

# Agenda



## Oxford City Planning Committee

This meeting will be held on:

Date: **Tuesday 13 July 2021**

Time: **6.00 pm**

Place: **Main Hall - Town Hall**

**For further information** please contact:

Catherine Phythian, Committee and Members' 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 11: Quorum 5: substitutes are permitted.

Councillor Colin Cook (Chair)	Osney & St Thomas;
Councillor Nigel Chapman (Vice-Chair)	Headington Hill & Northway 2021;
Councillor Evin Abrishami	Donnington;
Councillor Mohammed Altaf-Khan	Headington 2021;
Councillor Lizzy Diggins	Carfax & Jericho;
Councillor Laurence Fouweather	Cuttesslowe & Sunnymead;
Councillor Alex Hollingsworth	Carfax & Jericho;
Councillor Jemima Hunt	St Clement's 2021;
Councillor Lucy Pegg	Donnington;
Councillor Ajaz Rehman	Lye Valley 2021;
Councillor Louise Upton	Walton Manor;

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

## Planning applications - background papers and additional information

To see representations, full plans, and supplementary information relating to applications on the agenda, please [click here](#) and enter the relevant Planning Reference number in the  search box.

Any additional information received following the publication of this agenda will be reported and summarised at the meeting.

### 1 Apologies for absence and substitutions

### 2 Declarations of interest

### 3 20/02417/FUL: Development of 76 & 78 Banbury Road, Oxford

11 - 48

**Proposal:** Conversion of No.78 Banbury Road to office and teaching (Use Class E/ F1) in association with No.76 Banbury Road headquarters building. Demolition of existing swimming pool and studio and erection of a new office building and hall to the rear of Nos.76 and 78 Banbury Road. Demolition of existing to garage No.78 and erection of a 1 x 3-bed dwelling (Use Class C3). Demolition of the existing extensions between Nos.76 and 78 Banbury Road and erection of new link extension to form new entrance and reception. Alterations to existing car park to create an enclosed courtyard and alterations to landscaping.

**Reason at Committee:** Called in by Called in by Councillors Wade, Goddard, Landell Mills, R Smith and ex-councillors Garden and Harris.

#### **Recommendation:**

The Oxford City Planning Committee is recommended to:

1. **approve the application** for the reasons given in the report and

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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; and
- issue the planning permission.

**4 21/01255/FUL: 3 Boults Close, Old Marston**

49 - 74

**Proposal:** Insertion of photovoltaic plates to roof.

**Reason at Committee:** This application was called in by Councillors Clarkson, Pressel, Fry, Munkonge, Rowley, Upton and Bely-Summers, for reasons of balancing the harm to a designated heritage asset against the benefits of renewable energy.

**Recommendation:**

The Oxford City Planning Committee is recommended to:

1. **Refuse the application** for the reasons given in paragraph 1.1.2 of the report and to delegate authority to the Head of Planning Service to:
  - finalise the reasons for refusal including such refinements, amendments, additions and/or deletions as the Head of Planning Services considers reasonably necessary.

**5 Minutes**

75 - 80

**Recommendation:** to approve the minutes of the meeting held on 15 June 2021 as a true and accurate record.

**6 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.

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20/00549/LBC: Town Hall, St Aldate's, Oxford, OX1 1BX	
20/00934/FUL: Land To The Rear Of The George Inn, 5 Sandford Road, Littlemore, Oxford, OX4 4PU	
20/01276/FUL: Land At Jericho Canal Side And Community Centre, 33A Canal Street, Oxford, OX2 6BX	
20/01277/LBC: Land At Jericho Canal Side And Community Centre, 33A Canal Street, Oxford, OX2 6BX	
20/01535/FUL: McDonalds, 298 London Road, Headington OX3 8DJ	Called in
20/02450/FUL: Meadow Larkins, Larkins Lane, Oxford, OX3 9DW	
20/02455/LBC: Meadow Larkins, Larkins Lane, Oxford, OX3 9DW	
20/02651/FUL: 152 Godstow Road, Oxford, OX2 8PG	
20/03218/FUL: 244 Barns Road, Oxford, OX4 3RW	
21/00110/FUL: The Clarendon Centre, Cornmarket Street, Oxford, OX1 3JD	
21/00300/FUL: 17, 17A, 17B And 19 Between Towns Road, Oxford, OX4 3LX	
21/00335/FUL: Aldi, Botley Road, Oxford, OX2 0HA	
21/00502/FUL: Rear Of 10 - 28 Marshall Road, Oxford, OX4 2NR	
21/00675/FUL: 91 Lime Walk, Oxford, OX3 7AD	
21/00672/FUL: 4 Bladon Close, Oxford, OX2 8AD	Called in
21/00676/VAR: Site Adjacent Randolph Court, Churchill Drive, Oxford, OX3 7NR	
21/00778/FUL: 78-81 Magdalen Road, Oxford, OX4 1RF	
21/01053/RES: Oxford North (Northern Gateway) Land Adjacent To A44, A40, A34 And Wolvercote Roundabout, Northern By-Pass Road, Wolvercote, Oxford, OX2 8JR	
21/01185/FUL: Site Of Blocks C F G H J K L And M, Clive Booth Hall, John Garne Way, Oxford, OX3 0FN	
21/01261/FUL: St Hilda's College, Cowley Place, Oxford, OX4 1DY	
21/01217/FUL: Land To The West Of Mill Lane, Marston, Oxford, OX3 0QA	
21/01347/FUL: University Of Oxford Old Road Campus, Roosevelt Drive, Oxford, OX3 7FY	
21/01388/FUL: 1 Court Place Gardens, Oxford, OX4 4EW	
21/01405/FUL: 1 & 3 Jack Straw's Lane and 302 304 & 312 Marston Road, Oxford	
21/01449/FUL: Land South West Of St Frideswide Farm, Banbury Road, Oxford	

## 7 Dates of future meetings

Future meetings of the Committee are scheduled at 6.00pm on:

*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.*

*Oxford City Council, Town Hall, St Aldate's Oxford OX1 1BX*

2021		2022
10 August	12 October	25 January
7 September	9 November	15 February
	7 December	8 March
		12 April

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*Oxford City Council, Town Hall, St Aldate's Oxford OX1 1BX*

## **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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# Agenda Item 3

**Planning Committee**

13<sup>th</sup> July 2021

**Application number:** 20/02417/FUL  
**Decision due by** 31st December 2020  
**Extension of time** 30<sup>th</sup> July 2021

**Proposal** Conversion of No.78 Banbury Road to office and teaching (Use Class E/ F1) in association with No.76 Banbury Road headquarters building. Demolition of existing swimming pool and studio and erection of a new office building and hall to the rear of Nos.76 and 78 Banbury Road. Demolition of existing garage No.78 and erection of a 1 x 3-bed dwelling (Use Class C3). Demolition of the existing extensions between Nos.76 and 78 Banbury Road and erection of new link extension to form new entrance and reception. Alterations to existing car park to create an enclosed courtyard and alterations to landscaping.

**Site address** 76 And 78 Banbury Road, site plan at **Appendix 1**

**Ward** St Margarets Ward

**Case officer** Felicity Byrne

**Agent:** Arthur Smith      **Applicant:** Anne Ramsden

**Reason at Committee** Called in by Councillors Wade, Goddard, Landell Mills, R Smith and ex-councillors Garden and Harris.

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## 1. RECOMMENDATION

1.1. Oxford City 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; and
- issue the planning permission.

## 2. EXECUTIVE SUMMARY

- 2.1. This report considers demolitions, conversion and re-development at Nos.76 and 78 Banbury Road to provide offices, meeting rooms, multi-purpose hall and general facilities in conjunction with No.76 Banbury Road that is currently occupied by the Ravi Zacharias International Ministries Trust (RZIM) as their office headquarters. Also provision of a new replacement 3 bed residential dwelling in lieu of the converted No.78 Banbury Road. The site lies within the North Oxford Victorian Suburb Conservation Area (NOVSCA) and is located on the main arterial Banbury Road, returning onto Bardwell Road.
- 2.2. It is concluded that the proposed development would not result in the loss of a residential dwelling. The new dwelling meets space requirements both internally and externally providing adequate amenity. The whole development would be of good quality design, and whilst not a replica of the existing host buildings appearance, would nevertheless preserve and enhance the character and appearance of the NOVSCA. It would result in a very low level of less than substantial harm to the significance of the NOVSCA but that harm would be outweighed in this case by the level of public benefits derived from the development. There would be no adverse impact on-street parking in the area, or harm to traffic or highway safety and a reduction in overall car parking within the site achieved. Adequate cycle parking and car-free parking for the residential unit could be secured by condition. New tree planting would satisfactorily mitigate against the loss of existing trees and there would be a net gain in tree canopy cover over time. There would be no adverse impact on neighbouring residential amenities.
- 2.3. Subject to conditions, a biodiversity enhancement could be achieved, below ground archaeology secured, sustainable design and construction (including a 40% carbon reduction) would be achieved and secured, and sustainable drainage and maintenance secured.
- 2.4. In conclusion the development would result in a high quality scheme that appropriately responds to its setting that would result in public benefits that would outweigh any harm to designated and non-designated heritage assets. Through the imposition of suitably worded conditions the proposal accords with the relevant policies of the Oxford Local Plan 2036, Summertown and St Margaret's Neighbourhood Plan and the NPPF and complies with the duty set out in the Planning (Listed Buildings and Conservation Areas) Act 1990.

### **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 amounting to £22,875.80.

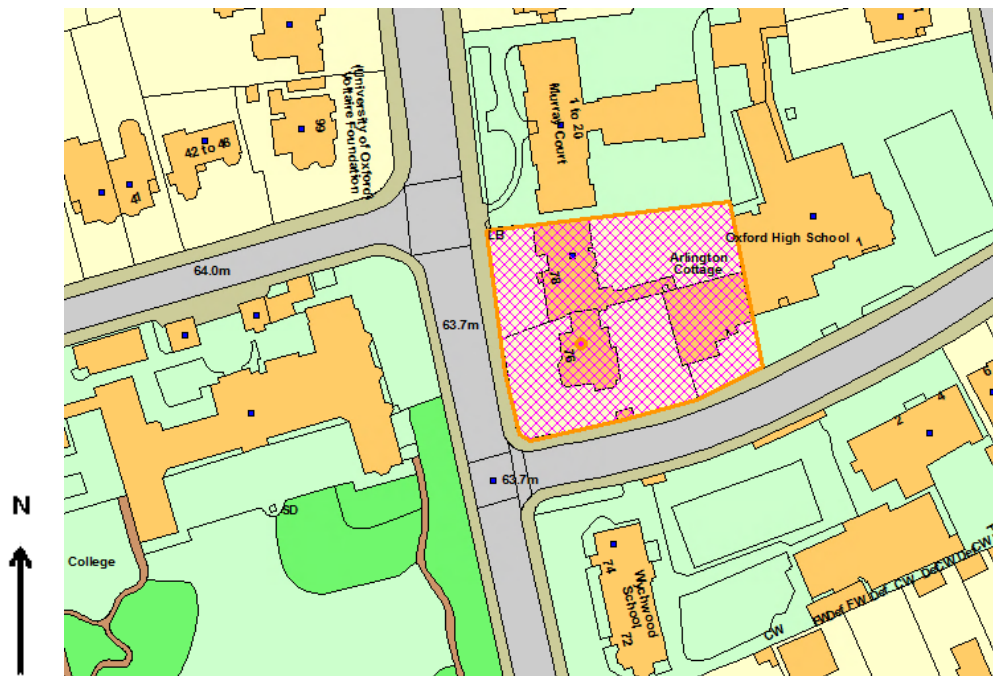
### **5. SITE AND SURROUNDINGS**

- 5.1. The site is located on the corner of the Banbury Road and Bardwell Road within the NOVSCA. To the north of the site is Murray Court residential flats and to the east is the adjoining Oxford High School which has a single storey building

against the joint boundary with a high brick wall. On the opposite side of Bardwell Road is Wychwood School, again bounded by a high brick wall. Opposite the site on Banbury Road is St Hugh's College. The site lies within a controlled parking zone (CPZ) and there are some limited non-CPZ parking bays along both sides of Bardwell Road.

5.2. The site comprises two large Victorian Villas Nos. 76 and 78 Banbury Road, set back from the road with large in-and-out drives and mature trees and planting. To the rear of No.76 is an existing outbuilding that actually belongs to No.78 and is also accessed from Bardwell Road. The outbuilding was originally No.76's stable building which has been extended in the 60's and 80's and contains a swimming pool, library and artist's studio, connected to No.78 by a long covered walkway that sits along the joint boundary 2.7m high brick wall. Both Villas have had single storey extensions made to them since being built, some architecturally unsympathetic, and as a result the two Villas are joined at ground floor level. No.78 has a further single storey garage extension to the north along the joint high brick boundary wall with Murray Court. The rear gardens of No.78 contains lawn and mature trees and shrubs, bounded by a high wall to the east with the adjoining Oxford High School. No. 76 is bounded to the east by the outbuilding and a high brick wall. The southern boundary is formed by a high brick wall (approx. 2.5m) with trees along Bardwell Road that lowers to 1m around the frontage with Banbury Road. To the front of both Nos. 76 and 78 are low brick walls with mature tree and shrub planting.

5.3. See block plan below:



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Ordnance Survey 100019348

## 6. PROPOSAL

6.1. The application proposes demolitions:

No.78:

- Removal of existing single storey extensions to the north and south front porch,
- 1974 covered walkway to the outbuilding,
- Demolition of the existing ancillary outbuilding (which sits to the rear of No.76).

No.76:

- Demolition of existing 1970's porch entrance,
- Demolition of small section of eastern rear wall adjacent to the outbuilding.

6.2. The development proposes:

- Conversion of No.78 from residential to offices and meeting/ teaching rooms use with ancillary facilities;
- Provision of a new two storey glazed link structure with central glazed, brick and timber arched doorway between No.76 and 78 to provide a central main entrance and connective space (including lift) between the two villas, measuring approximately 7.2m to ridge and 7.7m wide;
- A replacement ancillary outbuilding with circular multi-functional hall and basement measuring approximately 6.5m high to the main ridge, 25m long and overall 24m wide. The circular hall measures approximately 11.5m wide and 7.5m high to top of the domed roof. The rest of the building would be approximately 20m wide. The building is mainly on the existing building footprint;
- A replacement covered walkway with pitched tiled roof, brick wall and windows from the entrance to the hall, approximately 3.6m high to ridge, 12m long and 2.7m wide;
- A new covered walkway from the hall to the rear of No.76 with pitch tiled roof, brick wall and glazing approximately 3m high, 14m long and 1.7m wide;
- Erection of a new two storey extension to the north elevation of No.78 to provide a replacement 3 bed dwelling with private front and rear gardens. It measures approximately 10.5m long, 5m wide and 7m to ridge and 4m to eaves in red brick, tiled roof and stone mullions, lintels and cills. On the site of the existing garage and single storey extensions;
- New tree planting;
- Car parking and covered cycle parking.

## **7. RELEVANT PLANNING HISTORY**

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

No.76 Banbury Road:

71/00003/A\_H - Use of main building as offices. Approved 14th December 1971.

71/25219/A\_H - Use of main buildings as offices (excluding garage block with flat over). Permission Not Required 12th August 1971.

72/00020/EUC\_H - Office, flat, garages, stable, car parking. Existing Use Certificate Approved 24th October 1972.

72/25990/A\_H - Outline application for the demolition of existing office building and erection of new office building with car park. Refused 27th June 1972.

73/01141/AA\_H - Formation of new entrance, internal alterations and conversion of basement to caretaker's flat. Refused 8th October 1973.

73/01141/A\_H - New entrance, internal alterations and conversion of basement to caretakers flat. Refused 25th September 1973.

73/01541/A\_H - Additional entrance and minor alterations to form caretakers flat. Approved 15th November 1973.

74/00732/A\_H - Additional entrance and minor alterations to form caretakers flat. Approved 12th September 1974.

75/00308/A\_H - Extension to form pool hall, ancillary rooms and gallery link to main house (reserved matters). Approved 2nd May 1975.

76/00534/AH\_H - Proposed new car parking area, garage and cycle store. Refused 1st September 1976.

78/00023/AH\_H - Proposed new car parking area, erection of garage. Closure of access to Banbury Road. Refused 17th January 1978.

