

# Agenda

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## Planning Review Committee

Date: **Friday 28 September 2012**

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Time: **6.00 pm**

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Place: **The Old Library, Town Hall**

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For any further information please contact:

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Telephone: 01865 252275

Email: [lstock@oxford.gov.uk](mailto:lstock@oxford.gov.uk)

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If you would like help to understand this document please call Lois Stock, Democratic and Electoral Services Officer on or email [lstock@oxford.gov.uk](mailto:lstock@oxford.gov.uk) in advance of the meeting.

# Planning Review Committee

## Membership

<b>Chair</b>	<b>Councillor Antonia Bance</b>	Rose Hill and Iffley;
<b>Vice-Chair</b>	<b>Councillor Jean Fooks</b>	Summertown;
	<b>Councillor Alan Armitage</b>	North;
	<b>Councillor Laurence Baxter</b>	Quarry and Risinghurst;
	<b>Councillor Mark Lygo</b>	Churchill;
	<b>Councillor Joe McManners</b>	Churchill;
	<b>Councillor Mike Rowley</b>	Barton and Sandhills;
	<b>Councillor Ed Turner</b>	Rose Hill and Iffley;
	<b>Councillor Dick Wolff</b>	St. Mary's;

### **HOW TO OBTAIN AGENDA**

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- Sent to you in hard copy form upon payment of an annual subscription.

# AGENDA

## Pages

**1 APOLOGIES FOR ABSENCE**

**2 DECLARATIONS OF INTEREST**

Members are asked to declare any disclosable pecuniary interests they may have in any of the following agenda items. Guidance on this is set out at the end of these agenda pages.

**3 PLANNING APPLICATION - ST CLEMENT'S CAR PARK,  
12/01369/FUL AND 12/01370/CAC**

1 - 70

The Head of City Development has submitted a report which details applications for St. Clement's Car Park as follows:

- (1) 12/01370/CAC – Demolition of public toilets;
- (2) 12/01369/FUL – Redevelopment of St. Clement's car park to provide 140 student study rooms and ancillary accommodation in two blocks on 3, 4 and 5 floors. Replacement car park with 80 spaces, public toilets, landscaping and ancillary works.

Officer recommendation: The Committee is asked to support the proposals in principle but defer the applications in order to secure an accompanying legal agreement, and delegate to officers the issuing of the notices of conservation area consent and planning permission on its completion.

**4 PLANNING APPLICATION - 26 - 28 QUARRY HIGH STREET,  
12/01340/FUL & 12/01341/CAC**

71 - 94

The Head of City Development has submitted a report which details applications as follows:

- (1) 12/01340/FUL – Erection of reconstructed stone wall to create new access and construction of 2 detached houses (2x3 beds). Erection of garage for 32 Quarry High Street. Erection of 2 storey rear extension for 28 Quarry High Street.
- (2) 12/01341/CAC – Demolition of outbuildings and part stone wall.

Officer recommendation: Approve subject to conditions.

**5 MINUTES**

95 - 96

Minutes of the meeting held on 25<sup>th</sup> July 2012 attached.

## **6 DATE OF NEXT MEETING**

The following dates are scheduled for meetings of this Committee:-

Wednesday 31<sup>st</sup> October  
Wednesday 28<sup>th</sup> November  
Wednesday 19<sup>th</sup> December  
Wednesday 30<sup>th</sup> January 2013  
Wednesday 27<sup>th</sup> February  
Wednesday 27<sup>th</sup> march  
Wednesday 24<sup>th</sup> April  
Wednesday 29<sup>th</sup> May

## **DECLARING INTERESTS**

### **General duty**

You must declare any disclosable pecuniary interests when the meeting reaches the item on the agenda headed "Declarations of Interest" or as soon as it becomes apparent to you.

### **What is a disclosable pecuniary interest?**

Disclosable pecuniary interests relate to your\* employment; sponsorship (ie payment for expenses incurred by you in carrying out your duties as a councillor or towards your election expenses); contracts; land in the Council's area; licenses for land in the Council's area; corporate tenancies; and securities. These declarations must be recorded in each councillor's Register of Interests which is publicly available on the Council's website.

### **Declaring an interest**

Where any matter disclosed in your Register of Interests is being considered at a meeting, you must declare that you have an interest. You should also disclose the nature as well as the existence of the interest.

If you have a disclosable pecuniary interest, after having declared it at the meeting you must not participate in discussion or voting on the item and must withdraw from the meeting whilst the matter is discussed.

### **Members' Code of Conduct and public perception**

Even if you do not have a disclosable pecuniary interest in a matter, the Members' Code of Conduct says that a member "must serve only the public interest and must never improperly confer an advantage or disadvantage on any person including yourself" and that "you must not place yourself in situations where your honesty and integrity may be questioned". What this means is that the matter of interests must be viewed within the context of the Code as a whole and regard should continue to be paid to the perception of the public.

\*Disclosable pecuniary interests that must be declared are not only those of the member her or himself but also those member's spouse, civil partner or person they are living with as husband or wife or as if they were civil partners..

## **CODE OF PRACTICE FOR DEALING WITH PLANNING APPLICATIONS AT AREA PLANNING COMMITTEES AND PLANNING REVIEW COMMITTEE**

Planning controls the development and use of land in the public interest. Applications must be determined in accordance with the Council's adopted policies, unless material planning considerations indicate otherwise. The Committee must be conducted in an orderly, fair and impartial manner.

The following minimum standards of practice will be followed. A full Planning Code of Practice is contained in the Council's Constitution.

1. All Members will have pre-read the officers' report. Members are also encouraged to view any supporting material and to visit the site if they feel that would be helpful
2. At the meeting the Chair will draw attention to this code of practice. The Chair will also explain who is entitled to vote.
3. The sequence for each application discussed at Committee shall be as follows:-
  - (a) the Planning Officer will introduce it with a short presentation;
  - (b) any objectors may speak for up to 5 minutes in total;
  - (c) any supporters may speak for up to 5 minutes in total;

(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;

  - (d) 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 Officer/s and/or other speaker/s); and
  - (e) voting members will debate and determine the application.
4. Members of the public wishing to speak must send an e-mail to [planningcommittee@oxford.gov.uk](mailto:planningcommittee@oxford.gov.uk) before 10.00 am on the day of the meeting giving details of your name, the application/agenda item you wish to speak on and whether you are objecting to or supporting the application (or complete a 'Planning Speakers' form obtainable at the meeting and hand it to the Democratic Services Officer or the Chair at the beginning of the meeting)
5. 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,
6. Members should not:-
  - (a) rely on considerations which are not material planning considerations in law;
  - (b) question the personal integrity or professionalism of officers in public;
  - (c) proceed to a vote if minded to determine an application against officer's recommendation until the reasons for that decision have been formulated; and
  - (d) seek to re-design, or negotiate amendments to, an application. The Committee must determine applications as they stand and may impose appropriate conditions.

**Planning Review Committee**

28<sup>th</sup> September 2012

**Application Nos.** (i): 12/01370/CAC  
(ii):12/01369/FUL

**Decision Due by:** 30th August 2012

**Proposal:** (i): 12/01370/CAC: Demolition of public toilets.

(ii): 12/01369/FUL: Redevelopment of St Clement's car park to provide 140 student study rooms and ancillary accommodation in two blocks on 3, 4 and 5 floors. Replacement car park with 80 spaces, public toilets, landscaping and ancillary works.

**Site Address:** St Clement's Car Park, St Clement's St.

**Ward:** St Clement's Ward

**Agent:** Savills

**Applicant:** Watkin Jones Group

Following consideration at West Area Planning Committee on 15<sup>th</sup> August 2012, the planning application has been referred to Planning Review Committee by Councillors Cook, Rowley, Smith, Lygo, Khan, Coulter, Price, Tanner, Fry, Bance, Darke, Humberstone and Baxter.

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**Recommendation:** Committee is recommended to support the proposals in principle but defer the applications in order to secure an accompanying legal agreement, and delegate to officers the issuing of the notices of conservation area consent and planning permission on its completion.

## **Reasons for Approval**

### (i): 12/01370/CAC:

The local planning authority considers that the demolition of the public toilets, would be consistent with the special character and appearance of the conservation area in which they are located, subject to the conditions imposed. It has taken into account all other material matters, including matters raised in response to consultation and publicity.

### (ii): 12/01369/FUL

1. The principle of development of the site for student accommodation is established by policy DS82 of the adopted Oxford Local Plan and policy SP52 of the emerging Sites and Housing Plan (Submission Version). On balance the proposals are not considered to have an unacceptable impact on residential or visual amenity or the character and appearance of the conservation area or the setting of the nearby listed buildings. The arrangements for the provision of car parking on a permanent basis

following construction of the student accommodation is considered acceptable, as is the provision of temporary parking arrangements at the existing car park and at Marston Road with free bus service which will provide continuity in the provision of public parking.

2. The local planning authority has considered the many comments raised in public consultation which are summarised below, but consider that they are not sufficient as to warrant the refusal of planning permission subject to the imposition of appropriate conditions where required.
3. The local planning authority therefore considers that the proposal accords with the policies of the development plan as summarised below and National Planning Policy Framework. It has taken into consideration all other material matters and concluded that any material harm that the development would otherwise give rise to can be offset by the conditions imposed and / or accompanying planning obligations.

### **Conditions.**

#### (ii): 12/01370/CAC.

- 1 Buildings subject to Conservation area consent
- 2 No demolition before rebuilding contract

#### (i): 12/01369/FUL

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Samples of materials in Conservation Area
- 4 Architectural and constructional details
- 5 Landscape plan
- 6 Landscaping carried out on completion
- 7 Landscape: hard surface design - tree roots
- 8 Landscape: underground services - tree roots
- 9 Tree Protection Plan
- 10 Arboricultural Method Statement
- 11 Ecological mitigation
- 12 Student Accommodation: Full time / Management Controls
- 13 Students no cars in Oxford
- 14 Student Accommodation: Out of Term Use
- 15 Temporary car parking
- 16 Car park available on completion of development
- 17 Temporary pedestrian access to meadow
- 18 Cycle store available on occupation
- 19 Construction Travel Plan
- 20 Amended Travel Plan
- 21 Removal of site from Controlled Parking Zone.
- 22 Construction Environmental Management Plan (including public car parking arrangements, details of signage and of public access to Angel and Greyhound Meadow)
- 23 Contribution to affordable housing
- 24 Contaminated land



- 25 Ground remediation
- 26 Development in accordance with Flood Risk Assessment
- 27 Surface water drainage details
- 28 Management of public toilets
- 29 Scheme of CCTV
- 30 Temporary public toilets during construction
- 31 Archaeology - Implementation of programme of archaeological work.
- 32. Temporary parking for disabled and motorcycles throughout.
- 33. Public art.

### **Planning Obligations**

- 1. Indoor sports facilities - £8,460 (City)
- 2. Environmental improvements in the locality - £50,000 (City).
- 3. Library Infrastructure within City - £8,883 (County).
- 4. Cycle safety measures - £19,458 (County).
- 5. Oxford Transport Strategy - £19,950 (County).
- 6. Public transport Infrastructure - £10,000 (County).
- 7. Travel Plan monitoring - £960 (County).

### **Main 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
- CP14 - Public Art
- CP17 - Recycled Materials
- CP18 - Natural Resource Impact Analysis
- CP20 - Lighting
- CP21 - Noise
- NE14 - Water and Sewerage Infrastructure
- NE15 - Loss of Trees and Hedgerows
- NE16 - Protected Trees
- HE2 - Archaeology
- HE3 - Listed Buildings and Their Setting
- HE7 - Conservation Areas
- HE9 - High Building Areas
- HE10 - View Cones of Oxford
- HS19 - Privacy & Amenity
- TR1 - Transport Assessment
- TR3 - Car Parking Standards
- TR4 - Pedestrian & Cycle Facilities
- TR11 - City Centre Car Parking
- DS82 - Part of St. Clement's Car Park - Ox University Use

#### Core Strategy 2026:

CS2 - Previously developed and greenfield land  
CS4 - Green Belt  
CS9 - Energy and natural resources  
CS11 - Flooding  
CS13 - Supporting access to new development  
CS14 - Supporting city-wide movement  
CS17 - Infrastructure and developer contributions  
CS18 - Urban design, town character, historic environment  
CS19 - Community safety  
CS25 - Student accommodation

Sites and Housing Plan – Submission Document:

HP5 - Location of Student Accommodation  
HP6 - Affordable Housing from Student Accommodation  
HP9 - Design, Character and Context  
HP11 - Low Carbon Homes  
HP13 - Outdoor Space  
HP15 - Residential cycle parking  
SP52 - St Clements Car Park

Other Material Considerations:

- National Planning Policy Framework (NPPF).
- St. Clements & Iffley Road Conservation Appraisal.
- Planning Obligations Supplementary Planning Document (SPD)
- Parking Standards, Transport Assessment and Travel Plans SPD
- Natural Resource Impact Analysis SPD
- The application site lies within the St. Clement's and Iffley Road Conservation.

**Officers' Assessment.**

**Background to Case.**

1. At its meeting of 15<sup>th</sup> August 2012 the West Area Planning Committee considered applications for conservation area consent and planning permission for a development of 140 student study rooms at St. Clements car park. The officers' report to committee is attached in full elsewhere on this agenda. This supplementary report should be read in conjunction with that previous one.
2. In the event the West Area Planning Committee resolved to refuse planning permission for the proposed student accommodation as in its view the development failed to provide satisfactory car parking facilities as required by policies DS82 and TR11 of the Oxford Local Plan as the number of proposed car parking spaces on site and the location of the proposed temporary replacement car park would not represent a satisfactory replacement for the current parking provision. Subsequently the planning application was referred to this Planning Review Committee for further consideration.

3. Whilst the proposals remain unchanged since West Area Planning Committee considered them, further supporting information has now been received on how additional car parking facilities could be provided throughout the construction period. As a consequence of the receipt of this information, further public consultation has been undertaken with a request for comments on the proposed temporary arrangements. At the time of writing only three additional comments have been received. The first is from London Place Residents' Association who welcome additional temporary car parking which it considers to be realistic and workable. The association seek clarification if parking at Marston Road would also be available and if disabled parking spaces are provided, and also comment that the relationship to existing buildings should be revisited, and that there should be a named occupier in place. The second was from a householder at 13 Abberbury Road, Iffley who feels the development would cause serious harm to St. Clements and would be unacceptable in a conservation area. A third from 28 St. Clements requested disabled parking being made available throughout the temporary arrangements.
4. Any further comments received will be reported separately to committee.

#### **Additional Parking Provision.**

5. When West Area Planning Committee considered the planning application on 15<sup>th</sup> August 2012 officers had been advised, and accepted in good faith, that land ownership issues prevented temporary access being taken to the St. Clements car park from existing gates located to its south - east corner accessed from Caroline Street. In the light of this information and details supplied of health and safety requirements during construction of the development, officers had advised committee that a phased development with temporary access from Caroline Street allowing for the retention of some car parking on site during construction was not possible, and that imposing a condition for a phased development accordingly would not be reasonable. Paragraphs 49 and 50 of the officers' report to that committee refer.
6. However following further research by the applicants, it now emerges that a right of access does in fact exist from Caroline Street to the car park. This has allowed the issue to be revisited and revised arrangements brought forward for car parking during construction. It would however entail extending the construction period from 48 to 69 weeks. In the event of planning permission being granted by committee the development is envisaged to commence early in 2013 with completion in early summer 2014.
7. Whilst the free bus service to a temporary car park in Marston Road would still be available as previously, the applicants now propose

partial use of the existing car park throughout construction. During Phase One of the main construction period of some 12 weeks diversion of surface water and foul drainage would be under way on site. However up to 28 car parking spaces including a minimum of 2 disabled spaces plus a small amount of motorcycle parking would be available, (as it would throughout construction), accessed as now direct from St. Clements. The access would be shared with construction and delivery vehicles but managed onto site by an experienced banksman permanently employed by the applicants to oversee use access by construction vehicles. During this period construction vehicles would consist in the main of concrete laden vehicles which would pass through the reduced car park to the cordoned off construction compound.

8. During Phase Two of 19 weeks approximately 50 car parking spaces, would be available, again direct from St Clements with the access again shared between construction vehicles and private cars managed by the banksman. At this time the construction compound would be reduced in size as construction of the eastern blocks of accommodation was under way, allowing more space for public car parking. During this phase occasional smaller construction vehicles of up to 10m would gain access from Caroline Street. These would mainly be sub contractors required to bring tools and equipment to site. Currently Caroline Street has 3 on - street 1 hour limited parking spaces present. The use of these would be required to be suspended throughout the construction period, authorised by the Highway Authority.
9. Phase Three would also be of 19 weeks when the main construction works would be transferred to the western blocks of accommodation. This would allow the segregation of construction and private vehicles with the former continuing to enter from St Clements with private cars entering from Caroline Street. Up to 33 car parking spaces would be available during this phase.
10. Following these main phases of construction work, on site activity would transfer to mainly internal work of services installation, fitting out, decoration etc for the remaining 19 weeks of the contract. At this stage the 80 public car parking spaces to serve as a permanent public car park would be in place, but not yet fully available until completion of all work on site. During this period approximately 50 car parking spaces would be available to the public, with the precise location varying accordingly to the needs of the remaining work on site. During this time access to the public car parking would vary between St. Clements and Caroline Street.
11. At this time and throughout construction signage would be in place directing users of the public car park to the access in use at that time. This would include information on whether spaces were available within the car park. Use of the public car park during the day would be

require a ticket to be obtained as now but use restricted to 1 hour. Parking would be free of charge but with no return within 2 hours. This would be managed by the Council's car park staff. During the evenings longer stays would be possible but on a first come first served basis up until 7.30 am the next day.

12. The working hours for the construction period would be standard hours of 7.30 am to 6.00 pm Mondays to Friday, and 7.30 am to 1.00 pm Saturdays. There would be no working on Sundays or Bank Holidays. On rare occasions there may be the need to work outside these hours, for example when a large construction crane arrives at site which would be timed to avoid busy traffic periods. There may also be some internal working to buildings beyond these hours. All deliveries would be timed so as not to coincide with peak hour traffic movements of 7.30 am to 9.30 am and 4.30 pm to 6.30 pm. Contact details for the site manager would be made available throughout in the event of problems arising. The applicant operates the Considerate Contractors Scheme at all its construction sites.
13. The Highway Authority has been fully involved in the drawing up these arrangements and does not raise objection. The arrangements are also supported by Planning Officers as they provide additional parking facilities to serve the local area during the 69 week construction period.

### **Conclusion.**

14. In reporting to the West Area Planning Committee officers had supported the design, layout and build forms of the student accommodation as proposed which reintroduced the historic street line of Pensons Gardens and related better to statutory listed buildings and the wider conservation area than did the refused 2011 application. Committee was also advised that in their officers' view the architectural quality was much superior. That remains their view.
15. For its part the West Area Planning Committee opposed the development not on these grounds but on the basis of inadequate car parking arrangements. The additional temporary and free car parking now to be made available at the existing St. Clements car park responds positively to these concerns whilst the longer stay car park with free bus service to Marston Road remains in place.
16. Although the amended arrangements necessarily result in a longer construction period, they do allow for better parking facilities to be in place throughout construction which is supported, as is the development itself.
17. Committee is recommended to support the proposals accordingly.

## **Human Rights Act 1998**

Officers have considered the Human Rights Act 1998 in reaching a recommendation to grant planning permission, subject to conditions and an accompanying legal agreement. 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 grant planning permission subject to conditions and an accompanying legal agreement, officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

**Background Papers:** Applications 10/02848/CAC, 10/02790/FUL, 11/01044/CAC, 11/01040/FUL, 12/01370/CAC, 12/01369/FUL.

**Contact Officers:** Murray Hancock

**Extension:** 2153

**Date:** 17<sup>th</sup> September 2012

**Application Nos.** (i): 12/01370/CAC  
(ii): 12/01369/FUL

**Decision Due by:** 30th August 2012

**Proposal:** (i): 12/01370/CAC: Demolition of public toilets.

(ii): 12/01369/FUL: Redevelopment of St Clement's car park to provide 140 student study rooms and ancillary accommodation in two blocks on 3, 4 and 5 floors. Replacement car park with 80 spaces, public toilets, landscaping and ancillary works. (Additional information)

**Site Address:** St Clement's Car Park, St Clement's St, **Appendix A.**

**Ward:** St Clement's Ward

**Agent:** Savills

**Applicant:** Watkin Jones Group

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**Recommendation:** Committee is recommended to support the proposals in principle but defer the applications in order to secure an accompanying legal agreement, and delegate to officers the issuing of the notices of conservation consent and planning permission on its completion.

### Reasons for Approval

(i): 12/01370/CAC:

The local planning authority considers that the demolition of the public toilets, would be consistent with the special character and appearance of the conservation area in which they are located, subject to the conditions imposed. It has taken into account all other material matters, including matters raised in response to consultation and publicity.

(ii): 12/01369/FUL

1. The principle of development of the site for student accommodation is established by policy DS82 of the adopted Oxford Local Plan and policy SP52 of the emerging Sites and Housing Plan (Submission Version). On balance the proposals are not considered to have an unacceptable impact on residential or visual amenity or the character and appearance of the conservation area or the setting of the nearby listed buildings. The arrangements for the provision of car parking on a permanent basis following construction of the student accommodation is considered acceptable, as is the provision of temporary

parking at Marston Road with shuttle bus link during construction which will provide continuity in the provision of public parking.

2. The local planning authority has considered the many comments raised in public consultation which are summarised below, but consider that they are not sufficient as to warrant the refusal of planning permission subject to the imposition of appropriate conditions where required.
3. The local planning authority therefore considers that the proposal accords with the policies of the development plan as summarised below and National Planning Policy Framework. It has taken into consideration all other material matters and concluded that any material harm that the development would otherwise give rise to can be offset by the conditions imposed and / or accompanying planning obligations.

### **Conditions.**

#### (i): 12/01270/CAC

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Samples of materials in Conservation Area
- 4 Architectural and constructional details
- 5 Landscape plan
- 6 Landscaping carried out on completion
- 7 Landscape: hard surface design - tree roots
- 8 Landscape: underground services - tree roots
- 9 Tree Protection Plan
- 10 Arboricultural Method Statement
- 11 Ecological mitigation
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- 22 Construction Environmental Management Plan
- 23 Contribution to affordable housing
- 24 Contaminated land
- 25 Ground remediation
- 26 Development in accordance with Flood Risk Assessment
- 27 Surface water drainage details
- 28 Management of public toilets
- 29 Scheme of CCTV
- 30 Temporary public toilets during construction
- 31 Archaeology - Implementation of programme of archaeological work



(ii): 12/01369/FUL.

- 1 Buildings subject to Conservation area consent
- 2 No demolition before rebuilding contract

### **Planning Obligations**

1. Indoor sports facilities - £8,460 (City)
2. Environmental improvements in the locality - £50,000 (City).
3. Library Infrastructure within City - £8,883 (County).
4. Cycle safety measures - £19,458 (County).
5. Oxford Transport Strategy - £19,950 (County).
6. Public transport Infrastructure - £10,000 (County).
7. Travel Plan monitoring - £960 (County).

### **Main Planning Policies.**

#### Oxford Local Plan 2001-2016:

- CP1 - Development Proposals
- CP6 - Efficient Use of Land & Density
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- CP9 - Creating Successful New Places
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- TR1 - Transport Assessment
- TR3 - Car Parking Standards
- TR4 - Pedestrian & Cycle Facilities
- TR11 - City Centre Car Parking
- DS82 - Part of St. Clement's Car Park - Ox University Use

#### Core Strategy 2026:

- CS2 - Previously developed and greenfield land
- CS4 - Green Belt
- CS9 - Energy and natural resources
- CS11 - Flooding
- CS13 - Supporting access to new development
- CS14 - Supporting city-wide movement

CS17 - Infrastructure and developer contributions  
CS18 - Urban design, town character, historic environment  
CS19 - Community safety  
CS25 - Student accommodation

Sites and Housing Plan – Submission Document:

HP5 - Location of Student Accommodation  
HP6 - Affordable Housing from Student Accommodation  
HP9 - Design, Character and Context  
HP11 - Low Carbon Homes  
HP13 - Outdoor Space  
HP15 - Residential cycle parking  
SP52 - St Clements Car Park

Other Material Considerations:

- National Planning Policy Framework (NPPF).
- St. Clements & Iffley Road Conservation Appraisal.
- Planning Obligations Supplementary Planning Document (SPD)
- Parking Standards, Transport Assessment and Travel Plans SPD
- Natural Resource Impact Analysis SPD
- The application site lies within the St. Clement's and Iffley Road Conservation Area.

**Public Consultation**

In formulating their recommendation Officers have taken into account all public comments received, summarised below, plus two recent addresses by local residents to the 16<sup>th</sup> July 2012 meeting of Council.

