

# Agenda

## Planning - Oxford City Planning Committee

This meeting will be held on:

Date: **Tuesday 24 May 2022**

Time: **6.00 pm**

Place: **Long Room - Oxford Town Hall**

**For further information** please contact:

Emma Lund, Committee and Members' Services Officer

☎ 01865 252367

✉ [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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[mycouncil.oxford.gov.uk](http://mycouncil.oxford.gov.uk).*

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

## **Committee Membership**

Councillors: Membership 11: Quorum 5: substitutes are permitted.

Members will be appointed to the Committee at the Annual Council meeting on 18 May 2022.

*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*

# 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 Election of Chair for the Council Year 2022-23**

**3 Election of Vice-Chair for the Council Year 2022-23**

**4 Declarations of interest**

**5 21/02776/RES: Land At Barton, Northern By-pass Road, Oxford, OX3 9SD**

11 - 40

**Site Address:** Land at Barton, Northern By-pass Road, Oxford, Oxfordshire

**Proposal:** Details of Reserved matters (layout, scale, appearance and landscaping) for Phase 2 and 4 of Barton Park pursuant to Condition 3 of outline planning permission 13/01383/OUT. These works comprise of residential units (Use Class C3) and commercial units (Use Class E) with associated public realm and highway works including landscaping, cycle and car parking.

**Reason at Committee:** The proposal is a major development.

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**Recommendation:**

The Oxford City Planning Committee is recommended to:

1. **approve the application** for the reasons given in the report and subject to the required planning conditions set out in section 12 of this report and grant approval to the reserved matters; and
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
  - Finalise the landscaping proposals, plans and planting schedule prior to the issue of the decision notice, and
  - Authorise the Head of Planning Services to agree the change in the affordable housing mix set out in the S106 agreement associated with application 13/01383/OUT in writing, to be issued with the decision notice, and issue the decision notice.

**6 21/02581/FUL: 1 North Street, Oxford, OX2 0AY**

41 - 76

**Site Address:** 1 North Street, Oxford, Oxfordshire OX2 0AY

**Proposal:** Erection of a three storey building to create 6 x 2 bed flats (Use Class C3). Demolition of existing single storey extension to clubhouse. Erection of part single, part two storey rear extension to the existing clubhouse. Alterations to the fenestration throughout. Extension and alterations to the existing roof including the formation of 4no dormers, addition of external stair access and insertion of rooflights. Alterations to the extended clubhouse to create 2 x 2 bed flats and 1 x 1 bed flat (Use Class C3). Alterations to boundary treatments. Provision of private amenity space, car parking, bin and cycle stores.

**Reason at Committee:** This application was called in by Councillors Pressel, Corais, Fry, Tidball, Turner, Munkonge following their concerns about the proposed development in relation to the external appearance of the site and alleged

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deficiencies in the proposed environmental measures of the proposed development.

**Recommendation:**

The Oxford City Planning Committee is recommended to:

1. **approve the application** for the reasons given in the report and subject to the required planning conditions set out in section 12 of this report and grant planning permission.
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.

**7 22/00393/FUL: 39 South Parade, Oxford OX2 7JL**

77 - 102

**Site Address:** 39 South Parade, Oxford, Oxfordshire, OX2 7JL

**Proposal:** Partial demolition of the existing building. Erection of a three storey building to create 6 x 1 bed flats (Use Class C3). Alterations to the existing building to form 3 x 1 bed flats (Use Class C3) and alterations to fenestration on the west elevation. Provision of bin and bicycle stores. Alterations to landscaping and ancillary works.

**Reason at Committee:** Called-in by the Head of Planning Services following concerns from councillors with regard to the impact on neighbouring amenity, highways impacts, loss of garden space and general design issues.

**Recommendation:**

The Oxford City Planning Committee is recommended to:

1. **approve the application** for the reasons given in the report and subject to the required planning conditions set out in section 12 of this report and grant planning permission.
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

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deletions as the Head of Planning Services considers reasonably necessary.

## 8 Minutes

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**Recommendation:** to approve the minutes of the meeting held on 12 April 2022 as a true and accurate record.

## 9 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.

21/01176/FUL: Former Dominion Oils Site, Railway Lane, Oxford, OX4 4PY	Major
21/01261/FUL: St Hilda's College, Cowley Place, Oxford, OX4 1DY	Major
21/01405/FUL: 1 & 3 Jack Straw's Lane and 302 304 & 312 Marston Road, Oxford	Major
21/01695/FUL: Thornhill Park, London Road, Headington, Oxford, OX3 9RX	Major
21/02639/FUL: Land West Of 75 Town Furze, Oxford, OX3 7EW	Called-in
21/03114/CT3: Former Workshop at Lanham Way, Oxford, OX4 4PU	OCHL application
21/03622/VAR: Helena Kennedy Centre, Headington Hill, Headington, Oxford OX3 0BT	Major
21/03241/FUL: Julianstow Cottage, 10 Harberton Mead, Oxford, OX3 0DB	
21/03178/FUL: 3 Iffley Turn, Oxford OX4 4DU	Called-in
21/01176/FUL: Former Dominion Oils Site, Railway Lane, Oxford OX4 4PY	Major
22/00081/RES: Oxford North Northern Gateway, Land Adjacent A44, A40, A34 and Wolvercote Roundabout A40 Section from Cherwell District Council Boundary to Wolvercote Roundabout, Oxford OX2 8JR	Major

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22/00040/PIP: The Crown and Thistle, 132 Old Road, Headington, Oxford OX3 8SX	Called-in
22/00410/LBC: Green Templeton College, Woodstock Road, Oxford, OX2 6HG	Major
22/00409/FUL: Green Templeton College, Woodstock Road, Oxford OX2 6HG	Major
22/00129/FUL: 5 Oxford Castle, New Road, Oxford OX1 4AY	Called-in
22/00131/LBC: 5 Oxford Castle, New Road, Oxford OX1 1AY	Called-in
22/00130/ADV: 5 Oxford Castle, New Road, Oxford, OX1 1AY	Called-in
22/00675/RES: Part Of Oxford North Northern Gateway Land Adjacent A44 A40 A34 And Wolvercote Roundabout, A40 Section From Cherwell District Council Boundary To Wolvercote Roundabout, Oxford OX2 8JR	Reserved Matter
22/00289/FUL: 75 Langley Close, Oxford OX3 7DB	
22/00679/FUL: Headington Hill Campus, Oxford Brookes University, Headington Hill, Oxford OX3 0BT	Major
22/00042/FUL: 6 Doris Field Close, Oxford OX3 0DP	Called-in
21/03582/FUL: The Deaf and Hard of Hearing Centre, 10 Littlegate Street, Oxford OX1 1RL	Major

## 10 Dates of future meetings

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

2022	2022
21 June	18 October
19 July	15 November
16 August	13 December
20 September	24 January 2023

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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.**

## Oxford City Planning Committee – 24<sup>th</sup> May 2022

<b>Application number:</b>	21/02776/RES		
<b>Decision due by</b>	9th March 2022		
<b>Extension of time</b>	TBA		
<b>Proposal</b>	Details of Reserved matters (layout, scale, appearance and landscaping) for Phase 2 and 4 of Barton Park pursuant to Condition 3 of outline planning permission 13/01383/OUT. These works comprise of residential units (Use Class C3) and commercial units (Use Class E) with associated public realm and highway works including landscaping, cycle and car parking.		
<b>Site address</b>	Land At Barton, Northern By-pass Road, Oxford, Oxfordshire – see <b>Appendix 1</b> for site plan		
<b>Ward</b>	Barton And Sandhills Ward		
<b>Case officer</b>	Sarah Orchard		
<b>Agent:</b>	Mr Paul Comerford	<b>Applicant:</b>	Countryside Properties
<b>Reason at Committee</b>	Major Development		

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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 approval to the reserved matters; and

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
- Finalise the landscaping proposals, plans and planting schedule prior to the issue of the decision notice, and
- Authorise the Head of Planning Services to agree the change in the affordable housing mix set out in the S106 agreement associated with application 13/01383/OUT in writing, to be issued with the decision notice, and issue the decision notice.

## **2. EXECUTIVE SUMMARY**

- 2.1. This report considers a reserved matters application following the grant of outline planning permission for an urban extension to the east of Oxford on allocated land off the A40 bypass in October 2013. That application included a maximum of 885 dwellings amongst other uses and was the subject of a Design Code to deliver a high quality development. To date, Phases 1 and 3a have been approved and dwellings are either occupied or some of Phase 3a is currently being built out on site. Phase 1 was approved under an application for 237 residential units and Phase 3 was approved under application 19/00518/RES for 207 residential units. This leaves a remaining 441 residential units.
- 2.2. This proposal relates to Phases 2 and 4 of the phasing masterplan, with only Phase 3b left to be built out. The scheme would provide 434 dwellings in the centre of the site in a mix of 2 to 5 bedroom units in 2 and 3 storeys dwellings and apartment blocks of up to five storeys. The proposal also includes the commercial centre for the development within Phase 2.
- 2.3. The application would involve the redevelopment of a greenfield site that benefits from outline planning permission. The site has also been removed from the greenbelt. The residential development would make a significant contribution to meeting the overall housing need as set out in the Oxford Local Plan 2036.
- 2.4. The development would accord with the aims and objectives of the National Planning Policy Framework (NPPF) in that it has an objective to significantly boost the supply of homes (paragraph 60), and to promote an efficient use of land to meet the need for homes. It would constitute sustainable development, and, given conformity with the development plan as a whole, paragraph 11 advises that development should be approved without delay. Furthermore there are not any material considerations that would outweigh the compliance with these national and local policies.

## **3. LEGAL AGREEMENT**

- 3.1. The outline application is subject to a legal agreement to cover (amongst other matters) the delivery of affordable housing. This requires 40% of the development to be delivered as affordable housing with a specific mix of unit sizes. The legal agreement allows changes in the mix of affordable housing to be agreed by the Council in writing. This application seeks to vary the specific mix of affordable housing and this would be dealt with through an exchange of letters between the Developer and the Council in accordance with the provisions of the legal agreement.

