

# Agenda

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## West Area Planning Committee

**This meeting will be held by Zoom and streamed to the Council's YouTube channel when the meeting starts, <https://www.youtube.com/oxfordcitycouncil>**

This meeting will be held on:

Date: **Tuesday 13 October 2020**

Time: **3.00 pm**

Place: **Zoom - Remote meeting**

**For further information** please contact:

Catherine Phythian, Committee and Member Services Officer, Committee Services Officer

📞 01865 252402

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

**Members of the public can attend to observe this meeting and.**

- may register in advance to speak to the committee in accordance with the [committee's rules](#)
- may record all or part of the meeting in accordance with the Council's [protocol](#)

Information about speaking and recording is set out in the agenda and on the [website](#)

Please contact the Committee Services Officer to register to speak; to discuss recording the meeting; or with any other queries.

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*All public papers are available from the calendar link to this meeting once published*

## Committee Membership

Councillors: Membership 9: Quorum 5: substitutes are permitted.

Councillor Colin Cook (Chair)	Jericho and Osney;
Councillor Michael Gotch (Vice-Chair)	Summertown;
Councillor Tiago Corais	Littlemore;
Councillor Alex Hollingsworth	Carfax;
Councillor Richard Howlett	Carfax;
Councillor Dan Iley-Williamson	Holywell;
Councillor Richard Tarver	Iffley Fields;
Councillor Louise Upton	North;
Councillor Elizabeth Wade	Wolvercote;

Apologies and notification of substitutes received before the publication are shown under *Apologies for absence* in the agenda. Those sent after publication will be reported at the meeting. Substitutes for the Chair and Vice-chair do not take on these roles.

*Decisions come into effect after the post-meeting councillor call in period expires, or after a called-in decision is reconsidered **and** the Head of Planning Services has issued the formal decision notice.*

# Agenda

	Pages
<b>Planning applications - background papers and additional information</b>	
To see representations, full plans, and supplementary information relating to applications on the agenda, please <a href="#">click here</a> and enter the relevant Planning Reference number in the <input type="text"/> search box.	
Any additional information received following the publication of this agenda will be reported and summarised at the meeting.	
<b>1 Apologies for absence and substitutions</b>	
<b>2 Declarations of interest</b>	
<b>3 20/01468/FUL: 13-21 Cornmarket Street Oxford OX1 3HE</b>	17 - 36
<b>Site address:</b> 13-21 Cornmarket Street, Oxford, OX1 3HE	
<b>Proposal:</b> Change of use of basement, part ground and part first floor from retail (Use Class A1) to a GP Surgery (Use Class D1).	
<b>Recommendation:</b>	
The West Area Planning Committee is recommended to:	
<ol style="list-style-type: none"><li><b>Approve the application</b> for the reasons given in the report and subject to the required planning conditions set out in section 11 of the report and grant planning permission.</li><li><b>Agree to delegate authority</b> to the Head of Planning Services to:<ul style="list-style-type: none"><li>Finalise the recommended conditions as set out in the report including such refinements, amendments, additions and/or deletions as the Head of Planning Services considers reasonably necessary.</li></ul></li></ol>	
<b>4 20-01139-FUL: Cherwell House, Osney Lane, Oxford, OX1 1BZ</b>	37 - 62

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- Site address:** Cherwell House, Osney Lane, Oxford, OX1 1BZ
- Proposal:** Erection of additional second and third floors to provide 26 no. en-suite student bedrooms and 2 x 1-bed warden flats. Alterations including re-cladding of the existing building. Extension of existing bin store and erection of new bike shelter. (Amended plans) (Amended description)
- Reason at Committee:** The application is before the committee because it was called in by the Head of Planning Services following concerns from councillors about the impact on neighbouring amenity.

**Recommendation:**

The West Area Planning Committee is recommended to:

1. **approve the application** for the reasons given in the report subject to the required planning conditions set out in section 12 of the report; and subject to:
  - the satisfactory completion of a legal agreement under section.106 of the Town and Country Planning Act 1990 and other enabling powers to secure the planning obligations set out in the recommended heads of terms which are set out in the report;
2. **agree to delegate authority** to the Head of Planning Services to:
  - a. finalise the recommended conditions as set out in the report including such refinements, amendments, additions and/or deletions as the Head of Planning Services considers reasonably necessary; and
  - b. finalise the recommended legal agreement under section 106 of the Town and Country Planning Act 1990 and other enabling powers as set out in the report, including refining, adding to, amending and/or deleting the obligations detailed in the heads of terms set out in the report (including to dovetail with and where appropriate, reinforce the final conditions and informatives to be attached to the planning permission) as the Head of Planning Services considers reasonably necessary; and
  - c. complete the section 106 legal agreement referred to above and issue the planning permission.

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**5 19/02817/FUL: Land Between 45 And 51 Hill Top Road, Oxford,**

63 - 86

- Site address:** Land Between 45 And 51 Hill Top Road, Oxford
- Proposal:** Demolition of existing garage. Erection of 1 x 6-bed dwelling (Use Class C3) and erection of detached garage. Provision of amenity space, bin and cycle stores. Associated landscaping and boundary treatments.
- Reason at Committee:** This application was called in by Councillors Hayes, Chapman, Tanner, Clarkson, Munkonge and Lygo due to concerns around car parking, amenities, neighbouring amenities, and the use of the site.

**Recommendation:**

The West 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 the report and grant planning permission.
2. **agree to delegate authority** to the Head of Planning 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 Services considers reasonably necessary.

**6 20/01784/FUL: 2A Squitchey Lane Oxford OX2 7LB**

87 - 102

- Site address:** 2A Squitchey Lane, Oxford, OX2 7LB
- Proposal:** Demolition of existing garage, erection of two storey front extension, erection of part single, part two storey side and rear extension, replacement of 2no. windows with 2no. doors to front elevation and alterations to rear boundary fence.
- Reason at Committee:** This application was called in by Councillors Gotch, Gant, Garden, Goddard, Smith and Wade. This was due to concerns over the impact of the development proposal on neighbouring residential occupiers.

**Recommendation:**

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The West 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 the report and grant planning permission.
2. **agree to delegate authority** to the Head of Planning 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 Services considers reasonably necessary.

**7 20/01638/FUL: 30A Jericho Street, Oxford, OX2 6BU**

103 -  
120

**Site address:** 30A Jericho Street, Oxford, OX2 6BU

**Proposal:** Replacement of existing garage door with 3no. windows in association with conversion of existing garage into habitable space, erection of first floor rear extension, formation of rear juliet balcony to second floor, insertion of 2no. rooflights to rear elevation, installation of green roof to rear and installation of cladding to rear elevation. Alterations to existing front and rear fenestration, insertion of 2no. rooflights to front elevation, insertion of 6no. rooflights over stairwell to front elevation and alterations to existing first floor terrace.

**Reason at Committee** The application is before the committee because it was called in by the Head of Planning Services following concerns from councillors about the impact on neighbouring amenity.

**Recommendation:**

The West 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 the report and grant planning permission.
2. **agree to delegate authority** to the Head of Planning 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 Services considers

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reasonably necessary.

**8 20/01118/FUL: 2 St Peter's Road, Oxford, OX2 8AU**

121 -  
150

- Site address:** 2 St Peter's Road, Oxford, OX2 8AU
- Proposal:** Demolition of existing building. Erection of 3 x 3-bed dwellings (Use Class C3). Provision of car parking, private amenity, bin and cycle stores. Repositioning of dropped kerbs. Formation of wall and railings to front and side of boundary. (Amended plans)
- Reason at Committee** This application was called in to committee by the Planning Head of Service, following concerns by councillors and members of the public about this application.

**Recommendation:**

The West 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 the report and grant planning permission.
2. **agree to delegate authority** to the Head of Planning 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 Services considers reasonably necessary.

**9 Minutes**

151 -  
156

**Recommendation:** to approve the minutes of the meeting held on 8 September 2020 as a true and accurate record.

**10 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.

19/00608/FUL: Jurys Inn, Godstow Road, Oxford, OX2 8AL	Committee decision
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19/02306/FUL: Castle Hill House, 9 New Road, Oxford, OX1 1LT	Committee decision
19/02307/LBC : Castle Hill House, 9 New Road, Oxford, OX1 1LT	Committee decision
19/02601/FUL: Frewin Quad, New Inn Hall Street, Oxford, OX1 2DH	Committee decision
20/00549/LBC:Town Hall, St Aldate's, Oxford OX1 1BX	Committee decision
19/02815/FUL: Land Between 45 And 51 Hill Top Road, Oxford, Oxfordshire	Called in
19/02816/FUL: Land Between 45 And 51 Hill Top Road, Oxford, Oxfordshire	Called in
19/02926/FUL: Land Adjacent The Old School, Gloucester Green, Oxford, OX1 2BU	Committee decision
19/02723/FUL: 20 Blenheim Drive, Oxford, OX2 8DG	Committee decision
20/00747/VAR: The White Rabbit, 21 Friars Entry, Oxford, OX1 2BY	Committee decision
20/01337/FUL: Site Of Millway Close, Oxford, OX2 8BJ	Committee decision
20/01314/FUL: Unit 1 & Unit 2, Botley Road, Oxford, OX2 0HA	Committee decision
20/01567/FUL: 7-9 Blue Boar Street, Oxford, OX1 4EE	Committee decision
20/01276/FUL: Land At Jericho Canal Side And Community Centre, 33A Canal Street, Oxford, OX2 6BX	Committee decision
20/01277/LBC: Land At Jericho Canal Side And Community Centre, 33A Canal Street, Oxford, OX2 6BX	Committee decision
20/00994/CT3: East Oxford Community Centre, Princes Street, Oxford, OX4 1DD	Committee decision
20/01298/CT3: East Oxford Games Hall, 5 Collins Street, Oxford, OX4 1XS	Committee decision

## 11 Dates of future meetings

Future meetings of the Committee are scheduled on:

2020	2021
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10 November	19 January
8 December	9 February
	9 March
	13 April

## Information for those attending regulatory committees - Remote meetings guidelines

Regulations passed in April 2020 enable the Council to hold meetings without some or all Members being physically present together in a room. To ensure the smooth running of remote meetings the Council has agreed a Protocol for Remote Meetings and everyone is asked to follow these guidelines which are based on that Protocol.

### Attendance at remote meetings

Members (councillors) are “in attendance” provided that they can hear and be heard by the other participants. Any loss of visual connection does not give rise to non-attendance but a loss of audio connection does.

Should you lose connection to the meeting try to reconnect immediately. If you cannot immediately re-join the meeting by video link, please dial in to the meeting using the telephone number provided in the joining instructions.

If a Councillor loses connectivity to this meeting they will be prohibited from participating in the debate and voting on that agenda item unless the discussion is paused for the period of their non-attendance.

If other participants lose connection, this does not affect the debate or vote.

### Remote meetings etiquette

All participants are asked to:

- Stay visible on camera while your video feed is on. Turn the camera off if you stand up or leave your seat.
- Keep your microphone muted unless speaking. Un-mute / mute your own microphone before and after speaking.
- Use the “raise hand” icon to indicate a wish to speak. This is located in the “Participants” tab. Please be patient, the Chair will call you to speak and has absolute discretion to determine the order in which participants speak. Please lower your virtual hand

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after speaking.

- Not speak over other participants.
- Keep contributions relevant and concise.
- Councillors and officers must use the Chat function only to assist with the smooth administration of the meeting, e.g. to alert officers to a loss of audio connectivity.

### **Voting at remote meetings**

When determining an application the voting will be by a roll call.

When called by the Clerk, Councillors are asked to state how they are voting on the proposal (e.g. “for”, “against” or “abstain”). Any Member who has not been in attendance to hear the full presentation and debate on an agenda item will be required to abstain from voting on that matter.

## **Public access to this meeting and members of the public speaking**

**Remote meetings will be held on Zoom.**

### **Public access to remote meetings**

1. You can watch the meeting remotely by clicking on the link in the comments section or under ‘media’ sited just above the agenda items.
2. The live link will appear on this page just as the meeting starts. This will launch a YouTube video of the live meeting. If it does not, then follow the link to the council’s YouTube channel where the video will be playing.

### **Registering to speaking**

3. Members of the public can register to speak at a meeting in accordance with the Procedure Rule within Council’s Constitutions.
4. **For this committee you must register to speak before noon on the working day before the meeting**, giving the application name/number and whether you are supporting or objecting. You must also supply an email address and phone number.
5. **Members of the public registering to speak are recommended to submit their contribution in writing to [democraticservices@oxford.gov.uk](mailto:democraticservices@oxford.gov.uk) not less than 24 hours before the meeting is due to start.** This will ensure that their

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contribution can be taken into account and, where necessary, responded to, in the event that the connection is poor or they are otherwise unable to join the meeting. Members of the public who register to speak will be advised of any word limit for their written submission.

### **Public attendance and speaking at remote meetings**

6. Members of the public viewing the meeting should do this through the weblink to the live stream as above.
7. Members of the public may register to speak at the meeting in accordance with the procedure rules (see 4 and the notes at the end of the agenda frontsheet)
8. Those registering to speak will be provided with joining instructions and guidance on public participation in remote meetings by the Committee and Member Services Team.
9. When the meeting starts, or during the agenda item before the one they are speaking on, they should follow these instructions and join the meeting. When joining a meeting members of the public with a right to speak must ensure that they can be identified as a registered speaker otherwise their access to the meeting will be blocked.
10. They will be held as an 'attendee' and be able to see and hear the meeting but not take part.
11. The Meeting Host will 'enable' their microphone when they are called to speak, or may admit them to the meeting. They must not speak until are invited to do so by the Chair. Speeches are timed from the first words of the speech: there is no penalty for delays caused by the technology.
12. The member of the public may remain as an attendee or in the meeting to hear the remainder of the agenda item. Once their contribution has been heard the Meeting Host will mute their microphone and it must remain muted for the remainder of the meeting unless the Chair invites them to speak again, at which point the microphone will be enabled again.
13. At the end of the agenda item, the Chair may ask speakers attending for that item to disconnect from the remote meeting and the Meeting Host may remove their access to the meeting. Members of the public may continue to observe the meeting by watching the live stream accessed via a link on the Council's [meetings webpages](#).
14. If a member of the public exercising their right to speak at a remote

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meeting loses connectivity during their contribution, they should immediately dial back in to the meeting using the telephone number provided in the joining instructions.

15. If a member of the public exercising their right to speak at a remote meeting loses connectivity and is unable to re-join the meeting their previously submitted written contribution will be considered (it will be read out by an officer who will keep strictly to the allocated time limit). If no written contribution has been submitted the meeting will proceed without considering their contribution.

#### **Press access to remote meetings**

16. Journalists wishing to attend a remote meeting are advised to inform [pressoffice@oxford.gov.uk](mailto:pressoffice@oxford.gov.uk) not less than 24 hours before the meeting is due to start to be issued with joining instructions.
17. Journalists in remote attendance are asked to keep their microphone muted and their video camera turned off.
18. Alternatively journalists can access meetings by viewing the live stream as set out in 1 and 2 above.

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## **Information for those attending**

### **Recording and reporting on meetings held in public**

Members of public and press can record, or report in other ways, the parts of the meeting open to the public. You are not required to indicate in advance but it helps if you notify the Committee Services Officer prior to the meeting so that they can inform the Chair and direct you to the best place to record.

The Council asks those recording the meeting:

- To follow the protocol which can be found on the Council's [website](#)
- Not to disturb or disrupt 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, even inadvertently, unless they are addressing the meeting.

Please be aware that you may be recorded during your speech and any follow-up. If you are attending please be aware that recording may take place and that you may be inadvertently included in these.

The Chair of the meeting has absolute discretion to suspend or terminate any activities that in his or her opinion are disruptive.

### **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". 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.

## **Procedure 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 interests is available from the Monitoring Officer.

### **The following minimum standards of practice will be followed:**

1. All members of the Committee will have pre-read the officers' report. Committee 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 guidance at 24.15 (Planning Code of Practice) in the Council's Constitution).
2. At the meeting the Chair may draw attention to this procedure. The Chair may also explain who is entitled to vote.
3. The sequence for each application discussed at Committee shall be as follows:
  - (a) the planning officer will introduce it with a short presentation;
  - (b) any objectors may speak for up to 5 minutes in total;
  - (c) any supporters may speak for up to 5 minutes in total;
  - (d) speaking times may be extended by the Chair, provided that equal time is given to both sides. Any non-voting City Councillors and/or Parish and County Councillors who may wish to speak for or against the application will have to do so as part of the two 5-minute slots mentioned above;
  - (e) voting members of the Committee may raise questions (which shall be directed via the Chair to the lead officer presenting the application, who may pass them to other relevant officers and/or other speakers); and
  - (f) voting members will debate and determine the application.
4. In determining an application Committee 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 overturning the officer's recommendation have been formulated including the reasons for refusal or the wording of any planning conditions; 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.

### **Public requests to speak**

**Members of the public wishing to speak must notify the Committee 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 via e-mail or telephone, to the Committee Services Officer (details are on the front of the Committee agenda).

### **Written statements from the public**

**Any written statement that members of the public or 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 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**

Applicants or members of the public can exhibit models or displays at the meeting as long as they notify the Committee Services Officer of their intention by noon two working days before the start of the meeting so that members can be notified.

### **Recording meetings**

This is covered in the general information above.

### **Meeting Etiquette**

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

**This procedure is detailed in the Annex to part 24 of the Council's Constitution as agreed at Council in January 2020.**

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## WEST AREA PLANNING COMMITTEE

<b>Application number:</b>	20/01468/FUL		
<b>Decision due by</b>	27th August 2020		
<b>Extension of time</b>	23 <sup>rd</sup> October 2020		
<b>Proposal</b>	Change of use of basement, part ground and part first floor from retail (Use Class A1) to a GP Surgery (Use Class D1).		
<b>Site address</b>	13-21 , Cornmarket Street, Oxford, OX1 3HE – see <b>Appendix 1</b> for site plan		
<b>Ward</b>	Carfax Ward		
<b>Case officer</b>	Michael Kemp		
<b>Agent:</b>	Mr Simon Sharp	<b>Applicant:</b>	Oxfordshire CCG & Jesus College
<b>Reason at Committee</b>	This is a major planning application		

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## 1. RECOMMENDATION

1.1. West Area Planning Committee is recommended to:

1.1.1. **Approve the application** for the reasons given in the report and subject to the required planning conditions set out in section 11 of this report and grant planning permission.

1.1.2. **Agree to delegate authority** to the Head of Planning 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 Services considers reasonably necessary; and

## 2. EXECUTIVE SUMMARY

2.1. This report considers an application for the partial change of use of retail space within the basement, a small section of ground floor space and a section of first floor accommodation within the four storey replacement Northgate House building approved in 2018 under planning permission 18/00258/FUL. It is proposed that these sections would be used as a Health Centre, as opposed to their consented retail use.

2.2. The health centre is proposed as a replacement for three GP surgeries operated by the NHS, which are also located in the City Centre at King Edward Street and

at 27 and 28 Beaumont Street. These centres are no longer considered to be fit for purpose and are too small to meet the needs of patients. The amalgamation of the practices within a single purpose built facility would provide an increased range of facilities and services in an accessible location in the City Centre, which would provide double the floorspace currently available in the aforementioned practices. The proposals align with the strategy of the newly formed Oxford Primary Care Network (PCN) to improve primary healthcare access for the local community. The principle of enhancing primary healthcare provision would be supported in line with Policy V7 of the Oxford Local Plan as the site would represent a sustainable location for the provision of the proposed new facility.

2.3. The site benefits from excellent access to public transport and is readily accessible by other sustainable means of travel including walking and cycling. The site is also in close proximity to a number of public car parks and disabled parking provision within the City Centre and given the overall sustainability of the location, no on-site parking would be required. Operational parking for doctors required to make home visits would be provided off-site, however this does not form part of this application. This would include the retention of existing parking bays at King Edward Street. Staff cycle parking is proposed within the new building. Spatial constraints restrict the ability to provide visitor cycle parking within the building. There would be the opportunity to provide visitor cycle parking adjacent to the health centre in either Market Street or Cornmarket Street alongside the public realm improvement works required by condition under planning application 18/00258/FUL. This can be secured by planning condition. Overall in accessibility terms, the development would comply with Policies M3 and M5 of the Oxford Local Plan.

2.4. The vast majority of retail space approved under planning permission 18/00258/FUL would be retained at ground floor level with the exception of 112sqm of space which would be lost along the Market Street frontage, which would be limited to what would be considered reasonably necessary to form the entrance and access to the Health Centre. The proposals would result in the partial loss of first floor retail space and the full loss of basement retail space permitted under application 18/00258/FUL. Basement and first floor retail space is not afforded statutory protection under Policy V2 of the Oxford Local Plan, so long as this does not affect the viability or functionality of the remaining ground floor space. It is considered that the loss of basement and first floor retail space would not be of detriment to the retail offering within the building and would not lessen the attractiveness of the premises to potential occupiers. The loss of ground floor retail would be minimal and a full frontage would be retained along Cornmarket Street, as well as the majority of Market Street aside from the relatively small entrance to the health centre. Health centres are defined as a main town centre use within the NPPF and the siting of the health centre would draw activity and footfall into the City Centre, which would contribute towards the overall vitality of the City Centre. In considering the principle of the change of use proposed within this application, officers consider that the proposals align with Policies V1 and V2 of the Oxford Local Plan.

2.5. In design terms there would be no alterations to the scale, massing or height of the building consented under planning application 18/00258/FUL or any changes to the Cornmarket Street frontage or upper floor elevational treatment. The

design of the proposed entrance is acceptable and would harmonise with the ground floor frontages of the adjacent retail units approved under the original planning application and align with the frontage designs agreed within the retail frontages design condition attached to the original planning permission. The development is therefore considered to comply with the requirements of Policies DH1 and DH6 of the Oxford Local Plan. Given the minimal extent of the design alterations proposed to the consented scheme, the development would not result in harm to the significance of either the Central Conservation Area or the adjacent Grade II and Grade I listed buildings.

2.6. Taking the above matters into consideration, officers consider that the proposed development is acceptable in planning terms and would comply with the relevant requirements of the Oxford Local Plan and the NPPF.

### **3. COMMUNITY INFRASTRUCTURE LEVY (CIL)**

3.1. The proposal would be liable for a CIL contribution

### **4. SITE AND SURROUNDINGS**

4.1. The site is located within Oxford City Centre on the northern corner of Cornmarket and Market Street. It comprises the site of the former Northgate House, at 13-20 Cornmarket Street & 11-19 Market Street and lies between 23 Cornmarket Street to the North, and Jesus College to the east.

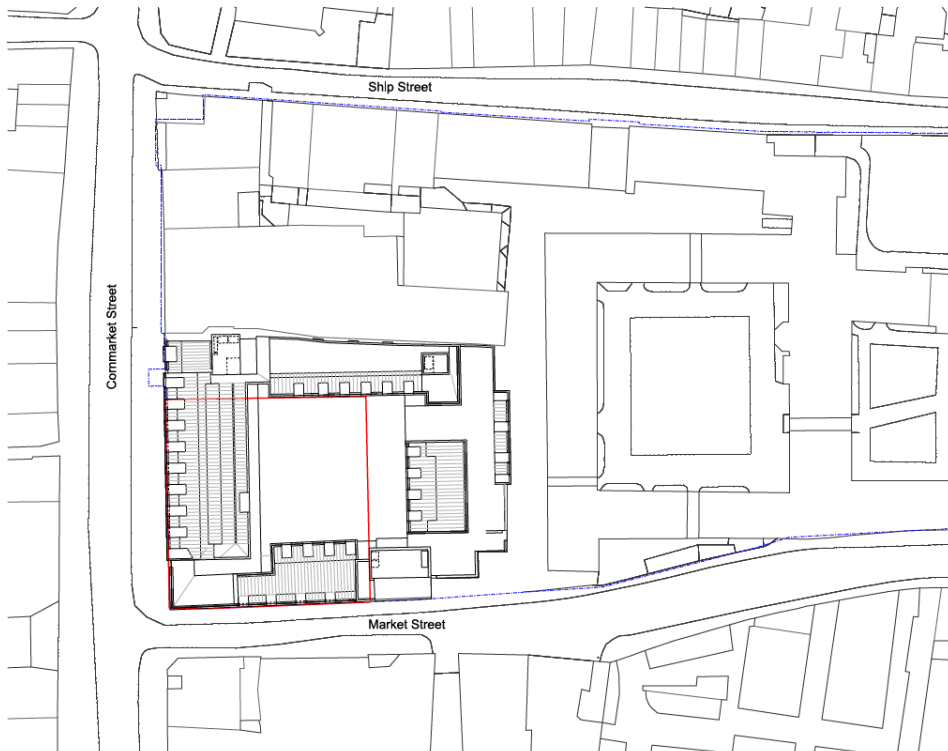
4.2. Northgate House which was formerly located on the site was a three storey building (with basement) that contained 5 retail units which fronted onto Cornmarket Street and Market Street, with a betting shop located on part of the first floor. The upper floors of the buildings were used as storage and floorspace for the respective commercial units at ground floor level.

4.3. The site also relates to Jesus College which lies to the east of Northgate House, and is sited between Turl Street to the east, Ship Street to the north, and Market Street to the south. The existing college buildings are made up of a number of Grade I and II listed buildings, which are arranged around three individual quads.

4.4. The site lies within the Central Conservation Area. Cornmarket Street is listed within the Oxford Local Plan as a Primary City Centre Shopping Frontage, whilst the northern side of Market Street is listed as a Secondary Shopping Frontage.

4.5. Planning application 18/00258/FUL was granted approval in August 2018. The permission covers the demolition of Northgate House and its replacement with a four/five storey building with retail space at ground floor level and 68 postgraduate student rooms at upper floor level. The proposals also included off-site public realm improvements in Market Street and Cornmarket Street. Northgate House has undergone an extensive phased programme of demolition which is now complete. The construction phase of development commenced in January 2020 and is progressing towards scheduled completion in autumn 2021.

4.6. The site block plan is included below:



## 5. PROPOSAL

5.1. The application proposes variations to the permitted use of the floor space of the building approved under planning application 18/00258/FUL. Permission is sought for a change of use of all of the basement space (1005sqm), a small section of the ground floor (113sqm) and a section of the first floor (279sqm) of the replacement Northgate House building. The aforementioned sections of the building were restricted by condition to be used as retail space, falling under Class A of the Town and Country Planning (Use Classes) Order 1987. As discussed in further detail within this report, the Town and Country Planning (Use Classes) Order 1987 has now been amended by The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020, although the planning use restrictions which were the subject of a planning condition remain valid.

5.2. It is proposed that the basement, a small section of the ground floor and part of the first floor would be used as a health centre. The application is submitted by the Oxfordshire Clinical Care Commissioning Group and is intended that three City Centre GP practices located at Beaumont Street and King Edward Street would be amalgamated into a single more effective facility on this site. The building would include 25 consulting rooms, additional clinical consulting rooms, a waiting room, rooms for visiting PCN staff, a training room and appropriate support, meeting and office space. The facilities used by members of the public would be housed in the basement space of the new building. The ground floor space used by the health centre would be limited to access and circulation space. The main access would be from Market Street, whilst there would be a

small access door and secondary entrance onto Cornmarket Street. The first floor space would consist of staff facilities, office and meeting space.

- 5.3. The vast majority of the ground floor retail space would be retained, except for a section of the Market Street frontage, which would serve as the entrance to new health centre. 775sqm of retail space would also be retained at first floor level. In total the new building would provide 1695sqm of retail space, compared with 3092sqm of retail space previously consented.
- 5.4. The design and internal arrangement of the new building approved under application 18/00258/FUL is sufficiently adaptable to the alternative proposed use of the building, which means that the extent of any external alterations required to initiate the change of use would be minimal. The external changes to the building would be limited to the formation of a new entrance along the Market Street frontage, which would serve as the main entrance to the health centre in the basement and the associated space at first floor level. There would also be a small entrance door onto Cornmarket Street, though this opening was approved under the previous planning permission and the design of this would not be altered. The fenestration and elevational treatment at first floor level would be unaltered. There would be no alterations to the overall height, scale and massing of the building. The provision of student accommodation approved under the original planning permission would not be affected by the proposed change of use.
- 5.5. No car parking is proposed on site, staff cycle parking would be provided within the building. Given the spatial constraints of the building and limited space at ground floor level, it would not be possible to provide visitor cycle parking within the building. Following consultation with officers, it has been proposed that this would be provided on either Market Street or Cornmarket Street and a condition would be sought requiring the location and specification of the cycle parking to be agreed before first occupation of the building.

## **6. RELEVANT PLANNING HISTORY**

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

18/00258/FUL - Application for planning permission for the demolition of the existing building to ground level and the erection of a replacement building to provide replacement commercial units on the basement, ground and first floors, and new teaching facilities, ancillary accommodation and student fellows rooms on the upper floors for Jesus College. (Amended Plans). Permitted 24th August 2018.

19/03189/VAR - Variation of Condition 10 (Landscaping) and Condition 27 (Phasing plan for Market Street) of planning permission 18/00258/FUL - Application for planning permission for the demolition of the existing building to ground level and the erection of a replacement building to provide replacement commercial units on the basement, ground and first floors, and new teaching facilities, ancillary accommodation and student fellows rooms on the upper floors for Jesus College. (Amended Plans) - Variation to allow wording of conditions to

be amended to refer to those details which the Council has already approved in writing.. Permitted 3rd July 2020.

## 7. RELEVANT PLANNING POLICY

7.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework	Oxford Local Plan 2016-2036
Design	127, 128, 130	DH1, DH6, DH7
Conservation/Heritage	190, 192, 193, 196, 200. 201	DH3
Commercial	80, 85	V1, V2
Social and community	91, 92	V7
Transport	108, 109, 110	M1, M2, M3, M4, M5
Environmental	117, 118, 148, 151, 155	RE1, RE2, RE3, RE4, RE7, RE8

## 8. CONSULTATION RESPONSES

8.1. Site notices were displayed around the application site on 15th July 2020 and an advertisement was published in The Oxford Times newspaper on 16th July 2020.

### Statutory and non-statutory consultees

#### Oxfordshire County Council (Highways)

8.2. An initial objection was raised on the basis that no visitor cycle parking had been provided. Following further discussion an approach has been agreed that visitor cycle parking could be provided on Market Street as part of the improvement works required by condition under planning application 20/01468/FUL. Given the City Centre location and overall sustainability of the site, it is advised that off-street car parking would not be required.

### Public representations

8.3. Two members of the public submitted comments in objection to the application. The main points of objection were as follows:

- The site is distant from nearby bus stops and patient parking should be provided on site.

- A disabled drop off point on site would be preferable.
- Concerns expressed regarding the provision of care rooms in the basement as there will be a lack of natural light and natural ventilation. This will be unpleasant for users and would result in high energy consumption.

8.4. Three members of the public submitted comments in support of the planning application, which are broadly summarised as follows:

- The proposals would be an upgrade on the Beaumont Street Practice and would offer a larger, more modern, purpose designed facility with more patient services.
- The use of the building in Cornmarket Street for purposes other than retail is supportable as there are currently too many vacant shops.

## 9. PLANNING MATERIAL CONSIDERATIONS

9.1. Officers consider the determining issues to be:

- Principle of development including loss of retail space
- Design and Heritage Impact
- Transport

### **Principle of development**

#### Provision of Healthcare Facility

9.2. The provision of new Primary healthcare facilities are supported under Policy V7 of the Oxford Local Plan, subject to the following criteria being met:

- a) the location is easily accessible by walking, cycling and public transport; and*
- b) the proposal will meet an existing deficiency in provision or access, or the proposal will support regeneration or new development; and*
- c) the proposal will not result in an unacceptable environmental impact.*

9.3. The planning application is submitted by the NHS Oxfordshire Clinical Commissioning Group with the aim of providing a modern, purpose built healthcare facility in Oxford City Centre which would replace three nearby City Centre NHS GP practices at King Edward Street and 27 and 28 Beaumont Street. These existing practices are located in Victorian Townhouses, which function poorly in practical and accessibility terms and are unable to accommodate existing and future patient numbers. The constrained nature of the buildings also means that the scope for improvement work is limited and they are considered by the NHS to no longer be fit for purpose.

9.4. The applicant's Planning Statement explains that the three aforementioned practices comprise three of five practices in the newly formed Oxford Central Primary Care Network (PCN), which serves a total of 40,000 patients. The new facility would house a range of additional staff such as social prescribers, mental health workers, physiotherapists, podiatrists, paramedics and clinical pharmacists that at present the PCN cannot accommodate in any of its existing

practices. The aims of the PCN are also to create integrated teams of General Practice, Community Health and Social Care staff, thereby improving the accessibility and delivery of a much wider range of health and social care to patients.

