327 Woodstock Road

Location Plan



This page is intentionally left blank

WEST AREA PLANNING COMMITTEE

12th November 2019

Application number:	19/01696/FUL
Decision due by	9th October 2019
Extension of time	22.11.2019
Proposal	Refurbishment of existing retail unit (Class A1). Installation of new shop front; revised car parking; and associated works (Amended plans and description; Additional information)
Site address	Unit 1 Toys R Us And Car Park , 219 Botley Road, Oxford, OX2 0HA – see Appendix 1 for site plan
Ward	Jericho And Osney Ward
Case officer	Tobias Fett
Agent:	Mr Tim Rainbird Applicant: C/O Agent
Reason at Committee	The application is a major planning application because of the size of the site area

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, and

1.1.2. **agree to delegate authority** to the 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 Head of Planning Services considers reasonably necessary.

2. EXECUTIVE SUMMARY

2.1. This report considers the refurbishment of the former Toys R Us retail unit. The application seeks planning permission for the installation a new shopfront, customer and staff bicycle parking, revision to car parking and servicing access to the rear of the unit. The site is located south off Botley Road, within a collection of retail parks, near the Seacourt Park and Ride.

2.2. The application has been subject to some alterations mostly in response to highways, tree and drainage queries, which saw the omission of a new

substation, which no longer requires tree removals and which includes improvements to bicycle provisions.

- 2.3. Officers consider that the development would be acceptable with regard to principle, design, and impact on residential amenities, highways and drainage.
- 2.4. The site is located within flood zones 1, 2 and 3a but the proposals are considered acceptable in flooding terms and the Environment Agency are not objecting to the proposals subject to conditions.

3. LEGAL AGREEMENT

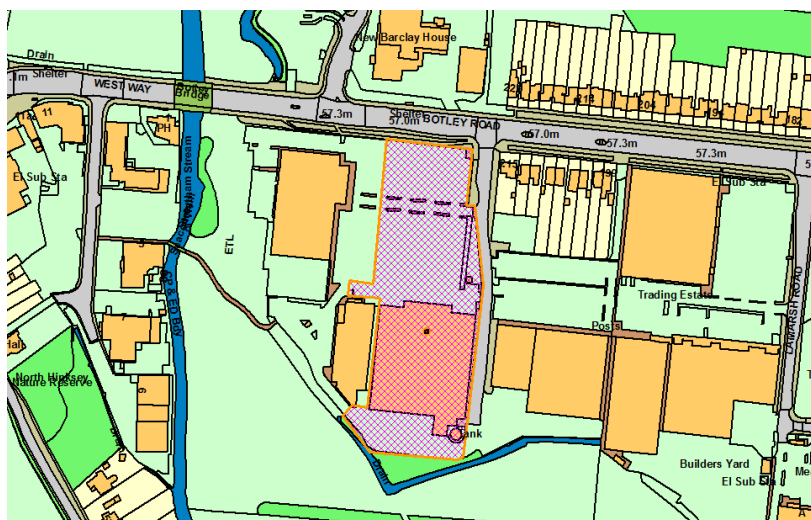
- 3.1. This application is not subject to a legal agreement.

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 Botley Road retail parks area on the western city approach, to the south of Botley Road, near to the junction with Seacourt Park and Ride.
- 5.2. The site consists of a very large vacant A1 retail unit, formerly used by Toys R Us with just over 5000 sqm of total floor space.
- 5.3. The site has 236 parking spaces, including 13 disabled and 6 parent spaces. The car park is also shared with Wickes and Aldi, which has some more parking adjacent its store.
- 5.4. The surrounding site is a mix of retail park, commercial premises and some residential dwellings along Botley Road. To the immediate east of the site is an access road that serves retail units.
- 5.5. See block plan below:



© Crown Copyright and database right 2019. Ordnance Survey 100019348

6. PROPOSAL

- 6.1. The application proposes a refurbishment of the large retail unit and the installation of a new reduced scale shop front.
- 6.2. The application also contains some alterations to car parking, provision of customer parking to the front of the shop, and covered staff cycle pods near the frontage as well as associated works to landscaping and access ramp to the rear.
- 6.3. The proposals are fairly small-scale changes to the retail unit. The application is only a major planning application because of the site area.

7. RELEVANT PLANNING HISTORY

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

87/00762/NOY - Demolition of garage & showroom. 124,728 sq. ft of non-food retail, including garden centre of 4,200 sq. ft, with 550 car spaces & access to Botley Rd. Extension of light industrial premises by 800 sq. ft (duplicate application, revised). Permission granted 5th June 1989.

90/00363/NO - Demolition of buildings & redevelopment for 186,050 sq. ft of Business (B1) with parking for 577 cars & new access from Botley Rd (part of site within Vale of White Horse District Council's area to whom separate application is made). Withdrawn 11th July 1999.

92/01183/NOY - Outline application (seeking approval for siting, means of access and external appearance) for one 30,000 square feet non-food retail unit plans plus car parking (186 spaces) and service area accessed from Botley Road. Permission granted 22nd July 1993.

98/01455/NO - Rear extension to retail warehouse (Comet) for 464 sq. m non-food retail floor-space (including details of siting & use of existing means of access). Use of car park & service yard. Relocation of fire exit from side to rear of Argos (Unit 1, Botley Road). Permission granted 1st April 2000.

92/00563/NRY - Application D: Demolition of existing garage and car showroom. Erection of 74,000 sq. ft. of non-food retail development with car parking for 515 cars and new vehicular access to Botley Road. (Revised Reserved Matters of NOY/762/87). (Amended).. Permission granted 19th March 1993.

88/00093/NO - Demolition of 215 Botley Road. Outline application for erection of 97,600 sq. ft. retail development with parking for 540 cars and new vehicular access to Botley Road.. Withdrawn 5th January 1990.

92/00562/NRY - Application C: Demolition of existing garage and car showroom. Erection of 124,726 sq. ft. of non-food retail development with car parking and new vehicular access to Botley Road. (Reserved Matters of NOY/762/87).. Withdrawn 12th October 1992.

92/00561/NKY - Application B: Extension of NOY/762/87. Demolition of existing garage and car showroom. Erection of 124,728 sq. ft. of non-food retail development with car parking and new vehicular access to Botley Road.. Withdrawn 30th March 1993.

18/01551/CPU - Application to certify that the proposed subdivision of retail unit (Use Class A1) is lawful development.. Permission granted 3rd August 2018.

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	Other planning documents	Neighbourhood Plans:
Design	12	CP6 Efficient Use of Land & Density CP8 Designing Development to Relate to its Context CP11 Landscape Design	CS18 Urban design, townscape, character, historic environment,			
Conservation/Heritage	16					
Housing	5					
Commercial	6, 7		CS1 Hierarchy of centres CS31 Retail			
Natural environment	14, 15	NE15 Loss of Trees and Hedgerows				
Social and community	8					
Transport	9	TR4 Pedestrian & Cycle Facilities			Parking Standards SPD	

Environmental	11, 13, 14		CS11 Flooding		Energy Statement TAN	
Miscellaneous	10	CP.13 CP.24 CP.25		MP1	Telecommu nications SPD, External Wall Insulation TAN,	

9. CONSULTATION RESPONSES

- 9.1. Site notices were displayed around the application site on 19th July 2019 and an advertisement was published in The Oxford Times newspaper on 25th July 2019.

Statutory and non-statutory consultees

Oxfordshire County Council (Highways)

- 9.2. An initial objection has been received, which has been withdrawn upon submission of additional information in regards of trip generation. Most vitally further information was sought on customer bicycle parking and covered staff bicycle parking. Revised plans have been received to address this.

Oxfordshire County Council (Drainage)

- 9.3. An objection has been lodged initially, due to flood risk concerns and the Environment Agency objection. Revised comments have been received upon submission of a revised FRA and further information, and the objection has been withdrawn, subject to getting EA agreement and submission of SuDS management and maintenance plan.

Environment Agency

- 9.4. An initial objection has been with withdrawn as the proposal now omits a new electric sub-station, changes to the rear access and a revised FRA and clarification on the staff bicycle storage pods has been received.

Public representations

- 9.5. No comments have been received.

Officer response

- 9.6. The above technical issues submitted by the environment agency and the county council have been addressed by the submission of revised and additional information. The application now also provides 8 staff bicycle storage spaces.

10. PLANNING MATERIAL CONSIDERATIONS

10.1. Officers consider the determining issues to be:

- i. Principle of development
- ii. Design
- iii. Neighbouring amenity
- iv. Transport
- v. Drainage/Flooding
- vi. Trees

i. Principle of development

10.2. The proposals are for small-scale changes to an existing retail unit. The principle of development is acceptable as the proposals would not give rise to any changes to the floorspace that trigger a requirement for consideration of national and local retail policies. The refurbishment only considers a new shopfront and small scale alterations.

ii. Design

10.3. The proposal would reduce the large and overbearing existing shopfront and entrance area with a smaller lobby. There would be more glazing to activate the frontage and to allow views in and out of the unit. The inclusion of customer bicycle parking facilities to the frontage would further increase activity along the frontage and therefore create a more vibrant active frontage.

10.4. The colours, materials and other smaller alterations are considered acceptable within this retail park setting. The visual amenities of the area would not be harmed and the design would be in accordance with local and national planning policies.

iii. Impact on neighbouring amenity

10.5. The physical development proposed by the application would have no material harm to any residential amenities and would therefore be acceptable as it would accord with policies HP14 of the Oxford Local Plan 2001-2016 and H14 of the emerging Local Plan.

iv. Transport

Transport sustainability

10.6. Additional information has been received to further support the acceptability of the proposal. The use of the unit is established as A1 and as such no change of use is to be considered. The proposed changes to the shopfront, bicycle parking provision, revised car park layout and associated works would not have any adverse impact on the highway network.