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

- 4.1. A CIL payment is not required as outline planning permission was granted before the introduction of the CIL charging regime within the city.

## **5. SITE AND SURROUNDINGS**

- 5.1. The site is located within Barton Park to the north of the A40 and to the west of Barton village. Barton Park was an allocated greenfield site and was formerly agricultural land. The outline planning permission granted for up to 885 residential units a maximum of 2,500 sqm gross Class A1, A2, A3, A4 and A5 uses (with a maximum of 2,000 sqm gross foodstore Class A1); a maximum of 50 extra care housing units; a maximum of 7,350 sqm GEA hotel (Class C1); a maximum of 3,000 sqm GEA Class D1, D2 floorspace (community hub and primary school); in development blocks ranging from 2 to 5 storeys with associated cycle and car parking, landscaping, public realm works, interim works and associated highway works.
- 5.2. Phases 2 and 4 comprise an area of approximately 8.45 hectares which sit centrally within the site and are primarily located to the west and east of SSE land containing electricity pylons, south of Barton Fields Road. There is also a residential parcel which sits to the north of Barton Fields Road and south of the Bayswater Brook.
- 5.3. The parcels are primarily flat without any trees. They contain ditches which would form the drainage channels connecting to the rest of the site.
- 5.4. See site location plan below:



**6. PROPOSAL**

6.1. The application seeks to discharge the reserved matters (layout, scale, appearance and landscaping) secured by condition 3 of outline planning permission 13/01383/OUT for phases 2 and 4 of Barton Park. Whilst the application also contains information for these other matters reserved by

condition at outline stage, they would be agreed through a separate approval of conditions application. The works comprise of 434 residential units (Use Class C3) and commercial units (Use Class E) with associated public realm and highway works including landscaping, cycle and car parking.

- 6.2. The proposed development would be accessed from the main primary street through Barton Park (Barton Fields Road) through a series of secondary and tertiary streets, a principle that was set out in the outline planning permission.
- 6.3. The commercial centre would comprise of 589m<sup>2</sup> of retail units fronting onto Barton Fields Road to the west of Phase 2 with apartments above and dwellings and apartments to the rear. Dwellings would be 2-3 storey and the density of the development is set to comply with density and scale parameters set at outline stage. A hotel and more extensive retail centre is no longer proposed.
- 6.4. Forty per cent of the residential units are proposed as affordable housing, in compliance with the Section 106 legal agreement connected to the outline consent, providing 174 affordable units. These units would be entirely social rented units for the use by persons on Oxford City Council's housing register.
- 6.5. The layout, siting, form and design have been the subject of consideration and discussion at pre-application stage including a presentation to Oxford Design Review Panel.
- 6.6. The outline planning application was accompanied by an Environmental Statement (ES) and the Environmental Information (EI) was taken into consideration prior to granting that permission. As a reserved matters application the Council must consider whether the EI it already has is adequate to assess the environmental effects of the development. The applicant has submitted a statement of conformity to the ES which confirms that the proposals within this Reserved Matters application have been developed within the parameters of that document and that the development would not give rise to any significant effects over those considered at the time of the outline.
- 6.7. Details have been submitted as part of the reserved matters application which are required to discharge a number of conditions imposed upon the outline permission. These would be 6 (materials); 9 (landscaping and public realm); 11 (tree protection measures); 12 (landscape management plan); 15 (lifetime homes standards); 16 (car parking standards); 17 (cycle parking standards); 20 (highways: travel plan); 23 (sustainability); 25 (phased surface water drainage); 26 (foul water drainage); 27 (flooding); 28 (ground contamination and remediation); 32 (noise attenuation); 38 (repeat ecological surveys); 39 (habitat creation). Whilst details are included with this application, they cannot be approved under a reserved matters application and need to be dealt with and approved under a separate approval of conditions application(s). However, it is acknowledged that some of the conditions matters run alongside the reserved matters. Where they are not yet resolved, this is highlighted in the report below.

## **7. RELEVANT PLANNING HISTORY**

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

13/01383/OUT - Outline application (seeking means of access) for the erection of: A maximum of 885 residential units (Class C3); a maximum of 2,500 sqm gross Class A1, A2, A3, A4 and A5 uses (with a maximum of 2,000 sqm gross foodstore Class A1); a maximum of 50 extra care housing units; a maximum of 7,350 sqm GEA hotel (Class C1); a maximum of 3,000 sqm GEA Class D1, D2 floorspace (community hub and primary school); in development blocks ranging from 2 to 5 storeys with associated cycle and car parking, landscaping, public realm works, interim works and associated highway works. (Additional information - Landscape and Cultural Heritage Statement). PERMIT 18th October 2013.

14/03201/RES - Details of reserved matters (layout, scale, appearance and landscaping) for a scheme of Enabling Infrastructure Works (such as utility services, earthworks, drainage/attenuation and roadworks), pursuant to conditions 3 and 4 of the outline planning permission for the mainly residential development of the site (13/01383/OUT). More specifically these works comprise:-

- a) the primary street, street furniture, on-street parking, street lighting, surface water drainage swales, associated landscaping and surface finishes;
- b) green infrastructure, the linear park, greenways, hard and soft landscaping, footpaths, cycle paths and ecological improvements;
- c) landscaping details for the approved A40 junction;
- d) buried services and utilities, foul and surface water drainage, water channels, ponds, sustainable urban drainage systems and underground storage tanks.

This reserved matters application (14/03201/RES) is accompanied by the following additional submissions in relation to conditions and non-material amendments to the above mentioned outline permission:-

- i) condition 11 - tree protection (13/01383/CND2);
- ii) conditions 24 - site-wide surface water drainage scheme (13/01383/CND3);
- iii) condition 25 - enabling infrastructure phased surface water drainage system (13/01383/CND2);
- iv) condition 26 - site-wide foul water drainage strategy (13/01383/CND3); and,
- v) non-material amendments to approved A40 junction e.g. omission of splitter island (13/01383/NMA). PERMIT 23rd February 2015.

15/03642/RES - 15/03642/RES Details of reserved matters (layout, scale, appearance and landscaping) for the first phase of the Barton Park development, pursuant to Condition 3 of outline planning permission 13/01383/OUT. The works comprise the construction of 237 residential units (Class C3) with associated means of access and highways works; car and cycle parking; hard and soft landscaping; public realm works and ancillary structures. (Amended plan). PERMIT 10th March 2016.

16/00067/RES - Details of reserved matters (access, appearance, landscaping, layout and scale) for the community sports facilities comprising a relocated natural turf adult sports pitch, multi-use games arena, 3G pitch lit by 12 x 10m light columns and a natural turf pitch adjoining the community hub, along with associated car parking, fencing, and vehicular and pedestrian access together with locally equipped area of play. PERMIT 13th April 2016.

16/00442/RES - Reserved Matters approval for improvements to the existing allotments and outbuilding, associated fencing, services and associated car parking together with a community garden including pedestrian and cycling links and new tree planting and associated landscaping. PERMIT 20th May 2016.

16/02002/RES - Erection of community sports pavilion with associated car and cycle parking and landscaping (Reserved Matters of outline planning permission 13/01383/OUT). PERMIT 14th December 2016.

19/00518/RES - Details of reserved matters (layout, scale, appearance, and landscaping) for third phase of the Barton Park development, pursuant of condition 3 of the outline planning permission 13/01383/OUT. The works comprise the construction of 207 residential units (Class C3) with associated means of access and highways works; car and cycle parking; hard and soft landscaping; public realm works and ancillary structures, including a substation. (Amended). PERMIT 16th August 2019.

19/00962/RES - Reserved matters of outline planning permission 13/01383/OUT for the erection of an electricity substation (retrospective). PERMIT 18th July 2019.

19/01209/RES - Details of reserved matters (layout, scale, appearance and landscaping) for the widening of the Phase 1 eastern Tertiary Street by 1.2m. PERMIT 17th July 2019.

20/01154/RES - Details of reserved matters (layout, scale, appearance and landscaping) for the completion of the Phase 1 eastern Tertiary Street loop road pursuant to outline permission 13/01383/OUT. PERMIT 10th August 2020.

## 8. RELEVANT PLANNING POLICY

8.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework	Oxford Local Plan 2036	Barton Area Action Plan
Design	126-136	DH1, DH2, DH4, DH6, DH7	BA13,
Housing	60-67	H1, H2, H4, H10, H14, H15, H16	BA8, BA9,
Commercial	87, 90	V1	BA10,

<b>Natural environment</b>	154-158, 167, 169, 174, 180, 183-188	G1, G2, G7, G8	
<b>Social and community</b>	92, 98, 100	V8, V9	BA4, BA20
<b>Transport</b>	111-113	M1, M2, M3, M4, M5	BA1, BA5, BA7,
<b>Environmental</b>	119-120, 124	RE1, RE2, RE3, RE4, RE5, RE6, RE7, RE8, RE9	BA12, BA15, BA16, BA17, BA18
<b>Miscellaneous</b>	2, 7-12, 47	S1, S2,	MP1

## 9. CONSULTATION RESPONSES

9.1. Site notices were displayed around the application site on 24th November 2021 and 16<sup>th</sup> March 2022 and an advertisement was published in The Oxford Times newspaper on 17th March 2022.

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

#### Oxfordshire County Council (Highways)

9.2. Initial objection. Parking provision is higher than current standards but lower than that set out at outline stage. With a CPZ (as required by condition at outline stage) this should not be a problem. Felt parking could be reduced further. Electric Vehicle parking on site would now need to be in line with the Oxfordshire Electric Vehicle Infrastructure Strategy which states any plot with off-street parking must have at least 1 EV charging space and 25% off all unallocated parking must be EV charging bays. Concerns raised by the Road Agreements Team that further detail was required on plans, streets would need to comply with a design guide. These issues were addressed through discussions and submission of further detailed plans and the objection was removed. Some of the concerns raised related to roads already implemented or matters that had already been agreed at outline stage.