- 9.5. The Planning Statement includes a statement from the three GP practices affected by the proposed development in support of the planning application. The supporting statement outlines that the current premises are not fit for purpose, are too small, do not meet national best practice standards, do not meet national regulations, pose health and safety risks and offer no opportunity for growth. The proposed site would increase the level of floorspace at the combined practices from 700sqm at present to 1400sqm. In delivering a range of additional facilities and services within a much larger purpose built, accessible facility with extended opening hours this would greatly improve the healthcare offering to patients and would better meet the needs of the local community.
- 9.6. Accounting for the abovementioned factors, officers consider that the proposed change of use and formation of the new practice proposed within this application would significantly improve localised access to healthcare. In accessibility terms, the location of the new health centre would be highly sustainable given its proximity to public transport links given that the site lies within 250 metres of bus stops on George Street, Magdalen Street, High Street and St Aldates, which together provide access to most areas of the city. The site is also highly accessible by walking and cycling. In terms of the environmental impact, this is unlikely to be significant owing to the nature of the proposed use. The site is within the City Centre and the level of noise and general activity associated with the intended use would be typical of a main town centre use. With the exception of the student housing approved under application 20/01468/FUL, the majority of existing uses in the area are non-residential uses and in any event the proposed use of the building should not result in any adverse amenity impacts. The development would be car free, so there would be no negative environmental impacts associated with vehicle movements and means of accessing the site.
- 9.7. In relation to Policy V7 of the Oxford Local Plan, officers are satisfied that the development would significantly improve local access to primary healthcare and consider that the site is suitably located. Consequently the proposals are considered to comply fully with Policy V7 of the Oxford Local Plan.

#### Impact on Retail Provision and Principle of Change of Use

- 9.8. The proposals would result in a net reduction in retail space compared with the level of provision approved under the original planning permission. In total the scheme would provide 1695sqm of retail space, compared with 3092sqm of retail space previously consented. The health centre would be sited principally within the basement and on the first floor of the building, whilst the ground floor space would be limited to an access entrance adjacent to Market Street, therefore the majority of retail space which would be lost compared with the consented scheme would be at basement and first floor level.
- 9.9. Policy V2 of the Oxford Local Plan affords protection to shopping frontages in the City Centre, with the aim of particularly preserving retail uses, in order to



safeguard the vitality of City Centre retail within the core city centre shopping streets. Policy V2 states that: Planning permission will only be granted at ground floor level within the city centre for the following uses:

a) *Class A1 (retail) uses; or*

b) *Class A2 – A5 (financial and professional services, restaurant, pub and take-away) uses where the proposed development would not result in the proportion of units at ground floor level in Class A1 use falling below 60% of the total number of units within the defined Primary Shopping Frontage or 40% of units in the rest of the Secondary Shopping Frontage; or*

c) *Other town centre uses where the proposed development would not result in the proportion of units at ground floor level in Class A1 use falling below 60% of the total number of units in the Primary Shopping Frontage or below 40% of the total number of units in the rest of the Secondary Shopping Frontage and where the proportion of Class A units at ground floor level does not fall below 85% in the Primary Shopping Frontage or the rest of the Secondary Shopping Frontage.*

9.10. In relation to the application site, Cornmarket Street is designated as a primary City Centre Shopping Frontage, whilst Market Street is listed as a secondary shopping frontage.

9.11. The policy affords specific protection to ground floor uses, Policy V2, however states that planning permission will be granted for development of upper storeys of building within the City Centre, for the purposes of providing housing, student accommodation and other uses appropriate to a town centre as long as the functioning of the ground floor unit(s) in the shopping frontage is not undermined.

9.12. Policy V1 of the Oxford Local Plan which relates specifically to town centre uses does not reference health centres as a specific town centre use. It should however be noted that the NPPF defines health centres as a main town centre use within the glossary. The recent changes to the planning use classes under The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020, which were brought into effect to repurpose town centre uses include health centres within the new Class E which is intended to cover a number of appropriate town centre uses. It would therefore be appropriate to consider that the intended use should be considered to be a main town centre use when considering the merits of this planning application.

9.13. Policy V2 does not comment on the use of basement spaces, however in assessing the impact of a development on City Centre retail it would be appropriate to consider the use of basement spaces in a similar vein to the use of upper floors, as these are not ground floor frontages and generally serve as a similar function to upper floors, given that basements are usually secondary retail floor space or otherwise storage/ancillary functions. Furthermore the policy does not state that basement spaces should be afforded any particular degree of protection, as the policy affords protection principally to ground floor retail space.

9.14. The proposals would result in the loss of all of the basement retail space (1005sqm) and 279sqm of first floor retail space. In total 775sqm of first floor

retail space would be retained. At ground floor level there would be a loss of 113sqm of retail space, which would be limited to a section along Market Street, which would form the entrance to the health centre.

- 9.15. As referenced above, Policy V2 of the Oxford Local Plan allows in principle for the change of use of upper floor retail space to non-retail town centre uses and health centres would constitute a Town Centre use in line with the NPPF definitions. In principle the change of use of the upper storeys of the buildings would comply with Policy V2 of the Oxford Local Plan, providing that the development would not undermine the functionality of the ground floor retail uses.
- 9.16. In relation to the retail floor space at ground floor level, the extent of floor space which would be lost would be minimal (113sqm) and 1020sqm of floor space would still be provided. Officers are satisfied that the extent of floor space that would be lost has been kept to a minimum in line with the functional requirements of providing an adequate entrance to the health centre. The full ground floor retail frontage along Cornmarket Street would also be retained.
- 9.17. Planning consent 18/00258/FUL included a requirement that a retail frontage must be retained along the frontage of Market Street. This is partly to ensure that there is an active frontage. Whilst the proposed entrance space to the Health Centre would not be a retail frontage, this would still be an active frontage with windows and entrance doors along the remainder of the Market Street frontage. Whilst there would be a small net reduction in ground floor retail space, this would not equate overall to the loss of a ground floor retail unit as the proposals still include adequate space for flexible retail provision at ground floor level, as intended under the permitted planning application. This means that even though the proposals would result in a minor reduction in ground floor retail space, the development would not affect the proportion of city centre units falling within a retail use, which would otherwise conflict with Policy V2 of the Oxford Local Plan.
- 9.18. Upper floor and basement space would typically be used as ancillary storage, office or sales space, whilst ground sales space would be most important for any prospective retailer. The application is supported by a statement submitted by a retail consultant which asserts that the loss of retail space would not fundamentally affect the attractiveness of the retail space to prospective occupiers. Whilst all of the basement space would be lost, the vast majority of the space at first floor level would be retained (775sqm). Fundamentally officers consider that the proposed change of use and subsequent loss of floor space at first floor and basement level would not affect the likelihood that the retail space would be occupied.
- 9.19. It is noted that condition 4 of the original planning permission 18/00258/FUL restricted the use of the building to a use falling only within Class A1 of the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class revoking or enacting that Order (including any other use falling within Class A). It should be noted that the provisions of The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020, which came into effect on the 1<sup>st</sup> September 2020 amend the 1987 Use Classes Order. Condition 4 of planning permission 18/00258/FUL affords protection to the use of

the retail space, as provision is made within the wording of the planning condition to cover any changes to the order which would cover the latest legislative changes.

9.20. It is worth noting that both retail uses and health centres now fall within the same, much broader use class (Class E) covering Commercial, Business and Service Uses within the amended Use Classes Order, rather than Classes A1 and D2 respectively, which was the case under the 1987 Order before these recent amendments. Officers consider that it would be necessary in line with Policy V7 of the Oxford Local Plan to condition that the new health centre shall be used only for use as a health centre and for no other purpose, including any other purpose falling within Class E of The Town and Country Planning (Use Classes) Order 1987 (as amended). The health centre would provide an important primary healthcare service for the local community, which should be safeguarded as any future loss of this space would be of detriment to the local community unless such a use were replaced by equivalent or enhanced provision in line with Policy V7 of the Oxford Local Plan.

9.21. In summary, officers consider that the proposed use of the floor space in the basement and a section of the first floor of the building as a health centre would not conflict with the requirements of Policy V2 of the Oxford Local Plan. The extent of ground floor retail space which would be lost is minimal at 113sqm and is limited in line with the functional requirements to provide access to the health centre. Furthermore the proposals retain an active ground floor frontage to Market Street, albeit that that this would not be a retail frontage. The non-retail use of the first floor and basement accommodation would be permissible in line with Policy V2 of the Oxford Local Plan and officers consider that this would not affect the functionality of the remaining retail space. The proposed health centre would represent a town centre use, in accordance with the definitions of the NPPF and would in turn generate additional footfall into the City Centre, which in turn would contribute to the vitality of the City Centre in line with Policy V1 of the Oxford Local Plan.

### **Design and Heritage Matters**

9.22. The proposed change of use of the building would not require any changes to the external appearance of the building compared with the consented plans. The submitted elevation drawings show no change to the Cornmarket Street frontage, as the secondary access door which would be used by the health centre is also shown on the approved plans for application 18/00258/FUL. No changes are proposed to the approved façade and openings and first floor level.

9.23. The adequate lighting of the basement space represents a key design challenge, in order to ensure that the public spaces inside the health centre are pleasant for staff and future users and to reduce reliance on artificial lighting. The design of the building includes two lightwells on the Market Street and Cornmarket Street elevations. The larger of the two lightwells at the main entrance to the centre on Market Street would provide natural light to the reception and waiting areas of the building, whilst the smaller of the lightwells would provide natural light to an area of staff breakout space. A section of the building would be dependent on artificial lighting, however this would be

expected given that the area is basement accommodation and accounting for the depth of the floor plan and provision of individual rooms within the floor plan. Overall the internal layout is considered acceptable in design terms and the positioning of external openings assists in providing natural light into a space, which may otherwise be fully dependent on artificial lighting.

- 9.24. Glazed entrance doors and windows are proposed to the Market Street frontage, which are in line with the elevation drawings approved under the former planning permission and the shop front and design guide agreed under condition 28 of planning permission 18/00258/FUL. Small scale signage would be sited above the entrance door. It is stated that this has yet to be fully resolved, though it is indicated that this would align with the approved shop front design guide. The design of the frontage is considered to be consistent with Policy DH6 of the Oxford Local Plan, as the design of the frontage responds positively to the character and design of existing buildings in the area.
- 9.25. The site is located in the Central Conservation Area and lies in the setting of a number of listed buildings including the adjacent buildings on the Cornmarket Street frontage (No. 23 to the north and 8-10 Cornmarket Street to the South). The adjacent buildings to the west (rear) of the site, which form part of Jesus College are Grade I listed and have significant heritage value.
- 9.26. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that: "In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."
- 9.27. For development within or affecting the setting of Conservation Areas, the NPPF requires special attention to be paid towards the preservation or enhancement of the Conservation Area's architectural or historic significance. Paragraph 193 of the NPPF requires that: When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (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.
- 9.28. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 9.29. In accordance with paragraph 193 of the NPPF, officers have given great weight to the conservation of the designated heritage assets and conclude that the additional works proposed in this application, when considered in the context of planning application 18/00258/FUL, would have no notable impact on the significance of the Conservation Area and surrounding Grade II and Grade I listed buildings. The proposals principally relate to a change of use of the

building and any external changes would be minimal. The design of the ground floor frontage along Market Street is appropriate within the context of the surrounding street scene and the proposals would preserve the setting of the Conservation Area and would not result in harm to either the significance of the Conservation Area, or the adjacent listed buildings.

9.30. Taking all of the above matters into consideration, the proposed development is considered to comply with the requirements of Policies DH1, DH3 and DH6 of the Oxford Local Plan.

### **Transport**

9.31. The site would be in a highly sustainable city centre location, with excellent access to public transport and ease of access for walking and cycling. It is noted that within the representations two members of the public have raised concerns in respect of there being no on-site or drop off parking provision for patients. Owing to the overall sustainability of the site it is considered that on-site car parking for patients would not be required and could not feasibility be provided on site in any event, given the site's spatial constraints.

9.32. The site would be within 300 metres of bus stops on Cornmarket Street, George Street, Magdalen Street and the High Street, which provide services covering the majority of the city and would be within accessible walking distance of the health centre. There is also public parking nearby in various locations within 500 metres of the site, this includes various on street disabled parking spaces. It would not be practical or desirable to provide additional drop off parking in Market Street itself given the spatial constraints of the street and existing parking and servicing arrangements for the Covered Market and surrounding uses. The applicants are committed to the delivery of landscaping and public realm enhancement works in Market Street adjacent to the site under the requirements of planning application 18/00258/FUL. It is also likely that the nature of the remainder of Market Street could be the subject of future change and the provision of parking may not feature within future aspirations for the use of this space.

9.33. In terms of operational parking, The King Edward Street Practice currently has two on-street parking spaces used by GP's who are required to undertake home-visits and are specifically restricted as parking for doctors. There is a need for operational parking for doctors, though this cannot be provided on site given the spatial constraints of the site and cannot be provided on Cornmarket Street as this is pedestrianised. On street provision of doctors parking on Market Street cannot be provided for the same reasons referenced in the above section of this report. It is noted that it is the applicant's intention to retain two doctor's parking spaces in King Edward Street, which are in a short walk of the site. It is stated that a further four parking bays would be required for use by doctors. These spaces may have to be provided elsewhere within the near vicinity of the site in further consultation with the City Council and County Council, though this matter should not affect the in-principle acceptability of this planning application.

9.34. Overall the car free nature of the development is supported, given the City Centre location of the site and its close accessibility in relation to public transport

links, accessibility for walking and cycling and access to public parking. Oxfordshire County Council as the statutory Highways Authority have also raised no objection to development being car free.

- 9.35. Cycle parking would be provided within the building, which would consist of 16 spaces for members of staff, including changing and staff facilities. This is considered to be adequate in terms of provision required under Policy M5 of the Oxford Local Plan. Given the spatial constraints of the site and the restricted size of the ground floor space, there would not be the opportunity to provide cycle parking for visitors on site. Nevertheless visitor cycle parking would be expected as the health centre would attract a significant number of daily visitors, a number of which may choose to cycle as a means of travel when visiting the centre. Currently there is a deficit in public cycle parking provision in this area of the City Centre.
- 9.36. A Grampian planning condition (a planning condition expressed in a negative form) has been proposed by the applicants, whereby visitor cycle parking could be provided on Market Street or Cornmarket Street adjacent to the site. The applicants have provided a plan showing a number of locations where this parking would be feasible. This approach has been agreed in principle with Oxfordshire County Council and is considered to be an acceptable approach in meeting the requirement to provide visitor cycle parking. The applicants are committed to providing a scheme of landscaping enhancement works under Condition 27 of planning application 18/00258/FUL. It is considered feasible that the provision of cycle parking can fit in with the parameters of these improvement works. A condition is recommended to secure the provision of cycle parking for the health centre in either Cornmarket Street or Market Street.
- 9.37. Taking the above matters into consideration, in transport terms the proposed development is considered to comply with the requirements of Policies M1, M3 and M5 of the Oxford Local Plan.

## **10. CONCLUSION**

- 10.1. On the basis of the matters discussed in the report, officers would make members aware that the starting point for the determination of this application is in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004 which makes it clear that proposals should be assessed in accordance with the development plan unless material considerations indicate otherwise.
- 10.2. In the context of all proposals paragraph 11 of the NPPF requires that planning decisions apply a presumption in favour of sustainable development. This means approving development that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh

the benefits, when assessed against the policies in the Framework taken as a whole.

- 10.3. The principle of the partial change of use of the building approved under planning application 18/00258/FUL from a retail use to use as a health centre is considered to be acceptable in line with Policies V1, V2 and V7 of the Oxford Local Plan. The extent of ground floor retail space which would be lost is minimal and restricted to a small section of the building adjacent to Market Street, where access to the health centre is required. Whilst all of the previously approved retail space would be lost at basement level and 279sqm of space would be lost at first floor level, this would be secondary floorspace, which in officer's view would not be essential to the overall viability and functionality of the remaining retail space and would not affect its attractiveness for potential occupiers.
- 10.4. The health centre is proposed as a replacement for three GP surgeries operated by the NHS, which are also located in the City Centre at King Edward Street and at 27 and 28 Beaumont Street. These centres are no longer considered to be fit for purpose and are too small to meet the needs of patients. The amalgamation of the practices within a single purpose built facility would provide an increased range of facilities and services within a single, purpose built facility in an accessible location in the City Centre. The principle of providing this new facility is supportable in line with Policy V7 of the Oxford Local Plan as the development would facilitate the provision of improved primary healthcare, which would better meet the needs of the local community.
- 10.5. The City Centre location of the site and ease of access to public transport and accessibility by walking or cycling, as well as accessibility to public parking, including disabled parking provision means that the provision of parking on site would not be necessary for the proposed health centre use. Staff cycle parking would be provided within the building, whilst visitor cycle parking would be provided externally within Market Street or Cornmarket Street, the details of which would be agreed by condition prior to first occupation of the building. Officers consider that that the development in accessibility terms complies with Policies M3 and M5 of the Oxford Local Plan.
- 10.6. Significant amendments are not proposed to the design of the development approved under application 18/00258/FUL. The changes proposed are limited to minor alterations to the new entrance opening on Market Street, which are considered to be acceptable and align with Policies DH1 and DH6 of the Oxford Local Plan. The proposals would preserve the setting of the Conservation Area and surrounding listed buildings and would not result in harm to these designated heritage assets. The proposals therefore align with Policy DH3 of the Oxford Local Plan.
- 10.7. For the reasons outlined within this report it is recommended that the Committee resolve to grant planning permission.

## **11. 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. 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. Notwithstanding the Town and Country Planning (General Permitted Development) (England) Order 2015, the floor space in the basement, ground floor, and first floor as shown on the approved plans to be used as a Health Centre shall be used only as a health centre and shall be used for no other purpose (including any other purpose in Class E of The Town and Country (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class revoking and re-enacting that order with or without modification.

Reason: In the interests of safeguarding the use of the building as a primary healthcare facility for the community in accordance with Policy V7 of the Oxford Local Plan.

5. The development shall not be occupied until plans outlining the location and specification of off-site cycle parking to be provided within Market Street or Cornmarket Street have been submitted to and been approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and the development shall not be occupied until the approved cycle parking is implemented.

Reason: To ensure the adequate provision of cycle parking in line with the requirements of Policy M5 of the Oxford Local Plan.

6. Prior to the first use of the health centre for this permitted purpose, a detailed design specification of the Market Street entrance frontage and any related external signage or advertisements shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the design of the frontage, external advertising or signage harmonises appropriately with the character of the remainder of the



approved frontages and the character and appearance of the area, consistent with Policies DH1 and DH6 of the Oxford Local Plan.

## **12. APPENDICES**

- **Appendix 1** – Site location plan

## **13. HUMAN RIGHTS ACT 1998**

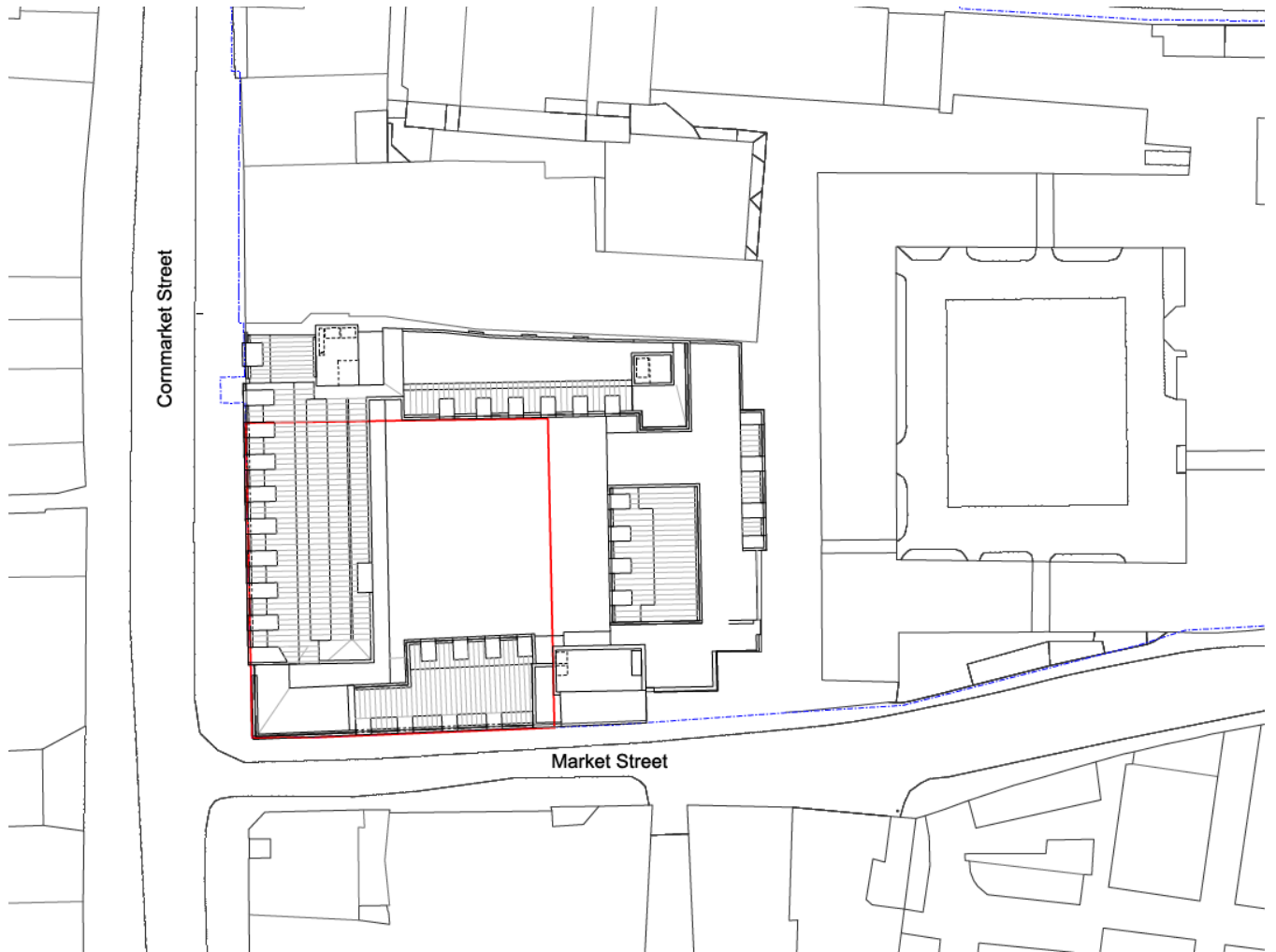
13.1. Officers have considered the implications of the Human Rights Act 1998 in reaching a recommendation to approve this application. They consider that the interference with the human rights of the applicant under Article 8/Article 1 of Protocol 1 is justifiable and proportionate for the protection 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.

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# Appendix 1 - 20/01468/FUL – Site Plan



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## WEST AREA PLANNING COMMITTEE

<b>Application number:</b>	20/01139/FUL		
<b>Decision due by</b>	8th July 2020		
<b>Extension of time</b>	Determination will be dependent on the completion of the S106 agreement.		
<b>Proposal</b>	Erection of additional second and third floors to provide 26 no. en-suite student bedrooms and 2 x 1-bed warden flats. Alterations including re-cladding of the existing building. Extension of existing bin store and erection of new bike shelter. (Amended plans) (Amended description)		
<b>Site address</b>	Cherwell House , Osney Lane, Oxford, OX1 1BZ – see <b>Appendix 1</b> for site plan		
<b>Ward</b>	Jericho And Osney Ward		
<b>Case officer</b>	Jennifer Coppock		
<b>Agent:</b>	Adrian James	<b>Applicant:</b>	Mr Stephen Clarke
<b>Reason at Committee</b>	The application is before the committee because it was called in by the Head of Planning Services following concerns from councillors about the impact on neighbouring amenity.		

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## 1. RECOMMENDATION

1.1. West Area Planning Committee is recommended to:

**approve the application** for the reasons given in the report subject to the required planning conditions set out in section 12 of this report; and subject to:

the satisfactory completion of a legal agreement under section.106 of the Town and Country Planning Act 1990 and other enabling powers to secure the planning obligations set out in the recommended heads of terms which are set out in this report;

1.1.1. **agree to delegate authority** to the Head of Planning Services to:

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

- b. finalise the recommended legal agreement under section 106 of the Town and Country Planning Act 1990 and other enabling powers as set out in this report, including refining, adding to, amending and/or deleting the obligations detailed in the heads of terms set out in this report (including to dovetail with and where appropriate, reinforce the final conditions and informatives to be attached to the planning permission) as the Head of Planning Services considers reasonably necessary; and
- c. complete the section 106 legal agreement referred to above and issue the planning permission.

## **2. EXECUTIVE SUMMARY**

- 2.1. This report considers the proposal to create a second and third floor to parts of the existing student accommodation building to provide 26 no. en-suite student bedrooms and 2 x 1-bed warden flats. The existing bin store would be extended and a new bike shelter would be erected on site.
- 2.2. It is considered that the principle of intensifying the use of the existing student accommodation on site accords with Policy H8 of the Oxford Local Plan 2036. In accordance with policy H2 of the Oxford Local Plan 2036, a contribution towards off-site affordable housing shall be agreed and secured through a Section 106 legal agreement.
- 2.3. It is considered that the proposal to extend the existing building upwards would be effective and efficient use of land on a highly sustainable site. Though this is a predominantly residential area of 2 to 3 storey houses, the massing, scale and appearance of the proposal is well considered and responds sensitively to the site. The proposal would also increase protection from noise and smell from the railway to the neighbouring dwellings with no substantive impact to their amenity.
- 2.4. The proposal would not impact on the views into and out of the City, nor would it cause harm to the setting of Osney Town Conservation Area in accordance with Policies DH1, DH2 and DH3 of the Oxford Local Plan 2036.
- 2.5. The proposed development would create acceptable indoor and outdoor living conditions for the students and support staff in accordance with Policies H8, H15 and H16 of the Oxford Local Plan 2036.
- 2.6. The proposed development, by virtue of its distance from nearby residential properties and angled bedroom windows, would not give rise to an unacceptable impact on neighbouring amenity in accordance with Policy H14 of the Oxford Local Plan 2036.
- 2.7. No evidence of protected species has been found on site. However, subject to recommended conditions, the proposed development would improve the site for wildlife.
- 2.8. A safe access and egress route has been identified, wholly within flood zone 1, via Osney Lane to the east of the site, turning north onto Hollybush Row and

then turning east onto Park End Street to ensure that occupants are not put in danger during a flood event.

- 2.9. In terms of fire safety, it has been confirmed by the Council's building control officers and the County Council's fire safety inspector, that the existing access, which is not proposed to be altered, is acceptable for fire services and the existing dry risers on site could reasonably be extended upwards to serve the proposed upper floors.
- 2.10. A number of public comments have raised concern regarding the sewer connection from Cherwell House. Thames Water commented three times on the application, firstly in June, in August and again in September confirming that they do not object to the proposed development with regards to the foul water sewerage infrastructure capacity. Officers have also had sight of the Thames Water wastewater map which clearly indicates that there is a connection from Cherwell House. Furthermore, the original 2011 proposal was signed off by an external building control consultancy in 2014 (12/00995/IN). Building control inspection would have assessed the sewerage connection before signing off the works. The Thames Water Operations team visited the area in September to investigate reports of an unpermitted Combined Sewer Overflow (CSO) which may have been causing intermittent pollution to the River Thames. It was confirmed on 29<sup>th</sup> September by Thames Water that there is no such CSO. It is understood, by Thames Water, that the confusion arose from a gully being connected to the foul network.
- 2.11. The proposed cycle parking provision is considered acceptable in accordance with Policy M5 of the Oxford Local Plan 2036. A Construction Traffic Management Plan would be secured by condition prior to the commencement of development to ensure any impacts on local traffic during the construction process would be mitigated. The proposed development is considered unlikely to have a detrimental impact on the local highways in traffic and safety terms.

### **3. LEGAL AGREEMENT**

- 3.1. This application is subject to a legal agreement to cover a contribution towards off-site affordable housing.

### **4. COMMUNITY INFRASTRUCTURE LEVY (CIL)**

- 4.1. The proposal is liable for a CIL payment of £93,791.84.

### **5. SITE AND SURROUNDINGS**

- 5.1. The site is located to the east of the railway line, fronting Osney Lane and currently comprises a two storey linear student accommodation block named 'Cherwell House'. Areas of soft landscaping are located to the west of the building with bin and cycle stores along the western boundary. Pedestrian and vehicular access is located off Osney Lane.
- 5.2. Surrounding land uses include residential gardens to the north with a car park beyond, the railway line to the east with car parking beyond, Osney cemetery to

the south and 2/2.5 storey residential dwellings with private gardens to the west.

- 5.3. The site is in a highly sustainable location with convenient walking/ cycling access to public transport and local amenities within West Oxford and the City centre. The footbridge over the railway lies immediately south east of the site. The site is immediately adjacent to the West Oxford Controlled Parking Zone (CPZ).
- 5.4. The site lies partially within flood zone 2 (medium risk of flooding). The site falls within the Raleigh Park view cone and part of the site lies adjacent to the Osney Conservation Area. The site is not subject to any other specific planning policy constraints.
- 5.5. See location plan below:



## 6. PROPOSAL

- 6.1. The application proposes to erect a part 2 storey, part single storey rooftop extension to Cherwell House, creating a second and third floor along parts of the existing building. The extension would accommodate 26 additional student rooms and 2 Warden's flats, one of which would provide permanent accommodation for the college's head of boarding the other would accommodate welfare officers on rolling shifts. Additional external bin and cycle storage would be provided.



- 6.2. The maximum height of the building would be 15.6m at its southernmost section (9m over and above the existing height); the height would gradually fall away to 13.5m, then down to 11m. There would be a stretch of 28.5m in length between the extensions; the height would then rise to 8.7m at the northernmost section. A glazed link would punctuate the second storey extensions in order to break up the proposed mass. The extensions, along with ground and first floor levels, would be wrapped in standing seam copper cladding to create cohesion between the existing and proposed elements of the building.
- 6.3. The proposed second floor would provide 23 en-suite student rooms and 1 flat for the welfare officers on rolling shifts. This floor would also accommodate a new stairwell, providing emergency escape at rooftop level. The proposed third floor, at the southernmost part of the building, would provide 3 en-suite student rooms and permanent accommodation for the head of boarding.
- 6.4. The existing bin store to the western boundary of the site would be extended by removing 10 existing cycle spaces in order to accommodate 2 additional bins and 24 new cycle spaces would be provided in a new shelter, also to the western boundary of the site. The new flat roof bicycle shelter would measure 12.5m in length, 2.6m in height and 2.6m in depth. The shelter would be located approximately 2m from the site's western boundary.
- 6.5. During the consideration of the applicaiton, amended plans were submitted to include a sedum roof on the existing first floor roof and a cross section was provided to identify the existing rooflights at 1 Abbey Walk following comments from neighbours.

## **7. RELEVANT PLANNING HISTORY**

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

11/00927/FUL - Erection of 3 storey building to accommodate 74 student rooms plus warden's accommodation. Provision of cycle and bin storage facilities and landscaping. (Amended Plans). Refused 3rd August 2011.

11/02382/FUL - Erection of two storey building to provide 55 ensuite student rooms plus warden's accommodation. Provision of cycle and bin storage facilities and landscaping. Access from Osney Lane. Approved 15th February 2012.

14/02397/VAR - Variation of condition 2 of planning permission 11/02382/FUL (for 55 student study rooms) to allow inclusion of kitchen, dining room/common room, reception area etc. Approved 21st November 2014.

## **8. RELEVANT PLANNING POLICY**

- 8.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework	Local Plan
Design	117-123, 124-132	H14 - Privacy, daylight and sunlight DH1 - High quality design and placemaking DH2 - Views and building heights DH7 - External servicing features and stores
Conservation/ Heritage	184-202	DH3 - Designated heritage assets
Housing	59-76	H2 - Delivering affordable homes H8 - Provision of new student accommodation H15 - Internal space standards H16 - Outdoor amenity space standards
Natural environment	91-101	G2 - Protection of biodiversity geo-diversity G8 - New and enhanced Green and Blue Infrastructure
Social and community	102-111	
Transport	117-123	M1 - Prioritising walking, cycling and public transport M2 – Assessing and managing development M5 - Bicycle Parking
Environmental	117-121, 148-165, 170-183	RE3 - Flood risk management RE4 - Sustainable and foul drainage, surface RE8 - Noise and vibration
Miscellaneous	7-12	S1 – Presumption in favour of sustainable development RE2 – Efficient use of land RE7 – Managing the impact of development

## 9. CONSULTATION RESPONSES

- 9.1. Site notices were displayed around the application site on 27<sup>th</sup> May 2020. Further site notices were displayed on 1st July 2020 following receipt of amended plans. Following an amendment to the description of development, site notices were posted on 9<sup>th</sup> September 2020.

### Statutory and non-statutory consultees

Oxfordshire County Council (Highways)

- 9.2. The proposals are in a sustainable location with good access to public transport and local amenities. The proposals are immediately adjacent to the West Oxford CPZ.

