

# Agenda

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## West Area Planning Committee

Date: **Tuesday 11 August 2015**

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Time: **6.30 pm**

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

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For any further information please contact:

**Jennifer Thompson, Committee and Member Services Officer**

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

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# West Area Planning Committee

## Membership

<b>Chair</b>	Councillor Oscar Van Nooijen	Hinksey Park;
<b>Vice-Chair</b>	Councillor Michael Gotch	Wolvercote;
	Councillor Elise Benjamin	Iffley Fields;
	Councillor Colin Cook	Jericho and Osney;
	Councillor Andrew Gant	Summertown;
	Councillor Alex Hollingsworth	Carfax;
	Councillor Bob Price	Hinksey Park;
	Councillor John Tanner	Littlemore;
	Councillor Louise Upton	North;

The quorum for this meeting is five members. Substitutes are permitted

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# AGENDA

	<b>Pages</b>
<b>1 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS</b>	
<b>2 DECLARATIONS OF INTEREST</b>	
<b>3 LAND NORTH OF ST JOHN'S COLLEGE SPORTSGROUND, WOODSTOCK ROAD:15/00893/FUL</b>	13 - 32
<b>Site address:</b> Land to the North Of St Johns College Sports Ground, Woodstock Road (site plan: appendix 1)	
<b>Proposal:</b> Erection of single storey building to provide a children's day nursery (Use Class D1). Provision of car parking space, play area and landscaping	
<b>Officer recommendation:</b> To approve the planning application with the following conditions:	
<ol style="list-style-type: none"><li>1. Development begun within time limit</li><li>2. Develop in accordance with approved plans</li><li>3. Sample Materials</li><li>4. Revised plans for Rooflights</li><li>5. Opening Times as specified in application</li><li>6. Detailed design of outdoor play area</li><li>7. Landscape plan required</li><li>8. Landscape carry out by completion</li><li>9. Landscape top soil retention</li><li>10. Landscape management plan</li><li>11. Landscape hard surface design - tree roots</li><li>12. Tree Protection Plan (TPP) 2</li><li>13. Arboricultural Method Statement (AMS) 2</li><li>14. Parking Area and Access provided before use</li><li>15. Details of access signage</li><li>16. Refuse and Cycle Storage</li><li>17. Sustainable Urban Drainage Scheme</li><li>18. Ecology Report Recommendations</li><li>19. Energy Efficiency Measures</li></ol>	
<b>4 MAGDALEN COLLEGE SCHOOL: 15/01152/FUL</b>	33 - 44
<b>Site address:</b> Magdalen College School, Cowley Place, Appendix 1.	
<b>Proposal:</b> Part demolition of "1928 Building" and various outbuildings. Erection of 4 storey extension to Colin Sanders Building to provide Sixth Form Centre. Alterations to entrance quad incorporating revised car and cycle parking layout for 34 cars and 80 cycles. (Amended plans)	
<b>Officer recommendation:</b> To approve the planning application with the following conditions:	
<ol style="list-style-type: none"><li>1. Development within time limit</li></ol>	

2. Develop in accordance with the approved plans
3. Samples of materials
4. Landscape Plan required
5. Landscape carry out after completion
6. Car/cycle parking provision before use
7. Further cycle parking provision
8. Cycle parking details required
9. Construction Traffic Management Plan (further details including Tree Protection Measures where appropriate)
10. Construction Environmental Management Plan.
11. Drainage Strategy (inc SUDS) and detailed drainage design.
12. Travel Plan.
13. Details of biodiversity enhancement (bats)
14. Recording of the section of the 1928 Building which is to be demolished.
15. Details of further design details (openings (windows & doors) and eaves details).

**Legal Agreement:**

The Community Infrastructure Levy (CIL) is a standard charge on new development. The amount of CIL payable is calculated on the basis of the amount of floor space created by a development. CIL applies to developments of 100 square meters or more, or to new dwellings of any size. The reason that CIL has been introduced is to help fund the provision of infrastructure to support the growth of the city, for example transport improvements, additional school places and new or improved sports and leisure facilities. CIL is being brought in by councils across the country, although each local council has the ability to set the actual charges according to local circumstances.

This planning application will trigger CIL and the liability will be £30,019.12.

**5 OXFORD RAILWAY STATION: 15/00096/PA11**

45 - 92

**Site address:** Oxford Railway Station, Park End Street (Appendix 1)

**Proposal:** Application seeking prior approval for development comprising extension to the length of existing north bay platforms, replacement platform canopies, new re-locatable rail staff accommodation building and reconfiguration of short stay and staff car parking under Part 11 Class A Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995. (PLEASE NOTE THIS IS NOT A PLANNING APPLICATION BUT A NOTIFICATION SUBMITTED BY NETWORK RAIL FOR PRIOR APPROVAL BY OXFORD CITY COUNCIL.) Following an options assessment, the building has been relocated 2.5m to the south and has been reduced in size at first floor level by 186 sq.m; revised parking layout (AMENDED PLANS).

**Officer recommendation:**

PRIOR APPROVAL required - Siting and design acceptable subject to the following conditions:

1. Materials samples
2. Windows in east and north facing elevations

3. Contamination risk study
4. Remediation Strategy
5. Unexpected contamination
6. Surface water disposal
7. Time limit of 3 years

**6 OSNEY LANE: 15/01654/FUL: TEMPORARY COMPOUND (AM)**

93 - 104

**Site address:** Land On The South Side Of Osney Lane, Osney Lane, Oxford  
(site plan: appendix 1)

**Proposal:** Use of land as a construction compound incorporating storage area, site offices, welfare facility, access and utilities required in association with Westgate development permitted under references 13/02557/OUT and 14/02402/RES for a temporary period until 31 December 2017.

**Officer recommendation:** to approve the planning application with the following conditions:

1. Development begun within time limit
2. Develop in accordance with approved plans
3. Temporary period to the 31.12.2017
4. Phasing of reinstatement works
5. Details of cycle parking
6. Reinstatement of public highway
7. Details of signage strategy
8. Surface Water Drainage Scheme constructed as proposed
9. Tree Protection Plan
10. Recommendations of Flood Risk Assessment carried out
11. Contaminated Land Risk Assessment
12. Unsuspected contamination

**7 46 ST JOHN STREET OX1 2LH : 15/01652/FUL AND 15/01653/LBC**

105 - 116

**Site address:** 46 St John Street Appendix 1.

**Proposal:**

**15/01652/FUL** - Demolition and erection of rear garage and boundary wall. Erection of part single, part two storey rear extensions. Alterations to windows and doors. Provision of landscaping.

**15/01653/LBC** - Removal of existing garage and rear boundary wall. New garage and rear boundary wall. External and internal extensions and alterations to existing dwellings.

**Officer recommendation:** To approve the planning applications subject to the following conditions:

**15/01652/FUL**

1. Development begun within time limit
2. Develop in accordance with approved plans
3. materials as specified
4. SUDs
5. Tree protection plan/ arboricultural method statement

6. Landscape plan required
7. Garage doors details

**15/01653/LBC**

1. Development begun within time limit
2. Develop in accordance with approved plans
3. Window repair schedule
4. Schedule of repair and retention of existing doors (consent not extending to removal of existing historic doors)
5. Section drawings for new windows and doors.
6. Sample panel of brickwork, including brick, bond, and mortar finish for extensions and garden walls.
7. Sample of slate and ridge tiles
8. Details of garage door
9. Details of new fire places
10. Details/ sample of proposed stone cleaning
11. Details of flue/vent/SVP locations
12. Details of heating system- boiler and related flues, plus radiator locations/ pipe runs
13. Details of rooflights (flush fitting)
14. Details of rainwater goods
15. Making good of internal surfaces in materials to match
16. Tree survey drawing 14014 SU10 can not be approved as this shows proposed demolition of the chimney breast in the ground floor reception room.

**8 46 HYTHE BRIDGE STREET: 15/00656/VAR: VARIATION TO PERMITTED FLATS (ARE)**

117 - 124

**Site address:** 46 Hythe Bridge Street, Oxford

**Proposal:** Variation of conditions 2 (approved plans) and 9 (cycle parking details) of planning permission 10/01783/FUL (Conversion of building to provide flats) to amend the design layout to insert two new windows and a door on the north elevation and to alter the location of cycle parking

**Officer recommendation:** to approve the planning application with the following conditions:

1. Development to be commenced within 3 years of date of consent
2. Development in accordance with the approved plans.
3. Samples of proposed materials
4. Sample panels on site
5. No additional windows in south west elevation
6. Landscape Plan
7. Landscaping to be carried out upon substantial completion of the development
8. Plan showing means of enclosure
9. Details of cycle parking areas
10. Variation of Road Traffic Order
11. Construction Travel Plan
12. No windows to open out onto a public highway
13. Bin storage facilities
14. Scheme of archaeological work-written scheme of investigation
15. Contamination survey.
16. Ground floor room in flat 7 shall not be used as a bedroom

17. Structural details of the existing building fabric to be retained.

## 9 PLANNING APPEALS

125 - 130

Summary information on planning appeals received and determined during June 2015.

The Committee is asked to note this information.

## 10 MINUTES

131 - 134

Minutes from the meetings of 7 July 2015.

**Recommendation:** That the minutes of the meeting held on 7 July 2015 are approved as a true and accurate record.

## 11 FORTHCOMING APPLICATIONS

Items for consideration by the committee at future meetings are listed for information. They are not for discussion at this meeting.

68 Abingdon Rd: 15/02142/SF56: change of use from office to café

Staverton Road: 15/02017/FUL: Student accommodation (FBy)

Fairfield, Banbury Road: 15/01104/FUL: Residential care home (FBy)

298 Abingdon Road: 15/01983/FUL: Change of use car dealership to veterinary centre (LG).

Oxford Castle: 15/01510/FUL: & 15/01511/LBC: Change of use of gallery to bedroom etc. (CL/ARi)

Manor Place: 15/01747/FUL: Student accommodation (TS).

Abbey Road: 15/02137/FUL: Residential (FBy).

Jericho Canalside: 14/01441/FUL: Residential (FBy).

Former Wolvercote Paper Mill, Wolvercote: 13/01861/OUT: Residential (TS).

Dragon School, Bardwell Road: 15/01562/FUL: New music building (ARe).

Westgate: 14/02402/RES: Various conditions and details 9MH).

333 Banbury Road: 15/01548/VAR: Variation to educational use (MH).

Corpus Christi College: Library

## 12 DATES OF FUTURE MEETINGS

The Committee will meet on the following dates:

26 August 2015 (special meeting to consider 68 Abingdon Rd:  
5/02142/SF56)

8 September 2015

13 October 2015

10 November 2015

1 December 2015

5 January 2016

## **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.

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;
  - (d) speaking times may be extended by the Chair, provided that equal time is given to both sides. Any non-voting City Councillors and/or Parish and County Councillors who may wish to speak for or against the application will have to do so as part of the two 5-minute slots mentioned above;
  - (e) voting members of the Committee may raise questions (which shall be directed via the Chair to the lead officer presenting the application, who may pass them to other relevant Officers and/or other speakers); and
  - (f) voting members will debate and determine the application.
4. Preparation of Planning Policy documents – Public Meetings

At public meetings Councillors should be careful to be neutral and to listen to all points of view. They should take care to express themselves with respect to all present including officers. They should never say anything that could be taken to mean they have already made up their mind before an application is determined.
5. Public requests to speak

Members of the public wishing to speak must notify the Democratic Services Officer before the meeting starts giving their name, the application/agenda item they wish to speak on and whether they are objecting to or supporting the application. Notifications can be made via e-mail or telephone, to the Democratic Services Officer (whose details are on the front of the Committee agenda) or given in person before the meeting starts.
6. Written statements from the public

Members of the public and councillors can send the Democratic Services Officer written statements to circulate to committee members, and the planning officer prior to the meeting. Statements are accepted and circulated by noon, two working days before the start of the meeting. Material received from the public at the meeting will not be accepted or circulated, as Councillors are unable to view proper consideration to the new information and officers may not be able to check for accuracy or provide considered advice on any material consideration arising.
7. Exhibiting model and displays at the meeting

Applicants or members of the public can exhibit models or displays at the meeting as long as they notify the Democratic Services Officer of their intention at least 24 hours before the start of the meeting so that members can be notified.

#### 8. Recording meetings

Members of the public and press can record the proceedings of any public meeting of the Council. If you do wish to record the meeting, please notify the Committee clerk prior to the meeting so that they can inform the Chair and direct you to the best plan to record. You are not allowed to disturb the meeting and the Chair will stop the meeting if they feel a recording is disruptive.

The Council asks those recording the meeting:

- Not to edit the recording in a way that could lead to misinterpretation of the proceedings. This includes not editing an image or views expressed in a way that may ridicule, or show a lack of respect towards those being recorded.
- To avoid recording members of the public present unless they are addressing the meeting.

For more information on recording at meetings please refer to the Council's [Protocol for Recording at Public Meetings](#)

#### 9. Meeting Etiquette

All representations should be heard in silence and without interruption. The Chair will not permit disruptive behaviour. Members of the public are reminded that if the meeting is not allowed to proceed in an orderly manner then the Chair will withdraw the opportunity to address the Committee. The Committee is a meeting held in public, not a public meeting.

#### 10. 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; or
- (d) seek to re-design, or negotiate amendments to, an application. The Committee must determine applications as they stand and may impose appropriate conditions.





**West Area Planning Committee**

11<sup>th</sup> August 2015

**Application Number:** 15/00893/FUL

**Decision Due by:** 21st May 2015

**Proposal:** Erection of single storey building to provide a children's day nursery (Use Class D1). Provision of car parking space, play area and landscaping

**Site Address:** Land To The North Of St Johns College Sports Ground, Woodstock Road (**site plan: appendix 1**)

**Ward:** St Margarets Ward

**Agent:** Miss Dawn Brodie

**Applicant:** St John's College

**Application called in** by Councillors Wade, Gant, Goddard, and Wilkinson on grounds of overdevelopment of the site (size and design); increased traffic generation and impact on highway safety; impact on biodiversity and ecology due to the loss of mature trees, and adverse impact on 14 Bainton Road due to increased traffic and noise.

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## **Recommendation:**

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

## **Reasons for Approval**

- 1 That the proposed development would make an efficient use of a vacant and underused piece of open land to the rear of the existing sports ground that has been allocated for development in previous local plan without resulting in the loss of a protected open-air sports facility or any publically accessible open space. The proposal will provide much needed childcare provision for it students and staff within one of its own site and in a sustainable location. The proposed nursery would not give rise to unacceptable noise and nuisance to the adjoining residential properties, and would provide a good quality internal and external environment for the children, and make adequate provision for access, parking and dropping off facilities that would not have an adverse impact upon highway safety. The overall size, scale and design of the proposed building would create an appropriate visual relationship within the site and its wider setting, subject to appropriate conditions that control the design of the rooflights and materials. The building has been located in a manner that would safeguard the residential amenities of the adjoining properties in terms of loss of light, overbearing impact and privacy. The

development would not give rise to any impacts upon trees, biodiversity or flood risk that could not be successfully addressed by condition. As such the proposal would accord with the relevant policies of the Oxford Core Strategy 2026, and Oxford Local Plan 2001-2016.

- 2 In considering the application, officers have had specific regard to all 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 that any harm identified by the proposal 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 Sample Materials
- 4 Revised plans for Rooflights
- 5 Opening Times as specified in application
- 6 Detailed design of outdoor play area
- 7 Landscape plan required
- 8 Landscape carry out by completion
- 9 Landscape top soil retention
- 10 Landscape management plan
- 11 Landscape hard surface design - tree roots
- 12 Tree Protection Plan (TPP) 2
- 13 Arboricultural Method Statement (AMS) 2
- 14 Parking Area and Access provided before use
- 15 Details of access signage
- 16 Refuse and Cycle Storage
- 17 Sustainable Urban Drainage Scheme
- 18 Ecology Report Recommendations
- 19 Energy Efficiency 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
- CP19** - Nuisance

**CP21** - Noise  
**TR2** - Travel Plans  
**TR3** - Car Parking Standards  
**TR4** - Pedestrian & Cycle Facilities  
**NE15** - Loss of Trees and Hedgerows  
**NE16** - Protected Trees  
**ED1** - Nursery/Childcare Facilities Non Residential & Purpose Built

**Core Strategy**

**CS2\_** - Previously developed and greenfield land  
**CS12\_** - Biodiversity  
**CS18\_** - Urban design, town character, historic environment

**Other Material Considerations:**

National Planning Policy Framework  
Planning Practice Guidance

**Relevant Site History:**

09/00364/FUL - Erection of 2 dwellings (1x2 storey and 1x part 2 and part single storey) with associated car parking, cycle parking and bin stores. Creation of new vehicular access off Bainton Road: Withdrawn

10/01785/FUL - Erection of detached two-storey house (5 bedrooms). Creation of new access off Bainton Road, with forecourt car parking, bin and cycle storage: Appeal Dismissed

**Representations Received:**

Letters have been received from the following addresses. Their comments are summarised below

- 9, 10, 14, 41, 45, 47, 49, 55, 79, 81, 91, 95, 93, 97, 101 Bainton Road; 1, 6 Phoebe Court, Bainton Road; 227, 239, 241 Woodstock Road; 39, 56, 70 Hayfield Road
- This is a residential area with no commercial development
- In 2010 planning permission for a house was turned down as it would have an impact on the street scene. Why would a commercial development be allowed?
- The Nursery will not stay within the ownership of St Johns and their staff, but will lead to non-college persons using the facility
- St Johns Playing Field should be protected. The development will set a precedent for developing this field
- The site is not previously developed land
- There is no need for a nursery as there are other private nurseries in the area available to the college
- The design and materials are wholly out of character with the surrounding street and for a prominent site such as this
- The low fence onto Bainton Road opening up the frontage would make this

intrusive to the surrounds. Better landscaping is needed

- The materials are inappropriate colours
- The rooflights have a prominent 'tellytubby' look
- The building needs to blend in with the surrounds like the more subtle modernist housing on the adjacent St Johns site.
- The low wall should reflect the street scene
- The proposal will impact on the privacy of adjoining properties from traffic and parents waiting for children
- The parents waiting for children will block the road
- The nursery will create noise disturbance for adjoining properties
- The playground faces directly onto the houses on opposite side of Bainton Road and cars would turn in these properties drive
- The nursery in Lathbury Road has a detrimental impact on neighbours with implications under the Human Rights Act 1998.
- The increased traffic will also increase noise and disturbance
- The proposal will overlook the gardens of the Woodstock Road properties (242-4) and create noise for their gardens
- The Noise Impact Assessment purports to take into account the length and frequency of exposure to noise but does not provide the frequency and durations.
- The noise would start at 8.00am and be repeated at various times through the day
- The Noise Impact Assessment states residents will have to retreat to their homes to achieve acceptable levels of noise. This is not acceptable.
- The baby room will not protect residents of Woodstock Road from noise because the playground projects beyond this space
- The assessment does not assess the impact of tubular bells, tongue drums or school alarm bells.
- The access to the cycle parking and rear of the building will have an impact upon the privacy of 14 Bainton Road.
- The proposal will generate considerable levels of traffic that will be a risk to residents, the nursery and others
- Bainton Road has two blind corners and a poor camber that already cause accidents.
- Bainton Road is on a national cycle route
- The 20mph hour speed limit is not adhered to. This presents a danger to users of the nursery as well as other road users.
- The blind bends place pressures on existing driveways in terms of safety for vehicles reversing out of the sites
- The site has not been accessed from Bainton Road and is accessed through the sports ground
- Bainton Road is used as a rat run at busy times of the day and the increase in traffic would be dangerous at this point in the road
- Bainton road is used by a high number of young parents and children who will be impacted in terms of highway safety
- The traffic survey does not take into account the cyclists that use this route.
- The transport assessment does not correctly calculate the impact of the additional traffic on the local highway
- Parents are unlikely to bring children by bike, or by bus.



- The proposal will have an adverse impact upon cyclists from the inappropriate location of the development
- There are already on-street parking pressures and the poor parking provision will exacerbate this situation
- The parking provision is insufficient for 9 workers. The relevant parking standards need to be met
- The residents on the west side of Bainton Road park almost exclusively on-street and at busy times the spaces are needed
- No public or residential parking spaces should be impacted by the proposal
- The in/out access and drop off will result in queues onto the single lane but 2 way double blind junction
- Access could be provided through the sports ground
- The parents will likely spend time 'settling' in their children which will build up traffic trying to enter the site
- The 'drop off' area will be oversubscribed along with the parking spaces which will have an impact upon the adjoining properties
- The staff are likely to use the drop off spaces as well as their parking spaces
- There should be a one way system for vehicles to enter and leave the site, or alternatively they should leave through the sports ground
- The ecology report shows evidence of badgers on the site and that this is a wildlife corridor
- The playground would attract intruders and undesirable elements on Friday and Saturday nights
- The proposal necessitates the removal of trees which will be regrettable
- The proposal will have an impact on an Oak Tree (T8) in 239 Woodstock Roads garden. The works to lift this canopy will have an impact on the character of the area and also the protection from the planned development. The tree will be at risk including its roots

### **Statutory Consultees:**

#### Oxfordshire County Council Highways Authority:

- No objection
- The proposed development is well located for sustainable transport links.
- The proposed nursery would be for children of St John's College staff and students only,
- The nursery will have 8 full time equivalent staff (7 full-time, 2 part-time),
- The proposed trip generation has been reviewed and is considered suitable for a development of this type.
- Having reviewed the information provided in drawing, (TR8140681/01) the visibility splays at the exit are considered appropriate for the 85th percentile speeds presented in the Transport Statement.
- ATC data provided shows that 85 percentile speeds of 19mph and 21.6mph are experienced approaching the site from the south west and north east direction respectively.
- The swept path drawing (TR814068/SP02) shows that a large car can manoeuvre into and out of the proposed access.
- It is agreed that enforcing left-only turning movements at the proposed exit would be difficult and the currently traffic flows do not warrant this measure.

- It is noted the site is within a Controlled Parking Zone (CPZ) however the parking bays allow for 2 hours car parking without the requirement for a permit.
- Parking bays requiring a permit will continue to be enforced.
- A Travel Plan Statement will be required and should be submitted to Oxfordshire County Council's Travel Plan team.

Oxford Civic Society:

The Trust believes that this application cannot be approved until a full review has been made of the car access to the nursery to ensure that parents delivering and collecting children by car do not increase the danger to traffic, particularly cycles on this Sustrans cycle route, both when entering and leaving the nursery or by parking in in Bainton Road.

Hayfield Road Residents Association:

The association would make the following comments

1. The association has serious and overriding reservations about road safety aspects of the proposals for the nursery
2. We scrutinised the documentation for the proposals for the nursery in minute detail and spoke to various Bainton Road residents and to representatives of St John's College, and Savills, including the specialist traffic consultant, all of whom were present for consultation at the St John's College sports pavilion on Wednesday 22<sup>nd</sup> April 2015.
3. We were informed that the proposed nursery is to cater for up to a maximum of 29 2 to 5 year olds coming exclusively from the families of Fellows of St Johns College or of postgraduates studying at the College. It is anticipated that 9 staff will be needed to run the nursery.
4. We enquired about provision in the proposal for traffic management. The drawings indicate only 3 parking spaces for staff. Ingress to the nursery will be via a 'difficult' turn onto a semi-circular paved area which will accommodate about 5 vehicles as they pass in front of the nursery and then head out towards the egress. There is only space for the temporary parking of a maximum of 3 vehicles at any one time and this parking will be in a very tight space.
5. Taking into account the very young age of children, it is highly likely that parents dropping their children off will need to stop for several minutes as they see their children into the building and have the usual essential conversations with the staff. Although representatives at the pavilion insisted on the probability that many children would not be dropped off by car, that really must be wishful thinking. Past experience with other nurseries suggest that in the WINTER WEATHER many more parents will resort to cars than in the warmer months/ But even in the warmer weather, a lot of parents who regularly use their car to drive to their place of work will use their car to drop off children at the nursery first. The question to ask is HOW MANY CARS are likely to be generated by dropping off of 29 children? At least 20? And that would be a conservative estimate.
6. Our view is that, however, Savills juggle with their design there is no way that 20 vehicles can be expected to negotiate the paved semi-circle without some of them having to queue up in the road outside as they wait for parents to complete their drop offs.
7. This is where the road safety aspect comes into play. The frontage of the proposed nursery is located DANGEROUSLY CLOSE TO TWO BLIND CORNERS on Bainton Road. There are ALREADY REGULAR ACCIDENTS

involving cars and bicycles at this location, as local residents will testify. One of the residents actually keeps a bandage chest ready to patch up cyclists who have come off their bikes, either forced off the road by oncoming vehicles or because of the adverse camber of the road in wet conditions. A local GP recently suffered a serious facial injury in one such incident.

8. The present traffic situation at PEAK HOURS is ALREADY HAZARDOUS. How much more hazardous would it become with additional traffic queuing up on the road? Not only that but what about the effect of vehicles turning into and turning out of the nursery at peak hours, particularly when the weather is bad?
9. We have also taken into account the fact that there are 3x2 hour parking bays IMMEDIATELY OPPOSITE the frontage of the nursery, thus creating only ONE TRAFFIC LANE for vehicles coming BOTH DIRECTIONS
10. In addition to that there are 23 other parking bays, contiguous to those immediately opposite the frontage, as the road heads towards Woodstock Road
11. Everything points to the fact that there will be unavoidable traffic jams outside the nursery at peak hours and this will greatly increase the danger to the large number of cyclists who also transit the road at peak hours.
12. While none of us has any objection in principle to there being a nursery, we are convinced that the PROPOSALS FOR THE NURSERY SHOULD BE FIRMLY REJECTED on grounds of ROAD SAFETY. The Oxford City Council must accept their responsibility for protecting the interests of the many Council Tax payers including a fair number from Hayfield Road, who regularly transit Bainton Road and must not expose them to the additional hazards and risks which the nursery traffic would undoubtedly bring.
13. Any serious traffic survey in the road, outside the nursery frontage, which includes the passage of vans, cars, cycles and pedestrians, at peak hours, will immediately show that this site is regrettably TOTALLY UNSUITABLE for a children's nursery.

### **Officers Assessment:**

### **Site Location and Description**

1. The appeal site is situated at the northern end of the St John's College Sports Ground, and is bordered by Bainton Road to the west, residential dwellings in Bainton Road and Woodstock Road to the north and east respectively (**site plan: appendix 1**)
2. The site comprises a small plot of land (approximately 0.1ha) that was formerly used as a bowling green and is separated from the main college sports ground by a set of Tennis Courts and a 2m high close boarded fence. The site is currently vacant.
3. There are a number of trees on the southern and western boundaries that are the subject to the Oxford City Council - Bainton Road (No.1) Tree Preservation Order 2009 (09/00006/ORDER) confirmed on 4<sup>th</sup> June 2009.

## **Proposal**

4. Planning permission is sought for the erection of a single-storey building to provide a children's day nursery (D1 Use). The proposal would include the creation of a vehicular access, 4 off-street parking spaces (including 1 disabled space), an external play area and landscaping.
5. The college are in need of a day nursery to support their staff and students. The nursery would cater for children of 6 months up to preschool age and would include a small after school activity room. The nursery would accommodate 25 full-time children during normal business hours, with the afterschool club catering for 10 children between 3-6pm. The nursery would include approximately 9 full time equivalent staff dependant on the age of the children using the facility.
6. Officers consider that the principle determining issues in this case are
  - Principle of Development
  - Site Layout and Built Form
  - Impact upon Adjoining Properties
  - Noise and Disturbance
  - Landscaping
  - Highway Matters
  - Biodiversity
  - Contaminated Land
  - Drainage
  - Community Infrastructure Levy

## **Principle of Development**

7. The National Planning Policy Framework encourages the effective use of land that has been previously developed. This is supported through Oxford Core Strategy Policy CS2 which seeks to focus development on previously developed land. The policy goes on to state that greenfield sites can only be developed if they are specifically allocated for that use in the Local Development Framework, or that other areas of open space shall only be developed if a need for the development of that land can be demonstrated and if the space is not required for the well-being of the community it serves.
8. The site is a small area of vacant land that adjoins the St Johns College Sports Ground and was formerly used as a bowling green. The site is separated from the sports ground by the tennis courts. There is no public access across this space, and as such its loss would not remove any publically accessible open-space for the community. In land-use terms, the site is located outside the protected open-air sports field covered by Oxford Local Plan Policy SR2. It has no designated land use allocated within the current plan although it has been identified as suitable for development in previous local plan documents. In dealing with the previous applications for this site, officers concluded that the site is a windfall site that was suitable for development despite not being previously developed land. This was on the basis that the site had not been included within the designated protected open-air sports ground and had previously been allocated for development in previous local plans. The redevelopment of the site

would bring an area of undeveloped land into beneficial use and would therefore accord with the aims of Local Plan Policy CP6 which encourage the efficient use of land.

9. With regards to demonstrating the need for the development, the Local Plan encourages large employers in Oxford, such as universities, to provide childcare facilities on their own sites in appropriate locations. The University and College's within Oxford have a significant need for the provision of nursery places. The college has stated that as of March 2015 there were 450 applicants on the University waiting list who require childcare places. At the current time St John's College does not provide any nursery places either directly through a childcare facility or through the specific allocation of spaces within existing nursery facilities in Oxford. The College has obligations to both its students and staff to improve nursery provision, because an institution the size of St John's can reasonably expect to have demand for some 30-40 nursery age children at any time, although not all of the parents of these children will seek nursery provision. On the basis of this information, there is clearly a significant demand across the University and Colleges to provide suitable childcare arrangements.
10. The provision of such facilities help people return to work and create mixed-use developments that reduce the need for people to travel and thereby responding to objectives of sustainable development as defined by the NPPF. The Local Plan suggests that the provision of childcare facilities as ancillary uses will be encouraged, and that they may be suitable as dual uses with sports pavilions and other recreation/community facilities. It goes on to state that residential areas will not normally be considered suitable locations for day nursery use, except where they are adjoined by non-residential uses which in this case would be the Sports Ground.
11. Local Plan Policy ED1 states that purpose-built childcare facilities will only be granted where they meet the following criteria
  - (a) the development will not cause unacceptable noise and nuisance to the adjoining properties;
  - (b) adequate internal and external play-space is provided;
  - (c) adequate provision is made for access, parking and dropping-off facilities; and
  - (d) the location is realistically accessible by walking, cycling, or public transport for the majority of people travelling to the site
12. Therefore having regards to these factors, although the site is not previously developed land, the site is an underused space to the rear of the existing sports ground which has been allocated for development in previous local plans. The use of this space would not result in the loss of a protected open-air sports facility or any publically accessible open space. The college clearly has a need to improve childcare provision for its students and staff and the Local Plan encourages such provision to be located within their own sites in appropriate locations. As such the general principle of redeveloping this underused site for a nursery use would be supportable in principle subject to the proposal satisfying the criteria of Oxford Local Plan Policy ED1. These issues will be dealt with below.

