

West Area Planning Committee

24th January 2017

Application Number: 16/03030/VAR

Decision Due by: 21st February 2017

Proposal: Variation of condition 2 (Approved plans) of planning permission 14/03445/FUL (Demolition of existing building. Erection of school boarding house on 3 and 4 storeys, plus basement. Provision of 2 car parking spaces, cycle and bin stores, landscaping and ancillary works) to remove basement floor and lightwells, removal of timber fins to first floor terrace, corridor projecting into north elevation shortened on upper floors, insertion of brick column to north elevation to support upper floors. Projecting box windows to first and second floor east elevation to be replaced with normal windows, concrete canopy at first floor level to west and south elevation to be reduced, alterations to windows and doors on north, south and east elevations, alterations to the lift so overrun is visible and fitting of low headroom device to lower height of lift shaft roof.

Site Address: 376 Banbury Road: see **Appendix 1**

Ward: Summertown Ward

Agent: Mrs Sarah Firth

Applicant: Mr Paul Abson

Recommendation:

Officers recommend that the West Area Planning Committee is recommended to GRANT planning permission for the reasons set out below in the report and subject to the suggested conditions.

Reason for approval recommendation

- 1 The Council considers that the proposal accords with the policies of the development plan as summarised below. It has taken into consideration all other material matters, including matters raised in response to consultation and publicity. Any material harm that the development would otherwise give rise to can be offset by the conditions imposed.

Conditions

- 1 Approved plans
- 2 Materials as approved
- 3 Boundary treatment

- 4 Lighting
- 5 Obscure glazing to north facing windows
- 6 Landscape plan carry out after completion
- 7 Landscape management plan
- 8 Landscape hard surfaces
- 9 Tree protection
- 10 Arboricultural method statement
- 11 Top soil retention
- 12 Parking spaces
- 13 Cycle parking
- 14 Variation of Road Traffic Order
- 15 Travel plan
- 16 Students no cars
- 17 Full time students
- 18 Supervision of students
- 19 Use as boarding school only
- 20 Contamination - risk assessment
- 21 Construction management plan
- 22 Ground resurfacing - SUDS compliant
- 23 Piling methods
- 24 Mechanical plant
- 25 Extraction equipment
- 26 Noise attenuation
- 27 Drainage strategy

Legal agreement / Community Infrastructure Levy (CIL)

The original application, 14/03445/FUL, was not subject to a legal agreement. Due to a change in the floor plans proposed with this variation application, the CIL liability has been recalculated and would amount to £81,648.90.

Main Local Plan Policies

Oxford Local Plan 2001-2016

CP1 - Development Proposals

CP8 - Design Development to Relate to its Context

CP9 - Creating Successful New Places

CP10 - Siting Development to Meet Functional Needs

HE2 - Archaeology

NE15 - Loss of Trees and Hedgerows

Core Strategy

CS12_ - Biodiversity

CS18_ - Urban design, town character, historic environment

Sites and Housing Plan

MP1 - Model Policy

HP9_ - Design, Character and Context

HP14_ - Privacy and Daylight

Other planning documents

National Planning Policy framework (NPPF)
Planning Policy Guidance

Relevant Site History

14/03445/FUL - Demolition of existing building. Erection of school boarding house on 3 and 4 storeys, plus basement. Provision of 2 car parking spaces, cycle and bin stores, landscaping and ancillary – PER

Public Consultation

Statutory and Internal Consultees

Oxfordshire County Council Highways: No objections subject to conditions relating to the submission of a travel plan and construction traffic management plan.