The proposals demonstrate an additional 14 spaces for an extra 26 student rooms and 2 warden flats. This provision is considered acceptable. It is expected that a significant number of trips will be made on foot due to the City Centre location of the proposal.

The development does not include any additional off-street parking, this is considered acceptable as the primary users will be students aged 12-19 years old. There are very limited parking opportunities in the vicinity and significant parking controls are in place. A construction traffic management plan (CTMP) should be submitted prior to construction to mitigate against any impacts on local traffic caused by the construction process. Considering the above factors, it is considered that the proposals are unlikely to have a detrimental impact on the local highway network in traffic and safety terms. Oxfordshire County Council do not object to the granting of planning permission, subject to conditions.

#### Thames Water Utilities Limited

- 9.3. Thames Water would advise that with regard to surface water network infrastructure capacity, we would not have any objection to the above planning application, based on the information provided. Thames Water would advise that with regard to foul water sewerage network infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

#### Thames Valley Police

- 9.4. Although I do not wish to object to the proposals, I do have some concerns in relation to community safety/crime prevention design, given that the main purpose is to provide accommodation for students, which are considered to be more vulnerable members of society.

However, given that the proposals relate primarily to an upward extension of existing student accommodation with more of the same, I can only recommend that the applicants incorporate Secured by Design (SBD) principles and standards wherever possible. In particular, I recommend they follow the guidance relating to doors and windows in the New Homes document.

In addition, where existing designs/features do not already meet SBD guidance on the following, they should be brought up to the relevant standards:

- Access control. This would be an excellent opportunity to upgrade the existing access control system. An audio/visual system that provides security for students and creates compartmentation of the accommodation by floor is recommended. The applicants should also consider alteration and automation of the site's main vehicular access gates to provide more secure entrance to

the site. The current arrangement means that the gates are left open for the majority of the day.

- Lighting. Internal communal areas should be controlled by switched, photoelectric cells to create an environment that feels safe 24/7. Two-stage lighting could be considered to provide a more energy efficient system. In addition, external lighting must be provided at each point of entry or egress, which again should be operated by switched, photoelectric cell.
- CCTV. Additions to the existing system should ensure that it covers all building (internally and externally) and site access points, and the areas on the north and east of the building.
- The cycle and refuse storage must be secure. The existing units are not and this leaves the facilities open to theft and arson etc. SBD guidance on design and physical security standards must be applied here. If the recommendation on the automation of the vehicle gates is followed then this may not be necessary.
- The configuration and construction of the boundary treatment at the southeast corner of the site and the adjacent bridge aid climbing and provide an access point in to the grounds of Cherwell House. I strongly recommend that this area is re-designed as part of the proposals to prevent this in future.
- Finally, the Design and Access Statement (which, by the way makes no mention of security or community safety at all) says that the college are committed to providing lighting to the Osney Lane Bridge. However, it also says that this can only be provided if the building is high enough for light to 'Wash over' the footbridge. I am concerned with this statement and strongly advise that very careful thought and appropriate design are employed to ensure that any lighting provided for the bridge meets police recommended standards in addition to satisfying any environmental concerns. Lighting should be provided on the bridge, not simply creating a wash over it from nearby buildings, if this is the intention.

#### Oxfordshire County Council Fire Department

- 9.5. With regard to the proposed development/extension as shown on the planning portal, it appears that the building is served by two dry risers and it is taken these will be extended upwards to serve the all of the upper floors. On the assumption that fire service vehicle access will be maintained as shown in "Fire Strategy site plan Drg 4386 Ver F" including management of overhanging trees to ensure fire service vehicle access can be achieved; then we would have no adverse comments at this stage with regard to fire service access to the premises as proposed. When consulted under Building Regulations it is likely we would recommend that due to the risk from fire we would recommend that any cladding system used is non-combustible, and that consideration is given for installing sprinklers within the proposed extension. Also means of escape from the third floor as the stairway shown doesn't appear to be protected at ground floor level.

## Oxfordshire Badger Group

- 9.6. As you heard there are many concerns about this speculative application and it is hoped that the Planning Officer will judge that this is an over-development of the site which will impact negatively on the basic rights of the neighbours.

What is clear is that residents are very enthusiastic and supportive of the rich variety of wildlife that visit their gardens and which they have nurtured over the years. As I explained, I visited the site before it was first developed and although there were no active setts there was evidence that the wooded, scrub area was a welcome refuge for a range of wildlife including protected species, in an increasingly built up city setting. The building that went up was a clear and intrusive over-development of the site with no environmental benefits, biodiversity gain or understanding of its context. The fact that there is a wealth of wildlife in the area, including protected species, has not been recognised in any part of this inappropriate development, The mitigation has fallen on the neighbours who have welcomed the dispersed wildlife into their own gardens.

OBG hope that this further application which is clearly about greed and not need, will be rejected. Times have changed because of the worldwide pandemic and the need for more student accommodation and park and rides need to be reconsidered in the light of fundamental changes in travel, work/study environment and retail.

What is clear is that there needs to be a greater focus on preserving the diminishing wildlife of Oxford and making sure that any development results in biodiversity gain and not loss, which has not been the case with the Cherwell development. OBG would like to see the following measures implemented on the Mill Street application site, if permission is granted:

- Measures to compensate for the initial loss of habitat and foraging on the site
- Fencing which is wildlife friendly
- Reduced light and noise pollution. Why are lights allowed 24/7 ?
- Planting which is species friendly, including living roofs.
- Method statement for construction which is environmentally friendly.

OBG would like to see the City Council adopt strategies which respect the mosaic of habitats of and wildlife within the city, with a more coherent and joined up policy. Too many badger setts have been lost because of development and wildlife is diminishing at an alarming rate. A new approach is needed and Oxfordshire Badger Group would work with the Council and other authorities to bring about changes before it is too late.

## **Public representations**

9.7. 61 local people commented on this application from addresses in Barrett Street, Mill Street, Blenheim Drive, Murray Court, Prestwich Place, Abbey Walk, Rayson Lane, Arthur Street, Gibbs Crescent and Osney Mill.

9.8. In summary, the main points of objection (65 residents) were:

- Height of development
- Loss of daylight and privacy
- Effect on character of area
- External materials
- Effect on traffic
- Living conditions
- Noise from students
- Increased footfall along Mill Street
- Fire escape
- Occupancy rate
- Badgers
- The current state of the footbridge
- Sewerage connection

#### **Officer response**

9.9. In response to comments received, Officers sought clarity from the applicant regarding the occupancy rate and need for additional student rooms, the fire escapes and the location of neighbouring rooflights. The Council's ecology officer visited the site to assess the potential for badgers. The Officer contacted Thames Water, the agent and the Council's flood risk and drainage officer to seek clarity on the sewer connection to Cherwell House.

## **10. PLANNING MATERIAL CONSIDERATIONS**

10.1. Officers consider the determining issues to be:

- a. Principle of development
- b. Design and impact on the historic environment
- c. Living conditions
- d. Impact on neighbouring amenity
- e. Flooding
- f. Ecology
- g. Fire safety
- h. Sewerage
- i. Highways

### **a. Principle of development**

- 10.2. Policy H8 of the Oxford Local Plan 2036 permits new student accommodation in the following locations:
- on or adjacent to an existing\* university or college campus or academic site, or hospital and research site, and only if the use during university terms or semesters is to accommodate students being taught or conducting research at that site; or
  - In the city centre or a district centre; or
  - On a site which is allocated in the development plan to potentially include student accommodation.
- 10.3. The site would not fall into any of the above categories; however it is considered that the intensification of an existing student accommodation site would be acceptable in principle. Therefore the proposal complies with Policy H8 above.
- 10.4. Following comments from local residents regarding the existing underutilisation of the building, the applicant has confirmed that there are currently 38 residential plus 13 day students enrolled at the college. Since January 2020, the College has enrolled 4 more residential students plus 3 day students who are flexible residential (weekdays only). The total number of residential students in Cherwell House for the academic year 2019-2020 is 45 which equates to more than 80% capacity. The College expects to increase to 50+ in the academic year 2020-21. The College strategy from occupation in 2015 was to align with increased teaching facilities, the College now has 4 study centres in Oxford City centre, which can cater for 100+ students which gives rise to the need to increase the number of rooms to prepare for future residential intake.
- 10.5. Policy H2 of the Oxford Local Plan 2036 requires a financial contribution towards affordable housing elsewhere within Oxford to be secured for proposals of new student accommodation of 25 or more student units. The application proposes 26 new student units and therefore exceeds this threshold, a S106 shall be agreed with the applicant in this regard prior to consent being granted in accordance with policy H2. As set out within appendix 3.2 of the Local Plan, the City Council will seek a standard development contribution based on the amount of net additional residential floorspace measured internally.

**b. Design and impact on the historic environment**

- 10.6. Policy DH1 of the Oxford Local Plan 2036 stipulates that planning permission will only be granted for development which shows a high standard of design, and which respects the character and appearance of an area and uses materials appropriate to the site and surroundings.
- 10.7. As set out at Policy DH2, the City Council will seek to retain significant views both within Oxford and from outside, in particular to and from the historic skyline. Planning permission will not be granted for any building or structure that would harm the special significance of Oxford's historic skyline. Policy DH3 requires development to respect and draw inspiration from Oxford's unique historic environment (above and below ground), responding positively to the significance character and distinctiveness of the heritage asset and locality.

- 10.8. When determining an application affecting a Conservation Area, officers are required to take account of section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended and Chapter 16 of the NPPF which states that, with respect to buildings or other land in a Conservation Area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the area.
- 10.9. Firstly, it is acknowledged that application 11/00927/FUL for a linear three storey building was refused and subsequently dismissed at appeal. A number of local representations have commented on this aspect of the site's history and therefore it is important to explain the findings of the Inspector's decision in relation to this proposal. The Inspector found that the proposed 2011 development with its blank north-west facing panels would *create the impression of a more or less continuous wall in various views from the Mill Street properties. A dark zinc roof, a consistent ridgeline along its full length and the detailing of the two mid-way entrances would all add to this somewhat forbidding wall-like effect, which the curved alignment would not dispel...the particular combination of length, height and design (rather than height alone) would result in an unsympathetic addition to the locality.* In contrast to the appeal scheme, the roofline of the proposed development varies in height with active frontages to all elevations. In terms of the impact on neighbouring amenity, the Inspector concluded that *given the generous separation distances between the proposed building and the Mill Street properties, and the recessed third (roof) storey in the new building, the relationships created would not be so close as to cause a material loss of outlook or harmful sense of enclosure at any individual Mill Street property. Nor would there be unacceptable impacts in these respects at the Abbey Walk flats...Given the orientation of the various properties, in addition to separation distances, the proposal's impacts in terms of daylight and sunlight to neighbouring properties would not be significant.* The relationship between the proposed development and properties at Mill Street and Abbey Walk would be much the same as that assessed by the inspector in 2011.
- 10.10. The proposed extension creates a new and more visually interesting roofline for the building. The existing flat, long and continuous roof now steps up and down, broken up into three distinct parts. This articulated roof form responds to the interest and rhythm of the roof scape beyond. The new proposed roof form prevents the increased height of this long building creating the sense of a singular, dominant wall. The three differing heights provide hierarchy within the massing, creating interest and a sense of arrival within the site context. The prow of the building, at the southern elevation, responds to the adjacent footbridge and scale of the buildings beyond, for example, Student Castle (which is a large student accommodation on the opposite side of the railway line from the application site). The fenestration, with a combination of offset portrait and landscape windows provide rhythm and interest, avoiding what could be a monotonous long façade. The use of copper within the façade creates a cohesive whole for the varied massing. The light tone of the proposed materials for the facade responds well to the local brick creating an unassuming building that will not have significant visual impact.
- 10.11. Within the Design and Access Statement and as shown on the 'Bridge lighting' documents, the proposal includes the installation of lighting on the railway



footbridge however details have not been supplied. Details of the exact location and specifications of the lighting would be secured by condition to ensure that the lighting meets police recommended standards, satisfies environmental concerns and does not detract from views from outside the City or within the Conservation Area.

- 10.12. As set out above, the site lies within the Raleigh Park view cone and is adjacent to part of the Osney Town Conservation Area. When assessing views out of the City, from St George's Tower and the former Prison, it is considered that the proposed extension when viewed within the context of existing tree canopies, would not result in any less visibility of the terraced housing that characterises the Osney Town Conservation Area. The proposed development would add a complimentary dimension to the urban fabric of this part of the City and it is considered that there would be no harm to the significance of the Conservation Area or the setting of local heritage assets i.e. the Power Station, Osney Cemetery and the former Mill buildings to the south west of the application site, which would be screened by Student Castle from this vantage point. Views from Castle Motte would be similar, if at a slightly different angle. Importantly, these views are layered with fore, middle and distant grounds. The proposed development would sit in the middle ground, with Student Castle and the Power Station.
- 10.13. With regards to long views into the City (including from Raleigh Park), it is considered that the southern four storey element may be visible as a small punctuation mark in views. However, if this is the case, the proposed development would not distract from the important subject matter of the view which is the historic skyline, therefore it is considered that there would be no harm to views into the City.
- 10.14. From within Osney Cemetery, the immediate views of the proposed development would be fractured by the surviving trees that border this space. The significance of the cemetery derives from its particular character, a quiet contemplative green space that memorialises those buried. This character would not be lost through the changed, partial view of the southern end of Cherwell House. The activity of those within Cherwell House would be inward looking rather than having any particular views out, it is therefore considered that there would be no harm on the immediate views of the site.
- 10.15. In terms of the potential impact on the setting of the Conservation Area, it is considered that the existing site does not contribute to the setting of the designated heritage asset. The proposed design would make the building more visible due to its increased height but because of the raised railway line to the east, it would not disturb any views back to St Thomas or St Ebbes beyond and therefore, the proposed development would not cause harm to the setting of the Conservation Area.
- 10.16. The proposal is not considered to impact on the setting of the Conservation Area or the City's skyline for the reasons outlined above. The development would therefore be acceptable in the context policies DH2 and DH3 of the Oxford Local Plan 2036 and Paragraphs 192-196 of the NPPF and would have no harmful impact.

### **c. Living conditions**

- 10.17. Policy H8 of the Oxford Local Plan 2036 requires student accommodation developments of 20 or more bedrooms to provide communal amenity space for students to gather and socialise. Communal areas including a seating and games area, a study area and refectory are provided for students on the existing ground floor. It is therefore considered that the proposal complies with criterion b) of policy H8.
- 10.18. The student rooms would measure between approximately 12sq. m. and 14sq. m. including the en-suites and would all have an outlook to the south west. Whilst there are no prescribed space standards for student rooms, the internal private living conditions are considered acceptable.
- 10.19. The Warden's flat proposed on the third floor would provide permanent accommodation for the college's head of boarding. Therefore, the flat would need to comply with nationally described space standards as required by policy H15 of the Oxford Local Plan 2036. In accordance with the national space standards (March 2015), a single storey, 1 bedroom dwelling for 1 person is required to have a minimum floor area of 39sq. m. with a bedroom measuring 7.5sq. m. and at least 2.15m wide. The proposed head of boarding's flat would measure 45sq. m. with the bedroom measuring 10.3sq. m. (excluding en-suite) and 2.5m in width.
- 10.20. Policy H16 requires 1 or 2 bedroom flats to provide either a private balcony, terrace or direct access to a private or shared garden. Currently, there are two landscaped areas to the west of the building providing outdoor amenity space for students and staff.
- 10.21. It is considered that proposed internal and external living conditions would comply with the requirements of policies H15 and H16 of the Oxford Local Plan 2036.

### **d. Impact on neighbouring amenity**

- 10.22. Policy H14 of the Oxford Local Plan 2036 requires new development to provide reasonable privacy, daylight and sunlight for occupants of existing homes. Consideration must be given to the degree of overlooking to and from neighbouring properties or gardens, the orientation of windows in both new and existing development in respect of access to daylight, sunlight and solar gain and existing and proposed walls, hedges, trees and fences in respect of their impact on overshadowing both existing and new development. Planning permission will not be granted for any development that has an overbearing effect on existing homes.

#### Daylight/sunlight

- 10.23. The proposed development would not contravene the 45 or 25 degree lines when applied to habitable windows at nearby residential dwellings. It is therefore considered that the development would not materially impact on the levels of daylight/ sunlight currently afforded Privacy
- 10.24. The proposed extensions would sit between approximately 18m and 45m east of residential dwellings on Abbey Walk and Mill Street respectively, set back from the existing western elevations of Cherwell House, with bedroom windows angled south west, to ensure occupiers do not directly overlook the private rear gardens of properties fronting Abbey Walk and Mill Street.
- 10.25. Due to the distance between the proposed development and nearby residential properties and the orientation of bedroom windows, it is considered that the development would not lead to an unacceptable loss of privacy. There are existing bedrooms within the building that provide a similar view of these properties.

#### Overbearing

- 10.26. It is acknowledged that the outlook for neighbours would alter, as is the case with most proposed developments within a built up urban setting. However, taking into account the distance between the proposed development and nearest dwellings, as set out above, and the fact that this proposal is for a partial rooftop extension on an existing building, it is considered that the proposal would not have an unacceptable overbearing impact on neighbours.
- 10.27. It is therefore considered that the proposed development would not lead to an unacceptable impact on neighbouring amenity in accordance with policy H14 of the Oxford Local Plan 2036.

#### **e. Flooding**

- 10.28. The up to date Environment Agency Product 4 data (27.07.2020) has established that Cherwell House and the eastern side of the site are located wholly within flood zone 1 (lowest probability of flooding). The submitted FRA addendum recommends a safe access and egress route via Osney Lane to the east of the site, turning north onto Hollybush Row and then turning east onto Park End Street. It is considered this would be acceptable. Furthermore, a condition has been recommended requiring a flood warning and evacuation plan to be submitted to and approved by the Council prior to the commencement of development.

#### **f. Ecology**

- 10.29. Concerns were raised amongst local residents and the Oxfordshire Badger Group over the potential impacts the scheme would have on local wildlife, most notably badgers. Badgers are known to be present within the local area, utilising the neighbouring gardens for foraging and sett building. The Council's ecologist therefore visited the application site, however no evidence of badger use was found. The site is largely well sealed with no significant gaps in the fence line present. One hole was found, however it was considered too small for badgers and no snagged hair was found to indicate that badgers have passed underneath.

10.30. Whilst no evidence of protected species activity was found within the site, it is considered that opportunities must be taken to improve the site for wildlife. A number of conditions have therefore been recommended in relation to ecological enhancements, lighting design strategy for light sensitive biodiversity and the requirement for a Construction Environmental Management Plan.

**g. Fire safety**

10.31. The building is currently served by two dry risers and it is anticipated that these would be extended upwards to serve the proposed upper floors. Vehicular access to the site would be maintained as illustrated on the fire strategy site plan (dwg. no. 4386 version F) and as such, the fire service access to the site is considered acceptable as confirmed by the fire safety inspector and building control liaison officer.

**h. Sewerage**

10.32. A number of public comments have raised concern regarding the sewer connection from Cherwell House. Thames Water commented three times on the application, firstly in June, in August and again in September confirming that they do not object to the proposed development with regards to the foul water sewerage infrastructure capacity. Officers have also had sight of the Thames Water wastewater map which clearly indicates that there is a connection from Cherwell House. Furthermore, the original 2011 proposal was signed off by an external building control consultancy in 2014 (12/00995/IN). The inspectors will have assessed the sewerage connection before signing off the works. The Thames Water Operations team visited the area in September to investigate reports of an unpermitted Combined Sewer Overflow (CSO) which may have been causing intermittent pollution to the River Thames. It was confirmed on 29<sup>th</sup> September by Thames Water that there is no such CSO. It is understood, by Thames Water, that the confusion arose from a gully being connected to the foul network.

**i. Highways**

Transport sustainability

10.33. The application site is in a highly sustainable location with good access to public transport and local amenities either by foot, cycle or public transport modes. The application site is immediately adjacent to the West Oxford Controlled Parking Zone (CPZ).

10.34. An additional 14 covered cycle parking spaces would be provided within a new bike shelter along the western boundary of the application site. This provision is considered acceptable in accordance with Policy M5 of the Oxford Local Plan 2036.

10.35. The proposals do not include any additional off-street parking, this is considered acceptable as the primary occupants would be students aged 16-19 years old. There are very limited parking opportunities in the vicinity and significant parking controls are in place.

- 10.36. A condition has been recommended requiring the submission of a Construction Traffic Management Plan (CTMP) to be submitted prior to the commencement of development to ensure that any impacts on local traffic caused by the construction process are mitigated in accordance with Policy M2 of the Oxford Local Plan 2036.
- 10.37. It is considered that the proposals are unlikely to have a detrimental impact on the local highway network in traffic and safety terms.

## **11. CONCLUSION**

- 11.1. It is recommended that the Committee resolve to grant planning permission for the development proposed subject to the conditions in section 12 of this report and to the satisfactory completion (under authority delegated to the Head of Planning Services) of a legal agreement under section 106 of the Town and Country Planning Act 1990.
- 11.2. Having regards to the matters discussed in the report, officers would make members aware that the starting point for the determination of this application is in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004 which makes clear that proposals should be assessed in accordance with the development plan unless material considerations indicate otherwise.
- 11.3. The NPPF recognises the need to take decisions in accordance with Section 38 (6) but also makes clear that it is a material consideration in the determination of any planning application (paragraph 2). The main aim of the NPPF is to deliver Sustainable Development, with paragraph 11 the key principle for achieving this aim. The NPPF also goes on to state that development plan policies should be given due weight depending on their consistency with the aims and objectives of the Framework. The relevant development plan policies are considered to be consistent with the NPPF.
- 11.4. Therefore it would be necessary to consider the degree to which the proposal complies with the policies of the development plan as a whole and whether there are any material considerations, such as the NPPF, which are inconsistent with the result of the application of the development plan as a whole.
- 11.5. In summary, the proposed development would be an acceptable addition to the site, in compliance with the relevant policies of the Oxford Local Plan 2036.
- 11.6. Therefore officers consider that the development accords with the development plan as a whole.
- Material consideration*
- 11.7. The principal material considerations which arise have been addressed in earlier sections of this report.
- 11.8. National Planning Policy: the NPPF has a presumption in favour of sustainable development.

- 11.9. NPPF paragraph 11 states that proposals that accord with the development plan should be approved without delay, or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
- 11.10. Officers consider that the proposal would accord with the overall aims and objectives of the NPPF for the reasons set out within the report. Therefore in such circumstances, paragraph 11 is clear that planning permission should be granted without delay.
- 11.11. Officers would advise members that, having considered the application carefully, the proposal is considered to be acceptable in terms of the aims and objectives of the National Planning Policy Framework and relevant policies of the Oxford Local Plan 2036 when considered as a whole. There are no material considerations that would outweigh these policies.
- 11.12. It is recommended that the Committee resolve to grant planning permission for the development proposed subject to the conditions set out in section 12 of this report and to the satisfactory completion (under authority delegated to the Head of Planning Services) of a legal agreement under section 106 of the Town and Country Planning Act 1990.

## **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 permitted shall be constructed in complete accordance with the specifications in the application and approved plans listed below, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To avoid doubt and to ensure an acceptable development as indicated on the submitted drawings in accordance with policy CP1 of the Oxford Local Plan 2001-2016.

3. The materials to be used in the proposed development shall be as specified in the application hereby approved. There shall be no variation of these materials without the prior written consent of the Local Planning Authority.

Reason: To ensure that the development is visually satisfactory as required by policy RE7 of the Oxford Local Plan 2036.

4. Prior to the commencement of development, details and specifications of external lighting in accordance with Secured by Design standards, shall be

submitted to, and approved in writing by, the Local Planning Authority. Only the approved external lighting shall be installed.

Reason: To ensure an appropriate design is implemented which enhances community safety and amenity in accordance with policies DH1 and RE7 of the Oxford Local Plan 2036.

5. Prior to the commencement of development, details of the boundary treatment at the southeast corner of the site shall be submitted to, and approved in writing by, the Local Planning Authority. The boundary treatment shall be carried out in accordance with approved details prior to the completion of works.

Reason: To provide a secure boundary, enhancing community safety and amenity in accordance with policy RE7 of the Oxford Local Plan 2036.

6. A Construction Traffic Management Plan (CTMP) shall be submitted to, and approved in writing by, the Local Planning Authority prior to commencement of works. Works shall be carried out in accordance with the approved CTMP during construction. This should identify;

- The routing of construction vehicles,

- Access arrangements for construction vehicles,

- Details of times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours (to minimise the impact on the surrounding highway network)

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 policies M2 and RE7 of the Oxford Local Plan 2036.

7. During term time the development hereby permitted shall be used for student accommodation occupied by students on full time courses as specified in the submitted application and accompanying details and for no other purpose without the prior written approval of the Local Planning Authority. Outside term time the permitted use may be extended to include accommodation for cultural and academic visitors and for conference and summer school delegates. The buildings shall be used for no other purpose without the prior written approval of the Local Planning Authority.

Reason: To avoid doubt and to allow the Local Planning Authority to give further consideration to other forms of occupation which may result in the loss of student accommodation, in accordance with Policy H8 of the Oxford Local Plan 2036.

8. Prior the first occupation of the approved development, details relating to the arrangements for a phased drop off of occupiers at the approved development at the start and end of term shall be submitted to and approved in writing by the Local Planning Authority. The submitted details will include information relating

to the different periods of arrival and departure for occupiers of the building in the form of a timetable and corresponding plan indicating the time periods for drop off and collection of occupiers and their possessions from each of the student rooms. The information provided will also include the identified areas within the vicinity of the application site that shall be used as drop off or collection zones and how these spaces will be managed to minimise the impact of inconsiderate parking on nearby residential roads. The approved details and timetable shall be adhered to throughout each year unless agreed otherwise 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 RE7 and H8 of the Oxford Local Plan 2036.

9. Details of the day to day management of the student accommodation permitted shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development. The details as approved shall be brought into operation upon first occupation of the development and shall remain in place and be adhered to at all times thereafter unless otherwise agreed in writing beforehand by the Local Planning Authority.

Reason: To avoid doubt and in order to ensure the development is appropriately managed so as to protect the amenities of neighbouring occupiers, in accordance with policies RE7 and H8 of the Oxford Local Plan 2036.

10. Prior to commencement of the development, a noise assessment shall be submitted to the Council for approval of external noise levels including reflected and re-radiated noise and details of the sound insulation of the building envelope, orientation of habitable rooms away from major noise sources and of acoustically attenuated mechanical ventilation as necessary to achieve internal room- and (if provided) external amenity noise standards in accordance with the criteria of BS8233:2014. The approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

Reason: In the interests of the health and wellbeing of neighbouring residents and occupiers/users of the application site subject to the development, in accordance with Policies RE7 and RE8 of the Oxford Local Plan 2036.

11. Prior to the commencement of development, a maintenance plan for the proposed sedum roof shall be submitted to, and approved in writing by, the Local Planning Authority. The approved details shall be implemented prior to occupation and maintained thereafter.

Reason: To ensure the longevity of this new green infrastructure in accordance with policy G8 of the Oxford Local Plan 2036.

12. Prior to the commencement of development, a scheme of ecological enhancements shall be submitted to, and approved in writing by, the Local



Planning Authority to ensure a net gain in biodiversity will be achieved. The scheme shall include details of new landscape planting of known benefit to wildlife and provision of artificial roost features, including specifications and locations of bird and bat boxes. Other features such as invertebrate houses shall also be detailed. The approved details shall be implemented prior to occupation.

Reason: To comply with the requirements of the National Planning Policy Framework, the Conservation of Habitats and Species Regulations 2017, Wildlife and Countryside Act 1981 (as amended) and Policy G2 of the Oxford Local Plan 2036.

13. Prior to occupation of the development, details of external lighting for the buildings, features or areas to be lit shall be submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall be designed to prevent disturbance to light sensitive wildlife such as bats. Only the approved external lighting shall be installed.

Reason: The prevention of disturbance to species within the site during operation in accordance with Policy G2 of the Oxford Local Plan 2036.

14. No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include the following:
  - a) Risk assessment of potentially damaging construction activities;
  - b) Identification of "biodiversity protection zones" including off-site receptors (most notably Badgers);
  - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction;
  - d) The location and timing of sensitive works to avoid harm to biodiversity features;
  - e) The times during construction when specialist ecologists need to be present on site to oversee works;
  - f) Responsible persons and lines of communication;
  - g) The role and responsibilities on site of an Ecological Clerk of Works (ECoW) or similarly competent person; and
  - h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: The prevention of harm to species and habitats within and outside the site during construction in accordance with Policy G2 of the Oxford Local Plan 2036.

15. Prior to the commencement of development, a flood warning and evacuation plan shall be submitted to, and approved in writing by, the Local Planning Authority. The approved plan shall be in place prior to the first occupation of the development.

Reason: To ensure that safe access and egress can be provided in the event of a flood in accordance with policy RE3 of the Oxford Local Plan 2036 and the NPPF.

INFORMATIVES :-

- 1 Construction and demolition works and associated activities at the development, audible beyond the boundary of the site should not be carried out other than between the hours of 0800 - 1800hrs Mondays to Fridays and 0800 - 1300hrs on Saturdays and at no other times, including Sundays and Public/Bank Holidays, unless otherwise agreed with the Environmental Health Officer.

At least 21 days prior to the commencement of any site works, all occupiers surrounding the site should be notified in writing of the nature and duration of works to be undertaken. The name and contact details of a person responsible for the site works should be made available for enquiries and complaints for the entire duration of the works and updates of work should be provided regularly. Any complaints should be properly addressed as quickly as possible.

No waste materials should be burnt on site of the development hereby approved. All waste materials and rubbish associated with the construction should be contained on site in appropriate containers which, when full, should be promptly removed to a licensed disposal site.

- 2 Any works on this land will need to be undertaken following engagement with Asset Protection to determine the interface with Network Rail assets, buried or otherwise and by entering into a Basis Asset Protection Agreement, if required, with a minimum of 3 months notice before works start. Initially the outside party should contact [assetprotectionwestern@networkrail.co.uk](mailto:assetprotectionwestern@networkrail.co.uk).
- 3 The applicant must meet the obligations under the demarcation agreement of 15th March 1996 which include submitting plans for approval via Property Services in addition to securing an Asset Protection Agreement. It must be considered when Network Rail has access rights over the development site; access must not be blocked or restricted at any time. The applicant must comply with all post sale covenants in the demarcation agreement and understand the implications this will have on the implementation of this development.
- 4 Soakaways / attenuation ponds / septic tanks etc, as a means of storm/surface water disposal must not be constructed near/within 5 metres of Network Rail's boundary or at any point which could adversely affect the stability of Network Rail's property/infrastructure. Storm/surface water must not be discharged onto Network Rail's property or into Network Rail's culverts or drains. Network Rail's drainage system(s) are not to be compromised by any work(s). Suitable drainage or other works must be provided and maintained by the Developer to prevent surface water flows or run-off onto Network Rail's property / infrastructure. Ground levels - if altered, to be such that water flows away from

the railway. Drainage is not to show up on Buried service checks.

- 5 Any scaffold which is to be constructed adjacent to the railway must be erected in such a manner that, at no time will any poles or cranes over-sail or fall onto the railway. All plant and scaffolding must be positioned, that in the event of failure, it will not fall on to Network Rail land.
- 6 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.
7. The development hereby permitted is liable to pay the Community Infrastructure Levy. The Liability Notice issued by Oxford City Council will state the current chargeable amount. A revised Liability Notice will be issued if this amount changes. Anyone can formally assume liability to pay, but if no one does so then liability will rest with the landowner. There are certain legal requirements that must be complied with. For instance, whoever will pay the levy must submit an Assumption of Liability form and a Commencement Notice to Oxford City Council prior to commencement of development. For more information see: [www.oxford.gov.uk/CIL](http://www.oxford.gov.uk/CIL)

## **16. APPENDICES**

**Appendix 1 – Site location plan**

## **17. HUMAN RIGHTS ACT 1998**

- a. 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.

## **18. SECTION 17 OF THE CRIME AND DISORDER ACT 1998**

- a. 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.

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# Appendix 1 – Location Plan

## 20/01139/FUL – Cherwell House



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**West Area Planning Committee**

13<sup>th</sup> October 2020

**Application number:** 19/02817/FUL

**Decision due by** 27th December 2019

**Extension of time** 20th October 2020

**Proposal** Demolition of existing garage. Erection of 1 x 6-bed dwelling (Use Class C3) and erection of detached garage. Provision of amenity space, bin and cycle stores. Associated landscaping and boundary treatments.

**Site address** Land Between 45 And 51, Hill Top Road, Oxford, Oxfordshire – see **Appendix 1** for site plan

**Ward** St Clement's Ward

**Case officer** James Paterson

**Agent:** Mr Stephen Broadley **Applicant:** Mr J Asquith

**Reason at Committee** This application was called in by Councillors Hayes, Chapman, Tanner, Clarkson, Munkonge and Lygo due to concerns around car parking, amenities, neighbouring amenities, and the use of the site.