## Site Layout and Built Form

13. The NPPF considers that good design is a key aspect of sustainable development. This means that the level of development within any scheme should suit the sites capacity and respond appropriately and realistically to the site constraints. Policy CS18 of the Oxford Core Strategy 2026 requires development to demonstrate a high-quality urban design that responds to the site and its surroundings; creates a strong sense of place; attractive public realm; and provide high quality architecture. Policy CP8 of the Oxford Local Plan 2001-2016 also states that the siting, massing, and design of development should create an appropriate visual relationship with the form, grain, scale, materials, and details of the surrounding area.
14. Bainton Road and the surrounding suburban area has a varying character with the semi-detached Victorian dwellings to the east leading towards Frenchay Road and the detached dwellings closer to the Woodstock Road. These detached dwellings vary in style particularly with the more modern infill type developments at 14, 101 and 105 Bainton Road adjacent to the application site and the Woodstock Road. The Sports Ground also contributes to the open character of the area.
15. Layout: The building has been sited alongside the northern and eastern boundaries of the site. The main entrance would face onto the forecourt and Bainton Road and within the site the building faces onto the open space that sits alongside the southern boundary of the plot. The forecourt in the frontage has a drop-off area and parking area for staff.
16. The layout has been designed in order to make best use of the orientation of the plot; provide a relationship with the sports ground; reduce the impact upon the adjoining properties and mature trees within the site. The internal and external layout of the nursery would provide sufficient indoor and outdoor space for the children in accordance with Part (b) of Policy ED1. As such officers consider that there would be no reason to object to the site layout which would make best use of the sites constraints and responds well to the linear development form of the street.
17. Size and Scale: The building would be single storey with a main range along the northern boundary that measures 24.63m (l) x 9m (w) x 3.6m (h) and a smaller element along the eastern boundary that measures 9.27m (l) x 4.96m (w) x 3.25m (h). The building would have a flat roof with protruding roof lights.
18. The building would be of an appropriate size and scale for the site and commensurate to the type of 'pavilion' building that could normally be associated within the setting of a sports ground. The building would only be visible within a short section of the street between the two bends and from longer range views from across the sports ground at the southern end of Bainton Road. In the short section the building is set well back from the street within a frontage that maintains the mature trees to the front and its single storey would mean that it is not unduly prominent. In the longer range views the visibility of the building would be diminished by the trees along the southern boundary and tennis courts.

Moreover any visibility of the building would be lost against the backdrop of the larger scale Woodstock Road properties that frame the eastern boundary of the sports ground. There would be no material reason to object to the overall size and scale of the proposed building.

19. Design: The building is designed as a form of 'pavilion' within the sports ground with a modern and contemporary appearance rather than using a design that reflects the more traditional form of dwellings within the street. There are instances in Bainton Road where more modern forms of development (i.e. 14 and 105 Bainton Road) have been sited comfortably into the street scene. The proposal is not for a residential use and therefore designing the building in a manner which responds to the sports ground is a valid approach. Officers would therefore raise no concerns with the choice of a modern and contemporary design.
20. The main concern with the proposal would relate to the design of the rooflights which would be unduly prominent and detract from the simple form of the building. They do not help to integrate the building into the setting discretely. Similarly the use of the zinc cladding for the main building and the 'light green' cladding for the baby room would not reflect the palette of the other more contemporary buildings in the area. These matters could be successfully addressed by conditions requiring revised details of the rooflights of the building to ensure that these have a lower and more geometric profile to reflect the design of the building and which seeks approval for a revised material treatment for the buildings.
21. Overall officers consider that the size, scale and siting of the building would not be unduly prominent within the street scene and subject to conditions which reserve the approval of an alternative roof light design and alternative material treatment, would accord with the aims of the NPPF and Oxford Core Strategy Policy CS18, and Oxford Local Plan Policies CP1, CP6, and CP8.

### **Impact upon Adjoining Properties**

22. The development would need to demonstrate that it was developed in a manner that would safeguard the residential amenities of the adjoining properties in terms of loss of light, outlook, sense of enclosure, and loss of privacy in accordance with Policy CP10 of the Oxford Local Plan 2001-2016.
23. The dwelling of 14 Bainton Road adjoins the application site to the north, with the rear of this dwelling located approximately 5m from the common boundary. This plot is relatively narrow and the rear elevation of the dwelling covers a large proportion of the common boundary, and has a number of habitable room windows that face onto the application site. The majority of the principal habitable rooms (living room/master bedroom) are located at first floor level. At ground floor level there is a family room and shared kitchen/diner with large windows that face onto the application site although both of these rooms benefit from other sources of light in the side and front elevations. There is a guest bedroom on the ground floor whose window also faces southwards. There is also an elevated outdoor patio area between the house and southern boundary fence.

24. The proposed building would be sited approximately 3.23m from the boundary with 14 Bainton Road, and 8.485m from the rear elevation of this adjoining property. The building has been sited so as to minimise its impact upon the outlook and light received to this property. The building would have a height of 3.6m which would protrude above the 2m fence line that forms the boundary, but there would be sufficient separation distance to prevent an material impact upon the ground floor windows in terms of loss of light and outlook over and above the existing situation and also the patio area whereby the orientation of the plot and the proximity of the boundary fence itself causes shade to this part of 14 Bainton Road.
25. Although concerns have been raised during the consultation process that the cycle store and pathway along the rear of the nursery will have an adverse impact upon the privacy of 14 Bainton Road. Officers consider that the proximity of the 2m boundary fence and the proposed trees along the boundary, mean that the use of this pathway will not create an adverse privacy issues for 14 Bainton Road. Furthermore although there is a degree of inter-visibility between the two sites currently, the proposed layout of the site, in particular the orientation of the building along with the position of the outdoor area, would reduce the sense of inter-visibility between the two sites that currently exist on site and would exist if the area of land was ever brought back into use as part of the sports ground.
26. The proposed development would be of a size and scale that would not have a material impact upon any of the other adjacent Bainton Road properties or the Woodstock Road properties that adjoin the eastern boundary in terms of loss of light, outlook, sense of enclosure, or privacy.

### **Noise and Disturbance**

27. Oxford Local Plan Policy CP21 states that permission will not be granted for development that causes unacceptable noise, with particular attention paid to noise levels close to noise-sensitive developments; and public and private amenity space, both indoor and outdoor. It goes on to state that the Council will impose enforceable conditions to minimise any adverse impacts as a result of noise and transmission. Part (a) of Policy ED1 also requires proposals for day nursery's to not cause unacceptable noise and nuisance to the adjoining properties.
28. A Noise Impact Assessment has been submitted with the application. The assessment has been developed in consultation with Environmental Health Officers to determine the suitable noise levels for the development.
29. The Nursery will operate between 08.00-18.00 hours (weekdays) and will accommodate 26 full time children and 10 children after school between 15.00-18.00 hours. The outdoor play area will comprise a section of covered area in addition to an open space with play equipment. The nursery building will only have standard residential-type plant items and ventilation will be provided through the opening of windows rather than through mechanical ventilation. There will be a drop-off parking area to the frontage.



30. The assessment has identified the main noise receptors in the vicinity of the development as the residential properties of 14 Bainton Road to the north, the properties on the western side of Bainton Road, and the Woodstock Road properties to the north. The outdoor play area has been identified as the dominant source of noise from the proposal, with the residential type plant and use of the drop off area considered insignificant in noise terms. The assessment demonstrates that the noise levels in the external amenity areas of these adjoining properties are predicted to fall comfortably below the 50dB limit for community noise which is considered to create a moderate annoyance for outdoor amenity areas as defined by the *World Health Organisation – Guidelines for Community Noise*. This has been achieved through incorporating acoustic advice into the design of the scheme and a proposed noise barrier located in the south-east corner of the nursery building between the outdoor space and quiet garden.
31. The NPPF is clear that when determining noise impact regard should be had to whether or not a significant adverse effect is likely to occur, whether or not an adverse effect is occurring or likely to occur, or whether or not a good standard of amenity can be achieved. The Noise Impact Assessment has demonstrated that the noise from the use of the outdoor play area will comfortably fall below the general moderate annoyance outdoor noise levels set out within the World Health Organisation Guidance and therefore that the day nursery will not give rise to a significant adverse effect. Environmental Health Officers have acknowledged that it is difficult to predict noise levels that may be generated by non-mechanical sources particularly recreational uses such as this outdoor play area or indeed the sports ground in general. However, having regards to the number of children to be accommodated within the nursery, the operating times of the nursery and the position to the adjoining residential properties, then there would be no grounds to object to the conclusions of the Noise Impact Assessment.
32. Notwithstanding this, officers are mindful that concerns have been raised with respect to the potential noise impact from the proposed nursery. The opening hours are only proposed for 08.00-18.00 hours on weekdays only and these times could be secured by condition. The noise from the outdoor play area could be controlled by a condition which ensures that the recommendations of the noise impact assessment have been implemented before the use commences. It has been suggested through the public consultation that the outside play time for the children should be restricted. This is not considered reasonable considering the fact that the nursery is located alongside an existing sports ground which has no control on the times or extent of its use, and also given the conclusions of the Noise Impact Assessment. It is important to also understand that any impact beyond the conclusions of the Noise Impact Assessment could be dealt with through Environmental Health Legislation relating to 'statutory nuisance'.
33. The Assessment has indicated that there will be limited mechanical plant required for the development in terms of ventilation and the use from the kitchen. As such a condition should be imposed requiring a scheme for the control of cooking odours to be submitted and for no mechanical plant to be added without the prior approval of the Local Planning Authority.

## Landscaping

34. An Arboricultural Report has been submitted with the application. The site is covered by Tree Preservation Order which was made in 2009 in order to prevent the pre-emptive removal of trees prior to any planning application. The trees covered by the order are a line of Scots pine and a Thuja along the southern boundary and a western red cedar on the Bainton Road frontage.
35. The proposal will require the removal of 4 of the 7 protected trees. The Thuja and two Scots Pines would be retained in order to provide a skeleton of mature and semi-mature tree cover to the site that can then be augmented by additional planting. The south-eastern corner of the new building will result in a small encroachment into the root protection area of the mature oak (T8) which lies in a neighbouring property (239 Woodstock Road). This tree is subject to a tree preservation order however, this would not have an adverse impact on the tree given its surroundings and the opportunity for root development in other directions. There would be no objections to the suggested tree removals in amenity terms, and any impact could be mitigated through appropriate replacement planting. The report provides a solid basis for developing the landscape proposals further and this could be secured by condition.
36. The Proposed Landscape Plan includes details of the play equipment proposed for the outdoor play area. The plans indicate that there would be a climbing frame with suspension bridge and net. The plans indicate that the height of this equipment would be 4.13m which seems excessive in contrast to the proposed building. As such officers would recommend that details of the play equipment are reserved by condition.
37. Overall officers consider that the proposed development would not have an adverse impact in landscape terms in accordance with Oxford Local Plan Policies CS18, CP1, and NE16, subject to conditions that set the future landscaping strategy for the site, and secure appropriate tree protection measures and landscape management.

## Highway Matters

38. The proposed day nursery would have a drop-off and parking area in the frontage that would require a new access and egress points onto Bainton Road. The parking area would include 4 off-street parking spaces (including a disabled space). The nursery would employ 9 staff (7 full-time and 2 part-time).
39. A Transport Statement has been submitted with the application that considers the highway impacts of the proposed development.
40. Traffic Generation: The proposed nursery is to be used by the staff and students of St Johns College rather than a commercial operation open to the general public. The site is within a Transport District Area which is considered to be a sustainable location that is easily accessible by non-car modes of transport. The Woodstock Road is a main arterial route into the city that offers good public

transport links. The site is on a national cycle route and is also accessible by pedestrians with footways on both sides of the road. The accessibility of the site is seen as a positive in terms of providing the users of the nursery with alternative means of accessing the day nursery.

41. The Transport Statement anticipates that the nursery will generate a total of 17 two-way vehicular trips in the AM peak and 14 two-way trips in the PM peak. The majority of drop-off and pick up trips will occur between the hours of 08.00-09.00 and 17.00-18.00 hours. The proposed development will increase traffic generation from the site bearing in mind it is currently not used however it is considered that the level of traffic generation would be suitable for this type of development and would not have a significant impact upon the local highway network. The Local Highways Authority has raised no objection in these terms.
42. Access: A new access / egress arrangement onto Bainton Road will be formed through two new vehicle cross overs in the north-western and south-western corner. This will form a one-way system through the site which will be enforced through appropriate signage.
43. During the consultation process concerns have been raised that the position of the access to the site in between the two bends in Bainton Road would make the access arrangements hazardous to road users. The applicant has provided a swept path diagram that shows how vehicles will enter and exit the site. The Local Highways Authority is satisfied that the swept path diagram shows that a large car could manoeuvre into and out of the site successfully. They have also indicated that Bainton Road is subject to a 20mph speed limit, and the geometries of the road does not suggest that excessive speeds would occur at the point of site access which is borne out by the figures within the Transport Statement. The plans for the access have demonstrated that suitable visibility splays could be provided for the exit from the site for the speed at which vehicles travel and satisfies the relevant design guidance presented in Manual for Streets. The Highways Authority have also suggested that any control on the direction vehicles leave the site is not warranted due to the traffic flows that exist within the street.
44. Therefore officers consider that on the basis of the information contained within the Transport Statement and in the swept path diagram, the proposed access arrangements for the site would not have an adverse impact upon highway safety in accordance with Oxford Local Plan Policy CP1.
45. Vehicle and Cycle Parking: The proposal will provide 4 parking spaces (including 1 disabled space) which will be dual use by both parents and staff. There will also be a designated drop off area for set downs.
46. The Oxford Local Plan states that the maximum parking standards for nurseries is 1 space per 100m<sup>2</sup> or 2 staff which would mean the need to provide 2 spaces ( floor area) or 4.5 (staff members). The 4 spaces would therefore accord with the maximum parking standards within the street. It is noted that the site is within a controlled parking zone which allow for 2 hours parking without the requirement

for a permit. Therefore there is a measure of on-street parking control to prevent any impact upon on-street parking.

47. The proposal would provide 7 cycle parking spaces in a secure and covered area alongside the building. The Oxford Local Plan does not specify a specific number for nurseries but states that the level of parking should be guided by the general principle of 1 space per 5 people. In this case the number of cycle parking spaces would exceed this standard for the number of staff, and also provides opportunities to encourage travel by alternative modes of transport to the private car
48. Travel Plan: The Local Highways Authority have recommended that a Travel Plan be secured by condition. The scheme is not a major development that would have significant travel implications, however, bearing in mind the nursery will be used by staff and students of a specific organisation a Travel Plan Statement would be useful to help set out how the nursery will encourage parents and staff to use alternative forms of transport to the car and thereby assist in managing the transport impacts of the proposal. This should be secured by condition

### **Biodiversity:**

49. A Phase 1 Habitat Survey has been submitted with the application, which considers the ecological impacts of the site and the opportunities for biodiversity enhancements.
50. Designated Sites: There are 'Hook Meadow and The Trap Grounds' and 'New Marston Meadows' Sites of Special Scientific Interest (SSSI) are within a 1km radius of the site. The Oxford Meadows Special Area of Conservation (SAC) is also approximately 720m to the west of the site. The survey concludes that the proposal would have no impact upon these designated sites given the distance of the sites from the proposed development and also the scale and nature of the proposal.
51. Habitat: The site comprises a small area of species-poor managed grassland, along with small patches of tall ruderal vegetation and planted and self-seeded trees on the edges of the site. The loss of the grassland and vegetation will not have a significant ecological impact due to the low value of the habitat and because the site offers little to no habitat for protected species. Although a small number of trees are to be removed, these are non-native and have self-seeded and are not mature specimens.
52. The survey recommends that any landscape plan for the site should provide native species that provide a variety of flowers and fruit throughout the year for insects and birds.
53. Species: The development is unlikely to have any impact upon amphibian or reptile species however because of the location of the pond in Elizabeth Jennings Way the survey recommends that a precautionary approach is taken to site clearance to ensure there is no impact.

54. During the consultation process concerns have been raised about the impact upon badgers using the site. The survey has identified that there is no badger sett present on site, and there are limited opportunities for foraging. There was some evidence of occasional foraging occurring in the south-eastern corner of the site, with badgers from the area likely accessing the site from a slightly ajar gate to the south of the site. The survey concludes that the loss of this small area used for foraging will not have any long term impact. The badgers are using the site to forage for earthworm / invertebrate prey, and the recreation grounds to the south of the site provide them with plentiful habitat within which to forage for the same items. The main indirect impact on the badgers could be caused during the construction phase of the development with excavations posing as a hazard to badgers moving over the ground. As such all pit-fall hazards should be covered at night to minimise the impact upon badgers.
55. In terms of impact upon bats and birds, the trees within the site do not exhibit features that provide shelter for roosting bats, and offer limited nesting and foraging opportunities to bird species. The survey has recommended that the new building should avoid external lighting other than for security and safety and in those cases low pressured sodium lights should be used. Similarly with regards to birds, all site clearance should be undertaken outside the breeding seasons in order to avoid any impact on any active birds nests that may be present. The development offers scope to improve roosting and nesting opportunities through the provision of bat and bird boxes in appropriate locations within the development.
56. Finally the site does provide potential foraging habitat for the European Hedgehog, which is a priority species. The loss of the small area of amenity grass land and ruderal vegetation is unlikely to result in a significant loss of habitat though, and the creation of a new open play area and garden planting (i.e. retained grassland and flowerbeds) suitable for hedgehogs could be maintained within the site. The survey also recommends the consideration of a 'hedgehog house' in the grounds of the nursery to provide shelter and potential breeding site for hedgehogs.
57. Officers would accept the findings of the habitat survey and would raise no objection to the proposal under Oxford Core Strategy Policy CS12 subject to a condition requiring the recommendations and biodiversity enhancements contained within the survey being implemented on site.

### **Other Matters**

58. Drainage: The proposal should ensure that a sustainable urban drainage scheme is submitted for the development. This could be secured by condition
59. Contaminated Land: The contaminated land questionnaire submitted with the application does not reveal any potential contaminative former land use or use that raises any specific issues. The use as a day nursery is considered to be a sensitive use however the risk of any significant contamination being present on site is low. It is the developers' responsibility to ensure that the site is suitable for the proposed use and therefore an informative should be added to any planning

permission recommending a watching brief for unexpected contamination found during the construction phase.

60. Community Infrastructure Levy: The proposal will be liable for a CIL payment of £4,889.80

**Conclusion:**

61. The proposal is considered to be acceptable in terms of the relevant policies of the Oxford Core Strategy 2026 and Oxford Local Plan 2001-2016 and therefore West Area Planning Committee is recommended to approve the application.

**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.

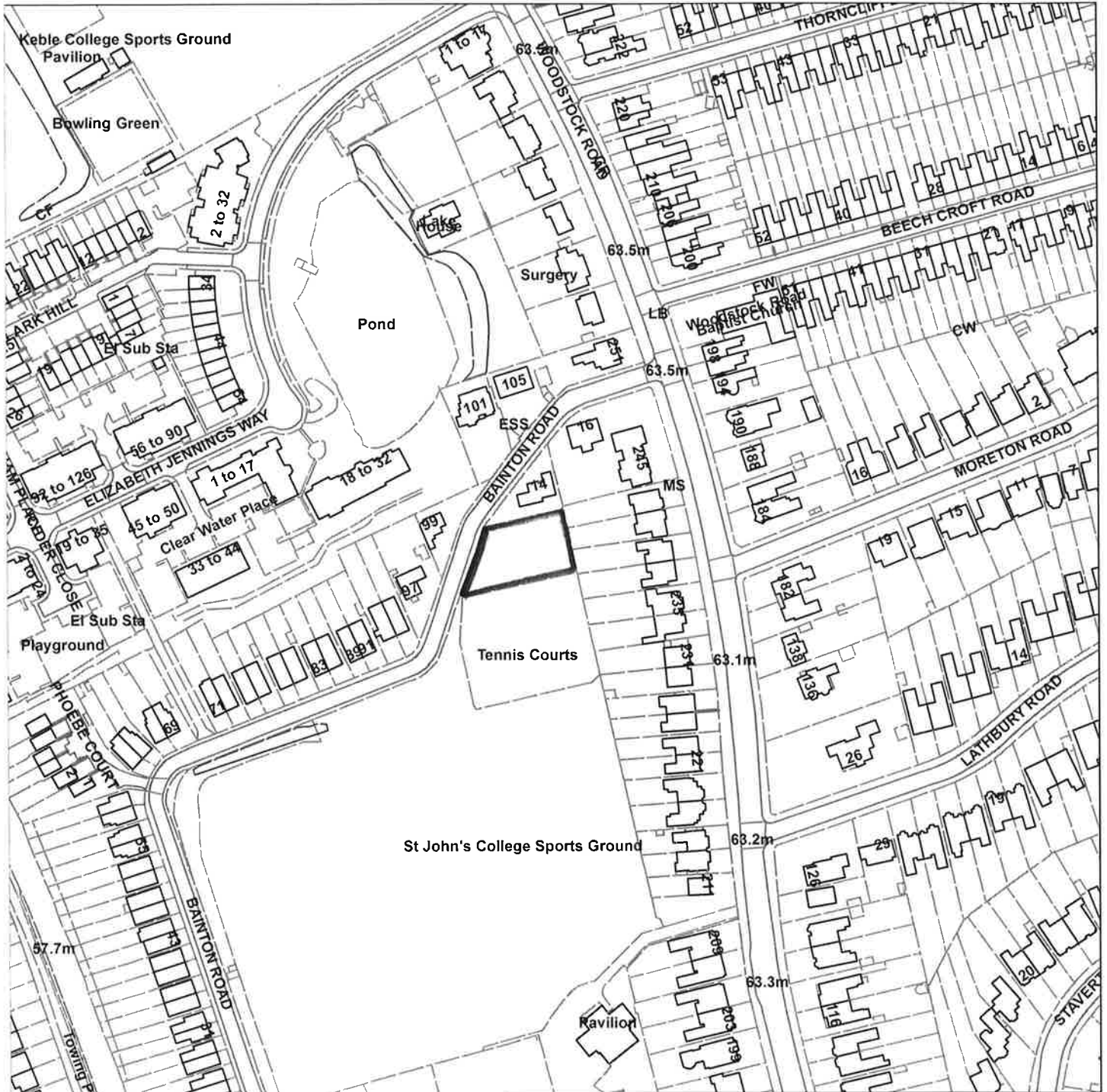
**Contact Officer:** Andrew Murdoch

**Extension:** 2228

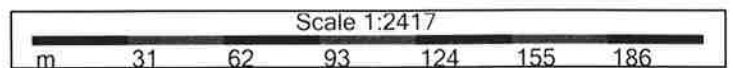
**Date:** 24<sup>th</sup> July 2015

# Appendix 1

## Land to north of St Johns College Sports Ground (15/00893/FUL)



1:2416



<b>Organisation</b>	Oxford City Council
<b>Department</b>	City Development
<b>Comments</b>	Not Set
<b>Date</b>	28 July 2015
<b>SLA Number</b>	100019348

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West Area Planning Committee

11th August 2015

**Application Number:** 15/01152/FUL

**Decision Due by:** 22nd July 2015

**Proposal:** Part demolition of "1928 Building" and various outbuildings. Erection of 4 storey extension to Colin Sanders Building to provide Sixth Form Centre. Alterations to entrance quad incorporating revised car and cycle parking layout for 34 cars and 80 cycles. (Amended plans)

**Site Address:** Magdalen College School, Cowley Place, **Appendix 1.**

**Ward:** St Marys Ward

**Agent:** Mr Tim Ronalds

**Applicant:** Mr Harold Caldwell

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**Recommendation:** West Area Planning Committee are recommended to approve the planning application.

### Reasons for Approval

1. The proposed development would create much improved sixth form facilities at the School, without harming the special character or appearance of the St Clements and Iffley Conservation Area or the setting of listed buildings. The demolition of the southern section of the 1928 Building is accepted subject to recording prior to demolition. There would be no harm to residential amenities. For these reasons it is considered that the development is acceptable in terms of the relevant policies of the Development Plan and NPPF.
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 within time limit
2. Develop in accordance with the approved plans
3. Samples of materials
4. Landscape Plan required
5. Landscape carry out after completion
6. Car/cycle parking provision before use
7. Further cycle parking provision

8. Cycle parking details required
9. Construction Traffic Management Plan (further details including Tree Protection Measures where appropriate)
10. Construction Environmental Management Plan.
11. Drainage Strategy (inc SUDS) and detailed drainage design.
12. Travel Plan.
13. Details of biodiversity enhancement (bats)
14. Recording of the section of the 1928 Building which is to be demolished.
15. Details of further design details (openings (windows & doors) and eaves details).

### **Legal Agreement:**

The Community Infrastructure Levy (CIL) is a standard charge on new development. The amount of CIL payable is calculated on the basis of the amount of floor space created by a development. CIL applies to developments of 100 square meters or more, or to new dwellings of any size. The reason that CIL has been introduced is to help fund the provision of infrastructure to support the growth of the city, for example transport improvements, additional school places and new or improved sports and leisure facilities. CIL is being brought in by councils across the country, although each local council has the ability to set the actual charges according to local circumstances.

This planning application will trigger CIL and the liability will be £30,019.12.

### **Principal Planning Policies:**

#### Oxford Local Plan 2001-2016

- CP1** - Development Proposals
- CP5** - Mixed-Use Developments
- 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
- CP17** - Recycled Materials
- CP18** - Natural Resource Impact Analysis
- CP20** - Lighting
- TR1** - Transport Assessment
- TR2** - Travel Plans
- TR3** - Car Parking Standards
- TR4** - Pedestrian & Cycle Facilities
- NE15** - Loss of Trees and Hedgerows
- HE2** - Archaeology
- HE3** - Listed Buildings and Their Setting
- HE7** - Conservation Areas

## HE9 - High Building Areas

### Core Strategy

**CS2\_** - Previously developed and Greenfield Land

**CS9\_** - Energy and natural resources

**CS10\_** - Waste and recycling

**CS11\_** - Flooding

**CS12\_** - Biodiversity

**CS13\_** - Supporting access to new development

**CS16\_** - Access to education

**CS17\_** - Infrastructure and developer contributions

**CS18\_** - Urban design, town character, historic environment

**CS19\_** - Community safety

### Other Planning Documents

Supplementary Planning Documents:

- National Planning Policy Framework
- Planning Obligations Supplementary Planning Document
- Natural Resource Impact Analysis
- Parking Standards, Transport Assessment and Travel Plans.

### **Public Consultation:**

#### Statutory Consultees Etc.

- Historic England Commission- Comment that their specialist staff have considered the information received and we do not wish to offer any comments on this occasion. They recommend that the application should be determined in accordance with national and local policy guidance and on the basis of the City Councils specialist conservation advice.
- Oxfordshire County Council Highways Authority- Comment that Magdalen College is in a highly sustainable location and it is not considered that the proposed development will lead to any increase in the number of pupils, staff or visitors, and therefore no additional vehicle trip generation is anticipated. The proposed additional cycle parking spaces are welcomed, but more should be provided. The existing vehicle access arrangements and revised car park layout is acceptable. Outline details of construction traffic has been provided. A detailed CTMP will be required prior to commencement. It is also requested that a Legal Agreement be arranged to secure Travel Plan monitoring fees of £1240. They also advise that a condition should be imposed requiring a detailed CTMP to be submitted to Oxfordshire County Council for approval prior to commencement.

- Thames Water Utilities Limited- Thames Water would advise that with regard to sewerage infrastructure capacity, they do not have any objections. With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. On the basis of information provided, Thames Water would advise that with regard to water infrastructure capacity, we would not have any objection to the above planning application.
- Environment Agency Thames Region- Consider this application to have a low environmental risk.
- Iffley Fields Residents' Association- comment that they are neither in favour nor against the proposals but raise concerns regarding 1) the height of the building and the scale of development within the school site. 2) the School Travel Plan excludes mention of pupils driving themselves to school. IFRA is especially concerned about this as several MCS pupils park for a whole day Iffley Fields. IFRA request that MCS specifically surveys its sixth formers on how many of them drive themselves to school. MCS sixth formers use Iffley Fields (particularly Stratford Street) as park and ride. 3). We are also concerned about access to the building work given the major roadworks and other building projects on at the school, disruption for local residents and health issues of static traffic. We would like to be reassured that deliveries will not take place at peak times and whether the works will be accessed from Iffley Rd or Cowley Place. 4) Finally, we note that the application states that the school has 'no neighbours'. There is a row of houses facing the school gates and St Hilda's College next door.

#### Individual Comments.

- No comments received from individuals or owners of neighbouring properties.

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

00/00351/NFH - Extension to tennis courts area and realignment to provide 3 additional courts. 3 m high fencing and floodlight columns.. PER 3rd June 2000.

48/00001/A\_H - Reconstruction of premises at Magdalen College School. PER 24th September 1948.

54/00272/D\_H - New school building to replace some existing at Magdalen College School (in principle). PER 27th July 1954.

55/04562/A\_H - New school building at Magdalen College School. PER 28th June 1955.

56/00537/DO\_H - Science labs at Magdalen College School (outline). PER 9th October 1956.

56/05704/A\_H - New two storey school science block at Magdalen College School. PER 11th December 1956.

62/12838/A\_H - Outline permission for school assembly hall and chapel at Magdalen College School. PER 13th November 1962.

63/13060/A\_H - School assembly hall and chapel at Magdalen College School. PER 22nd January 1963.

63/13502/A\_H - Extension to pavilion to form lavatories and refreshment room at Magdalen College School. PER 8th May 1963.

64/13060/A\_H - School assembly hall and chapel, (Revised).. PER 26th May 1964.

71/24594/A\_H - Erection of additional teaching accommodation comprising classrooms music room and science laboratories with connecting links at Magdalen College School. PER 27th July 1971.

73/00304/A\_H - Erection of additional teaching accommodation including landscaping access (amendment to approved plan No 24594) at Magdalen College School. REF 8th May 1973.

73/00940/A\_H - Erection of additional teaching accommodation including landscaping at Magdalen College School (revised plan). PER 10th July 1973.

81/00861/NFH - Two storey classroom block at Magdalen College School. PER 16th December 1981.

83/00820/NFH - Erection of single storey dining and kitchen block on site of demolished concrete building at Magdalen College School. PER 15th December 1983.

90/00064/NFH - Erection of 3 new teaching laboratories (plus ancillary accommodation) as an extension to existing buildings on Iffley Road frontage at Magdalen College School (amended plans). PER 16th March 1990.

96/01784/NFH - Construction of 3 storey extension to provide additional teaching accommodation at Magdalen College School (Amended Plans). PER 11th April 1997.

99/00894/NFH - New sports hall incorporating 2 storey extension to existing changing rooms.. PER 1st April 2000.

06/01530/FUL - Planning permission for erection of three storey building incorporating catering and dining facilities, staff common room, art and design and technology rooms and teaching accommodation. Reconfiguration of car park. PER 9th November 2006.

11/00508/FUL - First and second floor extensions to provide multi-purpose sports hall at first floor and classroom and office at second floor.. PER 6th July 2011.