Representations Received

None received

Background, Site Description and Proposals

1. The planning application relates to a rectangular parcel of land to the north side of the junction of Hernes Road with Banbury Road. It has a site area of approximately 0.9 ha. (0.22 acre) and falls within a triangle of land bounded by Banbury Road, Hernes Crescent and Hernes Road. See **Appendix 1**. The other properties within the triangle are all flatted developments constructed in relatively recent times. The application site is located to the east side of Banbury Road equidistant between the Summertown District Centre to the south and the Oxford Ring Road / A40 to the north. The locality generally is residential in character with a mix of two storey housing interspersed with larger blocks of flats and houses on 3 and 4 levels.
2. Planning permission with reference 14/03445/FUL was granted in March 2015 for a school boarding house to operate in conjunction with new sixth form accommodation for D'Overbroeck's independent school, which is under construction opposite the application site at 333 Banbury Road.
3. The implementation of 14/03445/FUL has commenced; permission is now sought for minor amendments to the approved plans. Taken together, Officers consider these to be material amendments (rather than non-material minor amendments) and therefore this application to vary condition 2 (approved plans) has been made.
4. Officers consider the principle determining issues in this variation application to be:
 - design and built form;
 - impact on neighbouring amenity.

Design and built form

5. The approved building is to be laid out almost as two linked L-shaped arms, the first on 4 floors addressing the Banbury Road / Hernes Road corner, and the second on 3 floors to the rear. Between them would be a single storey link at ground floor level. Architecturally, the proposal is of contemporary design.
6. In addition to various non-material minor amendments which are considered wholly uncontroversial, the principal material amendments proposed to the approved plans are:
 - Removal of the basement;
 - Shortening of projecting corridor first, second and third floors;
 - Removal of timber fins to the first-floor terrace;
 - Various alterations to the windows;
 - An increased height of the lift overrun.
7. The omission of the basement, which is due to the shallow foundations of the neighbouring retaining walls, will have no visual impact on the building or the area. Similarly, the small change pulling back the corridor on the upper floors is a very minor and visually insignificant change.
8. The changes to the fenestration are in-keeping with the overall architectural style of the building. Vertical timber fins are used repeatedly in the elevational treatments and so those that are proposed to be omitted do not erode the overall architectural language of the building.
9. The lift is located in the south-west corner of the building. A low headroom device has been used to minimise the height of the overrun which means it would project above the roof line by approximately 300mm. The plans approved under 14/03445/FUL showed no visible overrun. The south-western corner of the building is taller, with a rising triangular roof form that creates a landmark feature. This will hide the lift overrun in views from the street. As such, it is not considered to be visually harmful.

Impact on neighbouring amenity

10. The windows proposed to be altered in the northern elevation, (except for the two directional windows which are deliberately orientated to avoid overlooking), where there is potential for overlooking into the rear garden of 378 Banbury Road, would be obscure glazed and non-opening. This would be secured by condition.
11. In terms of 1 Hernes Road which is to the east of the new boarding school, there is very little impact as the main part of that development is set beyond a smaller two storey element built over the vehicle access to the rear car park there.
12. The other alterations would have no impact on neighbouring amenity.

Conclusion:

13. The proposed alterations to the approved plans are not considered to have a harmful impact on the architectural integrity of the building nor on the amenity of neighbouring properties, and are therefore considered acceptable.
14. Officers therefore recommend that the West Area Planning Committee approves the application, subject to conditions. The recommended conditions include original conditions applied to the planning permission 14/03445/FUL; and would incorporate specific reference to approved details where appropriate.

Human Rights Act 1998

Officers have considered the Human Rights Act 1998 in reaching a recommendation to grant planning permission, subject to conditions. Officers have considered the potential interference with the rights of the owners/occupiers of surrounding properties under Article 8 and/or Article 1 of the First Protocol of the Act and consider that it is proportionate.

Officers have also considered the interference with the human rights of the applicant under Article 8 and/or Article 1 of the First Protocol caused by imposing conditions. Officers consider that the conditions are necessary to protect the rights and freedoms of others and to control the use of property in accordance with the general interest. The interference is therefore justifiable and proportionate.

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

Background Papers:

14/03445/FUL
14/03445/CND
14/03445/CND2
14/03445/NMA
14/03445/CND3
16/03030/VAR

Contact Officer: Nadia Robinson

Extension: 2697

Date: 10th January 2017

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