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## 1. RECOMMENDATION

1.1. West Area Planning Committee is recommended to:

1.1.1. **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.

1.1.2. **agree to delegate authority** to the Head of Planning 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 Services considers reasonably necessary.

## 2. EXECUTIVE SUMMARY

2.1. This report considers an application for the erection of a single six bedroom dwellinghouse and an associated detached garage, which would house the proposed bin and cycle stores. The detached house would be set towards the rear of the plot, to match the dwellings Nos. 45 a and 45b, and would be two and a half storeys in height. The garage would sit forward of the principal

elevation by some distance and would be adjacent to the boundary with No. 51. Associated landscaping and boundary treatments are also proposed.

2.2. Officers consider that the proposal would accord with the policies of the development plan when considered as a whole and the range of material considerations support the grant of planning permission.

2.3. The scheme would also accord with the aims and objectives of the National Planning Policy Framework. The proposal would constitute sustainable development and given conformity with the development plan as a whole, paragraph 11 advises that the development proposal should be approved without delay. Furthermore there are not any material considerations that would outweigh the compliance with these national and local plan policies.

### **3. LEGAL AGREEMENT**

3.1. This application is not subject to a legal agreement.

### **4. COMMUNITY INFRASTRUCTURE LEVY (CIL)**

4.1. The proposal is liable for CIL. The amount due would be £ 77,862.60.

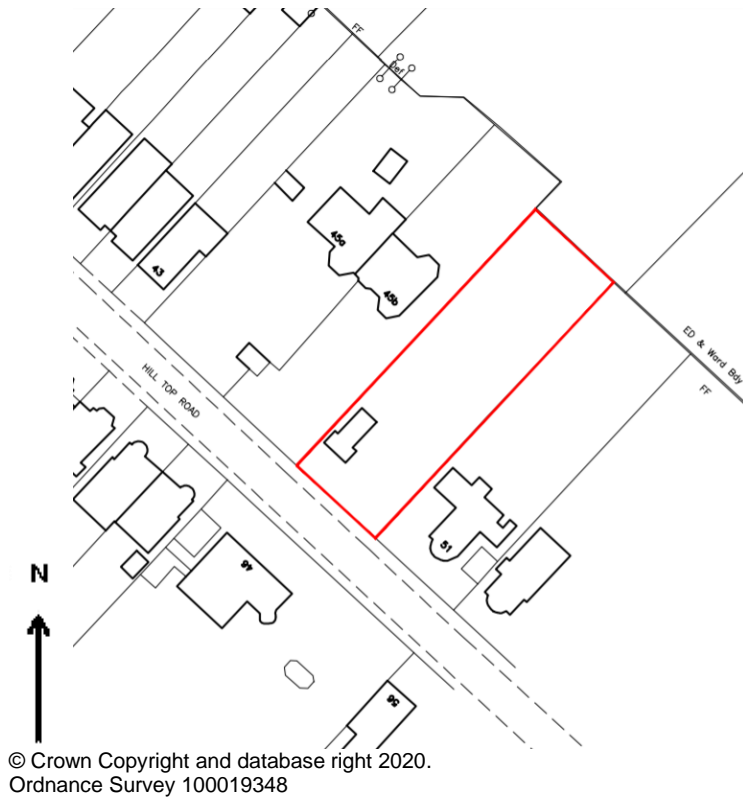
### **5. SITE AND SURROUNDINGS**

5.1. The site is located on the north side of Hill Top Road. The application site consists of an area of scrubland with a disused garage. Several protected and mature trees surround the site, both within and without the site itself.

5.2. The street is characterised by its eclectic mixture of generous late Victorian villas, semi-detached Edwardian houses and later infill developments. To the north lies research and educational facilities associated with the University of Oxford. In all other directions lie residential dwellinghouses. To the north-west lies Nos. 45a and 45b, a pair of semi-detached dwellings, which are something of an anomaly in the street by virtue of their siting towards the rear of their plots. To the south-east lies No. 51, a detached property constructed in an Edwardian style, typical of this portion of the street. To the south lies No. 46. This is a very generously proportioned house which has been significantly extended.

5.3. See location plan below:





## 6. PROPOSAL

- 6.1. This application proposes to demolish the existing garage, which is located towards the front of the site. A new dwellinghouse would be erected to the rear of the site, in line with the arrangement at Nos. 45a and 45b, being set 30m back from the front boundary and only 11m from the rear boundary. The dwellinghouse would be of red brick construction with plain clay tiled and painted timber framed windows. The dwellinghouse would be set across two storeys, with additional accommodation in the roof and basement and would have large, steep roofslopes, which slope away to the front and rear, with two large gables to the front elevation. To the rear there would be a single gable while a small pitched roof dormer would be set in the rear roofslope. The house would be up to 14.5m deep and 10m wide, while it would have a height of 5.2m to the eaves and a total height of 9.1m. The house would be set 4.6m from No. 45b and would have roughly the same building line to the front but would extend approximately 3.2m further rearward.
- 6.2. The proposed garage would be located to the front of the site and would be set near the boundary with No. 51, being 7.3m from the front boundary and of 1.2m from the east boundary. The garage would have space for a single car and would feature bespoke storage for cycles and bins. In the roofspace there is proposed to be a small home office. The garage would have a width of 6.4m and a depth of 8.8m. The garage would stand to a height of 3.1m to the eaves and 6.2m to the ridge of the hipped roof. A single rooflight would be situated on the eastern roofslope. The garage was originally proposed to be located on the other side of the site, to minimise the impact it would have on neighbours. Following concerns from the Tree Officer in relation to tree roots of protected trees; the garage was relocated and downsized in the final plans.

- 6.3. Minor landscaping is also proposed, including the creation of a lightwell to the rear, to serve the basement, and the creation of a small terraced area and grass lawn.

## 7. RELEVANT PLANNING HISTORY

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

16/02777/TPO - Raise canopy of 1No. Beech tree (T2) to 4m as identified in City of Oxford Hill Top Road No.1 Tree Preservation Order 1998.. PER 29th November 2016.

17/01832/FUL - Erection of 1 x 6 bed dwellinghouse (Use Class C3). Retention of existing garage for use as utility room/store. Alterations to form new vehicle access. Provision of private amenity space, car parking and bin stores.. PER 14th September 2017.

18/00858/FUL - Erection of 1 x 6 bed dwelling house (Use Class C3). Formation of garage to habitable space and provision of private amenity space, car parking and bin stores.. PER 31st May 2018.

19/02815/FUL - Demolition of existing garage and erection of a 1 x 4-bed dwelling and a 1 x 6-bed dwelling (Use Class C3). Provision of amenity space, car parking and bin and cycle stores. Associated landscaping and boundary treatments.. PCO .

19/02816/FUL - Demolition of existing garage and erection of 1 x 4-bed dwelling and 1 x 5-bed dwelling (Use Class C3). Provision of amenity space, car parking and bin and cycle stores. Associated landscaping and boundary treatments.. PCO .

## 8. RELEVANT PLANNING POLICY

- 8.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework	Local Plan	Other planning documents	Neighbourhood Plans:
Design	117-123, 124-132	DH1, DH7, H14, RE2		
Conservation/Heritage	184-202	DH4		

<b>Housing</b>	59-76	H15, H16		
<b>Natural environment</b>	91-101	G7, G8		
<b>Transport</b>	117-123	M2, M3, M4 M5		
<b>Environmental</b>	117-121, 148-165, 170-183	RE1, RE4, RE7, RE9		
<b>Miscellaneous</b>	7-12	S1		

## 9. CONSULTATION RESPONSES

9.1. Site notices were displayed around the application site on 14th November 2019. Following the receipt of revised plans, making changes to the proposed garage, new site notices were displayed around the application site on 14th August 2020.

### **Statutory and non-statutory consultees**

Oxfordshire County Council (Highways)

9.2. No objection, conditions required

### **Public representations**

9.3. 2 local people commented on this application from addresses in Hill Top Road

9.4. In summary, the main points of objection (2 residents) were:

- Effect on character of area
- Effect on privacy
- Local ecology, biodiversity

### **Officer response**

9.5. Officers have considered carefully the objections to these proposals. Officers have come to the view, for the detailed reasons set out in the officer's report, that the reasons for the objections do not amount, individually or cumulatively, to a reason for refusal and that all the issues that have been raised have been adequately addressed and the relevant bodies consulted.

## 10. PLANNING MATERIAL CONSIDERATIONS

10.1. Officers consider the determining issues to be:

- i. Principle of Development
- ii. Design
- iii. Neighbouring Amenity
- iv. Occupier Amenity
- v. Archaeology
- vi. Protected Trees
- vii. Drainage
- viii. Ecology
- ix. Land Quality
- x. Car Parking
- xi. Cycle Parking
- xii. Sustainability
- xiii. Other Matters

**i. Principle of development**

10.2. Where proposals are presented for housing development on unallocated brownfield sites, the City Council will take a positive approach, applying the presumption in favour of sustainable development as required by Policy S1 of the Oxford Local Plan 2036.

10.3. Policy RE2 states that planning permission will only be granted where development proposals make efficient use of land. Development proposals must make best use of site capacity, in a manner compatible with the site itself, the surrounding area and broader considerations of the needs of Oxford, as well as considering the criteria set out in the policy.

10.4. Planning officers consider that the demolition of the existing garage and erection of a new dwelling on the disused plot would make a better use of the land than the existing arrangement. Planning officers note that the site is very generously proportioned and in a sustainable location and have considered whether the proposed development makes sufficiently efficient use of the land; specifically whether the capacity for further dwellings has been considered. However, on balance, the protected trees constrain the amount of development that may take place on the site; this would therefore make additional dwellings, which also respond to the open aesthetic of the street to likely not be acceptable. Planning officers understand the delicate balance between overdevelopment of the site and making an efficient use of the available space. A comprehensive assessment of all of these issues can be found in the following sections of this report; however, in summary, planning officers consider that the proposal maximises the efficiency of the proposed land use in a manner compatible with the site. Indeed, for the most part the

proposal would not be dissimilar to the surrounding grain of development when considering the number of large detached dwellinghouses nearby.

- 10.5. Planning officers also note that there is extant permission for a single large detached dwelling on this site. The principle of a large detached dwellinghouse has already, therefore, been established. While that permission was granted under a superseded policy basis, the considerations in terms of design and efficient use of the land remain very similar.

## **ii. Design**

- 10.6. Policy DH1 of the Oxford Local Plan 2036 states that planning permission will only be granted for development of high quality design that creates or enhances local distinctiveness. Proposals must be designed to meet the key design objectives and principles for delivering high quality development, set out in Appendix 6.1.
- 10.7. The overall form and appearance of the house reflects the large Victorian villas that form part of the character of the area. While planning officers considered whether a design approach which more closely resembled the more dominant Edwardian characteristics of this end of Hill Top Road would be more appropriate; given that this proposal is for a single large dwelling planning officers considered that the design approach adopted by the applicant to reflect the less apparent Victorian architecture is acceptable, in this case. This character has been achieved by virtue of the proportioning and scale of the house. Notably the large, steep roof slopes, strong verticality created by the fenestration and gables and traditional window hierarchy all contribute to this. The front façade in particular is very traditional in character and closely related to the Victorian villas which comprise some of the nearby streetscene. While there would be non-traditional elements to the rear, which sit somewhat at odds with the traditional architectural language, such as the large window openings and disordered window hierarchy, these elements would not be readily visible in the public realm and would therefore have an acceptable impact in terms of design considerations.
- 10.8. Officers have carefully considered the layout of the site and note that a large dwelling was previously approved on the site (18/00858/FUL). Indeed, planning officers consider that if the house were set forward, it would better respect the typical arrangement and character of the street. The inclusion of a large garage forward of the principle elevation is also unusual and distracts from the important principle façade of the building. Having said this, officers note that the site is heavily constrained by protected trees and the findings of the submitted supplementary arboricultural information indicated that the root protected areas (RPAs) of the protected trees were likely to be extensive due to the nature of the soil. Therefore the decision to site the house rearwards would result in a less constrained development. Furthermore, planning officers note that the siting of the house rearwards with a garage to the front of the site reflects the arrangement of the direct neighbours to the west, Nos. 45a and 45b. Therefore, the siting of the house and garage would not be especially visually discordant in the immediate context of the site. Additionally, the revised plans submitted by the applicant have reduced the scale of the garage

and mean that it would be less disruptive and lessen the awkward relationship of the proposed arrangement.

- 10.9. Given the careful consideration in terms of design and the sensitivity of the site, Condition 9 has been recommended to remove permitted development rights so that any future additions made to the dwellinghouse would require planning permission. This would ensure any alterations to the house are carefully considered by the Council.
- 10.10. Having considered the above, the proposal is therefore acceptable in terms of design and Policy DH1.
- 10.11. Policy DH7 of the Oxford Local Plan 2036 states that permission will only be granted where outdoor needs are properly accommodated, including refuse and recycling storage. Bins should be provided in accordance with Oxford City Council's Technical Advice Note on bin storage.
- 10.12. The proposed bin storage arrangements are considered acceptable.

### **iii. Neighbouring Amenity**

- 10.13. Policy H14 of the Oxford Local Plan 2036 states that planning permission will only be granted for new development that provides reasonable privacy, daylight and sunlight for occupants of both existing and new homes. Policy H14 sets out guidelines for assessing development in terms of whether it will allow adequate sunlight and daylight to habitable rooms of the neighbouring dwellings.

#### Daylight

- 10.14. The proposal mostly accords with the 25/45 degree access to light test, outlined in Policy H14, with the exception of the ground floor side windows of No. 45b. For the most part, the proposal would not impact the amount of daylight received by the internal rooms of neighbours. The impingement on the daylight received by the ground floor side windows of No. 45b would be very small and would be unlikely to result in a materially significant amount of light loss. In any case, it is noted that these windows either serve non-habitable rooms or serve rooms which benefit from more important windows directly to the front or rear of the house. Therefore the daylight impact on this neighbour is considered acceptable.
- 10.15. While the house would be large, it is noted that it is set away from the boundaries and is unlikely to lead to a significant daylight loss to neighbours' gardens.
- 10.16. Planning officers note that neighbouring residential occupiers are vulnerable to additional windows and extensions being added at a later date. Therefore Condition 9 has been included curtailing permitted development rights in this respect.

#### Privacy

- 10.17. The proposed glazing to the rear of the house is considered acceptable as this would only have significant views of the rear garden of the proposed dwelling and glimpses through the vegetation towards the university facilities to the rear of the site. While the windows to the front of the property would offer views towards No. 51, which is set towards the front of its plot. However, it is noted that views from the ground floor windows of the proposed dwelling would be entirely blocked by the boundary treatment. Furthermore, while it is noted some inter-looking may be possible between the upper front windows of the proposed dwelling and the upper rear windows of No. 51, it is considered that sufficient screening is offered by the mature trees, which cannot be removed or pruned without permission from the Council, and the distance of approximately 18m between the windows would protect privacy. There would also be sufficient distance between No. 26 and the proposed dwelling to protect the privacy of occupiers of that dwelling.
- 10.18. It is noted that a number of side windows are proposed. These would either be at ground floor level and would therefore not have significant views of neighbours' rooms or gardens or serve bathrooms and would therefore not offer views to the future occupants. The proposal is therefore acceptable in terms of privacy.
- 10.19. The windows on the proposed garage would face away from nearby dwellings and would not offer unacceptable views of neighbouring properties. The only windows on the garage which would face towards dwellings would be the two roof lights on the eastern roof slope of the garage but because of the internal floor height of the office in the roofspace of the proposed garage, it is considered that these rooflights would not provide an outlook that would compromise privacy.

#### Overbearing

- 10.20. While the house is of a significant height, it would be set at least 3.5m from the mutual boundary with No. 45b and would, for the most part, be built next to that dwelling and would be of similar length. The garden of No. 45b would therefore not be unacceptably impacted by the development proposal. The outlook of the side windows of No. 45b would be changed to include views of a large dwelling. However, given the distance of 4.5m between the dwellings and mature vegetation to screen much of the new dwelling, it is considered that this impact would not be unacceptable.
- 10.21. The proposed dwelling would not be overbearing on the dwelling of No. 51 due to the fact that this dwelling would be set a significant distance behind No. 51. In terms of the amenity space of No. 51, it is considered that the proposed house being set 3.5m from the boundary and with a large hedgerow and mature protected trees would be sufficient to ensure the development would not be overbearing.
- 10.22. The proposed garage is of sufficiently modest scale and set back from the boundary, by a metre, so as to ensure it would not have an overbearing impact on No. 51

10.23. Considering the above, the proposal would be acceptable in terms of neighbouring amenity and Policy H14.

#### **iv. Occupier Amenity**

10.24. Policy H15 of the Oxford Local Plan states that planning permission will only be granted for new dwellings that provide good quality living accommodation for the intended use. All proposals for new build market and affordable homes (across all tenures) must comply with the MHCLG's Technical Housing Standards – Nationally Described Space Standard Level 113.

10.25. The proposed dwellings meet the requirements of the relevant space standards and would provide high quality internal space to potential occupants in a layout which is considered acceptable.

10.26. Policy H16 of the Oxford Local Plan 2036 states that planning permission will only be granted for dwellings that have direct and convenient access to an area of private open space. H16 sets out the expectations for the size and quality of outdoor space across various types of dwellings.

10.27. The proposed outdoor space would also be sufficient to meet the policy requirements and provide future occupants with high quality outdoor amenity space.

10.28. The proposal would therefore offer sufficient amenity to future occupiers and accord with Policies H15 and H16.

#### **v. Archaeology**

10.29. Policy DH4 of the Oxford Local Plan 2036 states that where archaeological deposits that are potentially significant to the historic environment of Oxford are known or suspected to exist anywhere in Oxford, planning applications should include sufficient information to define the character, significance and extent of such deposits so far as reasonably practical. Proposals that will lead to harm to the significance of non-designated archaeological remains or features will be resisted unless a clear and convincing justification through public benefit can be demonstrated to outweigh that harm.

10.30. Having consulted the Historic Environment Record, the Council concludes that, on present evidence, this development proposal would be unlikely to have significant archaeological implications

10.31. The proposal is therefore acceptable in terms of archaeology and Policy DH4.

#### **vi. Protected Trees**

10.32. Policy G7 of the Oxford Local Plan 20136 states that planning permission will not be granted where development would result in the loss of green infrastructure features such as hedgerows, trees or woodland, where this would have a significant adverse impact upon public amenity or ecological interest. It must be demonstrated that their retention is not feasible and that their loss will be mitigated. Planning permission will not be granted for



development resulting in the loss or deterioration of ancient woodland or ancient or veteran trees except in wholly exceptional circumstances.

- 10.33. The submitted documents serve as sufficient evidence to demonstrate that the proposed development would have an acceptable impact in terms of the protected trees, in principle. However, officers have concerns about inconsistencies in the submitted documents, amounting to conflicting detail, in addition to a lack of detail in relation to the tree protection measures. Further details would therefore be required to confirm the retained trees would be adequately considered during construction. These have been secured by condition. The sensitivity of the site in both design and aboriginal terms also means that officers would need a landscaping plan to be submitted prior to the relevant works taking place.
- 10.34. Considering the above, the proposal is acceptable in terms of Policies G7 and G8 and would adequately preserve the protected trees, subject to conditions 11-17.

#### **vii. Drainage**

- 10.35. Policy RE4 states that all development proposals will be required to manage surface water through Sustainable Drainage Systems (SuDS) or techniques to limit run-off and reduce the existing rate of run-off on previously developed sites. Surface water runoff should be managed as close to its source as possible, in line with the drainage hierarchy outlined in the policy. Applicants must demonstrate that they have had regard to the SuDS Design and Evaluation Guide SPD/ TAN for minor development and Oxfordshire County Council guidance for major development.
- 10.36. The proposed development would not be at significant risk of flooding from any sources. However, in accordance with Policy RE4 of the Oxford Local Plan, all new developments should be drained via a sustainable drainage system. The drainage strategy should be in accordance with Oxford City Council SuDS Design and Evaluation Guide, Non-statutory technical standards for SuDS, and CIRIA C753 - the SuDS Manual. Insufficient evidence has been provided that would show this would be the case. Therefore condition 7 has been included to ensure a drainage strategy demonstrating compliance with these matters will be produced before development commences.
- 10.37. Subject to conditions 7 and 19, the proposal is acceptable in terms of flooding and Policy RE4.

#### **viii. Ecology**

- 10.38. Policy G2 of Oxford Local Plan 2036 states that important species and habitats will be expected to be protected from harm, unless the harm can be appropriately mitigated. It also outlines that, where there is opportunity, it will be expected to enhance Oxford's biodiversity. This includes taking opportunities to include features beneficial to biodiversity within new developments throughout Oxford.

10.39. The proposal is unlikely to have an adverse impact on local biodiversity. However, in accordance with Policy G2, a condition has been included in respect of site enhancements in order to ensure a net ecological enhancement has been achieved.

10.40. Subject to condition 8, the proposal accords with Policy G2 of the Oxford Local Plan and would be acceptable in terms of matters of ecology.

#### **ix. Land Quality**

10.41. Policy RE9 states that planning applications where proposals would be affected by contamination or where contamination may present a risk to the surrounding environment, must be accompanied by a report which fulfils the relevant criteria set out in the policy. Where mitigation measures are needed, these will be required as a condition of any planning permission.

10.42. The Council's records show that the site is not at significant risk of suffering from land contamination. Therefore no further measures are required. However, an informative has been included to inform the applicant of how to proceed should unexpected contamination be found.

10.43. The proposal is therefore acceptable in terms of land quality and Policy RE9.

#### **x. Car Parking**

10.44. Policy M3 of the Oxford Local Plan 2036 states that in Controlled Parking Zones or employer-linked housing areas where occupants do not have an operational need for a car where development is located within a 400m walk to frequent public transport services and within 800m walk to a local supermarket or equivalent facilities planning permission will only be granted for residential development that is car-free. In all other locations, M3 states that planning permission will only be granted where the relevant maximum standards set out in Appendix 7.3 are complied with.

10.45. The application site is within 400m of a well-served bus stop and is within a Controlled Parking Zone (CPZ). However the nearest supermarket is over 800m from the site. Therefore one bespoke car parking space is required. This has been proposed to be provided in the proposed garage. The proposal therefore accords with Policy M3.

10.46. Policy M4 of the Oxford Local Plan 2036 requires electrical vehicle charging facilities to be provided to each new car parking space.

10.47. The requirements of Policy M4 are noted and condition 10 has been included to ensure this takes place.

#### **xi. Cycle Parking**

10.48. Policy M5 of the Oxford Local Plan 2036 states that planning permission will only be granted for development that complies with or exceeds the minimum bicycle parking provision as set out in Appendix 7.47.3. Bicycle parking should be, well designed and well-located, convenient, secure, covered (where

possible enclosed) and provide level, unobstructed external access to the street. Bicycle parking should be designed to accommodate an appropriate amount of parking for the needs of disabled people, bicycle trailers and cargo bicycles, as well as and facilities for electric charging infrastructure.

10.49. The proposed cycle parking would be covered, secure and allow for independent access to each cycle. There would be enough space for four cycles in each. This conforms to the requirements of Policy M5.

10.50. The proposal is therefore acceptable in terms of Policy M5 and cycle parking.

## **xii. Sustainability**

10.51. Policy RE1 of the Oxford Local Plan 2036 states that planning permission will only be granted where it can be demonstrated that sustainable design and construction principles, set out in RE1, have been incorporated. It is expected that 25% of energy will be on-site renewables; water consumption must also meet the requirements of Building Regulations Part G2. An Energy Statement will be submitted to demonstrate compliance with this policy for new-build residential developments (other than householder applications) and new-build non-residential schemes over 1,000m<sup>2</sup>. The Energy Statement will include details as to how the policy will be complied with and monitored.

10.52. The submitted documentation is sufficient to demonstrate that the proposal accords with the general principle of sustainable design, as set out in Policy RE1. However, no calculations are provided which demonstrate compliance with the requirements of the policy in terms of energy efficiency. That being said, planning officers are satisfied that the proposed development can conform to the relevant requirements of RE1. The final calculations are to be provided by condition, prior to the commencement of works; these shall include calculations based on the Dwelling Emission Rate and the Target Emission Rate.

10.53. Subject to condition 19, the proposal is acceptable in terms of sustainability and Policy RE1.

## **xiii. Other Matters**

10.54. Most of the concerns raised during the consultation period were addressed in the above sections, where they have not been, they are addressed in this section.

10.55. It is noted that concerns have been raised as to the legal requirements of the applicant to build any new dwelling to certain specifications, as outlined in the deeds to the land. This is not a planning matter and had not been considered as part of this application.

## **11. CONCLUSION**

11.1. It is recommended that the Committee resolve to grant planning permission for the development proposed subject to the conditions set out in section 12 of the report.

- 11.2. Having regards to the matters discussed in the report, officers would make members aware that the starting point for the determination of this application is in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004 which makes clear that proposals should be assessed in accordance with the development plan unless material considerations indicate otherwise.
- 11.3. The NPPF recognises the need to take decisions in accordance with Section 38 (6) but also makes it clear that it is a material consideration in the determination of any planning application (paragraph 2). The main aim of the NPPF is to deliver Sustainable Development, with paragraph 11 the key principle for achieving this aim. The NPPF also goes on to state that development plan policies should be given due weight depending on their consistency with the aims and objectives of the Framework. The relevant development plan policies are considered to be consistent with the NPPF.
- 11.4. Therefore it would be necessary to consider the degree to which the proposal complies with the policies of the development plan as a whole and whether there are any material considerations, such as the NPPF, which are inconsistent with the result of the application of the development plan as a whole.
- 11.5. In summary, the proposed development would be an acceptable addition to the site. The proposal is suitable in terms of local planning policy and complies with the relevant policies of the Oxford Local Plan 2036.

- 11.6. Therefore officers consider that the development accords with the development plan as a whole.

*Material consideration*

- 11.7. The principal material considerations which arise are addressed above, and follow the analysis set out in earlier sections of this report.
- 11.8. National Planning Policy: the NPPF has a presumption in favour of sustainable development.
- 11.9. NPPF paragraph 11 states that proposals that accord with the development plan should be approved without delay, or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
- 11.10. Officers consider that the proposal would accord with the overall aims and objectives of the NPPF for the reasons set out within the report. Therefore in such circumstances, paragraph 11 is clear that planning permission should be granted without delay.

11.11. Officers would advise members that, having considered the application carefully, the proposal is considered to be acceptable in terms of the aims and objectives of the National Planning Policy Framework and relevant policies of the Oxford Local Plan 2036 when considered as a whole. There are no material considerations that would outweigh these policies.

11.12. It is recommended that the Committee resolve to grant planning permission for the development proposed subject to the conditions set out in section 12 below.

## **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 Subject to conditions 10 and 18, the development permitted shall be constructed in complete accordance with the specifications in the application and approved plans listed below, unless otherwise agreed in writing by the local planning authority.

Reason: To avoid doubt and to ensure an acceptable development as indicated on the submitted drawings in accordance with Policy S1 of the Oxford Local Plan 2036.

3 The materials to be used in the proposed development shall be as specified in the application hereby approved. There shall be no variation of these materials without the prior written consent of the Local Planning Authority.

Reason: To ensure that the development is visually satisfactory as required by Policies S1 and DH1 of the Oxford Local Plan 2036.

4 A Construction Traffic Management Plan shall be submitted to and be approved in writing by the Local Planning Authority prior to commencement of works. This should identify;

- The routing of construction vehicles,
- Access arrangements for construction vehicles,
- Details of times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours (to minimise the impact on the surrounding highway network)

Construction works shall only take place in accordance with the approved Construction Traffic Management Plan.

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 Policy M2 of the Oxford Local Plan 2036.

- 5 The development shall not be occupied until the dwelling the subject of this permission has been excluded from eligibility for parking permits.

Reason: To ensure that the development or change of use does not generate an increase in parking demand, restrict existing residents' access to on-street parking and to ensure that the low car nature of the development is met, in accordance with Policy M3.

- 6 Prior to occupation of the dwelling vision splays measuring 2m by 2m shall be provided to each side of the access. This vision splays shall not be obstructed by any object, structure, planting or other material with a height exceeding or growing above 0.6m as measured from carriageway level.

Reason: To provide and maintain adequate visibility in the interest of highway safety in accordance with Policies DH1 and M3.

- 7 Prior to the commencement of development, plans, calculations and drainage details to show how surface water will be dealt with on-site through the use of sustainable drainage methods (SuDS) shall be submitted to and approved in writing by the Local Planning Authority (LPA). The plans, calculations and drainage details shall be completed by a suitably qualified and experienced person in the field of hydrology and hydraulics. The development shall then be carried out in accordance with the approved details.

The plans, calculations and drainage details submitted shall demonstrate that;

I. The drainage system is designed to control surface water runoff for all rainfall up to a 1 in 100 year storm event with a 40% allowance for climate change.

II. The rate at which surface water is discharged from the site may vary with the severity of the storm event but must not exceed the greenfield runoff rate for a given storm event.

III. Excess surface water runoff must be stored on site and released to receiving system at greenfield runoff rates.

IV. Where sites have been previously developed, discharge rates should be at greenfield rates.

Any proposal which relies on Infiltration shall be based on on-site infiltration testing in accordance with BRE365 or alternative suitable methodology, details of which are to be submitted to and approved in writing by the LPA. Consultation and agreement shall also be sought with the sewerage undertaker where required.

Reason: To ensure compliance with Policy RE4 of the Oxford Local Plan 2016 - 2036

- 8 Prior to the commencement of development, a scheme of ecological enhancements shall be submitted to, and approved in writing by, the Local Planning Authority to ensure a net gain in biodiversity will be achieved. The

scheme shall include details of new landscape planting of known benefit to wildlife and provision of artificial roost features, including specifications and locations of bird and bat boxes. A minimum of 6 dedicated Swift boxes shall be provided. Any new fencing will include holes suitable for the safe passage of Hedgehogs.

The scheme of ecological enhancements shall be accompanied by an up to date bat survey

The development shall be carried out in accordance with the approved details contained within the approved scheme of ecological enhancements and maintained in perpetuity.

Reason: To comply with the requirements of the National Planning Policy Framework, the Conservation of Habitats and Species Regulations 2017, Wildlife and Countryside Act 1981 (as amended) and Policy G2: Protection of biodiversity and geo-diversity of the adopted Oxford Local Plan 2036.

- 9 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no additions or alterations to the approved dwellinghouses, as defined in Classes A, B, C, D, E of Part 1 of Schedule 2 of the Order, shall be erected or undertaken without the prior written consent of the Local Planning Authority.

Reason: The Local Planning Authority considers that even minor changes in the design or enlargement of the development should be subject of further consideration to safeguard the appearance of the area in accordance with Policies DH1 and H14 of the Oxford Local Plan 2036.

- 10 Notwithstanding the approved plans, the approved car parking spaces shall each be served by an electrical vehicle charging point.

Reason: To support the use of zero emission vehicles, in accordance with Policy M4 of the Oxford Local Plan 2036.

- 11 A landscape plan shall be submitted to, and approved in writing by, the Local Planning Authority prior to first occupation or first use of the development hereby approved. The plan shall show details of treatment of paved areas, and areas to be grassed or finished in a similar manner, existing retained trees and proposed new tree, shrub and hedge planting. The plan shall correspond to a schedule detailing plant numbers, sizes and nursery stock types.

Reason: In the interests of visual amenity in accordance with Policies G7, G8 and DH1 of the Oxford Local Plan 2036.

- 12 The landscaping proposals as approved by the Local Planning Authority shall be carried out no later than the first planting season after first occupation or first use of the development hereby approved unless otherwise agreed in writing beforehand by the Local Planning Authority.

Reason: In the interests of visual amenity in accordance with Policies G7, G8 and DH1 of the Oxford Local Plan 2036

- 13 No development shall take place until details of the design of all new hard surfaces and a method statement for their construction have first been submitted to and approved in writing by the Local Planning Authority and the hard surfaces shall be constructed in accordance with the approved details unless otherwise agreed in writing beforehand by the Local Planning Authority.

The details shall take into account the need to avoid any excavation within the Root Protection Area (RPA) of any retained tree and where appropriate the Local Planning Authority will expect "no-dig" techniques to be used, which require hard surfaces to be constructed on top of existing soil levels in accordance with the current British Standard 5837: "Trees in Relation to Design, Demolition and Construction - Recommendations". Where hard surfaces are proposed within the RPA of retained tree(s) the details shall include scaled section drawings based on topographical data to indicate the formation and construction design.

Reason: To avoid damage to the roots of retained trees in accordance with Policies G7 and G8 of the Oxford Local Plan 2036.