11/01497/FUL - Erection of 2 single storey temporary buildings for 3 years to be used as music rehearsal rooms. (Additional Info). PER 2nd September 2011.

14/00717/FUL - Erection of rear single storey building with connecting enclosed walkway.. PER 18th June 2014.

### **Background to proposals.**

A masterplan was drawn up for the site in February 2014 setting out a plan for future physical development. This describes qualitatively and quantitatively the facilities that the school needs and a plan for the sequence of building projects to meet these needs.

The applicant held pre-application discussions with the City Council in December 2015. It was considered that the proposal would generally be supported on the basis of the information then submitted.

The Oxford Design Review Panel were also consulted on the proposed scheme in May 2015. The ODRP support the application for the new building, and as a first

phase of the masterplan, feel it sets a precedent for design quality of the following phases. Recommendations were made for improvements to the southern elevation such as placement of staircase windows to help to animate the elevation. Further alterations were suggested regarding the landscaping proposals around the entrance.

### **Site Description:**

1. Magdalen College School is located at The Plain to the south east of the City Centre. It is situated on the junction of Cowley Place and Iffley Road, bounded to the east by playing fields. The existing buildings and outdoor spaces at the school are of varying age, quality and condition.
2. The school complex is sited in the St Clement's and Iffley Road Conservation Area, and is within the vicinity of several grade II listed buildings including St Hilda's College (Old Hall, library and walls), St Hilda's Garden Building, Magdalen College School, and 2 & 3 Cowley Place.
3. The site for the proposed extension is set within the Magdalen College School site at the western end of Cowley Place, away from The Plain. Although not prominent within the street scene of The Plain or Iffley Road, the site is visible in a variety of views including across the playing field to the south, across Christ Church Meadow to the west, from Iffley Road to the south east and from Cowley Place to the north east.
4. The school currently has 765 Senior School pupils. In 2010, female students were accepted into the sixth form and this currently comprises 313 pupils-215 boys and 98 girls. The new sixth form centre will not give rise to any increase in the number of students or visitors to the school.
5. The sixth form are currently housed in the 1928 building and this has recently expanded into temporary accommodation.

### **Proposal:**

6. The proposal involves the demolition of the southern section of the 1928 Building to provide additional car parking and enlarge the proposed quad area, and the construction of a 4 storey sixth form block adjoining the Colin Sanders Building and running alongside the northern edge of the tennis courts.
7. The new sixth form centre provides improved accommodation for the sixth form and replaces other facilities in the 1928 building.
8. The new sixth form building would provide 1651m<sup>2</sup> spread over four storeys. The building would be composed of stone and buff brick, with windows and doors powder coated steel, timber doors and windows to the ground floor of the colonnade. The roof would be a standing seam zinc and stone paving proposed for the colonnade.

9. New paving is proposed to link the Sixth form centre colonnade to the New Building creating a clear pedestrian route between the two buildings. Car parking will remain as tarmac surface. Five small trees will be replaced as part of the development with six new trees reinforcing the edge along Cowley Place. Benches are also to be provided under the colonnade.

**Officers Assessment:**

10. Officers consider the principal determining issues to be:
  - Principle of development
  - Design and External Appearance and impact upon Conservation Area
  - Highways
  - Biodiversity and Trees
  - Sustainability

Principle of Development.

11. The NPPF states planning decisions should encourage the effective use of land by re-using land that has been previously developed (brownfield land). This is supported by Policy CS2 of the Oxford Core Strategy 2026. In addition, the Council supports schools and education through Core Strategy Policy CS16 which seeks to improve access to all levels of education, through new or improved facilities, throughout Oxford.

Design and External Appearance and impact upon Conservation Area.

12. The site is situated within the St Clements and Iffley Road Conservation Area and therefore policies HE7 and CS18 of the Core Strategy apply in terms of high quality urban design, architecture and public realm. One of the characteristics of this area is the high degree of architectural diversity throughout the conservation area using a limited palette of materials. Whilst Cowley Place is clearly an area dominated by educational use, the area is still vulnerable to infill development that does not respect the street and blocks the pattern typical of the area.
13. No objections are raised to the proposed demolition of the 1928 Building and the erection of the 4 storey extension to the Colin Sanders Building subject to conditions requiring the implementation of a programme of historic building recording for the 1928 Building, the approval of external material samples and further design details (i.e. window joinery details, eaves details) for the new sixth form building and the approval of a landscaping plan.
14. The 1928 Building is a single-storey building fronting Cowley Place, and whilst of a pleasing appearance with traditional architectural features, it is considered that it makes a limited contribution to the special character and appearance of the conservation area. It is accepted that the building is not fit for purpose and therefore, subject to a building recording condition, the

demolition of the southern section of the building is considered justified and acceptable.

15. The proposed sixth form centre is considered to be the result of a well-thought through design rationale and masterplan for the site, which addresses the context of the site and surrounding buildings (New Building and Colin Sanders Building). The design of the building has been amended to address concerns previously raised and as such is an improved scheme that would sit better within the site. It is not considered that the proposed building would harm the character and appearance of the conservation area or the settings of the surrounding listed buildings.
16. With regards to the impact on views, it is felt that the proposed additional built form in this location would not be out of context and would have minimal harm on views which would be outweighed by the benefits that the scheme would bring to the school and the improved layout of the site.
17. In summary, it is considered that the proposal would comply with national and local planning policy concerning the conservation of heritage assets.

#### Highways.

18. The planning application is accompanied by a Transport Statement and Travel Plan (March 2015). Magdalen College School is in a highly accessible location and is well served by walking and cycling routes as well as an excellent bus service from all directions on the Plain roundabout. The nature of the development will therefore have little to no effect on the wider transport network. Whilst additional cycle parking facilities are proposed, it is considered that the level of provision is too modest and a planning condition will be imposed to ensure the provision of additional cycle parking facilities.
19. Whilst a Transport Statement has detailed some of the arrangements for construction traffic, a condition will be imposed to secure these arrangements and also to provide further details of how traffic will be managed as well as a detailed management strategy to ensure the proposed restrictions on operating times (0930-1530) and the turning restrictions (right in, right out) are adhered to.

#### Biodiversity and Landscaping.

20. No objections are raised to the proposed development in respect of trees or landscaping proposals. It is proposed to remove five ornamental pear trees which are within the existing car park, but these are young enough to be transplanted to the alternative locations shown on the plan or for new trees to be planted to mitigate their loss. A condition will be imposed regarding proposed landscaping of the site.
21. It is considered that there is not a reasonable likelihood of protected species being impacted by the proposals. However, in line with recognised good practice and governmental policy on biodiversity and sustainability (National



Planning Policy Framework 2012 & NERC 2006), all practical opportunities should be taken to harmonise the built development with the needs of wildlife. The NPPF seeks to provide a net enhancement to biodiversity through sustainable development and policy CS12 of the Oxford Core Strategy 2026 states: Opportunities will be taken (including through planning conditions or obligations to): ensure the inclusion of features beneficial to biodiversity within new developments throughout Oxford.

22. In this instance it is appropriate for provisions for wildlife to be built into the development. The size, aspects and location of the development to productive habitat makes it ideally suitable for enhancements. Certain bat species are urban biodiversity priority species almost entirely dependent on exploiting human habitation for roosting. An appropriate provision for this development would be 6 bat roosting tubes on the southern aspect of the proposed new structure as high as possible.

#### Sustainability.

23. The proposed development falls below the size threshold of 2000m<sup>2</sup> where a formally submitted Natural Resource Impact Analysis is required in accordance with policy CP18 of the Oxford Local Plan. However the building has been designed to make energy savings and contains a number of passive measures within the design including high performance building fabric, natural ventilation, low energy fittings, energy efficient central plant and distribution systems including reclaim of heat where appropriate.

#### Other Matters.

24. Archaeology. It is considered that the basis of present evidence, this scheme would be unlikely to have significant archaeological implications.
25. Contamination. The application is accompanied by a full Contamination Report and the conclusions of the report are accepted. However in order to ensure that the recommendations in the report are adhered to, it is recommended that a condition be imposed on any consent to ensure that the recommendations are followed throughout the construction of the approved development in order to ensure that any ground and water contamination is identified and adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use in accordance with Policy CP22 of the Oxford Local Plan.

#### **Conclusion:**

26. It is not considered that the proposed demolition of the southern section of the 1928 Building and the construction of a 4 storey sixth form building adjoining the Colin Sanders Building would harm the character and appearance of the St Clement's and Iffley Conservation Area or the setting of surrounding listed

buildings subject to conditions suggested above. The application would comply with the relevant local and national heritage planning policies. For these reasons it is recommended that the application be approved 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 subject to conditions, officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

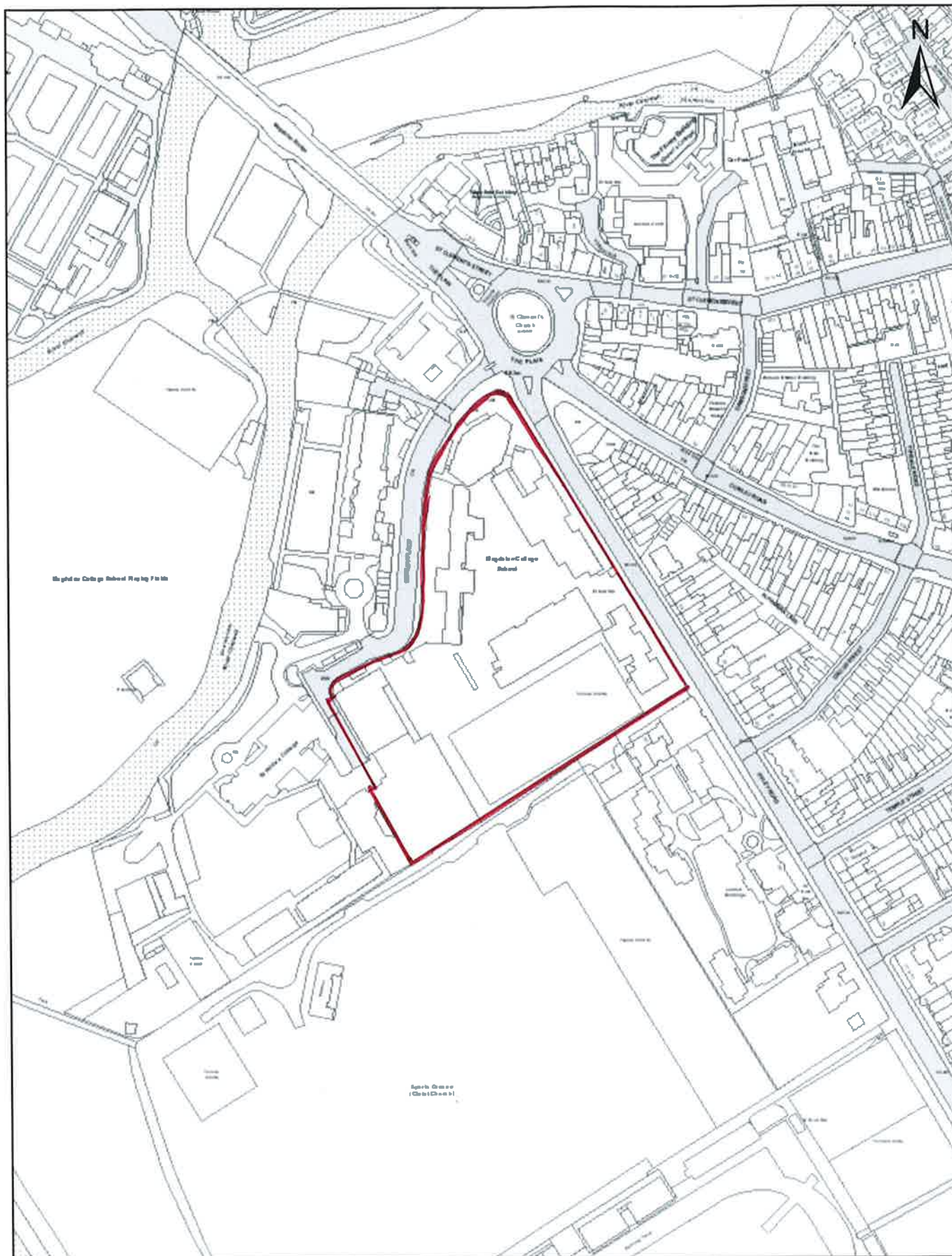
#### **Background Papers: 15/01152/FUL.**

**Contact Officer:** Amanda Rendell

**Extension:** 2477

**Date:** 29th July 2015

# Appendix 1 (15/01152/FUL)



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**WEST AREA PLANNING COMMITTEE**

11<sup>th</sup> August 2015

**Application Number:** 15/00096/PA11

**Decision Due by:** 9th March 2015

**Proposal:** Application seeking prior approval for development comprising extension to the length of existing north bay platforms, replacement platform canopies, new re-locatable rail staff accommodation building and reconfiguration of short stay and staff car parking under Part 11 Class A Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995. (PLEASE NOTE THIS IS NOT A PLANNING APPLICATION BUT A NOTIFICATION SUBMITTED BY NETWORK RAIL FOR PRIOR APPROVAL BY OXFORD CITY COUNCIL.) Following an options assessment, the building has been relocated 2.5m to the south and has been reduced in size at first floor level by 186 sq.m; revised parking layout (AMENDED PLANS)

**Site Address:** Oxford Railway Station, Park End Street **Appendix 1**

**Ward:** Jericho And Osney Ward

**Agent:** N/A

**Applicant:** Network Rail

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## **Recommendation:**

PRIOR APPROVAL REQUIRED - Siting and design acceptable

For the following reasons:

- 1 The proposals constitute works needed to improve capacity and services at Oxford Station and to enable the first phase of the Oxford Station Masterplan. The location, design and external appearance of the proposals are acceptable subject to concerns about the impact on residential and neighbourhood amenity being addressed by the imposition of conditions dealing with the submission of materials samples, land contamination assessments, the removal of the temporary TOC building after 3 years, and the submission of applications to authorise the development works associated with the Oxford Station Masterplan. The proposal is therefore considered to accord with the requirements of the relevant policies in the Oxford Local Plan, Core Strategy, Sites and Housing Plan, and West End Area Action Plan.

- 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 Materials samples
- 2 Windows in east and north facing elevations
- 3 Contamination risk study
- 4 Remediation Strategy
- 5 Unexpected contamination
- 6 Surface water disposal
- 7 Time limit of 3 years

#### **Main Local Plan Policies:**

##### **Oxford Local Plan 2001-2016**

**CP1** - Development Proposals

**CP8** - Design Development to Relate to its Context

**CP25** - Temporary Buildings

**TR10** - Oxford Station Improvements

##### **Core Strategy**

**CS1\_** - Hierarchy of centres

**CS2\_** - Previously developed and greenfield land

**CS5\_** - West End

**CS9\_** - Energy and natural resources

**CS10\_** - Waste and recycling

**CS13\_** - Supporting access to new development

**CS14\_** - Supporting city-wide movement

**CS18\_** - Urban design, town character, historic environment

**CS27\_** - Sustainable economy

## West End Area Action Plan

WE6 - Frideswide Square & railway station forecourt

## Sites and Housing Plan

HP14\_ - Privacy and Daylight

### Other Material Considerations:

National Planning Policy Framework

Planning Practice Guidance

## Background to the Amended Proposals

When the Committee considered the original scheme at its meeting on 12<sup>th</sup> May 2015, concerns were raised about loss of sunlight and overshadowing of neighbouring gardens. In response, Network Rail has submitted an options report dealing with the shadowing and other implications of the proposals and suggesting that an amended scheme will overcome the Committee's concerns. Their preferred option is Option 4 and amended plans have been submitted in relation to that option. Those plans were subjected to public consultation between 23<sup>rd</sup> June and 16<sup>th</sup> July via site notices at the station and in adjacent streets.

The options report is reproduced in full as **Appendix 2** to this report. The options and the NR's assessment in relation to each option are as follows:

Option	NR summary assessment: positive (ticked) and negative (crossed)
<b>Option 1</b> A single storey building	<ul style="list-style-type: none"><li>✓ The lower building will generate full reduction in the shadows that are cast on to the properties of Stable Close.</li><li>× Loss of car park spaces.</li><li>× No staff disabled car parking spaces can be accommodated.</li><li>× No delivery vehicle turning space.</li><li>× Removal of bus replacement facility.</li><li>× Operational difficulties.</li><li>× Temporary accommodation required in Beckett Street car park.</li><li>× Loss of floor area.</li><li>× Increased building footprint.</li><li>× Hinder to the potential Masterplan scheme.</li><li>× Noise increase for the domestic properties.</li><li>× Potential staff relation difficulties, moving staff into temporary accommodation.</li><li>× Increased costs.</li></ul>
<b>Option 2</b> Reduce the internal heights of each floor	<ul style="list-style-type: none"><li>× Little reduction on the shadows to the Stable Close properties.</li><li>✓ Minimal impact on the current design &amp; operational functions.</li><li>✓ No impact on the potential Masterplan scheme.</li></ul>

<p><b>Option 3</b> Drop the building to car park level</p>	<ul style="list-style-type: none"> <li>✓ The option for dropping the building to the car park level will provide a large improvement in the shadows that are cast on to the properties of Stable Close.</li> <li>✓ No impact on the potential Masterplan scheme.</li> <li>× Staff circulation to and from the platform will be affected and steps will need to be introduced plus a weatherproof trolley route.</li> <li>× Slight increase in noise for the domestic properties.</li> </ul>
<p><b>Option 4</b> Reduce the first floor by half its width for most of its length and move the building 2.5m further south within the site</p>	<ul style="list-style-type: none"> <li>✓ Full reductions in the shadows that are cast on to the properties of Stable Close.</li> <li>✓ No impact on the potential Masterplan scheme.</li> <li>✓ No reduction in noise attenuation.</li> <li>× Reduction in the floor area of the building.</li> <li>× FGW Phase 2 staff unable to be accommodated into the building.</li> <li>× Modular construction less efficient / more costly.</li> </ul>
<p><b>Option 5</b> Move the building south within the site</p>	<ul style="list-style-type: none"> <li>✓ Full reductions in the shadows that are cast on to the properties of Stable Close.</li> <li>✓ No requirement for temporary accommodation.</li> <li>× Hinder the potential Masterplan scheme.</li> <li>× Relocation of car park spaces.</li> <li>× Short stay car park space a long distance from the station entrance.</li> <li>× Removal of bus replacement facility.</li> <li>× Operational difficulties.</li> <li>× Noise increase for the domestic properties.</li> <li>× Car park location is not in view of the general public (safety issues).</li> <li>× Additional construction works &amp; additional construction costs.</li> </ul>

**Option 4** proposes a reduction in the floor space of the proposed temporary building of some 186m<sup>2</sup> by removing half the width of the first floor for most of the length of the building; and the repositioning of the building some 2.5m further to the south within the site. Thus the first floor intrusion into sunlight and the resulting shadowing is reduced, with a consequent full reduction in the shadows that were cast over Stable Close in the original scheme, while maintaining the noise attenuation properties of a two-storey building in this location.

In the table above it is noted that a negative consequence of Option 4 is “*FGW Phase 2 staff unable to be accommodated into the building*”. In relation to this, Network Rail has informed the case officer that the alteration to the building and the reduction in floor space means that there will not be enough room in the amended scheme to accommodate all the staff from both phases (the original plan was to accommodate all the staff which would be displaced during Phase 1 and Phase 2 of the Masterplan works). Given however that the Phase 2 works will require a Transport and Works Act Order, details of permanent arrangements for staff



accommodation and temporary accommodation if necessary, will be included in that later submission.

### **Representations Received on the Amended proposals:**

12 Stable Close: resident commented that option 4 appears to leave light and shadows as they are at present at the backs of the housing on Stable Close, and also not likely to increase noise to the properties. Gives a cautious welcome to option 4, subject to the following:

- What is the increase in height of the building?
  - Network Rail response: there is no change in the overall height of the building (accept where it has been reduced from 2-storey to 1-storey). [Case officer note: the existing building is 6.5m high; at its highest point the amended proposed building will be 1.8m higher at 8.3m high)
- What would be the impact in Spring?
  - Network Rail response: A shadow survey for winter has been provided where the sun is at its lowest and also for summer where it is at its highest; there is no additional shadowing for either. This means there will be none in spring or autumn when the sun is in between the highest and lowest height.
- If the height is incorrectly assessed (as believe it was in previous application) and shadowing worse than predicted, could this decision be reversed?
  - Network Rail response: confirm that an existing digital site survey has been undertaken using a laser camera (3D scanner) to inform the proposed designs. This digital survey recorded all geometric points / nodes as a data file which is known as a point cloud survey. A typical accuracy of these surveys is circa +/- 2mm with various studies/organisations recommending this method including the Royal Institution of Chartered Surveyors. The survey provides an accurate representation within a 3D model of the whole site and immediate surrounding area with elements such as topographical levels, boundary elements and buildings etc. included.
  - The whole scheme has been fully modelled within a Level 2 BIM environment using the point cloud survey as the base information from which to design; with the sun path study produced using these models as presented within the reports. In the existing scenario certain levels of shade are experienced to the rear gardens of each property as a result of the boundary fence and existing accommodation building, this is demonstrated on all existing study outputs. Neither the existing study nor the proposed study take into account any boundary planting. The shadow projection experienced is actually worsened once any boundary planting is considered (the existing and proposed studies do

not include these to enable a worse-case scenario to be modelled and demonstrated).

- The proposed studies show that the proposed scheme does not provide a worsening of the shadows experienced to that which are already experienced and has resulted in the form and mass of the building currently proposed.
- Officer comment: it appears that the scheme has been designed based on current best practice as regards accurate surveying and modelling. If the height has been incorrectly assessed, a further planning application would have to be made to vary the scheme and the decision would be based on the information presented at the time and the material facts of the case. At this stage a guarantee cannot be given that the decision taken on the current scheme would be “reversed” as the resident requests.

8 Stable Close: resident objects to Option 4 as it directly impinges on the front of 8 Stable Close, indeed for the whole row of houses 7 to 10 Stable Close. Considers that the only unimpaired outlook from the front kitchen and bedroom windows is the space between the corner outside edge of Said Business School and 11 Stable Close which affords an upper outlook, light, depth and space. The choice of Option 4 plus alterations being made to allow for vehicles to access the substation on the eastern side of the building by way of moving the accommodation building west by 2.5m, with parking arrangements adjusted, means our outlook, light and residential status is obliterated in view of:

- a. height of proposed accommodation (two stories) moved 2.4 metres west directly in front of our houses;
- b. delivery vans and bus-turning area in full view from our windows plus accompanying noise and disturbance also directly in front of our houses;
- c. traffic movements; and
- d. unacceptable 'temporary' accommodation for ten years, should be reviewed at maximum of three years.

Network Rail's planning proposals for this development have fallen far short of the standards to which we are entitled as residents and I strenuously object to this latest development as the rest of us do in 7-10 Stable Close, which will indelibly wipe out our environment.

- Officer comment: a line drawn perpendicular from the proposed building to the front of 8 Stable Close measures some 55m, and in this view the 2-storey terrace on the opposite side of Stable Close intervenes. A line drawn from 8 Stable Close through the gap between 11 Stable Close and the corner of the Said Business School towards the proposed building measures some 60m although it is unlikely actually to ‘hit’ the proposed building. In the view of officers this objection, while sincerely made, has no foundation: the proposed building will probably be visible from the upper floor of 8 Stable Close but views from that property will not be unduly enclosed and the property will not be unacceptably overborne by it because of the distance between the property and the proposed station building. The movements of and disturbance caused by general traffic and delivery vans will be as at present.

## **Statutory and Internal Consultees (original plans):**

Environment Agency – no objections, subject to conditions concerning assessment of risk from contaminated land.

Natural England – no objections.

## **Officers Assessment**

### **Site and Surroundings**

1. The site is adjacent to the north side of the main Oxford Station building and extends to 0.73 ha. It is currently occupied by a single-storey, flat roofed, brick building (6.5 metres high) used by the Train Operating Companies (TOC) as staff accommodation, stores and catering facilities; together with external storage (some covered), existing platforms, platform canopies and a surface car park (public rail users short stay: 36 + 8 disabled; and rail staff: 46 + 4 disabled).
2. The site slopes gently from trackside eastwards and is partly elevated above the surrounding residential areas (Rewley Road, Stable Close, Rickyard Close) to the east, and the Said Business School. It has a ramped vehicle access up from the bus interchange in front of the station supported by a retaining wall on its eastern boundary to a lower level footpath/cycleway leading into the adjacent residential areas. Residential properties in Cripsey Road and Abbey Road face or back onto the site from the west across the rail lines.

### **The Proposals**

3. It is proposed to demolish the existing single storey TOC building, and the two-sided canopy to platforms 1 and 3 (north of the pedestrian over bridge).

*Track and platform lengthening and new platform canopies (original scheme retained unaltered)*

4. The track running into Platform 3 is to be lengthened southwards (into part of the current short stay car park) by some 32 metres bringing its southern end closer to the main station building (to a point just by the pedestrian over bridge – see comparison drawing at **Appendix 3** – this comparison drawing was prepared for the previous application but still generally reflects the position of the proposed building on the site). Platform 3 is to be widened (eastwards) and will encompass the bottom of the pedestrian over bridge. A new (northbound) platform to the east of the new track is to be built. These proposals are required in order to accommodate the longer trains which will be operated by Chiltern Railways between Oxford and Marylebone.
5. Cantilever gull wing type canopies suspended off steel columns are proposed over the extended and reconfigured Platforms 1 and 3; and over the new

northbound platform and gate line enclosure. The canopies are to be of steel frame construction with single skin profile metal cladding in a mid-grey colour.

#### *Temporary TOC building (Amended proposals)*

6. The existing TOC building needs to be demolished to make way for the track lengthening and platform modifications described above. The proposed temporary TOC will replace the existing accommodation and will allow implementation of the first phase of the Oxford Station Masterplan.
7. A new rectangular, part two-storey (track-side), part single storey (car park side), flat roofed, re-locatable temporary building is to be erected providing a gross internal area of 1214m<sup>2</sup> for TOC accommodation and food processing space for the three catering companies already operating at the station. It is to be a modular construction, much of which is to be constructed off-site and assembled on-site. It is proposed to have a footprint of some 56.4m x 12.2m. The two-storey element is to be 8.3 metres high.
8. The east elevation of the new temporary building is to be articulated through dark grey window panels, doors, and '*brise soleil*'; separated by vertical panels of buff facing brick slips and high quality light/mid grey horizontal metal cladding attached to the exterior of the modular units. The roof is to be a single skin profiled metal cladding but is not expressed in the external appearance: a low parapet is proposed. The staff entrances are on the east elevation accessed via a metal ramp and steps.
9. The elevations at the south end (visible from the Station forecourt) and north end (visible from Rewley Road) are to be articulated through panels of buff facing brick slips and high quality light/mid grey horizontal metal cladding with limited fenestration.
10. The west elevation (facing the platforms and tracks) is of a more utilitarian appearance designed with metal cladding but with some buff facing brick slip panels. Staff access doors directly onto the new platform are proposed, and part of a new canopy is located adjacent to this west flank of the new temporary building.
11. The temporary TOC building is to be constructed in two phases – the first replacing that which will be lost when the existing TOC building is demolished, and the second when further buildings are demolished in the wider station site in accordance with the Station Masterplan. The modular units proposed are suited to this phased construction and are manufactured off-site limiting noise and disruption in the construction phase.

#### *Car park modifications (amended)*

12. The main access ramp up from the bus forecourt is proposed to remain as it is, but the public short stay and staff car parking area is to be remodelled leading to a reduction in public parking of 20 spaces and a reduction in staff parking of 3 spaces. The TOC considers that this level of provision meets their

needs. A new external pedestrian platform access is to be provided direct from the short stay parking area via a new gate in the southeast corner of the site adjacent to the main station building.

## **Sustainability**

The modular construction means that these units can be removed and re-used elsewhere. Fenestration is laid out to maximise natural daylight.

## **Determining Issues**

- The Prior Approval Process
- Location
- Design and external appearance

### *The Prior Approval process*

13. In making these proposals, Network Rail intends to rely upon planning permission granted by Part 11 Class A to Schedule 2 of the General Permitted Development Order 1995 (as amended). Where development consists of or includes the erection, construction alteration or extension of a building this permission is subject to a condition requiring the Prior Approval of the Local Planning Authority to the detailed plans and specifications. These proposals include the erection of a building.

14. The General Permitted Development Order 1995 (as amended) states that Prior Approval is not to be refused by the Local Planning Authority, nor are conditions to be imposed, unless the Local Planning Authority is satisfied that:

- i. the development should and could reasonably be carried out elsewhere on the land; or,
- ii. the design and external appearance would injure the amenity of the neighbourhood and is reasonably capable of modification to avoid such injury.

15. The determining issues in this case are therefore (i) the location/siting of the developments; and, (ii) their design and external appearance.

16. As already noted, these works are proposed in order to replace the existing TOC building, and to allow for the phased development of Oxford Station within the parameters of the Oxford Station Masterplan. The Masterplan is however still being developed and has not been the subject of a formal planning application process. The Council is working with the County Council, Network Rail and other partners and stakeholders to progress it to implementation. In these circumstances the City Council would like to see early submission of applications for the Transport and Works Act Orders needed to progress the Station Masterplan so that there can be reassurance that the temporary TOC building will not be required into the long term. In the light of concerns expressed later as to the design and external appearance of

the building such that, but for the wider scheme, the recommendation would be that the application be refused, conditions to be applied to the Prior Approval are suggested that seek the removal of the temporary TOC building within 3 years should that justification cease to apply.

#### *Track and platform modifications and new platform canopies*

17. Under the Prior Approval process there is no objection to the location and design of these modifications. They are of necessity located contiguous with the existing tracks. The canopies are of a contemporary design and will not harm the amenity of the area.

#### *Temporary TOC building – location/siting*

18. The temporary TOC building is located in a position on this site which allows for the phased development of Oxford Station within the parameters of the first phase of the Masterplan. Other locations within this site, or within the wider station site, including on the west side of the tracks, would interfere with that process. Its siting adjoining the proposed new platform is an operational requirement to allow staff access directly onto the platform.
19. The applicant has indicated that the building needs to include 2 storeys in order to replace the existing TOC floor space and allow for staff numbers to grow with the growth of services and passenger numbers at the station, while at the same time retaining adequate on-site car parking for staff and a short stay/disabled public parking facility. The range of options considered as part of this amended scheme is as already described above.
20. The location of the temporary TOC building close to residential properties, combined with the fact that it is proposed to be, in part, 2 storeys high has however raised concerns of overlooking, loss of sunlight and additional shading of adjacent houses and gardens in Stable Close (12 properties back onto the site).
21. In order to prevent overlooking, the applicant has confirmed that the windows facing Stable Close will be obscure glazed and non-opening below 1.7metres from finished floor level. This will be reinforced by condition.
22. Residents commented on sunlight and shading in relation to the original scheme, that currently they receive no winter sun from the east because of overshadowing from the Said Business School extension, and only very limited late afternoon winter sun from the west. The Sunlight and Shadow Analysis submitted with the previous scheme showed that compared to the existing situation there would be:
  - no change to the sunshine available to any of the rooms or gardens at these properties at any time of the year at 9am, 12 noon or 3pm;
  - no change to garden shading but possibly some additional room shading from 6pm onwards in April;
  - additional garden shading and possibly additional room shading from 6pm onwards in May and August;

- additional garden shading in June and July from 6pm onwards but no additional room shading; and,
- in September the gardens and rooms are shaded currently and as proposed.