88/00858/NFH - Change of use from office to educational premises. Withdrawn 11th August 1988.

13/01071/FUL - Installation of a single external air conditioning condenser on the north elevation at lower ground floor level. Refused 21st June 2013.

## 8. RELEVANT PLANNING POLICY

8.1. The following policies are relevant to the application:

Topic	National Planning Policy	Local Plan	Neighbourhood Plans: Summertown and St Margaret's
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	Framework		
Design	117-123, 124-132	DH1 - High quality design and place making DH7 - External servicing features and stores	HOS3 - Density, Building-design Standards, and Energy Efficiency
Conservation/ Heritage	184-202	DH3 - Designated heritage assets DH4 - Archaeological remains	HOS2 - Local Character and Distinctiveness,
Housing	59-76	H1 - Scale of new housing provision H5 - Development involving loss of dwellings H14 - Privacy, daylight and sunlight H15 - Internal space standards H16 - Outdoor amenity space standards	
Commercial	170-183		
Natural environment	91-101	G2 - Protection of biodiversity geo-diversity G7 - Protection of existing Green Infrastructure G8 - New and enhanced Green and Blue Infrastructure	ENC3 Protecting Tree Cover,
Social and community	102-111		
Transport	117-123	M1 - Prioritising walking, cycling and public transport M2 - Assessing and managing development M3 - Motor vehicle parking M4 - Provision of electric charging points M5 - Bicycle Parking	TRS1 Sustainable Transport Design TRS2 Sustainable Transport TRC3 - Sustainable Active Transport TRC6 - Parking throughout the Neighbourhood Area
Environmental	117-121, 148-165, 170-183	RE1 - Sustainable design and construction RE3 - Flood risk management RE4 - Sustainable and foul drainage, surface RE6 - Air Quality RE7 - Managing the impact of development	ENS2 -Renewable Energy, ENS3 -Rain-Water Infiltration, ENS4 - Air Pollution



Miscellaneous	7-12	SR1 - Sustainable development SR2 - Developer Contributions	
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## 9. CONSULTATION RESPONSES

9.1. Site notices were displayed around the application site on 18th November 2020 and an advertisement was published in The Oxford Times newspaper on 12th November 2020. A second round of public consultation was undertaken and site notices were displayed around the application site on 12<sup>th</sup> February 2021 and an advertisement was published in The Oxford Times newspaper.

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

#### Oxfordshire County Council (Highways)

9.2. The proposals are in a highly sustainable location with good access to public transport and local amenities. The proposals are in a CPZ.

9.3. Cycle Parking – The proposed 3 x 8 covered and secure bike shelters to the rear of the property is considered an acceptable provision for the development. The individual 4 bed dwelling must also be provided with 3+ covered and secure cycle parking spaces, separate from the rest of the development.

9.4. Car Parking – The proposals will continue to offer 16 car parking spaces, unchanged from the existing arrangement. [Note: comments in relation to parking spaces do not include the informal parking spaces available on site for an additional 8 cars. 24 spaces currently on site in total]. The proposed layout is considered acceptable. The individual dwelling must be car free as it is within 800m of a shop, 400m of a bus stop and is in a CPZ. The proposals must also be excluded from obtaining residents parking permits. This will enforce the low car nature of the development and protect existing on-street parking.

9.5. Access – The proposed access is to be one way only, entry from Banbury Road and exit via Bardwell Road. Both access points are existing and the number of vehicles on site is set to remain the same. Bardwell Road, despite being opposite a school is unlikely to be severely disrupted by the vehicle movements that would take place at this access point. There is also an added benefit of less vehicle movements directly across the cycle lane on Banbury Road. The one way access system is considered acceptable.

9.6. 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 following conditions securing cycle parking, restricting parking permits.

### **Public representations**

9.7. Local people commented on this application from 2 Garford Road, 18 and 19 Linton Rd, 3 Rawlinson Road, 7 and 9 Ockham Court Bardwell Road, 21 and 33 Northmoor Rd, 82, 110 and 112 Banbury Road, 7 and 10 Belbroughton Road, 21

and 61 Charlbury Road, 7 and 8 Northmoor Road, 28 Staverton Road, 13 Fyfield Road, 1 Park Town, 24 North End Road Quainton, 10 Bressenden Place London on behalf of The Girls Day School Trust. The following amenity groups also commented: Oxford Civic Society, The Victorian Group of the Oxfordshire Architectural and Historical Society, Summertown St Margaret's Neighbourhood Forum, Cunliffe Close Householders and Residents Association, Norham Manor Residents Association Committee, The St Margaret's Area Society, Linton Road Neighbourhood Association, Oxford Preservation Trust.

9.8. In summary, the main points of comment from the first round of consultation were:

- Change and erosion of character of the Conservation Area from residential to education institutional;
- Result in a loss of neighbourhood amenity and no benefits to residents from development;
- Increase in traffic movements, adverse impact on congested road, particularly at peak hours, and on Banbury Road cycle route;
- Increase in parking in the area, no increase in parking for the proposed use;
- Increase in pollution;
- Creation of conference centre/auditorium is overdevelopment and not needed;
- Impact of vehicular access exit on to Bardwell road; close to schools; dangerous for school children;
- Noise adversely impacting on residential properties; out of office hours should be restricted to protect residential amenity;
- Loss of residential use;
- New dwelling should be linked to proposed use not sold on open market;
- Conflicts with Neighbourhood Plan;
- Increase in light pollution as a result of institutionalisation;
- The small scale outbuildings containing swimming pool based around the old coach hose and stable would be replaced by larger structures;
- The coach house should be preserved and restored;
- New building is large, ugly, incongruous, out of keeping and highly visible;
- Assertion that the use of the new building for public hire does not carry any weight;
- Harm caused to the conservation area is not outweighed by the public benefits asserted by the Applicant;
- Gothic arches not gothic and none found on other buildings in the vicinity (Jacobean style); more akin to upturned boats;
- Structures that joining the two houses are less intrusive than proposed as

is garage to No.78;

- Loss of tree regrettable including Lawson Cypress on Bardwell Road;
- The loss of glimpsed views to the greenery beyond the building line;
- Reduce sense of separation between Nos. 76 and 78 and surrounding buildings;
- Bagged lime joints on the red brick is inappropriate for the conservation area and does not reflect historical treatment;
- New house is out of character with large houses in spacious plots;
- Overlooking from the new offices into the new private garden space of the proposed three-bedroom house;
- May benefit from reduced general rates;
- Loss of swimming pool contrary to policy;
- No transport statement that sets out risk to pedestrians and how it would be managed;
- The almost fully-glazed main entrance hall will catch the sun for most of the day, year round, and will over-heat;
- It is a major development not minor development;
- The location map is out of date;
- The address on the Flood Risk Assessment is not the same as the site;
- Some seats in the auditorium would not see the stage, the catering space is small kitchen, the boiler miniscule for its purpose, lack of architectural detailing in the drawings, no vents / flues shown for the plant room serving auditorium;
- Interesting development of a corner site, new buildings are innovative;
- Positive features of proposal include removal of garage and fibre glass porch to No.78, swimming pool and restoration of the bay to No.76;
- 78 Banbury Road is of particular interest with its connections to two significant Oxford scholars, James Murray and Desmond Morris;

9.9. Two further letters of comment from Salisbury Crescent and Linton Road Neighbourhood Association were received following the second round of consultation. New comments raised (in addition to those already made above, were:

- The need for the conference hall or additional office space has not been demonstrated;
- County's conclusion that the development would be unlikely to have a detrimental impact is based on mis-reading the application;
- The County assumes the use of the existing access on Bardwell Rd will not change. The creation of the conference facilities will generate more use or coaches and other transport; more traffic generation;

- The benefits of the single entry access point off Banbury Road may not in fact benefit the cycle lane due to increased use of coaches or other transport generated.

### **Officer response**

9.10. Officers would make the following comments in response to public comments made:

- Comments relating to rates is not a material planning consideration.
- Whether a proposed development is a major and minor development in planning terms is assessed on additional floor space only and therefore the proposal is a minor development.
- The location map being out of date is not material to the consideration of the planning application. The site is able to be identified from the location plan with the key features (roads etc.) being correct.
- The Flood Risk Assessment (FRA) shows the site located further north on the Banbury Road (approximately 135m) however this does not materially affect the application in this case as the application site is still well within Flood Zone 1 and the information provided within the FRA is applicable despite the error shown on the map drawing.
- Loss of swimming pools as defined by policy G5 (loss of indoor recreation facilities) of the Oxford Local Plan 2036 relates to public facilities not privately owned swimming pools and is therefore not relevant in this case.

## **10. PLANNING MATERIAL CONSIDERATIONS**

10.1. Officers consider the determining issues to be:

- Principle of development - Change of use and re-provision of a Dwelling
- Design and Heritage
- Neighbouring amenity
- Transport
- Landscape and Trees
- Sustainable Design and Construction
- Flood Risk and Drainage
- Archaeology
- Land Quality
- Biodiversity

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

10.2. At the heart of the National Planning Policy Framework (NPPF) remains a presumption in favour of sustainable development, which should be approved

without delay unless material considerations dictate otherwise. Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions (para.117). Any proposal would be required to have regard to the contents of the NPPF along with the policies of the current up-to-date development plan, which include the newly adopted Oxford Local Plan 2036 (OLP) and the Summertown and St Margaret's Neighbourhood Plan (SSMNP).

- 10.3. Policy S1 of the OLP reflects the NPPF and a positive approach that reflects the presumption in favour of sustainable development will be taken, working with applicants so that sustainable development can be approved that secures economic, social and environmental improvements. Planning applications that accord with OLP and SSMNP will be approved without delay, unless material considerations indicate otherwise.
- 10.4. Ravi Zacharias International Ministries Trust (RZIM) is not a traditional business or educational establishment per se. Their work is largely providing speakers to organisations and businesses throughout the world (mainly with Europe, the Middle East and Africa) primarily communicating about the Christian faith and world view. They are not a college, but they do provide training for members of the wider organisation to enable them to become speakers in the future. It has fifty-five staff members.
- 10.5. No.76 was converted to office use in the 1970s and is used currently by RZIM as their office headquarters (including media team, event organisers and support staff) where meetings are held, courses provided, speaker events are held. It is also the home of the OCCA (the Oxford Centre for Christian Apologetics). No.76 is used for training summer schools (no residential on site), day conferences and talks. The current use is therefore a mix of Class E and F.1 uses and as such is considered to be sui generis use.
- 10.6. The proposed expansion into No.78 and provision of a new annex building that includes a multi-functional hall would create an extension of the existing uses within No.76. The development would not therefore introduce completely new uses into this part of NOVSCA. The 130-seat hall has been designed to be a flexible space (with moveable seating) that could be used for a variety of purposes including performance, conference and music. The key purpose of this hall would be to house the whole RZIM team (and guests) for their daily meetings, which are currently held in the stair well of No.76. The building has been designed to enable the public to attend presentations and performances in the Hall and for independent hire for events, should that be required. It would be available to hire by the public on weekday evenings and weekends when not in use by the Trust.
- 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. The policy does not limit or specify size of family home lost or size of family home to be replaced with. In this case the development would not result in a loss of a family home because the

development includes the provision of a new 3 bed dwelling with its own garden and as such it complies with policy H5.

10.8. There are no policies that prevent, restrict or direct the location or provision of office use, auditoriums or this type of activity in Oxford. The development would enable RZIM to continue and expand their mission providing wider benefits as a result. The use of the hall and auditorium by members of the public would provide further social benefit and proposed new landscaping and tree planting would provide environmental benefits. Removal of unsympathetic architectural additions and restoration of the existing Villas would provide social and environmental benefit to the public realm. In accordance with the NPPF and Policy S1 unless material considerations indicate otherwise there is a presumption in favour of the development. It is therefore considered that the principle of the proposed development is acceptable in accordance with the NPPF and Policies S1 and H5 of the OLP36, subject to other material planning considerations set out below.

#### **b. Design and heritage**

10.9. In relation to design the NPPF emphasises that high quality buildings are fundamental to achieving sustainable development and good design creates better places in which to live and work and helps make development acceptable to communities (para 124). New development should function well, be visually attractive, sympathetic to local character and history, establish or maintain a strong sense of place, optimise the potential of the site and create places that are safe, inclusive and accessible and which promote health and well-being (para 127).

10.10. In considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance (para 193). Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification (para 194). Where development would lead to less-than-substantial harm to the significance of a designated heritage asset that harm should be weighed against any public benefits the proposed development may offer, including securing its optimum viable use (para 196).

10.11. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 require local planning authorities to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses and the character or appearance of any conservation area.

10.12. Policies DH1, DH3 and DH5 of the OLP are consistent with the NPPF because they include the balancing exercise identified in paragraphs 195-196 of the NPPF. DH1 requires new development to be of high quality that creates or enhances local distinctiveness and that meets the key design objectives and principles set out in Appendix 6.1 of the OLP for delivering high quality

development in a logical way that follows morphological layers and is inspired and informed by the unique opportunities and constraints of the site and its setting. DH3 states that planning permission or listed building consent will be granted for development that respects and draws inspiration from Oxford's unique historic environment, responding positively to the significance character and distinctiveness of the heritage asset and locality. Of relevance to this application where development proposal would result in less than substantial harm to a designated heritage asset, this harm must be weighed against the public benefits of the proposal. DH5 relates to local heritage assets and their setting. Application should demonstrate due regard to the assets significance and conservation and consideration of the impact, scale of any harm or loss will be balanced against any public benefits resulting from the development.

10.13. Policy RE2 seeks to ensure development proposals make efficient use of land making best use of site capacity, in a manner compatible with the site itself, the surrounding area and broader considerations of the needs of Oxford. Development should be of an appropriate density for the use, scale (including heights and massing), built form and layout, and should explore opportunities for maximising density.

10.14. Standards of amenity (the attractiveness of a place) are major factors in the health and quality of life of all those who live, work and visit Oxford. Policy RE7 is an all-encompassing policy covering different aspects to ensure a standard of amenity. Development should protect amenity, not result in unacceptable transport impacts affecting communities, occupiers and neighbours, and provide mitigation measures where necessary.

10.15. Policy HOS2 of the Summertown and St Margaret's Neighbourhood Plan (SSMNP) states that development will be supported where it responds positively to local character and distinctiveness. Proposals should demonstrate that the design and use of development will protect those features identified as making a positive contribution to the character of the area concerned and clearly show how the design guidance has been considered. Those developments that do not do this will not be supported.

10.16. Policy HOS3 of the SSMNP supports development proposals of both traditional and innovative designs where they respect the local heritage and character of the neighbourhood. Contemporary and innovative designed development will be supported where the scale, layout, density, orientation, and massing responds to and protects the valued features of local character. Traditional design proposals should complement the local character in material and design. Development that results in the loss of green space or the loss of trees would not be supported in accordance with Policy ENS1 and Policy ENC3 respectively [of the OLP]. Proposals to reinstate front gardens and garden walls will be supported. Proposals that incorporate sustainable construction methods and use of resources, reduce carbon emissions, future-proof against the impacts of climate change and that provide adequate storage for recycling waste will be supported.

*Significance of the heritage asset*

- 10.17. The North Oxford Victorian Suburb Conservation Area (NOVSCA) was designated on 6<sup>th</sup> May 1968. The primary significance of this conservation area derives from its character as a distinct area, imposed in part by topography as well as by land ownership from the 16<sup>th</sup> century into the 21<sup>st</sup> century. At a time when Oxford needed to expand out of its historic core centred on the castle, the medieval streets and the major colleges, these factors enabled the area to be laid out as a planned suburb as lands associated with medieval manors were made available. This gives the area homogeneity as a residential suburb. In the eastern and central parts of the area as a whole, this is reinforced by the broad streets and the feeling of spaciousness created by the generously proportioned and well-planted gardens. The NOVSCA is divided up into various character areas and this application would fall within the Banbury Road and adjacent to the Bardwell Road Estate character areas.
- 10.18. Banbury Road character area: High quality buildings are to be found in the character area, with large houses in spacious plots. This quality is distinguished by 25 designated buildings on the National Heritage List, the highest concentration in the NOVSCA as a whole. Progressing north towards Summertown, the buildings take on Arts and Crafts features and the variety of the materials used varies; there are still a few significant buildings in the Gothic idiom interspersed. Views are confined to up and down the street, with few buildings taking advantage of corner sites. Views between buildings enable glimpses to the green backdrop behind. There are occasional views into the side streets, and therefore into the character areas to east and west of the arterial route. An abundance of mature trees, mostly in the private domain, softens the flat landscape.
- 10.19. Bardwell Road Estate: This estate and character area abuts the east (rear) boundary of the site. This character area forms and informs its setting in views along Bardwell Road. It was the last part of the St John's College estate to be developed, for the most part in the 20<sup>th</sup> century. It is characterised by broad streets and houses set well back from the road that reflect received ideas of the suburban style. Views out of the area to the Banbury Road do occasionally frame a large house there.
- 10.20. Other heritage assets - No.78 Banbury Road: This property is identified in the NOVSCA as a positive building in the conservation area principally due to its architectural significance. It may therefore be considered to be an undesignated heritage asset, as defined in the NPPF and policy DH5 of the OLP applies. The Architects, Pike and Messenger, picked up on the North Oxford suburban architectural language of the late C19, and although it is not overly elaborate, it has elements of the later, arts and crafts architectural language including chequerboard brick and stone detail in gable facades and the use of decorative stone detailing around porches and doorways.