- 14 No development shall take place until details of the location of all underground services and soakaways have been submitted to and approved in writing by the Local Planning Authority. The location of underground services and soakaways shall take account of the need to avoid excavation within the Root Protection Areas of retained trees as defined in the current British Standard 5837 "Trees in Relation to Design, Demolition and Construction - Recommendations". Works shall only be carried out in accordance with the approved details unless otherwise agreed in writing beforehand by the local planning authority.

Reason: In the interests of visual amenity in accordance with Policies G7, G8 and DH1 of the Oxford Local Plan 2036.

- 15 The development shall be carried out in strict accordance with the tree protection measures contained within the planning application details shown on Drawing number '1763\_P\_130', Titled 'Tree Report Site Plan - Option 3' (September 2020) unless otherwise agreed in writing beforehand by the Local Planning Authority. Notwithstanding the 'Bridging Report Option 3' the tree protection measures (fencing and ground boards) shall be implemented during construction as set out in this drawing and shall not be removed or altered from this for any reason without prior notice to, and written approval from the Local Planning Authority.

The fencing indicated in the aforementioned drawing shall be constructed in accordance with the standard default design set out in Figure 2 of BS.5837:2012- Trees in relation to design, demolition and construction- Recommendations, unless otherwise agreed in writing by the Local Planning



Authority.

Reason: In the interests of visual amenity in accordance with Policies G7, G8 and DH1 of the Oxford Local Plan 2036.

- 16 No development, including demolition and enabling works, shall take place until a detailed statement (the Arboricultural Method Statement (AMS)) has been submitted to and approved in writing by the Local Planning Authority. The AMS shall detail any access pruning proposals, and shall set out the methods of any workings or other forms of ingress into the Root Protection Areas or Construction Exclusion Zones of retained trees. Such details shall take account of the need to avoid damage to the branches, stems and roots of retained trees, through impacts, excavations, ground skimming, vehicle compaction and chemical spillages including lime and cement. The development shall be carried out in strict accordance with the approved AMS unless otherwise agreed in writing beforehand by the Local Planning Authority.

Reason: To protect retained trees during construction in accordance with Policies G7, G8 and DH1 of the Oxford Local Plan 2036.

- 17 Development, including demolition and enabling works, shall not begin until details of an Arboricultural Monitoring Programme (AMP) have been submitted to and approved in writing by the Local Planning Authority. The AMP shall include a schedule of a monitoring and reporting programme of all on-site supervision and checks of compliance with the details of the Tree Protection Plan, approve under condition 15, and/or Arboricultural Method Statement, as approved in writing by the Local Planning Authority. The AMP shall include details of an appropriate Arboricultural Clerk of Works (ACoW) who shall conduct such monitoring and supervision, and a written and photographic record shall be submitted to the LPA at scheduled intervals in accordance with the approved AMP. The development shall take place in accordance with the approved AMP.

Reason: In the interests of visual amenity in accordance with Policies G7, G8 and DH1 of the Oxford Local Plan 2016-2036.

- 18 Notwithstanding the approved plans or submitted documents, a final energy statement shall be submitted in writing to the Local Planning Authority prior to the commencement of works. This shall include the final Dwelling Emission Rate and the Target Emission Rate in the final calculations. The development shall be carried out in accordance with the approved energy statement.

Reason: To ensure the proposal meets the requirements of Policy RE1 of the Oxford Local Plan 2036.

- 19 A SuDS maintenance plan shall also be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The Sustainable Drainage (SuDS) Maintenance Plan shall be completed by a suitably qualified and experienced person in the field of hydrology and hydraulics. The SuDS maintenance plan shall provide details of

the frequency and types of maintenance for each individual sustainable drainage structure proposed and ensure the sustainable drainage system will continue to function safely and effectively in perpetuity. The sustainable drainage system shall be maintained in accordance with the approved SuDS maintenance plan in perpetuity.

Reason: To ensure compliance with Policy RE4 of the Oxford Local Plan 2016 - 2036

### INFORMATIVES :-

- 1 The development hereby permitted is liable to pay the Community Infrastructure Levy. The Liability Notice issued by Oxford City Council will state the current chargeable amount. A revised Liability Notice will be issued if this amount changes. Anyone can formally assume liability to pay, but if no one does so then liability will rest with the landowner. There are certain legal requirements that must be complied with. For instance, whoever will pay the levy must submit an Assumption of Liability form and a Commencement Notice to Oxford City Council prior to commencement of development. For more information see: [www.oxford.gov.uk/CIL](http://www.oxford.gov.uk/CIL)
- 2 Alterations to the Public Highway (Dropped Kerbs) Any alterations to the public highway will be at the applicant's expense and to Oxfordshire County Council's standards and specifications. Written permission must be gained from the Oxfordshire County Council (Contact - 0845 310 1111 or refer to <https://www.oxfordshire.gov.uk/cms/content/dropped-kerbs> for this action).
- 3 If unexpected contamination is found to be present on the application site, an appropriate specialist company and Oxford City Council should be informed and an investigation undertaken to determine the nature and extent of the contamination and any need for remediation. If topsoil material is imported to the site the developer should obtain certification from the topsoil provider to ensure that the material is appropriate for the proposed end use.

Please note that the responsibility to properly address contaminated land issues, irrespective of any involvement by this Authority, lies with the owner/developer of the site.

### **13. APPENDICES**

- **Appendix 1 – Site location 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.

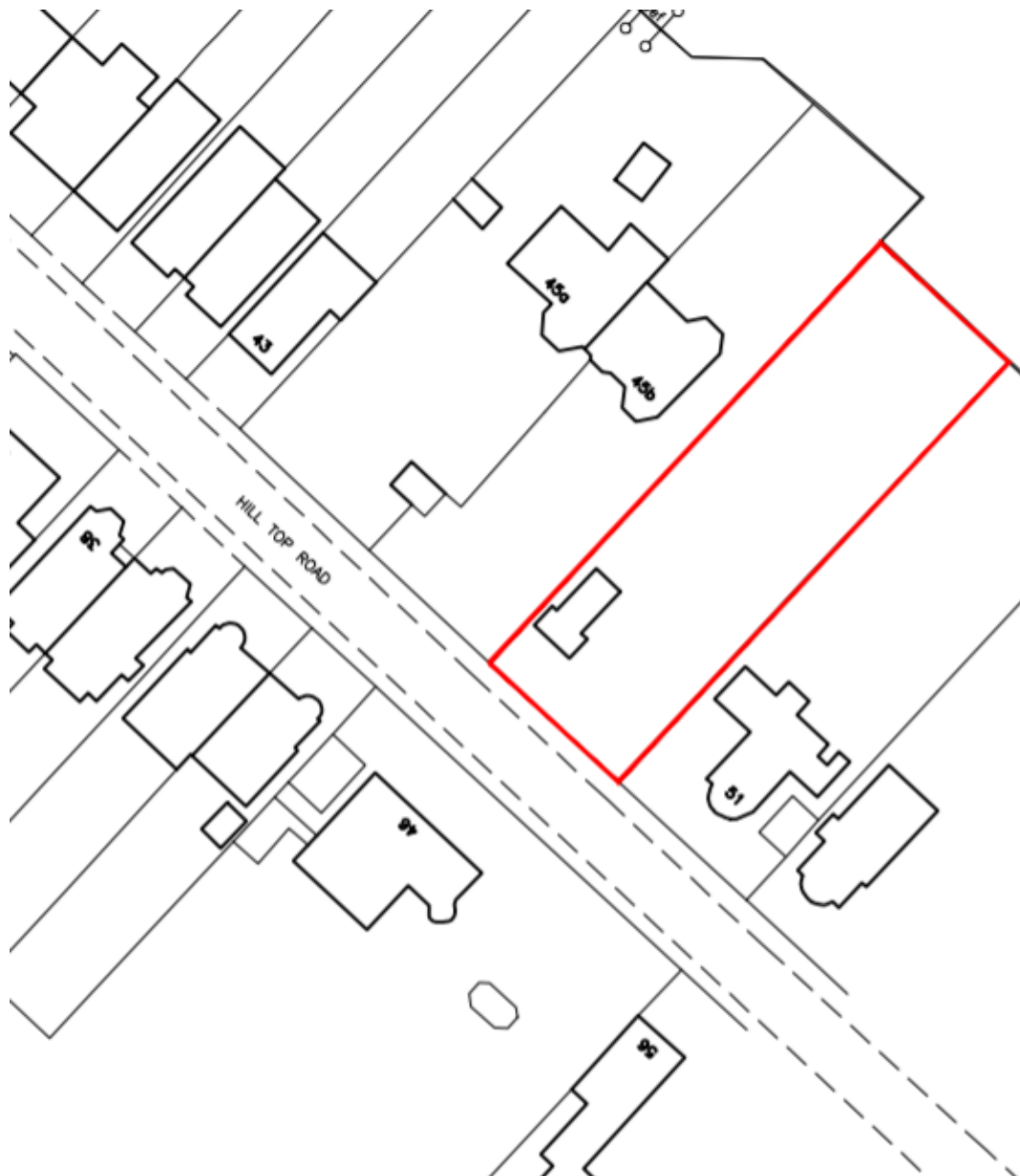
## **15. SECTION 17 OF THE CRIME AND DISORDER ACT 1998**

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

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# Appendix 1 – Location Plan

19/02817/FUL - Land Between 45 And 51



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## West Area Planning Committee

13<sup>th</sup> October 2020

<b>Application number:</b>	20/01784/FUL		
<b>Decision due by</b>	16th September 2020		
<b>Extension of time</b>	20 <sup>th</sup> October		
<b>Proposal</b>	Demolition of existing garage, erection of two storey front extension, erection of part single, part two storey side and rear extension, replacement of 2no. windows with 2no. doors to front elevation and alterations to rear boundary fence.		
<b>Site address</b>	2A Squitchey Lane, Oxford, OX2 7LB, – see <b>Appendix 1</b> for site plan		
<b>Ward</b>	Summertown Ward		
<b>Case officer</b>	James Paterson		
<b>Agent:</b>	Mr Noel Skeats	<b>Applicant:</b>	Mr & Mrs Matsuzaki
<b>Reason at Committee</b>	This application was called in by Councillors Gotch, Gant, Garden, Goddard, Smith and Wade. This was due to concerns over the impact of the development proposal on neighbouring residential occupiers.		

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## 1. RECOMMENDATION

1.1. West Area Planning Committee is recommended to:

1.1.1. **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.

1.1.2. **agree to delegate authority** to the Head of Planning 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 Services considers reasonably necessary.

## 2. EXECUTIVE SUMMARY

2.1. This report considers an application for the erection of a part single, part two storey wrap around extension to the side and rear of 2A Squitchey Lane. The proposal also includes a two storey front extension as well as various alterations to the fenestration and boundary treatments of the house.

- 2.2. Officers consider that the proposal would accord with the policies of the development plan when considered as a whole and the range of material considerations support the grant of planning permission.
- 2.3. The scheme would also accord with the aims and objectives of the National Planning Policy Framework. The proposal would constitute sustainable development and given conformity with the development plan as a whole, paragraph 11 advises that the development proposal should be approved without delay. Furthermore there are not any material considerations that would outweigh the compliance with these national and local plan policies.

### **3. LEGAL AGREEMENT**

- 3.1. This application is not subject to a legal agreement.

### **4. COMMUNITY INFRASTRUCTURE LEVY (CIL)**

- 4.1. The proposal is not liable for CIL.

### **5. SITE AND SURROUNDINGS**

- 5.1. The site is located within a quiet residential street, between the busier arterial roads of Woodstock Road and Banbury Road. 2A Squitchey Lane is a two storey detached dwelling, located on the north side of the street. The house was erected in the 1970s on land that previously formed part of the garden of 349 Banbury Road.
- 5.2. The house has design features typical of nearby houses on Squitchey Lane; it has a large chimney atop a large hipped roof. The house is finished in brick at ground floor level with a rendered finish at first floor level. The house is served by a detached brick garage, located to the east of the house.
- 5.3. The main outdoor private amenity space is located to the front of the house, as this forms the largest area of private garden space serving the house and has direct sunlight for much of the day, being south-facing. There is a rear terraced garden; however this is far more modest in size and is completely overshadowed by the house and does not enjoy direct daylight for much of the day.
- 5.4. There are two large protected trees in the front garden, near to the front boundary. Various trees are located to the rear of the site, in the garden of No. 351 Banbury Road. These run along the length of the rear boundary of the site.
- 5.5. See location plan below:





## 6. PROPOSAL

- 6.1. The application proposes to demolish the existing garage, which is located to the side of the house. A part single, part two storey wrap around extension would then be erected to the side and rear of the house. The ground floor element would be of a simple, contemporary design characterised by its flat roof and substantial glazing to the front and rear. The first floor element would more closely resemble the host dwelling as it would have a gabled roof which would feed into the existing gabled roof, forming a single entity. The extension would be of matching materials to the host dwelling. The extension would extend to a maximum width of 13.2m, maximum depth of 7.1m and would have a height of 3m to the flat roof of the single storey element. The two storey element would match the eaves height of the host dwelling and would have a maximum height of 7m.
- 6.2. It is also proposed to erect a two storey front extension. This would be modest in terms of its footprint as it seeks to enlarge the existing hallway at ground level and create an ensuite bathroom at first floor level. This extension would closely resemble the host dwelling in terms of its roof typology, materials and detailing, such as the banding across the principal façade. This extension would be 3m in width with a depth of 1.4m. The hipped roof would have a total height of 6.2m, with 4.8m to the eaves.
- 6.3. Other minor alterations are proposed including the replacement of two windows with doors on the front elevation and alterations to the rear boundary fence to increase its height to 2m. The door of the existing garden store would

also be changed from the rear to the front elevation to better serve the primary garden to the front of the house.

## 7. RELEVANT PLANNING HISTORY

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

63/13256/A\_H - Outline application for dwelling house and bungalow and garage for private car (land rear of 349 Banbury Road). PER 7th May 1963.

71/24443/A\_H - Erection of 3 bedroomed house with garage for private car (rear of 349 Banbury Road). PER 27th July 1971.

18/01926/TPO - Crown lift (to 4m above ground level) 2no. Sycamore tree (T1) and (T2) as identified in the Oxford City Council - Squitchey Lane (No. 1) Tree Preservation Order, 2005.. PER 22nd August 2018.

18/03034/FUL - Erection of a 1.35m high fence to the southern boundary (Retrospective).. PER 24th January 2019.

20/00425/FUL - Demolition of existing garage. Erection of part single and part two storey side and rear extensions. Erection of a two storey front extension. Alterations to 2no. door front elevation. Alterations to boundary fence.. WDN 2nd April 2020.

## 8. RELEVANT PLANNING POLICY

8.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework	Local Plan	Other planning documents	Neighbourhood Plans:
Design	117-123, 124-132	DH1, H14		HOS2, HOS3
Natural environment	91-101	G7, G8		
Transport	117-123	M3, M5		
Environmental	117-121, 148-165, 170-183	RE4		
Miscellaneous	7-12	SR1, SR2		

## 9. CONSULTATION RESPONSES

9.1. Site notices were displayed around the application site on 30th July 2020.

### **Statutory and non-statutory consultees**

#### Oxfordshire County Council (Highways)

9.2. No objection. A condition has been requested for details of cycle parking.

### **Public representations**

9.3. 5 local people commented on this application from addresses in Squitchey Lane, Stockport and London.

9.4. In summary, the main points of objection (4 residents) were:

- Amount of development on site
- Effect on adjoining properties
- Effect on character of area
- Effect on privacy
- General dislike or support for proposal
- Height of proposal
- Information missing from plans
- Light - daylight/sunlight
- Local ecology, biodiversity
- Noise and disturbance
- Not enough information given on application
- Open space provision
- On-street parking
- Parking provision

### **Officer response**

9.5. Officers have considered carefully the objection to these proposals. Officers have come to the view, for the detailed reasons set out in the officer's report, that the reasons for the objections do not amount, individually or cumulatively, to a reason for refusal and that all the issues that have been raised have been adequately addressed and the relevant bodies consulted.

## **10. PLANNING MATERIAL CONSIDERATIONS**

10.1. Officers consider the determining issues to be:

- i. Design
- ii. Neighbouring amenity

- iii. Trees
- iv. Drainage
- v. Car Parking
- vi. Cycle Parking
- vii. Other Matters

**i. Design**

- 10.2. Policy DH1 of the Oxford Local Plan 2036 states that planning permission will only be granted for development of high quality design that creates or enhances local distinctiveness. Proposals must be designed to meet the key design objectives and principles for delivering high quality development, set out in Appendix 6.1.
- 10.3. The proposed wrap-around extension to the side and rear of the house would represent a substantial addition to the host dwelling as it would significantly increase the footprint of the house and its internal floor space. However, the extension would, for the most part, be located out of site from the street. The exception to this would be the front of the side element of the proposed extension. This would be similar in profile and scale to the existing garage and would not appear as overdevelopment or disproportionate in size, when considering public views of the site. The proposed wrap-around extension would therefore not worsen the appearance of the principal façade of the house or significantly impact the streetscene.
- 10.4. The single storey element of the proposed extension would be a proportionate addition to the host dwelling as it would be clearly subservient in appearance and would not compete with the main dwelling in terms of form or use. The materials also mirror those of the host dwelling which would help to ensure that it would read as a congruent addition to the existing house. While the fenestration would be at odds with that of the host dwelling, the contemporary glazing would be mostly concentrated away from the principal façade and would therefore be largely obscured from view. The large window opening to the front would be the only visible element in this regard and it is noted that it would not relate to the windows or openings of the host dwelling. However, given that this would be set back from the front building line and would be of contemporary design, this would clearly read as a subservient contrasting addition to the host dwelling and would therefore be acceptable.
- 10.5. The first floor element of this extension would be located in a discreet location to the rear of the house and would not be perceptible to public views. This element of the extension is also modest in size and would not represent a disproportionate increase to the site. Private views of this element would be limited to the rear windows of 349 Banbury Road, the side window of 2 Squitchey Lane and the garden of 351 Banbury Road. The impact, in design terms, would therefore be minimal. It is also noted that the proposed extension responds to characteristics of the host dwelling, such as in terms of its roof typology and materiality, which softens its visual impact and ensures it would appear a coherent addition to the house.

- 10.6. The proposed two storey front extension would be modest in terms of its footprint and would not represent a disproportionate built presence forward of the front building line. The proportions of the extension and its fenestration would respond to the fenestration and proportions of the host dwelling and would therefore appear to be a congruent addition. The subservient form of the roof would also ensure it would not overpower the front elevation. The proposed materials and roof typology would serve to integrate the extension with the host dwelling and create a successful relationship. It is noted that such extensions are not typical on the street, however, in this case, the addition would be of good design and would therefore not appear out of place in the streetscene.
- 10.7. The changes to the fenestration on the existing dwelling and relocation of the door on the garden store are all minor changes that would not significantly alter the appearance of the house nor unbalance the appearance of the principal façade. It is also noted that these changes do not typically require planning permission.
- 10.8. The proposal would entail the complete loss of the rear garden. This would typically be resisted when considering matters of design due to rear gardens typically representing the most important area of private outdoor amenity. However, when considering this application on its own merits, planning officers note that the rear garden receives very little daylight and is very modest in size to the point that it is entirely overshadowed by the dwelling. Planning officers also note that this space is not the principal area of amenity used by the occupants of the dwelling as the occupants of the dwelling use the front garden, which is far larger and south facing, as their principal area of outdoor amenity. A sufficient amount of the garden space to the front of the house would remain to continue to meet the needs of the current and future occupants of the house. Planning officers also note that 2a Squitchey Lane also benefits from having Permitted Development Rights. A 4m rear extension could therefore be constructed without the need to obtain planning permission. Planning officers have also given significant weight to this consideration in reaching forming a view on the application.
- 10.9. Officers have also carefully considered the proposals in the context that a significant portion of the ground floor elements could be erected as permitted development and this represents a fallback position.
- 10.10. The proposal is therefore acceptable in terms of design and Policy DH1.

## **ii. Neighbouring Amenity**

- 10.11. Policy H14 of the Oxford Local Plan 2036 states that planning permission will only be granted for new development that provides reasonable privacy, daylight and sunlight for occupants of both existing and new homes. Policy H14 sets out guidelines for assessing development in terms of whether it will allow adequate sunlight and daylight to habitable rooms of the neighbouring dwellings.

### Daylight

- 10.12. The development proposal would comply with the 25/45 degree access to light test, outlined in Policy H14, and would not lead to a direct loss of sunlight to neighbours' internal rooms. The first floor side window of No. 2 has been considered in this assessment. The light to this window is currently not impacted by the existing house, as the existing house accords with the 25/45 degree access to light test. The proposed extension would be unlikely to exacerbate this existing impact as the new element would accord with this test in addition to its being in line with the existing building line to the side. The proposal would therefore not unacceptably impact the direct daylight received by neighbours. The front extension would not, by virtue of its location result in overshadowing of neighbours' dwellings.
- 10.13. In terms of overshadowing, the majority of the proposed wrap-around extension would be single storey in height. This means that there would not be a significant reduction in daylight to neighbours' gardens. The two storey element of this proposal is of a modest depth, as it would not extend to the full depth of the ground floor element, and would be no higher than the existing dwelling. This extension would also not cause unacceptable overshadowing to neighbours' outdoor amenity space.
- 10.14. The layout of the site, orientation of the sun and the requirements of H14 have been considered as part of this assessment.

#### Overbearing

- 10.15. The element of the proposal which could have an impact, in terms of overbearing, would be the wrap-around extension, the majority of which would be single storey and set away from neighbours' houses. The proposed extension would not result in unacceptable overbearing to 349 Banbury Road as it would stand 1m above the proposed boundary treatment, set back from the boundary by 1m and would only extend for 7m of the shared boundary; not dissimilar to the existing garage which extends for 6m. In terms of the garden of 351 Banbury Road, to the rear of the site, it is noted that the extension would extend across 13.2m next to the shared boundary. However, considering the relatively modest height of the extension, its being set 1m back from the boundary and the substantial screening offered by the mature trees to the rear of the site, this would also not result in unacceptable overbearing to this neighbours' amenity space. The two storey element of the extension is sufficiently modest and set back from the boundary, 3.4m, so as to not result in overbearing to this neighbour. In terms of 2 Squitchey Lane, the proposal would not result in unacceptable overbearing. The ground floor portion of the extension would be very similar to the depth of No. 2, while the second floor element would be set 2m further back. The side passage of No. 2 would be impacted, however this is considered to be a purely circulatory space of limited amenity value and this would, therefore, be acceptable. The outlook of the side window of No. 2 would also be altered by the erection of the 2m deep first floor element of the extension, set approximately 2m from No. 2. However, this is considered acceptable given the modest addition this would represent.

#### Privacy

- 10.16. The proposed window layout would concentrate views to the front and rear of the property. This is considered acceptable as there is sufficient relief between the proposed new windows on the front elevation and neighbours to the front of the site, across the street, so as to ensure there would not be unacceptable inter-looking. Rearwards, the ground floor windows would be of a height where views would not be readily available over the proposed boundary treatment. No views would be possible out of the first floor element of the proposed extension as there are no windows proposed to serve the new bathroom.
- 10.17. Having considered the above, the proposal would not give rise to an unacceptable loss of neighbours' amenity and would accord with Policy H14.

### **iii. Trees**

- 10.18. Policy G7 of the Oxford Local Plan 20136 states that planning permission will not be granted where development would result in the loss of green infrastructure features such as hedgerows, trees or woodland, where this would have a significant adverse impact upon public amenity or ecological interest. It must be demonstrated that their retention is not feasible and that their loss will be mitigated. Planning permission will not be granted for development resulting in the loss or deterioration of ancient woodland or ancient or veteran trees except in wholly exceptional circumstances.
- 10.19. The two large sycamore trees located at the front of the property are protected under a Tree Preservation Order. The development proposal does not call for the removal of any trees on site, nor would any of the works impact these trees or their roots. However, the proposed development would encroach on the Root Protection Areas (RPA) of the mature trees in the garden of 351 Banbury Road, to the rear of the site. The only significant trees in this location which contribute to the public amenity of the area would be the two Leyland cypress trees, which are visible from the public realm. The submitted Arboricultural Impact Assessment (AIA) states that damage to the RPA of off-site trees would be minimised by the deployment of a no-dig, pile and beam foundation design; although there is no technical engineering information to support and demonstrate this statement. Notwithstanding this, given the fact that the contribution to public amenity of these trees is limited, on balance, the information submitted is sufficient to satisfy the requirements of an AIA. However, further information is needed in the form of a Tree Protection Plan and Arboricultural Monitoring Programme to ensure the trees would not be harmed by the proposed development. Therefore conditions 4 and 5 have been attached to this effect.
- 10.20. Subject to conditions, the proposal is acceptable in terms of trees and Policy G7.

### **iv. Drainage**

- 10.21. Policy RE4 states that all development proposals will be required to manage surface water through Sustainable Drainage Systems (SuDS) or techniques to limit run-off and reduce the existing rate of run-off on previously developed sites. Surface water runoff should be managed as close to its source as

possible, in line with the drainage hierarchy outlined in the policy. Applicants must demonstrate that they have had regard to the SuDS Design and Evaluation Guide SPD/ TAN for minor development and Oxfordshire County Council guidance for major development.

10.22. The site is in a Flood Zone 1 area and is therefore not at significant risk of flooding. Therefore, it is considered disproportionate, when considering Paragraph 55 of the NPPF, to attach a condition requiring SuDS to be installed and maintained; it would be sufficient for the development to be built in accordance with Approved Document H of the Building Regulations.

10.23. The proposal is considered to be acceptable in terms of flood risk and therefore Policy RE4.

#### **v. Car Parking**

10.24. Policy M3 of the Oxford Local Plan 2036 states that in Controlled Parking Zones or employer-linked housing areas where occupants do not have an operational need for a car where development is located within a 400m walk to frequent public transport services and within 800m walk to a local supermarket or equivalent facilities planning permission will only be granted for residential development that is car-free. In all other locations, M3 states that planning permission will only be granted where the relevant maximum standards set out in Appendix 7.3 are complied with.

10.25. The proposal would lead to the loss of a garage. However, it is considered that the application would not lead to a net change in car parking spaces as the garage is undersized and is not sufficient for the parking of modern vehicles. Furthermore, it is considered that there would be sufficient space remaining on the front driveway to park cars, in accordance with the requirements of Appendix 7.3.

10.26. The proposal is therefore acceptable in terms of car parking and Policy M3.

#### **vi. Cycle Parking**

10.27. Policy M5 of the Oxford Local Plan 2036 states that planning permission will only be granted for development that complies with or exceeds the minimum bicycle parking provision as set out in Appendix 7.47.3. Bicycle parking should be, well designed and well-located, convenient, secure, covered (where possible enclosed) and provide level, unobstructed external access to the street. Bicycle parking should be designed to accommodate an appropriate amount of parking for the needs of disabled people, bicycle trailers and cargo bicycles, as well as and facilities for electric charging infrastructure.

10.28. The proposal would lead to the loss of the garage and presumably thereby also the location where any cycles may be stored. It is noted that the County Council Highways Authority has therefore requested a condition requiring new cycle parking to be provided to offset this assumed loss. However, when considering Paragraph 55 of the NPPF, planning officers do not consider that



this is proportionate or directly related to the development proposal and therefore have not included this condition to the recommendation for approval.

10.29. The proposal is therefore considered acceptable in terms of cycle parking and Policy M5.

#### **vii. Other Matters**

10.30. Most of the concerns raised during the consultation period were addressed in the above sections, where they have not been, they are addressed in this section.

10.31. This application is for a householder extension. It is considered disproportionate to include a condition on the development to minimise issues of nuisance and traffic during construction. There are mechanisms outside of the planning system which ensure that the Council can take action against householder extensions which give rise to unacceptable nuisance during construction.

10.32. It is noted that there is an ongoing pandemic which may impact the availability of neighbours to comment on the application. However, the Council has conducted a consultation in accordance with the requirements of article 18 of The Town and Country Planning (Development Management Procedure) (England) Order 2015. Therefore, planning officers consider that a decision can be made on this basis.

### **11. CONCLUSION**

11.1. It is recommended that the Committee resolve to grant planning permission for the development proposed subject to the conditions set out in section 12 of the report.

11.2. Having regards to the matters discussed in the report, officers would make members aware that the starting point for the determination of this application is in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004 which makes clear that proposals should be assessed in accordance with the development plan unless material considerations indicate otherwise.

11.3. The NPPF recognises the need to take decisions in accordance with Section 38 (6) but also makes it clear that it is a material consideration in the determination of any planning application (paragraph 2). The main aim of the NPPF is to deliver Sustainable Development, with paragraph 11 the key principle for achieving this aim. The NPPF also goes on to state that development plan policies should be given due weight depending on their consistency with the aims and objectives of the Framework. The relevant development plan policies are considered to be consistent with the NPPF.

11.4. Therefore it would be necessary to consider the degree to which the proposal complies with the policies of the development plan as a whole and whether there are any material considerations, such as the NPPF, which are inconsistent with the result of the application of the development plan as a whole.

11.5. In summary, the proposed development would be an acceptable addition to the site. The proposal is suitable in terms of local planning policy and complies with the relevant policies of the Oxford Local Plan 2036.

11.6. Therefore officers consider that the development accords with the development plan as a whole.

*Material considerations*

11.7. The principal material considerations which arise are addressed above, and follow the analysis set out in earlier sections of this report.

11.8. National Planning Policy: the NPPF has a presumption in favour of sustainable development.

11.9. NPPF paragraph 11 states that proposals that accord with the development plan should be approved without delay, or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

11.10. Officers consider that the proposal would accord with the overall aims and objectives of the NPPF for the reasons set out within the report. Therefore in such circumstances, paragraph 11 is clear that planning permission should be granted without delay.

11.11. Officers would advise members that, having considered the application carefully, the proposal is considered to be acceptable in terms of the aims and objectives of the National Planning Policy Framework and relevant policies of the Oxford Local Plan 2036 when considered as a whole. There are no material considerations that would outweigh these policies.

11.12. It is recommended that the Committee resolve to grant planning permission for the development proposed subject to the conditions set out in section 12 below.

## **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 permitted shall be constructed in complete accordance with the specifications in the application and approved plans listed below, unless otherwise agreed in writing by the local planning authority.

Reason: To avoid doubt and to ensure an acceptable development as indicated on the submitted drawings in accordance with Policy S1 of the Oxford Local Plan 2036.

- 3 The materials to be used in the proposed development shall be as specified in the application hereby approved. There shall be no variation of these materials without the prior written consent of the Local Planning Authority.

Reason: To ensure that the development is visually satisfactory as required by Policies S1 and DH1 of the Oxford Local Plan 2036.

- 4 No development, including demolition or enabling works, shall take place until a Tree Protection Plan (TPP) has been submitted to, and approved in writing by the Local Planning Authority. The TPP shall include such details as are appropriate for the protection of retained trees during development, and shall be in accordance with the current BS. 5837: "Trees in Relation to Design, Demolition and Construction - Recommendations" unless otherwise agreed in writing by the Local Planning Authority.

The TPP shall include a scale plan indicating the positions of barrier fencing and/or ground protection materials to protect Root Protection Areas of retained trees and/or create Construction Exclusion Zones (CEZ) around retained trees. The approved physical protection measures shall be in place prior to the commencement of any development, including demolition or enabling works, and shall be retained for the duration of construction, unless otherwise agreed in writing beforehand by the Local Planning Authority.

The Local Planning Authority shall be informed in writing when physical measures are in place, in order to allow Officers to make an inspection prior to the commencement of development. No works or other activities including storage of materials shall take place within designated CEZs unless otherwise agreed in writing beforehand by the Local Planning Authority.

Reason: In the interests of visual amenity in accordance with Policies G7, G8 and DH1 of the Oxford Local Plan 2036.

- 5 Development, including demolition and enabling works, shall not begin until details of an Arboricultural Monitoring Programme (AMP) have been submitted to and approved in writing by the Local Planning Authority (LPA). The AMP shall include a schedule of a monitoring and reporting programme of all on-site supervision and checks of compliance with the details of the Tree Protection Plan and/or Arboricultural Method Statement, as approved by the Local Planning Authority. The AMP shall include details of an appropriate Arboricultural Clerk of Works (ACoW) who shall conduct such monitoring and supervision, and a written and photographic record shall be submitted to the LPA at scheduled intervals, all in accordance with the approved AMP.

Reason: In the interests of visual amenity in accordance with Policies G7, G8 and DH1 of the Oxford Local Plan 2036.