23. The Committee requested that alternative locations for the building be examined and the results are detailed above. The amended scheme fully removes all shading which would occur as a result of the height and location of the proposed building.

24. Concerns have also been raised about noise from people using the external metal ramps/stairs, about noise/smell from increased vehicle movements, and about smells from catering facilities, in close proximity to residential properties.

25. The applicant has offered to apply noise-dampening materials to the metal ramps/stairs and this can be secured by condition. The applicant prefers to use metal ramps/stairs, as these are re-locatable and recyclable rather than concrete, which would not be a sustainable alternative. The applicant has also confirmed that buses will not use this area, and that the proposals will not generate any additional vehicle movements, indeed fewer given the loss of parking spaces. Food preparation will be largely making sandwiches with limited on-site cooking. A domestic scale fan is all that is required: this activity is already taking place in the same location on the site.

#### *Temporary TOC building - external appearance*

26. At the pre-application stage officers stated that, in accordance with national and local planning policy, a building of much higher quality design would be required in this location if it were to be a permanent building. As a temporary building it is of fair design, to which Prior Approval can be given subject to conditions (i) requiring the submission of materials samples; and, (ii) requiring removal once the building has served its purpose or that purpose ceases to be relevant.

#### **Conclusion**

27. The proposals constitute works needed to improve capacity and services at Oxford Station and to enable the first phase of the Oxford Station Masterplan. Under the Prior Approval process there is no objection to the track and platform modifications. Subject to conditions including the removal of the temporary TOC building within time limits specified, it is concluded that the location, design and external appearance of the proposed temporary TOC building (amended design) is acceptable. The granting of Prior Approval for these proposals is therefore recommended.

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

**Background Papers: 15/0096/PA11; Oxford Station Masterplan**

**Contact Officer:** Fiona Bartholomew

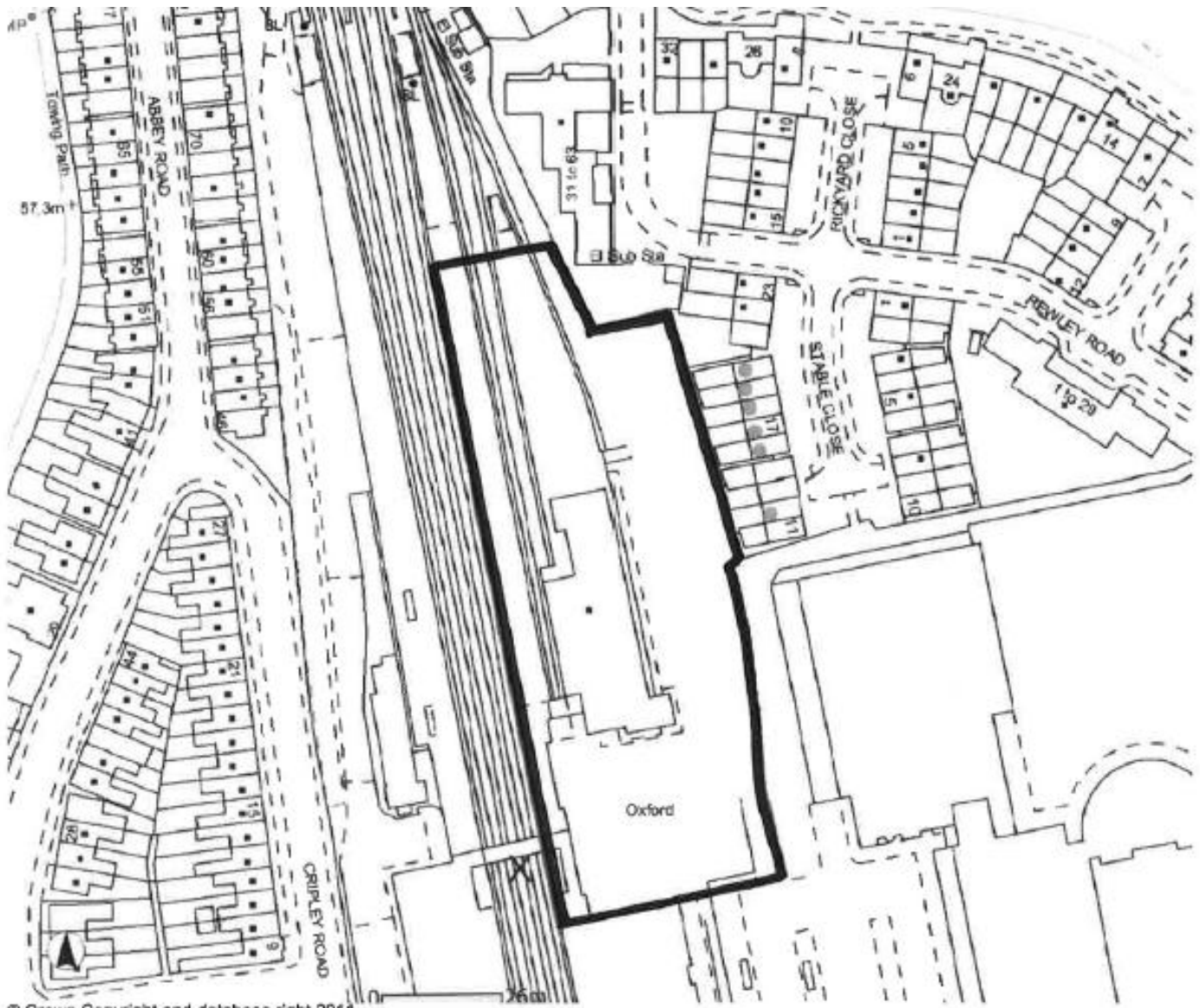
**Extension:** 2774

**Date:** 28<sup>th</sup> July 2015



# Appendix 1

## 15/00096/PA11 - Oxford Railway Station



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**Network Rail**

**W1002B Oxford Corridor**

**Phase 1: Planning Amendment Option Report**

W1002B-TTS-REP-EAR-604006  
A01  
For Approval  
June 2015

<b>Authorisation Sheet</b>	
Client:	Network Rail
Project Title:	W1002B Oxford Corridor
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<b>Prepared By:</b>	
Name:	Kevin Axtell
Signature:	
Position:	Senior Architectural Technician
Date:	11.06.2015
<b>Checked By:</b>	
Name:	Paul Parker
Signature:	
Position:	Principal Architect / CRE Buildings
Date:	11.06.2015
<b>Authorised By:</b>	
Name:	Robert Dale
Signature:	
Position:	Associate Director
Date:	11.06.2015

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<b>Document History</b>					
Version No.	Approved by Date	Description	Prepared By	Reviewed By	Approved By
A01	<b>11.06.2015</b>	Initial Issue	KA	PP	RD

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## 1.0 INTRODUCTION

This report has been prepared by Tata Steel Projects on behalf of Network Rail.

It is proposed to redevelop part of Oxford station and associated land to increase capacity and create an additional passenger terminal including; platforms, canopies and a relocatable train operating company (TOC) accommodation building - all with ancillary office, storage and parking facilities.

The proposal aims to facilitate modifications to train lines, platforms and canopies that would provide additional capacity for a 5x23m and a 6x23m train with the proposed layout arranged to be cognisant of any subsequent Oxford station master plan development. Please refer application drawings for site layout.

The proposed platforms adjustments include for the lengthening of two existing lines/platforms to provide terminal platforms adjacent to the immediate north of the existing station building.

The proposed accommodation building seeks to replace the existing building located to the north of the main station complex. The existing facility is housed in a single storey building that has been extended and adapted over the course of time and now operating beyond its intended design life span.

The provision of an up to date and modern workplace for rail operating staff is considered to be a very important factor (in terms of accommodation) during the proposed station upgrade along with additional platforms, canopies and lines that support the longer term objective of any subsequent master plan (for the station redevelopment).

At the Oxford City Council West Area Planning Committee meeting on Tuesday 12<sup>th</sup> May 2015, the planning decision was deferred to allow the applicant and officers to consider other feasible options for siting and design which mitigate the impact on local residents.

Members were concerned that the location of the two-storey building caused a loss of amenity to the residents of Stable Close over the lifetime of the building, due to the overshadowing of the gardens.

The existing building which is to be demolished and make way for the new TOC building is a single storey with a flat roof. The existing building cast shadows over the properties of Stable Close during the winter periods in the late afternoon (3pm).

The proposed building that was submitted as part of the planning application is a two storey building with the ground floor level to match the existing platform level.

The daylight / solar study for the shadowing patterns at each equinox and mid-summer and mid-winter day show that the change from a single building to a two storey building will be minimal with the only changes occurring to shadow being an increase to gardens in the Summer at 6pm.

The existing boundary fence to rear garden of Stable Close is 1800mm high, which also casts a shadow to the gardens in the late afternoon / evening.

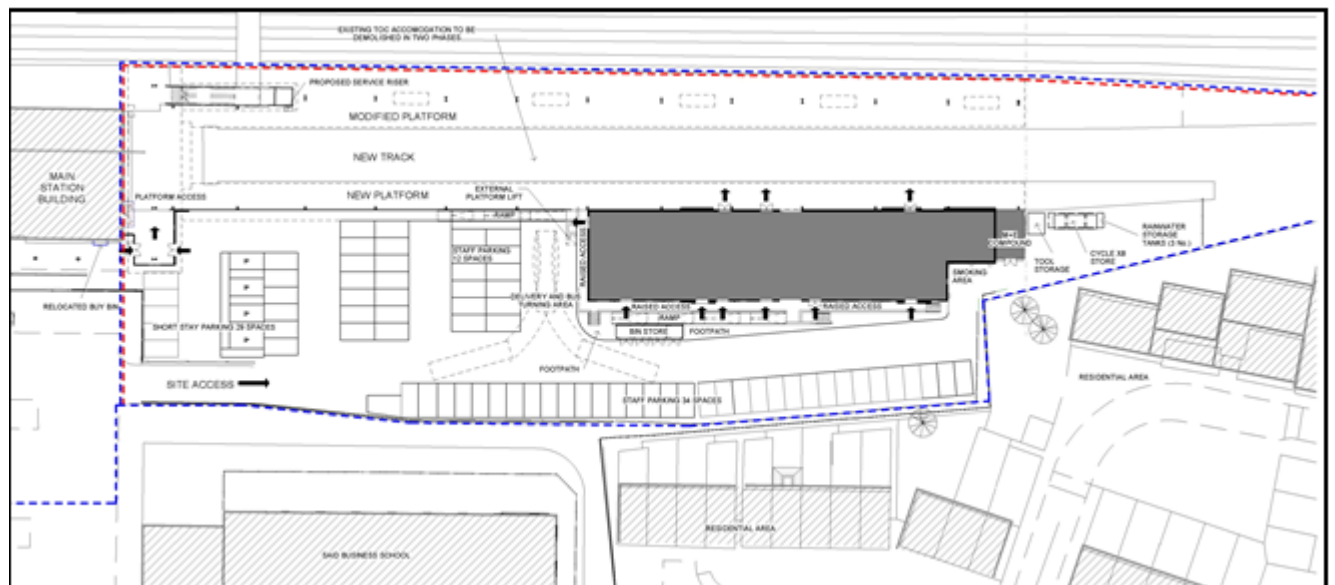
This report investigates options, that will not make the shadows worse to the Stable Close properties.

Tata Steel Projects and Network Rail have considered 6 no. options which are outlined in this report.





EXISTING SITE LAYOUT



PROPOSED SITE PLAN (AS PLANNING APPLICATION REF No.15/00096/PA11)



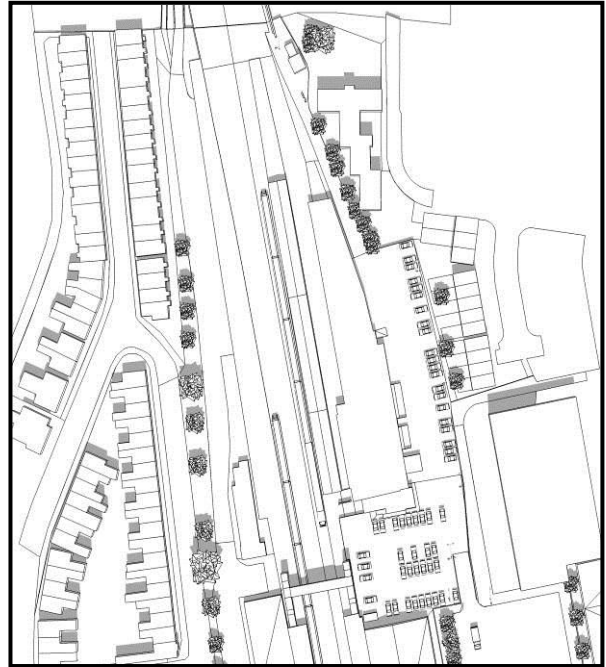
Boundary fence between Network Rail land & the Stable Close properties



### 1.1 Solar Study Images (existing)



Summer 9am Existing



Summer 12am Existing



Summer 3pm Existing



Summer 6pm Existing



Winter 9am Existing



Winter 12am Existing



Winter 3pm Existing

## 2.0 OPTION 1: SINGLE STOREY BUILDING

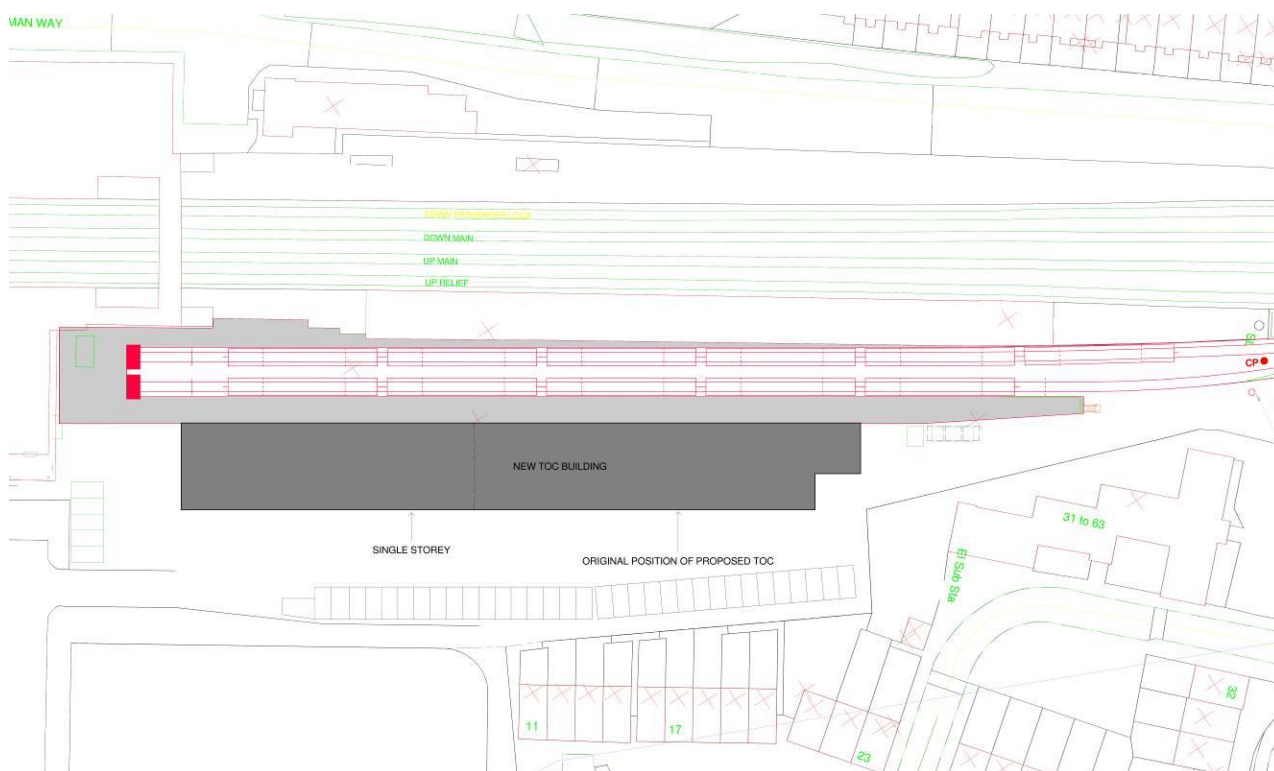
### 2.1 Block Plan Study

The proposed building could be changed to wholly single storey. This will achieve a full reduction in the shadow that are cast over the properties to Stable Close.

To accommodate the building into the space available and still provide some car park spaces will reduce the building floor area by approx. 10-15%. The areas that cannot be accommodated in the new building will be the area for the FGW staff that are to be moved from the Phase 2 building. During Phase 2 work the FGW staff will need to be temporarily accommodated and eventually moved into the proposed Western Entrance building.

The building length will increase by approx. 43 metres. The increase in the footprint will affect the vehicular provision and hinder the potential masterplan scheme. The increased length could clash with the masterplan and result in part demolition of the new building & temporary relocation of staff while the masterplan is under construction.

There will also a noise increase for the domestic properties from the train movements and platform announcements.



### 2.2 Construction

The construction phasing will be as follows:

- Demolish existing platform & canopy.
- Construct temporary accommodation for TOC & SSP.
- Relocate TOC & SSP staff to new temporary.
- Demolish the existing building.

- Construct new building.
- Move TOC & SSP staff into the new building.
- Remove the temporary accommodation from Beckett Street car park.

### 2.3 Operational

The delivery lorry turning facility will not be practical on a daily basis, this will cause a significant operational difficulties for the catering providers.

The SSP & M&S will be sited in Beckett Street car park for a period of approx. 6 months during construction of the TOC building, this will result in a lengthy travel route with the trolleys.

### 2.4 Vehicular / Car Parking

This option will significantly reduce the number of car park spaces. Some TOC staff parking will be lost and all the short stay parking space will be lost. In total 69 no. existing car parking spaces will be lost. The 4 no. staff disabled car parking spaces will be lost.

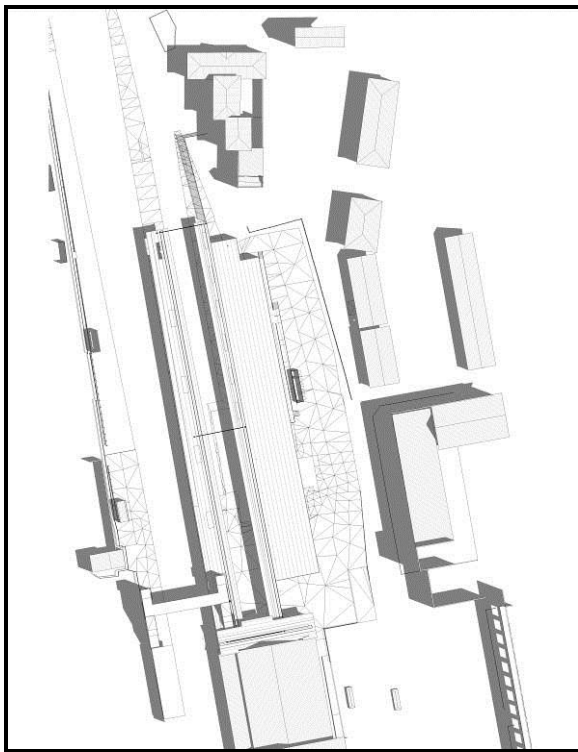
Vehicle tracking studies have revealed that the delivery vehicle turning is impractical on a daily basis, the lorry can only manoeuvre by having managed car park space that will need to be vacant to allow the lorry to turn.

The bus replacement facility will also be lost.

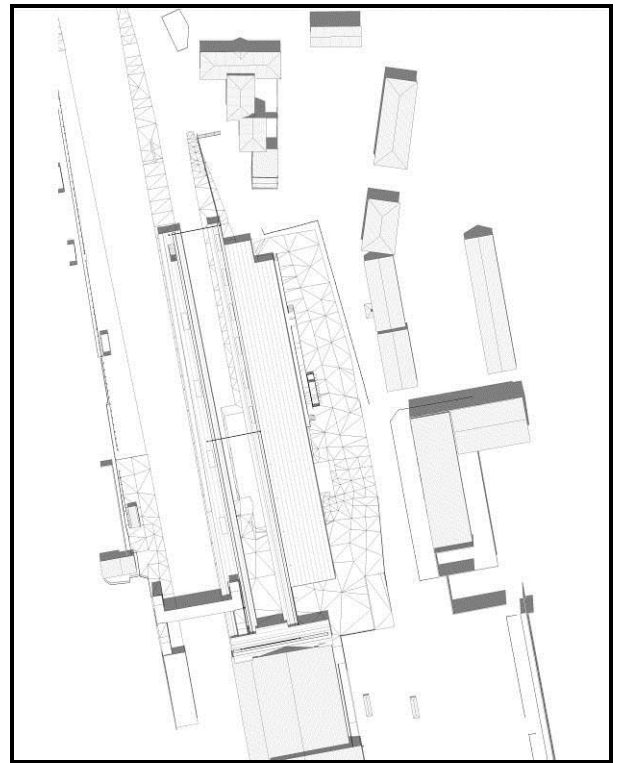
### 2.5 Summary

- ✔ The lower building will generate full reduction in the shadows that are cast on to the properties of Stable Close.
- ✘ Loss of car park spaces.
- ✘ No staff disabled car parking spaces can be accommodated.
- ✘ No delivery vehicle turning space.
- ✘ Removal of bus replacement facility.
- ✘ Operational difficulties.
- ✘ Temporary accommodation required in Beckett Street car park.
- ✘ Loss of floor area.
- ✘ Increased building footprint.
- ✘ Hinder to the potential masterplan scheme.
- ✘ Noise increase for the domestic properties.
- ✘ Potential staff relation difficulties, moving staff into temporary accommodation.
- ✘ Increased costs.

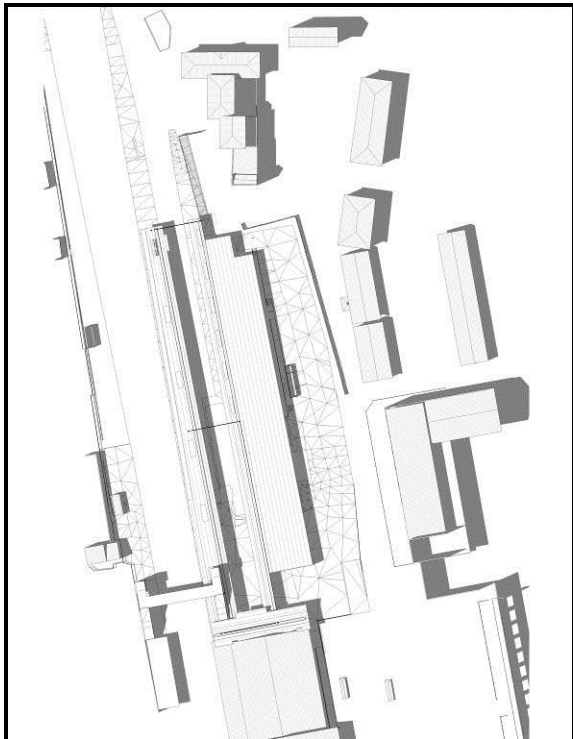
### 2.6 Solar Study Images



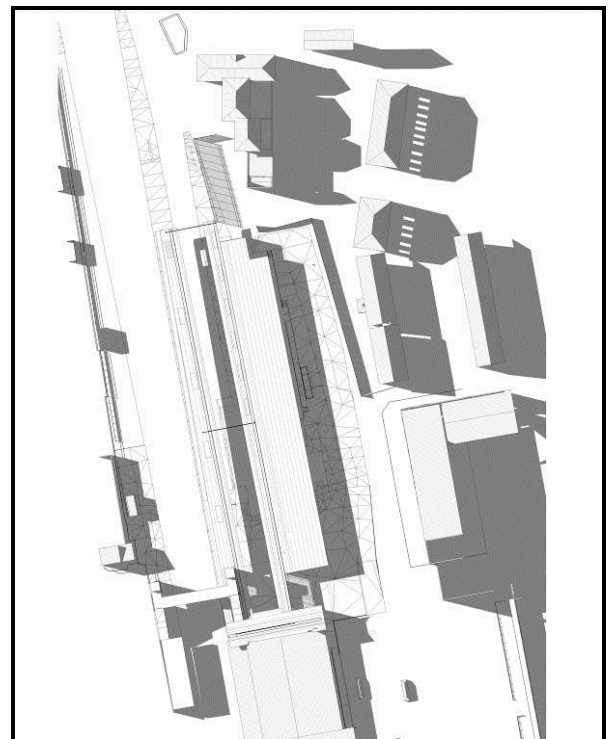
Summer 9am Proposed



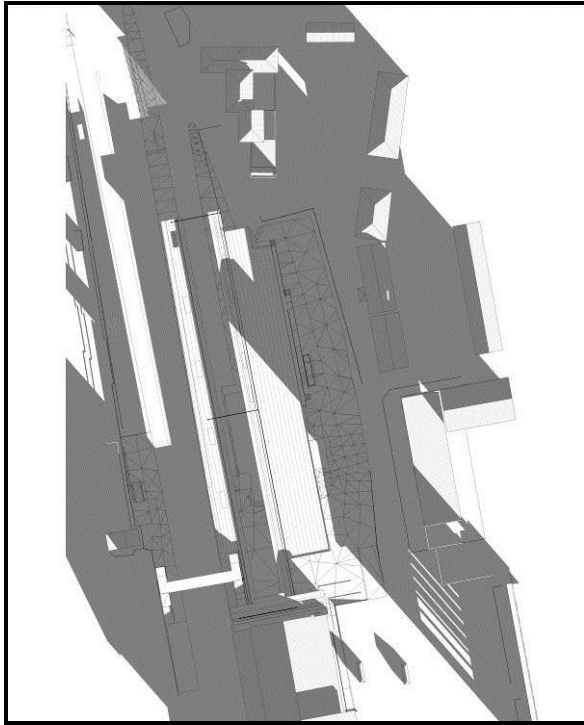
Summer 12am Proposed



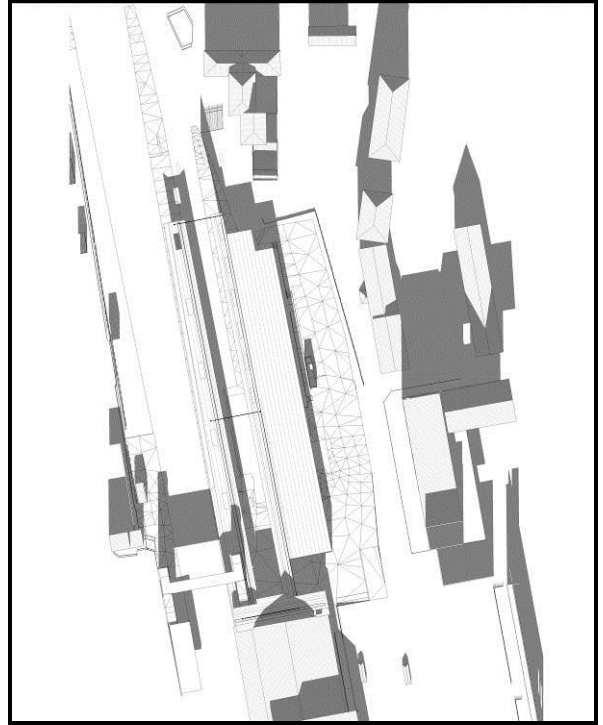
Summer 3pm Proposed



Summer 6pm Proposed



Winter 9am Proposed



Winter 12am Proposed



Winter 3pm Proposed

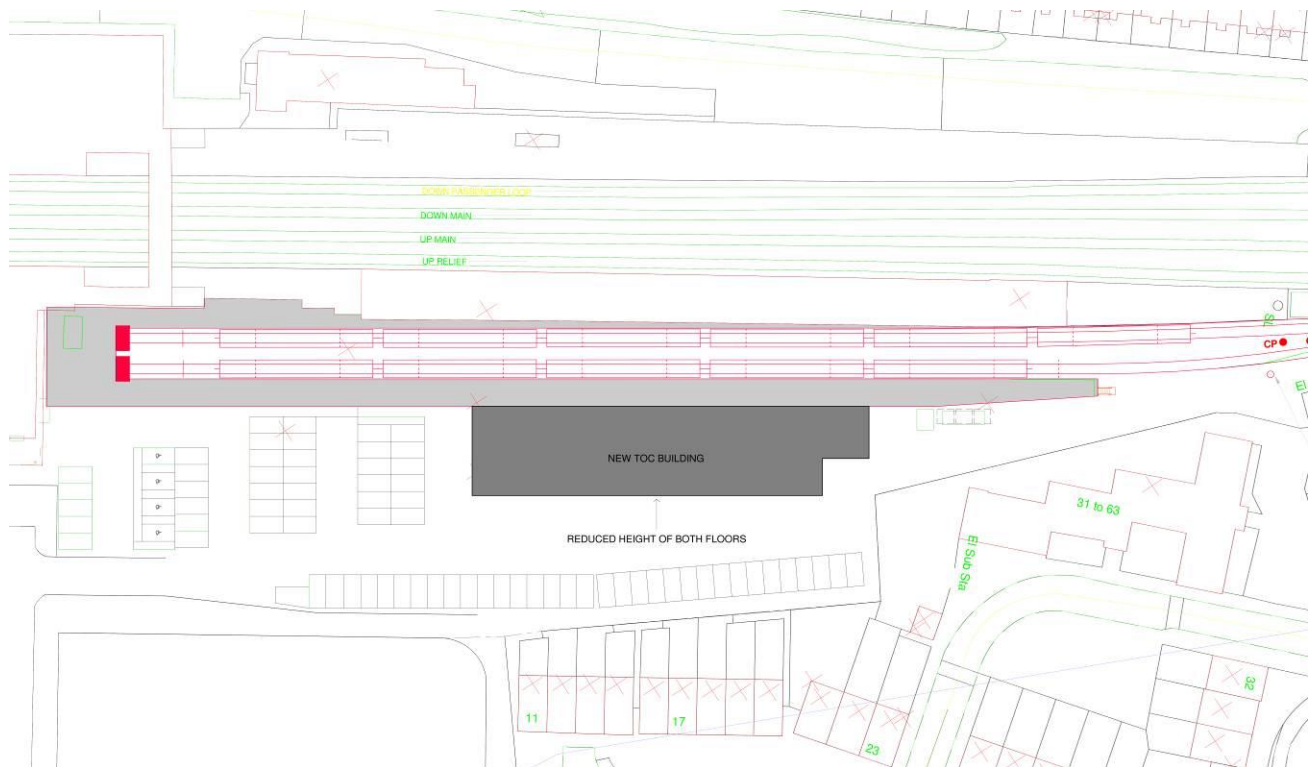


### 3.0 OPTION 2: REDUCE HEIGHT OF BOTH FLOORS

#### 3.1 Block Plan Study

The proposed building height could be lowered by approx. 400mm by reducing the floor to floor height by reducing the ceiling heights and the ceiling voids.