Cycle parking

- 10.7. The proposal includes an increase in staff and customer bicycle provision.
- 10.8. There would be 8 covered and secure bicycle pods adjacent to the existing substation and 18 cycle hoops in front of the shop, adjacent the entrance are for customer bicycle parking.
- 10.9. The provision accords with Policy TR4 of the Oxford Local Plan 2001-2016 and M1 of the emerging Local Plan, and is therefore acceptable.

v. Drainage/Flooding

- 10.10. The application site has areas located in flood zones 1, 2 and 3a. Revised plans have been received that reduce the scale and scope of the application in the context of its potential to displace flood water.
- 10.11. The applicant has demonstrated that the proposal would not reduce flood storage capacity.
- 10.12. The previously proposed new sub-station is no longer required and therefore there would be no impact on the flood plain storage relating to this.
- 10.13. The ramp to the rear of the building is no longer proposed to be fully filled in and only a small section of the bottom of the ramp is proposed to be filled in to provide better access to the building. The ramp would only be used when flood water would get into the level of the crest of the ramp therefore the applicant has assessed the impact of flood plain storage loss at that level and looked at the area lost to the infilling at the bottom. To mitigate against the loss of flood plain in the ramp the entrance lobby is being reduced.
- 10.14. The reduction of the entrance lobby would lead to flood plain storage gain of 82m² due to reduction in area from 140m² to 58m². The proposed ramp infill would create a loss of flood plain storage of 54.68m². The overall result would be a small net gain in flood storage.
- 10.15. The proposed staff bicycle storage pods would not be flood resistant and would be able to be flooded if this was necessary which means that they would not alter flood plain storage.
- 10.16. Both the County Councils drainage team and the Environment Agency have withdrawn their initial objection after some negotiation and additional information and plans.
- 10.17. The proposal is therefore considered acceptable, and would comply with Policy CS11 of the Core Strategy and the NPPF subject to the conditions included in the officer recommendation.

vi. Trees

- 10.18. This application contains revised plans that now omit a previously proposed new electric substation. A tree survey and revised details have been received, and no trees would be lost as part of this application. New staff bicycle lockers would be located near the existing substation and its trees. A number of tree

conditions would be imposed to ensure adequate mitigation and safeguards are in place to retain trees on the site.

10.19. The proposal would accord with policy CP1, CP11 and NE15 of the Oxford Local Plan 2001-2016.

11. CONCLUSION

11.1. The proposal for a new shopfront, the refurbishment of the retail unit as well as provision of bicycle parking and alterations to servicing access and car parking layout are of a scale and design that would be acceptable and compliant with local and national planning policies with reference to section 38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 11 of the NPPF.

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

12. CONDITIONS

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

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

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

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

3 Except where indicated otherwise on the drawings hereby approved, all external works and finishes and all materials shall be as stated in the application form, and there shall be no change unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a satisfactory appearance in accordance with policies CP1, CP8 and CP10 of the Adopted Oxford Local Plan 2001-2016 and policy CS18 of the Oxford Core Strategy 2026 and HP9 of the Oxford Sites and Housing Plan.

4 The approved staff and customer bicycle storage as shown on the approved plan (Drawing 18905 107 F) shall be installed prior to the first use of the approved development and retained in perpetuity thereafter.

Reason: To encourage the use of sustainable modes of transport in line with policy TR4 of the OLP and M1 of the emerging Local Plan.

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

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

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

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

- 7 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.

- 8 The development shall be carried out in strict accordance with the approved methods of working and 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.

- 9 No development shall take place until a detailed design and associated management and maintenance plan of surface water drainage for the site using sustainable drainage methods has been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved detailed design prior to the

use of the building commencing. The sustainable drainage scheme shall be managed and maintained in perpetuity thereafter in accordance with the agreed management and maintenance plan.

Development shall be undertaken in accordance with 19_01696_FUL-FLOOD_RISK_ASSESSMENT-2142558 and plan 8905 - 107F - Proposed Site Plan-A1 Title Sheet.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal.

- 10 The development shall be carried out in accordance with the submitted flood risk assessment produced by Quod, Drawing number 107 Revision F Dated 19.09.19 created by WPL Consulting LLP and Drawing number 110 Revision B Dated 17.09.19 created by WPL Consulting LLP.

Reason: To reduce the risk of flooding to the proposed development and future occupants

INFORMATIVES :-

- 1 In accordance with guidance set out in the National Planning Policy Framework, the Council tries to work positively and proactively with applicants towards achieving sustainable development that accords with the Development Plan and national planning policy objectives. This includes the offer of pre-application advice and, where reasonable and appropriate, the opportunity to submit amended proposals as well as time for constructive discussions during the course of the determination of an application. However, development that is not sustainable and that fails to accord with the requirements of the Development Plan and/or relevant national policy guidance will normally be refused. The Council expects applicants and their agents to adopt a similarly proactive approach in pursuit of sustainable development.
- 2 If unexpected contamination is found to be present on the application site, an appropriate specialist company and Oxford City Council should be informed and an investigation undertaken to determine the nature and extent of the contamination and any need for remediation. If topsoil material is imported to the site the developer should obtain certification from the topsoil provider to ensure that the material is appropriate for the proposed end use.

Please note that the responsibility to properly address contaminated land issues, irrespective of any involvement by this Authority, lies with the owner/developer of the site.

13. APPENDICES

- **Appendix 1 – Site location plan**

14. HUMAN RIGHTS ACT 1998

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

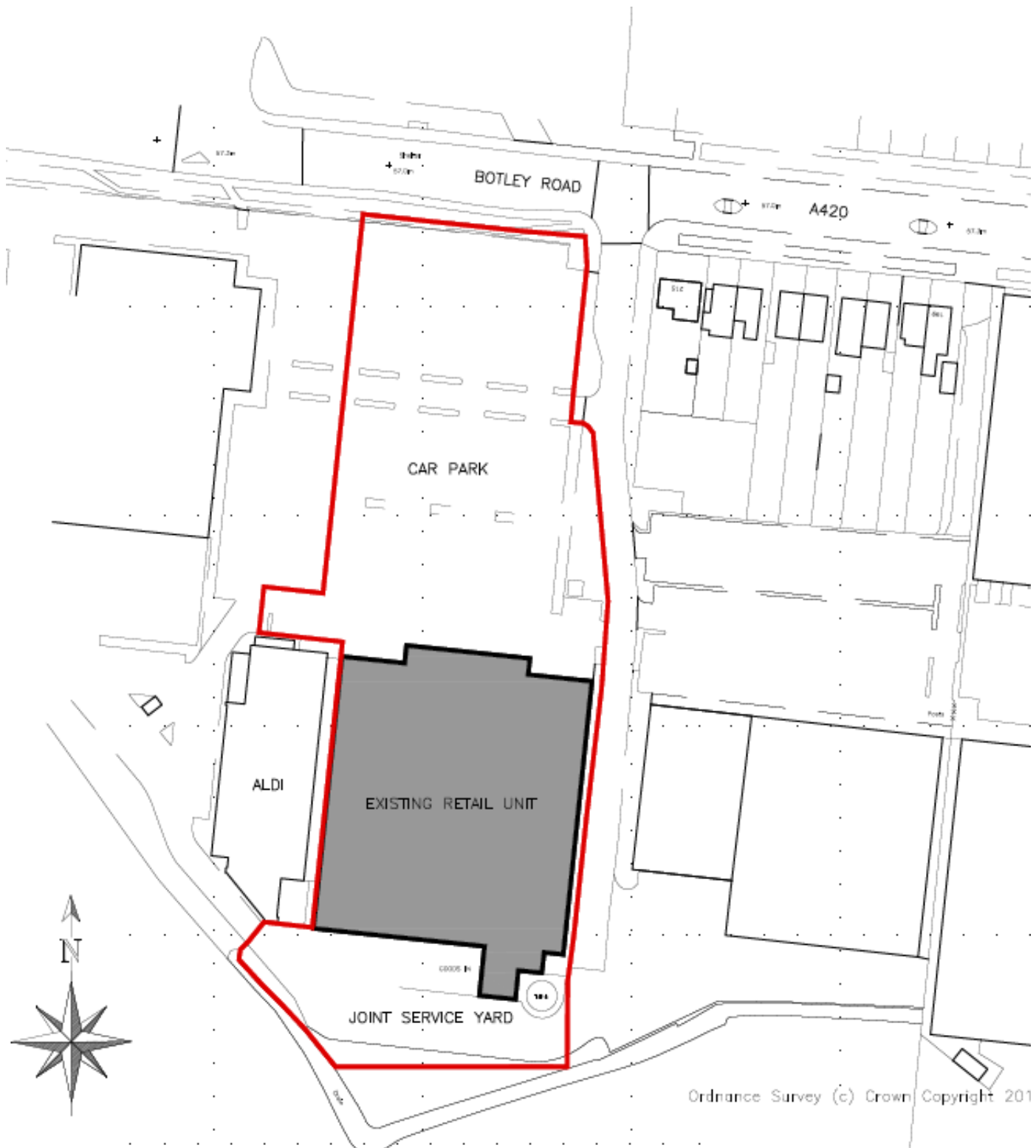
15. SECTION 17 OF THE CRIME AND DISORDER ACT 1998

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

This page is intentionally left blank

Appendix 1 – Site Plan

19/01696/FUL – Toys R Us



This page is intentionally left blank

WEST AREA PLANNING COMMITTEE

12th November 2019

Application number:	19/01704/VAR		
Decision due by	24th September 2019		
Extension of time	22.11.2019		
Proposal	Removal of condition 8 (Servicing Hours) and 13 (Sale of Food) of planning permission 87/00762/NOY (Demolition of garage & showroom. 124,728 sq. ft of non-food retail, including garden centre of 4,200 sq. ft, with 550 car spaces & access to Botley Rd. Extension of light industrial premises by 800 sq. ft (duplicate application, revised).		
Site address	Unit 1 Toys R Us And Car Park , 219 Botley Road, Oxford, OX2 0HA – see Appendix 1 for site plan		
Ward	Jericho And Osney Ward		
Case officer	Tobias Fett		
Agent:	Mr Tim Rainbird	Applicant:	Toys R Us Properties Limited And T J Morris Limited
Reason at Committee	The site area is 1.27 hectare and is therefore before committee.		

