

**West Area Planning Committee**

8th October 2013

**Application Number:** 13/01319/FUL

**Decision Due by:** 29th August 2013

**Proposal:** Demolition of modern extension to 333 Banbury Road and change of use of original house to form 4 x 2-bed flats, plus new 2 storey extension to form 2 x 3-bed houses. Erection of terrace of 5 x 5-bed and 6 x 3-bed flats on 3 and 4 levels with access from Capel Close. Provision of 33 car parking spaces, cycle parking and landscaped garden.

**Site Address:** 333 Banbury Road,  
**Appendix 1**

**Ward:** Summertown

**Agent:** Berman Guedes Stretton  
Architects

**Applicant:** Homespace Ltd

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## **Recommendations:**

1. APPLICATION **13/01319/FUL** BE REFUSED

### **Reason for Refusal**

The proposed scheme for the erection of 17 dwellings does not include an adequate contribution towards the provision of affordable housing in Oxford which is contrary to policy CS24 of the Core Strategy and policy HP3 of the Sites and Housing Plan.

2. To Register No. 333 Banbury Road on the Oxford Heritage Assets Register as a building of local interest.

### **Justification**

The building meets the City Council's adopted Criteria for inclusion on the heritage assets register.

## **Principal Planning Policies:**

Oxford Local Plan 2001-2016

**CP1 - Development Proposals**

**CP6** - Efficient Use of Land & Density  
**CP8** - Design Development to Relate to its Context  
**CP9** - Creating Successful New Places  
**CP10** - Siting Development to Meet Functional Needs  
**CP11** - Landscape Design  
**CP13** - Accessibility  
**CP18** - Natural Resource Impact Analysis  
**CP22** - Contaminated Land  
**TR1** - Transport Assessment  
**TR2** - Travel Plans  
**NE15** - Loss of Trees and Hedgerows  
**NE16** - Protected Trees  
**NE23** - Habitat Creation in New Developments  
**HE2** - Archaeology

### Core Strategy

**CS2\_** - Previously developed and greenfield land  
**CS9\_** - Energy and natural resources  
**CS10\_** - Waste and recycling  
**CS11\_** - Flooding  
**CS12\_** - Biodiversity  
**CS17\_** - Infrastructure and developer contributions  
**CS18\_** - Urban design, town character, historic environment  
**CS22\_** - Level of housing growth  
**CS23\_** - Mix of housing  
**CS24\_** - Affordable housing

### Sites and Housing Plan

**HP2\_** - Accessible and Adaptable Homes  
**HP3\_** - Affordable Homes from Large Housing Sites  
**HP9\_** - Design, Character and Context  
**HP11\_** - Low Carbon Homes  
**HP12\_** - Indoor Space  
**HP13\_** - Outdoor Space  
**HP14\_** - Privacy and Daylight  
**HP15\_** - Residential cycle parking  
**HP16\_** - Residential car parking

### Other Planning Documents

- National Planning Policy Framework
- Planning Obligations Supplementary Planning Document (SPD)
- Draft Affordable Housing and Planning Obligations SPD
- Parking Standards, Transport Assessment and Travel Plans SPD
- Natural Resource Impact Analysis SPD
- Balance of Dwellings SPD

## Relevant Planning History

53/00184/D\_H - Change of use to masonic temple (in principle). PER 14th April 1953.

57/03551/A\_H - Change of use to masonic use, alterations and additions. PER 27th April 1957.

57/03552/A\_H - Masonic temple. PER 27th April 1957.

58/00726/D\_H - Masonic hall extension and car park (in principle). PER 27th May 1958.

59/08723/A\_H - Masonic hall extension and car park and caretakers house. PER 8th December 1959.

60/08723/A\_H - Extension at the rear and alterations (revised). PER 28th June 1960.

63/13590/A\_H - Formation of a rear vehicular access. PER 25th June 1963.

67/19144/A\_H - Extension to kitchen and chair store. PER 29th September 1967.

73/00883/A\_H - Extension to enlarge bar, provide ladies room, garden room and new temple. REF 10th July 1973.