#### Oxfordshire County Council (Drainage)

9.3. No objection.

#### Historic England

9.4. No comment.

#### Natural England

9.5. No comment.

#### Environment Agency

9.6. No comment.

Thames Water

9.7. No comments received.

SSE

9.8. No comments received.

South Oxfordshire District Council

9.9. No comments received.

Thames Valley Police

9.10. Initial objection due to concerns with natural surveillance of streets and security of footpaths and parking areas. This was addressed through the discussion to clarify what has been proposed and why and the receipt of amended plans.

Barton Fields Allotment Association

9.11. No comments received.

Barton Community Association

9.12. No comments received.

Oxford City Ramblers

9.13. Objection to the loss of footpath 57.

Headington Heritage

9.14. Objection due to too much parking through official and unofficial hard surfacing, lack of green space and flood risk on site is exacerbated by the current provision of plastic lawn in the MUGA area.

**Public representations**

9.15. 3no. third party comments received (addresses in Peacock Road, Ramsay Road and 1no. address not given).

9.16. In summary, the main points raised were:

- An insufficient number of bird and bat boxes is to be provided.
- No details are given of the scale of the wildlife pond.
- Loss/diversion of footpath 57.
- Swift bricks should be installed in accordance with best practice guidance, however an insufficient number is being provided.

**Officer response**

9.17. Where these matters relate to material planning considerations they are addressed in the report below.

## **10. PLANNING MATERIAL CONSIDERATIONS**

10.1. Officers consider the determining issues to be:

- Principle of Development
- Housing Mix and Affordable Housing
- Character, Site Layout, Scale and Appearance
- Residential Amenity (Noise, Daylight/Sunlight and Privacy)
- Highways
- Flooding and Drainage
- Trees and Landscaping
- Biodiversity
- Air Quality
- Land Quality
- Energy Strategy

### **a. Principle of Development**

10.2. The principle of development of a maximum of 885 dwellings and up to 2,500m<sup>2</sup> of retail floorspace (of which a maximum 2,000m<sup>2</sup> can be food retail) has been established through the granting of outline planning permission under application 13/01383/OUT in October 2013.

10.3. Phase 1 was approved under application for 237 residential units and Phase 3 was approved under application 19/00518/RES for 207 residential units. This leaves a remaining 441 residential units. A total of 434 units are proposed, leaving 7 remaining units which could be built under Phase 3b.

10.4. The National Planning Policy Framework (NPPF) sets out a presumption in favour of sustainable development (paragraph 11). It promotes the effective use of land to meet the need for homes while safeguarding and improving the environment and ensuring safe and healthy living conditions. In order to achieve this aim, it encourages the development of under-utilised land where it would meet an identified need for housing where land supply is constrained.

10.5. More significantly, the NPPF places great emphasis on the Government's objective to significantly boost the supply of homes, recognising that this requires a sufficient amount and variety of land to come forward where it is needed, and that land with permission is developed without unnecessary delay (paragraph 60). Moreover, local authorities should identify sites suitable for housing, including specific, deliverable sites for a five year period.

10.6. These principles are also supported by policies S1 and H1 of the Oxford Local Plan 2036 and the site is also allocated for development under the Barton Area Action Plan which was saved when the Oxford Local Plan 2036 was adopted. The principle of development is therefore still considered to accord with these aims despite the fact that it has already been accepted through the grant of outline planning permission under a previous Local Plan.

10.7. Phase 2 contains the commercial centre. The indicative plans at outline stage showed that this would cover the whole of the block in which it sits. At pre-application stage justification for the reduction in scale of the commercial centre was sought. The outline planning permission granted a maximum of 2,500m<sup>2</sup> of commercial floorspace of which a maximum of 2,000m<sup>2</sup> could be a food store. Whilst only 589m<sup>2</sup> of commercial space is now proposed, minimum standards were not set at outline stage and the applicant has advised that there is a lack of commercial interest in the site. Whilst this is disappointing, minimum standards were not set and commercial space is still being delivered to serve the development and is therefore acceptable in principle.

**b. Housing Mix and Affordable Housing**

10.8. Policy H4 of the Oxford Local Plan 2036 states that planning permission will be granted for residential development that delivers a balanced mix of housing to meet projected future household need, where feasible. This suggests proposals for 25 or more dwellings outside of the city or district centres to comply with a mix of 20-30% 1 bed, 30-40% 2 bed, 40-50% 3 bed and 8-15% 4+ bed on the affordable element.

10.9. Policy BA8 of the Barton Action Plan states that planning permission will be granted for development that delivers a mix of housing suitable for a range of different households including families, single people, older people and those with specialist housing needs. Across the site the overall balance of 1 beds should be 5-10%, 2 beds 25-30%, 3 beds 40-55% and 4 beds or more 15-20%, where feasible.

10.10. The proposed development seeks to deviate from the ideal mix set out in the policies which was also set out in the S106 agreement attached to application 13/01383/OUT which was in line with the requirements of policy BA8 of the Area Action Plan. The agreement allows for the location and form of the Affordable Housing to be varied from time to time with the prior written consent of the City Council.

*Number and percentage of affordable homes proposed:*

Affordable Home Numbers	Number of Homes	% of total affordable homes proposed (rounded)
1 bed	20	11.5%
2 Bed	50	28.7%
3 Bed	58	33.3%
4+ Bed	46	26.4%

Total	174	100.0%
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*Number and percentage of all homes proposed:*

Total Homes	Number of Homes	% of total homes proposed (rounded)
1 bed	59	13.6%
2 Bed	100	23.0%
3 Bed	150	34.4%
4+ Bed	125	28.7%
Total	434	100.0%

10.11. When this is compared with the delivery of housing across the whole of Barton Park in relation to policy BA8:

	1 bed	2 bed	3 bed	4+ bed
AAP Policy BA8 target range	5 to 10%	25 to 30%	40 to 55%	15 to 20%
Current Overall mix	9%	28%	36%	27%
Departure from range	Within range	Within range	4% below	7% above

10.12. The main difference is the impact on the percentage of 3 bedroom dwellings to 4 bedroom dwellings. This increase in 4 bedroom units and drop in 3 bedroom units is due to discussions with Affordable Housing Officers at the Council. There is an identified need for all dwelling sizes within Oxford City. Whilst there is a high demand for 2 bedroom homes, they have a high turnover rate and are readily available whereas there is need for larger 4 bedroom homes but they are not often available. Barton Park is also ideal for the delivery of 4 bedroom homes as more central sites are constrained and tend to deliver flats which are less suitable for families.

10.13. Given that the mix is not a significant deviation from the approved mix, there would still be a broad range of unit sizes creating a balanced and mixed community and the mix has been developed in consultation with housing officers who are aware of demand. The proposed mix is considered acceptable in accordance with policies BA8 and H4.

10.14. The location of the Affordable Housing units is submitted with the application. Concerns were initially raised that the affordable units were concentrated in areas close to the SSE land and adjacent to the A40. Following the receipt of revised plans, clusters were broken up further and spread more evenly across the phases. This provides a good balance between convenient clustering for management and integration of affordable units into the wider development. The natural assets of the site, its location and the strong public realm strategy mean that there are no 'bad locations' on the site and so the affordable housing

proposal is considered to be positively designed to achieve a balanced community.

10.15. The proposal is therefore considered acceptable in relation to the design code at outline stage and policies BA8 and H4 of the Oxford Local Plan 2036. Should Committee be minded to approve the reserved matters application, it is recommended that delegated authority is given to the Head of Planning Services to amend the mix of the affordable within the S106 in writing accordingly, via exchange of letter.

### **c. Character, Site Layout, Scale and Appearance**

10.16. Paragraph 130 of the NPPF requires new development to function well and add to the overall quality of the area; be visually attractive as a result of good architecture, layout and appropriate and effective landscaping; be sympathetic to local character and history, including the surrounding built environment and landscape setting; establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit.

10.17. Policy DH1 of the Oxford Local Plan 2036 also requires high quality design that creates or enhances local distinctiveness and takes into account views, design of external areas and secure by design.

10.18. The delivery of a high quality development at Barton Park, in both its urban design and architecture, was secured at the outline application through a series of Parameter Plans and a Design Code which forms the framework to subsequent reserved matters applications. Prior to the submission of this application, there has been a series of pre-application discussions with the applicant and review by ODRP in order to deliver the best architectural response to this phase of the development. Discussions and negotiations have also taken place during the course of the application in order to attempt to resolve remaining issues.

#### *Character areas*

10.19. The design code sets out key character areas and sets of scale parameters and materials that can be implemented in these areas. Phases 2 and 4 contain elements of all transects; T1 Green Edge to the north of the site, the lowest density fronting onto the already implemented communal park and to the east of the SSE land (except fronting onto the A40), T2 Suburban, medium density housing to the east of the commercial centre and north of the primary street, T3 Higher Density Residential along the primary street and T4 General Urban, the highest density in the commercial area to the west of the site. This helps the site act as a transition from the high density Hill development to the west of the site to the lower density Redrow development to the east of the site with Barton beyond.

10.20. The proposed development has been designed to largely comply with the design code and where this has not been possible, justification has been provided. One of the main deviations from the design code is the introduction of

an apartment block to a T2 Suburban area to the west of the SSE land. This has been done to avoid having too many dwellings with gardens fronting onto the SSE land containing pylons. This approach was supported by the Oxford Design Review Panel. Whilst officers had concerns with this, the design was amended to break up the massing of the building and articulate the frontage of the block to read as individual dwellings. The building is still deeper in plan than neighbouring properties with a flat roof but is on balance considered acceptable. Concerns were however raised by Officers and Thames Valley Police that a parking area to the rear of this building would not have enough natural overlooking. Due to these concerns amended plans were received to relocate the parking to the front of the building.