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, and

1.1.2. **agree to delegate authority** to the 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 Head of Planning Services considers reasonably necessary.

2. EXECUTIVE SUMMARY

- 2.1. This report considers an application for the removal of two conditions that were imposed as part of a 1989 planning approval for the Toys R Us development on Botley Road. The conditions relate to restrictions of servicing hours and an exclusion of the sale of food products from the premises.
- 2.2. Officers consider the removal of both conditions acceptable. They were imposed 30 years ago and would not be reasonably imposed for a development as such today. The existing commercial unit on the site has a lawful retail use (Use Class A1) and as such can lawfully sell a majority of the goods already. The removal of conditions would not harmfully impact neighbouring residential occupiers which formed the basis for imposition of the original condition.
- 2.3. The proposal would accord with local and national planning policy to ensure a sustainable and vibrant economy.

3. LEGAL AGREEMENT

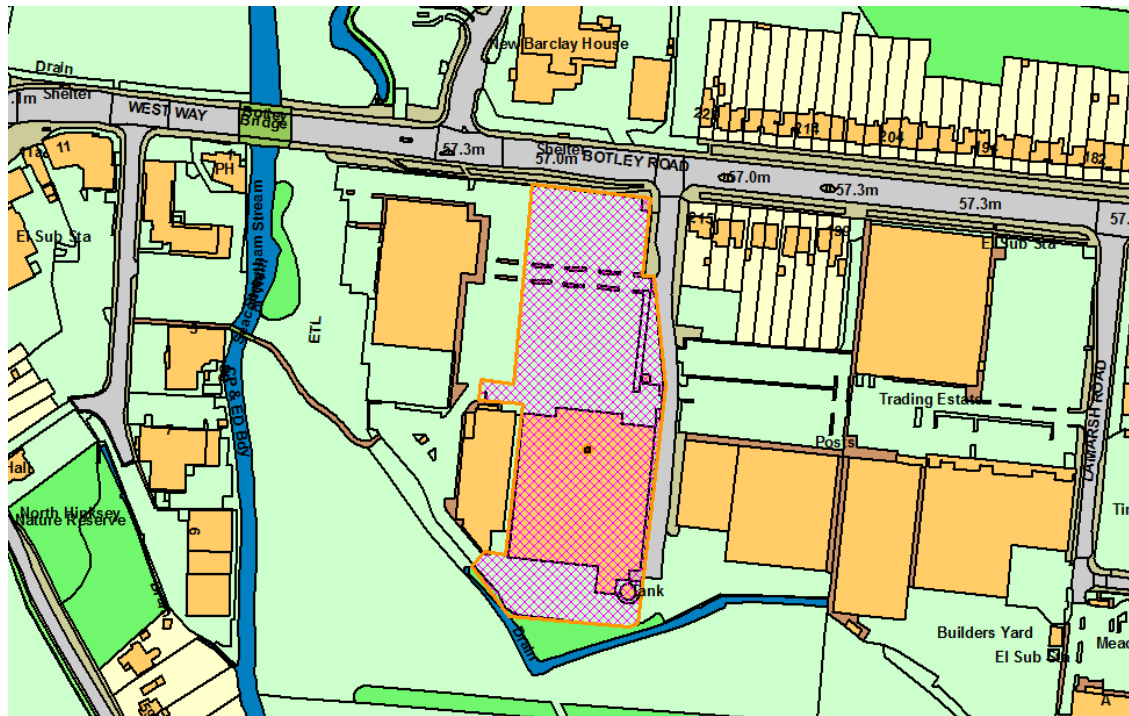
- 3.1. This application is not subject to a legal agreement.

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 Botley Road retail parks area on the western city approach, to the south of Botley Road, near the junction with Seacourt Park and Ride, which provided strategic access to the City Centre, Botley and the A34.
- 5.2. The site of the original application includes the current empty Toys R Us, Wickes and the more recently completed Aldi store, and the car parking area between these buildings.
- 5.3. The site in relation to the variations of the conditions consists of a very large vacant A1 retail unit, formerly used by Toys R Us with just over 5000 sqm of total floor space.
- 5.4. The site has 236 parking spaces, including 13 disabled and 6 parent spaces. The car park is also shared with Wickes and Aldi, which has some more parking adjacent its store.
- 5.5. The surrounding site is a mix of retail park commercial premises and some residential dwellings along Botley Road, adjacent the vehicular entrance to this retail destination. No 215 Botley Road is the nearest dwelling to the site, being approximately 85 metres away from the retail building.
- 5.6. See site plan below:



© Crown Copyright and database right 2019.
Ordnance Survey 100019348

6. PROPOSAL

- 6.1. The application proposes to remove condition 8 regarding a restriction of servicing hours and condition 13 that excludes the sale of food from the outline planning permission 87/00762/NOY.

7. RELEVANT PLANNING HISTORY

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

87/00762/NOY - Demolition of garage & showroom. 124,728 sq. ft of non-food retail, including garden centre of 4,200 sq. ft, with 550 car spaces & access to Botley Rd. Extension of light industrial premises by 800 sq. ft (duplicate application, revised). Permission granted 5th June 1989.

90/00363/NO - Demolition of buildings & redevelopment for 186,050 sq. ft of Business (B1) with parking for 577 cars & new access from Botley Rd (part of site within Vale of White Horse District Council's area to whom separate application is made). Withdrawn 11th July 1999.

92/01183/NOY - Outline application (seeking approval for siting, means of access and external appearance) for one 30,000 square feet non-food retail unit plans plus car parking (186 spaces) and service area accessed from Botley Road. Permission granted 22nd July 1993.

98/01455/NO - Rear extension to retail warehouse (Comet) for 464 sq. m non-food retail floor-space (including details of siting & use of existing means of

access). Use of car park & service yard. Relocation of fire exit from side to rear of Argos (Unit 1, Botley Road). Permission granted 1st April 2000.

92/00563/NRY - Application D: Demolition of existing garage and car showroom. Erection of 74,000 sq. ft. of non-food retail development with car parking for 515 cars and new vehicular access to Botley Road. (Revised Reserved Matters of NOY/762/87). (Amended).. Permission granted 19th March 1993.

88/00093/NO - Demolition of 215 Botley Road. Outline application for erection of 97,600 sq. ft. retail development with parking for 540 cars and new vehicular access to Botley Road.. Withdrawn 5th January 1990.

92/00562/NRY - Application C: Demolition of existing garage and car showroom. Erection of 124,726 sq. ft. of non-food retail development with car parking and new vehicular access to Botley Road. (Reserved Matters of NOY/762/87).. Withdrawn 12th October 1992.

92/00561/NKY - Application B: Extension of NOY/762/87. Demolition of existing garage and car showroom. Erection of 124,728 sq. ft. of non-food retail development with car parking and new vehicular access to Botley Road.. Withdrawn 30th March 1993.

18/01551/CPU - Application to certify that the proposed subdivision of retail unit (Use Class A1) is lawful development.. Permission granted 3rd August 2018.

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	Other planning documents	Neighbourhood Plans:
Design	11, 12	CP6 Efficient Use of Land & Density				
Commercial	6, 7		CS1 Hierarchy of centres CS31 Retail			
Natural environment	13, 14, 15					
Social and community	8,					
Transport	9				Parking Standards SPD	

Environmental	13, 14				Energy Statement TAN	
Miscellaneous	10	CP.13 CP.24 CP.25		MP1	Telecommunications SPD, External Wall Insulation TAN,	

9. CONSULTATION RESPONSES

- 9.1. Site notices were displayed around the application site on 19th July 2019 and an advertisement was published in The Oxford Times newspaper on 25th July 2019.

Statutory and non-statutory consultees

- 9.2. Environment Agency – no specific comments have been provided, as the scope of the application did not meet their criteria, and referred to standard standing advice.

10. PLANNING MATERIAL CONSIDERATIONS

- 10.1. Officers consider the determining issues to be:

- i. Principle of development
- ii. Neighbouring amenity
- iii. Highways

i. Principle of development

- 10.2. The Core Strategy 2026 sets out adopted Local Plan policy. Policy CS31 (retail) defines the retail hierarchy, together with the requirement to demonstrate ‘need’, the ‘sequential test’ and ‘impact assessment’. Emerging policies in the Oxford Local Plan 2036 include Policy S1, which sets out a presumption in favour of development and the application of the spatial strategy to favour existing town centres. Policy V1 seeks to ensure the vitality of centres and highlights the importance of both the ‘sequential test’, ‘impact assessment’ and the introduction of a local threshold to assess impact.
- 10.3. National advice is set out in the NPPF 2019, promotes ‘sustainable development’ and the need to ‘support economic growth’. The principal retail policy tests that apply to put-of-centre sites are the ‘sequential test’ and the ‘impact assessment’. In the case of the sequential test it is a material consideration that the application relates solely to the widening of the range of goods being sold from an existing store and should pay due regard to the operational requirements of the prospective occupier. Whilst a proportionate assessment has been undertaken which looked at vacant sites in the City Centre, Kidlington, Seacourt Tower Botley Road and the West Way Shopping

Centre, no sites were found that were suitable, viable or available to meet their needs.

