

Agenda

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East Area Planning Committee

Date: **Wednesday 7 November 2018**

Time: **6.00 pm**

Place: **The Old Library - Oxford Town Hall**

For any further information please contact the Committee Services Officer:

Jennifer Thompson, Committee and Member Services Officer

Telephone: 01865 252275

Email: democraticservices@oxford.gov.uk

If you intend to record the meeting, it would be helpful if you speak to the Committee Services Officer before the start of the meeting.

East Area Planning Committee

Membership

Chair	Councillor Sian Taylor	Northfield Brook;
Vice-Chair	Councillor David Henwood	Cowley;
	Councillor Shaista Aziz	Rose Hill and Iffley;
	Councillor Nigel Chapman	Headington Hill and Northway;
	Councillor Mary Clarkson	Marston;
	Councillor Stef Garden	Headington;
	Councillor Mark Lygo	Churchill;
	Councillor John Tanner	Littlemore;
	Councillor Roz Smith	Quarry and Risinghurst;

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

Copies of this agenda

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AGENDA

Pages

1 Apologies for absence and substitutions

2 Declarations of interest

3 18/00870/FUL: 1 Pullens Lane, Oxford, OX3 0BX

11 - 46

Site address: 1 Pullens Lane, Oxford, OX3 0BX

Proposals: Demolition of existing dwelling and erection of a 55 bedroomed care home with associated car parking, landscaping and infrastructure.

Recommendation: East Area Planning Committee is recommended to:

1. **Refuse the application** for the reasons given in the report, and
2. **Agree to delegate authority** to the Head of Planning, Sustainable Development and Regulatory Services to:
 - Finalise the reasons for refusal as set out in this report including such refinements, amendments, additions and/or deletions as the Head of Planning, Sustainable Development and Regulatory Services considers reasonably necessary and issue the decision notice.

4 18/01758/FUL - 244 Barns Road OX4 3RW

47 - 62

Site Address: 244 Barns Road, Oxford

Proposal: Change of use of 244 Barns Road from office use (retention of some B1 floor space at ground floor level) to 27 x 1-bed flats, including creation of a fourth storey at roof level. Associated external alterations. Provision of bin and bicycle storage. (Amended Plans).

Recommendations: The East Area Planning Committee is recommended to:

Refuse the application for the reasons given in the report and as follows

1. The proposal represents an unsustainable form of development that would result in the loss of a key protected employment site. Inadequate evidence has been put forward to justify a departure being made from the development plan policies that seek to protect and safeguard these sites in order to maintain a sustainable distribution of business premises and employment land within Oxford. As a result the proposal would be considered contrary to policy CS28 of the

Oxford Core Strategy 2026.

2. The proposed development fails to provide adequate functional and good quality indoor and outdoor amenity space for the occupants of the student accommodation contrary to the provisions of HP12 and HP13 of the Sites and Housing Plan 2011-2026.
3. The proposed development would result in the loss of significant trees that contribute to the visual amenity of the application site and insufficient details have been submitted regarding their replacement to to mitigate their loss and impact on visual amenity in the area. The proposal would be contrary to adopted policies CP1 and NE15 of the Oxford Local Plan 2001-2016
4. The applicant has failed to demonstrate through the submission of a viability assessment that it is not viable to provide a minimum of 50% affordable housing as required by policy HP3 of the Sites and Housing Plan. Further, had the above overriding reasons not applied, the Local Planning Authority would have required the applicant to enter into a Planning Obligation Agreement to secure affordable housing provision in accordance with policy HP3 of the Sites and Housing Plan 2011-2026.

5 **18/01851/FUL: John Radcliffe Hospital, Sandfield Road, Oxford, OX3 9DU**

63 - 76

Site Address: John Radcliffe Hospital, Sandfield Road, Oxford, Oxfordshire

Proposal: The expansion of the Emergency Department of the John Radcliffe Hospital through to the provision of a two storey extension to A and E unit and refurbishment of existing space to provide, resuscitation bays, paediatric resuscitation bays, enhanced resuscitation room and isolation room. The provision over ancillary works such as external plant and other associated landscape works including revised land layout and dedicated ambulance parking bays.

Recommendations: East Area Planning Committee is recommended to:

1. Approve the application for the reasons given in the report and subject to the required planning conditions set out in section 12 of this report and grant planning permission subject to:
 - The provision of an acceptable Air Quality Assessment, which assesses the impact of the development during the construction phase.
2. Agree to delegate authority to the Head of Planning, Sustainable Development and Regulatory Services to:

- Finalise the recommended conditions as set out in this report including such refinements, amendments, additions and/or deletions as the Head of Planning, Sustainable Development and Regulatory Services considers reasonably necessary.

6 18/02452/FUL - 1A Gathorne Road Oxford OX3 8NF

77 - 90

Site Address: 1A Gathorne Road, Oxford, OX3 8NF

Proposal: Change of use of dwellinghouse (Use Class C3) to a large House in Multiple Occupation (Use Sui Generis). Erection of a two storey side extension and provision of bin and cycle stores.

Recommendations: East Area Planning Committee is recommended to:

- Approve the application for the reasons given in the report and subject to the required planning conditions set out in section 12 of this report and grant planning permission subject to:
 - Finalise the recommended conditions as set out in this report including such refinements, amendments, additions and/or deletions as the Head of Planning, Sustainable Development and Regulatory Services considers reasonably necessary
- Agree to delegate authority to the Head of Planning, Sustainable Development and Regulatory Services to:
 - Finalise the recommended conditions as set out in this report including such refinements, amendments, additions and/or deletions as the Head of Planning, Sustainable Development and Regulatory Services considers reasonably necessary

7 Minutes

91 - 96

Recommendation: That the minutes of the meeting held on 3 October 2018 are approved as a true and accurate record.

8 Forthcoming applications

Items currently expected to be considered by the committee at future meetings are listed for information. This is not a definitive list and applications may be added or removed at any point. These are not for discussion at this meeting.

16/02549/FUL: Land Adjacent 4 Wychwood Lane, OX3 8HG	Non-delegated application (as at July, still awaiting additional information)	
17/01338/OUT: 23 And Land To The Rear Of 25 Spring Lane, Littlemore, OX4 6LE	Called in	
17/01519/FUL: 55 Collinwood Road Oxford OX3 8HN	Called in	
18/00571/FUL: 11 Horseman Close, Oxford, OX3 0NR	called in	

18/00591/VAR: 255A Marston Road, Oxford, OX3 0EN	Committee level application
18/00686/OUT: 1 Gurl Close	Called in
18/01081/FUL: 75 Bartholomew Road, Oxford, OX4 3QN (says delegated on website)	Committee level application
18/01091/FUL: The Stadium Grenoble Road, Oxford, OX4 4XP	Called in
18/01477/VAR - John Radcliffe Hospital, Sandfield Road OX3 9DU	Committee level application
18/01545/CEU - 5 Atkinson Close, Oxford, OX3 9LW	
18/01758/FUL - 244 Barns Road, Oxford OX4 3RW	Committee level application
18/02061/FUL: Leys Pool And Leisure Centre , Pegasus Road, Oxford, OX4 6JL	Committee level application
18/02113/CT3 - Land Adjacent 27 Broad Oak Oxford OX3 8TS	Committee level application
18/02113/CT3 - Land Adjacent 27 Broad Oak, Oxford, OX3 8TS	Committee level application
18/02141/FUL - 22 Peterley Road Oxford Oxfordshire OX4 2TZ	Call in
18/02231/VAR: Littlemore Park, Armstrong Road, Oxford, OX4 4XG	Major development - variation to 14/02940/OUT
18/02253/FUL - 29 Williamson Way OX4 4TT	Call in
18/02287/FUL - 49 Dashwood Road Oxford Oxfordshire OX4 4SH	Committee level application
18/02303/RES - Littlemore Park, Armstrong Road, Oxford, OX4 4XG	Major development
18/02320/FUL - 238 Headington Road Oxford OX3 7PR	Call in
18/02336/FUL - 80 White Road, OX4 2JL	called in
18/02442/FUL - 4 Lime Walk, OX3 7AE	Committee level application
18/02457/FUL - Beechwood House The Beeches Oxford OX3 9JZ	Committee level application
18/02465/FUL - 67 Copse Lane Oxford OX3 0AU	Call in
18/02588/FUL - Meadow Larkins Larkins Lane Oxford OX3 9DW	Call in

9 Dates of future meetings

Future meetings are at 6.00pm on

5 Dec 2018

16 Jan 2019

6 Feb 2019
6 Mar 2019
3 Apr 2019
22 May 2019



Councillors 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. Advice on bias, predetermination and declarations of interest is available from the Monitoring Officer.

The following minimum standards of practice will be followed.

At the meeting

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 (in accordance with the rules contained in the Planning Code of Practice contained in the Council's Constitution).
2. At the meeting the Chair may 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.

Preparation of Planning Policy documents – Public Meetings

4. 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.

Public requests to speak

5. Members of the public wishing to speak must notify the Democratic Services Officer by noon on the working day before the meeting, 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 in person, via e-mail or telephone, to the Democratic Services Officer (whose details are on the front of the Committee agenda).

Written statements from the public

6. Any written statements that members of the public and Councillors wish to be considered should be sent to the planning officer by noon two working days before the day of the meeting. The planning officer will report these at the meeting. Material received from the public at the meeting will not be accepted or circulated, as Councillors are unable to view give 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. Any such material will not be displayed or shown at the meeting.

Exhibiting model and displays at the meeting

7. 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 by noon, two working days before the start of the meeting so that members can be notified.

Recording meetings

8. 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 place to record. You are not allowed to disturb the meeting and the chair will stop the meeting if they feel a recording is disruptive.
9. 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.

Meeting Etiquette

10. 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.
11. 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.

Code updated to reflect Constitution changes agreed at Council in April 2017.

EAST AREA PLANNING COMMITTEE

7th November 2018

Application number:	18/00870/FUL		
Decision due by	30th July 2018		
Extension of time	23 rd November 2018		
Proposal	Demolition of existing dwelling and erection of a 55 bedroomed care home with associated car parking, landscaping and infrastructure		
Site address	1 Pullens Lane, Oxford, OX3 0BX		
Ward	Headington Hill And Northway Ward		
Case officer	Felicity Byrne		
Agent:	Mr Roger Smith	Applicant:	C/O Agent
Reason at Committee	Major		

1. RECOMMENDATION

1.1. East Area Planning Committee is recommended to:

1.1.1. **refuse the application** for the reasons given in the report, and

1.1.2. **agree to delegate authority** to the Head of Planning, Sustainable Development and Regulatory Services to:

- Finalise the reasons for refusal as set out in this report including such refinements, amendments, additions and/or deletions as the Head of Planning, Sustainable Development and Regulatory Services considers reasonably necessary and issue the decision notice.

2. EXECUTIVE SUMMARY

2.1. This report considers the demolition of an existing mid -20th Century house within a large mature garden in the Headington Hill Conservation Area (CA) and erection of a 55 bed care home with associated car parking and hard and soft landscaping. The Report concludes that the development does not achieve a high quality design. The height, scale and massing and architectural form of the development would result in an excessively large, unduly prominent building that would not reflect the character and appearance of the site or the surrounding residential development and fails to achieve a high quality design response. The development would result in overdevelopment of the site taking into account the sites context, intensity of use and ratio of built form to overall plot size. It would neither preserve nor enhance the character and appearance of the CA.

- 2.2. The development would result in almost complete site clearance, including a significant number of trees and vegetation. Whilst the majority of trees on site are not of high quality, cumulatively they constitute significantly to the sites' garden setting and the green verdant and sylvan character and appearance of the CA. The proposed landscaping would be inadequate both in terms of plant species, semi-formal layout and due to the fact that there would be insufficient space to plant replacement trees of size and canopy spread to mitigate the loss of existing trees and vegetation, and as such there would be harm to the character and appearance of the CA.
- 2.3. The proposal would result in a more keen presence of development on Pullens Lane, including light spillage, which would not be mitigated by landscaping and would result in harm to the verdant rural appearance and quality of Pullens Lane and the character and appearance of the CA at this point. The proposed development would harm views from St Marys Tower towards the verdant green wooded backdrop of the City's Spires and the character of the CA and the setting of the listed Headington Hill Hall. The significant number of traffic movements generated by the development would harm the quiet, rural character and nature of this verdant rural lane to its detriment and result in unacceptable noise and disturbance to neighbouring residential amenities. It is considered that the development would give rise to a high level of less than substantial harm to the heritage asset. This harm is not outweighed by the public benefit of providing a care home in this case.
- 2.4. As Pullens Lane is a private road the highway is taken to be from the junction of Headington Road. In relation to the highways network the County Highways Authority has advised there would be no harm to the network at peak hours. There would be sufficient capacity at the junction. However, there would be a significant increase in vehicular movements throughout the day which would have the potential to cause conflict between the large number of pedestrians and cyclists using the narrow lane.
- 2.5. There would be a net loss of biodiversity that cannot be adequately mitigated by the proposed development and insufficient information has been submitted to determine the potential harm to known Protected Species on site. Insufficient information has been submitted to demonstrate that the development would result in an acceptable sustainable drainage design to ensure the effective and sustainable drainage of the site in the interests of public health and the avoidance of flooding. Insufficient information has been submitted to demonstrate that the development would not result in harm to air quality as a result of dust emissions.
- 2.6. In other matters, the amount of car parking spaces would fall below the maximum standard for this type of development, but cycle parking spaces should be increased. The proposal has demonstrated that the development would meet the Council's objective of 20% Carbon reduction.
- 2.7. Officers consider that the proposal would not accord with the relevant policies of the development plan. The development would fail to preserve or enhance the character and appearance of the Conservation Area in accordance with section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Weighing in the balance all material considerations arising from the proposed development the development should be refused in accordance with paragraph 12, 188-130 and 193-196 the National Planning Policy Framework.

3. LEGAL AGREEMENT

3.1. This application would not require a legal agreement.

4. COMMUNITY INFRASTRUCTURE LEVY (CIL)

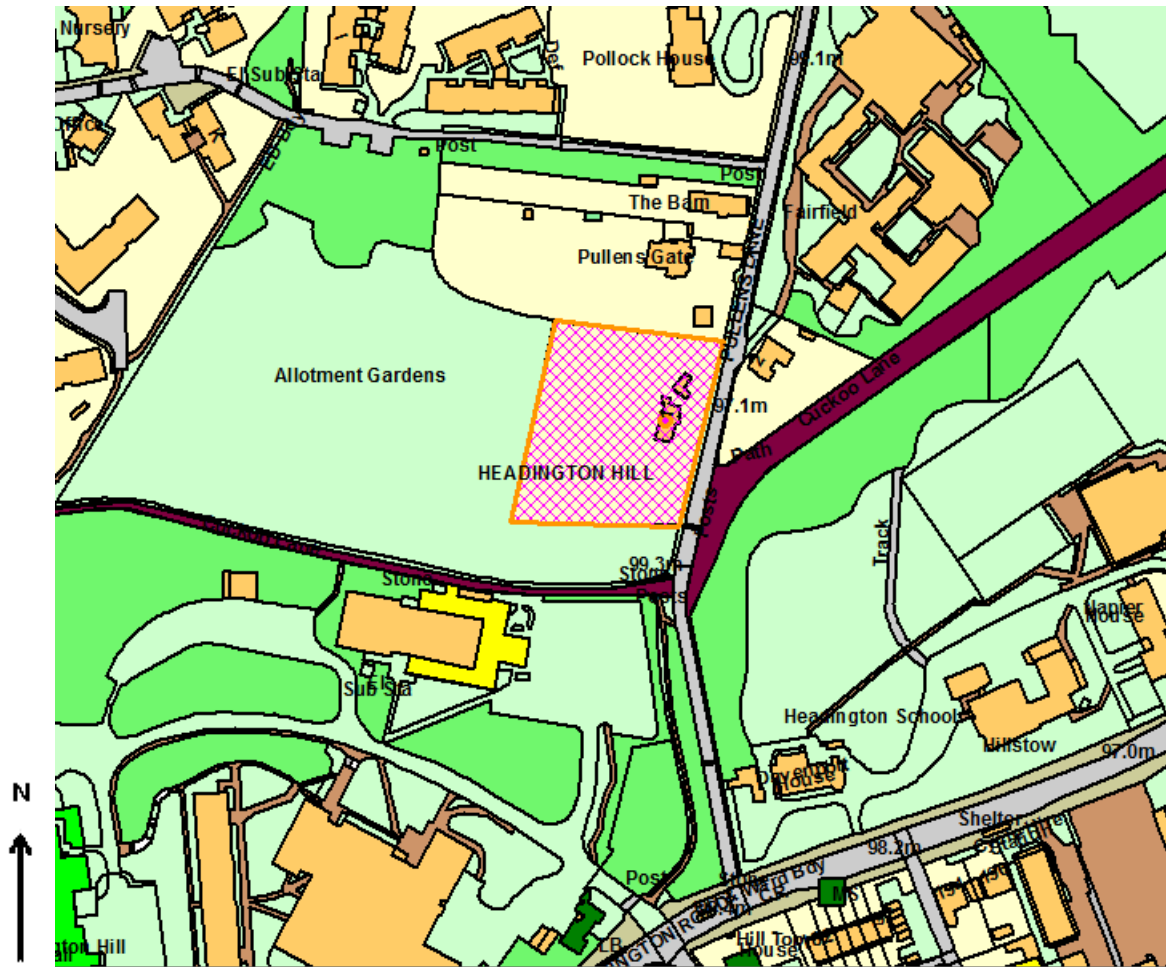
4.1. The proposal is liable for CIL amounting to £84,725.66.

5. SITE AND SURROUNDINGS

5.1. The application site consists of a detached two storey house constructed in the mid 20th Century with a detached garage set within a substantial overgrown garden and lined with trees on the boundaries. The site is located on Pullens Lane, a quiet narrow private road that adjoins Headington Road and is set within the Headington Hill Conservation Area. There is a single narrow access to the site at present through a gap in rather unkempt boundary vegetation and informal off-street parking space for a car.

5.2. The site itself features a relatively pronounced slope from east to west with allotments wrapping around the site's western and southern boundaries. To the east, on the opposite side of the lane, is the campus of the EF College, including residential accommodation. North of the site is Pullens Gate, a large residential property set discreetly within a well screened and verdant plot. The application site is situated just to the north of Cuckoo Lane, a footway that splits the conservation area and which runs from west to east up Headington Hill from Marston Road through to Headley Way. To the south of Cuckoo Lane is Headington Hill Hall, which is listed, and Headington Girls School.

5.3. See site plan below:



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Ordnance Survey 100019348

6. PROPOSAL & BACKGROUND

6.1. The application proposes the demolition of the existing dwelling and garage and erection of a 55 bedroom care home facility set over three floors together with associated car parking and landscaping. The care home would provide for frail elderly persons and also those with dementia.

6.2. Two similar applications for a 55 bed care home have been submitted on this site. 14/00983/FUL was for 55-bedroom care home facility on three levels, together with 17 car parking spaces, landscaping and associated works. This was refused by the East Area Planning Committee for the following reasons in August 2014:

1. *Having regard to the overall scale of the proposed development and associated intensity of its use, the proposal would result in a physical overdevelopment of the site with inappropriate levels of traffic generation which would fail to preserve the quiet, verdant and rural character of the Headington Hill Conservation Area. As a consequence the proposals fail to respect the site's context and would give rise to significant harm to the special character and appearance of the Conservation Area contrary to the*

requirements of policies CP1, CP6, CP8, CP9, CP10, CP11, NE15 and HE7 of the Oxford Local Plan 2001-2016, policies CS2 and CS18 of the Oxford Core Strategy 2026 as well as policies HP9 and HP10 of the Sites and Housing Plan 2011-2026.

2. *As a result of its excessive size, rectilinear form and repetitive detailing, the proposed building would be out of character with the historic architectural styles of the Headington Hill Conservation Area and, to exacerbate matters, it would be unduly prominent within the surrounding area due to its close proximity to key site boundaries and inadequate retention of important soft landscaping features. Consequently the proposals fail to accord with the requirements of policies CP1, CP6, CP8 and CP11 of the Oxford Local Plan 2001-2016, policy CS18 of the Oxford Core Strategy 2026 as well as policy HP9 of the Sites and Housing Plan 2011-2026.*
3. *The proposed development would result in the net loss of a significant amount of vegetation and ecological habitat that makes a meaningful contribution to local biodiversity. The loss of such habitat has not been appropriately assessed to determine the significance of the loss and therefore gauge if the proposals adequately mitigate or compensate for the impacts. As a consequence it has not been demonstrated that the proposals would not have a net adverse impact on local biodiversity, and, as such, the development fails to accord with the requirements of policy CS12 of the Oxford Core Strategy 2026.*

6.3. In 2015 a new application, 15/03611/FUL, was submitted for a new 55 bedroom care home with associated landscaping, hardstanding and infrastructure. However Officers considered the proposed development had not addressed the reasons for refusal set out above and the application was withdrawn.

6.4. The Applicant under took further pre-application consultation with the Council following withdrawal of 15/03611/FUL in May 2016. During the pre-application discussion, Officers have continued to express concerns about the design in terms of appearance, scale and massing of the proposed development. The last letter of advice to the Applicant in January 2018 concluded:

“At the present time, whilst the design rationale appears to have taken on board our previous comments and provides some appropriate principles in order to develop the scheme, they have not been fully realised in the development of the building at this stage. As such the development would still fail to make a positive response to the character and appearance of this part of the conservation area. Therefore more work is needed to align the design rationale with the resultant design of the building.”