73/01597/A\_H - Extension to enlarge bar, provide ladies room and garden room on ground floor, new temple and ante-room on first floor and fire escape staircase. PER 10th January 1974.

81/00474/NF - Extensions at ground and first floor levels. PER 28th July 1981.

81/00613/NF - Engineering works and re-organisation of part of existing car park to create additional car parking spaces (retrospective). PER 25th October 1981.

84/00966/NF - First floor extension to form new temple, robing room and new flat. Conversion of existing flat to small meeting room and bedsitting room and bathroom. Two single storey extensions to form dining room and chair store.. PER 11th January 1985.

93/00534/NF - New lobby, steps and canopy. REF 21st July 1993.

97/00623/NF - Single storey extension to kitchen to provide cold/frozen stores with external plant.. PER 12th June 1997.

00/00155/NF - 2 storey extension on west elevation for 4 training rooms, office and store. 1st floor extension to south elevation over floor pillars to extend temple. formation of 53 parking spaces, landscaping and new boundary walls.. PER 5th July 2000.

11/00756/PDC - PERMITTED DEVELOPMENT CHECK - To erect a sign along the frontage of the property.. PNR 14th April 2011.

In addition numerous applications to carry out works to trees under the Tree Preservation Order

## **Public Consultation**

### Statutory Consultees

- Oxfordshire Strategic Planning Consultations Team –
  - Fire Service: requests provision of fire hydrants as a condition; recommended that new dwellings be constructed with sprinkler systems.
  - Highways: objections to the balance of allocated and unallocated parking spaces across the site, and to the apparent lack of manoeuvring space for heavy vehicles within the site. Further information required on refuse collection facilities; and request that the Travel Plan includes an Oxford Smart Zone card of longer than 1 week's duration.
  - Drainage Team Manager – no objection, development should be drained by SUDS methods
- Thames Water Utilities Limited – no objections but water infrastructure informative suggested
- Environment Agency Thames Region – low environmental risk so no individual response

### Individual Comments:

Representations were received from 73 addresses in the locality and from further afield. 27 representations were wholly in support of the proposals, 32 were wholly against, and 14 voiced support for the principle of the redevelopment but objected to or raised concerns about aspects of it.

The main points raised in support were:

- High quality and green development which will be an asset to the area and this part of Oxford, sympathetic to the nature and history of the site
- Housing a better use of the site
- Visual improvement of a neglected site and dilapidated buildings, welcome restoration of the Villa and its landscape setting
- Open book viability study shows only modest return to developer

The main points of objection were:

- The tree removals and effects on trees of additional residential and delivery traffic
- Loss of bat colony and impact on biodiversity of tree removal

- Style of architecture, height of buildings, massing and open view of site is out of keeping with Capel Close
- Overdevelopment, too dense, overlooking of properties in Capel Close
- Access should not be taken from Capel Close which is a safe, quiet road where children play, additional traffic from the development on Capel Close unacceptable
- Increased population will lead to unacceptable pressure on local schools and services
- Problems with drainage locally since the Conference Centre built, high water table creates risk of flooding which will be made worse by tree removal
- Need a pedestrian island on Banbury Road
- Should provide elderly persons accommodation for local people to move to, and more affordable housing

A further concern raised alluded to the possible conflict of interest of people making representations in support of the proposals who are currently living in developments constructed and possibly still managed by the applicant. The Committee will be aware that it is open to anyone to comment on planning applications and all material planning issues raised must be taken into account.

