

Agenda

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West Area Planning Committee

Date: **Wednesday 7 November 2012**

Time: **6.00 pm**

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

For any further information please contact:

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West Area Planning Committee

Membership

| | | |
|-------------------|--------------------------------------|--------------------|
| Chair | Councillor Oscar Van Nooijen | Hinksey Park; |
| Vice-Chair | Councillor John Goddard | Wolvercote; |
| | Councillor Elise Benjamin | Iffley Fields; |
| | Councillor Anne-Marie Canning | Carfax; |
| | Councillor Bev Clack | St. Clement's; |
| | Councillor Colin Cook | Jericho and Osney; |
| | Councillor Graham Jones | St. Clement's; |
| | Councillor Shah Khan | Cowley; |
| | Councillor John Tanner | Littlemore; |

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AGENDA

Pages

1 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

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 OXFORD HERITAGE ASSETS REGISTER: CRITERIA AND PROCESS

1 - 32

The Head of City Development has submitted a report on the proposed Heritage Assets Register for Oxford.

Officer Recommendations

That the Committee:

1. comments on the proposed register, the criteria and process of compiling the list are invited.
2. recommend any amendments
3. endorse the proposal for a Heritage Assets Register for Oxford and to recommend that the City Executive Board adopt the proposed criteria and selection process (with or without recommended changes).

4 LUTHER COURT, LUTHER STREET: 12/01798/FUL

33 - 60

The Head of City Development has submitted a report which details a planning application to:

- 1) Demolish the existing Luther Court housing
- 2) Erect new buildings fronting Thames Street comprising 42 self contained flats (13x1 bed, 29x2 bed) and 82 student study rooms on 5 and 6 storeys. Provision of cycle parking, bin storage and shared amenity areas. Closure of footpath linking Luther Street to Butterwyke Place

Officer Recommendation The Committee is recommended to support the development in principle but defer the application in order to draw up a legal agreement in the terms outlined below, and delegate to officers the issuing of the notice of permission, subject to conditions on its completion:

| | | |
|---|--|----------|
| 5 | 220 - 222 COWLEY ROAD: 12/002447/FUL | 61 - 70 |
| | <p>The Head of City Development has submitted a report which details a planning application for a demolition of existing buildings comprising shop, workshop (Use Class B1) and student accommodation. Erection of new buildings to provide replacement retail, offices (Use Class B1), self contained two bedroom flat, and student accommodation (18 student study bedrooms and ancillary accommodation).</p> <p>Officer recommendation: That the Committee supports the application in principle but defers the application in order to allow accompanying legal agreements to be drawn up and delegate to officers the issuing of the planning permission once such legal agreements are completed.</p> | |
| 6 | 139 BANBURY ROAD: (ST. CLARE'S COLLEGE): 12/01999/CAC & 12/01997/FUL | 71 - 80 |
| | <p>The Head of City Development has submitted a report which details a planning application for:</p> <ul style="list-style-type: none"> (1) Conservation Area Consent for the demolition of existing biology lab, prep room, lean to workshop and store, sheds and 2 domestic greenhouses (2) Demolition of existing biology lab, prep room, lean to workshop and store, sheds and 2 domestic greenhouses and erection of new 6 classroom block, workshop and store <p>Officer Recommendation: That the Committee APPROVE the Conservation Area Consent and planning permission subject to the conditions listed in the report.</p> | |
| 7 | GROVE STREET CLUB, GROVE STREET: 12/02459/FUL | 81 - 94 |
| | <p>The Head of City Development has submitted a report which details a planning application for the erection of 2x2 bedroom semi-detached dwellings (class C3).</p> <p>Officer Recommendation: That the Committee APPROVE the planning application subject to the conditions listed in the report.</p> | |
| 8 | CHESTER ARMS, CHESTER STREET: 12/02310/FUL | 95 - 106 |
| | <p>The Head of City Development has submitted a report which details a planning application for a change of use and conversion from public house (class A4) to a single dwelling house (class C3)</p> <p>Officer recommendation: That the Committee APPROVE the application subject to the conditions listed in the report.</p> | |

| | | |
|-----------|---|-----------|
| 9 | COVERED MARKET, HIGH ST: 12/02432/CT3 & 12/02331/CT3 | 107 - 118 |
| | <p>The Head of City Development has submitted a report which details a planning application to seek listed building consent (12/02432/CT3) and advertisement consent (12/02331/CT3) for external alterations to display 4 No. overhead avenue illuminated fascia signs in the High street, a wall mounted illuminated banner in Market Street, a high level non illuminated fascia sign in Market Street and 4No. illuminated display boards within the Avenues.</p> <p>Officer Recommendation That the Committee APPROVE the applications subject to the conditions listed in the report.</p> | |
| 10 | 30 BARTLEMAS ROAD - 12/01294/FUL | 119 - 126 |
| | <p>The Head of City Development has submitted a report which details a planning application for an extension of basement to form habitable space. Provision of fire escape to front elevation and light well to rear. (Retrospective) (Amended plan)</p> <p>Officer Recommendation: That the Committee APPROVE the planning application subject to the conditions listed in the report.</p> | |
| 11 | PLANNING APPEALS | 127 - 130 |
| | <p>To receive information on planning appeals received and determined during September 2012.</p> <p>The Committee is asked to note this information.</p> | |
| 12 | MINUTES | 131 - 134 |
| | <p>The Committee to note the minutes of the meeting held on 10 October 2012 as a true and accurate record.</p> | |
| 13 | FORTHCOMING APPLICATIONS | |
| | <p>The Committee to note the following forthcoming items for information:</p> <ul style="list-style-type: none">• <u>Worcester College</u>: 12/01809/FUL & 12/01810/LBD: Lecture theatre etc• <u>10 & 10A Bartlemas Road</u>: 12/002505/FUL: 4 x 1 bed flats• <u>Travis Perkins Site, Chapel Street</u>: 12/02560/VAR: Variation of permission for student accommodation• <u>University Science Area</u>: Masterplan | |

14 DATES OF FUTURE MEETINGS

The Committee is to note the dates of forthcoming meetings:

Wednesday 12 December 2012 (and Thursday 13 December 2012 if needed)

Wednesday 16 January 2013 (and Thursday 17 January 2013 if needed)

Thursday 7 February 2013 (and Wednesday 13 February 2013 if needed)

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 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.

To: West Area Planning Committee

Date: 7 November 2012

Report of: Head of City Development

Title of Report: Oxford Heritage Assets Register, Criteria and Process

Summary and Recommendations

Purpose of Report:

To outline the methodology and processes involved in the preparation of a city wide register of local heritage assets and to seek the Committee's comments and recommendations for consideration by the City Executive Board.

Key Decision: No

Report approved by:

Finance: David Watt

Legal: Michael Morgan

Policy Framework: (NPPF) National Planning Policy Framework

Oxford Core Strategy 2006 – 2026

Adopted Oxford Local Plan 2001 – 2016

English Heritage Good Practice Guide for Local Heritage Listing

Recommendation(s): To endorse the proposal for a Heritage Assets Register for Oxford and to recommend that the City Executive Board adopt the proposed criteria and selection process.

Summary

1. With external funding from English Heritage the Council is creating a register of locally significant heritage assets to support national and local planning policy in the management of the historic environment. Draft criteria have been developed to assess buildings, monuments, places and landscapes for inclusion on the register. The committees' comments on and endorsement of these draft criteria are sought prior to consideration by the City Executive Board.
2. The process of identifying, reviewing and either including or rejecting candidate heritage assets has also been developed. The committee's comments on this process are sought.
3. Finally, the process of developing the register will be informed by preparation of character statements for neighbourhoods within the city. A sample character statement is included in appendix B to this report.

Background

4. The Oxford Core Strategy includes a commitment to produce a 'local list' of heritage assets for Oxford, to support the implementation of Policy CS18. The saved Local Plan policies provide guidance for considering Buildings of Local Interest (Policy HE.6) and Important Parks and Gardens (Policy HE.8). However, at present there is no formal list that has been subject to review or public consultation to give weight to these policies.
5. Heritage Assets are the features of the historic environment "identified as having a degree of significance that merits consideration in planning decisions" (NPPF, Annex 2). These may be 'designated heritage assets', including listed buildings, conservation areas and scheduled monuments, which are assessed against criteria set nationally. Local planning authorities are able to identify other heritage assets through preparation of local lists as a part of plan making or as a part of development management processes. This provides an opportunity to identify elements of historic environment that are valued locally but that may not meet the criteria for national designation. To ensure the register is robust there is a need to ensure that locally valued heritage assets have the required degree of significance for inclusion. Understanding the particular points of their significance will also be essential to making decisions affecting them in future.
6. English Heritage has provided funding to run a series of pilot studies across the city to develop this 'local list'.

Implications of registering local heritage assets

7. The preparation of a formal list or register of locally significant heritage assets (using sound and transparent criteria and procedures) and the accompanying character statements will provide robustness to planning decisions that affect these elements of the historic environment and will raise awareness of the potential sensitivity of heritage assets to property owners and developers at an early stage in the planning process. It will help local communities to identify and articulate what is valued locally and help in their engagement in the planning process. A register does not introduce any additional legal protection or requirements for owners, but it will facilitate understanding and is a material consideration in planning decisions. It will also help to ensure the effective use of appropriate planning controls to manage change (for example the removal of permitted development rights).

Development of the criteria

8. English Heritage's guidance on preparing local heritage assets lists recommends using appropriate criteria to ensure they have the necessary degree of significance. They recommend the criteria are consulted on publicly to ensure they are suitably robust. Officers established a steering group of local community representatives to help develop these criteria including representatives of Oxford Preservation Trust, Oxford Civic Society, Oxford Gardens Trust, Oxford Architectural and Historical Society, a local planning consultancy, Oxford University Estates Directorate and a representative of Oxford University Students Union, as well as City Council Officers. A Project Board that includes the Council's Heritage Champion and Portfolio holder for Planning (Councillor Colin Cook), English Heritage and officers is managing the project. The list of proposed criteria is included in **Appendix A** to this report. The criteria have been subject to public consultation between August and October 2012 using the Council's online consultation process.
9. The criteria have been designed to be simple and to provide a process of building understanding of the asset's heritage significance by separating out what is of interest, how this is valued and why this is of particular local significance. The draft nominations form provides guidance as to how candidate heritage assets may meet each of the criteria. They provide a means of identifying whether the proposed asset has features that merit its consideration in planning and how it contributes to the locally distinctive conditions of each area of the city.
10. A main comment received was to make greater reference to the suggested criteria provided by English Heritage in their published guidance. These criteria are indeed incorporated in the draft nominations form, to guide users in how their asset may fulfil the four main criteria. However, the steering group's finding was that these 'inclusive' criteria required accompanying 'exclusive' criteria to provide a critical control and measure of significance for additions to the register.

The nomination, review and registration process

11. As an evidence base to support the City Council's planning policies and as a tool to inform planning decisions the process for compiling the list needs to be robust, transparent, consistent and approved by the Council. English Heritage recommends that this follows a process of consultation and review. It is an aim of the pilot studies to ensure this is an inclusive process encouraging the engagement of local communities in proactive management of the historic environment. The approach developed is described in **Appendix B**. A key strand is public consultation followed by

review of proposed heritage assets by a panel of City Council Ward Members and the Portfolio holder, supported by Council officers and local heritage experts. In certain circumstances, for example where there is a significant level of public interest or where a heritage asset is revealed in the consideration of a planning application, it may be appropriate for a decision on the registration of Heritage Assets to be made by Area Planning Committees.

Preparation of Character Statements

12. The Heritage Assets Register will be supported by a series of statements describing the valued features of local character within the neighbourhoods covered by the study. These will form an addition to the City Council's Heritage evidence base and will be used to assess the contribution of heritage assets proposed for registration to the character and identity of the local area and community.
13. We are preparing character statements in partnership with local community groups, including the Neighbourhood Forums and local residents' associations using the Oxford Character Assessment Toolkit. The latter has been developed to provide groups who want to participate in managing the City's heritage with a sound methodology for assessment and recording of local character, from which they can prepare a written statement describing the valued characteristics of their area. A draft character statement for Iffley Fields as an example of the form one of these statements might take is included in **Appendix C**. To form part of the Council's historic environment evidence base these will have to be subject to public consultation, with a full report of consultation prepared and subsequently amended where necessary prior to publication.

RECOMMENDATION

1. The Committee's comments on the proposed register, the criteria and process of compiling the list are invited.
2. To recommend any amendments
3. To endorse the proposal for a Heritage Assets Register for Oxford and to recommend that the City Executive Board adopt the proposed criteria and selection process (with or without recommended changes).

Name and contact details of author:

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nworlledge@oxford.gov.uk

Background papers:

English Heritage, *Conservation Principles*, 2008

English Heritage, *Good Practice Guide for Local Heritage Listing*, 2012

Land Use Consultants, *A Character Assessment of Oxford in its Landscape Setting*, March 2002

NPPF: Department for Communities and Local Government, 2012, National Planning Policy Framework

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Nominate a Heritage Asset

Name and location of your candidate heritage asset (please provide a photograph and a map showing its location):

| | |
|---|------|
| 1. WHAT IS IT? Is it one of the following? | Tick |
| a building or group of buildings | |
| a monument or site (an area of archaeological remains or a structure other than a building) | |
| a place (e.g. a street, park, garden or natural space) | |
| a landscape (an area defined by visual features or character, e.g. a city centre, village, suburb or field system) | |

| | |
|--|-------------|
| 2. WHY IS IT INTERESTING? Is it interesting in any of the following ways? | Tick / Rank |
| Historic interest – a well documented association with a person, event, episode of history, or local industry | |
| Archaeological interest – firm evidence of potential to reveal more about the human past through further study | |
| Architectural interest – an example of an architectural style, a building of particular use, a technique of building, or use of materials | |
| Artistic interest – It includes artistic endeavour to communicate meaning or use of design (including landscape design) to enhance appearance | |
| What is it about the asset that provides this interest? | |

| | |
|--|-------------|
| 3. WHY IS IT LOCALLY VALUED? Is the interest of the asset valued locally for any of the following reasons? | Tick / Rank |
| Association: It connects us to people and events that shaped the identity or character of the area | |
| Illustration: It illustrates an aspect of the area's past that makes an important contribution to its identity or character | |
| Evidence: It is an important resource for understanding and learning about the area's history | |
| Aesthetics: It makes an important contribution to the positive look of the area either by design or fortuitously | |
| Communal: It is important to the identity, cohesion, spiritual life or memory of all or part of the community | |
| How is the asset locally valued as heritage? | |

| | |
|--|------|
| 4. WHAT MAKES ITS LOCAL SIGNIFICANCE SPECIAL? Do any of the following features make the heritage significance of the asset stand out above the surrounding environment? | Tick |
| Age ... Is it particularly old, or of a date that is significant to the local area? | |
| Rarity ... Is it unusual in the area or a rare survival of something that was once common? | |
| Integrity ... Is it largely complete or in a near to original condition? | |
| Group value ... Is it part of a group that have a close historic, aesthetic or communal association? | |

Nominate a Heritage Asset

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| Oxford's identity ... Is it important to the identity or character of the city or a particular part of it? | |
| Other ... Is there another way you think it has special local value? How does this contribute to its value? | |

Nominate a Heritage Asset

Welcome to the nominations form for the Oxford Heritage Assets Register

What the form is for

The nomination form asks you to demonstrate how your candidate asset meets the criteria for inclusion on the Oxford Heritage Assets Register (the criteria are set out on the next page). The criteria ensure registration as a heritage asset is the most appropriate means to manage your valued feature of the environment.

Registration does not mean an asset will be preserved in its current state in perpetuity. Planning policy allows change to heritage assets that conserves or better reveals their significance or, where change requires their loss, replaces the benefit to the public that they provide. The information provided in support of your nomination will help determine what forms of change might be acceptable. Saying "it's important and must never change" won't tell us what we need to know to manage your heritage asset in the future.

Tick or rank?

In answers to Questions 2 – 4 you can rank the interests, values and significance your candidate asset provides to show which you consider the most and least important to its significance; i.e. 1st (most important) – 4th (least important).

Alternatives

If your candidate asset does not have significance that merits inclusion on the register but does contribute to the valued character of the local environment, consider preparing a character statement for the area using the Oxford Character Assessment Toolkit. This identifies features that contribute positively to local character and opportunities for enhancement. It may help to identify other ways that change can contribute to the quality of the local environment and its sense of place.

What happens next?

We will prepare a list of candidate heritage assets, which will be presented to the public (including the owners of candidate heritage assets) for consultation. Any responses received from the public will be placed with the nomination form and will be included in the report made to the review panel.

A panel of councillors, council officers and local experts will review the candidate assets nominated to ensure they meet the criteria. The information you provide in answering the questions will be essential for the panel's consideration of your candidate's significance. If they are uncertain, you may be asked to provide further information. Where the panel consider that a

Nominate a Heritage Asset

candidate has met the criteria they will recommend that the Council include them on the Oxford Heritage Asset Register.

Nominate a Heritage Asset

The Criteria:

Registered Heritage Assets must meet all of the four following criteria:

Criteria 1. They must be capable of meeting the government's definition of a heritage asset.

Demonstrate that your candidate is able to fall within the government's definition of a heritage asset; i.e. a building, monument, site, place, area or landscape.

Criteria 2. They must possess heritage interest that can be conserved and enjoyed.

Identify the properties of your candidate asset that need to be cared for as heritage – this is its *heritage interest*. This might include physical things like its appearance and materials, as well as associations with past people or events. Consider whether the physical features of the candidate asset help to illustrate its associations. The four types of heritage interest listed are recognised in national planning policy.

Criteria 3. They must have a value as heritage for the character and identity of the city, neighbourhood or community because of their heritage interest beyond personal or family connections, or the interest of individual property owners.

Tell us why or how the heritage interest you identified in your answer to Question 2 is of local value - this is its *heritage value*. The types of heritage value suggested on the nomination form are based on national guidance by English Heritage.

Criteria 4. They must have a level of significance that is greater than the general positive identified character of the local area.

Tell us what raises your candidate's heritage value to a level that merits its consideration in planning. Many features of the historic environment are a valued part of local character that should be managed through policies relating to townscape character in the local plan. Registered heritage assets should stand out as of greater significance than these features for their heritage value. The suggested options listed on the nominations form are based on national best practice. If you think your candidate asset has special local significance for another reason please state what it is.

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Oxford Heritage Assets Register: Process for identification, review and registration of heritage assets.

Stage 1. Area Survey – Character Assessment and identification of Candidate Heritage Assets

- We are piloting the register in four trial areas across the city.
- We will work with community groups to prepare character statements for each neighbourhood. These will provide a firm basis to assess the local contribution of individual heritage assets.
- Heritage assets that have potential for inclusion on the register will be identified in each neighbourhood during the preparation of these statements.

Stage 2. Consultation on Area Surveys

- Each statement will be subject to public consultation, providing an additional opportunity for the public to highlight potential heritage assets in their neighbourhood and to provide their views on the character of each area.
- Following public consultation, the character statements will be presented to the relevant area planning committee for consideration and will become part of the City's heritage evidence base.

Stage 3. Consultation on candidate heritage asset lists

- The heritage assets identified as having potential for inclusion on the register will be subject to separate public consultation.
- Owners' of properties that have been nominated for registration as heritage assets will be invited to participate in the consultation.

Stage 4. Review panel consideration of candidate heritage assets

- After consultation, the heritage assets proposed for registration in each ward will be reviewed by a panel comprising the City Ward Councillors and the lead member for City Development (the City Heritage Champion), who will be voting members, as well as Council officers and local volunteer experts who will provide information and advice (i.e. non-voting members).
- The panel will be provided with the criteria, character statement, heritage asset nomination form, any results of public consultation and supporting historical and photographic resources.

- The panel will be asked to provide their recommendation on whether a heritage asset should be registered based on the majority view. The panel's decision will be a recommendation to the Lead Member for City Development, whilst addition to the register will be a single member decision delegated to that member.

Stage 5. Publication

- All Registered Heritage Assets will be included on a publicly accessible list available via the Council's website, including details of the particular heritage significance that has merited the inclusion of the asset on the register.

After the Pilot Studies

- Subsequent to the completion of the pilot studies, it may be necessary to identify heritage assets across the city without a wider programme of area assessment.
- In these circumstances it is expected that an application for a heritage assets' inclusion on the register should be accompanied by an assessment of the local area's character.
- The Oxford Character Assessment Toolkit provides an accessible means of collecting the information required to prepare a character statement through research using archive, library and online resources and site survey.
- A character statement should include a description of the present local character including uses and activity, description of the area's historic development and identification of characteristics of the environment that are considered to make a positive contribution to local character and distinctiveness.
- Subject to the availability of funding and resources, the City Council will seek to expand the coverage of the register to other parts of the city outside designated conservation areas, through additional area surveys, working in partnership with local community organisations.

Registration of Heritage Assets through Planning Decisions

- In certain circumstances a heritage asset may be identified as meriting registration during the planning decision-making process, either by Council Officers or by the area planning committee.
- Where this is an officer's recommendation it should form a recommendation to planning committee as part of their report and should not be part of a delegated decision.

- In these circumstances the decision to include the asset on the register will be made by the area planning committee with regard to adopted criteria and in consultation with the Council's officers.

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Iffley Fields Area

The Iffley Fields Area is formed of residential streets and green spaces west of Iffley Road between Jackdaw Lane and Fairacres Road. To the north lie the University's and Christ Church's sports grounds and to the south the Florence Park Housing Estate. The new cut of the River Cherwell and the River Thames form a boundary to the west.

History

Historically the northern part of this area lay within Compass Field and Long Mead, both within Cowley Parish. Aston's Eyot and The Kidneys, both small islands amongst the abraded channels of the River Cherwell, lay to the west, in the pre-1972 County of Berkshire. Aston's Eyot belonged to New College from the mid-15th century until 1891 when it was bought by Christ Church. The southern part of the area (now Fairacres Road, Parker Street and Daubenny Road) lay in Iffley Parish. Compass Field and Long Mead formed long strips that ran north – south and parallel to the Iffley Road. Their division appears to have followed the rise in ground between the Cherwell's alluvial floodplain in the west and the first river terrace in the east, possibly reflecting the different agricultural possibilities of the high and low lying land. The land in Iffley parish was similarly divided between Lower Field and Iffley Meadow. The fields in Iffley Parish were enclosed in 1830 and those in Cowley Parish in 1852.

A large villa called Fairacres House was built in the 1830s within a 30 acre plot created by the Iffley Parish enclosure. An early occupant was Charles Giles Bridle Daubeny, a notable chemist, botanist and geologist; professor of chemistry from 1822 and chair of botany from 1834. Apparently his large garden allowed space for the continuation of his experiments at the Oxford Botanical Gardens. The drive to his house was later used for Daubeny Road.

Development of the 25 acre Iffley Road Freehold Building Estate, in the north of this area (roughly corresponding with the former Compass Field) commenced in 1891, taking Jackdaw Lane and Meadow Lane as a limit. A grid of streets laid out to standardised widths was imposed on the area with plots of 32 feet in width facing onto Iffley Road and of 16 feet width on Warwick Street, Chester Street, Argyle Street and Bedford Street. These were sold for housing with a demarcated building line ensuring the provision of front gardens. Streets were also laid out by the Oxford Industrial and Provident Land and Building Society on land surrounding Fairacres House, including Parker Street and Fairacres Road. The initial development of all these streets was sporadic. By the late 1890s the north side of Chester Street

had been built up and a large part of the west side of Argyle Street, with development on other streets as more scattered groups of houses. A notable building of the early development was the Chester Arms public house.

The foundations of St Edmund's and St. Frideswide's Church were laid in 1911. This church was built to cater for East Oxford's rising Catholic population on land at the corner of Jackdaw Lane and Iffley Road donated by an anonymous benefactor. An Anglican Convent was established at Leopold Street by the Sisters of the Love of God in 1906. Shortly after, the community moved to their present home at Fairacres House, which they have continued to occupy as an enclosed order. Buildings have been added to house the community, although the original house remains with large gardens, including lawns, an orchard, vegetable gardens and areas of tree planting, that run down to Meadow Lane behind houses on Fairacres Road and Bedford Street.

The further development of the streets took place in the later 1910s, so that by 1922 it had become necessary to expand Fairacres Road westward over an area of gardens and orchard to provide additional street frontage for housing plots. Much of the development was undertaken by smaller speculative builders who often bought between four and six adjacent plots, which they developed for groups of terraced or semi-detached houses. The character of the houses was determined by restrictive covenants in the deeds to each property, requiring that they be of harmonious design with their neighbours. A five-acre plot to the north had also been developed for housing either side of Stratford Street by this time.

Aston's Eyot, in the west, became a rubbish dump for the city in the early 20th century, raising the land surface by two metres by the time this use had finished in the mid 1940s. Later, the island became scrub covered and was used as a pig run, with one area briefly used as a rugby pitch. From 1974 to 1984 Christ Church allowed public use of the island under a non-exclusive license and the area was identified as a SLINC in the mid 1980s. In 1983 the college allowed a 'bottle digging club' to extract parts of the former landfill using mechanical diggers, which resulted in considerable public concern over the impact on wildlife and the character of the semi-natural open space that had developed. Even after the end of this permitted activity, illicit bottle digging continued on the island until the later 1990s. In more recent years Aston's Eyot has been managed as a nature reserve by Friends of Aston's Eyot in partnership with Christ Church.

The use of the land just east of the eyot as a scrap yard had become established by 1970 and this use continues to this day. The use of the Kidneys as an area for landfill of municipal waste appears to have followed the end of the use of Aston's Eyot. Nevertheless this use also appears to have ceased by the mid 1970s, after which part of the area next to Meadow

Lane was dedicated to allotment gardens whilst the remainder became available as public open space owned by the City Council. Land further north, corresponding with the remainder of Long Mead had become a recreation ground by this time.

The area gained a third religious building in 1970 with the Construction of the Modernist Seventh Day Adventists' Church on Chester Street. New school buildings for St Mary and St John's Junior School were erected at Meadow Lane, with access from Bedford Street, during the 1970s. This used a previously undeveloped section of the former meadow land, in addition to public open space. A large part of the meadow was retained as a school playing field at the end of Bedford Street.