This option has little effect on the shadows to the Stable Close properties.



#### 3.2 Construction

The proposed construction phasing will remain the same.

#### 3.3 Operational

The operational function of the building will remain unaltered.

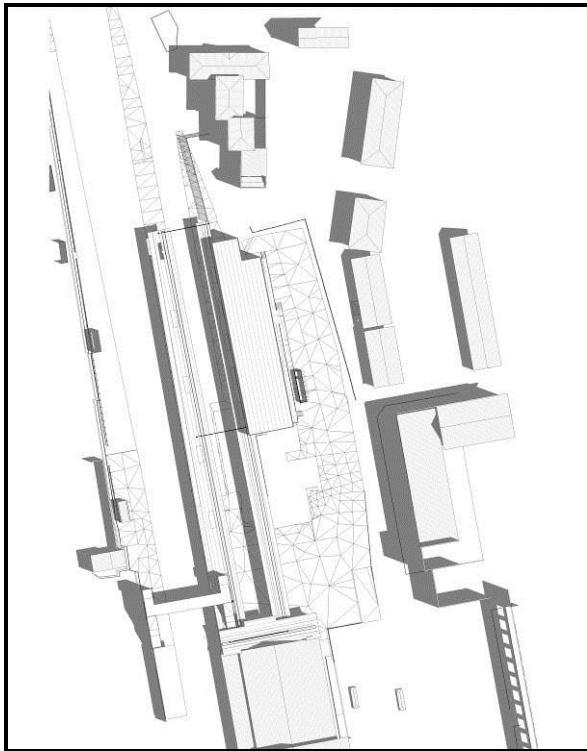
#### 3.4 Vehicular / Car Parking

No change.

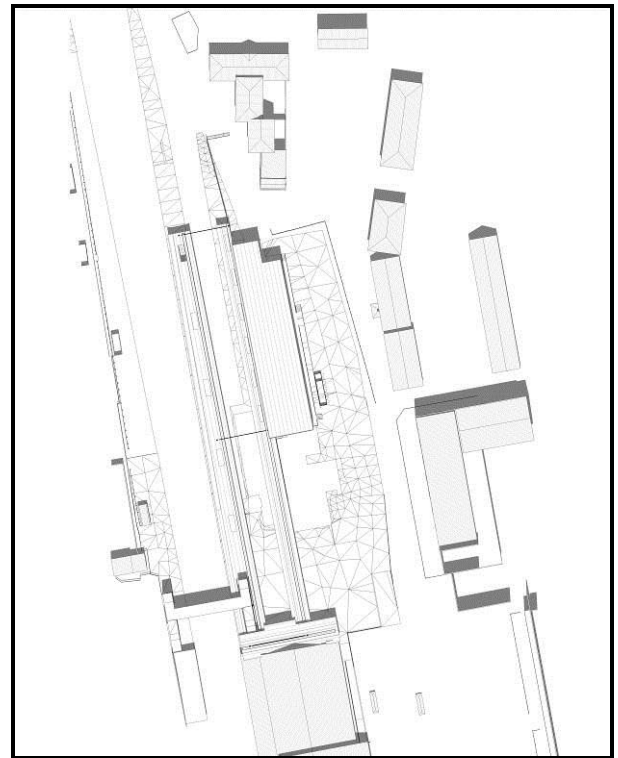
#### 3.5 Summary

- ✘ Little reduction on the shadows to the Stable Close properties.
- ✔ Minimal impact on the current design & operational functions.
- ✔ No impact on the potential masterplan scheme.

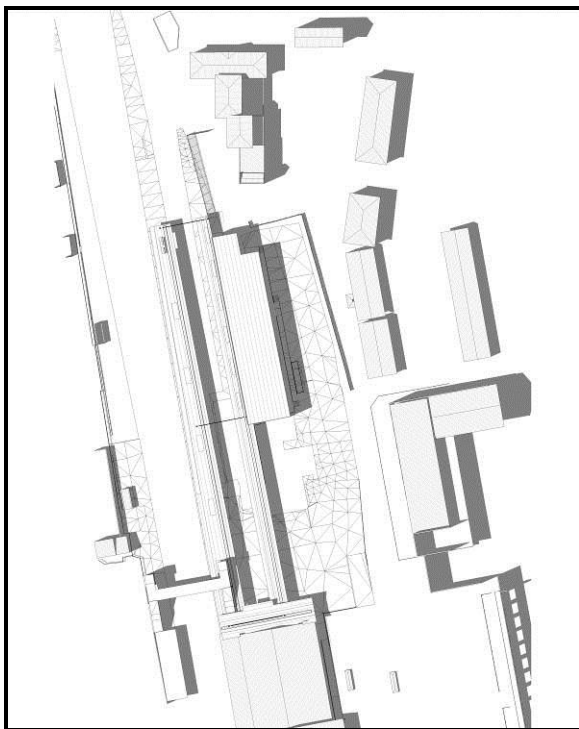
### 3.6 Solar Study Images



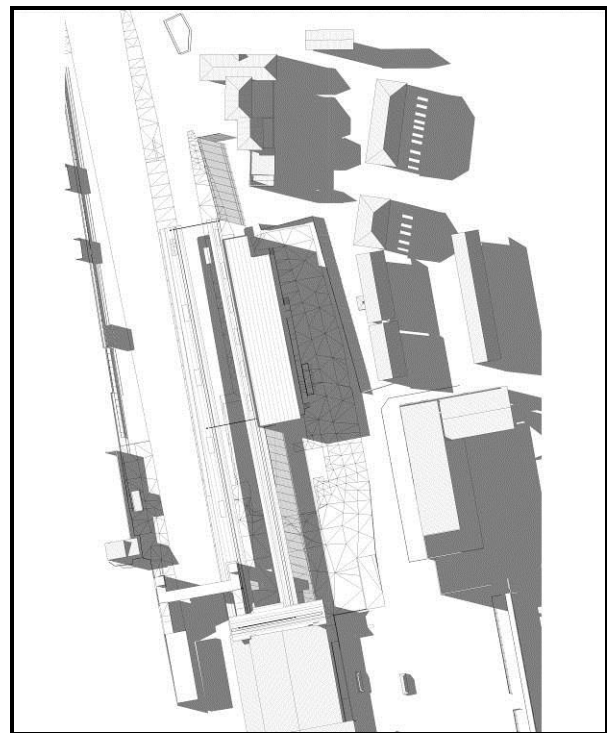
Summer 9am Proposed



Summer 12am Proposed

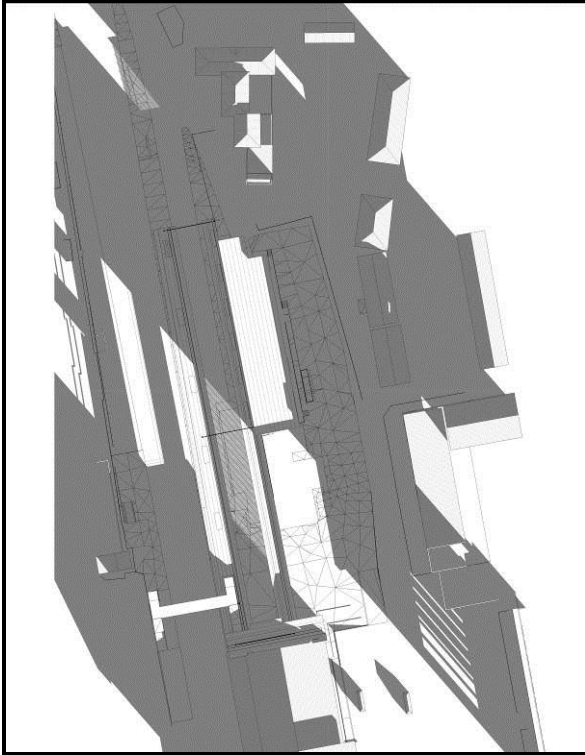


Summer 3pm Proposed

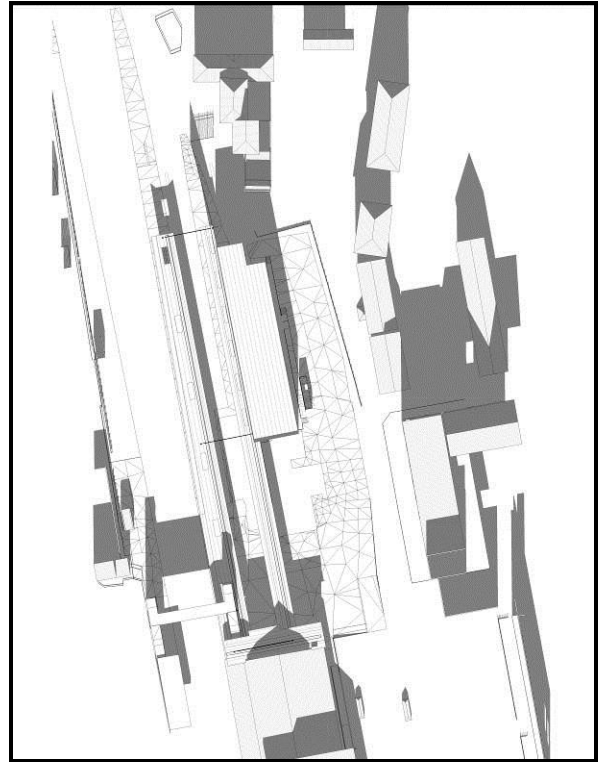


Summer 6pm Proposed





Winter 9am Proposed



Winter 12am Proposed



Winter 3pm Proposed

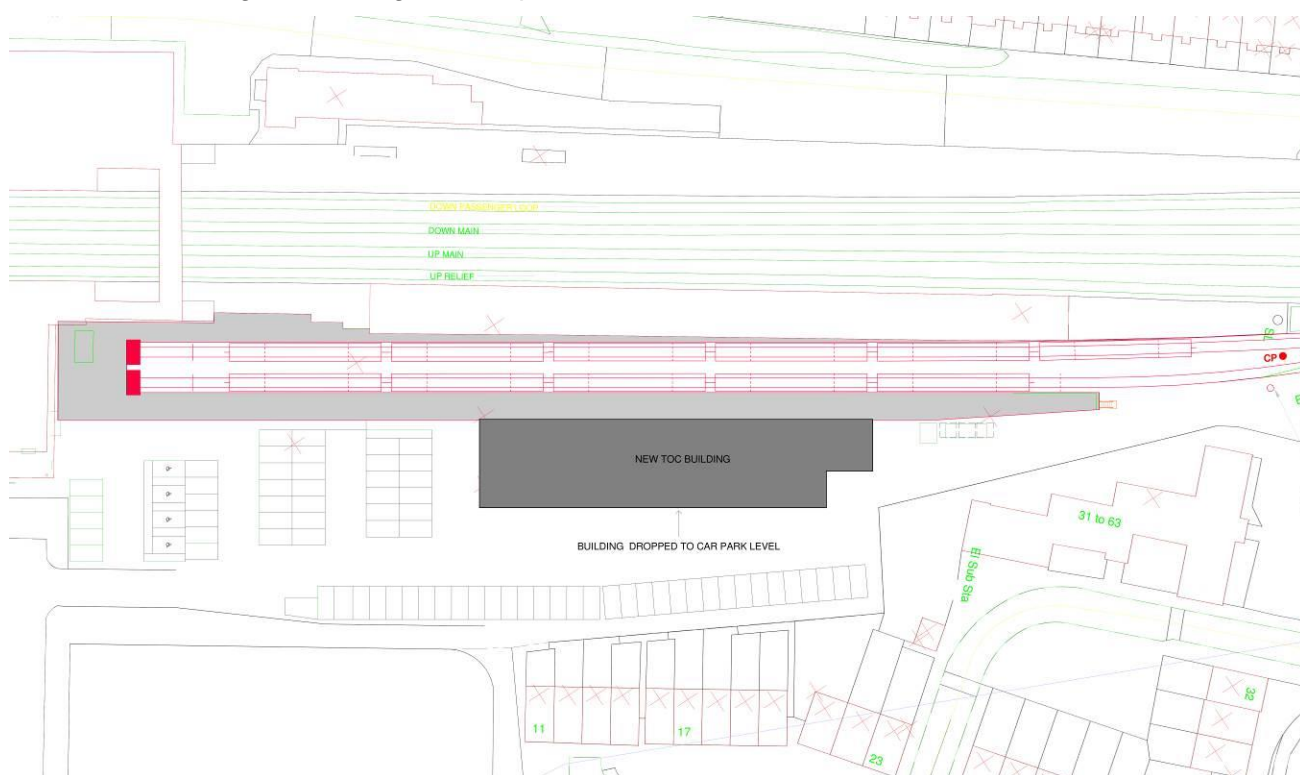
## 4.0 OPTION 3: DROP THE BUILDING TO CAR PARK LEVEL

### 4.1 Block Plan Study

The proposed building could be dropped to the same level as the car park, this will provide a large improvement in the shadow that are cast on to the properties of Stable Close. However, staff circulation to and from the platform will be affected.

The building will be designed to provide level access from the east side from the car park, this will provide level walking routes for staff and deliveries. The west face platform will be 900mm higher than the building floor level resulting in stepped access from the building on to the platform. Trolley access from building to platform will become longer and more complex.

The windows that face the platform will need to be reconfigured in relation to the platform level. This will result in less natural daylight to the rooms facing the platform. The access ramps to the car park side of the building will no longer be required.



### 4.2 Construction

The proposed construction phasing will remain the same.

### 4.3 Operational

Catering trolley movement from the TOC building on to the platform will be severely affected & will become less efficient. The trolley travel route will become a much longer distance via an external ramp and gate. Ideally a weatherproof trolley route will be required, this will be difficult to achieve.

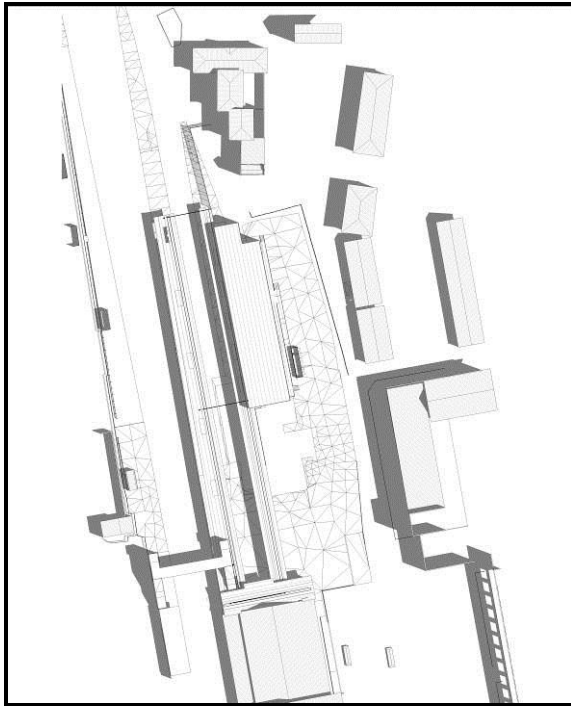
### 4.4 Vehicular / Car Parking

No change.

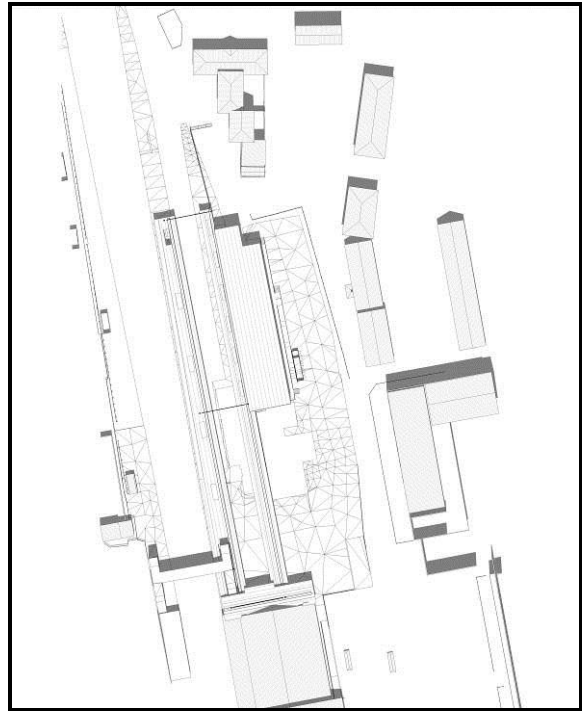
#### 4.5 Summary

- ✔ The option for dropping the building to the car park level will provide a large improvement in the shadow that are cast on to the properties of Stable Close.
- ✔ No impact on the potential masterplan scheme.
- ✘ Staff circulation to and from the platform will be affected and steps will need to be introduced plus a weatherproof trolley route.
- ✘ Slight increase in noise for the domestic properties.

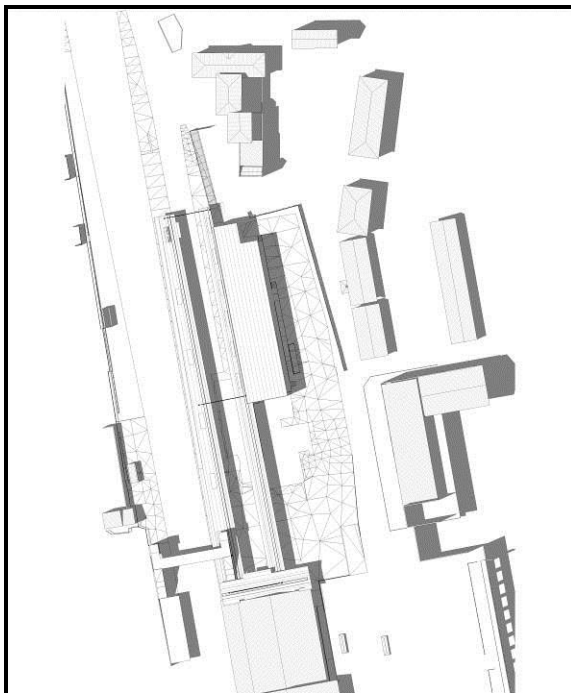
### 4.6 Solar Study Images



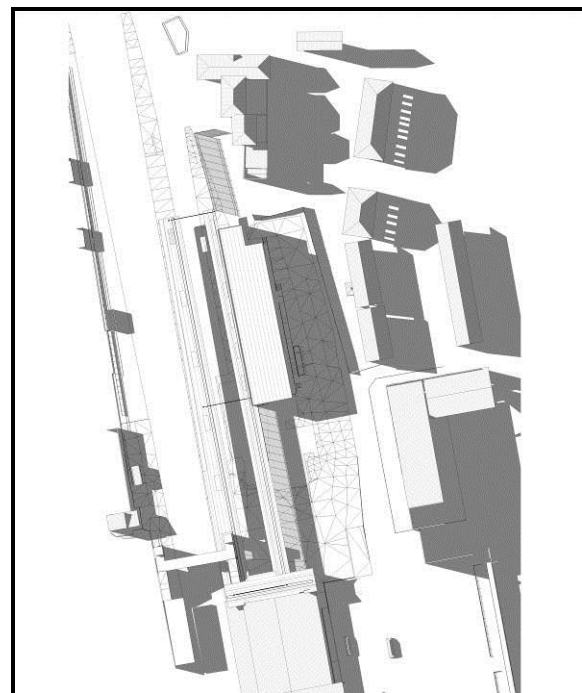
Summer 9am Proposed



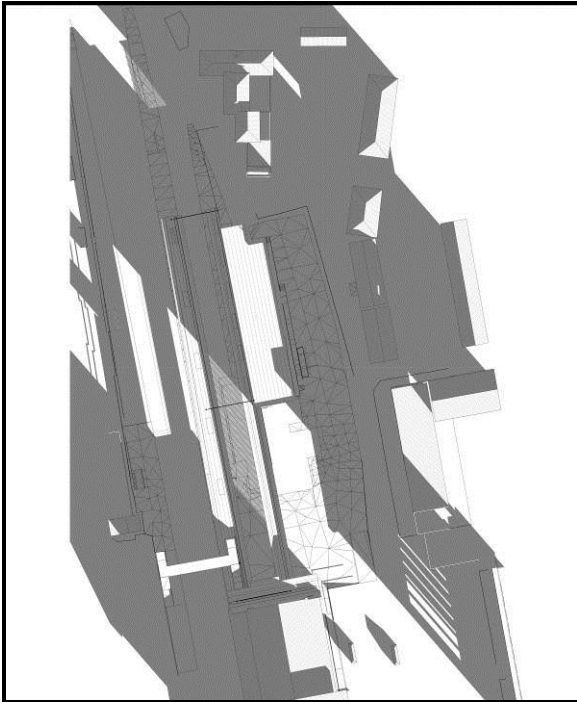
Summer 12am Proposed



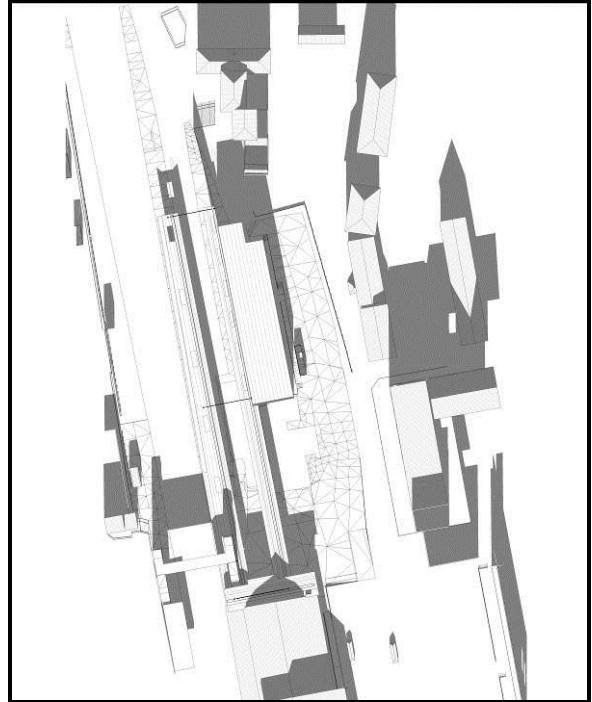
Summer 3pm Proposed



Summer 6pm Proposed



Winter 9am Proposed



Winter 12am Proposed



Winter 3pm Proposed

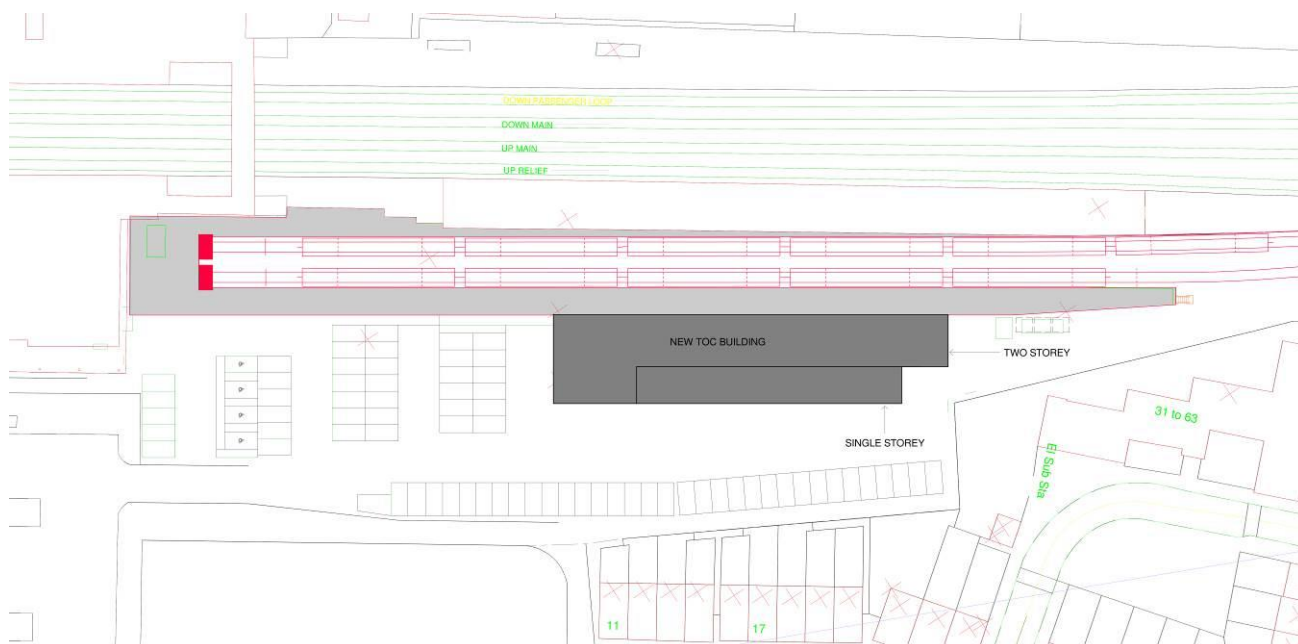
## 5.0 OPTION 4: MAKE MOST OF THE 1<sup>ST</sup> FLOOR HALF WIDTH

### 5.1 Block Plan Study

The proposed building could be reduced at 1<sup>st</sup> floor. By making most of the 1<sup>st</sup> floor half width will achieve full reductions in the shadows that are cast on to the properties of Stable Close.

The solar shading study has found that this option results in less shadows than options 2 & 3.

There will be a reduction in the floor area of the building of approx. 200m<sup>2</sup> which would prevent the relocation of the FGW Phase 2 staff into the building. During Phase 2 work the FGW staff will need to be temporarily accommodated and eventually moved into the proposed Western Entrance building.



### 5.2 Construction

The proposed construction phasing will be affected. If the TOC Building is going to be constructed in phases, some of the TOC staff will need to be temporarily accommodated until the second phase of the construction is complete.

The modular building construction will be less efficient and more costly, with the split level roof.

### 5.3 Operational

The first floor layout will need to be redesigned, a full impact on the operation of the building cannot be fully assessed until this is finalised.

### 5.4 Vehicular / Car Parking

No change.

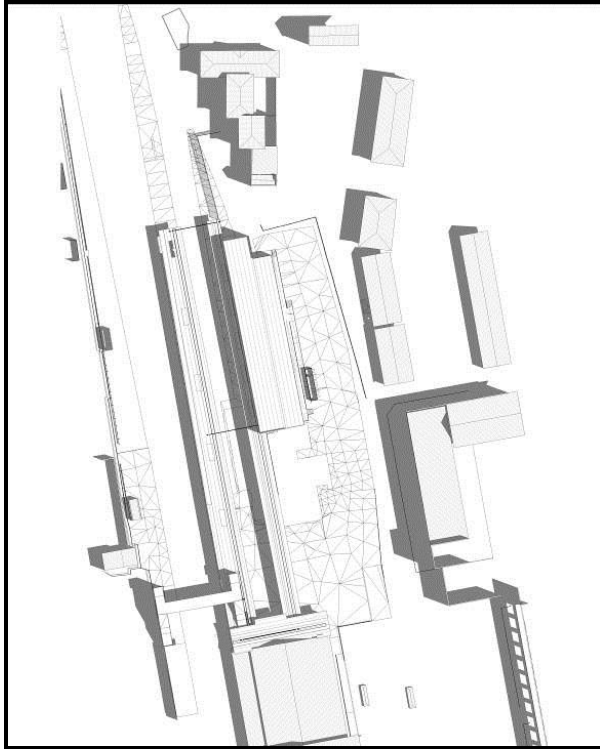
### 5.5 Summary

- ✓ Full reductions in the shadows that are cast on to the properties of Stable Close.
- ✓ No impact on the potential masterplan scheme.
- ✓ No reduction in noise attenuation.
- ✗ Reduction in the floor area of the building.

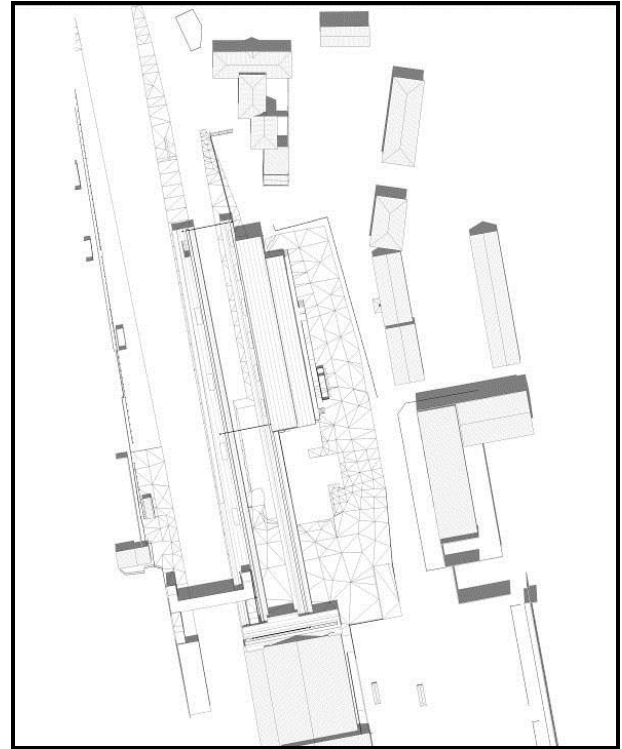


- ✘ FGW Phase 2 staff unable to be accommodated into the building.
- ✘ Modular construction less efficient / more costly.