### **13. APPENDICES**

- **Appendix 1 – Site location plan**

### **14. HUMAN RIGHTS ACT 1998**

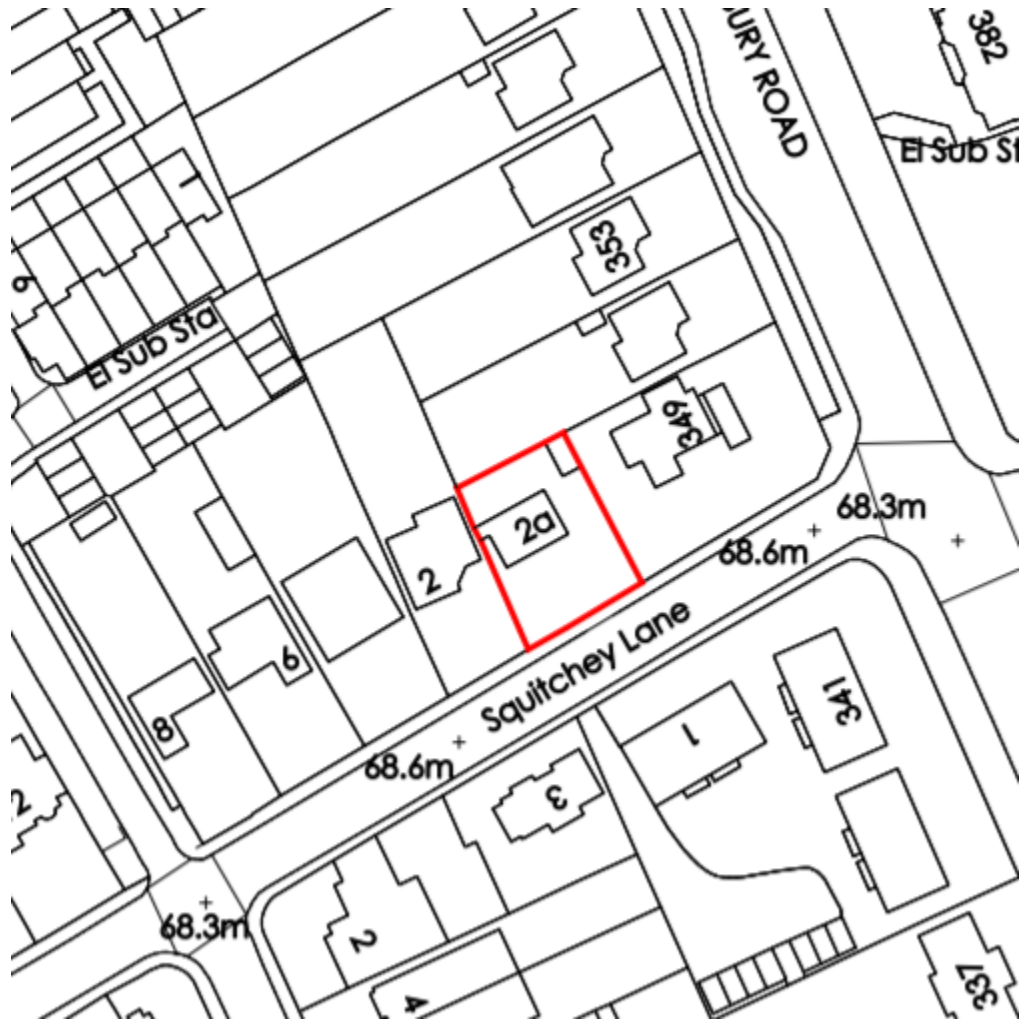
14.1. Officers have considered the implications of the Human Rights Act 1998 in reaching a recommendation to approve this application. They consider that the interference with the human rights of the applicant under Article 8/Article 1 of Protocol 1 is justifiable and proportionate for the protection 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 grant planning permission, officers consider that the proposal will not undermine crime prevention or the promotion of community.

# Appendix 1 – Location Plan

## 20/01784/FUL – 2a Squitchey Lane



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## West Area Planning Committee

13th October 2020

**Application number:** 20/01638/FUL  
**Decision due by** 2nd September 2020  
**Extension of time** 21st October 2020

**Proposal** Replacement of existing garage door with 3no. windows in association with conversion of existing garage into habitable space, erection of first floor rear extension, formation of rear juliet balcony to second floor, insertion of 2no. rooflights to rear elevation, installation of green roof to rear and installation of cladding to rear elevation. Alterations to existing front and rear fenestration, insertion of 2no. rooflights to front elevation, insertion of 6no. rooflights over stairwell to front elevation and alterations to existing first floor terrace.

**Site address** 30A Jericho Street, Oxford, OX2 6BU – see **Appendix 1** for block plan

**Ward** Jericho And Osney Ward

**Case officer** Sarah Greenall

**Agent:** Mr Theo Svoronos      **Applicant:** Mr Robert Howatson

**Reason at Committee** The application is before the committee because it was called in by the Head of Planning Services following concerns from councillors about the impact on neighbouring amenity.

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## 1. RECOMMENDATION

1.1. West Area Planning Committee is recommended to:

1.1.1. **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.

1.1.2. **agree to delegate authority** to the Head of Planning 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 Services considers reasonably necessary.

## 2. EXECUTIVE SUMMARY

- 2.1. This report considers an application for the conversion of the existing garage into habitable space, erection of a first floor extension and various alterations to the rear, formation of a rear Juliet balcony to the second floor, insertion of 2 no. rooflights to the rear elevation and 2 no. rooflights to the front elevation, alterations to the existing front and rear fenestration, and alterations to existing first floor terrace.
- 2.2. The proposed development would not have a harmful impact on the Jericho Conservation Area, which is a designated heritage asset and the proposals therefore comply with the requirements of Policy DH3 of the Oxford Local Plan 2036.
- 2.3. The proposed development would not have an unacceptable impact on neighbouring amenity having had regard to the impact on light and privacy and the requirements of Policy H14 of the Oxford Local Plan 2036.
- 2.4. Officers consider that the proposal would accord with the policies of the development plan when considered as a whole and the range of material considerations support the grant of planning permission.
- 2.5. The scheme would also accord with the aims and objectives of the National Planning Policy Framework. The proposal would constitute sustainable development and given conformity with the development plan as a whole, paragraph 11 advises that the development proposal should be approved without delay. Furthermore there are not any material considerations that would outweigh the compliance with these national and local plan policies.

### **3. LEGAL AGREEMENT**

- 3.1. This application is not subject to a legal agreement.

### **4. COMMUNITY INFRASTRUCTURE LEVY (CIL)**

- 4.1. The proposal is not liable for CIL.

### **5. SITE AND SURROUNDINGS**

- 5.1. The site is located within a quiet residential area and faces south east onto Jericho Street. 30A Jericho Street is a three storey end of terrace dwelling erected as a later addition to the street in 1969. The site lies within the Jericho Conservation Area. The building is not listed, nor is it within close proximity to any surrounding listed buildings to the extent where it would impact upon on the setting of listed buildings.
- 5.2. The house is unique within the streetscene, finished in red/brown brick with large areas of glazing seen on the second floor of the front elevation of the building. While there are slight variations in building height seen within the area, 30A Jericho Street is significantly taller than surrounding properties. The main access to the building is through the front entrance on Jericho Street, however the property also benefits from an integral garage to the rear of the site opening into a shared parking court accessed via Cranham Street. The surrounding area is predominantly residential with The Harcourt Arms public



house located to the north east of the site. It is characterised by a mixture of close knit Victorian terraced housing with areas of modern infill from the 1960s/70s which fails to replicate the high quality detailing and strong vertical rhythms as the original terraces. Buildings within the area are finished in mostly red brick with slate tiled roofs, however there are some examples of buff coloured brick also seen within the streetscene.

5.3. The arrangement to the rear of the site is slightly unusual with most of the properties being served by first floor terraces overlooking the shared parking area. The main outdoor private amenity space serving the property is the first floor terrace with no additional garden space available.

5.4. See location plan below:



## 6. PROPOSAL

6.1. The application proposes the replacement of the existing garage door with windows in association with the conversion of the existing garage into habitable space, the erection of a first floor rear extension and the formation of a rear Juliet balcony to the second floor, the insertion of 2no. rooflights to the rear elevation and 2no. rooflights to the front elevation, various alterations to

the existing front and rear fenestration, and alterations to existing first floor terrace.

- 6.2. The first floor rear extension would measure approximately 5.8 metres in depth and 3 metres in width, running along the north-eastern boundary of the site. It would have a flat roof design with a height that gradually reduces towards the rear boundary. The extension would be set back from the rear elevation to create a visual break between the ground and first floor, finished in brick to match the existing. Dark grey aluminium capping is also proposed along with a green roof and timber cladding on the internal terrace-facing side elevation. The first section of the rear extension labelled part 1 in the Proposed West Side Elevation drawing would measure approximately 0.9 metres above the tallest section of this part of the existing north eastern boundary wall and 1.6 metres above the lower section of this part of the wall. The middle section of the extension labelled part 2 in the Proposed West Side Elevation drawing would measure approximately 1 metre above the taller section of this part of the north eastern boundary wall, and 1.5 metres taller than the lower section. The last section that is labelled part 3 in the Proposed West Side Elevation drawing would measure approximately 0.86 metres above the height of the existing north eastern boundary wall.
- 6.3. The first section of the extension closest to the rear boundary of the site would add an additional 0.86 metres to the height of the existing boundary wall. The second middle section would increase that height by a further 0.7 metres resulting in it being approximately 1.5 metres above the lower section of the existing boundary wall and 1 metre above the taller section. The third section closest to the existing rear elevation of the building would increase a further 0.6 metres in height resulting in it being 1.6 metres above the lower section of the wall and 0.9 metres above the taller section of the boundary wall in this location.
- 6.4. Alterations to the front elevation include proposed increases to the glazed area on the second floor to create ten fixed panels and two casements with hardwood framing with the existing boarded area retained but upgraded to a hardwood material, increasing the size of the window on the ground floor level with a dropped cill level to match the neighbouring window finished with hardwood framing and replacing the existing door and frame in a finish to match the rest of the openings. Two double glazed conservation style rooflights would also be included on the front roofslope proposed to be flush with roof.
- 6.5. Alterations to the rear elevation include the proposed insertion of a juliet balcony and increase in size and relocation of the window at second floor level, the insertion of glazed sliding doors on the rear elevation of the existing building and side elevation of the extension at first floor level finished in hardwood framing and the replacement of the garage door at ground floor level with an external hardwood framed door and windows with a timber rainscreen to match the hardwood frames. Planting is also proposed to be included along the rear boundary at first floor level to provide additional privacy and a visual break between ground floor and first floor level. There

would also be one fixed frameless rooflight and one double glazed conservation style rooflight, both flush with the roofline on the rear roofslope.

## 7. RELEVANT PLANNING HISTORY

7.1. There is no planning history relevant to the proposals.

## 8. RELEVANT PLANNING POLICY

8.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework	Local Plan	Other planning documents	Neighbourhood Plans:
Design	117-123, 124-132	DH1, H14		
Conservation/Heritage	184-202	DH3		
Transport	117-123	M3, M5		
Environmental	117-121, 148-165, 170-183	RE3		
Miscellaneous	7-12	SR1, SR2		

## 9. CONSULTATION RESPONSES

9.1. Site notices were displayed around the application site on 16th July 2020 and an advertisement was published in The Oxford Times newspaper on 16th July 2020.

### Statutory and non-statutory consultees

Oxfordshire County Council (Highways)

9.2. No objection. A condition has been requested for details of cycle parking.

Oxford Civic Society

9.3. No objection. A condition has been suggested to remove the properties entitlement to on street parking within the CPZ.

### Public representations

9.4. 4 local people commented on this application from addresses in Cranham Street and Cranham Terrace.

9.5. In summary, the main points of objection (4 residents) were:

- Height of proposal
- Light – daylight/sunlight
- Effect on adjoining properties
- Effect on privacy
- General dislike or support for proposal
- Information missing from plans
- Amount of development on site
- Effect on character of the area
- Noise and disturbance
- Open space provision
- Effect on traffic/parking provision
- Effect on existing community facilities

#### **Officer response**

9.6. Officers have considered carefully the objections to these proposals. Officers have come to the view, for the detailed reasons set out in the officer's report, that the reasons for the objections do not amount individually or cumulatively to a reason for refusal. Amendments were sought to the proposals that attempt to respond to the neighbour's concerns and it is considered that all the issues that have been raised have been adequately addressed and the relevant bodies consulted.

## **10. PLANNING MATERIAL CONSIDERATIONS**

10.1. Officers consider the determining issues to be:

- i. Design
- ii. Impact on the Jericho Conservation Area
- iii. Neighbouring amenity
- iv. Transport
- v. Flooding

### **i. Design**

10.2. Policy DH1 of the Oxford Local Plan 2036 states that a planning permission will only be granted for development of high quality design that creates or enhances local distinctiveness. Proposals must be designed to meet the key design objectives and principles for delivering high quality development, set out in Appendix 6.1.

- 10.3. The proposal includes significant alterations to the front of the building which would alter its character within the streetscene. While this is the case, the existing front elevation of the building is not considered to relate to the surrounding streetscene and is seen to be a low quality design. It is clear that the proposals make an effort to improve this elevation and the idea of a more modern approach could give rise to a higher quality design. While it is accepted that the character of the application property differs dramatically from the surrounding properties, it is noted that the charm of the area comes from the small, humble character of the Victorian housing. Reducing the amount of glazing that was originally proposed on the front elevation and roofslope would help to ensure that the building would not give the appearance of dwarfing the surrounding buildings and is considered a more appropriate approach.
- 10.4. The application property is also an end of terrace dwelling which would result in the north eastern side elevation of the rear extension being visible from the public domain along Jericho Street, as well as being a prominent addition visible within the shared parking area serving the application site and a number of properties along Cranham Street. The extension itself would not be considered to be a significant increase to the overall footprint of the building, however it is noted that it would extend into the courtyard area resulting in the outdoor amenity space serving the property being reduced from approximately 28.1 square metres to 14.5 square metres. While the loss of some of the outdoor amenity space is unfortunate, consideration is given to the fact this is not a typical family dwelling. The property is situated within a highly sustainable location within close proximity to a number of facilities, as well as being located approximately 0.5 miles or an 11 minute walk from Port Meadow, which is in an extensive area of public outdoor green space. As this is the case, it is considered the loss of the private amenity space within the courtyard would be acceptable on this occasion.
- 10.5. Care has been taken over the design to allow visual breaks between the ground and first floor of the building to ensure that the massing of the rear extension would not appear overbearing within the courtyard. While the extension would result in an increase to the height of the boundary wall along the north east of the site, it is not considered to be such an increase that would result in it being an overly dominant structure. The scheme proposes the introduction of planting along the rear elevation to further soften the impact of the proposal, and it is therefore considered the scale and massing would be acceptable within its surroundings. Further to this, amendments to the scheme have been made to ensure the materials of the extension match the existing building, and the use of timber frame windows and doors would ensure high quality materials are used that are in keeping with surrounding properties.
- 10.6. The proposal is therefore considered to be acceptable in terms of its design and impact on the surrounding area, thus complying with Policy DH1 of the Oxford Local Plan 2036.

**ii. Impact on the Jericho Conservation Area**

- 10.7. Policy DH3 of the Oxford Local Plan 2036 states that planning permission will be granted for development affecting a designated heritage asset that responds positively to the significance, character and distinctiveness of the heritage asset and locality. It goes on to state that great weight will be given to the conservation of that asset and to the setting of the asset where it contributes to the significance or appreciation of that significance.
- 10.8. The application site is situated within Jericho Conservation Area. The significance of the Conservation is derived from its character as an industrial suburb and the survival of Victorian housing. Whilst this is the case, this particular area is also characterised with some infill development that happened around the time of the proposed slum clearances in the 1950s and 1960s that can be regarded as harmful in the context of the overriding Victorian housing that typifies the Conservation Area. The regularity of the Victorian terraces provide the predominant overarching character of the area and it is particularly vulnerable to the further cumulative impact of inappropriate alterations to the elevations of buildings.
- 10.9. Officers are satisfied that there is no objection to the principle of a contemporary design approach in this instance as it is not considered that adopting a design approach which would seek to either replicate the architecture of the Victorian terraces or the later interwar development would be an appropriate or well-reasoned approach. 30A Jericho Street is an anomaly within the street, rising a half-storey higher than the surrounding properties and featuring fenestration of differing proportions and scale to the adjoining and adjacent terraces. For these reasons there is considered to be opportunity to enhance and improve the contribution that the building makes to the character and appearance of the Jericho Conservation Area.
- 10.10. While the overall principle of a more modern design was considered acceptable there were however some elements of the original proposals that were considered to have a negative impact on the surrounding Conservation Area. This included the proposed rooflights on the front roofslope. Amendments have since been submitted however and while there are still two rooflights proposed, these have been relocated centrally within the roofslope of the front elevation, with the lower glazing spanning the width of the property removed entirely. Given these rooflights would now be smaller conservation grade rooflights that would not be particularly prominent due to the height of the building and side parapet walls along the roof, this is considered to be an appropriate compromise for the building.
- 10.11. Further to this, there was also concern regarding the proposal to clad the majority of the rear elevation and first floor extension in timber boarding given the surrounding context is characterised by predominantly facing and painted brickwork. Given the first floor extension would be a conspicuous addition to the courtyard space it was considered the use of brickwork to match the existing building would help better integrate it into the surroundings. The amended plans now show the proposal to be finished in brick and painted brickwork with timber cladding to be used only in the inner terrace facing walls which would not be particularly prominent within the public domain. This is

considered to be more in keeping with the character of the surrounding area and Conservation Area and is regarded to be an acceptable design approach.

- 10.12. Overall with the inclusion of the above amendments to the scheme the modern approach to the proposed development is considered to enhance the Conservation Area as it alters the existing 1960s building that doesn't relate to the existing streetscene to create a more vernacular design that responds better to the character of the area.
- 10.13. Regard has been given to Paragraph 192 of the NPPF in reaching a decision. When applying the test outlined in Paragraph 196, it is considered the proposal would cause no harm to the significance of the Conservation Area. Therefore, the proposals would be acceptable in terms of their impact on this designated heritage asset.
- 10.14. Special attention has been paid to the statutory test of preserving or enhancing the character and appearance of the conservation area under Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990, which it is accepted is a higher duty. It had been concluded that the development would enhance the character and appearance of the Conservation Area, and so the proposal accords with Section 72 of the Act.
- 10.15. The proposal is therefore considered to be acceptable in terms of its design and impact on the surrounding conservation area, thus complying with Policy DH3 of the Oxford Local Plan 2036.

### **iii. Impact on neighbouring amenity**

- 10.16. Policy H14 of the Oxford Local Plan 2036 states that planning permission will only be granted for new development that provides reasonable privacy, daylight and sunlight for occupants of both existing and new homes. Policy H14 sets out guidelines for assessing development in terms of whether it will allow adequate sunlight and daylight to habitable rooms of the neighbouring dwellings.

#### Daylight

- 10.17. The submitted plans show that the proposed extension, while contravening slightly the 45 degree angle measured from the closest habitable room window on No. 30 Jericho Street, would be compliant with the 25 degree angle taken from the cill level of this window. As this is the case and given the orientation of the buildings, it is not considered the proposed extension would not result in any unacceptable impacts in terms of loss of light to this neighbour.
- 10.18. Officers have also carefully considered the impacts of the proposed development on No. 18 Cranham Street, due to the fact that the rooflight located to the north east of the site appears to be the only window that currently serves the kitchen of this property. As this is the case, it is important that the extension that spans across the north east boundary of the site would not result in an unacceptable loss of light to this room. While the proposal

does include an increase in height to the boundary wall currently found along the courtyard area of 30A Jericho Street to allow for the extension to be built, amendments have been made to the proposals to reduce the height at certain sections of the roof to reduce the impact of the height increase and the responding impact on the neighbouring rooflight at No 18. While the proposals may result in some loss of light, taking into consideration the orientation of the properties the existing building at the application site is already located in a position that blocks the light to this rooflight and it is not considered that the increase in the height to the wall would result in a such a significant increase to loss of light that would warrant a reason for refusal.

### Privacy

- 10.19. The proposed alterations to the front elevation do result in an increase to the amount of glazing, however given the amount of glazing already present and the positioning of where the increase is located it is not considered it would result in additional overlooking to surrounding neighbouring properties. The interrelationship between properties in the streetscene results in a relatively small distance of between 7 and 9 metres between properties facing each other across the street, however this is similar to the existing arrangement and is commonplace in Jericho.
- 10.20. The first floor extension has been designed with the bathroom located along the rear boundary to ensure no glazing is proposed on the rear elevation that could impact on the privacy amenity of the opposite neighbours to the rear at 17 and 19 Cranham Street. There are no openings proposed on the north eastern side elevation that could impact on the private amenity of No. 18 Cranham Street, and while there are doors proposed along the south western side elevation these would face into the courtyard area which is already screened by the boundary wall separating the application site and No. 30 Jericho Street.

### Overbearing

- 10.21. The proposed rear extension would be located at first floor level within the outdoor courtyard area currently serving the property. The extension has been designed with stepped heights that ensures the increase to sections of the boundary wall along the north east is kept to a minimum. The extension would be set away from both the boundary to the south west and the rear elevation, with the proposal also including planting along the rear elevation to create an additional visual break between the ground and first floor of the building. It is therefore not considered that the proposal would result in an overbearing addition to the building that would result in an unacceptable impact on the outlook amenity to any surrounding residential neighbours.
- 10.22. Concern has also been raised about the potential use of the garage conversion as a separate dwelling or rental unit that could impact on the amenity of surrounding neighbours. A condition has therefore been attached to ensure that the garage conversion could not be used as an individual unit without first gaining consent from the Local Planning Authority to do so.



10.23. The proposal is therefore considered acceptable in terms of its impact on the amenity of neighbouring occupants, thus complying with Policy H14 of the Oxford Local Plan 2036.

#### **iv. Transport**

##### Parking Provision

10.24. Policy M3 of the Oxford Local Plan 2036 states that in Controlled Parking Zones or employer-linked housing areas where occupants do not have an operational need for a car where development is located within a 400m walk to frequent public transport services and within 800m walk to a local supermarket or equivalent facilities planning permission will only be granted for residential development that is car-free. In all other locations, M3 states that planning permission will only be granted where the relevant maximum standards set out in Appendix 7.3 are complied with.

10.25. The proposal would lead to the loss of a garage. However, it is not considered that the application would lead to a net change in car parking as the garage is undersized and not sufficiently wide to allow for the parking of modern vehicles. Furthermore, the application site is located in a highly sustainable location within close proximity to a number of facilities and public transport routes.

10.26. It is therefore not considered that the proposals would have a detrimental impact on the local highway network in traffic and safety terms and the proposal is therefore compliant with Policy M3 of the Oxford Local Plan 2036.

##### Cycle parking

10.27. Policy M5 of the Oxford Local Plan 2036 states that planning permission will only be granted for development that complies with or exceeds the minimum bicycle parking provision as set out in Appendix 7.47.3. Bicycle parking should be, well designed and well-located, convenient, secure, covered (where possible enclosed) and provide level, unobstructed external access to the street. Bicycle parking should be designed to accommodate an appropriate amount of parking for the needs of disabled people, bicycle trailers and cargo bicycles, as well as and facilities for electric charging infrastructure.

10.28. The proposal would lead to the loss of the garage and presumably thereby also the location where any cycles may be stored. It is noted that the County Council Highways Authority has therefore requested a condition requiring new cycle parking to be provided to offset this assumed loss. While it is noted that two bicycle parking spaces have been included in the plans off the lobby on the ground floor of the dwelling, due to the nature of the proposal it would not be necessary to provide bicycle parking provision. Considering Paragraph 55 of the NPPF, planning officers do not consider that the inclusion of the condition would be proportionate or directly related to the development proposal and therefore it has not been included in the recommendation for approval.

10.29. The proposal is therefore considered acceptable in terms of cycle parking, thus complying with Policy M5 of the Oxford Local Plan 2036.

**v. Flooding**

10.30. Policy RE3 of the Oxford Local plan 2036 states that planning permission will not be granted for development within Flood Zone 3b except where it is for water-compatible uses or essential infrastructure; or where development is on previously developed land and will represent an improvement for the existing situation in terms of flood risk.

10.31. The application site falls within flood zone 2; which is a higher flood risk area. A flood risk assessment has been submitted with the application in accordance with the NPPF/DEFRA and EA Guidance and City Council Guidance. Although no flood level data has been provided, given the scale of the development, the mitigation measures proposed are considered to be sufficient. With Condition 5 recommended, it is therefore considered that the proposal would be acceptable in terms of flood risk and Policy RE3 of the Oxford Local Plan 2036.

**vi. Other matters**

10.32. Most of the concerns raised during the consultation period were addressed in the above sections, where they have not been, they are addressed in this section.

10.33. Objections have been raised by the neighbouring occupiers and officers have been mindful of the comments raised when considering the acceptability of the proposed development. Specific concerns have been raised with regards to the impact of the proposed development on community facilities and noise, as well as waste bin storage at the site. This application is however for a householder extension and it is not considered the impact would significantly differ from the existing situations relating to these issues. Furthermore, issues relating to noise would be a matter for consideration by Environmental Health. It should also be noted that issues relating to party wall agreements and the location of gas supplies are civil matters and not material planning considerations. As such they have not been taken into consideration as part of this application.

10.34. The concerns relating to the ongoing Covid-19 pandemic and the possibility that some local residents may not have viewed site notices have been considered by officers. The Council has conducted a consultation in accordance with the requirements of S18 of The Town and Country Planning (Development Management Procedure) (England) Order 2015. All planning applications are also published on the Council's website in the weekly list. Therefore, planning officers consider that a decision can be made on this basis

**11. CONCLUSION**

- 11.1. It is recommended that the Committee resolve to grant planning permission for the development proposed subject to the conditions set out in section 12 of the report.
- 11.2. Having regards to the matters discussed in the report, officers would make members aware that the starting point for the determination of this application is in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004 which makes clear that proposals should be assessed in accordance with the development plan unless material considerations indicate otherwise.
- 11.3. The NPPF recognises the need to take decisions in accordance with Section 38 (6) but also makes it clear that it is a material consideration in the determination of any planning application (paragraph 2). The main aim of the NPPF is to deliver Sustainable Development, with paragraph 11 the key principle for achieving this aim. The NPPF also goes on to state that development plan policies should be given due weight depending on their consistency with the aims and objectives of the Framework. The relevant development plan policies are considered to be consistent with the NPPF.
- 11.4. Therefore it would be necessary to consider the degree to which the proposal complies with the policies of the development plan as a whole and whether there are any material considerations, such as the NPPF, which are inconsistent with the result of the application of the development plan as a whole.
- 11.5. In summary, the proposed development would be an acceptable addition to the site. The proposal is suitable in terms of local planning policy and complies with the relevant policies of the Oxford Local Plan 2036.
- 11.6. Therefore officers consider that the development accords with the development plan as a whole.

*Material consideration*

- 11.7. The principal material considerations which arise are addressed above, and follow the analysis set out in earlier sections of this report.
- 11.8. National Planning Policy: the NPPF has a presumption in favour of sustainable development.
- 11.9. NPPF paragraph 11 states that proposals that accord with the development plan should be approved without delay, or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

- 11.10. Officers consider that the proposal would accord with the overall aims and objectives of the NPPF for the reasons set out within the report. Therefore in such circumstances, paragraph 11 is clear that planning permission should be granted without delay.
- 11.11. Officers would advise members that, having considered the application carefully, the proposal is considered to be acceptable in terms of the aims and objectives of the National Planning Policy Framework and relevant policies of the Oxford Local Plan 2036 when considered as a whole. There are no material considerations that would outweigh these policies.
- 11.12. It is recommended that the Committee resolve to grant planning permission for the development proposed subject to the conditions set out in section 12 below.

## **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 permitted shall be constructed in complete accordance with the specifications in the application and approved plans listed below, unless otherwise agreed in writing by the local planning authority.

Reason: To avoid doubt and to ensure an acceptable development as indicated on the submitted drawings in accordance with Policy S1 of the Oxford Local Plan 2036.

- 3 The materials to be used in the proposed development shall be as specified in the application hereby approved. There shall be no variation of these materials without the prior written consent of the Local Planning Authority.

Reason: To ensure that the development is visually satisfactory as required by Policies S1 and DH1 of the Oxford Local Plan 2036.

- 4 The garage conversion hereby permitted shall be occupied as part of the family dwelling house at 30A Jericho Street and shall at no time be occupied as an independent and self-contained residential dwelling.

Reason:

- (i) To avoid doubt and to ensure that any future proposals for change of use or subdivision will be submitted for planning permission;
- (ii) in order to maintain the character of this residential area; and
- (iii) to maintain the stock of dwelling houses in Oxford in accordance with policy H14 of the Oxford Local Plan 2036.

- 5 Flood resilience and resistance measures suitable for the residual depth of flooding should be incorporated into the building. These should be in

accordance with the submitted Flood Risk statement, DEFRA/Environment Agency Planning Practice Guidance, and the DCLG publication 'Flood resilient construction of new buildings'.

Reason: To manage flood risk in accordance with the NPPF and Policy RE3 of the Oxford Local Plan 2036.

### **13. APPENDICES**

- **Appendix 1** – Site location 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.

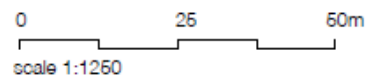
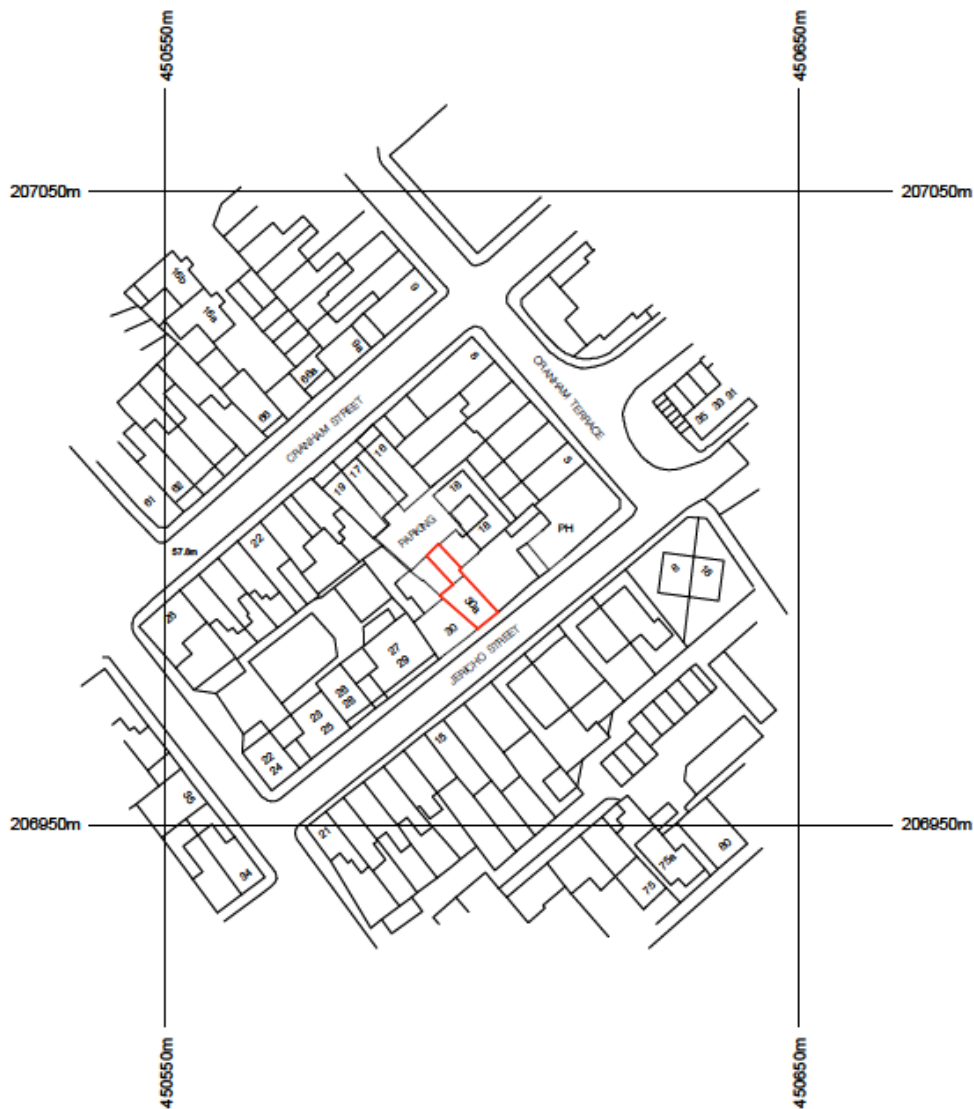
### **15. SECTION 17 OF THE CRIME AND DISORDER ACT 1998**

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

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# Appendix 1 – Location Plan

## 20/01638/FUL – 30A Jericho Street



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**West Area Planning Committee**

13<sup>th</sup> October 2020

**Application number:** 20/01118/FUL

**Decision due by** 9th July 2020

**Extension of time** 20th October 2020

**Proposal** Demolition of existing building. Erection of 3 x 3-bed dwellings (Use Class C3). Provision of car parking, private amenity, bin and cycle stores. Repositioning of dropped kerbs. Formation of wall and railings to front and side of boundary. (Amended plans)

**Site address** 2 St Peter's Road, Oxford, Oxfordshire, OX2 8AU – see **Appendix 1** for site plan

**Ward** Wolvercote Ward

**Case officer** James Paterson

**Agent:** Aubrey King      **Applicant:** Mr Naresh Kotak

**Reason at Committee** This application was called in to committee by the Planning Head of Service, following concerns by councillors and members of the public about this application.