6.5. Unfortunately the Applicant did not seek to address these concerns prior to submitting the application.

7. RELEVANT PLANNING HISTORY

7.1. The table below sets out the relevant planning history for the application site:

52/00146/DO_H - Outline application for house. PERMISSION 8th July 1952.

53/02812/A_H - House and garage. PERMISSION 10th March 1953.

61/10760/A_H - Outline application for a dwelling house and garage for private car. PERMISSION 25th May 1961.

61/10910/A_H - Outline application for change of use from residential to convent and hostel for female students and outline application for extension on adjoining land. REFUSED 27th June 1961.

61/10911/A_H - Outline application for the erection of a convent and hostel for female students. REFUSED 27th June 1961.

61/10912/A_H - Change of use from residential to convent and hostel for female students and outline application for extension to existing building. REFUSED 27th June 1961.

63/13061/A_H - Conversion of existing garage in self-contained flat. PERMISSION 22nd January 1963.

65/16928/A_H - Outline application for one dwelling house and garage for private car. PERMISSION 14th December 1965.

73/01650/A_H - Two-storey extension to provide additional living accommodation. PERMISSION 8th January 1974.

14/00983/FUL - Demolition of existing house and flat. Erection of 55-bedroom care home facility on three levels, together with 17 car parking spaces, landscaping and associated works. REFUSED 20th August 2014.

15/03611/FUL - Demolition of the existing buildings and erection of a new 55 bedroom care home with associated landscaping, hardstanding and infrastructure. WITHDRAWN 11th May 2016.

8. RELEVANT PLANNING POLICY

8.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework	Local Plan	Core Strategy	Sites and Housing Plan	Other planning documents Headington Neighbourhood Plan
Design	117-123, 124-132	CP6 CP8 CP9 CP10	CS18_	HP9_ HP10_ HP12_ HP13_	GSP4 CIP1 CIP3

		CP11 CP13 CP14		HP14_	
Conservation/ Heritage	184-202	HE2 HE3 HE7 HE10			CIP2 CIP4
Housing	59-76		CS22_ CS23_ CS24_	HP1_ HP3_	
Commercial					
Natural environment	170-183	NE15 NE16 NE23	CS11_ CS12_		GSP3
Social and community	91-101		CS19_		
Transport	102-111	TR1 TR2 TR14	CS13_	HP15_ HP16_	Parking Standards SPD TRP3
Environmental	117-121 148- 165, 170-183	CP18 CP19 CP20 CP21 CP22 CP23 NE14	CS9_ CS10_		Energy Statement TAN
Miscellaneous	7-12	CP.13 CP.24 CP.25		MP1	

9. CONSULTATION RESPONSES

9.1. Site notices were displayed around the application site on 9th May 2018 and an advertisement was published in The Oxford Times newspaper on 10th May 2018.

Statutory and non-statutory consultees:

Oxfordshire County Council (Highways)

9.2. The development will bring a disused site back into use as a Care Home, which is welcomed. While the proposed use will result in an increase in pedestrian,

cycle and traffic movements from the site, it is recognised that a majority of the traffic movements are unlikely to occur during the road network peak hours due to the nature of the proposal and therefore will not result in a significant traffic impact. The development is accessed off a private road and therefore, the County Council is limited in the comments it can make regarding the impact of the development. However, given that Pullens Lane is used by members of the public, the County Council has reviewed the impact of the development on Pullens Lane and has made some recommendations for improvement. No objection is raised subject to conditions requiring details of drainage, Travel Plan, Construction traffic management plan. Detailed comments are as follows:

- 9.3. *Accessibility:* The site is situated within a highly accessible location by sustainable transport modes and is heavily used by pedestrians and cyclists. We note that currently there is an informal footpath alongside Pullens Lane near to its junction with Headington Road and that beyond this there is limited segregation between pedestrians and other traffic along the lane. With this in mind the County Council would recommend that pedestrian routes along Pullens Lane are improved where possible. However, the County Council recognises that Pullens Lane is a private road and that the potential for improvements may be limited.
- 9.4. *Site Access and Visibility:* The plans provided show 2 points of access to the development. It appears visibility from these accesses is obstructed by the tree line, due to the nature of Pullens Lane and the potential conflicts which may occur between vehicles and pedestrians/cyclists, the county council recommend the tree line is cut back and maintained. Ideally a plan would be submitted showing this however, as the lane is not public highway it is not within the county councils remit to enforce this matter. Similarly, Cuckoo lane is heavily used by pedestrians and cyclists and will be increased further once this is made into a cycle path. Visibility splays are not shown however, growth should be cut back and maintained from these access points to reduce risk to pedestrians and cyclists. Whilst these issues are not within the county councils control, it is important that pedestrian and cyclist safety is considered. To reduce risk of conflict, a one-way system through the site should be maintained with vehicles entering from the access to the South and exiting from the North to ensure vehicles will be beyond the Cuckoo Lane access points.
- 9.5. *Car Parking:* The proposal will provide 20 car parking bays on site to be shared between staff, residents and visitors. Whilst this provision is in line with the Parking Standards, Transport Assessments and Travel Plans SPD, any over flow could result in parking on Pullens Lane. This could potentially block access to the site and increase conflict with pedestrians and cyclists. The county council recommend some restrictions being put in place to ensure this does not occur.
- 9.6. *Cycle Parking:* The Transport Statement states that cycle storage will be provided for 12 bikes within the site and that this is in line with the Parking Standards, Transport Assessments and Travel Plans SPD. However, there is no cycle parking standard for Class C2 institutions within this document and therefore the principle of 1 space per 5 people should be adhered to. A minimum of 17 spaces should therefore be provided to encourage sustainable transport to the site. The cycle parking should be covered and secure.

9.7. *Traffic Impact:* The vehicle trip rates provided through TRICS are selected using appropriate criteria and are therefore accepted by the county council, they do however show approximately 117 trips a day, these will all be conflicting with the cyclists and pedestrians and show the need for visibility along Pullens Lane to be maintained. While the development will result in an increase in trips resulting from additional servicing or delivery requirements, it is not considered likely that the proposed development as a whole would result in a significant increase in vehicular traffic to the detriment of the safe operation of the highway network.

9.8. *Refuse:* The swept path analysis demonstrates tracking for a Phoenix 2 Duo refuse vehicle (the largest vehicle expected to require access to the site) can safely travel through the site. This follows the route previously recommended of entering the site through the South access and exiting to the North onto Pullens Lane. This should be retained as the route for refuse vehicles and visibility should be maintained in order for the refuse vehicles to safely manoeuvre through and exit from the site. The refuse store is appropriately located and easily accessible for collection.

9.9. *Travel Plan:* The travel plan submitted is for a residential care home and yet the introduction does not provide any information as to the level of care and the expected mobility levels of the clients. It is not clear who the travel plan has been written for. Staff movements have been highlighted throughout the document and at points visitor movements have been considered, but there is no mention of clients (bearing in mind the extent of this will depend very much on the mobility levels of the individuals). A travel plan should contain information about the whole community and outline specific relevant actions and initiatives for staff, visitors and clients to ensure that the overarching objectives of the travel plan can be met. There is no mention within the plan about the provision on site for ambulances, community minibuses or mobility scooters for which the County Council would expect to see within a travel plan for a care home. No information has been included about deliveries to the site.

NB: Detailed comments on the Travel Plan are not repeated verbatim here but available to view online.

9.10. *Construction traffic:* Due to the site's location in proximity to a key arterial and public transport route into the city and the constrained nature of Pullens Lane and Jack Straw's Lane near to the site, a Construction Traffic Management Plan (CTMP) will be required in order to mitigate the impact of construction vehicles on the surrounding network, road infrastructure and local residents, particularly at peak traffic times.

9.11. *Drainage:* The applicant has not submitted a flood risk assessment or drainage strategy but makes reference to documents from a previous application. As identified in section 1.6 of the submitted planning Statement dated March 2018. i.e. "1.6. In addition, a number of technical reports submitted in support of the earlier withdrawn application in December 2015 remain relevant to the site's consideration for the proposed use. These include the following, and are referred to as appropriate: Flood Risk Assessment (Morgan Tucker, October 2015)" The Lead Local Flood Authority needs to see these documents submitted

as part of the application in order to be able to comment. They suggested a cond

9.12. Updated comments have been received from the County following review of the submitted Drainage strategy as follows:

9.13. The County Council understand that the applicant does not appear to agree with the need for the LLFA recommended conditions to prove the viability of the drainage design.

9.14. The County Council also note that Thames Water have raised concerns with the capacity of both the surface water and foul water systems in the area.

9.15. On reviewing the submitted Surface & foul water drainage strategy' the County Council has concerns that it is not sufficiently developed to demonstrate that it will result in an acceptable sustainable drainage design and meet our recommended conditions as there is insufficient evidence to meet the following criteria to ensure the effective and sustainable drainage of the site in the interests of public health and the avoidance of flooding:

- Demonstration that the SuDS Management Train has been appropriately applied.
- Identification of a positive outfall for the drainage. For discharge to ground, this would include soakaway testing results; for discharge to a water body this would include landownership and other agreements; and for discharge to sewer this would include agreement of the maximum allowable discharge rates from the relevant sewerage provider.
- Demonstration that National Non-Statutory Technical Standards for SuDS have been met by the drainage design.
- A SuDS Management Plan which states who will own and maintain all elements of the drainage system, supported by a maintenance plan.
- If a traditional drainage solution is proposed, evidence to demonstrate why SuDS are not viable for the proposed development.

Natural England

9.16. *Statutory nature conservation sites:* Natural England has assessed this application using the Impact Risk Zones data (IRZs) and is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the New Marston Meadows SSSI has been notified. We therefore advise your authority that this SSSI does not represent a constraint in determining this application. Should the details of this application change, Natural England draws your attention to Section 28(l) of the Wildlife and Countryside Act 1981 (as amended), requiring your authority to re-consult Natural England.

9.17. *Priority Habitat as identified on Section 41 list of the Natural Environmental and Rural Communities (NERC) Act 2006:* The consultation documents indicate that this development includes an area of priority habitat, as listed on Section 41 of the Natural Environmental and Rural Communities (NERC) Act 2006. The

National Planning Policy Framework states that ‘when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity. If significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

9.18. *Green Infrastructure*: The proposed development is within an area that Natural England considers could benefit from enhanced green infrastructure (GI) provision. Multi-functional green infrastructure can perform a range of functions including improved flood risk management, provision of accessible green space, climate change adaptation and biodiversity enhancement. Natural England would encourage the incorporation of GI into this development.

9.19. *Protected species*: We have not assessed this application and associated documents for impacts on protected species. Refer to our Standing Advice.

9.20. *Local sites*: If the proposal site is on or adjacent to a local site, e.g. Local Wildlife Site, Regionally Important Geological/Geomorphological Site (RIGS) or Local Nature Reserve (LNR) the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local site before it determines the application.

9.21. *Biodiversity enhancements*: This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the National Planning Policy Framework. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that ‘Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity’. Section 40(3) of the same Act also states that ‘conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat’.

9.22. *Sites of Special Scientific Interest Impact Risk Zones*: The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires local planning authorities to consult Natural England on “Development in or likely to affect a Site of Special Scientific Interest” (Schedule 4, w). Our SSSI Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments likely to affect a SSSI.

Thames Water Utilities Limited

9.23. *Waste Comments*: Following initial investigations, Thames Water has identified an inability of the existing foul water network infrastructure to accommodate the needs of this development proposal. Thames Water have contacted the developer in an attempt to agree a position for foul water networks

but have been unable to do so in the time available and as such Thames Water request that a grampian condition be added to any planning permission requiring details prior to construction on the grounds that the development may lead to sewage flooding and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional flows anticipated from the new development. Any necessary reinforcement works will be necessary in order to avoid sewer flooding and/or potential pollution incidents.

9.24. *Surface Water:* Following initial investigations, Thames Water has identified an inability of the existing surface water infrastructure to accommodate the needs of this development proposal. Thames Water have contacted the developer in an attempt to agree a position for surface water networks but have been unable to do so in the time available and as such Thames Water request that grampian condition be added to any planning permission requiring details prior to construction on the grounds that the development may lead to sewage flooding and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional flows anticipated from the new development. Any necessary reinforcement works will be necessary in order to avoid sewer flooding and/or potential pollution incidents.

9.25. *Water Comments:* On the basis of information provided, Thames Water would advise that with regard to water network infrastructure capacity, we would not have any objection to the above planning application. Thames Water recommend the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development. The proposed development is located within 15m of our underground water assets and as such we would like the following informative attached to any approval granted. The proposed development is located within 15m of Thames Waters underground assets, as such the development could cause the assets to fail if appropriate measures are not taken. There are water mains crossing or close to your development. Thames Water do NOT permit the building over or construction within 3m of water mains. If you're planning significant works near our mains (within 3m) we'll need to check that your development doesn't reduce capacity, limit repair or maintenance activities during and after construction, or inhibit the services we provide in any other way.

9.26. *Supplementary Comments:* Thames Water would request that the developer confirm the proposed points of connection to the sewer systems to enable us to assess the impact to our network. We will not be able to comment on two [sic] proposals through planning.

Historic England

9.27. This site has a complex planning history in which planning permission was refused for an initial scheme and a revised scheme was submitted but withdrawn. The principal reasons for refusal of the first scheme were the impact

that a development of this scale would have on the quiet, verdant and rural character of the conservation area and that the design of the buildings proposed would be out of character with the area. The 2015 scheme created a more interesting building, but did not address concerns about scale.

9.28. The latest iteration of the scheme adopts a much more traditional architectural approach. While the stated aim is to fit better with the architectural character of nearby houses I do not think it succeeds in achieving this. Similar materials are used to nearby houses and similar devices, such as gables and bays, but these elements are greatly simplified and putting pitches around the perimeters of large flat roofs as proposed would not effectively hide the bulk of the building. The impression given is of a pale imitation of nearby 19th and early 20th century buildings rather than the confident contextual response which is needed here. The double height glazed link does not help matters. Glass may be transparent but it is not invisible and this element greatly adds to the apparent mass of the building while the juxtaposition of this very modern element with the traditional forms either side is uncomfortable.

9.29. Development of this scale would harm the significance of the conservation area as its tranquillity and verdant nature will be eroded. If the Council are willing to accept the principal of development on the grounds that the public benefits outweigh the harm this harm can only be justified if the design minimises the harm by being as sympathetic as possible to its context. At present the proposals do not achieve this and so we do not consider the requirements of paragraphs 132 and 134 of the NPPF to have been met. Furthermore, we do not think that the proposal fulfil the aspirations in the NPPF about good design as set out in paragraphs 57 and 64.

9.30. Historic England has concerns regarding the application on heritage grounds. We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 57, 64, 132 and 134 of the NPPF. In determining this application you should bear in mind the statutory duty of section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas and section 38(6) of the Planning and Compulsory Purchase Act 2004 to determine planning applications in accordance with the development plan unless material considerations indicate otherwise.

Public representations:

9.31. Local people commented on this application from the following addresses:

- Bickerton Road; 37
- Cotswold Crescent; 4
- Dougal Veale House; 3
- Feilden Grove; 2, 30
- Franklin Road; 46
- Harberton Mead; 4, 8A, 13, 14, 18
- Holmes Park; 2, 3
- Jack Sraws Lane; 50, 103, 111

- Pullens Lane; High Wall, The Barn, Brock Leys; Mendip House, Pullens End
- Pullens Lane Association
- Pullens Field; 1, 2, 4, 8, 14
- Rolfe Place; 2, 3, 5, 6, 7, 8, 9, 10

9.32. The following groups and organisations commented:

- RSPB
- Headington Hill Umbrella Group
- Oxford Preservation Trust
- Oxfordshire Clinical Commissioning Group
- Oxford Civic Society

9.33. In summary, the main points of objection were:

- Development is out of keeping with the Headington Hill Conservation Area (28)
- Development is against Headington Hill Conservation Area Appraisal Report (13)
- The Lane is not adequate – too narrow for traffic (23)
- Concerns over safety of cyclists/pedestrians using the lane (15)
- Proposed building is too large (11)
- Concerns on the removal of trees (approx.. 70%) (9)
- Proposed development is in the wrong location (5)
- Overdevelopment of the site (16)
- No changes to address reasons for refusal on previous application (19)
- Concern over the loss of vegetation; habitat; wildlife and ecology on the site (18)
- Increase in traffic using the care home (12)
- Mass and scale of development is unsuitable for the location (8)
- No pre-application consultation by developer (9)
- Misleading drawings on application to show more green space (4)
- Pollution concerns – construction dust; service vehicles to the care home (3)
- Impact on neighbouring allotments (1)
- Consideration needs to be given to biodiversity on the site (swift nest bricks) (1)

10. PLANNING MATERIAL CONSIDERATIONS

10.1. Officers consider the determining issues to be:

- a. Principle of Development;
- b. Design, Appearance and Impact on Heritage;
- c. Trees and Landscaping;
- d. Highway, Parking and Traffic Implications;
- e. Biodiversity;
- f. Impact on Neighbouring Properties;
- g. Flood Risk & Drainage;
- h. Energy Efficiency;
- i. Air Quality;
- j. Archaeology;
- k. Land Quality;
- l. Public Art.

a. Principle of development

10.2. The National Planning Policy Framework NPPF was revised in July this year and at the heart of it remains a presumption in favour of sustainable development, which should be approved without delay unless material considerations dictate otherwise.

10.3. Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions (para.117).

10.4. The Council does not have a specific policy within its development plan documents that relates to the provision of care homes or equivalent facilities, though it does of course have a significant number of policies that are relevant to assessing the effects of such a development. In this context policy CS2 of the Core Strategy (CS) seeks to concentrate new development on sustainably located previously-developed land and resists development on greenfield land unless specifically allocated in the Local Plan or to maintain a five year housing land supply. Residential gardens are not defined as previously developed land in both the Sites and Housing Plan (SHP) and the NPPF. Policy CP6 of the Oxford Local Plan 2001-2016 (OLP) requires development proposals to make an efficient use of land in a manner where the built form suits the sites capacity and is appropriate to its context.

10.5. Policy HP1 of the SHP is also considered of relevance to the assessment of the proposals. It states that planning permission will not be granted for any development that results in the loss of one or more self-contained dwellings. It is clear that this policy establishes a presumption against the development proposed as it would result in the loss of a dwelling. In considering application 14/00983/FUL for a similar 55 bed care home proposal, Officers took the view that the provision of a number of care beds would subsequently result in the freeing up of dwellings back onto the general housing market. Therefore they were of the view that the proposals would not conflict with overall aims of Policy HP1 such as to warrant opposing the development for this reason.

10.6. Of particular relevance is SHP Policy HP10 which relates to development of residential gardens and is material to development of this site. It states that permission will only be granted provided that:

- It responds to the character and appearance of the area of the area; taking into account views from public vantage points;
- The size of plot is appropriate in size and shape to accommodate the proposal including scale, layout and spacing of existing and surrounding buildings; and
- Any loss of biodiversity on site is mitigated, enhanced and improved where possible (superseded by the NPPF which requires it to be provided (see below))

10.7. Members should also be aware of the emerging Policy SP54 of the Local Plan 2016 – 2036 which states that permission will be granted for residential dwellings at 1 Pullens Lane and permission will not be granted for any other uses. Harm to biodiversity should be avoided, mitigated and or compensated for. The supporting text states, amongst other things, that proposals for the site should have regard to the quiet and rural character and appearance of the Conservation Area. Inappropriate levels of traffic generation must be avoided. The hedgerows should be retained where possible. This emerging policy means that in the future the principle of a care home on this site could be unacceptable. However at this stage, the Local plan is going out to consultation as of 1st November 2018 and therefore limited weight should be afforded to this policy commensurate with the stage of preparation in accordance with paragraph 48 of the NPPF.

10.8. In summary therefore, the principle of residential accommodation on this site is acceptable subject to considerations of design, appearance, scale, layout and no net loss of Biodiversity.

b. Design, Appearance & Impact on Heritage

10.9. The NPPF emphasises that high quality buildings are fundamental to achieving sustainable development and good design creates better places in which to live and work and helps make development acceptable to communities (para 124). It goes on to set out at para 127 that planning decisions should ensure developments:

- Function well and add to the overall quality of the area, during the whole of its lifetime;
- Are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- Sympathetic to local character and history, including the built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as densities);
- establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

- optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users⁴⁶; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience

10.10. However, permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.

10.11. Policy CS18 of the Oxford Core Strategy 2026 require proposals to demonstrate high-quality urban design that responds appropriately to the site and surroundings; creates a strong sense of place; contributes to an attractive public realm; and high quality architecture. The Local Plan expects new development to enhance the quality of the environment, with Policy CP1 central to this purpose and Policy CP8 encourages development to relate to its context with the siting, massing and design creating an appropriate visual relationship with the form, grain and scale of the surrounding area. This is supported by Policy HP9 of the Sites and Housing Plan. Policy GPS4 of the Headington Neighbourhood Plan (HNP) states that development will be permitted where its design responds appropriately to the site and the character of the surrounding area and again emphasises and supports CS18. HNP Policy CIP1 states that new developments will only be permitted where they respond to and enhance the distinctive local character where it is described in the Character Assessments. CIP2 identifies important views within the HNP, of which Cuckoo Lane is specially identified (view 8) as a historic footpath which merits protection. HNP CIP3 supports innovative design which accords with the local plan, takes account of local heritage and enhances the distinctive identity, character and setting in terms of scale, layout, density, orientation and massing.