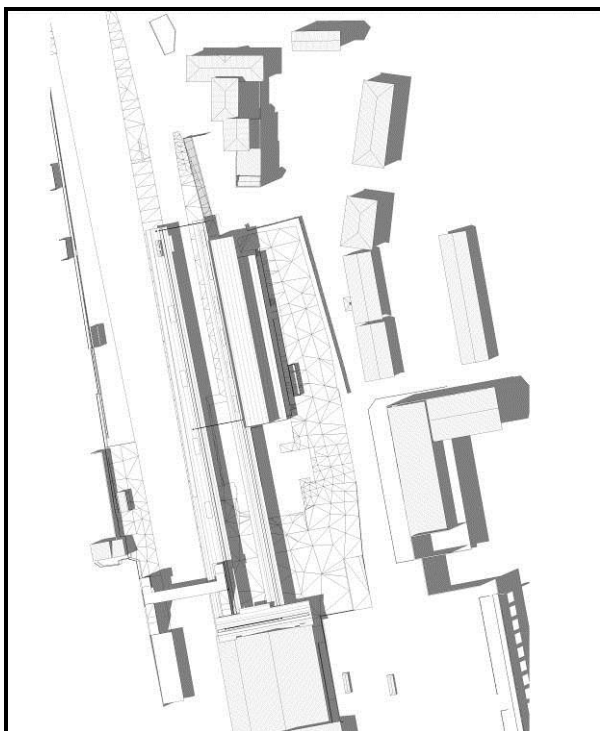
### 5.6 Solar Study Images



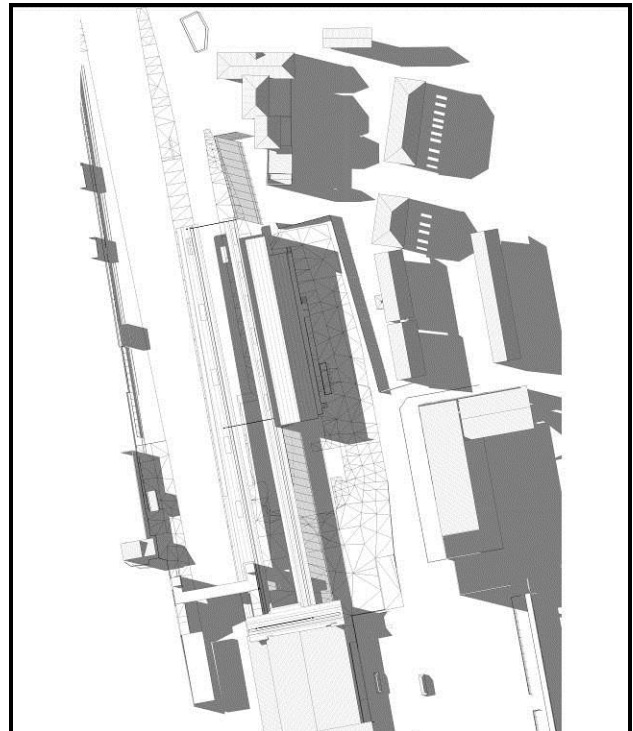
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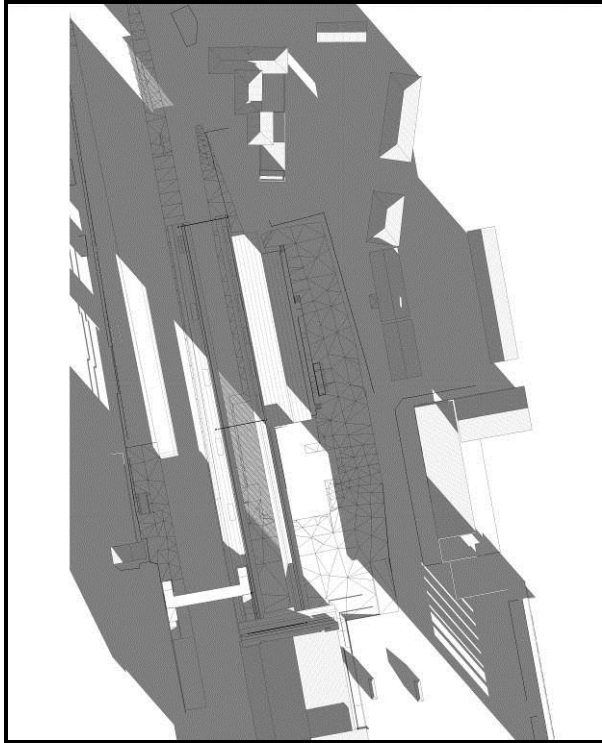
Summer 12am Proposed



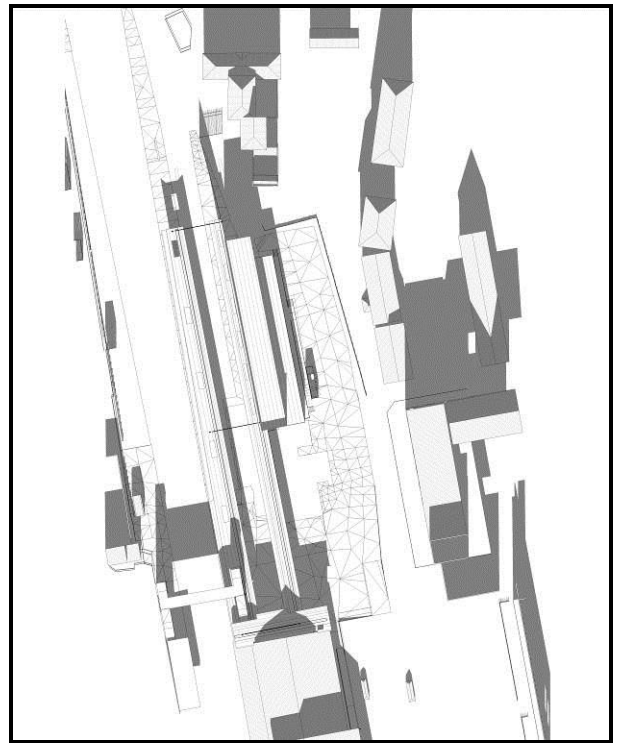
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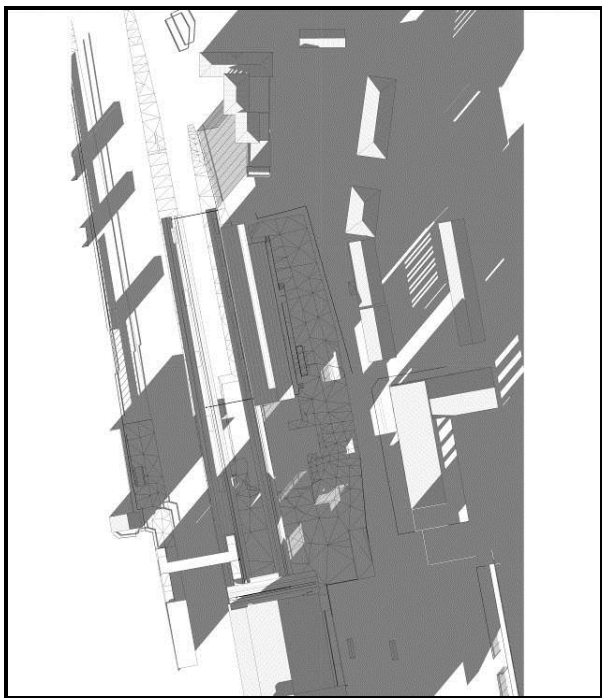
Summer 6pm Proposed



Winter 9am Proposed



Winter 12am Proposed



Winter 3pm Proposed



## 6.0 OPTION 5: MOVE THE COMPLETE BUILDING SOUTH

### 6.1 Block Plan Study

The proposed building could be moved south. This will achieve full reductions in the shadows that are cast on to the properties of Stable Close.

To accommodate the building into the space will involve moving most of the car parking spaces to the north of the site.

The relocation of the building could clash with the masterplan and result in part demolition of the new building & temporary relocation of staff while the masterplan is under construction.

There will also a noise increase for the domestic properties from the train movements and platform announcements.

Additional construction ground work will be required which will lead to increased cost. The new building is sited in a different location to the existing building that is being demolished.



### 6.2 Construction

The construction phasing will be as follows:

- Demolish existing platform & canopy.
- Construct Phase 1 of the TOC Building (to accommodate SSP & M&S).
- Part demolish the existing TOC Building (catering end).
- Construct Phase 2 of the TOC Building.
- Move the existing TOC staff in to Phase 2 of the new TOC Building.
- Demolish the remaining existing TOC Building.

### 6.3 Operational

Other than the change in the position of the building the operational function of the building will remain unaltered.

## 6.4 Vehicular / Car Parking

Moving the building south will mean that the vehicle parking will move to the north end of the site. The short stay disabled would move an unacceptable distance away from station entrance at either the north of the site (115 metres away) or to Beckett Street car park (120 metres away). The recommended travel distance for people with disabilities is as follows;

Visually impaired 150m

Wheelchair users 150m

Ambulatory (no stick) 100m

Stick users 50 m

Moving the car park area to an area out of view of the general public is not ideal in terms of 'Safe by Design'.

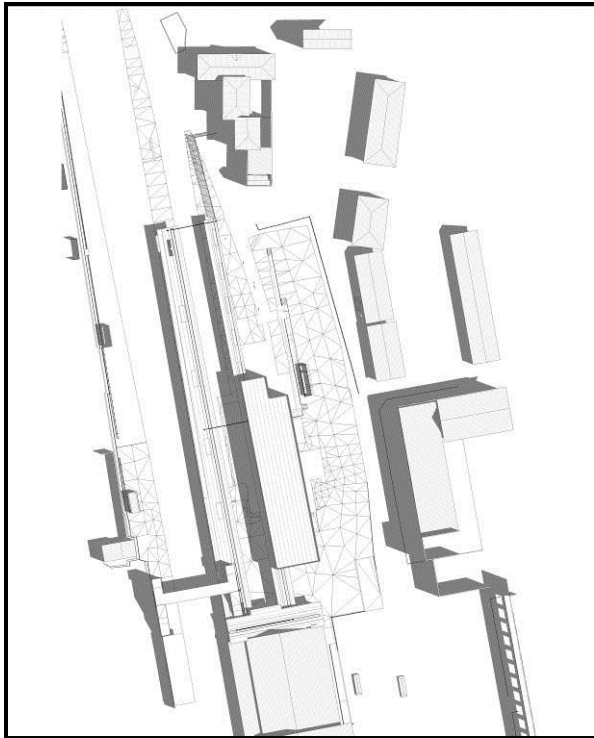
The delivery vehicle will be able to turn at the area to the north of the new building.

The bus replacement facility will also be lost.

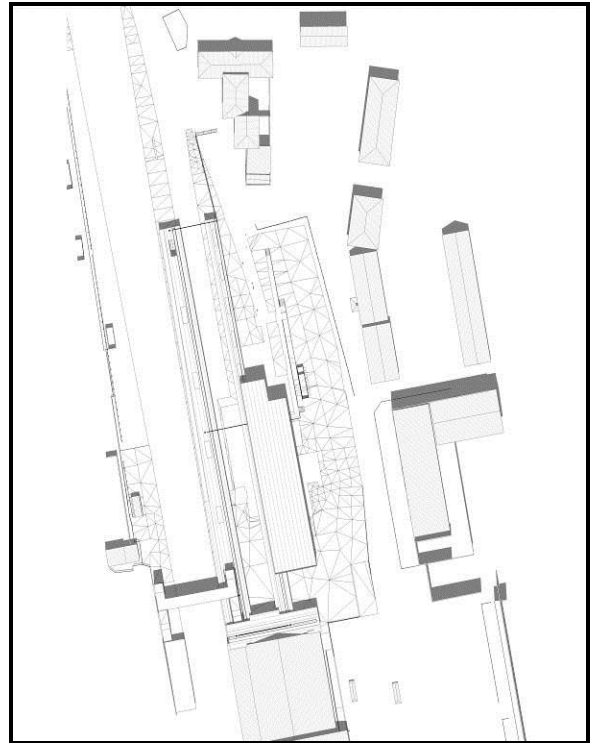
## 6.5 Summary

- ✓ Full reductions in the shadows that are cast on to the properties of Stable Close.
- ✓ No requirement for temporary accommodation.
- ✗ Hinder the potential masterplan scheme.
- ✗ Relocation of car park spaces.
- ✗ Short stay car park space a long distance from the station entrance.
- ✗ Removal of bus replacement facility.
- ✗ Operational difficulties.
- ✗ Noise increase for the domestic properties.
- ✗ Car park location is not in view of the general public (safety issues).
- ✗ Additional construction works & additional construction costs.

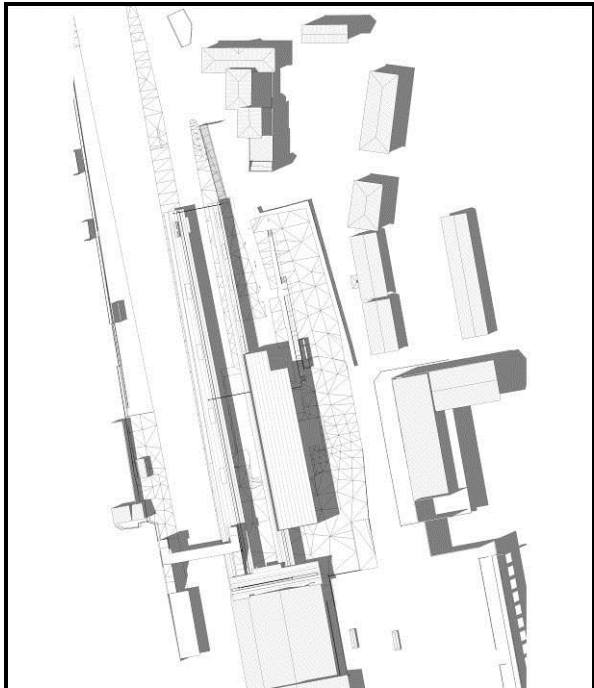
### 6.6 Solar Study Images



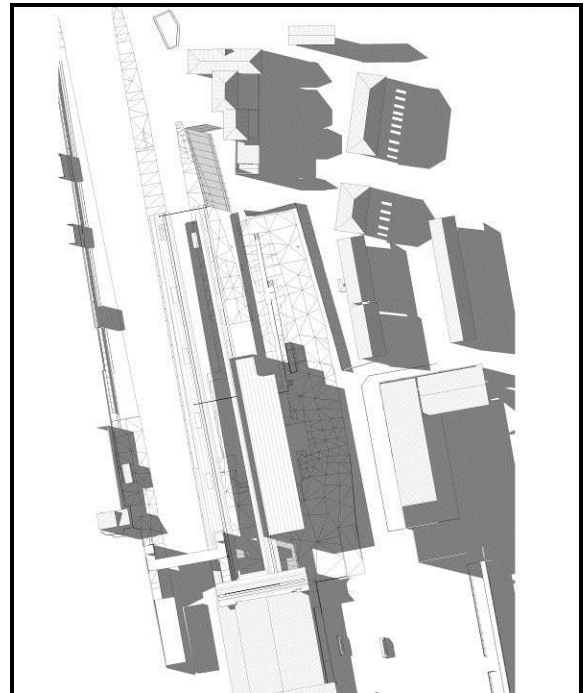
Summer 9am Proposed



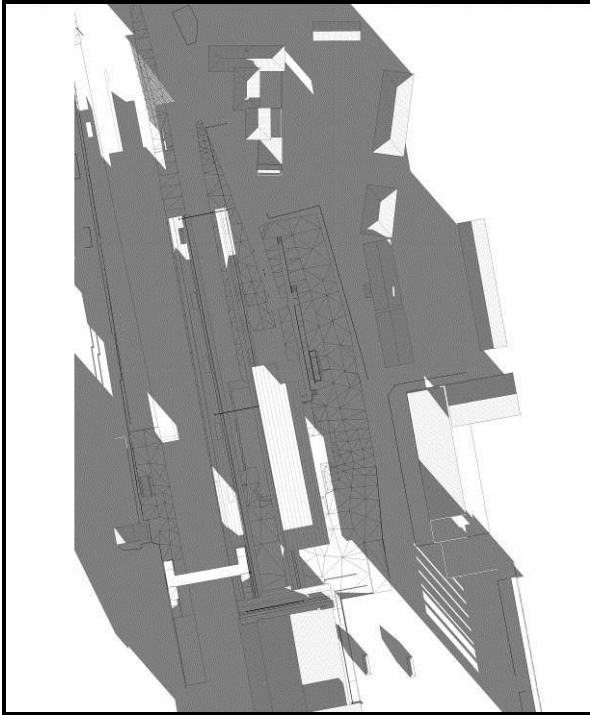
Summer 12am Proposed



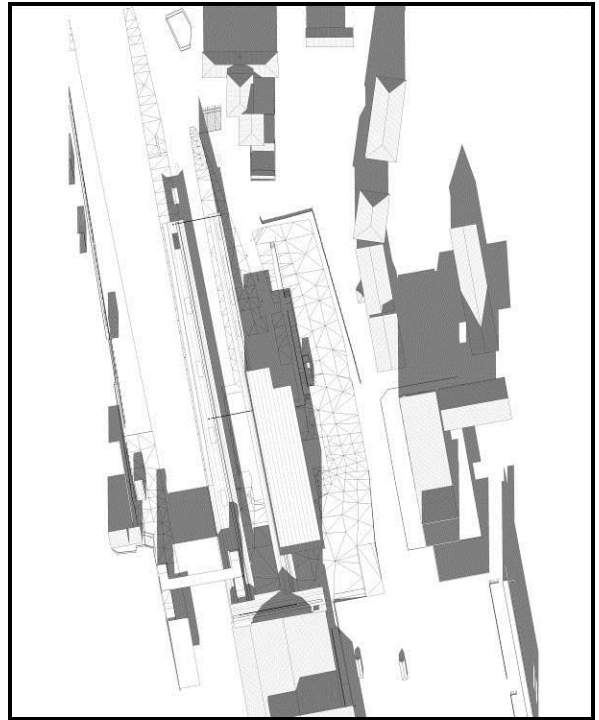
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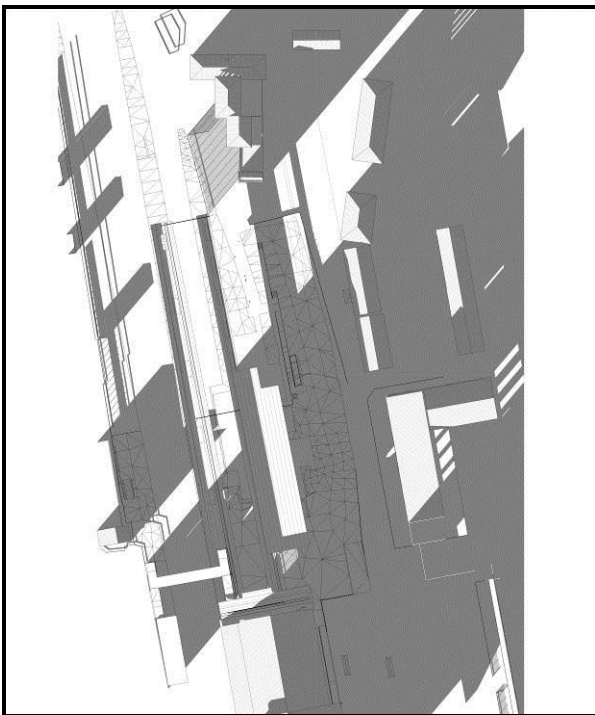
Summer 6pm Proposed



Winter 9am Proposed



Winter 12am Proposed



Winter 3pm Proposed

## 7.0 OPTION 6: DO NOTHING

### 7.1 Block Plan Study

The proposed building could remain as the original planning application.



### 7.2 Construction

No change.

### 7.3 Operational

No change.

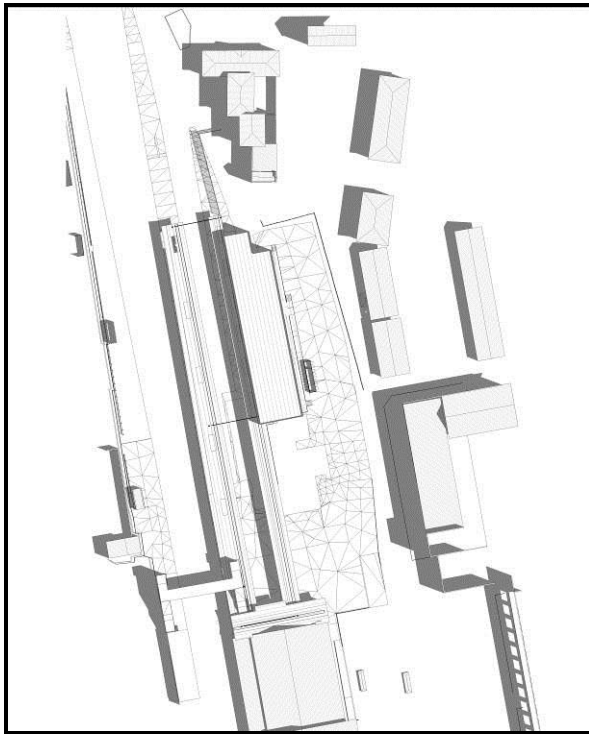
### 7.4 Vehicular / Car Parking

No change.

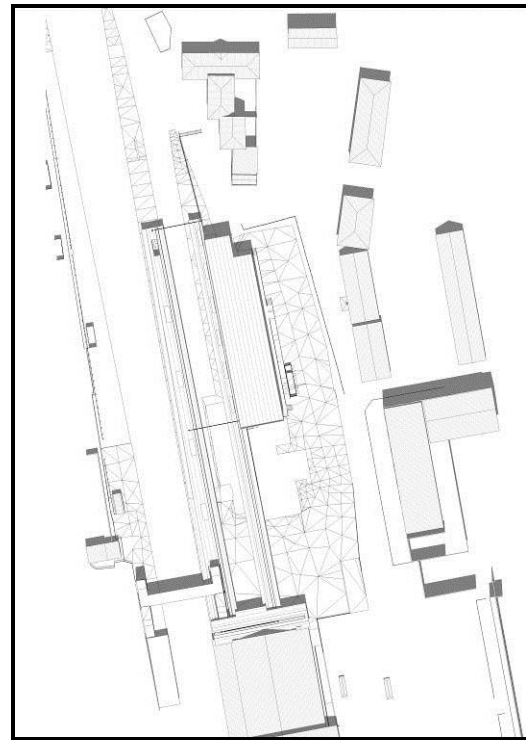
### 7.5 Summary

- ✘ No reductions in the shadows that are cast on to the properties of Stable Close.
- ✘ Planning rejection is a risk.
- ✔ No impact on the potential masterplan scheme.
- ✔ No reduction in noise attenuation.

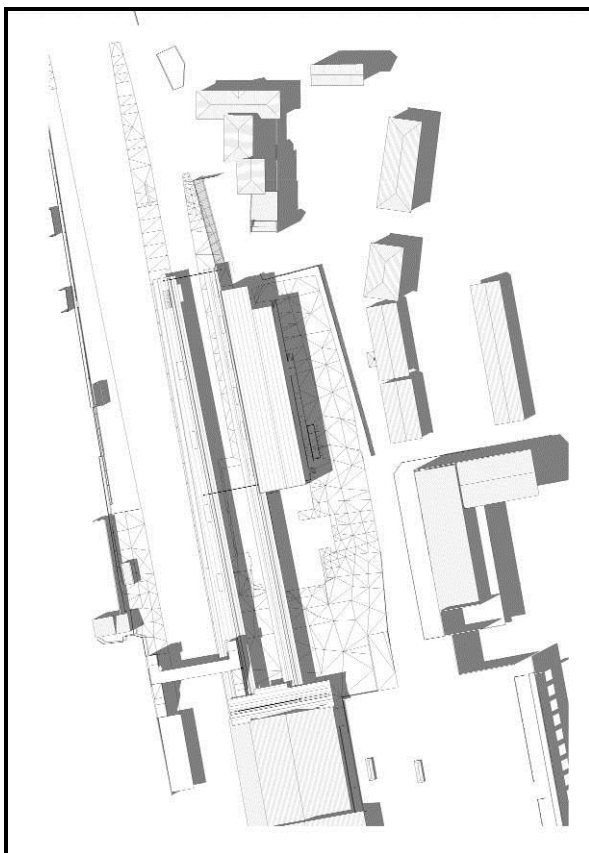
### 7.6 Solar Study Images



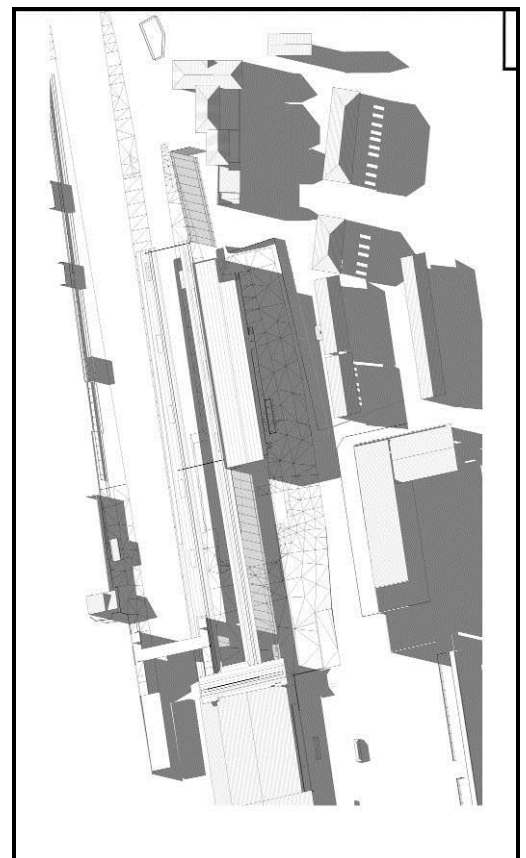
Summer 9am Proposed



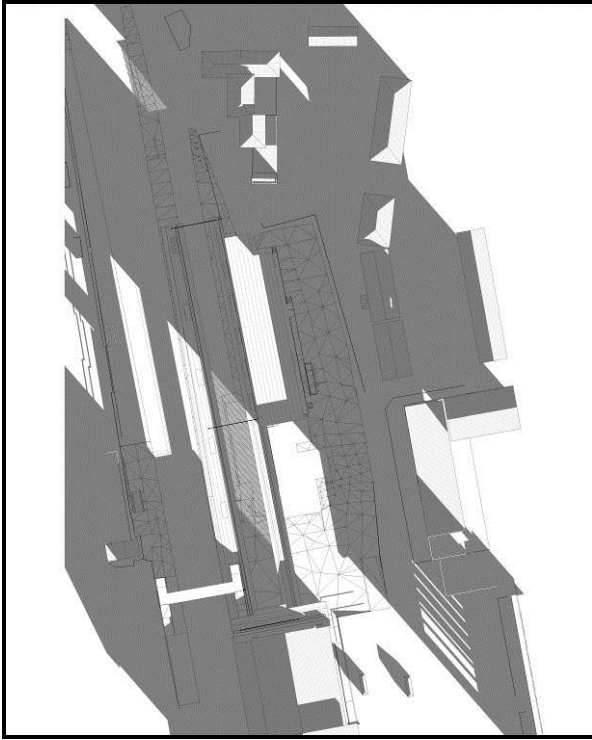
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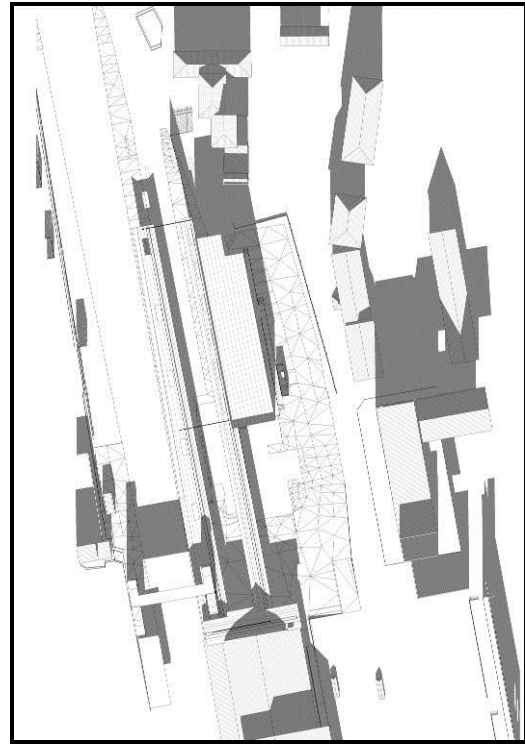
Summer 3pm Proposed



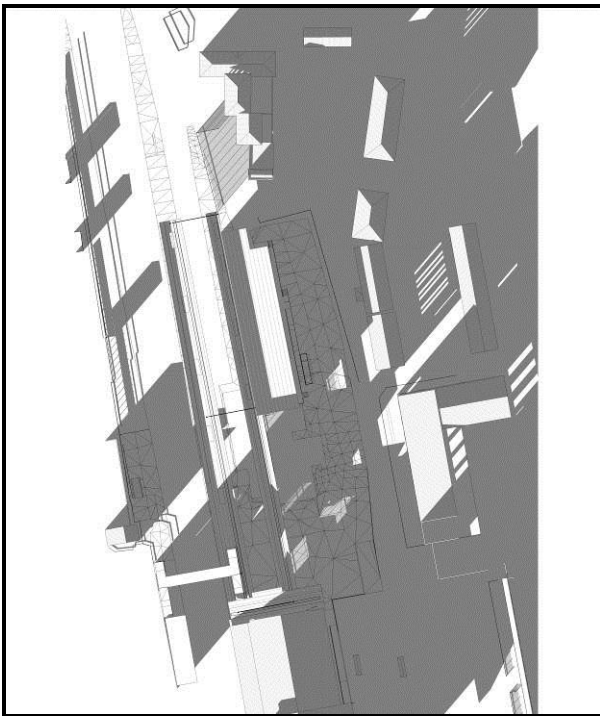
Summer 6pm Proposed



Winter 9am Proposed



Winter 12am Proposed



Winter 3pm Proposed

## 8.0 CONCLUSION

We recommend that the option 4 is adopted as the scheme to progress & propose as a planning amendment.

Option 4 gives the following advantages:

- ✔ A full reduction in shadows.
- ✔ No increase in the building footprint.
- ✔ Car parking and vehicular access remain unaffected.
- ✔ The platform / building floor level interface remain as the original scheme.
- ✔ No detrimental impact on the operation of the building.
- ✔ The design amendment will be viewed favourably by the Planning Committee.
- ✔ The building position does not have an impact on the potential masterplan scheme.

Option 4 has the following disadvantages:

- ✘ A loss in floor area.
- ✘ The FGW from Phase 2 cannot be accommodated, thus requiring temporary accommodation.
- ✘ The layout will need to be redesigned to suit loss of first floor area.
- ✘ The layout of building zones could become more fragmented from the original layout.
- ✘ The elevational treatment of the building will need to be considered and may look different from the original planning drawings.
- ✘ The construction phasing & sequencing will differ from the original scheme.