#### **Officers Assessment:**

#### **Site and Surroundings**

1. The site is located in the north of the city on the western side of Banbury Road north of Summertown. It has road frontage and two vehicle access points to Banbury Road.
2. The site extends to 0.52 hectares and is the remnant of a much larger historic plot with a residential villa known as Summerhill built in 1823 set in landscaped gardens. It is now surrounded on three sides by residential development in Squitchey Lane (north side), Capel Close (west) and Summerhill Road (south) dating mainly from the early 20<sup>th</sup> century but with some modern infill developments. The urban grain here and the wider surroundings is typically characterised by detached and semi-detached houses together with some flats. Development on the opposite side of Banbury Road exhibits the same urban characteristics but also with some modern 3 and 4 storey flats. There are also some commercial and institutional uses in the area.
3. In 1953 the Villa was acquired by the Oxford Masonic Lodge and was subsequently expanded with major but piecemeal extensions to house masonic functions and The Oxford Conference Centre. These uses ceased in 2012 when the site was acquired by the current applicant. Substantial buildings remain on the site (27% of the site area) together with extensive tarmac parking areas (49%) and some soft landscaping (24%).
4. The site is also characterized by significant trees that are the subject of a Tree Preservation Order.

## **Inclusion of 'Summerhill' in the Oxford Heritage Assets Register**

5. In processing the planning application the building and its curtilage have been assessed against the Council's adopted criteria for possible inclusion on the Oxford Heritage Assets Register. The assessment is set out in **Appendix 2**. In summary, it meets the criteria for inclusion and holds interest because of its history of development, survival, setting, association with the 19<sup>th</sup> century mercantile elite of Oxford and helps understanding of the history of Oxford and of Summertown and its people in particular.

## **The Development Proposal**

6. The proposal is to redevelop the site with 17 family homes (15 market units, 2 affordable units) and 33 parking spaces; together with a £500,000 contribution to the provision of off-site affordable housing elsewhere in Oxford.
7. The housing is to be of very high sustainability standards and meets Lifetime Homes standards. It comprises:
  - 2 x 3-bed affordable houses (for shared ownership) as an extension to the north side of the Villa;
  - 4 x 2-bed conversion apartments in the retained Villa (for market sale); and,
  - 6 x 3-bed new build duplex apartments and 5 x 5-bed houses (for market sale) set in a terrace on the same footprint as the existing extensions to the Villa.
8. The Villa is not a listed building nor in a conservation area but has been treated very sensitively in this proposal as if it were formally designated as such. As part of its conversion to flats the proposal is to retain and where possible restore its remaining historic features including an appropriate landscaped setting.
9. The new-build housing design is contemporary, and in its layout, detailing and materials is intended to complement the Villa and its historic setting. A high quality maintained landscape is proposed including the retention of most of the trees together with improved root environments for the retained trees and succession planting. Soft landscaping on the site will increase from the current 24% of the site area to 53%.
10. Officers consider the determining issues in the case to be:
  - site capacity;
  - housing mix, design and layout;
  - highways considerations;
  - affordable housing provision;
  - sustainability; plus
  - other issues - biodiversity and archaeology

## Site Capacity

11. It is national and Council planning policy to make efficient use of available development land with the context, location and history of any development site informing the density, scale and design of buildings, building materials, landscaping and how parking is provided. In those terms the application site is subject to significant development constraints that reduce the developable area of the site.
12. The principal constraint in this case is the existence of some 49 trees on the site with an additional 25 standing in close proximity. The applicant's assessment of the quality and value of these trees and the constraints that the trees proposed for retention impose on the developable area are broadly accepted by officers.
13. A further significant constraint results from the desire to retain an appropriate setting for the Villa to reflect its historic value with the recommendation that it becomes a designated Heritage Asset. It is suggested that an area in front of the Villa be kept free of development to allow views of the Villa from the southern Banbury Road approach and across the site from the west.
14. Additionally the proximity of adjacent residential properties imposes some restrictions on the scale and orientation of residential development in order that existing residential amenity is preserved.
15. These constraints and the resulting developable area are shown on the plan at **Appendix 3** to this report. They are broadly agreed by officers as a necessary guide to the form and scale of development of the site.