10.12. In relation to the historic environment the revised NPPF requires proposals to be based upon an informed analysis of the significance of all affected heritage assets. In considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance (para 193). Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification (para 194).

10.13. Development proposals that would lead to substantial harm or result in total loss of the significance of a designated heritage asset should be refused unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm (para 195).

- 10.14. Development that would lead to a less than substantial harm, to the significance of a designated heritage asset but that harm would be less than substantial then this harm should be weighed against any public benefits the proposed development may offer, including securing its optimum viable use (para 196).
- 10.15. Section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires local planning authorities to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses and the character or appearance of any conservation area. In the Court of Appeal, *Barnwell Manor Wind Energy Ltd v East Northants District Council*, English Heritage and National Trust, 18th February 2014, Sullivan LJ made clear that to discharge this responsibility means that decision makers must give considerable importance and weight to the desirability of preserving the setting of listed buildings when carrying out the balancing exercise (of weighing harm against other planning considerations).
- 10.16. Oxford Local Plan Policies HE3 and HE7 seek to seek to preserve or enhance the special character and appearance of Conservation Areas and their settings and the setting of Listed Buildings. Policy HE10 of the Local Plan seeks to retain views of significance both within Oxford and from outside. It also adds that the green backcloth must be protected from any adverse impact. There are ten identified significant view cones which are considered to be a heritage asset as defined in the NPPF. Whilst the wording of these policies does not include the balancing exercise identified in paragraphs 195-196 of the NPPF and that they would therefore be deemed to be out-of-date with the framework, they would be consistent with the above-mentioned legal requirements of Section 66 and 72, and they must therefore carry considerable weight in the determination of this application.
- 10.17. HNP Policy CIP2 as set out above seeks to protect importance views and HNP CIP4 the seeks to ensure that development will only be permitted where it addresses the conservation and enhancement of the significance, character and any special architectural or historic features of significance the asset may possess.

The Site and CA

- 10.18. The site lies within the Headington Hill Conservation Area (CA), a designated heritage asset as defined in the NPPF and forms part of the setting of the listed Headington Hill Hall. The site is situated on the west side of Pullen's Lane in an area whose character is primarily one of large, late 19th Century villas set within generous garden plots, surrounded by mature gardens with enclosing boundaries of shrub and tree planting that provide a sense of privacy.
- 10.19. The CA's designation occurred in 1977 following the Council's adoption of the Headington Hill Policy Statement in February 1973 which set out principles to guide the consideration of future planning applications in the area of Pullens Lane, Fielden Grove, Jack Straw's Lane and the private section of Harberton Mead. This Policy Statement sought to protect the residential use of the area,

low traffic levels, the character of buildings and their spacing, the tree planting in the area and the absence of advertisements or signs. The avoidance of additional traffic generation on Pullens Lane was stated as a specific principle.

10.20. The Headington Hill Conservation Area Appraisal (CAA) was adopted in July 2012. It identifies that its significance is derived from its role in providing a green landscape background to the historic city centre; the retention of trees and green landscape; its characteristic buildings; public paths; and the protection of viewpoints across the city.

10.21. It establishes that the area is divided into two distinct sections – the area north of Cuckoo Lane (which includes the application site) and the area to the south. The appraisal concludes that the heritage significance of Pullens Lane derives from its tranquil, rural character with generous spacing between buildings interspersed with dense greenery enclosing a narrow lane with a roughly managed informal verge. The appraisal also makes it clear that there are limited views from building to building because of the mature and dense landscaping which provides its sylvan quality and ensures the greenery of the area makes a stronger contribution to its character than the built elements, emphasising the sense of a low density of development. The appraisal also identifies that some developments in the past few decades have been notable for introducing architectural forms that were intrusive to the character of the area. In particular the rectilinear forms, poor quality materials, repetitive detailing and large scale of buildings did not reflect the historic residential character of much of the conservation area. It also recognises that conversion of landscaped garden settings of buildings for car parking also has a significant negative impact on the character of the area and its historic interest, and that the lack of artificial lighting helps to reinforce its rural woodland quality.

10.22. As expressed in Officers 2014 report to Committee, there is a unique “rural” character to the northern section of Pullens Lane and the wider conservation area that is not found elsewhere within the City and which belies its location close to the throng of activity associated with Oxford Brookes University and the traffic on Headington Road. Reflecting its uniqueness, fragility and therefore its vulnerability, Officers consider it important to afford great weight to the desirability of the preservation of its character in assessing the application proposals which accords too with the Council’s statutory duty in this respect.

Design, Appearance & Impact on Heritage:

10.23. Concerns have been raised by neighbouring residents, Residents Groups and other third parties, including, Oxford Preservation Trust and The Oxford Civic Society in relation to the design, appearance and impact on the historic environment.

10.24. The existing building on the site comprises a much run down 1950’s house and a small garage within a substantial undeveloped greenfield site that includes a significant number of trees along its boundaries and within the site. The remainder of the site is covered by extensive unmanaged vegetation including grasses and shrubs. It is considered that the buildings themselves make little contribution to the important character of the area and their demolition would not

be harmful. However whilst most of the landscaping is unkempt and in need of maintenance, the site as it currently exists makes a positive contribution to the significance of the CA as it supports its green, quiet and rural qualities. Furthermore, the balance of building to open garden is significant and the important sense of enclosure that is provided by landscape makes an extremely valuable contribution to the character and appearance of the CA. Such is its contribution that it is considered important to preserve it in any redevelopment of the site.

10.25. The new building has been designed as a two and three storey building in a U-shape around a central courtyard. To Pullens Lane the front (east) elevation and main entrance of the building has been designed as two two-storey buildings linked together with a central, two storey glazed box. The east and west ranges of the buildings become three-storeys built into the slope of the site. The architectural form of the building is taken from a traditional Victorian architecture and faced mainly in red brick. The buildings' plan form comprises bedrooms placed either side of a central corridor and main facilities within the front range at lower ground and ground floors. The development effectively involves complete site clearance, excluding the large boundary trees to the north of the site which lie within the adjacent property. Surrounding the proposed building, the remainder of the site, its perimeter and space between buildings is proposed to be landscaped as semi-formal gardens. The front of the site is proposed to be principally hard-surfaced accommodating 20 parking spaces, bicycle spaces and turning area with two accesses to and from Pullen's Lane.

Siting and layout

As in other proposed schemes, the extent of physical development on this essentially greenfield site is such that it would dominate the plot rather than sit comfortably within a landscaped setting as required to preserve the special qualities of the CA. As before, the proposed development would result in over 60% of the site being covered by building and hard surfacing and again even more than the EF site opposite on Pullens Lane. The new buildings simply in terms of their overall footprint and the consequent ratio of building to garden would result in a development that would appear disproportionately large and an overdevelopment of the site. Whilst an attempt has been made to create attractive gardens around the building, there would be relatively little remaining space around the building to create the feeling of spaciousness that is an essential to the preservation of the significance of the character of the CA. Furthermore, the design of what appears to be a continuous building façade across the entire frontage of the site is not typical of the area, failing to achieve the fundamental characteristic of a building in a garden, or even two buildings in a garden, as suggested by the plan form. As such it would appear incongruous and out of keeping with the site and its surroundings and overdevelopment of the sites capacity.

Scale

10.26. The Applicant has attempted to address the previous reason for refusal and criticism of the excessively large scale, rectilinear form and repetitive elevational treatments. It is acknowledged that the two storey height on the front elevation

facing Pullen Lane would be more in keeping with the height of neighbouring properties. However, the overall width of the building across the frontage of the plot, together bulk and mass would result in a large scale building. The attempt to 'articulate' and break down the mass and extent of the front of the building using devices such setbacks, wings, materials, gables, bays and glass, fails. Instead the development would appear as a number of buildings on site and read as a street of adjacent buildings, rather than the single villa or indeed two separate villas within a garden. The glazed link, used in an attempt to separate the solid mass of the building either side, would appear as a large, reflective box which compounds the mass of the building.

10.27. To the rear, the combination of the height at three storeys, bulk and massing would result in a building that would be excessively large, unduly prominent and out of keeping with the overall scale of surrounding properties. When viewed from the side (south) and rear (west) from Cuckoo Lane, the Allotments and Cotuit Hall, the full extent of the building would be revealed, exacerbated by the removal of all existing boundary treatment. The fact that it is dug into the slope of the site does nothing to mitigate the overall bulk and mass of the entire building. Officers concur with the comment and advice given by Historic England and in particular that putting pitches around the perimeters of large flat roofs as proposed does not effectively hide the bulk and scale of the building. Neither does the use of gables, flat roof elements, single storey elements and other 'articulation' devices used.

Appearance

10.28. The appearance has taken reference from the Victorian architecture of surrounding properties. However, the modernisation of the "Victorian traditional" architectural language whilst acceptable in principal has been overly simplified and compounds the impact of the building's size in comparison to the traditional villas. The 'articulation' of the building mass appears to result in a confused sense of scale which simply makes the different elements appear unconnected with awkward relationships to each other. The use of devices such as bays, gables and wings are over simplified and the delightful detailing of the original Victorian villas is absent. Whilst Officers do not expect detailing to be replicated per-se there should be a convincing quality of detail evident in the proposed design that responds to its context. Officers concur with HE that the building is a pale imitation of nearby 19th and early 20th century buildings rather than the confident contextual response which is needed here. Indeed the development could be found anywhere in the UK rather than being a specific response to its local setting. As such it is considered that the proposal is not of sufficient high quality design that appropriately responds to the site or its surroundings.

Traffic impact

10.29. In addition to Officers' significant concerns about the scale and appearance of the proposed development the distinctiveness of the CA also derives from its network of historically quiet lanes which is particularly unusual within the city. Such is the rarity of this tranquil and rural experience that great weight is therefore given to its preservation.

10.30. In this regard Officers consider the development has not overcome previous concerns about the impact on this quiet lane. Officers again refer back to the Council's 1973 and 1977 policy statements that attempted to guide the consideration of planning applications in the Headington Hill Conservation Area. In these documents it makes it explicitly clear that, inter alia, intensification of existing institutional uses north of Cuckoo Lane would not be approved unless they did not generate additional traffic above and beyond that which would be expected to result from ordinary residential development. It further adds that, wherever possible, the generation of additional traffic should be avoided particularly where the roads are not up to the Highway Authority's standards.

10.31. What is clear however is that, despite these policy statements, there has been a significant intensification of institutional activity within Pullens Lane including in the areas north of Cuckoo Lane. This has led to additional traffic movements including that of larger servicing and delivery vehicles. This additional traffic is prejudicing the special tranquil and rural distinctiveness of Pullens Lane as well as the wider conservation area and these concerns were clearly identified in the latest CA Appraisal (CAA). The supporting Transport Assessment submitted with the application projects that the development would generate 117 traffic movements per day from staff, visitors, with additional movement from deliveries, servicing, ambulances, doctors and nurses. The nature, scale and intensity of development proposed on this site would, without doubt, give rise to a material increase in traffic movements to and from the site along Pullens Lane causing additional harm to the historically quiet rural character of the lane. This would be fundamentally at odds with the type of development that the Council, through the conclusions of successive conservation area appraisals, has sought to resist. The cumulative impact of the proposed development, taken together with the volume and type of traffic associated with recent institutional developments, would cause harm to one of the key identified special features that contribute towards this heritage asset's uniqueness – its comparative tranquillity within an otherwise urban area.

Lighting

10.32. Another feature which contributes towards the rural character of the lane is its lack of artificial lighting (including its absence of street lighting) which supports its feeling of being a private residential enclave. Whilst full details of lighting have not been provided as part of the application other than proposed low level lighting of paths within the garden, the mere fact that the building would have a greater presence on Pullens Lane with a greater number of windows and greater hours of operation given its intended use and likely external lighting at least for the main entrance means that the development is likely to generate light spillage onto the lane. Furthermore the removal of the entire existing western boundary trees and vegetation would mean that there would be light spillage seen from the Allotments and public footpath Cuckoo Lane. Such an effect would be to draw attention to the inappropriate scale and form of development on the site which would conflict with its rural woodland character.

Views:

- 10.33. When viewed from the west, Headington Hill forms a green landscape background to the historic city centre in its valley setting. The hillside also provides a number of vantage points giving good views down to the city's skyline. The protection of viewpoints, together with 'view cones' looking out across Oxford with the 'green backcloth' in the distance, are seen as important elements of public enjoyment as well as heritage value.
- 10.34. In this case, the application is not supported by verified views unlike the previous application 14/00983/FUL and therefore assessment has been made on the basis of an objective interpretation of the information provided and Officers knowledge of these views from other recent developments.
- 10.35. In long views from the city from elevated City landmarks in particular from St Mary's Tower the proposed buildings by reason of their height and the removal of the boundary trees and screening vegetation, would be visible on the side of Headington Hill. As opposed to glimpsed views of elements of the traditional villas much of the extensive building facades would be evident and would have a harmful impact on both the setting of Headington Hill Hall (grade II*) and the appearance of the CA. An example of such visual intrusion is already present in the appearance of the Radcliffe Hospital buildings and whilst the proposed buildings would not be of such a size, they would be closer to the viewer and would certainly appear as a long, unbroken building mass on this section of the hillside presently appears to be essentially wooded. The amount of space available for landscape planting would not be sufficient to provide appropriate tree canopies to mitigate the harm that the visual impact of the buildings would have on the impact on the character and appearance of the CA and its green backdrop. Furthermore, any proposed tree planting that were to be successfully planted would not be able to mitigate in the short term the significant harm caused by their loss.
- 10.36. Within short distance views Pullens Lane has a very distinct verdant and sylvan and tranquil rural quality at this point with abundant vegetation along boundaries giving a sense of enclosure, generous gardens and large but not visually intrusive houses. This character changes to a more urbanised residential quality as it progresses northward towards Jack Straws Lane as front gardens are manicured and houses visible to the Lane. This urbanisation of the northern end of the lane means that the particular character of the southern end of Pullens Lane at this point is even more valuable and fragile and identified in the CAA.
- 10.37. In views along Pullen's Lane the site would appear more open than is characteristic here due to the loss of the typical front garden and boundary trees to a hard surfacing for vehicles, two vehicular accesses and limited landscaping proposed. The building would have a keen presence with in the lane together with the visual intrusion that the vehicles themselves would add. The landscaping proposed would not sufficiently mitigate against the openness and loss of character. The development would therefore harm the important character that has been identified as needing to be preserved in the CAA.
- 10.38. In conclusion therefore it is considered that the proposed development would not meet the test of high quality design. It would fail to appropriately respond to

the character and appearance of the site itself and its context and would amount to overdevelopment of the site. The traffic generated by the development would harm the character and appearance of the CA. It is considered that the development would cause less than substantial harm to the significance and character and appearance of the CA and the setting of the adjacent listed heritage asset, and a high level of less than substantial harm would occur

10.39. In accordance with the NPPF, as less than substantial harm would be caused to the heritage assets, any public benefits of the development must be weighed against this harm. The Applicant argues that key public benefit arising would be the contribution it would make to addressing the current un-met need for specialist housing in Oxford. Officers consider that the provision of a residential care home in an ageing population should be afforded some weight but that it would on the low to moderate end of the scale. Officers have been clear that a high level of weight is afforded to the preservation of the significance of Pullens Lane and the character and appearance of the Conservation Area. As such it is considered that the public benefit derived from the proposed development would not outweigh the high level of less than substantial harm in this case. The development is therefore contrary to Policies CP1, CP8, CP9, HE7, HE10 of the OLP, CS18 of the CS and the NPPF. Officers have afforded great to their statutory duty under Section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

c. Trees & Landscaping

10.40. OLP Policy CP.1 expects development to show a high standard of design, including landscape treatment that respects the character and appearance of the area. Development should retain and protect important landscape and ecological features, and provide for further landscape treatment where appropriate to the nature of the area or to safeguard the local amenity. OLP Policy CP.11 expects landscape design to: relate to the character of the spaces; to incorporate existing significant landscape features; to ensure sub-surface works avoids damage to trees and hedges; integrate boundary treatments into the development; enhances ecological value wherever possible. OLP NE.15 seeks to retain trees, hedgerows and other valuable landscape features that form part of a development site is their loss would have a significant adverse impact upon public amenity or ecological interest. OLP Policy NE.16 seeks to ensure that development will not destroy protected trees if it will have a significant adverse effect upon public amenity. Any protected tree that is destroyed must be replaced by a tree, or trees, suitable for the location. CS12 of the CS seeks to ensure that new developments include features beneficial to biodiversity supported by HNP GSP3 which seeks to preserve healthy trees and encourage the planting of new trees within the HNP Area.

10.41. The site lies within the Conservation Area and therefore trees benefit from protection. The garden of 1 Pullens Lane appears to have been neglected for many years and is now over-grown. Whilst none of the trees are of very high value in arboricultural terms, bar a Turkey oak (T60) in south west corner and an attractive mature medlar (T26) and an early mature yew (T28) that stand centrally within the rear garden, collectively as a group the contribute significantly to the character and appearance of the CA. The proposals require the removal

of a significant proportion of the existing trees and other vegetation within the site, as identified in the submitted Arboricultural Report, and this would materially change the existing character and appearance of the site in a number of external views from Pullens Lane, Cuckoo Lane, the allotments and Clive Booth Student Village to the west. It would also impact on biodiversity (see below in the report).

Proposed Landscaping

- 10.42. The Landscape Masterplan submitted appears to suggest that the site is surrounded by woodland, which is misleading. In relation to the Turkey Oak this tree it is indicated to be removed in the Arboricultural Report, but shown on other submitted drawings to be retained. Officers have assumed that it will be removed for the purpose of this assessment, not least because it would not survive excavations required for a new retaining wall that is proposed very close to it as part of the proposed landscaping.
- 10.43. The surface and foul water strategy indicates that 1993sqm of hard areas would be introduced to the site, in other words 1993sqm of soft areas would be lost as a result of the proposals. Some existing tree canopy cover and the associated multiple ecosystem services it provides to the area would be permanently lost. The soft landscaping proposals include new hedge and tree planting along the southern and eastern / Pullens Lane boundaries, which if carefully specified and managed, might be expected, over time to mitigate the impact of tree losses on public visual amenity in the area. However they would not sufficiently mitigate the loss in the short term.
- 10.44. Furthermore, some of the proposed species indicated in the planting would not be in keeping with the particular rural character and appearance of this part of Pullens Lane. In addition, the garden spaces and other soft landscaped areas would not be large enough as proposed to be able to allow planting of large growing trees such as beech, oak, or evergreen conifers such as cedars or pines of various species, which are characteristic of this part of the Headington Hill Conservation Area. This is symptomatic of the overdevelopment of the site and the scale of the development proposed relative to the site itself and its surroundings. The landscaping would therefore fail to mitigate the development in the long term. The proposed landscaping scheme is considered to be of poor standard of design that fails to respect the character and appearance of the area and would fail to mitigate the harm to the CA as a result of the high level of hard surfacing and built form across the site and loss of trees and planting, irrespective of their value.
- 10.45. It would also be necessary to prune 2 trees that stand off-site, adjacent to the boundary in the garden of Pullens Gate, to provide adequate head clearance over the proposed new car parking area in the north eastern corner of the application site including a mature Lawson cypress (T105) and a western red cedar (T06). This pruning would not be expected to have a significant detrimental effect on either of the trees or on visual amenity in the area. However, the construction of these car parking spaces would encroach within the Root Protection Areas (RPAs) of the trees within the gardens of Pullens Gate. The Arboricultural Report includes guidance about how soil levels might be raised in a way to minimise root damage. However, Officers consider that the car parking

spaces should only be permitted if there were an over-riding justification for encroachment within the RPAs based on a clear need for car parking, for which none has been submitted.

10.46. In conclusion it is considered that the proposals fail to respect existing landscaping features of importance or adequately mitigate their loss to the detriment of the character and appearance of the area. As such the proposals would be contrary to the requirements of policies CP1, CP11, NE15 and HE7 of the Local Plan in this regard.

10.47. In addition to the above Officers also note at 5.10 of the Surface and Foul Water Strategy that there would be a potential impact on trees in the area of excavations that might be required to connect the care home to existing foul water sewers in either Pullens Lane, Headington Road or John Garne Way. It seems that these excavations might be, in part at least, on privately owned land that is outside of the application site and the control of the applicant but nevertheless would have significant impact on the character and appearance of the CA.

d. Highway, Parking and Traffic Implications

Transport sustainability

10.48. Policy CP1 of the Local Plan requires development to, inter alia, be acceptable in respect of access, parking, highway safety, pedestrian/cycle movements and traffic generation.

10.49. Pullens Lane is a private road/ lane that runs from Headington Road and joins Jack Straws Lane which then runs down the hill to the Marston Road. The development proposes 20 car parking spaces and would generate traffic from staff, visitors, deliveries and emergency vehicles. A Traffic Assessment has been submitted.