Statutory and Other Bodies:

- Environment Agency: (i): Object; Flood Risk Assessment (FRA) does not demonstrate there would be no loss of flood storage and impedance of flood flows up to the 1 in 100 year plus climate change flood event. (ii): Objection withdrawn; suggest conditions that development be carried out in accordance with FRA; ground contamination and remediation; surface water drainage.
- Thames Water: Prior approval from TW required in relation to surface water drainage; informatives suggested.
- County Council, Highways: Submitted Travel Plan required; details of street lighting required; S.278 agreement required for changes to access; Construction Travel Plan required; some parking spaces difficult to access; disabled spaces need to be identified; drainage discharge rates acceptable; permeable surfaces required; details of car park lighting, especially near entrance - may impact road users.
- County Council, Developer Funding: contribution of £8,820 required to library facilities; funding of fire hydrants required.
- English Heritage: Do not wish to comment in detail; significant improvement on previous application; local planning authority should ensure quality materials and implementation monitored to secure high quality development; application should be determined in accordance with national and local guidance.

- Natural England: Updated ecological surveys required; likely to have impact on bat habitat – measures to prevent detrimental light spillage required; impact on local wildlife should be understood before determination; opportunities to enhance wildlife through bat and bird boxes.
- Thames Valley Police: (i): East Oxford suffers from anti social behaviour including the immediate area of St. Clements car park in and around the “hot spot” of public toilets; requests various conditions relating to CCTV, design of toilets etc; recommend removal of seating from outside toilet area and adjacent to entrance to Angel and Greyhound Meadow; seating should be designed to discourage rough sleeping; western entrance to buildings from car park has potential to be isolated, increasing fear of crime – entrance should be made non operable to encourage students to utilise main entrances off Penson’s Gardens. (ii): Request funding of £69,070 towards Police Community Support Officers (PCSOs). (See text above).
- Environmental Development: Suggest ground contamination and remediation condition

#### Interested Organisations:

- Twentieth Century Society: Welcome obvious improvement to proposals; remain concerned about impact on Florey building; object to these proposals; improvements from earlier proposals is remarkable and commendable; development would introduce a long term if not permanent new setting that misinterprets the design of the listed building; disappointed riverside is line with car parking; and access to meadow limited to one point; concerns supported by NPPF; recommend more studies that show the relationship of Florey building to proposed development.
- Anchor Court: Development very large; height overdevelops site; if site suitable for development, it should be affordable housing; noise, dust and fumes will be a nuisance to residents; uncontrolled and inconsiderate parking would increase.
- London Place Residents Association: Not substantially different to previous proposals; buildings of greater architectural quality; common room etc should be moved to first floor to create more parking; phased development has previopusly been suggested; some parking is short term for which use of Marston Road site is not appropriate; on completion of development Marston Road site could be retained; unfortunate that largest and best tree on site is lost; no provision of temporary toilets; if these points not addressed, then permission should be refused.
- Oxford High Street Association: Temporary car park too far away from St. Clements; strong case for more car parking in St. Clements, not less; loss of car parking would harm businesses in High Street; retail, sector already vulnerable; responsibility to community has to come before financial gain.
- Queen’s College: does not object to the development in principle; new plans a significant improvement; combined access shown requires use of college land which the college has not agreed to and is unlikely to do so for security reasons and to retain access.
- Bucks, Berks and Oxon Wildlife Trust (BBOWT): Opportunity should be taken to maintain and add to network of unimproved flood meadows, and to deliver a biodiversity action plan.
- Turnberry Consulting (on behalf of University of Oxford): University welcomes

additional student accommodation for the 2 universities; unacceptable impact on University's 47 graduate flats at Alan Bullock Close; development has not resulted in reduction in student rooms; blocks 3 and 4 are essentially same height as previously; block 3 actually closer than previously; proposals do not address concerns; loss of light to a number of rooms; significant overlooking;

- East Oxford Residents Associations Forum: Design improved but disappointed number of rooms not declined; no justification for new student housing as both universities have achieved or are about to achieve target of no more than 3000 students in non - provided accommodation; more student accommodation would lead to unbalanced community; small scale residential development preferred; insufficient car parking remaining; temporary car park too far away; adverse impact on local economy; concerns about layout of parking spaces; contrary to urban design guidance; lack of natural surveillance of undercroft parking; would form cramped, dense development which would damage conservation area and harm listed Florey building; development would be overbearing to adjacent properties; preventing students owning cars not enforceable; loss of trees; inadequate cycle parking; if permitted recommend conditions on 24 hour supervision, no loud music after 11.00 pm and scheme of management for the proposed roof garden.
- Divinity Road Area Residents Association: Loss of parking; temporary car park too far away; temporary loss of parking would affect local businesses; disabled parking during construction impossible; students may own cars and have visitors with cars; design improved but still unneighbourly; affect character of area; loss of trees; pedestrian route would not create welcoming or safe environment.
- Cllr Simmonds on behalf of St Clements Residents & Independent Businesses: Survey conducted in July of 43 users of car park and 17 local businesses; 90,000 people use car park annual; 86% of car park users spend money in local businesses with average spend of £34; 91% would go elsewhere or visit less frequently during construction leading to estimated loss of 79% of income to businesses; or £2.4m; development could be constructed in phases to retain part of car park during construction.
- Jack Straw's Lane Association: Car parking should be retained in the area; local businesses badly affected; opposed to the density of development and loss of trees; flood risk assessment does not comply with requirements.

#### Private Individuals:-

Main comments raised:

- Would unbalance local community.
- Too many students in local area already.
- Use of temporary car park welcomed.
- No provision for public toilets during construction.
- Loss of public car parking.
- Disruption during building works.
- Development too large.
- No suitable alternative parking.
- Change in character of area.
- Loss of trees.
- Poor relationship to Florey Building.
- Detrimental to conservation area.

- Comprehensive redevelopment with St. Clements frontage would be preferable.
- Insufficient cycle parking.
- Undercroft areas could lead to antisocial behaviour.
- Adverse impact on neighbouring properties.
- Loss of daylight to neighbouring properties.
- Lack of natural surveillance of car park.
- Increase in noise and disturbance and rowdy behaviour.
- Adverse impact on local economy.
- Temporary car park would not be used.
- Layout of car park poor.
- Buildings would be overbearing.
- Students will bring cars to area.
- Inadequate flood risk assessment.
- Inadequate cycle parking.
- Impacts adversely on ecology and biodiversity.
- Plans of access to car park misleading.
- Views towards Angel and Greyhound meadow impaired.
- Crime likely to increase.
- Customers will take business elsewhere.
- Development should be undertaken in phases
- Problems with sewers locally.
- Increased congestion at bus stop for London services.
- Danger of providing too much student accommodation.
- Economic impact assessment should be undertaken.
- Development could be occupied by private institutions.
- No improvement on previous proposals.
- Car park currently used for deliveries to several local businesses.
- University does not need more student rooms.
- Should be no reduction in car parking in St. Clements.
- Loss of access to Angel and greyhound meadow during construction.
- No building on site until Florey building removed.

In addition prior to the submission of the planning application the applicant circulated local residents advising of an exhibition of the proposals which was to take place at the Town Hall on Friday 11<sup>th</sup> and Saturday 12<sup>th</sup> May 2012. Over 40 people attended the exhibition with 9 questionnaires completed. There was some support for the new designs and for the better relationship to the conservation area though others retained concerns. Most respondents felt that the temporary and permanent car parking arrangements were inadequate but that if a temporary car park was to be provided it should be served by a shuttle bus service.

### **Officers Assessment:**

#### **Background to Case.**

1. The planning application relates to the St. Clements car park which occupies a site of approximately 0.38 ha (1.0 acre) set behind 27 to 44 St. Clements. Vehicular access is taken from a point between no.22 and the Grade II listed



no. 27 St. Clements with a pedestrian access also via the narrow Pension's Gardens located between nos. 38 and 39 St. Clements. This pedestrian route extends through the car park and via a footbridge across a channel of the River Cherwell to the large expanse of Angel and Greyhound Meadow to the north beyond. Angel and Greyhound Meadow is a Site of Local Interest for Nature Conservation (SLINC), a protected open space, and undeveloped floodplain.

2. To the east is Alan Bullock Close, a development of graduate student accommodation for the University of Oxford constructed on 2, 3 and 4 storeys, whilst to the west is the striking and dominating Grade II listed 1960s Florey Building by Sir James Stirling housing students of Queen's College. The Florey building is constructed to an equivalent of 6 storeys whilst Anchor Court to its south rises to 5 floors with a pitched roof. Currently the public car park provides 112 parking spaces, public toilets and recycling facilities. The site slopes down to the River Cherwell to its northern side and although hard surfaced possesses a number of mature trees. **Appendix A** to this report refers.
3. The site is allocated in the adopted Local Plan for student accommodation under policy DS.82 which states:

*"Planning permission will be granted on part of St. Clements car park for the development of purpose - built student accommodation. The development of this site will be subject to the provision of satisfactory replacement car parking. Planning permission will not be granted for any other uses. Part of the site is low - lying land so development proposals must be subject to appropriate flood protection and sustainable drainage measures (see policies Ne.8, NE.9 and NE.10.)"*

4. Prior to the adoption of the current Local Plan in November 2005 the previous adopted Local Plan of 1997 had also allocated the site for student accommodation under policy HO.27 of that document, whilst the emerging Sites and Housing Plan due to come to examination in September of this year reiterates again use of the site for that purpose (or for residential use as an alternative) under policy SP.52. The principle of development of the site for student accommodation is therefore long established.
5. Despite these allocations development proposals for the land did not come forward until the latter part of 2010 when proposals were received to demolish the toilet block on site and construct 141 student study rooms and ancillary facilities in 3 blocks with 65 replacement car parking spaces, under references 10/02848/CAC and 10/02790/FUL. Following concerns about the design and layout of the development however the applications were withdrawn and fresh applications submitted in the early part of 2011 under references 11/01044/CAC and 11/01040/FUL. In these proposals the form of the development had been amended and the amount of car parking to be retained increased from 65 to 72 spaces. In processing these applications amendments were made and reconsultation undertaken before presenting them to the West Area Planning Committee on 14<sup>th</sup> September 2011. The

officers' report on the applications is reproduced in full for ease of reference as **Appendix B**.

6. Although the officers' recommendation at committee had been for approval the applications were refused on a vote of 5 to 4. The reasons for refusal of the planning application were:

*(i): The development is unacceptable because it relates poorly to its general context and the setting of nearby listed buildings in respect of its height, scale, form and massing. The proposed development would have an adverse impact on views into and out of the St. Clements and Iffley Road Conservation Area - to the detriment of the character and appearance of both the conservation area in question and the adjacent Central Conservation Area - as well as on the setting of the grade II listed Florey Building and 27 St. Clements Street. This adverse impact would affect the conservation areas and listed building settings to an unacceptable extent. The application is contrary to policy CP1, CP8, CP10, HE3 and HE7 of the Oxford Local Plan 2001 - 2016 and policy CS18 of the Oxford Core Strategy 2026.*

*(ii): The development is unacceptable because it would have an overbearing impact on and result in a loss of privacy to neighbouring properties, to the detriment of residential amenity in respect of its height, scale, bulk and proximity to site boundaries. The overbearing impact would impinge on residential amenity to an unacceptable extent. The application is contrary to policy CP1, CP10 and HS19 of the Oxford Local Plan 2001- 2016.*

*(iii): The development is unacceptable because it fails to provide satisfactory car park facilities as required by policy DS82 and TR11 of the Oxford Local Plan 2001 to 2016. The number of proposed car parking spaces on site, and the location of the proposed temporary replacement car park do not represent a satisfactory replacement for the current parking provision at the development site. The application is contrary to policy DS82 and TR11 of the Oxford Local Plan 2001- 2016*

7. The conservation area consent was also refused in the absence of an acceptable scheme of development:

*(i): In the absence of an acceptable redevelopment proposal, it is considered that the removal of the existing building is not justified and would be contrary to national guidance and Policy HE7 of the Oxford Local plan 2001- 2016.*

8. Subsequently the refusals were appealed but later withdrawn and the current application pursued instead

### **Current Proposals.**

9. In these latest proposals the student accommodation is housed in two pairs of

parallel accommodation blocks located either side of the pedestrian route leading to the footbridge to Angel and Greyhound Meadow, recreating in a new form the historic alignment of Penson's Gardens. This new "street" is some 8m wide including a 1.2m wide "colonnade" running along its western side, blocks 1 and 2. This western range contains supporting facilities for the student accommodation at ground floor level including a cycle store, plant room and refuse store. Also located here are the replacement public toilets, including disabled facilities. An entrance lobby to the student accommodation located at upper levels separates blocks 1 and 2 whilst to the western side of the blocks public car parking is provided in an undercroft arrangement. A secondary entrance to this western range of student accommodation is also located here. This could be used solely as an emergency escape if necessary however, in response to the concerns of Thames Valley Police.

10. The eastern range, blocks 3 and 4, is arranged in a similar fashion with student common room, laundry, sub station and management suite located at ground floor level with a further lobby area giving access to the student accommodation above. Again undercroft parking is located to the rear. The eastern and western ranges are linked at first floor level by a glazed external walkway across the central pedestrian route.
11. The student accommodation blocks possess flat, sedum roofs and are arranged on 2, 3 and 4 levels above the ground floor, stepping up overall from 3 floors from south to north, before stepping down again at the northern end where they face towards Angel and Greyhound Meadow. The accommodation is arranged internally off central corridors with study bedrooms measuring approximately 18 sq m, each possessing an en suite and kitchenette. Two are to full disabled standard and all levels are accessible by lifts in each range of accommodation.
12. Within the central street leading to Angel and Greyhound Meadows the surface treatment is intended to be York stone with granite detailing, with raised grey granite planters with integrated timber seating. Thames Valley Police have indicated some concern in relation to the location of some of the seating however which they fear could attract antisocial behaviour. An alternative to the permanent, fixed seating proposed may be a design form which would allow the seating to be removed if their concerns prove to be founded.
13. In addition to the 48 cycle parking spaces provided within the building, a further 28 are provided externally at the southern end of the new buildings near the entrance from Penson's Gardens. In respect of car parking, some 80 spaces are provided, located either in the undercroft sections referred to or around the perimeter of the site. Parking areas are proposed to be laid with permeable block paving to blend with the brickwork of the new buildings, with only roadways constructed of tarmac. Although not part of this planning application, the proposals would allow for the entrance from St. Clements to be rationalised in the future so that a single access could serve both this development and also Queen's College's Florey Building, allowing a tree lined avenue to be created from St. Clements. Although Queen's College have



lodged a formal objection to the current application, officers would support the continuing dialogue with Queen's if permission is granted in order that a more attractive and appropriate access arrangement can be delivered for both parties.

14. In architectural terms the buildings are of contemporary design with the cellular arrangement of internal rooms expressed externally by vertical brickwork piers separated by horizontal pre cast concrete beams. The fenestration to the majority of rooms is expressed as vertical slot windows set either side of timber clad angled bays to assist privacy. The bays are angled to the north to allow occupiers to have longer views towards Angel and Greyhound Meadows beyond the Cherwell. All these windows are full height with the larger ones 0.7m wide as fixed units and the narrower ones 0.35m wide but openable for ventilation.
15. There is some variation to this general pattern in the flank (south and north) elevations. In the former the study bedrooms possess additional narrow slit windows approximately 0.3m wide (but not full length) to provide further lighting to these rooms whilst adding interest to the elevations which would otherwise consist of facing brickwork alone. These windows are fixed however and obscure glazed to provide privacy not only for its occupiers, but for those of nearby residential properties. To the northern elevations full height windows measuring 1.3m by 2.0m are included, again with narrow openable sections, and with narrow fixed units also on their return sides facing east and west to provide additional light. At ground floor level vertical strips of glazing are also introduced to the external walls overlooking the undercroft parking to provide a degree of passive surveillance.
16. Overall the architects have sought to provide a clean expression of built forms which would allow the buildings to sit comfortably with the diverse collection of building styles, ages and forms to be found in the immediate locality, and in particular mediating between the form and bulk of the Florey Building and the vernacular character of other buildings. In doing so the development varies considerably from the refused 2011 planning application. The principle differences can be summarised as follows:
  - contemporary architectural design solution;
  - student accommodation set within 2 linked buildings rather than 3;
  - height, scale and massing of buildings reduced;
  - accommodation blocks facing Angel and Greyhound Meadows lower than previously and in part further away, in part closer;
  - accommodation blocks facing rear of St. Clements' properties set further back and lowered in height;
  - angled bay windows introduced to improve privacy for residents of Alan Bullock Close;
  - obscure glazing to secondary windows facing rear of St. Clements' properties;
  - enhanced views along Penson's Gardens;
  - creation of space west of accommodation blocks to improve setting of Florey Building, including additional landscaping and provision of a

- public space;
- future potential to rationalise access from St. Clement's by combining with separate access serving the Florey Building;
- increased score on Natural Resource Impact Analysis (NRIA);
- number of car parking spaces increased;
- improved layout to car park;
- larger temporary car park provided at former Government Buildings site, Marston Road;
- better access to temporary car park.

17. A fuller account of the differences between this latest planning application and the earlier refusal appears in a letter received from the applicants' agents which appears now as **Appendix C** to this report.

18. Although the form of the development has changed in this latest planning application compared to earlier proposals, the content of 140 student study rooms has remained the same. This report does not therefore seek to repeat detailed consideration of those matters not previously in contention but seeks instead to examine the response to each of the reasons for refusal referred to earlier in this report.

#### **Relationship to Nearby Listed Buildings and Conservation Areas.**

19. Published guidance by English Heritage in *The Setting of Heritage Assets* of October 2011 explains that the setting of a heritage asset is the surroundings in which it is experienced. The setting is not fixed and may change as the surrounding context changes. The significance of the heritage asset is derived not just from its physical fabric but also from its setting. In examining potential impacts of a proposal the guidance explains that change need not be harmful and suggests that possible outcomes of a development could be:

- removing or re-modelling an intrusive building or feature;
- replacement of a detrimental feature by a new and more harmonious one;
- restoring or revealing a lost historic feature;
- introducing a wholly new feature that adds to the public appreciation of the asset;
- introducing new views (including glimpses or better framed views) that add to the public experience of the asset; or
- improving public access to, or interpretation of, the asset including its setting.

20. With the issuing of the National Planning Policy Framework (NPPF) in March this year the Government has re-affirmed its aim that the historic environment and its heritage assets should be conserved and enjoyed for the quality of life they bring to this and future generations, stating:

*"When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given*

*to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification."*

21. The Florey Building was listed Grade II (a designated heritage asset) in 2009 and is one of a trilogy of similar designed buildings by Sir James Stirling, the other two being the Engineering block at Leicester University and the History Faculty building at Cambridge. When the Florey building was erected the future of the area, which had recently been cleared of derelict properties, was uncertain. There was an aspiration for a riverside walk into the city centre and for further development on the remainder of the cleared area, including the possibility of a multi-storey car park. Contemporary records suggest that the Florey Building was intended to be a contemporary interpretation of traditional collegiate forms and designed to face outwards towards Angel and Greyhound Meadows but with a stair turret and entrance visible through a narrow gap between existing buildings fronting St Clement's Street. This narrow gap has subsequently been widened and the majority of the remaining area retained as a surface car park.
22. In its representations on these applications the Twentieth Century Society have suggested that the provision of open space around the Florey Building, opening up views, is not what the original design had intended and have suggested that new buildings should come closer, to reduce the angle of view. The refused 2011 proposals attempted this approach, creating a 'lane' lined by new buildings. However, the reasons for refusal explain that such an arrangement would have been harmful to the setting of the Florey Building and hence this latest proposal's different approach to create space around the building instead, and create new views and viewing experience.
23. Given the reasons for refusal of the previous proposals and the need to retain surface car parking the approach pursued in this application to create space and a higher quality public realm seems the only realistic alternative. It may not conform to the designer's original vision for the site, but given the existing circumstances and development constraints it would be an improvement on the existing setting of both the Florey Building and 27 St. Clements, when experienced in views from St Clement's Street and from within the application site. In adopting this approach the proposal would meet the criteria in English Heritage's advice on assessing the impact of development on the setting of heritage assets with the result that English Heritage has not raised objection to the planning application.
24. In terms of the wider St. Clement's and Iffley Road Conservation Area the Council's recent conservation area appraisal describes the key characteristics of this part of the conservation area, drawing attention to the narrow alleys that form a strong sense of enclosure and provide glimpsed views down to the meadows. The car park is not readily visible, only its access, which also allows views of the Florey Building, described as having nothing in common with the traditional architecture of the locality. Furthermore historic maps show that Penson's Gardens was once lined by buildings and this has provided the cue for the

proposed new blocks, reflecting the urban framework of 'lanes' leading off the main street down towards the meadows. The proposed development is shown as a series of blocks, with a varied roof line and beam and post facades articulated with three different types of window to add interest and to design out overlooking and privacy issues. This grid has a human scale that helps to mediate between the brutalist form of the Florey Building and the traditional vernacular qualities of the other surrounding buildings in the St. Clements area.

25. The new buildings would not be readily visible from St Clements, other than in glimpsed views down Penson's Gardens and from the car park access. They would be visible from the meadows however, but the verified views accompanying the application show that the views would be filtered by existing tree cover, even in winter. The proposed landscaping, which is shown to include evergreen species should ensure that this filtered view is maintained.
26. In longer distance views the application site falls within three of Oxford's defined View Cones - South Park, Morrell Allotments and Doris Field's Field. Analysis submitted with the application shows that the proposed buildings would not be visible from the viewing point in the two latter views, hidden by the landscape, topography or existing buildings, but would be seen in the view from South Park. The view from here is an elevated one that looks over the Cherwell flood plain and St Clements towards the city's towers, domes and spires. The view is characterised by the green foreground setting of the public park, a dense band of trees which filters views of the buildings in St Clements, and the wooded hills of Botley and Wytham in the background. St Clements consists of buildings of varying heights, the Florey building just being visible amongst the trees whilst the painted render of the terrace of houses in London Place also catch the eye. Because the historic core of the city is raised above the suburbs on a gravel terrace, buildings in St Clement's do not compete with them.
27. The verified views submitted show that the new buildings would be visible from South Park but to a similar degree that other buildings in the suburb are experienced, and filtered by the existing tree cover. The height of the proposed building is also shown to be lower than the Florey building, being viewed in front of it and Anchor House with its stepped form helping to fragment the roof lines. The cluster of city centre spires and domes is seen in the view to the right of the Florey building and the car park site and would not be obscured. The view from South Park is a dynamic not static one however, and the relationship of the historic core to the foreground and middle ground objects will vary from different viewing points in the Park. It is concluded that at no point would the proposed development obscure views of the historic core. The overall character of the view would remain one of a public park in an urban environment in the foreground with the varied roofscape of St. Clement's in the middle ground acting as a positive element which helps to understand this wider historic urban context. The proposed development would not harm this character.
28. Lastly, from within the application site itself its character and appearance would change dramatically as a consequence of the development. The existing tree cover softens the appearance of the surface car park, but nevertheless the visual qualities of the site are currently poor. The proposed



development would create a more urban feel to the site similar in terms of the density of building to the site before it was cleared for redevelopment in the 1960s. Had the vision for the redevelopment of the area been delivered as originally intended, then this area would already have buildings on it. The passage of time has allowed the newly planted trees to mature and the memory of buildings occupying the site to fade.

29. Overall the site as it is at present does not make a positive contribution to the character or appearance of the conservation area and on balance therefore the proposals as submitted are not considered to be harmful to its heritage significance.

### **Impact on Neighbouring Properties.**

30. As stated above, these latest proposals indicate the overall height, scale and massing of the development to be reduced and a more contemporary, tiered style of architecture brought forward than previously which allows the relationships which gave rise in part to refusal of the 2011 application to be addressed.
31. In the previous proposal the rear of the residential properties at the upper levels of 31 to 38 St. Clements Street backing onto the application site were some 9.4m away from the flank wall of the student accommodation at its closest point, with the flats at no. 33 some 26.6m away from the block of accommodation then running at right angles. **Paragraphs 49 to 54 of Appendix C** refer. In these proposals the student accommodation is located at approximately the same position at ground to second floor level but is in part set back by approximately 2.0m opposite nos. 37 and 38 to the nearest point of a circular stair tower, and drawn further away at higher levels as the building scales back.
32. There would be no loss of privacy to these flats as only secondary windows with obscure glazing in a narrow, slit form would be present in the facing elevation of the student block. If necessary these secondary windows could be deleted entirely though Officers would regret that as they provide interest to the elevation without impinging on privacy. Previously Officers had also concluded that the upper floor flats here would still possess a sufficient degree of outlook with acceptable lighting conditions retained, and that remains their view. In sum whilst the siting of the development in relation to the properties at 31 to 38 St. Clements Street remains similar to the previous application, there are improvements in these latest proposals. Officers remain of the view that such relationships would not be uncommon in an urban environment and can therefore be accepted.
33. Further to the east no. 1 Penson's Gardens is a student residence located to the rear of the St. Clements Street properties which would have been located as close as 2.2m away from the development as previously proposed. **Paragraphs 55 to 58 of Appendix C** refer. This tight relationship is eased by setting the south block of the eastern range back by between 3.8m and 6.8m, whilst the building itself is lower overall than previously. Again obscure glazed

slit windows are inserted into the flank elevation of the new development which could be deleted. Whilst these eased relationships again remain tight, they are not uncommon in what would be adjacent blocks of student accommodation, and can be accepted.

