

# Agenda

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## West Area Planning Committee

This meeting will be held on:

Date: **Tuesday 9 February 2021**

Time: **3.00 pm**

Place: **Zoom - Remote meeting**

**For further information** please contact:

Catherine Phythian, Committee and Member Services Officer, Committee Services Officer

☎ 01865 252402

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

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Please contact the Committee Services Officer to register to speak; to discuss recording the meeting; or with any other queries.

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*All public papers are available from the calendar link to this meeting once published*

## Committee Membership

Councillors: Membership 9: Quorum 5: substitutes are permitted.

Councillor Colin Cook (Chair)	Jericho and Osney;
Councillor Michael Gotch (Vice-Chair)	Summertown;
Councillor Tiago Corais	Littlemore;
Councillor Alex Hollingsworth	Carfax;
Councillor Richard Howlett	Carfax;
Councillor Dan Iley-Williamson	Holywell;
Councillor Richard Tarver	Iffley Fields;
Councillor Louise Upton	North;
Councillor Elizabeth Wade	Wolvercote;

Apologies and notification of substitutes received before the publication are shown under *Apologies for absence* in the agenda. Those sent after publication will be reported at the meeting. Substitutes for the Chair and Vice-chair do not take on these roles.

*Decisions come into effect after the post-meeting councillor call in period expires, or after a called-in decision is reconsidered, **and** the Head of Planning Services has issued the formal decision notice.*

# 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 19/02816/FUL: Land Between 45 And 51 Hill Top Road, Oxford

13 - 36

**Site address:** Land Between 45 And 51 Hill Top Road, Oxford

**Proposal:** Demolition of existing garage and erection of 1 x 4-bed dwelling and 1 x 5-bed dwelling (Use Class C3). Provision of amenity space, car parking and bin and cycle stores. Associated landscaping and boundary treatments (amended plans)

**Reason at Committee** This application was called in by Councillors Hayes, Chapman, Tanner, Clarkson, Munkonge and Lygo due to concerns around car parking, amenities, neighbouring amenities, and the use of the site.

**Recommendation:**

**The West Area Planning Committee is recommended to:**

1. **approve the application** for the reasons given in the report

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and subject to the required planning conditions set out in section 12 of the report and grant planning permission subject to:

- the satisfactory completion of a unilateral undertaking or 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.

2. **agree to delegate authority** to the 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 Head of Planning Services considers reasonably necessary; and
- finalise the recommended unilateral undertaking or 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 Head of Planning Services considers reasonably necessary; and
- complete the Section 106 unilateral undertaking or agreement referred to above and issue the planning permission.

**4 20/02768/VAR: 16 East Street**

37 - 52

**Site address:** 16 East Street, Oxford, OX2 0AU  
**Proposal:** Variation of condition 2 (Develop in accordance with approved plans) of planning permission 19/00249/FUL (Demolition of existing workshop (Use Class B1) to erect a two storey yoga workshop (Use Class D2). Provision of cycle spaces. (amended description) to allow changes to fenestration, rooflights, roof structure and flood void arrangement

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**Reason at Committee** This application seeks to vary the approved plans of an application which was decided by members at planning committee.

**Recommendation:**

**The West Area Planning Committee is recommended to:**

1. **approve the application** for the reasons given in the report and subject to the required planning conditions set out in section 12 of the report and grant planning permission.
2. **agree to delegate authority** to the 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 Head of Planning Services considers reasonably necessary.

**5 20/02434/VAR: Dragon School, Bardwell Road, Oxford,OX2 6SS**

53 - 72

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

**Proposal:** Variation of condition 2 (Develop in accordance with approved plans) of planning permission 17/02419/FUL (Erection of new Music School, construction of link to Lynam Hall, landscaping including the formation of a new courtyard, garden area to Lane House and entrance courtyard.) to allow an extension to the north west staircase and plant room, the provision of air-source heat pumps and alterations to fenestration. Increase in height of parapet wall, removal of fire escape and seating box to the north elevation. Alterations to the fire escape ramp to the south elevation and alterations to the link structure to Lynam Hall. Reduction in roof mounted PV solar panels and rooflights (amended description)

**Recommendation:**

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## 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 and informatives set out in section 12 of the 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 the report including such refinements, amendments, additions and/or deletions as the Head of Planning Services considers reasonably necessary.

## 6 Minutes

73 - 80

**Recommendation:** to approve the minutes of the meeting held on 19 January 2021 as a true and accurate record.

## 7 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.

19/02816/FUL: Land Between 45 And 51 Hill Top Road, Oxford, Oxfordshire	
20/00549/LBC: Town Hall, St Aldate's, Oxford, OX1 1BX	Committee level decision
20/01276/FUL: Land At Jericho Canal Side And Community Centre, 33A Canal Street, Oxford, OX2 6BX	Committee level decision
20/01277/LBC: Land At Jericho Canal Side And Community Centre, 33A Canal Street, Oxford, OX2 6BX	Committee level decision
20/01898/FUL: The Irving Building, Hertford Street, Oxford, OX4 3AJ	
20/02303/FUL: Peacock House, Baynhams Drive, Oxford, OX2 8FN	Committee level decision
20/02417/FUL: Development of 76 & 78	Called in

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Banbury Road, Oxford, OX2 6JT	
20/02651/FUL: 152 Godstow Road, Oxford, OX2 8PG	Committee level decision
20/02884/VAR: Site Of Oxford University Science Area, South Parks Road, Oxford	Committee level decision
20/03109/LBC: Godstow Weir B, Godstow Road, Oxford, OX2 8PN	Called in

## 8 Dates of future meetings

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

2021
9 March
13 April

## Information for those attending regulatory committees - Remote meetings guidelines

Regulations passed in April 2020 enable the Council to hold meetings without some or all Members being physically present together in a room. To ensure the smooth running of remote meetings the Council has agreed a Protocol for Remote Meetings and everyone is asked to follow these guidelines which are based on that Protocol.

### Attendance at remote meetings

Members (councillors) are “in attendance” provided that they can hear and be heard by the other participants. Any loss of visual connection does not give rise to non-attendance but a loss of audio connection does.

Should you lose connection to the meeting try to reconnect immediately. If you cannot immediately re-join the meeting by video link, please dial in to the meeting using the telephone number provided in the joining instructions.

If a Councillor loses connectivity to this meeting they will be prohibited from participating in the debate and voting on that agenda item unless the discussion is paused for the period of their non-attendance.

If other participants lose connection, this does not affect the debate or vote.

### Remote meetings etiquette

*Decisions come into effect after the post-meeting councillor call in period expires, or after a called-in decision is reconsidered, **and** the Head of Planning Services has issued the formal decision notice.*

All participants are asked to:

- Stay visible on camera while your video feed is on. Turn the camera off if you stand up or leave your seat.
- Keep your microphone muted unless speaking. Un-mute / mute your own microphone before and after speaking.
- Use the “raise hand” icon to indicate a wish to speak. This is located in the “Participants” tab. Please be patient, the Chair will call you to speak and has absolute discretion to determine the order in which participants speak. Please lower your virtual hand after speaking.
- Not speak over other participants.
- Keep contributions relevant and concise.
- Councillors and officers must use the Chat function only to assist with the smooth administration of the meeting, e.g. to alert officers to a loss of audio connectivity.

### **Voting at remote meetings**

When determining an application the voting will be by a roll call.

When called by the Clerk, Councillors are asked to state how they are voting on the proposal (e.g. “for”, “against” or “abstain”). Any Member who has not been in attendance to hear the full presentation and debate on an agenda item will be required to abstain from voting on that matter.

*Decisions come into effect after the post-meeting councillor call in period expires, or after a called-in decision is reconsidered, **and** the Head of Planning Services has issued the formal decision notice.*



## **Information for those attending**

### **Recording and reporting on meetings held in public**

Members of public and press can record, or report in other ways, the parts of the meeting open to the public. You are not required to indicate in advance but it helps if you notify the Committee Services Officer prior to the meeting so that they can inform the Chair and direct you to the best place to record.

The Council asks those recording the meeting:

- To follow the protocol which can be found on the Council's [website](#)
- Not to disturb or disrupt 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, even inadvertently, unless they are addressing the meeting.

Please be aware that you may be recorded during your speech and any follow-up. If you are attending please be aware that recording may take place and that you may be inadvertently included in these.

The Chair of the meeting has absolute discretion to suspend or terminate any activities that in his or her opinion are disruptive.

### **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". 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.

## **Procedure 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 interests is available from the Monitoring Officer.

### **The following minimum standards of practice will be followed:**

1. All members of the Committee will have pre-read the officers' report. Committee 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 guidance at 24.15 (Planning Code of Practice) in the Council's Constitution).
2. At the meeting the Chair may draw attention to this procedure. The Chair may 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.
4. In determining an application Committee 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 overturning the officer's recommendation have been formulated including the reasons for refusal or the wording of any planning conditions; 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.

### **Public requests to speak**

**Members of the public wishing to speak must notify the Committee 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 via e-mail or telephone, to the Committee Services Officer (details are on the front of the Committee agenda).

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

**Any written statement that members of the public or 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 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**

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

### **Recording meetings**

This is covered in the general information above.

### **Meeting Etiquette**

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.

**This procedure is detailed in the Annex to part 24 of the Council's Constitution as agreed at Council in January 2020.**

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## West Area Planning Committee

9<sup>th</sup> February 2021

<b>Application number:</b>	19/02816/FUL		
<b>Decision due by</b>	27th December 2019		
<b>Extension of time</b>	16 <sup>th</sup> February 2021		
<b>Proposal</b>	Demolition of existing garage and erection of 1 x 4-bed dwelling and 1 x 5-bed dwelling (Use Class C3). Provision of amenity space, car parking and bin and cycle stores. Associated landscaping and boundary treatments. (amended plans)		
<b>Site address</b>	Land Between 45 And 51, Hill Top Road, Oxford, Oxfordshire – see <b>Appendix 1</b> for site plan		
<b>Ward</b>	St Clement's Ward		
<b>Case officer</b>	James Paterson		
<b>Agent:</b>	Mr Stephen Broadley	<b>Applicant:</b>	Mr J Asquith
<b>Reason at Committee</b>	This application was called in by Councillors Hayes, Chapman, Tanner, Clarkson, Munkonge and Lygo due to concerns around car parking, amenities, neighbouring amenities, and the use of the site.		

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## 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 subject to:

- the satisfactory completion of a unilateral undertaking or 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.

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 unilateral undertaking or 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 unilateral undertaking or agreement referred to above and issue the planning permission.

## **2. EXECUTIVE SUMMARY**

- 2.1. This report considers an application for the erection of two semi-detached dwellinghouses with stores in the rear gardens. The houses would be set towards the front of the plot, to match the front building line of no. 51 and would be two and a half storeys in height. Outbuildings are proposed to be constructed at the rear and landscaping and boundary treatments are also included in the proposals.
- 2.2. Officers consider that the proposals would accord with the policies of the development plan when considered as a whole and the range of material considerations support the grant of planning permission.
- 2.3. The scheme would also accord with the aims and objectives of the National Planning Policy Framework. The proposal would constitute sustainable development and given conformity with the development plan as a whole, paragraph 11 advises that the development proposal should be approved without delay. Furthermore there are not any material considerations that would outweigh the compliance with these national and local plan policies.

## **3. LEGAL AGREEMENT**

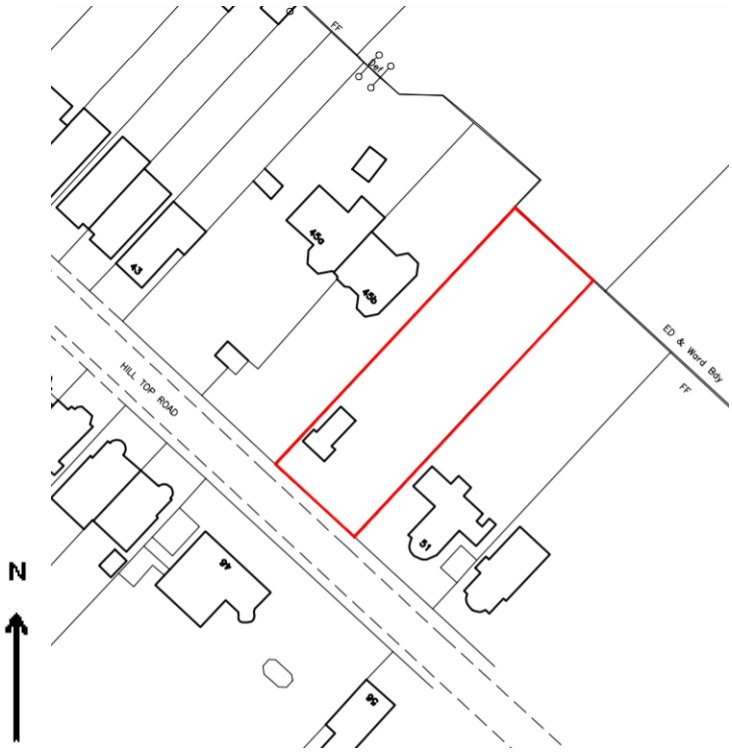
- 3.1. It is recommended that planning permission is only granted subject to the prior completion of a section 106 unilateral undertaking or agreement to ensure that the applicant could only implement this planning approval or the extant permission for a single dwelling to the rear of the site, 19/02817/FUL. This is because, in the view of planning officers, in isolation both applications would be acceptable however, without a planning obligation in place, both the extant permission, 19/02817FUL and the scheme that is the subject of this report could both be erected lawfully. However, it would be unacceptable in planning terms for both developments to take place. Therefore a unilateral undertaking or agreement ensuring that the applicant may only implement one permission is necessary to ensure any development which may take place would be acceptable in planning terms.

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

- 4.1. The proposal is liable for CIL. The amount due would be £79,481.85.