General Character

The area forms a contained enclave of quiet residential streets, with several areas of green publicly accessible open spaces forming a group to the west interspersed with a metal recycling yard and school. The streets have a formal character due to their straight courses, enclosure by closely spaced or continuous buildings with a uniform building line and definition of front property boundaries by low garden walls. The dominance of two architectural styles (late Victorian and Edwardian vernacular) creates a strong character that, nevertheless, incorporates considerable variety including areas of rich ornament. The greenery of front gardens plays an important role in softening the hard urban landscape. Views out from the streets are significant in providing connection to the city centre to the north and the rolling Oxfordshire Countryside to the west.

Views and Landscape

Distinctive views outwards from these streets are created by the strong building lines, straight roads and fall in the ground surface to the north and west. Along Warwick and Argyle Streets the views northward are channelled over sports fields to the dome of the Radcliffe Camera and spire of St Mary's Church in the city centre (two of Oxford's most iconic buildings), providing a connection to the heart of the city and a distinctive and aesthetically pleasing character feature. Looking westwards along Fairacres Road, Bedford Street and Chester Street the falling ground allows views to the expansive countryside west of Oxford, including Hinksey Hill, with a rural foreground brought up to the ends of the streets at the Meadow Lane Allotments, The Kidneys and school playing fields. This provides a sharp contrast between the urban streets and their rural hinterland, illustrating the historic progress of the city's development into the fields around the city. The floodplains of the Thames and Cherwell rivers provide a low-lying mid-ground of green rural space in views westwards, with the housing area off Abingdon Road further west hidden by a screen of trees.

The buildings either side of the streets provide interest in the foreground of these views. The rhythm of their architectural details, often accentuated by the use of bay windows and forward facing gables, makes the streetscene lively. The sloping ground brings the rooftops of houses further down the street into the views, with roofing materials, detailing and chimneys adding to the rhythm and interest.

The Space

The closely spaced or continuous building frontages, with a more or less continuous roofline, provide a strong sense of enclosure to the streets and only occasional glimpsed views between buildings to the gardens behind. The lack of greenery in the public realm is compensated by the provision of planting in the small front gardens, including small trees and clipped boundary hedges, with greenery sometimes extending onto the buildings. Gaps for the rear gardens of properties create areas with a more open character near street corners on Stratford Street and Bedford Street and at entrances to streets from Iffley Road. Despite the enclosure, the streets are considered to be pleasantly light and airy, with the scale of building maintained at two storeys, occasionally rising to three, providing a comfortable domestic scale, that contrasts with the higher three-storey scale that predominates on Iffley Road. The detailing of front gardens often includes the survival of decorative tiled paths, which add to the historic texture of the environment.

Buildings

The buildings of this area have a strong sense of unity, which may result from the use of restrictive covenants to ensure their sympathetic character. They are largely of late Victorian and early 20th century construction. The earlier, Victorian, housing is generally of a simpler character, built for prosperous artisans, in red or yellow brick to two storeys (sometimes with basements). These have natural slate roofs with decorative ridge tiles and simple detailing to facades in contrasting coloured brick including window surrounds and string courses, as well as carved stone window sills, and heads to windows and doors. Canted bay windows are a near universal feature articulating ground floor and basement habitation rooms and adding further ornament in the detail of cornices and pilaster capitals.

Later, Edwardian style, houses added two storey box-bay windows with gabled returns to the roofs above as a key feature of building frontages. These provided further potential for ornament in detailed bargeboards and decorative roof finials adding to the aesthetic value of the streetscene and making an important contribution to the rhythm of views along streets. The sash-windows in these bays are deeply recessed with robust mullions and often include more ornamental patterns of panes or using curved glazing bars. Fired clay plain tiles were introduced as an alternative and more vernacular

roofing material. The houses have a greater variety in ornamental detail to front doors, which are often recessed with pierced stone surrounds, and including coloured glass side and over-lights. The cladding of these buildings includes half-timbering with rendered infill or tile hanging as options for upper floors, whilst the use of stone is heavier than on the earlier buildings, creating a greater variety to the streetscene within the conformity of the general architectural form. Whilst they maintain much of the surrounding buildings' proportions, the Edwardian houses do look more imposing. Their higher degree of ornament suggests that the area was being developed for the city's expanding professional classes between the 1900s and 1920s.

In general the houses show few alterations from the public realm with many retaining their original timber framed sash windows and timber doors, amongst other features. Extensions have often taken place at the rear but are not visible from the public realm. The introduction of additional dormer windows or rooflights on front-facing roofs is, at present, relatively limited. As such, these buildings retain a high level of their architectural integrity with a high designed aesthetic value. The buildings are generally well maintained with a high proportion of owner occupiers and evident pride taken in maintaining the green surroundings of houses. A small number of later 20th century infill developments have had varying degrees of success in conforming to or complementing the character of the area. Perhaps where some have failed is in a lack of attention in reflecting the architectural detail and ornament of surrounding buildings.

Ambience and Activity

The streets are generally quiet with a low level of activity during the day and night and a focus of activity during the morning and afternoon school runs, as well as commuter traffic at the beginning and end of the working day. This reflects their predominantly residential use. Pleasant noises during the day were noted from the school playing field and the chiming of the convent's bells for the canonical hours. At night time the streets near the western edge of the area benefit from the sounds of nocturnal wildlife in the green spaces beyond, including foxes and owls. The area is generally shielded by intervening buildings from the noise of traffic on Iffley Road. Heavy parking was noted as having a negative impact on the streetscene throughout the area, although it was also noted that this contributes to slowing traffic speeds and improving safety.

Chester Street

"Pub at the bottom end of the road with benches at the front and the rather enclosed garden bordering the street with the splendid tree is the most significant built bit of the Iffley Fields. The church at the top of the street brings in people from outside the immediate area too, making Chester Street different from the more purely residential streets around it"

Chester Street was the first in this area to be substantially developed, with the construction of terraces of artisan cottages constructed on the north side of the road either side of the junction with Stafford Road and on the south side of the road east of Warwick Street and the Chester Arms at the corner of Argyle Street completed by 1899. These early terraces are distinguished by a continuous pent-roof running along the front of the terrace, covering ground floor bay windows and sheltering a porch area for each house. A small number have been rendered or painted, reducing the formality of the streetscene but adding to its colour and vibrancy.

In views eastward, the mature trees and tall Victorian buildings on Iffley Road provide an endstop to views out of the area. The modernist Seventh Day Adventist Church stands out as an unusual building in the area, but one of high architectural value. At the centre of the street, the crossroads for Warwick Street and Stratford Street were in recent memory the location of two small corner shops, both of which are identifiable despite conversion for residential use.

A large beech tree in the garden of the Chester Arms at the west end of the street provides a key positive feature in views along the street, that adds greenery, height and softening to the streetscene. Indeed, the pub garden and tree adds an area of openness, as well as a more shaded area in the street that is considered to add to its aesthetic value. The pub is noted as a significant building at the street corner, reflecting the simple architectural character of the area's earliest buildings and providing an important social resource for local residents. Activity around the pub in the evenings helps to maintain some vitality in the street and was considered to be a generally positive feature. Beyond the west end of the street the small alley leading to playing fields west of Meadow Lane is noted as providing glimpsed views to greenery.

Issues:

A small area of disused space at the east end of the street is noted as detracting from the area's aesthetic value.

The noise of the scrap yard was noted as intrusive to this area.

The conversion of the former corner shops into houses has resulted in some jarring frontages that do not reflect the generally high quality of the streetscene. Their loss has removed a focus of activity and an amenity from the street.

Warwick Street

“Residential Street largely quiet, with substantial houses in vernacular style, which although similar and harmonious in design vary greatly in rich and attractive original detail which catches the eye. However, the street could be in any 19th century Victorian development until one looks at the dramatic uninterrupted view over the City Spires, which tell the viewer that they can only be in Oxford.”

The houses in Warwick Street are substantial, including a high proportion of the later, more ornate, Edwardian style houses. This is reinforced by the long view along the street, in which the ornamented forward facing gables to these properties are very prominent. The long gentle slope of the street and view over the city centre spires provides a feeling of elevation that is an interesting feature of the street’s character. The addition of basements to houses at the northern end of Warwick Street adds positively to their stature. A small number of taller houses provide incidents in the street scene as ‘bookends’ to terraces.

An unusual building is the small early 20th century workshop and warehouse for a builders’ yard at the rear of No. 60 Warwick Street. This is now used as an artist’s studio, bringing some different activity into the area and providing an interesting element in views through the gap in the building line and across Warwick Street back gardens from Bedford Street.

The contribution of front garden planting to the attractiveness of Warwick Street is notable and includes two magnolia trees that make an important contribution to the streetscene in spring.

In addition to the buildings, Warwick Street was the only one in Iffley Fields where surveyors noted the survival of stone kerbs to the pavements, although it is likely these survive elsewhere in the area.

Issues:

The semi-derelict condition of a small area at the northern end of the street, formerly the offices and forecourt of a small taxi-cab company, was identified as having a minor negative impact of the character of the area.

Parker Street

“This is a pleasant, harmoniously constructed street making good use of urban space for family homes. It was built before its original inhabitant would have dreamed of car ownership and thus suffers lack of space for residents. It is a desirable, quiet street, valued by its occupants”

Parker Street is characterised by having slightly larger houses than elsewhere in the Iffley Fields area. This is partly a result of the construction of a terrace of townhouses with basements and attics at the northern end of the street as the earliest piece of development. These houses have two storey canted bay windows with shallow pitched gable ended return above that contain attic windows. The houses at either end of the terrace have steeper pitched gables with taller windows that form bookends to the group. This group is also notable for having an unbroken run of seven property boundaries that all retain their pre-World War II cast iron railings, which are likely to be contemporary with their construction. The houses appear to represent a transitional style between the simple Victorian cottages and the more decorated Edwardian houses. Later buildings appear to have taken their scale from this group but are otherwise remarkable as having a very uniform style and appearance as a group of Edwardian style houses built as semi-detached.

Houses on the west side of the road are considered to be particularly fortunate in having views over the convent grounds to the west. The entrance to the convent creates a break in the street frontage and a point of activity with views through the mature trees in the well established gardens beyond.

Fairacres Road

“Quiet, residential family area with view to open land and leisure space and longer views across the river. Easy access to leisure facilities and City centre. Harmonious, vernacular building style, mostly with mature gardens to the rear. Area is slightly marred by unattractive tarmac pavements and commuter parking problems.”

Fairacres Road stands out for the progression in age of development that can be appreciated from the change in architecture from one end of the street to the other. These proceed from the simpler Victorian artisan cottages in the east, to larger and more elaborate Edwardian style townhouses and, finally, to a group of later Inter-War houses. These are the latest group of houses in the area. They were built to a single pattern as semi-detached, ‘L’ plan houses clad in rough-cast with a return wing breaking forward and ending in a ground floor canted bay window and a gable ended roof above bearing a distinctive decorative diaper motif (a lozenge divided into four diamonds which may be the builder’s mark used by Harry Smith a local builder who lived at Hill Top Road). The roofs to the rear are hipped. Several of these houses retain an unusual original front door with a lattice-glazed upper panel sheltered by a simple tiled porch. Many of them retain distinctive six-over-one pane sash windows.

The long curving line of the street (as with Parker Street) is distinct from the straighter streets of the Iffley Freehold Building Estate to the north. It creates a series of unfolding views along the street. The east – west alignment of the street creates deep shade on the south side in the middle of the day, whilst in the late afternoon and evening, light is channelled along it creating a brighter space. The street frames views of sunsets over the rolling countryside to the west. Occasional gaps in the building line allow glimpsed views through to the large gardens behind with mature trees in the grounds of the convent beyond. This is a distinctive feature that contributes to a lower density feel in the lower end of the street.

It was noted that ‘borrowed’ lighting from houses along the street makes an important contribution to the secure feel of the area at night.

Whilst Fairacres Road is generally a tranquil residential street, it is notably busier during rowing races, when it becomes a popular route to the riverside.

Issues:

The street is heavily used for car parking. This is an important amenity for home owners but given the narrowness of the road this often spills onto the pavements creating problems for pedestrians. There is some concern that the street is also being used for parking by commuters.

Argyle Street

“Almost all the building happened between 1890 and 1912 for skilled working people. It has retained a feeling of modest respectability and comfort. Cars still stop at the kerb. Front gardens have not been lost. No facades have been much altered at all. It is light and airy. [There is] some neglect and poor maintenance of front gardens. Not an anonymous place at all, it has a very particular character.”

Argyle Street has a strong sense of enclosure created by the crossing streets at either end that shut off views out to the wider landscape and by the continuous frontage of the terrace at its northern end. The presence of basement areas with steps up to front doors and small hidden basement area gardens was considered both to add to the urban character of the area and to create drama around entrances.

The absence of parking spilling onto pavements was noted as a positive feature of the area’s character.

The roofscape of Argyle Street was noted as having an important impact on the area’s appearance, particularly as a result of the stepped roofline rising to the south and meeting eyelevel in views from the higher end of the street. the

survival of chimney stacks was noted as a particularly positive characteristic that adds to the interest of these rooftops.

Issues:

The spread of telephone wires into views down the street, particularly noticeable where they meet eye level, was considered to negatively intrude into views of the street.

Bedford Street

“Overall the feeling is quiet and peaceful with minimum disturbance from traffic.

“The houses have a pleasant cohesion, being mostly of the same period, while at the same time displaying interesting variations in detail.

“The only negative feature is the clutter of parked cars.

“The street has a distinctive character being open and light at the higher, eastern end and then, from the junction with Argyle Street, sloping steeply down to Meadow Lane, a fall of almost 8 metres. This provides good views down Argyle Street to the distant city spires but most importantly over the wide open green spaces adjacent to the River Thames. South Oxford and the Abingdon Road being hidden by trees, there is an illusion that this green space stretches from Meadow Lane as far as the distant hills”

Bedford Street intersects with both Warwick Street and Argyle Street and at both junctions the side boundaries of rear gardens run along Bedford Street creating large green gaps in the street frontage. As a result it feels more open than other streets in the area. These garden boundaries are marked by high garden walls that maintain some sense of enclosure and provide a distinctive feature. The street also has a significant bend that cuts off views out from the east end, which are then revealed half-way down the street with the spectacular view over school playing fields with well timbered hedgerows surrounding, to the woodland of Aston's Eyot and hills further to the west. The junction with Meadow Lane provides a point of transition in character from the built up streets to the green spaces to the west. No. 14 Meadow Lane, once the last building in the street, stands out as a double fronted house, which are otherwise unusual in the area. It has been suggested that this was the home of the builder of several properties on the street. No. 16 stands out as a later piece of infill development, as single detached house by the nationally significant architect Erno Goldfinger in an unusual early 1960s design with a detached garage block with a studio above connected to the main building by a first floor bridge (a classic Goldfinger feature). The main

building has an inverted floor plan with living room at first floor level and bedrooms on the ground floor to provide views from the living room across the meadows to the west.

Stratford Street

Stratford Street is the only street within this area that doesn't feature a significant change in ground level. As a result, the long, narrow street appears lengthened in views along its course. This is enhanced by the strong horizontal rhythm of architectural features, including forward facing gables with ornate finials. The heights of eaves, window heads and cills and other details are maintained between buildings creating a strong horizontal emphasis and adding to the formality of the streetscene despite the actual variety in the architecture of buildings. These features enhance the formal character of the street, reflecting tight management of its initial development, despite the actual building of houses by several different builders.

The street was developed somewhat later than the areas to the north, which is reflected in the dominance of the ornate Edwardian style houses, whilst some slightly later styles, more suggestive of the Inter-War period, are also present. These feature white painted textured render cladding, projected first floor windows and arched reveals to doorways. Throughout the street there is a high degree of retention or sensitive replacement of original sash windows and

The street has a strong sense of enclosure with none of the opportunities for roofscape views available from the public realm seen in other streets in this area. The view north is enclosed by the tall trees and evergreen hedges that mark the north boundary of the University Rugby Football Club's Ground. In combination with the green planting of front gardens, these provide height and greenery in views that softens the hard urban character of the area. At the southern end of the street a small outbuilding attached to No. 16 Chester Street has been interpreted as the former bakehouse of the bakery that occupied the street corner, which at one time was an important community resource.

Issues:

A slightly scruffy area around garages at the southern end of the street detracts slightly from the street's generally high quality environment.

Jackdaw Lane and Meadow Lane

These two lanes have little built frontage and appear to represent the remainders, or realigned replacements, of field lanes that have survived the development of the area for housing. They provide evidence of the pre-enclosure field pattern and divisions of land use and have a rural character.

Jackdaw Lane runs down the slope from Iffley Road to the level of Meadow Lane, crossing the end of Stratford Street. At its eastern end the tall flint tower of the Church of St Edmund and St Frideswide provides a monumental entrance feature, which, due to its alignment, provides views of interest from both Iffley Road and Jackdaw Lane. Opposite, the residential development of Banister Close is set well back from Jackdaw Lane, in a green setting separated from the road by iron palings. These give the development an exclusive character and prevents this green space making the positive contribution to the public realm that it might otherwise provide.

The close-boarded fence and tall evergreen treeline of the Oxford University Rugby Football Club (OURFC) provides enclosure on the north side of the road but is rather overbearing. It takes the north light from the street and provides a bland frontage. To the south, the rear gardens of houses on Stratford Street provide some openness. The lane also provides a long channelled view down Stratford Street and beyond to Warwick Street and Parker Street. The frontage of No.1 Stratford Street looks onto Jackdaw Lane with a low brick wall enclosing a garden containing several small trees including a flowering cherry that provides an attractive spring display at the street corner. Otherwise the frontage is made up of rear garden fences and walls, garages and the flankwalls of houses. The houses overshadow the pavement on the south side of the street. Parking is prevented along this street and, as a consequence, it is an area where motorists speed up, resulting in some additional danger for cyclists, particularly at the entrance to Meadow Lane.

Meadow Lane follows the contour at the edge of the rivers' historical floodplains with a long, gently sinuous course that provides a contrast to the rigidly straight streets to the east. It is very open and light at its northern end, taking in the green space of the recreation grounds, which are only separated from the road by timber bollards, and a children's playground to the west. A long line of mature broad-leafed trees bounds the recreation ground to the west adding to the rural character and screening views into the scrap yard beyond. The rear boundaries and garages of houses on Stratford Street and Argyle Street provide some enclosure to the east, with a jumble of materials. A short section of built frontage faces directly onto the lane for recently built two storey red brick houses. Eyot Place, a development of small two-storey houses in red and yellow brick set in a short cul-de-sac, is just to the south and provides another area of activity. Beyond this area the lane is a more secluded, tranquil route with trees arching over from the hedgerow boundary of the school grounds on the west side and from some of the gardens to the east adding to the green rural character. A short section of tall stonewall distinguishes the lane where it meets Bedford Street and suggests the survival of an older property boundary. The first floor windows of No. 16 Bedford Street (see above) look over the lane.

At Bedford Street and Fairacres Road the Lane gains a more rural character with an open area of green space around the school entrance and views to the single storey school buildings, as well as a well managed hedgerow and mature broad-leafed trees. The boundary of the Kidneys Nature Reserve is informal with areas of open grass mixed with areas of denser scrub under tall trees bordering the lane and providing glimpsed views into the green space. The convent's long boundary to the lane is formed by a high brick wall that is relatively bland but does draw the eye along the long view line of the lane. At the Bedford Street junction, the gabled frontage of No. 59 Bedford Street provides a landmark with twin bay windows supporting a balcony with an intricate cast iron balustrade that looks over the junction and meadows beyond. The allotment gardens at the end of Fairacres Road are enclosed by a tall chainlink fence, which detracts from the character of the space although it is considered to necessary to protect the gardeners' produce.

Issues:

Potential conflict for space between cyclists, motorists and pedestrians at Meadow Lane/Jackdaw Lane junction.

Bland northern frontage to Jackdaw Lane.

Possible Heritage Assets in this area

| Name | Details |
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| Aston's Eyot, The Kidneys and School Playing Fields | Three areas of green open space that preserve the rural character of this area prior to enclosure in the mid 19 th century. As such, they play an important role in sustaining the character of the area as it developed prior to and during the development of the adjacent housing areas in the late 19 th and early 20 th century. Evidence remains of their former use as part of the city's early 20 th century network of landfill sites and of the former courses of river channels that ran across these, including the former county boundary, the 'Shire Lake Ditch'. |
| Seventh Day Adventist Church, Chester Street | An unexpected red-brick Modernist church building constructed for the Seventh Day Adventist Church, with the plans by the Oxford Architects Partnership approved by the City Council in 1970. It creates an attractive endstop to views east along the street and, despite its modern character achieves a sympathy with the |

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| | older buildings around it |
| The Chester Arms, Chester Street | A very simple public house located prominently and built as part of the earliest stages of development of Iffley Fields Area. The building has been an important community resource and through careful management, including a lively programme of weekly events, continues to be successful and valued. The building retains many of its original architectural features, in addition to the spacious setting of its garden. |
| Former Bakery and Bake House, No. 16 Chester Street | |
| No. 16 Bedford Street | Designed by Erno Goldfinger and including his trademark bridge to detached service block. This is an unusual example of a small Modernist detached house by Goldfinger who is better known for designing monumental tower blocks. Built in 1963 it includes a number of unusual features including the low profile mono-pitch roof with exposed reinforced concrete ceiling to the interior, first floor living room with views over the meadows and balcony overlooking the ground floor dining room. Despite these credentials the building is recessive in the street scene, allowing the more characteristic Edwardian architecture of the street to set the area's character. |
| No. 59 Bedford Street | A substantial house at the corner of Bedford Street and Meadow Lane, located prominently in views up the street and with an ornamented frontage overlooking the lane, featuring two-storey bay windows flanking a first floor balcony, with cast iron balustrade and alternated red and yellow brick dentilled cornice above forming an open pediment. |
| Former Builders' Merchants, Store at the rear of No. 60 Warwick Street | A well preserved example of one of the small industrial buildings associated with the business of constructing the suburb. These are now relatively rare features in the East Oxford landscape and increasingly under threat |

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| <p>Convent of the Incarnation/ Fairacres House and Gardens, Parker Street</p> | <p>The original Fairacres House is a large early 19th century villa, which was the home of Prof. C.G.B. Daubeny F.R.I., curator of the Oxford Botanical Gardens and Professor of Chemistry and Botany and Chair of the British Association. Daubenny is reputed to have used the large gardens to further his botanical experiments. The original house survives as a typical early 19th century Neo-classical villa, but much extended to provide accommodation for the convent. The Sisters of the Love of God have occupied the house and its extensive gardens since 1911 and have preserved the openness of the gardens by focusing development at the western end of the plot. The SLG were affiliated with the Society of St. John the Evangelist who had an important influence on the area's development. The enclosure of the convent as a hidden oasis of green tranquillity is important to the identity of the religious community and their worship. Whilst the order expanded in the mid-20th century, creating daughter houses elsewhere in the country, they have now declined in numbers once more and have centred their activities on Oxford as the place of their communal origin.</p> |
| <p>Cast iron railings, Nos. 2 – 14 Parker Street</p> | <p>This row of properties retaining cast iron railings is a very unusual survival of numerous examples of a single original railing pattern standing together. The majority of properties in the area would have had such railings as a part of their boundary until the 1940s, when most were removed to provide iron for the war effort. The survival of such a large group is both rare and makes an important contribution to the appearance of the area that emphasises the integrity of its environment.</p> |
| <p>Magnolia Tree, No. 69 Warwick Street</p> | <p>Trees are not currently considered suitable additions to the heritage asset register as they cannot fulfil the government's definition of a heritage asset. Nevertheless, trees that make an important contribution to amenity of the area may be considered suitable for protection through a Tree Preservation Order, which provides a means</p> |

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| | of protecting their 'amenity value'. |
| Magnolia Tree, No. 22 Fairacres Road | As above |
| Bedford Street, view west to Hinksey Hill | Views are not currently considered suitable additions to the heritage asset register as they cannot fulfil the government's definition of a heritage asset. However, they may contribute to the significance of a heritage asset such as an area or landscape or demonstrate the significance of an area as part of the setting of a heritage asset. This view is an important positive feature of the character of Bedford Street and takes in elements of the green setting of Oxford including the water meadows west of the Thames, which, may be regarded as a heritage asset, as well as forming part of the city's green belt. The view makes a special contribution to the character of the street by creating a link with the rural setting, which provides a green counterpoint to the hard urban landscape of red and yellow brick villas. |
| Warwick Street, view north to Oxford City Centre | Views are not currently considered suitable additions to the heritage asset register as they cannot fulfil the government's definition of a heritage asset. However, they may contribute to the significance of a heritage asset such as an area or landscape or demonstrate the significance of an area as part of the setting of a heritage asset. This framed view of the city centre provides an experience of the Central Conservation Area and, in particular of St Mary's Church and the Radcliffe Camera, which are both listed Grade I and therefore brings Warwick Street within the setting of these designated heritage assets. The view has a special to the character of the street by providing a connection between the suburban development and the famous city centre. It also looks across the University's Iffley Road Sports Complex, including the Roger Bannister Running Track, although this is largely hidden by trees in the foreground. |

West Area Planning Committee

7th November 2012

Application Number: 1) 12/01223/CAC

2) 12/01228/FUL

Decision Due by: 24th August 2012

Proposal: 1) Demolition of the existing Luther Court housing

2) Erection of new buildings fronting Thames Street comprising 42 self contained flats (13x1 bed, 29x2 bed) and 82 student study rooms on 5 and 6 storeys. Provision of cycle parking, bin storage and shared amenity areas. Closure of footpath linking Luther Street to Butterwyke Place

Site Address: Luther Court, Luther Street (**site plan: appendix 1**)

Ward: Carfax Ward

Agent: Mr Michael Cross

Applicant: A2 Dominion Homes Ltd

Recommendation:

The West Area Planning Committee is recommended to support the development in principle but defer the application in order to draw up a legal agreement in the terms outlined below, and delegate to officers the issuing of the notice of permission, subject to conditions on its completion:

Reasons for Approval

- 1 That the principle of redeveloping this site for mixed-use residential / student accommodation would make an efficient use of previously developed land in the West End Regeneration Area. The residential development would improve the overall quality of the area's affordable housing stock, in a manner that would provide a suitable level and type of affordable housing that meets the priority need for the city as a whole and also provide good standard living accommodation for future occupants. At the same time, the student accommodation would be suitable for the site and would contribute towards creating a balanced and mixed community within the West End. The demolition of the existing Luther Street Housing would not have a detrimental impact upon the character and appearance of the central conservation area. On balance the replacement buildings would be of a size, scale, and design appropriate to the city centre whilst contributing to the provision of affordable

housing. The proposed development has been designed in a manner that would not have a material adverse impact upon the residential amenities of the surrounding properties, and would address the current anti-social problems that exist between the current housing and the adjacent night shelter and medical centre. It would also be considered acceptable in highway terms.