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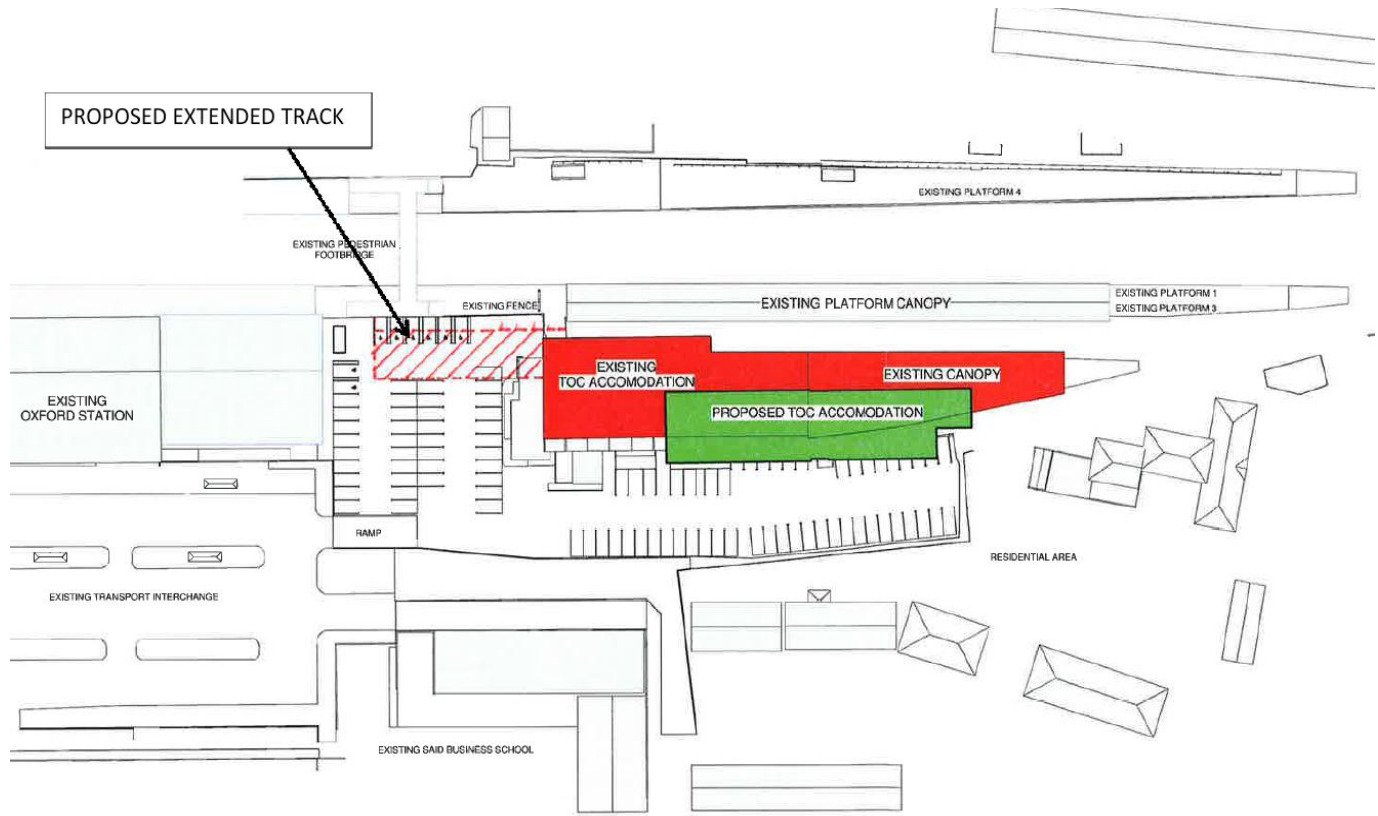
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# APPENDIX 3 COMPARISON DRAWING



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**West Area Planning Committee**

11<sup>th</sup> August 2015

**Application Number:** 15/01654/FUL

**Decision Due by:** 31st August 2015

**Proposal:** Use of land as a construction compound incorporating storage area, site offices, welfare facility, access and utilities required in association with Westgate development permitted under references 13/02557/OUT and 14/02402/RES for a temporary period until 31 December 2017.

**Site Address:** Land On The South Side Of Osney Lane, Osney Lane, Oxford (**site plan: appendix 1**)

**Ward:** Carfax Ward

**Agent:** Rory McManus

**Applicant:** Laing O'Rourke

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## **Recommendation:**

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

## **Reasons for Approval**

1. The proposal would make an efficient use of a piece of vacant previously developed land for a temporary period to provide a contractors compound as part of the major redevelopment works for the Westgate centre. The proposal would not create any adverse visual impact, flood risk, drainage issues, landscaping, ecological, land contamination, air quality, or noise impacts, and any such impacts could be successfully mitigated by appropriately worded conditions. The development would accord with the aims of the National Planning Policy Framework and the relevant policies of the Oxford local Plan 2001-2016, Oxford Core Strategy 2026, and West End Area Action 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 Temporary period to the 31.12.2017
- 4 Phasing of reinstatement works
- 5 Details of cycle parking
- 6 Reinstatement of public highway
- 7 Details of signage strategy
- 8 Surface Water Drainage Scheme constructed as proposed
- 9 Tree Protection Plan
- 10 Recommendations of Flood Risk Assessment carried out
- 11 Contaminated Land Risk Assessment
- 12 Unsuspected contamination

### **Principal Planning Policies:**

#### Oxford Local Plan 2001-2016

**CP1** - Development Proposals

**CP10** - Siting Development to Meet Functional Needs

**CP22** – Contaminated Land

**CP25** - Temporary Buildings

**NE15** – Loss of Trees and Hedgerows

**HE2** - Archaeology

#### Oxford Core Strategy 2026

**CS2** - Previously developed and greenfield land

**CS5** - West End

**CS11** - Flooding

**CS12** - Biodiversity

**CS18** - Urban design, town character, historic environment

#### West End Area Action Plan

**WE14** - Flooding

#### Other Planning Documents

National Planning Policy Framework

Oxpens Master Plan Supplementary Planning Document

### **Relevant Planning History**

01/00807/DF - Change of use to contractors site for temporary period of 12 months while improvements to Cornmarket Street: Raised objection, County Approved

02/00908/CC3 - Renewal of temporary planning permission for continued use of site for contractors yard for 12 months: Raised objection, County Approved

03/00720/CC3 - Renewal of temporary planning permission number 02/00908/CC3 for continued use of site for contractors yard for 12 months: Raise no objection to County Approved

99/01525/NF - Land at Osney Lane - Change of use to contractors site for temporary period of 18 months, including installation of portacabin & storage: Approved

14/01160/FUL - Temporary change of use from land to public car park for a period of 2 years (amended description): Approved

## **Public Consultation**

### Statutory Consultees

- Natural England: No objection

The application is in close proximity to Magdalen Grove and New Marston Meadows SSSI, Port Meadow with Wolvercote Common & Green SSSI, and Oxford Meadows Special Area of Conservation. Natural England is satisfied that there will be no damage to these statutory nature conservation sites subject to the application being carried out in accordance with the details in the application.

Natural England has not assessed the application for impacts upon protected species, and would refer the Local Planning Authority to their standing advice in this regard.

- Thames Water Utilities Limited: No objection
- Environment Agency Thames Region: No objection, subject to a condition requiring a remediation strategy for any unsuspected contamination.
- Oxfordshire County Council

Strategic Comments: The county council is supportive of the Westgate development, as demonstrated in its responses to the previous outline and reserved matters applications for the site. Given the strategic importance of this development to Oxfordshire's growth and economy, this application for new site offices and compound for the duration of the construction of the development, is also supported by the county council, subject to the conditions outlined in the transport response.

Due to the extensive amount of construction activity currently taking place across the city, it will be important that the Westgate Oxford Alliance continue to liaise with the county council to manage and co-ordinate its highway movements and minimise the impact on the road network at peak times.

Highways Authority: No objection, subject to conditions requiring cycle parking to be provided for 23 spaces; the applicant to monitor the use of cycle parking and increase spaces to meet demand; any damage to highway to be made good;

signage strategy for HGV vehicles; surface water drainage as proposed.

Third Parties

None

**Officers Assessment:**

**Background to Proposals**

1. The site is an area of land on the southern side of Osney Lane that was formally part of the operational goods yard for the railway. The site is bordered by Osney Lane to the north, The Oxford Business Centre to the West, Royal Mail Sorting Office to the East and open land to the south (**appendix 1**).
2. The site lies within the West End area of the city and forms part of the larger Oxpens site which lies between Oxford Railway Station, Westgate Centre and the River Thames. The site has been identified as an area suitable for delivering much needed housing, offices, research and development space, local amenities and public open space.
3. The site would constitute previously developed land and currently has a temporary car park and contractor's compound for the Frideswide Square improvements operating from within it. The site in question relates to a small piece of vacant land (0.3ha) at the southern end of the land, behind the temporary car park and contractors compound. It is formed from scrub vegetation and gravel.
4. The application was initially seeking temporary planning permission for 3 years as a construction compound in association with construction works for the Westgate development permitted under references 13/02557/OUT and 14/02402/RES. The applicant has subsequently confirmed that the permission is only required until the 31.12.2017 when the works are due to be completed.
5. The compound will incorporate a storage area, site offices, welfare facility, parking area and access from Osney Lane. The proposal will also include connection to the relevant utilities and the provision of a pedestrian access across to the Oxpens car park.
6. Officers consider the principal determining issues to be:
  - Principle of temporary buildings;
  - Site Layout and Built form
  - Transport;
  - Trees;
  - Flood risk and drainage;
  - Biodiversity; and
  - Contaminated Land



## **Principle of Temporary Buildings**

7. The National Planning Policy Framework encourages the efficient use of previously developed land. This is also supported by Oxford Core Strategy Policy CS2 and Oxford Local Plan Policy CP6. The proposal would seek to make an efficient use of this vacant part of the site albeit for a temporary period.
8. Oxford Local Plan Policy CP25 states that planning permission will only be granted for temporary buildings where short-term need has been clearly demonstrated, such as in connection with major site development work. The policy goes on to state that permission will only be granted for temporary buildings where they would:
  - (a) adversely affect visual attractiveness, trees, or parking provision; and
  - (b) proposals do not adequately address where appropriate: landscaping; noise insulation; access for people with disabilities; relationship to existing buildings; prejudice future developments; access points; or provide suitable external appearance
9. The compound is linked to the construction works for the Westgate redevelopment which are currently under way. The compound will provide approximately 806m<sup>2</sup> of office space and associated facilities to accommodate approximately 100 staff from the Laing O'Rourke management team.
10. The proximity of the compound to the construction site is a sustainable option as it provides safe and convenient facilities close to the redevelopment works which enable the management team to monitor the works; control and engage with the workforce and supply chain; and deal with any emergencies that may arise and need immediate decisions.
11. In terms of the general principle of development, officers consider that there is a clear short-term need for these arrangements as part of operational requirements for the major site redevelopment work which would be consistent with the aims of Policy CP25. The suitability of the site and the proposed works will be subject to the relevant criteria of the policy which will be discussed below.
12. The policy also states that permission for temporary buildings will be subject to planning conditions that requires the removal of the buildings within a specified time period. The Westgate Development is scheduled to open in December 2017, and the applicant has agreed that the temporary permission would not be needed beyond the 31.12.2017. This could be secured by condition. In the event that there were any delays with the build programme for the Westgate centre, a further temporary permission could be sought to extend the temporary building beyond this period.

## **Site Layout and Built Forms**

13. The proposed site plans set out the layout for the compound. This will be sited alongside the existing Skanska Compound which is being used by the contractors for the Frideswide Square highway improvements. The layout will comprise an

office building measuring 42m (l) x 9.6m (w) x 6m (h) in the eastern portion of the site. To the front there will be a car park with 6 bays (including 1 disabled), bicycle parking; bin store area; crane base/expanded concrete sample area; client mock up area; and expanded compound.

14. Having reviewed the submitted plan, the site layout seeks to make the best use of the site and provide a link between the main vehicular access to the front of the compound and the pedestrian access through the Oxpens car park. The site is located in an area with limited public views and as such the overall size and scale of the office portacabins building would not appear out of place within the setting especially when viewed against the other commercial buildings. The portacabin is a functional structure whose appearance is reflective of its temporary nature and would not have an adverse impact upon the visual attractiveness of the area given they would only be installed during the construction phase of the Westgate development and would be viewed against the backdrop of those work. As such the proposal would accord with the general aims of Oxford Local Plan Policy CP25 and Oxford Core Strategy Policy CS18

## **Transport**

15. A Transport Assessment has been submitted with the application. The Local Highways Authority have raised no objection to the proposal in highway terms
16. Traffic Generation: The site is in a sustainable location accessible by foot particularly with the proposed connection to the temporary Westgate car park, which is welcomed, cycle and public transport. The applicant has confirmed that staff car parking will not be provided on site and therefore it is expected that staff will travel by alternative modes of transport. The 6 visitor car parking spaces that are proposed will be managed through a booking system. The proximity of the site to public transport links such as the railway station mean that visitors will be able access the site by public transport where possible.
17. Construction Vehicles Access: The Transport Statement indicates that up to 10 Heavy Goods Vehicles (HGVs) are expected daily as a lay-over before accessing the main construction site A swept path analysis for a 16.5 metre articulated lorry turning left from Becket Street (East) into the compound has been provided. The swept path analysis shows that the vehicle is likely to overrun the kerb at the site access. Any damage to the public highway will need to be remedied at the applicant's cost. Additional information, as requested by the Highway Authority, has been submitted by the applicant showing the swept path analysis of a 16.5 metre articulated lorry accessing the site from the northern end of Becket Street. Due to the alignment of Becket Street (presence of a sharp bend), a vehicle of this size would traverse into the opposite side of the carriage compromising highway safety. The applicant has confirmed that all construction vehicles will be instructed to access the site from Becket Street (East) via Hollybush Row and Oxpens Road. This is welcomed and should be supported by a signage strategy.
18. Car and Cycle Parking: The proposal will not provide any off-street parking provision for staff on site. The sustainable location of the site would make this acceptable. The 6 parking spaces to be provided (including one disabled parking

bay) are for visitor use only. The turnover in usage of the visitor spaces is expected to be high. A booking system will be operated to allocate spaces to visitors in advance and where necessary visitors will be directed to nearby public car parks.

19. A total of 23 cycle parking spaces are proposed which will encourage staff and visitors to travel by cycle to the temporary accommodation. The usage of the cycle parking spaces should be monitored through the operation of the site to gauge if demand calls for additional cycle parking to be provided on site. This could be secured by condition.
20. The provision of 23 cycle parking spaces with the proposed development is supported and will encourage staff and visitors to travel by cycle to the temporary accommodation. The Highways Authority have suggested that a condition be attached which monitors the usage of the cycle parking spaces during the operation of the site, to gauge if demand calls for additional cycle parking to be provided on site. This is not considered reasonable as there is adequate cycle parking provision on site.
21. Having reviewed the Transport Statement and the comments of the Local Highways Authority officers consider that the proposed temporary arrangements will not have an adverse impact upon accessibility to the city centre or highway safety subject to appropriately worded conditions. The arrangements would therefore accord with the aims of Oxford Local Plan Policy CP1 and TR14 and West End Area Action Plan Policy WE25.

### **Noise Impact**

22. The site is located some 60 metres from the closest residential properties in Gibbs Crescent, which is also separated from the site by the main rail line and Oxford Business Centre. The proposal would not be considered to give rise to any significant noise effects from the use of the compound during this temporary period.

### **Archaeology**

23. An Archaeological Desk Based Assessment has been submitted with the application. Having reviewed this document and the Historic Environment Record, officers conclude that the scheme is too small-scale to have significant archaeological implications in this location.
24. The site is of interest because there is a possible historic route way (one option for the medieval western approach to the town) crosses the site however the proposed works in this part of the site (a cable trench) is relatively small scale and has already been undertaken. As such officers consider that no further archaeological work is necessary.

## **Trees**

25. An Arboricultural Survey and Tree Protection Plan have been included with the application. The survey has identified two trees of moderate quality on site (Hybrid Poplar and Crack Willow) and four other trees of low quality that are unsuitable for retention. The Tree Protection Plan indicates that all trees are to be retained on site, and provided protection measures for these trees.
26. Having regards to the proposal, officers consider that subject to a condition requiring these tree protection measures to be implemented on site then officers would consider that the proposal is acceptable in arboricultural terms in accordance with Oxford Local Plan Policies CP1 and NE15.

## **Flood Risk and Drainage.**

27. A Flood Risk Assessment has been included with the application. The site itself is located within Flood Zone 1, although the proposed pedestrian access to the east is within Flood Zones 2 and 3. In order to facilitate the access between the Oxpens Car Park and the compound a raised footpath is to be constructed to set the ground level above the 1 in 100yr flood level and protect the route from flooding. The provision of a bund would have potential to divert flood flows elsewhere, however the probability of this occurring within the life of the temporary permission is considered to be extremely low. In order to mitigate the impact, the bund will have a number of pipes installed at its base in order to enable a conveyance route for flood waters in order to reduce the volume of flood storage lost by the bund.
28. The Environment Agency has raised no objections to the recommendations of the flood risk assessment, and as such officers consider that the proposal would accord with the aims of Oxford Core Strategy Policy CS11.
29. In terms of drainage, permeable surfacing is to be used within the compound in order to maintain the existing situation whereby surface water discharges to the ground. In order to mitigate pollution from the car park, a filter drain will be provided along the southern edge of the car park in order to attenuate rainwater before it discharges into the existing ground. The Oxfordshire County Council Drainage Authority has agreed these details and recommends that a condition be imposed to ensure that they are implemented as proposed.

## **Biodiversity**

30. An Ecological Site Walkover Survey has been undertaken for the development to assess the ecological value of the site.
31. The application is in close proximity to Magdalen Grove and New Marston Meadows SSSI, Port Meadow with Wolvercote Common & Green SSSI, and Oxford Meadows Special Area of Conservation. Natural England is satisfied that there will be no damage to these statutory nature conservation sites subject to the application being carried out in accordance with the details in the application.

32. The survey found that the site has low ecological value containing common and widespread species with no evidence of any protected or notable species found on site. As such officers are satisfied that the proposal will not give rise to any biodiversity impacts in accordance with Oxford Core Strategy Policy CS12.

### **Contaminated Land**

33. A Preliminary Environmental Risk Assessment has been submitted with the application. The report constitutes a desk study and preliminary risk assessment and meets the requirements of phase 1 of a phased risk assessment as set out in the Environment Agency's CLR11- Model Procedures for the Management of Contaminated Land.

34. The above report has identified several potential sources of land contamination on site, including bunds in the northern and western areas of the site containing potentially hazardous waste, empty gas cylinders and underlying Made Ground, and in the surrounding areas including a service station and dry cleaner. Further, this site was formerly part of railway sidings used to transport fuel to fuel depots located on Osney Lane and the surrounding area and therefore is likely to contain remnants of the former rail infrastructure and potential associated contamination which may pose a risk to human health, groundwater, and buildings and services without appropriate remediation or mitigation.

35. The report acknowledges that the Council has recommended further inspection should the site be redeveloped in a recent environmental search for the site, but concluded that an intrusive investigation is not necessary for this planning application because it is not a permanent development. Although officers would agree with the recommendation to remove the waste materials identified onsite, the other recommendations in the report do not adequately address the risk of this development with regard to human health. As this development requires excavation of the Made Ground on site for foundation building, there is a risk to human health, specifically the site workers, which standard protective equipment may not protect against. For these reasons, and the likelihood of potential contamination association with this site due to previous uses, officers would not agree with the conclusion that an intrusive investigation is not necessary in this instance. As such officers would recommend that a condition requiring a phased risk assessment is attached to any planning permission in accordance with Oxford Local Plan Policy CP22.

### **Conclusion:**

36. The proposal is considered to be acceptable in terms of 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.

### **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.

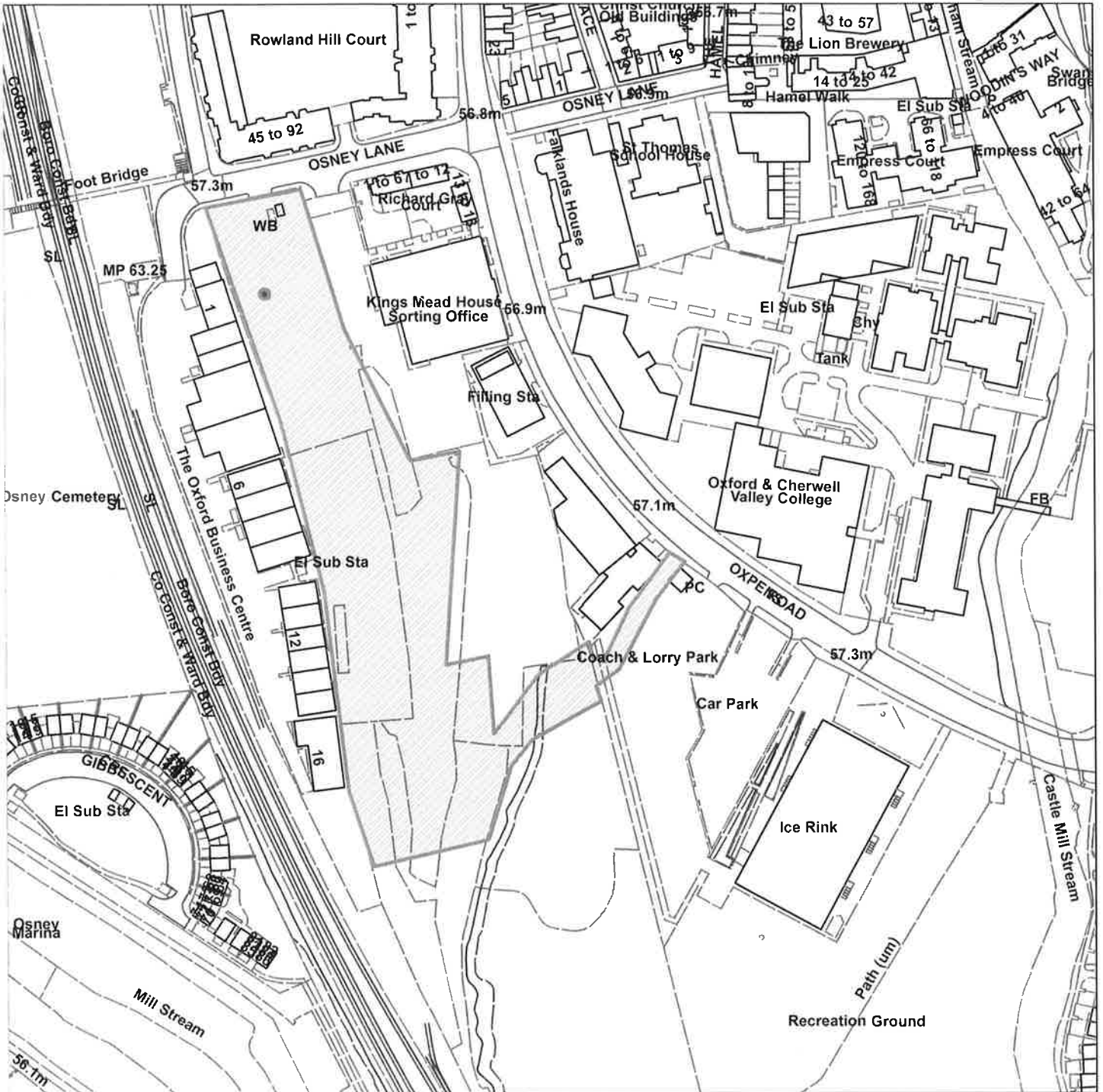
**Contact Officer:** Andrew Murdoch

**Extension:** 2228

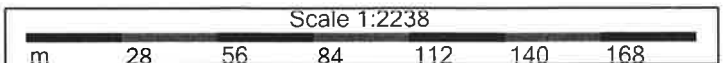
**Date:** 23rd July 2015

# Appendix 1

## Land to south of Osney Lane (15/01654/FUL)



1:2238



<b>Organisation</b>	Oxford City Council
<b>Department</b>	City Development
<b>Comments</b>	Not Set
<b>Date</b>	31 July 2015
<b>SLA Number</b>	100019348

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West Area Planning Committee

-11th August 2015

**Application Number:** i) 15/01652/FUL  
ii) 15/01653/LBC

**Decision Due by:** 27th July 2015

**Proposal:** i) 15/01652/FUL  
Demolition and erection of rear garage and boundary wall.  
Erection of part single, part two storey rear extensions.  
Alterations to windows and doors. Provision of landscaping.

ii) 15/01653/LBC  
Removal of existing garage and rear boundary wall. New  
garage and rear boundary wall. External and internal  
extensions and alterations to existing dwellings.

**Site Address:** 46 St John Street **Appendix 1.**

**Ward:** Carfax Ward

**Agent:** Mr TIM SMISSEN

**Applicant:** SJS AM LTD

**Application Called in –** by Councillor Hollingsworth supported by Cllrs Turner,  
van Nooijen and Brown

for the following reasons –  
the size of the proposed extension and its impact  
on the conservation area, neighbouring properties  
and in particular the landscaping's visual impact on  
the area.

---

## **Recommendation:**

APPLICATION BE APPROVED

For the following reasons:

- 1 The proposal is acceptable in design terms and would not result in an unacceptable level of harm to the amenities of the neighbouring property or to the character and appearance of the conservation area. The proposal complies with the relevant policies of the development plan.
- 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:-

i) 15/01652/FUL

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 materials as specified
- 4 SUDs
- 5 Tree protection plan/ arboricultural method statement
- 6 Landscape plan required
- 7 Garage doors details

ii) 15/01653/LBC

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Window repair schedule
- 4 Schedule of repair and retention of existing doors (consent not extending to removal of existing historic doors)
- 5 Section drawings for new windows and doors.
- 6 Sample panel of brickwork, including brick, bond, and mortar finish for extensions and garden walls.
- 7 Sample of slate and ridge tiles
- 8 Details of garage door
- 9 Details of new fire places
- 10 Details/ sample of proposed stone cleaning
- 11 Details of flue/vent/SVP locations
- 12 Details of heating system- boiler and related flues, plus radiator locations/ pipe runs
- 13 Details of rooflights (flush fitting)
- 14 Details of rainwater goods
- 15 Making good of internal surfaces in materials to match
- 16 Tree survey drawing 14014 SU10 can not be approved as this shows proposed demolition of the chimney breast in the ground floor reception room.

## **Main Planning Policies:**

### **Oxford Local Plan 2001-2016**

- CP1** - Development Proposals
- CP6** - Efficient Use of Land & Density
- CP8** - Design Development to Relate to its Context
- CP10** - Siting Development to Meet Functional Needs
- HE3** - Listed Buildings and Their Setting
- HE7** - Conservation Areas

### **Core Strategy**

- CS18\_** - Urban design, town character, historic env

### **Sites and Housing Plan**

- HP9\_** - Design, Character and Context
- HP14\_** - Privacy and Daylight
- HP13\_** - Outdoor Space
- MP1** - Model Policy

### **Other Material Considerations:**

- National Planning Policy Framework
- The applications fall within the Central Conservation Area. The development is affecting a Grade II Listed Building.
- Planning Practice Guidance

### **Relevant Site History:**

- 14/01534/LBC - External alterations to demolish existing rear garage and rebuild garden wall. Internal alterations to replace existing secondary glazing, panelling and cornicing. Replacement of dormer window. Cleaning of facade.. PER 14th August 2014.
- 14/01713/FUL - Demolition of existing garage and rear boundary wall. Erection of rear boundary wall.. PER 1st September 2014.
- 14/01714/CAT - Fell 1No Cherry tree in the Central conservation area.. RNO 23rd July 2014.
- 14/01713/CND - Details submitted in compliance with conditions 4 (Tree Protection Plan), 5 (Arboricultural Method Statement) and 6 (Party Wall) of planning permission 14/01713/FUL. PER 20th February 2015.
- 14/01534/CND - Details submitted in compliance with conditions 7 (soil and vent stacks), 12 (Tree Protection Plan), 13 (Arboricultural Method Statement) and 14 (party wall) of planning permission 14/01534/LBC. PER 20th February 2015.
- 15/00627/FUL - Demolition and erection of rear garage and boundary wall. Erection of part single, part two storey rear extensions. Alterations to windows and doors. Provision of landscaping. (Amended plans). WDN 17th April 2015.
- 15/00628/LBC - Removal of existing garage and boundary wall. Erection of new garage and boundary wall. External and internal alterations to Listed Building. (Amended plans). WDN 17th April 2015.

- 14/01534/CND2 - Details submitted in compliance with condition 1 (Commencement of works LB/CAC consent) of listed building consent 14/01534/LBC. PCO .
- 15/01652/FUL - Demolition and erection of rear garage and boundary wall. Erection of part single, part two storey rear extensions. Alterations to windows and doors. Provision of landscaping.. PDE .
- 15/01653/LBC - Removal of existing garage and rear boundary wall. New garage and rear boundary wall. External and internal extensions and alterations to existing dwellings.. PCO .

### **Representations Received:**

No 45: Objections have been raised on grounds of discrepancies in the plans and loss of light.

Furthermore there have been concerns around boundary related issues.

### **Statutory and Other Consultees:**

*Tree officer:* no objection, details on landscape and arboricultural method statement to be conditioned.

*Oxford Civic Society:* - commented on the choice of material and colour for the garage door, and the need for it to be sympathetic and request for 2<sup>nd</sup> Floor window, north facing, to be glazed.

*St John Street Area Residents Association:* No objection if concerns are met by Conditions for a replacement tree, appropriate drainage and surface water run-off, glazing to 2<sup>nd</sup> floor north facing window, details for garage door and details around construction management and construction access.

### **Planning Issues:**

- Design
- Neighbour Impact
- Other Issues

### **Listed Building & Heritage Issues:**

- Preserving historic fabric and character of the listed building
- Impact on character of the conservation area

### **Sustainability:**

This proposal aims to make the best use of urban land and recognises the aims of sustainable development in that it will create extended accommodation on a brownfield site, within an existing residential area, and bringing a derelict building back into use while restoring a grade-II listed building in the conservation area.

## **Officers Assessment:**

### Site

1. The application relates to a grade-II listed building within the Central (City & University) conservation area. It is an end of terrace property located on the corner plot of St John Street and Beaumont Buildings.
2. The original property was constructed in the 1820s, and has been subject to a number of alterations and additions over time. These are clearly readable through the external elevations, and the internal floor plan. It is stone fronted to St John Street, but the side elevations and rear extensions are brick. It has a mansard slate roof. It retains many historic windows. Internally its floor plan remains substantially intact, with a number of historic doors remaining, and a historic staircase rising through the house.

### Proposal

3. This application seeks planning permission for the removal of the existing garage and rear boundary wall and the replacement of a new garage and rear boundary wall as well as part single part two storey rear extensions and alterations to windows and doors.
4. It seeks listed building consent for the above works, as well as alterations to the internal layout, and some repairs and alterations to historic fabric of the building.

### Planning Considerations

#### *Design*

5. Policy CS18 of the Core Strategy, HP9 of the Sites and Housing Plan and policies CP1 and CP8 of the adopted Oxford Local Plan combine to require that planning permission will only be granted for development which shows a high standard of design, that respects the character and appearance of an area and uses materials appropriate to the site and surroundings.
6. Due to the listed properties history of extensions and location a sensitive design has been proposed with revised plans. The ground floor rear extension is proposed in a squared off manner that matches the previous extensions. A pitched roof is proposed which will make the extension fit in and look more comfortable than the existing staggered roof appearance. Another small section is proposed to the rear, at the boundary with 45 St John Street to be extended to infill which would protrude 1.1 metres from the rear wall of the existing building, which would be flanked by the boundary wall. There would be a small extension on the first floor towards the boundary with no 45. This is above the small ground floor extension. It is considered that the proposal will enhance the rear view of the property, which is currently somewhat cluttered by staggered edges and pipework.
7. The second floor sees the exterior wall facing 45 St John Street rebuilt with a new window in a similar position as an existing window. It is also proposed to replace the existing inadequate garage with a new garage; the garage would be moved towards the boundary. A pitched roof is proposed in line with

neighbouring garages. There would also be a small sheltered area for bin and bike storage.