## **5. SITE AND SURROUNDINGS**

- 5.1. The site is located on the north side of Hill Top Road. The application site consists of an area of scrubland with a disused garage. Several protected and mature trees surround the site, both within and without the site itself.
- 5.2. The street is characterised by its eclectic mixture of generous late Victorian villas, semi-detached Edwardian houses and later infill developments. To the north lies research and educational facilities associated with the University of Oxford. In all other directions lie residential dwellinghouses. To the north-west lies Nos. 45a and 45b, a pair of semi-detached dwellings, which are something of an anomaly in the street by virtue of their siting towards the rear of their plots. To the south-east lies No. 51, a detached property constructed in an Edwardian style, typical of this portion of the street. To the south lies No. 46. This is a very generously proportioned house which has been significantly extended.
- 5.3. See location plan below:



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Ordnance Survey 100019348

**6. PROPOSAL**

- 6.1. This application proposes to demolish the existing garage, which is located towards the front of the site. A set of two new semi-detached dwellinghouses would be erected towards the front of the site, in line with the dwellinghouse at No. 51 and most of the other dwellings on the north side of the street, being set 6m back from the front boundary. The eastern dwelling would be larger than the western dwelling. The dwellings would be of red brick construction with plain clay tiled roofs and painted timber framed windows. The dwellinghouses would be set across two storeys, with additional accommodation in the roof and basement and would have large, steep

roofslopes, which slope away to the front and rear, with two large gables to the front elevation. To the rear the larger house would have a single gable while the other house would have a staggered rear elevation with no gable to the rear. The houses would be up to 12m wide and the smaller house would be up to 11m deep while the larger house would be 18.8m deep. The height to the eaves would be 5.6m while the height to the ridge of the roof would be 8.9m.

- 6.2. It is also proposed to erect a cycle store in the rear of each garden. These would house 4 cycle parking spaces for the smaller house and 5 for the larger. It is noted that a garden room was also included for the larger dwelling in the site plan. However, this has been removed from the final drawing package given that it was not in the application form or description.
- 6.3. Minor landscaping is also proposed, including the subdivision of the rear garden into two, the creation of a driveway to the front and the erection of a new front boundary treatment.

## **7. RELEVANT PLANNING HISTORY**

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

16/02777/TPO - Raise canopy of 1No. Beech tree (T2) to 4m as identified in City of Oxford Hill Top Road No.1 Tree Preservation Order 1998.. PER 29th November 2016.

17/01832/FUL - Erection of 1 x 6 bed dwellinghouse (Use Class C3). Retention of existing garage for use as utility room/store. Alterations to form new vehicle access. Provision of private amenity space, car parking and bin stores. Approved 14th September 2017.

18/00858/FUL - Erection of 1 x 6 bed dwelling house (Use Class C3). Formation of garage to habitable space and provision of private amenity space, car parking and bin stores.. Approved 31st May 2018.

19/02815/FUL - Demolition of existing garage and erection of a 1 x 4-bed dwelling and a 1 x 6-bed dwelling (Use Class C3). Provision of amenity space, car parking and bin and cycle stores. Associated landscaping and boundary treatments.. Refused 13th January 2021.

19/02817/FUL - Demolition of existing garage. Erection of 1 x 6-bed dwelling (Use Class C3) and erection of detached garage. Provision of amenity space, bin and cycle stores. Associated landscaping and boundary treatments.. Approved at Committee 20th October 2020.

## **8. RELEVANT PLANNING POLICY**

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



Topic	National Planning Policy Framework	Local Plan	Other planning documents	Neighbourhood Plans:
Design	117-123, 124-132	DH1, DH7, H14, RE2		
Conservation/Heritage	184-202	DH4		
Housing	59-76	H15, H16		
Natural environment	91-101	G7, G8		
Transport	117-123	M2, M3, M4 M5		
Environmental	117-121, 148-165, 170-183	RE1, RE4, RE7, RE9		
Miscellaneous	7-12	S1, S2		

## 9. CONSULTATION RESPONSES

9.1. Site notices were displayed around the application site on 14th November 2019 and again on 4<sup>th</sup> December 2020, following the receipt of revised drawings to address the impact on protected trees.

### Statutory and non-statutory consultees

#### Oxfordshire County Council (Highways)

9.2. No objection, conditions required

### Public representations

9.3. Two local people commented on this application from addresses on Hill Top Road.

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

- Building Line
- Effect on character of area
- Effect on privacy
- Local ecology, biodiversity

- Scale of development

### **Officer response**

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

## **10. PLANNING MATERIAL CONSIDERATIONS**

10.1. Officers consider the determining issues to be:

- i. Principle of Development
- ii. Design
- iii. Neighbouring Amenity
- iv. Occupier Amenity
- v. Archaeology
- vi. Protected Trees
- vii. Drainage
- viii. Ecology
- ix. Land Quality
- x. Car Parking
- xi. Cycle Parking
- xii. Sustainability
- xiii. Other Matters

### **i. Principle of development**

10.2. Where proposals are presented for housing development on unallocated brownfield sites, the City Council will take a positive approach, applying the presumption in favour of sustainable development as required by Policy S1 of the Oxford Local Plan 2036.

10.3. Policy RE2 states that planning permission will only be granted where development proposals make efficient use of land. Development proposals must make best use of site capacity, in a manner compatible with the site itself, the surrounding area and broader considerations of the needs of Oxford, as well as considering the criteria set out in the policy.

10.4. Planning officers consider that the demolition of the existing garage and erection of two new dwellings on the disused plot would make a better use of the land than the existing arrangement. Planning officers note that the site is very generously proportioned and in a sustainable location and have

considered whether the proposed development makes sufficiently efficient use of the land; specifically whether the capacity for further dwellings has been considered. This consideration has taken place in the context of there being extant permission (reference 19/02817/FUL) on the land for a single dwelling. That permission was granted, partly on the basis that, at the time of that decision, there was extant permission for a single house (18/00858/FUL) in addition to the fact that the protected trees constrain the amount of development that may take place on the site. However, since that application was approved, further evidence from the applicant has been submitted in relation to the protected trees and further advice has been received by the Council's technical experts on this matter. With this in mind, it is considered that the two proposed dwellinghouses could be erected without harming the protected trees.

- 10.5. Planning officers understand the delicate balance between overdevelopment of the site and making an efficient use of the available space. A comprehensive assessment of all of these issues can be found in the following sections of this report; however, in summary, planning officers consider that the proposal maximises the efficiency of the proposed land use in a manner compatible with the site. Indeed, for the most part the proposal would not be dissimilar to the surrounding grain of development when considering the number of large semi-detached Edwardian dwellinghouses nearby which are situated on similarly sized plots of land.

## **ii. Design**

- 10.6. Policy DH1 of the Oxford Local Plan 2036 states that planning permission will only be granted for development of high quality design that creates or enhances local distinctiveness. Proposals must be designed to meet the key design objectives and principles for delivering high quality development, set out in Appendix 6.1.
- 10.7. The overall form and appearance of the houses reflect both the large Victorian villas and Edwardian semi-detached dwellings that characterise the area. The design draws from elements of both of these types of houses by utilising the materiality and roof typology typical of Victorian houses while the bay window, proportions and fenestration reflect Edwardian characteristics. While there would be non-traditional elements to the rear which sit uncomfortably with the rest of the building, such as the long protruding gable of the larger dwelling and the disordered rear elevation of the smaller dwelling, these elements would not be readily visible in the public realm and would therefore have an acceptable impact in terms of design considerations.
- 10.8. Officers have carefully considered the layout of the site and note that a large dwelling, which was set towards the rear of the site, was previously approved on the site (19/002816/FUL). Planning officers consider that this development proposal, where the houses would be set forward in the plot, would better respect the typical arrangement and character of the street and would sit more comfortably in the wider streetscene.

- 10.9. Given the careful consideration in terms of design and the sensitivity of the site, Condition 9 has been recommended to remove permitted development rights so that any future extensions made to the dwellinghouses would require planning permission. This would ensure any alterations to the houses are carefully considered by the Council.
- 10.10. Having considered the above, the proposal is therefore acceptable in terms of design and Policy DH1.
- 10.11. Policy DH7 of the Oxford Local Plan 2036 states that permission will only be granted where outdoor needs are properly accommodated, including refuse and recycling storage. Bins should be provided in accordance with Oxford City Council's Technical Advice Note on bin storage.
- 10.12. No bin stores have been proposed, however it is considered that this is acceptable as there is sufficient room in the rear garden to accommodate any bins associated with the proposed dwellings. The proposed cycle stores are acceptable in terms of their size, materials and appearance.
- 10.13. Therefore the proposal is acceptable in terms of Policy DH7.

### **iii. Impact on neighbouring amenity**

- 10.14. Policy H14 of the Oxford Local Plan 2036 states that planning permission will only be granted for new development that provides reasonable privacy, daylight and sunlight for occupants of both existing and new homes. Policy H14 sets out guidelines for assessing development in terms of whether it will allow adequate sunlight and daylight to habitable rooms of the neighbouring dwellings.

#### Daylight

- 10.15. The proposal accords with the 25/45 degree access to light test, outlined in Policy H14. Having considered this, the layout of the site and the orientation of the sun, the proposals would not impact the amount of daylight received by the internal rooms of neighbours. While the proposed houses would be large, it is noted that they are set away from the boundaries and sensitive parts of neighbours' outdoor amenity space and are unlikely to lead to a significant daylight loss to neighbours' gardens.
- 10.16. Planning officers note that neighbouring residential occupiers are vulnerable to additional windows and extensions being added to the proposed dwellings at a later date. Therefore Condition 9 has been included curtailing permitted development rights in this respect.

#### Privacy

- 10.17. The proposed glazing to the rear of the house is considered acceptable as the views from these windows would be channelled rearwards, away from neighbours, by the extensive vegetation on the boundaries. While the front windows of no. 45b and the rear garden of No. 51 would likely be perceptible from the rear windows of the proposed dwellings, it is considered that there

would be sufficient screening to limit these views to unobtrusive glimpses without significant views of the internal rooms or amenity areas of neighbouring dwellings.

10.18. It is noted that the majority of side windows would be at ground floor level and would have their views towards neighbouring dwellings and gardens largely blocked by boundary treatments. The side windows above ground level on the smaller dwelling would face the front garden of no. 45b. These views would not lead to a loss of privacy as they would only have views of some of the front garden which is of low amenity value to the occupiers of no. 45b. In any case, these views would be heavily screened by protected trees. The only side window above ground level which faces no. 51 is a small bedroom window. This would be further to the rear of the plot than the upper side window of no. 51 and so there would not be unacceptable inter-looking of between the internal rooms of the proposed dwelling and the neighbour. While some views would be possible of no. 51's garden these would be limited to glimpses, due to the acute angle, and these views screened by the vegetation on the boundary.

10.19. There would also be sufficient distance between no. 26, across the street, and the proposed dwelling to protect the privacy of occupiers of that dwelling. The distances between no. 26 and the proposed dwelling is typical of the arrangement on Hill Top Road.

#### Overbearing

10.20. While the proposed development would be of a significant height, it would be set 3m from the mutual boundary with no. 51 and would, for the most part, be built alongside that dwelling and would be of a similar scale. This neighbour would therefore not be unacceptably impacted by the development proposal. The outlook of the side windows of no. 51 would be changed to include views of a large dwelling. However, given the distance of 6m between the dwellings and mature vegetation to screen much of the new dwelling, it is considered that this impact would be acceptable.

10.21. The proposed dwelling would not be overbearing on the dwelling of no. 45b due to the fact that this dwelling would be set a significant distance in front of no. 45b. While the proposed development would be set close to the boundary with that neighbour, the fact that this would be next to a low value area of that neighbour's front garden in conjunction with a the screening from mature protected trees means that development would not be overbearing to this neighbour.

10.22. The proposed cycle stores would not be of significant height and therefore would not be overbearing to the occupants of no. 45b.

10.23. Considering the above, the proposal would be acceptable in terms of neighbouring amenity and Policy H14.

#### **iv. Occupier Amenity**

- 10.24. Policy H15 of the Oxford Local Plan states that planning permission will only be granted for new dwellings that provide good quality living accommodation for the intended use. All proposals for new build market and affordable homes (across all tenures) must comply with the MHCLG's Technical Housing Standards – Nationally Described Space Standard Level 113.
- 10.25. The proposed dwellings meet the requirements of the relevant space standards and would provide high quality internal space to potential occupants in a layout which is considered acceptable.
- 10.26. Policy H16 of the Oxford Local Plan 2036 states that planning permission will only be granted for dwellings that have direct and convenient access to an area of private open space. H16 sets out the expectations for the size and quality of outdoor space across various types of dwellings.
- 10.27. The proposed outdoor space would also be sufficient to meet the policy requirements and provide future occupants with high quality outdoor amenity space.
- 10.28. The proposal would therefore offer sufficient amenity to future occupiers and accord with Policies H15 and H16.

**v. Archaeology**

- 10.29. Policy DH4 of the Oxford Local Plan 2036 states that where archaeological deposits that are potentially significant to the historic environment of Oxford are known or suspected to exist anywhere in Oxford, planning applications should include sufficient information to define the character, significance and extent of such deposits so far as reasonably practical. Proposals that will lead to harm to the significance of non-designated archaeological remains or features will be resisted unless a clear and convincing justification through public benefit can be demonstrated to outweigh that harm.
- 10.30. Having consulted the Historic Environment Record, the Council concludes that, on present evidence, this development proposal would be unlikely to have significant archaeological implications
- 10.31. The proposal is therefore acceptable in terms of archaeology and Policy DH4.

**vi. Protected Trees**

- 10.32. Policy G7 of the Oxford Local Plan 20136 states that planning permission will not be granted where development would result in the loss of green infrastructure features such as hedgerows, trees or woodland, where this would have a significant adverse impact upon public amenity or ecological interest. It must be demonstrated that their retention is not feasible and that their loss will be mitigated. Planning permission will not be granted for development resulting in the loss or deterioration of ancient woodland or ancient or veteran trees except in wholly exceptional circumstances.
- 10.33. It is noted that a recent committee decision, 19/02816/FUL, was made on the basis that the constraints of the protected trees surrounding the site meant

that the intensification of the residential use of the site beyond a single dwelling would likely not be possible without having negative impacts on the longevity of the protected trees. Since this decision, further evidence, resulting from further investigation on the site, was submitted by the applicant and further advice was received from Council tree officers, who are technical experts on this subject. Tree officers have been satisfied that the submitted documents serve as sufficient evidence to demonstrate that the proposed development would have an acceptable impact in terms of the protected trees, in principle. However, further details would therefore be required to confirm the retained trees would be adequately considered during construction. These have been secured by condition. The sensitivity of the site in both design and aboricultural terms also means that officers would need a landscaping plan to be submitted prior to the relevant works taking place.

10.34. Considering the above, the proposal is acceptable in terms of Policies G7 and G8 and would adequately preserve the protected trees, subject to conditions 11-17.