34. The remaining neighbouring properties potentially affected by the development are the University graduate flats at Alan Bullock Close to the east of the application site. As **paragraph 59 of Appendix C** and subsequently indicates, this development currently has uninterrupted views across the public car park and its stepped form is such that it not only falls in height from 4 to 2 floors from south to north, but also lies closer the application site at its northern end as it does not run parallel to the common boundary. Previously distances between the facing elevations of Alan Bullock Close and the nearest point of the new development were approximately 13m at its closest, widening to over 30m at its furthest point at the southern end. These represent generous distances for separate blocks of student accommodation in an urban context.
35. In these proposals, whilst lower in height overall, the eastern range of proposed accommodation is located closer to Alan Bullock Close where distances are more generous than elsewhere around the site so that facing elevations now vary from approximately 9.0m apart at the closest point at the northern end where the eastern range is extended, to over 25m to the south. Privacy is maintained however by the use of the proposed angled bay windows referred to earlier in this report. These separation distances are in fact similar to those between the eastern arm of Alan Bullock Close and the residential terraces at Boulter Street to its east. Thus whilst the outlook from Alan Bullock Close as proposed is undoubtedly impacted, it is not so serious in the officers opinion as to warrant refusal of planning permission.
36. In terms of lighting conditions the University has questioned the conclusions of the Daylight and Sunlight Report based on BRE Guidelines which accompanied the planning application, that good levels of natural light would be maintained for Alan Bullock Close. These have been rebutted by the applicants' consultants, indicating that the form of Alan Bullock Close with its unusual recesses, lightwells and irregular stepped design are also relevant considerations affecting lighting conditions, and that in any event some of the rooms listed as affected have dual aspects with more than one source of light. The applicants' consultants conclude that the lighting values achieved for Alan Bullock Close with its westerly aspect in this direction and the development in place would still exceed typical conditions for an inner city environment.
37. From the officers' own experience the relationships as proposed are not unusual or unacceptable for adjacent blocks of student accommodation, even allowing for the fact that Alan Bullock Close consists of graduate flats rather than typical undergraduate study bedrooms. The context here is not one of leafy suburbia but of a relatively tight urban environment. As with the residential flats at upper floor levels to the St Clements Street properties, on balance officers have concluded that the relationships are reasonable in their

context such that refusal of planning permission on this basis would not be justified and the proposed development can therefore be accepted.

38. Attached as **Appendix D** is an annotated sketch which illustrates the relationship of the proposed building to its neighbours.

### **Replacement Car Parking.**

39. In the withdrawn 2010 planning application a 65 space car park was proposed to serve as a permanent replacement if that development had proceeded. This was increased to 74 spaces in the refused 2011 case, and is increased again now to 80, including 4 disabled spaces, two of which are suggested to be set aside for use by the student accommodation. This not only represents a welcome increase in numbers but the layout of spaces is also more logical and easily understood by users of the car park. Although there would still be a reduction of 32 spaces from the existing on - site provision of 115 spaces, Officers consider this to be a reasonable level bearing in mind that the current layout is below standard in terms of turning and manoeuvring space etc, and that to bring it up to standard would lead to a reduction to 98 spaces in any event.
40. Further, the Transport Assessment accompanying the planning application confirms that 80 spaces would be sufficient to meet current demands, other than for the Saturday afternoon peak when the car park would be at capacity. However given the local planning authority's long established commitment to traffic and parking restraint; St Clement's accessibility by other modes of transport; and that some users of the car park at this time are likely to be accessing the city centre where other parking facilities are available, then officers conclude that the provision of 80 spaces is acceptable and a positive and reasonable response to committee's previous concerns. Other public parking is also available at Union Street off Cowley Road and at various short term on - street locations scattered within the Controlled Parking Zone. The Highway Authority has been approached as to the possibility of removing some of the on - street parking restrictions in the locality on a temporary basis during construction of the development, but do not favour the possibility as parking facilities for permanent residents are already heavily subscribed.
41. Cycle parking for the student accommodation is provided in the form of 48 cycle stands within the ground floor of the western range, with a further 28 external spaces provided which could also be used by the wider public. Whilst this is less than previously provided it is at about the standard of 1 space per 2 bedrooms required by the Local Plan. If that were felt to be insufficient however space exists to provide additional facilities if required.
42. During the construction period a temporary car park is proposed at the former Government Buildings site off Marston Road where, subject to planning permission being granted, a 76 space facility would be provided with a linking shuttle bus service to St. Clements. Although the site is approximately 750m from St. Clements and marginally further than a temporary facility proposed at Harcourt House if the 2011 application there had been successful, the site is

more suitable as there are existing bus stops serving the city centre immediately adjacent, and wide footways which were absent on the eastern side of Marston Road at Harcourt House. At 76 spaces this facility would provide some 21 more on a temporary basis than was the case for Harcourt House, again responding positively to committee's previous concerns.

43. The separate proposals for the Government Buildings site come before East Area Planning Committee for determination on 14<sup>th</sup> August 2012. A condition is suggested to the (St. Clement's Car Park) application if permitted that no development should commence until acceptable temporary car parking facilities are fully in place for the construction period whether at the Government Buildings site or elsewhere.

#### **Other Matters.**

44. Planning Obligations and Contributions. As the development consists of 140 student study rooms as previously, the same contributions are sought towards supporting facilities in relation to this latest application. These are based on the adopted Planning Obligations Supplementary Planning Document (SPD) and all index linked. They are as follows.

- Indoor sports facilities - £8,460 (City)
- Environmental improvements in the locality - £50,000 (City).
- Library Infrastructure within City - £8,883 (County).
- Cycle safety measures - £19,458 (County).
- Oxford Transport Strategy - £19,950 (County).
- Public transport Infrastructure - £10,000 (County).
- Travel Plan monitoring - £960 (County).

45. In addition, since the refusal of the 2011 proposals the emerging Sites and Housing Plan has progressed to submission stage with its public examination due to take place in September. Policy HP6 of the Plan seeks to secure financial contributions to affordable housing from student accommodation on the basis of £140 per sq m of gross internal floorspace. This amounts to £594,000 in this case. Agreement has been reached with the applicant accordingly and the sum would be paid on commencement of the development on receipt of the agreed sale price for the land and secured by planning condition.

46. In addition to the above Thames Valley Police have also requested a financial contribution for £69,070 to fund 2 Police Community Support Officers (PCSOs) for a period of 4 years, on the basis that 140 additional students living at the application site may lead to additional crime as student populated areas are often targeted by criminals. However legal advice has been taken on the matter and confirmed Planning Officers' views that such funding falls outside the terms of Core Strategy policy CS.17 and / or any mechanism agreed within the current Planning Obligations Supplementary Planning Document (SPD) where S.106 contributions should properly relate to capital rather than revenue expenditure. Moreover the emerging arrangements under the Community Infrastructure Levy (CIL) would also suggest funding of physical infrastructure rather than the provision of a service, but these arrangements are not yet in place in any event.



For these reasons Officers cannot support the request of Thames Valley Police on this occasion.

47. Economic Impact and Phasing of Development. Lastly, whilst this report has sought to concentrate on the previous reasons for refusal, two other matters in particular have been raised during public consultation relating to the possibility of an economic impact assessment to accompany the planning application, and a suggestion of a phased development such that half of the existing public car park could remain available whilst the other half was under construction.
48. On the first point, this site has been allocated for student accommodation in the current (2005 adopted) Local Plan as well as the previous (1997 adopted) Local Plan and proposed Sites and Housing Plan. In none of these documents was there a requirement for an economic impact assessment, nor is there any such requirement in the recently published National Planning Policy Framework (NPPF). It is not justified therefore for the Planning Authority to undertake such an assessment, though the applicants could have provided such information if they had chosen to do so. Rather it falls to the Planning Authority to consider the application as submitted. Moreover the absence of such a document did not form a reason for refusal to the previous proposal which in terms of its content, (140 student study rooms), was the same as this latest application
49. On the possibility of a phased development which would allow one half of the site to be redeveloped whilst the other half remained in use as a public car park, that would be unusual for a development of this size and the imposition of a condition to require it would need to meet certain tests in planning terms - it would have to be necessary; relevant to planning; relevant to the development to be permitted; enforceable; precise; and reasonable in all other respects. As with a refusal of planning permission, there is a right of appeal to such a condition imposed, and unreasonable behaviour is specifically a ground for costs to be awarded against a local planning authority. It goes without saying that the grant of planning permission with such conditions which effectively mean the development could not proceed would be unreasonable.
50. In this case the logistics of undertaking such an arrangement would require the gaining of access for construction vehicles over third party land via Caroline Street which has not been obtained; which would have to be shared with others; and which is not supported by the Highway Authority. The construction period for the development is currently set at between 10 and 12 months, but that would extend to 18 to 20 months if phased. In turn that would considerably increase the costs and potentially make the development unviable. Moreover whilst one half of the development were being constructed access would be required to the other half for works relating to drainage and underground services etc across the site. Cranes would also be required to be moved around the site resulting in oversailing which would be contrary to health and safety regulations and uninsurable. Lastly there would be health and safety issues for users of the remaining part of the car park and for incoming students having to live adjacent to a construction site. Taking all these factors into account, it is the officers' conclusion that the imposition of a condition requiring phased development would fail the test of reasonableness and if appealed would be likely to be allowed.

**51. Tree Planting.** In the 2011 proposals some 8 trees would have been lost to allow that development to proceed. In the event although the application was refused permission, no objection was raised to the loss of tree coverage. The trees involved included a number of London planes and ash standing within the main part of the car park, including a prominent London Plane near the entrance from Penson's Gardens. In these latest proposals one further tree is lost, a field maple, to the northern side. This is a low value tree however and its loss would not have a significant additional effect. All other trees within the application site are retained. In replacement for those trees lost 6 semi mature London planes are proposed, including one at either end of the Penson's Gardens route with 2 Turkish hazels planted at key locations in between. Two further London planes are planted to the south - east corner and two more to the south - west corner at the rear of the Angel and Greyhound PH. In both cases the pairs of trees are planted to maximise their initial visual impact, but with the intention that one within each group be removed eventually to allow the other to mature. In addition 3 evergreen trees (2 holm oaks and a holly) are proposed to the north - east corner along the boundary to the river and Angel and Greyhound Meadow beyond to provide low level screening from the meadows. Overall the proposed planting in mitigation of those trees lost is supported.

**52. Sustainability.** In the 2011 proposals the development was assessed as reaching a score of 9 out of a possible 11 on the Natural Resource Impact Analysis (NRIA) and achieve a BREEAM rating of "very good". A revised energy strategy and NRIA are submitted with this latest application which extends the NRIA score to 10 out of 11 with the minimum score in each of the categories of energy efficiency, renewable energy, use of materials and water resources exceeded. This would be achieved by a variety of means. The primary source of renewable energy would be air source heat pumps located at roof level. High levels of insulation would be incorporated throughout with double glazed window units and materials with a high thermal mass to reduce energy requirements. "A rated" appliances would be used throughout wherever possible plus controlled lighting systems. Timber would be acquired from sustainable sources and materials generally sourced locally wherever possible. Dual flush WCs, aerated taps etc would be fitted throughout. A BREEAM "very good" rating would again be achieved.

**53. Biodiversity.** Whilst the application site is of little wildlife interest, the location of the new buildings close to the Angel and Greyhound Meadow may affect fly ways for bats etc. In this context the lighting arrangements for the proposed roof garden to the western block of accommodation and for windows facing this direction may be relevant. Details are requested by condition. Although a bat survey in 2010 revealed no bats present in the current toilet block, the survey should be repeated before any development were to proceed. The new development brings with it the potential for bat and bird boxes to be incorporated within the development. All these matters can be addressed by suitable conditions in the event of planning permission being granted.

## **Conclusion.**

54. The current proposals represent the culmination of a lengthy dialogue on how this site allocated for development since the late 1990s could best be laid out to respond to its unusual but sensitive setting. The siting of new buildings along the line of Penson's Gardens restores an historic "street" lost since the 1960s and reintroduces buildings where they previously existed. In doing so the setting of nearby listed buildings and the wider conservation area will change, but not in the officers' view to their detriment. Architecturally the new buildings are of a superior quality to the refused 2011 planning application, whilst the relationship with neighbouring properties is close but acceptable in its context and temporary arrangements set in hand whilst the public car park is closed during construction. Overall the current application has responded positively to the reasons for refusal of the 2011 proposals and can be supported accordingly.

### **Human Rights Act 1998**

Officers have considered the Human Rights Act 1998 in reaching a recommendation to grant planning permission, subject to conditions and an accompanying legal agreement. 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**

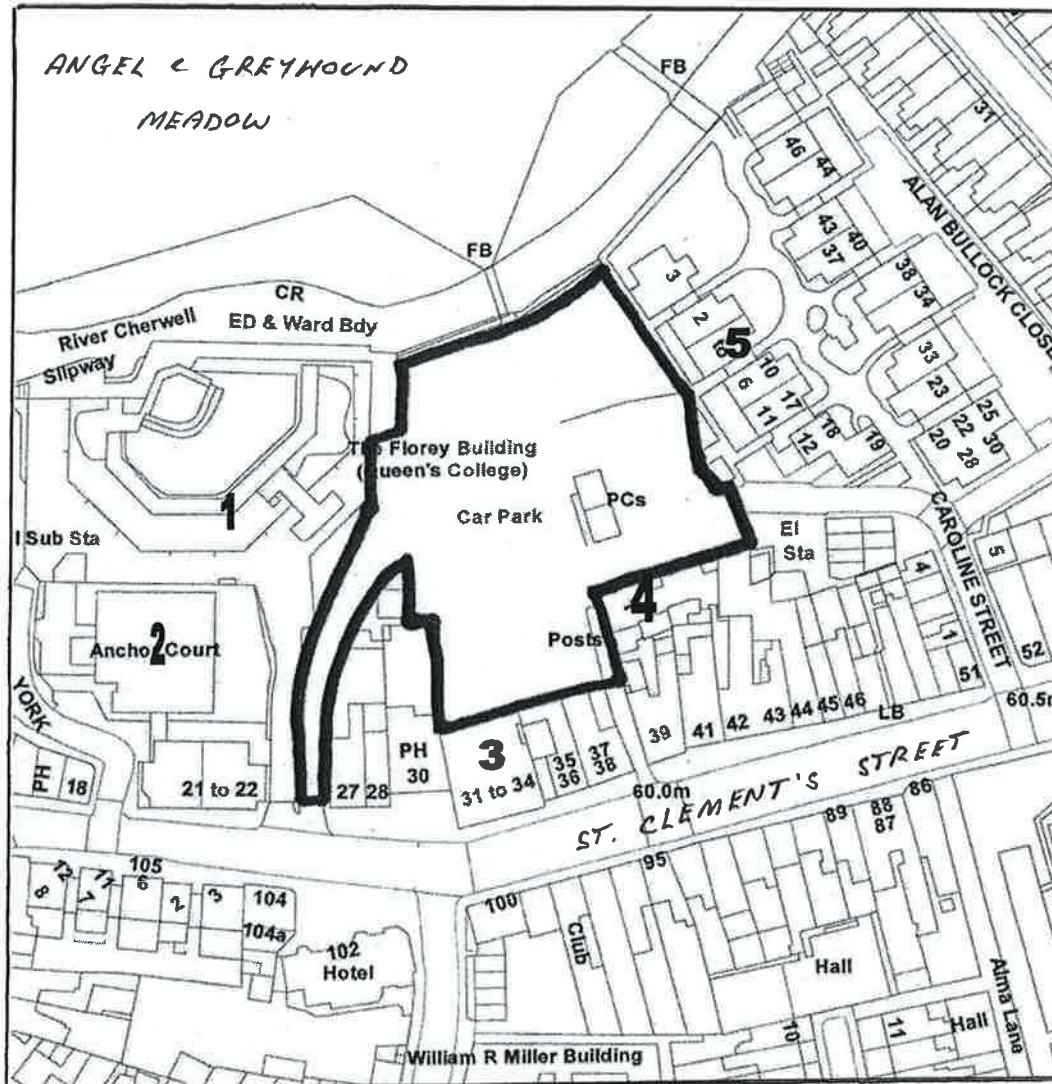
Officers have considered, with due regard, the likely effect of the proposal on the need to reduce crime and disorder as part of the determination of this application, in accordance with section 17 of the Crime and Disorder Act 1998. In reaching a recommendation to grant planning permission subject to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

**Background Papers:** Applications 10/02848/CAC, 10/02790/FUL, 11/01044/CAC, 11/01040/FUL, 12/01370/CAC, 12/01369/FUL.

**Contact Officers:** Murray Hancock / Nick Worlledge

**Extension:** 2153 / 2147

**Date:** 2<sup>nd</sup> August 2012



- 1 – Florey Building
- 2 – Anchor Court
- 3 – 33 St Clement's
- 4 – 1 Penson's Garden's
- 5 – Alan Bullock Close



West Area Planning Committee

- 14<sup>th</sup> September 2011

**(1) Application Number:** 11/01040/FUL

**Decision Due by:** 18th July 2011

**Proposal:** Demolition of public toilets. Redevelopment of St Clements car park to provide student accommodation (140 bedrooms) and ancillary facilities over 3 blocks. Replacement car park (74 spaces), public toilets and landscaping and ancillary works. (Amended Plans, Additional Information)

**Site Address:** St Clements Car Park And Public Convenience St Clement's Street (**Appendix 1**)

**Ward:** St Clement's Ward

**(2) Application Number:** 11/01044/CAC

**Decision Due by:** 18<sup>th</sup> July 2011

**Proposal:** Demolition of public toilets

**Site Address:** St Clements Car Park And Public Convenience St Clement's Street Oxford

**Ward:** St Clement's Ward

**Agent:** N/A

**Applicant:** Watkin Jones Group

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**Recommendation:**

Application for Planning Permission

It is recommended that the West Area Planning Committee resolve to grant planning permission subject to the conditions and obligations set out below and to delegate authority to officers to issue the notice of permission following satisfactory completion of the legal agreement for the following reasons:

- 1 The principle of development is established by Local Plan policy DS82. In consideration of the site and development constraints, as well as its sustainable location, the general layout of the proposal, along with its number of car parking spaces, is considered to be acceptable on balance. The impact of the proposal on neighbouring residential properties and the character and

appearance of the conservation area, and the setting of the nearby listed buildings, is not considered to be unacceptable, in accordance with Local Plan policy CP1, CP8, CP10, HS19, HE3 and HE7 and Core Strategy policy CS18. Matters of the management of the proposed student accommodation and restrictions on residents bringing cars into the City can be secured by planning condition or obligation in accordance with Core Strategy policy CS25.

- 2 The Council has had regard to all the comments received through the consultation process. The matters raised have been addressed within the report and when taken on balance are not considered to warrant refusal of the application.
- 3 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 issues, 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 Development begun within time limit
- 2 In accordance with approved plans
- 3 Students in full time education only
- 4 Details of educational establishment /Management company
- 5 Student Accommodation – Management Controls
- 6 Scheme to prevent students bringing cars into the City
- 7 Samples of Materials in Conservation Area
- 8 Submit further architectural & construction details
- 9 Boundary details before commencement
- 10 Public Art - Scheme Details & timetable
- 11 Landscaping plan required (including areas of hard
- 12 Landscaping carry out by completion
- 13 Landscape hard surface design - tree roots
- 14 Landscape underground services - tree roots
- 15 Tree Protection Plan (TPP) 1
- 16 Mitigation and enhancement in accordance with Ecological Assessment
- 17 Arboicultural Method Statement (AMS) 1
- 18 Archaeology - Implementation of programme
- 19 Temporary car park provided before closure of existing car park (including relevant signage)
- 20 Construction Traffic Management Plan
- 21 Travel Plan
- 22 Provision of pedestrian access to Angel and Greyhound Meadow during construction period
- 23 Bin and cycle storage in accordance with plans
- 24 Land contamination study
- 25 Design of vehicular access (application site only)
- 26 Develop in accordance with FRA
- 27 Remediation Verification report
- 28 Disposal of Surface Water

- 29 Fire Hydrant
- 30 Removal of site from Controlled Parking Zone
- 31 Translucency of glazing in north elevation
- 32 Temporary public toilets during construction
- 33 Details of CCTV
- 34 Lighting scheme for site
- 35 In accordance with NRIA
- 36 3<sup>rd</sup> floor south facing windows of Building B to be omitted

Application for Conservation Area Consent

It is recommended that the West Area Planning Committee grant conservation area consent for the following reasons:

1. The Council considers that the proposal, subject to the conditions imposed, would accord with the special character and appearance of the conservation area. It has taken into consideration all other material matters, including matters raised in response to consultation and publicity.

Conditions:

- 1 No demolition prior to contract for redevelopment

**Planning Obligations:**

In accordance with the Councils Planning Obligations SPD the following contributions are required to mitigate the impact of the proposals on City and County Services and infrastructure and have been agreed by the applicants. The contributions set out below are indexed linked to values at 2006 levels and should be increased accordingly to the real value at the time of payment.

- £8,460 towards indoor sports facilities
- £50,000 towards general environmental improvements in the local area
- £8,883 towards library infrastructure
- £19,458 towards cycle safety measures
- £19,950 towards the Oxford Transport Strategy
- £10,000 towards public transport infrastructure
- £600 as a travel plan monitoring fee

**Main Local Plan Policies:**

**Oxford Local Plan 2001-2016 (OLP)**

**CP1** - Development Proposals

**CP6** – Efficient Use of Land and 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

**CP14** – Public Art

**CP17** – Recycled Materials

**CP18** – Natural Resource Impact Assessment  
**CP20** – Lighting  
**CP21** - Noise  
**NE14** – Water and Sewage Infrastructure  
**NE15** – Loss of Trees and Hedgerows  
**NE16** – Protected Trees  
**HE2** – Archaeology  
**HE3** – Listed Buildings and Their Setting  
**HE7** – Conservation Areas  
**HE9** – High Building Area  
**HE10** – View Cones of Oxford  
**HS19** – Privacy and Amenity  
**TR1** - Transport Assessment  
**TR2** – Travel Plans  
**TR3** - Car Parking Standards  
**TR4** - Pedestrian & Cycle Facilities  
**TR11** – City Centre Car Parking  
**DS82** – Part of St Clements Car Park – University of Oxford Use

**Oxford Core Strategy 2026**

**CS2** – Previously Developed and Greenfield Land  
**CS4** – Green Belt  
**CS9** – Energy and Natural Resources  
**CS11** – Flooding  
**CS12** – Biodiversity  
**CS13** – Supporting Access to New Development  
**CS14** – Supporting City-wide Movement  
**CS17** – Infrastructure and Developer Contributions  
**CS18** – Urban Design, Townscape Character and the Historic Environment  
**CS19** – Community Safety  
**CS25** – Student Accommodation

**Other Material Considerations:**

The site lies within the St Clements and Iffley Road Conservation Area  
PPS 1 – Delivering Sustainable Development  
PPS 4 – Planning for Sustainable Economic Growth  
PPS 5 - Planning for the Historic Environment  
PPS 9 - Biodiversity and Geological Conservation  
PPG 13 – Transport  
PPS25 – Development and Flood Risk  
Regional Spatial Strategy for the South East  
St Clements and Iffley Road Conservation Area Appraisal  
Planning Obligations Supplementary Planning Document  
Parking Standards, Transport Assessments and Travel Plans Supplementary  
Planning Document  
Natural Resource Impact Analysis Supplementary Planning Document  
Manual for Streets



**Relevant Site History:**

10/02848/CAC - Demolition of public toilets - withdrawn

10/02790/FUL - Redevelopment of St Clement's car park to provide student accommodation (141 bedrooms) and ancillary facilities over 4 blocks. Replacement car park (65 spaces), public toilets and waste recycling facilities. Student cycle parking provision (with buildings). Retention of public footpath to Angel and Greyhound meadow – withdrawn

11/01993/CT3 - Temporary change of use of existing car park at Harcourt House to public car park. Provision of two pay machines (Note: This application is to provide a temporary replacement car park during closure of St Clement's Car Park during construction works) – pending decision at time of writing this report. It is intended to report the application to the East Area Planning Committee on the 7<sup>th</sup> September 2011.

**Representations Received:** A total of 643 comments have been received, including a 2929 signature petition. Following concerns raised by officers the original submission was amended and formal re-consultation undertaken on the 15<sup>th</sup> July 2011 at the request of the West Area Planning Committee. A summary of the comments received under both consultations is set out below.