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## 1. RECOMMENDATION

1.1. West Area Planning Committee is recommended to:

1.1.1. **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.

1.1.2. **agree to delegate authority** to the Head of Planning 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 Services considers reasonably necessary.

## 2. EXECUTIVE SUMMARY

2.1. This report considers an application for the demolition of an existing small shop (Use Class E) and small House in Multiple Occupation above (Use Class C4) and the erection of three replacement dwellinghouses (Use Class C3). The proposal also includes the provision of off-street car parking and private

amenity space in addition to bin and cycle stores. Changes to the existing arrangements with dropped kerbs are also proposed, as is the formation of walls and railings to the front and side boundaries of the site.

- 2.2. Officers consider that the proposal would accord with the policies of the development plan when considered as a whole and the range of material considerations support the grant of planning permission.
- 2.3. The scheme would also accord with the aims and objectives of the National Planning Policy Framework. The proposal would constitute sustainable development and given conformity with the development plan as a whole, paragraph 11 advises that the development proposal should be approved without delay. Furthermore there are not any material considerations that would outweigh the compliance with these national and local plan policies.

### **3. LEGAL AGREEMENT**

- 3.1. This application is not subject to a legal agreement.

### **4. COMMUNITY INFRASTRUCTURE LEVY (CIL)**

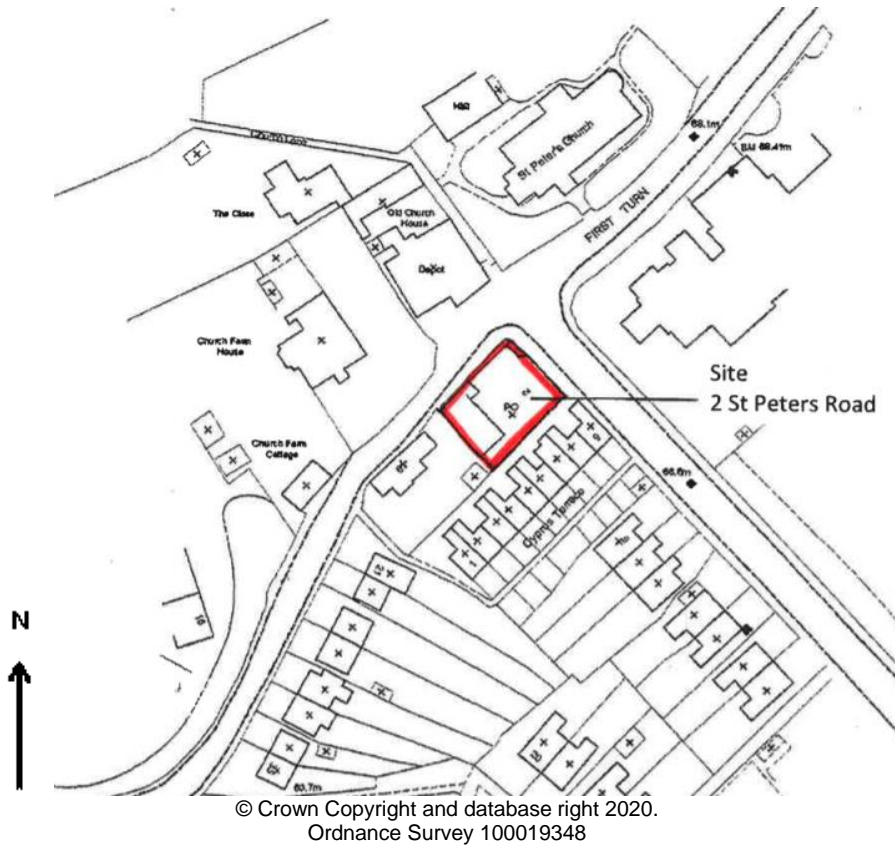
- 4.1. The proposal is not liable for CIL as the total proposed Gross Internal Area results in a net loss of 14.17m<sup>2</sup>.

### **5. SITE AND SURROUNDINGS**

- 5.1. The site is located on St Peter's Road, at the junction with First Turn. The application site currently comprises a small convenience shop/ Post Office at ground floor level, which has been closed since 2018, and a small House in Multiple Occupation occupying the upper floor. The rear area of the site is used as a yard and storage for the retail use in addition to serving as access to the accommodation at first floor level.
- 5.2. The building was originally erected in the 1930s but has since undergone extensive alterations and had been subject to several extensions, including the addition of the sprawling single storey extension to the front which currently houses the entrance to the shop. The existing building is fairly typical of the surrounding area although the aforementioned extensions are quite unsympathetic.
- 5.3. The site lies in the Wolvercote and Godstow Conservation Area and is situated on an important and visually prominent junction within the setting of a number of listed buildings that together form an important architectural nucleus in the heart of the historic settlement of Wolvercote. To the east of the site lies a primary school, this forms an important local hub. To the north of the site lie the church and farmhouse, both listed, in addition to the Old School which all contribute to the historic character of the site. To the west lies First Turn and the openness which characterises the junction transitions to a sense of enclosure as high stone walls abut both sides of the narrow road. To the south of the site lies the houses of Cyprus Terrace. These are characterful terraced houses, erected at the close of the Victorian era; while not listed or falling

within the conservation area, these terraces are locally listed, by virtue of being on the Oxford Heritage Asset Register.

5.4. See block plan below:



## 6. PROPOSAL

- 6.1. The application proposes to demolish the existing building in its entirety. A new two-and-a-half storey building would then be erected on the site to create three new three bedroom terraced dwellinghouses. The new building would feature a large hipped roof with gables to the front elevation, parking to the front of the dwellings, amenity space to the rear and would be enclosed by a mixture of railings atop a dwarf wall and a tall stone boundary wall. The building would feature an unusual sloping design on its southern side, this is in the interest of preserving neighbours' daylight. The houses would be of red brick construction, although 'Unit 1' and 'Unit 2' would feature render at first floor level.
- 6.2. The new building would be set back from St Peter's Road by a minimum of 4m and would have a maximum depth of 10.3m. The houses would be erected directly on the boundary with Cyrpus Terraces to the south and would extend to a maximum width of 16.3m, but would be set back from the boundary at First Turn by around a metre. The building would be set 12.5m from the Old School and a minimum of 7.4m from the boundary with 12 First Turn to the rear.

## 7. RELEVANT PLANNING HISTORY

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

59/07794/AA\_H - Extension to shop (revised).. PER 5th May 1959.

59/07794/A\_H - Outline application for extension to shop.. PER 24th February 1959.

60/07794/A\_H - Extension to shop (revised).. PER 12th January 1960.

60/08963/A\_H - Rebuilding and addition to store.. PER 23rd February 1960.

73/00765/A\_H - 1st floor extension to provide additional bedroom and access.. PER 12th June 1973.

82/00773/NFH - Erection of single attached garage. PER 13th December 1982.

84/00099/NFH - First-floor side extension. PER 19th April 1984.

88/01182/NFH - First floor extension to form residential accommodation.. PER 15th December 1988.

04/00083/FUL - Single storey extension to front and two storey rear extension to form enlarged shop and residential flat above.. WDN 21st May 2004.

04/01017/FUL - Single storey extension to shop. Two storey extension to provide new entrance and additional bedroom to first floor flat.. PER 9th July 2004.

05/01665/FUL - External shutters to doors and windows. PER 17th October 2005.

07/02208/FUL - Alterations to building including single and two storey extensions and replacement roof to retain ground floor post office and shop and convert first floor and roofspace to provide 5x1 bed flats.. REF 19th November 2007.

08/01710/FUL - Removal of existing asbestos roof sheeting and erection of a replacement flat roof for shop store room.. PER 2nd December 2008.

13/01664/FUL - Extension to create second floor and alterations to create 1 x additional 4 bed flat (use class C3). Provision of bin and cycle storage.. REF 16th August 2013.

18/03305/FUL - Demolition of existing building at 2 St Peter's Road. Erection of 3 x 3 bed dwellings (Use Class C3). Provision of car parking, private amenity space, bin and cycle storage. Repositioning and enlargement of existing drop kerb and enlargement of existing drop kerb. Erection of railings to property.. WDN 12th February 2019.

## 8. RELEVANT PLANNING POLICY

8.1 The following policies are relevant to the application:

Topic	National Planning Policy Framework	Local Plan	Other planning documents	Neighbourhood Plans:
Design	117-123, 124-132	H14, DH1, DH7 RE2		
Conservation/Heritage	184-202	DH3, DH4, DH5		
Housing	59-76	H15, H16, H5		
Commercial	170-183	V7		COS1
Natural environment	91-101	G2, G7		GBS5
Transport	117-123	M2, M3, M4, M5		CHS2
Environmental	117-121, 148-165, 170-183	RE1, RE3, RE4, RE7, RE8, RE9		BES1
Miscellaneous	7-12	S1		

8.2 In response to the delays caused to the referendum of the Wolvercote Neighbourhood Plan, due to COVID-19, this neighbourhood plan has been given significant weight in decision-making where relevant. The weight that has been given is in proportion to the stage the plan has reached without assuming or prejudging what the result of the referendum would be

## 9. CONSULTATION RESPONSES

9.1. Site notices were displayed around the application site on 20<sup>th</sup> May 2020 and an advertisement was published in The Oxford Times newspaper on 21<sup>st</sup> May 2020. Following the receipt of revised plans, site notices were displayed around the site on 2nd September 2020 and an advertisement was published in The Oxford Times newspaper on 10th September 2020.

### Statutory and non-statutory consultees

## Oxfordshire County Council (Highways)

- 9.2. No objection; a condition has been requested for the submission of a construction management plan.

### **Public representations**

- 9.3. 36 local people commented on this application from addresses in Torridge Drive (Didcot), Cyprus Terrace, Elmthorpe Road, First Turn, Godstow Road, Home Close, Pixey Place, Rosamund Road, Ulfgar Road, Wolvercote Green and Wyndham Way. 5 local amenity groups also objected to the development proposal. 1 local ward councillor also objected to the development proposal.

- 9.4. In summary, the main points of objection (42) were:

- Access
- Amount of development on site
- Contaminated land issues
- Effect on adjoining properties
- Effect on character of area
- Effect on existing community facilities
- Effect on pollution
- Effect on privacy
- Effect on traffic
- Flooding risk
- General dislike or support for proposal
- Height of proposal
- Information missing from plans
- Light - daylight/sunlight
- Local ecology, biodiversity
- Local plan policies
- Noise and disturbance
- Not enough info given on application
- On-street parking
- Other
- Parking provision
- Public transport provision/accessibility

### **Officer response**

- 9.5. Officers have considered carefully the objections to these proposals. Officers have come to the view, for the detailed reasons set out in the officer's report, that the reasons for the objections do not amount, individually or cumulatively, to a reason for refusal and that all the issues that have been raised have been adequately addressed and the relevant bodies consulted.

## **10. PLANNING MATERIAL CONSIDERATIONS**

10.1. Officers consider the determining issues to be:

- i. Principle of development
- ii. Design
- iii. Conservation Area
- iv. Listed Buildings
- v. Local Heritage Assets
- vi. Archaeology
- vii. Neighbouring Amenity
- viii. Occupier Amenity
- ix. Car Parking
- x. Cycle Parking
- xi. Ecology
- xii. Protected Trees
- xiii. Drainage
- xiv. Land Quality
- xv. Sustainability
- xvi. Other Matters

### **i. Principle of development**

- 10.2. Where proposals are presented for housing development on unallocated brownfield sites, the City Council will take a positive approach, applying the presumption in favour of sustainable development as per Policy S1 of the Oxford Local Plan 2036.
- 10.3. The policies relating to the retail hierarchy in the Oxford Local Plan 2036 do not protect individual shop units where they lie outside of district centres or designated shopping frontages. Policy RC9 of the previous local plan which protected individual shops is no longer a material consideration, as this local plan was superseded in June 2020. It should be noted that while Policy COS1 of the Wolvercote Neighbourhood Plan encourages the provision of new shops, the current draft policy does not resist the loss of existing shops or post offices; therefore the resistance to the proposed change of use is only implied. There is therefore no policy basis to resist the loss of the existing retail unit in terms of the retail hierarchy.

- 10.4. Policy V7 seeks to improve access to social and community infrastructure. The City Council will seek to protect and retain existing cultural and community facilities. Policy V7 states that planning permission will not be granted for development that results in the loss of such facilities unless new or improved facilities can be provided at a location equally or more accessible by walking, cycling and public transport.
- 10.5. Planning officers note that there is a lot of local concern regarding the loss of the shop in terms of its importance as a local community facility. Officers note that the retail unit may be considered to be a community facility, particularly given the fact that it housed a post office. Planning officers have therefore required a viability appraisal on this basis. Planning officers note that there are post offices in lower Wolvercote and Summertown which are readily accessible from the local area; there are also equivalent shopping facilities located nearby in lower Wolvercote, at the nearby A40 roundabout and in Summertown, which are all well connected to the site. Notwithstanding this, the applicant has produced various pieces of evidence which support the assertion that the shop is no longer viable. These include the Financial Appraisal, a letter from the applicant's accountant and evidence of a marketing exercise in addition to the fact that the shop has been closed since 2018. Further to this, as of September 2020, the lawful use of the shop is Class E, as there are other shops within 1km which means the site would not be Class F2. Therefore the use of the retail unit could lawfully be changed to a range of uses, including a restaurant, office or a retail unit. It is therefore considered unreasonable to refuse the application on the basis of requiring the retention of the current specific retail use of this site. Considering the above, on balance, the proposed loss of the shop is therefore acceptable when considering Policy V7.
- 10.6. In terms of the principle of demolishing the building, there is no policy in the Local Plan 2036 which resists the demolition of existing buildings as part of redevelopment. It is also noted that Policies BES4 and HES3 of the Wolvercote Neighbourhood Plan were deleted by the Planning Inspectorate at examination; therefore there is no objection to the principle of the demolition of the building, except in terms of heritage matters which are addressed in later sections of this report.
- 10.7. Policy H5 states that planning permission will not be granted for any development that results in the net loss of one or more self-contained dwellings on a site, including family homes (loss of an HMO converted from a self-contained dwelling would be considered a loss of a self-contained dwelling), except in exceptional circumstances.
- 10.8. It is noted that the development proposal would result in the loss of the self-contained dwelling at first floor level, currently in use as a house in multiple occupation (Use Class C4). However, as the proposal is for three houses there would be a net increase of two dwellings on the site. The proposal therefore accords with the requirements of Policy H5.
- 10.9. Policy RE2 states that planning permission will only be granted where development proposals make efficient use of land. Development proposals



must make best use of site capacity, in a manner compatible with the site itself, the surrounding area and broader considerations of the needs of Oxford, as well as considering the criteria set out in the policy.

10.10. Planning officers consider that the demolition of a retail unit which has been vacant for a number of years and the loss of a single dwelling to allow the erection of three large family dwellings would make a better use of the land. Planning officers understand the delicate balance between overdevelopment of the site and making an efficient use of the available space. A comprehensive assessment of all of these issues can be found in the following sections of this report; however, in summary, planning officers consider that the proposal maximises the efficiency of the proposed land use in a manner compatible with the site. Indeed, for the most part, the proposal would not be dissimilar to the surrounding grain of development when considering the number of terraced dwellings nearby, although it is noted that these would be taller than nearby examples.

## **ii. Design**

10.11. Policy DH1 of the Oxford Local Plan 2036 states that planning permission will only be granted for development of high quality design that creates or enhances local distinctiveness. Proposals must be designed to meet the key design objectives and principles for delivering high quality development, set out in Appendix 6.1.

10.12. Planning officers consider that, while the site is fairly constrained, the overall width of the plot is sufficient to permit the division into three separate plots/dwelling, particularly when considering the pattern, in terms of size and scale, of domestic plots throughout the settlement. The depth of proposed dwellings would be greater than the small domestic terraced buildings immediately to the south of the plot. However, planning officers consider that they would not be unreasonably deep in plan when taking into account the variety of domestic plans found across the Conservation Area and the settlement as a whole. It is also noted that in designing the frontage to have a multiple character the proposal is making an efficient use of the space whilst ensuring that the character and appearance of the context is at least preserved. Therefore, when considering the balance between an overdevelopment of the site and an efficient use of land, the proposal successfully makes best use of the land without overdevelopment.

10.13. The architectural language of the proposed building and its materials are taken from its immediate surroundings and used to reinforce the existing sense of place as well as to ensure that the proposed buildings will sit comfortably in the context of (settings) the identified heritage assets. This is most notable in its red brick parts which directly correspond with the brick of the school and Old School House, in addition to its large hipped roof which relates to some of the nearby residences in the area.

10.14. When considering the relationship of the gardens with the host dwelling and wider area, planning officers consider that the inclusion of open, garden space to the rear of the buildings, enclosed between First Turn and the terraced

buildings to the south, will ensure that these outdoor spaces can provide a reasonable amount of seclusion to occupiers. The provision of car parking spaces with planting, would also ensure that these spaces do not appear unduly hard when vehicles are not parked up and that they are able to make a positive contribution to aesthetic of the site.

10.15. While any alteration to the old wall between Cyprus Terrace and site is regrettable, ultimately this wall is not protected and can be removed at any time without planning permission. Therefore it is unreasonable to refuse the application on these grounds.

10.16. However, conditions are required to ensure the proposed development would be of sufficient design quality. These include the requirement for a landscape plan, curtailment of permitted development rights in addition to conditions relating to material samples. With the above conditions in place, the proposal would be of acceptable design quality and would accord with Policy DH1.

10.17. Policy DH7 of the Oxford Local Plan 2036 states that permission will only be granted where outdoor needs are properly accommodated, including refuse and recycling storage. Bins should be provided in accordance with Oxford City Council's Technical Advice Note on bin storage.

10.18. The proposed bin storage arrangements are considered acceptable.

### **iii. Conservation Area**

10.19. Policy DH3 of the Oxford Local Plan 2036 states that planning permission will be granted for development that respects and draws inspiration from Oxford's unique historic environment (above and below ground), responding positively to the significance character and distinctiveness of the heritage asset and locality. For all planning decisions, great weight will be given to the conservation of that asset and to the setting of the asset, where it contributes to that significance or appreciation of that significance. Where a development proposal will lead to less-than-substantial harm to a designated heritage asset, this harm must be weighed against the public benefits of the proposal, which should be identified by the applicant.

10.20. The site falls within the Wolvercote with Godstow Conservation Area. Important to the special character and appearance of this area are the surviving stone walls that provide the boundaries to older properties and lost properties as well as surviving elements of older buildings that form the historic core of this part of the settlement. The walls are also important in providing a very strong sense of enclosure which is particularly seen in the section of First Turn that bounds the northern edge of the site where the high stone boundary wall to Church Farmhouse, also stone walled and Grade II listed, forms the northern boundary to the narrow lane that leads to Wolvercote Green. The narrowing here is important, contrasting with the more open feel of the space around and between the Church and primary school which lies immediately to the east of the site.

- 10.21. The development proposal respects the significance of the Conservation Area by representing a domestic scale in terms of the replacement building. This means that the proposed development would not appear overbearing, disproportionate or visually discordant in the context of the Conservation Area. The overtly domestic architectural expression, while also taking references from the language found throughout the Conservation Area where there is a distinct variety in materials used in domestic buildings, also means that the building sits comfortably in its setting.
- 10.22. The inclusion of front gardens also references a key characteristic in the Conservation Area. In particular, the northern plot enhances the special character of the Conservation Area by responding to the importance of enclosing the boundary to the side in order to retain and reinforce the sense of enclosure established by the Church Farmhouse stone boundary wall. In addition this responds to the tightening of the public road to provide the feeling of a lane to connect the more open, formal public space of Upper Wolvercote, specifically at the church and school, to the very different space that is Wolvercote Green.
- 10.23. The materials of the northern plot reflecting those of both School and Church with which it combines, contributing to the important views of the church, also a heritage asset in its own right, and through the Conservation Area
- 10.24. Officers also consider that the proposed development addresses St Peter's Road as a frontage, allowing the First Turn façade of the northern plot to be subservient in architectural language and expression, which is appropriate. This is the more active street frontage at present and therefore there is a benefit in maintaining it as such in terms of reinforcing the present important characteristics of the site.
- 10.25. Officers do not consider that the loss of the existing building would be harmful to the Conservation Area. In terms of the building itself, it is a relatively recent addition to the area, 1930s, and is unremarkable architecturally, having also been extended unsympathetically numerous times. In terms of the function of the building, especially its relation to the central triangle of the area created by the school, church and shop, officers acknowledge that the loss of the shop would be regrettable. This is because the three buildings create an important triangle of social activity creating a focal point in this area, marked by their varying building types and uses. However, officers consider the activity from the church and school are sufficient to ensure this area retains its character as a hub of activity. The loss of the shop, or more significantly the Post Office, whilst reducing the activity would not entirely remove it and officers therefore expect the impact of this development proposal to be limited. Officers consider that the loss of one aspect of a tripartite social hub would not be materially harmful to the significance of the Conservation Area as whole. Furthermore, the sympathetic design of the proposal and its strong frontage means that it would relate well to the character of the site in terms of its being a focal point of the area.

- 10.26. The proposal would therefore sit comfortably in the context of the conservation area and would not give rise to harm to its significance and would therefore accord with Policy DH3.
- 10.27. Regard has been paid to paragraph 192 of the NPPF in reaching a decision. When applying the test outlined in paragraph 196, it is considered that the proposal would cause no harm to the significance of the conservation area. Therefore, the proposals would be acceptable in terms of their impact on this designated heritage asset.
- 10.28. Special attention has been paid to the statutory test of preserving or enhancing the character and appearance of the conservation area under Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990, which it is accepted is a higher duty. It has been concluded that the development would preserve the character and appearance of the Conservation Area, and so the proposal accords with Section 72 of the Act.

#### **iv. Listed Buildings**

- 10.29. Policy DH3 of the Oxford Local Plan 2036 states that planning permission will be granted for development that respects and draws inspiration from Oxford's unique historic environment (above and below ground), responding positively to the significance character and distinctiveness of the heritage asset and locality. For all planning decisions, great weight will be given to the conservation of that asset and to the setting of the asset, where it contributes to that significance or appreciation of that significance. Where a development proposal will lead to less-than-substantial harm to a designated heritage asset, this harm must be weighed against the public benefits of the proposal, which should be identified by the applicant.
- 10.30. The site falls within the setting of St Peter's Church, Grade II listed. The significance of the church is both historic, especially its C14 Tower that survives from the medieval church, and architectural, the remainder of the building which was designed by Charles Buckenridge and built from 1860 as a Victorian Church in the coursed rubble stone that follows the architectural vernacular of the village settlements that surrounded and have subsequently become absorbed into the city of Oxford.
- 10.31. It is considered that the development proposal would sit comfortably within its plot and would respond sufficiently to the historic character of the surrounding listed buildings so as to not appear as an incongruent addition. The proposal would also reflect the residential character which dominates the area. The proposal would therefore not be harmful to the special character of the church or its setting.
- 10.32. The site also falls within the setting of the listed Church Farmhouse, Grade II listed, to the north west of the site. The significance of the listed building, insofar as it relates to this application, is the result of its listed boundary wall abutting First Turn which give the street an enclosed character while also exhibiting traditional materials.

- 10.33. The proposal reflects this special character by virtue of its sympathetic design but, most notably, due to its 2m high stone boundary wall on its First Turn boundary. The proposal would therefore not harm the setting of this listed building
- 10.34. The proposal would therefore not be harmful to the significance of the nearby listed buildings and would accord with Policy DH3 in this regard.
- 10.35. Regard has been paid to paragraph 192 of the NPPF in reaching a decision. When applying the test outlined in paragraph 196, it is considered that the proposal would cause no harm to the significance of the listed buildings. Therefore, the proposals would be acceptable in terms of their impact on these designated heritage assets.
- 10.36. Special attention has been paid to the statutory test of preserving the listed buildings or their settings under Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990, which it is accepted is a higher duty. It has been concluded that the development would preserve the setting of the nearby listed buildings and so the proposal accords with Section 66 of the Act.

#### **v. Local Heritage Assets**

- 10.37. Policy DH5 states that planning permission will only be granted for development affecting a local heritage asset or its setting if it is demonstrated that due regard has been given to the impact on the asset's significance and its setting and that it is demonstrated that the significance of the asset and its conservation has informed the design of the proposed development. In determining whether planning permission should be granted for a development proposal, which affects a local heritage asset, consideration will be given to the significance of the asset, the extent of impact on its significance, as well as the scale of any harm or loss to the asset as balanced against the public benefits that may result from the development proposals
- 10.38. The proposal would impact the setting of the nearby locally listed terrace, Cyprus Terrace. However, it is considered that the proposal would be well designed and would make a congruent addition to the area while it would also not be overbearing to the houses which comprise the terrace, nor harming their outlook.
- 10.39. The proposal therefore would have an acceptable impact in this regard and would accord with Policy DH5.

#### **vi. Archaeology**

- 10.40. Policy DH4 of the Oxford Local Plan 2036 states that where archaeological deposits that are potentially significant to the historic environment of Oxford are known or suspected to exist anywhere in Oxford, planning applications should include sufficient information to define the character, significance and extent of such deposits so far as reasonably practical. Proposals that will lead to harm to the significance of non-designated archaeological remains or

features will be resisted unless a clear and convincing justification through public benefit can be demonstrated to outweigh that harm.

- 10.41. This application is of interest because it involves the construction of three new properties within the historic core of Upper Wolvercote, in a central location close to the medieval church (which is located 30m to the north). Wolvercote is a parish comprising of two settlements, Upper Wolvercote located on the edge of the Summertown Radley gravel terrace and Lower Wolvercote on the Thames floodplain. The evolution of the two settlement 'ends' is poorly understood. At Domesday Roger D'Ivri held a manor of six hides at Wolvercote with a further 120 acres of meadow and six furlongs of pasture, thirteen villeins and seven borders are also mentioned. A chapel of ease at Wolvercote is first recorded in 1236 as being subject to the church of St Peter-in-the-East in central Oxford, but architectural evidence suggests the current church in Upper Wolvercote, St Peter's, dates to at least the late 12th century as it has a font of this date and there is a record of a later 12th century chancel arch surviving until 1859 (VCH, 1990, 320-323).
- 10.42. With this in mind, a method statement for the proposed demolition of the existing building and a written scheme of investigation have been included as conditions 4 and 5. This is to ensure no harm befalls underground heritage assets which may be located on the site.
- 10.43. Subject to conditions, the proposal is acceptable in terms of archaeology and Policy DH4.

**vii. Impact on neighbouring amenity**

- 10.44. Policy H14 of the Oxford Local Plan 2036 states that planning permission will only be granted for new development that provides reasonable privacy, daylight and sunlight for occupants of both existing and new homes. Policy H14 sets out guidelines for assessing development in terms of whether it will allow adequate sunlight and daylight to habitable rooms of the neighbouring dwellings.

Daylight

- 10.45. The proposal would accord with the 25/45 degree access to light test, when considering the buildings surrounding the site, with the exception of Cyprus Terrace. Therefore the proposal would not impact the direct daylight received by the 19 First Turn. Likewise, the daylight to the school to the east and the Old School building to the north would also not be impeded by the development proposal; although it is noted that these uses are non-residential and are less sensitive in terms of daylight. The site is also set sufficiently far back so as to not significantly overshadow these buildings or their associated amenity space
- 10.46. Planning officers note that there would be an impingement on the 25/45 degree access to light test on Nos. 6-9 Cyprus Terrace. However, planning officers consider that the proposed development would not materially worsen the existing situation in terms of the daylight received by these properties, by

virtue of the reduction in height of the built form on the southern boundary of the site and the unusual arrangement with the southern roofslope. It is also noted that these terraces lie to the south of the application site. Having considered the orientation of the sun, it is also noted that the development proposal would not reduce the amount of direct daylight to these properties.

#### Privacy

- 10.47. Planning officers note that the majority of glazing would be directed to the front and rear of the proposed building. This is considered acceptable as to the front of the site, the building would overlook the school in a manner which is comparable and not materially more intrusive than the existing arrangement. To the rear, the views offered by the glazing in this area would not be more intrusive than is possible under the existing arrangement. It is also noted that the neighbour to the rear is set a minimum of 12m away from the rear windows and is heavily screened by mature, protected trees which is considered an acceptable arrangement. It is also noted that there is only one small window, serving a non-habitable room, on the north-east elevation of this neighbour.
- 10.48. There would be no windows on the southern elevation of the building which would mean that direct views of the houses and gardens at Cyprus Terrace would not be possible; only glimpses out of the upper rear windows would be possible, which is considered to be a continuation of the existing arrangement.
- 10.49. It is noted that there would be a number of windows on the northern elevation, which face towards the Old School building, which is in a Class E use as office space. Planning officers consider inter-looking from the ground floor windows would be made impossible by the 2m boundary wall located 1m in front of the windows. At first floor level, two of the windows serve bathrooms, which will have obscured glazing, while the side window at second floor would serve a hallway, a purely circulatory space. Planning officers are therefore satisfied that the privacy of the occupiers of the house and the offices opposite would not be impacted by these windows. In terms of the first floor side window serving the front bedroom, planning officers note that a degree of inter-looking would be possible between this window and the front windows of the Old School building. However, planning officers note that the window in question is a small ancillary window where the applicant is not expected to spend a great deal of time in front of and looking out of. Officers also consider that the office use of that building is not a particularly sensitive use to this degree of overlooking, given that it is non-residential and only likely to be occupied during business hours. Therefore planning officers consider the window in question to not result in an unacceptable loss of privacy to occupiers or neighbours.
- 10.50. Planning officers note that the site is very constrained and neighbours are vulnerable to additional windows and extensions being added at a later date. Therefore condition 15 has been included curtailing permitted development rights in this respect.

#### Overbearing

- 10.51. While the proposal is two-and-a-half storeys in height, it would also be set 7.6m away from the site's boundary with 19 First Turn. The mutual boundary is also heavily screened by mature protected trees. Considering this, and the fact that the existing arrangement is similar in terms of its distance to the boundary, the proposal is not considered to be unacceptably overbearing on this neighbour.
- 10.52. In terms of the dwellings on Cyprus Terrace, it is noted that the development proposal would lead to a slight decrease in the height of built form directly on the boundary and a decrease in the length of the mutual boundary which is developed. It is also noted that the unusual southern roofslope of the proposed building would mean the bulk of the proposed building would be set back from the southern boundary and would reduce the sense of enclosure felt by the occupants of Cyprus Terrace. This arrangement is therefore considered acceptable.
- 10.53. The proposed dwellings are considered to be sufficiently set back from the non-residential uses of the Old School building and Wolvercote Primary school so as to not be overbearing to the users of these spaces.
- 10.54. Considering the above, planning officers consider that the development proposal would be acceptable in terms of neighbouring amenity and Policy H14.

#### **viii. Occupier Amenity**

- 10.55. Policy H15 of the Oxford Local Plan states that planning permission will only be granted for new dwellings that provide good quality living accommodation for the intended use. All proposals for new build market and affordable homes (across all tenures) must comply with the MHCLG's Technical Housing Standards – Nationally Described Space Standard Level 113.
- 10.56. The proposed dwellings meet the requirements of the relevant space standards and would provide high quality internal space to potential occupants in a layout which is considered acceptable.
- 10.57. Policy H16 of the Oxford Local Plan 2036 states that planning permission will only be granted for dwellings that have direct and convenient access to an area of private open space. H16 sets out the expectations for the size and quality of outdoor space across various types of dwellings.
- 10.58. When considering the amount of external space available to future occupiers, if the front gardens are taken into account, the proposal meets the requirements of H16. However, officers do not consider this space to be provide any useful amenity space, given that this space is predominantly for the parking of cars. Planning officers also consider the rear gardens to be undersized when taking into account the fact that these would be family homes, each being approximately 37m<sup>2</sup>. That being said, when the surrounding grain of development and constrained nature of the site is taken into account, it is considered that the proposed arrangement would be



acceptable, in this specific case. Furthermore, the layout of the dwellings optimises how these spaces may be utilised by future occupants.

10.59. The proposal would therefore offer sufficient amenity to future occupiers and accord with Policies H15 and H16.

#### **ix. Car Parking**

10.60. Policy M3 of the Oxford Local Plan 2036 states that in Controlled Parking Zones or employer-linked housing areas where occupants do not have an operational need for a car where development is located within a 400m walk to frequent public transport services and within 800m walk to a local supermarket or equivalent facilities planning permission will only be granted for residential development that is car-free. In all other locations, M3 states that planning permission will only be granted where the relevant maximum standards set out in Appendix 7.3 are complied with.