10.50. Concern has been raised by residents and interest groups about the traffic generation and impact from the development on Pullens Lane. As already stated in this report, traffic movements along Pullens Lane have significantly increased in recent years. However, since the lane is privately owned, there have not been any official traffic surveys undertaken to objectively confirm this. Officers consider the impact of additional traffic movements on the character of the lane to be a different, albeit related, matter to that of the capacity of the road in purely highway terms. Officers have already set out their views on the impact of the proposed development on the character of the lane and this section of the report is therefore specific to the highway implications of the scheme.

10.51. As Pullens Lane is privately owned, the County Council as Highway Authority (HA) considers that it is limited in the advice it can give and its remit extends principally to consideration of the impact on the public highway; in this case Headington Road. The HA has not raised an objection to the proposed development. Where Pullens Lane joins the highway, at the junction of Headington Road, the HA considers there to be sufficient capacity during peak hours and the level of trips generated at that time (14 in the am and 12 in the pm

(total each way)) would not adversely affect the highway network. In addition it does not consider there to be an issue regarding visibility at the junction and conflict between persons walking or cycling to Headington Hill Hall or vehicles entering or existing Pullens Lane.

10.52. However as with previously refused schemes, officers are still very concerned about the potential increase in traffic movements within this narrow lane and the consequent conflict between pedestrians and cyclists. Cuckoo Lane, which cuts across Pullens Lane in an east-west axis just south of the site, is part designated cycle route through the City, and very well used as part of the City's wider cycle route network. The HA do acknowledge that the proposed development would generate a significant number of traffic movements throughout the day and that this would be cause for concern.

10.53. The supporting Transport Assessment submitted projects that the development would generate 117 traffic movements per day (58 arrivals and 59 departures) and whilst the number of vehicular movements in the peak hours would be relatively little, there would be a significant increase over the whole day and in particular between 2-3pm. At this time 26 traffic movements would be generated. This is a significant increase of movements on Pullens Lane each day. To exacerbate this, the number of movements predicated would increase due to servicing, delivery and emergency vehicles.

10.54. This level of movement would not only harm the quiet rural and tranquil character of Pullens lane as expressed above, but would also cause conflict between the high number of pedestrians and cyclists that use the lane. These include local residents, persons from the Prep School and education establishments, those persons travelling between Oxford Brookes University to its satellite residential accommodation on Pullens Lane and to the west of the site, and those persons generally using the lane to get through to Marston. Overhanging and overgrown vegetation encloses the lane and serves to reduce vision splays for pedestrians and often partially obscures views out from existing vehicular access points. The HA advise that the proposed accesses would not have adequate visibility splays and advise cutting back of vegetation. However, cutting back of vegetation would also in itself harm the appearance and rural character of the Lane.

10.55. Officers consider that there would be a material increase in vehicular traffic using the lane at a level significantly above that which would be expected from an 'ordinary' residential use of the site, for example residential dwellings. Whilst the Applicant suggests that adequate car parking would be provided to avoid overspill, there could be the potential for delivery and other larger servicing vehicles to park on the narrow lane, if servicing, deliveries and car parking are not properly managed, adding to the potential conflict.

10.56. However, given that the impact on the highway network is considered acceptable in pure highways terms by the HA, the development is seen to be in accordance with CP1 of the OLP.

10.57. In terms of car parking, the requirement for car parking provision for a nursing home under Policy HP16 of the SHP is 1 space per 3 residents' room plus 1

space per staff (maximum provision). There would be equivalent 34 FT staff on site per day and 55 bedrooms. This equates to a maximum of 35 spaces. However, given it's a 55 bed home for the 'frail elderly' and those with dementia (who are highly unlikely to drive) and in such a sustainable location with excellent public transport links to Thornhill and City Centre, the number of car parking spaces proposed (20) is questioned. In fact the number of spaces has risen since the previous application (17). The lack of information in the submitted information and Travel Plan does not in any way enlighten on the need for car parking or provide comfort in how staff and visitors might arrive to the site by other modes than the car. Given that the previous application was refused on amongst other things the 'inappropriate levels of traffic generation', this increase in parking and lack of information is surprising. That said, the level of car parking proposed does fall under the maximum standards and therefore accords with SHP16.

10.58. Cycle parking is shown in this application to the front of the site, providing 12 cycle parking spaces. There is no standard requirement for this type of residential accommodation under SHP Policy HP15 and the level is to be judged on the merits of each case. Approximately one space per 3 staff is shown. However, given that this is on an excellent designated cycle route and travel by non-car modes is encouraged in the HNP, SHP, CS and NPPF, Officers consider that 1 space per 2 staff should be provided (17 spaces). These would also need to be covered and secure to encourage use. Should Committee be minded to approve the application these additional spaces and details could be secured by condition.

e. Biodiversity

10.59. The site is not of designated ecological value however, it does have significant ecological value. Paragraph 170 of the NPPF makes it clear that development should protect and enhance valued landscapes and sites of biodiversity value and minimise impacts and net gains for biodiversity. It goes on to say at paragraph 175 that if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. CS12 of the CS states that there should be no net loss of sites and species of ecological value and where there is opportunity development will be expected to enhance Oxford's biodiversity. NE22 of the OLP requires adequate assessment of Protected Species on sites.

10.60. The revised Ecology Report June 2018 submitted has been reviewed. Officers and Natural England concur that there would be no harm to the New Marston SSSI which is located some 800m away, or other locally designate sites including Millham Ford local Wildlife Site, of Oxford City Wildlife Sites, the Headington Hill Viewpoint. In relation to Protected Species, the site provides suitable habitat for commuting and foraging Bats and nesting and habitat for birds. There is also a Badger sett on site and the site provides foraging habitat also.

10.61. The proposed development would result in the net loss of a significant amount of vegetation and ecological habitat. Whilst some replacement planting

is proposed as part of the proposed landscaping scheme, the size and scale of the development would leave insufficient space available on the site to be able to adequately mitigate the loss of biodiversity, even taking into account the green roof proposed.

10.62. In relation to the Badgers, it is proposed to close the sett and the habitat on site would be effectively removed. However, insufficient information has been provided to evidence the conclusion that the sett is a subsidiary sett and not a small main sett of higher ecological value (which would require a different approach to mitigation). Classification of a sett should be based on activity monitoring of the sett and known paths (employing remote motion-activated cameras) to identify the level of usage and a search of the surrounding area should be undertaken. No information has been received to demonstrate this has taken place. This information is need in order to fully evaluate the loss of the sett and a significant area of habitat, given that the nature of the proposals do not allow for the retention of the sett or foraging habitat. The proposals therefore represent an unacceptable impact upon badgers, contrary to prevailing best practice, the NPPF and CS12.

10.63. In conclusion therefore the development would result in a net loss of biodiversity that is not sufficiently or adequately mitigated for as part of the scheme. Insufficient information has been submitted to determine the impact on known Protected Species on site. As such the development would be contrary to the NPPF and Policy CS12 of the CS and Policy NE22 of the OLP.

f. Impact on neighbouring amenity

10.64. Policies CP1 and CP10 of the Local Plan require new development to adequately safeguard neighbouring amenity. Policy HP14 of the SHP is specific to residential development and requires new development to protect reasonable levels of outlook, light and privacy for existing dwellings. Given that residential properties in the area are located within generous gardens and surrounded by mature tree screening, the only property likely to be affected by the development is the adjoining property to the north, known as Pullens Gate.

10.65. The development would result in the clearance of the site up to the northern boundary. The significant mature trees along that boundary fall within the adjoining property and therefore would remain. It is proposed to locate some of the car parking close to that boundary. There is a significant change in ground level between the application site and Pullens Gate. The neighbour has expressed concerns that during winter months the headlights will shine straight into their house and property due to the close proximity to the boundary, there would be noise and disturbance and that there is a covenant which stipulates that there shall be not development within 50 feet of the boundary.

10.66. There would be a significant distance between Pullens Gate and the proposed building such that officers have no concerns about the impact of the development in terms of sun and day light, privacy or outlook enjoyed by this property. In respect on the impact from car headlights, there would likely be an impact during winter months when there is more inter-visibility between the two properties, which could impact on their amenity. Nevertheless, this could be

overcome through the provision of an effective screening either in the form of an evergreen hedge or fence, which could be secured by condition should permission be granted. However, this is a moot point given the officers concern set out above regarding the location of the car parking within the root protection zones of the boundary trees within Pullens Gate in any event.

10.67. Some noise would be expected from the development though, given its nature and as a result of the significant number of traffic movements along the Lane and within the car park close to the boundary with Pullens Gate. Whilst this may not be particularly significant during evening hours it would be throughout the day every day. Traffic movements along the lane may be at a slow speed, however larger vehicles and people getting into/ out of their cars and starting up engines in close proximity to Pullens Gate would generate a level of noise and disturbance that would be harmful to this property such that the existing amenity derived from the rural tranquillity of this quiet residential area would be harmed. As such it is considered contrary to Policy CP1, CP9 and CP21 of the OLP.

g. Flood Risk & Drainage

10.68. Policy CS11 of the Core Strategy reflects NPPF guidance and resists development where it would increase the risk of flooding and states that development should incorporate Sustainable Drainage Systems (SUDS). The site is within flood zone 1 and is not at significant risk of flooding.

10.69. Policy NE14 states that permission will only be granted for development that increases demand on sewerage and water capacity on and off-site service infrastructure where sufficient capacity already exists or extra capacity can be provided such that the environment and local amenity is not harmed.

10.70. The proposed drainage strategy submitted dismisses draining surface water via infiltration, suggesting that the underlying geology as mapped does not lend itself to infiltration. However, the previously withdrawn application on the site (15/03611/FUL) conducted infiltration tests which showed infiltration was feasible. Furthermore, the lack of existing drainage infrastructure on the site suggests that the current drainage regime is likely via soakaway. Both the best practise SuDS Manual and building regulations hierarchy require surface water to be drained preferentially via infiltration where feasible. Further infiltration tests have been requested but the Applicant has not declined to provide this information. The County Council as Lead Local Flood Authority has further commented that the information provided does not sufficiently demonstrate that the development would result in an acceptable sustainable drainage design and to ensure the effective and sustainable drainage of the site in the interests of public health and the avoidance of flooding.

10.71. The proposed drainage strategy utilises attenuation, and requires a pumped outfall to a Thames Water sewer. Thames Water have commented that there is an inability of the existing the waste or surface water infrastructure to accommodate the development. Pumps often are associated with maintenance problems in future years and the loss of natural infiltration could also have an impact on biodiversity of the site.

10.72. Officers therefore consider that due to insufficient information the application does not demonstrate that appropriate sustainable drainage design would be employed such that the development would not have an adverse impact on the environment or local amenities as a result. As such the proposal is contrary to Policies NE14 of the OLP and CS11 of the CS.

h. Energy Efficiency

10.73. The Energy Statement submitted as Appendix B of the NRIA submission - "Natural Resource Impact Analysis demonstrates compliance with the Council's 20% reduction target. The proposal would therefore accord with Policies HP11 of the SHP and CS9 of the CS and details/ implement could be secured by condition.

i. Air Quality

10.74. An Air Quality Assessment (AQA) has been submitted and reviewed along with other supporting documents in the application. However insufficient information has been provided to determine the impact on Air Quality resulting from dust emissions from the development, as such the development is contrary to Policy CS23 of the OLP and the NPPF.

10.75. As it is proposed to install 20 parking places on site, the installation of Electric Vehicle infrastructure should be provided in accordance with the CS14. This could be secured by condition should the application be granted.

j. Archaeology

10.76. This application is of interest because it involves a substantial basement development on a largely green-field site located in an area with general potential for prehistoric and Roman activity. The site lies within an extensive landscape of dispersed Roman pottery manufacturing sites associated with the nationally important regional pottery industry orientated on the Alchester-Dorchester Road. The site also lies close to the projected line of the Civil War Parliamentarian Siege works.

10.77. An archaeological desk based assessment has been produced for this site by Pre-Construct Archaeology (2014). This notes a low potential for prehistoric remains, low to moderate potential for Roman and early medieval remains and moderate potential for post-medieval remains. Officers consider that such assessments of potential are difficult in areas which have not been subject to significant previous archaeological investigation. In this instance it is considered that, taking into account the information we have on contemporary settlement density across East Oxford, a marginally higher assessment of potential is warranted to that stated in the assessment.

10.78. The NPPF states the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard

to the scale of any harm or loss and the significance of the heritage asset. Where appropriate local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible.

10.79. In this case, bearing in mind the constraint posed by the existing tree cover and the results of the archaeological desk based assessment, in line with the advice in the National Planning Policy Framework, any consent granted for this development should be subject to a condition requiring archaeological evaluation should permission be granted.

k. Land Quality

10.80. The development appears to be broadly similar to that of the previous planning application for the site (15/03611/FUL). The results of the site investigation did not reveal and exceedances of contaminants in the soil or leachate. It was concluded that as there was no source of contamination, there was no risk to human health or controlled waters. Ground gas monitoring was also undertaken as part of the site investigation. The results revealed the site is classified as Characteristic Situation 1, which does not require any gas protection measures for this development. As such the proposal accords with CP22 of the OLP.

l. Public Art:

10.81. Policy CP14 requires developments of the size proposed to make provision for public art in the event of approval. This would need to be achieved with sensitivity in this instance with the commitment secured either as a financial contribution secured by S.106 agreement, or by a condition should planning permission be granted.

CONCLUSION

10.82. In conclusion therefore the proposal would result in a physical overdevelopment of the site of a size, scale, massing and appearance that would not appropriately respond to the site or its surroundings and would result in substantial harm to the character and appearance of the CA. It would generate a significant amount of traffic movements per day that would materially harm to the tranquil rural quality of the CA to its detriment. It would be visually intrusive from adjacent public views and harm the setting of adjacent Headington Hill Hall and the views from the City Centre. As such it would result in a high level of less than substantial harm to the heritage assets. It would result in a loss of habitat and potential harm of known Protected Species on site and result in a net loss of biodiversity that cannot be adequately mitigated, avoided or compensated for. It fails to demonstrate that the development would provide suitable sustainable drainage and would not harm the environment or local amenities; particularly in light of an identified inability of the local utility infrastructure to accommodate it. It fails to demonstrate that the development would not harm air quality as a result of dust emissions. Any public benefit derived by the proposal would not

outweigh the high level of less than substantial harm to the heritage assets in this case.

10.83. Having taken into account all material considerations, it is concluded that the development would be contrary to policies in the Local Development Plan and those material considerations outweigh a presumption in favour of development in this case. It is therefore recommended that the Committee resolve to refuse planning permission for the development in accordance with the NPPF for the reasons set out at section 11 below.

11. REASONS FOR REFUSAL

1. Having regard to the overall design of the proposed development including the ratio of built form to plot size, together with the associated intensity of its use, the proposal would result in a physical overdevelopment of a greenfield site that would generate an inappropriate level of traffic generation which would fail to preserve the quiet, verdant and rural character and appearance of the Headington Hill Conservation Area. Furthermore the proposal fails to respect the site's context and would harm the special character and appearance of the Conservation Area. The development would result in a high level of less than substantial harm that would not be outweighed by any public benefit derived from the development contrary to the requirements of policies CP1, CP6, CP8, CP9, CP10, CP11, NE15 and HE7 of the Oxford Local Plan 2001-2016, policies CS2 and CS18 of the Oxford Core Strategy 2026 as well as policies HP9 and HP10 of the Sites and Housing Plan 2011-2026 and GPS4 of the Headington Neighbourhood Plan 2017.
2. The proposed development would fail to achieve high quality design and by reason of the height, scale, massing, footprint, siting and architectural form would result in an excessively large building that would be out of keeping with the character and appearance of the site and its surrounding context. It would be unduly prominent within the surrounding area in close proximity to its boundaries and due to inadequate retention of important soft landscaping features and poor landscaping proposed. Consequently it would have a harmful impact on the special character and appearance of Pullens Lane and the Headington Hill Conservation Area as identified in the conservation area's character appraisal and would fail to preserve the character or appearance of that area or its setting thus failing to meet the duties set out in the Planning (Listed Buildings and Conservation Areas) Act 1990 in section 77 of that Act. The proposed design would fail to meet the objectives of national planning policies relating to both design and the historic environment set out in the National Planning Policy Framework, resulting in a high level of less than substantial harm and any public benefit derived by the development would not outweigh the harm in this case. The development would be contrary to Oxford Local plan Policies CP1, CP8, CP9, CP11, HE3, HE7 and HE10, Policy CS18 of the Council's Core Strategy and Policies GPS4, CIP2, CIP3 and CIP4 of the Headington Neighbourhood Plan 2017.
3. The proposed development would result in the net loss of a significant amount of vegetation and ecological habitat that makes a meaningful contribution to local biodiversity that cannot be adequately mitigate or compensate for by the

proposal. In addition in sufficient information has been provided to satisfactorily determine the potential harm to known Protect Species on site and any appropriate mitigation necessary. As such, the development fails to accord with the requirements of policies NE22 of the OLP and CS12 of the Oxford Core Strategy 2026 and the NPPF.

4. The proposed development would result in removal of a significant amount of trees and vegetation that cumulatively contribute significantly to the sites' garden setting and the green verdant and sylvan character and appearance of the Headington Hill Conservation Area. Due to the overdevelopment of the site resulting from the size, scale massing, siting of the building and resultant area of land left for landscaping purposes and due to the plant species and planting plan proposed, the development would fail to provide adequate landscaping of a form and type that would sufficiently mitigate the loss of existing trees and vegetation on site, or the impact of the built form proposed or to adequately respond to its landscape context. As such there would be harm to the character and appearance of the Headington Hill Conservation Area and consequently the proposals fail to accord with the requirements of policies CP1, CP6, CP8 CP11, NE15 and NE16 of the Oxford Local Plan 2001-2016, Policy CS18 of the Oxford Core Strategy 2026 and Policy GSP3 of the Headington Neighbourhood Plan 2017 and the NPPF.
5. Insufficient information has been provided to assess whether adequate or appropriate sustainable drainage design would provided such that the development would not have an adverse impact on the environment or local amenities; particularly in light of the inability of the local infrastructure identified by Thames Water to accommodate it. As such the proposal is contrary to Policies NE14 of the OLP and CS11 of the CS.
6. Due to the increased traffic generation and general noise and disturbance generated by vehicles in close proximity to Pullens Gate, the development would generate a level of noise and disturbance that would be harmful to this property such that the existing amenity derived from the rural tranquillity of this quiet residential area would be harmed. As such it is considered contrary to Policy CP1, CP9 and CP21 of the OLP.
7. In the absence of sufficient information to assess the impact of the proposed development on Air Quality resulting from dust emissions the development is contrary to Policy CS23 of the OLP and the NPPF.

12. HUMAN RIGHTS ACT 1998

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

13. SECTION 17 OF THE CRIME AND DISORDER ACT 1998

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

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East Area Planning Committee

7th November 2018

Application number:	18/01758/FUL		
Decision due by	8 th November 2018		
Extension of time	TBA		
Proposal	Change of use of 244 Barns Road from office use (retention of some B1 floor space at ground floor level) to 27 x 1-bed flats, including creation of a fourth storey at roof level. Associated external alterations. Provision of bin and bicycle storage. (Amended Plans).		
Site address	244 Barns Road, Oxford		
Ward	Cowley Ward		
Case officer	Clare Gray		
Agent:	JPPC	Applicant:	Cantay Estates Ltd And GreenSquare Group Ltd
Reason at Committee	The proposals constitute major development		

1. RECOMMENDATION

1.1. The East Area Planning Committee is recommended to:

1.1.1. **refuse the application** for the reasons given in the report and as follows

1. The proposal represents an unsustainable form of development that would result in the loss of a key protected employment site. Inadequate evidence has been put forward to justify a departure being made from the development plan policies that seek to protect and safeguard these sites in order to maintain a sustainable distribution of business premises and employment land within Oxford. As a result the proposal would be considered contrary to policy CS28 of the Oxford Core Strategy 2026.
2. The proposed development fails to provide adequate functional and good quality indoor and outdoor amenity space for the occupants of the student accommodation contrary to the provisions of HP12 and HP13 of the Sites and Housing Plan 2011-2026.
3. The proposed development would result in the loss of significant trees that contribute to the visual amenity of the application site and

insufficient details have been submitted regarding their replacement to mitigate their loss and impact on visual amenity in the area. The proposal would be contrary to adopted policies CP1 and NE15 of the Oxford Local Plan 2001-2016

4. The applicant has failed to demonstrate through the submission of a viability assessment that it is not viable to provide a minimum of 50% affordable housing as required by policy HP3 of the Sites and Housing Plan. Further, had the above overriding reasons not applied, the Local Planning Authority would have required the applicant to enter into a Planning Obligation Agreement to secure affordable housing provision in accordance with policy HP3 of the Sites and Housing Plan 2011-2026.