- 10.4. At the national level the threshold for undertaking impact assessments is 2,500 sqm, which is above the application proposal. There is currently no adopted Local Plan threshold although the emerging Local Plan 2036 does contain a new policy with a threshold of 350sqm, which has some weight but with objections raised will be tested at Examination. In relation to the 'impact assessment' the agent has carried out a proportionate assessment, which has shown that impact 'will be very limited' and as such would not undermine the vitality and viability of the existing centres. Indeed Home Bargains would be occupying less floorspace and therefore potentially less turnover than Toys R Us. It is therefore acknowledged that the occupation of this vacant unit would bring positive benefits in terms of both job creation, economic growth and add to consumer choice.
- 10.5. This unit formerly occupied by Toys R Us has been vacant since April 2018. The agent has confirmed that the property has been extensively marketed but the level of interest has been 'very limited,' which reflects the difficult trading conditions. The application (19/0704/VAR) seeks to remove the servicing hours restriction and modify the existing planning permission (NOY/0726/87) for this existing retail store, which was approved in June 1989.
- 10.6. With regard to the servicing arrangements its removal is considered necessary for operational reasons to meet the requirements of the company. In addition following a recent appeal decision on the Aldi store the Inspector allowed the removal of their servicing condition, so there is now no restriction on their servicing hours. In relation to the modification of the 'goods restriction' the agent states that 'the bulk of the goods, some 70%, can already be lawfully sold from the existing unit'. However Homes Bargains 'business model' would require a modification to this condition to widen the existing goods restriction to allow for up to 30% of the total floorspace (not greater than 1,218 sqm) being for the sale of food and drink.
- 10.7. The original reason related to the need to 'avoid an increase in car parking requirements in excess of the capacity of the parking arrangements and to avoid additional pressure on the road network.' It does appear however from the scale of the proposed change that there would not be any significant impact on car parking or the road network. Highways have raised no objection to this application.
- 10.8. The proposal is therefore considered to be in accordance with CP1 of the Oxford Local Plan 2016, CS31 of the Core Strategy and S1 and V1 of the emerging Local Plan and would be acceptable in principle.

ii. Impact on neighbouring amenity

- 10.9. The service and delivery requirements as well as trading hours have vastly changed since condition 8 was imposed. The extended hours are now an industry standard and are common place at other nearby businesses. The adjacent Aldi store has had this condition removed through an appeal for its

operation. As trading and business requirements have changed, the removal of condition 8 would no longer be considered to be unacceptably harmful to nearby residential users. The proposal is therefore acceptable.

iii. Highways

10.10. The highway authority has raised no objection or comments in relation to the proposal to remove the above conditions. Officers therefore consider that the proposal would be acceptable in its impact on the highway network.

10.11. There are no highway safety concerns, which would therefore not provide a basis for refusal on highway grounds, as the existing car parking is used, and the premises would not require a change of use to operate as proposed. The make-up and potential uses of the site would not change from when Toys R Us was operating on this site.

11. CONCLUSION

11.1. The proposal to remove condition 8 relating to servicing hours and condition 13 restricting food sales on site have been considered no longer appropriate or reasonable in relation to the development.

11.2. The removal of both conditions is therefore considered acceptable.

11.3. It is recommended that the Committee resolve to grant planning permission for the removal of the relevant conditions.

12. CONDITIONS

1 The development hereby permitted shall be constructed in complete accordance with the specifications in the application and approved plans under NOY/0762/87 and its reserved matter application NRY/0563/92, 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.

2 As from the date of the grant of this permission no trees shall be wilfully damaged or destroyed or uprooted, felled, lopped or topped and no shrubs or hedges shall be cut down without the prior written consent of 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.

3 No servicing of any units shall take place between the hours of 8.00PM and 7.00AM Monday to Sunday, including bank holidays.

Reason: To protect residential amenities of adjoining residential properties in Botley Road.

- 4 The associated car park shall remain free of charge and shall not be used for any purpose other than the parking of vehicles directly associated with the retail development and an adequate service area to serve all the retail units associated with the development and used thereafter for the sole purpose of servicing the retail units.

Reason: To ensure adequate parking and service areas are always available for the development.

- 5 No goods, plant, machinery or materials shall be stored or sold on the site in the open without the prior written consent of the Local Planning Authority.

Reason: In the interests of amenity and to protect the appearance of the area.

- 6 Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) not more than 3,732.5 sq. metres of the development shall be used for the sale of DIY and home improvement materials and supplies.

Reason: To avoid an increase in parking requirements in excess of the capacity of the parking arrangements and to avoid any additional pressure on the road network servicing this site.

- 7 Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) the development hereby permitted excludes the use of the premises in relation to the site edged in red in the submitted plan 8905 LC01 A for the sale of food products, save for an area of not greater than 1,218 square metres.

Reason: To avoid an increase in car parking requirements in excess of the capacity of the parking arrangements and to avoid additional pressure on the road network serving this site

- 8 The land to the north of Botley Road East of Seacourt Stream, which is part of the area shown edged in blue on location plan AL13 of permission NOY/0762/87, shall be retained as open space.

Reason: To protect the visual amenity of this part of the western approach to Oxford.

- 9 Notwithstanding the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended), no additional mezzanine floor levels shall be installed or increased without the prior written approval of the Local Planning Authority.

Reason: To ensure the LPA can give further consideration of potential impacts on residential amenities and road network pressures.

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 – Site location plan**

14. HUMAN RIGHTS ACT 1998

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

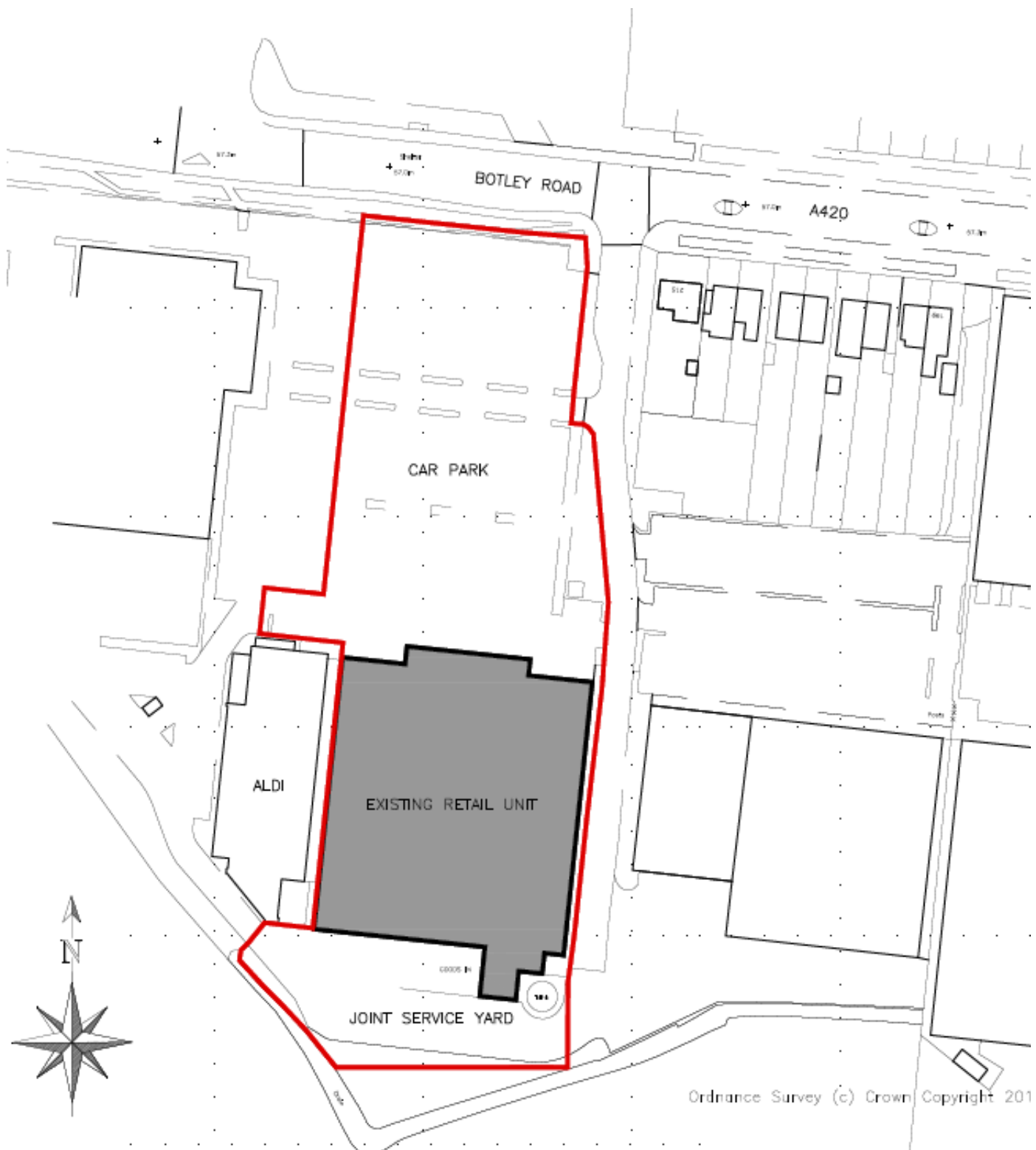
15. SECTION 17 OF THE CRIME AND DISORDER ACT 1998

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

This page is intentionally left blank

Appendix 1 – Site Plan

19/01704/VAR – Toys R Us



This page is intentionally left blank

West Area Planning Committee

12th November 2019

Application number:	19/02089/FUL
Decision due by	10th October 2019
Extension of time	19 th November 2019
Proposal	Erection of outbuilding for use as ancillary accommodation. (amended plans)
Site address	31 Charlbury Road, Oxford, OX2 6UU, – see Appendix 1 for site plan
Ward	St Margaret's Ward
Case officer	Robert Fowler
Agent:	Douglas Riach Applicant: Mr A Crean
Reason at Committee	Called in by the Head of Planning Services following concerns about the determination of the application, made by the applicant.