*Design:*

- 10.21. The architectural design of the development has an assertive architectural form and coherence that is applied across the site for all the new additions/extensions proposed. The Gothic barrel arch is a key feature both in brick detailing on the new residential dwelling and the gables and barrel vaulted



curved roofs of the ancillary building and walkways. The proposed materials of red brick, stone and tiles reflect the materials of the surrounding area and of the NOVSCA.

- 10.22. *Banbury Road Villas:* Nos.76 and 78 have had several extensions at ground floor that are unsympathetic in architectural form and which do not respond well to their host buildings including C20 flat roof extensions and porches, removal of the original bay windows and new entrances. The single storey extensions between both Villas result in them being joined at ground floor level. The removal of these unsympathetic elements would therefore be a positive improvement in terms of the contribution that the villas and their immediate surroundings make to the character and appearance of the conservation area and therefore there is no objection in principle to their removal.
- 10.23. As the villas are already joined at ground floor level and the 'gap' between buildings has already been lost, and for some time. The application seeks to remove these single storey elements and replace them with a two storey (plus basement) visually lightweight glass connecting structure that would provide a central accessible entrance point and movement (lift), circulation into the villas. It would measure approximately 7m high to the ridge of the glass. The architecture of the new link is intended to act as a foil or counterpoint to the sumptuous Victorian red brick with its decorative elements. Other options for the location of the entrance area were explored at pre-app stage and this location was the only suitable location that could provide a lift to upper floors, level access and accessibility through both villas for those with disabilities.
- 10.24. The intention is that the new glass link building envelope should not obstruct "the gap" but rather allow it to be seen from ground to sky through the glass. There would however be a degree of filling of the gap due to the central more solid, porch element and a degree of reflectivity of the glass itself (depending on reflectiveness of the glass and time of day). The overall height of the new, linking building would be higher than existing but still significantly lower than the adjacent villas and is set back from the front facades of those principal buildings. Together with the raked back façade, the perception of a 'gap', would still be evident to the observer on the street, much in the same way that it is presently perceived. It is therefore considered that the design of the link building would mitigate the impact that it would have on the important character and appearance that contribute to the significance of the conservation area and in particular the Banbury Road character area.
- 10.25. It is also considered that by virtue of the clearly smaller and architecturally distinct character and appearance of the new connecting structure, the Victorian villas would essentially preserve their architectural integrity and be able to be clearly seen as two, distinct and clearly Victorian villas as the architects originally intended and that makes an important contribution to the character and appearance of the Banbury Road character area in the NOVSCA. Materials including pointing and glass could be secured by condition.
- 10.26. *Replacement dwelling:* The new replacement residential dwelling for No.78, would sit on the footprint of the existing C20 garage at the northern side of No. 78. It has been designed as a subservient addition in both its size and

relationship. Architecturally it reflects more closely the host Victorian villa with a steep pitched roof and well-proportioned windows in red brick, tiles and stone windows, cills and lintels. Architectural brick detailing of the barrel vaulted arch reflects that of the new architectural family design, thus creating an element of consistency and a strong familiarity in all the new additions, and again enabling the viewer to discern old from new. It is considered that this would preserve the integrity of the existing host villa and contribute towards the character and appearance of the Banbury Road character area in the NOVSCA.

10.27. *Ancillary building to rear of No.76:* Within the centre of the existing building is a coach house and stables, which is likely contemporary with the principal villa. Whilst this building has some historic value in NOVSCA, the coach house and stables have been substantially altered through their adaptation to residential and ancillary residential uses, including extensive architecturally unsympathetic extensions in the 60's and 80's by the owner of No.76 to create an library, swimming pool and art studio. The original roof of the coach house/stable is still discernible within the varying parts of this building that can be seen over the high boundary wall fronting Bardwell Road. However the large roof mass of the western swimming pool addition dominates these views and distracts from the original distinctly subservient ancillary building character of the original buildings, which has essentially been lost to the character and appearance of the Bardwell character area of the NOVSCA.

10.28. The new replacement building has been kept within the existing building footprint and walkway structure with only an approximate 13sqm additional floor space to the southeast corner and 50sqm to the northwest corner added. The new building has been designed with a curved sloping roof and gables and has been kept at the same height as the existing building (6.5m high), with only the copper domed roof of the circular hall element reaching 1m higher at 7.5m high. For the most part the new building would not be visible in the street scene above the existing 2m brick boundary wall on Bardwell Street. Only the upper element and roofs and gables would be visible from the opposite side of the street, further tempered by proposed new tree planting.

10.29. It is considered that the new building would recreate and reinforce the existing ancillary, subservient buildings in a similar manner to that existing and would still be characteristic of buildings in the rear of plots throughout the conservation area. The architecture of the new building is intended to be similar to, but not a copy of, the principal villas being part of a distinctive new architectural "family" design and distinct from the Victorian architecture of the original buildings and surroundings. The broken roof form would have a similar scale and mass to that of the existing building. The circular hall element of the building sits well back in the garden plot and despite being two storey inside, would also read as a single storey element, in contrast to the height of the existing Villas. Its curved façade would in simple ashlar stone with repeated windows feature would create a diminishing perspective. The light colour would provide a soft visual edge in contrast to the red brick of the existing Villas removing any sense of competition and therefore distraction from the Villas that generate the important and valued character and appearance of the conservation area.

10.30. It is considered that this new annex building would remain ancillary to the Villas and would make a more positive contribution to the immediate surroundings and context and be individually discernible. Its siting on the existing footprint, would still allow views through to the buildings and other trees within gardens behind and adjacent, and the largest mature trees would be retained within the existing gardens (supplemented by additional tree mitigation planting) when viewed from the far side of Bardwell Road. It is therefore considered that the visual amenity from the verdant backdrop and glimpsed views that characterise the conservation area would be retained. It would not have an adverse impact on the appearance of the street scene and would positively respond to local distinctiveness. It is therefore considered that the proposed development would respect the important characteristics of this site and ensure that it is able to continue to contribute to the character and appearance of its immediate surroundings in the NOVSCA. A condition requiring approval of materials could secure the quality and as such is considered acceptable in the conservation area.

10.31. *Other elements:* The proposed covered walkways (one which replaces the existing covered walkway) would also be hidden from public views behind the 2m high boundary walls of the site. The traditional architectural form and materials proposed again reflect the surrounding buildings whilst also harmonising with the new architectural style. It is considered that they would not harm the street scene or character and appearance of the host buildings or NOVSCA.

10.32. Concern has been raised about the institutionalisation of the conservation area through loss of residential use and subsequent loss of front gardens, boundary walls and internal lights on all the time. The new landscape design shows the retention of the existing front gardens to both villas, despite the proposed new main entrance connecting them; the existing sense of a dividing boundary retained even though an opening would be made through for vehicles to enable the one way system. The existing 'in and out' driveways to both Nos.78 and No.76 would be retained, however the new development would operate a one way system for vehicles 'in and out' from Banbury Road out onto Bardwell Road. The retention of the existing front boundary walls, gardens and driveways would preserve the existing residential character that is an important feature of the conservation area.

10.33. In respect of lighting, new internal lighting in office spaces, toilets, circulation spaces would be on PIR detector switches which not only cuts down on energy consumption but turn off when not in use. This would mean that rooms would only be lit when in use. It is considered that this would help to retain the residential character of the area. A condition requiring details of external lighting would ensure this would be suitable for the residential area.

10.34. Harm

10.35. The loss of the surviving coach house and stables within the larger ancillary building would result in a very low level of less-than-substantial harm to the character and appearance of the NOVSCA, and specifically to the Banbury road and Bardwell character areas. The level of harm is considered to be very low because the contribution that the buildings presently make is low due to the

alterations and additions that have been made to them and around them in the latter part of the C20.

10.36. Maintaining the already closed gap between Nos.76 and No.78 Banbury Road would maintain the existing harm and would therefore not enhance or make a positive contribution to this important feature which contributes to the significance of the conservation area. The design of the new glass link structure has been carefully considered in order to limit the harm by reducing the overall height to that necessary to accommodate the functions needed (circulation, accessibility and connection) and by designing a mainly visually permeable recessive façade form that would appear less solid than if it were to be constructed in traditional masonry. The level of harm that would result would be less-than-substantial harm and would be low level.

#### Justification

10.37. Despite great weight being given to the asset's conservation, the loss of the stables and coach house at the rear of No.76 Banbury Road has been clearly and convincingly justified, due to the very limited survival of original fabric and the significant alterations that have been made to those buildings. The condition of the existing buildings is poor and the fabric fails to meet any current building standards. Upgrading the existing fabric would result in further loss of and substantial alteration of the surviving elements of historic fabric with additional impact on the contribution that these buildings could continue to make to the special character and appearance of the conservation area and thus to the significance of the heritage asset.

10.38. The continued closure or filling of the gap between Nos. 76 and 78 Banbury Road has been justified in terms of the need to provide a physical connection between the two buildings and a combined circulation and entrance space that would accommodate the differences in levels between the two villas and to enable accessibility for all to all levels of the buildings via a lift. In increasing the accessibility the proposal seeks to ensure the continuing use and functionality of the spaces/rooms within the Victorian villas, thus ensuring their continuing value and appreciation by a wider audience.

#### Public Benefits

10.39. In accordance with para' 196 of the NPPF and Policies DH1, DH3 and DH5 of the OLP, as less-than-substantial harm has been identified it falls to consider any public benefits that may outweigh that harm in this case in accordance with the NPPF and DH3 of the OLP. In carrying out this balancing exercise, great weight should be given to the conservation of this designated heritage asset.

10.40. In accordance with Historic England's 'Good Practice Advice in Planning Note 2: Managing Significance in Decision-Taking in the Historic Environment', it is considered that the less-than-substantial harm would be adequately mitigated by the contextual design response, the tree and landscaping proposed, and as such is also a public benefit that is afforded a moderate level weight.

- 10.41. The development would protect and enhance features identified as making a positive contribution to the character of the conservation area such as retention of the existing front gardens and boundaries, removing poor quality architectural additions and providing additional new tree planting along Bardwell Road that would positively enhance the character of the area. This is afforded moderate weight.
- 10.42. The use of the multifunctional hall for private hire for conference, dance, theatre or media recording would offer public benefits to the wider community. The hall could be used weekends and week day evenings when not in use by the Trust and could be secured by condition in this case. This is afforded a moderate weight.
- 10.43. In assessing the impact of the development, officers have attached great weight and importance to the desirability of preserving or enhancing the character and appearance of the conservation area. It is considered that the low level of less than substantial harm that would be caused by the proposed development has been adequately mitigated by quality design and is justified by the public benefits that would result in accordance with paragraphs 194 and 196 of the NPPF and DH3 and DH5 of the OLP.

#### *Summary*

- 10.44. In summary therefore it is considered that the new development in siting, layout, height and massing would appropriately respond to the site, its context and the character and appearance of NOVSA. The architectural response is considered to be of good quality and distinctiveness that respect the local heritage and character of the area, compliments the local character in material and design, and would positively contribute to and preserve the NOVSCA and its immediate surroundings. It would protect and enhance the valued features identified as making a positive contribution to the character of the area through sensitive demolitions, additional tree planting and retention of front gardens.
- 10.45. In assessing the impact of the development, officers have attached great weight and importance to the desirability of preserving or enhancing the character and appearance of the conservation area. It is considered that the low level of less-than-substantial harm that would be caused by the proposed development has been adequately mitigated by quality design and is justified by the public benefits that would result. Subject to conditions, the proposal is considered to comply with section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, paragraphs 193, 194 and 196 of the NPPF, and policies DH1, DH3 and DH5 of the OLP and policies HOS2, HOS3, HOS4, ENS1 and ENC3 of the SSMNP.

#### **c. Amenity**

- 10.46. 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. Policy RE7, as set out above, also seeks to ensure amenity for and from developments, other than residential is protected. Policy H15 requires new residential development to meet the National Space standards and Policy H16 requires provision of adequate outdoor amenity space equivalent in size to the ground floor area of the unit.

10.47. To the east of the site the adjoining school has a single storey building built along the eastern boundary. This building provides screening from the development. The proposed ancillary building would not alter or worsen the current relationship to the school's ancillary building or school itself. No windows would overlook the school. As such there would be no adverse impact as a result of loss of privacy, overbearing impact or loss of light in accordance with RE7.

10.48. The new dwelling adjoining No.78 is adjacent to Murray Court. The Design and Access Statement provides demonstrates that the new dwelling would not breach the 45/25 degree rule and complies with Policy H14. In terms of overbearing impact, the new dwelling would be set approximately 5m away from Murray Court and the existing 2.7m high brick wall would remain in between. The dwelling would be approximately 1.5m higher at eaves and ridge than existing. It is considered that due to the retention of the existing boundary wall and distance between the new dwelling and Murray Court, it would not appear significantly higher than the existing arrangement nor have an overbearing impact on Murray Court. In terms of overlooking to the rear, the new dwelling would have glimpsed views to the flats shared garden. It is considered that the windows would not introduce a significant increase in overlooking compared to that currently existing in this suburban setting. As such it is considered that the dwelling complies with H14 of the OLP and HOS4 of the SSMNP in this regard.

10.49. The new house would meet current national internal space standards in accordance with H15 of the OLP. Adequately outdoor amenity would be provided by the gated front garden, approximately 4.5m by 3m, and rear garden, approximately 7m by 7.5m. The 2m wide side passageway would provide adequate space for bike and bin storage. The rear garden spans the width of the house and provides an area that equates in size to the ground floor area of the house. The width of the rear garden has been adjusted so that it spans the whole house, thereby overcoming concerns of direct overlooking into the ground floor of the house by those in the main RZIM garden. The details of the boundary wall or fence could be secured by condition to ensure privacy. It is therefore considered that subject this condition, the development accords with Policy H14 of the OLP in this regard.

#### **d. Transport**

##### Transport sustainability

10.50. The site is located in a sustainable location on the main arterial route into and out of the City Centre with good public transport connection. Development that

minimises the need to travel and is laid out and designed in a way that prioritises access by walking, cycling and public transport in accordance with Policy M1 will be granted permission. Policy M2 seeks a Transport Assessment and Travel Plan for certain developments that meet a set threshold and which are likely to generate high levels of movement. This proposed development falls below the threshold and are therefore not required in this case. Policy TRS2 of the SSMNP states that development should encourage safe and sustainable modes of transport and where required develop a Travel Plan to encourage it, and an assessment linked to an Air quality assessment to ensure sustainable travel outcomes. The Highways Authority (HA) raised no objection to the proposal in terms of access, parking, traffic generation or highway safety.

#### Cycle parking

10.51. Policy M5 of the OLP requires 3 bedroom houses to provide at least 3 cycle parking spaces. In relation to the rest of the development is considered a sui genesis use and for such uses M5 states that the cycle parking should be treated on their individual merits, guided by the general principle of 1 space per 5 people. Policy TRC3 of the SSMNP encourages sustainable active transport. Policy TRS1 states that new development should be designed to ensure that priority is given to the needs of pedestrians, cyclists, children, residents, and that disabled people are put before those of the car and other vehicles. The development proposes a total of 24 cycle parking spaces within 3 shelters. The County commented on cycle parking based on office use and considered the 24 spaces acceptable in accordance with the policy requirement for that use.