EXECUTIVE SUMMARY

- 1.2. This report considers a planning proposal relating to an existing but vacant 3 storey office building which provides 1102 sqm gross B1 office space. The scheme seeks to retain 165 sqm office space on the ground floor with the partial conversion of the ground floor to 4 flats, and the conversion of the 1st and 2nd floor to 16 flats. A further 4th storey is sought to be built on the roof of the building to create a further 7 flats, providing a total of 27 x 1 bed flats.
- 1.3. The report considers the loss of a key protected employment site, the conversion of the building for residential, the quality of accommodation provided, the highway impact and impact on trees. It is concluded that the proposal would be contrary to the aims of policy CS28 to retain key protected employment sites, contrary to affordable housing policy HP3, that 2 flats will not meet the National Minimum Space Standards, will not provide a quality useable outdoor space and fails to demonstrate that replacement trees are of a standard and type to compensate and mitigate against the loss of existing trees on site. The proposal is therefore contrary to policies contained within the Oxford Local Plan, the Core Strategy and the Sites and Housing Plan.

2. LEGAL AGREEMENT

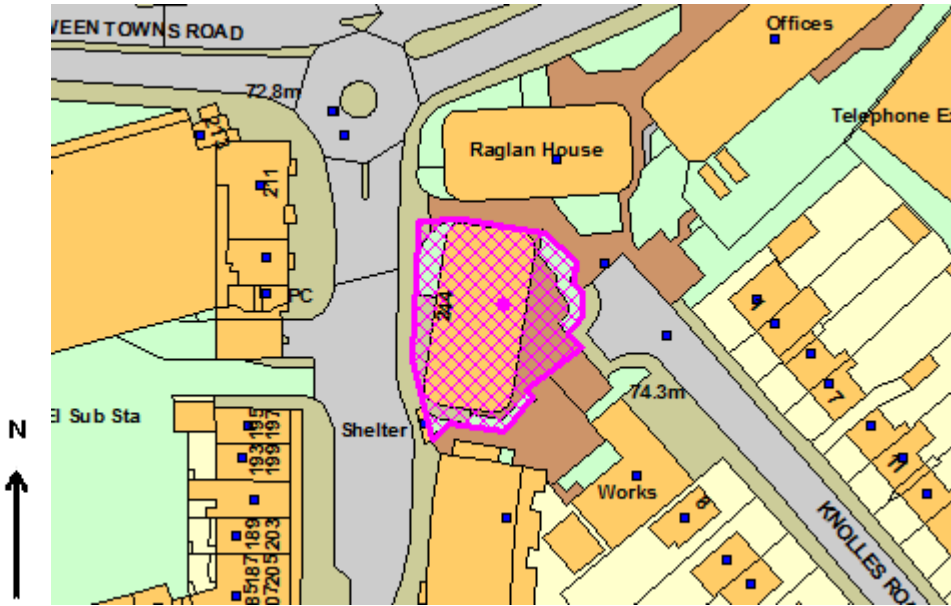
- 2.1. This application would be required to enter into a legal agreement to cover affordable housing however, as the application is contrary to policy and is recommended for refusal, has not been sought from the applicant.
- 2.2. Members should be advised that should they resolve to approve the application, a legal agreement would be required to secure an affordable housing contribution in accordance with policy HP3 of the Sites and Housing Plan 2011-2026.

3. COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 3.1. The proposal would be liable for CIL payment of £47,869.77 if permission was to be granted

4. SITE AND SURROUNDINGS

- 4.1. The site relates to a substantial B1 office building which is sited on a prominent roundabout junction at the corner of Barns Road and Between Towns Road, within Cowley Centre, a primary district centre.
- 4.2. The building comprises 3 storeys and is of a brick construction built with a distinctive red brick and comprises a ramped access to the front. To the rear of the site is a small amenity area with a total of 7 established trees planted in raised planters. To the rear is a refuse store.
- 4.3. The building lies to the south of a turning head at the end of Knolles Road, which is a street comprised of residential dwellings and is located between Raglan House and the recently constructed Green Square residential building. To the west beyond Barns Road is Templars Square Shopping Centre. To the north on the opposite side of the roundabout is a redundant former petrol filling station.
- 4.4. The site along with Templars Square Shopping Centre is defined as being located with the Primary District Centre as defined in the Local Plan and Core Strategy. The application site, Raglan House, and offices on Between Towns Road and the Telephone Exchange on St Lukes Road are also defined as Key Protection Employment Site in in the Core Strategy
- 4.5. See site location plan below:



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Ordnance Survey 100019348

5. PROPOSAL

5.1. The application proposes a substantial conversion of the building to change the use of part of the ground floor and change the use of the first and second floor to residential use. A further third level (fourth storey) is sought at roof level, providing a total of 27 x 1 bed flats. The flats are accessed off Barns Road with a stairwell and lift sited in the middle of the building with flats accessed off a central corridor. All 27 flats will be single aspect.

- 5.2. On the ground floor the scheme proposes to retain 2 offices providing 165.1 sqm of B1 office space with the entrance from Barns Road. On the ground floor 4 flats will be provided on the eastern side of the building but with access from Barns Road. On the first to second floor is proposed 8 flats per level all with separate balcony. The newly created third floor will provide 7 flats with a roof terrace to each flat.
- 5.3. Within the immediate setting of the building is proposed 65 cycle spaces, with 41 residential spaces to the rear, 12 office and residential spaces to the side and 12 visitor spaces to the front. A bin store to the side of the building, to provide 8 x 770 litre euro bins. This number of cycle spaces has been amended during the course of the application.
- 5.4. The scheme is promoted as car free. Two disabled spaces are provided off Knolles Road within an existing off-site parking area.
- 5.5. To the rear of the site are 7 established trees within planters including 4 maples silver birch. The application proposes to remove 5 trees (4 maples and a silver birch), retaining 2 (scots pine) of the 7 and to plant 3 additional replacement trees. This removal is to enable the provision of cycle store and amenity space to the rear.
- 5.6. The rear of the site, to the north, is proposed to be enclosed by a new low brick wall of 500mm-800mm height with a close boarded fence creating a perimeter enclosure of 1.8m height.

6. RELEVANT PLANNING HISTORY

- 6.1. The table below sets out the relevant planning history for the application site:

03/02384/FUL - OXFORD CITIZENS HOUSING ASSOCIATION; Provision of new ramp and alterations to entrance. PER 6th February 2004.

80/00745/GO - Outline application for office development totalling 54,000 square feet. (Site of Raglan House, 23 Between Towns Road, 21 Between Towns Road and 244 Barns Road). DMD 25th September 1980.

82/00569/NF – Three-storey office block totalling 13,500 sq. ft. (Phase 3 : Site 5) (244 Barns Road). PER 25th October 1982.

94/01737/NF - Continuation of use as offices without complying with Condition 4 on NF/569/82 which restricts use to 'local users'. PER 21st February 1995.

18/01449/FUL - Change of use from Office Use (Use Class B1 (a)) to student accommodation (Use Class C2). Erection of 3rd floor extension to accommodate student accommodation and ancillary facilities. Insertion of 6no. windows and alterations to windows to north elevation. Insertion of 6no. windows and alterations to windows to south elevation. Insertion of solar panels to the roof. Erection of new fencing. Installation of external cladding. Alteration to door to window to west elevation. Provision of amenity space, cycle stores and bin

stores and associated landscaping. (additional information). REF 21st August 2018.

7. RELEVANT PLANNING POLICY

7.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework	Local Plan	Core Strategy	Sites and Housing Plan	Other planning documents
Design	12	CP1, CP8 CP9, CP10, CP11	CS18	HP9	
Housing	5, 11		CS2	HP3,HP12, HP13, HP14 HP15, HP16	
Commercial	6		CS27, CS28		
Natural environment	14, 15	NE15			
Transport	9			HP15, HP16	Parking Standards SPD
Environmental	11, 14		CS10, CS11 CS12		Energy Statement TAN
Miscellaneous	7, 10	CP.13 CP.24 CP.25		MP1	Telecommunications SPD, External Wall Insulation TAN,

8. CONSULTATION RESPONSES

8.1. Site notices were displayed around the application site on 26th July 2018 and amended site notices were erected 4th October 2018, and an advertisement was published in The Oxford Times newspaper on 26th July 2018.

Statutory and non-statutory consultees

Oxfordshire County Council (Highways)

8.2. Original comments: Objection. The County Council does not object to the principle of this development, however the objection has been raised in relation

to the lack of information on cycle parking. Given the car free nature of this development, the provision of cycle parking is important.

Amended comments to amended plans: No objections.

The requisite number of 65 cycle spaces is now provided which accords with adopted standards.

Thames Water Utilities Limited

8.3. No objection

Natural England

8.4. No objection. The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.

Thames Valley Crime Prevention Design Adviser

8.5. No objections although would ask that further information is provided.

Public representations

8.6. 10 representations were made on this application from addresses in St Lukes Road, Coleridge Close, Cowley Road, Denton House, Barns Place, Kingsmead House and Abbey Road.

8.7. In summary, the main points of objection were:

- The scheme is the same as the student accommodation application that was refused.
- This is an application for change of use from offices to student accommodation. This is a key protected employment site and its loss is contrary to policy CS28 of the Core Strategy.
- The proposal is based on the idea that there is no demand for office space in that location. This is not true. My company is being forced out of its offices in central Oxford by the West End Area Action Plan and the offices at 244 Barns Road are ideal for us. We visited the site yesterday and we would like to buy it to use as our offices (and to sublet some of it to start ups). If the building is converted this will not be possible.
- Overall there is a lack of office space between 2000 and 20000 in Oxford, and very little priced at less than £20/sqft for renting. Much of what is available is in places like Park End Street and Osney Mead but all of this is likely to be replaced by higher priced larger spaces as part of the development plan
- Although the property has been on the market for two years, the squeeze on central property availability is only just beginning, so it is too early to give up and allow the building to become student accommodation. It is important for the vitality of the city that sites like 244 Barns Road are

retained as office accommodation.

- Representations from managing director and editorial director of Media Analytics Ltd. We have been looking for alternative office space since our landlord told us we cannot stay in our current space beyond 1st January 2020. Most of the available alternatives are either too large for us, too expensive, or too far away. We would like to move in 244 Barns Road as it would be cheapest and most convenient option for us (and for me personally as I live locally). If Oxford City Council does not maintain its Key Protected Employment Sites successful start ups such as our own will find it difficult to thrive in the city.
- Also as a local resident consider that there is already too much student accommodation in the area.
- Overdevelopment of the site including the provision of the 4th floor, with little in the way of services and facilities to support it
- One bed flats are providing for out of town housing use. There is a real shortage of housing for existing residents in Oxford and there is not enough balance with a lack of 2 bed flats.
- Concerns regarding party noise and being dirty
- Support car free, however, no of car parks nearby close at 6pm. Further parking restrictions are ignored and not enforced. Will place pressure on existing car spaces. There is evidence of parking cars on street when parking is already congested (building properties without any parking provision is frankly unsustainable as people will just park wherever they can, causing trouble for others). The cycle infrastructure in Oxford does not assist in getting people to use bikes. Cycle parking must be built to standard.
- Why more students accommodation when young professional struggle so much to house themselves in Oxford? Hiring clerical and domestic staff has become increasingly difficult as they are unable to afford Oxford crazy housing prices.
- Since the building height has been increased, have you thought about installing a green roof or at least a roof garden to help sustain the local ecology? There are missed opportunities for enhancing wildlife and biodiversity here contrary to the NPPF
- Is there anything in place to prevent damage to the large trees surrounding the building? Those are not easily replaceable, they are old and provide much needed greenery in the area. There appears to be a loss of landscaping and reduction in trees

Officer response

8.8. A response to the majority of the points is made in the evaluation section of the report, but it is necessary to clarify that the comments made refer to a scheme for student accommodation which in actual fact was a separate application, reference 18/01449/FUL that was refused 21st August 2018.

8.9. It is also necessary to clarify that of the total responses received above, 6 separate responses made were related to those with a business interest in one company, Media Analytics Ltd.

9. PLANNING MATERIAL CONSIDERATIONS

9.1. Officers consider the determining issues to be:

- Principle of development
- Affordable housing
- External alterations and impact
- Trees
- Indoor and outdoor amenity
- Bin storage
- Highways/Parking
- Cycle parking
- Energy
- Biodiversity

Principle of development

9.2. The National Planning Policy Framework has a presumption in favour of sustainable development, of which there are 3 distinct objectives - social, economic and environmental – that are key to achieving sustainable development.

9.3. Paragraph 80 of the NPPF states that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account local business needs and wider opportunities for development.

9.4. Paragraph 121 of the NPPF states “Local planning authorities should also take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans, where this would help to meet identified development needs. In particular, they should support proposals to use retail and employment land for homes in areas of high housing demand, provided this would not undermine key economic sectors or sites or the vitality and viability of town centres, and would be compatible with other policies in this Framework.”

9.5. The Oxford Core Strategy encourages development proposals to make an efficient use of land in built up areas through Policy CS2. CS27 of the Core Strategy states “The City Council will support Oxford’s key employment sectors and clusters, whilst maintaining the necessary infrastructure and local services to ensure a sustainable economy”. CS28 of the Core Strategy relates to the

protection of existing employment sites and states that “Planning permission will not be granted for development that results in the loss of key protected employment sites”, to ensure that there is a retention of adequate employment space across the city.

- 9.6. The site is identified in the Core Strategy as a protected key employment site, sited alongside Raglan House which is also a key protected employment site. Policy CS28 is clear that the loss of key protected employment sites will not be granted planning permission.
- 9.7. The policy goes on to state that in respect of other employment sites, that planning permission will only be granted for the change of use or loss of other employment sites subject to the 3 criteria, but this is not applicable for key protected sites. Nonetheless those criteria are;
- a. Overriding evidence is produced to show that premises are causing and have consistently caused significant nuisance or environmental problems that could not have been mitigated, or
 - b. No other future occupiers can be found despite substantial evidence to show the premises or site has been marketed both for its present use and for potential modernisation or regeneration for alternative employment generating uses, and
 - c. The loss of jobs would not reduce the diversity and availability of job opportunities and it does not result in the loss of small and start up business premises, unless alternative provision is made in Oxford.
- 9.8. The proposal will result in the loss of 936.9sqm of office floorspace and thus will clearly result in a loss of a key protected employment site, which under policy CS28 is not permissible. Whilst the applicant has sought to retain a degree of employment on the ground floor to address this policy requirement, this is a significant loss of B1 office floorspace and would remove a key identified source of employment land from Oxford’s supply, contrary to the aims and objectives of policy CS28 to ensure sufficient land exists to support Oxford’s local and regional economy.
- 9.9. In the Planning Statement the applicant acknowledges that site is a key protected site for employment under CS28 but nonetheless looks to present a case that would demonstrate material considerations that would enable a departure from this policy. In this case the agent looks to the following; the emerging policies under the review of the Local Plan and the evidence based documents, principally the HELAA and Employment Land Assessment to support a change of use proposal; a marketing campaign undertaken since August 2016 and recent appeal decisions in the city.
- 9.10. In support of the scheme the planning agent argues that in the HELAA there is sufficient land coming forward across the city to compensate for the loss of office space at 244 Barns Road and its loss would be insignificant with there being an ample supply of employment land to compensate. Further the agent argues that much of the supply is accounted for by large developments at the Business or Science Parks rather than District Centres. The agent goes on to state that the site has been marketed since August 2016 and there has been a lack of interest

expressed in the premises with demand for office space being either for units up to 5000sqft in size or for units of 20,000sqft or greater. They argue that demand for units between these thresholds appears smaller and that this can be met with newer, more energy efficient fitted accommodation on the Business or Science Parks where there is better allocated parking in greater supply. Further the agent points to an appeal decision in 2015 for a loss of employment site to student accommodation which was deemed by the Inspector not to materially affect the diversity and availability of job opportunities in Oxford. However, in the case of the quoted appeal decision, officers would make members aware that this site was not a key protected employment site under CS28.

9.11. Overall, the agent argues that these factors along with the previous statement in the NPPF (March 2012) that authorities should avoid long term protection of sites allocated for employment (which is not a direct policy statement in the revised NPPF July 2018), provides justification for the loss of this employment site for alternative uses.

9.12. However, this is a position that is not agreed by Officers. The planning system is required by law to be plan led and the application should be assessed in accordance with the development plan policies which comprises the recently published NPPF and the up-to-date Core Strategy. Policy CS28 is clear that planning permission should not be approved for the loss of key protected employment sites, that key protected employment sites are vital to support Oxford's local and regional economy. The policy does not enable the loss of employment sites subject to exceptions criteria and these exceptions criteria are relevant for the assessment of loss of non-protected employment sites and as such is not applicable.

9.13. 244 Barns Road lies in a sustainable location within a district centre, served by a high quality bus service and continues to provide meaningful office space at a smaller scale which is furthermore affordable. Whilst the location may be considered by the agent to be 'secondary' it has been well used previously by office users in the past. It is considered that some office users actively choose not to use the Oxford Business Park owing to the considerable price involved, and therefore this site does offer an option and as a matter of principle, the retention of the site does help to contribute to a very limited supply. Indeed in the representations received during the course of the planning application, have shown that there is interest in the continued use for office space, contrary to the claims of the applicant. A business has indicated the potential of this site to serve their needs and offers their business the right accommodation in the right location at the right rental.

9.14. In relation to the recent changes to the NPPF the Government have clarified their position on the protection of employment land in the consultation paper on the Draft, which now states as follows: *'the approach to reallocating under-utilised land is aimed at avoiding long-term protection of land that has little prospect of contributing to the identified development needs of the local area, rather than undermining a necessary and deliverable supply of employment land.'* This emphasises and supports the principal role of the protected employment sites as an essential part of the City's employment land supply, a point that was recognised by the SOS in allowing Oxford to have an Article 4

Direction which seeks to allow control over the loss of office buildings to residential. This site is subject to the Article 4 Direction. Moreover its loss would not be compatible to policies to ensure sufficient employment land exists for supporting Oxford's economy. There is no need to consider that just because the office is vacant now that it cannot make a worthwhile contribution to employment land supply and continue to provide useful and functional employment land going forward.

9.15. The planning statement has regard too to the emerging Local Plan which looks at categories of employment land as category 1 and category 2. The site is identified in the emerging Local Plan as a category 2 site. The emerging policies states that permission will not be granted for the loss of employment on category 2 sites where the redevelopment creates new housing or community use; and the number of employees in B class uses on the site when the site was at full capacity is retained; and more efficient use of land can be demonstrated. Although the emerging Local Plan has been adopted by Council it has not been subject of examination. Therefore this emerging policy can only be given limited weight given the early stage of the Local Plan process. It is clear from the above that the proposal would not meet the criteria of the emerging policy in that it would considerably reduce the level of available floorspace and the employment numbers that could be provided within the retained space would not match what could be provided in the building if it was at full capacity. The applicant has suggested that the current occupant of the building (Green Square) employs around 32 permanent members of staff and these could be accommodated within the retained B1 office space. As such they consider that the proposal would accord with the emerging policy. However, officers would not agree with this view, as it fails to consider what the policy actually says in terms of ensuring there is no reduction in the employment numbers that could be provided when the building is at full capacity (i.e. over the three floors). The fact that Green Square currently employ 32 permanent members of staff within the whole building, and could provide this number within the reduced floor space, would ably demonstrate that the existing building is currently under-used for employment and that it could provide space to employ in excess of 32 employees when taken over the entire available floorspace. So in actual fact the applicant has actually provided evidence to demonstrate that they do not meet the requirements of the emerging policy. The emerging policy identifies Category 2 sites as performing well and having long term potential for employment uses and therefore along with Category 1 sites having protection. Although the policy allows for some flexibility to allow for potential changes in circumstance, it is clear that the emphasis is to enable a more efficient use of land, but only in a manner, that retains level of employment that could be achieved. Therefore it could not reasonably be asserted, as the applicant has done, that the proposal would accord with the direction of travel of emerging policy. In any event, officers would also make clear that this emerging policy has limited weight in the determination of the application, and the dominant Oxford Core Strategy Policy CS28 which seeks to protect these Key Protected Employment Spaces would have greater weight.

9.16. Overall, this site is a key protected employment site which seeks to safeguard this site for its present employment use or allow for its modernisation for an alternative employment use. Policy CS28 does not allow its loss and neither

have material considerations been presented that would justify a departure from policy.

Affordable Housing

- 9.17. Sites and Housing Plan Policy HP3 requires that planning permission will only be granted for residential development on sites with capacity for 10 or more dwellings if generally a minimum of 50% dwellings on the site are provided as affordable homes.
- 9.18. The Planning Statement supporting the application considers that providing 50% is not appropriate or viable and they argue that a financial contribution equivalent to 15% of the total sale value of the development to be applied for off site provision, should be provided instead as they consider this has a greater value than 50% on site provision.
- 9.19. However, the policy clearly requires that exceptions to the policy for 50% on site provision will only be made if it can be adequately demonstrated that this level of provision makes a site unviable, in which case developers will work through a cascade approach.
- 9.20. In this instance, the applicant has not provided a viability assessment to evidence that the provision of 50% on site affordable housing is not viable. Moreover, the applicant has not justified through evidence why this provision cannot be reduced through the cascade approach, and furthermore, there is no evidence to substantiate why a 15% development value sum is appropriate or justified. In the absence of being able to provide evidence as required by the policy, that the proposal is considered to be contrary to policy HP3 of the Sites and Housing Plan.