- 2 In considering the application, officers have had specific regard to the comments of third parties and statutory bodies in relation to the application. However officers consider that these comments have not raised any material considerations that would warrant refusal of the applications, and any harm identified could be successfully mitigated by appropriately worded conditions.
- 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 (12/01223/CAC):

- 1 Development begun within time limit
- 2 Contract for re-development

Conditions (12/01228/FUL):

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Submission of design details
- 4 Samples in Conservation Area
- 5 Details of means of enclosure
- 6 Details of refuse and cycle storage
- 7 Landscape Plan
- 8 No felling lopping cutting
- 9 Landscape carried out after completion
- 10 Landscape management plan
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- 12 Tree Protection Plan (TPP) 1
- 13 Arboricultural Method Statement (AMS) 1
- 14 Student Accommodation Management Plan
- 15 Students Accommodation - No cars
- 16 Student Accommodation - Out of Term Use
- 17 Design to 'Secure by Design' Standards
- 18 Framework Travel Plan
- 19 Construction Traffic Management
- 20 Exclusion from Residents Parking
- 21 Alterations to the highway
- 22 Details of Flood Risk Assessment carried out
- 23 Drainage Scheme Carried Out
- 24 NRIA and Energy Measures
- 25 Archaeology - mitigation
- 26 Biodiversity Measures
- 27 Contaminated Land

Legal Agreement:

- £118,944 (plus £5,972 admin fee) West End Streamlined Contributions
- Secure affordable housing provision

Main Planning Policies:

Saved 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
- CP18** - Natural Resource Impact Analysis
- CP19** - Nuisance
- CP21** - Noise
- TR1** - Transport Assessment
- TR3** - Car Parking Standards
- TR4** - Pedestrian & Cycle Facilities
- HE2** - Archaeology
- HE7** - Conservation Areas
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- HS10** - Loss of Dwellings
- HS4** - Gen Requirement - Provide Affordable Housing
- HS10** - Loss of Dwellings
- HS19** - Privacy & Amenity
- HS20** - Local Residential Environment
- HS21** - Private Open Space
- ED10** - Private Colleges - Student Accommodation

Oxford Core Strategy

- CS2_** - Previously developed and greenfield land
- CS5_** - West End
- CS9_** - Energy and natural resources
- CS10_** - Waste and recycling
- CS11_** - Flooding
- CS12_** - Biodiversity
- CS18_** - Urban design, town character, historic environment
- CS19_** - Community safety
- CS23_** - Mix of housing
- CS24_** - Affordable housing
- CS25_** - Student accommodation

West End Area Action Plan

- WE1** - Public realm
- WE3** - Redesign of streets/junctions in W End
- WE4** - Public Parking
- WE10** - Historic Environment

- WE11** - Design Code
- WE12** - Design & construction
- WE13** - Resource efficiency
- WE14** - Flooding
- WE15** - Housing mix
- WE16** - Affordable housing
- WE18** - Student accommodation
- WE20** - Mixed uses
- WE29** - Pooled contributions & forward funding

Sites and Housing Plan

- HP3_** - Affordable Homes from Large Housing Sites
- HP5_** - Location of Student Accommodation
- HP6_** - Affordable Housing from Student Accommodation
- HP9_** - Design, Character and Context
- HP12_** - Indoor Space
- HP13_** - Outdoor Space
- HP14_** - Privacy and Daylight
- HP15_** - Residential cycle parking
- HP16_** - Residential car parking

Other Material Considerations:

- National Planning Policy Framework
- The application site lies within the Central Conservation Area.
- Balance of Dwellings Supplementary Planning Document
- Affordable Housing Supplementary Planning Document
- Natural Resource Impact Analysis Supplementary Planning Document
- Parking Standards Supplementary Planning Document

Officers Assessment:

Background to Case:

1. At the West Area Planning Committee on the 15th August 2012, Members resolved to defer consideration of the application for the following reasons:
 - The colour scheme of the development needs to be toned down so that the development fits in more completely with its surroundings. In addition the size of the windows need to be enlarged
 - An 18+ age limit needs to be put on the residents of the development.
2. Following this request, the applicant has carried out further analysis of the proposal and provided revised plans in order to respond to the items identified by the West Area Planning Committee.
3. The details of this analysis are summarised below and should be read in conjunction with the officer's report dated 25th July 2012 attached as **appendix 2**

Visual Impact Analysis

4. Members expressed concerns with the overall quality of the buildings appearance and its impact upon the historic core of the city, particularly when viewed from Boars Hill View Cone. The submitted image of the proposal from the view cone highlighted the visual prominence of the buildings and that the original choice of materials did not help integrate them into the view. The applicant has sought to address this by carrying out a further impact assessment from the Boars Hill View Cone and reconsidering the palette of materials.
5. The Boars Hill View Cone Impact Assessment prepared by Yurky Cross identifies the character of the view, as a city set within a landscape of open meadows and wooded hills. The gentle topography of the foreground woodland and meadows, taken with the distant hills, places the historic city centre and its iconic spires squarely in the centre of the view. The historic centre itself is then characterised by a close array of spires and domes that are set against the hills beyond. The view can be separated into layers of woodland, meadow, and historic core. The proposed site would sit within a small window in the foreground of the view of the historic core. The existing BT Exchange building can be seen in this window, and appears as a monolithic structure while the view in front of Christ Church is one of a texture of brown and reds from the roofs of the Thames Street housing.
6. The buildings of Core 1-3 would sit in front of the BT Exchange and would break up the mass of this building reducing its prominence in the view. The materials within the Core 1-3 elements are more traditional brick, with zinc cladding at roof level in order to provide more traditional appearance that sits comfortably within this view and also within the local street scene. The applicant has provided further drawings to show a typical section of the front elevation of one of the core buildings to demonstrate these materials fit together. The drawing shows that the buildings will have cleanly defined facades using different colour brickwork to provide a crisp finish with the windows and balconies having a high quality composite finish.
7. It is the palette of materials for the student accommodation which has been subject to most change as this part of the proposal was identified as having the most impact from upon the historic core from view cone. As a result of the applicants view cone analysis, the following design approach has been employed. The colour patterns of the buildings have been used as scale breaking devices in order to create a visual texture that reflects the patterns and textures identified within the core view analysis. The palette will replace the copper and blue toned cladding system originally proposed with a grey and copper cladding tones, that reflect the colours within this part of the view cone formed from the roofs of the Thames Street housing. The different scales of the vertical cladding pattern attempt to mimic the scales of elements of this part of the view such as the spiky silhouette of the towers and spires, but also helping to break up the scale of the building and ensure that it sits comfortably within the local street scene.
8. Having reviewed these revisions, officers consider that the applicant has demonstrated that alternative materials could be used to better integrate the building into the long distance views of the site from the view cone, as well as the shorter views within the local street scene. Overall officers would agree with the

analysis set out within the visual impact assessment. The bright coloured materials did stand out especially as the overall grain of buildings within the centre are quite fine. The BT building was visible because of its light coloured upper part and the long continuous roofline. The proposed buildings help break that up, and the fact that the proposed buildings would be no higher than this building and employ a change in colour / material at roof level do help integrate them into the backdrop. The use of grey / copper tones certainly enables the student accommodation to sit more comfortably within the historic core and local street scene although officers would suggest that the grey cladding may need further consideration to reduce the size of the colour blocks in order to provide a finer detail similar to that within the copper clad element. Officers would raise no objection subject to a condition which requires further approval of the materials to be used in the external elevations.

Fenestration Design

9. Members also raised concerns about the size and design of the windows in the elevations of the residential elements of the building (Core 1, 2, & 3).
10. The applicant has investigated the potential to increase the window sizes within the building. The fenestration serves both habitable spaces for the residential units and common circulation areas. With regards to the habitable spaces, the applicant has appraised the impact that enlarged areas of glazing would have on the quality of the internal living environment of the flats taking into account the impact this would have in terms of solar gain, and also issues such as noise intrusion and privacy / overlooking. In their view the sizes of the windows serving south facing habitable accommodation are of an appropriate size to strike a balance between optimising internal comfort criteria through controlled solar gain and good levels of direct sunlight and daylight, with providing balanced, well articulated external facades, where devices such as coloured panels are employed in the fenestration arrays to add to the visual interest of the facades.
11. With regards to the circulation areas, this has also been assessed with a view to identifying scope to enlarge the fenestration. In reviewing this element it has been important to ensure that any revisions do not compromise the internal environment of the stairwells, wherein overheating can be a serious problem if too much direct sunlight is allowed into the wells without adequate means of natural ventilation. As a result the fenestration pattern to the Core 1 stairwell has been revised to include more glazing for the upper storeys and an additional feature window over the entrance. This has the effect of reducing the area of facing brickwork and adding visual interest to this important focal point in the street scene.
12. Officers would raise no objection to the modern appearance of the buildings and particularly the size of windows within the scheme. As set out within paragraph 24 of the officer report (**appendix 2**) a condition should be attached which requires prior approval of the window details etc in order to ensure that the development achieves the high quality of design required by Policy WE12 of the West End Area Action Plan

Student Accommodation

13. Members expressed concerns that the student accommodation was to be occupied by 15-17 year olds. Although the minutes from the meeting, stated the age limit should be restricted to 18+, the discussion at the meeting was that the accommodation should only be used by students of 17 years of age or older. The reasons for this were that the layout of the accommodation and the supervision arrangements proposed for this site were not suitable for students younger than 17, and it is not appropriate to concentrate significant numbers of vulnerable juveniles in an area which has a profile of anti-social behaviour.
14. In response to these concerns Bellerbys College have re-assessed their admission strategy. The college has confirmed that the students occupying the building will be 17 years of age and over. The younger students previously earmarked for the accommodation will be housed in other buildings operated by the Group or in Home Stay accommodation. A Management Plan has also been submitted by the college which confirms the supervision arrangements for the premises. As part of these arrangements a resident supervisor will be based on site 24 hours a day, with additional supervision provided at high occupancy times when there are students residing in the building under the age of 18.
15. Officers welcome the intention of the college to restrict the age of the students to 17 and over, and consider that the management plan would form a sound basis for the management of the facility. As such a condition should be attached requiring this to be approved prior to occupation.

Conclusion

16. Overall officers consider that the applicant has attempted to respond to Members concerns, and that these changes are welcomed. As such officers would maintain their recommendation that for the reasons set out within the report contained within appendix 2, the proposal is considered to be in accordance with the relevant policies of the Oxford Core Strategy 2026, Oxford Local Plan 2001-2016 and West End Area Action Plan and therefore officer's recommendation to the Members of the West Area Planning Committee is to approve the development in principle, but defer the application for the completion of a legal agreement to secure the necessary financial contributions as set out above.

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

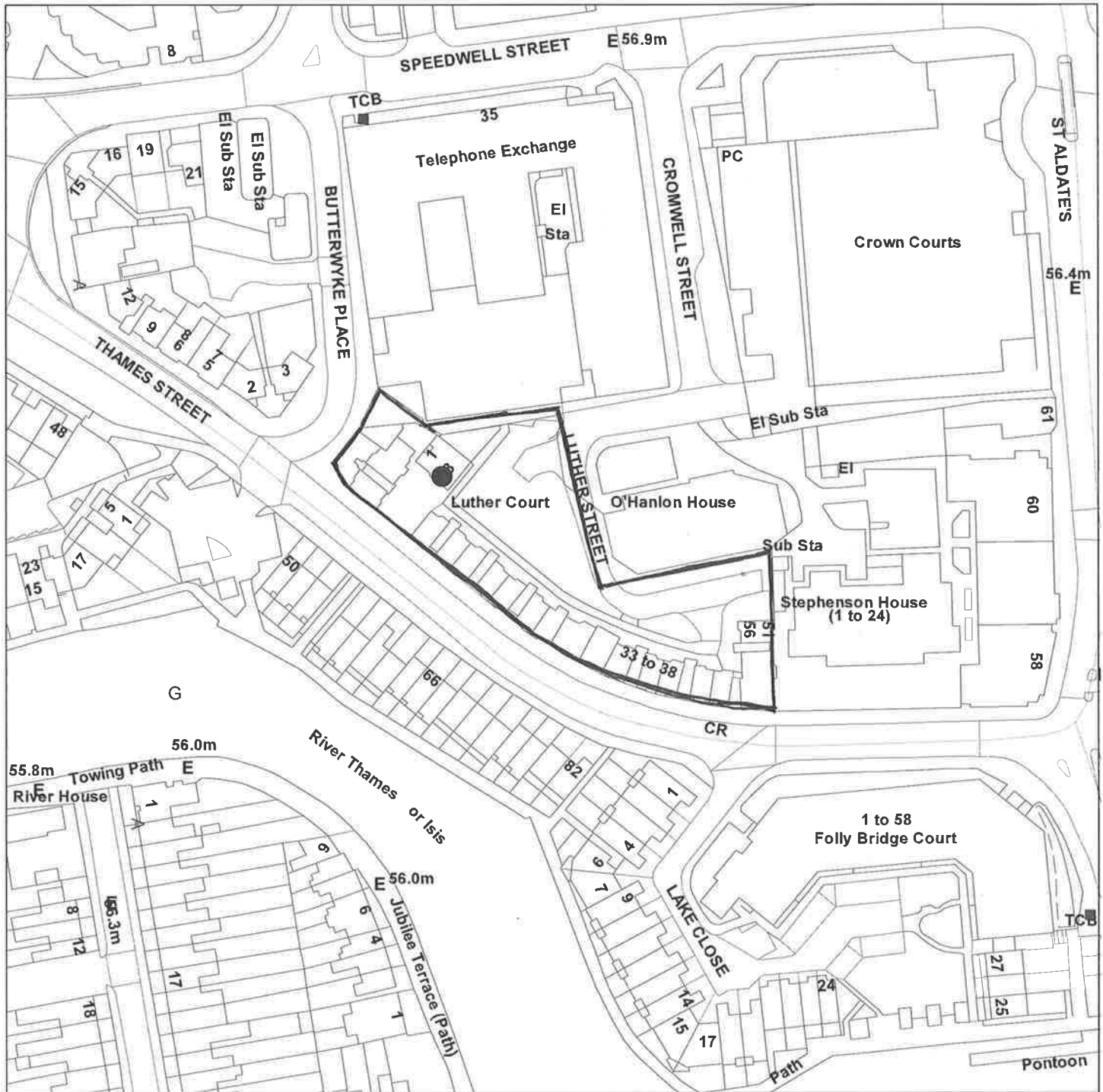
Contact Officer: Andrew Murdoch

Extension: 2228

Date: 26th October 2012

Appendix 1

Luther Court (12/01223/CAC & 12/01228/FUL)



Scale : 1:1250

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| Organisation | Not Set |
| Department | Not Set |
| Comments | |
| Date | 03 August 2012 |
| SLA Number | Not Set |

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APPENDIX 2

West Area Planning Committee

15th August 2012

Application Number: 1) 12/01223/CAC
2) 12/01228/FUL

Decision Due by: 24th August 2012

Proposal: 1) Demolition of the existing Luther Court housing
2) Erection of new buildings fronting Thames Street comprising 42 self contained flats (13x1 bed, 29x2 bed) and 82 student study rooms on 5 and 6 storeys. Provision of cycle parking, bin storage and shared amenity areas. Closure of footpath linking Luther Street to Butterwyke Place

Site Address: Luther Court, Luther Street (**site plan: appendix 1**)

Ward: Carfax Ward

Agent: Mr Michael Cross

Applicant: A2 Dominion Homes Ltd

Recommendation:

The West Area Planning Committee is recommended to support the development in principle but defer the application in order to draw up a legal agreement in the terms outlined below, and delegate to officers the issuing of the notice of permission, subject to conditions on its completion:

Reasons for Approval

- 1 That the principle of redeveloping this site for mixed-use residential / student accommodation would make an efficient use of previously developed land in the West End Regeneration Area. The residential development would improve the overall quality of the area's affordable housing stock, in a manner that would provide a suitable level and type of affordable housing that meets the priority need for the city as a whole and also provide good standard living accommodation for future occupants. At the same time, the student accommodation would be suitable for the site and would contribute towards creating a balanced and mixed community within the West End. The demolition of the existing Luther Street Housing would not have a detrimental impact upon the character and appearance of the central conservation area. On balance the replacement buildings would be of a size, scale, and design appropriate to the city centre whilst contributing to the provision of affordable

housing. The proposed development has been designed in a manner that would not have a material adverse impact upon the residential amenities of the surrounding properties, and would address the current anti-social problems that exist between the current housing and the adjacent night shelter and medical centre. It would also be considered acceptable in highway terms.

- 2 In considering the application, officers have had specific regard to the comments of third parties and statutory bodies in relation to the application. However officers consider that these comments have not raised any material considerations that would warrant refusal of the applications, and any harm identified could be successfully mitigated by appropriately worded conditions.
- 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 (12/01223/CAC):

- 1 Development begun within time limit
- 2 Contract for re-development

Conditions (12/01228/FUL):

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- 21 Alterations to the highway
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- 23 Drainage Scheme Carried Out
- 24 NRIA and Energy Measures
- 25 Archaeology - mitigation
- 26 Biodiversity Measures

27 Contaminated Land

Legal Agreement:

- £118,944 (plus £5,972 admin fee) West End Streamlined Contributions
- Secure affordable housing provision

Main Planning Policies:

Saved Oxford Local Plan 2001-2016

- CP1** - Development Proposals
- CP6** - Efficient Use of Land & Density
- CP8** - Design Development to Relate to its Context
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- CP10** - Siting Development to Meet Functional Needs
- CP11** - Landscape Design
- CP18** - Natural Resource Impact Analysis
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- TR1** - Transport Assessment
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- HE7** - Conservation Areas
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- HS10** - Loss of Dwellings
- HS4** - Gen Requirement - Provide Affordable Housing
- HS10** - Loss of Dwellings
- HS19** - Privacy & Amenity
- HS20** - Local Residential Environment
- HS21** - Private Open Space
- ED10** - Private Colleges - Student Accommodation

Oxford Core Strategy

- CS2_** - Previously developed and greenfield land
- CS5_** - West End
- CS9_** - Energy and natural resources
- CS10_** - Waste and recycling
- CS11_** - Flooding
- CS12_** - Biodiversity
- CS18_** - Urban design, town character, historic environment
- CS19_** - Community safety
- CS23_** - Mix of housing
- CS24_** - Affordable housing
- CS25_** - Student accommodation

West End Area Action Plan

- WE1** - Public realm
- WE3** - Redesign of streets/junctions in W End
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WE10 - Historic Environment
WE11 - Design Code
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WE20 - Mixed uses
WE29 - Pooled contributions & forward funding

Sites and Housing Plan

HP3_ - Affordable Homes from Large Housing Sites
HP5_ - Location of Student Accommodation
HP6_ - Affordable Housing from Student Accommodation
HP9_ - Design, Character and Context
HP12_ - Indoor Space
HP13_ - Outdoor Space
HP14_ - Privacy and Daylight
HP15_ - Residential cycle parking
HP16_ - Residential car parking

Other Material Considerations:

- National Planning Policy Framework
- The application site lies within the Central Conservation Area.
- Balance of Dwellings Supplementary Planning Document
- Affordable Housing Supplementary Planning Document
- Natural Resource Impact Analysis Supplementary Planning Document
- Parking Standards Supplementary Planning Document

Relevant Site History:

83/00807/NOH: Buildings for single person accommodation on 2 & 3 floors comprising 26 one person flat / bedsitters; 3 two & 3 four person flats. Closure of Luther St. 20 car parking spaces (with access from Luther Street): Approved

84/00074/NOH: Outline application for accommodation for single persons in 19x1 bed flats and 5 bedsits. 17 car parking spaces, access road, plus dustbin and cycle stores: Approved

84/00627/NRH: 56 single person accommodation units, incl. caretaker (total 68 persons) on 2 & 3 floors. 36 car parking spaces, ancillary accommodation & access from Luther St. (Reserved Matters of NOH/807/83 & NOH/74/84): Approved

Representations Received:

Letters have been received from the following addresses, all on behalf of the Luther Street Medical Centre.

Luther Street Medical Centre (x15); JWPC Planning Consultants; 15 Cave Street; 103 Cromwell Way, Kidlington; and 10 Albert Place, Banbury

- The medical centre provides a comprehensive primary care service for homeless and vulnerably-housed people. The entrance to the medical centre shares a common approach from Luther Street to that of the O'Hanlon House night shelter.
- The centre is accessed via a controlled access system enabling staff to oversee admissions. There is also an emergency exit / fire door which give access from Luther Court via Butterwyke Place.
- This provides the centres staff with an important route whereby staff can escort vulnerable patients out of the building and away from the centre and also enables staff themselves to exit the building when there are potential issues with patients or people congregating outside the Centres entrance adjacent to O'Hanlon House, some with the psychological or alcohol related issues that heighten their behaviour.
- It is the removal of the link with Butterwyke Place that is the centres reason for objecting to the scheme. The removal of this link would not accord with Policy CS19 of the Core Strategy, and Policies CP1 and CP9 of the Oxford Local Plan
- The existing footpath is a functional and vital link to the surrounding area for staff of the medical centre and it should be retained. Its loss reduces the permeability of the area to all pedestrians and poses serious operation and health and safety issues for staff and some of the vulnerable persons who attend the centre.
- Although the applicant has had pre-application discussions with the centre, regarding the removal of this link, no common ground as been achieved. The submitted plans show a service link between Luther Street and Thames Street which will be controlled by secure gates at either end and its mid point and this has been identified as a potential alternative route for staff and patients (when required). No conclusion has been reached about how this could be used, and from the medical centres point it wishes to see the existing footpath retained or an alternative route of equal or enhanced quality provided
- Gated access directly through the development onto Thames Street might be a possible acceptable solution does not feature in the plans
- The housing association should amend the plans to retain the footpath
- Should the health and safety advice contained within the comments of the TVP be heeded then the developer should ensure installation of appropriately placed CCTV with both installation and ongoing costs financed by the developer. This should be conditioned, although it will not completely reduce the threat
- The 5 or 6 storey building would remove all direct sunlight from the Luther Street medical centre from 1pm onwards. The medical centre will be hemmed in by four tall buildings on 4 sides.
- The existing buildings are in a good state and of reasonable height and therefore should be maintained

Statutory and Other Consultees:

Oxfordshire County Highways Authority: No objection subject to conditions

Thames Water Utilities Limited: No objection

Thames Valley Police:

The proposed development has incorporated the recommendations given during our

pre-application discussions. Due to the high level of anti-social behaviour and reported crime in this area we would request that a condition be imposed which requires the development to incorporate the principles of secure by design. Research has shown that developments that incorporate the principles of secured by design are 50% less likely to suffer from burglary, and 25% less likely to suffer car crime and criminal damage.

Environment Agency: The site lies in Flood Zone 2 and therefore the Environment Agency standing advice applies.

English Heritage Commission:

The proposal involves the demolition of some 1980s terraced housing within the Central Conservation Area and its replacement with larger housing units plus two large speculative student accommodation blocks, required to fund the project. English Heritage's brief is to comment on the impact this will have on the significance of the conservation area. The scale, design and detailing of the proposed development is entirely alien to the character of this part of the conservation area and it will have a negative impact on views within and into the Central Conservation Area including those from the Abingdon Rd, a main approach to the city. The City Council should satisfy itself, *inter alia*, that the wider benefits of the proposal outweigh this harm. English Heritage recommends that the Council negotiates a revised scheme that retains the existing buildings, albeit remodelled or, if demolition can be demonstrated to be necessary, that a more sensitive development is sought as discussed above. If the existing scheme is to be considered for approval, the Council should satisfy itself that there are wider public benefits to be gained from the redevelopment of this site in this manner which outweigh the harm to the significance of the conservation area.

Oxford Civic Society:

The objectives of this application, namely to increase and improve the provision of affordable housing on this site, to create an active and interesting frontage to Thames Street as a significant gateway to the southern edge of the central city area, and to attempt to design out some of the social problems of Luther Courts proximity to the Medical Centre and O'Hanlon House, are to be welcomed. The need for some enabling development to achieve this is understood. Nevertheless the current proposals present a number of problems, and unresolved questions, which require that further significant modifications are necessary before approval should be given, and this application should be deferred or refused for the following reasons

- (1) Core 1: The opportunity to site a landmark building on the corner is good. The positioning of the entrance onto this busy part of Thames Street is questionable, when a quieter and more domestic location in Butterwyke Place is available. It is not clear how defensible or private the ground floor outside spaces will be in which full length windows and doors open onto. If protected by high walls, these small spaces will be dark and claustrophobic. Flats 11 and 12 appear to have no amenity space
- (2) Core 2: Some set back from Thames Street provides the interesting variation to the overall frontage scene, but the extent proposed seems unnecessary, creates front border areas which may be difficult to maintain to high standard, and reduces the rear shared amenity space to an area which is undesirably small for such a comparatively dense development.

- (3) Student Block: The attempt to fit accommodation for 82 students on this restricted part of the site, with quite inadequate space for relaxation or any outdoor activity represents serious over-development – in the case of Bellerbys as the proposed end user for 14-18 year old school pupils it is entirely inappropriate. Though 24 hour supervision is mentioned, there is no resident or other warden accommodation, the dining hall only provides for 56 places at any one time, when school-age pupils work to stricter timetables than more senior students. Cycle storage appears inadequate – (but is Thames Street and its surroundings a safe cycling environment for 14 year olds) In addition, noise disturbance from younger pupils, particularly from a crowded courtyard, will have an adverse impact on the quiet lives of the neighbouring residents just over the wall, and reflected from the high walls of the surrounding buildings. The parking of coaches for organised outings, a frequent part of younger pupils programmes, would impede traffic flows in Thames Street – often at off peak periods. In general, the need for purpose-built accommodation for undergraduate and post-graduate students in the city central area should take precedence over that for younger pupils, not on senior courses of study, whose needs can be accommodated elsewhere.
- (4) Has the alternative of further car-free market housing on the site as enabling development, been fully considered?
- (5) The serious concerns of the staff of the medical centre and O’Hanlon House for the provision of a second access for them appears not to have been resolved.
- (6) In general appearance, special attention needs to be paid to the materials of construction, particularly the final colours of rendered type surfaces in this sensitive location.
- (7) In accordance with normal practice, the application for demolition (12/01223/CAC) should not be approved until an acceptable proposal for redevelopment of the site has been approved.