8. The landscape proposal is for a formal garden with soft landscaping towards the boundaries and a new planted tree in place of a previously removed cherry tree and paving, which SUDs conformity will be conditioned. The southern boundary wall facing Beaumont place will be fully restored and a missing brick section replaced. Matching materials are considered acceptable and details for the garage door in terms of material and colour will be conditioned to ensure sympathetic development.
9. The proposal is considered acceptable in design terms and is deemed to enhance the character and setting of the listed building as well as the conservation area. The exterior of the property will be restored and its appearance will be more orderly and more formalised as well as landscaping and boundary treatment will help the plot and dwelling to appear more comfortable in this sensitive location. The proposal therefore accords with policies CP1, CP6, CP8 and CP10 of the Oxford Local Plan, HP9 of the Sites and Housing Plan and CS18 of the Core Strategy.

#### *Neighbour Impact*

10. HP14 of the Sites and Housing Plan states that planning permission will only be granted for new residential development that provides reasonable privacy and daylight for the occupants of both existing and new homes. HP14 also states that planning permission will not be granted for any development that has an overbearing effect on existing homes.
11. There is only one adjacent building, no 45 to the north of the application site, which is part of the listed terrace. The proposed extensions are marked out in the plans to comply with the 45 degree rule, and concerns have been raised that there may be some inaccuracies.
12. Officers have considered the impact of the existing situation and the proposals on the neighbouring property. It would appear that the 45 degree rule has been applied correctly, and the plans been drawn in accordance with the existing situation. Moreover it is considered that the proposal will only minimally change the situation, as the proposed extension has been carefully sited. No 45 would have had the existing outlook for a long time as the existing alterations and extension have been in place for many years. The proposed alteration does not materially change the built form or worsen the existing situation.
13. The plans show a new window on the second floor facing north towards no 45 required to give additional light. . It is considered acceptable, as there has been a window in this location for some time and the view is not considered to be in breach of the neighbours' privacy. If necessary it could be obscure glazed.
14. The proposal is considered to have carefully addressed the neighbouring light and privacy issues and is on balance acceptable and in accordance with

policy and HP14 of the Sites and Housing Plan.

*Other Issues*

15. Concerns have been raised about construction management and site access. There have been no comments from the highways authority. The proposal is for householder extension of a small scale in an area that has dual access through Beaumont Buildings and Beaumont Place. And therefore no conditions for these matters are proposed.
16. Further concerns have been raised in terms of landscaping, trees and drainage, which have been addressed with conditions to ensure an appropriate development.

Conservation Considerations

*Background:*

17. The property was recently subject of previous applications which were withdrawn (15/00627/FUL and 15/00628/LBC), and a number of points were discussed with the applicant's agent in preparation of these current proposals. Many of the previous concerns raised have been addressed, and the revised proposals are now considered acceptable, subject to conditions.

*Proposal Overview:*

18. It is proposed to demolish some of the rear/side extensions and rebuild to provide improved access to upper floor rooms, and also to provide some extension at ground floor to provide WC facilities. It is proposed to demolish the existing single storey extension to create a larger kitchen space. There are some internal alterations proposed, and some unacceptable elements previously proposed, such as removing a substantial chimney breast has been omitted from this revised application. It is proposed to demolish the existing garage and build a replacement, and the design of this had been negotiated following previous local objections.

*Policy Considerations:*

19. Under the NPPF, Local Planning Authorities have a duty to have special regard to the preservation or enhancement of designated heritage assets (e.g. listed buildings and conservation areas).
20. Policy CP1 of the Oxford Local Plan states that planning permission will only be granted for development that shows a high standard of design that respects the character and appearance of the area and uses materials of a quality appropriate to the nature of the development, the site and its surroundings.
21. Policy HE3 of the Oxford Local Plan requires alterations to listed buildings to be sympathetic to and respect its history, character and setting, is of appropriate scale and location, and uses appropriate materials. Policy HE7 states that planning permission will only be granted for development that preserves or enhances the special character and appearance of conservation areas and their settings, and policy CS18 of the Core Strategy emphasizes the importance of good urban design that contributes towards the provision of

an attractive public realm.

*Comments on proposals:*

*Internal:*

22. It is proposed to replace some historic doors for new doors, but this has not been justified, and is not considered acceptable. A revised schedule of doors will be required, which retains historic doors in their existing locations. The proposal now retains the chimney breast to the ground floor reception room- this is an improvement on the previous application which proposed its removal. Details will be needed of the style of new fireplace it is intended to install on chimney breasts that do not currently have fireplaces. Where historic fireplaces exist, these should remain.
23. The installation of a bathroom in a current 1<sup>st</sup> floor bedroom is considered acceptable, subject to suitable drainage / ventilation / extract locations. The reconfiguration of the bathroom at 2<sup>nd</sup> floor does not impact on the historic significance of the building and is considered acceptable, again, subject to suitable locations of services. To the third floor, it is proposed to install a W/C and sink in the existing cupboard on the landing. Subject to suitable servicing routes/ locations, this is also considered acceptable. It would not be acceptable to have any flues/ extracts/ pipework etc on principle elevations.
24. Any making good/ repairs to internal surfaces following the proposed works should be in traditional materials to match the existing.

*Extensions:*

25. The ground floor extension for a W/C is considered acceptable (although it is noted there may be some party-wall issues the applicant will need to resolve in order to implement this). The existing single story rear extension does contribute to the overall character of the building, and tells part of its story of changes over time, however, it is considered that in this case its significance is not such as to prevent its demolition. The Beaumont Place elevation will remain, and the rebuilt section will only be slightly larger than existing, so with suitable materials and detailing, it will preserve the character of the listed building. The addition of 2 rooflights is not ideal, as these disrupt the simple nature of the roofline. It would be preferable for these to be omitted, but if they are to be approved, they should be conditioned to be of a traditional conservation type, and flush-fitting to the slate.
26. It is proposed to demolish some of the existing small side/rear extensions at first and second floor. Again these additions tell part of the story of the development of the building, but the proposal will maintain much of the character of the building, and improves access to these floors. It should, if appropriately detailed, also address the existing range of drainage pipes, which should help enhance the appearance of this area.

*External:*



27. It is proposed to clean the front elevation of the building, and this has previously been approved subject to conditions to assess the extent and method of proposed cleaning, and such conditions should also be applied to this application. It is also proposed to retain and refurbish most of the existing historic windows, but details (including section drawings etc.) of any new / replacement windows will be required.
28. The existing garage is mid-20<sup>th</sup> century, and is not considered to be of significant historic interest, and does not contribute to the character of the conservation area. As such there is no objection to its demolition (and this has previously been accepted). The principle of a replacement garage is considered acceptable, and the design has been subject of negotiation. The proposed pitched roof design is considered in keeping with the character of the area, and acceptable subject to suitable materials and finish, which should be controlled by condition. Traditional timber doors would be preferable to a modern garage door, to be in keeping with the character of the listed building, and the street scene.
29. It is now proposed to retain much of the existing external garden walls, at their current height and design, and the area of new walling to replace current fencing should be detailed in materials to match the existing. Details of the proposed new rainwater goods will be required.

*Other:*

30. No details of any proposed heating system has been provided, and locations/routes for pipework etc for radiators may need careful consideration to avoid damage to floorboards and other historic fabric. The location of any boiler and related flues would also need careful consideration, and details providing of this.
31. Overall the applicant has addressed a number of previously raised concerns, and on balance the alterations now proposed are considered acceptable, and it is recommended that the application is approved, subject to conditions:

**Conclusion:**

Approve, 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:**

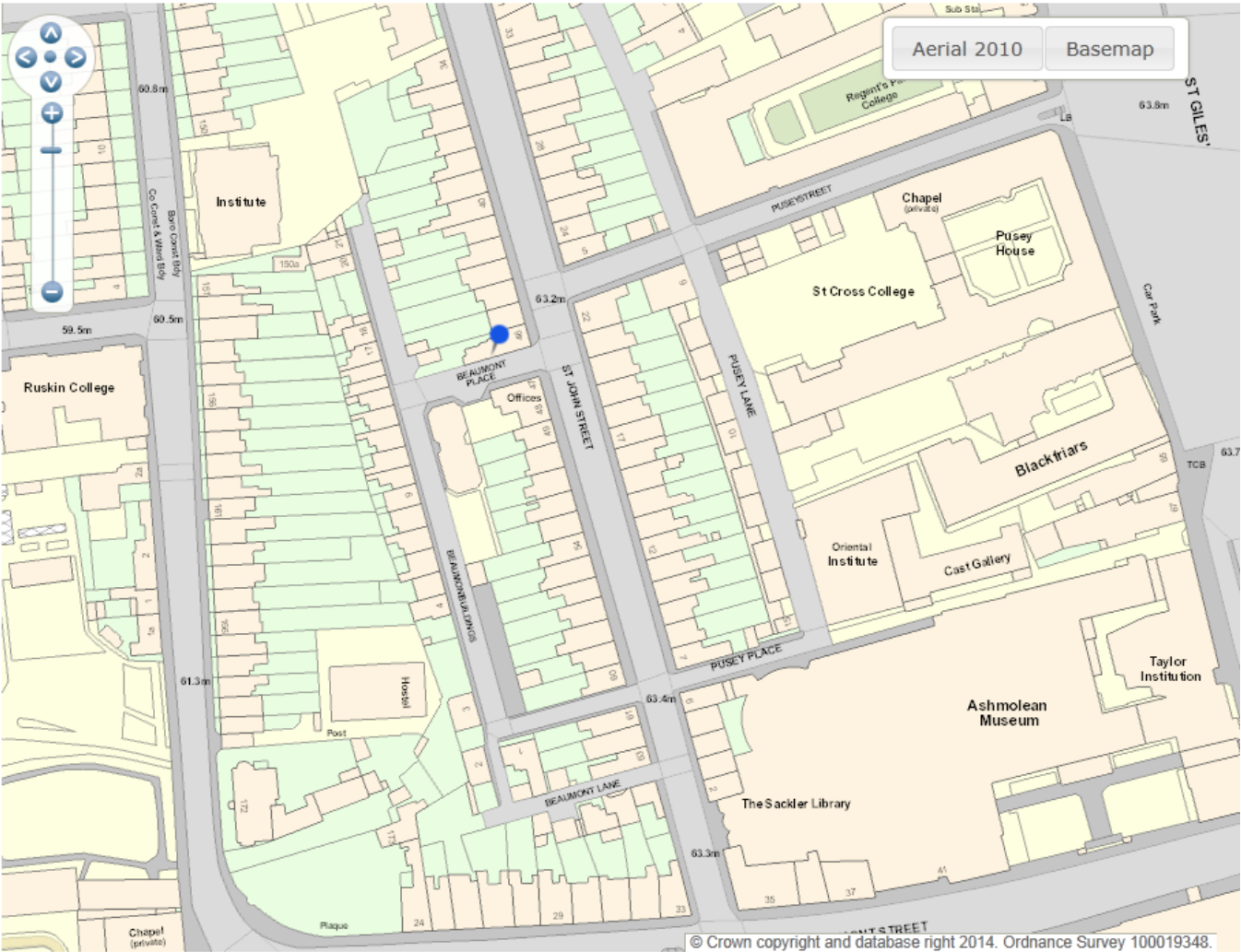
**Contact Officer:** Tobias Fett & Charlotte Reynolds

**Extension:** 2241

**Date:** 23rd July 2015

# Appendix 1

## Site Location



### Disclaimer

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**WEST AREA PLANNING COMMITTEE**

**11<sup>th</sup> August 2015**

**Application Number:** 15/00656/VAR

**Decision Due by:** 24th April 2015

**Proposal:** Variation of conditions 2 (approved plans) and 9 (cycle parking details) of planning permission 10/01783/FUL (Conversion of building to provide flats) to amend the design layout to insert two new windows and a door on the north elevation and to alter the location of cycle parking.

**Site Address:** 46 Hythe Bridge Street, Oxford.

**Ward:** Jericho And Osney Ward

**Agent:** Mr Neil Warner

**Applicant:**

---

**Recommendation:**

APPLICATION BE APPROVED

For the following reasons:

1. The proposal forms an appropriate visual relationship with the existing building and the surrounding development and would preserve the character and appearance of the Central Conservation Area. No objections have been received from statutory consultees. The proposal therefore complies with policies CP1, CP6, CP7, CP8, CP9, CP10, TR3, TR4 and HE7 of the adopted Oxford Local Plan 2001-2016.

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

1. Development to be commenced within 3 years of date of consent
2. Development in accordance with the approved plans.
3. Samples of proposed materials
4. Sample panels on site
5. No additional windows in south west elevation

6. Landscape Plan
7. Landscaping to be carried out upon substantial completion of the development
8. Plan showing means of enclosure
9. Details of cycle parking areas
10. Variation of Road Traffic Order
11. Construction Travel Plan
12. No windows to open out onto a public highway
13. Bin storage facilities
14. Scheme of archaeological work-written scheme of investigation
15. Contamination survey.
16. Ground floor room in flat 7 shall not be used as a bedroom
17. Structural details of the existing building fabric to be retained.

### **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
- CP22** - Contaminated Land
- TR3** - Car Parking Standards
- TR4** - Pedestrian & Cycle Facilities
- NE6** - Oxford's Watercourses
- HE2** - Archaeology
- HE7** - Conservation Areas

#### **Core Strategy**

- CS2\_** - Previously developed and greenfield land
- CS10\_** - Waste and recycling
- CS11\_** - Flooding
- CS12\_** - Biodiversity
- CS19\_** - Community safety
- CS24\_** - Affordable housing

#### **West End Area Action Plan**

- WE1** - Public realm
- WE10** - Historic Environment
- WE11** - Design Code
- WE12** - Design & construction
- WE14** - Flooding
- WE15** - Housing mix

#### **Sites and Housing Plan**

**HS19** - Privacy & Amenity  
**HS20** - Local Residential Environment  
**HS21** - Private Open Space

**Other Material Considerations:**

National Planning Policy Framework  
This application is in or affecting the Central Conservation Area.  
Planning Practice Guidance

**Relevant Site History:**

00/00125/NFH - Retention of multiple-occupation: 11 study bedrooms with shared facilities (Amended plans). PER 3rd November 2003.  
54/03519/A\_H - Change of use from disused public house to civil defence headquarters and youth centre and alterations.. PER 13th April 1954.  
74/00130/A\_H - Conversion of garage to office. PER 12th March 1974.  
77/00047/A\_H - Renewal of temporary consent for conversion of garage to office. TEM 23rd February 1977.  
96/00032/LH - Conservation Area consent for demolition of outbuildings.. WDN 19th November 1999.  
96/00033/NFH - Change of use from business to multi-occupation (9 study bedrooms) with facilities and one 1 bed dwelling with communal cycle parking (10 spaces) and refuse store in courtyard.. WDN 19th November 1999.  
08/02638/CAC - Conservation Area Consent for demolition of existing buildings.. WDN 9th February 2009.  
08/02639/FUL - Erection of four storey building to provide 9x1 bedroom flats.. WDN 9th February 2009.  
09/01931/FUL - Erection of 4 storey building to form 9 x 1 bedroom flats.. REF 22nd October 2009.  
09/01932/CAC - Application for conservation area consent for demolition of the existing buildings.. REF 22nd October 2009.  
10/01783/FUL - Conversion and extension of existing building (involving demolition of extension and outbuilding) to provide 7 x 1-bedroom flats, cycle parking, bin store and amenity space to serve 2-bedroom flat (amended plan).. PER 17th November 2010.  
12/01551/CEU - Continued use of building as a hostel incorporating 11 bedrooms in the principal building.. WDN 18th February 2013.  
12/03214/FUL - Change of use from HMO (Sui Generis) to use for purposes falling within Use Class C1 or as a hostel (Sui Generis).. PER 12th February 2013.  
13/01835/CPU - Application to certify whether planning permission 10/01783/FUL has been lawfully implemented.. PER 6th September 2013.  
14/00651/FUL - Conversion of existing building to form 6 x 1 bedroom flats (Use Class C3).. WDN 23rd June 2014.  
14/02535/VAR - Variation of condition 2 (approved plans) of planning permission 10/01783/FUL to amend the design of the west elevation of the proposed extension to allow natural lighting and ventilation to communal stairwell.. PER 5th November 2014.

**Representations Received:** No comments received.

## **Statutory and Internal Consultees:**

Environment Agency Thames Region-Have assessed this variation of condition application as having a low risk and we have no objection to the above proposal. The proposed changes should not impact on flood risk based on the submitted plans which highlight where changes to points of access and bike stores are proposed.

## **Site Description:**

1. The application site is located at the junction of Hythe Bridge Street and Upper Fisher Row on the north-west side of the bridge and at the confluence of the Castle Mill Stream and the Oxford Canal. The principal building currently occupying the application site is a three storey, red brick building which has stone detailing and a slate roof and which marks the end of a terrace of four, virtually identical town houses. The building was most recently used as an HMO providing 11 bed sitting rooms. There is also a coach house building that is considerably smaller and fronts onto Upper Fisher Row.
2. The site lies within the Central City and University Conservation Area.

## **Proposed Development:**

3. Planning permission was granted in 17<sup>th</sup> November 2010 for the conversion and extension of the existing building at 46 Hythe Bridge Street (involving the demolition of an extension and outbuilding) to provide 7 x 1 bedroom flats, cycle parking and bin storage (10/01783/FUL).
4. It is now proposed to undertake some minor amendments to the design of the development and internal layout of the building to require less demolitions of the existing fabric and allow the use of the existing access points to the building. This involves the insertion of two new windows on the ground floor of the north elevation. It is also proposed to relocate the cycle parking within the site.

## **Determining Issues:**

- Impact upon character and appearance of the conservation area
- Impact upon the approved internal arrangements

## **Officers Assessment:**

5. It is not considered that the changes to the elevations resulting from the new windows would have an adverse impact upon the character or appearance of the Conservation Area. The north elevation is tucked away to the rear of the site and the



**Sustainability:**

The site lies in a sustainable location within easy access of shops, services and public transport links and the proposal would constitute a sustainable form of development that would make more efficient use of an existing residential site.

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

**Background Papers:** 15/00656/VAR

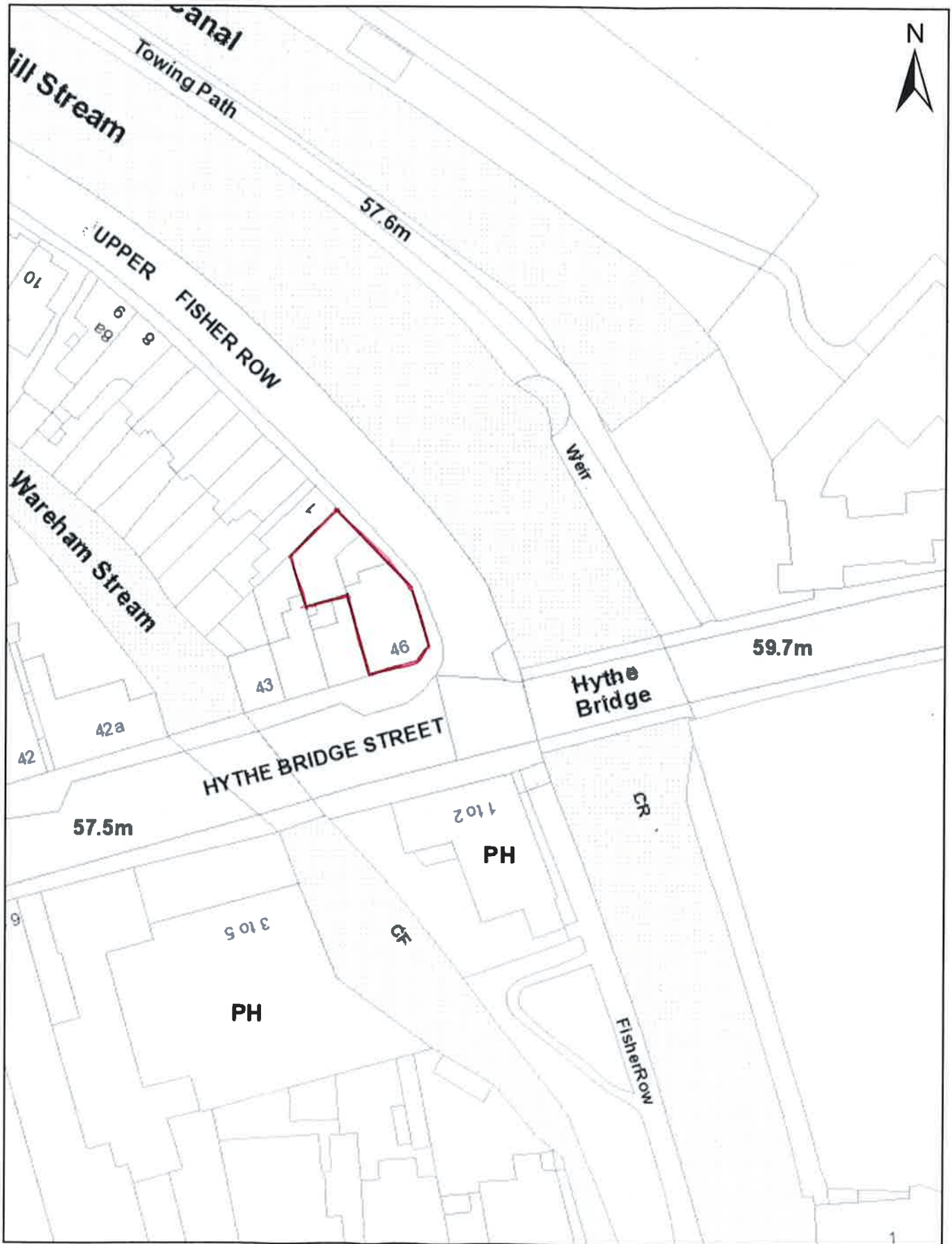
**Contact Officer:** Amanda Rendell

**Extension:** 2477

**Date:** 18th June 2015

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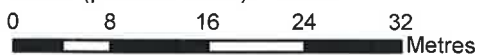
# Appendix 1 (15/00656/VAR)



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46 Hythe Bridge Street

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## Monthly Planning Appeals Performance Update – June 2015

Contact: Head of Service Planning and Regulatory: Cathy Gallagher

Tel 01865 252360

1. The purpose of this report is two-fold:
  - i. To provide an update on the Council's planning appeal performance; and
  - ii. To list those appeal cases that were decided and also those received during the specified month.

### Best Value Performance Indicator BV204

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 June 2015, while Table B does the same for the current business plan year, ie. 1 April 2015 to 30 June 2015.

Table A	Council performance		Appeals arising from Committee refusal	Appeals arising from delegated refusal
	No.	%	No.	No.
Allowed	9	22.5%	4	5
Dismissed	31	77.5%	7	24
Total BV204 appeals	40			

**Table A. BV204 Rolling annual performance  
(1 July 2014 to 30 June 2015)**

Table B	Council performance		Appeals arising from Committee refusal	Appeals arising from delegated refusal
	No	%	No.	No.
Allowed	1	33%	0	1
Dismissed	2	66%	1	1
Total BV204 appeals	3			

**Table B. BV204: Current business plan year performance  
(1 April 2015 to 30 June 2015)**

## All Appeal Types

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	Appeals	Performance
Allowed	17	31.5%
Dismissed	37	68.5%
All appeals decided	54	
Withdrawn	4	

**Table C. All planning appeals (not just BV204 appeals)  
Rolling year 1 July 2014 to 30 June 2015**

4. When an appeal decision is received, the Inspector's decision letter is circulated (normally by email) to the committee chairs and ward councillors. If the case is significant, the case officer also subsequently circulates committee members with a commentary on the appeal decision. Table D, appended below, shows a breakdown of appeal decisions received during June 2015.
5. When an appeal is received notification letters are sent to interested parties to inform them of the appeal. The relevant ward members also receive a copy of this notification letter. Table E, appended below, is a breakdown of all appeals started during June 2015. Any questions at the Committee meeting on these appeals will be passed back to the case officer for a reply.
6. All councillors receive a weekly list of planning appeals (via email) informing them of appeals that have started and been decided, as well as notifying them of any forthcoming hearings and inquiries.

Table D

**Appeals Decided Between 1/06/15 And 30/06/15**

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

DC CASE	AP CASE NO.	DECTYPE:	RECM:	APP DEC	DECIDED	WARD:	ADDRESS	DESCRIPTION
14/03061/FUL	15/00005/REFUSE	DEL	REF	ALC	01/06/2015	CARFAX	151 Walton Street Oxford OX1 2HG	Amendments to planning permission 13/02228/FUL (Change of Use from Estate Agent to Residential) to allow alterations to front elevation.

**Total Decided: 1**

127

**Enforcement Appeals Decided Between 1/06/2015 And 30/06/2015**

APP DEC KEY: ALC - Allowed with conditions, ALW - Allowed without conditons, AWD - Appeal withdrawn, DIS - Dismissed

EN CASE	AP CASE NO.	APP DEC	DECIDED	ADDRESS	WARD:	DESCRIPTION
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Table E

**Appeals Received Between 1/06/15 And 30/06/15**

**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	AP CASE NO.	DEC TYPE	RECM	TYPE	ADDRESS	WARD:	DESCRIPTION	
14/03118/FUL	15/00022/REFUSE	09/06/2015	W	Tim Hunter	50 Ashhurst Way Oxford Oxfordshire OX4 4RE		Erection of two storey side extension.	Mr Bryan Benham
14/00362/ENF	15/00023/ENFORC	09/06/2015	W	Robert Fowler	169 Windmill Road Oxford Oxfordshire OX3 7DW		Appeal against	Mr Martin Gaine
14/00248/ENF	15/00024/ENFORC	10/06/2015	W	Robert Fowler	18 Cavendish Drive Oxford Oxfordshire OX3 0SB		Appeal against without planning permission, change of use of the land from use as single dwellinghouse to use as two dwellings.	
14/03541/H42	15/00025/PRIOR	11/06/2015	H	Sarah Orchard	16 Catherine Street Oxford Oxfordshire OX4 3AQ		Application for prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 3.80m, for which the maximum height would be 3.0m, and for which the height of the eaves would be 3.0m.	
14/01495/FUL	15/00026/REFUSE	18/06/2015	W	Ed Pigott	33 William Street Marston Oxford OX3 0ES		Erection of 2 storey side and single storey rear extension. (amended plans)	
14/00295/ENF	15/00027/ENFORC	22/06/2015	W	Robert Fowler	228 London Road Headington Oxford Oxfordshire OX3 9EG		Appeal against unauthorised residential building	Simon Sharp

**Total Received: 6**

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## MINUTES OF THE WEST AREA PLANNING COMMITTEE

Tuesday 7 July 2015

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**COUNCILLORS PRESENT:** Councillors Van Nooijen (Chair), Gotch (Vice-Chair), Benjamin, Cook, Gant, Fry, Hollingsworth, Tanner and Upton.

**OFFICERS PRESENT:** Murray Hancock (City Development), Michael Morgan (Law and Governance) and Jennifer Thompson (Law and Governance)

### 20. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were received from Councillor Price (substitute Councillor Fry).

### 21. DECLARATIONS OF INTEREST

There were no declarations of interest made.

### 22. UNIVERSITY SPORTSGROUND, IFFLEY ROAD: 15/01207/VAR

The Committee considered a report detailing an application for planning permission for the variation of conditions 2 (Approved plans), 3 (Samples), 4 (Detailing), 5 (Lighting), 6 (Carparking), 7 (Cycle parking), 9 (Arboricultural Method Statement), 10 (Tree Protection Plan), 12 (Landscaping Plan), 13 (Landscape), 14 (Landscape), 15 (Landscape Management Plan), 16 (Flood Risk Assessment), 17 (Drainage), 19 (Bat boxes), 20 (Implementation), 21 (Construction Travel Plan), 22 (Travel Plan) and 23 (Public art) of planning permission 10/01006/FUL (Erection of new sports centre) in order to allow the development to be completed in two phases and to discharge details in relation to phase 1 at the University Running Ground Iffley Road.

Emma Potts, representing the applicant, and Dawn Brodie, the agent, spoke in support of the application.

The Committee resolved to approve application 15/01207/VAR with the following conditions and amendment to the legal agreement:

1. Commencement of development.
2. Develop in accordance with approved plans.
3. Samples of materials.
4. Revised details of 'fitness spine'.
5. External lighting.
6. Car park sustainable surfacing.

7. Cycle parking.
8. Tree protection.
9. Arboricultural method statement.
10. Implement tree protection measures.
11. No felling of trees.
12. Landscaping details.
13. Hard surfacing details.
14. Landscape management.
15. Flood risk assessment.
16. Surface water drainage.
17. Flood storage compensation.
18. Biodiversity enhancement.
19. Archaeology - Scheme of investigation.
20. Construction traffic management plan.
21. Travel plan.
22. Public art.
23. Alteration to Jackdaw Lane Access.

### Legal Agreement.

The original planning permission was granted subject to a legal agreement relating to (amongst other things) a Joint User agreement to provide access to the sporting facilities for the local community. The legal agreement refers specifically to the previous planning permission and changes to the agreement will be necessary to ensure that the benefits that were secured by the original Agreement are not lost through the grant of a fresh planning permission. The recommendation to approve this fresh planning application is therefore made subject to any necessary change to the Legal Agreement, for example, by way of an addendum to the Agreement.

### **23. 44 UNION STREET:15/01443/FUL**

The Committee considered a report detailing an application for planning permission for change of use from a dwellinghouse (Use Class C3) to a house in multiple occupation (Use Class C4) at 44 Union Street.

Simon Sharp, the agent for the applicant, spoke in support of the application.

The Committee agreed to add a further condition to prevent construction of a gate in the rear boundary of 44 Union Street in the interests of privacy and to preserve the amenity space for the house.

The Committee resolved to approve application 15/01443/FUL with the following conditions:

1. Development begun within time limit.
2. Develop in accordance with approved plans.
3. Submission of further matters – cycle and bin stores.
4. No access through rear boundary.

#### **24. CUTTESLOWE PARK, HARBORD ROAD: 15/01197/FUL**

The Committee agreed to **defer** consideration of this item to allow for further discussions between Council officers, the Board Member for Leisure, Parks and Sport, and the applicants about the siting of the proposed facility.

#### **25. PLANNING APPEALS**

The Committee noted information would be presented to the next meeting.

#### **26. MINUTES**

The Committee resolved to approve the minutes of the meeting held on 9 June 2015 as a true and accurate record subject to correcting the site address to 23 Upland Park Road in Minute 9.

The Committee resolved to:

correct the title of the preamble and deleting repeated text from Minute 16, add to Minute 19 paragraph 8 "...not include the third as officers advised they had sufficient power to control noise and it was not necessary" (the exact words are on the signed copy)

and with these changes, approve the minutes of the meeting held on 16 June 2015 as a true and correct record.

#### **27. FORTHCOMING APPLICATIONS**

The Committee noted the list of forthcoming applications.

#### **28. DATE OF NEXT MEETING**

The Committee noted that the next meeting would be held on 11 August.

**The meeting started at 6.30 pm and ended at 7.00 pm**

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