#### **vii. Drainage**

10.35. Policy RE4 states that all development proposals will be required to manage surface water through Sustainable Drainage Systems (SuDS) or techniques to limit run-off and reduce the existing rate of run-off on previously developed sites. Surface water runoff should be managed as close to its source as possible, in line with the drainage hierarchy outlined in the policy. Applicants must demonstrate that they have had regard to the SuDS Design and Evaluation Guide SPD/ TAN for minor development and Oxfordshire County Council guidance for major development.

10.36. The proposed development would not be at significant risk of flooding from any sources. However, in accordance with Policy RE4 of the Oxford Local Plan, all new developments should be drained via a sustainable drainage system. The drainage strategy should be in accordance with Oxford City Council SuDS Design and Evaluation Guide, Non-statutory technical standards for SuDS, and CIRIA C753 - the SuDS Manual. Insufficient evidence has been provided that would show this would be the case. Therefore condition 7 has been included to ensure a drainage strategy demonstrating compliance with these matters will be produced before development commences. Condition 19 requires the submission of a SuDS maintenance plans to ensure the proposed measures remain effective for the lifetime of the development.

10.37. Subject to conditions 7 and 19, the proposal is acceptable in terms of flooding and Policy RE4.

#### **viii. Ecology**

10.38. Policy G2 of Oxford Local Plan 2036 states that important species and habitats will be expected to be protected from harm, unless the harm can be appropriately mitigated. It also outlines that, where there is opportunity, it will be expected to enhance Oxford's biodiversity. This includes taking

opportunities to include features beneficial to biodiversity within new developments throughout Oxford.

10.39. The proposal is unlikely to have an adverse impact on local biodiversity. However, in accordance with Policy G2, a condition has been included in respect of site enhancements in order to ensure a net ecological enhancement has been achieved.

10.40. Subject to condition 8, the proposal accords with Policy G2 of the Oxford Local Plan and would be acceptable in terms of matters of ecology.

#### **ix. Land Quality**

10.41. Policy RE9 states that planning applications where proposals would be affected by contamination or where contamination may present a risk to the surrounding environment, must be accompanied by a report which fulfils the relevant criteria set out in the policy. Where mitigation measures are needed, these will be required as a condition of any planning permission.

10.42. The Council's records show that the site is not at significant risk of suffering from land contamination. Therefore no further measures are required. However an informative has been included to inform the applicant of how to proceed should unexpected contamination be found.

10.43. The proposal is therefore acceptable in terms of land quality and Policy RE9.

#### **x. Car Parking**

10.44. Policy M3 of the Oxford Local Plan 2036 states that in Controlled Parking Zones or employer-linked housing areas where occupants do not have an operational need for a car where development is located within a 400m walk to frequent public transport services and within 800m walk to a local supermarket or equivalent facilities planning permission will only be granted for residential development that is car-free. In all other locations, M3 states that planning permission will only be granted where the relevant maximum standards set out in Appendix 7.3 are complied with.

10.45. The application site is within 400m of a well-served bus stop and is within a Controlled Parking Zone (CPZ). However the nearest supermarket is over 800m from the site. Therefore one bespoke car parking space is required for each dwelling. This has been proposed to be provided in the front garden of each dwelling and that there is sufficient space for vehicles to safely enter and exit the site. The proposal therefore accords with Policy M3. Planning officers are satisfied that there is insufficient room in the front garden to accommodate any additional cars and the new dwellings shall be excluded from obtaining car parking permits to ensure no additional cars are parked on the street

10.46. Policy M4 of the Oxford Local Plan 2036 requires electrical vehicle charging facilities to be provided to each new car parking space.

10.47. The requirements of Policy M4 are noted and condition 10 has been included to ensure this takes place.



## **xi. Cycle Parking**

- 10.48. Policy M5 of the Oxford Local Plan 2036 states that planning permission will only be granted for development that complies with or exceeds the minimum bicycle parking provision as set out in Appendix 7.47.3. Bicycle parking should be, well designed and well-located, convenient, secure, covered (where possible enclosed) and provide level, unobstructed external access to the street. Bicycle parking should be designed to accommodate an appropriate amount of parking for the needs of disabled people, bicycle trailers and cargo bicycles, as well as and facilities for electric charging infrastructure.
- 10.49. The proposed cycle parking would be covered, secure and allow for independent access to each cycle. There would be enough space for sufficient cycles in each. This conforms to the requirements of Policy M5.
- 10.50. The proposal is therefore acceptable in terms of Policy M5 and cycle parking.

## **xii. Sustainability**

- 10.51. Policy RE1 of the Oxford Local Plan 2036 states that planning permission will only be granted where it can be demonstrated that sustainable design and construction principles, set out in RE1, have been incorporated. It is expected that 25% of energy will be on-site renewables; water consumption must also meet the requirements of Building Regulations Part G2. An Energy Statement will be submitted to demonstrate compliance with this policy for new-build residential developments (other than householder applications) and new-build non-residential schemes over 1,000m<sup>2</sup>. The Energy Statement will include details as to how the policy will be complied with and monitored.
- 10.52. The submitted documentation is sufficient to demonstrate that the proposal accords with the general principle of sustainable design, as set out in Policy RE1. However, no calculations are provided which demonstrate compliance with the requirements of the policy in terms of energy efficiency. That being said, planning officers are satisfied that the proposed development can conform to the relevant requirements of RE1. The final calculations are to be provided by condition, prior to the commencement of works; these shall include calculations based on the Dwelling Emission Rate and the Target Emission Rate.
- 10.53. Subject to condition 19, the proposal is acceptable in terms of sustainability and Policy RE1.

## **xiii. Other Matters**

- 10.54. Most of the concerns raised during the consultation period were addressed in the above sections, where they have not been, they are addressed in this section.
- 10.55. It is noted that concerns have been raised as to the legal requirements of the applicant to build any new dwelling to certain specifications, as outlined in the deeds to the land. This is not a planning matter and had not been considered as part of this application.

## 11. CONCLUSION

- 11.1. 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 the report and to a unilateral undertaking or agreement made pursuant to section 106 of the Town and Country Planning Act 1990 and other enabling powers, as outlined in section 3 of this report.
- 11.2. 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 it clear that proposals should be assessed in accordance with the development plan unless material considerations indicate otherwise.
- 11.3. The NPPF recognises the need to take decisions in accordance with Section 38 (6) but also makes it 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.
- 11.4. 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.
- 11.5. In summary, the proposed development would be an acceptable addition to the site. The proposal is suitable in terms of local planning policy and complies with the relevant policies of the Oxford Local Plan 2036.
- 11.6. Therefore officers consider that the development accords with the development plan as a whole.

### *Material considerations*

- 11.7. The principal material considerations which arise are addressed above, 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 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; or 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.

- 11.10. 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 granted without delay.
- 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 Local Plan 2036 when considered as a whole. There are no material considerations that would outweigh these policies.
- 11.12. It is recommended that the Committee resolve to grant planning permission for the development proposed subject to the satisfactory completion (under authority delegated to the Head of Planning Services) of a unilateral undertaking or agreement under section 106 of the Town and Country Planning Act 1990 and other enabling powers and subject also to the conditions outlined in section 12.

## **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 10 and 18, 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 S1 of the Oxford Local Plan 2036.

- 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 Policies S1 and DH1 of the Oxford Local Plan 2036.

- 4 A Construction Traffic Management Plan shall be submitted to and be approved in writing by the Local Planning Authority prior to commencement of works. This should identify;

- The routing of construction vehicles,
- Access arrangements for construction vehicles,

- Details of times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours (to minimise the impact on the surrounding highway network)

Construction works shall only take place in accordance with the approved Construction Traffic Management Plan.

Reason: In the interests of highway safety and to mitigate the impact of construction vehicles on the surrounding network, road infrastructure and local residents, particularly at peak traffic times, in accordance with Policy M2 of the Oxford Local Plan 2036.

- 5 The development shall not be occupied until the dwellings the subject of this permission have been excluded from eligibility for parking permits.

Reason: To ensure that the development or change of use does not generate an increase in parking demand, restrict existing residents' access to on-street parking and to ensure that the low car nature of the development is met, in accordance with Policy M3.

- 6 Prior to the occupation of the dwellings hereby approved, vision splays measuring 2m by 2m shall be provided to each side of the access. These vision splays shall not be obstructed by any object, structure, planting or other material with a height exceeding or growing above 0.6m as measured from carriageway level.

Reason: To provide and maintain adequate visibility in the interest of highway safety in accordance with Policies DH1 and M3.

- 7 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 shall be completed by a suitably qualified and experienced person in the field of hydrology and hydraulics. The development shall then be carried out in accordance with the approved details.

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

I. The drainage system is designed to control surface water runoff for all rainfall up to a 1 in 100 year storm event 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 are to be submitted to and approved in writing by the LPA. Consultation and agreement shall also be sought with the sewerage undertaker where required.

Reason: To ensure compliance with Policy RE4 of the Oxford Local Plan 2016 - 2036

- 8 Prior to the commencement of development, a scheme of ecological enhancements shall be submitted to, and approved in writing by, the Local Planning Authority to ensure a net gain in biodiversity will be achieved. The scheme shall include details of new landscape planting of known benefit to wildlife and provision of artificial roost features, including specifications and locations of bird and bat boxes. A minimum of 6 dedicated Swift boxes shall be provided. Any new fencing will include holes suitable for the safe passage of hedgehogs.

The scheme of ecological enhancements shall be accompanied by an up to date bat survey.

The development shall be carried out in accordance with the approved details contained within the approved scheme of ecological enhancements and maintained in perpetuity.

Reason: To comply with the requirements of the National Planning Policy Framework, the Conservation of Habitats and Species Regulations 2017, Wildlife and Countryside Act 1981 (as amended) and Policy G2: Protection of biodiversity and geo-diversity of the adopted Oxford Local Plan 2036.

- 9 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modifications) no additions or alterations to the approved dwellinghouses, as defined in Classes A, B, C or D of Part 1 of Schedule 2 of the Order, shall be erected or undertaken without the prior written consent of the Local Planning Authority.

Reason: The Local Planning Authority considers that even minor changes in the design or enlargement of the development should be subject of further consideration to safeguard the appearance of the area in accordance with Policies DH1 and H14 of the Oxford Local Plan 2036.

- 10 Notwithstanding the approved plans, the approved car parking spaces shall each be served by an electrical vehicle charging point.

Reason: To support the use of zero emission vehicles, in accordance with Policy M4 of the Oxford Local Plan 2036.

- 11 A landscape plan shall be submitted to, and approved in writing by, the Local Planning Authority prior to first occupation or first use of the development

hereby approved. The plan shall show details of treatment of paved areas, and areas to be grassed or finished in a similar manner, existing retained trees and proposed new tree, shrub and hedge planting. The plan shall include to a schedule detailing plant numbers, sizes and nursery stock types.

Reason: In the interests of visual amenity in accordance with Policies G7, G8 and DH1 of the Oxford Local Plan 2036.

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

Reason: In the interests of visual amenity in accordance with Policies G7, G8 and DH1 of the Oxford Local Plan 2036

- 13 No development shall take place until details of the design of all new hard surfaces and a method statement for their construction have first been submitted to and approved in writing by the Local Planning Authority and the hard surfaces shall be constructed in accordance with the approved details unless otherwise agreed in writing beforehand by the Local Planning Authority.

The details shall take into account the need to avoid any excavation within the Root Protection Area (RPA) of any retained tree and where appropriate the Local Planning Authority will expect "no-dig" techniques to be used, which require hard surfaces to be constructed on top of existing soil levels in accordance with the current British Standard 5837: "Trees in Relation to Design, Demolition and Construction - Recommendations". Where hard surfaces are proposed within the RPA of retained tree(s) the details shall include scaled section drawings based on topographical data to indicate the formation and construction design.

Reason: To avoid damage to the roots of retained trees in accordance with Policies G7 and G8 of the Oxford Local Plan 2036.

- 14 No development shall take place until details of the location of all underground services and soakaways have been submitted to and approved in writing by the Local Planning Authority. The location of underground services and soakaways shall take account of the need to avoid excavation within the Root Protection Areas of retained trees as defined in the current British Standard 5837 "Trees in Relation to Design, Demolition and Construction - Recommendations". Works shall only be carried out in accordance with the approved details unless otherwise agreed in writing beforehand by the local planning authority.

Reason: In the interests of visual amenity in accordance with Policies G7, G8 and DH1 of the Oxford Local Plan 2036.

- 15 No development, including demolition or enabling works, shall take place until a Tree Protection Plan (TPP) has been submitted to, and approved in writing

by the Local Planning Authority. The TPP shall include such details as are appropriate for the protection of retained trees during development, and shall be in accordance with the current BS. 5837: "Trees in Relation to Design, Demolition and Construction – Recommendations" unless otherwise agreed in writing by the Local Planning Authority.

The TPP shall include a scale plan 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. The approved physical protection measures shall be in place prior to the commencement of any development, including demolition or enabling works, and shall be retained for the duration of construction, unless otherwise agreed in writing beforehand by the Local Planning Authority.

The Local Planning Authority shall be informed in writing when the physical measures are in place, in order to allow Officers to make an inspection prior to the commencement of development. No works or other activities including storage of materials shall take place within designated Construction Exclusion Zones unless otherwise agreed in writing beforehand by the Local Planning Authority.

Reason: In the interests of visual amenity in accordance with Policies G7, G8 and DH1 of the Oxford Local Plan 2036.

- 16 No development, including demolition and enabling works, shall take place until a detailed statement (the Arboricultural Method Statement (AMS)) has been submitted to and approved in writing by the Local Planning Authority. The AMS shall detail any access pruning proposals, and shall set out the methods of any workings or other forms of ingress into the Root Protection Areas or Construction Exclusion Zones of retained trees. Such details shall take account of the need to avoid damage to the branches, stems and roots of retained trees, through impacts, excavations, ground skimming, vehicle compaction and chemical spillages including lime and cement. The development shall be carried out in strict accordance with the approved AMS unless otherwise agreed in writing beforehand by the Local Planning Authority.

Reason: To protect retained trees during construction in accordance with Policies G7, G8 and DH1 of the Oxford Local Plan 2036.

- 17 Development, including demolition and enabling works, shall not begin until details of an Arboricultural Monitoring Programme (AMP) have been submitted to and approved in writing by the Local Planning Authority. The AMP shall include a schedule of a monitoring and reporting programme of all on-site supervision and checks of compliance with the details of the Tree Protection Plan, approved under condition 15, and/or the Arboricultural Method Statement, as approved in writing by the Local Planning Authority. The AMP shall include details of an appropriate Arboricultural Clerk of Works (ACoW) who shall conduct such monitoring and supervision, and a written and photographic record shall be submitted to the LPA at scheduled intervals in accordance with the approved AMP. The development shall take place in

accordance with the approved AMP.