**Third Party Comments on Original Plans**

- Loss of trees harmful to ecology and character of conservation area
- Adverse impact on the Setting of the Listed Florey Building
- Inadequate replacement car parking
- No temporary car park during construction would be detrimental to vitality and viability of St Clements shops and restaurants
- Proposed parking is not safe due to cramped layout
- Cramped overdevelopment of the site
- Design and density out of keeping with and harmful to the character and appearance of the conservation area
- Poor quality public realm due to lack of activity at ground level and undercroft parking
- Loss of light and outlook to St Clements properties
- Loss of light and outlook to Florey Building
- Loss of light and outlook to Allan Bullock Close
- No agreed end user for the student accommodation
- Student car parking in area. No realistic way to prevent this
- More students will adversely affect balance of community
- Poor quality architecture
- Adverse impact on Angel and Greyhound Meadow
- Lack of community engagement
- Significant impact on vitality of St Clements businesses
- Adverse impact on residential amenity due to noise and nuisance from development
- Negative impact on mental health and literary and intellectual production of neighbouring residents on St Clements

- Loss of privacy to adjoining property
- Flood concerns
- Adverse impact on servicing of shops and restaurants from existing car park

### **Third Party Comments on Amended Plans**

- Redevelopment for student housing will damage future health of City
- Development does not follow mixed and open pattern of development and uses seen in the East Oxford area
- Buildings provide no outlook of meadow, and when seen from Meadow are ugly
- Poor design compromises Florey Building rather than complimenting it
- Arbitrary assortment of colours, shapes, styles, fenestration and roof patterns conceal any sense of integrity and do not relate to context
- Inadequate cycle parking
- Unfortunate no shared access with Florey Building
- Adverse impact on light to and outlook from Alan Bullock Close
- Inadequate level of car parking retained contrary to policy DS82
- Temporary solution at Harcourt House is not adequate due to number of spaces, distance from St Clements and its isolated and insecure location
- Alterations to buildings result in increased height in contravention with policy HE9
- Design changes incorporate large areas of flat roof and uncharacteristically steep pitch roofs which fail to harmonise with character of area
- Destruction of open space, trees and wildlife
- Daylight/Sunlight Assessment submitted by applicant is inaccurate
- Significant adverse impact on daylight and privacy to, and outlook from, the flats at No 33 St Clements
- Poor level of consultation
- Loss of parking would have significant adverse impact on vitality of St Clements, Cowley Road and the High Street
- Overbearing impact on St Clements properties
- Loss of privacy and light to, and over bearing impact on, No 1 Pensons Gardens
- Creation of student ghetto
- Proposed parking inadequate in number and layout
- Noise and disturbance
- Impact on access to rear of shops and fire escape of St Clements flats
- Out of keeping with character and appearance of conservation area
- Loss of trees is detrimental to wildlife and appearance of area
- No end user has been specified
- Overdevelopment. Buildings too big and dense for site
- Negative impact on mental health and literary and intellectual production of neighbouring residents on St Clements
- Student accommodation not needed
- Negative impact on views of the Dreaming Spires
- No car status of development unenforceable
- Fence attached to No1 Penson's Gardens not acceptable

## **Statutory and Internal Consultees:**

### **Comments Received Regarding Original Plans**

Highways And Traffic – No objection subject to conditions

English Heritage Commission – Changes to the scheme help to mitigate the impact on setting of conservation area. However, due to increased activity associated with development the nature of the site will change when seen from Angel and Greyhound Meadow. Planning Authority should satisfy itself that the wider benefits of the scheme outweigh this harm to the conservation area.

Thames Water Utilities Limited – No objection

Environment Agency Thames Region – No objection subject to conditions

Thames Valley Police – Concern raised about community cohesion due to lack of defensible space between public realm and buildings. If undercroft parking to Building B can not be removed would recommend CCTV. Adequate lighting needed. No details at this stage to comment on. CCTV needed. Surveillance of public toilets needed and should not be open 24 hours a day.

Berks, Bucks And Oxon Wildlife Trust (BBOWT) – Application should accord with Core Strategy policy. Recommend that development carried out in accordance with Ecology Report and the mitigation and biodiversity enhancements as specified there in, in order to comply with policy

Natural England – No objection

Oxford Preservation Trust – Essential that concerns of stakeholders are considered given the vital role this plays to vibrancy of area. Proposals have addressed main concerns of Trust.

Oxford Civic Society – Design and position of blocks improved from last scheme. Still too large and overwhelming. Overdevelopment of site in conservation area. Attention to temporary car park needed. Increase in permanent parking if possible.

Oxford Green Belt Network – Concern about views of site from Angel and Greyhound Meadow.

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### **Comments Received Regarding Amended Plans**

Highways And Traffic – No objection subject to conditions

Thames Water Utilities Limited – No objection

Environment Agency Thames Region – Deemed to be low risk (see previous comments and recommendations)

Thames Valley Police – No further comments to make (see previous comments and recommendations)

Natural England – No further comments to make (see previous comments)

Oxford Civic Society – Buildings provide no outlook to meadow and would appear ugly in views from the meadow. The design incorporates an arbitrary assortment of colours, shapes, styles, fenestration and roof patterns which conceal any sense of integrity and which do not relate to the context. Fails to compliment the Florey Building. This is a wasted opportunity of this site. Cycle parking is inadequate. A missed opportunity to improve the access. No proposal for management of the accommodation, 24hr supervision is essential. No temporary replacement car park provided.

Twentieth Century Society – Welcome principle of developing site, because the existing car park constitutes very poor setting for Florey Building. However, the proposal lacks architectural distinction and represents a wasted opportunity for this special part of the City. The scheme does not resolve the concerns raised by the Society in the past nor do they reflect a significant improvement as far as the setting of the Florey Building is concerned.

**Sustainability:** The application proposes the more efficient use of a brownfield site within an existing urban context with access to shops, services and public transport. The proposals include an acceptable Natural Resource Impact Analysis that sets out the sustainable credentials of the proposal in terms of its resource and energy efficiency.

#### **Officers Assessment:**

##### **Site Description and Proposal**

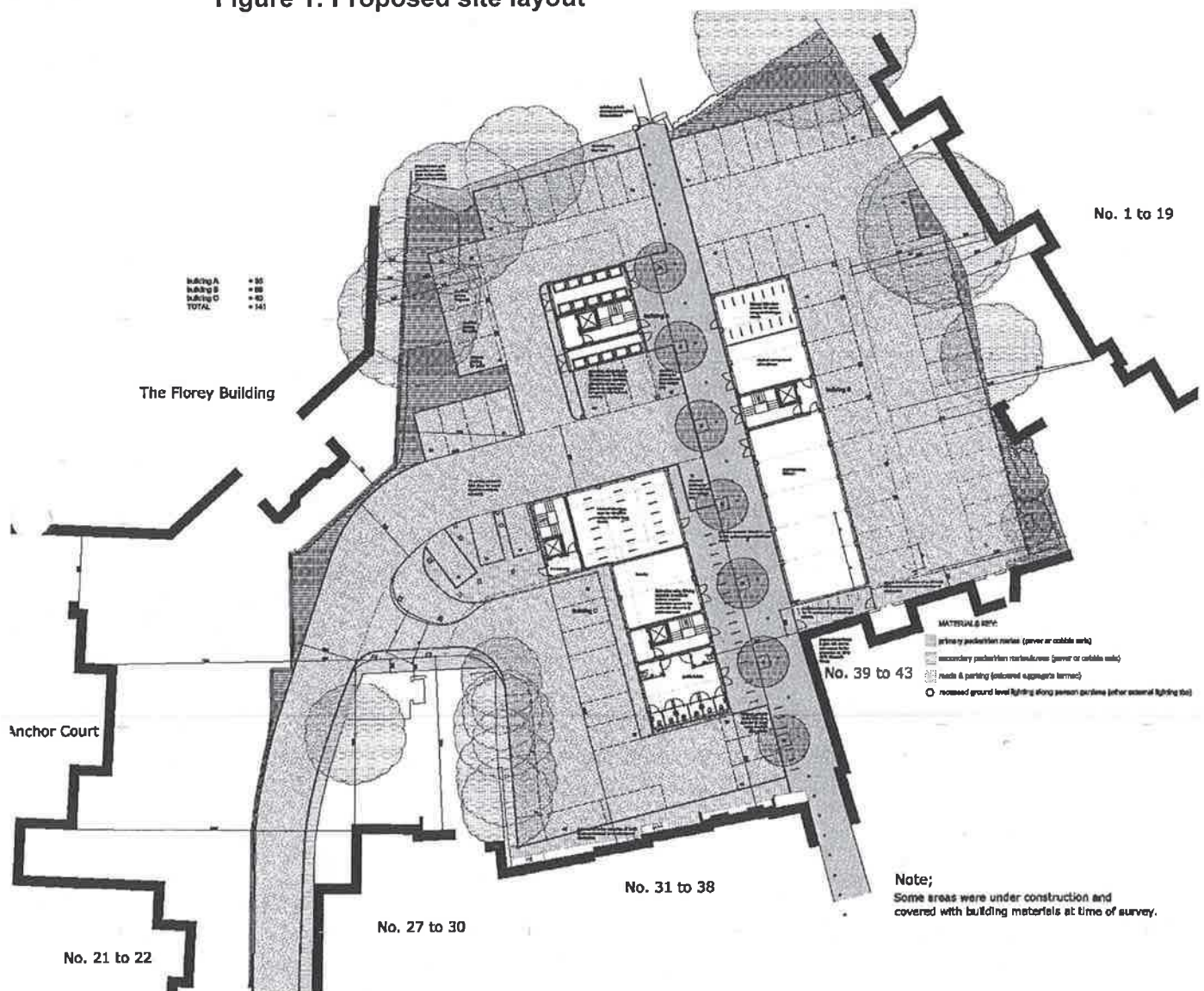
1. The application site comprises St Clement's Car Park, a public car park located approximately 50m to the east of the Plain. The site is accessed from the south off St Clement's Street via a vehicular access adjacent to that of the Florey Building, and Pensons Gardens a pedestrian route which is approximately 50m to the east. The site provides 112 parking spaces, public toilets and recycling facilities. There is also a small number of cycle stands. The Pensons Gardens route runs northwards through the site leading from St Clement's to the Angel and Greyhound Meadow.
2. The site is tightly constrained. To the north is the tree-lined bank of the River Cherwell, and the Angel and Greyhound Meadow beyond, to the east is Alan Bullock Close, a part 2/3/4 storey graduate student development. The southern boundary abuts the rear of the St Clement's and Pensons Gardens properties, which range from 3 to 4 storeys in height, and to the west is the 5-storey Anchor Court building and the Grade II Listed Florey Building which stands at 6-storeys in height.
3. The site is within the St Clement's and Iffley Road Conservation Area and



the northern portion of the car park is located within Flood Zone 3. There are a number of mature trees on the site, most notably those that create an informal edge to the footpath which leads to the meadow, and those that line the northern edge of the site. To the north the Angel and Greyhound Meadow is a Site of Local Interest for Nature Conservation (SLINC) a protected open space and undeveloped flood plain.

- The applications seek conservation area consent for the demolition of the public toilet block and planning permission for the erection of three buildings, ranging from 3 to 5 storeys in height, to provide 140 studio bedrooms, including common room facilities, a laundry room, and a cycle parking and bin storage area. The proposals retain 72 public car parking spaces, with 2 further spaces for disabled residents, and public toilet facilities. Figure 1 shows the proposed site layout.

**Figure 1: Proposed site layout**



5. Officers consider the principal issues in this case to be:
- Principle of Development
  - Impact on the Character and Appearance of the Conservation Area and the Setting of Listed Buildings
  - Layout and Public Realm
  - Scale, Built Form and Appearance
  - Trees
  - Biodiversity
  - Archaeology
  - Impact on Residential Amenities of Neighbouring Properties
  - Parking and Highways
  - Temporary Replacement Car Park
  - Impact on Vitality of St Clement's
  - Energy and Resource Efficiency
  - Planning Obligations
6. Following concerns raised by officers regarding the scale, bulk and architectural treatment of the buildings, the original plans have been amended. The following changes have been made to the buildings, **Appendix 2** shows all elevations, as originally submitted and as amended.

#### Building A

- The roof form has changed and now reads as two separate ranges, one side has a flat roof (facing the Florey Building), whilst the other is seen with a pitch roof;
- The ridge height of the building has increased by 3.15m while the eaves level and flat roof side have been lowered by 1.4m and 1.1m respectively;
- Windows have been inserted in the north elevation, these constitute narrow landing windows and small porthole style windows. The top floor of the flat roof element is now glazed. There is also a step in the elevation where the flat and pitch roof sections meet;
- The building is treated in two different facing materials providing distinction between the two forms.

#### Building B

- The 6<sup>th</sup> storey has been omitted;
- The roof form has been simplified, with the roof plane that fronts onto Penson's Gardens now running front to back. Like Building A, Building B is seen as two ranges, with a pitched roof fronting Penson's Gardens and a flat roof element facing Alan Bullock Close;
- The height of building B has been reduced by 3.6m, while the eaves level has been reduced by 3.3m;
- The southernmost element that is closest to No 1 Penson's Gardens now has a flat roof design to match the elevation that

faces Alan Bullock Close, this results in new windows at 3<sup>rd</sup> floor level;

- Windows have been inserted in the north elevation, these constitute narrow landing windows and small porthole style windows. The top floor of the flat roof range is now glazed. There is also a step in the elevation where the flat and pitched roof sections meet;
- The palette of materials has been simplified, omitting the double level render section previously seen facing Penson's Gardens.

### Building C

- The roof form have been simplified. The entire building now has a flat roof;
  - The palette of materials has been altered, omitting the double storey render section that previously faced Penson's Gardens. The language of the 'contemporary' wing (closest to the vehicular entrance) has been extended further into the eastern part of the building;
  - The height of the eastern part of the building has been reduced by 0.5m.
7. The Committee in resolving to defer the application at the July meeting to allow public re-consultation on the amended plans, also requested that the matter of the temporary replacement car park be resolved. The Councils Corporate Assets Services have identified a site and a planning application has been submitted for the temporary change of use of the Harcourt House car park to a public car park. This application is due to be considered by the East Area Planning Committee on the 7<sup>th</sup> September 2011. Officers would point out that if the Harcourt House application is approved it is for the West Area Planning Committee to consider as part of its deliberations of this application whether it would provide an acceptable temporary replacement car park during construction works at St Clement's car park.

### **Background**

8. The Council marketed the site in 2008 for disposal to provide student accommodation, with replacement car parking and public toilets. Although the disposal of the land is not a planning matter, officers consider it important that the Committee is aware that the proposal has been to a great extent shaped by the development constraints of the site, i.e. relationship with neighbouring buildings and land, and the requirements of the brief, i.e. number of student rooms and car parking spaces required for the development to be delivered.
9. Following the withdrawal of planning application reference 10/02790/FUL, officers have had lengthy discussions with the applicants to resolve the concerns previously raised. Those discussions have seen the proposals evolve from four separate blocks of up to 6 storeys in height, to three blocks ranging from 3 to 5 storeys. The buildings have moved away from the edges of the site, whilst the number of public car parking spaces has

been increased to 72 and the number of those provided in undercroft locations has been greatly reduced.

10. The overall layout has been revised, pulling the buildings away from the boundary and also creating a more cohesive environment. The route to the Angel and Greyhound Meadow has therefore been strengthened by the planting of new trees, albeit at the expense of the existing ones, and with the reduction in the number of undercroft parking spaces the ground floor space now comprises an enlarged common room, staff office, cycle and bin store, and laundry. This has improved the extent of active street frontage.
11. The design principles have been reviewed, with the intention of establishing a more appropriate architectural language for the development, using contemporary and traditional detailing, to help the building forms assimilate with their surroundings.

#### **Principle of Development**

12. Local Plan policy DS82 relates specifically to the St Clement's Car Park site and states that *'Planning permission will be granted on part of St Clements car park for the development of purpose built student accommodation. The development of this site will be subject to the provision of satisfactory replacement car parking. Planning permission will not be granted for any other uses.'* It is policy DS82 that sets out the principle of redeveloping the site to accommodate student accommodation and surface level car parking and in this respect it is considered in broad terms acceptable.

#### **Impact on the Character and Appearance of the Conservation Area and the Setting of Listed Buildings**

- Heritage significance
13. In the C17th St Clement's was demolished as part of the campaign to defend Oxford during the civil war. It faced wholesale demolition again during the 1960s and 1970s as part of a programme of redevelopment. The Florey Building is part of that programme to redevelop and followed the clearance of C19th terraced housing and other workshop buildings that occupied the site of the car park and Florey Building. All evidence of the former street pattern on the site is gone.
  14. The existing car park is visible from St Clement's at the point of access (shared with the access to the Florey Building) and has a negative impact with poor quality surfaces and boundary treatments. There is a view of the 'bastion' towers to Florey building (a grade II listed building) from this access, but the setting the car park provides is not attractive. The appearance of the site, as an expanse of tarmac is mitigated by the tree coverage with the view down Penson's Gardens towards the meadows framed by trees. In longer distance views the tree canopies are an important characteristic that blend with the sylvan qualities of the river bank and meadow.



15. Remaining 'backland areas' have already been developed with C19th terraces, C20th student and other housing and the Florey building. The car park remains one of the few undeveloped areas (earlier C19th buildings having been demolished as part of the slum clearance in the 1960s). In views from the Meadows the site is obscured by the tree lined banks of the river, but the glazed north elevation of the Florey building, rising to 5 storeys, is visible as a dramatic foil to the natural landscape of the riverside.
16. Of the trees on the site (probably planted following the slum clearance of the 1960s) The ash (T4) and 2 of the planes (T2 and T3) are poor quality trees with low amenity value, but the other plane trees (T1, G2 and G3) are large mature trees that are prominent in internal views from within the car park site and in external views into the site from surrounding properties. Plane tree T1 is particularly valuable as an individual amenity tree standing adjacent to and overhanging the Penson's Gardens pedestrian route that links St Clements to the Angel and Greyhound meadow.
17. The city council's conservation area appraisal identifies the glimpse views down to the meadow *through an intimate space that originally led to Penson's Gardens, the building height and narrow width of the alley forming the strong sense of enclosure*. The appraisal also identifies the simplicity in the design of buildings with facades 'unadorned' and generally of brick or render. It concludes that there is a general character to the north side of St Clement's, generally three stories with buildings of differing heights to create a streetscape of stepped roofs with varying pitches.

Summary of character and appearance of the site:

- Historic street pattern is lost;
- The grade II listed Florey building, a modern re-interpretation of the traditional college quadrangle, is a prominent part of the context of the application site;
- The site access has a negative impact on the appearance of the conservation area;
- The trees add colour and texture and frame views and access to the meadows;
- Penson's Gardens is an alley characterised by a strong sense of enclosure;
- Outside of normal working hours the car park feels less safe.

Heritage Policy Framework

18. Planning Policy Statement No. 5: "*Planning for the Historic Environment*" (PPS5) explains the government's commitment to the protection of the historic environment and provides a policy framework on its effective management. The guidance asks that applicants and the local planning authority have sufficient information to understand the significance of a heritage asset and to understand the impacts that any proposal would have. It advises in particular that local planning authorities should take into

account the desirability of sustaining and enhancing the significance of heritage assets and the positive role that their conservation can make to the establishment and maintenance of sustainable communities and economic viability. PPS 5 recognises that intelligently managed change is necessary if heritage assets are to be maintained for the long term, but equally that it is desirable for development to make a positive contribution. Where there are impacts that will cause harm, that harm must be justified, and the greater the harm, the greater the justification. This makes clear that some harm can be accepted, particularly if there are wider public benefits that would follow from a development.

#### Heritage Impacts

19. The applicants have undertaken a detailed analysis of the character and appearance of the area to inform the layout and design of buildings. The site is a challenging one with a development that has to:
- mediate between the scale of the Florey Building and the lower frontage development onto St Clement's;
  - secure an appropriate setting for the listed Florey Building;
  - accommodate a sloping site;
  - respond to the contribution the tree cover makes;
  - relate to the broader urban context in views from the meadows and South Park (roofscape);
  - provide some 'active frontages'.
20. The initial submission, which was withdrawn, missed a lot of these opportunities and would have resulted in buildings that were unrelated to their context, too bulky and of poor quality appearance, with a poor quality public realm.

#### Layout

21. Officers have given advice explaining the need to deliver a layout that has a relationship to the surrounding street pattern, seeks to provide a more appropriate setting for and views of the Florey Building and delivers a tree lined approach down Penson's Gardens to the meadows. This proposal shows evidence that this can be achieved with a 'street' and alley with buildings fronting them and space in front of Florey. It involves the loss of trees and the replanting of suitable replacements (covered separately in the report). Retaining the trees has been explored, but to do so would compromise the layout.

#### Setting of Listed Buildings

22. There is a statutory duty for the City Council to have regard to the setting of listed buildings as well as the preservation or enhancement of the character or appearance of the conservation area. 27 St Clement's is a grade II late C17th stone building and Florey a Grade II 1960s building. The setting of No27 relates more to the street than the car park, but the quality of the access and the location of the existing ticket machines do little to enhance views from the car park. The Florey building commands a wider setting and again is compromised by the present access

arrangements and quality of the car park area.

23. The new buildings provide the opportunity of creating a streetscape for the Florey Building to sit within and to frame views of it, which will help to improve its setting. In addition there is an opportunity that arises from this proposal to rationalise and significantly improve the visual quality of the existing access arrangements. Queens College is supportive of this ambition and has indicated its willingness to collaborate on a suitable alternative single access. Such works would improve the setting of the Florey Building when viewed from St Clements, improve the quality of experience for pedestrians and improve perceptions of safety and crime, enhancing this part of the conservation area. It is thought that the new access arrangements would provide opportunity for additional tree planting and soft landscaping. Although part of the land is not in control of the applicant or the Council, there is a commitment from all parties to drive these improvements forward. These improvements would enhance the character and appearance of this part of the conservation area.

Bulk and height

24. Officers have had long and detailed discussions with the applicant to secure a design solution that delivers a viable development yet does not have an unacceptable adverse impact on the character and appearance of this part of the conservation area, including views of it from close by or in more distant views (e.g. South Parks). This has not been easy, given the need to retain surface level parking, which effectively adds an extra storey to the height of the buildings. Lower buildings will have a larger footprint and result in the loss of car parking, taller buildings retain car parking spaces but will be more prominent, making the design challenge even greater.
25. Through discussions with officers the height has been reduced from earlier proposals and by careful design of the roof forms the apparent height is also reduced (pitched roofs with attic storeys). The revised site layout, which responds more positively to the existing street pattern, will help the development to appear a more integrated part of the townscape with pitched roof elements that have a similar form to traditional roofs. These elements break through the Carfax height limit and in longer distance views from South Park the ridges will be visible. However, Local Plan policy HE9 does not rule out this approach where these elements are of no great bulk. The view from South Park will be of a cluster of buildings with varied roof forms that will in part mask the present views of the Florey Building and integrate it more seamlessly into the townscape. Although visible the proposed buildings will not harm the view of Oxford's skyline or dominate foreground or middle ground views.
26. The site has few buildings on it at the moment and any development would become more prominent in views from the meadow. The view will change and there is a need to ensure that the visibility of buildings (by virtue of the design, siting height and bulk) does not lessen the experience of the viewer or understanding of Oxford's green setting. In this respect the

proposed avenue of trees leading up to St Clement's from the meadow will be important.

#### Design and use of materials

27. Critical to the success of the scheme is the quality of the design and use of materials. Officers and others have been very disappointed in the earlier design proposals, which showed little evidence of delivering the quality required. Through a process of iteration the building design has improved. Key issues that officers have sought to address are:

- the treatment at street level, creating as much of an active frontage as possible,
- a fenestration pattern that adds interest and a finer grain detail to the building envelopes, blending the traditional and the contemporary, adding elements where there is a functional and aesthetic necessity,
- a roofscape with finished roof levels that have variety and an eaves line that has an acceptable height relationship to the context.

28. The revised plans now include detail that shows that officers' concerns have been adequately addressed. There remain some details (e.g. bay windows, eaves details) that require some further refinement, but it is proposed that these smaller elements can be controlled by condition.

#### Streetscape

29. Retaining the car parking creates challenges in the provision a high quality public realm, in design, use of materials and in the way it is managed to ensure that this development is successful and that the users of the area are and feel safe. The vision is to create a tree lined avenue to the meadow, lined with buildings that have some active frontages and arrange the building blocks so that the car park access has the sense of being part of a street. This will help in the pattern of movement for cars and pedestrians and will be reinforced with a simple palette of materials using textures and colour to suggest informality and shared spaces, rather than a car park. Lighting is an important and integral part of the streetscape and is proposed to include some architectural lighting.

30. As stated earlier the existing access arrangements are harmful to the character and appearance of the conservation area, spoiling the streetscape of St Clements and this proposed development offers a rare opportunity to deliver significant enhancements. Queens College have expressed an interest in addressing the access issues, which could involve additional tree planting and soft landscaping at the entrance. The separate details have yet to be finalised, but discussions with Queens College are ongoing.