### *Layout*

- 10.21. The proposed site layout is formed of a hierarchy of routes with perimeter blocks that address the streets upon which the dwellings front, enabling a permeable site with high accessibility and ease of movement around. The perimeter blocks and dwellings fronting the streets provide surveillance of public areas and follows good urban design principles. Concerns were raised by Thames Valley Police about the lack of windows on corner plots overlooking adjoining streets and windows were added to side elevations to address this issue and enhance surveillance further. Concerns were also raised by Officers about the number of properties with inactive frontages at ground floor (e.g. a bathroom as the sole front window). The number of properties with kitchen windows to the front were increased to address this concern. The hierarchy of streets distinguish between the primary routes, the secondary routes and the more informal narrower tertiary routes and this in turn creates a legible environment.
- 10.22. Along the primary street within the higher density residential area and the secondary street, the layout of houses is stronger with a defined edge and a regular building line. Beyond that, through to the suburban areas and green edges, whilst retaining a perimeter block layout, the shape of the streets beyond are more fluid and softer.
- 10.23. This layout also enables high permeability through provision of access footpath links to the linear park along the northern perimeter of the site, as well as the along the greenways that run north to south through the site and to the allotments to the south east. Further, the phases contain 2no. pocket parks which are easily accessible from adjoining properties and neighbouring streets.
- 10.24. Concerns were also raised by Thames Valley Police in relation to the security of rear passageways. These are essential to provide access for residents to bin and bicycle storage and maintenance of the acoustic fence around the SSE land. This concern was raised at pre-application stage and wherever possible these rear access runs have been kept as short as possible and a commitment has been made to secure these with key code entrance gates to prevent unauthorised access. However due to the density approved at outline stage, in some cases it has not been possible to shorten the runs any further without removing units. A request was also received that the rear parking court to apartment blocks to the north of the primary street should be secured with a gate

due to the lack of natural surveillance. This design seeks to replicate an apartment block from Phase 1 (Hill development) and Officers feel it would not be wise to have a security gate as it could trap people inside the parking court rather than allowing them to escape if they felt threatened and this has therefore not been incorporated. This justification was provided to Thames Valley Police and they advised our concerns were understood.

### *Scale*

- 10.25. The building heights comprise of two and three-storey dwellings across the site which respond to the varying character areas that are set down in the design code. Apartment blocks are also proposed at up to four storeys in height. The largest block being Apartment Block A above the commercial units, a total height of 15.4 metres.
- 10.26. The scale of the buildings as already mentioned reflects the design code with the tallest buildings with the largest massing being located on the primary street and the two storey dwellings being located to the east of the SSE land to the east of the site which reflects the scale of the Redrow development. Whilst there are apartments located in a tertiary area they would not appear out of character and the scale of buildings within each transect would comply largely with the design code.

### *Appearance*

- 10.27. The appearance of the buildings has been the subject of discussion to ensure that the new housing integrates sensitively with the existing neighbouring phases of Barton Park, Phase 1 (Hill) to the west and Phase 3a (Redrow) to the east). As established in the Design Code, Phases 2 and 4 are to consist of apartment blocks to the primary street and commercial centre with terraced, semi-detached and terraced houses on the secondary and tertiary streets. The density is designed to be highest in the west decreasing towards the Redrow development in the east.
- 10.28. The proposal seeks to build on the successes of the Hill development to the west and successfully transition to the Redrow character in the east whilst identifying with the established character of Barton Park overall which includes the use of balconies on both apartments and first floor terraces on dwellings and triangular oriel windows adding character to properties.
- 10.29. A large number of properties have dual pitched roofs with gables, maximising opportunities for the use of solar panels except for in the higher residential areas and apartment blocks where flat roofs are used, which is considered a stronger architectural response to the primary street which has already been adopted in neighbouring phases.
- 10.30. Marker buildings are proposed also throughout the development to provide further visual variety. These are used to signify road junctions or are located at the end of vistas.

- 10.31. The palette of materials is likely to comprise of variations of light coloured buff, darker brick on marker buildings and a dark grey brick on the commercial centre in accordance with the design code. The roof materials would primarily be a fibre cement slate tiles to match that of Phase 1. Whilst it is disappointing that natural slate hasn't be proposed in accordance with the design code, given this hasn't been implemented in other phases it would be unreasonable to insist on this in this phase. The final materials and their locations would be reviewed on site with samples and agreed through an approval of conditions application.
- 10.32. The hardworks landscaping drawings submitted with the application contain boundary enclosures shown throughout the development with principally brick walls in public domain and close boarded fences to rear gardens. Apartment blocks on the primary street would have terraces which are required to be enclosed by metal railings. The plans submitted do not clearly show these included therefore further details are required to be submitted by condition prior to the occupation of the development. Whilst the materials are considered acceptable and in keeping with the wider Barton Park development, formal approved is required by condition application.
- 10.33. Whilst it is felt that more could be done to improve the proposal to accord with the design code in further in some area areas, significant amendments have been carried out to the scheme at pre-application and application stages and officers would no longer be in a position to raise significant concerns with the scheme that would warrant a recommendation for refusal of the application.
- 10.34. The application is therefore on balance considered acceptable is relation to policy DH1 of the Oxford Local Plan 2036, the NPPF and the Barton Park Design Code.

#### **d. Residential Amenity**

##### *Indoor and Outdoor Space Standards*

- 10.35. In March 2015, the Government introduced a 'Nationally Described Space Standard'. Policy H15 of the Oxford Local Plan 2036 requires new development to comply with this standard. Policy H16 sets out standards for outdoor space. Policy H14 requires that development should provide reasonable privacy and daylight for the occupants of both existing and new dwellings and guards against overbearing development.
- 10.36. Following the receipt of amended plans, all units proposed now comply with the national minimum described space standards and are considered to provide a comfortable and practical layout. In terms of outdoor space, all the proposed houses have private gardens of a reasonable size, equivalent to the footprint of the dwelling. Some of these are one large open space to the rear of the dwelling whilst in more urban contexts these are split between a rear outdoor area and a roof terrace at first floor level, similar to that which has been implemented in phase 1. Bikes and bin storage for the houses are provided for each property and accessed either through a side or rear gate to the back garden.

10.37. For the apartments, at first and second floor balconies are proposed on the front or rear of apartments and at ground floor, there is access to external areas. For bins, storage is within the envelope of the building to avoid being unsightly add on additions or external areas. Cycle storage is also provided at ground floor also within buildings.

10.38. In relation to accessible and adaptable homes, the outline planning permission required homes to be constructed to lifetime homes standards. Given that this is now a superseded standard, officers consider that it is reasonable to accept the new building regulations standards of M4(2) and M4(3) for wheelchair accessible homes in accordance with the requirements of policy H10 of the Oxford Local Plan 2036.

#### *Privacy*

10.39. The development is considered to have adequately safeguarded amenity for neighbouring dwellings in Phases 1 and 3a of Barton Park and results in comfortable relationships between existing and proposed development. The development has been designed so that there is no direct overlooking between habitable rooms and where windows of apartment have the potential to overlook gardens of proposed neighbouring dwellings, the windows have been designed to have obscure glazing.

#### *Daylight/Sunlight*

10.40. The development is considered to have adequately safeguarded amenity for neighbouring dwellings in Phases 1 and 3a of Barton Park and results in comfortable relationships between existing and proposed development. During the course of the application concerns were raised with the relationship of Apartment Block E to plot 127 (a proposed dwelling directly to the north) and the relationship between Apartment Blocks B and C and the dwellings to the north. Following these concerns the design of the blocks were amended to ensure they properties to the north of apartment blocks would receive adequate light and would also not create an overbearing impact or sense of enclosure.

#### *Noise*

10.41. The application has been accompanied by a Noise Impact Assessment, as with many other technical matters which affect the application, this is required in order to satisfy a condition of the outline planning application. Officers have reviewed this and considered the proposal to be acceptable in accordance with condition 32 of the outline planning permission which requires the development to achieve acceptable internal and external ambient sound levels during daytime and night-time periods within the proposed development.

10.42. The proposal is therefore considered acceptable in relation to policies H14, H15, H16, RE7 and RE8 of the Oxford Local Plan 2036.

#### **e. Highways**

10.43. The NPPF states that all developments that generate significant amounts of movement should be supported by a Transport Statement. The Oxford Local Plan 2001-2016 also requires Transport Assessments from development that is likely to have significant transport implications. The NPPF also states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe.

#### *Traffic Generation*

10.44. The traffic generation associated with the level of development proposed within the outline application was accepted as part of the approval for that application. Therefore no objection can be raised on grounds of highways impact and the County do not object on traffic generation.

#### *Access*

10.45. The principal access points into the development is via the core Primary street that runs through the development as a spine road and approved in the outline application, connecting the strategic site with the A40 bypass with a new junction at Phase 1 linking through to Barton Village.

10.46. The primary street has already been delivered. A series of secondary and tertiary streets lead off the main street and reflect the scale of buildings located on them. In tertiary streets road junctions and landscaped build outs have been designed to reduce speed of cars and other vehicles. Street widths also follow a hierarchy too with the tertiary streets being narrower to flag to motorists to reduce their speed as they navigate through the development.

10.47. Whilst initial concerns were raised about visibility at some junctions and the design of the street these were addressed during the course of the application through explanation of the proposal and submission of amended plans and the highway objection was removed by the County Council.

10.48. To the south of the site a public right of way enters into the SSE land and exits through its northern boundary into the application site before crossing the primary street and into the Redrow Development. The development would slightly affect this public right of way as it would currently be located in a rear garden of the proposed dwelling. This could be slightly diverted to the east through the parking area and would be largely unaffected. The application however indicates that the preferred option would be to relocate the public right of way entirely out of the SSE land through the development to the east of the SSE land and would reconnect with the original public right of way at the Redrow site. Either option would need to be sought through a separate public right of way application if this permission is granted.