10.61. Planning officers note that there are bus stops nearby, on Woodstock Road, which are well served by buses, and a supermarket within 800m of the site, M&S. However, the site is not within a Controlled Parking Zone (CPZ) and is therefore not suitable for car free development. Each house must therefore be served by a single bespoke parking space. This has been provided and the proposal therefore meets the requirements of Policy M3.

10.62. It is noted that a number of concerns have been raised with regard to the on-street parking pressure on St Peter's Road and the safety issues of locating parking so close to a junction. With regard to the first issue, it is noted that without a CPZ, there is no mechanism to prevent additional cars on the street. That being said, it is considered unreasonable to refuse the application on this basis, given that this supposition is on the basis of what future occupants may or may not do. There is also no mechanism where the Council can prevent the parking of additional cars in the area. Planning officers also note that Oxfordshire County Council Highways Authority, statutory consultee on these matters, raise no objection on these grounds and consider that the proposed use would likely decrease the number of car journeys and car parking in the area over what is possible under the existing arrangement. This is especially relevant here considering that customers of the existing retail unit may drive to the shop and the existing HMO use at first floor level could generate three cars, if one car is assumed per household, with no bespoke off-street parking currently being provided. Therefore, the provision of one off-street car parking space is reasonable and would likely not cause a significant increase in on-street parking, having had regard to the existing use of the land and the size of the proposed dwellings.

10.63. With regard to the second issue of highway safety, this development proposal has relocated the car parking spaces further away from the junction than previous proposals. Planning officers also note that Oxfordshire County Council Highways Authority, the statutory consultee on these matters, raise no objection on these grounds.

- 10.64. A construction management plan has been requested by condition by the County Council. Considering the sensitivity of the site in terms of the proximity of neighbours and lack of parking for construction traffic, planning officers have included this as part of the recommendation to form Condition 6 listed in Section 12 of this report.
- 10.65. Policy M4 of the Oxford Local Plan 2036 requires electrical vehicle charging facilities to be provided to each new car parking space. The requirements of Policy M4 are noted and condition 16 has been included to ensure this takes place.
- 10.66. The proposal is therefore considered acceptable in terms of car parking and Policies M2, M3 and M4.

#### **x. Cycle Parking**

- 10.67. Policy M5 of the Oxford Local Plan 2036 states that planning permission will only be granted for development that complies with or exceeds the minimum bicycle parking provision as set out in Appendix 7.47.3. Bicycle parking should be, well designed and well-located, convenient, secure, covered (where possible enclosed) and provide level, unobstructed external access to the street. Bicycle parking should be designed to accommodate an appropriate amount of parking for the needs of disabled people, bicycle trailers and cargo bicycles, as well as and facilities for electric charging infrastructure.
- 10.68. The proposed cycle parking would be covered, secure and allow for independent access to each cycle. There would be enough space for three cycles in each. This conforms to the requirements of Policy M5.
- 10.69. The proposal is therefore acceptable in terms of Policy M5 and cycle parking.

#### **xi. Ecology**

- 10.70. Policy G2 of Oxford Local Plan 2036 states that important species and habitats will be expected to be protected from harm, unless the harm can be appropriately mitigated. It also outlines that, where there is opportunity, it will be expected to enhance Oxford's biodiversity. This includes taking opportunities to include features beneficial to biodiversity within new developments throughout Oxford.
- 10.71. Council officers have reviewed the Bat Report produced by EcoConsult (October 2018) and are satisfied that the potential presence of protected habitats and species has been given due regard.
- 10.72. The survey undertaken in October 2018 has confirmed that overall the structure offers negligible potential to support roosting bats. However, in accordance with Policy G2, a condition has been included in respect of site enhancements in order to ensure a net ecological enhancement has been achieved. This condition also requires an updated bat assessment, as the validity of the existing assessment expires in October 2020.

10.73. Subject to condition 7, the proposal accords with Policy G2 of the Oxford Local Plan and would be acceptable in terms of matters of ecology.

## **xii. Protected Trees**

10.74. Policy G7 of the Oxford Local Plan 2036 states that planning permission will not be granted where development would result in the loss of green infrastructure features such as hedgerows, trees or woodland, where this would have a significant adverse impact upon public amenity or ecological interest. It must be demonstrated that their retention is not feasible and that their loss will be mitigated. Planning permission will not be granted for development resulting in the loss or deterioration of ancient woodland or ancient or veteran trees except in wholly exceptional circumstances.

10.75. The application includes an Arboricultural Report which reasonably demonstrates that, assuming appropriate care is taken during the demolition and construction phases, the development should not be significantly detrimental to the viability of the existing protected sycamore and eucalyptus trees which stand adjacent to the boundary of the site.

10.76. However, further details are needed in terms of landscaping, underground services and tree protection measures, in addition to requiring protective measures to be taken during development, in order to confirm that the trees and their roots would not be compromised by the development. To this effect conditions 10-14 have been included.

10.77. Subject to conditions, the development proposal would have an acceptable impact on existing trees and would accord with Policy G7 of the local plan.

## **xiii. Drainage**

10.78. Policy RE4 states that all development proposals will be required to manage surface water through Sustainable Drainage Systems (SuDS) or techniques to limit run-off and reduce the existing rate of run-off on previously developed sites. Surface water runoff should be managed as close to its source as possible, in line with the drainage hierarchy outlined in the policy. Applicants must demonstrate that they have had regard to the SuDS Design and Evaluation Guide SPD/ TAN for minor development and Oxfordshire County Council guidance for major development.

10.79. The proposed development would not be at significant risk of flooding from any sources, as it is in a Flood Zone 1 area. However, in accordance with Policy RE4 of the Oxford Local Plan, all new developments should be drained via a sustainable drainage system. The drainage strategy should be in accordance with Oxford City Council SuDS Design and Evaluation Guide, Non-statutory technical standards for SuDS, and CIRIA C753 - the SuDS Manual. Insufficient evidence has been provided that would show this would be the case. Therefore condition 8 has been included to ensure a drainage strategy demonstrating compliance with these matters will be produced before development commences.

10.80. Subject to conditions 8 and 18, the proposal is acceptable in terms of flooding and Policy RE4.

#### **xiv. Land Quality**

10.81. Policy RE9 states that planning applications where proposals would be affected by contamination or where contamination may present a risk to the surrounding environment, must be accompanied by a report which fulfils the relevant criteria set out in the policy. Where mitigation measures are needed, these will be required as a condition of any planning permission.

10.82. The Council's records show that the site is not at significant risk of suffering from land contamination. Therefore no further measures are required. However an informative has been included to inform the applicant of how to proceed should unexpected contamination be found.

10.83. The proposal is therefore acceptable in terms of land quality and Policy RE9.

#### **xv. Sustainability**

10.84. Policy RE1 of the Oxford Local Plan 2036 states that planning permission will only be granted where it can be demonstrated that sustainable design and construction principles, set out in RE1, have been incorporated. It is expected that 25% of energy will be on-site renewables; water consumption must also meet the requirements of Building Regulations Part G2. An Energy Statement will be required to be submitted to demonstrate compliance with this policy for new-build residential developments (other than householder applications) and new-build non-residential schemes over 1,000m<sup>2</sup>. The Energy Statement will include details as to how the policy will be complied with and monitored.

10.85. The initial submission was not accompanied by a suitable energy or sustainability statement. Subsequently, a full energy statement has been produced by the applicant and submitted to the council. Planning officers consider that the statement demonstrates compliance with the requirements of Policy RE1.

10.86. While it is noted that concerns have been raised as to the sustainability of demolishing buildings to erect new ones, there is no policy basis or evidence for refusing the application on these grounds

10.87. The proposal is therefore acceptable in terms of sustainability and the requirements of Policy RE1.

#### **xvi. Other matters**

10.88. Most of the concerns raised during the consultation period were addressed in the above sections, where they have not been, they are addressed in this section.

10.89. It is considered that the plans are sufficiently accurate to allow planning officers to form a recommendation for this development proposal.

## 11. CONCLUSION

- 11.1. It is recommended that the Committee resolve to grant planning permission for the development proposed subject to the conditions set out in section 12 of the report.
- 11.2. Having regards to the matters discussed in the report, officers would make members aware that the starting point for the determination of this application is in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004 which makes clear that proposals should be assessed in accordance with the development plan unless material considerations indicate otherwise.
- 11.3. The NPPF recognises the need to take decisions in accordance with Section 38 (6) but also makes it clear that it is a material consideration in the determination of any planning application (paragraph 2). The main aim of the NPPF is to deliver Sustainable Development, with paragraph 11 the key principle for achieving this aim. The NPPF also goes on to state that development plan policies should be given due weight depending on their consistency with the aims and objectives of the Framework. The relevant development plan policies are considered to be consistent with the NPPF.
- 11.4. Therefore it would be necessary to consider the degree to which the proposal complies with the policies of the development plan as a whole and whether there are any material considerations, such as the NPPF, which are inconsistent with the result of the application of the development plan as a whole.
- 11.5. In summary, the proposed development would be an acceptable addition to the site. The proposal is suitable in terms of local planning policy and complies with the relevant policies of the Oxford Local Plan 2036.
- 11.6. Therefore officers consider that the development accords with the development plan as a whole.

### *Material consideration*

- 11.7. The principal material considerations which arise are addressed above, and follow the analysis set out in earlier sections of this report.
- 11.8. National Planning Policy: the NPPF has a presumption in favour of sustainable development.
- 11.9. NPPF paragraph 11 states that proposals that accord with the development plan should be approved without delay, or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

- 11.10. Officers consider that the proposal would accord with the overall aims and objectives of the NPPF for the reasons set out within the report. Therefore in such circumstances, paragraph 11 is clear that planning permission should be granted without delay.
- 11.11. Officers would advise members that, having considered the application carefully, the proposal is considered to be acceptable in terms of the aims and objectives of the National Planning Policy Framework and relevant policies of the Oxford Local Plan 2036 when considered as a whole. There are no material considerations that would outweigh these policies.
- 11.12. It is recommended that the Committee resolve to grant planning permission for the development proposed subject to the conditions set out in section 12 below.

## **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 Subject to conditions 2, 16 and 17 the development permitted shall be constructed in complete accordance with the specifications in the application and approved plans listed below, unless otherwise agreed in writing by the local planning authority.

Reason: To avoid doubt and to ensure an acceptable development as indicated on the submitted drawings in accordance with Policy S1 of the Oxford Local Plan 2036.

- 3 Notwithstanding the approved plans or details included in the supporting documentation, samples of exterior materials proposed to be used, including bricks, render, stone and roof tiles, shall be made available for inspection on site and approved in writing by the Local Planning Authority before the construction of the relevant works and only the approved materials shall be used.

Other materials to be used in the proposed development shall be as specified in the application hereby approved. There shall be no variation of these materials without the prior written consent of the Local Planning Authority.

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 DH1 and DH3 of the Oxford Local Plan 2036.

- 4 No demolition shall take place until the applicant, or their agents or successors in title, has submitted a method statement for controlled demolition (in a

manner designed to ensure that foundations are initially cleared to ground level only so that controlled archaeological investigation can take place) which has been submitted by the applicant and approved in writing by the local planning authority. All works shall be carried out and completed in accordance with the approved method statement for controlled demolition, unless otherwise agreed in writing by the Local Planning Authority.

Reason: Because the development may have a damaging effect on known or suspected elements of the historic environment of the people of Oxford and their visitors, including Late Saxon, medieval and post-medieval remains in accordance with Policy DH4 of the Oxford Local Plan 2036.

- 5 No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work (including a trial trench followed by further mitigation by recording if required by the Local Planning Authority) in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority. All works shall be carried out and completed in accordance with the approved written scheme of investigation, unless otherwise agreed in writing by the Local Planning Authority.

The archaeological recording should comprise of post-demolition trial trenching followed by a second stage of recording if appropriate (including potentially the excavation of the development footprint). The archaeological investigation shall be undertaken by a professionally qualified archaeologist working to a brief issued by the Local Planning Authority

Reason: Because the development may have a damaging effect on known or suspected elements of the historic environment of the people of Oxford and their visitors, including Late Saxon, medieval and post-medieval remains in accordance with Policy DH4 of the Oxford Local Plan 2036.

- 6 A Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of works. This should identify;

- The routing of construction vehicles,
- Access arrangements for construction vehicles,
- Details of times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours (to minimise the impact on the surrounding highway network).

The construction works shall only take place in accordance with the approved Construction Traffic Management Plan.

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 Policy M2 of the Oxford Local Plan 2036.

- 7 Prior to the commencement of development, a scheme of ecological enhancements shall be submitted to, and approved in writing by, the Local Planning Authority to ensure a net gain in biodiversity will be achieved. The scheme shall include details of new landscape planting of known benefit to wildlife and provision of artificial roost features, including specifications and locations of bird and bat boxes. A minimum of 6 dedicated Swift boxes shall be provided. Any new fencing will include holes suitable for the safe passage of Hedgehogs.

The scheme of ecological enhancements must be accompanied by an up to date bat survey.

The development shall be carried out in accordance with the approved details contained within the approved scheme of ecological enhancements and maintained in perpetuity.

Reason: To comply with the requirements of the National Planning Policy Framework, the Conservation of Habitats and Species Regulations 2017, Wildlife and Countryside Act 1981 (as amended) and Policy G2: Protection of biodiversity and geo-diversity of the adopted Oxford Local Plan 2036.

- 8 Prior to the commencement of development, plans, calculations and drainage details to show how surface water will be dealt with on-site through the use of sustainable drainage methods (SuDS) shall be submitted to and approved in writing by the Local Planning Authority (LPA). The plans, calculations and drainage details shall be completed by a suitably qualified and experienced person in the field of hydrology and hydraulics. The development shall then be carried out in accordance with the approved details.

The plans, calculations and drainage details submitted shall demonstrate that;

I. The drainage system is designed to control surface water runoff for all rainfall up to a 1 in 100 year storm event with a 40% allowance for climate change.

II. The rate at which surface water is discharged from the site may vary with the severity of the storm event but must not exceed the greenfield runoff rate for a given storm event.

III. Excess surface water runoff must be stored on site and released to receiving system at greenfield runoff rates.

IV. Where sites have been previously developed, discharge rates should be at greenfield rates.

Any proposal which relies on Infiltration shall be based on on-site infiltration testing in accordance with BRE365 or alternative suitable methodology, details of which are to be submitted to and approved in writing by the LPA. Consultation and agreement shall also be sought with the sewerage undertaker where required.

A SuDS maintenance plan shall also be submitted to and approved in writing



by the Local Planning Authority prior to the commencement of works. The Sustainable Drainage (SuDS) Maintenance Plan shall be completed by a suitably qualified and experienced person in the field of hydrology and hydraulics. The SuDS maintenance plan shall provide details of the frequency and types of maintenance for each individual sustainable drainage structure proposed and ensure the sustainable drainage system will continue to function safely and effectively in perpetuity. The sustainable drainage system shall be maintained in accordance with the approved SuDS maintenance plan in perpetuity.

Reason: To ensure compliance with Policy RE4 of the Oxford Local Plan 2016 - 2036

- 9 Prior to the commencement of works, a landscape plan shall be submitted to, and approved in writing by, the Local Planning Authority before development starts. The plan shall include a survey of existing trees showing sizes and species, and indicate which (if any) it is requested should be removed, and shall show in detail all proposed tree and shrub planting, treatment of paved areas, and areas to be grassed or finished in a similar manner. Development shall take place only in accordance with the approved landscape plan.

Reason: In the interests of visual amenity in accordance with Policies DH1 and G7 of the Oxford Local Plan 2036.

- 10 Detailed measures for the protection of trees to be retained during the development shall be submitted to, and approved in writing by, the Local Planning Authority (LPA) before any works on site begin. Such measures shall include scale plans indicating the positions of barrier fencing and/or ground protection materials to protect Root Protection Areas of retained trees and/or create Construction Exclusion Zones (CEZ) around retained trees. Unless otherwise agreed in writing by the LPA the approved measures shall be in accordance with relevant sections of BS 5837:2012 Trees in Relation to Design, Demolition and Construction- Recommendations. The approved measures shall be in place before the start of any work on site and shall be retained for the duration of construction unless otherwise agreed in writing by the LPA. Prior to the commencement of any works on site the LPA shall be informed in writing when the approved measures are in place in order to allow Officers to make an inspection. No works or other activities including storage of materials shall take place within CEZs unless otherwise agreed in writing by the LPA.

Reason: To protect retained trees during construction. In accordance with Policies G7 of the Local Plan 2036.

- 11 Prior to the start of any work on site, details of the location of all underground services and soakaways shall be submitted to and approved in writing by the Local Planning Authority (LPA). The location of underground services and soakaways shall take account of the need to avoid excavation within the Root Protection Areas of retained trees as defined in the British Standard 5837:2012- 'Trees in relation to design, demolition and construction-

Recommendations'. Works shall only be carried in accordance with the approved details.

Reason: To avoid damage to the roots of retained trees; in support of Local Plan Policy G7.

- 12 Prior to the start of any work on site including site clearance, details of the design of all new hard surfaces and a method statement for their construction shall be submitted to and approved in writing by the Local Planning Authority. Details shall take into account the need to avoid any excavation within the rooting area of any retained tree and where appropriate the Local Planning Authority will expect "no-dig" techniques to be used, which might require hard surfaces to be constructed on top of existing soil levels using treated timber edging and pegs to retain the built up material. Hard surfaces shall be constructed only in accordance with the approved details and method statement

Reason: To avoid damage to the roots of retained trees in accordance with Policies DH1 and G7 of the Oxford Local Plan 2036.

- 13 A detailed statement setting out the methods of working within the Root Protection Areas of retained trees shall be submitted to and approved in writing by the Local Planning Authority (LPA) before any works on site begin. Such details shall take account of the need to avoid damage to tree roots through excavation, ground skimming, vehicle compaction and chemical spillages including lime and cement. The development shall be carried out in strict accordance with the approved Arboricultural Method Statement unless otherwise agreed in writing by the LPA.

Reason: To avoid damage to the roots of retained trees in accordance with Policies DH1 and G7 of the Oxford Local Plan 2036.

- 14 An Arboricultural Clerk of Works (ACoW) appointed by the applicant shall oversee implementation of the Tree Protection Plan and Arboricultural Method Statement, required by conditions 10 and 13. Prior to the start of any work on site a Tree Protection Monitoring Plan shall be submitted to and approved in writing by the Local Planning Authority which includes details of:

- I. The role and responsibilities on site of an arboricultural clerk of works (ACoW) or similarly competent person;
- II. Responsible persons and lines of communication and reporting including with the LPA Tree Officer;
- III. The times during construction when ACoW will be present on site to oversee works.

The development shall be carried out only in accordance with the approved Tree Protection Monitoring Plan

Reason: Reason: To avoid damage to the retained trees. In accordance with Policies G6 and G7 Oxford Local Plan 2036.

- 15 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no additions or alterations to the approved dwellinghouses, as defined in Classes A, B, C, D, E of Part 1 of Schedule 2 of the Order, shall be erected or undertaken without the prior written consent of the Local Planning Authority.

Reason: The Local Planning Authority considers that even minor changes in the design or enlargement of the development should be subject of further consideration to safeguard the appearance of the area in accordance with Policies DH1 and H14 of the Oxford Local Plan 2036.

- 16 Notwithstanding the approved plans, the approved car parking spaces shall each be served by an electrical vehicle charging point.

Reason: To support the use of zero emission vehicles, in accordance with Policy M4 of the Oxford Local Plan 2036.

- 17 Notwithstanding the approved plans, large scale full joinery details of the proposed new windows and rooflights shall be submitted to, and approved in writing by, the Local Planning Authority before the relevant parts are installed and the works shall be carried out in accordance with the approved details only.

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 DH1 and DH3 of the Oxford Local Plan 2036.

- 18 A SuDS maintenance plan shall also be submitted to and approved in writing by the Local Planning Authority prior to the commencement of works. The Sustainable Drainage (SuDS) Maintenance Plan shall be completed by a suitably qualified and experienced person in the field of hydrology and hydraulics. The SuDs maintenance plan shall provide details of the frequency and types of maintenance for each individual sustainable drainage structure proposed and ensure the sustainable drainage system will continue to function safely and effectively in perpetuity. The sustainable drainage system shall be maintained in accordance with the approved SuDS maintenance plan in perpetuity.

Reason: To ensure compliance with Policy RE4 of the Oxford Local Plan 2016 – 2036.

#### INFORMATIVES :-

- 1 If unexpected contamination is found to be present on the application site, an appropriate specialist company and Oxford City Council should be informed and an investigation undertaken to determine the nature and extent of the contamination and any need for remediation. If topsoil material is imported to

the site the developer should obtain certification from the topsoil provider to ensure that the material is appropriate for the proposed end use.

Please note that the responsibility to properly address contaminated land issues, irrespective of any involvement by this Authority, lies with the owner/developer of the site.

- 2 Scrub, trees and buildings on site offer suitable habitat for nesting birds. All wild birds, their nests and young are protected during the nesting period under The Wildlife and Countryside Act 1981 (as amended). Removal of vegetation and demolition of buildings shall be undertaken outside of bird nesting season. This is weather dependent but generally extends between March and August inclusive. If this is not possible then a suitably qualified ecologist shall check the areas concerned immediately prior to the clearance works to ensure that no nesting or nest-building birds are present. If any nesting birds are present then the vegetation or buildings shall not be removed until the fledglings have left the nest.
- 3 Any alterations to the public highway will be at the applicant's expense and to Oxfordshire County Council's standards and specifications. Written permission must be gained from the Oxfordshire County Council (Contact - 0845 310 1111 or refer to <https://www.oxfordshire.gov.uk/cms/content/dropped-kerbs> for this action).

### **13. APPENDICES**

- **Appendix 1** – Site location 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 grant planning permission, officers consider that the proposal will not undermine crime prevention or the promotion of community.

# Appendix 1 – Location Plan

20/01118/FUL - 2 St Peter's Road



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## Minutes of a meeting of the West Area Planning Committee on Tuesday 8 September 2020

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### Committee members present:

Councillor Cook (Chair)	Councillor Gotch (Vice-Chair)
Councillor Hollingsworth	Councillor Howlett
Councillor Tarver	Councillor Upton
Councillor Wade	

### Officers present for all or part of the meeting:

Adrian Arnold, Head of Planning Services  
Andrew Murdoch, Development Management Service Manager  
Robert Fowler, Planning Team Leader  
Catherine Phythian, Committee and Member Services Officer  
Anita Bradley, Monitoring Officer  
Mike Kemp, Senior Planning Officer  
James Paterson, Senior Planning Officer

### Apologies:

Councillors Corais and Iley-Williamson sent apologies.

## 26. Declarations of interest

Councillor Cook stated that he was a Council appointed trustee for the Oxford Preservation Trust and a Council appointed representative for the Oxford Architectural and Historical Society and a member of the Oxford Civic Society. Accordingly he had taken no part in those organisations' discussions or decision making regarding the applications before the Committee. He said that he was approaching all of the applications with an open mind, would listen to all the arguments and weigh up all the relevant facts before coming to a decision.

Councillor Gotch stated that as a member of the Oxford Preservation Trust and of the Oxford Civic Society, he had taken no part in those organisations' discussions or decision making regarding the applications before the Committee. He said that he was approaching all of the applications with an open mind, would listen to all the arguments and weigh up all the relevant facts before coming to a decision.

Councillor Upton stated that as a Council appointed trustee for the Oxford Preservation Trust and as a member of the Oxford Civic Society, she had taken no part in those

organisations' discussions or decision making regarding the applications before the Committee. She said that she was approaching all of the applications with an open mind, would listen to all the arguments and weigh up all the relevant facts before coming to a decision.

Councillor Wade stated that as a member of the Oxford Civic Society and of the Oxford Architectural and Historical Society, she had taken no part in those organisations' discussions or decision making regarding the applications before the Committee and that she was approaching the applications with an open mind, would listen to all the arguments and weigh up all the relevant facts before coming to a decision.

**18/02989/FUL:** Councillor Tarver stated that an unsolicited email had been sent by a member of the public to members of the Committee which contained the assertion that he would not be participating in the determination of the application. He said that this was erroneous and that he was approaching the application with an open mind, would listen to all the arguments and weigh up all the relevant facts before coming to a decision.

**20/01632/VAR:** Councillor Cook stated that as the application site was in the ward where he resided he would take no part in the determination of the application and would leave the meeting at that point.

## **27. 18/02989/FUL: 269 Cowley Road, Oxford, OX4 2AJ**

The Committee considered an application (18/02989/FUL) for planning permission for the redevelopment of Bartlemas Nursery Site including the removal of the existing nursery buildings and their replacement with a two and a half storey building to provide graduate students accommodation and warden's flat. The proposal includes 21 student rooms with communal kitchen/diner and 9 self-contained 1 or 2 bed units. Provision of 2 disabled parking bays, bicycle and bin storage and communal amenity space. (Amended description)(Amended plans)(Additional information).

The Planning Officer presented the report.

Nick Welch, representing the Divinity Road Residents Association, spoke against the application.

Wilf Stephenson (Treasurer, Oriel College), Iona Foster (Architect) and Simon Sharp (agent) spoke in favour of the application.

The Committee considered a number of points of detail on the application, including but not limited to, access via Evelyn Court, the landscaping plans and treatment of the stone wall boundary and the appropriateness of the design of the building. The Committee discussion focussed on the impact of the proposed development on the significance of the Conservation Area and surrounding heritage assets. The Committee also considered that the application would be a departure from the newly adopted Local Plan, as the siting of the student accommodation did not accord with the locational requirements of Policy H8 of the Oxford Local Plan.

The Committee acknowledged the advice of the planning officers and of the conservation officer, as detailed in the report, that having given great weight to the



conservation of the designated heritage assets, the public benefits of the proposed development would outweigh the less than substantial harm caused to significance of the Conservation Area and the setting of the Grade II\* listed Bartlemas Farmhouse and Bartlemas House. Notwithstanding this advice the Committee concluded that the decision in regard to the conservation of the application site was finely balanced but this was not proposed as a reason for refusal.

The Committee noted that in the adopted Oxford Local Plan 2036 Policy H8 (*provision of new student accommodation*) stated that planning permission will only be granted for student accommodation in specific types of location such as in the city centre or a district centre; or on a site which is allocated in the development plan to potentially include student accommodation. The Committee was not persuaded by the arguments and reasons presented by the planning officers to depart from the provisions of Policy H8 of the adopted Oxford Local Plan 2036 in relation to this application.

In reaching its decision, the Committee considered all the information put before it, including the planning officer's recommendation for approval and the application site's existing use under the amended Town and Country Planning (Use Classes) Order 1987 (effective from 1 September 2020) which would mean that the site could be used for a diverse range of other purposes which would not require the consent of the planning authority.

A proposal to approve the application in accordance with the officer recommendation set out in the report was moved and seconded. On being put to the vote the proposal was lost.

Councillor Tarver lost connectivity at this point in the meeting and was unable to participate in this vote to approve the application.

A proposal to refuse the application for the following reason was moved and seconded:

*The failure to accord with Policy H8 of the Local Plan: due to the location of this site on an arterial road; and the fact that the site was specifically excluded during the plan making process.*

Councillor Tarver's connectivity was restored at this point in the meeting and he was able to participate in the vote to refuse the application.

On being put to the vote the Committee agreed the resolution as set out below.

**The West Area Planning Committee resolved to refuse planning application 18/02989/FUL on the following grounds with the precise wording of the reasons for refusal being delegated to the Head of Planning Services to determine:**

**The failure to accord with Policy H8 of the adopted Oxford Local Plan 2036: due to the location of the application site on an arterial road; and the fact that the site was specifically excluded during the plan making process.**

## **28. 19/02578/OUT: Land Forming The Site Of Former Cold Arbour Filling Station, 281 Abingdon Road, Oxford, OX1 4US**

The Committee considered an application (19/02578/OUT) for planning permission for an outline application (Seeking the approval Access/Appearance/Layout/Scale) for the redevelopment of site to provide residential building containing 9 apartments, including parking, access and associated works.

The Planning Officer presented the report.

In reaching its decision, the Committee considered all the information put before it.

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

### **The West Area Planning Committee resolved to:**

1. **Refuse the application** for the reasons given in the report and agree to delegate authority to the Head of Planning Services to:
  - Finalise the recommended reasons for refusing the application as set out in the report including such refinements, amendments, additions and/or deletions as the Head of Planning Services considers reasonably necessary.

The reasons for refusal were:

1. The development comprises more vulnerable development within an area designed as falling within Flood Zone 3b (functional flood plain). The proposed development would place future occupiers at an unacceptable risk of flooding and would result in a reduction in flood storage, which would increase the existing risk of flooding. The development would be contrary to Policies RE3 and RE4 of the Oxford Local Plan; the provisions of the NPPF, particularly Paragraphs 155 and 163; and relevant National Planning Practice Guidance relating to Flood Risk.
2. The submitted application does not include sufficient detail outlining sustainable design measures to be incorporated into the new building and evidence has not been provided to demonstrate that the development would achieve a 40% reduction in carbon emissions from a 2013 building regulations compliant base. The development would therefore fail to comply with the requirements of Policy RE1 of the Oxford Local Plan and Paragraph 153 of the NPPF.

## **29. 20-01139-FUL: Cherwell House, Osney Lane, Oxford, OX1 1BZ**

The Head of Planning Services withdrew this application from the agenda in advance of the meeting in order to re-advertise the application and run a further public consultation.

The reason for the withdrawal was that the Planning Officers established that the application description omitted an aspect of the development; specifically the copper cladding of the existing east elevation.

### **30. 20/01597/FUL: 225-229 Banbury Road, Oxford, OX2 7HQ**

The Committee considered an application (20/01597/FUL) for planning permission for the partial demolition of single storey extension to rear of no. 227 Banbury Road. Erection of two storey building to create 7 x 1-Bed flats. (Use Class C3). Provision of private amenity space, bin and cycle stores.

The Planning Officer presented the report.

Councillor Howlett lost connectivity during the planning officer's presentation and accordingly took no further part in the deliberation or determination of this application.

Simon Sharp and Neil Perry, representing the applicant, spoke in favour of the application and answered questions from the Committee.

In reaching its decision, the Committee noted that the principle of development on the site had been established by the granting of planning permission for the previous application and welcomed the current application as a model for back-land housing developments.

After debate and on being proposed, seconded and put to the vote, the Committee agreed with the officer's recommendation to approve the application.

#### **The West Area Planning Committee resolved 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 the report and grant planning permission.
2. **delegate authority** to the Head of Planning 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 Services considers reasonably necessary.

*Councillor Cook left the meeting at the end of this item. Councillor Gotch took the Chair.*

### **31. 20/01632/VAR: 110 - 120 Botley Road, Oxford, OX2 0HH**

The Committee considered an application (20/01632/VAR) for planning permission for the variation of condition 28 (Hours of opening) and condition 29 (Delivery and servicing plan) of planning permission 14/00067/FUL (Demolition of existing retail store. Redevelopment of site with replacement retail store, together with 148 car parking spaces, remodelled access arrangements, cycle parking, landscaping and boundary treatment. (Revised vehicular access arrangements including re-modelling of cycle/pedestrian paths) (Amended Description) (Amended Plans: relocated bus shelter)) to extend the permitted delivery hours for HGVS throughout the week and the hours for e-commerce home delivery vans and browsing on Sundays and bank holiday with amendment of the approved servicing and delivery management plan at Waitrose foodstore.

The Planning Officer presented the report and confirmed that the Council's Environmental Health Officers had raised no objections to the extended opening and delivery hours.

Shane Stevens, representing the applicant, spoke in favour of the application.

In reaching its decision, the Committee noted the concerns raised during the public consultation about potential noise nuisance and the absence of any data on current noise levels due to the COVID-19 restrictions. The Committee accepted the assurances given by the planning officers that the Council's Environmental Health officers were satisfied with the noise modelling projections and that if in the future there was an alleged noise nuisance this would be dealt with by other regulatory bodies.

After debate and on being proposed, seconded and put to the vote, the Committee agreed with the officer's recommendation to approve the application.

**The West Area Planning Committee resolved 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 the report and grant planning permission.
2. **delegate authority** to the Head of Planning 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 Services considers reasonably necessary.

**32. Minutes**

The Committee resolved to approve the minutes of the meeting held on 11 August 2020 as a true and accurate record.

**33. Forthcoming applications**

The Committee noted the list of forthcoming applications.

**34. Dates of future meetings**

The Committee noted the dates of future meetings.

**The meeting started at 3.00 pm and ended at 5.12 pm**

**Chair .....**

**Date: Tuesday 13 October 2020**

*When decisions take effect:*

*Planning Committees: after the call-in and review period has expired and the formal decision notice is issued*

*Details are in the Council's Constitution.*