## Housing Mix, Design and Layout

16. The proposed mix of dwellings is 24% 2-bed, 47% 3-bed and 29% 5-bed. This mix accords with Core Strategy Policy CS23 and the Balance of Housing SPD.
17. The NPPF requires that local authorities seek high quality design and a good standard of amenity for all existing and future occupants of land and buildings. It suggests that opportunities should be taken through the design of new development to improve the character and quality of an area and the way it functions. Moreover policies within the Core Strategy, Sites and Housing Plan and Local Plan require that development proposals incorporate high standards of design and residential amenity. They should draw inspiration from the historic environment, respond appropriately to the surroundings, create a strong sense of place, contribute to an attractive public realm and incorporate high quality architecture.
18. Having carefully assessed the scheme, it is concluded that there are no significant concerns about the design and layout of the scheme as proposed. Indeed it represents a significant improvement over current site conditions.

19. The architecture, scale, massing and layout of the new block are considered to respond appropriately to the setting and constraints of the site. The scheme creates a strong contemporary sense of place that is successfully blended and juxtaposed with the historic Villa. The interior amenities of the units and their relationship to existing adjacent and nearby residential properties all meet policy requirements in terms of accessible homes; privacy and daylight; amenity areas; bin and cycle storage and parking provision. As previously noted the scheme is highly sustainable and meets the requirements of Policy HP11 of the Sites and Housing Plan in respect of low carbon homes.
20. Officers consider that, subject to conditions, the required tree removals and works in the vicinity of trees will not have a significant harmful impact on public amenity in the area. The 24 new trees to be planted and other soft landscaping will benefit the appearance and character of the site, enhance the setting of the Villa and help to ensure that mature tree cover will be sustainable in the long term. The reduction in tarmac areas and increased soft landscaping will greatly improve the porosity of the site and the health of the tree root environment.
21. In terms of the retained villa, the removal of extensions and the reversal of some of the 20<sup>th</sup> century losses and interventions to the interior would be a significant improvement. The massing, design, materials and disposition of the windows in the new extension to accommodate 2 affordable houses is also in keeping with the Villa. The existing tarmac parking areas are chaotic and in places there is tarmac up to the stems of trees. The proposed arrangement has reduced the number of spaces and their impact is reduced by staggered formation and screening. The landscaping is considered to be too structured and a more organic flowing scheme would be appropriate. This can be achieved through a landscaping condition.
22. In response to local consultation it is evident that there are concerns about the impact of the proposals on drainage in the vicinity. The Environment Agency and Oxfordshire County Council (Drainage) have been consulted on this issue and neither has raised objections or concerns about the scheme. It is recommended that the scheme be drained using Sustainable Urban Drainage methods.

### **Highways Considerations**

23. The County Highway Authority has objected to the balance of allocated and unallocated parking spaces across the site, and to the apparent lack of manoeuvring space for heavy vehicles within the site. Further information was also requested on refuse collection facilities; and it was suggested that the Travel Plan includes an Oxford Smart Zone card of longer than 1 week's duration. The applicant has been in contact with the Authority and has submitted amended plans to meet these objections and suggestions.
24. Further, as part of public consultation, the issue of the safety of pedestrians crossing Banbury Road in this vicinity was raised. In response, the Highway Authority has said that they agree that pedestrians are poorly served in the



area between Squitchey Lane and South Parade. It would also seem to be relatively easy to provide additional pedestrian refuges south of Squitchey Lane similar in form to those provided at Squitchey Lane and Wentworth Road (which sacrifice the cycle strip). However, the only way that a developer contribution could be justified to provide this would be if it could be demonstrated that the increase in foot traffic and bus users as a result of the development created more exposure to risk for these people. A new refuge would mitigate that risk. Given the site's previous use, the proposed development would be likely to reduce the number of pedestrians and bus users using the site.