Officers Assessment:

Site Location and Description:

1. The site is situated within the West End Regeneration Area, which forms the south west corner of the city centre. It is also just within the Central Conservation Area (**site plan: appendix 1**)
2. The site is bordered to the east, south, and west by residential accommodation at Butterwyke Place, Thames Street, and Stephenson House. The BT Telephone Exchange, Luther Street Medical Centre, and O’Hanlon House all lie to the north.
3. The site comprises a three-storey terraced block, which provides 56 units of accommodation that are owned by A2 Dominion Homes Limited. The terraced row abuts the public footpath of Thames Street, but is accessed from Luther Street.

Proposal

4. The proposed development is seeking conservation area consent for the demolition of the existing terraced row within the site.

5. Planning permission is then sought for the erection of new buildings that would front onto Thames Street and provide a mixed-use development of 42 affordable homes in the form of self-contained flats (13x1 beds, and 29x2 beds), and 82 student study rooms for use by Bellerbys College.
6. The development would also include the provision of cycle and refuse storage, shared amenity areas, and the closure of the footpath that links Luther Street to Butterwyke Place.
7. Officers consider the principle determining issues in this case to be:
 - Principle of Development
 - Residential Accommodation
 - Student Accommodation
 - Impact upon the conservation area
 - Siting, size, scale, and design
 - Impact upon adjoining properties
 - Landscaping
 - Community Safety
 - Residential Amenity
 - Highway Matters
 - NRIA
 - Ecology
 - Flood Risk
 - Archaeology
 - Streamlined Contribution

Principle of Development

8. The National Planning Policy Framework and Policy CS2 of the Oxford Core Strategy require development proposals to make an efficient use of previously developed land in built up urban areas.
9. The site is within the West End Area which is a key location whose regeneration has been identified as priority and fundamental to the overall long-term success of Oxford. Policy CS5 of the Oxford Core Strategy identifies this area as suitable for mixed-use developments.
10. Therefore the principle of redeveloping the site for a mixed use development would be consistent with the relevant policies of the West End Area Action Plan and the Oxford Core Strategy.

Residential Development

11. The existing accommodation at Luther Court provides 56 one bedroom affordable bedsits for A2 Dominion Housing Association. The housing was built in the late 1980s, but no longer provides suitable living accommodation for the occupants of the dwellings.

12. The West End Area Action Plan acknowledges that the area contains affordable housing, which is in need of modernisation, although in cases where redevelopment is the only option, the same number of affordable units should be provided. The plan also seeks to establish a balanced and mixed community within the area, which is consistent with Policy CS23 of the Core Strategy and the Balance of Dwellings Supplementary Planning Document. These policies acknowledge that the City centre is more suited to higher-density residential development with a greater number of smaller units of accommodation than would be sought in other locations.
13. The proposed development would replace the existing accommodation with 42 flats (13x1 beds and 29x2 beds). This results in the loss of 14 affordable units and provides a mix of housing that does not exactly strictly meet the policy requirements for the city centre. Nevertheless the applicant has identified specific site circumstances, which justifies the proposed level of development. The existing accommodation has single bedsits, whereas the proposal would increase the number of bed spaces on site (e.g.56 to 71) and the number of persons housed. The draft Oxford City Council Housing Strategy 2012-2015 has identified that the highest demand for social housing in the city is for one and two bedroom units of accommodation (82%). The scheme has been developed in consultation with Oxford City Council Community Housing and amended to provide 2 bed 4 person units rather than 2 bed 3 person units in order to meet the most pressing need. In addition the constrained site is more suitable for smaller units of accommodation as there is limited space to provide the level of amenities required for family dwellings. Therefore although the proposal would result in net loss of units from the site, and provide a level of development that does not exactly meet the prescribed mix of residential units for the city centre, officers consider that the proposal would improve the overall quality of affordable housing within the site and meet the most current and up-to-date housing need. Therefore it would satisfy the general aims of the West End Area Action Plan and the Balance of Dwellings Supplementary Planning Document.
14. Policy WE16 of the West End Area Action Plan makes clear that a minimum of 50% affordable housing will be sought from residential developments on qualifying sites in this area. This is consistent with the affordable housing policy within the Oxford Core Strategy. The residential element within the scheme would provide 100% affordable housing, with 50% social rented and 50% intermediate rent. This would satisfy the aims of the West End Area Action Plan, Oxford Core Strategy, and the emerging Sites and Housing Plan, and would be secured by a legal agreement accompanying the permission if granted.

Student Accommodation

15. The West End Area is suitable for student accommodation as it also contributes to a mixed and balanced community. Policy CS25 of the Oxford Core Strategy states that student accommodation will be restricted in occupation to students that are in full-time education on courses of an academic year or more, and subject to conditions requiring appropriate management controls, including an undertaking that students do not bring any cars into Oxford. This is also

supported by Policy WE18 of the West End Area Action Plan and Policy HP5 of the Sites and Housing Plan.

16. The student accommodation is intended to be occupied by students of Bellerbys College, whose students are on full-time courses of an academic year or more. The college intends to house students between the ages of 14-17 in the accommodation (although the bulk will be 16 and 17 year olds). In terms of management the college have confirmed that a resident supervisor will be based on site 24 hours a day. A condition should therefore be attached requiring a management plan to be provided, and also includes the method to be used to prevent students from bringing cars into Oxford.
17. The emerging Sites and Housing Plan now requires student accommodation of 8 rooms or more to provide a financial contribution towards affordable housing elsewhere in the city. This would be a qualifying site for such a contribution, however, in this case the student accommodation is subsidising the affordable housing within the scheme with the level of subsidy higher than the financial contribution that would be sought from scheme of this size. Therefore officers consider that this provides a robust justification for not seeking an affordable housing contribution from the student element on this occasion.

Impact upon the Conservation Area

18. The site is on the western edge of the Central Conservation Area, and in accordance with the National Planning Policy Framework a Heritage Assessment has been submitted which uses the Councils Conservation Area Toolkit to assess the significance of the site upon the conservation area.
19. Having reviewed this assessment, officers would agree with the conclusions that Luther Court and surrounding area is a relatively poor quality urban environment in comparison to the rest of the conservation area. The redevelopment of the St Ebbes suburb provided a new street layout (including Thames Street) which removed most remnants of the original urban grain. The nature of Thames Street is that of a wide and busy arterial link road, with 1980s housing that provides no activity or interest within the streets. Therefore officers consider that the demolition of the existing Luther Street housing would not have a significant impact upon the conservation area in these terms, but provides an opportunity for new development to address Thames Street in a more appropriate fashion.
20. During the consultation process, English Heritage have suggested that the scale, design, and detailing of the proposed development would be entirely alien to the character of this part of the conservation area and have a negative impact upon views within and into the conservation area from the Abingdon Road which is a main approach to the city. They go on to acknowledge that there may be wider benefits from the proposal that the Council would need to satisfy itself outweighs this harm.
21. The site could be viewed as a transitional site where the urban scale of the city centre meets the suburban scale of the residential areas that lead southwards from the centre beyond the River Thames. The West End Area has aspirations

to transform this under utilised area of the city in a manner which makes a more efficient use of land. In terms of local context the existing housing has become engulfed by larger building blocks to the north especially the ugly BT Exchange Building fronting Speedwell Street. These big blocks are visible in longer views and therefore the development would to some extent screen the views of these buildings improving longer views of the site, provided of course that they are of a quality appropriate to this part of the Conservation Area. Overall officers consider that the site can accommodate larger buildings without having an adverse impact upon the conservation area, and any such impact would not be so harmful as to outweigh the undoubted benefits of improving the current affordable housing stock within the city.

Siting, Size, Scale, and Design

22. The West End Area Action Plan establishes a framework of design codes for proposals to follow in this area, and the proposal has been designed to follow these codes. The design codes identify Thames Street as a main street, which is appropriate for larger buildings. The buildings have been separated to provide a sense of space between structures and improve the aspects of the individual properties within them while also responding to the adjacent buildings of Stephenson House and O'Hanlon House. The siting of Core 1, 3, and the Student Block provide focal points for the different segments of Thames Street, with the courtyards providing some breathing space at street level and also establishing a rhythm with the courtyard to Stephenson House. The units would vastly improve the active frontage onto Thames Street and level of pedestrian activity within this part of the street.
23. The size and scale of the buildings would reflect the context of the area, and meet the maximum scale of five-storeys as recommended by the West End Area Design Code for this type of street. A sixth storey would be added to the blocks of Core 1 and 2 in order to provide a variation of roof heights throughout the scheme. While this would not necessarily reflect the requirements of the design code, the overall height would not exceed the 18.2m high buildings local plan policy of the local plan and is considered acceptable in this instance. The use of separate buildings rather than one larger block, along with the variations in height is supported in assisting in breaking up the visual impact of the increased massing of the buildings within the street scene. In addition given the position of the buildings in relation to the street, the increased scale would not have a detrimental impact upon the visual appearance of the street scene given there would be limited views from Abingdon Road and also as one travels through Thames Street.
24. In terms of the architectural detailing, officers agree with views of English Heritage that the submitted drawings do not help convey the detailing and variety of materials to be used in the facades as well as they might. While there would be no objection to the more modern appearance of the buildings, it is recommended that a condition be attached which requires prior approval of the range of materials that will be used and also window details etc in order to ensure that the development achieves the high quality of design required by Policy WE12 of the West End Area Action Plan

25. In summary officers consider that while the proposal would clearly result in larger scale buildings than the existing terrace, the overall size, scale, and design of these buildings would suit the context of the site and not have an adverse impact upon the character and appearance of the conservation area. As a result it would accord with the aims of the relevant policies of the West End Area Action Plan, Oxford Core Strategy and Oxford Local Plan.

Impact upon Adjoining Properties

26. There is potential for the proposed development to have an impact upon the amenities of the residential properties surrounding the site in Thames Street, Butterwyke Place, Shirelake Close, and Stephenson House. A Daylight and Sunlight Report has been submitted with the application.

27. There is a terraced row of residential dwellings on the southern side of Thames Street, which have their main frontages that address the river but rear elevations and small rear gardens that face directly towards the site. The rear elevations are staggered throughout the row and have a mixture of first floor windows or roof lights that serve habitable rooms or circulation space for the dwellings. It is considered that the orientation of the dwellings to the site would mean that the proposal would not result in a significant loss of light to the habitable rooms in the rear of these dwellings. The buildings would be larger than the existing housing, but would be generally set some 19m-27m away and given the fact that there are other buildings of more urban scale within the area it is considered that the development would not unduly overbear these properties. The proposed buildings would have a number of windows facing onto the Thames Street properties however these would not give rise to an increase in overlooking which could normally be expected for a central urban location such as this.

28. The residential terrace at Butterwyke Place lies to the west of the site, and although the majority of the block fronts onto Thames Street, one of the dwellings has a return frontage onto this road with habitable room windows which face onto the site. Again the orientation of the plot and the urban scale of the surrounding buildings, particularly, the BT Exchange would mean that the size, scale, and siting of the new building (Core 1) would not lead to a loss of light to these habitable rooms or have an overbearing impact. In addition although there would be windows in the elevation of the new building facing this site, they would not increase the level of overlooking that exists between the two sites. Similarly with respect to the residential development of Shirelake Close that lies south-east of the site, officers consider that the orientation of these apartments to the site would mean that the student accommodation would not create any adverse privacy or amenity issues for these properties.

29. Stephenson House lies to the east of the site, and was an old school building that was converted into flats in 1999. There are habitable room windows in the front elevation that face onto Thames Street, and also double height windows in the western elevation that serve both the living room and bedrooms. The existing accommodation at Luther Court has a three storey element sited directly on the boundary with Stephenson House which extends to the rear of the site. The

proposed student accommodation would increase the bulk of the building in this location, but it would be pulled away from the boundary increasing the separation distance. There would be a single storey ground floor element that extends the full depth of the plot, but the upper floors would extent no further into the rear than existing. The sunlight and daylight study has indicated that the proposed development would not result in a material loss of light to the habitable room windows in the front of Stephenson House or on the western end. The windows in the western end in particular are double height and so have more scope to receive natural light. While the student accommodation would be taller than the existing buildings in this part of the site, it would not materially alter the sense of bulk and massing adjacent to these properties. At the same time, the windows of the student accommodation are angled away to prevent any adverse overlooking.

30. During the consultation process, the medical centre has raised concerns that the proposal will lead to the centre being enclosed by tall buildings and will result in a loss of light to the windows of the centre. The Local Plan does not have any policies that deal with the loss of light to uses such as the medical centre, or indeed the night shelter. Nevertheless the centres windows are primarily facing north-west away from the development and as such it is unlikely that the new buildings would have a significant impact upon the centre in this regard. Similarly with respect to the windows in the rear of the night shelter, the proposed student accommodation would not significantly alter the existing back to back relationship that exists between this and the Luther Court buildings. Therefore the development would not have a significant impact overall.

Landscaping

31. The proposed development would result in the loss of all 11 of the flowering cherries from the site. They have no great significance beyond their current context and their loss could be adequately mitigated through replacement tree planting which could be secured by condition. The proposed development should not adversely affect the health and condition of the Norway Maple that is sited outside the application site alongside the Telephone Exchange, provided suitable tree protection measures are in place during construction.
32. The landscaping proposals for the areas to the frontage are appropriate and the block bedding planting augmented by Hornbeans are at well spaced intervals in the frontage will provide the visual effect of trees punctuating the street scene. Therefore subject to appropriate conditions the landscaping proposals accords with Policies CP1, CP11, and NE15 of the Oxford Local Plan.

Community Safety

33. The Oxford Core Strategy states that new development should promote safe and attractive environments which reduce opportunities for crime and disorder. Policy CS19 states that the principles of 'secured by design' should be met including well-designed public spaces and access routes, which are integrated into the surrounds; maximise natural surveillance; and provide appropriate lighting of public spaces and access.

34. The Luther Court Housing currently has an unsatisfactory relationship with the adjacent night shelter and medical centre, as persons congregating around these uses has caused social problems for the residents. The proposed development has sought to address these problems by orientating the buildings towards Thames Street with the creation of a physical barrier between the site and Luther Street. The scheme has been designed to 'Secure by Design Principles' following discussions with the Thames Valley Policy and involves the closure of the footpath between Luther Court and Butterwyke Place, and the provision of additional lighting and CCTV to the service access created at the rear.
35. The Luther Street Medical Centre has objected to the closure of the footpath to Butterwyke Place as it provides a second exit point for its staff which is important for their safety. While officers are sympathetic to the concerns of the medical centre, there is a clear need to address the existing problems experienced by the residents of the Luther Court accommodation. The proposal has attempted to address these problems and been designed in consultation with Thames Valley Policy to 'Secure by Design' standards. The Thames Valley Policy support the closure of the footpath, as they consider it will improve safety and their ability to police the area. The provision of habitable room windows and balconies from the buildings overlooking this space will improve natural surveillance of this area, and improved lighting and CCTV system is also proposed. The applicant has discussed the possibility of providing staff of the medical centre with access to a secure footpath that leads to Thames Street, which would represent a more practical solution, and they are prepared to enter into an agreement to this effect. This is supported by officers as a means of addressing the medical centres concerns. Having regards to the lack of objection from the Thames Valley Policy officers are satisfied that the proposal would accord with the aims of Policy CS19 of the Oxford Core Strategy.

Residential Amenity

36. The residential units within the scheme would all have good quality internal living environments, which would certainly represent an improvement on the existing accommodation and accord with Policy HS20 of the Oxford Local Plan, and Policy HP12 of the emerging Sites and Housing Plan.
37. In terms of the amenity space provision, the existing accommodation at Luther Court has no designated amenity space for its occupants. The proposed development would provide all units (apart from Flat 11 and 12 in Core 1) with private balconies. In addition to this there would be a reasonable sized shared amenity space which would be available to all occupants. Although the shared space would be relatively enclosed, it would be adequate for this central location and would represent an improvement on the existing provision for Luther Court. This would satisfy Saved Policies CP10, HS20, and HS21 of the Oxford Local Plan 2001-2016, and Policy HP13 of the emerging Sites and Housing Plan.
38. The refuse and cycle storage is in an accessible and practical location in accordance with Policies CP10, HS19, and HS20 of the Oxford Local Plan 2001-2016, and Policy HP13 of the emerging Sites and Housing Plan.

Highways Matters

39. A Transport Assessment (TA) has been submitted for the proposal which the Local Highways Authority considers acceptable. The West End is a sustainable location with good walking, cycling and public transport opportunities as well as all facilities of the City Centre, and therefore a car free scheme is appropriate. A Framework Travel Plan for the proposed development should be submitted for approval within 6mths of occupation and then in years 1, 3 & 5. The monitoring fee for this will be advised separately.
40. The proposed closure of the footpath between Luther Court and Butterwyke Place is acceptable to the Local Highways Authority however this requires a stopping up order which is a separate process to the planning application. The proposed loading/unloading bays and new turning area would be acceptable but requires amendments to the Traffic Regulation order (TRO), which should also include exclusion of the premises from the controlled parking zone in order to deliver the car-free scheme.
41. The cycle parking provision would meet the local plan standards and the storage should be secured by condition, including confirmation that the 'Sheffield' type stands are at least 1.0m apart.
42. Having regards to the strategic nature of Thames Street, a Construction Traffic Management Plan (CTMP) will be essential. This will need to take account of all significant/large deliveries being catered for within a 0930-1630hrs 'window', that is outside of the Highway Network peak traffic periods. This should be secured by condition along with other conditions requiring no windows opening onto the highway
43. The proposed development would be considered acceptable in highway terms, subject to the above conditions, and standard conditions which require a sustainable urban drainage scheme to be provided, and that no windows or doors open onto the highway.

NRIA

44. A Natural Resource Impact Analysis (NRIA) and Energy Statement has been submitted as required by Local Plan Policy CP18 and Policy CS9 of the Core Strategy, and the NRIA Supplementary Planning Document.
45. The NRIA scores 9/11 and focuses using a centralised gas fired Combined Heat and Power to meet the NRIA renewable energy target. The energy statement also predicts a total reduction in carbon dioxide emissions against a baseline through the use of the Combined Heat and Power System which will be employed in both the residential and student element. Therefore officers would raise no objection to this aspect of the proposal.

Ecology

46. A Phase 1 Habitat Survey and Initial Bat Survey have been submitted with the application. These surveys have raised no major concerns in terms of the impact upon biodiversity. The Bat Survey found no evidence of bat roosts, but recommended that two further surveys be carried out. These are currently underway although officers consider it unlikely that these buildings will be used given the urban setting.
47. A condition should be attached requiring the recommendations within these surveys to be carried out. In addition a further requirement would be to include the provision of bat boxes and roosts and bird boxes into the building design.

Flood Risk

48. The site is identified by the Oxford City Council Strategic Flood Risk Assessment as being within Flood Zone 2, and therefore the Environment Agencies advise is that an assessment is provided which identifies how the development will be designed to minimise flood risk, manage surface water, and provide flood resilience and resistance measures.
49. A Flood Risk Assessment and Surface Water Drainage Scheme has been submitted with the application. This measures contained within these documents would accord with the Environment Agencies advise and therefore in order to ensure that the development minimises flood risk, a condition should be attached to ensure that the recommendations of this report are carried out.

Archaeology

50. An archaeological desk based assessment has been produced which notes that the site has the potential to preserve waterlogged features from the medieval and post-medieval periods relating to waterside activity including fishing, water management and dumping. In order to mitigate any potential archaeological impact, a condition should be attached which requires a scheme of archaeological investigation to be carried out.

Streamlined Contributions

51. The renaissance of the West End Area requires investment in significant infrastructure projects. These fall into 3 categories, strategic infrastructure to enable the West End to function (e.g. transport and utilities); service infrastructure, to meet the day-to-day needs of the population (e.g. schools, affordable housing, community facilities, open space, sewerage etc); and transformational infrastructure (e.g. public realm improvements).
52. Policy WE29 states that contributions will be calculated for the increased impact of the scheme, and in this case regard has been given to the fact that the proposal is effectively replacing existing housing on the site. A contribution of £118,944 (plus £5,972 admin fee) is sought as a global sum from the development towards these infrastructure projects. During the consultation process the Oxfordshire County Council and Local Highways Authority has requested contributions towards infrastructure improvements however the global

sum already takes these requested contributions into consideration.

53. Thames Valley Police have also requested a financial contribution of £69,070 to fund 2 Police Community Support Officers (PCSOs) for a period of 4 years, on the basis that 82 additional students living in the area 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 that such funding falls outside the terms of Core Strategy Policy CS17 and / or any mechanism agreed within the current Planning Obligations Supplementary Planning Document (SPD) where in any event S106 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.

Conclusion:

54. The proposal is considered to be in accordance with the relevant policies of the Oxford Core Strategy 2026, Oxford Local Plan 2001-2016 and West End Area Action Plan and therefore officer's recommendation to the Members of the West Area Planning Committee is to approve the development in principle, but defer the application for the completion of a legal agreement to secure the necessary financial contributions as set out above.

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

Contact Officer: Andrew Murdoch

Extension: 2228

Date: 25th July 2012

WEST AREA PLANNING COMMITTEE

7th November 2012

Application Number: 12/02447/FUL

Decision Due by: 21st November 2012

Proposal: Demolition of existing buildings comprising shop, workshop (Use Class B1) and student accommodation. Erection of new buildings to provide replacement retail, offices (Use Class B1), self contained two bedroom flat, and student accommodation (18 student study bedrooms and ancillary accommodation).

Site Address: 220 and 222 Cowley Road, Oxford – **Appendix 1**

Ward: St Mary's Ward

Agent: Mr Nik Lyzba

Applicant: RMA Properties

Recommendation:

Committee is recommended to support the application in principle but defer the application in order to allow accompanying legal agreements to be drawn up and delegate to officers the issuing of the planning permission once such legal agreements are completed.

Approval is recommended for the following reasons:

- 1 The proposed development, by virtue of its form, scale and appearance would result in an appropriate visual relationship with the surrounding area that would enhance both the Randolph Street and Cowley Road streetscenes. The proposals would also create an improved quality of retail and office accommodation to the benefit of the vitality of the immediate area, provide student accommodation of a satisfactory standard in a sustainable location and preserve the mix of residential accommodation within the City. Consequently the proposals are considered to comply with the requirements of policies CP1, CP6, CP8, CP9, CP10, HS19, TR3, TR4, TR13 and RC5 of the Oxford Local Plan 2001-2016, policies CS9, CS17, CS18, CS23 and CS25 of the Oxford Core Strategy 2026 as well as emerging policies HP1, HP5, HP6, HP9, HP15 and HP16 of the Sites and Housing Plan.
- 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.

Subject to the following conditions:

- 1 Development begun within time limit.
- 2 Develop in accordance with approved plans.
- 3 Sample of all external materials required prior to commencement of the development.
- 4 Variation of Road Traffic Order to ensure the development is excluded from eligibility for parking permits.
- 5 Construction Traffic Management Plan required to be approved prior to commencement of the development.
- 6 Management and Monitoring Scheme ensuring students do not bring motor vehicles to Oxford required to be in place at all times and agreed by the local planning authority prior to occupation of the student accommodation.
- 7 An agreed Construction Environmental Management Plan required prior to commencement of the development.
- 8 Cycle parking and refuse storage facilities required to be provided prior to occupation of the development.
- 9 Student accommodation to be occupied only by full time students in Oxford and only after management controls have been agreed by the Council.
- 10 Covered and Secure Cycle Storage required.
- 11 Details of sustainability measures to be submitted prior to commencement.

Planning Obligations

City Council requirements:

- £1080 towards indoor sport provision.

County Council requirements:

- £1134 towards libraries and bookstock;
- £2484 towards cycle safety measures.

Main Local Plan 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
HS19 - Privacy & Amenity
TR3 - Car Parking Standards
TR4 - Pedestrian & Cycle Facilities
TR13 - Controlled Parking Zones
RC5 - Secondary Shopping Frontage

Core Strategy

CS18_ - Urb design, town character, historic env
CS25_ - Student accommodation
CS31_ - Retail
CS17_ - Infrastructure and developer contributions
CS23_ - Mix of housing
CS2_ - Previously developed and greenfield land

Sites and Housing Plan - Submission

HP1_ - Changes of use to existing homes
HP5_ - Location of Student Accommodation
HP6_ - Affordable Housing from Student Accommodation
HP9_ - Design, Character and Context
HP15_ - Residential cycle parking
HP16_ - Residential car parking

Other Material Considerations:

National Planning Policy Framework
Balance of Dwellings SPD
Planning Obligations SPD
Parking Standards, Transport Assessments and Travel Plans SPD

Relevant Site History:

11/03035/FUL - Demolition of existing buildings. Erection of 3 storey building comprising retail shop and Class B1 Business use on ground floor and 18 student study rooms on upper floors. Provision of cycle parking and bin stores – Refused 23rd February 2012.

12/01383/FUL - Demolition of existing buildings. Erection of 3 storey building comprising retail shop and Class B1 offices on ground floor and 18 student study rooms on upper floors. Provision of cycle and bin stores – Refused 28th August 2012.

Representations Received:

At the time of writing this report no third party representations had been received though Members will be updated verbally at Committee in the event that any representations are received during the remainder of the consultation period.

Statutory and Internal Consultees:

Highway Authority – No objection subject to conditions being imposed including the removal of the development from eligibility for parking permits and the requirement for a monitoring and management scheme to be agreed preventing future students within the development from bringing cars to the City.

Thames Water Utilities Limited – No objection.

Environmental Development – A phased contamination risk assessment is required to be undertaken prior to the commencement of the development.