10.52. The Planning Agent has confirmed that a 130 people would be the maximum number of people on site at any one time based on a maximum hall capacity of 130. On a daily basis 90 people would use the hall with 1 or 2 members of staff on reception. If the hall were used by the public it would only reach the 100 capacity, and no RZIM staff would be involved. Therefore on the basis of a maximum capacity of 130 persons a total of 27 spaces are required in accordance with Policy M5. The Agent on behalf of the Applicant has confirmed that the additional 3 spaces could be accommodated on site to meet Policy M5, which could be secured via condition. On this basis it is considered that the development would accord with Policy M5 of the OLP and TRC3 of the SSMNP.

#### Car parking

10.53. Policy M3 states that residential development that lies within a Controlled Parking Zone (CPZ) and is located within a 400m walk to frequent (15minute) 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. Disabled car parking should be provided (number on a case by case basis). Policy M3 also states that where non-residential development on an existing site is proposed, such as this, there should be no net increase in parking on site and a reduction sought where there is good accessibility to a range of facilities. Policy M4 requires electric vehicle (EV) charging points for residential allocated spaces and 25% for non-residential development. Policies TRC6 and TRS2 of the SSMNP encourage improvements to existing parking to include EV points and to demonstrate sustainable travel.

Under Policy M3 the residential dwelling should be car free because it is within a CPZ and is less than 800m walking distance to a local supermarket shop, in this case Nine to Nine convenience store on North Parade.

10.54. Both Nos.76 and 78 have existing 'in and out' accesses from Banbury Road. On Bardwell Road there is an existing vehicular access to the existing annex outbuilding. The whole site (Nos.76 and 78) can currently accommodate a total of 24 car parking spaces: 5 informal spaces to the front/side of No. 78, 4 informal spaces to the front and 13 to the rear of No.76, and 2 in front of the annex building off Bardwell Road. It is proposed to reduce this number by 9 spaces to a total of 15 car parking spaces across the site including 2 disabled spaces. The amended site plan removed the one residential parking space following County comments. 25% of the total number of these spaces (4 no) would have EV charging facilities, details of which could be secured by condition. The County Council also advises that the residential dwelling should be excluded from obtaining residents parking permits, to enforce the low car nature of the development and protect existing on-street parking. This could be secured via condition.

10.55. It is considered that, the development would reduce the level of onsite parking provides sufficient disabled parking and EV charging points in relation to the main use and provide car-free residential dwelling and therefore, subject to the conditions, accords with M3 and M4 of the OLP, Policies TRS2 and TRC6 of the SSMNP.

#### Traffic and Access

10.56. Concern has been raised by members of the public to the use of the access on Bardwell Road, an increased traffic generation (including more coaches) and parking in the area, and adverse impact on highway safety. The Applicant advises that Wychwood School and Oxford Preparatory School coaches pickup between 15.00 - 1600 hrs and the majority of the sixteen RZIM cars would leave between 17.00hrs and 18.00hrs. The Highway Authority (HA) considers that the proposals are unlikely to have a detrimental impact on the local highway network in traffic and safety terms. The site is in a highly accessible location with good public transport connections into and out of the City, with bus stops nearby on Banbury Road. The proposed access is to be one way only, entry from Banbury Road and exit via Bardwell Road. Both access points are existing. The number of parked vehicles on site would be reduced by 9. The HA advises that the Bardwell Road access, despite being opposite a school is unlikely to be severely disrupted by the vehicle movements that would take place at this access point. They are not considered significant enough to be of concern. The HA also advises that there would be an added benefit of less vehicle movements directly across the cycle lane on Banbury Road.

10.57. The size of the development does not require a transport assessment or travel plan, as set out above, under policy M2 as the size of the development is not likely to generate significant numbers of movements. The HA does not object to the proposal on grounds of traffic generation, highway safety or use of the existing accesses. To ensure that the development minimises the need to travel and sustainable means of transport is used in connection with events, courses and conferences/ larger gatherings in the multi-functional hall, it is considered



reasonable that a condition requiring a Travel Plan for employees and visitors be imposed in this case. It is therefore considered that, subject to condition, the development would accord with M1 and M2 of the OLP and HOS4 and TRS2 of the SSMNP.

#### **e. Landscape and Trees**

10.58. OLP Policy G7 states that permission will not be granted for development that results 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. Policy G8 states that development proposals affecting existing Green Infrastructure features should demonstrate how these have been incorporated within the design of the new development where appropriate.

10.59. A landscape plan, tree survey information and arboricultural information including a Tree Canopy Cover assessment have been submitted.

10.60. The development would involve the removal of 9 low quality category C trees. Three trees would be removed from within the front of the site that sit along the boundary between Nos.76 and 78, one of which is likely to cause future issues for the building as it is too close. A Lawson cypress tree within the rear garden on No.78 would also be removed because it is leaning and unstable, together with three smaller trees. The new ancillary outbuilding has been designed to be sensitive to the root protection zone of the category B mature Birch tree adjacent to it within this garden, which is retained and visible from Bardwell Road.

10.61. A revised landscape plan shows the replacement planting of 9 new trees of various species. This includes four replacement trees to the front and side of No.78 and a further 4 trees along Bardwell Road. One new tree would be planted in the rear garden of No.76. It is considered that the loss of the 9 trees would not have a significant adverse effect on amenity in the area and the new tree planting proposed would adequately mitigate the loss.

10.62. The Tree Canopy assessment shows that the whilst removal of existing trees would result in an initial reduction in tree canopy cover within the site of 50sq.m (from 798 sq.m. to 748sq.m), this would be mitigated by new tree planting proposed as part of the development over time; there would be a net gain of 4sq.m after 10 years and 54sq.m after 20 years following development. It is therefore considered that the proposed planting satisfactorily mitigates tree canopy cover loss resulting from proposed removals.

10.63. In summary it is considered that the replacement trees would mitigate against tree removals proposed and maintain the verdant character of the area in accordance with HOS2 and ENC3 of the SSMNP and DH3, G7 and G8 of the OLP36. Conditions securing the proposed landscaping, including planting for the benefit of biodiversity, tree protection and Arboricultural method statement would ensure that Policy requirements would be met.

#### **f. Sustainable Design and Construction**

- 10.64. Policy RE1 states that planning permission will only be granted where it can be demonstrated that sustainable design and construction principles have been incorporated where relevant. In respect of carbon emissions the policy requires new residential dwellinghouses achieve at least a 40% reduction carbon emissions from a 2013 Building Regulations (or future equivalent legislation) compliant base case. This reduction could be secured through on-site renewable energy and other low carbon technologies and/ or energy efficiency measures. For non-residential development demonstration only developments over 1000sq.m of new build are required to demonstrate a 40% carbon reduction and therefore does not apply in this case. Policy V8 also requires developments to demonstrate that the applicant has explored existing capacity (and opportunities for extending it) with the other appropriate utilities providers (electricity gas digital communications providers).
- 10.65. Information was submitted within the Design and Access Statement and additional appendices. Officers are satisfied that the development can achieve a 42% carbon reduction over 2013 Building Regulations and that the development has maximised energy efficiency and sustainable construction as practically possible including PV panels hidden on the new outbuilding roof, air source heating and cooling, energy efficient lighting on detectors, mechanical ventilation and high efficiency heat recovery. As such it is considered that the development accords with the principles of sustainable design and construction in accordance with RE1 of the OLP and HOS3 of SSMNP.
- 10.66. Comments from Linton Road Residents Association regarding Policy V8 (utilities) are noted. Thames Water has confirmed sufficient capacity to accommodate the development. Further information was submitted that satisfactory demonstrates existing capacity (and opportunities for extending it) with the other appropriate utilities providers (electricity gas digital communications providers) in accordance with Policy V8 of the OLP.

#### **g. Flood Risk and Drainage**

- 10.67. The site lies within Flood Zone 1. Policy RE3 relates to flood risk management and directs new developments to flood Zone 1. Policy RE4 requires developments 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. Development should not have an adverse impact on groundwater flow.
- 10.68. A Drainage Strategy, including suitable drainage, and a SuDs Management and Maintenance Plan have been submitted.
- 10.69. Officers are satisfied that runoff from site has been reduced as much as feasible and the best discharge rate achieved. There would be no harm to ground water flow. The drainage strategy proposes grasscrete which should be avoided because it can become clogged/compressed which limits function, Instead other permeable surfaces (block paving, rain gardens etc.) should be used which could be secured by condition. Subject to conditions securing implementation in accordance with an amended Strategy, SuDS design, and

associated Management and Maintenance plan, the development accords with Policy RE3 of the OLP and Policy HOS3 of the SSMNP.

#### **h. Archaeology**

- 10.70. Policy DH4 states that within the City Centre Archaeological Area, on allocated sites where identified, or elsewhere where archaeological deposits and features are suspected to be present (including upstanding remains), applications should include sufficient information to define the character, significance and extent of such deposits so far as reasonably practical within a Heritage Assessment and, if applicable, a full archaeological desk-based assessment and the results of evaluation by fieldwork.
- 10.71. Development proposals that affect archaeological features and deposits will be supported where they are designed to enhance or to better reveal the significance of the asset and will help secure a sustainable future for it. Proposals which would or may affect archaeological remains or features which are designated as heritage assets will be considered against the policy approach in policy DH3.
- 10.72. Archaeological remains or features which are equivalent in terms of their significance to a scheduled monument are given the same policy protection as designated heritage assets and considered against policy DH3. 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, having regard to the significance of the remains or feature and the extent of harm. Where harm to an archaeological asset has been convincingly justified and is unavoidable, mitigation should be agreed with Oxford City Council and should be proportionate to the significance of the asset and impact.
- 10.73. This site is of interest because it is located at the northern edge of an extensive zone of prehistoric, Roman and early Saxon activity on the Summertown Radley gravel terrace bounded by the river Cherwell and river Thames. An extensive Middle Neolithic-early Bronze Age ritual and funerary landscape extended across this area was succeeded by dispersed rural settlement with outlying fields, droveways and burial areas in the Iron Age, Roman and early Saxon period. The site is located 300m from the nearest recorded prehistoric activity at No 1 Park Town (Middle Iron Age metal working site) and is located close to the Banbury Road which is likely to be a routeway of at least Roman date.
- 10.74. In this instance access to the areas of proposed substantive new ground work are located underneath existing buildings and undergrowth. Therefore, given the site constraints, it is considered appropriate to secure sensitive demolition, post demolition trial trenching and further mitigation if required by condition. As such the development would accord with DH4 of the OLP.

#### **i. Land Quality**

10.75. Policy RE9 requires a land quality assessment report where proposals would be affected by contamination or where contamination may present a risk to the surrounding environment. The current land use is not considered to present a high risk of potential contamination. It is therefore considered that the risk of any significant contamination being present on the site is low. However the development involves the creation of sensitive end-uses (e.g. new residential dwelling) and it is the developer's responsibility to ensure that the site is suitable for the proposed use. Therefore an informative is considered appropriate in this case to advise should any unexpected contamination be encountered during development. As such the development accords with Policy RE9 of the OLP.

#### **j. Biodiversity**

10.76. OLP Policy G8 requires development with a Design and Access Statement, such as this, to demonstrate how new or improved green and blue infrastructure feature will be incorporated and contribute towards biodiversity and the character of the place.

10.77. The development would not affect a designated site or high-quality, ecologically important sites in this case. There are no known protected species on site. As set out above the tree removals proposed would be adequately mitigated by proposed tree planting, which would also maintain and enhance the leafy character of the area. Tree proposed include crab apples which have benefits for biodiversity (flowers and fruits). Notwithstanding the submitted revised landscape plan, a condition requiring details of the tree and other soft shrub planting for the benefit of biodiversity would ensure a contribution towards biodiversity and as such the development would comply with G8 of the OLP.

### **11. CONCLUSION**

11.1. 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.

11.2. 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. 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.

11.3. In terms of any material considerations which may outweigh these development plan policies, the NPPF has a presumption in favour of sustainable development. NPPF paragraph 11 states that proposals that accord with the development plan should be approved without delay, or where the development plan is absent, silent, or relevant plans are out of date, granting permission unless any adverse impacts would significantly and demonstrably outweigh the benefits

when assessed against the policies in the Framework taken as a whole; or specific policies in the framework indicate development should be restricted. Policy SR1 of the OLP 2036 repeats this.

- 11.4. The proposed development would re-provide the existing residential unit and therefore there would be no loss of a residential dwelling in accordance with Policy H5 of the OLP36. The conversion of the existing dwelling to office/ educational/ training purposes accords with Policy S1 of the OLP. The new dwelling meets space requirements both internally and externally providing adequate amenity in accordance with Policies H15 and H16 of the OLP. There would be no adverse impact on neighbouring residential amenities in accordance with Policies H14 and RE7 of the OLP or HOS4 of the SSMNP. The development would be of good quality design and appearance that would preserve and enhance the NOVSCA in accordance with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 Policies DH1 of the OLP and HOS2, HOS3 and HOS4 of the SSMNP. It would result in a very low level of less than substantial harm to the significance of the NOVSCA but that harm would be outweighed in this case by the level of public benefits derived from the development, including removal of previous harmful additions, better revealing the architecture to the public realm, economic benefits derived through increased employment opportunities, and use of the premises by the public for theatre productions/ conventions/ meetings/ wedding and other functions, in accordance with DH3 and DH5 of the OLP, and the NPPF. There would be no adverse impact on-street parking in the area harm, traffic or highway safety in accordance with M2, Adequate cycle parking would be provided and a reduction in overall car parking within the site achieved, including car-free parking for the residential unit, and electric vehicle charging provided in accordance with Policies M3, M4 M5 and RE7 of the OLP and HOS4, TRC6 and TRS2 of the SSMNP. Whilst there would be some trees removed, one for reasons of safety, new tree planting would satisfactorily mitigate the loss of existing trees and there would be a net gain in tree canopy cover over time in accordance with Policies G7 of the OLP and HOS3 of the SSMNP. Tree and soft planting for biodiversity benefit could be secured by condition and would accord with Policy G8. Sufficient capacities and connection to existing utilities would be provided in accordance with Policy V8.
- 11.5. Subject to conditions, any below ground archaeology found secured and mitigated for in accordance with DH4 of the OLP; sustainable design and construction (including a 40% carbon reduction) would be achieved and secured in accordance with Policy RE1 of the OLP and Policy HOS3 of the SSMNP; and sustainable drainage and maintenance secured in accordance with Policy RE3 of the OLP and Policy HOS3 of the SSMNP.
- 11.6. Officers consider that the proposal would accord with the overall aims and objectives of the NPPF and policy SR1 for the reasons set out within the report. Therefore in such circumstances, planning permission should be approved without delay. This is a significant material consideration in favour of the proposal.
- 11.7. Officers would advise members that having considered the application carefully including all representations made with respect to the application, that 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 2016-2036, when considered as a whole, and that there are no material considerations that would outweigh these policies.

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

## **12. CONDITIONS**

### *Time limit*

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.

### *Plans*

2. Subject to other conditions requiring updated or revised documents submitted with the application, 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 2016-2036.

### *Materials*

3. Prior to the commencement of development a written schedule of materials together with samples of the exterior materials (to be viewed on site) to be used shall be submitted to and approved in writing by the Local Planning Authority and only the approved materials shall be used unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure high quality development and in the interests of the visual appearance of the North Oxford Victorian Suburb Conservation Area in which it stands in accordance with policies DH1 and DH3 of the Oxford Local Plan 2016-2036.

### *Transport & Parking*

4. Prior to commencement of the development details of the 27 cycle parking spaces shall be submitted to, and approved in writing by the Local Planning Authority. The development shall not be brought into use until the cycle parking areas and means of enclosure have been provided within the site in accordance with the approved details and thereafter the areas shall be retained solely for the purpose of the parking of cycles.

Reason: To encourage the use of sustainable modes of transport in line with M5 of the Oxford Local Plan 2016-2036 and TRC3 of the Summertown and St Margaret's Neighbourhood Plan.

5. The development shall not be brought into use until the car parking area has been be constructed and laid out in accordance with the revised site plan drawing no.6.3.0a showing car parking for the development. Thereafter the areas shall be retained solely for the purpose of the parking of vehicles in relation to the occupiers of Nos.76 and 78 Banbury Road only and there shall be no parking spaces for the residential dwelling.