#### *Car Parking*

10.49. There are a total of 562 car parking spaces proposed across the site, proposed as a mix of allocated on plot parking bays, residential permit holder off plot parking and visitors' permit controlled parking. This is a ratio of 1.29 spaces per unit. 65 visitor spaces are also proposed taking the ratio to 1:1.44. Whilst this

exceeds the M3 policy requirement of 1 space per dwelling maximum or car free in sustainable locations (within 800 metres of a food store, 400 metres of a regular bus service and within a controlled parking zone), this is below the maximum standard of 1:1.9 approved at outline stage. It also sits between the approved parking at Hill (1:1.37) and Redrow (1:1.8) sites. Hill had a lower parking allowance due to it being a higher density more urban development and Redrow had a slightly higher parking allowance due to its more suburban character. It is therefore considered that the proposed number of parking spaces is suitable in terms of the site's character and the outline planning approval.

10.50. During the course of the application amendments were requested to plans as it was evidence that some properties benefitted from a double garage and could also potentially fit a car on the driveway. The garages were therefore reduced in depth to ensure that they would only accommodate one vehicle to ensure parking on site would not exceed 2no. spaces which would contradict the design code.

10.51. The County Council whilst raising initial concerns on the level of parking proposed appreciate that the standards were set and the scheme was designed at outline stage and appreciate that significant efforts were undertaken to keep parking to a minimum at pre-application and application stage and it has removed all objections to the scheme.

#### *Cycle parking*

10.52. The Cycle Parking Strategy for the development is that all properties would have secure parking on plot within private gardens of houses and within a communal area on plot to the apartments. This includes the provision of 3 spaces for dwellings of 3 or more bedrooms and 2 spaces per dwelling with up to two bedrooms in accordance with the requirements of policy M5 of the Oxford Local Plan 2036.

#### *Construction Environmental Management Plan*

10.53. A Construction Environmental Management Plan has not been submitted with the application but is a requirement of the outline permission to be submitted and implemented accordingly.

#### *Travel Plan*

10.54. A Travel Plan has been submitted with the application for approval under the terms of the condition on the outline permission. This is a matter being dealt with under the accompanying conditions application.

### **f. Flooding and Drainage**

10.55. The NPPF states that when determining planning applications, local planning authorities should ensure that flood risk is not increased elsewhere (paragraph 167), supported where appropriate by a site-specific flood-risk assessment. Oxford Local Plan Policies RE3 and RE4 states that development will not be permitted that would lead to increased flood risk elsewhere, or where the

occupants would not be safe from flooding. Policy BA15 of the AAP seeks to reduce flood risk. Policy BA16 details the use of SUDS on site. Condition 25 of the outline application states that prior to the commencement of any phase of the development, details of the surface water drainage system shall be submitted for approval.

10.56. There are no objections to the development on flooding grounds. A site wide drainage strategy was approved under the outline planning permission. The attenuation provision has been designed in line with criteria approved within Barton Park wide strategies and shown to be sufficient to manage surface water without significant flooding up to and including a 1 in 100 year event + 40% Climate Change. The surface water run-off as a result of the proposed development would be managed through attenuation SuDS features; porous paving, attenuation basins and porous subbase to highway to be installed in public areas. The Phases 2 and 4 Surface Water Management Strategy form part of a wider SuDS train to manage surface water for the Barton Park development. Surface water run-off from the site will be attenuated and discharge into Thames Water adopted sewers. The surface water sewers form part of the Barton Park site-wide SWMS and feed into strategic level attenuation features including large tanks beneath the sports grounds and the ponds running alongside Bayswater Brook. Ultimately, surface water would discharge to Bayswater Brook at rates outlined in the technically approved Surface Water and SuDS Statement.

10.57. The submission of this detailed drainage strategy for each phase is a requirement of the outline planning conditions and would therefore be approved under a separate approval of conditions application.

10.58. The proposal is therefore considered acceptable in relation to policies RE3 and RE4 of the Oxford Local Plan 2036 and BA15 of the Barton AAP.

#### **g. Trees/Landscaping**

##### *Arboricultural Implications*

10.59. Policies G1 and G7 of the Oxford Local Plan 2036 require existing green infrastructure features to be protected wherever possible. Phases 2 and 4 of Barton Park have been cleared of trees as agreed for pre-enabling infrastructure works under the outline planning permission 13/01383/OUT. A willow tree sits to the north of the SSE land and overhangs into the application site. Officers are satisfied that the site has been designed to ensure that this tree would not be harmed. A tree protection plan is recommended by condition to ensure that any trees bordering the site during construction would not be harmed.

##### *Canopy Cover*

10.60. Policy G7 of the Oxford requires canopy cover to be taken into consideration. In this case, outline planning permission was granted prior to the adoption of this policy which allowed for the removal of existing trees. It is evident that the scheme naturally involves net gain in canopy cover from the current situation.

## *Landscaping*

- 10.61. The layout for Phase 2 and 4 of Barton Park here provides a rare opportunity for high quality well-designed urban tree planting, at scale. Planting proposals are presented in a series of Softworks Plan Sheets. Concerns were raised during the course of the application that the list of species used was too small for the size of the development and also the number of tree plantings. Also the reliance on such a small number of principal tree species, repeated again and again, creates an excessively symmetrical and regimented result, which militates against the site having a genuinely distinctive identity. Concerns were also raised with the reliance on cultivars and non-straight-native plants which do not contribute to biodiversity and also are prone to disease and the use of oversized trees in constrained spaces.
- 10.62. Revised landscaping details were submitted during the course of the application which largely resolved this issue. Whilst the landscaping proposals are broadly acceptable it is considered that the proposed species needs further improvement to maximise native species and biodiversity interest. Officers consider that this could be resolved prior to the issuing of a decision and therefore request delegated authority to finalise this matter. Subject to the satisfactory approval of the landscaping plans the proposal would be considered to comply with policies G1, G7 and G8 of the Oxford Local Plan 2036.

### **h. Biodiversity**

#### *Mitigation and Management*

- 10.63. An updated ecological walkover survey was undertaken by Sweco in August 2021, the results of which are presented in the Ecological Mitigation and Management Strategy. The majority of the site is identified as cleared ground with recolonising ephemeral/perennial vegetation. Areas of tall ruderal vegetation and grassland remain in the east of the site.
- 10.64. No opportunities for protected species are identified. However, precautionary vegetation clearance is recommended to ensure no impacts arise on nesting birds and reptiles. This approach is appropriate in principle; however, it was raised during the course of the application that the proposed clearance of the grassland should be amended to ensure any potential protected species would not be harmed during vegetation clearance. It is agreed that in the absence of any sheltering opportunities within the grassland, cutting over winter would be acceptable. However, during the reptile active season, the proposed single cut to ground level is not appropriate. A stepwise cut should be undertaken, with grassland first cut to a height no lower than 10cm, with a second cut to ground level. Temperatures should be at least 9°C but preferably warmer. This was taken on board and the Ecological Mitigation and Management Strategy (EMMS) was updated accordingly.

#### *Habitat Creation*

- 10.65. The proposed hedgerow planting included widespread *Lonicera nitida*. This was falsely identified as a UK native species in the Habitat Creation Plan. It has

no real value for wildlife and can spread quickly in the wild. It was therefore requested that this should be removed from the planting proposals. The hedgerows and greenways now include native trees and shrubs.

10.66. From an ecological perspective, genuinely native trees – and not cultivars of the species – should form the majority of the tree planting, as echoed in the landscaping consideration. This is especially important adjacent to retained or created semi-natural habitats, which are mostly located at the site boundaries. The landscaping proposals therefore require amendment to significantly reduce the extent of cultivar and non-native tree planting.

10.67. No details of the proposed wildlife pond were provided. Further information were requested in the Habitat Creation Plan, including details of what marginal and aquatic planting would be undertaken. Native species should be utilised. In addition, the plans show amenity grassland being delivered immediately adjacent to the pond, which would reduce its value. Officers have advised that this patch of grassland should instead be created and managed for the benefit of wildlife, however it is acknowledged that useable outdoor amenity space is also required. This would be resolved by condition 39 of the outline planning permission for habitat creation.

10.68. The Habitat Creation Plan states lighting would be minimised adjacent to the proposed bat boxes. No illumination of the boxes themselves would be acceptable. A finalised lighting plan is requested by condition to check that this would be the case.

10.69. Seven bat boxes and six bird bricks were proposed through Phases 2 and 4 of the development. This represents a marked decrease on the rate of provision in Phase 1, in which 20 bat boxes/tubes were installed and “70 opportunities” for nesting birds delivered (the total box number was not provided). Additional boxes and bricks should therefore be incorporated into Phases 2 and 4. In addition, specific details were requested of the type of boxes to be delivered. Further details were received of 20 bat boxes/tubes and 70 bird boxes and this has now been resolved, however details of their exact locations would need to be finalised by the outline planning condition.

10.70. In response all the concerns raised the proposals have been amended and the proposed species are still being negotiated and also considered under the outline planning conditions submission. Subject to satisfactory details being received the development is considered acceptable in relation to policy G2 of the Oxford Local Plan 2036. The recommendation for approval is subject to the final resolution of the proposed landscaping and species through delegated authority to maximise the opportunity for native species wherever possible.

#### **i. Air Quality**

10.71. Policy RE6 of the Oxford Local Plan requires for developments to consider the impact they would have on air quality during and after construction and also the air quality that future inhabitants would be subject to. An air quality assessment was provided at outline stage and was approved. This indicated that air

pollutants concentrations would be below their relevant air quality objections which makes the application site to be considered suitable for its intended use.