Reason: In the interests of visual amenity in accordance with Policies G7, G8 and DH1 of the Oxford Local Plan 2016-2036.

- 18 Notwithstanding the approved plans or submitted documents, a final energy statement shall be submitted in writing to the Local Planning Authority prior to the commencement of works. This shall include the final Dwelling Emission Rate and the Target Emission Rate in the final calculations. The development shall be carried out in accordance with the approved energy statement.

Reason: To ensure the proposal meets the requirements of Policy RE1 of the Oxford Local Plan 2036.

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

Reason: To ensure compliance with Policy RE4 of the Oxford Local Plan 2016 – 2036

- 20 Prior to the commencement of the approved use, the approved cycle stores shall be constructed in accordance with the approved details and retained for the purpose of storing bicycles thereafter.

Reason: In the interests of the character and appearance of the area and promotion of sustainable modes of transport in accordance with Policies DH7 and M5 of the Oxford Local Plan.

#### 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](http://www.oxford.gov.uk/CIL)
- 2 Alterations to the Public Highway (Dropped Kerbs) Any alterations to the public highway will be at the applicant's expense and to Oxfordshire County



Council's standards and specifications. Written permission must be gained from the Oxfordshire County Council (Contact - 0845 310 1111 or refer to <https://www.oxfordshire.gov.uk/cms/content/dropped-kerbs> for this action).

- 3 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.

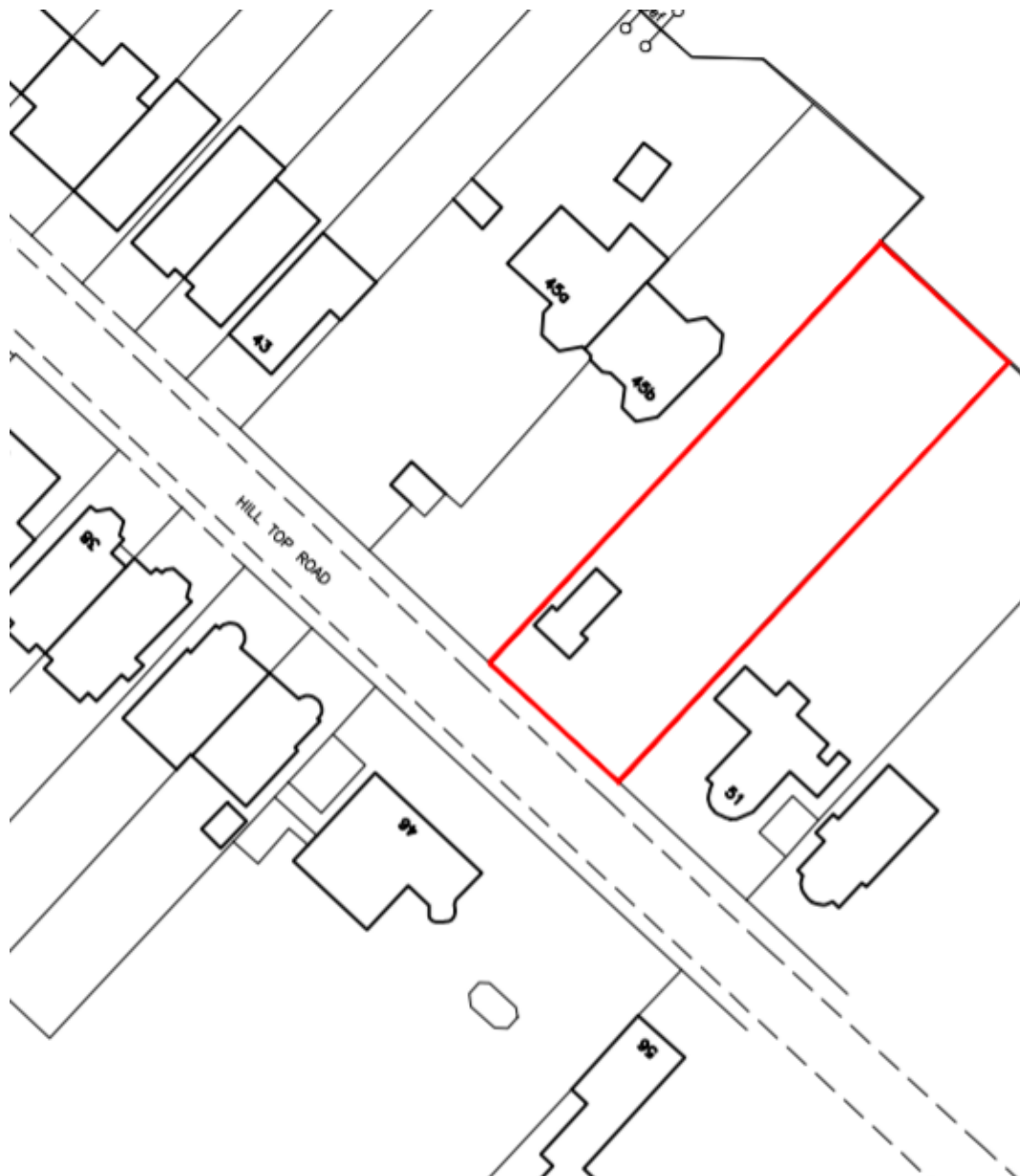
### **15. SECTION 17 OF THE CRIME AND DISORDER ACT 1998**

- 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.

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# Appendix 1 – Location Plan

19/02816/FUL - Land Between 45 And 51



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## West Area Planning Committee

9<sup>th</sup> February 2021

**Application number:** 20/02768/VAR

**Decision due by** 9th February 2021

**Extension of time** 16<sup>th</sup> February 2021

**Proposal** Variation of condition 2 (Develop in accordance with approved plans) of planning permission 19/00249/FUL (Demolition of existing workshop (Use Class B1) to erect a two storey yoga workshop (Use Class D2). Provision of cycle spaces. (Amended description) to allow changes to fenestration, rooflights, roof structure and flood void arrangement

**Site address** 16 East Street, Oxford, OX2 0AU, – see **Appendix 1** for site plan

**Ward** Jericho And Osney Ward

**Case officer** James Paterson

**Agent:** Adrian James      **Applicant:** Mr James Pritchard

**Reason at Committee** This application seeks to vary the approved plans of an application which was decided by members at planning committee.

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## 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 an application to vary condition two of planning permission 19/00249/FUL in order to vary the approved plans. This is to allow minor design changes to the approved development. These amount to alterations to the fenestration to the front and rear, alterations to the roof

structure and rooflights as well as alterations to the arrangement of the approved flood void, notably the grilles to the front and rear which have been reduced in scale.

### **3. LEGAL AGREEMENT**

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

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

4.1. The proposal is liable for CIL. The total amount is £1,925.84.

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

5.1. The site is located within the Osney Town Conservation Area, an area of predominantly residential buildings laid out in the mid-19th century by G.P. Hester, the Town Clerk of Oxford. East Street has a riverside setting, facing directly onto the Thames with a public footpath alongside; the site is in a relatively prominent location on the street and in the Conservation Area. On the opposite side of the river is The Old Power Station, a locally important building which is listed on the Oxford Heritage Asset Register; the building is a reminder of the industrial heritage of this part of the city.

5.2. A single-storey workshop building occupies the plot of 16 East Street, which in contrast to the two-storey residential buildings either side of it, and, as identified in the Osney Town Conservation Area Appraisal, creates 'an important break in the uniformity of the street scene'. The building has white painted brick walls and a corrugated sheet double pitched roof, and features a pair of timber doors with casement window in the gable on its front elevation. There is a gated pedestrian access running along the north side of the building to the rear of the site.

5.3. The building is of four main phases; the earliest phase is the front original garage building from 1926; the second phase is the extension to the rear dating from 1950-52 associated with its change of use from a garage to a dairy; the third is the creation of a small boiler room; and the fourth the construction of a small outbuilding to the rear and the change of use to an artist's studio circa 1970. From 1970-2016, the building was occupied by Hugh Powell, an artist and sculptor, who lived at 16 Bridge Street for the same period.

5.4. The heritage significance of the building lies predominantly in its historic, evidential and communal value as representing and illustrating the former light industrial uses that operated in the area, and the development of the local community and small businesses in the latter half of the 20th century.

5.5. There is an extant permission (19/00249/FUL) on this site for the demolition of the existing building and erection of a new building, with associated work, to house a yoga studio. It is this extant permission which this application seeks to vary in order to amend the approved plans.

5.6. See location plan below:



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Ordnance Survey 100019348

## 6. PROPOSAL

- 6.1. The application proposes to vary condition two of planning permission 19/00249/FUL in order to make minor design changes. The proposed design variations are modest and have been triggered as a result further investigation of the conditions on the site which has taken place following approval of the previous planning application. Further investigation of the design of the protective grille to the flood alleviation measure has resulted in a significant reduction in terms of its visual presence on the front façade of the building which has in turn triggered small design changes to the elements that make up this building façade. The fundamental change is the elimination of the distinctive plinth that had been designed to accommodate the larger more obvious grille and its replacement with a much smaller and more discreet grille.
- 6.2. The loss of the plinth has in turn led to a reappraisal of the arrangement, size, proportion and alignment of the elements that sit within this street façade. Whereas in the previous design the upper windows were of slightly different proportions to each other they are now proposed to be similar, with sills aligned and the overall appearance of the window opening simplified through the use of an elegant internal glass guarding rather than an overt transom rail to prevent falling. The intention is that the design of the street façade should appear calmer and more composed in comparison to the slightly more quirky, less traditional, domestic appearance of the approved design with the intention that the building should have some closer architectural reference to its neighbours and to the predominant, modest domestic architecture that informs the fundamental character and appearance of the Osney Conservation Area.

6.3. Minor changes to the roof of the rear of the building comprise a small increase in the size of incorporated gutters in order to ensure efficient rainwater capacity and flow when necessary in addition to an adjustment of the approved photovoltaic panels along the centre of the south facing roof to make one unbroken strip. A slight realignment of the roof lights proposed to be set into the northern roof slope of the rear building range and the elimination of the pre-patinated copper panels that were originally proposed to be included as relief to the standard copper cladding panels of the external building skin because it was considered that these would result in an overly complicated appearance which really would not be visible from anywhere and therefore serve no particular design purpose. Changes to the grilles serving the flood void to the rear has also led to the loss of the stepped access into the rear door, reduction in size and relocation of the grille and a minor adjustment to the location of the rear doors which would now be set at ground level.

**7. RELEVANT PLANNING HISTORY**

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

60/00035/N_H - Change of use from garage for vehicles to repair and sale of parts. Refused 25th October 1960.
19/00249/FUL - Demolition of existing workshop (Use Class B1) to erect a two storey yoga workshop (Use Class D2). Provision of cycle spaces.(Amended description). Approved 13th May 2019.
19/00249/CND - Details submitted in compliance with condition 3 (Materials) 4 (Rooflights and solar panels) and 8 (Contamination) of planning permission 19/00249/FUL.. Approved 15th November 2019.
19/00249/NMA - Non-Material amendment to planning permission 19/00249/FUL to allow minor adjustments to windows, roof lights and roof structure following refinement of design during detailed design.. Refused 29th October 2020.

**8. RELEVANT PLANNING POLICY**

8.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework	Local Plan	Other planning documents	Neighbourhood Plans:
Design	117-123, 124-132	DH1, H14		
Conservation/Heritage	184-202	DH3	Osney Town Conservation Area Appraisal	



<b>Environmental</b>	117-121, 148-165, 170-183	RE3, RE4, RE7		
<b>Miscellaneous</b>	7-12	S1		

## 9. CONSULTATION RESPONSES

9.1. Site notices were displayed around the application site on 10th December 2020 and an advertisement was published in The Oxford Times newspaper on 3rd December 2020.

### **Statutory and non-statutory consultees**

#### Environment Agency

9.2. No objection, condition required

### **Public representations**

9.3. The Oxford Civic Society and 10 local people, from addresses in East Street, West Street and South Street commented on this application.

9.4. In summary, the main points of objection (9 residents) were:

- Access
- Amount of development on site
- Consultation over Christmas period
- Effect on adjoining properties
- Effect on character of area
- Effect on existing community facilities
- Effect on pollution
- Effect on privacy
- Effect on traffic
- Flooding risk
- General dislike for proposal
- Height of proposal
- Information missing from plans
- Light - daylight/sunlight
- Local ecology, biodiversity
- Local plan policies
- Noise and disturbance

- Not enough info given on application
- On-street parking
- Parking provision

### **Officer response**

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

## **10. PLANNING MATERIAL CONSIDERATIONS**

10.1. Officers consider the determining issues to be:

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

### **i. Design**

10.2. Policy DH1 of the Oxford Local Plan 2036 states that planning permission will only be granted for development of high quality design that creates or enhances local distinctiveness. Proposals must be designed to meet the key design objectives and principles for delivering high quality development, set out in Appendix 6.1.

10.3. The proposed changes are minor in nature and would not radically change the appearance of the approved development. The changes to the front, namely to the flood void grilles and fenestration, would result in the building making better reference to the surrounding traditional Victorian terraced dwellings and improve the development in design terms. This would be accomplished through a reduction in prominence of the flood defence measures in addition to a more ordered window arrangement.

10.4. The changes to the rear would not be perceptible from the public realm and would be sufficiently minor in nature so as to not significantly alter the appearance of the building, which would be acceptable in design terms. These largely amount to minor adjustments to the location and extent of several elements; the difference from the approved plans would not be readily noticeable from neighbouring properties and would still mean that the rear façade would appear coherent and well-proportioned.