Reason: To encourage the use of sustainable modes of transport and ensure car-free residential dwelling in line with Policy M3 of the Oxford Local Plan 2016-2036.

6. Prior to the commencement of development, details of the electric vehicle charging infrastructure shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the following provision:
  - o The amount of electric car charging points should cover at least 25% (4 spaces) of the amount of permitted parking of the development
  - o Appropriate cable provision to prepare for increased demand in future years.

The electric vehicle infrastructure shall be formed and laid out in accordance with these details before the development is first occupied and shall remain in place thereafter.

Reason: To contribute to improving local air quality and enable the provision of low emission vehicle infrastructure in accordance with Policies RE6, RE7 and M4 of the Oxford Local Plan 2036.

7. The development hereby permitted shall not be occupied until the Order governing parking at the application site has been varied by the Oxfordshire County Council as highway authority to exclude the site, subject to this permission, from eligibility for resident's parking permits and residents' visitors' parking permits unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development does not generate a level of vehicular parking which would be prejudicial to highway safety, or cause parking stress in the immediate locality, in accordance with policy M3 of the Oxford Local Plan..

8. A Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of works including demolition. This shall 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).

All demolition and construction works shall be undertaken in strict accordance with the approved CTMP unless otherwise first agreed in writing.

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.

9. A Travel Plan for employees and visitors shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the development. The building shall be occupied and operated in complete accordance with the approved plan at all times thereafter.

To encourage the use of sustainable modes of transport in line with policies M1, M2 and M5 of the Oxford Local Plan 2016-2036 and HOS4 and TRS2 of the Summertown and St Margaret's Neighbourhood Plan.

#### *Archaeology*

10. 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 comprising 1) trial trenching 2) further mitigation, in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the 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."

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 prehistoric, Roman and early Saxon remains (Local Plan Policy DH4).

11. No demolition shall take place until the applicant, or their agents or successors in title, have submitted a method statement for the careful demolition of existing structures to facilitate archaeological trial trenching and this has been approved by the planning authority. All works shall be carried out and completed in accordance with the approved methodology, 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 prehistoric, Roman and early Saxon remains (Local Plan Policy DH4).

#### *Landscape & Trees*

12. Further to the approved Landscape Plan No.6.3.10B, a detailed planting plan of the proposed tree, shrub and hedge planting for the benefit of biodiversity for the site and corresponding planting schedule detailing plant numbers, sizes and nursery stock types; and details of any necessary tree pits and soil volumes 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.

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

13. The landscaping proposals as approved by the Local Planning Authority under condition 12 above shall be carried out no later than the first planting season after first use of the development hereby approved unless otherwise agreed in writing beforehand by the Local Planning Authority. Any planting that fails to be established or dies within the first 3 years shall be replaced with a like for like replacement or suitable alternative which shall first be 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 2016-2036.

14. The development shall be carried out in strict accordance with the approved tree protection measures contained within the Arboricultural Report by Nicholsons dated May 2021 unless otherwise agreed in writing by the Local Planning Authority.

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

15. The development shall be carried out in strict accordance with the approved methods of working and tree protection measures contained within the Arboricultural Report by Nicholsons dated May 2021 unless otherwise agreed in writing by the Local Planning Authority.

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

#### *Drainage*

16. Notwithstanding the submitted Drainage Strategy, an updated strategy and Sustainable Drainage Design (SuDS) that proposes permeable surfacing material other than grasscrete shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development. The development shall be constructed in complete accordance with the approved Drainage strategy and SuDS design detailed which shall be completed prior to first occupation of the development unless otherwise first submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal in accordance with RE4 of the Oxford Local Plan 2016-2036.

17. The sustainable drainage scheme implemented in accordance with condition 16 above shall be managed and maintained thereafter in perpetuity in accordance with the agreed Drainage Management and Maintenance Plan.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and maintained thereafter in accordance with RE4 of the Oxford Local Plan 2016-2036.

#### *Sustainable Design and Construction*

18. The development shall be undertaken in accordance with the principles and details within the Energy Strategy within the Design and Access statement and appendices and supplementary information received on 14<sup>th</sup> May 2021 unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To ensure compliance with policy RE1 of the Oxford Local Plan 2016-2036.

#### *Architectural Details and heritage*

19. Prior to occupation of the development, details of architectural lighting and signage, including details of new lighting fixtures on the exterior of the building and within the garden spaces, luminance levels and colour temperatures, 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 ensure a sympathetic appearance for the new work and in the interest of the special character of the conservation area, and in the interest of protected species in accordance with policies DH3 and G2 of the Adopted Oxford Local Plan 2036.

20. The demolition of the annex outbuilding shall not take place until: the applicant has made a measured survey and taken a photographic record of the annex outbuilding (including coach house and stables) to the rear of No.76 Banbury Road; the photographs shall be in black and white, printed to archive standard, to a measurement of 254mm x 203mm (10 x8 inches); and two copies of each of the photographs and plans, marked and cross referenced to show the areas photographed and the direction from which the photographs were taken, shall be submitted to and approved in writing by the Local Planning Authority for the Council's archive and onward deposit to the Centre for Oxfordshire Studies, or its equivalent.

Reason: In order to preserve by record the outbuilding including stables that will be affected by the works hereby granted consent/permission in accordance with Policy DH3 of the Oxford Local Plan 2036.

21. Prior to the commencement of development, details for the protection of the original architectural building facades of Nos.76 and 78 Banbury Road and all original boundary walls (including between properties) during demolition and construction shall be submitted to and approved in writing by the Local Planning Authority. The protective measures shall be put in place prior to commencement of development and shall be retained at all times during construction and demolition unless otherwise already agreed as part of specific construction works to relevant parts of the building or walls or as may otherwise be agreed in writing by the Local Planning Authority.

Reason: To ensure the protection of valuable features of historic interest which might otherwise be lost during the proposed works in accordance with Policy DH3 of the Oxford Local Plan 2036.

22. Prior to commencement of development any works of repair and refurbishment including of exteriors (including windows and decorative elements) shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details.

Reason: To ensure a sympathetic appearance for the new work and in the interest of the special character of the conservation area, and in the interest of protected species in accordance with policies DH3 of the Adopted Oxford Local Plan 2036.

23. Prior to first use or occupation of the ancillary outbuilding, a scheme for use of the building by members of the public shall be submitted to and approved in writing by the Local Planning Authority (including months, days of the week, hours, and exclusions) and the building shall be made available to the public in accordance with the scheme at all times thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To secure the public benefits of the scheme in accordance with Policy DH3 of the Oxford Local Plan 2036 and the NPPF.

#### *Residential*

24. Notwithstanding the submitted plans, a further plan showing details of the proposed boundary treatment for the residential dwelling shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. Only the approved details shall be implemented prior to occupation of the dwelling and thereafter retained.

Reason: To give further consideration to these details and privacy for occupiers in accordance with Policies DH1, DH14 and RE7 of the Oxford Local Plan 2036.

25. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or enacting that Order), no additional windows shall be placed in the northern side elevation of the new dwelling hereby permitted without the prior written consent of the Local Planning Authority.

Reason: To safeguard the amenities of the adjoining occupiers in accordance with policy H14 of the Oxford Local Plan 2036.

26. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or enacting that Order) no structure including additions to the dwelling house as defined in Classes A, B, C, D, E of Schedule 2, Part 1 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 policy DH1 of the Oxford Local Plan 2036.

27. Prior to commencement of development details of the bin store and cycle parking for the residential dwelling hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The dwelling shall not be occupied until the bin store and cycle parking have been provided within the site in accordance with the approved details and thereafter the areas shall be retained solely for the purpose of the cycle parking areas and bin storage.

Reason: To promote the use of cycles thereby reducing congestion on adjacent roads and to protect the amenity of adjacent dwellings in accordance with policies M3 and H14 of the Oxford Local Plan 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 In accordance with guidance set out in the National Planning Policy Framework, the Council tries to work positively and proactively with applicants towards achieving sustainable development that accords with the Development Plan and national planning policy objectives. This includes the offer of pre-application advice and, where reasonable and appropriate, the opportunity to submit amended proposals as well as time for constructive discussions during the course of the determination of an application. However, development that is not sustainable and that fails to accord with the requirements of the Development Plan and/or relevant national policy guidance will normally be refused. The Council expects applicants and their agents to adopt a similarly proactive approach in pursuit of sustainable development.
- 3 The archaeological investigation should consist of archaeological trial trenching followed by further mitigation as required and should be undertaken by a professionally qualified archaeologist working to a brief issued by Oxford City Council.
- 4 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.

- 5 All wild birds, their nests and young are protected during the nesting period under the Wildlife and Countryside Act 1981 (as amended). The following should be adhered to:-

Removal of any building or vegetation shall be undertaken outside of the bird nesting season (March to August inclusive). If this is not possible, then a suitability qualified ecologist shall check the areas concerned immediately prior to the commencement of clearance works to ensure no nesting or nest-building birds are present. If any nesting activity is confirmed, no clearance will be permitted within the area until the birds have fledged and the nest is considered inactive.

### **13. APPENDICES**

- **Appendix 1 – Site location plan**

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

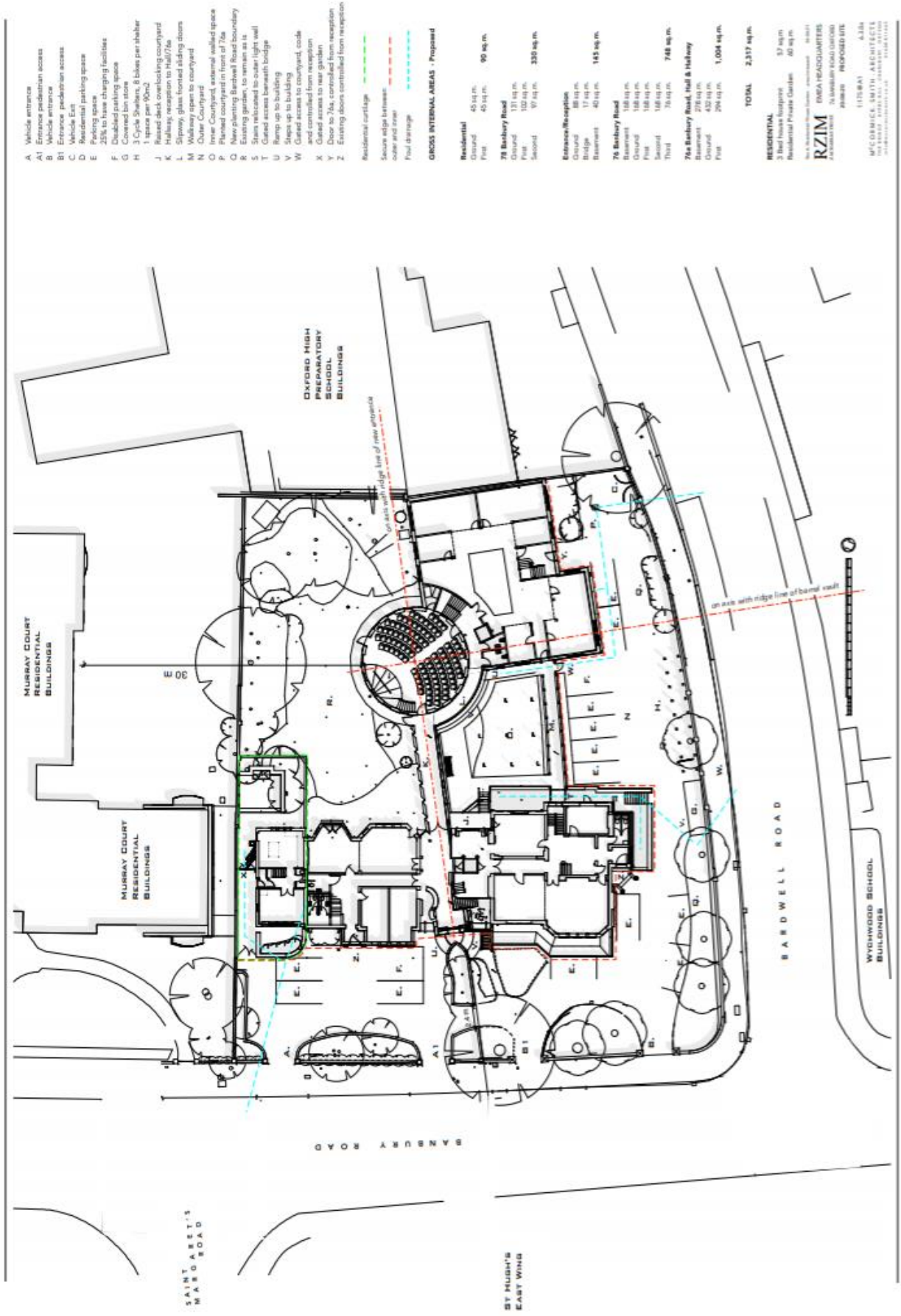
- 14.1. Officers have considered the implications of the Human Rights Act 1998 in reaching a recommendation to approve this application. They consider that the interference with the human rights of the applicant under Article 8/Article 1 of Protocol 1 is justifiable and proportionate for the protection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



- A. Vehicle entrance
- A1 Entrance pedestrian access
- B. Vehicle entrance
- B1 Entrance pedestrian access
- C. Vehicle Exit
- D. Residential parking space
- E. Parking space
- F. 25% to house charging facilities
- G. Disabled parking space
- H. Covered bin store
- I. 3 Cycle Storages, 8 Bikes per shelter space per 50m<sup>2</sup>
- J. 10m<sup>2</sup> per 50m<sup>2</sup> of parking courtyard
- K. 10m<sup>2</sup> per 50m<sup>2</sup> of parking courtyard
- L. Slipway, glass fronted sliding doors
- M. Walkway open to courtyard
- N. Outer Courtyard
- O. Inner Courtyard, external walled space
- P. Paved courtyard in front of 76a
- Q. New planting Bardwell Road boundary
- R. Existing garden, to remain as is
- S. Slats relocated to outer light well
- T. Gated access beneath bridge
- U. Ramp up to building
- V. Gated access to courtyard, code controlled from reception and controlled from garden
- X. Gated access to rear garden
- Y. Door to 76a, controlled from reception
- Z. Existing doors controlled from reception

Residential curtilage  
 Secure edge between outer and inner  
 Pool Storage

GROSS INTERNAL AREAS - Proposed

<b>Residential</b>	Ground	45 sq m	
	First	45 sq m	90 sq m
<b>76 Bakery Road</b>	Ground	131 sq m	
	First	102 sq m	
	Second	97 sq m	330 sq m
<b>Entrance/Reception</b>	Ground	88 sq m	
	Bridge	17 sq m	
	Basement	40 sq m	145 sq m
<b>76 Bakery Road</b>	Ground	162 sq m	
	Ground	168 sq m	
	First	168 sq m	
	Second	168 sq m	
	Third	78 sq m	748 sq m
<b>76a Bakery Road, Hall &amp; Highway</b>	Basement	270 sq m	
	Ground	48 sq m	
	First	296 sq m	1,004 sq m
<b>TOTAL</b>			<b>2,317 sq m</b>

**RESIDENTIAL**  
 3 Bed House (40sqm) 37 sqm  
 Residential People Garden 40 sqm  
 No. 6. Bakery Road (100sqm) 100 sqm  
**RZIM** (RZIM HEADQUARTERS)  
 76 BAKERY ROAD (1000sqm)  
 PROPOSED  
 PROPOSED SITE  
 (1:1250) A328  
 MCGONIGLE ARCHITECTS  
 100 BARKER AVENUE, WILLOWBUSH, QUEENSLAND  
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## Oxford City Planning Committee

28<sup>th</sup> June 2021

<b>Application number:</b>	21/01255/FUL		
<b>Decision due by</b>	6th July 2021		
<b>Extension of time</b>	TBA		
<b>Proposal</b>	Insertion of photovoltaic plates to roof. (Additional plans).		
<b>Site address</b>	Thurston, 3 Boults Close, Oxford, Oxfordshire – see <b>Appendix 1</b> for site plan		
<b>Ward</b>	Marston Ward		
<b>Case officer</b>	Nia George		
<b>Agent:</b>	N/A	<b>Applicant:</b>	Ms Ruth English
<b>Reason at Committee</b>	This application was called in by Councillors Clarkson, Pressel, Fry, Munkonge, Rowley, Upton and Bely-Summers, for reasons of balancing the harm to a designated heritage asset against the benefits of renewable energy.		