10.72. Condition 29 of the outline planning permission required that prior to the commencement of development air quality monitoring programmes shall be submitted following the occupation of the 300<sup>th</sup>, 550<sup>th</sup> and 800<sup>th</sup> residential units. At the time of submission of this application the developer advised that 206 units were occupied so monitoring is not yet required.

10.73. The submitted energy statement shows that the dwellings would be powered by air source heat pumps and solar PV. Since these technologies are zero emission, they would not have an impact on local air quality.

10.74. According to the site's transport statement, on-plot parking would be provided with electric cabling to facilitate the easy installation of an electric charging point at a future date. Ducting would also allow for passive provision for 25 percent of all on-street and rear courtyard parking spaces, and two electric charging bollards would be installed within the visitor spaces along the western Pocket park centrally to Phase 4. This could be secured by condition.

10.75. A Construction Environmental Management Plan (CEMP) for the wider Barton Park development has been produced (WSP, 2015a) and approved by Oxford City Council as per application 13/01383/CND5. This document already includes the details of the methodologies required across the wider site to minimise the impact of construction on the wider community.

10.76. The approved CEMP sets out a number of management and communication strategies aimed at reducing the impact of construction on the surrounding area, including all the mitigation measures that were agreed to deal with construction dust. It is therefore highly recommended that this reserved matters applications adopts that already approved CEMP that was approved on the outline application.

10.77. The proposal is therefore considered acceptable in relation to policy RE6 of the Oxford Local Plan and paragraphs 170, 180 and 181 of the NPPF.

#### **j. Land Quality**

10.78. The Council has a statutory duty to take into account, as a material consideration, the actual or possible presence of contamination on land. As a minimum, following development, land should not be capable of being determined as contaminated land under Part 2A of the Environmental Protection Act 1990. The following planning legislation and policies apply:

- Town and Country Planning Act 1990
- National Planning Policy Framework, paragraphs: 119, 174, 183 -185
- Oxford Local Plan 2016-2036 - Policy RE9 - Land Quality

10.79. The areas at Barton Park designated for Phase 2 and 4 development were previously greenfield and historical site investigation work has confirmed that

ground contamination risks are low in these areas. It is likely that no specific remediation is likely to be required in these areas unless unexpected contamination is encountered. However in accordance with the approved Remedial Method Statement (RMS), further investigation was proposed in Phase 4 at the location of the 2m high overgrown soil mound. It was recommended in the RMS that a 'further 14no. samples are undertaken by mechanical excavation and samples obtained towards the base of the material prior to the soil mound's removal or stockpiling'.

10.80. This has not been carried out so must be completed to confirm contamination risks.

10.81. It is also recommended that further confirmatory contamination testing of near surface soils is carried out post site clearance in those areas in Phase 4 that have been utilised for the storage of materials, fuels and temporary car parking. This is to confirm the contamination status of soils, especially in those areas destined for gardens and public open spaces, and to determine whether or not any remediation work may be required.

10.82. 3. To ensure that this work is carried out and the risk assessment is updated, Conditions are recommend that a further phase of ground contamination risk is carried out, a watching brief is undertaken during construction works and that any remedial works (if necessary) are carried out.

10.83. Subject to these conditions the proposal is considered acceptable in relation to policy RE9 of the Oxford Local Plan 2036 and the NPPF.

#### **k. Energy Strategy**

10.84. The outline planning approval, 13/01383/OUT, was subject to a condition that all new dwellings should meet energy efficiency requirements as set out by policy CS9. This policy is now superseded but required 20% of energy requirements to be delivered through on-site renewable or low-carbon energy sources. Policy RE1 of the Oxford Local Plan 2036 has now replaced this policy, which requires that residential floorspace must achieve at least a 40% reduction in carbon emissions from a 2013 Building Regulations (or future equivalent legislation) compliant base case. This reduction has to be secured through on-site renewable energy and other low carbon technologies (which would be broadly be equivalent to 25% of all energy used) and/ or energy efficiency measures. Whilst this is the current standard, the outline planning condition set the required standard which the adoption of policy RE1 cannot supersede.

10.85. Despite this, during the course of the application a revised energy statement was received with SAP calculations with the higher standards contained within policy RE1 of the Oxford Local Plan 2036. The scheme has been designed to maximise the reduction of Carbon Dioxide (CO<sub>2</sub>) emissions through the incorporation of passive design measures, energy efficient mechanical and electrical systems and finally the use of renewable technologies (primarily solar PV) to contribute to onsite renewable energy production.

10.86. In relation to the commercial unit, there was a commitment that commercial units would meet a BREEAM 'Very Good' standard. In relation to policy RE1 of the Oxford Local Plan 2036, this requires commercial developments of over 1,000m<sup>2</sup> to meet a BREEAM 'Excellent' standard. This proposed commercial development in this case would not be required to meet a certain standard as it constitutes less than 1,000m<sup>2</sup>. At this stage it is not possible for the developer to demonstrate compliance with a certain BREEAM rating as an end user for the commercial unit(s) has not yet been agreed. It is therefore considered reasonable that a condition requiring that prior to the occupation of the unit(s), it is demonstrated that the unit would meet a standard of at least BREEAM 'Very Good' in accordance with the outline planning permission.

## **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 (paragraph 2). The main aim of the NPPF is to deliver sustainable development, with paragraph 11 the key principle for achieving this aim. The NPPF also goes on to state that development plan policies should be given due weight depending on their consistency with the aims and objectives of the Framework. The relevant development plan policies are considered to be consistent with the NPPF.

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

11.4. In summary, the proposed development would be an acceptable development, the principle already established by the outline permission and would also make an efficient use of the site. The proposals are suitable in design terms and comply with policies DH1 and paragraphs 129-130 of the NPPF. The proposals would not result in any harm to neighbouring amenity and are compliant with RE7 of the Oxford Local Plan 2036. The proposal would also have an acceptable impact on the highway network in accordance with policy RE7 of the Oxford Local Plan 2036. Consideration has also been given to impact on trees and landscaping under policies G1, G7 and G8 of the Oxford Local Plan 2036, biodiversity under policy G2 of the Oxford Local Plan 2036, drainage under policies RE3 and RE4 of the Oxford Local Plan 2036, contaminated land under policy RE9 of the Oxford Local Plan 2036, archaeology in accordance with policy DH4 of the Oxford Local Plan 2036, air quality in accordance with policy RE6 of the Oxford Local Plan 2036 and energy efficiency under policy RE1 of the Oxford Local Plan 2036. These matters largely relate to matters reserved by condition at outline planning stage and are being dealt with as a separate application.

11.5. Therefore officers consider that the proposal would accord with the development plan as a whole subject to the approval of the required outline conditions.

*Material consideration*

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

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

11.8. 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.

11.9. Officers consider that the proposal would accord with the overall aims and objectives of the NPPF for the reasons set out within the report. Therefore in such circumstances, paragraph 11 is clear that planning permission should be approved without delay. This is a significant material consideration in favour of the proposal.

11.10. Officers would advise members that, having considered the application carefully, the proposal is considered to be acceptable in terms of the aims and objectives of the National Planning Policy Framework and relevant policies of the Oxford Local Plan 2026, when considered as a whole, and that there are no material considerations that would outweigh these policies.

11.11. Therefore it is recommended that the Committee resolve to grant planning permission for the development proposed subject to the conditions and informatives set out in Section 12 of this report.

## **12. CONDITIONS**

- 1 The development subject to this application shall be implemented strictly in complete accordance with the specifications in the application and the submitted plans.

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

- 2 The development the subject of this application shall not be used or occupied until details of the implementation of the Residents' Parking Zone have been submitted to the local highway authority and until they have been approved in writing by the local highway authority and thereafter the approved parking controls shall be implemented,

maintained and enforced until such time as the roads are adopted by the local highway authority.

Reason: In the interests of highway safety and operation of the site in accordance with principles agreed at outline planning stage.

- 3 Prior to the occupation of the development the subject of this application, bicycle and bin storage as shown on the approved plans shall be provided on site and retained thereafter for the storage of bins and bicycles.

Reason: In the interests of sustainable travel and the character and appearance of the site in accordance with policies M5 and DH7 of the Oxford Local Plan 2036.

- 4 Prior to the commencement of the development the subject of this application, other than that required to undertake contamination risk assessment, a further phase of ground contamination risk assessment shall be carried out by a competent person in accordance with relevant British Standards and the Environment Agency's Land Contamination Risk Management (LCRM) procedures for managing land contamination.

The additional phase of investigation shall include further intrusive investigation in order to characterise the type, nature and extent of contamination present in proposed garden and landscaped areas of the site, the risks to receptors and to inform the remediation strategy proposals. Should any potentially significant ground contamination be identified then a remediation strategy, validation plan, and/or monitoring plan shall be submitted to and approved in writing by the local planning authority prior to the occupation of the development to ensure the site will be suitable for its proposed use.

Reason: To ensure that any soil and water contamination is identified and adequately addressed to ensure the site is suitable for the proposed use in accordance with the requirements of policy RE9 of the Oxford Local Plan 2016 - 2036.

- 5 The development shall not be occupied until any approved remedial works have been carried out and a full validation report has been submitted to and approved in writing by the local planning authority.

Reason: To ensure that any soil and water contamination is identified and adequately addressed to ensure the site is suitable for the proposed use in accordance with the requirements of policy RE9 of the Oxford Local Plan 2016 - 2036.

- 6 Throughout the course of the development, a watching brief for the identification of unexpected contamination shall be undertaken by a suitably competent person. Any unexpected contamination that is found

during the course of construction of the development the subject of this application shall be reported immediately to the local planning authority. Development on that part of the site affected shall be suspended and a risk assessment carried out by a competent person and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development (or relevant phase of development) is resumed or continued.

Reason: To ensure that any soil and water contamination is identified and adequately addressed to ensure the site is suitable for the proposed use in accordance with the requirements of policy RE9 of the Oxford Local Plan 2016 - 2036.