10.5. Therefore the proposal is of acceptable design and accords with Policy DH1.

## ii. Conservation Area

- 10.6. Policy DH3 of the Oxford Local Plan 2016 states that planning permission will be granted for development that respects and draws inspiration from Oxford's unique historic environment (above and below ground), responding positively to the significance character and distinctiveness of the heritage asset, in this case a conservation area, and locality. For all planning decisions, great weight will be given to the conservation of that asset and to the setting of the asset, where it contributes to that significance or appreciation of that significance. Where a development proposal will lead to less-than-substantial harm to a designated heritage asset, this harm must be weighed against the public benefits of the proposal, which should be identified by the applicant.
- 10.7. The Conservation Area was designated in July 1976 and comprises a series of parallel, north-south and east-west network of streets laid out in 1851 along which were built terraces of modest houses built for increasing numbers of working class families who were employed in the growing industrial activities throughout the city, including the railways, canals, power and engineering industries.
- 10.8. Key characteristics of the Conservation Area which contribute to its significance, that are relevant to this application, include the unique 19th Century development of tightly packed terraced housing, constructed as a result of the opening of the railway stations and the influx of associated workers to the area. The limited bridge access to a settlement surrounded by water lends a sense of containment and isolation, adding to the individual identity of the Conservation Area. The distinctive townscape of the island also gives the conservation area important strong suburban qualities, as does the relationship of the conservation area with the River Thames. Of particular significance here is the high quality townscape, resulting from the retained street and block pattern and architectural integrity, which limited 20<sup>th</sup> Century interventions have preserved. This is in addition to the regularity of fenestration, doorway details, roof forms and chimneys and materials which contribute to the integrity of the development by establishing a regular rhythm and giving unity and continuity to the streets.
- 10.9. The proposed design changes for which permission is being sought have been justified by the applicant as resulting from more detailed design development that resulted in the need to remove an element of the approved design and to consequently re-think the design of the principal, street façade of the proposed building. Additional design changes have resulted again from more detailed design consideration and are proposed in order to ensure more effective and more efficient surface water drainage from the building ensuring a better ability to deal with increased flow capacity when necessary as well as to ensure more efficient solar energy generation thus increasing the sustainability of the building design.
- 10.10. The design changes would be either be so minor so as to not be readily noticeable or would result in the proposed building having a calmer and less strident appearance, in spite of its material differences, by appearing more sympathetic to the surrounding built environment. The proposed design

changes would result in a building that makes a stronger architectural reference to its neighbouring properties thus enabling it to appear more comfortable in the context of its immediate surroundings and in the wider surroundings of the Osney Town Conservation Area. Therefore, the design changes to the previously approved design are not considered to be such that they would result in any harm to the character or appearance of the Osney Town Conservation Area and consequently would not harm the significance of this designated heritage asset.

10.11. The proposal would therefore have an acceptable impact on the conservation area and Policy DH3.

10.12. Regard has been paid to paragraph 192 of the NPPF in reaching a decision. When applying the test outlined in paragraph 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. 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 Building and Conservation Areas) Act 1990, which it is accepted is a higher duty. It has been concluded that the development would preserve the character and appearance of the Conservation Area, and so the proposal accords with Section 72 of the Act.

### **iii. Impact on neighbouring amenity**

10.14. Policy H14 of the Oxford Local Plan 2036 states that planning permission will only be granted for new development that provides reasonable privacy, daylight and sunlight for occupants of both existing and new homes. Policy H14 sets out guidelines for assessing development in terms of whether it will allow adequate sunlight and daylight to habitable rooms of the neighbouring dwellings.

#### Daylight

10.15. The proposed alterations would not enlarge the approved development and would therefore not have additional impacts on the amount of daylight that neighbours would receive.

#### Privacy

10.16. While the development proposal would result in minor alterations to the fenestration of the building, on its front, rear and roof, it is considered that these adjustments would not result in significant changes to the views which would be afforded out of the windows. Therefore the proposal would not introduce elements which would result in unacceptable overlooking of neighbours or a deterioration of their privacy.

#### Overbearing

- 10.17. The proposal would not enlarge the approved development and would not introduce new elements which would significantly alter neighbours' perception of the building. Therefore the proposal would not give rise to an unacceptable sense of overbearing to neighbours.
- 10.18. Considering the above, the proposal is acceptable in terms of neighbours' amenity and Policy H14.

#### **iv. Flooding**

- 10.19. Policy RE3 of the Oxford Local Plan 2036 states that planning permission will not be granted for development in Flood zone 3b except where it is for water-compatible uses or essential infrastructure; or where it is on previously developed land and it will represent an improvement for the existing situation in terms of flood risk. Minor householder extensions may be permitted in Flood Zone 3b, as they have a lower risk of increasing flooding. Proposals for this type of development will be assessed on a case by case basis, taking into account the effect on flood risk on and off site. 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. The application site lies within a 3b flood zone and is therefore at high risk of flooding. The overall approach to addressing flooding on the site, through appropriate flood mitigation measures, is proposed to be the same as previously approved. This approach and methodology has been agreed by the Environment Agency and great weight has been afforded to their view, given their position as statutory consultees. While the proposal for the amended development would entail changes to the arrangement of the flood void and the means for water to enter and leave the flood void, the proposal would still provide sufficient mitigation measures so as to not lead to an increase in flood risk on or off the application site.
- 10.21. The proposal is therefore acceptable in terms of flooding and Policy RE3.

#### **v. Other Matters**

- 10.22. Most of the concerns raised during the consultation period were addressed in the above sections, where they have not been, they are addressed in this section.
- 10.23. It is noted that the drawings originally submitted by the applicant erroneously showed six cycle parking spaces, rather than the previously approved seven. This was corrected in a subsequent revised plan (ref: 320 / P / 06 / C); the only change in this revised drawing from the originally submitted drawing was the cycle parking.

### **11. CONCLUSION**

- 11.1. 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 the report.

- 11.2. 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.
- 11.3. The NPPF recognises the need to take decisions in accordance with Section 38 (6) but also makes it 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.
- 11.4. 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.
- 11.5. In summary, the proposed development would be an acceptable addition to the site. The proposal is suitable in terms of local planning policy and complies with the relevant policies of the Oxford Local Plan 2036.
- 11.6. Therefore officers consider that the development accords with the development plan as a whole.

*Material consideration*

- 11.7. The principal material considerations which arise are addressed above, 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 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; or 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.
- 11.10. 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 granted without delay.

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 Local Plan 2036 when considered as a whole. There are no material considerations that would outweigh these policies.

11.12. It is recommended that the Committee resolve to grant planning permission for the development proposed subject to the conditions set out in section 12 below:

## **12. CONDITIONS**

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

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

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

Reason: To avoid doubt and to ensure an acceptable development as indicated on the submitted drawings in accordance with Policy S1 of the Oxford Local Plan 2036.

- 3 The materials to be used in the proposed development shall only be in accordance with the details approved in this application and under application reference 19/00249/CND.

Reason: To ensure that the development is visually satisfactory as required by Policies S1 and DH1 of the Oxford Local Plan 2036.

- 4 Details of the colour finish of the rooflight frames and finished appearance of the solar panels shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be thereafter used.

Reason: To ensure the satisfactory visual appearance of the new development in accordance with Policies DH1 and DH3 of the Oxford Local Plan 2036.

- 5 The building(s) shall not be demolished before a legally binding contract for the carrying out of the works of redevelopment of the site has been entered into and evidence of the contract has been produced to and agreed in writing by the Local Planning Authority, or in the absence of such a contract an alternative timescale for commencement of the development has been submitted to and agreed in writing by the Local Planning Authority.

Reason: To ensure that the premature demolition of the buildings does not take place to the detriment of the special character and appearance of the Conservation Area, in accordance with policies CP1 and HE7 of the Adopted

Oxford Local Plan 2001-2016 and policy CS18 of the Oxford Core Strategy 2026.

- 6 Prior to occupation/usage, a flood plan should be submitted and approved in writing by the Local Planning Authority. This should provide guidance to owners/users as to what actions should be taken in the event of a flood, and after a flood to ensure it is safe to occupy/use the facility.

Reason: To manage flood risk in accordance with Policy RE3 and the NPPF

- 7 The development shall be carried out in accordance with the submitted flood risk assessment (ref Flood Risk Assessment (FRA) Job No. X172008 dated December 2020 by AKS Ward Construction Consultants and the following mitigation measures it details:

1. The finished floor level of the ground floor admin area is 57.25m AOD. The entrance is floodable at a finished floor level of 56.65m AOD to allow for no loss of flood plain storage.
2. There shall be no raising of existing ground levels on the site.
3. Any walls or fencing constructed within or around the site shall be designed to be permeable to flood water.
4. There shall be no storage of any materials including soil within the 1% annual probability (1 in 100) flood extent with an appropriate allowance for climate change.
5. A floodable void as outlined in section 5.2.1 and 5.2.2 and shown in drawing no. 92001 P03 and 320/p/10 A in Appendix D of the FRA

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: In accordance with Policy RE3 of the Oxford Local Plan 2036 and paragraph 163 of the National Planning Policy Framework (NPPF), to reduce the risk of flooding to the proposed development and future occupants.

- 8 The proposed development shall take place in accordance with the details relating to land contamination approved under application reference 19/00249/CND

Reason: To ensure that any ground and water contamination is identified and adequately addressed to ensure the site is suitable for the proposed use in accordance with the requirements of Policy RE9 of the Oxford Local Plan 2036.

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



Reason: To ensure that any ground and water contamination is identified and adequately addressed to ensure the site is suitable for the proposed use in accordance with the requirements of Policy RE9 of the Oxford Local Plan 2036.

- 10 The building hereby approved, shall only be used as a yoga studio and for no other use within use Class E of Schedule 2 to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any order revoking and re-enacting that Order with or without modification) unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the Local Planning Authority can properly consider any alternative use of the premises and to ensure that there is no long term loss of employment space within the City in accordance with Policy V1 of the Oxford Local Plan 2036.

- 11 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification), the permitted building shall only be used as a yoga studio and for no other purpose.

Reason: To ensure that the Local Planning Authority can properly consider any alternative use of the premises and to ensure that there is no long term loss of employment space within the City in accordance with Policy V1 of the Oxford Local Plan 2036.

- 12 Prior the first use of the development following its substantial completion the approved biodiversity enhancement measures as shown on the approved plan (Drawing No. 320/P/05/B) shall be installed.

Reason: To comply with the requirements of the National Planning Policy Framework, the Conservation of Habitats and Species Regulations 2017, Wildlife and Countryside Act 1981 (as amended) and Policy G2 of the Oxford Core Strategy 2026.

### **13. APPENDICES**

- **Appendix 1** – Site location plan

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

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

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

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

# Appendix 1 – Location Plan

20/02768/VAR - 16 East Street



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## WEST AREA PLANNING COMMITTEE

9th February 2021

**Application number:** 20/02434/VAR

**Decision due by** 31st December 2020

**Extension of time** 17<sup>th</sup> February 2021

**Proposal** Variation of condition 2 (Develop in accordance with approved plans) of planning permission 17/02419/FUL (Erection of new Music School, construction of link to Lynam Hall, landscaping including the formation of a new courtyard, garden area to Lane House and entrance courtyard.) to allow an extension to the north west staircase and plant room, the provision of air-source heat pumps and alterations to fenestration. Increase in height of parapet wall, removal of fire escape and seating box to the north elevation. Alterations to the fire escape ramp to the south elevation and alterations to the link structure to Lynam Hall. Reduction in roof mounted PV solar panels and rooflights. (amended description)

**Site address** Dragon School , Bardwell Road, Oxford, OX2 6SS – see **Appendix 1** for site plan

**Ward** North Ward

**Case officer** Jennifer Coppock

**Agent:** N/A **Applicant:** The Bursar

**Reason at Committee** The application involves a major development

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### 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 and informatives 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 alterations to the extant permission (17/02419/FUL) which was granted permission for the erection of a new music school, construction of a link to Lynam Hall, landscaping including the formation of a new courtyard, garden area to Lane House and entrance courtyard. The alterations, subject of this application, to the approved scheme include an extension to the north west staircase and plant room, the provision of air-source heat pumps and alterations to fenestration. An increase in the height of the parapet wall, removal of the fire escape and seating box to the north elevation are also proposed. Alterations to the fire escape ramp to the south elevation and alterations to the link structure to Lynam Hall. Alterations to the roof including the reduction in roof mounted PV solar panels and rooflights.
- 2.2. It is considered that the proposed extension and alterations would not cause harm to the appearance or character of the Conservation Area in accordance with Paragraphs 192-196 of the NPPF and Policy DH3 of the Oxford Local Plan 2036.
- 2.3. With regards to the impact on neighbouring amenity, noise pollution and energy efficiency, it is considered that the proposed development accords with the requirements of the Oxford Local Plan 2036, as set out in more detail below.
- 2.4. Officers consider that the proposal would be acceptable in all regards and would be in accordance with the relevant national and local policies.

## **3. LEGAL AGREEMENT**

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

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

- 4.1. The proposal is liable for CIL, totalling £46,095.72.