#### Tree Matters

31. These amended proposals have sought to resolve the deficiencies in the earlier submitted scheme (10/02790/FUL), these were:

- the visual impacts resulting from the removal of removing existing trees;
  - the lack of new trees which are necessary to mitigate these impacts;
  - the pruning of retained trees; and
  - the inappropriate retention of existing trees.
32. In order to accommodate the revised layout, it is proposed to remove 8 existing trees (from 10 that stand within the application site). These include 7 London planes (T1, T2, T3, G2 and G3) and 1 ash (T4) that stand within the car park site. The removal of T1, G2 and G3, which are prominent in internal views from within the car park site and in external views into the site from surrounding properties, would adversely affect visual amenity and the character and appearance of this part of the conservation area.
33. All other trees within the site, including the large ash (T5) along the eastern boundary, the group of trees (G1) which stand along the boundary with the Angel and Greyhound Public House and the group of trees (T7-11 inclusive; 2 ash, 2 field maple and a Norway maple) in the north western corner of the site, near the Florey Building, will be retained
34. The revised layout includes additional new trees to mitigate for the loss of existing trees. Most significantly, it is proposed to plant a row of 7 Turkish hazel trees along the length of Penson's Gardens. It is commonly planted in paved areas as a street tree and should be well suited to the location along Penson's Gardens, which is a relatively narrow pedestrian route between tall buildings, and at the spacing proposed can be expected to provide a nearly continuous canopy above head height when mature. The new trees will be advanced nursery stock sized specimen trees which will be about 5.5 metre tall so that they will make some contribution to visual amenity in the area as soon as they are planted. In local views along Penson's Gardens the trees will be important, however wider views of the trees will be limited by the tall buildings either side of Penson's Gardens so that the contribution these trees make to visual amenity in the area will be very localised.
35. The mitigation provided by the proposed new trees is welcome but will be limited in extent, particularly in the early years post construction when the new trees are relatively small. However, as the new trees mature they will make a valuable contribution to visual amenity in the area, to the benefit of the character and appearance of this part of the conservation area.

### **Biodiversity**

36. Policy CS12 of the Core Strategy states development that results in the net loss of sites or species of ecological value will not be supported. The policy goes on to state that opportunities for biodiversity enhancements should be taken within new development. Local Plan policy NE21 states that planning permission will not be granted for developments that would harm animal species specifically protected by law, unless the harm can be overcome by appropriate mitigation through compliance with planning conditions or planning obligations.



37. The application site is to the south of the Angel and Greyhound Meadow which is a Site of Local Importance for Nature Conservation (SLINC) and a designated wildlife corridor. Further north is a Site of Special Scientific Interest (SSSI) designated for its geological value. The river corridor to the north and the tree band also has potential to support bats.

#### Statutory Designated Sites

38. The Extended Phase 1 Ecological Assessment concludes that the application site is of no ecological value and that although it is adjacent to designated sites, i.e. Angel and Greyhound Meadow, the application site is not suitable to support features or species for which nearby sites are designated. The proposals would not therefore adversely affect those sites.

#### Non Statutory Designated Sites

39. Due to the location of Angel and Greyhound Meadow and the River Cherwell the Extended Phase 1 Ecological Assessment concludes that new lighting on the site may give rise to a conflict with the wildlife corridor. The report therefore recommends that any lighting scheme not increase light levels within the meadow and river corridor.

#### Birds

40. There was no evidence of nesting birds within the trees on site. However, the Extended Phase 1 Ecological Assessment indicates that the trees may be a foraging resource. In the light of this the report recommends that the trees be removed outside breeding season and that bird boxes are erected elsewhere in the site.

#### Bats

41. A Bat Survey and Assessment accompanied the application. It concludes that there was no evidence to suggest that the toilet block and trees on site provide roosting opportunities. It did consider however that the neighbouring urban context would provide opportunities for roosting in roof voids. Bats were recorded foraging adjacent to, across within the application site. The site itself was not considered to be of any ecological value, however the wildlife corridor to the north was deemed to be a key foraging resource.
42. In the light of the above the Bat Survey and Assessment recommends that lighting level within the wildlife corridor should not increase. Officers therefore recommend a condition requiring details of a lighting scheme to be submitted prior to the commencement of development.

#### Other Biodiversity Matters

43. The Extended Phase 1 Ecological Assessment recommends that a Construction Environmental Management Plan be agreed prior to work commencing on site in order to protect the wildlife corridor. It is also recommended that planting proposals and other biodiversity enhancements be incorporated into the development. All of the above



recommendations can be secured by condition, and officers have recommended one accordingly.

44. No objection was received from Natural England or the Berks, Bucks And Oxon Wildlife Trust. In the light of this, and the conclusions of the Extended Phase 1 Ecological Assessment and Bat Survey and Assessment, officers raise no objection with regard to biodiversity.

#### **Archaeology**

45. The application site lies within the historic core of St Clement's where there is potential for Late Saxon/Scandinavian, medieval and post medieval remains. An archaeological evaluation has been carried out by Southampton City Council Archaeology. This has identified a number of shallow medieval and post medieval pits and gully's along with two prehistoric flints that may indicate Mesolithic activity in the vicinity. The size and character of the medieval and post medieval features suggests non intensive use of this area, likely associated with rubbish deposition to the rear of properties on St Clements Street.
46. In the light of this, officers would recommend that a condition be attached to any grant of permission for a written scheme of investigation to be provided prior to commencement of development.

#### **Impact on Residential Amenities of Neighbouring Properties**

47. Core policy CP10 of the Local Plan states that development should be sited to ensure that the *'use or amenity of other properties is adequately safeguarded'*. Local Plan policy HS19 goes further and states that planning permission will only be granted for developments that adequately provide for the protection of the privacy or amenity of the occupants of the proposed and existing neighbouring residential properties.
48. Given the character and use of the application site, any redevelopment that would involve a more intensive use would inevitably have an impact on neighbouring properties. However, this is not to say that the impact would be unacceptable.

#### **Impact on St Clement's Street Properties**

49. Of the properties fronting St Clements, No 31-38 St Clement's would be the most affected by the proposals, and in particular by Building C which is closest to those buildings. Figure 2 below shows the rear elevation of No 31-38, on the left hand side of the image are office and store room windows, although the conservatory type addition at 4<sup>th</sup> floor level is residential. The windows on the right hand side of the image belong to the flats at No 33 St Clements and all serve habitable rooms. There is also a roof terrace.

**Figure 2: Rear of No 31-38 St Clement's**



50. As can be seen from figure 1, Building C has an L-shaped footprint and has been designed to minimise its impact on No 31-38 St Clement's. The highest part of the building (5 storeys) is parallel to the flats at 33 St Clements and is approximately 26.6m away. As the building turns at a right angle and moves closer to the St Clements properties it steps down in height, and where closest (approximately 9.4m) is 3 storeys, which is lower than the St Clements buildings. At this point Building C would be directly opposite windows which serve office and store space.
51. Officers recognise that the view out of the windows of the flats at 33 St Clement's would change, however, due to the distance between these windows and highest part of Building C, as well as its stepped roofline, it is considered that a sufficient degree of outlook would be retained and that the proposal would not have an unacceptably overbearing impact on the flats.
52. In regard to the impact on daylight, officers have applied the 45° vertical plane from the cill of the habitable room windows as advised by Appendix 6 of the Local Plan. Officers can confirm that it would not be breached by any part Building C and as such the impact on daylight to these windows is not considered to be unacceptable. Further, due to the position of the roof terrace in relation to the proposal officers consider this relationship to be acceptable.
53. Although there would be new windows facing those of No 33 St Clement's, they serve a corridor and due to the separation distance between them and the windows of 33 St Clements there would not be an unacceptable loss of privacy.

54. The Angel and Greyhound Public House and No 40-44 St Clement's have flats on their upper floors. The development would potentially be visible from windows and outdoor spaces, however due to the separation distances, and in some cases the intervening trees and buildings, the impact on light and privacy to, and outlook from habitable room windows or outdoor space is not considered to be unacceptable. However, the introduction of windows at 3<sup>rd</sup> floor level on the southern end of Building B may result in a perception of overlooking of the outdoor space of No 41A St Clements. The student development at 39/40 St Clements already has floor to ceiling height windows overlooking the rear terrace of No 41A and any increase in this is likely to affect the enjoyment of the outdoor space of No 41A St Clements. Officers would therefore recommend a condition to omit these windows.

Impact on No 1 Penson's Gardens

55. No 1 Penson's Gardens is a student residence located to the rear of No 40 and 41 St Clement's. The building, which abuts the application site, has windows serving study bedrooms at 1<sup>st</sup> and 2<sup>nd</sup> floor level facing north, east and west. There is also a dining room window at ground level and lounge window at 1<sup>st</sup> floor level facing north, both of these are set back within a recess and are approximately 2.65m from the northernmost edge of the building.

56. Building B is between 2 and 2.2m away from No 1 Penson's Gardens. The windows in the north elevation (facing building B) has slit windows which are secondary, those facing east and west are the primary source of light and outlook to the study bedrooms. In the light of this officers do not consider the impact on light to and outlook from the study bedrooms of No 1 Penson's Gardens to be unacceptable.

57. The communal room windows which are set within the buildings recess are approximately 4.8m away from building B. Despite of these windows being double width and full height, due to the height of Building B, and its proximity to the windows, the proposal would result in a reduction of light to and outlook from both sets. In balancing this harm officers would ask the committee to be mindful that student accommodation is not subject to the same amenity standards as normal housing, this is the reason why it is not a suitable form of accommodation for non-student occupants. To this end in applying the standards set out in policy HS19 and Appendix 6 of the Oxford Local Plan, officers would consider it reasonable if the Committee concluded that No 1 Penson's Gardens should not be treated in the same manner as normal residential accommodation.

58. No 1 Penson's Gardens has raised concern about the location of a gate between it and Building B. Officers do not consider it necessary to erect a gate in this location and take the view that it would be visually detract from the environment being created. Windows can be easily inserted at ground floor to provide natural surveillance of this space which would negate the need for it to be gated. If the Committee are in agreement officers would

recommend that the 'boundary treatment' condition be amended accordingly.

Impact on Alan Bullock Close

59. Alan Bullock Close is a graduate University of Oxford student residence. It is positioned in close proximity to the site boundary and has a number of habitable room windows looking across the site. Due to the undeveloped nature of the car park the residents of Alan Bullock Close have uninterrupted views across the car park, with the exception of the occasional tree that slightly obscures some views. In this regard it is accepted that any meaningful redevelopment of the site would curtail existing views enjoyed by residents of Alan Bullock Close. In response to this Building B, which is closest to Alan Bullock Close, has been designed so as to minimise the impact and deliver an acceptable form of development.
60. The form of Building B effectively appears as two ranges, both running north to south. The westernmost range has a pitch roof and is therefore higher, whilst the easternmost range, which faces Alan Bullock Close, has a flat roof. The elevation has a slight stagger, which seen along side the variation in materials serves to break up the bulk of the elevation. The top floor is also treated in a different material, being glazed, and as such appears more as an attic storey, thus reducing the perceived height and bulk of the building.
61. At its closest Building B is approximately 13.2m away from Alan Bullock Close, however this distance sharply increases to as much as 33m as Alan Bullock Close tapers away from the boundary. The impact of the proposal on the outlook of Alan Bullock Close is therefore not considered to be unacceptable due to the careful treatment of the east elevation of Building B and the reasonable separation distance. In addition the intervening vegetation, albeit limited, helps to soften the view at certain points.
62. In regard to the impact on daylight, officers have again applied the 45° rule in the vertical plane from the sill of habitable room windows as advised by Appendix 6 of the Local Plan. Officers can confirm that it would not be breached by Building B and as such it is not considered to have an unacceptable impact on daylight to Alan Bullock Close.
63. As regards the impact on privacy, the separation distance between Alan Bullock Close and Building B, being between 13.2m and in excess of 33m, is considered reasonable to ensure that there would not be an unacceptable loss of privacy to the existing student accommodation as a result of facing windows.

Impact on the Florey Building and Anchor Court

64. The Florey Building is a student residence built in the 1960's. With the exception of the dual aspect duplex study bedrooms on the 4<sup>th</sup> and 5<sup>th</sup> floor, the building has a single aspect, with the landings located along the car park side of the building and the bedrooms facing north towards the



Angel and Greyhound Meadow. As a result of this layout there are no habitable student room windows facing the application site on the lower levels. There is however a ground floor caretaker's flat in the north eastern corner of the building. This flat is adjacent to Building A.

65. The flat benefits from floor to ceiling height windows along its entire car park elevation, although the living room also has windows facing north. Between the flat and the car park is an area of hardstanding that is used as an amenity space, the living room also opens out onto an area of decking to the north of the flat.
66. Building A is 5 storeys in height and has a similar design approach to Building B. This sees the elevation facing the Florey Building lower in height with its top floor glazed. At its closest Building A is approximately 10m away from the flat. The flat has three rooms facing the car park, a bedroom, which also has an outlook to the south, a kitchen, and a living room which also has an outlook towards the north. Due to the undeveloped nature of the car park and the proximity of Building A to the flat, as well as its height, the outlook from the flat, and in particular the kitchen would significantly change.
67. In regard to the impact on daylight, officers have again applied the 45° rule in the vertical plane from the midpoint of the full height windows of the flat. Officers can confirm that it would not be breached by Building A and it is therefore considered to not have an unacceptable impact on the flat. It is also noted that the flat is served by floor to ceiling height windows that extend across the entire width of the car park elevation. This arrangement would allow more daylight in to the flat than conventional windows. The flat is also to the west of Building A and given the orientation of the site, Building A would not unacceptably curtail the amount of direct sunlight.
68. The flat is positioned beneath the main bulk of the Florey Building, with its upper levels projecting out above. At ground level Building A has no windows facing the flat, whilst any view down to the flat from the 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup> floor windows would to an extent be curtailed by the upper levels of the Florey Building and in particular the canopy of the trees which stand between. As a result, despite the relatively close proximity between the caretaker's flat and Building A, any overlooking and effect on privacy would not be unacceptable.
69. The duplex study bedrooms have windows at 5<sup>th</sup> floor level overlooking the site. These are high enough to not be adversely affected by the proposals and are in any event dual aspect rooms.

#### General Impact of Student Use

70. Concern has been raised regarding the proposed use of the site. Notwithstanding policy DS82 which allocates the site for student accommodation, officers would highlight the terms of policy CS25 of the Oxford Core Strategy which states that the management of the site can be adequately controlled by condition. This would adequately address any

concerns there are about potential for noise and disturbance or other management matters.

## **Parking and Highways**

### Replacement Car Parking

71. Further to the replacement car parking requirements of Local Plan policy DS82, policy TR11 states that the *'City Council will not allow any significant increase in the overall number of parking spaces in the Transport Central Area, and will maintain approximately the present number of off street parking spaces.'*
72. The site currently accommodates 112 car parking spaces arranged in a substandard layout. The proposal would result in this being reduced to 72 public spaces which would be provided to adopted standards. The site is located within the Transport Central Area and as such is highly accessible by non-car modes of transport. The application has been supported by a Transport Assessment which indicates that during the week only 62% of the car park is used. The same assessment however acknowledges that on the weekend this usage increases.
73. The site is located within a Controlled Parking Zone and as such if parking displacement occurs as a result of the reduced level of car parking it is unlikely that this would result in an adverse impact on the highway network as parking controls are present in the area. On this basis and in the light of the accessibility of the site, the Highway Authority raises no objection to the reduction in the number of car parking spaces.

### Temporary Car Parking

74. A planning application has been submitted for a temporary replacement car park at Harcourt House on Marston Road. This application will be reported to the East Area Planning Committee on the 7<sup>th</sup> September 2011 with an officers' recommendation to support the application. The report concludes that the Highway Authority consider the site to be suitable in terms of highway safety, and that it is also acceptable in terms of crime and safety. The change of use of the site would also not adversely impact upon the character and appearance of the conservation area or biodiversity.
75. In selecting Harcourt House the Councils Corporate Assets Service has reviewed alternative sites, including South Park and St Clements Church, both of which are not suitable due to potential adverse heritage impacts, and Oxford University Rugby Club which is of insufficient capacity. Harcourt House can accommodate 55 car parking spaces and is approximately 800m away from St Clements. Whilst, this is not comparable to St Clements Car Park in terms of number of parking spaces and proximity to the amenities in St Clements, a more suitable site is not available. In this regard, Harcourt House would not be a like for like replacement but it will nevertheless provide a temporary solution that is acceptable in terms of highway and crime safety.



76. Concern has been raised regarding the inappropriateness of Harcourt House for people with disabilities. Harcourt House is 800m from St Clement's and this distance may prove problematic for less able bodied persons. There is existing on street car parking provision on St Clements and at the bottom end of Morrell Avenue, both of which have unrestricted parking in the evening. The Highway Authority have also confirmed that Blue Badge Holders are be permitted to park on the residential side streets off St Clement's.
77. Should the West Area Planning Committee deem Harcourt House to be an acceptable temporary solution and grant planning permission for the St Clement's redevelopment, officers would recommend a condition to ensure that Harcourt House is operational prior to closure of St Clement's Car Park.

#### Student Parking

78. Officers acknowledge the concerns raised in regard to student cars and the potential impact this can have on the highway network. However, the site is situated within a Controlled Parking Zone (CPZ) which extends a considerable distance. Officers would recommend that the site be removed from the CPZ removing any resident entitlement to park on street.
79. As a further level of protection the applicant has submitted details of how they prevent residents keeping car at their other developments. The details provided are too lengthy to go into details here, suffice to say that the approach would accord with the requirements of policy CS25 of the Core Strategy which requires management controls and an undertaking that residents do not bring car into the City. The latter can be secured by condition and/or as an obligation.

#### **Impact on Vitality of St Clements**

80. The local business community has raised concerns about how the proposals will affect their livelihood. This concern largely relates to the need for a temporary replacement car park during construction and the level of car parking to be provided in the new development.
81. The Committee have before them a proposal for a temporary replacement car park.
82. In regard to the level of replacement car parking, the Highway Authority has already confirmed that due to the sustainable location, a reduction in the number of car parking spaces is acceptable. Officers have studied the survey produced by the applicant and also have a survey carried out by the City Councils Parking and Shopmobility team. The latter was conducted between November and December 2010 and included evening surveys. This survey showed an average 58% spare capacity during this period.
83. Whilst officers do not have any survey information to explain for what

purpose people use the car park, the site is in a highly sustainable location, with excellent public transport connections. It is also worth noting that if the car park were laid out to meet current adopted standards, the number of existing spaces would be reduced from 112 to 98. Officers fully appreciate the concerns of the local business community in respect of the eventual reduction in the total number of car parking spaces, however increasing the number of spaces would have adverse design implications, i.e. building height or undercroft car parking would need to increase, which is likely to be unacceptable. It is considered that the proposed scheme achieves a satisfactory balance between these competing issues.

### **Energy and Resource Efficiency**

- 84.** The City Council encourages all development to combine resource efficiency and renewable energy into their design. The development due to its size exceeds the threshold where a Natural Resource Impact Analysis (NRIA) is required. In this regard policy CS9 of the Oxford Core Strategy states that planning permission will only be granted for developments where, if through the NRIA, the proposal demonstrates careful attention to a) minimise energy use, b) delivery of a portion of renewable or low carbon energy on site, c) use of recycled or reclaimed materials, and minimise water consumption.
- 85.** A Natural Resource Impact Analysis has been submitted and the development scores highly, attaining 9 out of 11 on the checklist score (a minimum of 6 /11 required). The proposals would achieve a 34% reduction in CO<sub>2</sub> omissions and 37% of onsite energy requirements will be provided through the use of Air Source Heat Pumps. Further to the NRIA the development also achieves a 'Very Good' BREEAM score.
- 86.** Officers therefore consider that the proposals are satisfactory in terms of resource and energy efficiency in accordance with policy CS9.

### **Planning Obligations**

- 87.** In accordance with the Councils Planning Obligations Supplementary Planning Document contributions are required to mitigate the impact of the proposals on City and County Services and infrastructure. The contributions set out below are indexed linked to values at 2006 levels and should be increased accordingly to the real value at the time of payment.

#### City Council:

- £8,460 towards indoor sports facilities
- £50,000 towards general environmental improvements in the local area

#### County Council:

- £8,883 towards library infrastructure
- £19,458 towards cycle safety measures
- £19,950 towards the Oxford Transport Strategy
- £10,000 towards public transport infrastructure
- £600 as a travel plan monitoring fee

County and City Council monitoring and administration fees also apply.

### **Conclusion**

88. The broad principle of developing the site is established by Local Plan policy DS82 and the matters of management, including the restriction on residents keeping cars in the City, can be secured by condition and/or obligation as advocated by Core Strategy policy CS25.
89. Considering the characteristics of the site, it is recognised that any redevelopment would give rise to some adverse impacts, however as set out above this should be balanced against the benefits of the proposal. In this instance the proposal would provide purpose-built student accommodation within a sustainable location, which is supported by both the Core Strategy and the Local Plan. The scheme would also provides a new public car park and toilet facilities within a more secure and active environment.
90. The proposals will also offer the opportunity to improve the setting of the Florey Building and would be a catalyst to future improvements to the vehicular access, which would enhance the appearance of this part of the St Clement's and Iffley Road Conservation Area.
91. Weighing all the above in the balance, officers would conclude that the proposal would not be unacceptable and as such would recommend that the Committee resolve to grant planning permission but delegate authority to officers to issue the notice of permission, following completion of the s106 agreement and subject to the above conditions.

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

**Background Papers:** 11/01040/FUL, 11/01044/CAC

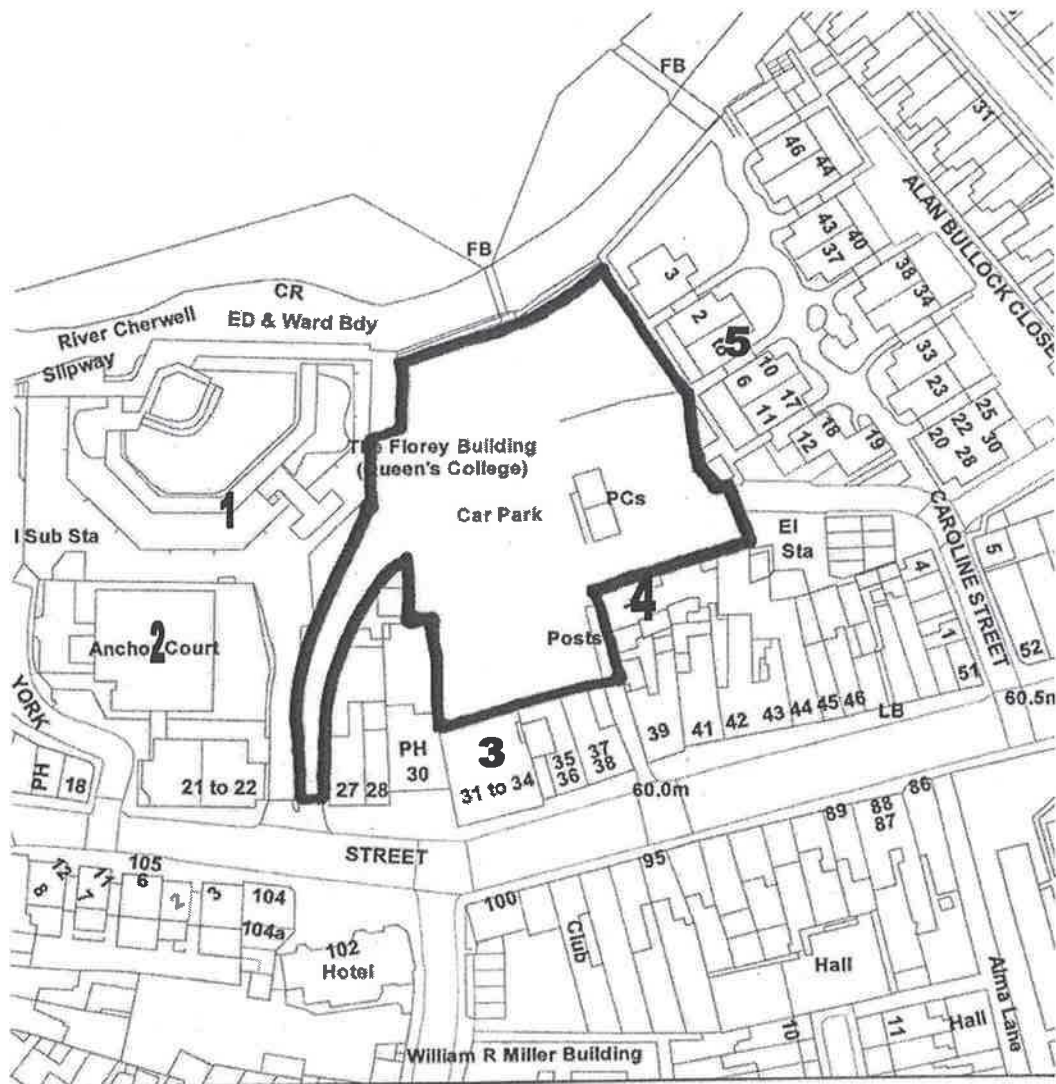
**Contact Officer:** Steven Roberts

**Extension:** 2221

**Date:** 30<sup>th</sup> August 2011

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## Appendix 1



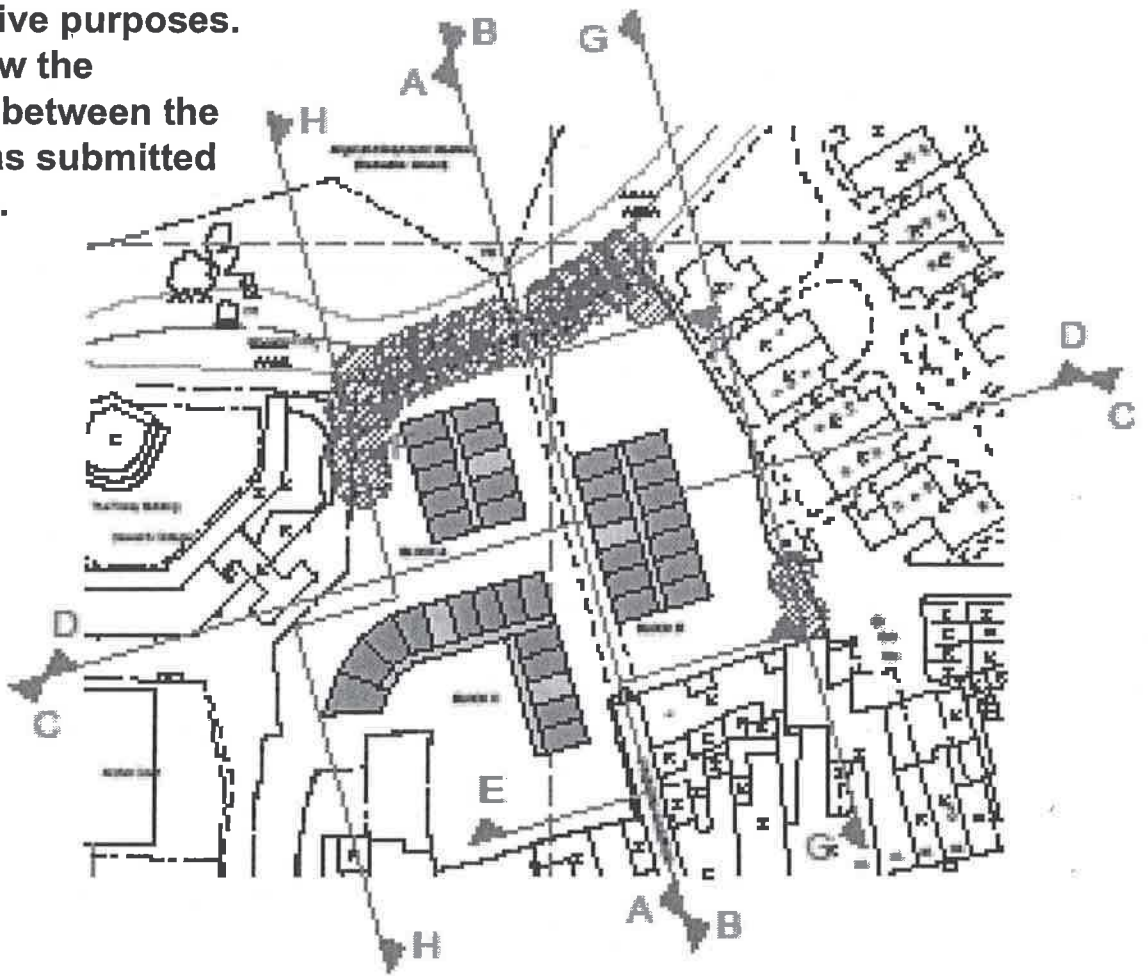
- 1 – Florey Building
- 2 – Anchor Court
- 3 – 33 St Clement's
- 4 – 1 Penson's Garden's
- 5 – Alan Bullock Close

**Appendix 2 (illustrative)**



## Site sections

For illustrative purposes. Images show the differences between the elevations as submitted and revised.