- 7 Prior to the commercial unit(s) being brought into use, an energy statement demonstrating compliance with 'BREAAAM Very Good' as a minimum shall be submitted to and approved in writing by the Local Planning Authority. The energy efficiency measures in the energy statement shall be installed on site and retained thereafter.

Reason: In the interests of energy efficiency and the approved design code in accordance with policy RE1 of the Oxford Local Plan 2036.

- 8 Prior to the commencement of the development the subject of this application, details of secure by design measures to be incorporated into the development shall be submitted to and approved in writing by the Local Planning Authority, and the approved details shall be provided on site and retained thereafter.

Reason: In the interests of secure by design in accordance with policy DH1 of the Oxford Local Plan 2036.

- 9 Prior to the installation of any external lighting, a lighting design strategy for biodiversity shall be submitted to and approved in writing by the local planning authority. The strategy shall:

- a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
- b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be

maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: To comply with the Wildlife and Countryside Act 1981, The Conservation of Habitats and Species Regulations 2017 (as amended) and the National Planning Policy Framework

- 10 All works shall be carried out in accordance with the details contained in the Precautionary Method Statement in the Ecological Mitigation and Management Strategy Revision C02 produced by Sweco UK Limited and dated February 18th 2022 as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

Reason: To comply with the Wildlife and Countryside Act 1981.

- 11 A landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to the occupation of the development. The content of the LEMP shall include the following.

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organization responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery.

Reason: To comply with the Wildlife and Countryside Act 1981.

- 12 Prior to the occupation of the residential units, the electric vehicle charging infrastructure and charging points shall be provided on site in accordance with the submitted details and retained thereafter.

Reason: In the interest of air quality in accordance with policy M4 of the Oxford Local Plan 2036.

- 13 Prior to the occupation of the apartment blocks, details of means of enclosure of terraces and balconies shall be submitted to and approved in writing, provided on site and retained thereafter.

Reason: In the interests of the amenity of the occupiers in accordance with policy H16 of the Oxford Local Plan 2036.

### **13. APPENDICES**

- **Appendix 1 – Site plan**

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

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

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

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

**Appendix 1 – Site Plan**



**Barton Park - Phases 2 & 4**  
 Countryside Properties



Based upon the 2021 Ordnance Survey  
 Mastermap vector data with the permission of  
 the Ordnance Survey on behalf of the Secretary  
 of State for the Environment, Food and Rural Affairs.  
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 Scale to be used for planning purposes only.

**Proposed Block Plan**  
 100001: 120-01-0204 AMP L&A-10002  
 Scale @ A1: 1:5000 FOR PLANNING  
 10/01/21



Oxford City Planning Committee

24<sup>th</sup> May 2022

**Application number:** 21/02581/FUL

**Decision due by** 23rd November 2021

**Extension of time** 31<sup>st</sup> May 2022

**Proposal** Erection of a three storey building to create 6 x 2 bed flats (Use Class C3). Demolition of existing single storey extension to clubhouse. Erection of part single, part two storey rear extension to the existing clubhouse. Alterations to the fenestration throughout. Extension and alterations to the existing roof including the formation of 4no dormers, addition of external stair access and insertion of rooflights. Alterations to the extended clubhouse to create 2 x 2 bed flats and 1 x 1 bed flat (Use Class C3). Alterations to boundary treatments. Provision of private amenity space, car parking, bin and cycle stores.

**Site address** 1 North Street, Oxford, OX2 0AY, – see **Appendix 1** for site plan

**Ward** Osney And St. Thomas Ward

**Case officer** James Paterson

**Agent:** Adrian James      **Applicant:** Mr Phil Jones

**Reason at Committee** This application was called in by Councillors Pressel, Corais, Fry, Tidball, Turner, Munkonge following their concerns about the proposed development in relation to the external appearance of the site and alleged deficiencies in the proposed environmental measures of the proposed development.

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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

## **2. EXECUTIVE SUMMARY**

- 2.1. This report considers the extension of the existing West Oxford Democrat Clubhouse at 1 North Street in the north-east corner of Osney Island. The extensions would follow the demolition of the existing single storey rear addition to the clubhouse which extends south from the southern facade of the original building. The proposed extensions would include a part single, part two storey addition to the clubhouse to infill the existing courtyard between the club building and no.1 East Street in addition to occupying some of the land covered by existing extensions. These alterations and additions would create new bin and cycle storage and provide a new function space as well as creating a separate, external, enclosed staircase giving access to and egress from the upper floors of the building. Additional alterations are proposed to the clubhouse, primarily upgrading the existing building fabric with changes to the windows, the construction of four roof dormers and the insertion of rooflights. The extended clubhouse would retain the clubhouse use at the lower and upper ground floors while the first and second floors would be altered to form three new flats with access being obtained via the new external stairway.
- 2.2. Planning permission is also sought for the erection of a three storey building in the north-west corner of the site to provide six, two-bed flats. The building is proposed to be orientated to front North Street with the more articulated, rear facade of the building facing to the south. Each storey of the building is proposed to provide two flats with all flats having use of a shared rear garden sited between the rear of the new building and the site's western boundary with No. 2 North Street.
- 2.3. Other alterations to the site include new hard and soft landscaping, the provision of outdoor amenity space for the flats above the clubhouse and the provision of car parking and bin and cycle stores.

## **3. LEGAL AGREEMENT**

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

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

- 4.1. The proposal is liable for CIL, the amount liable would be £105,141.97.

## **5. SITE AND SURROUNDINGS**

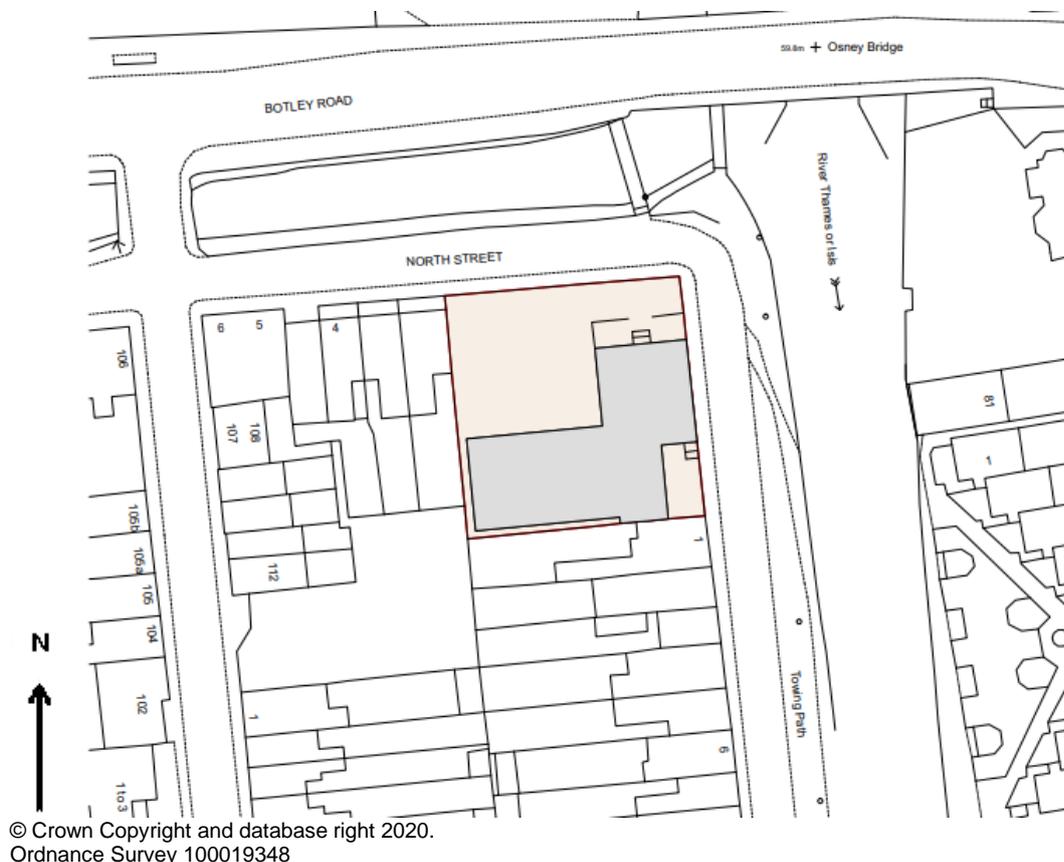
- 5.1. The site is located in a prominent position on the north-east corner of Osney Island and can be clearly seen in views of the island from across the river as well as from Botley Road and in particular from Osney Bridge. The site is currently occupied by a late 19<sup>th</sup> Century, large Victorian villa which sits prominently at the corner of Osney Island. The villa exhibits a strong Victorian gothic architecture which is particularly evident in the ornate detailing of the exterior building fabric including the stone details to the window surrounds and string courses
- 5.2. The site includes a relatively large area of open space, unusual in the context of the tight urban grain that typifies Osney Island. This sense of spaciousness

on the site reflects the historic use of the site as an orchard. Much of the site, not occupied by the original building is taken up by a somewhat dilapidated 20<sup>th</sup> Century building used as a Club function room which sits along the southern boundary of the site with the remainder of the site being used as a private car park. The function hall has deteriorated to the point that sections of the ceiling have collapsed and it is no longer structurally sound and it has consequently been vacant for some time. The external appearance of the site is reflected through the interior of the principal building which requires refurbishment throughout.

5.3. The site does not feature any planting or soft landscape/garden and is enclosed by an original tall red brick boundary wall which is only broken by a relatively recent opening onto North Street in which a functional gate sits incongruously. There is also a small yard to rear of site enclosed by the boundary wall in which a pedestrian gate allows access from East Street. This small open yard creates a visual gap in built form between the No.1 and the dwellinghouse at 1 East Street.