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## 1. RECOMMENDATION

1.1. Oxford City Planning Committee is recommended to:

1.1.1. **Refuse the application** for the reasons given in paragraph 1.1.2 of this report and to delegated authority to the Head of Planning Service to:

- finalise the reasons for refusal including such refinements, amendments, additions and/or deletions as the Head of Planning Services considers reasonably necessary.

1.1.2. The recommended reason for refusal is as follows:

The photovoltaic panels proposed to the eastern and southern roof slopes facing Boults Lane, by reason of their design, number, mass and siting, would result in the cluttering of the roofscape and appearance of the building. The proposal would be out of keeping with the surrounding area and detrimental to the character and appearance of the Old Marston Conservation Area, resulting in less than substantial harm that would not be outweighed by any public benefits. The application would be contrary to Policies DH1 and DH3 of the Oxford Local Plan, the NPPF, and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

## 2. EXECUTIVE SUMMARY

2.1. This report considers a proposal to install 18no. photovoltaic plates to the roof slopes of the application site.

2.2. This report considered the following material considerations:

- Principle of development
- Design and impact upon designated heritage assets
- Neighbouring amenity
- Sustainability

2.3. The development is considered to be unacceptable. Due to their design, number, mass and siting, the proposed solar panels would result in the cluttering of the roofscape and appearance of the building, and the proposal would result in less than substantial harm that would not be outweighed by any public benefits. For those reasons the proposal is considered not to comply with the relevant planning policies set out in the report and the NPPF.

### **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 application site is located within the Old Marston Area of Oxford to the north-east of the city centre. The site is a bungalow located within a cul-de-sac north of Boults Lane; Boults Close. The property is located immediately to the north of the entrance of the cul-de-sac, in which all of the other properties within the Close are also bungalows. To the north, the application site backs onto allotments. The property is located within the Old Marston Conservation Area.

5.2. The group of bungalows within Boults Close are a relatively modern development within the Conservation Area, dating to the 1950's, and are considered to have a neutral impact upon the setting of the Conservation Area. All of the bungalows have a similar form, in which they have a long and narrow shape with pitched roofs. Although the properties in Boults Close may not have been intentionally designed this way, these features described result in the bungalows being considered to have a similar appearance to agricultural barns when viewed from above. It is considered however that the bungalows do not have any architectural significance. The bungalows are set back from the road in unevenly shaped and spaced plots. Most of the bungalows have unblemished roofscapes, however the application site has three roof lights located on a west facing roof slope, and two evacuated tube solar panels located on the south facing roof slope. These existing panels were installed onto the roof slope in 2006 without planning permission, however as these panels have been in

existence for over 4no. years, the panels are therefore immune from any planning enforcement action. The property also benefits from three flat roofed single storey extensions, two to the front of the property and one to the rear of the property.

5.3. See location plan below:



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Ordnance Survey 100019348

## 6. PROPOSAL

6.1. Planning permission is sought for the installation of photovoltaic panels to the roof of the property. A total of 18no. panels are proposed to the roof; 2no. panels located on the south facing slope, 9no. panels located on the east facing slope, 1no. panel on the west facing slope, and 6no. panels on the flat roof to the rear.

6.2. The Council has already refused a previous application for this development under application reference 21/00006/FUL on the grounds that they would be harmful to the Old Marston Conservation Area. The only changes made to this application in comparison to the previous application is that the 2no. panels proposed on the rear roof slopes of the property would be 'on roof' rather than 'in-roof', and the 10no. panels proposed on the front roof slopes would be of a different make and model.

## 7. RELEVANT PLANNING HISTORY

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

58/00491/M\_H - Site for 3 dwelling houses and accesses (site of 1-6 Boults Close).. APPROVED 4th June 1958.

58/00932/M\_H - Site and layout of cul-de-sac and 6 private dwellings with private garages (1-6 Boults Close).. APPROVED 8th October 1958.

59/00095/M\_H - 1, 2 and 3 Boults Close - Erection of 3 detached private bungalows and 3 private garages with accesses. APPROVED 4th February 1959.

59/00439/M\_H - 3 Boults Close - Private one storey dwelling with access. APPROVED 7th May 1959.

85/00718/PN - Extensions and alterations. APPROVED 3rd February 1986.

21/00006/FUL - Insertion of photovoltaic plates to roof. (Amended description).. REFUSED 16th April 2021.

## 8. RELEVANT PLANNING POLICY

8.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework	Local Plan	Other planning documents
Design	117-123, 124-132	<b>DH1:</b> High quality design and placemaking	
Conservation/Heritage	184-202	<b>DH3:</b> Designated heritage assets	Old Marston Conservation Area Appraisal  Historic England's guidance on 'Energy Efficiency and Historic Buildings – Solar Electric (Photovoltaics)  Historic England's Good Practice Advice Note

			'Managing Significance in Decision-Taking in the Historic Environment'
<b>Housing</b>	59-76	<b>H14:</b> Privacy, daylight and sunlight	
<b>Environmental</b>	117-121, 148-165, 170-183	<b>RE7:</b> Managing the impact of development	
<b>Miscellaneous</b>	7-12	<b>S1:</b> Presumption in favour of sustainable development	

## 9. CONSULTATION RESPONSES

9.1. Site notices were displayed around the application site on 27<sup>th</sup> May 2021 and an advertisement was published in The Oxford Times newspaper on 27<sup>th</sup> May 2021.

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

Old Marston Parish Council

9.2. No objection

### **Public representations**

9.3. No third party comments received.

## 10. PLANNING MATERIAL CONSIDERATIONS

10.1. Officers consider the determining issues to be:

- Principle of development
- Design and impact on designated heritage assets
- Neighbouring amenity
- Sustainability

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

10.2. Policy S1 of the Oxford Local Plan states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. This applies to

paragraphs 10 and 11 of the NPPF which state that a presumption in favour of sustainable development is at the heart of national planning policy. The Council will work proactively with applicants to find solutions jointly which mean that applications for sustainable development can be approved where possible, and to secure development that improves the economic, social and environmental conditions in the area. Planning applications that accord with Oxford's Local Plan and national policy will be approved without delay, unless material considerations indicate otherwise.

10.3. Specifically, where this application is concerned, the Council shall support enhancements to people's homes where they accord with the identified requirements of local and national planning policy, in addition to the legislative requirements the Council is required to undertake. In this case, planning permission would be granted without delay subject to the acceptability of the design of the proposal and its impact upon designated heritage assets, in relation to Policies DH1 and DH3 of the Oxford Local Plan 2036, paragraphs 193 and 196 of the NPPF, and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The proposal must also not be detrimental upon the amenity of neighbouring occupiers' in accordance with Policies H14 and RE7 of the Oxford Local Plan 2036. Finally this proposal must also accord with the sustainable design and construction principles outlined in Policy RE1 of the Oxford Local Plan 2036, in addition to paragraphs 153 and 154 of the NPPF.

#### **b. Design and impact on designated heritage assets**

10.4. Policies DH1 and DH3 of the Oxford Local Plan seek to ensure that development is of a high quality design, relates well to the existing house and its surroundings, and respects and enhances the historic environment.

10.5. Paragraph 193 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 196 also states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

10.6. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 also requires Local Planning Authorities to have special regard to the desirability of preserving or enhancing the character and appearance of the conservation area.

10.7. A statement of justification was submitted with this application, making the case that the application should be supported. During this section, the issues raised by the applicant will also be addressed throughout when discussing the design of the proposal and the impact on the designated heritage asset.

- 10.8. A total of 10no. integrated PV panels are proposed to the existing pitched roof slopes of the property. Although these panels have been annotated on the proposed plans as 'in-roof' panels and justification from the applicant notes that they would be lying flush with the tiles, it must be noted that the plans showing the proposed south west elevation and the proposed south east elevation show that they would protrude from the roof slopes by 0.1m. Each of these panels would measure 1.4m in length and 1.0m in width, and are considered to have a similar scale individually to the 2no. existing evacuated tube solar panels on the property. Of these 10no. integrated PV panels, 8no. are proposed on the south eastern roof slope and would be located close together, forming an array of panels.
- 10.9. 6no. PV panels lying at a 10 degree angle are proposed to the flat roof of the single storey extension located to the rear of the site. This would result in the panels proposed on the flat roof protruding 0.275m above the existing flat roof. Each of these panels would measure 1.8m in length and 1.0m in width, and would be located close together, forming an array of panels.
- 10.10. 2no. 'on-roof' PV panels are proposed to the rear pitched roof slopes of the application site. Although these panels have been annotated on the proposed plans as 'on-roof' panels, it must be noted that the plans showing the proposed north east elevation show that they would not protrude from the roof slopes.
- 10.11. All of the panels proposed; both the integrated panels, 'on-roof' panels and those proposed to the flat roof, would be of a similar appearance.
- 10.12. Although the application site is set back from the entrance of Boult's Close, it is located directly opposite the entrance to the Close and is visible from the public realm on Boult's Lane. The south facing and east facing roof slopes are particularly noticeable from Boult's Lane. 10no. panels are proposed to the south and east facing roof slopes of the property facing the public realm on Boult's Lane, and when coupled with the two evacuated tube solar panels already existing on the south roof slope, the proposal would result in these two roof slopes being almost entirely covered in panels, particularly the eastern slope.
- 10.13. It is noted that the installation of solar panels on the primary façade of buildings in conservation areas is generally discouraged due to their unfamiliar appearance in the context of the historic character of the area. It is considered that due to the number, size and siting of the panels on these 2no. roof slopes, that the proposed panels would clutter the roof scape of the building when viewed from the public realm, and would be detrimental to the appearance of the property and the surrounding Conservation Area.
- 10.14. Due to the number of panels proposed coupled with their size and siting, it is considered that the panels would result in the principal façade of the property being prominent, and overall the property would be considered to have a dominant appearance when compared to the other bungalows in the Close, which have unblemished roof slopes. Furthermore, due to the reflective nature of solar panels, when this is considered together with the number and array of panels proposed, this would result in the roof slopes of the property being even

more prominent, as the panels would result in a highly reflective addition, covering a large area of the roof and would be particularly dominant and unduly eye catching as a result.

- 10.15. Due to these reasons outlined above, it is therefore considered that the proposal would not be of a high quality design nor would the proposed panels relate well to the existing dwelling and its surroundings, and in turn would not respect the historic environment.
- 10.16. Although the applicant notes that the panels located on the east facing roof slope would barely be seen from the road because the road and roof are located at right angles to each other, Officers consider that these panels would be visible from Boults Lane. These panels would be located on the pitched roof slope of the gable end of the property fronting the entrance to Boults Close. This gable is a very prominent and visible part of the property and therefore it is considered that the panels on this roof slope would be clearly viewed from Boults Lane. The applicant also notes that the two panels proposed to the south facing roof slope would look rather like roof lights, and if roof lights were proposed not PV panels, they would not need planning permission. It is considered however that the proposed panels would not resemble roof lights and do have a materially difference appearance, as the panels would be more reflective and prominent when compared to rooflights, as noted previously in this report.
- 10.17. To the north of the site from the allotments, there would be views of the 2no. panels on the east and west facing slopes and the 6no. panels on the flat roof rear extension. The flat roof element of the property extends up to the boundary of the site with the allotments and the rear roof slopes of the property are clearly visible from the allotments. Due to the properties of Boults Close being bungalows, this means their roof slopes dominate the views looking southwards from the allotments. The Old Marston Spatial Analysis Map shows significant view lines within the Conservation Area. One of these significant views is from the allotments looking south towards Boults Close, in which the rear of the application site would be visible within this view.
- 10.18. Although the panels proposed to the rear would be viewed from the allotments, the two panels on the east and west facing slopes, due to their location and their number, not forming an array of panels, are not considered to be detrimental to the appearance of the property nor the surrounding area. The panels proposed to the rear of the property on the flat roof, although they would be visible from the allotments, due to their shallow height and location on a flat roof extension, not on the main roof slopes of the host dwelling, would be considered not to be detrimental to the appearance of the property nor the character of the Conservation Area.
- 10.19. Officers also have regard to the fact that the property is currently in use as a C3 dwellinghouse and solar panels can be installed to a domestic premises in a Conservation Area, providing it is not fronting a highway using permitted development rights. This is subject to the panels meeting the relevant requirements and conditions of Class A, Part 14, of Schedule 2 of the town and



Country Planning (General Permitted Development) (Order) England 2015 as amended. As the panels proposed to the rear of the site would not front a highway, Officers have given consideration to this when assessing these panels.

10.20. In the negative features, vulnerabilities and opportunities for enhancement section of The Old Marston Conservation Area Appraisal, it states that many photovoltaic and photo-thermal cells are now visible within the Conservation Area. It emphasises that at present the design of many of these units would be considered to detract from the appearance of historic buildings, where they conceal and replace traditional roof details that make an important contribution to the character and appearance of both the building and area. Although the application site is not considered to be of high architectural importance, due to the nature of being a bungalow and its roof dominating in views of the property, coupled with the majority of the bungalows in the Close having unblemished roof slopes, the concealment of the original roof and the introduction of a large amount of panels, including an array of panels, would be considered to create a harmful precedent within the Close.

10.21. It is noted in Historic England's advice regarding energy efficiency and historic buildings that it states given the rapidity within which renewable energy technologies are evolving, renewable energy projects and their associated infrastructure should aim to be reversible where possible. This is echoed in the conditions of Class A, Part 14 of the Town and Country Planning (General Permitted Development) Order. Condition A. 2 (c) states that development is permitted subject to the following;

*solar PV or solar thermal equipment is removed as soon as reasonably practicable when no longer needed.*

It is proposed to use in-roof solar panels to the pitched roof slopes of the host dwelling, and therefore this would entail the original roof tiles being removed and replaced with PV panels which are integrated into the roof. Although the application is not an historic building, and although the in-roof panels would create a lower profile, the original tiles would be removed and this would create difficulties in respect of the proposal being reversible.

10.22. Of material relevance to this application are recent planning applications at 45 Richmond Road, located within the Jericho Area of Oxford City, under application references 19/02641/FUL, 20/01938/FUL, and 20/02938/FUL. Planning permission was sought retrospectively for the installation of 15no. PV Solar Panels to the front and rear roof slopes. All of these applications were refused by the Local Planning Authority due to their impact upon the designated heritage asset of the Jericho Conservation Area. Application references 19/02641/FUL and 20/01938/FUL were appealed and dismissed by the planning inspectors. Officers afford great weight to these appeal decisions which are a material planning consideration, in which the planning inspectors' comments from the appeal decision of 19/02641/FUL are set out below. The full appeal statement can be found in Appendix 2.

*“Paragraph 196 of the Framework confirms that where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimal viable use.*

*Given the size and scale of the development within the context of the CA as a whole, I consider it causes less than substantial harm to the character and appearance of the CA. Nevertheless, any harm to the significance of a designated heritage asset should require clear and convincing justification and in accordance with paragraph 196 of the Framework, any harm should be weighed against the public benefits.*

*I acknowledge the need to increase the use of renewable energy and to improve the energy efficiency of buildings. However, due to the scale of the development, the public benefits...are limited, and do not outweigh, the great weight that is required to be given, to harm caused to the significance of the designated heritage asset.*

*Overall, the development fails to preserve or enhance the character or appearance of the CA. Therefore, it is contrary to Policies DH1 and DH3 of the Oxford Local Plan 2016 – 2036 (2020) and paragraphs 192 and 196 of the Framework. These policies, amongst other things, require development to respect and draw inspiration from Oxford’s unique historic environment and respond positively to the significance, character and distinctiveness of the locality.”*

- 10.23. Under application reference 20/02938/FUL, permission was sought for the temporary installation of panels for a 5 year period at the same property, 45 Richmond Road and was refused by the Council. An enforcement notice which was served by the Council to remove the panels was appealed and dismissed by the planning inspector. Officers afford great weight to this appeal decision which is a material planning consideration. The inspector in this appeal also noted that although permission was sought for a temporary time period, *“a temporary permission would perpetuate an unacceptable form of development in this location”*. The full appeal statement can be found in Appendix 3.
- 10.24. Having assessed the proposed panels both to the front and rear roof slopes of the property, Officers conclude that the panels proposed to the southern and eastern slopes facing Boults Lane would be harmful additions, detrimental not only to the appearance of 3 Boults Close, but also to the wider surrounding area. The proposal would be considered to cause less than substantial harm to the designated heritage asset, the Old Marston Conservation Area.
- 10.25. Due to the development proposal having been assessed as resulting in less than substantial harm to the significance of the Old Marston Conservation Area, in accordance with the NPPF, this harm has been weighed against the public benefits of the proposal, including, where appropriate securing its optimum viable use. Whilst the proposal would help the applicant in achieving a lower carbon footprint, no evidence has been provided to the Local Planning Authority to show that solar panels are the only method by which a lower carbon footprint

could be achieved by applicant. It is acknowledged that there is a need to increase the use of renewable energy which is supported by local plan policy and by the Oxford Citizens Assembly on Climate Change Report, and as such the public benefits associated with this proposal are recognised and are given some weight. However, due to the scale of the proposed development, the public benefits associated with climate change are limited, and do not amount to public benefits which would outweigh the great weight that is required to be given to the harm that would be caused to the significance of the designated heritage asset.