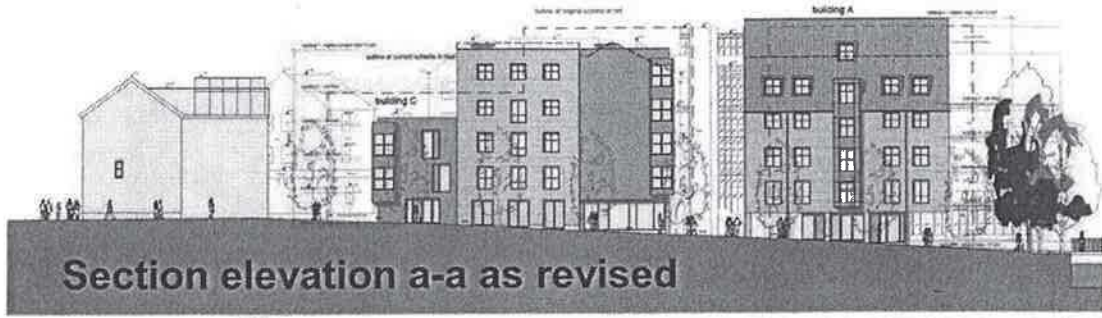


Images produced using plans originally drawn by the

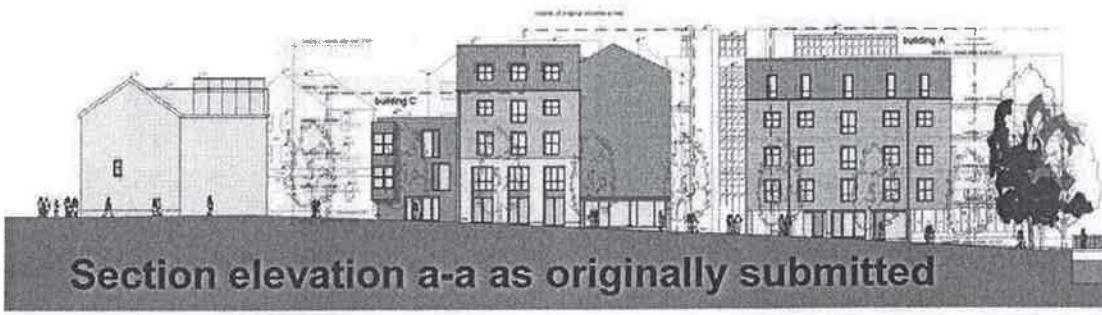




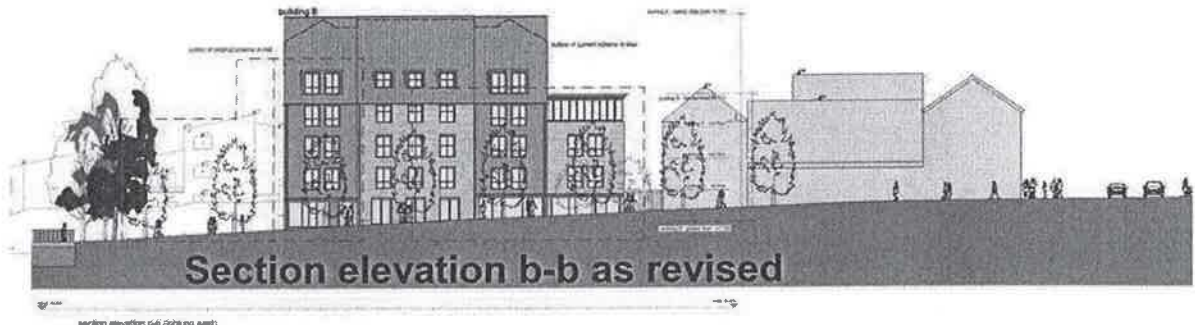
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section elevation a-a (looking west)



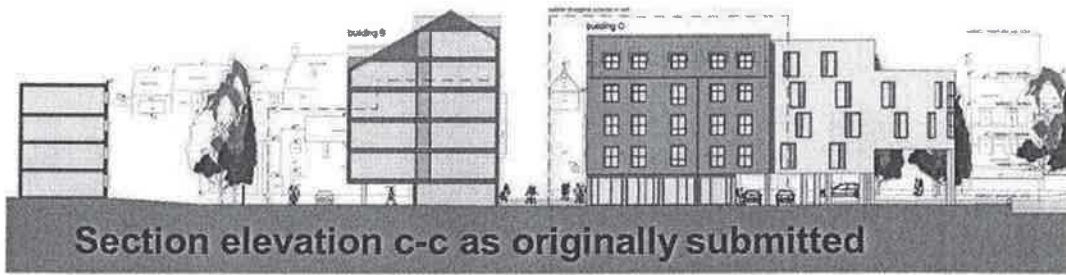
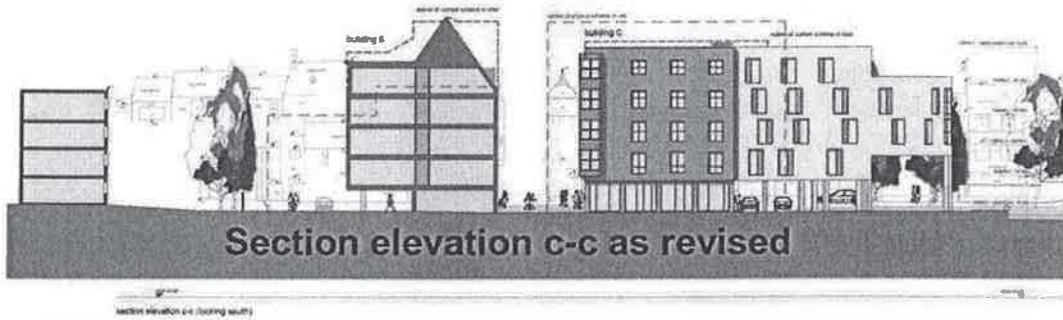
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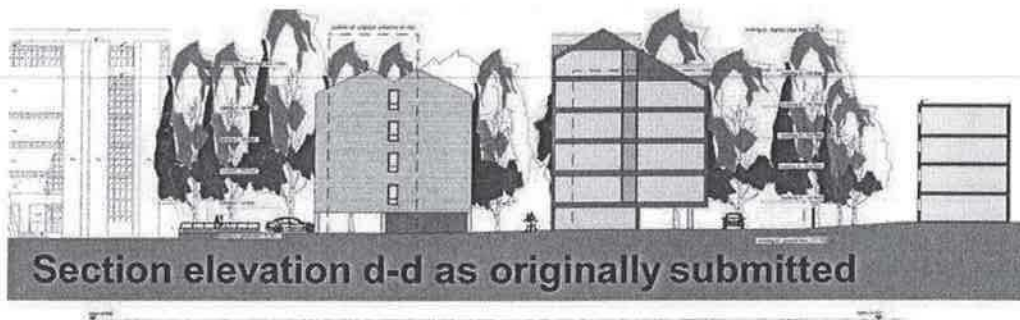
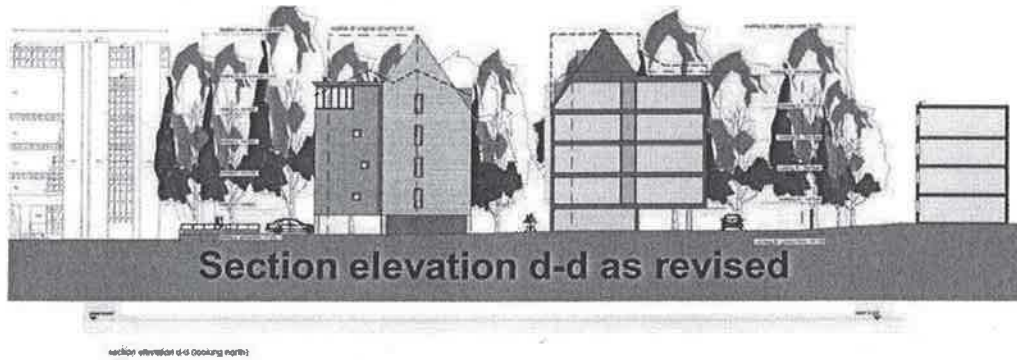
section elevation b-b (looking east)



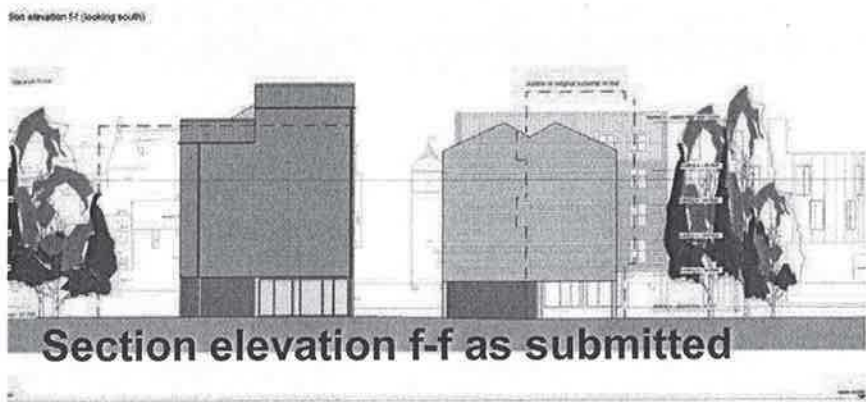
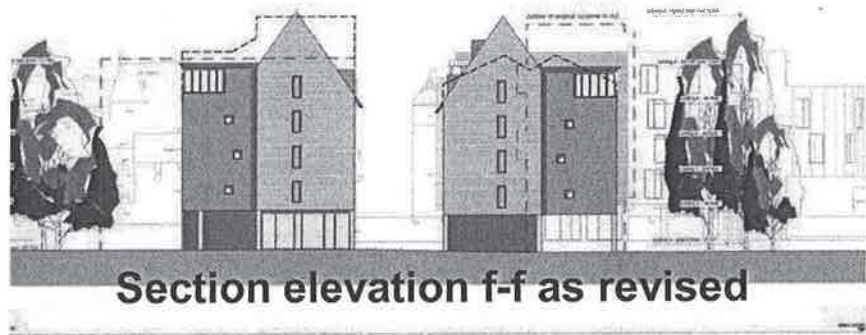
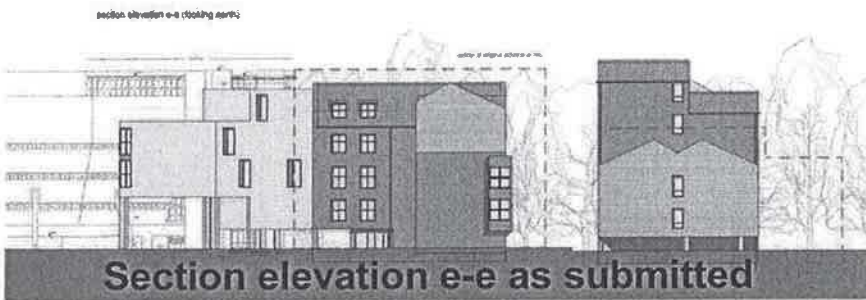
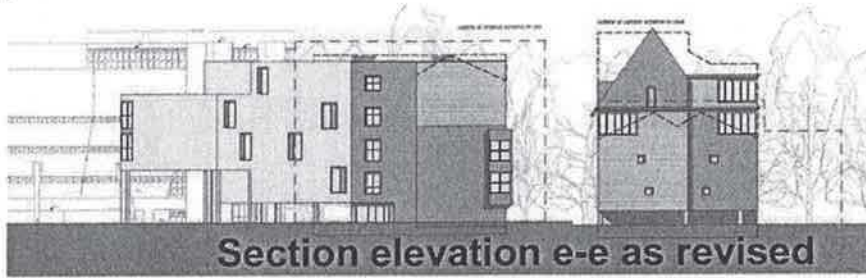
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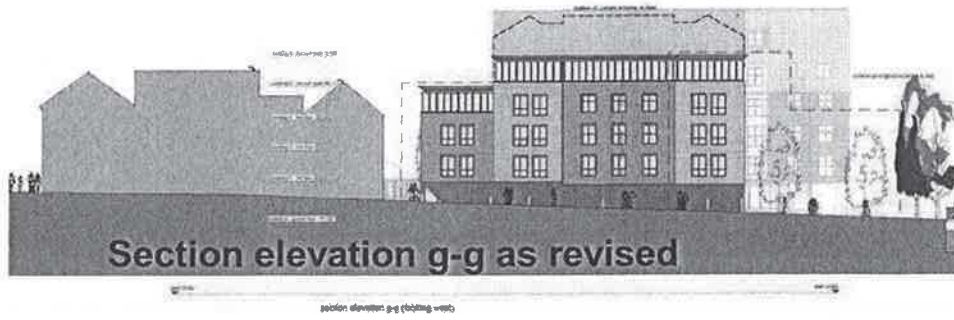


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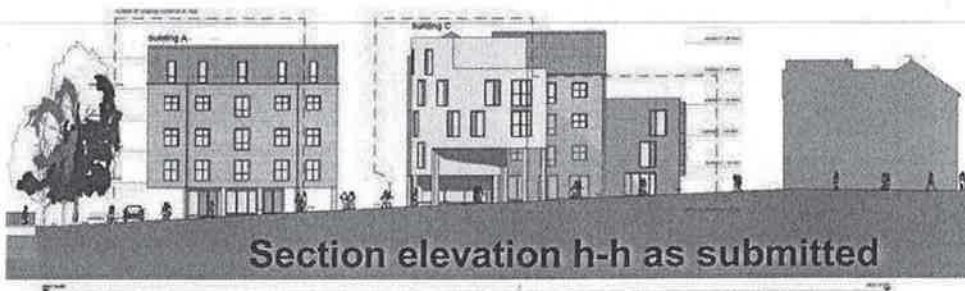
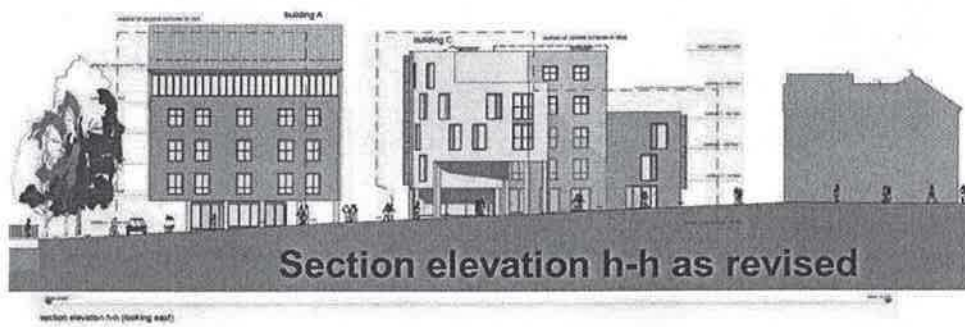




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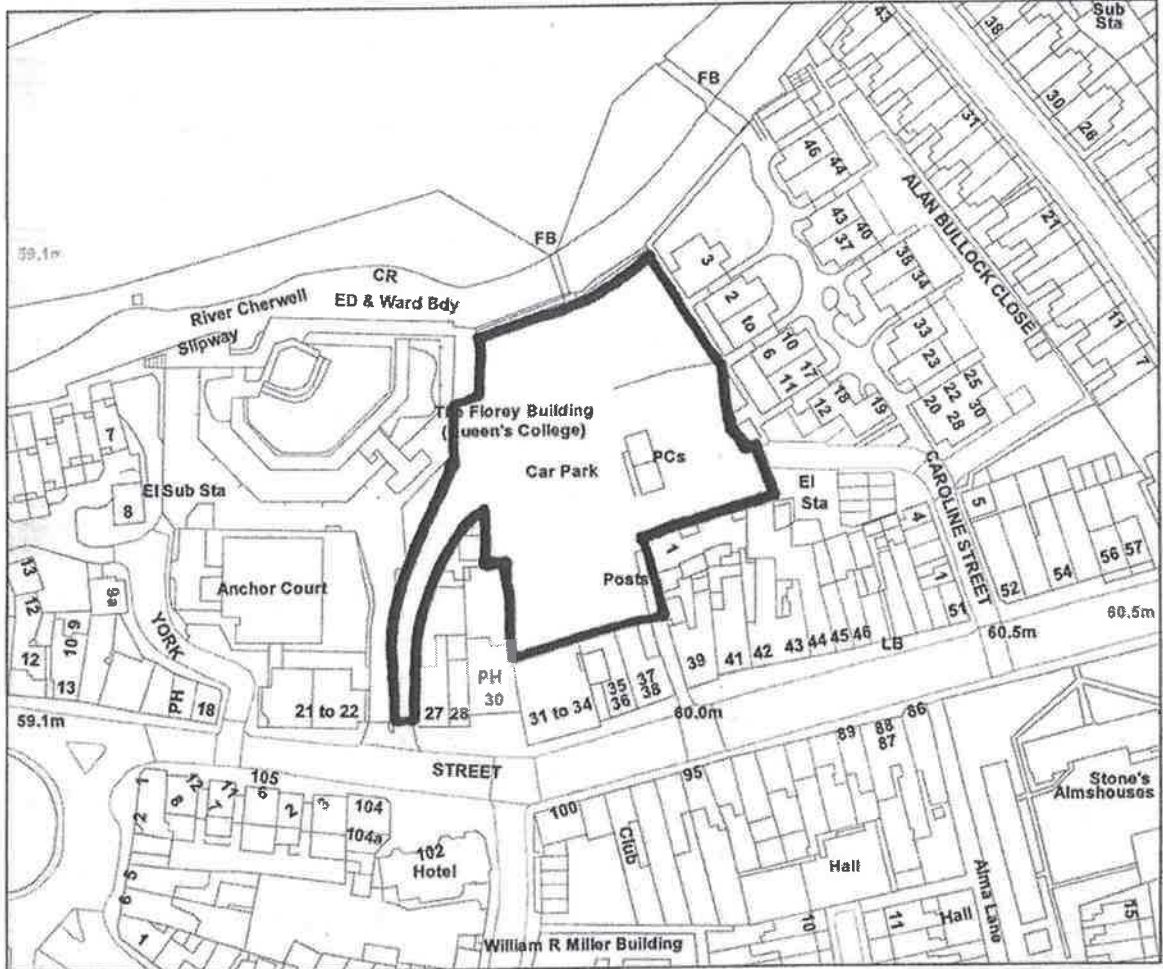


ustrative



# 11/01040/FUL

## St. Clement's Car Park and Public Convenience, St. Clement's Street



**Legend**

Scale: 1:1250



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Organisation	Not Set
Department	Not Set
Comments	Appendix 1
Date	01 July 2011
SLA Number	Not Set







26 July 2012  
L AW 120725 Letter to Murray Hancock.docx

Mr. Murray Hancock  
Chief Principal Planner  
City Development  
Oxford City Council  
St. Aldates Chambers  
109 - 113 St. Aldates  
Oxford  
OX1 1DS

Roger Smith  
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DL: +44 (0) 1865 269057  
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Wytham Court  
11 West Way  
Oxford OX2 0QL  
DX 96205 - Oxford West  
T: +44 (0) 1865 269 000  
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Dear Murray

**DEMOLITION OF PUBLIC TOILETS. REDEVELOPMENT OF ST CLEMENT'S CAR PARK TO PROVIDE 140 STUDENT STUDY ROOMS AND ANCILLARY ACCOMMODATION IN TWO BLOCKS ON 3, 4 AND 5 FLOORS. REPLACEMENT CAR PARK WITH 80 SPACES, PUBLIC TOILETS, LANDSCAPING AND ANCILLARY WORKS. (ADDITIONAL INFORMATION)**

**ST CLEMENT'S CAR PARK AND PUBLIC CONVENIENCE ST CLEMENT'S STREET OXFORD OXFORDSHIRE**

**REF: 12/01369/FUL**

Further to recent correspondence and in preparation for the West Area Planning Committee, I would like to take this opportunity to outline how the proposed scheme addresses the three reasons for refusal in the previous applications for the site.

**How has the scheme address previous Reason for Refusal 1**

*Height, scale and massing*

- The overall height, scale and massing of the development has been reduced (as confirmed in the submitted drawings and Design and Access Statement)
- The building has also been designed in a tiered form, with those sections nearest the river (pavilions 2 and 3) being half a storey lower
- The submitted Heritage Statement (verified views) confirms that the proposed development is not of a height or scale that would result in any impact on the designated view cones

*Setting of nearby listed buildings (Grade II Listed Florey Building and No. 27 St Clements Street)*

- The building will extend to five storeys adjacent to the galleries in the centre of the site but will remain subservient in height to the adjacent Florey Building
- The setting of the Florey Building will also be enhanced by the creation of a new area of public realm or square between pavilions 1 and 2 and the Florey Building
- The development uses a limited palette of materials to better reveal the significance and setting of the neighbouring listed buildings
- The scheme offers the potential to rationalise the existing access arrangement to provide a single entrance to the site. This would significantly enhance the entrance to the site and the setting of both the Florey Building and No. 27 St. Clements. However, whilst this is an aspiration, these works are not achievable under the current application, being outside the red line. It is therefore intended that it

will form the subject of a separate application submitted by Queens College (landowners of the Florey Building) in the near future.

- The developer is committed to delivering this combined access, subject to the agreement of Queens College. Whilst Queens has publically objected to a combined access, further discussions are being undertaken which may result in the ability to create a combined access.