External alterations and impact

- 9.21. Policy HP9 of the Sites and Housing Plan states that planning permission will only be granted for residential development that responds to the overall character of the area, including its built and natural features if it complies with a number of criteria, including where the form, layout and density of the scheme make efficient use of land whilst respecting the site context and heritage assets and where the development makes a positive contribution to local character and distinctiveness.
- 9.22. The proposal comprises a change of use of the existing building and the creation of a fourth storey set in from the outer walls of the building at roof level. In terms of scale and resulting appearance, it is considered that the extension will sit comfortably on the building and will not be a strident addition in the street scene. The recently constructed building alongside the site has a similar scale and mass and on that basis, Officers consider that the proposed building will appear in keeping alongside it. The external façade of the extension will be covered in zinc which is not considered objectionable. The addition of balconies too offers interest and articulation.

- 9.23. Overall the extension and alterations are considered in accordance with policy CP8 of the Local Plan, CS18 of the Core Strategy and policy HP9 of the Sites and Housing Plan.
- 9.24. In terms of landscaping and trees surrounding the application site, the proposal will remove a small area of existing soft landscaping to the frontage to accommodate bicycle stands alongside the main residential entrance. Further, raised planters alongside the building and the Green Square building will be lost to accommodate bins and 12 office and residential cycles. However the greatest impact is to the rear of the building where it is proposed to fell 5 trees overall and to plant 3 replacement trees.
- 9.25. The Council's Tree Officer objects to the proposal given the removal of a silver birch (T3) and 4 Norway maples (T4 - T7) that grow in raised planters on the east side of the office building for reason that trees are considered significant to public visual amenity in the area because they act to soften and screen the building in public views from the residential street and properties to the east. However, to compensate this loss replacement tree planting is proposed albeit the applicant has yet to confirm what species type and size this will be. At the time of writing this report it hasn't been suitably demonstrated that the proposed replacement trees; which should be advanced nursery stock semi-mature sized trees of appropriate species planted in appropriately designed tree planting pits (for example, using Blue Green Urban Root Cell or a similar product to provide adequate rooting volume, and to include physical support and irrigation measures) to help mitigate the impact on visual amenity in the area as far as possible in the short term, will adequately compensate for the loss of the existing trees on site and to mitigate the impact on visual amenity. Therefore the proposal is contrary to CP1, CP11 and NE15 of the Local Plan.

Indoor and Outdoor amenity

- 9.26. Indoor amenity: Policy HP12 states that planning permission will only be granted for new dwellings that provide good quality living accommodation that provides its own lockable entrance, reasonable circulation and adequate storage space. Further it states that planning permission will not be granted for new dwellings if they do not accord with the National Minimum Space Standards.
- 9.27. All 27 flats are 1 bedroom and vary in size from 38.1 sqm to 50.8 sqm. The National Minimum Space Standard for a 1 bed 1 person unit is however 39 sqm and for a 1 bed 2 person unit is 50sqm. Officers confirm that at least 2 x 1 bed flats are below that standard being Flat 9 and Flat 17 which measure 38.1sqm. The flats are subsequently below the National Minimum Space Standards and do not accord with policy HP12 of the Sites and Housing Plan.
- 9.28. Outdoor amenity: Policy HP13 states that planning permission will only be granted for new dwellings that have direct and convenient access to an area of private open space where for 1 bedroom flats, there is access to either a private balcony or direct access to a private or shared garden. The supporting text to the policy states that balconies should have a minimum dimension of 1.5m depth by 3m length.

9.29. Whilst there is shown to be a small area to the rear of the building for amenity, the ground floor plan does not indicate that the flats will have direct access to this area and will need to go outside to go into this rear space. It is also clear from the plans that this isn't overly large although this could accommodate the 4 flats on the ground floor. In terms of the flats above, there are private balconies to each flat however, these are all provided at 1m x 2.5m which is below the standard. The upper floor flats are served by a roof terrace but these terraces seem better in terms of useable space. However, overall it is considered the quality of outdoor amenity provision overall is not optimum to serve a development of this size and thus is considered to be contrary to policy HP13 of the Sites and Housing Plan.

Bin Storage

9.30. An area of bin storage is shown to the side of the building and is annotated as providing space for 8 x 770 litre euro bins. Oxford City Council Direct Services has commented that an alternative bin storage would be required instead as euro bins are not used, requiring 1100 litre bins instead. However, the gates shown would not be suitable to access the bins, but is considered this could be readdressed through the submission by way of a condition, if approval was granted.

9.31. The principle of the bin store area is compliant with policy HP13 of the Sites and Housing Plan subject to the imposition of a condition to require amendment to the access gate.

Highways and Parking

9.32. The site is highly sustainable being located within the District Centre, which is a Primary Centre as categorised in the Core Strategy. The scheme is promoted as car free although 2 spaces are shown as provided for disabled residents/visitors with access from Knolles Road. Whilst locally there has been objection to the proposal on parking grounds, the Local Highways Authority do not raise objection and it is considered that this is a sustainable location where a car free scheme would be suitable. The Highways Authority has indicated that this area is high priority for a new CPZ but this would be the subject of a new consultation and is not a material consideration to this scheme. Nonetheless it is considered a condition could be added to ensure that parking permits are not allowed/provided and also that parking/pick ups and drops off are adequately managed.

9.33. In terms of use, given the authorised use of the building for offices, there is no objection in its occupation for private residential accommodation having regard to accessibility and highway generation.

9.34. The proposal accords with the HP16 of the Sites and Housing Plan and policies within the NPPF.

Cycle Parking

- 9.35. Cycle parking is shown at ground level to the rear, side and front of the building for visitor and resident cycling. The Highways Authority have raised concerns that the level of cycle parking is inadequate given this is a car free scheme, however provision has been increased to 65 spaces and Highways have removed their objection and consider this is acceptable provision. However, although a further plan would need to be required showing details of the dimensions of the spaces this could be the subject of a condition.
- 9.36. Overall there is no objection on cycle parking and the scheme is considered in accordance with policy HP15 of the Sites and Housing Plan.

Energy

- 9.37. Policy HP11 of the Sites and Housing Plan requires that for schemes of 10 or more dwellings that they are expected to achieve at least 20% of their energy consumption from renewable or low carbon technologies. In this case the roof is covered in photovoltaic tiles, and air source heat pumps will serve the offices and the accompanying Energy Statement identifies that 23% of the current energy needs of the development will be met by renewables. The application is thus in accordance with policy HP11 of the Sites and Housing Plan.

Biodiversity

- 9.38. Biodiversity Officers have commented on the proposal and comment that the opportunities for bats roosting in the building are highly limited owing to the form of the building. As such they raise no objections to the proposal.
- 9.39. Representations have also raised objections that opportunities for wildlife have not been maximised, having regard to green roofs and bird boxes amongst other opportunities. In this instance the application, proposes photovoltaics on the roof in accordance with the thrust of policy HP11 so therefore couldn't provide a green roof however, other measures such as bird boxes could be provided via a condition if the scheme was considered acceptable. This is not considered therefore a reason for refusal against policy CS12 of the Core Strategy.

Archaeology

- 9.40. On present evidence despite the presence of known Roman archaeology in the near vicinity, this scheme is too small-scale to have significant archaeological implications in this location.

10. CONCLUSION

- 10.1. The proposal would comprise the loss of a key protected employment site which is contrary to policy CS28 of the Core Strategy which seeks to ensure adequate employment land exists to serve Oxford's economic needs for now and the future. Whilst the development would provide housing, the need for housing does not override the need to ensure adequate employment land is provided and no material consideration has been presented to justify a departure from policy. Furthermore, the applicant has failed to provide on site affordable housing and has failed to demonstrate through the submission of a viability assessment what

proportion of on site affordable housing would be acceptable via the cascade approach. The scheme also fails to provide dwellings to an appropriate internal minimum space standard, fails to provide adequate quality outdoor space and fails to satisfy the requirement for adequate replacement trees to offset the loss of existing trees on site which enhance the visual amenity of the area. Overall the proposal is considered contrary to policies CP1, CP9, CP10, NE15 of the Oxford Local Plan, policy CS28 of the Core Strategy, policies HP3, HP9, HP12 and HP13 of the Sites and Housing Plan.

10.2. It is recommended that the Committee resolve to refuse planning permission for the development proposed.

11. HUMAN RIGHTS ACT 1998

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

12. SECTION 17 OF THE CRIME AND DISORDER ACT 1998

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

EAST AREA PLANNING COMMITTEE

Application Number: 18/01851/FUL

Decision Due by: 9th November 2018

Extension of Time: 16th November 2018

Proposal: The expansion of the Emergency Department of the John Radcliffe Hospital through to the provision of a two storey extension to A and E unit and refurbishment of existing space to provide, resuscitation bays, paediatric resuscitation bays, enhanced resuscitation room and isolation room. The provision over ancillary works such as external plant and other associated landscape works including revised land layout and dedicated ambulance parking bays.

Site Address: John Radcliffe Hospital, Sandfield Road, Oxford, Oxfordshire

Ward: Headington Ward

Case Officer: Michael Kemp

Agent: Mr Xav Roberts **Applicant:** Mr Craig Merrifield

Reason at Committee: Proposals are Major Development

1. RECOMMENDATION

1.1. East Area Planning Committee is recommended to:

(a) Approve the application for the reasons given in the report and subject to the required planning conditions set out in section 12 of this report and grant planning permission subject to:

1. The provision of an acceptable Air Quality Assessment, which assesses the impact of the development during the construction phase.

(b) Agree to delegate authority to the Head of Planning, Sustainable Development and Regulatory Services to:

1. Finalise the recommended conditions as set out in this report including such refinements, amendments, additions and/or deletions as the Head of Planning, Sustainable Development and Regulatory Services considers reasonably necessary;

2. EXECUTIVE SUMMARY

- 2.1. This report considers proposals to extend the A&E department at the John Radcliffe Hospital; the proposals also include alterations to existing pedestrian and vehicular access arrangements including the relocation of the ambulance bays sited to the front of the existing entrance to the A&E department. The previously proposed substation and enclosure has been withdrawn from the proposed plans pending further consideration.
- 2.2. The extension would be located to the side of the main seven storey hospital building, adjacent to the existing access road to the main car park serving the hospital.
- 2.3. The proposed extension to the A&E department is considered to have significant public benefits and the general principle of development is considered to be in line with the provisions of Policy HH2 of the Oxford Local Plan and Policy SP23 of the Sites and Housing Plan which are permissive of primary healthcare development on the John Radcliffe Hospital Site. The proposals are also considered to comply with the requirements of the Oxford Local Plan and Core Strategy. The extension is considered to be an appropriately designed addition to the existing building, which is considered to not adversely impact on residential or highway amenity and would be appropriate in visual terms.
- 2.4. The key matters for assessment set out in this report include the following:
 - Principle of development;
 - Design;
 - Highway Amenity and Parking
 - Residential Amenity

3. LEGAL AGREEMENT

- 3.1. This application would not be subject of a legal agreement

4. COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 4.1. The proposal would be liable for a CIL contribution of £28,428.22

5. SITE AND SURROUNDINGS

- 5.1. The extension is contained within the John Radcliffe Hospital site. The extension would be located to the south east side of the main seven storey hospital building, adjacent to the existing access road to the main car park serving the hospital. The extension would project off the front of a two storey secondary side element of the main hospital building, which currently serves as the principle entrance to the A&E department.
- 5.2. The area to the front of the building is currently used for ambulance parking, some of which is located under a covered canopy. To the east and south east of the site of the extension is the main access to the principle car park serving the hospital, the access to the south east comprises of a roundabout. The main bus

stop serving the hospital site is located off this roundabout. Two bus shelters and stopping spaces are located close to the A&E entrance; one of these shelters is for a shuttle bus, the other serves as a waiting space for local busses. Both shelters would be removed and the stopping spaces would be re-sited within the proposed scheme.

- 5.3. The site comprises principally of tarmac hardstanding, though there is a small landscaped space adjacent to the access which contains trees, including a mature tree, which is identified as a Category A Turkey Oak which is of visual merit, each of these trees are indicated for removal, accounting for their proximity to the proposed development.
- 5.4. The nearest residential properties are located to the south of the site at Sandfield Road and are separated from the site by a number of large mature trees. These properties have extensive rear gardens extending to the edge of the John Radcliffe site adjacent to the main access road.
- 5.5. The site location plan is included below:



6. PROPOSAL

- 6.1. The application proposes the erection of a two storey extension to the existing A&E department at the John Radcliffe Hospital in addition to pedestrian and vehicular access alterations, as well as the relocation of existing ambulance parking bays and the ancillary development including the addition of a large external flue which would extend to the top of the hospital building.
- 6.2. It is proposed that the existing ambulance bays would be re-sited to the front of the A&E extension in a position adjacent to the existing roundabout, the ambulances would be stored underneath a steel canopy.

- 6.3. Following objections raised by Oxfordshire County Council Highways, the access plans have been amended to include the provision of a new waiting space for busses to offset the loss of the existing space adjacent to the roundabout.
- 6.4. The application also originally included the provision of an electrical substation and enclosure in the centre of the roundabout adjacent to the main vehicular access. This has been withdrawn from the proposals, pending further discussions, on the suitability of the location.

7. RELEVANT PLANNING HISTORY

- 7.1. The table below sets out the relevant planning history for the application site:

<p>99/01367/NO - Outline application for provision of 2 storey building for temporary period during redevelopment of Accident & Emergency. Courtyard adjacent to main entrance John Radcliffe, 2.. PER 9th November 1999.</p> <p>99/01936/NO - Outline application, to include siting and means of access, for the erection of new hospital buildings comprising 39,000 sq m of floorspace together with associated provision and re-organisation of car parks to create 200 additional "patient and visitor" car parking spaces. Improvements to pedestrian, cycle and public transport, to include a new gated access from Saxon Way to permit bus, emergency vehicle, cycle and pedestrian access only and an internal gated access road to permit bus and emergency vehicle access only from the Osler Road entrance to and from the main hospital site. (Amended description). PER 12th April 2002.</p> <p>05/00438/FUL - Remodelling of existing roundabout and new bus interchange with passenger shelters, adjacent to Women's Centre. Decking to provide additional level to existing staff car park to create total of 312 spaces (179 ground level, 133 top level) and 23 space surface level extension. Reconfiguration of existing staff surface level staff car park to provide 106 patient and visitor spaces.(Amended Plans). PER 25th May 2005.</p> <p>09/02489/FUL - Single storey extension to existing storage unit, including new ramped access. Homograph Cabin, John Radcliffe Hospital.. PER 6th January 2010.</p> <p>09/02513/FUL - Extension to mortuary department to form new paediatric post mortem suite.. PER 13th January 2010.</p> <p>12/01779/FUL - Erection of single storey extension to main hospital entrance to provide new reception area and support facilities plus 4 ancillary retail units, cafe, reconfigured vehicular and parking arrangements.. PER 14th September 2012.</p> <p>16/00859/FUL - Application for Ronald McDonald House to provide 62 bedrooms including communal areas, admin facilities, plant and store rooms along with associated landscaping and drop off area.(amended plans). PER 17th August 2016.</p>
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16/02929/FUL - Installation of extract chimneys to courtyard elevation, with erection of raised cantilevered steel platform with handrails at roof level in association with new ventilation plant at Block 9 of main hospital building.. WDN 15th December 2016.

17/00079/FUL - Installation of extract chimneys to courtyard elevation, with erection of raised steel platform with handrails, steps and cantilevered balconies at roof level in association with new ventilation plant at Block 9 of main hospital building. Installation of GRP cabins.. PER 9th March 2017.

17/00226/FUL - Replacement of 2No. cooling towers to roof of Block 9 with 7No. adiabatic radiators and formation of maintenance access platform and cladded screening, in association with replacement of chilled water generation plant to Plantroom and installation of chiller plant control system and pump upgrade.. PER 5th April 2017.

17/00984/FUL - Erection of single storey rear extension to Centre for Occupational Health and Wellbeing to allow re-location of Marston Medical Centre to the John Radcliffe Hospital.. PER 15th September 2017.

17/02010/FUL - Erection of a Neuroscience research building.. PER 22nd December 2017.

8. RELEVANT PLANNING POLICY

8.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework (NPPF)	Local Plan	Core Strategy	Sites and Housing Plan	Headington Neighbourhood Plan
Design	12	CP1, CP6, CP8, CP9, CP10,			CIP1, CIP3
Natural Environment	15				
Social and community	8	HH2,		SP23_,	
Transport	9	TR1, TR2, TR3, TR4, TR5,			TRP1, TRP2, TRP3, TRP5
Environmental	14, 15	CP19, CP20, CP21,			

Misc		CP.13, CP.24, CP.25		MP1	
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9. CONSULTATION RESPONSES

- 9.1. Site notices were displayed around the application site on 22nd August 2018 and an advertisement was published in The Oxford Times newspaper on 23rd August 2018.

Statutory and Non-Statutory Consultees

Oxfordshire County Council (Highways)

- 9.2. Response received 4th September 2018 – raised objection.
- 9.3. The following concerns were raised:
- Redesign of road layout will result in removal of existing bus waiting area, this is an important feature which is well used and would require relocation.
 - Swept path analysis requires updating to show the correct dimensions used on the bus route and must demonstrate that 2 buses can adequately pass one another. Insufficient cycle infrastructure provided, this should be provided for additional 40 staff the proposal will generate in line with policy requirements.
 - Insufficient information provided regarding sub-station height – this needs to be provided as could affect visibility
- 9.4. Revised response received 25th October, following the receipt of amended plans raises no objections

Historic England

- 9.5. Do not wish to comment.

Stagecoach and Oxford Bus Company Joint Response

Response sent 13th September:

- 9.6. Objection on basis of Policies CS13 and CS14 of the Core Strategy and Policy SP23 of the Sites and Housing Plan.
- 9.7. The proposal
- Does not adequately assess tracking of buses by using the wrong vehicle type and poor tracking;
 - Reduces circulation space which may worsen buses oversailing pavements posing a risk to pedestrians and bus shelters, the inability for buses to align sufficiently at the stands;
 - Removes the layover bay meaning buses will block the roundabout or need to drive on a continuous loop down to the West Wing until space at the stand is available;

- Blocks sight lines for all vehicles on or approaching the roundabout increase safety risk to pedestrians and other vehicles.

Follow up letter received following the receipt of amended plans:

- 9.8. Both bus operators have since met with the applicant where we had a very positive Discussion. We are now content with the proposal based on the information in the revised Transport Statement of October 2018:

Public representations

- 9.9. 8 public comments were received in support of the application. Comments were expressed in support of the need to expand A&E facilities at the hospital.
- 9.10. Comments were received from the Headington Planning Group who welcomed the plans to develop and improve services and the John Radcliffe Hospital, but raised concerns about the adequacy of arrangements for bus access and parking, commented that cycle parking and access should also be included on the plan.
- 9.11. A letter has been received from Headington Heritage, which raises concerns about existing traffic issues on surrounding roads and specifies that a traffic reduction plan should be put in place. The letter raises objection to the amount of existing parking provision at the hospital as well as the Access to Headington Works, which are seen as facilitating car usage as a means of access the hospital, rather than discouraging it.

10. PLANNING MATERIAL CONSIDERATIONS

- 10.1. Officers consider the determining issues to be:

- i. Principle of development;
- ii. Design;
- iii. Neighbouring amenity
- iv. Highways and access
- v. Trees
- vi. Flood Risk
- vii. Air Quality

i. Principle of Development

- 10.2. Policy HH2 of the Oxford Local Plan is permissive of the development of new purpose built primary health care facilities, subject to there being no adverse impacts on access/highways, the amenity of existing properties; or subject to there being no conflict with the wider planning policy provisions outlined within the OLP.
- 10.3. 'Promoting Healthy Communities' forms a fundamental strand of the National Planning Policy Framework. Planning decisions should aim to meet identified local health and wellbeing needs (Paragraph 91) and should take into account

local strategies to improve health and wellbeing needs, through allowing existing facilities and services to develop and modernise (Paragraph 92).

- 10.4. Policy SP23 of the Sites and Housing Plan outlines site specific policies relating to development on the John Radcliffe site. Policy SP23 outlines that a series of specified uses including primary healthcare provision are acceptable on the site, providing that there is an operational link to the hospital. Any new development should also be of an appropriate design and should not impact detrimentally on access to the site, particularly bus access.
- 10.5. The application is submitted with the intention of expanding the existing A&E facility at the hospital in accordance with the Oxford University Foundation Trusts clinical strategy to improve patient care at the hospital. Expansion will address issues with the adequacy of the existing space, particularly within the resuscitation area. The proposals are in line with improving primary healthcare provision on the John Radcliffe Site and the principle of development is deemed to be in accordance with the provisions of Policy HH2 of the Oxford Local Plan and Policy SP23 of the Sites and Housing Plan as well as the provisions of Paragraphs 91 and 92 of the NPPF, 'Promoting Healthy Communities'.

ii. Design and Impact on Character of Surrounding Area

- 10.6. Views of the site and proposed building would be limited to within the site itself and the overall visual impact is likely to be minimal given the limited scale of the extension. The general scale of the extension would be equivalent to that of the adjacent attached two storey side wing of the building and would be clearly secondary to the scale of the much larger seven storey hospital building. Visually the extension would read as a logical addition to the existing building and mirrors the appearance of the adjacent element of the building in terms of its general form.
- 10.7. The extension would feature white panel cladding, which in colour matches the main hospital building. The main building is clad with external tiling, which differs in texture from the proposed cladding, though in officer's view strict conformity in this instance would not be a requirement as the existing tiling is of a relatively low quality and the proposed cladding would be an enhancement, samples of the cladding would be required by condition.
- 10.8. In summary the extension is considered to be acceptable in design terms and the proposals are considered to comply with the requirements of Policies CP1 and CP8 of the Oxford Local Plan and Policies CIP1 and CIP3 of the Headington Neighbourhood Plan.

iii. Impact on Neighbouring Amenity

- 10.9. The only properties which would be materially impacted upon by the proposed development would be those in Sandfield Road to the south and south west of the site of the extension. The main access road currently separates these properties from the proposed A&E extension and these properties are considered to be spatially distant.