10.26. It is noted that in the justification statement provided with this application that the applicant notes climate change is the most important environmental challenge faced and any contribution to the easing of this crisis should be prioritised. It is also acknowledged that the proposed panels form part of a wider plan by the applicant in relation to achieving a carbon footprint reduction for the application site. The applicant wishes to install the proposed panels and store the electric charge from these panels in a battery in the garage to run the property. The applicant also wishes to install a charging port to charge an electric car which is proposed to be purchased, and to replace an existing gas fire with an electric fire.

10.27. Whilst environmental improvement both to buildings is acknowledged and supported, this must be carefully assessed and weighed against the statutory duty to protect and enhance the significance of designated heritage assets which the Local Planning Authority has. Furthermore, it is considered that many of these plans the applicant has to make a reduction in carbon can be undertaken without the installation of PV panels to the roof. Justification as to why other methods of generating power at the site other than PV panels have also not been provided to the Local Planning Authority to consider. As concluded above, it is considered that the public benefits identified in this scheme would not offset the harm that would be caused to the Conservation Area. Furthermore, although the applicant notes this proposal would achieve a significant carbon footprint reduction for 3 Boults Close, no data/numerical evidence has been provided with this application in the form of an energy statement to show exactly how much carbon reduction would result from the proposal.

10.28. The comments of justification for the proposal submitted by the applicant also note that no objections were received in response to the application by the local community nor statutory consultees including the Parish Council in the previously refused application. Whilst no objections have been received in response to the public consultation on the previous application and indeed this application, as stated above, the Local Planning Authority have a statutory duty to protect and enhance the significance of the Conservation Area and proposals have to be considered against both national and local policy and legislation.

10.29. In summary, the proposed development would not comply with Policies DH1 and DH3 of the Oxford Local Plan 2036. The proposed development is considered to cause less than substantial harm to the setting of the Old Marston Conservation Area, and this harm would not be outweighed by any public

benefits. 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 fail to preserve the character and appearance of the Conservation Area, and so the proposal does not accord with Section 72 of the Act.

### **c. Impact on neighbouring amenity**

10.30. Policy H14 of the Oxford Local Plan 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 also states that planning permission will not be granted for any development that has an overbearing effect on existing homes. Appendix 3.7 of the Oxford Local Plan sets out guidelines for assessing the loss of sunlight and daylight using the 45/25 degree code.

10.31. Policy RE7 of the Oxford Local Plan 2036 states that planning permission will only be granted for development that ensures that standards of amenity are protected. This includes the amenity of communities, occupiers and neighbours is protected in addition to not having unacceptable unaddressed transport impacts and provides mitigation measures where necessary.

10.32. The application site is located between Nos. 2 and 4 Boults Close. The proposed panels would comply with the 45 degree angle test when applied to the openings of both neighbouring properties, and therefore are considered not to have any detrimental impacts upon the daylight afforded to the neighbouring properties. The proposed panels would not result in a significant enlargement to the dwelling and therefore would be considered not to have any overbearing impacts upon neighbouring properties or affect outlook. No changes to the existing openings at the property are proposed and therefore there would not be any impacts upon neighbouring privacy.

10.33. Had the overriding reason for refusal not applied, the proposal would be considered to comply with Policies H14 and RE7 of the Oxford Local Plan.

### **d. Sustainability**

10.34. Policy RE1 states that planning permission will only be granted where it can be demonstrated that the following sustainable design and construction principles have been incorporated, where relevant:

- a) Maximising energy efficiency and the use of low carbon energy;
- b) Conserving water and maximising water efficiency;
- c) Using recycled and recyclable materials and sourcing them responsibly;
- d) Minimising waste and maximising recycling during construction and operation;
- e) Minimising flood risk including flood resilient construction;
- f) Being flexible and adaptable to future occupier needs; and
- g) Incorporating measures to enhance biodiversity value.

- 10.35. The development proposal complies with the sustainable design and construction principles outlined in Policy RE1. Specifically, in this case, the development proposal maximises energy efficiency and the use of low carbon energy.
- 10.36. Both national and local policy favours the inclusion of improvements to building fabric. Policy RE1 of the Oxford Local Plan 2036 and paragraphs 153 and 154 of the NPPF have a presumption in favour of improving the sustainability credentials of existing buildings and maximising the use and generation of low carbon energy. However, this presumption in favour of sustainable construction and design must be weighed against other considerations, including the design and impact upon designated heritage assets.
- 10.37. Historic England's advice in their Good Practice Advice Note 'Managing Significance in Decision-Taking in the Historic Environment' regarding improvements to buildings in conservation areas suggests that applicants should investigate whether there are other, less obtrusive, ways to achieve the same environmental benefits through less harmful means. This principle should be applied in this case in relation to the proposed panels. There is no evidence that has taken place either through seeking pre-application advice prior to the submission of this planning application, nor the submission of the previously refused application. The application submitted has also not provided any evidence to identify what or if any other forms of less obtrusive methods have been considered. It is acknowledged that wider changes to the property are proposed, including the installation of an EV charging point and the replacement of a gas fire with an electric fire. However in regards to reducing the carbon footprint of the property which appears to be main driver of this proposal, no justification has been provided to show that the panels proposed are the only solution. For example, the Council Consider that reducing the carbon footprint of the property could be implemented by alternative measures such as improvements to the thermal efficiency of the building's fabric or other renewable energies such as ground source heat pumps.
- 10.38. Had the overriding reason for refusal not applied, the proposal would be considered acceptable in terms of sustainability, and would comply with Policy RE1.

**e. Other matters**

- 10.39. There is increasing public awareness about the issue of climate change, which is demonstrated by the Council's decision to declare a climate emergency. The Council's policies and requirements relating to reducing carbon emissions in the city and responding to climate change are an important part of that dialogue. It is considered that a reduction in carbon emissions and the improvement of the energy efficiency of buildings can be facilitated by a number of available measures, and not just through the installation of PV panels. However, on planning matters the Council is required to consider national legislation and planning policy and weigh all these considerations together when determining a

planning application. In this case, whilst the Council has considered the need to reduce carbon emissions from energy generation, the Council must also base its decisions around the requirements of national and local policy, specifically the NPPF and the Oxford Local Plan 2036. It is considered for the reasons set out within the report, that a carbon footprint reduction does not outweigh the specific national and local planning policy requirements in this case to carefully assess the harm caused to a designated heritage asset, and the Council's statutory responsibility when determining planning applications that affect buildings in conservation areas to preserve or enhance that Conservation Area.

## **11. CONCLUSION**

- 11.1. 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.
- 11.2. 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 accords 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.
- 11.3. The application seeks planning permission for 18no. PV panels on the roof of the residential dwellinghouse at 3 Boults Close. While the proposal does not give rise an unacceptable loss of neighbouring amenity, as per Policies H14 and RE7, and supports the principles of sustainable design and construction, as set out in Policy RE1, the proposal is unacceptable in terms of its design and its harm upon the Old Marston Conservation Area, a designated heritage asset. The proposal therefore fails to accord with Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 which is a statutory duty and higher test when assessing development proposals which impact on conservation areas. The harm the proposal gives rise to through its poor design also is not justified or offset by any identified public benefit and is therefore contrary to paragraphs 193 and 196 of the NPPF and Policies DH1 and DH3 of the Oxford Local Plan 2036.
- 11.4. It is therefore recommended that the Committee resolve to refuse planning permission for the reason given in paragraph 1.1.2 of this report with delegated authority being given to the Head of Planning services to finalise the wording of those reasons.

## **12. APPENDICES**

- **Appendix 1** – Site location plan
- **Appendix 2** – Appeal Decision – application reference 19/02641/FUL
- **Appendix 3** – Appeal Decision – enforcement reference 19/00404/ENF

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

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

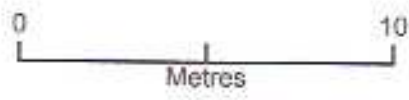
## **14. SECTION 17 OF THE CRIME AND DISORDER ACT 1998**

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

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# 3 Boults Close



Plan Produced for: Ruth English  
Date Produced: 07 Jan 2021  
Plan Reference Number: TQRCM21007102244153  
Scale: 1:200 @ A4

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## Appeal Decision

Site visit made on 24 June 2020

**by D Peppitt BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 9<sup>th</sup> July 2020

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**Appeal Ref: APP/G3110/D/20/3247562**

**45 Richmond Road, Oxford OX1 2JJ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Lady Wendy Ball against the decision of Oxford City Council.
  - The application Ref 19/02641/FUL, dated 26 September 2019, was refused by notice dated 9 December 2019.
  - The development is described as “retrospective planning application for installation of a 15 panel/5.85kw solar pv system split over front/south and rear/north roof pitches.”
- 

### Decision

1. The appeal is dismissed.

### Procedural Matters

2. During the course of the appeal the Council adopted the Oxford Local Plan 2016 – 2036 on 8th June 2020 and therefore, the policies set out within the delegated report have now been superseded. The Council and the appellant had the opportunity to comment on the new adopted policies.
3. The solar panels have been erected, therefore I am considering this appeal retrospectively.

### Main Issue

4. The main issue is whether the development preserves or enhances the character or appearance of the Jericho Conservation Area.

### Reasons

5. The appeal site is located off Richmond Road and the property is set back from the existing terraces on the road, with the building located adjacent and perpendicular to Walton Lane, a narrow cobbled lane that goes past the property. The property is a 2 storey Victorian dwelling finished in red brick with a grey tiled roof. The Jericho Conservation Area Designation Study (2010) advises that it is a converted stable block. The positioning and design of the property is unique in the immediate area, as it does not front directly on to the road, and it sits in between the rear gardens of the nearby properties.
6. The appeal property sits within the Jericho Conservation Area (CA) and is subject to an Article 4 Direction, and I am conscious of my statutory duty arising from section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The development is for the retention of the erected solar

Panels spread across the front and rear roofslopes. As the development had already taken place, I was able to assess the effect on the CA.

7. The positioning of the property along Walton Lane means that it is a prominent development and it contributes positively to the distinctive character of the area. Due to the set back of the property, the house and its south facing roof, are readily visible from the public realm and highway, particularly from Richmond Road. Although the solar panels on the north facing roof are not all readily visible, they are still recognisable from views along Walton Lane. Whilst not all of the solar panels are visible from the public realm, the positioning and height of the surrounding properties, means the roof of the appeal property is visible from private views at the rear of the nearby properties. Therefore, the effect of the development is not just on views from the public realm.
8. Although the solar panels are relatively uniform in appearance, they appear as an incongruous and unexpected addition to the building due to their size, siting, design and projection. From the public realm the solar panels draw the eye and appear as an unsympathetic addition to the property, which detracts from the character and appearance of the historic roof and the local area.
9. The appellant has provided a photograph of another property with solar panels on it. Nevertheless, I did not observe any other properties with solar panels within the immediate area surrounding the appeal property, and I do not have the full details of what led to its approval. In any case, each development must be considered on its own merits and within its own context. I note that the appellant has suggested that the solar panels not visible from the public realm could be allowed, however, the roof is still visible from the surrounding properties and the harm to the CA would still exist.
10. Paragraph 192 of the National Planning Policy Framework (the Framework) requires local planning authorities to take account of the desirability of sustaining and enhancing the significance of heritage assets, and the desirability of development making a positive contribution to local character and distinctiveness.
11. Paragraph 196 of the Framework confirms that where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimal viable use.
12. Given the size and scale of the development within the context of the CA as a whole, I consider it causes less than substantial harm to the character and appearance of the CA. Nevertheless, any harm to the significance of a designated heritage asset should require clear and convincing justification and in accordance with paragraph 196 of the Framework, any harm should be weighed against the public benefits.
13. The development is associated with a private dwelling, therefore, saving money on energy is not a public benefit. I acknowledge the need to increase the use of renewable energy and to improve the energy efficiency of buildings. However, due to the scale of the development, the public benefits in terms of selling energy back to the national grid, reducing air pollution and the effects of global warming are limited, and do not outweigh, the great weight that is required to be given, to harm caused to the significance of the designated heritage asset.

14. Overall, the development fails to preserve or enhance the character or appearance of the CA. Therefore, it is contrary to Policies DH1 and DH3 of the Oxford Local Plan 2016 – 2036 (2020) and paragraphs 192 and 196 of the Framework. These policies, amongst other things, require development to respect and draw inspiration from Oxford’s unique historic environment and respond positively to the significance, character and distinctiveness of the locality.
15. The Council has also made reference to Policies RE2 and RE7. However, these policies are not relevant, as Policy RE2 relates to density and making efficient use of land and Policy RE7 relates to standards of amenity, which the Council has found acceptable in its Delegated Report.

### **Other Matters**

16. I acknowledge that the development has no harmful effect on the living conditions of the occupants of the neighbouring properties. However, this does not outweigh the harm that I have identified above.
17. The appellant has suggested that the rights of the occupants of the building to make a personal contribution in paying for solar panels, to reduce reliance on carbon fuels are being breached by not supporting this scheme, and that it is the legal right to quiet enjoyment of their property. I recognise that the failure of this appeal would represent an interference with their rights under Article 8 and Article 1 of the First Protocol of the European Convention on Human Rights, as incorporated by the Human Rights Act 1998. However, having regard to the legitimate and well-established planning policy aims to protect the historic environment, specifically the CA, in this case, I consider that greater weight attaches to the public interest. Dismissal of the appeal is therefore necessary, and proportionate, and it would not result in a violation of the human rights of the appellant.

### **Conclusion**

18. For the reasons set out above, the appeal is dismissed.

*D Peppitt*

INSPECTOR

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## Appeal Decision

Site visit made on 1 June 2021

**by S A Hanson BA (Hons) BTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 1 July 2021**

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**Appeal Ref: APP/G3110/C/21/3268699**

**45 Richmond Road, Oxford OX1 2JJ**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
  - The appeal is made by Sir Christopher and Lady Ball against an enforcement notice issued by Oxford City Council.
  - The enforcement notice, numbered 19/00404/ENF, was issued on 28 January 2021.
  - The breach of planning control as alleged in the notice is: Without planning permission the erection of solar panels to the roof of the dwellinghouse on the Land which is situated within the Jericho Conservation Area.
  - The requirements of the notice are: (i) Remove the solar panels and all associated fixings from the dwellinghouse and the Land and make good those area of the roof where the solar panels had been installed.
  - The period for compliance with the requirements is 4 (four) months.
  - The appeal is proceeding on the grounds set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended (the 1990 Act).
- 

### Decision

1. The appeal is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

### The appeal on ground (a) and the deemed planning application

#### Main Issue

2. This is whether the development preserves or enhances the character or appearance of the Jericho Conservation Area (CA).