*Views into and out of the St. Clements and Iffley Road Conservation Area / Impact on adjacent Central Conservation Area*

- In terms of views from the Angel and Greyhound Meadow and the Central Conservation Area, the development will be largely screened by existing tree coverage on the riverside. Despite changes in seasonal coverage of the trees, which will make the proposed development visible during winter months, the magnitude of impact will be imperceptible/none as the ability to appreciate the setting of the Florey building and amenity space of the meadows within the Central Conservation Area will not be affected. The impact on the setting of the Florey Building and both Conservation Areas will therefore be negligible
- Pavillions 2 and 3 are also nearly 7 metres lower than the previous scheme as presented to the Angel and Greyhound Meadows, and 2.2 metres further away from the river at its nearest point
- In terms of views from the entrance to Penson's Gardens from St. Clements, the proposed development will enhance the views down the street from St Clement's Street towards the river and Meadows by reintroducing the former historic street pattern to the site

**How has the scheme address previous Reason for Refusal 2**

- As referred to above, the overall height, scale and massing of the development has been reduced
- Furthermore, the building has been designed in a tiered form, with those sections nearest to the backs of the buildings of St. Clement's Street being 3 storeys in height, in comparison to 5 storeys at the centre of the building
- The building, in part, has been sited further away from backs of the buildings to St. Clement's Street. The gable of Pavillion 1 is in part 6 metres further away than the previous scheme and Pavillion 4 is 3 metres lower and variously 2.1 metres and 5 metres further away from No.s 39 – 43 St. Clements Street
- The introduction of Oriel windows will ensure that residential amenity is protected, in particular with reference to the flats at Alan Bullock Close.

**How has the scheme address previous Reason for Refusal 3**

*Proposed replacement car parking provision*

- The site falls within the Transport Central Area and Policy TR.11 of the Local Plan states that the City Council will not allow any significant increase in the overall number of parking spaces in the Transport Central Area
- The Council has previously clarified in their design guidance for the site that 80 spaces will need to be provided. This application will provide for 80 public car parking spaces including for two public disabled parking spaces, as opposed to 74 spaces including two public disabled spaces proposed in the previous scheme
- The accompanying Transport Assessment includes details of a series of traffic surveys at the site. The results confirmed that the maximum demand for the car park was 70 spaces at 1pm - 2pm on a weekday. The proposal will retain 80 public spaces and therefore the car park will still accommodate the typical weekday demand.
- However, Saturday data showed a higher requirement for parking after 12.15pm. Therefore, there will be some parking displaced to other areas of the City during this period as a result of the development proposal. Based on the surveys, between 12.30pm – 5pm, there would be up to 38 cars displaced in this period, with an average displacement of 29 vehicles.



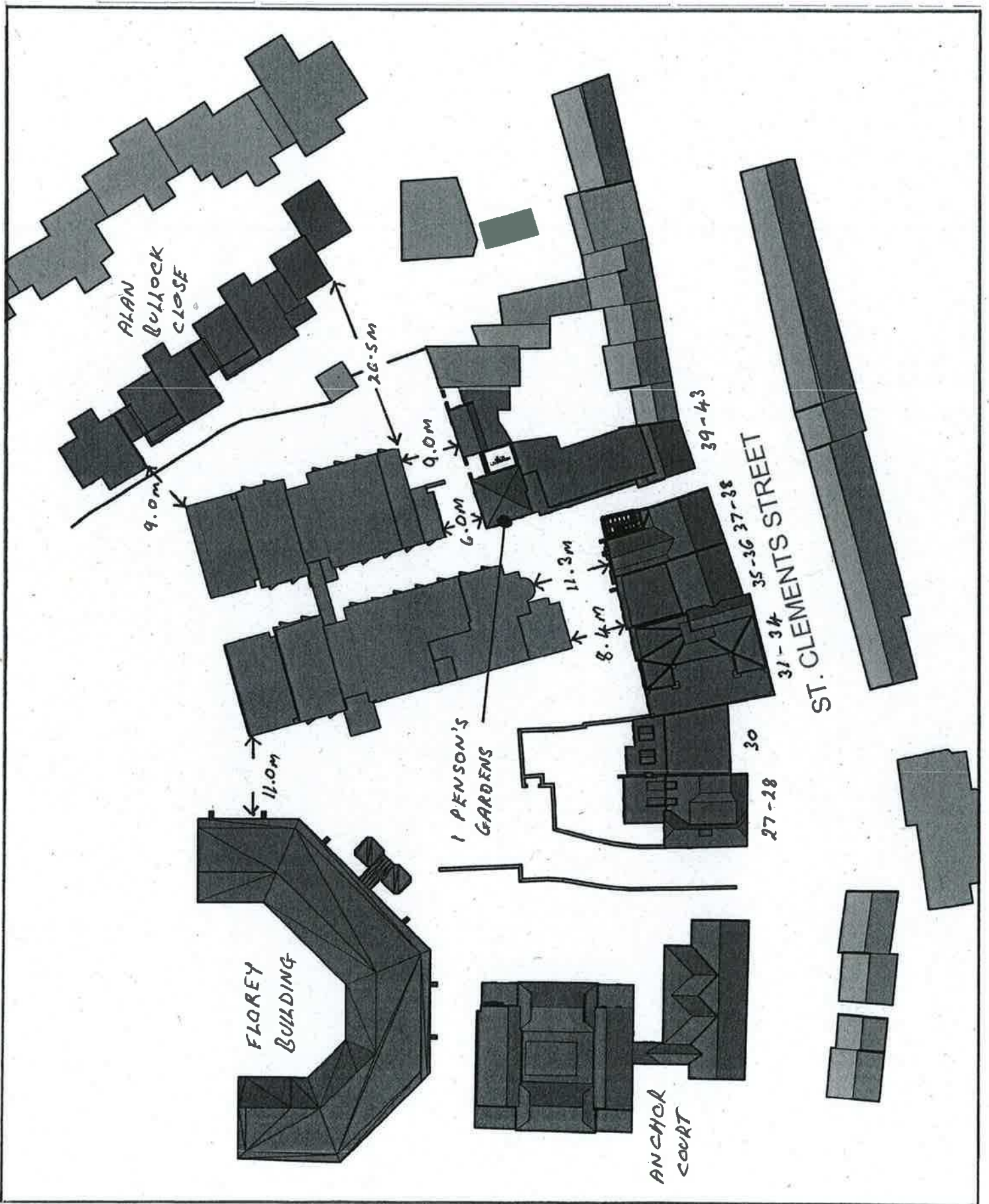
- Whilst 80 spaces is a reduction from the existing number of car parking spaces on site (112), such a level of provision would not be achievable with the current standards for the size of car parking spaces and the turning areas located between car parking spaces. If the existing car park were brought up to standard, with correct sized spaces and aisle widths, then only 98 spaces could be accommodated, i.e. 14 spaces less than presently used.
- Considering the above, if the car park was 'to standard', then the maximum displacement drops to 10 cars, with an average of 6 vehicles. Furthermore, some of the spaces have been lost due to the City Council's desire to increase landscaping in the site and not as a direct result of the student accommodation itself. If the existing car park landscaping was increased and the spaces were designed to accord with current standard, there could be approximately 90 spaces available. Therefore, the loss of car parking due to the student accommodation is only circa 10 spaces.

*Location of proposed temporary replacement car park*

- Prior to the submission of the application, Watkin Jones Group and the City Council's Estate Department were actively working to secure alternative temporary car parking during the construction period. The proposed location on Marston Road is the only available site within close proximity to the application site. This is very close to the site that was previously considered, at Harcourt House
- The proposed temporary car park can accommodate 65 car parking spaces, which is an increase when compared to the previous scheme of 55 car parking spaces.
- The site also benefits from a clearly defined, safe pedestrian access route which is separate from the vehicular access. Furthermore, the No. 13 bus travels directly to the city centre from the site, via St Clement's
- Watkin Jones Group and the Estates Department of the City Council have met to discuss the possibility of providing a bus shuttle service from the temporary car park to the application site. The developer is currently in detailed discussions to seek to ensure that details of the shuttle bus are provided prior to committee

Yours sincerely

**Roger Smith**  
Director  
Savills



**Planning Review Committee**

**28<sup>th</sup> September 2012**

**Application Number:** 1. 12/01340/FUL  
2. 12/01341/CAC

**Decision Due by:** 1<sup>st</sup> August 2012

**Proposal:**

1. Erection of reconstructed stone wall to create new access and construction of 2 detached houses [2 x 3 beds]. Erection of garage for 32 Quarry High Street. Erection of 2 storey rear extension for 28 Quarry High Street.
2. Demolition of outbuildings and part stone wall.

**Site Address:** 28 Quarry High Street, Oxford [Appendix 1]

**Ward:** Quarry and Risinghurst Ward

**Agent:** Mr Huw Mellor

**Applicant:** Malcolm Griffiths  
Renovations

Applications called in by Councillors Baxter, Bance, Sinclair, Price, Clarkson, Kennedy, Van Noojen, Coulter, Fry, Turner, Rowley and Smith on grounds relating to impact in the Conservation Area, loss of garden land and increased risk to highway safety.

1. These applications were determined at the meeting of East Area Committee on 14<sup>th</sup> August 2012 when Members unanimously resolved to approve the applications in accordance with the officer recommendations and subject to the conditions set out in the attached report.
2. A 12 member motion to call in the application to Planning Review Committee was received on 17<sup>th</sup> August 2012 on grounds that the proposals would adversely impact on the Headington Quarry Conservation Area which could be contrary to the Local Development Framework, would involve the loss of garden land and would increase the risk to highway safety.
3. The attached report and appeal decision dated June 2011 in respect of a previous scheme for 6 dwellings, attached as Appendix 2, addresses all of these issues in some detail. The Inspector dismissed the appeal but only on grounds that the size and massing of 6 new cottages, together with parking and driveways, would amount to such an extensive built intrusion that it would clearly be detrimental to the green and open character of the garden site.
4. Officers consider that the current proposal for 2 detached dwellings on the rear and lower part of the site is acceptable and overcomes the Inspector's concerns regarding visual intrusion and impact in the conservation area. The



rationale for this conclusion is set out in paragraphs 13 – 29 of the report. Planning Review Committee is therefore recommended to support the proposals subject to the conditions set out in the report.

**Background Papers:**

10/01210/FUL  
10/01209/CAC  
12/01340/FUL  
12/01341/CAC

**Contact Officer:** Angela Fettiplace

**Extension:** 2445

**Date:** 22nd August 2012



**Application Number:** 1. 12/01340/FUL  
2. 12/01341/CAC

**Decision Due by:** 1st August 2012

**Proposal:** 1. Erection of reconstructed stone wall to create new access and construction of 2 detached houses (2x3 beds). Erection of garage for 32 Quarry High Street. Erection of 2 storey rear extension for 28 Quarry High Street  
2. Demolition of outbuildings and part stone wall

**Site Address:** 28 Quarry High Street, Oxford [Appendix 1]

**Ward:** Quarry And Risinghurst Ward

**Agent:** Mr Huw Mellor

**Applicant:** Malcolm Griffiths  
Renovations

Applications called in by Councillors Sinclair, Baxter, Clarkson, Rowley, Coulter, Clack and Curren on grounds that the site has a long history of planning applications and appeals.

---

## **Recommendation:**

12/01340/FUL

## **Reasons for Approval**

- 1 The proposal forms an appropriate visual relationship with the site and its surroundings and would preserve the special character and appearance of the Headington Quarry Conservation Area. No objection has been received from Oxfordshire County Council as Local Highway Authority in terms of the impact of the proposal on highway safety and it is considered that the proposal complies with adopted policies contained in both the Oxford Local Plan 2001 - 2016 and the Core Strategy 2026.
- 2 Letters of objection have been received from a number of local residents and the comments made have been carefully noted. However it is considered that the points raised, either individually or cumulatively, do not form sustainable reasons for refusing planning permission for the proposal and that the imposition of planning conditions will ensure that the proposal preserves the character of the area and does not impact upon highway safety.

- 3 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 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Samples in Conservation Area
- 4 Sample panel erected on site
- 5 Use of existing stone in new frontage walls
- 6 Amenity no additional windows rear,
- 7 Design - no additions to new dwellings
- 8 Landscape plan required
- 9 Landscape carry out by completion
- 10 Boundary details before commencement
- 11 New boundary wall
- 12 Highway specifications
- 13 Ancillary highway works
- 14 Construction Travel Plan
- 15 Permeable parking and driveway areas
- 16 Contaminated Land - Desktop study etc.
- 17 Cycle parking details required
- 18 Sustainability design/construction
- 19 Ecology - mitigation measures
- 20 Provision of bat boxes
- 21 Details of drainage scheme to be agreed

12/01341/CAC

### **Reasons for Approval**

1. The proposal to demolish part of the existing walls on the site would form an appropriate visual relationship with the site and the surrounding area and would preserve the character and appearance of the Headington Quarry Conservation Area. The proposal therefore complies with adopted policies contained within both the Oxford Local Plan 2001 – 2016 and the Oxford Core Strategy 2026.
2. 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. Commencement of works – Conservation Area Consent
2. Materials resulting from the works of demolition to be incorporated into the new walls
3. Photographic record prior to demolition

### **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
- TR3** - Car Parking Standards
- TR4** - Pedestrian & Cycle Facilities
- NE15** - Loss of Trees and Hedgerows
- HE7** - Conservation Areas
- HS19** - Privacy & Amenity
- HS21** - Private Open Space

#### Oxford Core Strategy 2026

- CS2\_** - Previously developed and greenfield land
- CS9\_** - Energy and natural resources
- CS10\_** - Waste and recycling
- CS11\_** - Flooding
- CS12\_** - Biodiversity
- CS18\_** - Urban design, town character, historic environment
- CS23\_** - Mix of housing

#### Sites and Housing Plan - Submission

- HP9\_** - Design, Character and Context
- HP10** – Developing on Residential Gardens
- HP11\_** - Low Carbon Homes
- HP14\_** - Privacy and Daylight
- HP15\_** - Residential cycle parking
- HP16\_** - Residential car parking

#### Other Material Considerations:

National Planning Policy Framework [NPPF]

These applications is in or affecting the Headington Quarry Conservation Area.

#### **Relevant Site History:**

07/01210/FUL and 07/01209/CAC: Partial demolition of existing front boundary wall and erection of building to rear of 26/28 Quarry High Street to provide 8 x 2 bedroom flats and erection of replacement garage to 32 Quarry High Street.  
Refused

10/02130/FUL and 10/02313/CAC: Demolition of existing garage and sheds and part of stone wall to create a new access. Erection of 6 dwellings [2 x 3 bed, 2 x 2

bed and 2 x 1 bed]. Creation of associated private driveway, parking and new garage for 32 Quarry High Street. Street and bin collection point. Refused and dismissed on appeal. A copy of the appeal decision is attached at Appendix 2.

## **Public Consultation**

### Statutory Consultees

Highway Authority: No objection subject to the following conditions:

- Development to be SUDS compliant
- Permeable parking areas and driveway
- Provision of secure and sheltered cycle parking
- Approval of a Construction Travel Plan
- Provision of visibility splays and relocation of boundary wall
- No discharge of surface water onto the public highway
- Highway works to be carried out in strict accordance with LHA standards and specifications

Thames Water: No objection on grounds of surface water or sewerage infrastructure.

### Third Party Comments:

15 letters of objection from local residents. The main points raised can be summarised as follows:

- Previous applications for the redevelopment of the site have been refused and the latest was dismissed on appeal
- Although only two houses are now proposed, they take up the same ground area as the previously proposed six dwellings
- Loss of stone walls
- Loss of on street parking spaces
- Loss of garden land which would be detrimental to the open character of the site and the Conservation Area
- The development would be visible from the public domain
- Loss of privacy to dwellings in Cooper Place
- Increased risk to highway safety
- The application does not assess the proposals against the approved Headington Quarry Conservation Area appraisal
- The required visibility splays and the lowering of the wall to 0.9 metres will appear contrived and out of keeping
- There are important details missing from the application especially scaled measurements
- The proposal constitutes 'garden grabbing'
- Loss of trees
- The access should be smaller as it is only serving two dwellings
- Quarry High Street is a 'rat run' for vehicles leaving the ring road
- The current proposal is an improvement on the previous scheme but it does not provide the type of houses that are affordable and needed
- The proposed renovation of number 28 is to be welcomed
- Impact on ecology
- The historic side wall is not appropriate to be used as part of a new garage
- The proposed buildings are negative and invasive

## **Officers Assessment:**

### **Site Description**

1. The application site extends to 0.16 hectares and lies on the south side of Quarry High Street. It comprises the former rear gardens areas of 26 and 28 Quarry High Street, a pair of semi-detached cottages. The application site area includes number 28 Quarry High Street which it is proposed to renovate and extend as part of the proposal together with an existing flat roofed garage which serves number 32 Quarry High Street. There is an existing vehicle access and dropped kerb onto Quarry High Street serving this garage.
2. The site lies within the Headington Quarry Conservation Area designated because of its 'hills and holes' left by quarrying which took place from the middle of the 14<sup>th</sup> century to the late 18<sup>th</sup> century. This has left behind a very distinctive landscape and street pattern with twisting lanes criss-crossed with footpaths. It is an organic layout with dramatic changes in levels and the housing is predominantly small, stone cottages dating from the 18<sup>th</sup> century.
3. The existing semi-detached cottages are small, artisan houses built in brick with slate roofs. To the rear the site slopes away into a 'hole' that is 2 – 3 metres below the level of the street and forms a green space comprising mature trees and shrubs which is currently overgrown.
4. The site is bounded by residential dwellings and there are considerable differences in land levels throughout the site. To the east of the site, number 34 Quarry High Street is set up by approximately 1 metre. Coopers Place lies to the south of the site and the rear gardens of these properties form the southern boundary of the site. These gardens lie some 2.4 metres higher than the site. Coopers Alley runs along the western boundary of the site and lies up to 2 metres above the level of part of the site and beyond this lies 24a Quarry High Street which is also at a higher level than the site.

### **The Proposal**

5. The applications seek conservation area consent and planning permission for the demolition of the existing garage and part of the walls on the site; the reconstruction of the frontage stone wall to create a new vehicular access; the erection of 2 x 3 bedroom detached dwellings; the creation of a driveway and the provision of 7 car parking spaces to serve the new dwellings and number 28 and the erection of a replacement garage to serve number 32 and act as a bin collection point.
6. The new dwellings would be erected using facing brick and stonework with natural slate roofs. They would have private garden areas together

with areas of stone paving and timber decking. The proposed extension to number 28 would be erected using matching bricks and tiles.

7. The new dwellings would have a maximum width of 13.8 metres, a maximum depth of 7 metres and a maximum height of 6.8 metres. Both new dwellings are proposed to be dug into the site to lessen their impact on neighbouring dwellings.
8. The application is accompanied by a design and access statement, a heritage and planning statement, an aboriginal impact assessment, a habitat survey, a public sewer report and a traffic speed check.
9. Officers consider the principle determining issues in these cases to be:
  - Principle of development
  - The 2011 appeal decision
  - Loss of garden land
  - Impact in the Conservation Area
  - Impact on neighbours
  - Sustainability
  - Ecology and trees
  - Highways and parking

### **Principle of Development**

10. Policy CP6 of the adopted Oxford Local Plan states that planning permission will only be granted where development proposals make maximum and appropriate use of land. It goes on to say that development proposals must make best use of site capacity in a manner compatible with both the site itself and the surrounding area.
11. The National Planning Policy Framework [NPPF] was approved in March of this year and largely carries forward existing planning policies and protections in a significantly more streamlined and accessible form. The NPPF introduces the presumption in favour of sustainable development and although it does not provide a definition, the five issues that are clearly emphasised are easy job creation, biodiversity/nature gains, improving design, improving people's living, working, travel and leisure conditions and widening the choice of high quality homes.
12. The site is not previously developed land as it is garden land. However it is surrounded by residential development on all sides and is part of the built up area of Oxford. Officers therefore take the view that the principle of a sympathetic development on the site is acceptable.

### **The 2011 Appeal Decision**

13. The previous scheme for 6 cottage style dwellings was refused by the Council for 4 reasons as follows:



- The restricted nature of the access including visibility splays and the narrow width of Quarry High Street which experiences on street parking
  - The loss of the existing stone walls on the site
  - Loss of open green space that would detract from the character and appearance of the conservation area and be contrary to advice in Annexe B to PPS3
  - Lack of evidence regarding the capacity of the public sewers in the local area
14. The Inspector considers the above issues in his decision letter [copy at appendix 2]. As regards traffic and parking, he concludes that *“the additional traffic movement at the site would not constitute a danger to pedestrian or highway safety”*. Members are advised that the current proposal includes details of an identical new access and vision splays as those considered by the Inspector and found to be acceptable.
15. As regards the loss of the existing stone walls, the Inspector accepts that some stone walls would be demolished and that they are an important feature in the conservation area. However he goes on to say that the prominent frontage wall would be rebuilt close to the existing position, reusing existing stones so *“there would be little change in the character or appearance”*. The Inspector concludes that *“subject to conditions requiring the new walls, the demolition would **not** fail to preserve or enhance the character or appearance of the conservation area”*.
16. As regards the drainage issues, the Inspector concludes that *“sufficient evidence has been provided to demonstrate that a suitable scheme could be required by condition which would not be likely to exacerbate the drainage problems”*.
17. The remaining issue is the loss of garden land and, whilst the Inspector is not persuaded that the exclusion of garden land from the definition of previously developed land would, of itself, make the proposal contrary to the aims of PPS3, he does go on to conclude that the size and massing of 6 new cottages, together with parking and driveways, would amount to such an extensive built intrusion that it would clearly be detrimental to the green and open character of the garden site. The Inspector also refers to the site being visible from some adjoining properties with further glimpsed views from the alleyway and the highway and considers that the hard surfaced driveway and parking areas would appear visually intrusive. In paragraph 9 of the appeal decision, the Inspector concludes that *“the large scale net loss of garden land would cause substantial and visible harm to the open character of this significant site and would therefore fail to preserve or enhance the character or appearance of the Conservation Area”*.

### **Loss of garden land**

18. Whilst Annexe B to PPS3 relating to ‘garden grabbing’ has now been superseded by the NPPF, this does include a provision for local

authorities to set local policies to resist inappropriate development of garden areas. Policy HP 10 of the Sites and Housing Plan states that planning permission will be granted for new dwellings on residential garden land provided that the proposal responds to the character and appearance of the area, the size of the plot is appropriate for the proposal and there are no biodiversity issues.

19. The current proposal has been the subject of pre-application discussions and the design of the proposed houses has evolved from contemporary to more traditional. The applicant has sought to overcome the Inspector's concerns regarding the loss of garden land by reducing the number of dwellings to two and siting them towards the rear of the site where the ground level is considerably lower. He has also sought to retain an uninterrupted, open view through the site, between the two new dwellings which would be sited some 11 metres apart. The hard surfaced driveway and parking areas that the Inspector did not support have been replaced by a gravel driveway in the current scheme with grassed parking spaces. A replacement garage is proposed which would have a height of 2.7 metres and would utilise the existing stone wall.
20. Concerns have been raised by local residents that, although the number of new dwellings has been reduced to two, the total floor area proposed and the extent of the parking and driveway areas are similar to the previously refused scheme and that the current proposal should be refused on grounds that the loss of the garden land would detract from the character and appearance of the area. Officers have carefully considered this point of view. It is accepted that the proposed dwellings are large with spacious living accommodation; however given the lower level of the rear of the site, the retention of an open wedge of land between the two houses, the generous garden areas and the relatively modest height of the new dwellings, officers do not consider that the proposed houses would appear unacceptably intrusive in the street scene or that the proposal would result in the wholesale loss of an open, green space. Furthermore the considerably softer treatment of the driveway and the parking areas would help to assimilate the development into its surroundings such that it would appear sympathetic and in keeping with the local area.

### **Impact in the Conservation Area**

21. Conservation principles, policy and practice seek to preserve the value of heritage assets. With the issuing of the NPPF, the Government has re-affirmed its aim that the historic environment and its heritage assets should be conserved and enjoyed for the quality of life they bring to this and future generations. The NPPF also states that in determining planning applications, local authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; the positive contribution that conservation of heritage assets can make to sustainable communities and the desirability of new development making

a positive contribution to local character and distinctiveness.

22. The NPPF also sets out the potential heritage benefits that could weigh in favour of a scheme as follows:

- it sustains or enhances the significance of a heritage asset and the contribution of its setting
- it removes or reduces risks to a heritage asset
- it secures the optimum viable use of a heritage asset in support of its long term occupation
- it makes a positive contribution to economic vitality and sustainable communities
- it is an appropriate design for its context and makes a positive contribution to the appearance, character, quality and local distinctiveness of the historic environment
- it better reveals the significance of a heritage asset and therefore enhances our enjoyment of it and the sense of place.

23. In relation to development affecting a designated heritage asset, the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be lost or harmed through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.

24. Policy CP1 of the Oxford Local Plan states that planning permission will only be granted for development that shows a high standard of design, that respects the character and appearance of the area and uses materials of a quality appropriate to the nature of the development, the site and its surroundings. Policy HE7 states that planning permission will only be granted for development that preserves or enhances the special character and appearance of conservation areas and their setting.