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 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 Head of Planning Services considers reasonably necessary.

2. EXECUTIVE SUMMARY

2.1. This report considers the proposed erection of an outbuilding in the south-eastern corner of the plot. The outbuilding would have a height of 2.2m to its eaves with a large pitched roof which would have a total height of 4.2m. The outbuilding would have a depth of 5.3m and a width of 7.2m. The shed would be finished in red brick with a clay tiled roof. The proposed doors would be timber framed.

2.2. The outbuilding would be used as ancillary accommodation.

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.

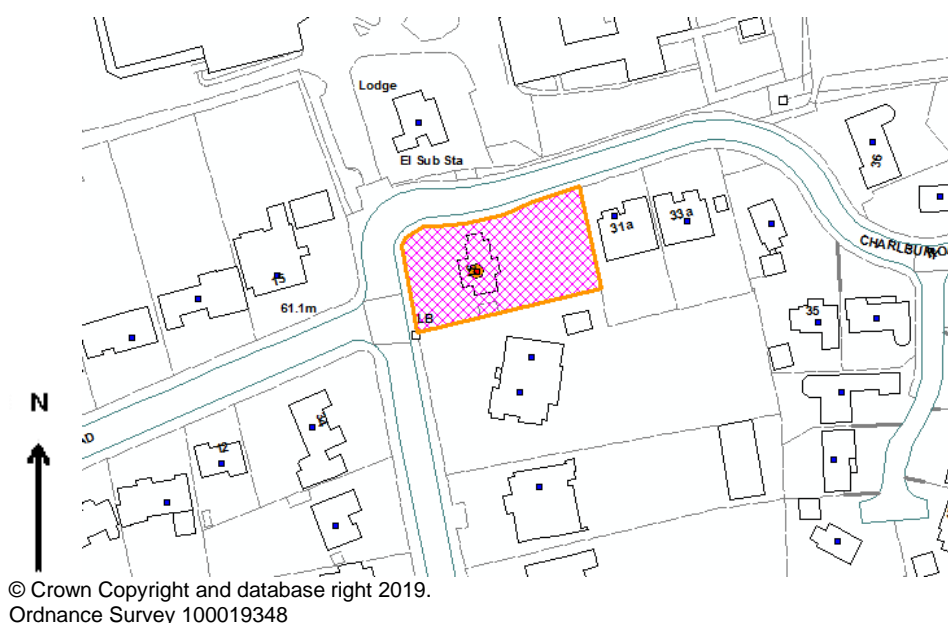
5. SITE AND SURROUNDINGS

5.1. 31 Charlbury Road is a large detached dwelling and is located next to the junction of Charlbury Road and Belbroughton Road. The house was recently rebuilt following the grant of planning permission in 2016, 15/03586/FUL, and is situated on a generous plot; the house has large front and rear gardens. The house itself is predominantly finished in a salmon pink render, although the dominant material in the area is red brick. The site lies within the North Oxford Victorian Suburb Conservation Area, and specifically lies within the Bardwell character area.

5.2. To the south of the site lies No. 29 Charlbury Road. Planning permission for the demolition of the original garage and the erection of a new garage has recently been implemented, 18/01298/FUL. The new garage is set approximately 1m away from the boundary with the application site and is a large gabled structure finished in red brick with clay roof tiles. Several mature protected trees also lie across both sides of this boundary and near to the site of the proposed outbuilding.

5.3. To the east lies No. 31a Charlbury Road which is also a large detached dwelling. Planning permission for rooflights on its west elevation (together with other changes to the roof and fenestration) were granted in 2018, 18/02211/FUL, and has since been implemented. No. 31a is situated near to the boundary with No. 31 as it spans across much of the rear of No. 31's generous plot.

5.4. See block plan below:



© Crown Copyright and database right 2019.
Ordnance Survey 100019348

6. PROPOSAL

- 6.1. It is proposed to demolish the existing timber summerhouse, which is currently used for storage. The proposed outbuilding would be both taller and have a larger footprint than the existing summerhouse and would be constructed of red brick with a large gabled roof covered in red clay tiles. The proposed outbuilding would have a width of 7.2m, a depth of 5.3m, a height to the eaves of 2.2m and a total height of 4.2m. The outbuilding would be situated within close proximity to the boundaries of both No. 29 and No. 31a, being set back 1.5m from the boundary with No. 31a and approximately 1.6m from the boundary with No. 29. The outbuilding would be served by three doors to the north elevation while light would be received through a large high level glazed gable end on the east elevation. The use of the outbuilding is proposed to provide ancillary uses to the enjoyment of the dwellinghouse at 31 Charlbury Road (with the floor plans suggesting that the space would be used as a gym and summerhouse).
- 6.2. The original submission proposed an outbuilding which was taller and would have had a greater footprint as well as being closer to the boundary; this was changed 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:

66/17627/A_H - Garage for private car. PDV 14th June 1966.

89/00288/NFH - Erection of tennis court boundary netting on three sides 4 metres high.. PER 12th May 1989.

89/00781/NFH - Erection of four 6 metre floodlight masts to illuminate tennis court. REF 2nd October 1989.

89/00782/NFH - Dormer window in rear elevation. PER 30th August 1989.

89/01117/NFH - Erection of 4 metre high tennis court boundary netting on one remaining unenclosed side of tennis court (other three sides permission granted NFH/288/89).. PER 20th March 1990.

99/00570/NFH - Single storey rear extension.. PER 16th June 1999.

07/00826/CAT - Fell 4 laburnum trees and two other trees (species not named) in the North Oxford Victorian Suburb Conservation Area at 31 Charlbury Road. RNO 25th May 2007.

09/00099/CAT - Fell Eucalyptus and Elm trees at 31 Charlbury Road in the North Oxford Victorian Suburb Conservation Area.. RNO 24th February 2009.

10/03324/FUL - Demolition of house and outbuildings. Erection of two storey house (with accommodation in roof space) and garden studio building.. REF 31st

January 2011.

10/03330/CAC - Demolition of house and outbuildings.. REF 31st January 2011.

11/00358/FUL - Formation of new vehicular access off North boundary and erection of double gates. PER 25th March 2011.

11/01368/CAT - Fell Lawson cypress tree (plant a hornbeam to replace)in the North Oxford Victoria Suburb Conservation Area.. RNO 23rd June 2011.

12/01019/FUL - Erection of two storey side extension following demolition of existing outbuildings. PER 16th July 2012.

12/02851/FUL - Erection of a three storey extension following removal of existing extension. PER 18th December 2012.

13/03284/ENT - Fell 1No. dead Cherry and diseased crab apple trees in the North Oxford Victorian Suburb conservation area.. RNO 11th December 2013.

10/03324/CND - Details submitted in compliance with conditions 3 (samples), 4 (landscaping), 5 (landscaping) and 6 (car and cycle parking) of planning permission 10/03324/FUL granted on appeal.. PER 31st July 2014.

14/02491/CPU - Application to certify that proposed development is lawful.. PER 29th October 2014.

15/03586/FUL - Demolition of existing dwellinghouse. Erection of 1 x 5bedroom dwellinghouse (Use Class C3). Provision of private amenity space, car parking and bin and cycle store.(Amended plans). PER 8th June 2016.

15/03586/NMA - Non-material amendment to planning permission 15/03586/FUL to allow a reduction floor level of ground floor and removal of ramps. Alterations to windows and doors.. PER 19th July 2016.

15/03586/CND - Details submitted in compliance with conditions 5 (Landscape Plan), 6 (Landscape Hard Surface Design), 7 (Landscape Underground Servies), 8 (Tree Protection Plan) and 9 (Arboricultural Method Statement) of planning permission 15/03586/FUL. PER 22nd July 2016.

18/03171/CAT - Works to 1no. Mature Norway Maple Tree as specified by New Leaf Trees in the North Oxford Victorian Suburb Conservation Area.. RNO 17th December 2018.

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	Other planning documents	Neighbourhood Plans:
Design	8, 11, 129, 128, 130	CP1, CP6, CP8, CP10	CS18	HP9, HP14		
Conservation/Heritage	190, 192, 193, 194, 197	HE7, NE16				
Natural environment	9, 11, 175, 177		CS11			
Miscellaneous				MP1		

9. CONSULTATION RESPONSES

- 9.1. Site notices were displayed around the application site on 22nd August 2019 and an advertisement was published in The Oxford Times newspaper on 22nd August 2019.
- 9.2. Following the receipt of amended plans, this application was re-advertised and new site notices displayed on 10th October 2019.