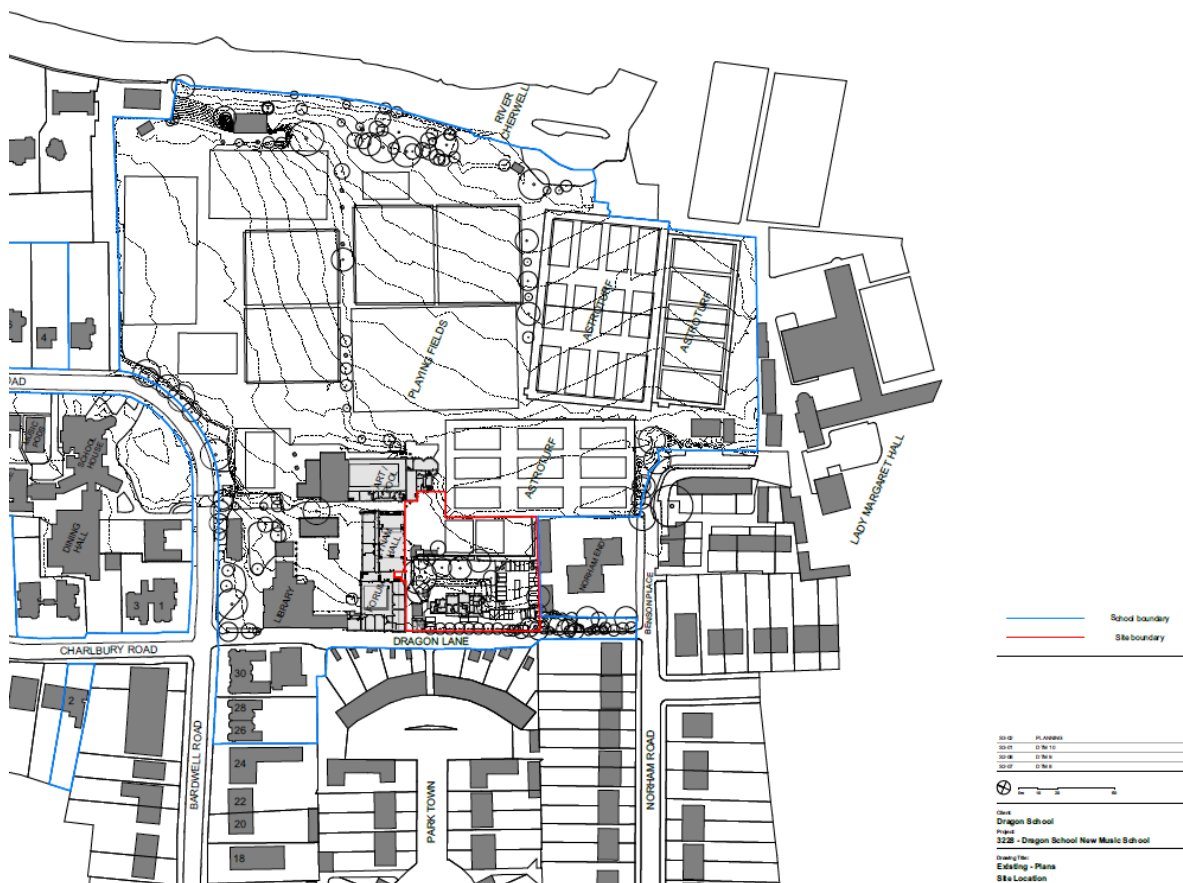
## **5. SITE AND SURROUNDINGS**

- 5.1. Dragon School is located on the corner of Bardwell Road and Dragon Lane. Dragon School comprises a collection of buildings dating from the late 19th Century through to the twenty-first century that lie on the eastern edge of the North Oxford Victorian Suburb Conservation Area, backed by open playing fields that run down to the banks of the River Cherwell. The site for the music school lies immediately behind, to the east of Lane House an early twentieth century building currently used for staff accommodation that fronts onto Dragon Lane directly behind the eastern crescent of Park Town (listed grade II). The building, as already approved (reference 17/02419/FUL), is proposed to sit immediately to the south of and adjacent to communal school buildings in the form of Lynam Hall and to the west of the Art buildings. The proposed building would be linked to Lynam Hall and the Forum.
- 5.2. Dragon Lane connects Norham Road and Bardwell Road. It is an important pedestrian and cycle route through this part of North Oxford (and is part of National Cycle Network Route 51). Numerous trees line parts of Dragon Lane, particularly along the boundaries between the properties bordering the Lane. Trees make an important contribution to the suburban character of the lane. Therefore, the

retention of those trees which form an important element of this quiet lane is welcomed. Also trees along Norham End are proposed to be retained. On one side of Dragon Lane is Dragon School and on the other side is Park Town. Brick rear elevations, garages and rear gardens of properties of Park Town are visible from Dragon Lane. Lane House is located between the application site and Dragon Lane and is largely hidden due to the existing large trees. Lane House and existing trees would restrict the visibility of the proposed development from the public realm. Surrounding development are mostly constructed from brick and render. The height of the surrounding development varies from two and three storeys. The proposed development would not be higher than the Forum and Art buildings. The proposed development would be slightly higher than Lane House, however the view of the proposed music school would be restricted by the chimneys on Lane House and trees along Dragon Lane.

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

5.4. See site location plan below:



## 6. PROPOSAL

- 6.1. The application proposes to vary Condition 2 (develop in accordance with approved plans) of the extant planning permission (17/02419/FUL) in order to incorporate the following alterations and extensions:

### Extension to the north west staircase and creation of a plant room

- 6.2. The proposed extension would be located to the north west elevation and would follow the building line of the approved music building and therefore it is considered that views from Dragon Lane would not materially alter due to the presence of existing trees and built form. The extension would accommodate a slightly enlarged staircase and the proposed air source heat pumps (ASHPs). The footprint of the proposed extension would measure approximately 24sq. m. larger than the approved scheme. The extended staircase would measure 6.85m in height, with the plant room measuring 6.35m in height, both lower than the overall height of the approved scheme at 11m. The extension would measure approximately 6.3m in depth, compared to 5.2m of the approved staircase.
- 6.3. The staircase would be finished in brickwork, whilst the plant room would be constructed of louvered panels with louvered access doors to the north and south elevations, allowing appropriate ventilation around the ASHPs. Sample panels of these proposed materials are recommended to be required prior to the commencement of relevant works to ensure a sympathetic design.

### Alterations to fenestration

- 6.4. The proposals includes the insertion of metal clad spandrel panels (a screen located between vision areas of windows, which conceal structural columns) under the ground floor windows, replacing visible brick running underneath the windows as approved. The rationale behind this alteration is to create uniformity between the west and east elevations. The façade panels would be coloured the same as the window frames. Again, sample panels would be required to be approved prior to the commencement of relevant works to ensure a high quality finish.
- 6.5. 1no. window to the west elevation would be slightly reduced in size from that of the approved scheme. The top of the window would be in line with the adjacent unaltered first floor windows.
- 6.6. At the western gable, the approved block brick panel would be replaced by a louvered panel to facilitate future access to the roof level plant room, avoiding damage to the façade. The approved brick panel would be more difficult to remove and replace to an acceptable quality on this façade.

### Increase in height of parapet wall

- 6.7. The parapet wall to the north elevation is proposed to increase by 25cm, to allow effective rainwater drainage and an appropriate pitch for gutters to ensure the building fabric is adequately protected. The minimal proposed increase in height would achieve a uniform parapet whilst accommodating drainage requirements.



#### Removal of fire escape and seating box to the north elevation

- 6.8. The approved fire escape to the north east corner of the main rehearsal room would be removed. As an alternative escape route, an additional door (replacing an approved window) is now proposed to the east elevation, adjacent to the main entrance. The proposed door would match the proportions of the main entrance.
- 6.9. The approved seating box to the north elevation is to be removed due to the changing needs of the school.

#### Alterations to the fire escape ramp to the south elevation

- 6.10. The approved fire escape ramp to the south elevation would be altered to increase its length from 3.4m to 5.7m and decrease the maximum height of the balustrade from 1.7m to 1.2m. The maximum depth from the south elevation would be increased to 2m, from 1.5m.

#### Alterations to the link structure to Lynam Hall

- 6.11. The approved link building, connecting the approved building to Lynam Hall would be replaced by a glazed canopy between the two buildings.

#### Alterations to roof mounted vents

- 6.12. 4no. roof mounted natural ventilation units are to be altered from that of the approved scheme due to feedback received by the applicant from 'Breathing Buildings' regarding the exact natural ventilation requirements for the building. The approved units measure approximately 2.9m in width, 2.8m in depth and 90cm in height. The proposed units measure approximately 1.5m in width and 1.5m in depth with a slight increased height of 10m.

#### Reduction in roof mounted PV solar panels and rooflights

- 6.13. The number of rooflights is to be significantly reduced from 19 to 10 for design purposes. The optimum number of PV solar panels was calculated by the applicant's engineer and as such, it was decided to remove the panels from the eastern slope as they would be surplus to requirements and would be compromised by overshadowing in any event.

### **7. RELEVANT PLANNING HISTORY**

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

17/02419/FUL - Erection of new Music School, construction of link to Lynam Hall, landscaping including the formation of a new courtyard, garden area to Lane House and entrance courtyard. (Amended plans)(Additional information-Acoustic Report and Engineering Report). PER 25th January 2018.

17/02419/CND - Details submitted in compliance with condition 10 (Archaeology) of planning permission 17/02419/FUL. Approved 8th July 2020.

17/02419/CND2 - Details submitted in compliance with conditions 3 (Materials),

4 (Landscape plan required), 7 (Arboricultural Method Statement (AMS) 1), 8 (Landscape undrgrnd services - tree roots), 9 (Hard Surfaces), 11 (Construction Environmental Management PI), 12 (Construction Traffic Management Plan), 13 (Cycle Parking), 14 (Drainage strategy), 15 (Sustainable drainage methods) and 16 (Sustainable Drainage Maintenance Plan) of planning permission 17/02419/FUL. Approved 4th December 2020.

17/02419/CND3 - Details submitted in compliance with condition 10 (Archaeology) of planning permission 17/02419/FUL. Approved 5th January 2021.

## 8. RELEVANT PLANNING POLICY

8.1. The following policies are relevant to the application:

Topic	NPPF	Local Plan
Design	117-123, 124-132	DH1 - High quality design and placemaking
Conservation/ Heritage	184-202	DH3 - Designated heritage assets DH4 - Archaeological remains
Housing	59-76	H14 - Privacy, daylight and sunlight
Commercial	170-183	
Natural environment	91-101	G2 - Protection of biodiversity geo-diversity G7 - Protection of existing Green Infrastructure
Social and community	102-111	
Transport	117-123	M1 - Prioritising walking, cycling and public transport M2 - Assessing and managing development M5 - Bicycle Parking
Environmental	117-121, 148-165, 170-183	RE1 - Sustainable design and construction RE2 - Efficient use of Land RE4 - Sustainable and foul drainage, surface RE6 - Air Quality RE8 - Noise and vibration RE9 - Land Quality
Miscellaneous	7-12	S1 – Presumption in favour of sustainable development

## 9. CONSULTATION RESPONSES

9.1. Site notices were displayed around the application site on 20th October 2020 and an advertisement was published in The Oxford Times newspaper on 15th October 2020.

### **Statutory and non-statutory consultees**

#### Oxfordshire County Council (Highways)

9.2. No objection

#### Environment Agency

9.3. No comment

#### Historic England

9.4. No comment

#### Park Town Trustees

9.5. Concern raised regarding the acoustic implications of the air source heat pumps. Request for further information in this regard.

#### Oxford Civic Society

9.6. Concern raised regarding noise breakout from the air source heat pumps. Request for further information in this regard.

#### Natural England

9.7. No comment

#### Linton Road Neighbourhood Association

9.8. Concern raised regarding the acoustic implications in relation to the air source heat pumps. Request for further information prior to determination.

### **Public representations**

9.9. Six local people commented on this application from addresses in Park Town.

9.10. In summary, the main points of objection (6 residents) were:

- Noise generated by the air source heat pumps and proposed new roof mounted ventilation system.
- Impact of proposed extension on views from Dragon Lane and rear of Park Town terraces.
- Potential felling of additional trees.
- Impact on views over the river.

### **Officer response**

9.11. During the determination of the application, a noise assessment was submitted in relation to the proposed air source heat pumps. The Council's environmental health team were consulted and provided comments, confirming that the proposed plant would meet the required sound criteria in environmental health terms, details are

set out below. With regards to the roof mounted ventilation units, it is confirmed that these would provide natural ventilation and would not generate noise. The proposal would not involve the felling of any additional trees and the impact on views from the Conservation Area have been assessed, as detailed below.

## **10. PLANNING MATERIAL CONSIDERATIONS**

10.1. Officers consider the determining issues to be:

- i. Design and impact on the historic environment
- ii. Impact on neighbouring amenity
- iii. Noise
- iv. Sustainability

### **i. Design and impact on the historic environment**

10.2. Policy DH1 of the Oxford Local Plan 2036 stipulates that planning permission will only be granted for development which shows a high standard of design, and which respects the character and appearance of an area and uses materials appropriate to the site and surroundings.

10.3. Policy DH3 requires development to respect and draw inspiration from Oxford's unique historic environment (above and below ground), responding positively to the significance character and distinctiveness of the heritage asset and locality.

10.4. The NPPF requires proposals to be based upon an informed analysis of the significance of all affected heritage assets and expects applicants to understand the impact of any proposal upon those assets with the objective being to sustain their significance (paragraph 189). In making any such assessment great weight should be given to the asset's conservation (paragraph 193). When assessing the impact of a proposal on a non-designated heritage asset the NPPF requires the Local Planning Authority to undertake a balancing judgement having regard to the scale of any harm or loss and the significance of the heritage asset (paragraph 197).

10.5. The application site is located within a Conservation Area, therefore, the test under section 72 of the Planning (Listed Buildings and Conservation Area) Act 1990 is relevant and must be given consideration.

10.6. Section 72 states:-

10.7. "(1) In the exercise, with respect to any buildings or other land in a conservation area, of any [functions under or by virtue of] any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."

10.8. There are listed buildings within close proximity to the application site (Park Town terrace). Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires local planning authorities to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.

- 10.9. In terms of the proposal's impact on the appearance of the North Oxford Victorian Suburb Conservation Area, it is considered that whilst the amended design features do reduce some of the architectural elegance of the approved scheme, it is not sufficient to conclude that there would be harm to the significance of the conservation area. The proposed extension would sit to the east (rear of) Lane House and views of the extension would be glimpsed from Dragon Lane, rather than in full view. As set out above, conditions have been recommended, requiring details and sample panels of the windows, louvered panels and roof vents to ensure a sympathetic appearance.
- 10.10. It is considered that the proposed development would not cause harm to the Conservation Area or the setting of nearby listed buildings.
- 10.11. In light of the above it is considered that the proposed development is in accordance with chapter 16 of the NPPF and policy DH3 of the Oxford Local Plan 2036 and it therefore acceptable in this regard.

## **ii. Impact on neighbouring amenity**

- 10.12. Policy H14 of the Oxford Local Plan 2036 requires new development to provide reasonable privacy, daylight and sunlight for occupants of existing homes. Consideration must be given to the degree of overlooking to and from neighbouring properties or gardens, the orientation of windows in both new and existing development in respect of access to daylight, sunlight and solar gain and existing and proposed walls, hedges, trees and fences in respect of their impact on overshadowing both existing and new development. Planning permission will not be granted for any development that has an overbearing effect on existing homes.
- 10.13. The proposed building, with extension, would be located to the north of the Norham End development and to the west of Park Town residential dwellings. The distance between the proposed development and Norham End would be approximately 39m, the distance between the proposed building and the rear elevations of the properties in Park Town would be approximately 40m at its nearest point.
- 10.14. It is considered that the proposed building would not have any detrimental impact on the neighbouring properties in terms of loss of light, overlooking or have an overbearing impact.
- 10.15. The existing distant views from rear elevations of Park Town properties are already restricted by the chimneys of Lane House and large trees along Dragon School and as such it is not considered that the proposed extension and alterations to the approved scheme would impact on these views.
- 10.16. In light of the above, it is considered that the proposed development would not unacceptably impact on neighbouring amenity in accordance with policy H14 of the Oxford Local Plan 2036.

## **iii. Noise**

- 10.17. Policy RE8 of the Oxford Local Plan 2036 requires development proposals to manage noise to safeguard or improve amenity, health, and quality of life.