Environmental Protection – No objection.

Oxfordshire County Council (Environment and Economy) – Financial contributions towards libraries and bookstock are required to offset the impact of the development.

Officers' Assessment:

Site Description and Proposal

1. The application site is identified on the plan attached as Appendix 1. It comprises Nos. 220 and 222 Cowley Road, a pair of two storey properties (with accommodation in the basement) of no real architectural significance located on the corner with Randolph Street. No. 220 comprises a shop on the ground floor with ancillary office/storage space above whilst No. 222 is a 5 bedroom house currently occupied as a Class C4 HMO. There is a two storey extension to the rear of No. 222 which has been, until recently, occupied as Class B1 offices though it is in a rather poor state of repair.

2. The application is very similar in nature to that previously refused at Committee, in line with officers' recommendation, in August 2012. This previous application was refused due to the net loss of a self-contained dwelling contrary to policy HS10 of the Local Plan. The current scheme proposes the demolition of Nos. 220 and 222 Cowley Road and their replacement with a two storey building with accommodation in the roofspace. The proposed building would comprise a combination of retail and office uses on the ground floor along with a two bedroom self-contained flat to the rear as well as 18 student study bedrooms on the first and second floors. Covered bin and cycle storage is proposed to serve both the student rooms and the proposed dwelling and these are shown to be provided to the side of the building, accessed from Cowley Road.

3. The application proposals differ from the previously refused scheme only to the extent that some of the proposed office space at ground floor level has been replaced by a two bedroom flat (along with a small courtyard of associated amenity space to the rear) in an attempt to overcome the reason for refusal of the previous application. The changes therefore relate mainly to internal layout and use of the proposed building rather than any notable changes to its external appearance.

4. Officers consider the principle determining issues in this case to be:

- Design and appearance;
- Impact on neighbouring amenity;
- Mix of housing;
- Retention of retail/employment premises;
- Student accommodation;
- Affordable Housing;
- Parking/Highway Implications.

Design and Appearance

5. Policy CP1 and CP8 of the Oxford Local Plan 2001-2016 require the siting, massing and design of development to create an appropriate visual relationship with the form, grain, scale, materials and details of the surrounding area and CP10 states that planning permission will only be granted where proposed developments are sited to ensure that street frontage and streetscape are maintained or enhanced. Policy CS18 of the Core Strategy echoes this.

6. The application proposes a new two storey building with roof accommodation. The Cowley Road elevation would have a greater degree of symmetry than that existing at present which would help it to relate to this part of the Cowley Road in terms of scale and mass and indeed, when viewed from Cowley Road, the building's overall dimensions would not appear dissimilar to surrounding existing buildings.

7. In terms of the external appearance of the proposed development, it is near identical to that previously considered by Committee in August 2012 and found to be acceptable in this regard. The only differences are very minor and relate to the number of doors and the fenestration details at ground floor level fronting Randolph Street which is altered to account for the newly proposed two bedroom flat where previously office space was sought. Consequently officers find the design and appearance of the development proposed to be acceptable and in accordance with that required by development plan policy.

Impact on Neighbouring Amenity

8. Local Plan policy CP10 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.

9. The proposals now before Members are, in terms of their scale, siting and fenestration, near identical to that previously considered at Committee in August 2012 and judged to be acceptable with respect to impact on neighbouring amenity. Officers therefore consider the current proposals to be acceptable in this regard.

Mix of Housing

10. Whilst the applicant has described 220 Cowley Road as comprising student accommodation, officers continue to regard the property as a house in use as a small HMO. The layout and of the house, its lack of connection to any academic institution and the Council tax records confirm officers' view in this regard and this is

consistent with the opinion expressed by officers on previous applications. Since No. 220 Cowley Road is considered to be an HMO, which allows conversion back to a house without planning permission, officers regard it as a dwellinghouse. The net loss of dwellings within a development scheme has a clear planning policy objection in the form of policy HS10 of the Local Plan and in emerging policy HP1 of the Sites and Housing Plan. As a consequence of these policies the previous scheme, which proposed a net loss of dwellings, was refused by the Council.

11. Emerging policy HP1 is proposed to supersede HS11 of the Local Plan and, following its examination in public in September, this policy has not been subjected to changes as suggested by the Inspector. Officers are therefore now confident that this policy will be found to be sound and thus fully adopted as part of the Sites and Housing Plan by April 2013. As a result, and in accordance with Government guidance in the NPPF, this emerging policy should now be afforded near full weight in the determination of applications such as this.

12. Emerging policy HP1 states that planning permission will not be granted for any development that results in the loss of one or more self-contained dwellings (which specifically includes houses, flats and those in HMO use) unless at least 75 sq m of each dwelling's floorspace is retained as a self-contained dwelling and that the internal and external living conditions of the retained dwelling are appropriate having regard to other amenity policies of the development plan.

13. Despite the above emerging policy requirements none of the existing house is to be retained; both Nos. 220 and 222 are proposed to be demolished to make way for the new development. However a replacement dwelling, in the form of a ground floor flat of 75 sq m in size, is proposed to be provided to compensate for the loss of the existing HMO. This flat is proposed to have its own entrance from Randolph Street and therefore be separate from the main entrance/exit to the student accommodation above it. This helps ensure that occupiers of the flat will not suffer significant disturbance from the student occupiers such that it would detract from the desirability of the replacement dwelling.

14. Officers recognise that the existing house is a five bedroom unit that is, potentially, capable of accommodating a family in the future even though this is somewhat unlikely given its location along a busy part of Cowley Road and the exceptionally small rear garden that it possesses. The replacement flat does not provide the same level of internal floorspace as that of the existing house or enjoy particularly good quality amenity space given that it is in the form of a rather small and overshadowed courtyard area to the rear. However, emerging policy HP1 does not specify that the retained dwelling (or in this case, the replacement dwelling) should be of similar size to that which existed previously (either in floorspace or number of bedrooms) but only that it should exceed 75 sq m in internal floorspace. The proposed scheme therefore complies with the emerging policy requirement in this regard and officers have no objection to it in this regard.

15. As discussed above, officers consider the external amenity space provided to serve the replacement two bedroom flat to be relatively poor. It is small, and would be overshadowed and overborne by not only the existing surrounding development but also the development proposed. However, the space proposed is actually as

large, if not slightly larger than that which currently serves the five bedroom house. Given that it is designed to serve fewer occupiers and still provides enough space for the reasonable storage of bins and cycles, officers consider, on balance, that it can be accepted in this case in accordance with the requirements of emerging policy HP1 as well as the other amenity standards policies of the development plan.

16. In conclusion, officers consider the replacement dwelling to be of a size and quality that can be accepted to offset the loss of the existing five bedroom HMO and therefore overcome the reason for refusal on the previous application.

Retention of Retail/Employment Premises

17. The site lies within a designated secondary shopping frontage as set out in policy RC5 of the Local Plan. Shopping units such as that on the ground floor of 220 Cowley Road are protected from loss by the policy. However, whilst the proposals include demolition of the existing shop they also provide for a larger more modern shopping unit at ground floor level fronting Cowley Road. The application proposals also include an office on the ground floor (behind the retail unit and accessed from Randolph Street) which would replace a current poor quality vacant office building thus also providing improved employment premises that should prove more attractive to businesses to the benefit of the economic vitality of the immediate area. Officers therefore welcome these elements of the proposals which, in any event, were previously considered acceptable by Committee as part of the last unsuccessful application.

Student Accommodation

18. The City Council wishes to see an increase in the proportion of students housed in purpose built accommodation. Core Strategy policy CS25 supports the provision of purpose built student accommodation subject to it being of appropriate standard and states that matters of site management and the prevention of students bringing cars into the City can be controlled by planning condition.

19. Policy HP5 of the Sites and Housing Plan, which has now undergone examination in public, states that planning permission will only be granted for student accommodation unless it is on an existing campus, in the city centre or a district centre, on allocated sites or on a main thoroughfare. The site is located within a designated district centre and on a main thoroughfare such that it fulfils the requirements of this emerging policy.

20. Conditions are recommended to be imposed to ensure that future student occupiers do not bring cars into the City and that, prior to occupation of the development, appropriate management controls are agreed by the Council to prevent potential harm to neighbouring amenity. Officers therefore have no objection to the proposals in this regard which is also a position that Committee has previously supported in its consideration of the previous refused application.

Affordable Housing

21. Policy HP6 of the emerging Site and Housing Plan states that planning permission will only be granted for new student accommodation that provides an appropriate financial contribution towards delivering affordable housing elsewhere in Oxford. However, following the examination in public of the Sites and Housing Plan

in September 2012, the threshold at which such affordable housing contributions are required from student accommodation development has been raised to 20 student rooms. The scheme proposes only 18 student rooms and, as a result, no such affordable housing cash-in-lieu contributions are required from the development proposed.

Parking/Highway Implications

22. Core Strategy policy CS25 and emerging policy HP5 of the Sites and Housing Plan require a condition to prevent future residents of student accommodation bringing cars into the City and, if imposed, this ensures that student occupiers would not add to existing parking pressure in the locality. It also encourages more sustainable modes of travel. Such a condition is recommended to be imposed in accordance with the requirements of the policy and as such the development should not adversely impact highway safety.

23. The existing house, as confirmed by the Highway Authority, does not benefit from eligibility for parking permits within the CPZ. The proposed new flat would therefore potentially result in an increase in on-street parking in an area that suffers from extreme parking pressure. As a consequence, a condition is recommended to be imposed removing the eligibility of future occupiers of the proposed flat for residents or visitors parking permits.

24. The proposed student rooms and the new dwelling are shown to be served by dedicated cycle parking in accordance with the level required by policy TR4 of the Local Plan. This is proposed to be covered and secure. A condition is recommended to ensure that this cycle parking provision is in place prior to occupation of the development. Officers therefore have no concerns with respect to the impact of the proposed development on the highway and the Highway Authority concur with this view.

Sustainability

25. The application site lies within a sustainable location on the edge of the Cowley Road District Centre. The site therefore allows excellent access to shops, services and public transport for residents of the student rooms and the flats. Although a full NRIA is not required in this case, policy CS9 states that all applications for development are expected to minimise carbon emissions by incorporating sustainable design and construction methods into the development. The application is silent on this issue however parts of the Building Regulations, in particular Part G (Sanitation, Hot Water Safety and Water Efficiency) and Part L (Conservation of fuel and power), aim to help reduce carbon emissions and protect the environment.

26. Notwithstanding the requirements of the Building Regulations, officers would recommend that if the Committee is minded to grant planning permission a condition be attached requiring details of how sustainable design and construction methods would be incorporated into the building and how energy efficiency has been optimised through design and by utilising technology that helps try to achieve Zero Carbon Development.

Other Matters

27. As a result of the number of new student rooms proposed, the development triggers a number of planning obligation requirements as set out within the Planning Obligations SPD to offset the impact on local services. These relate to cycle safety/improvement schemes, library bookstock and indoor sport provision. These requirements are set out at the beginning of the report and officers recommend that Members resolve to approve the scheme but allow officers to secure these necessary contributions by legal agreement prior to the issuing of the decision.

Conclusion:

28. The proposals are considered to result in a visually appropriate form of development that should help improve the vitality of the Cowley Road shopping frontage and provide sustainably located student accommodation of a reasonable quality without harming the overall mix of dwellings within Oxford. Officers therefore feel the current package of proposals can be accepted. Committee are therefore recommended to support the application subject to the conditions suggested and delegate to Officers the issuing of the decision notice following the above planning obligations being secured by legal agreements between both the City and County Councils.

Human Rights Act 1998

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

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

Section 17 of the Crime and Disorder Act 1998

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

Background Papers: 11/03035/FUL, 12/01383/FUL & 12/02447/FUL

Contact Officer: Matthew Parry

Extension: 2160

Date: 26th October 2012

Appendix 1

220 & 222 Cowley Road



Scale : 1:1250

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| Organisation | Not Set |
| Department | Not Set |
| Comments | 1201383/FUL |
| Date | 10 July 2012 |
| SLA Number | Not Set |

West Area Planning Committee

7th November 2012

Application Number: (1)12/01999/CAC

(2) 12/01997/FUL

Decision Due by: 26th September 2012

Proposal: (1) Conservation Area Consent for the demolition of existing biology lab, prep room, lean to workshop and store, sheds and 2 domestic greenhouses

(2) Demolition of existing biology lab, prep room, lean to workshop and store, sheds and 2 domestic greenhouses and erection of new 6 classroom block, workshop and store

Site Address: 139 Banbury Road Oxford (**site plan: appendix 1**)

Ward: St Margarets Ward

Agent: Ms Joelle Darby

Applicant: Ms Paula Holloway

Recommendation:

The West Area Planning Committee is recommended to approve conservation area consent and planning permission for the following reasons:

- 1 The proposed development would make an efficient and appropriate use of previously developed land in order to improve the existing academic accommodation for the school. The removal of the existing outbuildings within the site would not have a detrimental impact upon the visual amenity of the site or the Conservation Area. The size, scale, and siting of the proposed development would create an appropriate visual relationship with the built form and grain of the site and the surrounding area, while also respecting the significance of the historical context of the site and the special character and appearance of the North Oxford Victorian Suburb Conservation Area. The development has been designed in a manner that would safeguard the residential amenities of the surrounding residential properties and would not create any adverse impacts upon the local highway, protected trees, or biodiversity. The proposed development would therefore accord with the relevant national planning policy and policies of the current development plan. No third party representations have been received.

- 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 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Samples in Conservation Area
- 4 Further details of windows and rooflight
- 5 Landscape plan required
- 6 Landscape carry out by completion
- 7 Tree Protection Plan (TPP) 1
- 8 Arboricultural Method Statement (AMS) 1
- 9 Amenity windows obscure glass
- 10 Implementation of Drainage Scheme
- 11 Details of Sustainability Measures

Main Local Plan 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
- CP19 - Nuisance
- CP21 – Noise
- HE7
- TR3 - Car Parking Standards
- TR4 - Pedestrian & Cycle Facilities
- NE16 - Protected Trees

Core Strategy

- CS12_ - Biodiversity
- CS16_ - Access to education
- CS18_ - Urban design, town character, historic environment

Other Material Considerations:

National Planning Policy Framework

This application is within the North Oxford Victorian Suburb Conservation Area.

Relevant Site History:

The site has an extensive planning history those of most relevance to the application are as follows:

94/00615/NFH - 3 portable buildings at rear (fronting Lathbury Road) for a temporary period to provide alternative lecture rooms whilst work is in progress: Approved

94/00899/NFH - Insertion of roof lights, new window in flank wall, external fire escape stair, relating to conversion of roof space to provide 2 additional classrooms (Amended plans): Approved

07/02437/FUL - Erection of lean-to store extension and rear workshop and storage building (St Clare's College): Approved

10/02422/EXT - Erection of lean-to store extension and rear workshop and storage building (application for new planning permission to replace extant permission): Approved

11/02953/FUL - Demolition of existing biology lab, prep room, lean to workshop, store and two domestic greenhouses. Erection of a new 6 classroom block, workshop and store: Withdrawn

11/02980/CAC - Conservation area consent for demolition of existing biology lab, prep room, lean to workshop, store, sheds and 2 domestic greenhouses: Withdrawn

Representations Received:

None

Statutory Consultees:

None

Officers Assessment:

Site Location and Description:

1. The site is located on the western side of Banbury Road close to the junction with Lathbury Road which forms the southern boundary to the site. To the north lie the properties of Moreton Road, and Banbury Road and Lathbury Road to the west (**site plan: appendix 1**). The site is within the North Oxford Victorian Suburb Conservation Area.
2. The site comprises the main site of St Clares College which is made up of the main three storey Victorian buildings which front onto Banbury Road (nos.139-143) and a number of outbuildings that are sited to the rear which provide teaching accommodation.

Proposal

3. The proposal is seeking conservation area consent for the demolition of existing biology lab, prep room, lean-to workshop and store, sheds and 2 domestic greenhouses within the rear of the campus.

4. Planning permission is then sought for the erection of a two-storey block along the northern edge of the site to provide a new 6 classroom block, science and preparation room for 12-15 pupils. With a one-and-a-half storey building on the western edge to form a workshop, store, and office which is accessed from Lathbury Road.
5. The submitted scheme has been developed following the withdrawal of applications 11/02953/FUL & 11/02980/CAC and as a result of further pre-application discussions with officers and local residents to overcome initial concerns with the scheme.
6. Officers consider that the principle determining issues with regards to the proposal are as follows:
 - Principle of development
 - Educational Need
 - Impact upon the Heritage Asset
 - Impact upon adjoining properties
 - Accessibility
 - Biodiversity
 - Drainage
 - Trees.

Principle of Development

7. The National Planning Policy Framework [NPPF] encourages the effective use of previously developed land. This is supported by Policy CS2 of the Oxford Core Strategy 2026.
8. The general principle of remodelling the existing buildings within the already built up main campus in order to improve the available academic accommodation, would be consistent with the aims and objectives of these policies.

Educational Need

9. Policy CS16 of the Oxford Core Strategy makes clear that the Council will seek to improve access to all levels of education, through new or improved facilities, throughout Oxford.
10. The college has undertaken a review of their accommodation and identified a need to improve the existing teaching facilities as many are located in mixed teaching / residential spaces in different buildings throughout the area. The proposal would provide 3 dedicated science classrooms with a preparation room, secure chemical store, and student projects store on ground floor level with 3 general classrooms and office on the upper floor. In addition a maintenance workshop, office and store, will be provided in the west wing which is accessed from Lathbury Road in order to provide a more rational servicing arrangement for college.
11. The proposal would improve the overall quality of accommodation by providing modern facilities which serve the educational need of the students, enabling the college to reduce the amount of mixed teaching / residential accommodation within

their range of properties. This would accord with the aims of Policy CS16 of the Oxford Core Strategy 2026.

Impact upon the Heritage Asset

12. The site is within the North Oxford Victorian Suburb Conservation Area. The National Planning Policy Framework requires proposals to be based upon an informed analysis of the significance of any affected heritage asset and expects applicants to understand the impact of any proposal upon the asset with the objective being to preserve that significance. These aims are embodied in Local Plan Policy HE7 which seeks to preserve or enhance the special character and appearance of the conservation area or its setting.
13. Policy CS18 of the Oxford Core Strategy 2026 require proposals to demonstrate high-quality urban design that responds appropriately to the site and surroundings; creates a strong sense of place; contributes to an attractive public realm; and high quality architecture. The Local Plan encourages new development to enhance the quality of the environment, with Policy CP1 central to this purpose. Policy CP8 requires development to relate to its context with the siting, massing and design creating an appropriate visual relationship with the form, grain and scale of the surrounding area.
14. The proposal relates primarily to the buildings at the rear of the site, with the main Victorian buildings on the Banbury Road frontage unaltered. To the rear there are a collection of outbuildings which as stated in the design and access statement establish a disparate group of buildings. The proposal is seeking conservation area consent for the demolition of the existing biology lab, prep room, lean-to workshop and store, sheds and 2 domestic greenhouses within the rear of the campus. There would be no objection to the removal of these buildings.
15. The new buildings will be sited along the northern and western edges of the site in order to make best use of the available space to the rear of the campus and provide a more coherent layout for the buildings. The new classroom building will be two-storey with a maximum height of 6.5m that lowers to 6m at the boundary with 145 Banbury Road. The overall scale of the building would be no larger than the other two-storey academic buildings within the rear of the main site. The scale would be broken up further by setting the first floor element back 2m from the boundary with 145 Banbury Road and the use of bay 'clerestory' windows and different materials as scale breaking devices. The new classroom building is considered to be of an appropriate size and scale for the site. Although there are views of the rear of this site from the public realm of Lathbury Road and Moreton Road the size and scale of the building would not have a negative impact upon these views and represent an improvement on the withdrawn scheme (11/02953/FUL). With regards to the single storey workshop element to the north and west, this would have lean-to roof that slopes down towards the boundary and again is of an appropriate scale for the site.
16. In terms of architectural detailing the new classroom has been designed as a garden building which faces into the site, providing the opportunity for a landscaped courtyard between the main frontage buildings and the Sugar house

café. The use of bay windows and the glazed link on the northern and eastern boundary provide some architectural interest to the building softening the appearance. It is intended that the building will use a palette of materials such as sweet chestnut horizontal timber cladding which will weather to a silvery grey; red/brown zinc roof to relate to the colour of bricks within this part of the conservation area and zinc wraps over the bays on the northern façade.

17. As a result officers consider that the proposed development would create an appropriate visual relationship with the built form and grain of the site and the surrounding area, while also respecting the significance of the historical context of the site and the special character and appearance of the conservation area. This would accord with Policy CS18 of the Core Strategy 2026, and Policies CP1, CP6, CP8, CP10, and HE7 of the Oxford Local Plan 2001-2016.

Impact upon Adjoining Properties

18. The Council seeks to safeguard the amenities of properties surrounding proposed development as new development can block light, have an overbearing effect and overlook adjoining properties. Policy HS19 states that development should protect the privacy or amenity of existing residential properties, specifically in terms of potential for overlooking into habitable rooms, sense of enclosure, overbearing impact and sunlight and daylight standards. This is also supported through Policy CP10.
19. The site is bordered by the properties of 145 Banbury Road and 1 Moreton Road to the north, and 2 Lathbury Road to the west. It is understood that these properties are all within the ownership of Williams College with 145 Banbury Road and 2 Lathbury Road in use as student accommodation, and 1 Moreton Road the principal's house. The college has not objected to the proposal. Although the proposed classroom building would introduce a two-storey building adjacent to the boundary with 145 Banbury Road and 1 Moreton Road, it is considered that this would not have a particularly overbearing impact upon the rear gardens of the properties given the overall size of the gardens themselves. In addition a sunlight and daylight study has been submitted with the application which indicates that there would not be a significant loss of light to these properties from the proposal. Similarly the single storey nature of the proposed workshop on the western edge will not have an adverse impact upon the adjoining property at 2 Lathbury Road.
20. In terms of overlooking, the proposal will introduce first floor bay windows and a glazed link at first floor level which could lead to some loss of privacy for the adjoining properties at 145 Banbury Road and 1 Moreton Road. These windows have been designed to angle any glazing away from the properties to avoid any impact, and the plans indicate that this would be obscure glazed. A condition should be attached to secure this obscure glazing.

Trees

21. The proposal is accompanied by an Arboricultural Report prepared by Sarah Venners. The Tree Survey indicates that 4 trees (Norway Maple, Ash, 2x Purple Leaved Plum) will need to be removed from the site in order to facilitate the

development but these are not significant trees and as such there would be no objection to their removal.

22. There are a number of trees within the site that are of good quality and should be retained as part of the proposal these include an Ash, Horse Chestnut, Lawson Cypress, Weeping Willow, Laburnum, and a Laurel. The report sets out the tree protection measures that will be in place to protect these trees through the construction process. A condition should be attached to ensure that these measures are carried out as set out within the report.
23. In addition, there is a group of Lawson Cypress trees within 1 Moreton Road that screen the rear boundary. The owners of the site (William College) have made clear in their representations in the Design and Access Statement that this screen should be maintained. The Tree Survey has considered the impact of the proposal upon this group of trees and indicates that it is likely that some of the roots will have encroached into the site. It goes on to state that the foundations for the boundary wall will likely have restricted significant root spread into the site and that the trees will tolerate some disturbance and any root severance that is likely to occur from the construction of the foundations. The report concludes that any excavation adjacent to the root protection area of these trees will require supervision and appropriate techniques to minimise disturbance. A condition should be attached which secures this supervision and appropriate techniques to avoid adverse impact upon the belt of trees in the adjoining property.

Accessibility

24. The classrooms will be fully accessible with level access from the external areas into the new building and throughout the ground floor. There will be a part M compliant WC provided on the ground floor of the new block.

Biodiversity

25. The Oxford City Council Biodiversity Officer has conducted a site visit and considered that of the buildings to be demolished two were unsuitable for bat roosts, while the third was very well maintained with no holes or gaps suitable for bat entry. As such it is considered that bats are not likely to be affected by the development.

Drainage

26. A Preliminary Drainage Design Report by Price & Myers has been submitted with the application setting out the proposals to deal with surface and foul water drainage for the scheme. A condition should be attached which requires this drainage scheme to be carried out

Sustainability

27. The Design and Access Statement by Berman Guedes Stretton states that the proposal has been designed in line with good environmental practice, making best use of passive means of energy conservation which achieve higher than

recommended 'U' values along with the specification of plant and fittings which maximise energy efficiency. The scheme will also propose a ventilation strategy which maximises natural ventilation; make provision for rainwater harvesting and storage'; utilise a number of low-zero carbon technologies; and use responsibly sourced materials.

Conclusion:

28. The proposal is considered to be in accordance with the relevant policies of the Oxford Core Strategy 2026, and Oxford Local Plan 2001-2016 and therefore Members of the West Area Planning Committee are recommended to grant planning permission for the proposed development.

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.