Statutory and non-statutory consultees

Oxfordshire County Council (Highways)

- 9.3. None Received

Public representations

- 9.4. 6 local people commented on the original submission from addresses in Charlbury Road, Garford Road and Belbroughton Road.
- 9.5. In summary, the main points of objection (6 residents) were:
 - Access
 - Amount of development on site
 - Effect on adjoining properties
 - Effect on character of area
 - Effect on privacy
 - General dislike or support for proposal
 - Height of proposal
 - Noise and disturbance
 - Not enough info given on application

- 9.6. Following the submission of revised plans, the application was re-consulted upon. Two further objections were received which were largely the same as the complainants' original objections. Given the similarity between the original submission and the revised plans, the comments from the original consultation are still considered relevant.

Officer response

- 9.7. 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.

10. PLANNING MATERIAL CONSIDERATIONS

- 10.1. Officers consider the determining issues to be:

- i. Design
- ii. Conservation Area
- iii. Neighbouring amenity
- iv. Protected Trees
- v. Flooding

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. Policy 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. It is considered that the outbuilding would be a proportionate addition to the area and would not compete with the main dwelling in terms of form or use. The outbuilding would have a modest footprint and would thereby not result in the loss of an unacceptable portion of the rear garden. The design of the proposed outbuilding is not overly complicated and would take cues from other structures in the vicinity, particularly in terms of the nearby garage of No. 29. While it is noted that the roof would be steep, this is considered to sufficiently respond to the character of the area so as to appear harmonious. The

outbuilding would therefore not appear out of place in the context of the site and would be a visually congruent addition to the area. The proposed materials are considered appropriate as they would reflect the dominant materials in the area and the outbuilding would thereby form an acceptable relationship with the structures around it. The proposed glazed gable would be a contemporary addition which is not a characteristic feature of the area but given the single storey nature of the building and its distance from the road it would not be prominent in the streetscene.

- 10.4. The proposed outbuilding would be acceptable in terms of design, and thereby comply with Policies CP1, CS18 and HP9, as it would respond sufficiently to the context of the site and would not be overly dominant in form.

ii. Conservation Area

- 10.5. Policy HE7 of the Oxford Local Plan 2001-2016 states that planning permission will only be granted for development that preserves or enhances the special character and appearance of conservation areas and their setting.
- 10.6. The application site is not singled out as being of particular significance to the special character of the Conservation Area. However, it does contribute to the prevailing character of the area in that the house itself contributes to the interesting, eclectic mix of house typologies, styles and finishes. Furthermore, the generous front and rear gardens contribute to the feeling of openness to the area while the planting in the gardens contributes to the green vernacular of the surrounding area.
- 10.7. The outbuilding would not compete with the main dwelling and would have a subservient relationship and would thereby not undermine the contribution the house makes to the special character of the area. Furthermore, the outbuilding would not lessen the feeling of openness to the site, due to the generous amount of garden space that would remain, nor cause a loss of trees to the extent that the green character of the site would be affected.
- 10.8. By virtue of the outbuilding's design, proportions and materials it is considered that the outbuilding would be a sympathetic addition to the area and would not appear out of place in the context of the Conservation Area.
- 10.9. The outbuilding would be located in a discreet location where public views of it would not be readily available. While glimpses of the outbuilding may be afforded from the road to the north of the site, views from this area are not of special significance. Furthermore, glimpses of the outbuilding are not considered harmful in any case as glimpses of ancillary garden structures would not be an irregular occurrence in this area.
- 10.10. The neighbouring house, No. 29, is mentioned in the Conservation Area Appraisal as being a positive building and would therefore be considered a non-designated heritage asset for the purposes of Paragraph 197 of the NPPF. It is considered that the presence of the existing garage and trees in the curtilage of that property in conjunction with the lower land levels of the application site would mean that the proposed development would not

materially alter the setting of No. 29 (or detract from its appearance in the streetscene). The proposal would therefore have an acceptable impact on this heritage asset.

- 10.11. Therefore, by virtue of the outbuilding's sympathetic design and discreet location it would cause no harm to the significance of the conservation area and would thereby accord with Policy HE7 and Paragraph 192 of the NPPF.
- 10.12. Regard has been paid to Paragraph 192 of the NPPF in reaching a decision. Great weight has also been afforded to the desirability of conserving the conservation Area being a designated heritage asset, in accordance with paragraph 193. When applying the test outlined in paragraphs 192-196, it is considered that the proposal would cause no harm to the significance of the Conservation Area. Therefore, the proposals would be acceptable in terms of their impact on this designated heritage asset.
- 10.13. The effect of the proposal on No. 29 in its capacity as a non-designated heritage asset has also been considered, in accordance with paragraph 197 of the NPPF. Regard has been paid to the scale of harm to the heritage asset and in this instance it is considered that the proposal does not result in harm to the significance of No. 29.
- 10.14. Special attention has been paid to the statutory test of preserving or enhancing the character and appearance of the conservation area under section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, which it is accepted is a higher duty. Considerable importance and weight has been given to this statutory test and it has been concluded that the development would preserve the character and appearance of the Conservation Area, and so the proposal accords with section 72 of the Act.

iii. Neighbouring Amenity

- 10.15. 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

- 10.16. The outbuilding would not have an unacceptable impact in terms of privacy on the occupiers of No. 29. This is due to the glazing facing away from this neighbour. There would therefore be no views afforded from the inside of the outbuilding into the garden or dwelling of this neighbour.
- 10.17. However, the proposed outbuilding would have an impact in terms of a perceived loss of privacy to the occupiers of No. 31a. This would be as a result of the proposed glazed gable; the proposed door openings would only offer views of parts of the side elevation of No. 31a which would not be

unacceptable due to these views not being materially more intrusive than existing views from the internal rooms of the main dwelling of No. 31.

- 10.18. Concerns have been raised that views could be afforded from the inside of the proposed outbuilding into the rear rooms of No.31a, particularly those at first floor level. The concerns relate to both the opportunity for limited views into habitable rooms and perceived loss of privacy. The views that would be created from the proposed outbuilding up to the first floor level of No.31a would be at an unnatural angle and would be limited by the presence of the boundary fence between the outbuilding and the neighbouring property at 31a. Officers consider that this impact on privacy would not be materially harmful and could not form a basis for refusing planning permission.
- 10.19. Further to the above, officers have been mindful that the applicant could build a similar building as permitted development (on the basis of Class E of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)). In order for the building to be permitted development it would have to be reduced in height by 20cm and sited 50cm further from the boundary; in reality such a building would have a similar impact on neighbouring amenity and therefore represents a fallback position.
- 10.20. It is noted that the internal ceiling height of the outbuilding would be high which invites the possibility of a mezzanine floor in the future. Views from an elevated position in the outbuilding would be intrusive and offer views into the internal rooms of No. 31a (as well as the garden of that property). As a result, officers consider it is necessary and justified to include a condition that would specifically exclude the opportunity to insert a mezzanine level or raised platform within the building (and this forms Condition 6 of the Officer recommendation).
- 10.21. In terms of both a potential loss of privacy and perceived loss of privacy officers are mindful that the existing summerhouse could be removed without planning permission and any occupiers of the application site could stand in their garden and look up at the rear windows of the house at 31A Charlbury Road. In reality this would be a similar impact on privacy to the proposed development which proposes a building in this location with a high level window allowing the same view.

Overbearing

- 10.22. Due to the large garage at No. 29 extending across much of the boundary with No. 31, the proposed outbuilding, despite its large size, would not cause unacceptable overbearing to the occupants of No. 29.
- 10.23. In terms of No. 31a, the original proposal would have caused unacceptable overbearing due to its size in conjunction with its proximity to the boundary. The revised proposal, while it is acknowledged that the outbuilding would still be within 1.5m of the boundary, would not cause unacceptable overbearing to this neighbour. This is, in part, due to the bulk of the building below the eaves being 2.3m in height; the bulk of the building would therefore not be as visually

prominent to occupants of No. 31a. Furthermore, the gable, which would rise to a height of 4.2m, would be partly obscured by the boundary treatment, due to the acute angle of views from the lower land level at No. 31a. The gable would also have a 'light' appearance, due to its glazed finish, which would reduce the perception of overbearing. Therefore, on balance, the proposed outbuilding would not give rise to unacceptable overbearing impact to this neighbour.

Daylight

10.24. The proposed outbuilding would be compliant with the 25/45 degree access to light test, outlined in Policy HP14. This in conjunction with the orientation of the sun, and having considered the structures and vegetation surrounding the site, means that the proposal would not result in an unacceptable loss of daylight to the internal rooms of neighbours' dwellings. Due to the outbuilding being set approximately 1.5m from the boundaries it is considered that the outbuilding would not result in unacceptable overshadowing to neighbours' gardens.

Nuisance

10.25. It is noted that concerns have been raised in the consultation period that the proposed outbuilding would give rise to harm to the amenity of neighbours as a result of noise and light pollution. It is noted that some light spillage would result from the use of the outbuilding and this would be directed towards No. 31a as a result of the glazed gable. However, given the distance between the outbuilding and the boundary, it is considered that this would not be substantial enough to substantiate a reason for refusal. In terms of noise pollution, it is noted that some noise would spill out from the use of the outbuilding. However, on balance, the use of the outbuilding would not be materially noisier than is possible in the existing arrangement; therefore this issue also does not substantiate a reason for refusal.

10.26. Given the above concerns, a condition has been included to ensure that the outbuilding in question is not used as a self-contained dwelling. This is partly in order to ensure that the use of the outbuilding does not change in a way that would give rise to unacceptable nuisance.

10.27. The proposal would therefore, on balance, not result in unacceptable harm to the amenity of neighbours and would accord with Policy HP14.

iv. Protected Trees

10.28. Policy NE16 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 protected trees if it will have a significant adverse effect upon public amenity, unless such action can be shown to be good arboricultural practice. Tree surgery work needing consent must be undertaken in accordance with best arboricultural practice.