- 10.18. Condition 20, attached to planning permission 17/02419/FUL, required that any proposed plant shall not cause the existing background noise level to be increased when measured one metre from the nearest noise sensitive elevation. In order to achieve this, the plant would need to be designed / selected or the noise attenuated so that it is 10dB below the pre-development background level. This would maintain the existing noise climate and prevent 'ambient noise creep'. As above, a noise assessment was submitted during the determination of this application and it has been concluded that the proposed ASHPs would fulfil the requirements of condition 20 of planning permission 17/02419/FUL.
- 10.19. A condition has been recommended requiring that the proposed development is carried out in complete accordance with the submitted noise assessment, to ensure compliance with policy RE8 of the Oxford Local Plan 2036.

#### **iv. Sustainability**

- 10.20. Policy RE1 of the Oxford Local Plan 2036 requires development proposals of 1,000m<sup>2</sup> or more to achieve at least a 40% reduction in the carbon emissions compared with a 2013 Building Regulations (or future equivalent legislation) compliant base case and to meet the minimum standard of four credits under the BREEAM assessment.
- 10.21. It has been demonstrated that the proposed 36no. solar PV panels would meet the 40% carbon reduction target including allowance for a 5% loss factor. Furthermore, the ASHPs would provide a 26.1% carbon reduction. With regards to water efficiency, the proposed building would have a limited water demand as the supplies are restricted to WC and kitchenette facilities, however the specification for the project includes low flow sensor operated taps and sensor operated flush cisterns. Service valves would be fitted with automatic flow limiting cartridges on all hot and cold feeds and there would be a sub-meter on the main incoming water supply to the building with a pulsed output for BMS connection and a water management log book in accordance with BS standards.
- 10.22. It is considered that the proposed development satisfies the requirements of policy RE1 of the Oxford Local Plan 2036 and is acceptable in this regard.

### **11. CONCLUSION**

- 11.1. Having regard to the matters discussed in the report, officers would make members aware that the starting point for the determination of this application is in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004 which makes clear that proposals should be assessed in accordance with the development plan unless material considerations indicate otherwise.
- 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.

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 is considered acceptable for the reasons set out within this report and would accord with the relevant policies of the Oxford Local Plan 2036.

#### *Material consideration*

11.5. The principal material considerations which arise have been addressed in earlier sections of this report.

11.6. National Planning Policy: the NPPF has a presumption in favour of sustainable development.

11.7. NPPF paragraph 11 states that proposals that accord with the development plan should be approved 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; or 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.

11.8. Officers consider that the proposal would accord with the overall aims and objectives of the NPPF for the reasons set out within the report.

11.9. Officers would advise members that, having considered the application carefully, the proposal is considered acceptable in terms of the aims and objectives of the National Planning Policy Framework and relevant policies of the Oxford Local Plan 2036 when considered as a whole. There are no material considerations that would outweigh these policies.

11.10. It is recommended that the Committee resolve to grant planning permission for the development proposed subject to the conditions and informatives set out in section 12 below.

## **12. CONDITIONS**

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

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

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

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

3. Sample panels of external materials and brick demonstrating the colour, texture, face bond and pointing, including all louvred, perforated and solid panels of the proposed windows, ASHP enclosure and roof mounted vents, shall be erected on site and approved in writing by the Local Planning Authority before relevant parts of the work are commenced. The development shall be completed in accordance with the approved details.

Reason: To ensure a sympathetic appearance for the new work and in the interest of the special character of the area , in accordance with policies RE7, DH1 and DH3 of the Oxford Local Plan 2036.

4. Prior to the commencement of relevant works, large scale details of the roof mounted ventilation units shall be submitted to, and approved in writing, by the Local Planning Authority. The development shall be carried out in complete accordance with approved details.

Reason: In the interests of the visual appearance of the conservation area, in accordance with policies DH1 and DH3 of the Oxford Local Plan 2036.

5. The landscaping proposals, set out below as approved under planning permission 17/02419/CND2, shall be carried out upon substantial completion of the development and be completed not later than the first planting season after substantial completion.

7379\_100 F General Arrangement  
7379\_101 Soft Works Plan  
7379\_102 A Lighting Strategy  
7379\_201 Feature Wall Section  
7379\_202 Feature Wall Elevation  
7379\_203 Seating Steps Section  
7379\_205 Feature Paving Plan  
7376\_206 A Planter Detail  
7379\_301 Tree Pit Detail  
7379\_302 Typical Planting Detail  
7379\_303 A Railing and Gate Details  
7379\_305 A Typical Paving Details 1  
7379\_306 A Typical Paving Details 2  
7379\_307 A Typical Paving Details 3  
7379\_308 A Typical Drainage Details  
7379\_309 Paving Detail  
7376\_310 Seating Detail 1  
7376\_311 Seating Detail 2



7376\_312 Seating Detail 3  
7376\_313 Planter Detail  
7379\_314 Step Detail  
7379\_315 A Edge Detail  
7379\_316 Ramp Detail 1  
7379\_317 A Ramp Detail 2  
7379\_318 Planter Detail  
7379\_901 B Materials Schedule  
7379\_903 External Works Specification

Reason: In the interests of visual amenity in accordance with policy RE7 of the Oxford Local Plan 2036.

6. The development shall be carried out in strict accordance with the approved tree protection measures contained within planning permission 17/02419/FUL unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect retained trees during construction in accordance with policies RE7 and G7 of the Oxford Local Plan 2036.

7. The development hereby approved shall be carried out in complete accordance with 'Tree Survey Report' (dated June 2020), as approved under planning permission 17/02419/CND2.

Reason: To protect retained trees during construction in accordance with policies RE7 and G7 of the Oxford Local Plan 2036.

8. The development, hereby approved, shall be carried out in complete accordance with the following documents, as approved under planning permission 17/02419/CND2:

3120588-HL-XX-00-GA-E-690-0001 T01 Electrical Engineering Systems, External Services Layout, Ground Floor  
3120588-HL-XX-00-GA-E-690-0002 T01 Electrical Engineering Systems, External Services Layout, Containment Layout, Ground Floor  
Drainage Planning Conditions Report, by Price and Myers (dated December 2020)

Reason: To avoid damage to the roots of retained trees in accordance with policies RE7 and G7 of the Oxford Local Plan 2036.

9. The development, hereby approved, shall be carried out in complete accordance with the following documents, approved under planning permission 17/02419/CND2:

7379\_100 F General Arrangement  
7379\_305 A Typical Paving Details 1  
7379\_306 A Typical Paving Details 2  
7379\_307 A Typical Paving Details 3

7379\_901 B Materials Schedule  
7379\_903 External Works Specification

Reason: To avoid damage to the roots of retained trees in accordance with policies RE7 and G7 of the Oxford Local Plan 2036.

10. The development, hereby approved, shall be carried out in complete accordance with the following document, approved under planning permission 17/02419/CND3:

'Dragon School, Oxford: Archaeological Evaluation Report'

Reason: To avoid any damaging effect on known or suspected elements of the historic environment of the people of Oxford and their visitors, including prehistoric and Roman remains in accordance with policy DH4 of the Oxford Local Plan 2036.

11. The development, hereby approved, shall be carried out in complete accordance with the following document, approved under planning permission 17/02419/CND2:

'Construction Environmental Management Plan' (dated July 2020)

Reason: In the interests of the amenities of neighbouring occupiers, in accordance with policies RE6, RE7 and RE8 of the Oxford Local Plan 2036, and in order to make sure that any residual effect from dust generating activities is considered not significant.

12. The development, hereby approved, shall be carried out in complete accordance with the following document, approved under planning permission 17/02419/CND2:

'Construction Management Plan' (dated July 2020, amended and re-submitted September 2020)

Reason: In the interests of highway safety and to mitigate the impact of construction vehicles on the surrounding network, road infrastructure and local residents, particularly at peak traffic times in accordance with policy M2 of the Oxford Local Plan 2036.

13. The development, hereby approved, shall be carried out in complete accordance with the following document, as approved under planning permission 17/02419/CND2:

'Cycle Shelter Detail' and 'General Arrangement Plan' (refs: 7379\_100 F and 7376\_304 A)

Reason: To encourage sustainable transport in accordance with Policies M1 and M5 of the Oxford Local Plan 2036.

14. Development shall not commence until a drainage strategy detailing any on and/or off site drainage works, has been submitted to and approved in writing by, the local planning authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the approved strategy have been completed.

Reason: The development may lead to sewage flooding; to ensure that sufficient capacity is made available to cope with the new development; and in order to avoid adverse environmental impact upon the community in accordance with policy RE4 of the Oxford Local Plan 2036.

15. Prior to the commencement of the approved development, plans, calculations and drainage details to show how surface water shall 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 shall be required to be completed by a suitably qualified and experienced person in the field of hydrology and hydraulics.

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

- I. The drainage system is to be designed to control surface water runoff for all rainfall up to a 1 in 100 year storm event with an allowance for climate change.
- II. The rate at which surface water is discharged from the site may vary with the severity of the storm event but must not exceed the greenfield runoff rate for a given storm event.
- III. Excess surface water runoff must be stored on site and released to receiving system at greenfield rates.
- IV. Network drainage calculation to demonstrate the above points

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

Reason: To ensure compliance with policy RE4 of the Oxford Local Plan 2036.

16. Prior to the commencement of development, a Sustainable Drainage (SUDs) Maintenance Plan shall be submitted to and approved in writing by the Local Planning Authority.

The Sustainable Drainage (SuDS) Maintenance Plan will be required to be completed by a suitably qualified and experienced person in the field of hydrology and hydraulics. The SuDS maintenance plan will be required to provide details of the frequency and types of maintenance for each

individual sustainable drainage structure proposed and ensure the sustainable drainage system will continue to function safely and effectively in perpetuity. The development shall be carried out in complete accordance with the approved maintenance plan.

Reason: To ensure that the proposed development is maintained in perpetuity and to avoid increasing surface water run-off and thereby attenuating flood risk in accordance with policy RE4 of the Oxford Local Plan 2036.

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

- Four Ibstock Eco-habitat for swifts to be installed at the apex of the walls of the new building. Two of these boxes to be installed along the eastern sides of the building and two boxes to be installed along the western elevation.
- A Schwegler 1SP box house sparrow will be erected on the eastern elevation of the new school building.
- Removal of the mature trees to be undertaken by an experienced arboriculturalist and trees should be section felled, with checks for bats and any evidence of bats within the felled sections. In the very unlikely event that bats are encountered, works will stop and advice will be sought from an experienced ecologist.
- 2 Schwegler 1FR bat tubes to be installed along the southern elevation of the new building.

Reason: In the interests of improving the biodiversity of the City in accordance with NPPF and policy G2 of the Oxford Local Plan 2036.

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

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

19. The development, hereby approved, shall be carried out in complete accordance with the acoustic assessment by 'Adrian James Acoustics, dated 22 May 2020'.

Reason: In order to maintain the existing noise climate and prevent ambient noise creep in the interests of the residential amenity in accordance with policies RE7 and RE8 of the Oxford Local Plan 2036.

#### 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](http://www.oxford.gov.uk/CIL)
- 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.

- 3 Removal of vegetation and demolition of buildings shall be undertaken outside of bird nesting season. This is weather dependent but generally extends between March and August inclusive. If this is not possible then a suitably qualified ecologist shall check the areas concerned immediately prior to the clearance works to ensure that no nesting or nest-building birds are present. If any nesting birds are present then the vegetation or buildings shall not be removed until the fledglings have left the nest.
- 4 A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing [wwriskmanagement@thameswater.co.uk](mailto:wwriskmanagement@thameswater.co.uk). Application forms should be completed on line via [www.thameswater.co.uk/wastewaterquality](http://www.thameswater.co.uk/wastewaterquality).
- 5 Thames Water will aim to provide customers with a minimum pressure of 10m head (approx. 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

6 Thames Water advise that a drainage strategy should contain details of pre and post development surface water run off rates and the proposed methods of surface water flow management e.g. attenuation, soakaways etc. The drainage strategy should also make clear the location of where the development's drainage will be connected to the public sewer.

### **13. APPENDICES**

- **Appendix 1** – Site location plan

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

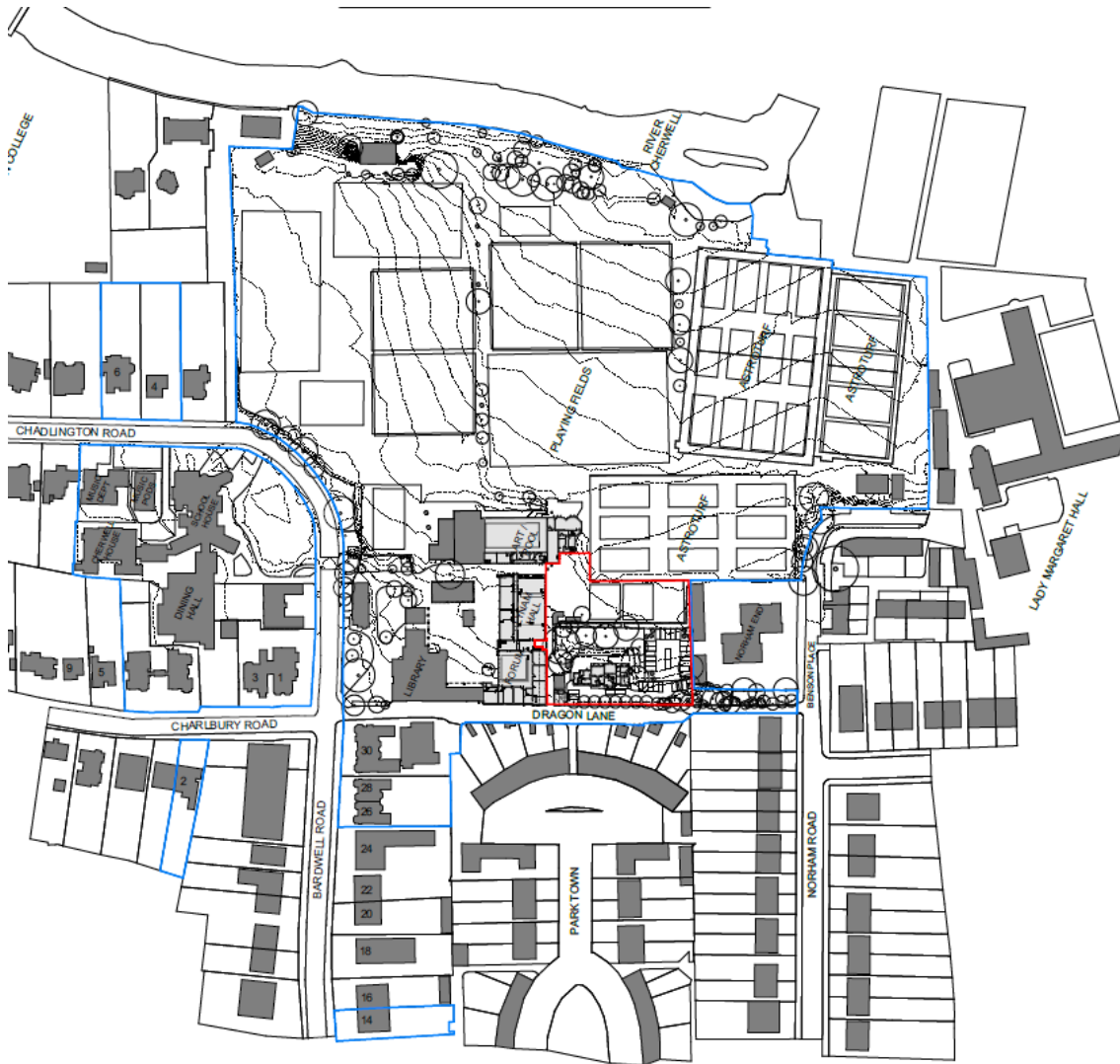
14.1. Officers have considered the implications of the Human Rights Act 1998 in reaching a recommendation to approve this application. They consider that the interference with the human rights of the applicant under Article 8/Article 1 of Protocol 1 is justifiable and proportionate for the protection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