## **Affordable Housing**

25. Policy CS24 of the Core Strategy and HP 3 of the Sites and Housing Plan require that residential schemes on sites with a capacity for 10 or more dwellings should provide 50% affordable housing. Exceptions on viability grounds may be considered in the light of robust evidence, using a cascade approach that reduces the percentage contribution until a viable point is reached. To accord with policy therefore this scheme should include at least 8 affordable units on site.
26. The applicant has submitted evidence that provision of 50% or 40% affordable housing units on-site is not viable and therefore proposes 2 on-site affordable units together with a contribution of £500,000 towards off-site provision.
27. This evidence has been carefully assessed by officers but it has been concluded that it is insufficiently robust to justify a departure from Policy HP3. Officers disagree with the approach taken by the applicant to the appraisal of Residual Land Value and its comparison with the Existing Use Value plus a reasonable uplift. The applicants' approach does not conform to the methodology stipulated in the adopted Affordable Housing and Planning Obligations SPD (this approach was regarded as being robust and sound by the Examiner for the Sites and Housing Plan in her report). The officers' view is that the applicant's appraisal method has resulted in a significant overpayment for the site given the policy and site constraints which were not fully factored in. Further, officers consider that it is not appropriate to attach weight to the information on alternative bids or Alternative Use Values suggested by the applicant since it is not clear whether any of the suggested alternatives would meet the Council's adopted planning policies. In addition, officers do not accept that a 5% reduction on open market values should be applied on the market sale units. In the absence of alternative proposals therefore, the scheme is recommended for refusal on the grounds of non-compliance with Policy CS24 of the Core Strategy and HP3 of the Sites and Housing Plan.

## **Sustainability**

28. This proposal involves the redevelopment of an existing developed site in a sustainable location in north Oxford and as such in principle represents sustainable development in accordance with Policies CS2 and CS22 of the

## Core Strategy.

29. The new build is designed to be highly sustainable and 'low carbon' in accordance with policies CS9 of the Core Strategy and HP11 of the Sites and Housing Plan, through careful attention to the building fabric, ventilation, heating and hot water systems, lighting, and site and water management.
30. A Natural Resource Impact Analysis (NRIA) has been submitted showing the new build achieving an exemplary 11/11 and the Villa restoration 4/11. This division was considered appropriate by officers given the substantial differences in design and constraints between new build and restoration. Nonetheless this scheme pursues all reasonable, technically feasible, and economically viable solutions to achieve a low carbon design for the Villa. The aggregated NRIA score of 6.8 is acceptable in terms of the NRIA SPD.
31. An energy statement has been submitted which shows that on-site renewables (Air Source Heat Pumps and Solar Thermal panels) will supply substantially more than 40% of energy consumption. The new build development aims to exceed Building Regs Part L CO<sub>2</sub> emissions targets by 75%.

## Other Matters

32. Archaeology - an archaeological desk based assessment has been produced for this site by John Moore Heritage Services (2013). The assessment notes moderate to good potential for Palaeolithic remains associated with the Wolvercote Channel (A Lower Palaeolithic palaeochannel running through the Wolvercote gravel terrace), although the only recorded exposure of finds associated with this channel was located 800m to the north-west of the application site (County HER 1379). The assessment also notes moderate potential for Roman remains and notes the interest of the Regency period (1823) Summerhill Villa. No objection to the proposals is raised but a condition requiring further archaeological investigation and recording during site works is recommended.
33. Biodiversity – an Ecological Assessment has been submitted with which officers concur. It is concluded that the development will not have a significant impact on biodiversity and that if the proposals in the Ecological Assessment are secured, it will have a beneficial impact on biodiversity. While this view assumed that the proposal would be compatible with avoiding impact on the Pendunculate Oak, that tree had to be removed for safety reasons separate from this proposal. Details of biodiversity measures are recommended to be secured by condition.

## Conclusion:

34. Although the proposals would make a contribution to the City's housing stock, would meet the Council's requirements for residential design, amenity and sustainability, and would help to preserve and enhance a heritage asset and significant trees, the proposal does not include an adequate contribution

towards the provision of affordable housing in Oxford in the terms specified in policy CS24 of the Core Strategy and policy HP3 of the Sites and Housing Plan. The scheme is therefore recommended for refusal.

### **Human Rights Act 1998**

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

### **Section 17 of the Crime and Disorder Act 1998**

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

### **Background Papers: 13/01319/FUL**

**Contact Officer:** Fiona Bartholomew

**Extension:** 2774

**Date:** 27th September 2013

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