- 10.29. The proposed outbuilding would entail the loss of two protected trees. These are semi-mature Holm Oaks, which were planted by the applicant. The loss of these two trees is not considered harmful as there is no wider impact on the public realm and the trees themselves are not of particularly high quality. This aspect of the proposal is therefore acceptable.
- 10.30. The proposed outbuilding would fall within the root protection area of three mature, protected trees, which lie outside of the application site. The submitted tree survey does not adequately detail the root pattern of a neighbouring tree (labelled as T7 in the submitted Tree Protection Plan; drawing number 110-A). Condition 5 requires further surveying to establish the notional root protection area of this tree as the acceptability of the proposal and the foundations would depend on the result of such a survey. The proposed outbuilding would have a micro-pile foundation; this is considered acceptable in principle. However, further details would be required to assess the acceptability of the specific layout of the proposed foundations. This is required by condition 4. Should conditions 4 and 5 be adequately addressed, the proposal would have an acceptable impact on nearby protected trees.
- 10.31. Following an agreement for the above mentioned foundation approach (which involves a 'no dig foundation' type approach) officers have sought additional details relating to the design of the building to confirm that the proposed building could be built in a way that incorporates the foundations within the envelope of the proposed building (without raising the height or ground level of the building).
- 10.32. With conditions 4 and 5 in place, the proposal would have an acceptable impact on the nearby protected tree and satisfy Policy NE16.

v. Flooding

- 10.33. 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.
- 10.34. The site is in a Flood Zone 1 area and is therefore not at significant risk of flooding. Therefore, it is considered disproportionate to attach a condition requiring SUDS to be installed and maintained; it would be sufficient for the structure to be built in accordance with Approved Document H of the Building Regulations.
- 10.35. The proposal is considered to be acceptable in terms of flood risk and therefore Policy CS11.

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 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 site. The proposals are suitable in design terms and comply with policies CP1, CP8, CP10 and HE7 of the Oxford Local Plan 2001-2016, HP9 of the Sites and Housing Plan and CS18 of the Core Strategy and DH1 of the emerging Oxford Local Plan 2036. The proposals would not result in unacceptable harm to neighbouring amenity and are compliant with HP14 of the Sites and Housing Plan and H14 of the emerging Oxford Local Plan. The proposal would also not lead to unacceptable harm to protected trees and thereby complies with NE16 of the Oxford Local Plan 2001-2016. The proposal would not lead to an increase in flood risk and thereby complies with policy CS11.
- 11.5. Therefore officers consider that the development accords with the development plan as a whole.
- 11.6. *Material consideration*
- 11.7. The principal material considerations which arise are addressed below, and follow the analysis set out in earlier sections of this report.
- 11.8. National Planning Policy: the NPPF has a presumption in favour of sustainable development.
- 11.9. 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.

- 11.10. 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.
- 11.11. 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.
- 11.12. 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.
- 11.13. It is recommended that the Committee resolve to grant planning permission for the development.

12. CONDITIONS

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

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

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

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

- 3 The materials to be used in the 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 Prior to the commencement of the development, the technical specifications and section drawings of the micro-pile and beam foundations shall be submitted to and approved in writing by the local planning authority. The approved development shall be built in accordance with those approved details.

Reason: To ensure the proposed foundations would have an acceptable impact on nearby protected trees, in accordance with Policy NE16 of the Oxford Local Plan 2001-2016.

- 5 Prior to the commencement of the development, the applicant shall undertake further tree surveys to establish the area of the notional Root Protection Area of Tree T7 (110-A). The survey shall be submitted to and approved in writing by the local planning authority.

Reason: To ensure the proposed foundations would have an acceptable impact on nearby protected trees, in accordance with Policy NE16 of the Oxford Local Plan 2001-2016.

- 6 No mezzanine floor or raised platform shall be installed within the approved outbuilding.

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

- 7 The approved outbuilding shall not be used as a self-contained dwelling. No cooking facilities shall be installed within the outbuilding and the building shall not be used for any business use.

Reason: In order to protect the amenity of surrounding residential occupiers by ensuring that there would be no increased noise and disturbance in an existing backland garden plot, in accordance with Policy HP14 of the Sites and Housing Plan.

13. APPENDICES

- **Appendix 1** – Site location plan

14. HUMAN RIGHTS ACT 1998

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

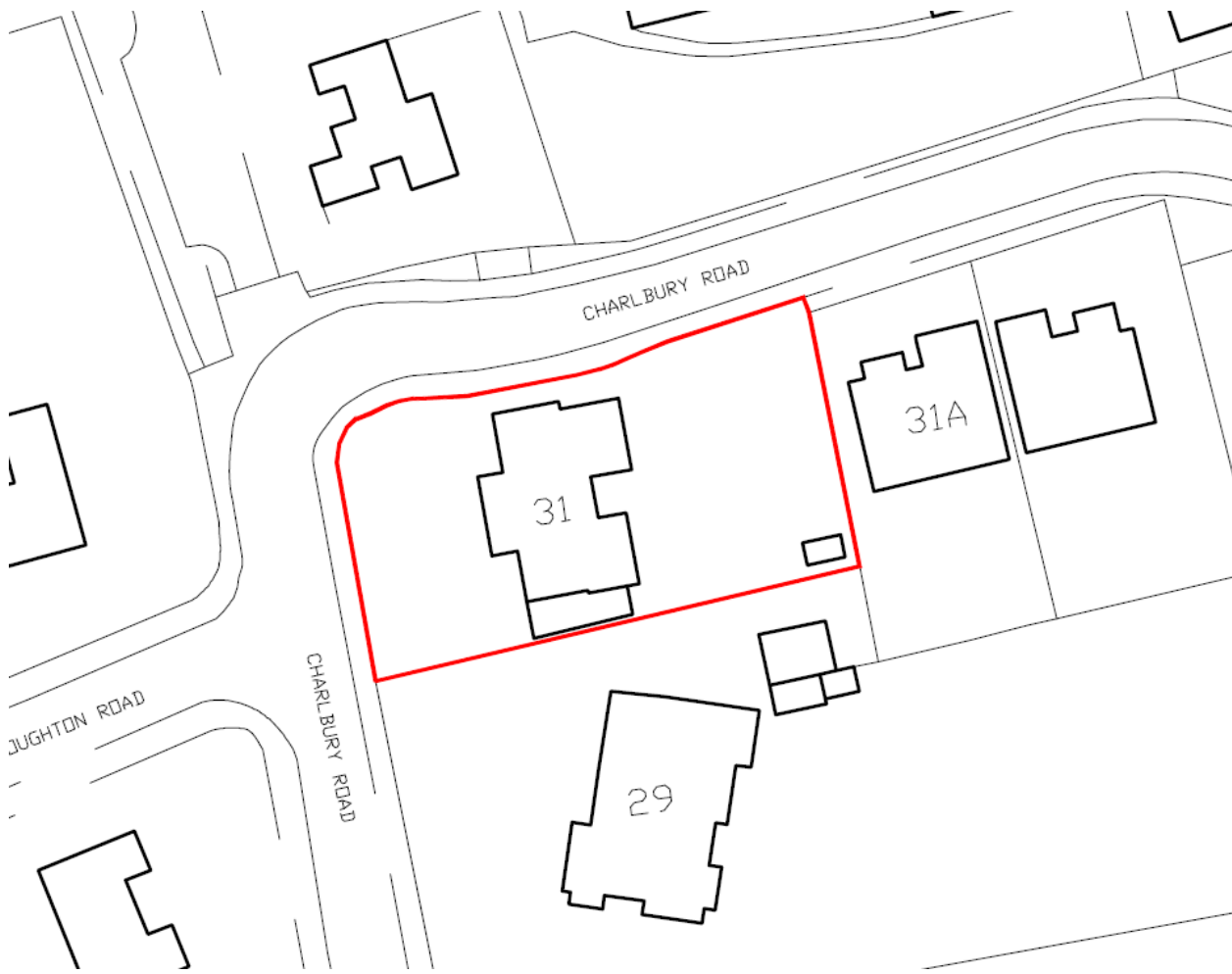
15. SECTION 17 OF THE CRIME AND DISORDER ACT 1998

- 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

19/02089/FUL - 31 Charlbury Road

Location Plan



This page is intentionally left blank

Minutes of a meeting of the WEST AREA PLANNING COMMITTEE on Tuesday 8 October 2019

www.oxford.gov.uk



Committee members:

Councillor Cook (Chair)	Councillor Gotch (Vice-Chair)
Councillor Corais	Councillor Hollingsworth
Councillor Iley-Williamson	Councillor Upton
Councillor Wolff	Councillor Taylor (for Councillor Donnelly)
Councillor Landell Mills (for Councillor Harris)	

Officers:

Anita Bradley, Monitoring Officer
Andrew Murdoch, Development Management Service Manager
Robert Fowler, Planning Team Leader
Gill Butter, Conservation and Urban Design Officer
Sarah De La Coze, Planning Officer
James Paterson, Planning Officer
Catherine Phythian, Committee Services Officer

Apologies:

Councillor(s) Donnelly and Harris sent apologies.

42. Declarations of interest

Councillor Cook stated that as a Council appointed trustee for the Oxford Preservation Trust and as a member of the Oxford Civic Society, he had taken no part in those organisations' discussions or decision making regarding the applications before the Committee and that he was 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.

Councillor Upton stated that as a Council appointed trustee for the Oxford Preservation Trust and as a member of the Oxford Civic Society, she had taken no part in those organisations' discussions or decision making regarding the applications before the Committee and that she was 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.