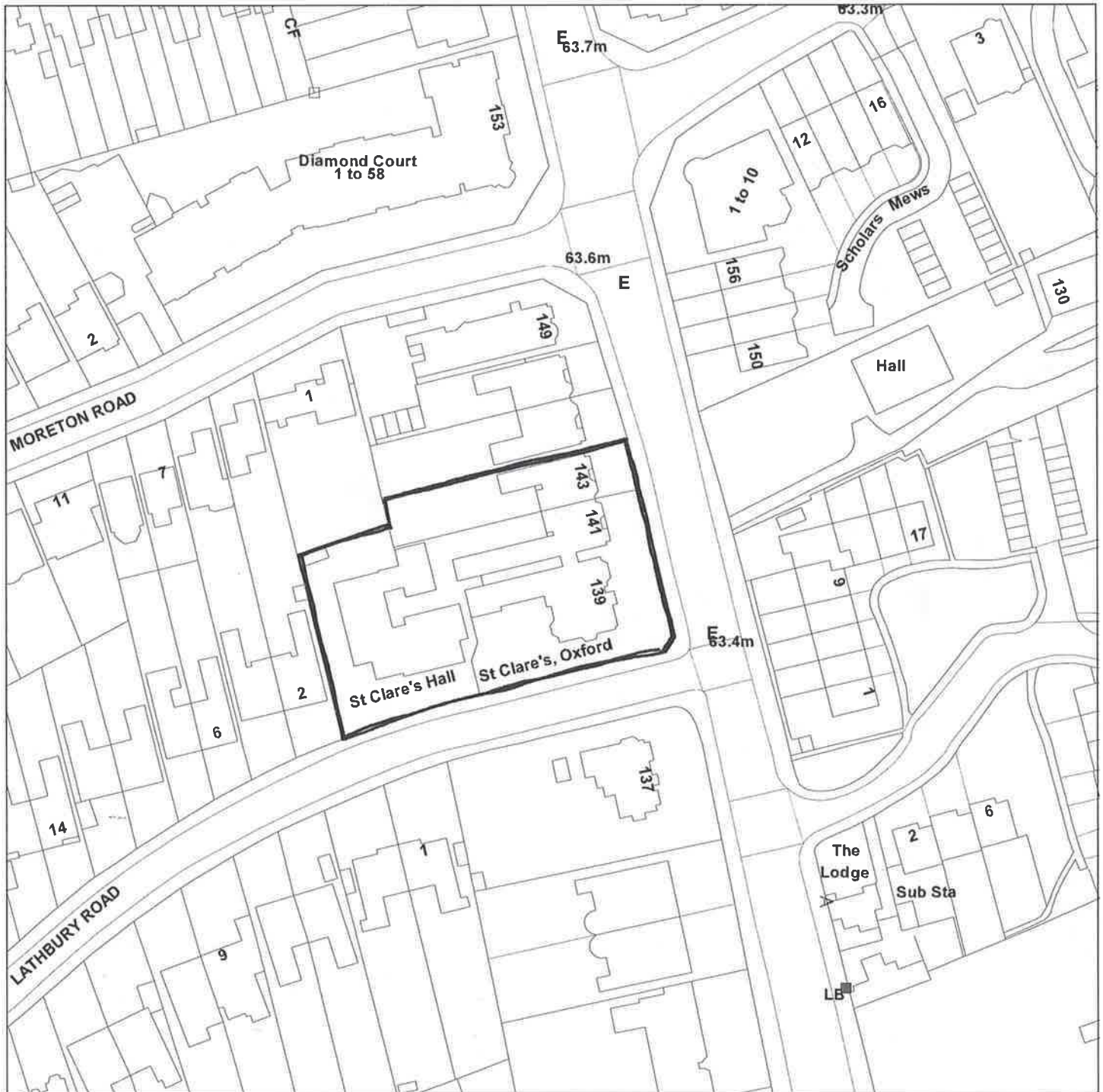
Contact Officer: Andrew Murdoch

Extension: 2228

Date: 25th October 2012

Appendix 1

139 Banbury Road (12/01997/FUL & 12/01999/CAC)



Scale : 1:1250

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| Organisation | Not Set |
| Department | Not Set |
| Comments | |
| Date | 26 October 2012 |
| SLA Number | Not Set |

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West Area Planning Committee

7 November 2012

Application Number: 12/02459/FUL

Decision Due by: 22 November 2012

Proposal: Erection of 2x2 bedroom semi- Detached dwellings (Class C3)

Site Address: Grove House Club, Grove Street, **Appendix 1.**

Ward: Summertown Ward

Agent: Mr Tony Reedman

Applicant: Mr V Patel

This application has been called in to be heard by the West Area Planning Committee by Councillor Van Nooijen, supported by Councillors Tanner, Price and Fry. The application has been called in so that the issue may be heard in public and consideration can be given whether this application gives rise to some of the same objections found in the previous application.

Recommendation:

The West Area Planning Committee is recommended to grant planning permission for the following reasons:

- 1 The proposal is considered to make a more efficient use of a brownfield site, in a manner that would be appropriate and sympathetic to the character and appearance of the area and the amenities of neighbouring properties. The development would create an acceptable residential environment and housing in a area of housing need. The development is sustainable and promotes the use of non-car modes of transport and will integrate within the existing street scene. The application therefore accords with policy CP1, CP6, CP8, CP10, TR3, TR4, HS19, HS20 and HS21 of the Oxford Local Plan 2001 - 2016 and CS2, CS18, CS20 and CS23 of the Oxford Core Strategy 2026.
- 2 Officers have considered carefully all objections to these proposals. Officers have come to the view, for the detailed reasons set out in the officers report, that the objections do not amount, individually or cumulatively, to a reason for refusal and that all the issues that have been raised have been adequately addressed and the relevant bodies consulted.
- 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. 3 years time limit
2. In accordance with plans approved, none other without prior written consent
3. Submission of materials prior to commencement
4. Detailed plans of the cycle and bins stores
5. Landscaping and boundary treatments
6. Stone wall to the rear (south west) to be retained.
7. Exclusion of properties from Controlled Parking Zone.
8. Ground contamination – risk assessment.
9. Removal of PD rights.

Main Planning Policies:

Oxford Local Plan 2001-2016 (OLP)

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
TR3 - Car Parking Standards
TR4 - Pedestrian & Cycle Facilities
HS19 - Privacy & Amenity
HS20 - Local Residential Environment
HS21 - Private Open Space

Oxford Core Strategy 2026

CS2 - Previously developed and greenfield land
CS18 - Urban design, town character, historic environment
CS20 - Cultural and community development
CS23 - Mix of housing

Emerging Sites and Housing Plan

HP4 - Affordable Homes from Small Housing Sites

Other Material Considerations:

- National Planning Policy Framework
- Balance of Dwellings Supplementary Planning Document
- Sites and Housing Development Plan Document
- Parking Standards Supplementary Planning Document

Relevant Site History:

This site has been subject to several planning applications and is also currently awaiting an appeal decision. This relevant planning history is set out below;

10/03026/FUL - Demolition of existing club house. Erection of two and three storey

building to provide school boarding house with 24 bedrooms – Application withdrawn.

11/01131/DEM - Prior notification of proposed demolition of Grove House Club buildings – Prior approval not required.

11/01165/FUL- Demolition of existing building. Erection of two storey terrace (with accommodation in roof space) comprising 1 x 4-bed house and 3 x 3-bed houses. Provision of off street parking, bin and cycle storage. (Amended Plans and Description)- Approved – but not, to date, implemented

11/03335/FUL- Retention of 3 storey building to former Grove House Club and conversion to 1x4 bedroom house. Erection of detached 4 bedroom house. – Refused, currently awaiting appeal decision

12/00872/FUL- Proposed retention of 3-storey building of former Grove House Club for use as 1x4 bed dwelling. Approved and implemented.

12/01394/FUL- Erection of 2x2 bedroom dwellings. Provision of cycle parking, bin stores and private amenity- Refused

12/01457/VAR- Deletion of conditions 8, 9 and 10 to planning permission 12/00872/FUL (use as 1 x 4-bed dwelling), relating to use of roof terrace, ground contamination and residents parking permits respectively.- Approved

Representations Received:

Statutory and Internal Consultees:

- Thames Water: No objections
- Environmental Development: No objection subject to a phased contaminated land risk assessment
- County Highways and Traffic: No objections subject to the removal from the site from the controlled parking zone and provision of cycle and bins storage.

Third Parties:

None received at time of report drafting any later received will be verbally reported to the committee.

Officers Assessment:

Site Description and Proposal

1. The application site comprises of a currently vacant plot to the east of the former North Oxford Grove House Club, Grove Street, Summertown. The site originally consisted of an extended single storey building attached to the Club House.
2. The site was originally enclosed by a high stone boundary wall but this has more recently been removed as part of demolition works and the renovations to the Former Club house, immediately adjacent to the site.

3. This application seeks planning permission for the erection of the two x two bedroom semi- detached dwellings with private amenity space to the rear with a shared pedestrian access in the resultant space to the east of the former club house.

Background.

4. This application proposes a two x two storey dwellings on the land immediately east of the former Grove House Club, only. There is a varied planning history to this site with the most recent permission being the retention of The Former Grove House Club building as a single family dwelling under application 12/00872/FUL, amended by variation permission 12/01457/VAR. An appeal has been lodged with reference to earlier refusal 11/03335/FUL which included the erection of a 1x4 bed dwelling in the grounds of the site, to the west of the Original Club House. The site has therefore become 'split' by the virtue of these various applications. This application however relates to the site to the east of the Club House, only, as outlined on the site plan attached at **Appendix 1**.
5. This application has been submitted to overcome the previous refusal reasons for application 12/01394/FUL, also for 2 x 2 bed houses, which were;
 - *The proposed development would be unneighbourly due to the lack of privacy and overlooking of the neighbouring properties, especially the kitchen extension of no. 23, and*
 - *The proposed development is considered to constitute over development of the site and results in insufficient private garden and amenity space. The refused decision notice is attached at **Appendix 2**.*
6. The main changes within this proposal to overcome the reasons for refusal, above, are considered to be;
 - A fixed and obscured 1st floor window closest to no.23 Grove Street
 - The rear facade has been set back by 300mm in attempt to reduce general overlooking
 - The internal layout of the second floor has resulted in the en suites towards the outside of the properties and therefore, in turn, reduces the distances the balconies would be from no.23 creating a more acute angle and limited opportunity for overlooking.
 - The proposed balconies are set back in to the roof space with the screened balustrade proposed fixed and obscured as well as the provision to glaze the screen nearest to 23. with a fixed, obscure glass.
 - The depth of both units has been reduced by 800mm which has made provision for increasing the garden space by 3.6m² each.
7. Officers therefore consider the determining issues in the case to be:

- The Principle of the development
- The form and appearance of the development and its visual impact on the area,
- The quality of the proposed residential environment created by the proposal
- The impact of the proposal in the living conditions of the neighbouring properties
- Impact on parking and the highway network.

Principle of Development

8. The principle of a residential use on this site has already been established by the approval of application 11/1165/FUL, above, and therefore officers would raise no in principle policy objection to a residential use on this site.
9. Policy CP6 of the Oxford local Plan states that development proposals should make efficient use of land by making the best use of the site capacity. However CS23 of the Oxford Core Strategy encourages a mix in the balance of dwelling types and the policy therefore supports a balance of dwelling types in a particular locality. In support of policy CS23 is the Balance of Dwellings Supplementary Planning Document (BoDs). This document has assessed the housing stock within Oxford and has identified areas of different pressure of housing types and stock. The aim of the guidance is to ensure that any new development provides a balanced and mixed community within the neighbourhood in which it is proposed.
10. The application site falls within a neighbourhood area defined as 'amber' in the BoDs which is a scale to indicate the level of pressure the area faces. Amber indicates that the scale of pressure is considerable for this area and therefore family dwellings should form part of new development. This proposal would provide 100% two bed units so is therefore compliant with BoDs.
11. Issues regarding the principle of the development have previously been set out in the reports for both applications 11/01165/FUL and 12/01394/FUL. Officers consider the development of the site in a sustainable way for a modest residential scheme is appropriate for this site in this location and context.
12. The principle of the development did not form part of the reasons for refusal in 12/01394/FUL and therefore the principle of appropriate, residential development of this site is considered acceptable.

Form and Appearance

13. Policy CP8 of the Oxford Local Plan 2001-2016 suggests the siting, massing and design of development must create an appropriate visual relationship with the form grain and scale and materials and details of the surrounding area and CP10 furthers this by stating planning permission will

only be granted where proposed developments are sited so as to ensure that street frontage and streetscape are maintained, enhance or created.

14. The area is characterised by fairly dense residential development, and Grove Street is typical of this. Buildings are generally of domestic scale, two storeys with traditional form and appearance in brickwork, fenestration, layout and detailing.
15. The application site is roughly square except for a 'dog leg' in the south east corner of the plot, where the garden of no. 23 extends to the boundary of the gardens with Dudley Court. The site is bounded to the north by the street frontage of Grove Street.
16. The character of Grove Street is that of a fairly narrow road with buildings, at the western end of the street built hard up to the footway. The houses are generally terraces and two storey in height, apart from the former club house, adjacent, which is three storeys and uncharacteristic of the otherwise domestic scale of the houses in the area.
17. In response to the style of the properties within the street this application proposes two x two storey buildings to fill the space of the end of the existing terrace (23. Grove Street) and the Former Club House. The dwellings are proposed with a covered access walk way between them. The two houses are proposed at the same height as the existing terrace but are reduced in depth by 800mm from the glazed patio doors to existing rear elevation of no.23. The front elevation however is proposed as the existing terrace and will therefore be built hard up to the pavement.
18. The buildings are proposed in the same style as the existing, and the scale, mass and appearance designed so as to appear sympathetic with the character and appearance of the street. The materials are proposed as a red facing brick with reconstituted stone for the window and door lintels with a natural slate roof to match the existing properties. It is considered the proposed use of these materials is sympathetic to those already in use within the street and is therefore considered acceptable.

Proposed Residential Environment

19. Policy HS21 of the Oxford Local Plan states that residential development should have access to private amenity space and in the case of family dwellings of 2 or more bedrooms the amenity space should be exclusive to the residential property and generally in excess of 10m in length. It also states that private open space could also be in the form of a balcony.
20. The rear gardens as proposed measure slightly differently due to the 'dog leg' in the garden of the plot adjacent to no 23. This is proposed to be 6.2m wide narrowing to 3.0m for a proposed lawn area, 5.95m in length and approximately 26.64m² in area. The plot adjacent to the existing Club House is 4.55m in width and 6.0m long, with a more uniform rectangular form giving an approximate total area of 27.30m².

21. It is recognised the length of the gardens are not as great as policy HS21 generally stipulates, but the widths of the gardens are greater than is typical of terraced properties. The proposal is therefore still similar to the previously approved scheme of 11/01165/FUL for 4 houses, with the inclusion of modest garden sizes. Committee took the view that the reduced sized gardens were considered reasonable and acceptable in the circumstances of that case, given the natural constraints of the site. A similar scheme nearby in Century Row has rear gardens of a shorter length than those in this proposal.
22. Notwithstanding the refusal of application 12/01457/FUL due to its small garden size it is considered that the circumstances of this latest proposal is very similar to the above permitted 2011 application for 4 houses. The site is tightly constrained in nature and the applicant has remodelled the proposal so that it makes the most efficient use of the site whilst providing a good standard of both internal and external living space. Whilst policy HS.21 states that 10m garden length for family homes is appropriate in most cases, the emerging Sites and Housing Plan recognises that this approach does not take into account the overall site constraints and context of individual cases. The Plan therefore proposes that a more criteria based approach should be taken and suggests that for houses of 2 or 3 bedrooms provision should be made for a private garden of adequate proportions for the size of the house proposed, for exclusive use by those occupants. Whilst the Sites and housing Plan is not yet adopted it is to be attributed significant weight given the late stage the Plan is within the examination process.
23. This proposal provides private gardens for both of the plots which are adequate for the storage of both bin and bike stores, is private, and have provision of a patio/terraced area and a lawn area for playing and drying clothes etc. The proposal still presents an opportunity to re develop, a currently vacant, Brownfield site for two new dwellings. On balance officers are prepared to accept that the garden sizes for these modest 2 bedroom properties are acceptable despite the loss of the roof terraces as amenity space.

Impact on Neighbouring Properties

24. Policy HS19 of the OLP 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.
25. The proposal would introduce new windows at both 1st and 2nd floor levels facing the eastern 'arm' of Dudley Court and part of the rear garden of no.23 Grove Street which did not exist before. The existing club house also has window which faces Dudley Court.
26. There is a distance of 11.5m from the rear wall of the proposed dwellings

to the flank wall of Dudley Court which does not have any windows and a distance of 25m to the nearest facing windows of Dudley Court. This separation in distance is considered to be acceptable and there is an existing 2m high stone wall between the application site and shared gardens of Dudley Court which is proposed to be retained which will allow sufficient privacy for the existing neighbouring, and any future occupiers.

27. The shared quad style gardens of Dudley Court would experience some overlooking, as would part of the rear garden of 23. Grove Street due to the inclusion in this proposal of the 2nd floor balconies. However officers believe any views from these windows would be obscured to a degree by the large mature trees and would not have an unacceptable impact given the overlooked 'quad' nature of the gardens of Dudley Court.
28. The internal arrangement of the second floor has been configured as such that any views from the balcony would be obscured by the position of the fixed balustrade and corner of the en suite, the angle of which would be so acute that any significant overlooking into the roof light window of the kitchen of no.23 would be limited.
29. Rear facing balconies are set within the roof, set back 300mm from the eaves line, in a fashion not dissimilar to the many rear box dormer windows which are prevalent and typical in the area. The new building proposed does not project beyond the rear elevation of the adjoining property on Grove Street, (in fact it is set back by 300mm), and are a suitable distance from Dudley Court and those opposite in Grove Street. As such there is no conflict with the 45 degree rule in horizontal or vertical plane from the cill height of neighbouring habitable room windows as advised in appendix 6 of the OLP.
30. Grove Street is a relatively narrow road approximately 9.5m in width. The proposal would introduce new windows facing into the street but this is not considered unacceptable due to the existing relationship between the facing buildings on the road which is typical of the area.
31. Concerns have previously been raised regarding the potential increase of noise and disturbance this proposal may result in. The immediate locality is characterised by fairly dense housing, mostly in terraces. The proposal site was originally adjoined to the store buildings which were in use in connection with the Club House which was open on evenings on weekdays and weekends. The proposed use of the site for dwellings is not considered to result in any harmful levels of noise or disturbance other than would be expected in normal, reasonable residential situations.

Trees

32. There are two large Yew Trees which are covered by Tree Preservation Orders situated on the western end of the adjacent Grove House Club site, which therefore do not fall within the application site. There are no other trees within the site although there is a concern raised regarding the

potential for storage of the necessary required building materials, should permission be granted, on the adjacent site, within the root protection areas of the trees under the preservation order. This issue cannot be controlled by condition to this application as it refers to land outside of the applicants' control. However an informative can be added to any permission granted reminding the applicant of his responsibilities, with the planning authority retaining powers to deal with any damage to the protected trees.

Parking

33. The development is proposed car free as was the previously refused application. The application site is within the Transport District Area. The local plan describes Transport District Areas as highly sustainable as they have good availability to both shops and services, with good access to public transport services as well. The Local Plan states that proposals for car free developments within Transport District areas will be treated favourably. In light of this officers regard the principle of a car free development acceptable.

34. Concerns have previously been raised during the consultation procedure about the potential increase for on street parking within the area as parking spaces are not provided within the scheme. Officers are mindful of these concerns and it is therefore recommended that the development be excluded from entitlement to apply for parking permits in order to prevent any pressure on on-street parking. A condition is therefore suggested accordingly, as recommend by the County Council Highways.

Conclusion:

This development, if approved, would make a more efficient use of a vacant brownfield site in a way that would be appropriate and sympathetic to both the visual and residential amenity of the area. The proposal forms a scheme that is considered well formed to enhance the site context and will provide two family dwellings in an area identified as under housing pressure.

Whilst the gardens proposed are modest in size and therefore do not fully meet the current Local Plan policy requirement they are, on balance, considered to be suitable and adequate to provide the amenity space needed for a 2 bedroom property, after giving careful consideration to the site constraints and circumstances of this case. The development will make a positive contribution to the area in terms of its design and will harmonise and integrate within the existing built development and street scene. Officers therefore recommend the Committee grant planning permission, subject to 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 approve, officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

Background Papers: 11/01165/FUL, 12/01394/FUL

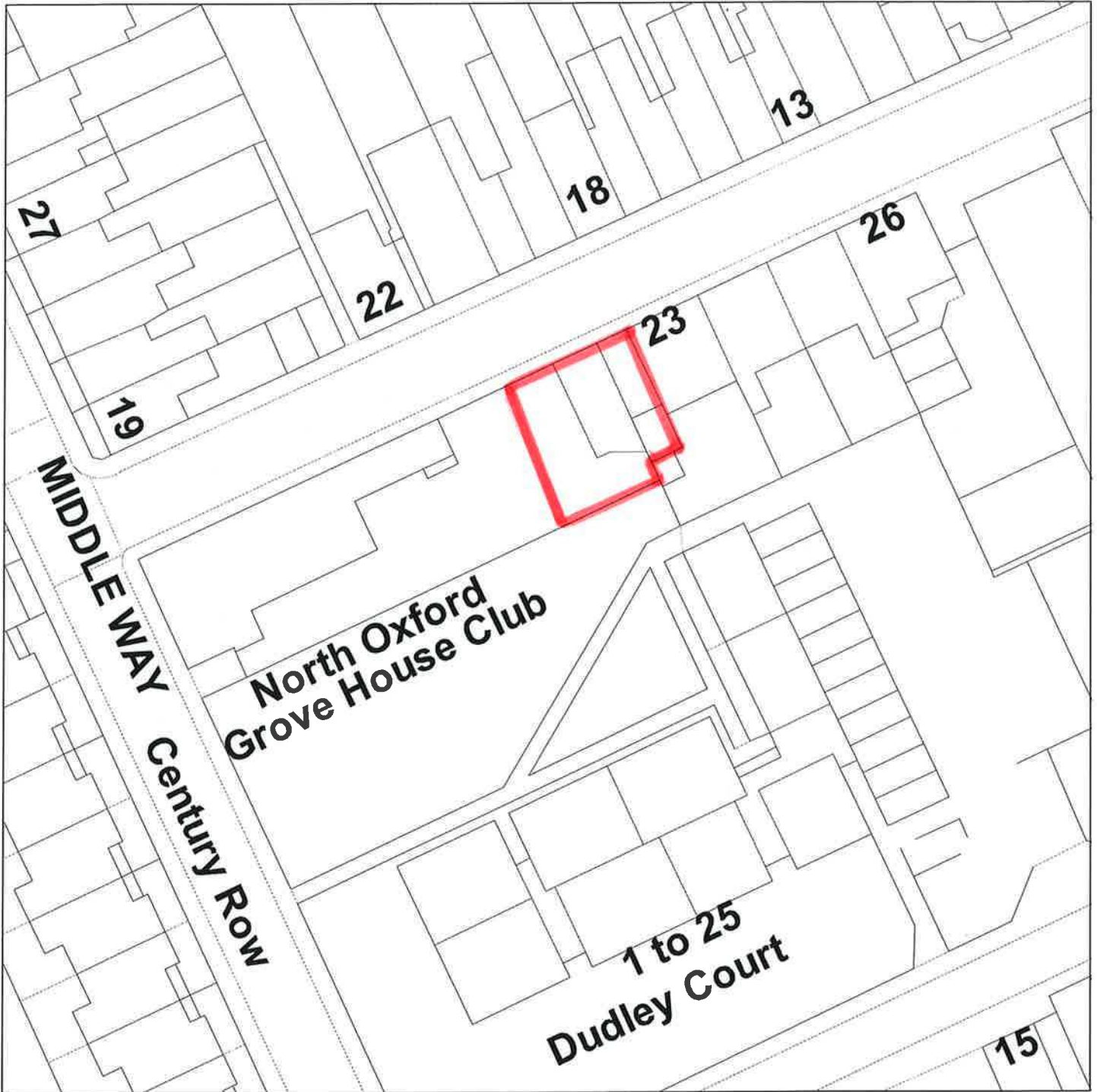
Contact Officer: Hannah Revell

Extension: 2241

Date: 29 October 2012

APPENDIX 1

Grove House Club, Grove Street



Scale : 1:500

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| | |
|--------------|---------------------|
| Organisation | Oxford City Council |
| Department | City Development |
| Comments | |
| Date | 29 October 2012 |
| SLA Number | Not Set |

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On Behalf of: Mr V Patel
C/o Mr Tony Reedman
Oxford Architectural Design Ltd
Aelfric Court
2 Oxford Road
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Oxfordshire
OX29 4HG

APPLICATION FOR PLANNING PERMISSION
Town and Country Planning Act 1990

DECISION DATE: 10th September 2012

PROPOSAL: Erection of 2x2 bedroom dwellings. Provision of cycle parking, bin stores and private amenity

AT: Grove House Club Grove Street Oxford

NOTICE OF REFUSAL OF PLANNING PERMISSION

12/01394/FUL

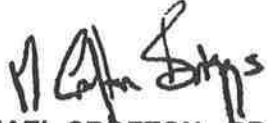
Following consideration of the application in respect of the proposal outlined above it was resolved to **REFUSE PLANNING PERMISSION** for the following reasons:-

REASONS :

- 1 The proposed development would be unneighbourly due to the lack of privacy and overlooking of the neighbouring properties, especially the rooflight to the kitchen extension of no.23. The development as proposed is therefore contrary to policies CP1, CP10, HS19 and HS21 of the Oxford Local Plan 2001-2016.
- 2 The proposed development is considered to constitute over development of the site and results insufficient private garden and amenity space contrary to policies CP1, CP6 and HS21 of the Oxford Local Plan 2001-2016.



**INVESTORS
IN PEOPLE**



MICHAEL CROFTON - BRIGGS
Head of City Development

IT IS IMPORTANT THAT YOU SHOULD READ THE NOTES ACCOMPANYING THIS NOTICE

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West Area Planning Committee

7th November 2012

Application Number: 12/02310/FUL

Decision Due by: 1st November 2012

Proposal: Change of use and conversion from public house (class A4) to a single dwelling house (class C3)

Site Address: Chester Arms, 19 Chester Street (**Site Plan: appendix 1**)

Ward: Iffley Fields Ward

Agent: John Philips Planning Consultancy

Applicant: Woodchester Estates Limited

The application has been called in by Councillors Benjamin, Williams, Hollick and Simmons for the following reasons; loss of local pub (including concerns about how pub viability is assessed) and impact on local flood zone (there is a suspected underground stream very close to the application site which has flooded in the past); and by Councillors Van Nooijen, Price, Rowley, Canning, McManners, Tanner and Curran.

Recommendation:

The West Area Planning Committee is recommended to approve planning permission for the following reasons:

- 1 Having regards to the evidence provided with the application officers consider the general principle of the loss of the public house and its conversion to a single detached dwelling would be acceptable. The proposal would make an efficient and effective use of a previously developed site in order to provide a good quality detached dwelling which has a good standard of internal and external environment that adequately provides for the future occupants of the dwelling. The proposal will provide adequate off-street parking for the dwellinghouse in a manner that maintain highway safety. The change of use will not have an adverse impact upon the protected trees within the site, or flood risk within the site or surrounding area. Therefore the proposal would accord with the National Planning Policy Framework and the relevant policies of the adopted Oxford Local Plan 2001-2016, Oxford Core Strategy 2026, and the Sites and Housing Plan.