#### Reasons

3. The appeal property is a two-storey Victorian red-brick dwelling, set back from the line of terraced and semi-detached properties which front Richmond Road. It is side on to Walton Lane, a narrow cobbled street which links Richmond Road to Walton Crescent. Views of the property frontage are gained from Richmond Road at the entrance to and from along Walton Lane. Due to the set back of the property, the house and its south facing roof, are readily visible from the public realm. Although the solar panels on the north facing roof are not all readily visible, they are still recognisable from views along Walton Lane.
4. The appeal property, a former stable block, is within the Jericho Conservation Area (CA) and is subject to an Article 4 Direction<sup>1</sup> which identifies its

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<sup>1</sup> Made on the 31st of March 2011

- importance and removes permitted development rights for, amongst other things, the installation, alteration or replacement of solar PV or solar thermal equipment on a roof of a dwellinghouse; or a building situated in the curtilage of a dwellinghouse visible from a highway or waterway. The reason for the introduction of the Article 4 Direction was to protect historic features and architectural detailing of buildings in the area.
5. The Jericho Conservation Area Designation Study (2010) (the Study) covers an industrial suburb of the city and reflects a period of late Georgian and Victorian expansion. Streetscapes are typified by a uniformity of building line, roofscape, fenestration and materials, all of which give a consistency of character. There is a common aesthetic of building characteristics within each character area. These include building lines, plot sizes, scale, position, roofscape, brickwork and other materials and all contribute to the significance of the CA.
  6. The Study describes the Walton & Smiths Close, in which the appeal property is situated, as an area where front elevations remain largely unaltered including the roofscape and boundary walls, as an important feature of the area. It also notes that some satellite dishes and TV aerials are fitted to the front elevations of a limited number of houses, which detract from the simplicity and composition of the elevations. It says of Richmond Road, the street offers an impressive roofscape that has relatively few alterations, picking up on the addition of rooflights to the front elevations and the addition of a front dormer as not reflecting the character of the street.
  7. The appellants highlight that the Study was published in 2010 and has not been re-evaluated since. Consequently, it is claimed that it does not have regard for the Government aims of becoming carbon neutral by 2050 or the local aims of the Council to become carbon neutral by 2030. Furthermore, they argue that the character of the area is likely to have changed significantly and the CA appraisal should reflect that as well as encourage proposals which seek to adapt buildings to ensure their long term future. Because of this, it is stated that little weight should be given to its assessment of the area.
  8. I observed during my site visit that the surrounding area has maintained many of its characteristics referred to within the Study. I note also that the Heritage Impact Statement<sup>2</sup>, submitted by the appellants, does not identify areas where the significance of the CA has markedly changed in the subsequent period. Furthermore, it concludes that the aesthetic value of the CA is of high significance due to its vastly unchanged architecture<sup>3</sup>.
  9. The development comprises 15 rectangular solar panels on the roof of the building. The arrangement covers a sizeable section of the northern roofslope, whereas the panels on the southern roofslope cover most of the roof plane. The panels are a modern addition to the roof with a visually different finish to the roof tiles. Although their dark colour allows for a degree of blending-in with the roof, the expanse of the panels, which are more noticeable because of their raised profile, are at odds with the traditional materials and design of the surrounding buildings. From the public realm and undoubtedly private views too, the solar panels draw the eye and appear as an unsympathetic addition to the property. This visually detracts from the character and appearance of the

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<sup>2</sup> Prepared by Heal Planning

<sup>3</sup> Page 7, Heritage Impact Statement



- prevailing appearance of the roofscapes within the CA and is harmful to the significance of the CA, which is a designated heritage asset.
10. However, as the development is relatively small-scale, with reference to paragraph 196 of the National Planning Policy Framework (the Framework), I consider the extent of harm to the CA to be less than substantial; this harm should therefore be weighed against the public benefits of the development.
  11. The appellants suggest there are public benefits in terms of: i) the economy - where supply is met by an individual reducing demand on publicly supplied services, the prices go down; ii) social - money saved on electricity by the home owner can be used to maintain their property for the public good and spent on other items, thereby generating tax revenues to pay for public services etc; and iii) environmental - helping to reduce carbon emissions, thereby protecting the planet. Furthermore, the appellants advise that the use of solar energy would have a positive impact in terms of localised energy production and a reduction in energy consumption from the electricity grid thereby helping prevent blackouts.
  12. The value of small-scale projects to cutting greenhouse gas emissions is recognised in paragraph 154 of the Framework. The greater use of renewable energy, additional support to the national grid and the potential for a typical house to save between 1.3 to 1.6 tonnes of carbon per year are undoubtedly important public benefits. I am also mindful that the Council has ambitious plans and targets and seeks to support the increase in the use of renewable energy and improve the energy efficiency of historic buildings.
  13. However, given the limited nature of the development and bearing in mind the advice in the Framework that great weight should be given to the conservation of heritage assets, I consider the public benefits to be modest, to which I attach only moderate weight. Paragraph 193 of the Framework stipulates that great weight should be given to the conservation of designated heritage assets. This is underlined by the emphasis given in the wording of the statutory duty. Therefore, the moderate weight given to the public benefits in this case does not outweigh the great weight attributed to the harm caused to the significance of the CA.
  14. I note the appellants suggest that the solar panels have a limited operational life and allowing them to remain in situ for a further 5 years would reflect this. However, a temporary permission would perpetuate an unacceptable form of development in this location. Furthermore, the reason for issuing the enforcement notice was to remedy the breach of planning control and the requirements of the notice stipulate their removal. These requirements are in accordance with a173(4)(a) of the 1990 Act. Any lesser action would fail to achieve the objectives of the notice to address the breach of planning control.
  15. Accordingly, I find that the proposal fails to preserve or enhance the character or appearance of the CA. In this respect I find it to be contrary to policies DH1 and DH3 of the Oxford Local Plan 2036, June 2020. These policies, amongst other matters, only permit development of high quality design that creates or enhances local distinctiveness and require development to respect and draw inspiration from Oxford's unique historic environment. The development also fails to comply with the conservation requirements of the Framework.

## Other matters

16. My attention is drawn to 56 Nelson Street, which is within the CA, where solar panels have been permitted by the Council. I note that No 56 is within a different character area based on historic development and built form. Nevertheless, no additional information is provided with regards to the circumstances of that particular case and how the Council reached its decision. Consequently, I find that it attracts limited weight. In any case, the development before me should be considered on its own merits.
17. An appeal decision<sup>4</sup> for a property in the Barnsbury Conservation Area in Islington, London has also been cited as an example where the installation of solar panels was allowed. Although I am only provided with the decision itself, the development concerned a different conservation area and city and so the context would have been different to the case before me. Furthermore, although solar panels formed part of the development, this element was not a matter of dispute between the parties. Therefore, it did not feature significantly in the decision. Consequently, the appeal decision is of little weight.
18. The property is the subject of two previous appeal decisions<sup>5</sup> for the development which is the subject of the alleged breach of planning control. Having read the submissions from both the appellants and the Council and those from interested parties, some of whom support the development in terms of its design and environmental approach, and having visited the site and the surrounding area I find that my approach is consistent with the findings of the Inspectors who dismissed the previous appeals for the development. The recent nature and comparable circumstances make these decisions highly relevant and therefore, they carry considerable weight.
19. The appellants contend that their Human Rights will only be preserved by the appeal being allowed. Whilst the failure of the appeal restricts the appellants' ability to develop their home as they choose, the protection of designated heritage assets is a legitimate public interest. Therefore, the determination is proportionate and necessary in the circumstances and hence would not result in a violation of their rights under the European Convention on Human Rights, as incorporated into the Human Rights Act 1998.

## Conclusion

20. For the reasons given above, I therefore conclude that allowing the solar panels to remain in situ either on a permanent or temporary basis would not be acceptable. The development would be contrary to the development plan and there are no other material considerations, including the provisions of the Framework, which outweigh this finding. The appeal on ground (a) should not succeed and the deemed planning application under s177(1) of the 1990 Act should be refused.

*S A Hanson*

INSPECTOR

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<sup>4</sup> Ref APP/V5570/D/18/3210559, Appendix C, Appellants' Appeal Statement

<sup>5</sup> Ref APP/G3110/D/20/3247562 and APP/G3100/D/20/3262175

## Minutes of a meeting of the Planning - Oxford City Planning Committee on Tuesday 15 June 2021

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### Committee members present:

Councillor Cook (Chair)

Councillor Chapman (Vice-Chair)

Councillor Abrishami

Councillor Diggins

Councillor Fouweather

Councillor Hollingsworth

Councillor Hunt

Councillor Pegg

Councillor Rehman

Councillor Smowton (for Councillor Altaf-Khan)

Councillor Upton

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

Adrian Arnold, Head of Planning Services

Felicity Byrne, Principal Planner

Sarah Chesshyre, Senior Planner

Sally Fleming, Planning Lawyer

Robert Fowler, Planning Team Leader

### Apologies:

Councillor Altaf-Khan sent apologies.

## 9. Declarations of interest

### General

**Councillor Cook** stated that as a Council appointed trustee for the Oxford Preservation Trust and as a member 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 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 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.

Cllr Snowton stated that he was a member of the campaigning group Oxford YIMBY, but was not aware that the group had taken any stances on these applications and he was approaching the applications with an open mind.

#### **21/00317/FUL**

**Councillor Diggins** stated that her place of work was close to the site but she did not consider it to be close enough to be impacted by the application, she had not made her mind up on the matter and approached it with an open mind.

**Councillor Hollingsworth** stated that he rented an office in a building on Transport Way mentioned in the report but he did not consider it to be close enough to be impacted by the application, he had not made his mind up on the matter and approached it with an open mind.

#### **21/01092/FUL**

**Councillor Hollingsworth** stated that he had given general advice to the applicants on the process, and had called the application in to committee but he had expressed no view on the application and had not made his mind up on the matter and approached it with an open mind.

### **10. 21/00317/FUL: WIC House, Transport Way, Oxford, OX4 6LT**

The Committee considered an application (21/00317/FUL) for planning permission for the demolition of existing buildings; erection of a replacement building (part 2 and part 3 storey) to accommodate office and laboratory space including landscaping, stores and car and bicycle parking at WIC House, Transport Way, Oxford, OX4 6LT.

The Planning Officer presented the report.

She reported that discussions were ongoing with the Highways Authority over whether a S278 agreement to secure funding for Watlington Road bus stops was required.

She recommended an amendment to the recommendation to include that any approval of the application would also be subject to the prior completion of an agreement under section 278 of the Highways Act 1980 if deemed necessary by the Highways Authority.

Richard Crossman, representing the applicant, spoke in support of the application.

Members of the Committee asked questions of the officers about the details of the application,

In reaching its decision, the Committee considered all the information put before it. After debate and on being proposed, seconded and put to the vote, the Committee agreed with the officer's recommendation as amended orally at the meeting and detailed above.

**The Oxford City Planning Committee resolved to:**

1. **approve application 21/00317/FUL** for the reasons given in the report subject to
  - the required planning conditions set out in section 12 of the report;
  - the informatives set out in section 13 of this report; and
  - subject to the completion of an agreement under section 278 of the Highways Act 1980 in respect of the highway works referred to in the report if deemed necessary by the Highways Authority;

and **grant planning permission** subject also to:

- the prior completion of an agreement or unilateral undertaking made pursuant to S106 of the Town and Country Planning Act 1990 and other enabling powers to secure the planning obligations which are referred to in the report and
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;
    - finalise the recommended agreement or unilateral undertaking 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
    - issue the planning permission following the completion of the section 106 agreement or Unilateral Undertaking referred to above and if deemed necessary, the completion of a section 278 agreement.

**11. 16/03006/FUL: Templars Square, Between Towns Road, Oxford**

The Committee considered an application (16/03006/FUL) for planning permission for a mixed use phased development comprising residential (Use Class C3), hotel (Use Class C1), retail (Use Class A1/A3/A4) with associated car parking, demolition of car park, high level walkway and public house, public realm improvements, landscaping, highways and refurbishment of car parks and enhancement to shopping centre entrances (amended information) (amended plans) at Templars Square, Between Towns Road, Oxford.

The Planning Officer presented the report.

She outlined the reasons for the delay in issuing the decision notice granting planning permission. She referred to the recent implementation of the controlled parking zone giving rise to a new material planning consideration, specifically relating to the approved car parking in Site A, triggering the need for Committee to re-confirm the decision to approve the development

She reported receipt of comments from Natural England plus 22 further comments after the agenda publication, and summarised these.

She proposed an additional condition: *Prior to use, machinery, plant or equipment and any extract/ ventilation system and ducting at the development shall be mounted with*

*proprietary anti-vibration isolators and fan motors shall be vibration isolated from the casing and adequately silenced and maintained as such. (Reason: To safeguard the amenities of existing and future occupiers of properties from vibration in accordance with policies DH1, RE7 and RE8 of the Oxford Local Plan 2036)*

Jamie Whitfield, representing the applicant, spoke in support of the application and outlined the constraints and benefits of the scheme.

Cllr Andrew Gant, in his capacity as trustee of Ark T, requested assurance that conditions included in the 2017 East Area Planning Committee decision, securing suitable parking arrangements (for example parking permits) for ArkT and the John Bunyan Baptist Church would be included in this decision, and asked that the construction management plan should take account of activities taking place which would be adversely impacted by noise and disturbance and that the two organisations were involved in the detail of the management plan.

The Planning Officer confirmed that Condition 48 Car Parks Management Regime (agreed previously) secured suitable parking arrangements and Condition 7 covered the construction management plan.

Members of the Committee asked questions of the officers about the details of the application, and expressed disappointment with the delays in issuing permission. In reaching its decision, the Committee considered all the information put before it.

After debate and on being proposed, seconded and put to the vote, the Committee agreed with the officer's recommendation, including the additional condition above, and noting this is subject to concluding the necessary S278 agreement between the applicant and the County Council as Highways Authority.

### **The Oxford City Planning Committee resolved to:**

1. **re-confirm the resolution to grant planning permission for application 16/03006/FUL** for the reasons given in the report and subject to the required planning conditions set out in section 12 of the report and a further condition controlling vibration from plant and mechanical ventilation and grant planning permission 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; and
  - the completion of an agreement under section 278 of the Highways Act 1980 in respect of the highway works referred to in the report; and
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 and
  - 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

- following completion of the section 106 legal agreement referred to above and the section 278 agreement, issue the planning permission.

## **12. 21/01092/FUL: 69 Great Clarendon Street, Oxford, OX2 6AU**

The Committee considered an application (21/01092/FUL) for planning permission for the formation of one rear dormer in association with a loft extension and insertion of one rooflight to rear elevation at 69 Great Clarendon Street, Oxford, OX2 6AU

The application had been “called in” due to concerns about the scale, size and type of development and its compatibility with the Jericho conservation area.

The Planning Officer presented the report and responded to materials circulated by the applicant to committee members and the planning office.

Clifford Sofield, the applicant, spoke in support of the application.

Members of the Committee asked questions of the officers about the details of the application and considered in detail the impact on the dormer window on the specific part of the conservation area in which the dormer was located. They considered the nature of the conservation area; the characteristics to be protected under that designation; and the character of buildings and roofscapes across the area.

The Planning Officer outlined the tests leading to the recommendation that this proposal would constitute a moderate level of less-than-substantial harm, with no public benefit, and would therefore represent unacceptable development that would harm the special character or appearance and thereby the significance of the heritage asset, the Jericho Conservation Area. This being a finely balanced argument, the Committee were recommended to consider and weigh carefully the proposal and its impact on the conservation area.

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

Notwithstanding the officer’s recommendation of refusal, a motion to approve the application, delegating the granting of planning permission with appropriate conditions to the Head of Planning Services, was proposed and seconded.

The reasons given for proposing approval were:

- comparing this application to the recently approved similar scheme in a different but not dissimilar street (Mount Street) in the conservation area it can be concluded that as with that application, this proposal does not *cause harm*, and with no harm and no public benefit, the NPPF comes out with a different conclusion: that the proposals would be acceptable in terms of their impact.
- it is accepted that in making planning decisions two different bodies may come to different conclusions on the merits of a planning application, and this decision is taken by a different body (committee) to the body which refused the previously submitted identical scheme (taken under delegated powers).
- appropriate conditions should be attached and the setting of these delegated to officers.

After being put to the vote, the Committee agreed the proposed motion.

**The Oxford City Planning Committee resolved to:**

- **approve application 21/01092/FUL**, and
- **delegate authority to** the Head of Planning Services to grant planning permission with appropriate conditions.

**13. Minutes**

The Committee resolved to approve the minutes of the meeting held on 26 May 2021 as a true and accurate record.

**14. Forthcoming applications**

The Committee noted the list of forthcoming applications.

**15. Dates of future meetings**

The Committee noted the dates and times of future meetings.

**The meeting started at 6.00 pm and ended at 8.00 pm**

**Chair .....**

**Date: Tuesday 13 July 2021**

*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.*