- 10.10. The nearest dwelling, No.53 Sandfield Road would be in excess of 80 metres from the site of the proposed extension, the rear garden area of this property would be over 20 metres from the side of the proposed extension. It is noted that there is a considerable difference in levels between the side of the extension and side of the neighbouring properties in Sandfield Road, however when accounting for the substantial separation distance, it is considered that extension would not appear unduly overbearing and there would be no direct impacts in terms of loss of light or overshadowing to either the gardens or properties.
- 10.11. A single window is proposed on the side elevation of the building, this would be adjacent to the existing side facing windows. Accounting for the relative separation distance, the position of the existing side facing windows and the limited provision of first floor windows, it is considered that the siting of the extension would not unduly compromise the amenity of adjacent occupiers by reason of overlooking.
- 10.12. The proposals are therefore considered to not have any significant adverse impacts on neighbour amenity and comply with the requirements of Policies CP1 and CP10 of the Oxford Local Plan.

iv. Transport

- 10.13. The proposals would involve alterations to the existing main access serving the hospital and public car park. Owing to the siting of the building and amendments to the existing access, there would be a need to re-site the existing bus waiting bay adjacent to the roundabout, as well as another bay which is used as parking for a shuttle bus.
- 10.14. The originally submitted proposals did not include provision for the existing waiting bay or shuttle bus parking bay to be re-sited. This waiting bay is used by bus companies waiting for space at the main bus stops, close to the hospital entrance; in the absence of a suitable waiting area concerns were raised by Oxfordshire County Council Highways and both local bus operators that waiting busses may obstruct the main access to the hospital for busses, car users and emergency vehicles. In order to address these concerns the applicant has proposed an alternative waiting bay following discussions with both bus operators, additional swept path analysis has also been provided as requested. A new parking bay for the shuttle bus has also been provided.
- 10.15. Following the amendments to the bus waiting layout bays and the provision of the additional tracking details, Oxfordshire County Council has withdrawn their objection to the proposed development.
- 10.16. Currently there are three ambulance parking bays located outside the main entrance to A&E, though ambulances often park outside of these bays. The proposals include provision for ten bays, which would be re-sited to the front of the extended A&E department. This increased provision will help in rationalising the parking layout for the ambulances on site and is considered beneficial.

- 10.17. It is stated that the works are proposed with the aim of reducing waiting terms and lessening pressure on the existing services, consequently it is considered that there would not be an increase in patient numbers using the A&E facility. The supporting application and Transport Assessment states that there would be an increase in staff numbers, by around 40 persons.
- 10.18. There is existing car parking provision on the John Radcliffe site for staff and visitors, however there are no proposals to increase provision of parking on the site. Despite the increase in staff numbers, an increase in the number of parking spaces on site is not encouraged, as focus should be on promoting sustainable means of transport. There is currently a travel plan in place for hospital staff which actively promotes the use of sustainable transport and restricts the issuing of permits to staff that may otherwise be able to walk, cycle or use public transport. The site is well served by existing, regular bus links to various parts of the city and other parts of Oxfordshire. On this basis the car free nature of the development is considered to be supportable.
- 10.19. The supporting Transport Statement considers that the overall level of additional traffic generation as a direct result of the development is likely to be minimal, accounting for the relatively low number of additional staff and the fact that no additional parking is being provided on site. The Transport Statement therefore forecasts that there would be no discernible direct impact on the local road network in terms of traffic generation as a result of the proposed development.
- 10.20. There would be a requirement to increase the quantity of cycle parking available on site. An increase of 40 members of staff would require the provision of at least 8 additional cycle parking spaces, in line with the requirements of Policy TR4 of the Oxford Local Plan. The amended plans include provision for additional 20 cycle parking spaces in an area close to the main entrance, adjacent to the women's Centre. The provision would be above the minimum requirements outlined in Policy TR4 and is considered acceptable.
- 10.21. The proposals also include a number of alterations to the proposed pedestrian layout. A continuous means of pedestrian access would be retained between the main entrance to the hospital building and main car park and the A&E entrance and the proposed pedestrian access is considered to be adequate.
- 10.22. In summary following the receipt of amended plans, the proposals are considered acceptable and would not have a detrimental impact on highway safety or amenity and complies with the requirements of Policies TRP1, TRP2 and TRP3 of the Headington Neighbourhood Plan; Policies TR1, TR2, TR3, TR4 and TR5 of the Oxford Local Plan.

v. Trees

- 10.23. There are four trees within the immediate proximity of the site, these includes two category B, semi mature beech trees which are sited on a small island between the two accesses to the ambulance parking, both of which would be removed, as well a Category A Turkey oak, which would be sited adjacent to the canopy area of the ambulance bays, which is also indicated for removal. A beech

tree to the north of the Turkey oak would be retained. None of the trees are subject of a TPO and are not within a Conservation Area.

- 10.24. Policy NE15 states that permission will not be granted for development which results in the loss of trees which provide an important contribution to the character of the area, where their removal would have an adverse impact on the visual amenities of the area. In this instance the trees provided are considered to provide a positive visual contribution within a densely developed site, of the trees the Turkey oak, which is a mature tree which is of individual value. This tree is sited immediately adjacent to the location of the proposed ambulance bays and the retention of the tree would not be feasible. To partly mitigate the loss of the trees, additional planting is proposed within the area of green space to the north east of the development site.
- 10.25. The loss of the trees, particularly the mature Turkey oak would have an impact on the visual amenities of the site; however this must be balanced against the public benefits of the proposed development. In this instance the public benefits of the proposed development are considered to be substantial as the proposals involve essential improvements which would enhance the function of the A&E department and primary healthcare at the John Radcliffe Hospital which serves as the principal hospital for Oxfordshire. In this instance it is considered that the public benefits demonstrably offset the limited harms associated with the loss of the trees on the site.

vi. Flood Risk

- 10.26. The site is located in Flood Zone 1 and is considered to be a low risk of flooding. Subject to the provision of a surface water drainage scheme, required by way of condition, officers are satisfied that the development would not increase surface water flooding and consequently complies with the requirements of Policy CS11 of the Oxford Core Strategy.

Vii. Air Quality

- 10.27. A revised Air Quality Assessment has been provided alongside the application as the initial Air Quality Assessment provided did not objectively assess the potential impact of dust emissions during the construction phase, given the site's use as a hospital it is important that this information is provided prior to determination of the application. Consultation is currently being carried out with the Council's Air Quality Officer regarding the acceptability of the submitted report. Officers will provide a verbal update to members as to the acceptability of the amended AQA.

11. CONCLUSION

- 11.1. The proposals involve a substantial extension to the existing A&E department at the John Radcliffe Hospital, with the aim of providing significant improvements to the functionality of the A&E department. The principle of the development is consistent with the aims of Policies HH2 of the Oxford Local Plan and Policy SP23 of the Sites and Housing Plan, both of which are permissive of

development which enhances the provision of primary healthcare at the JR site.

11.2. Following amendments to the scheme, officers are satisfied that the development would not adversely impact on highway safety and amenity. The removal of the trees to the front of the department, notably the mature Turkey oak tree would impact on the visual amenities of the area, however it is noted that retention of this tree would be incompatible with the development proposed and on balance the public benefits of the proposals significantly outweigh the loss of the tree. The development is otherwise considered acceptable in design terms and the proposals would not impact detrimentally on the amenities of any surrounding properties.

11.3. For the reasons outlined above it is recommended that the Committee resolve to grant planning permission for the development proposed.

12. **CONDITIONS**

1. The development to which this permission relates must be begun not later than the expiration of three years from the date of this permission.

Reason: In accordance with Section 91(1) of the Town and Country Planning Act 1990 as amended by the Planning Compulsory Purchase Act 2004.

2. The development referred to shall be constructed strictly in complete accordance with the specifications in the application and the submitted plans.

Reason: To avoid doubt as no objection is raised only in respect of the deemed consent application as submitted and to ensure an acceptable development as indicated on the submitted drawings.

3. Samples of exterior materials proposed to be used shall be submitted to and approved in writing by the Local Planning Authority before the start of above ground works and only the approved materials shall be used.

Reason: To enable the Local Planning Authority to give further consideration to the external appearance of the approved works/building, in the interest of visual amenity, in accordance with policies CP1, CP8, HE3 and HE7 of the Adopted Oxford Local Plan 2001-2016 and policy CS18 of the Oxford Core Strategy 2026.

4. A Construction Traffic Management Plan should be submitted to the Local Planning Authority and agreed prior to the start of above ground works. The CTMP should follow Oxfordshire County Council's template if possible. This should identify;

- o The routing of construction vehicles and management of their movement into and out of the site by a qualified and certificated banksman,
- o Access arrangements and times of movement of construction vehicles (to minimise the impact on the surrounding highway network),

- o Details of wheel cleaning / wash facilities to prevent mud, etc from migrating on to the adjacent highway,
- o Contact details for the Site Supervisor responsible for on-site works,
- o Travel initiatives for site related worker vehicles,
- o Parking provision for site related worker vehicles,
- o Details of times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours,
- o Engagement with local residents

Reason: In the interests of highway safety and to mitigate the impact of construction vehicles on the surrounding network, road infrastructure and local residents, particularly at peak traffic times in accordance with the requirements of Policy CP1 of the Oxford Local Plan.

5. Prior to use or occupation of the new development, a cycle parking plan showing the location and type of this provision should be submitted and agreed by the Local Planning Authority in writing.

Reason: To encourage the use of sustainable modes of transport in accordance with Policy TR4 of the Oxford Local Plan.

6. Above ground works shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include:

- Discharge Rates,
- Discharge Volumes,
- Maintenance and management of SUDS features (this may be secured by a Section 106 Agreement) ,
- Sizing of features - attenuation volume,
- Infiltration in accordance with BRE365,
- Detailed drainage layout ,
- SUDS (list the suds features mentioned within the FRA to ensure they are carried forward into the detailed drainage strategy),
- Flood exceedance route plan;
- Network drainage calculations; and,
- Phasing.

Details and soakage test results are to be provided.

Reason: To prevent flooding affecting the highway in compliance with Policy CP1 of the Oxford Local Plan and Policy CS11 of the Oxford Core Strategy.

7. Prior to the start of above ground works, details of ecological enhancements shall be submitted to and approved by the Local Planning Authority. The scheme will include details of native landscape planting and provision of artificial roost features, including bird nest boxes.

Reason: In the interests of improving the biodiversity of the City in accordance with NPPF and policy CS12 of the Oxford Core Strategy 2026 and to ensure the survival of protected and notable species protected by legislation that may otherwise be affected by the development.

8. A landscape plan shall be submitted to, and approved in writing by, the Local Planning Authority before substantial completion of the development. The plan shall show existing retained trees and new tree plantings, showing sizes and species. The plan shall show in detail all proposed shrub and hedge planting, treatment of paved areas, and areas to be grassed or finished in a similar manner.

Reason: In the interests of visual amenity in accordance with policies CP1, CP11 and NE15 of the Adopted Local Plan 2001-2016

9. The development shall be carried out in strict accordance with the approved tree protection measures contained within the planning application details unless otherwise agreed in writing by the LPA.

Reason: To protect retained trees during construction. In accordance with policies CP1, CP11 and NE16 of the Adopted Local Plan 2001-2016.

13. HUMAN RIGHTS ACT 1998

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

14. SECTION 17 OF THE CRIME AND DISORDER ACT 1998

- 14.1. 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.

EAST AREA PLANNING COMMITTEE

3rd November 2018

Application Number: 18/02452/FUL

Decision Due by: 9th November 2018

Extension of Time: 16th November 2018

Proposal: Change of use of dwellinghouse (Use Class C3) to a large House in Multiple Occupation (Use Sui Generis). Erection of a two storey side extension and provision of bin and cycle stores.

Site Address: 1A Gathorne Road, Oxford, OX3 8NF,

Ward: Headington Ward

Case Officer Michael Kemp

Agent: N/A **Applicant:** Mr Shinder Pal Singh

Reason at Committee: Application was called into committee by Councillors Smith, Gotch, Harris and Gant.

1. RECOMMENDATION

1.1. East Area Planning Committee is recommended to:

(a) Approve the application for the reasons given in the report and subject to the required planning conditions set out in section 12 of this report and grant planning permission subject to:

(b) Agree to delegate authority to the Head of Planning, Sustainable Development and Regulatory Services to:

1. Finalise the recommended conditions as set out in this report including such refinements, amendments, additions and/or deletions as the Head of Planning, Sustainable Development and Regulatory Services considers reasonably necessary;

2. EXECUTIVE SUMMARY

2.1. This report considers an application to change the use of a C3 dwelling to a large House in Multiple Occupation. The development includes the erection of a two storey side extension to the dwelling. The principle of the proposed change of use complies with the provisions of Policy HP7 of the Sites and Housing Plan as the proportion of buildings used in full or part as an HMO within 100m of street length either side of the application site does not exceed 20%. The internal and external amenity spaces are considered adequate and in compliance with the provisions of Policies HP12 and HP13 of the Sites and Housing Plan

respectively.

- 2.2. The proposed extension is considered to be acceptable in design terms and its appearance is considered to harmonise appropriately with the appearance of the existing property and the general character of the area. The scale is considered to be appropriate and subservient to the host property and complies with policies CP1, CP6 and CP8 of the Oxford Local Plan, CS18 of the Core Strategy and HP9 of the Sites and Housing Plan.
- 2.3. The scale and siting of the extension is considered to retain an acceptable standard of amenity of the occupants of the immediately adjacent properties. It is considered that accounting for the scale of the extension and relative separation distance between the extension and the adjacent property No.145 Windmill Road that the extension would not appear overbearing in scale and would not result in a significant loss of light to this property. A condition requiring the use of obscure glazing on the first floor rear window would restrict overlooking of the garden of No.147 Windmill Road to the rear of the site. The proposals are therefore considered to comply with the provisions of Policy HP14 of the Sites and Housing Plan.
- 2.4. In respect of highways issues it is noted that Oxford County Council Highways do not object to the proposals and it is considered that accounting for the relative sustainability of the location and the sites location within a CPZ that the proposals would not result in displacement of vehicles which would otherwise compromise highway safety or amenity, Consequently the proposals are considered to comply with the requirements of Policy HP16 of the sites and Housing Plan.
- 2.5. Approval of the application is recommended, subject to conditions.

3. LEGAL AGREEMENT

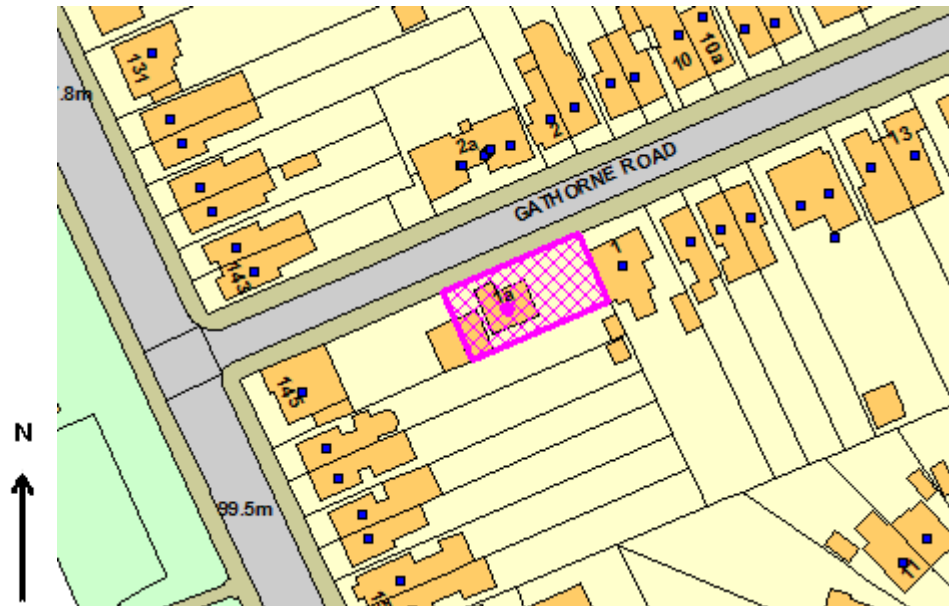
- 3.1. This application would not be subject of a legal agreement.

4. COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 4.1. The proposal would not be liable for a CIL contribution.

5. SITE AND SURROUNDINGS

- 5.1. The property is located within New Headington and is a 1980's two storey brick dwelling, which lies within an infill plot between a detached property, No.1 Gathorne Road and the rear garden of another detached property No.145 Windmill Road. The area consists of a mix of property types ranging from semi-detached and detached dwellings and small blocks of flats. The property is served by an area of external amenity space to the side and parking for two vehicles, consisting of a space within a detached garage and a further parking space to the front of the garage.
- 5.2. The site location plan is listed below:



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Ordnance Survey 100019348

6. PROPOSAL

- 6.1. The application proposes the change of use of the existing building from a Class C3 dwellinghouse to a larger house in multiple occupation (Sui Generis Use). A larger HMO is a property which would be occupied by 7 or more occupants. The application also proposes a two storey side extension to the existing dwelling, which comprises of a single ground level parking space in an undercroft. The proposed extension would be 3.6 metres wide.
- 6.2. The proposed plans have been amended, which include changes to the side elevation of the extension at ground level, alterations to the front porch, the roof ridge of extension has also been dropped to a minor degree.

7. RELEVANT PLANNING HISTORY

- 7.1. The table below sets out the relevant planning history for the application site:

81/00898/NF - Removal of two garages and erection of detached house and detached single garage (Amended) (1A Gathorne Road). APPROVED 25th March 1982.

86/00842/NF - Demolition of garage and erection of two storey extension to form garage and utility room on ground floor and self-contained annex for elderly relative on first floor. Retention of existing vehicular accesses and car space (Amended Plans). REFUSED 23rd October 1986.

8. RELEVANT PLANNING POLICY

8.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework (NPPF)	Local Plan	Core Strategy	Sites and Housing Plan	Other Planning Documents
Design	12	CP1, CP8, CP9, CP10,		HP9_,	
Housing	5			HP7_, HP12_, HP13_, HP14_,	
Transport	9			HP15_, HP16_,	Parking Standards SPD
Misc		CP.13, CP.24, CP.25		MP1	

9. CONSULTATION RESPONSES

9.1. Site notices were displayed around the application site on 28th September 2018.

Statutory and Non-Statutory Consultees

Oxfordshire County Council (Highways)

- 9.2. The proposal seeks to change use from HMO (Class C4) to HMO (Sui Generis). Gathorne Road suffers from severe on-street parking pressure, however, benefits from being in a highly sustainable location close to many local amenities and bus routes.
- 9.3. The property has 1 off-street parking bay and the Design and Access Statement states that the property currently has 2 residential parking permits, however, our records show that only 1 parking permit has been issued for the property. So not to exacerbate the already severe parking pressure along Gathorne Road the property should be limited to 1 off-street parking permit.
- 9.4. The proposal states that cycle storage for 8 bicycles is to be provided to the rear of the property; this is in line with policy HP15 and is accepted. Oxfordshire County Council as the Local Highway Authority do not object to this application

Oxford Civic Society

- 9.5. It is noted that a previous application on this site (0842/86) was refused by the Council on the grounds of 'overdevelopment of the site tantamount to the creation of a separate self-contained unit'. OCS recommends that the Council take this into account when assessing the feasibility of the new application which anticipates an HMO with potentially eight occupants. This high level of occupancy could create parking issues with only one permit currently allocated to the property. The provision for bin storage at the front of the property adjacent to the one off-street parking space should be rethought and located at the rear of the property, alongside the proposed cycle racks.

Natural England

- 9.6. No comments

Public representations

- 9.7. 2 letters of objection have been received from the owners/occupiers of Nos.145 and 147 Windmill Road. The main points of objection are summarised below:
- A previous application for an extension was refused on the basis of overdevelopment, loss of amenity space and overlooking.
 - The loss of the garage would lead to an increase in on street parking.
 - The change of use would result in disturbance for residents and will change the character of the area.
 - The extension would impact negatively on views from properties in Windmill Road.

10. PLANNING MATERIAL CONSIDERATIONS

- 10.1. Officers consider the determining issues to be:

- i. Principle of development;
- ii. Design;
- iii. Amenity of existing and future occupiers
- iv. Highways

i. Principle of Development

- 10.2. Policy HP7 of the Sites and Housing Plan stipulates that change of use to an HMO will only be granted where the proportion of buildings used in full or part as an HMO within 100m of street length either side of the application site does not exceed 20%. This includes side roads and footpaths.
- 10.3. There are 6 dwellings within 100 metres of the site which are currently under use as an HMO; this includes the whole frontage of Gathorne Road and sections of Windmill Road and St Anne's Road. Overall there are 38 residential properties within 100 metres of the application site. Accounting for the 6 dwellings currently under use as an HMO, along with the application property, this would amount to

an HMO concentration of 18.42% which, below the maximum permitted threshold of 20%.