- 2 In considering the application, officers have had specific regard to the comments of third parties and statutory bodies in relation to the application. However officers consider that these comments have not raised any material considerations that would warrant refusal of the applications, and any harm identified could be successfully mitigated by appropriately worded conditions.

- 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 Details of Refuse and Cycle Storage
- 4 Details of Means of Enclosure
- 5 Details of Parking Areas including Visibility Splays
- 6 Design - no additions to dwelling
- 10 Flood Risk Assessment mitigation measures

Main Local Plan Policies:

Oxford Local Plan 2001-2016

CP1 - Development Proposals

CP10 - Siting Development to Meet Functional Needs

TR3 - Car Parking Standards

TR4 - Pedestrian & Cycle Facilities

HS19 - Privacy & Amenity

HS20 - Local Residential Environment

HS21 - Private Open Space

RC18 - Public Houses

Core Strategy

CS18_ - Urban design, town character, historic environment

Sites and Housing Plan - Submission

HP9_ - Design, Character and Context

HP12_ - Indoor Space

HP13_ - Outdoor Space

HP14_ - Privacy and Daylight

HP15_ - Residential cycle parking

HP16_ - Residential car parking

Other Material Considerations:

National Planning Policy Framework

Relevant Site History:

The site has been subject to a number of applications those of most relevance to the application are as follows:

61/10487/A H - Extension to Public Bar for Chester Arms: Approved

65/16146/A H - Provision of car park on land adjacent to Chester Arms: Approved

69/21224/A H - Outline application for erecting one pair of semi-detached houses with garages (9 and 11 Argyle Street): Approved

86/01037/NF - Single storey rear extension to form cellar and conversion of existing cellar to kitchen for Chester Arms: Refused

98/00689/NF - Demolition of existing single storey extension, erection of new single storey extension for Chester Arms (Amended Plans): Approved

Representations Received:

76 Letters of comment have been received from the following addresses, whose comments are summarised below:

Objection

- The proposal would result in the loss of a public house, that has the potential to be transformed into a viable business and asset to the local community
- The pub plays an important part in defining the areas distinct local character
- The pub is one of the few pubs in the city which has a large garden, that is suitable for families
- The pub is the only one on the west side of Iffley Road
- The pub was used by local community groups for meetings (such as the Friends of Aston's Eyot, Oxford Wheels Project)
- The pub is in a good location and when doing well drew people from a mile or more away for events at the pub such as pub quiz, music nights, live sports, Sunday lunch, pool night, atmosphere and good beer
- The pub has not been successful in recent years as it has been run as a music venue which is not suitable in a residential area
- The 2010 investment in the pub followed standard 'chain pub' models and did not adopt an innovative approach to responding to community needs or local demand
- The pub has not been run well by the most recent landlords in comparison to previous ones but this does not mean it is not viable.
- It is clearly sustainable as a Free House under the right management as demonstrated by the Rusty Bicycle and Magdalen Arms
- The other pubs in the area (i.e. Rusty Bicycle and Magdalen Arms) do not fulfil the same role as the Chester Arms as they aim at different markets
- Too many pubs are being closed down and converted to residential use
- There may have been noise complaints, but most residents are happy if this terminates at 11pm
- The property is suitable for live music, but this doesn't have to be amplified music as there could be acoustic sets.

- The change of use would facilitate the development of the car park, and this was obviously the developers intention all along
- The proposal has not demonstrated that it satisfies Policy RC18 which deals with the loss of public houses
- The pub was sold as a quick sale and was not placed on the market locally where there is interest from local restaurant and pub owners
- The viability report is one sided as it was paid for by the application, though accurate in parts, it is misleading and also not balanced
- It is not correct to say there is no passing trade in Iffley Fields as it is a diverse community with plenty of residents (circa 15,000) in walking distance to the pub
- The site is on a busy bus route linking it to Rose Hill and the City centre
- The study was completed only 5 months after purchase which is too soon to draw conclusions as to viability and the pub does not appear to have been operated under a supportive investor
- There is plenty of parking at the pub in comparison to others in the area
- CAMRA objects to the change of use, there is still a demand for the public house use as evidence by the campaign from local residents to retain the use
- Advice from industry specialists including Cask Marque, The British Beer and Pub Association, and CAMRA show that whilst the sales of keg beers (including largers) are in decline the sale of cask and bottled beers is growing
- The level of confidence in the community for the proposal, would make it likely that a suitable operator could be found should permission not be granted
- The conversion to housing will result in more cars.
- The pub is clearly shown on the 1900 South Oxford Ordnance survey map and is an important part of the historical fabric of the area
- The layout of the new dwelling is not good, as a four bedroom dwelling would only have one bathroom and would retain all the other pub extensions
- The development will cause flood risk
- The comments on the Tree Preservation Order is out of date (i.e. crack willow replaced by Ailanthus) as this was replaced by a Silver Birch
- The dwelling is likely to be turned into a HMO

Support

- While a shame that it represents a loss of a local pub, in our experience it was little used by the community
- Noise nuisance and parking have been issues for the pub for 20 years
- The car park is insufficient for the number of customers
- No reasonable efforts have ever been attempted to cut noise pollution and on occasions the mess in the street after a weekend were unpleasant
- It should be converted to residential use, or anything other than a pub
- There are many other pubs in easy walking distance, including premises with outdoor drinking
- The proposed change of use should include a landscape strategy to better manage the conifer hedge and beech tree on site which have not been properly managed and cause problems for adjoining properties
- The change of use to single dwelling is likely to have the least impact on the community

Iffley Fields Residents Association:

- Object to the application
- The proposal does not satisfy Policy RC18
- The viability assessment is compromised and should be disregarded
- The Chester Arms was never marketed in Oxford. It was marketed by Everard Cole in Cambridge who carried out a discreet off-market process. As a result catering and pub businesses in Oxford were unaware of the availability
- The reason the pub has not been successful is because the pub has not been managed in a way that would attract local residents. The model of management as deployed by Pubmaster and Punch taverns, and more recently the applicant has proved unsuccessful whereas previous landlords engaged with residents and were members of the residents association
- While the economic downturn has not helped, investment can be found in the business plan is realistic. The pub would be of huge interest as a freehold pub to independent landlords which is an area of growth in the pub trade
- There is a large catchment area with a diverse community and a number of amenity groups that would use it
- Wet sales and amplified music need not be the way forward, and acoustic music could be offered to deal with concerns in local area
- The viability assessment only relates to keg beer sales and does not consider other revenue streams except 'beer' and the pub could diversify. The tobacco ban need not have a negative effect
- The 2010 investment was targeted at the wrong audience and should have followed example of other local pubs
- The assessment does not provide any information on pubs assets such as the enclosed garden, car park, proximity to other revenue sources
- The pub is the only one on the Iffley Fields side of the Iffley Road and is a 'social resource' and valued community asset
- The pub would not be empty if it had been put up for sale in October 2001
- The applicant understands the value of the pub to the local community having met with the residents association. The applicant may feel that the pub is a development opportunity as it is unloved by the local community. This is a misunderstanding
- There are many pubs which have turned around from the Punch Taverns type model to vibrant and well used community assets
- The NPPF guards against the loss of valued facilities
- The single dwellinghouse would have a lack of privacy and bathing facilities which make it somewhat improbable as a saleable home.
- The application is precursor to future development on site
- There is a lot of support amongst other pubs/cafes as well as potential pub users to retain the Chester Arms

Statutory Consultees:

Oxfordshire County Council Highways Authority:

The Highways Authority has no objection to this application as proposed subject to the following conditions; suitable vision splays at the parking areas; cycle parking and refuse storage in an appropriate location

Officers Assessment:

Site Location and Description

1. The site is located at the junction of Chester Street and Argyle Street and is within the residential area of Iffley Fields (**site plan: appendix 1**)
2. The site comprises the Chester Arms Public House, which is a detached two-storey building situated on the north-western corner of the site. The existing building has the main commercial area of the public house on the ground floor, and residential accommodation at first floor.
3. The public house has a small single storey extension added to the side, a large pub garden to the rear of the site, and a car park with space for 10 vehicles accessed from Argyle Street. There is a Beech Tree and Silver Birch within the application site that is subject to a tree preservation order. A part of the site is located within Flood Zone 2

Proposal

4. Planning permission is sought for the change of used and conversion of the public house (Class A4) to a single dwellinghouse (Class C3)
5. Officers consider that the principle determining issues with regards to the proposal are as follows:
 - Principle of Development
 - Loss of Public House
 - Residential Use
 - Highway Matters
 - Trees
 - Flood Risk

Principle of Development

6. The National Planning Policy Framework [NPPF] encourages the effective use of previously developed land, provided it is not of high environmental value. This is supported by Policy CS2 of the Oxford Core Strategy 2026.
7. The site is within a residential area, and would involve the reuse of an existing building, and therefore the general principle of re-using the existing building for a residential use would broadly accord with the aims of the above-mentioned policies.

Loss of Public House

8. The Local Plan states that public houses have two distinct roles, firstly as a community facility in residential areas and secondly as part of the historic legacy of Oxford. This is supported by the National Planning Policy Framework which identifies public houses as community facilities which enhance the sustainability of

communities and residential houses.

9. In assessing development proposals that involve the change of use of a public house, Policy RC18 of the Local Plan is clear that permission will only be granted where **one or more** of the following criteria are met.
 - that no other potential occupier can be found following a realistic effort to market the premises for its existing use;
 - substantial evidence of non-viability is submitted; and
 - it is demonstrated that suitable alternative public houses exist to meet the needs of the local community.
10. The application is accompanied by a Viability Assessment which has been prepared by Fleurets Chartered Surveyors in response to this policy. In terms of marketing, the assessment states that the public house was first marketed by Everard Cole in September 2011 for a period of seven weeks. The main focus of the marketing being to existing use operators with two offers received both of which considered alternative uses for the building. Having reviewed this information, officers consider that the marketing exercise carried out for the premises would fall short of the normal requirement of at least 6 months, and would appear to have a limited focus. Therefore the first criterion of the policy has not been met.
11. The second criterion relates to substantial evidence of non-viability. In this regard the expert witness from Fleurets has set out a detailed case in his viability assessment. The reasons advanced in the statement that the public house is not a viable proposition include; the business is loss making despite recent investment in 2010; the potential return on investment that does not reflect the risk; the potential difficulties in raising finance; there would be no interest from corporate pub companies, either leased or managed operators; lack of prominence in the area and passing trade which reduces the prospect of food trade; the location within a residential area would not support live or recorded music events; and that beer sales are generally in decline. In addition the former landlord has provided a statement which highlights the problems experienced of running the public house in this location together with the various business models and attractions which were undertaken to make it a successful community facility. This statement concludes that the location did not allow for passing trade, and so relied heavily on the support and patronage from local people. Furthermore the close proximity to other residential properties caused problems in terms of noise and disturbance from music events, which has been confirmed by Environmental Health records.
12. During the consultation process, concerns have been raised by local residents about the contents of the viability assessment, and that there are potential local operators interested in taking on the premises. While officers are sympathetic to the concerns about the loss of a facility such as this from the local area, the assessment has been prepared by an expert witness to address the policy criteria and therefore the application needs to be assessed on the basis of the evidence provided. As a result officers consider that the viability assessment has made a reasonable case to demonstrate non-viability. In addition the former landlord has actively explored a range of options to attract more custom, such as encouraging

community events; quiz nights; improving the food offer; and introducing music nights, but that these did not generate the consistent increase in business to make the pub viable. Therefore on balance, officers consider that the second criterion of the policy has been met.

13. Finally the third criteria of the policy require applicants to demonstrate that there are suitable alternative public houses in the area to meet the needs of the local community. In this regard the assessment has looked at the available premises within a 0.8m radius of the site, which is considered a reasonable approach. The assessment identifies 16 public houses that are within the 800m radius. While the majority of these are on the Cowley Road, a small number exist in the Iffley Road area which are well within walking distance (i.e. The Fir Tree, Magdalen Arms, and Rusty Bicycle) even if they are not on the same side of the Iffley Road as the Chester Arms. Similarly there are a further 6 clubs and other alternative venues within the local area (i.e. Gladiators Club, Oxford University Sports Rugby Club, East Oxford Conservative Club, Pegasus Theatre and Café, and Magic Café) which provide facilities for local people. As such officers consider that the third criterion of the policy has also been met.
14. In summary, officer consider that while the marketing exercise is not convincing a reasonable has been made in terms of non-viability and also the availability of suitable alternative premises in the local area. Therefore, officers consider that the proposal has, on balance, satisfied parts (b) and (c) of Policy RC18.

Residential Use

15. The National Planning Policy Framework requires development proposals to deliver a wide choice of quality homes in order to create sustainable, inclusive and mixed communities.
16. The proposal would convert the existing public house into a self-contained 4 bedroom dwellinghouse with a large kitchen, family room, living room, dining room, and study at ground floor level and four bedrooms, and a bathroom at first floor level. Officers consider that the proposed conversion would create a good standard of residential accommodation that would satisfy Policy HS20 of the Oxford Local Plan and Policy HP12 of the Sites and Housing Plan.
17. During the consultation process concerns have been raised that the conversion would not create a good quality family home, as there would be a lack of bathing facilities and also a lack of privacy as a number of habitable rooms would face directly onto the street. Having considered these concerns, officers consider that the lack of ensuite facilities would not be a material reason to withhold permission. The property clearly has a separate bathroom that would provide suitable bathing facilities for occupants. Similarly while a number of rooms at ground floor level would face directly onto the street, this type of arrangement could be found in a number of other residential suburbs throughout the city.
18. In terms of private amenity space, the property would have use of the large pub garden which would be more than adequate for a property of this size in accordance with the aims of Policy HS21 of the Oxford Local Plan and Policy

HP13 of the Sites and Housing Plan. While there may be elements of this garden that can be viewed from the public realm of Chester Street, this arrangement could also be considered of many corner plots within residential suburbs throughout the city which have return frontages on public roads and does not impact upon the overall quality of the space. Similarly there would be ample space available for suitable refuse and cycle storage at the property, and this could be secured by condition.

Highway Matters

19. The site is in a sustainable location with good access to shops, services and public transport which would normally support a reduction in off-street parking. However the site is not within a controlled parking zone and there are on-street parking pressures in the area.
20. The proposal would utilise the existing access to the pub car park from Argyle Street to provide vehicular access to 3 off-street parking spaces at the rear of the site. This would satisfy the maximum parking standards for a 4 bed dwelling in accordance with Policy TR3 of the Oxford Local Plan 2001-2016.
21. The existing access to the pub car park is shared with the properties at 9 and 11 Argyle Street providing access to their parking spaces. This shared access will be maintained and as such it is proposed to improve the vehicular vision splays and pedestrian awareness splays to the right (when egressing the access) where this is under the control of the applicant, while the splays to the left will remain as existing. A condition should be attached requiring these to be provided.

Trees

22. The site is covered by a Tree Preservation Order that relates specifically to two trees a Beech Tree (T1) and a Silver Birch (T2). The proposal does not involve any alterations to the built form of the existing building and will therefore cause no issues for the protected trees. It should also be recognised that the protected trees are a constraint which may have an impact on any future development proposals for the site.

Flood Risk

23. The site is located within Flood Zone 2 according to the Oxford City Council Strategic Flood Risk Assessment. A Flood Risk Assessment has accompanied the application which concludes that the site will not result in any changes to the existing hard surfacing within the site or surface water regime, and therefore will not result in increased flood risk. The dwellinghouse will be designed to incorporate flood resilience and safe access measures in order to mitigate any residual risk during times of flooding; and adopted a design process which responds to the potential impacts of climate change.
24. Having regards to the nature of the proposed development and the contents of the Flood Risk Assessment, officers consider that the proposed development would not increase flood risk, subject to a condition being attached requiring the

measures set out within the Flood Risk Assessment being carried out.

Conclusion:

25. The proposal is considered to be in accordance with the relevant policies of the Oxford Core Strategy 2026, Oxford Local Plan 2001-2016, and Sites and Housing Plan and therefore Members of the West Area Planning Committee are recommended to grant planning permission for the proposed development.

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

Contact Officer: Andrew Murdoch

Extension: 2228

Date: 22nd October 2012

Appendix 1

Chester Arms, Chester Street (12/02310/FUL)



Legend

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WEST AREA PLANNING COMMITTEE

7 November 2012

Application Number: 12/02432/CT3 and 12/02331/CT3

Decision Due by: 15th November 2012

Proposal: 12/02432/CT3: Listed building consent for external alterations to display 4No. overhead avenue illuminated fascia signs in the High street, a wall mounted illuminated banner in Market street, a high level non illuminated fascia sign in Market Street, 4No. illuminated display boards within the Avenues.
12/02331/CT3: Advertisement consent for external alterations to display 4No. overhead avenue illuminated fascia signs in the High street, a wall mounted illuminated banner in Market street, a high level non illuminated fascia sign in Market Street, 4No. illuminated display boards within the Avenues.

Site Address: Covered Market, Market Street, Oxford, Oxfordshire

Ward: Carfax Ward

Agent: Mr Ian Gordon

Applicant: Oxford City Council

12/02432/CT3: Listed building Consent Recommendation: (Note: because the applicant is the City Council the application is to be determined by the Secretary of State)

RAISE NO OBJECTION

For the following reasons:

- 1 The Council considers that the proposal, subject to the conditions imposed, would accord with the special character, setting and features of special architectural or historic interest of the listed building. It has taken into consideration all other material matters, including matters raised in response to consultation and publicity;

subject to the following suggested conditions:

- 1 Commencement of works LB/CAC consent
- 2 LB consent - works as approved only
- 3 7 days notice to LPA
- 4 LB notice of completion
- 5 Repair of damage after works
- 6 Details of equipment
- 7 Cabling details
- 8 Samples of materials

12/02331/CT3: Advertisement Consent Recommendation:

APPLICATION BE APPROVED

For the following reasons:

- 1 The Council considers that the advertisements would be appropriate for the proper advertising of the building in a manner that would raise its profile. The boards would aid navigation around the market. The Council has taken into consideration all other material matters, including matters raised in response to consultation and publicity;
- 2 The Council considers that the advertisements would suit their visual setting in terms of scale, design, appearance and materials; they would preserve or enhance the visual amenity of the building; and they would not significantly prejudice highway safety or residential amenity;

subject to the following conditions, which have been imposed for the reasons stated:-

- 1 Avenue fascia signs max luminance
- 2 Banner max luminance
- 3 Display boards max luminance
- 4 Site maintenance of adverts
- 5 Satisfactory removal of adverts
- 6 No alteration to advert

- 7 Removal of existing adverts
- 8 Fixing of banners
- 9 Five year time limit
- 10 Permission of owner for advert

INFORMATIVES :-

- 1 Highway licence
- 2 Non peak hour installation
- 3 Archaeological advice

Main Local Plan Policies:

Oxford Local Plan 2001-2016

RC14 – Advertisements

HE3 – Listed Buildings and Their Setting

HE.7 - Conservation Areas

Core Strategy

CS18_ - Urb design, town character, historic env

Other Material Considerations:

National Planning Policy Framework.

This application is in the Central Conservation Area. The covered market is listed grade II.

Relevant Site History:

90/00219/GFH - Curved entrance signs to Avenues 1-4; PER 18th April 1990.

Representations Received:

English Heritage:

'The case for making the entrances to the Covered Market more prominent is well made and English Heritage has no objection in principle to the works which require listed building consent. The proposed totem signs would add unfortunate clutter to the street scene, which is ironic as the Covered Market was developed to rid the streets of unsightly clutter. However, as these do not require listed building consent and do not form part of the application, we can only pass comment on these'.

Highways Authority:

No objections to the application as proposed but objects to totems on the footway.

The signs, banners and boards are to be erected adjacent to and above well-used footways in Oxford City centre's shopping and leisure area.

The proposed signs, banners and boards are outside of the highway boundary and where these are within the highway boundary a minimum height clearance of 2300 mm and a minimum clearance of 600mm from the kerb is achieved.

Objects to totem on the footway where this would reduce the width on High Street where there is a heavy footfall. Totems would adversely affect those with mobility impairments and would create risks to pedestrian safety where pedestrians could be forced into the road on this busy bus route and where considerable activity including loading/unloading occurs.

Pedestrians would also be re-directed towards the entrances to the Covered Market which would create greater conflicts between pedestrian movements and risks to pedestrian safety where there is a congregation of people.

Access Officer:

While the totem poles cut the width of the pavement down, they do have good colour contrast which would increase the ability for visually impaired people to see them. Many visually impaired people would be used to a busy town environment and would be aware of lamp posts, street furniture etc being on the kerb line. It is not ideal and would have made more sense in such a busy area to have had some type of hanging signage.

Statutory and Internal Consultees:

Highways Authority, English Heritage Commission, Oxford Preservation Trust, Access Officer.

History

1. The Oxford Mileways Act of 1771 was introduced to make the city's main roads safer and less cluttered and to rid the main streets of 'untidy, messy and unsavoury stalls' from Butcher Row (Queen Street) and Fish Street (St Aldate's). In 1771 John Gwynn was commissioned to prepare designs. His scheme was never fully implemented but 13-16 High Street (The Parade) of 1774 follow his plan.
2. The market was very successful, principally because the 1771 Act and a subsequent 1781 Act severely controlled the location of butchers, butter stalls and the sale of fruit throughout the city: a virtual monopoly. The market expanded throughout the latter part of the C18th and into the C19th. In 1808, 48 stalls were added but in 1823 plans to extend the market west were thwarted by the breakdown in negotiations between the market committee and Edward Latimer, the landowner, who berated the committee for short-sightedness and false economy. Eventually in 1842 agreement was reached and the erection of a 'more imposing and less congested entrance by way of Market Street' was achieved. The south-west end of the street, 1842-4, and the north-west end, 1845-9, were set back and rebuilt in accordance with plans by H J Underwood. In 1845, a corn exchange was introduced into the market but this was not successful and in 1863 it moved. During the latter part of the C19th, gradual reconstruction of the market took place and in 1894 it was substantially rebuilt.

Description

3. The market fronts onto both Market Street and High Street. The High Street elevation, which has three storeys, is composed of a formal classical C18th

façade with wide central pediment, sash windows on both first and second floors, the first floor windows being taller, and with three pedimented tripartite sashes spaced at regular intervals along the façade. Above the shop fronts is a stone string band. Over aisle four is one of the pedimented windows with balustrade that mark the entrance. Aisle one is an extension to the market, part of a building that has a different appearance and that is stylistically more late 17thC. The building is three storeys and rendered with projecting pedimented Serlian windows at the second floor level. The market entrance is articulated as a more traditional shopfront with timber shop fascias, rather than a string course.

4. The High Street façade, which has retail uses on the ground floor with the first floors in separate occupation and ownership, is part of a street that exhibits considerable variety in architectural form. The predominant uses are retail; projecting and fascia signs are part of the street's character. Further down the High Street the colleges and University buildings are more dominant. There are long views both up and down the High Street, the view west facing on Carfax Tower, the views east capturing its 'stream-like winding' (Wordsworth) framed by buildings.
5. Currently, there are projecting hoop signs over each avenue entrance, which now look a little dated and are attached rather clumsily with thick poles to the ceiling of each entrance. In long views up and down the street, the signs are not readily visible.
6. Market Street has a different character and a sense of being a medieval lane, with on one side the high wall of Jesus College and on the other the C19th additions to the covered market. This elevation of the market is more varied and has in part a stone façade with blind arcading and an off-centre main entrance and a white timber-framed skeletal structure that supports the extended roof of the market (perhaps a loading bay). In between, is a more recent, flat-roofed WC block that fortunately is mostly obscured in long views up and down the street.
7. Market Street provides access for deliveries to the market and there is a traders' loading area in front of the aisle entrances. There are no other signs on this part of the building. Because of the curve of Market Street this part of the market is not readily visible from Cornmarket and two projecting flag poles have been erected to announce the Market Street entrances. There are also two unauthorized high level signs on the timber framed part. The stone façade has been repaired and redecorated in 2011 which included the removal of a plethora of small directional and traffic enforcement signs and cigarette butt box.
8. The covered market was provided to remove market stalls from the surrounding streets and to tidy up and de-clutter the public realm. The design intent was that the market should be discreet and hidden from view. It is ironic that it is this characteristic that now makes the market vulnerable due to lack of awareness by casual shoppers, and thus greater prominence is necessary to increase footfall and to make the heritage asset more accessible.

Summary of the heritage significance

9. The covered market has high integrity and is an important surviving component of Oxford's building stock, providing evidence of the development of the town. Its evidential value helps to explain the conflicts between traders, transport infrastructure and the need for the authorities to manage businesses in the town 'in the public interest'. The different phases of development of the market show how it expanded to address its popularity and to meet the retail needs of the town. Architecturally, the elevations are competent and contribute to the character and appearance of Market Street and High Street. Internally, the character of the market has special qualities and presents a very different experience to that of other shopping streets due to the market's scale of small units, its roof structure, levels of light, intimacy, noise and bustle. The market is a visitor attraction as a whole, as well as meeting a range of retail needs. The market has high communal value amongst visitors, residents and the traders themselves.

Sustainability:

10. Assists with the continuation of listed building in the same use for which it was designed.

Proposals:

11. The City Council wants to upgrade the existing signage at the four entrances to the High Street and at two locations in Market Street.
12. The City Council wishes to provide well designed signage that would reflect the individual nature of the building and of the activities taking place within, and would also attract and draw the attention of the public.
13. The High Street avenue frontages are not in the ownership of the City Council. The aim is to increase the prominence of the entrances and to provide some separate, limited information about the traders within the corresponding avenues. The resultant designs along the High Street are to update the high level, curved, projecting signage and to provide new monolithic floor-mounted signs to enhance and improve the visibility of the entrances.
14. The design approach for the Market Street elevation is to revise and replace the two high level signs for a design more in keeping with the existing design and proportion of the external frame and walling. In addition a new vertical banner style sign located near to the market yard entrance would be easily visible and nearer to the public viewpoint from Cornmarket. The challenges are:
 - The market does not have direct street frontages, ie shop windows, except at Market Street;
 - The lack of visibility of the market from principal shopping streets;
 - Poor marketing generally;
 - Poor public awareness of the range of goods and services available within the market;
 - Avenue entrances off High Street are flanked by buildings that are not in the control of the landlord;
 - These entrances are flanked by retail premises that have fascia and

projecting signs that reduce the prominence of the entrances; The plethora of unauthorised signs and A-boards that accumulate on or near the entrances;

- The quality of the public realm and management of servicing in Market Street and
- Servicing vehicles parked in Market Street conceal views of the entrances.