## 20/02434/VAR – Dragon school



——— School boundary  
——— Site boundary

01/01	PLANNING
02/01	07/01/17
03/01	07/01/17
04/01	07/01/17

Site:  
 Dragon School  
 Prop:  
**S28 - Dragon School New Music School**

Drawn by:	Checked by:
Site Location	

Date:	Scale:	Issue:	Date:
A1	1:1000	PLANNING	08-08-2017
3228-A-P1-0301-0001			S3-02

**Berman Guedes Stretton**

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## **Remote meeting**

### **Minutes of a meeting of the West Area Planning Committee on Tuesday 19 January 2021**

www.oxford.gov.uk



#### **Committee members present:**

Councillor Cook (Chair)

Councillor Hollingsworth

Councillor Iley-Williamson

Councillor Tarver

Councillor Wade

Councillor Gotch (Vice-Chair)

Councillor Howlett

Councillor Tanner (for Councillor Corais)

Councillor Upton

#### **Officers present for all or part of the meeting:**

Adrian Arnold, Head of Planning Services

Gill Butter, Principal Heritage Officer

Felicity Byrne, Principal Planner

Natalie Dobraszcyk, Development Manager Team Leader

Sally Fleming, Planning Lawyer

Robert Fowler, Planning Team Leader

Mike Kemp, Senior Planning Officer

Andrew Murdoch, Development Management Service Manager

James Paterson, Senior Planning Officer

Jennifer Thompson, Committee and Members Services Officer

#### **Apologies:**

Councillor Corais sent apologies.

Substitutes are shown above.

## **62. Declarations of interest**

### **General**

Cllr 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. He said that he was approaching all of the applications with an open mind,

would listen to all the arguments and weigh up all the relevant facts before coming to a decision.

Cllr 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. She said that she was approaching all of the applications with an open mind, would listen to all the arguments and weigh up all the relevant facts before coming to a decision.

Cllr Gotch stated that as a member of 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. He said that he was approaching all of the applications with an open mind, would listen to all the arguments and weigh up all the relevant facts before coming to a decision.

Cllr Wade stated that as a member of the Oxford Civic Society, she had taken no part in the organisation's discussions or decision making regarding the applications before the Committee. She said that she was approaching all of the applications with an open mind, would listen to all the arguments and weigh up all the relevant facts before coming to a decision.

### **Specific applications**

Minute 63: 20/02471/FUL

Cllr Cook stated that he was a member of the University of Oxford and of the University Sports Club, but the application had no direct effect on his disclosed interests and the amenity of the sports club. He was approaching the application with an open mind, would listen to all the arguments and weigh up all the relevant facts before coming to a decision

Cllr Upton stated that she was a member of the University of Oxford and worked close to the site but the application had no direct effect on her disclosed interests. She was approaching the application with an open mind, would listen to all the arguments and weigh up all the relevant facts before coming to a decision

Minute 66: 20/02938/FUL

Cllr Tanner stated that whilst he had called in this application he had not made his mind up on the matter and came to the meeting with an open mind.

Minute 68

Cllr Hollingsworth noted that application 20/01276/FUL and 20/01277/LBC listed on the forthcoming items related to the property next to his, and he would leave the meeting and not take part in any discussion on these.

### **63. 20/02471/FUL: Tinbergen Building, South Parks Road, Oxford, OX1 3PS**

The Committee considered an application for planning permission for the erection of research and teaching building (Use Class F.1) over five storeys plus basement level including associated café, offices, laboratories and roof level greenhouses, plant, PV panels and flues; creation of new public open space with basement level access; hard and soft landscaping works, installation of cycle and car parking, alterations to existing access points and service road, creation of new pedestrian and cycle access, installation of electricity substation and ancillary works at the Tinbergen Building, South Parks Road, Oxford, OX1 3PS.

The Planning Officer reported the following updates and clarifications to her report:

- Response from Oxfordshire County Council as Lead Local Flood Authority (LLFA) raising no objection and recommending conditions already listed at conditions 17, 18, 19 in the report.

Clarifications:

- Para 10.6 – confirmed that the current published monitoring report showed 2114 University students living outside University accommodation, so below the 2,500 threshold and meeting policy H9.
- Para 10.26 – the agent confirmed the ridge height is 23m and parapet 21m on South Parks Road. The 24m referred to is the height to top of the plant.
- Para. 10.43 – existing parking spaces totalled 69 spaces (Currently 29 spaces within the Mansfield Block, plus 6 outside William Dunn School) (35 in total). There were an additional 34 within Old Tinbergen. Proposed spaces were 24 total: 18 within the Mansfield Block (all operational and/disabled) 6 for LaMB outside William Dunn School (3 disabled and 3 parking for vulnerable patients of Psychology) All spaces are for operational vehicles and not staff vehicles.
- Two EV points (not 3) would be provided.
- Para 10.49 – should read ‘objectors’ not singular
- Para 10.22 - Flues would extend 6m above main ridge height
- Para 10.62 – Air source Heat pumps would be provided, not ground source heat pumps.

Debbie Dance, representing the Oxford Preservation Trust, spoke against the application, referencing in particular the height of the building and the impact on views.

Professor Chris Kennard, representing the applicant, and Robert Linnell, the agent, spoke in support 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:**

- a) **approve application 20/02471/FUL** for the reasons given in the report and subject to the required planning conditions set out in section 12 of the report and grant planning permission subject to:  
the satisfactory completion of a unilateral undertaking or 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 set out in the report; and
- b) **delegate authority** to the Head of Planning Services to:
  - a) finalise the recommended conditions as set out in the report including such refinements, amendments, additions and/or deletions as the Head of Planning Services considers reasonably necessary; and
  - b) ensure completion of the recommended unilateral undertaking or legal agreement under section 106 of the Town and Country Planning Act 1990 and other enabling powers with the County Council to secure the obligations 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 Head of Planning Services considers reasonably necessary; and
  - c) complete the unilateral undertaking or section 106 legal agreement referred to above and issue the planning permission.

**64. 20/02480/FUL: Boswells, 1-5 Broad Street and 31 Cornmarket Street, Oxford, OX1 3AG**

The Committee considered an application for the change of use from mixed use retail (Use Class A1) and educational use (Use Class D1) to Hotel (Use Class C1) with associated facilities, including bar, restaurant and roof lounge at Boswells, 1-5 Broad Street and 31 Cornmarket Street, Oxford, OX1 3AG.

William Rohleder and Eleanor Alexander, representing the applicant, spoke in support of the application and answered questions from the Committee.

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:**

- **approve application 20/02480/FUL** for the reasons given in the report and subject to the required planning conditions set out in section 12 of the report and grant planning permission; subject to:  
the satisfactory completion of a legal agreement under 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

- **delegate authority** to the Head of Planning Services to:
  - a) finalise the recommended conditions as set out in the report including such refinements, amendments, additions and/or deletions as the Head of Planning Services considers reasonably necessary; and
  - b) 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 Head of Planning Services considers reasonably necessary; and
  - c) complete the section 106 legal agreement referred to above and issue the planning permission.

## **65. 20/02303/FUL: Peacock House, Baynams Drive, Oxford, OX2 8FN**

The Committee considered an application for the change of use of ground floor of Block C of the Wolvercote Paper Mill development from GP surgery and business use to residential use (Use Class C3) comprising 5 x 2 bedroom flats and 2 x 1 bedroom flats; alterations to fenestration at ground floor; insertion of 3 doors to north elevation and 4 doors to south elevation (amended plans and additional information) at Peacock House, Baynams Drive, Oxford, OX2 8FN.

The Planning Officer reported the receipt of four additional objections, reiterating already raised planning matters, and one additional document from the applicant.

Christopher Harman (local resident) and Christopher Gowers (resident and representing Oxfordshire Neighbourhoods and Villages Trust Ltd) spoke objecting to the application. They raised concerns about the affordability to a GP practice of the rental and fitting out costs of an empty unit; that they had heard that proposed rental costs were high, and that they did not accept that the applicant had explored all possible options for a community or commercial use with local community groups including the Wolvercote Neighbourhood Forum.

Paul Comerford and Vikki Roe, representing the applicant, answered questions from the committee.

The Committee considered all the information put before it, and noted a lack of clarity and information about:

- The actual proposed rent for the commercial unit and the surgery, given the difference between the rental charges mentioned by the objectors and the 'peppercorn rent' alluded to in the report;
- Confirmation of the CCG's view on whether the surgery space was needed for a GP practice and if so what factors were stopping its acquisition;

- Evidence of marketing and discussions with potential both commercial or community occupiers;

After debate and on being proposed, seconded and put to the vote, the Committee agreed to defer further consideration of the application to a future meeting.

**The West Area Planning Committee resolved to:**

**Defer consideration until a future meeting and to enable officers to ask for more information which could be presented to the Committee on**

- the CCG’s current views on whether the space was needed for a GP practice and if so what factors were stopping its acquisition
- evidence of marketing, including
  - rents (both proposed and those offered to interested renters) for GP surgery, commercial space, and community space
  - evidence of marketing and discussions with both potential commercial and community occupiers, and exploration of possible alternative commercial and community uses.

**66. 20/02938/FUL: 45 Richmond Rd, Oxford, OX1 2JJ**

*Cllr Iley-Williamson left the meeting at the start of this item.*

The Committee considered an application for planning permission for the temporary installation of PhotoVoltaic Solar Panels to front and rear roofslopes for a 5 year period at 45 Richmond Rd, Oxford, OX1 2JJ.

In reaching its decision, the Committee considered all the information put before it. The Committee considered the balance between the public benefits of this renewable energy scheme in reducing carbon emissions against the harm caused by its installation in the Jericho conservation area which because of its special character had the further protection of an Article 4 direction.

The Planning Officer informed the committee that the fourth sentence of the first reason for refusal should be amended to read:-

*“The identified harm caused by the panels has not been clearly or convincingly justified by the applicant and therefore the proposal to retain the panels fails to comply with paragraph 194 of the NPPF.”*

A motion, proposed and seconded, to approve the application (as the public benefits could be considered to outweigh the harm caused by time-limited permission for the retention of the solar panels) and delegate the setting of conditions to the Head of Planning Services was **lost** on being put to the vote.

After debate and on being proposed, seconded and put to the vote, the Committee **agreed** with the officer’s recommendation to refuse the application for the reasons given in the report as orally amended by the Planning Officer at the meeting.

### **The West Area Planning Committee resolved to:**

1. **refuse application 20/02938/FUL** for the reasons given in paragraph 1.1.2 of the report as orally amended by the Planning Officer at the meeting,
2. and **delegate authority** to the Head of Planning Services to finalise the reasons for refusal including such refinements, amendments, additions and/or deletions as the Head of Planning Services considers reasonably necessary.

The reasons for refusal were as follows:

1. The solar panels, by reason of their design, siting, size and projection above the original roof surface appear incongruous, obtrusive interventions that cover a substantial area of the building's roof slopes, a building that by virtue of its type makes a significant contribution to the special character and appearance of the Jericho Conservation Area. The design of the panels and the installation fails to comply with policies DH1 and DH3 of the Oxford Local Plan 2036 and paragraph 192 of the NPPF. The installation causes less than substantial harm to the architectural and historical significance of the heritage asset that is the Jericho Conservation Area. The identified harm caused by the panels has not been clearly or convincingly justified by the applicant and therefore the proposal to retain the panels fails to comply with paragraph 194 of the NPPF. The proposal also fails to comply with policy 196 of the NPPF and would be contrary to policy DH3 of the Oxford Local Plan 2036 in that it offers insufficient public benefits to outweigh the high level of less than substantial harm that the solar panels cause and the solar panels are not required to retain the building in an optimum viable use.
2. The solar panels are considered to cause less-than-substantial harm to the significance of the Jericho Conservation Area and this harm is not outweighed by the public benefits attributed to the development which would be contrary to the requirements of Paragraph 196 of the NPPF and Policies DH1 and DH3 of the Oxford Local Plan 2036. The retention of these solar panels for a temporary period would not mitigate this identified less-than-substantial harm, which has been established as a result of their installation, and will not be altered over the lifetime of the temporary permission. In accordance with the advice set out within the National Planning Practice Guidance, there would be no justification to grant a temporary period to assess the effect of the development on the conservation area over this period given the effect of this harm will not change over the temporary period, and given it is clearly contrary to national and local plan planning policy, which is also not expected to change by the end of that period, and as concluded in the recent appeal decision.

### **67. Minutes**

The Committee resolved to approve the minutes of the meeting held on 8 December 2020 as a true and accurate record.

### **68. Forthcoming applications**

The Committee noted the list of forthcoming applications.

## **69. Dates of future meetings**

The Committee noted the dates.

**The meeting started at 3.00 pm and ended at 6.15 pm**

**Chair .....**

**Date: Tuesday 9 February 2021**

*When decisions take effect:*

*Planning Committees: after the call-in and review period has expired and the formal decision notice is issued*

*Details are in the Council's Constitution.*