- 10.4. Accounting for the above calculation the proposed change of use would not result in an overconcentration of HMO's within the specified 100 metres. The principle of the change of use of the dwelling to an HMO use would not therefore conflict with the provisions of Policy HP7 of the Oxford Local Plan.

ii. Design and Impact on Character of Surrounding Area

- 10.5. The application proposes a side extension measuring a total of 3.6 metres in width, this would be located in the position of the existing parking space and garage. A single off-street parking space would be retained for the dwelling at ground floor level, this would be located in an undercroft below the first floor of the dwelling.
- 10.6. The proposed extension would be constructed from brick to match the existing property. The general form and design of the extension would be consistent with the character and appearance of the dwelling. The ridge of the extension would be set down in relation to the main roof ridge of the property, which would mean that the extension appears reasonably subservient to the host dwelling.
- 10.7. In summary it is considered that the design of the extension respects the character and appearance of the existing property, the surrounding properties in the area and the character of the street scene. The development is considered to comply with policies CP1, CP6 and CP8 of the Oxford Local Plan, CS18 of the Core Strategy and HP9 of the Sites and Housing Plan.

iii. Impact on Amenity of Existing and Future Occupiers

Existing Occupiers

- 10.8. A previous planning application to extend the dwelling and to form an annex was refused on the basis that the proposals represented an overdevelopment of the site and an unneighbourly form of development by reason of the size, massing and location of the development and its relationship to adjoining properties and their gardens and the size of the site. The development was also refused on the basis that the proposals would be tantamount to the creation of a self-contained unit of residential accommodation, with insufficient external amenity space.
- 10.9. Officers note that the previously proposed extension (86/00842/NF) was much larger in terms of scale, bulk and mass. The extension also extended up to the boundary of the adjacent property No.145 Windmill Road, leaving no separation between the side elevation of the proposed dwelling and the side boundary of the adjacent property.
- 10.10. The extension proposed within this application is of a lesser scale and would measure 3.6 metres in width, leaving a 0.9 metre separation between the side elevation of the extended dwelling and the side boundary of No.145 Windmill Road. There would be a separation distance of approximately 21 metres

between the side elevation of the extension and the rear elevation of No.145 Windmill Road. The proposals would comply with the 45 degree rule and would not result in a loss of light to the rear facing windows of this property. There are no windows proposed at first floor level in the side elevation of this extension, which would otherwise overlook No.145 Windmill Road.

- 10.11. The extension is separated from the rear amenity space of No.145 Windmill Road by a driveway and single storey garage building. Accounting for the position of the extension, the scale of the addition and its proximity relative to the rear garden space of the dwelling, the proposals would not in officer's view have an unacceptable overbearing impact on the residential amenity of the adjacent occupiers.
- 10.12. Accounting for the scale and position of the proposed extension, it is considered that the development would not have an overbearing impact on No.147 Windmill Road to the rear of the site; the end area of the garden of this property extends along the boundary of the application site. Officers note that a first floor window is proposed to the rear of the property, which would overlook the garden area, at a distance of 2.5 metres. The proposed window serves a large double bedroom, which is also served by a front facing window. Given that there is a front facing window of a sufficient size serving this room; it is considered reasonable to condition that the rear facing window should be conditioned to be obscure glazed to prevent undue overlooking of the rear garden area of this property. The original planning consent for the dwelling from 1981 removed permitted development rights for windows and required that the single proposed window should be fitted with obscure glazing on this basis.
- 10.13. With the application of appropriate conditions, the proposals are considered to comply with the requirements of Policy HP12, HP13 and HP14 of the Sites and Housing Plan and Policies CP1 and CP6 of the Oxford Local Plan.

Future Occupiers

- 10.14. Policy HP7 of the Sites and Housing Plan requires that the applicant demonstrate compliance with the City Councils Good Practice Guidance on HMO's in respect of amenities and facilities.
- 10.15. 4 double bedrooms are proposed within the extended dwelling, each of the proposed rooms would exceed 11m² in floor area. The Councils HMO Amenities and facilities guide specifies that a room for two occupants should be a minimum of 10.2m² in floor area; the proposed rooms all exceed this minimum requirement. It is intended that the dwelling would be suitable for occupation for up to 8 persons.
- 10.16. Specific standards for external amenity space for HMO's are not listed within the Sites and Housing Plan or Councils Good Practice Guidance for HMO's. Policy HP13 of the Sites and Housing Plan however requires that houses of two or more bedrooms should provide a garden of adequate size and proportions for the size of the house proposed, for family homes the supporting text indicates that this should be equivalent to the footprint of the existing house. The private

amenity space serving the proposed HMO would be equivalent to the footprint of the existing property and it is considered that a sufficient quantity and standard of external space is provided for future occupiers. The proposals are therefore considered to comply with the requirements of Policy HP13 of the Sites and Housing Plan.

iv. Transport

- 10.17. Provision is made for parking one vehicle at the property, typically maximum parking standards for Sui Generis HMO's would require the provision of 1 space per 2 habitable rooms, for this property there would therefore be a requirement to provide 2 off-street parking spaces. It is noted that the current property is served by two parking spaces, one of which is within an existing garage; the other is located to the front of the garage in a driveway. The proposals make provision for a single parking space, which would be provided in an undercroft, below the proposed extension.
- 10.18. It is noted that County Highways do not object to the proposed change of use on the basis of the intended parking provision. The surrounding streets fall within a CPZ, with parking restricted to resident's permits. The site is also in a relatively sustainable location, in terms of proximity to existing public transport links as there is a bus stop within 100 metres of the site. The site is also relatively close to the Headington District Centre and the range of services and facilities available.
- 10.19. County Highways have advised that the proposed development should be restricted to 1 parking permit, so as to ensure that the development does not generate an increase in parking demand; this is deemed reasonable accounting for the existing parking situation in the area and proliferation of on street parking. With the application of a condition to restrict parking for residents, it is considered that the proposals would comply with the provisions of Policy HP16 of the Sites and Housing Plan.
- 10.20. Provision would be made for cycle parking for 8 bicycles; this would comply with the minimum requirements for cycle parking as outlined within Policy HP15 of the Sites and Housing Plan, which for an HMO use is one space per occupant.

11. CONCLUSION

- 11.1. The proposed change of use of the dwelling to a Sui Generis HMO would comply in principle with the provisions of Policy HP7 of the Sites and Housing Plan and would not result in an overconcentration of HMO properties within 100 metres of the site.
- 11.2. The proposals would not otherwise have a detrimental impact on adjacent existing occupiers and future occupiers of the property are considered to benefit from an acceptable standard of residential amenity. The scale and design of the extension is considered to be acceptable and harmonises appropriately with the character of the existing property and the character of the street scene.

11.3. Subject to the application of an appropriate condition to restrict resident's permits for future occupiers, it is considered that the extension and proposed change of use would not have a detrimental impact on highway safety or amenity, also accounting for relative sustainability of the site in terms of its proximity to the Headington District Centre and nearby bus links.

11.4. For the reasons expressed above, it is recommended that the Committee resolve to grant planning permission for the development proposed.

12. CONDITIONS

1. The development to which this permission relates must be begun not later than the expiration of three years from the date of this permission.

Reason: In accordance with Section 91(1) of the Town and Country Planning Act 1990 as amended by the Planning Compulsory Purchase Act 2004.

2. The development referred to shall be constructed strictly in complete accordance with the specifications in the application and the submitted plans.

Reason: To avoid doubt as no objection is raised only in respect of the deemed consent application as submitted and to ensure an acceptable development as indicated on the submitted drawings.

3. The materials to be used in the new development shall be as shown on the approved plans and as detailed within the submitted Design and Access Statement. There shall be no variation of these materials without the prior written consent of the Local Planning Authority.

Reason: To ensure the satisfactory visual appearance of the new development in accordance with policies CP1 and CP8 of the Adopted Oxford Local Plan 2001-2016.

4. Before the start of above ground works details of the cycle parking areas, including means of enclosure, shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall not be brought into use until the cycle parking areas and means of enclosure have been provided within the site in accordance with the approved details and thereafter the areas shall be retained solely for the purpose of the parking of cycles.

Reason: To promote the use of cycles thereby reducing congestion on adjacent roads in accordance with policies CP1, CP10 and TR4 of the Adopted Oxford Local Plan 2001-2016.

5. The areas for parking and manoeuvring of vehicles as shown on the approved plans shall be retained solely for such purposes.

Reason: In the interests of highway safety in accordance with policies CP1, CP6, CP10, TR3 and TR4 of the Adopted Oxford Local Plan 2001-2016.

6. Prior to the first use of the building hereby permitted the refuse storage area as shown on the approved plans shall be implemented and shall be retained thereafter for the purposes of refuse storage only.

Reason: To ensure adequate refuse storage provision in the interests of the amenity of occupants of the property in accordance with Policy HP13 of the Sites and Housing Plan.

7. Prior to the first use of the development permitted, the first floor window serving the newly formed bedroom in the rear (south east) elevation of the building shall be fitted with obscure glazing and shall be retaining in this condition hereafter.

Reason: To prevent overlooking of the private (rear) curtilage area of the adjacent property in accordance with Policy HP14 of the Sites and Housing Plan.

8. The development hereby permitted shall not be occupied until the Order governing parking at Gathorne Road; has been varied by Oxfordshire County Council as highway authority to limit subject to this permission, eligibility for resident's parking permits and residents' visitors' parking permits to 1 parking permit unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development does not generate a level of vehicular parking which would be prejudicial to highway safety, or cause parking stress in the immediate locality, in accordance with policies CP1, CP6, CP10 and TR13 of the Adopted Oxford Local Plan 2001-2016.

13. APPENDICES

Appendix 1 – Site Block Plan

14. HUMAN RIGHTS ACT 1998

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

15. SECTION 17 OF THE CRIME AND DISORDER ACT 1998

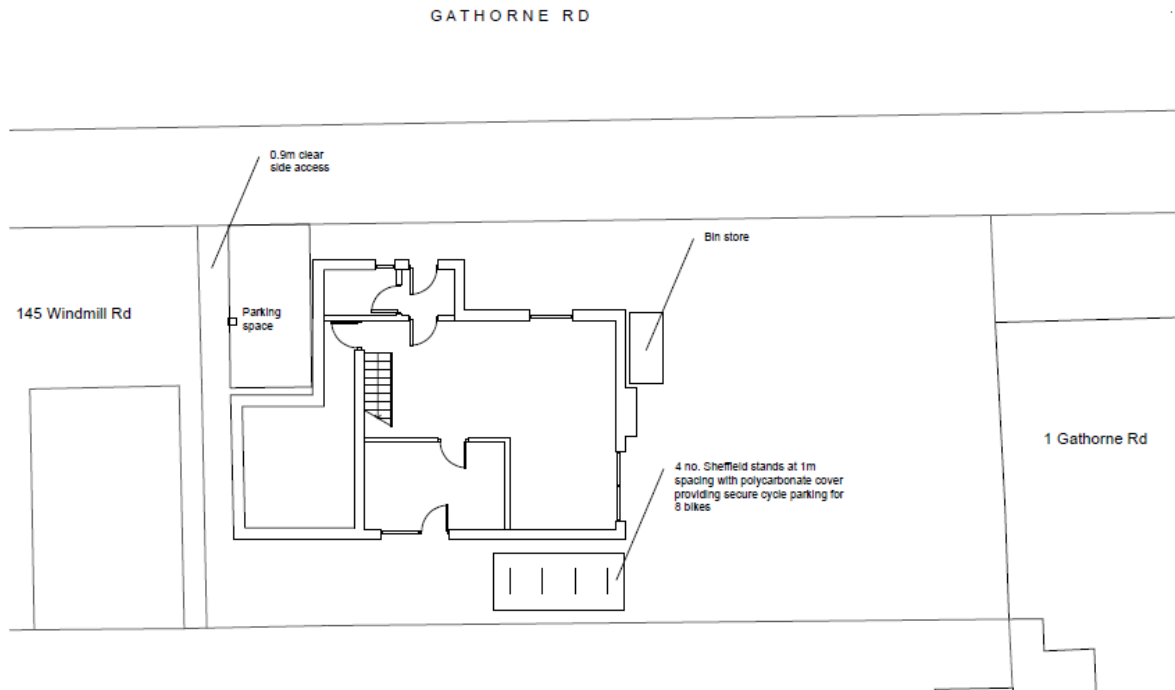
- 15.1. Officers have considered, with due regard, the likely effect of the proposal on the need to reduce crime and disorder as part of the determination of this application, in accordance with section 17 of the Crime and Disorder Act 1998. In reaching a recommendation to approve planning permission,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

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Appendix 1

18/02452/FUL

Proposed block plan



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Minutes of a meeting of the EAST AREA PLANNING COMMITTEE on Wednesday 3 October 2018

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Committee members:

Councillor Taylor (Chair)

Councillor Henwood (Vice-Chair)

Councillor Chapman

Councillor Cook (for Councillor
Clarkson)

Councillor Garden

Councillor Hollingsworth (for Councillor
Tanner)

Councillor Roz Smith

Officers:

Adrian Arnold, Development Management Service Manager

Sally Fleming, Lawyer

Clare Gray, Principal Planner

Hayley Jeffery, Development Management Team Leader

Sarah Orchard, Senior Planner

Jennifer Thompson, Committee and Members Services Officer

Apologies:

Councillors Aziz, Clarkson and Tanner sent apologies.

47. Declarations of interest

Cllr Cook - as a Council appointed trustee for Oxford Preservation Trust and as a member of the Oxford Civic Society stated that he had taken no part in any discussions or decision making that may have taken place in those organisations on any of the applications and was approaching them with an open mind.

48. 17/03380/FUL - Iffley Academy, Iffley Turn, Oxford, OX4 4DU

The Committee considered an application for planning permission for the demolition of the existing school building and development of a 2 1/2 storey academy building, single storey animal welfare and horticulture building and single storey construction workshop (academic use); provision of a replacement car-park, hard-court sports areas (including a MUGA), woodland walk, wildlife areas and associated landscaping; and temporary use of the adjacent former sports field/open space (only during the construction phase) as a constructors compound, staff parking area and student drop-off/pick-up (amended plans and further information) at The Iffley Academy, Iffley Turn, Oxford, OX4 4DU.

The Planning Officer:

- Reported minor typographical corrections to the report
 - The landscaping plan shows the exact parking provision proposed.

- 1.1.1. should read section 21 not section 12.
 - P.19 the title should read 'Design and impact on heritage assets'
 - 10.21 should read 'will not' instead of 'may'.
 - 10.21 should read section 66 and 72 not section 16.
 - 18.1 This should read that the initial energy statement did not meet the 20%
 - 20.1 The conclusion should include impact on all heritage assets, not just the conservation area.
- Confirmed the number of parking spaces, layout and provision of spaces for a minibus, construction, and refuse collection were as set out in the landscape plan.
 - Recommended adding a condition that the existing building must be demolished on completion of the replacement buildings.
 - Recommended amending the lighting condition (25) to allow low level lighting to be on after 5.30pm, to allow workers to safely leave the site after working hours.

There was no-one registered to speak against the application.

Kay Willett (Head Teacher) and Paul Haworth (Planning Agent) spoke in support of the application, and John Gorman (Head of Design) and Nasir Khawaja (Project Director) attended to answer questions.

The Committee noted that the car parking provision was relatively high because of the much lower student:staff ratio, and most pupils had to travel by car. They were satisfied that there were suitable arrangements for safe access to the site and minimising disruption to pupils during the construction phase.

On being proposed, seconded, and put to the vote, the Committee agreed with the officer recommendation including adding one condition and amending one condition as recommended above.

East Area Planning Committee resolved to:

- (a) **approve** application 17/03380/FUL for the reasons given in the report and subject to
- the 28 required planning conditions and 2 informatives set out in section 21 of the report (amending condition 25 to permit low level lighting after 5.30pm to allow safe exit)
 - and one additional condition requiring the existing building to be demolished on completion of the replacement buildings;
- and grant** planning permission; and
- (b) **delegate** authority to the Head of Planning, Sustainable Development and Regulatory Services to finalise the recommended conditions as set out in the report including such refinements, amendments, additions and/or deletions as the Head of Planning, Sustainable Development and Regulatory Services considers reasonably necessary.

49. 18/01654/FUL - Littlemore Mental Health Centre, Sandford Road

The Committee considered an application for planning permission for the refurbishment of ground floor accommodation and a new extension to provide a new 10 bed ward, with associated landscaping, at Littlemore Mental Health Centre, Sandford Road, Oxford.

The Planning Officer reported that the Air Quality Officer advised that no objections subject to an additional condition regarding dust mitigation during construction. The archaeological investigation had shown no evidence that any further work was needed and therefore that part of the recommendation was no longer necessary. She recommended the following additional conditions:

- dust mitigation plan during construction
- boundary treatment to be agreed
- landscaping plan to be agreed
- details of cycle parking to be agreed

On being proposed, seconded, and put to the vote, the Committee agreed with the officer recommendation including removing the reference to archaeology; adding the four conditions as recommended above; and including scope for the provision of covered cycle parking.

East Area Planning Committee resolved to:

- (a) **approve** application 18/01654/FUL for the reasons given in the report and subject to the 7 required planning conditions set out in section 12 of the report and additional 4 conditions, and grant planning permission; and
- (b) **delegate** authority to the Head of Planning, Sustainable Development and Regulatory Services to finalise the recommended conditions as set out in the report including such refinements, amendments, additions and/or deletions as the Head of Planning, Sustainable Development and Regulatory Services considers reasonably necessary.

50. 18/01468/VAR - T M Rana Court, 138 - 142 Hollow Way

The Committee considered an application for retrospective planning permission for the variation of condition 2 (Develop in accordance with approved plans) of planning permission 03/02494/FUL to take account of a number of variations to the approved plans at TM Rana Court, 138 - 142 Hollow Way, Oxford.

The Planning Officer recommended including 'retrospective' in the description for clarity, and amending the wording of Condition 10 as this was no longer a pre-commencement condition.

The Committee asked the planning officer to convey their disappointment that the development had not been constructed as approved and there was now no opportunity to improve the design.

On being proposed, seconded, and put to the vote, the Committee agreed with the officer recommendation.

East Area Planning Committee resolved to:

- (a) **approve** retrospective application 18/01468/VAR for the reasons given in the report and subject to the 15 required planning conditions set out in section 12 of the report (amending the wording of condition 10) and grant planning permission; and
- (b) **delegate** authority to the Head of Planning, Sustainable Development and Regulatory Services to finalise the recommended conditions as set out in the report including such refinements, amendments, additions and/or deletions as the Head of Planning, Sustainable Development and Regulatory Services considers reasonably necessary.

51. 18/01773/CT3 - 42 Stubbs Avenue, OX3 8RT

The Committee considered an application for planning permission for the removal of the existing rear shed; part demolition of existing roof section to allow for the erection of a single storey rear extension including an interior courtyard and alterations to door to front elevation to improve access; insertion of one window, one rooflight and four sunpipes to rear elevation; and the formation of paving to rear at 42 Stubbs Avenue, Oxford, OX3 8RT

Daniel Wadsworth and Allison Dalton (representing the applicant) attended to answer questions.

On being proposed, seconded, and put to the vote, the Committee agreed with the officer recommendation

East Area Planning Committee resolved to:

- (a) **approve** application 18/01773/CT3 for the reasons given in the report and subject to the 3 required planning conditions set out in section 10 of the report and grant planning permission; and
- (b) **delegate** authority to the Head of Planning, Sustainable Development and Regulatory Services to finalise the recommended conditions as set out in the report including such refinements, amendments, additions and/or deletions as the Head of Planning, Sustainable Development and Regulatory Services considers reasonably necessary.

52. 18/01879/FUL - 63 Waynflete Road, OX3 8BJ

The Committee considered an application for retrospective planning permission for the demolition of one existing pigeon loft to erect one new pigeon loft (of a different design) in the rear garden at 63 Waynflete Road, OX3 8BJ.

The Planning Officer recommended an additional condition that the building could only be used as a pigeon loft and garden store as indicated on the plans, and explained that this re-development required a new grant of planning permission.

On being proposed, seconded, and put to the vote, the Committee agreed with the officer recommendation including the additional condition.

East Area Planning Committee resolved to:

- (a) **approve** retrospective application 18/01879/FUL for the reasons given in the report and subject to the 2 required planning conditions set out in section 12 of the report, and one additional condition restricting use to pigeon loft and garden store, and grant planning permission; and
- (b) **delegate authority** to the Head of Planning, Sustainable Development and Regulatory Services to finalise the recommended conditions as set out in the report including such refinements, amendments, additions and/or deletions as the Head of Planning, Sustainable Development and Regulatory Services considers reasonably necessary.

53. Minutes

The Committee resolved to approve the minutes of the meeting held on held on 5 September and reconvened on 12 September 2018 as a true and accurate record.

54. Forthcoming applications

The Committee noted the list of applications.

55. Dates of future meetings

The Committee noted the dates.

The meeting started at 6.00 pm and ended at 7.30 pm

Chair

Date: Wednesday 7 November 2018

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