15. The Covered Market is a listed building and sits within a conservation area. This means that standard solutions are unlikely to be appropriate and proposals have been developed with the objective of enhancing the heritage value of the site.

Details

16. To the High Street, the overhead avenue signs would be placed over each of the four entrances and replace the existing signs. They would read: 'Market' in individually cut lettering, set on a segmental curve projecting from the building line. The material would be polished Verometal bronze paint finish to the lettering with dull Verometal bronze paint finish to the supporting frame. They would be of fret cut polyurethane block lettering, supported on curved aluminium box section frame and mounting arms. Fixing to the building would be non-ferrous. They would be illuminated by LED trough lighting to illuminate from above and these would be integrated. Illumination would be low voltage with remote controlled located transformer and isolation control.

17. To Market Street, there would be a wall-mounted banner, double-sided, attached to the modern market building immediately adjoining and west of the listed building. It would be finished in Verometal bronze with white vinyl text applied to both sides, and integral LED trough light in the top projecting arm to light up both faces. The letters would run vertically, thus this will have a more modern character than the other signs. The advantage of the lettering running thus is that a large area of lettering is provided but in a less obtrusive manner than if it was to be set horizontally across an entrance.

18. Also to Market Street, the existing two sign boards would be removed at high level and be replaced by single letters reading 'Covered Market' in capitals, on the timber frame, to the side. Thus the sign would be visible from the west part of Market Street. The letters would be fret cut polyurethane supported on an aluminium box section frame and mounting arms. They would be polished Verometal with bronze paint finish to the supporting frame.

19. To High Street on the pavement there would be two totems that require neither Advertisement nor Listed Building Consent but are included for completeness. The totems would be placed opposite the entrances to avenues 1 and 3 so as to signal the entrances. These would be fabricated aluminium with internal galvanised steel frames, with flange plate fixings below ground floor to concrete foundation slabs. The material would be painted Verometal in dull bronze. There would be fret cut lettering internally illuminated by LED light source behind opaque toughened glass. Illumination would be low with remote controlled transformer and isolation control. There would be line illustrations to both faces showing the David Loggan map of 1675.

20. The current unauthorised plastic signs would be removed prior to commencement of the works and this would be an improvement.

Officer's Assessment:

21. The National Policy Planning Framework, Oxford Core Strategy and Local Plan share the objective of seeking to sustain the special interest of the historic environment. Policies recognise that change may be necessary to maintain the viability of heritage assets and to secure their future. If carried out sensitively and with understanding of the heritage values that a place holds, it is recognised that this can add interest. Where there is harm identified in any proposal, there needs to be a justification to show that the public benefits of a particular proposal outweigh that harm.
22. Care has been taken to choose locations that are respectful of the historic building. The materials would have a natural appearance, in keeping with the palette of the stone, painted timber and natural slate of the market.
23. The proposals would improve the visibility of the market and provide accessible information about the shops within, promoting the shopping experience within as single entity as well as a destination with historic interest.
24. Signage has been integrated into the design of the building, not just to be bigger and brighter to stand out from the rest. The architectural qualities have been capitalised and the signs are innovative and creative.
25. The highway authority has expressed concern that, the two totems on the pavement would be potential hazards to those with sight impairment. However the Access Officer has pointed out that people tend to use their sticks to tap along building fronts and not along the kerb. The totems would to an extent impede the pedestrian flow along the High Street for most pedestrians but this is offset against the advantage of the improved awareness of the market that the signs would bring. In any event the totems are not part of these applications and their installation is within the highway authority's control
26. The proposals are too small-scale to have significant archaeological implications in this location. However given the general archaeological sensitivity of the High Street it is suggested that an informative be added to any consent to allow opportunities for a watching brief.

Conclusion:

The signs would help sustain and enhance the viability of the Covered Market and thus assist with retaining the market in the original use for which it was designed. The proposals are designed with regard to the special architectural and historic interest of the listed building and subject to the conditions above, would be appropriate and well-designed interventions.

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

Background Papers:

National Planning Policy Framework
Planning Policy Statement 5: Practice Guide

Contact Officer: Katharine Owen

Extension: 2148

Date: 26th October 2012

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LOCATION PLAN
C0523/01/01

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West Area Planning Committee

-7th November 2012

Application Number: 12/01294/FUL

Decision Due by: 2nd August 2012

Proposal: Extension of basement to form habitable space. Provision of fire escape to front elevation and light well to rear.
(Retrospective) (Amended plan)

Site Address: 30 Bartlemas Road
(Site Plan: Appendix 1)

Ward: St Clement's Ward

Agent: Mr Stephen Ingram

Applicant: Mr Rana

Application Called in – by Councillors – Clack, Malik, Coulter, Clarkson, Rowley and Curran

for the following reasons – Potential over-development

Recommendation:

APPLICATION BE APPROVED

For the following reasons:

- 1 The development is considered to form an acceptable visual relationship with the existing building and local and subject to the proposed conditions will not lead to residential accommodation of a poor environmental standard or have a significant effect on the current and future occupants of adjacent properties . The proposals therefore comply with Policies CP1, CP8, CP10, HS19 and HS20 of the adopted Oxford Local Plan 2001 – 2016 and Policy CS18 of the Core Strategy.
- 2 Officers have considered carefully all objections to these proposals. Officers have come to the view, for the detailed reasons set out in the officers report, that the objections do not amount, individually or cumulatively, to a reason for refusal and that all the issues that have been raised have been adequately addressed and the relevant bodies consulted.
- 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.

subject to the following conditions, which have been imposed for the reasons stated:-

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 No more than six residents
- 4 Basement accommodation not to be used as bedrooms

Main Local Plan Policies:

Oxford Local Plan 2001-2016 (OLP)

CP1 - Development Proposals

CP8 - Design Development to Relate to its Context

CP10 - Siting Development to Meet Functional Needs

TR3 - Car Parking Standards

HS15 - Housing in Multiple Occupation

HS19 - Privacy & Amenity

Core Strategy

CS18_ - Urban design, town character, historic environment

Sites and Housing Plan - Submission

HP7_ - Houses in Multiple Occupation

Other Material Considerations:

National Planning Policy Framework

Relevant Site History:

76/00324/A_H - Extension to form W.C. and kitchen. PER 11th June 1976.

12/00292/FUL - Proposed single storey rear extension and front fire-escape from basement (Amended plans).. PER 2nd April 2012.

Representations Received:

Comments and objections have been received from:

18, 30, 31, 32, 33, 34, 42, 52 and 58 Bartlemas Road

3 and 49 Southfield Road

33 Bartlemas Close

These comments and objections can be summarised as follows:

Intensification of HMO use in an area already overcrowded with HMOs.

Parking pressures

Increase in noise, disturbance and intensification of use

Loss of privacy

Loss of amenity

Loss of light,

Effect on local ecology

Risk of flooding

Effect on character of area

Information missing from plans

Overdevelopment

Access

Effect on existing community facilities

Increase in pollution

Unrealistic description of rooms.

Statutory and Internal Consultees:

Local Highway Authority: No objections

Issues:

Design

Intensification of use

Effect on adjacent occupiers

Internal environment

Parking / traffic

Officers Assessment:

Site description and background

1. 30 Bartlemas Road is a detached brick built house with a cellar under part of the house. The current owner has developed the property with a single storey rear extension approved under application 12/00292/FUL, which also gave permission for the provision of a fire escape to the existing basement space to the front of the house.
2. These works have now been completed, along with the digging out and formation of a further habitable space under the rear of the house, which the applicant appeared to believe to be permitted development not requiring planning permission.
3. However, the works on digging out the basement and providing the fire escape / lightwell commenced as part of the same operation as the works that did require planning permission and therefore also required planning permission. It is noted that the current application includes the provision of the fire escape, although this was approved by the previous application.

Use of site

4. Officers are satisfied from their records that the current legal use of 30 Bartlemas Road is as a Class C4, small HMO. This use was established before 24th February 2011 and is therefore not subject to the Article 4 direction that was served on that date.
5. A Class C4, small HMO will allow occupation by up to 6 unrelated persons, whilst occupation by more than 6 unrelated persons would constitute a sui generis, large HMO according to the Town and Country Planning (Use Classes) 1987 (as amended).
6. The plans provided with the application show three bedrooms, a large L shaped kitchen plus four further rooms described as: Dining room, living room, study / computer room and games / sitting room. Officers consider that in terms of the accommodation provided, the property would lend itself to accommodating more than 6 tenants as a sui generic, large HMO.
7. It is noted that such a change of use is not proposed as part of the current application, and that a change of use to a large HMO would require permission. The applicant has indicated that there will be no more than 6 tenants on site and that the basement accommodation will not be used as bedrooms, thus not increasing the potential capacity of the property, and they will accept a condition to this effect.

Principle of development

8. The main issues for consideration are considered to be: Design, Intensification of use, Effect on adjacent occupiers, Internal environment, Parking.

Design

9. Oxford City Council desires that all new development should demonstrate high quality urban design where the siting, massing and design creates an appropriate visual relationship with the built form of the local area. The Local Development Plan provides policies to support this aim and CP1, CP8 and CS18 are key in this regard.
10. The front fire escape / light well creates an opening in the ground to the front of the bay window that is clearly visible from the public domain. However such arrangements are common in the wider local area and it is not considered to be harmful to visual amenity, particularly as the bay window will be extended below current ground level.
11. In any event, the fire escape already has the benefit of planning permission and it is not considered that the digging out of the basement and rear light well have a material effect on visual amenity. The proposal is not considered to be materially out of character with the existing house or local area, will not be

harmful to visual amenity and complies with Policies CP1 and CP8 of the OLP and CS18 of the Core Strategy.

Intensification of use

12. All residential properties will create a level of noise and disturbance and it would be unreasonable to suggest that tenants sharing a house will create more noise and disturbance than other patterns of occupation. However, where there are substantial numbers of unrelated persons sharing a property, the pattern of disturbance may be increased or extended, in terms of multiple activities taking place at the same time or multiple comings and goings to the property throughout the day.
13. In this case, officers are concerned that the increase in rooms could facilitate an increase in the number of tenants which may lead to such an increase in disturbance.
14. However, the house was until recently a three bedroom house with two reception rooms, let as a small HMO. Bearing in mind that two of the rooms could be described as double rooms, the accommodation could have supported 6 tenants, if not more. The digging out of the basement has extended the accommodation, but the current C4 use is defined by the Use Class order as up to 6 tenants, with more than 6 tenants being in a use of its own and therefore requiring an application for a change of use.
15. It is considered therefore that denying planning permission because of an intensification of use within the existing use class would be unreasonable. However it is noted that no change of use class is proposed as part of the application, and it is considered prudent and reasonable to confirm this situation by a condition of planning permission.

Effect on adjacent properties

16. The development is considered to form an acceptable visual relationship with the existing building and local and subject to the proposed conditions will not lead to residential accommodation of a poor environmental standard or have a significant effect on the current and future occupants of adjacent properties. The proposals therefore comply with Policies CP1, CP8, CP10, HS19 and HS20 of the adopted Oxford Local Plan 2001 – 2016 and Policy CS18 of the Core Strategy.
17. Officers have considered carefully all objections to these proposals. Officers have come to the view, for the detailed reasons set out in the officers report, that the objections do not amount, individually or cumulatively, to a reason for refusal and that all the issues that have been raised have been adequately addressed and the relevant bodies consulted.

Internal environment

18. Policy HS19 also requires development to provide adequately for the protection or creation of the privacy and amenity of the occupant of existing

properties and policy HS20 states that developments involving residential uses should provide a good environmental standard within each dwelling.

19. The inclusion of the fire escape and a lightwell to the rear of the property will bring natural light into areas of the basement that would otherwise be overly dark, and overall, the proposals are considered likely to result in a reasonable standard of residential amenity for current and future occupants and policies HS19 and HS20 of the OLP.
20. It is considered prudent and sensible for any grant of planning permission to be conditional on the development being carried out entirely in accordance with the approved plans and that the basement accommodation be used as part of the existing house and not subdivided.

Parking and traffic

21. Policy CP1 of the OLP states that permission will only be granted for development that is acceptable in terms of access, parking and highway safety. Policy TR3 states that planning permission will only be granted for development that provides an appropriate level of car parking spaces no greater than the maximum car-parking standards shown in the plan's Appendix 3.
22. Appendix 3 of the OLP gives a maximum standard of two parking spaces for a three bedroom house and three spaces for a house with four or more bedrooms. There is currently no parking at the property and none is proposed.
23. It is noted that no increase in bedrooms is proposed in the application, but that the additional space could easily be used as bedrooms subject to the limitations of the existing use class. Were the additional accommodation used to facilitate a more intensive use of the building, this may lead to an increased pressure on parking and on local traffic movements.
24. With this in mind, officers consider that a reasonable approach would be to grant planning permission subject to a condition excluding other uses of the building (such as a large HMO) to ensure the development complies with Policy TR3 of the adopted Oxford Local Plan 2001 – 2016.

Other issues

25. Officers have considered the likely effect of the development on local ecology, flooding, pollution and existing community facilities. Whilst the development may have an effect in these areas, the likely scale of any effect is not considered such that it would be a material consideration in the determination of the application.
26. Officers note the comment relating to the description of rooms on the plans and are mindful that three bedrooms could reasonably provide six bed spaces. Use of the communal rooms as bedrooms may not require a further

grant of planning permission, but consider that were the number of tenants to exceed six persons, then this would constitute a large (Sue Generis) HMO and are of the opinion that such a use would require a further grant of planning permission. A condition has been recommended to confirm this.

27. Officers note the comments relating to the effect of the development on the structure of adjacent property. Unfortunately this is not is not a planning matter and can not form part of the process of determination of the application.

Conclusion:

28. For the reasons set out above, officers consider that on balance, the development forms an acceptable visual relationship with the existing building and local area and subject to the proposed conditions will not lead to residential accommodation of a poor environmental standard or have a significant effect on the current and future occupants of adjacent properties. The proposals therefore comply with Policies CP1, CP8, CP10, HS19 and HS20 of the adopted Oxford Local Plan 2001 – 2016 and Policy CS18 of the Core Strategy. The application is therefore recommended for approval.

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: 12/01294/FUL

Contact Officer: Tim Hunter

Extension: 2154

Date: 24th October 2012

30 Bartlemas Road

12/01294/FUL



Legend

Scale: 1:1250



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| | |
|---------------------|-----------------|
| Organisation | Not Set |
| Department | Not Set |
| Comments | |
| Date | 29 October 2012 |
| SLA Number | LA100019348 |

Agenda Item 11

Monthly Planning Appeals Performance Update – September 2012

Contact: Head of Service City Development: Michael Crofton-Briggs.
Tel 01865 252360.

1. The purpose of this report is two-fold: a) to provide an update on the Council's planning appeal performance; and b) to list those appeal cases that were decided and also those received during the specified month.
2. The Government's Best Value Performance Indicator BV204 relates to appeals arising from the Council's refusal of planning permission and telecommunications prior approval refusals. It measures the Council's appeals performance in the form of the percentage of appeals allowed. It has come to be seen as an indication of the quality of the Council's planning decision making. BV204 does not include appeals against non-determination, enforcement action, advertisement consent refusals and some other types. Table A sets out BV204 rolling annual performance for the year ending 30 September 2012, while Table B does the same for the current business plan year, ie. 1 April 2012 to 30 September 2012.

Table A. BV204 Rolling annual performance (to 30 September 2012)

| A. | Council performance | | Appeals arising from Committee refusal | Appeals arising from delegated refusal |
|----------------------------|---------------------|-------|--|--|
| | No. | % | No. | No. |
| Allowed | 12 | (33%) | 3 (50%) | 9 (30%) |
| Dismissed | 24 | 67% | 3 (50%) | 21 (70%) |
| <i>Total BV204 appeals</i> | 36 | | 6 | 30 |

Table B. BV204: Current Business plan year performance (1 April to 30 September 2012)

| B. | Council performance | | Appeals arising from Committee refusal | Appeals arising from delegated refusal |
|----------------------------|---------------------|-------|--|--|
| | No. | % | No. | No. |
| Allowed | 6 | (32%) | 1 (25%) | 5 (33%) |
| Dismissed | 13 | 68% | 3 (75%) | 10 (67%) |
| <i>Total BV204 appeals</i> | 19 | | 4 | 15 |

3. A fuller picture of the Council’s appeal performance is given by considering the outcome of all types of planning appeals, i.e. including non-determination, enforcement, advertisement appeals etc. Performance on all appeals is shown in Table C.

Table C. All planning appeals (not just BV204 appeals): Rolling year to 30 September 2012

| | Appeals | Percentage performance |
|---------------------|---------|------------------------|
| Allowed | 14 | (33%) |
| Dismissed | 28 | 67% |
| All appeals decided | 42 | |
| Withdrawn | 2 | |

4. When an appeal decision is received, the Inspector’s decision letter is circulated (normally by email) to all the members of the relevant committee. The case officer also subsequently circulates members with a commentary on the decision if the case is significant. Table D, appended below, shows a breakdown of appeal decisions received during September 2012.
5. When an appeal is received notification letters are sent to interested parties to inform them of the appeal. If the appeal is against a delegated decision the relevant ward members receive a copy of this notification letter. If the appeal is against a committee decision then all members of the committee receive the notification letter. Table E, appended below, is a breakdown of all appeals started during September 2012. Any questions at the Committee meeting on these appeals will be passed back to the case officer for a reply.

Table D Appeals Decided Between 1/9/12 And 30/9/12

DECTYPE KEY: COMM - Area Committee Decision, DEL - Delegated Decision, DELCOM - Called in by Area Committee, STRACM - Strategic Committee; RECM KEY: PER - Approve, REF - Refuse, SPL - Split Decision; NDA - Not Determined; APP DEC KEY: ALC - Allowed with conditions, ALW - Allowed without conditions, ALWCST - Allowed with costs, AWD - Appeal withdrawn, DIS – Dismissed DISCST- Dismissed with costs against applicant

| DC CASE NO. | AP CASE NO. | DECTYPE: | RECM: | APP DEC | DECIDED | WARD: | ADDRESS | DESCRIPTION |
|--------------|-----------------|----------|-------|---------|------------|--------|---------------------------------------|---|
| 11/03281/FUL | 12/00017/REFUSE | DEL | REF | DIS | 10/09/2012 | LITTM | 25 Giles Road Oxford OX4 4NN | Erection of two storey side extension to create 3 bedroom house |
| 12/00521/FUL | 12/00019/REFUSE | DEL | REF | ALC | 11/09/2012 | IFFLDS | 71 Ridgefield Road Oxford OX4 3BX | Erection of two storey side extension to form one dwelling. Provision of car and cycle parking, bin stores and private amenity space |
| 12/00236/FUL | 12/00024/REFUSE | DEL | REF | DIS | 18/09/2012 | MARST | 5 Boults Lane Oxford OX3 0PW | Erection of two storey side extension following the demolition of existing extension |
| 11/02973/FUL | 12/00016/REFUSE | DEL | REF | DIS | 19/09/2012 | HEAD | 101 London Road Oxford Oxford OX3 9AE | Change of use of first floor from t to use class C3) to office (use class B1).residential flat |
| 11/02278/FUL | 12/00013/REFUSE | DEL | REF | DIS | 20/09/2012 | BBLEYS | 29 Balfour Road Oxford OX4 6AE | Erection of 3 bedroom end of terrace house. Provision of 2 car parking spaces to frontage. |
| 11/02885/FUL | 12/00012/REFUSE | DELCOM | PER | DIS | 20/09/2012 | LITTM | 51 Littlemore Road Oxford OX4 3SS | Subdivision of existing garden serving 51 Littlemore. Road Demolition of existing garages and erection of detached 2 storey, 4 bedroom dwelling provision of 2 car parking spaces access off Van Diemens Lane. Provision of bin and cycle stores and private amenity space. |
| 11/02325/OUT | 12/00010/REFUSE | DEL | REF | DISCST | 24/09/2012 | HEAD | 29 Old High Street Oxford OX3 9HP | Demolition of existing house, buildings and structures. Erection of 5 x three storey terraced houses with integral garages, parking and bin stores. Alteration to vehicular access |
| 11/02326/CAC | 12/00011/REFUSE | DEL | REF | DISCST | 24/09/2012 | HEAD | 29 Old High Street Oxford OX3 9HP | Demolition of existing house, buildings and structures. |

TABLE E Appeals Received Between 1/9/12 And 30/9/12

DECTYPE KEY: COMM - Area Committee Decision, DEL - Delegated Decision, DELCOM - Called in by Area Committee, STRACM - Strategic Committee; RECMND
 KEY: PER - Approve, REF - Refuse, SPL - Split
 Decision, NDA - Not Determined; TYPE KEY: W - Written representation, I - Informal hearing, P - Public Inquiry, H - Householder

| DC CASE NO. | AP CASE NO. | DEC TYPE | RECM | TYPE | ADDRESS | WARD: | DESCRIPTION |
|--------------|-----------------|----------|------|------|--|--------|--|
| 11/03005/FUL | 12/00039/REFUSE | COMM | REF | I | Innovation House Mill Street Oxford OX2 0XJ | JEROSN | Change of use from office (class B1a) to student accommodation, together with alterations to the building facade, changes to the car parking arrangements, landscaping and the provision of 100 covered cycle stands (Amended plans) |
| 12/00972/FUL | 12/00038/REFUSE | DEL | REF | H | 22 Norham Road Oxford OX2 6SF | NORTH | Erection of single storey side extension. |
| 12/01238/FUL | 12/00040/REFUSE | DEL | REF | W | 6 Trevor Place Oxford OX4 3LE | COWLEY | Two storey side extension to form a 1 bed house. Provision of two car parking spaces (amended plans) |

Total Received: 3

WEST AREA PLANNING COMMITTEE

Wednesday 10 October 2012

COUNCILLORS PRESENT: Councillors Goddard (Vice-Chair), Benjamin, Canning, Clack, Cook, Jones, Khan, Tanner and Kennedy.

OFFICERS PRESENT: Martin Armstrong (City Development), Michael Morgan (Law and Governance), Matthew Parry (City Development) and Sarah Claridge (Trainee Democratic and Electoral Services Officer)

69. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

An apology for absence was received from Councillor Van Nooijen with Councillor Kennedy attending as substitute.

70. DECLARATIONS OF INTEREST

No Declarations of Interest were made.

71. 251 COWLEY ROAD, OXFORD - 12/01924/FUL

The Head of City Development submitted a report (previously circulated, now appended) which detailed a planning application for a change of use from Estate Agency (class A2) to Letting Agency (Class A2) and radio station (Class B1).

In accordance with the criteria for public speaking, the Committee noted that no one spoke for or against the application.

The Committee resolved (by 9 votes to 0) to APPROVE the application subject to the 3 conditions listed in the Planning Officer's report and the following informative:

Noise to be kept to a minimum so as not to unduly disrupt neighbouring properties.

72. 43 DONNINGTON BRIDGE ROAD, OXFORD - 12/02141/FUL

The Head of City Development submitted a report (previously circulated, now appended) which detailed a planning application for the erection of a two storey side extension to form 2x1 bed flats (Class C3 dwelling). Demolition of existing garage and provision of 4x car parking spaces, bin store and covered cycle store.

In accordance with the criteria for public speaking, the Committee noted that no one spoke for or against the application.

The Committee resolved (by 9 votes to 0) to APPROVE the application subject to the 12 conditions listed in the Planning Officer's report.

73. 52 MARSTON STREET, OXFORD - 12/01994/FUL

The Head of City Development submitted a report (previously circulated, now appended) which detailed a planning application for the erection of a two storey side extension.

In accordance with the criteria for public speaking, the Committee noted that Michael Daly spoke against the application and Alison Berman spoke in favour of it.

The Committee resolved (by 9 votes to 0) to APPROVE the application subject to the 9 conditions listed in the Planning Officer's report with the amendment to condition 4 Revised front elevation – wooden window frames.

74. 24 COMPLINS CLOSE, OXFORD - 12/02166/FUL

The Head of City Development submitted a report (previously circulated, now appended) which details a planning application for the erection of two storey side extension.

The report was WITHDRAWN from the agenda.

75. 37 MEADOW PROSPECT, OXFORD - 12/02113/FUL

The Head of City Development submitted a report (previously circulated, now appended) which detailed a planning application for the demolition of existing outbuilding. Erection of part single, part two storey, side and rear extensions and insertion loft roof lights to front and rear roof slopes.

In accordance with the criteria for public speaking, the Committee noted that Andrew McGill and Jane Carey spoke against the application and Neil Warner spoke in favour of it.

The Committee resolved (by 8 votes to 1) to REJECT the application because the bulk and scale of the extensions proposed would be out of character with the existing property and surrounding area.

76. 21 BUCKLER ROAD, OXFORD - 12/01901/CT3

The Head of City Development submitted a report (previously circulated, now appended) which detailed a planning application for the erection of two storey side extension.

In accordance with the criteria for public speaking, the Committee noted that no one spoke for or against the application.

The Committee resolved (by 9 votes to 0) to APPROVE the application subject to the 3 conditions listed in the Planning Officer's report

77. PLANNING APPEALS

The Head of City Development submitted a report (previously circulated, now appended) giving details of planning appeals received and determined during August 2012.

The Committee resolved (by 9 votes to 0) to NOTE the Planning Appeals report for August 2012.

78. FORTHCOMING PLANNING APPLICATIONS

The Committee resolved (by 9 votes to 0) to NOTE the forthcoming list of planning application.

79. MINUTES

The Committee resolved (by 9 votes to 0) to APPROVE the minutes of the meeting held on 13 September 2012 as a true and accurate record.

80. DATES OF FUTURE MEETINGS

The Committee resolved (by 9 votes to 0) to NOTE that the next meeting would be held on Wednesday 07 November 2012

The meeting started at 6.00 pm and ended at 7.15 pm

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