Councillor Gotch stated that as a member of the Oxford Civic Society, he had taken no part in those organisations' discussions or decision making regarding the applications before the Committee and that he was 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.

Councillor Wolff stated that as a member of the Oxford Civic Society, he had taken no part in those organisations' discussions or decision making regarding the applications before the Committee and that he was 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.

43. 18/03369/FUL: Site Of Gibbs Crescent, Oxford, OX2 0NX

The Committee considered an application (18/03369/FUL) for planning permission for demolition of existing buildings and redevelopment of site to provide 140 dwellings (3x studios, 73 x 1 bed, 60 x 2 beds, and 4 x 3 beds) with associated works. Additional information and amended plans and description.

The Planning Officer presented the report and briefed the Committee on representations received since the agenda had been published.

3 additional representations have been received from properties located in Mill Street, Barrett Street and Gibbs Crescent which referred to

- Fire service access
- Fire safety of the building
- Compliance with building regulations
- planning application was inaccessible on the website for a period of time
- improvements to the public right of way
- involvement of local residents in any future art installation
- inaccuracies in the application
- impact on the right of way due to amendments to the kerb along the access road

Letters of representation were also received from The National Federation of the Blind of the UK and Oxfordshire Association for the Blind objecting to the scheme on highway grounds and the inclusion of a shared space.

The Planning Officer confirmed that all of the issues raised had been addressed in the report and advised that following the above representations the Highway Authority has again commented on the application and proposed that a further planning condition be applied to require a plan detailing the technical details of the access and shared surfaces areas. This would allow officers to look at the technical details and have further regard to its compliance with the Equality Act.

The Planning Officer also corrected an error in Condition 33: "12 months" to be replaced with "5 years".

In conclusion the Planning Officer informed the Committee that the Fire Service had sent a fire engine to the site and had confirmed that they are able to access the whole of the site using the existing road.

Ann McKinley, Rhiannon Ash (local residents) and Peter Monk (representing the National Federation of the Blind) spoke against the application.

Councillor Landell Mills joined the meeting at this point but took no part in the consideration of this application.

Jim Smith and Henry Venners (representing the applicant) spoke in favour of the application.

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

The Committee discussion centred on the issues relating to the access to the site and the safety concerns which had been raised by objectors, speaking at the meeting and during the public consultation. The Committee noted the limitations of the current site access and acknowledged that the scheme would deliver improvements through a better delineation between the carriageway and footpath; a reduction in the width of the kerb; and the removal of foliage and other debris from the cemetery.

The Committee were reassured that the inclusion of a robust condition requiring technical details for the access road and shared surface areas would provide the necessary control to ensure that all of the safety concerns are addressed.

The Committee asked for the following informative to be included:

- the applicant should be encouraged to seek to introduce further improvements to the southern footpath to encourage its use as a pedestrian and cycle route to the city centre

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.

The West Area Planning Committee resolved to:

1. **approve the application** for the reasons given in the report and subject to the 33 required planning conditions set out in section 12 of the report (and as amended above), the additional condition detailed above and grant planning permission subject to:
 - the satisfactory completion of a legal agreement under section.106 of the Town and Country Planning Act 1990 and other enabling powers to secure the planning obligations set out in the recommended heads of terms which are set out in the report; 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; and
 - finalise the recommended legal agreement under section 106 of the Town

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

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

44. 18/03370/FUL: Simon House, 1 Paradise Street, Oxford, OX1 1LD

The Committee considered an application (18/03370/FUL) for planning permission for the demolition of existing building and construction of 30 apartments (16 x 1 bed, 14 x 2 bed) and associated works.

The Planning Officer presented the report and proposed an additional condition relating to the solar panels. The condition will require the technical specifications of the panels to be provided and approved to ensure that the development continues to comply with the sustainability requirements.

Jim Smith and Henry Venners (representing the applicant) were present to answer questions.

The Committee asked for the following informatives to be included:

- The double stack cycle racks should comply with the Thames Valley Police standards
- The applicant should be encouraged to find an alternative treatment to the existing road-side railings on the front elevation which were not in keeping with a quiet and historic street

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.

The West Area Planning Committee resolved to:

1. **approve the application** for the reasons given in the report and subject to the 23 required planning conditions set out in section 12 of the report, the additional condition on solar panels, the 2 informatives detailed above and grant planning permission subject to:
 - the satisfactory completion of a legal agreement under section.106 of the Town and Country Planning Act 1990 and other enabling powers to secure the planning obligations set out in the recommended heads of terms which are set out in the report; and
1. **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; and

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

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

45. 19/01821/FUL: 159-161 Cowley Road, Oxford, OX4 1UT

The Committee considered an application (19/01821/FUL) for planning permission for the reconfiguration of existing ground floor and part first floor retail unit (Tesco store to remain in situ) with extensions and alterations to existing building to provide 137 units of purpose-built, managed student accommodation with associated management suite and communal facilities at upper levels.

The Planning Officer presented the report and gave a number of verbal updates on matters that had arisen since publication of the report. The County Council had raised additional concerns in regard to flooding, specifically that:

- the proposal was not aligned with Local or National Standards.
- the discharge rates have not been improved
- there was no consideration of SuDS methodologies

The Planning Officer recommended that a new condition should be added to the application requiring the submission of a revised Drainage Strategy.

One of the ward councillors had also pointed out the proximity of the development to local night clubs and to a local primary school, and expressed concerns about the prevalence of antisocial behaviour, homelessness and drug dealing in the vicinity of the development site.

The Planning Officer advised the Committee that The Bullingdon had raised a concern that future occupiers of the new development may complain about noise from their venue in future. The Planning Officer explained that Paragraph 182 of the NPPF advises that new development should be effectively integrated with existing businesses and community facilities, such as pubs, Churches and music venues.

The Planning Officer proposed three additional conditions to provide suitable noise mitigation before completion of the development. This would meet the requirements of Paragraph 182 of the NPPF and ensure that future occupiers of the development are not adversely impacted by noise from The Bullingdon, which itself would not be unreasonably restricted as a result of the new development. The three additional conditions would require:

- a scheme of noise attenuation measures for the new building;

- a noise control scheme for any proposed mechanical ventilation or associated plant; and
- restrict occupation of the development until approval by the Local Planning Authority of a report on internal noise levels.

The following spoke against the application: Cllr Hayes and Cllr Azad (ward councillors), Graham Jones, Sally Moss and Ross James Clarke (local residents).

Sara Dutfield, Simon Shaw and Nick Roberts (representing the applicant) and Philipp Kukura (local resident) spoke in favour of the application.

The Committee observed that many of the concerns raised by the objectors were not planning matters and should be addressed through other regulatory functions.

The Committee noted the concern expressed by the objectors that the number of student living in area had reached saturation point but considered that the provision of bespoke, dedicated student accommodation in a district centre location was an appropriate solution as it took students out of the private rented sector properties in the heart of residential communities.

The Committee were mindful of safeguarding issues and sought officers' advice as to whether they could expand condition 6 to impose an over-18 age limit for non-term time use. In response officers said that they would need to take further advice on the "reasonableness" of such a restriction and would explore options to amend the condition in order to address the Committee's concerns on this point. If the age restriction could not be added then condition 6 should be amended to limit use to full-time courses in an academic year.

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 with the inclusion of the 4 additional conditions detailed above.

The West Area Planning Committee resolved to:

1. **approve** the application for the reasons given in the report and subject to the 20 required planning conditions set out in section 12 of the report and the 4 additional conditions detailed above and subject to:
 - the satisfactory completion of a legal agreement under section.106 of the Town and Country Planning Act 1990 and other enabling powers to secure the planning obligations set out in the recommended heads of terms which are set out in this report and subject to the completion of a Unilateral Undertaking with the County Council;
2. **agree to delegate authority** to the Acting Head of Planning Services to:
 - finalise the recommended conditions as set out in the report, including any amendment to Condition 6 as detailed above, including such refinements,

amendments, additions and/or deletions as the Acting Head of Planning Services considers reasonably necessary; and

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

46. 19/01005/FUL: 61 Godstow Road, Oxford, OX2 8PE

The Committee considered an application (19/01005/FUL) for retrospective planning permission for the erection of one garden shed.

The application was called in by Councillors Wade, Smith, Harris and Gotch due to concerns about the possible impact of the development proposal on heritage assets.

The Planning Officer presented the report and explained that due to an unusual arrangement the garden associated with the house was technically a front garden, and therefore had limited Permitted Development Rights. The applicant had misunderstood this and erroneously believed the erection of the shed would be permitted development. The planning officer confirmed that at the pre-application process and in consideration of the application, it had been understood by planning officers that the shed was not in the rear garden and that the Council's conservation officers had provided advice on the application.

Amy Godel, local resident, spoke against the application.

The Committee asked questions of the officers about the details 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.

The West Area Planning Committee resolved 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.

47. 19/01389/CT3: The Roundabout, The Plain, Oxford

The Committee considered an application (19/01389/CT3) for planning permission for the replacement of five freestanding signs.

The Planning Officer presented the report.

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.

The West Area Planning Committee resolved to:

1. **approve the application** for the reasons given in the report and subject to the required conditions set out in section 12 of the report and grant advertisement consent for the replacement signs.
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.

48. Planning Appeals - Summary report October 2019

The Committee noted the report.

49. Minutes

The Committee resolved to approve the minutes of the meeting held on 24 September 2019 as a true and accurate record.

50. Forthcoming applications

The Committee noted the list of forthcoming applications.

51. Dates of future meetings

The Committee noted the dates of future meetings.

The meeting started at 6.00 pm and ended at 8.45 pm

Chair

Date: Tuesday 12 November 2019