25. The proposed dwellings have a traditional and simple form and would 'nestle' in the former quarry. They would be erected using traditional bricks, stone, natural slate and timber cladding and would not appear prominent in public views. The proposals are supported by information that explains the applicant's understanding of the historical context and significance of the site and this has been used to inform the development of the design and layout of the proposal.

26. The site lies within the Headington Quarry Conservation Area. Quarry High Street is characterised by a variety of buildings from the 19<sup>th</sup> and 20<sup>th</sup> centuries which give it a sense of continuity, helped by the simple palette of materials and the simple vernacular form of the buildings. Boundary walls are a strong feature of the area and in Quarry High Street they help to frame the street and enclose alleyways off it with trees behind providing contrasting shape and colour. The character of the village, which

continued to expand well into the 20<sup>th</sup> century, is one of an 'organic' and evolved grid where vernacular forms of the 18<sup>th</sup> and 19<sup>th</sup> centuries are interspersed with more recent developments. The undulating landscape and survival of boundary walls and hedges create an intimacy and enclosure with unexpected views across hollows and dips and it is considered that the application site contributes to this character.

27. The proposal involves developing land that was last used as gardens. Evidence from historic maps show that the site has previously had buildings on it and it is considered that there is scope for developing the site in a way that respects the key characteristics of the area. Concern has been expressed about the principle of development and the loss of 'long gardens' which are a characteristic part of Headington Quarry. However the site is not one of these long gardens but instead derives from earlier quarrying activities in the area and not from the 19<sup>th</sup> century subdivision of plots exhibited elsewhere.
28. The views into the site would be more open with the removal of the existing garage and would help to integrate the site as part of the street network of the area. The views would be different from the existing and would comprise the upper floor and roof of the end elevation of one of the dwellings, boundary walls softened by new landscaping and framed behind tree canopies. The change in view is not considered to be harmful.
29. The proposal is not considered to have an unacceptable, harmful impact on the significance of the heritage asset. The development does not involve the harmful loss of the entire green space and has been designed and laid out based on an understanding of the heritage significance of the area and the characteristics and setting of the context. Whilst this represents change, it is considered that the proposals satisfy national and local policy guidance on the management of historic areas.

### **Impact on neighbours**

30. Policy HS19 of the Oxford Local Plan states that planning permission will only be granted for development that adequately provides both for the protection and/or the creation of the privacy or amenity of the occupiers of the proposed and existing, neighbouring, residential properties.
31. The site is bounded by 4 – 8 Coopers Place to the south, the gardens of 26 and 28 Quarry High Street to the north, Coopers Alley to the west and the extended garden of 30 Quarry High Street to the east.
32. 4 – 8 Coopers Place to the south are in an elevated position and their back gardens are screened from the site by a 2.7 metre high wall. The two proposed dwellings would be sited between 9 – 13 metres from the boundary of the site with the Coopers Place development and the intervening land would be private garden area. The window to window distances would be between 16 – 20 metres and this, together with the significant difference in ground level whereby the new houses would be

substantially lower than Coopers Place, is considered to be acceptable in terms of the relationship between the two proposed dwellings and the Coopers Place development.

33. The gardens of 26 and 28 Quarry High Street to the north would be bounded by the new driveway and the rear of one of the new dwellings which would be sited 3.5 metres from the joint boundary with number 26. The rear elevation has one ground floor window and one rooflight and therefore there would be no overlooking of the private garden area serving number 26. Furthermore the new dwelling would be set into the site and its maximum height would be 6.4 metres. Officers consider this relationship to be acceptable.
34. The other new dwelling would be sited between 2.5 – 3.5 metres from the joint boundary with the garden area serving number 34 Quarry High Street and would have its rear elevation facing towards that property. This rear elevation would only have one ground floor window and one rooflight and therefore would not result in any overlooking of the garden of number 34. The new dwelling would be sited some considerable distance from the existing house [number 34] and would not appear overbearing in the outlook from this dwelling.
35. The scheme includes a proposed extension to number 28 Quarry High Street, an existing semi-detached cottage. The extension would be part two storey and part single storey and officers are satisfied that it would appear in keeping with the existing dwelling and would not adversely impact upon the amenities enjoyed by the occupiers of number 26 Quarry High Street.

## **Sustainability**

36. The design and access statement accompanying the planning application includes the following details:
  - Natural materials will be used, sourced locally where possible
  - Waste material taken from the site will be kept to a minimum by the use of slab foundations [this will also mean that no deep foundations are needed close to number 34 for the new garage which has been raised as a concern]
  - The roof is to be vaulted internally to provide volume in the rooms
  - Glulam timber beams will be used which act as a carbon sink as opposed to steel RSJ's which are the opposite
  - The dwellings will be insulated above current standards and sealed to prevent heat loss
  - Water saving outlets and cisterns will be used
  - A ground source heat pump will provide underfloor heating and hot water which is probably the greenest long term energy saving solution.

## **Ecology and Trees**

37. The applications are accompanied by a Habitat Survey and an Arboricultural Impact Assessment. Whilst collectively the existing trees and other plants provide broad visual amenity benefits to the surrounding urban environment and help to reinforce the rural character of the Headington Quarry Conservation Area, there are no trees present on the site that are so important in terms of their amenity value that they should be regarded as a significant constraint on the layout of any development.
38. However in the design and access statement the applicant states that the green nature of the site and the importance of the general ecology of the whole site needs careful consideration. The statement goes on to say that where possible all existing trees will be retained and the old fruit trees at the top of the site will be replaced with new fruit trees. The quarry will be planted with native species including trees and sections of hedging which will provide wildlife corridors along the boundaries. A condition is recommended to require a landscape plan prior to the commencement of any development.
39. In terms of ecology, the Habitat Survey makes the following conclusions:
- There are no priority habitats on the site
  - The proposal will clear the site of semi-natural habitats which have developed from garden beds and shrubberies – their ecological value is considered to be low
  - The bat survey concluded that bats are not currently using the cottage or other buildings. Nevertheless a condition is recommended which would require the installation of bat boxes on the new dwellings
  - No evidence of reptiles has been found
  - Disturbance to nesting birds can usually be avoided by carrying out works outside the bird nesting season [March to August inclusive]
  - Any work that does cause nest disturbance would cease until nesting has finished.

### **Highways and parking**

40. Oxfordshire County Council as Local Highway Authority is not raising any objection to the application subject to the imposition of a number of conditions and informatives. The new access proposed, which involves re-aligning the stone wall, is identical to the access proposed in the previous application which was refused and dismissed on appeal. However the Inspector did not object to the access details and did not consider that the then proposal for 6 dwellings would constitute a danger to pedestrians or highway safety.
41. The current proposal is for two dwellings together with a total of 7 car parking spaces to include two spaces to serve number 28 Quarry High Street. No car parking is proposed in the front garden of this property [this was proposed in the previous refused scheme and the Inspector specifically objected to it on grounds of visual amenity]. The car parking would be located behind the new garage and bin store and in between the



two new houses. Officers take the view that the car parking, which would appear as grass but be constructed using a recycled, porous, plastic, grid system, would not appear prominent in public views and that the vehicle movements associated with the new development would not impact upon pedestrian or highway safety.

**Conclusion:**

40. The proposal forms an appropriate visual relationship with the site and its surroundings and would preserve the special character and appearance of the Headington Quarry Conservation Area. No objection has been received from Oxfordshire County Council as Local Highway Authority in terms of the impact of the proposal on highway safety and it is considered that the proposal complies with adopted policies contained in the Oxford Local Plan 2001 – 2016 and the Core Strategy 2026.

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

**Background Papers:**

07/01209/CAC  
07/01210/FUL  
10/02130/FUL  
10/02313/CAC

**Contact Officer:** Angela Fettiplace

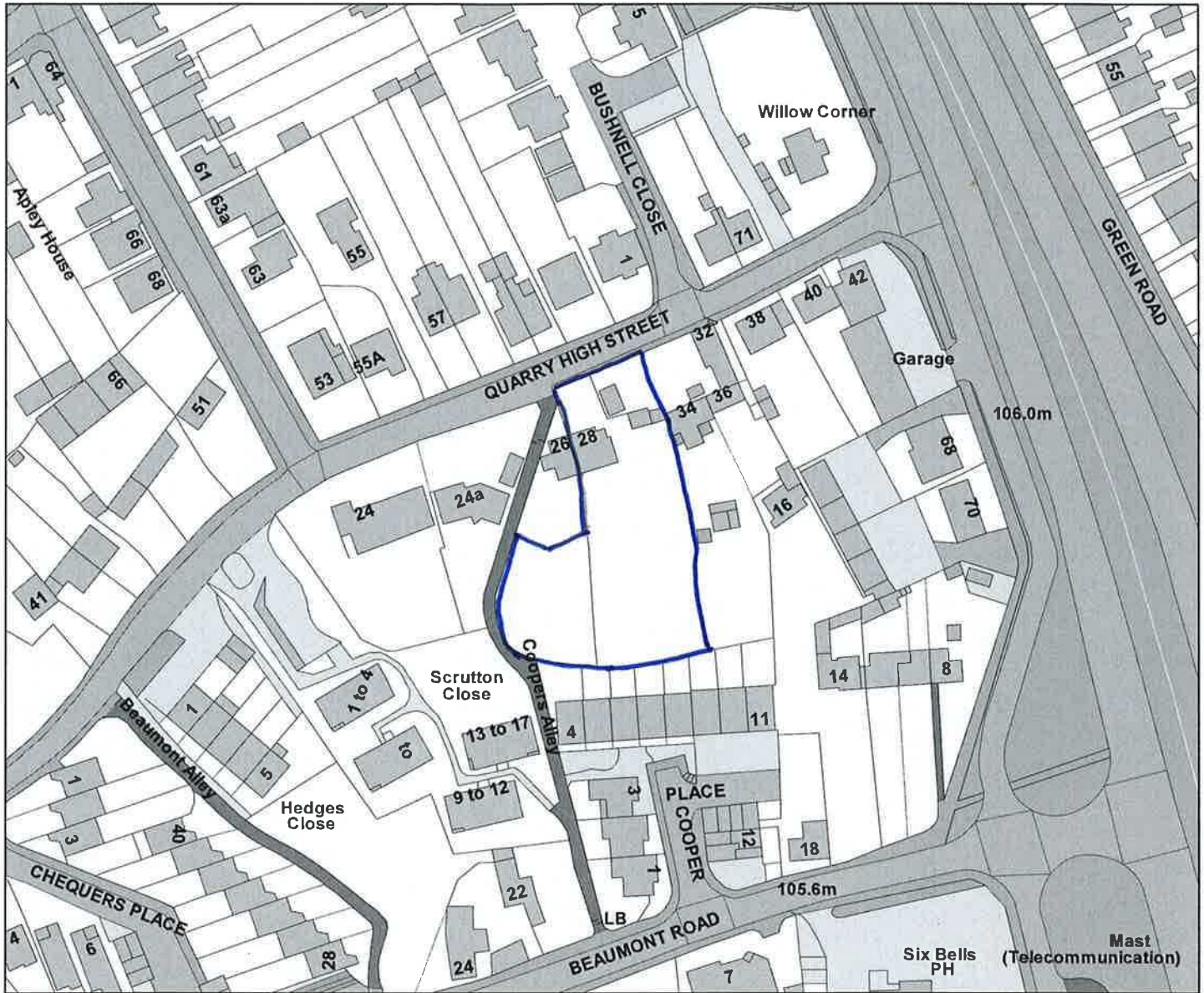
**Extension:** 2445

**Date:** 31st July 2012

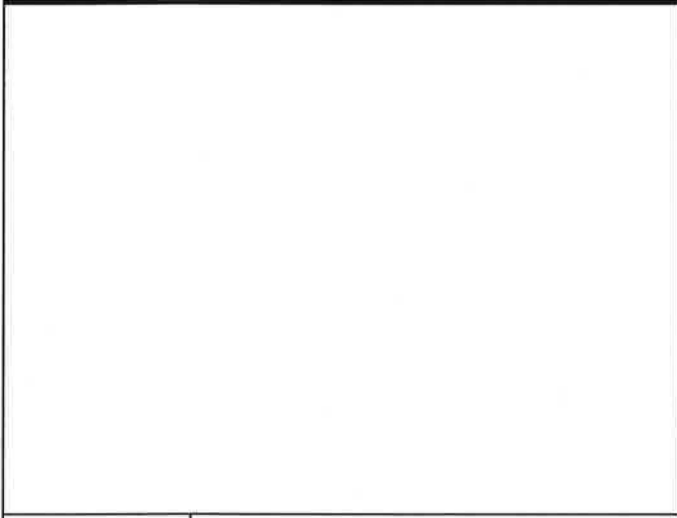
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# Appendix 1

28 Quarry High Street, Headington Quarry, Oxford



## Legend



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Scale: 1:1250

Organisation	Not Set
Department	Not Set
Comments	
Date	01 August 2012
SLA Number	Not Set

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## Appeal Decisions

Site visit made on 7 June 2011

by **David Saul BSc DMS MSc CEnv FRICS**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 30 June 2011

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### **Appeal A: APP/G3110/A/11/2149272**

#### **Land rear of 26 to 28 Quarry High Street, Oxford OX3 8JX**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr J Clegg against the decision of Oxford City Council.
  - The application Ref 10/02130/FUL, dated 24 August 2010, was refused by notice dated 31 January 2011.
  - The development proposed is demolition of existing garage and sheds, along with reconstruction of stone wall to create new access. Construction of 6 houses (2 x 3-bed, 2 x 2-bed, 2 x 1-bed). Creation of associated private driveway, parking and new garage for No 32 Quarry High Street and bin collection point. (Amended description)(Amended plans).
- 

### **Appeal B: APP/G3110/E/11/2149276**

#### **Land rear of 26 to 28 Quarry High Street, Oxford OX3 8JX**

- The appeal is made under sections 20 and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant conservation area consent.
  - The appeal is made by Mr J Clegg against the decision of Oxford City Council.
  - The application Ref 10/02313/CAC, dated 24 August 2010, was refused by notice dated 28 January 2011.
  - The demolition proposed is the demolition of walls on the site. (Amended description).
- 

### **Decisions**

1. Appeal A is dismissed. Also Appeal B fails and conservation area consent is refused for the demolition of walls on the site. I have taken account of the views of local residents and other interested parties in reaching these decisions.

### **Procedural Matters**

2. Where feasible, the linked appeals have been addressed together for brevity whilst, in the interests of accuracy, I have used the Council's description of the development and address together with a postcode. Also, the Draft Headington Quarry Conservation Area (CA) Appraisal (Vsn 2 - Aug 2008) has been the subject of extensive consultation and I found no reason to question the conclusions or validity of the document. Despite the draft status, I have therefore attributed significant weight to the appraisal in reaching my decision.

### **Main Issues**

3. The main issues in respect of Appeal A are (i) whether the loss of former garden land would detract from the open character of the site, fail to preserve

or enhance the character or appearance of the Headington Quarry CA and would be contrary to Annex B of PPS3<sup>1</sup> (ii) whether the loss of stone walls would fail to preserve or enhance the character or appearance of the CA (iii) whether additional traffic would cause danger to pedestrians and other road users (iv) whether sufficient evidence has been submitted to demonstrate that the proposal would not exacerbate existing drainage problems. Furthermore, issue (ii) is also a main issue in respect of Appeal B together with a further issue, (v) whether in the light of the merits of the alternative proposals the demolition would be justified.

### **Reasons**

4. The site comprises predominantly overgrown garden land within the Headington Quarry CA, a built up residential area which has an unusual village character created by former quarry workings with organically laid out lanes, cottages and spaces. The proposal would create three new pairs of semi-detached houses on garden land together with a vehicular access, a replacement garage and parking. Some stone boundary walls, a garage and sheds would be demolished. Also, the CA Appraisal identifies that the area is vulnerable to development which would cause the loss of gardens, greenery and traditional boundary walls.

#### *The loss of former garden land*

5. Garden land is no longer listed in PPS 3 Annex B as being previously developed land (PDL) and the proposal would not therefore carry the weight that might previously have been attributed to support the development of such sites. However, PPS3 still requires efficient and effective use of land for housing and I found nothing to persuade me that the exclusion of garden land from the definition of PDL within Annex B would, of itself, make the proposal contrary to the aims of PPS3.
6. The visual impact of the proposal would be reduced by the topography, backland setting, trees and landscaping proposals, whilst the loss of gardens would be slightly offset by smaller new replacements. Also, in the absence of compelling evidence to the contrary, I am not persuaded that the locally significant pattern of long narrow garden strips would be significantly harmed. In addition, the habitat survey demonstrates that the loss of wildlife would not amount to significant harm.
7. The proposal would, however, create six new houses and a sizeable replacement garage building together with considerable surfaced areas including additional off street parking and drives, all in the gardens of existing cottages. Taken together this would amount to such an extensive built intrusion that it would clearly be detrimental to the green and open character of the garden site. Also the site would be visible from some adjoining properties with further glimpsed views from the alleyway and some public views from the highway particularly near to the proposed access. Moreover, the appraisal has identified the intrusive effect of cars parked in front gardens elsewhere in the village and areas of hard-standing including parking spaces would be clearly visible. In addition, the buildings shown on the historic 1880 map would appear to be minor in scale whilst the current level of surrounding

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<sup>1</sup> Planning and Policy Statement 3 (PPS3): Housing



development would reinforce the significance of the relatively open character of the appeal site.

8. The scheme would have some benefits for the CA including the removal of unsightly outbuildings as well as the restoration of a derelict cottage. However, particularly in view of the organic mix of cottages and open spaces in the village, the large scale and open garden character of the appeal site would make an important contribution to the significance of the CA as a whole. Given this level of significance, the PPS5<sup>2</sup> presumption in favour of the conservation of designated heritage assets would outweigh the need for managed change to achieve the identified benefits.
9. For the above reasons, the large scale permanent net loss of garden land would cause substantial and visible harm to the open character of this significant site. The proposal would therefore fail to preserve or enhance the character or appearance of the CA.

#### *The loss of stone walls*

10. Some stone walls would be demolished and the CA is vulnerable to the loss of traditional boundary walls, an important local feature which makes a significant contribution to the overall CA. However, the prominent frontage wall would, in effect, be rebuilt close to the existing position reusing existing stones so that there would be little change in the character or appearance. Other walling to be demolished would be less prominent and, as has been suggested, additional internal stone boundary walls could be built within the site by way of mitigation. Also, it is not clear that any features having particular historical significance would be lost and nor do the plans show an inappropriate bell-shaped entrance. In addition, the replacement frontage wall would protect significant local features identified in the appraisal, including the sense of enclosure and the outlook along this part of the street. For these reasons, subject to conditions requiring the new walls, the demolition would not fail to preserve or enhance the character or appearance of the CA.

#### *Sewage*

11. Local drainage problems have led to concerns over the effects of the scheme which would include the diversion of part of the existing drainage system. However, the Drainage Authority have not objected to the proposal, subject to conditions requiring a suitable scheme, and the appellant has provided a specialist drainage report which concludes that the proposal would enhance rather than harm the system. I therefore consider that sufficient evidence has been provided to demonstrate that a suitable scheme could be required by condition which would not be likely to exacerbate the drainage problems.

#### *Traffic and parking*

12. The narrow highway and the potential for on-street parking provides some potential for congestion particularly at peak times or during refuse collection. Nevertheless, during much of my visit traffic levels were light with few vehicles parked in the road. Moreover, adequate parking would be provided for the modest sized dwellings at this central location and the additional off-street parking for an existing cottage might be expected to reduce pressure for on-street parking. Also, notwithstanding suggestions of excessive traffic speed,

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<sup>2</sup> Planning Policy Statement 5 (PPS5): Planning for the Historic Environment

the built up nature of the area and the limited road width would be likely to result in low vehicle speeds and this view is supported by the appellant's speed check. In addition, the volume of traffic using the new access would be likely to be somewhat limited.

13. The appellant's tracking report statement shows that even very large domestic vehicles would be able to use the site access without conflict with parked cars and the Highways Authority have raised no objection to the current proposal subject to suitable conditions. In my view, the visibility provisions shown on the plans would be adequate for the access given likely traffic volumes and speed. Furthermore, fire tenders could drive on to the site to reach more remote properties and concerns over interference from the bin storage could be addressed by a condition.
14. For the reasons set out above, I consider that the additional traffic movement at the site would not constitute a danger to pedestrian or highway safety.

*Overall conclusions in respect of the main issues*

*Appeal A*

15. I conclude that the scheme would beneficially provide housing in a sustainable location, reuse a derelict cottage and remove unattractive outbuildings whilst, subject to suitable conditions, the loss of stone walls would not fail to preserve or enhance the character or appearance of the CA and the safety of pedestrians or other highways users would not be significantly harmed. Furthermore, sufficient evidence has been provided to demonstrate that a drainage scheme could be introduced without causing harm to the existing system. As a result, in these respects, the proposal would not conflict with the Oxford Local Plan 2001-2016 Policies CP1, CP10, TR4, HE7, NE 14 or the Oxford Core Strategy 2026 Policy CS17 or PPS 5.
16. Although garden land is no longer included within the definition of PDL set out in Annex B to PPS3, the proposal would not be contrary to the aims of PPS3. However, the loss of garden land would be detrimental to the open character of the site and would fail to preserve or enhance the character or appearance of the CA contrary to the aims of PPS5. As a result, notwithstanding my conclusions in respect of other issues, Appeal A should be dismissed.

*Appeal B*

17. The above conclusion in respect of the demolition of the walls is specifically dependent upon the imposition of suitable conditions attached to a planning consent but, having dismissed Appeal A, I can not be certain that any such conditions would be imposed. Also, as the appeal for the proposed scheme has been dismissed and no other approved scheme has been put forward, the demolition would not be justified in the light of the merits of any alternative proposal. As a result, I conclude that, in the absence of an approved alternative proposal or any certainty that suitable conditions would be imposed, the demolition of the walls would fail to preserve or enhance the CA contrary to the aims of PPS5 and Appeal B should therefore fail.

**Other matters**

18. The scale of the proposed works and proximity to neighbouring properties would, during construction, cause some risk of structural harm to neighbouring

structures and also possible traffic disruption. These concerns could however be addressed by conditions requiring appropriate construction techniques and management plans. Concerns over smells from bin storage could be addressed by conditions regulating use and capacity. All other matters raised have been taken into account but do not, either individually or collectively, outweigh the main conclusions reached in this decision.

### **Conclusions**

19. For the reasons given above I conclude that appeal A should be dismissed and that Appeal B should fail.

*David Saul*

INSPECTOR

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## PLANNING REVIEW COMMITTEE

**Wednesday 25 July 2012**

**COUNCILLORS PRESENT:** Councillors Baxter, Lygo, Wolff, Altaf-Khan, Brett, Clarkson, Cook (Chair for the meeting) and Pressel.

**OFFICERS PRESENT:** Lois Stock (Democratic and Electoral Services Officer), Murray Hancock (City Development), Mark Jaggard (City Development) and Michael Morgan (Law and Governance)

### **8. APOLOGIES FOR ABSENCE**

The following apologies and substitutions were received:-

Councillor Bance - Councillor Pressel substituted;  
Councillor Turner – Councillor Cook substituted;  
Councillor McManners – Councillor Clarkson substituted;  
Councillor Fooks – Councillor Altaf-Khan substituted;  
Councillor Armitage – Councillor Brett substituted.  
Councillor Rowley – apologies.

In the absence of both the Chair and the Vice Chair, it was resolved to elect Councillor Cook as Chair of the Committee for this meeting.

### **9. DECLARATIONS OF INTEREST**

Councillor Cook declared that he has been part of the Committee that heard the original application for Cantay House, but he was approaching the current application with an open mind.

### **10. PLANNING APPLICATION - 11/02446/FUL - CANTAY HOUSE, 36-39 PARK END STREET**

The Head of City Development submitted a report (previously circulated, now appended) concerning planning application 11/02446/FUL – demolition of rearmost building. Erection of 5 storey building consisting of 9 x 2 bed flats with cycle parking, bin storage and landscaping, at Cantay House, 36-39 Park End Street.

Murray Hancock and Mark Jaggard presented the report to the Committee and answered questions. No one spoke either for or against the application.

Having taken all submissions into account, both written and oral, the Committee resolved to REFUSE the application for the following reason:-

The proposed scheme for the erection of 9 x 2 bedroom residential flats on a site with capacity for 10 units is inappropriate as it does not include a contribution towards the provision of affordable housing in Oxford, which is contrary to policy CS24 of the adopted Oxford Core Strategy of the Affordable

Housing SPD, and policies HP3 and HP4 of the Sites and Housing Plan; and would cause harm by failing to contribute to the provision of mixed and balanced communities across Oxford as required by those policies.

## **11. MINUTES**

Resolved to confirm as a correct record the minutes of the meeting held on 26<sup>th</sup> June 2012, noting that the first date listed for future meetings (minute 7 refers) should be 25<sup>th</sup> July not 25<sup>th</sup> August.

## **12. DATE OF MEETINGS**

Resolved to note the dates as listed.

Next scheduled meeting is Wednesday 29<sup>th</sup> August.

**The meeting started at 6.00 pm and ended at 6.31 pm**