5.4. Immediately to the west of the site sits a short terrace of early 20<sup>th</sup> Century, two storey houses that sit back from the back-edge of the pavement and are served by modest garden areas set behind a short wall topped with railings on their front, street boundaries. This is not typical of the arrangement most commonly found throughout the conservation area where dwellings sit directly at the back-edge of the pavements.

5.5. See block plan below:



## 6. PROPOSAL

- 6.1. The application proposes the construction of a three storey building in the north-west corner of the site to provide six, two-bed flats, which would be used as dwellings occupied by a single household (Use Class C3). The proposed building would broadly align with the dwelling at 2 North Street in terms of its front building line and roof arrangement having a ridge height of 10.30m Above Ground Level (AGL) with a front eaves height of 6.5m AGL. The building would be set approximately 1.5m back from the front boundary of the plot, to allow the provision of a modest front garden in keeping with the terrace immediately to the west. Extending up to 18.8m in depth the new building would be 10.5m greater than the depth of 2 North Street, not including the outrigger of the latter building. The building would have an overall width of 14.4m, which would mean that it would be set approximately 4.5m from the western wall of the existing clubhouse. A modest, shared rear garden would be provided together with bin and bicycle stores.
- 6.2. The proposed building would be designed to allow the provision of flood voids at lower ground floor level, which would be defined by grilles set into the lower part of the building's facades. The upper ground, first and second floors would accommodate two, two-bedroom flats at each level with a broadly identical floor plan arrangement across each level having the kitchen/ living space to the front with bedrooms to the rear. Access would be from a shared, internal stair.
- 6.3. The overall architectural vernacular of the building is intended to be a contemporary interpretation of the traditional Victorian vernacular of No.1 North Street on the predominantly street facing facades with a more contemporary expression to the rear. This approach is particularly apparent in the design and arrangement of the second floor roof form, massing and profile and the design and arrangement of the windows.
- 6.4. Turning to the existing clubhouse, it is proposed to demolish the present function room, which is situated on the southern boundary of the site. The function room is in a poor state of repair to the extent that there is significant water ingress and the building is not structurally safe. It is proposed to also remove an existing, poor quality, single storey rear extension to the clubhouse which currently contains a lounge, bar, and utilities.
- 6.5. Planning permission is sought to construct a part single, part two storey new rear extension to No.1 North Street. The proposed extension would accommodate bicycle and bin storage at lower ground floor level while a new function room would be provided at upper ground floor level. The eastern wall of the proposed function room has been designed to have a curved façade, paying deference to the characteristic, back-edge of pavement alignment of its immediate neighbour, No 1 East Street as well as to the continuing terrace of buildings that run southward along East Street. In addition the design would eliminate any reduction in daylight to the side window of 1 East Street. Other minor internal changes are also proposed to the clubhouse facilities in the original (principal) building in order to facilitate the new, proposed internal layout and to bring the building up to a good state of repair.

- 6.6. A new external stairway is proposed to be added to the south side of No 1 in order to enable independent access to the first and second floors which are proposed to be altered to form three new flats. This alteration would be facilitated by the construction of four new roof dormers, providing additional space within the roof of the existing building as well as a number of alterations throughout the upper floors of the building. Outdoor amenity space would be provided through a small private garden in the remaining yard at the south-west corner of the site.
- 6.7. More generally, the car park would be significantly reduced in size to leave only four car parking spaces, one of which would be allocated for disabled users, while new hard and soft landscape is proposed across the site. The car parking that is proposed to be retained would be used by the Club rather than for dwellings.

## **7. RELEVANT PLANNING HISTORY**

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

52/01657/A\_H - Clubhouse renewal. TEM 28th November 1952.

55/00503/P\_H - Hanging sign. REF 8th November 1955.

57/01657/A\_H - Renewal of temporary consent for nissen hut. TEM 26th December 1957.

61/11557/A\_H - Rebuilding recreation room (outline and application ). PER 12th December 1961.

62/12238/A\_H - Rebuilding of club room and lavatories. PER 26th June 1962.

63/01092/P\_H - Illuminated name hanging signs. PER 12th February 1963.

67/19293/A\_H - Extension to hall. PER 26th September 1967.

70/23576/A\_H - Extension to hall. PER 24th November 1970.

02/00742/FUL - Rebuilding of brick wall (1.6 metres high) to East Street (Retrospective).. PER 21st June 2002.

13/02512/FUL - Demolition of existing rear hall extension to main clubhouse. Erection of 1x2 bed and 2x3 bed new dwellings (Class C3). (Amended plans). WDN 20th November 2013.

13/02513/CAC - Demolition of existing rear hall extension to main clubhouse. (Amended plans). WDN 20th November 2013.

## **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	130-136	DH1, RE2, DH7,	Waste Storage TAN
Conservation/Heritage	196-202	DH3, DH4, DH5	
Housing	59-76	H14, H15, H16	
Natural environment	174-188	G2, G7, G8	Biodiversity TAN
Social and community	93-97	V6	Car and Bicycle Parking TAN
Transport	104-113	M1, M2, M3, M4, M5	Parking Standards SPD
Environmental	153-169	RE1, RE3, RE4, RE7, RE9	Energy Statement TAN Sustainable Construction and Design TAN
Miscellaneous	7-12	S1, S2	

## 9. CONSULTATION RESPONSES

9.1. Site notices were displayed around the application site on 4<sup>th</sup> October 2021 and an advertisement was published in The Oxford Times newspaper on 7<sup>th</sup> October 2021. Following the receipt of revised plans, new pink site notices were displayed around the application site on 30<sup>th</sup> March 2022 and an advertisement was published in The Oxford Times newspaper on 24<sup>th</sup> March 2022.

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

#### Oxfordshire County Council (Highways)

9.2. The Oxfordshire County Council Highways Authority consider that the proposals are acceptable in terms of cycle and car parking and are also unlikely to have a detrimental impact on the local highway network in traffic and safety terms, subject to conditions being included.

#### Environment Agency (Thames Region)

9.3. The Environment Agency does not object on grounds of flood risk, subject to conditions being included.

### **Public representations**

9.4.1 amenity group and 8 local people commented on the revised application from addresses in North Street, South Street, East Street and West Street. However, 1 amenity group and 18 local people commented on the original application from addresses in North Street, South Street, East Street, Bridge Street and West Street. These comments have also been considered where they remain relevant to the revised proposal.

9.5. In summary, the main points of objection to the revised application (7 residents) and original application (15 residents) were:

- Access
- Amount of development on site
- Effect on adjoining properties
- Effect on character of area
- Effect on existing community facilities
- Effect on pollution
- Effect on privacy
- Effect on traffic
- Flooding risk
- General dislike for proposal
- Height of proposal
- Light - daylight/sunlight
- Local ecology, biodiversity
- Local plan policies
- Noise and disturbance
- On-street parking
- Open space provision
- Parking provision

### **Officer response**

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

## **10. PLANNING MATERIAL CONSIDERATIONS**

10.1. Officers consider the determining issues to be:

- i. Principle
- ii. Design and Heritage
- iii. Archaeology
- iv. Neighbouring Amenity
- v. Noise
- vi. Occupier Amenity
- vii. Ecology
- viii. Sustainability
- ix. Flooding and Drainage
- x. Land Quality
- xi. Protected Trees
- xii. Transport (general)
- xiii. Car Parking
- xiv. Cycle Parking

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

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

10.3. Policy RE2 of the Oxford Local Plan 2036 states that planning permission will only be granted where development proposals make efficient use of land. Development proposals must make best use of site capacity, in a manner compatible with the site itself, the surrounding area and broader considerations of the needs of Oxford, as well as considering the criteria set out in the policy.

10.4. Policy V6 of the Oxford Local Plan 2036 states that planning permission will only be granted for the change of use of a public house where applications are accompanied by evidence to demonstrate that the continuation of the use of the premises as a public house is not viable. While the existing use of 1 North Street is not as a public house, it has many of the same characteristics and facilities so officers consider that that Policy V6 should be considered in this assessment. It must be demonstrated that all reasonable efforts have been made to market the premises for its existing use, all reasonable efforts have been made to support and improve the operation and management of the business and it is demonstrated that suitable alternative public houses exist to meet the needs of the local community. The policy also states that where a building is to be demolished or substantially re-developed; the impact on

character, design and heritage and to the wider streetscape must be demonstrated to be insignificant.

- 10.5. In principle, the proposal to demolish the existing 20<sup>th</sup> Century extensions to the clubhouse and erect new extensions and a new residential building on the site is acceptable since this would constitute a far more efficient use of land than the existing arrangement, as per the aims of Policy RE2, and would better optimise the use of the land for residential use. This is of particular note since the site is in a highly sustainable location, being within walking distance of Central Oxford as well as local and regional public transport. The existing arrangement of buildings and open space on the site also makes a very poor use of land since the extensions and ancillary buildings represent something of a low density sprawl across much of the site while the unoccupied portion of the site, which is substantial, is given over solely to the parking of vehicles, which is also a poor use of a sustainable site.
- 10.6. In order for the proposed development to fully accord with the requirements of Policies S1 and RE2, the proposals also need to represent development that makes use of the capacity of the site in a manner compatible with the capacity and context of the site, including according with local and national design policies. These issues are fully explored in subsequent sections of this report but, in summary, planning officers consider that the principle of the proposed development is acceptable and would make best use of the land in a manner that is compatible with the character of the area and would not harm the streetscene nor overdevelop the site.
- 10.7. In summary, planning officers consider that the overall principle of the proposal, namely a three storey residential building comprised of six dwellings, is acceptable in principle and satisfies Policies S1 and RE2.
- 10.8. Planning officers also note the objectives of Policy V6, which aims to keep community facilities and public houses in their intended use before allowing their loss to other uses. This is also supported by paragraph 84 of the NPPF which requires planning decisions to enable the retention of public houses and community facilities. With this in mind, planning officers acknowledge that the existing building is in a poor state of repair and the applicant lacks the financial means of bringing the existing clubhouse back into a state of repair that could provide services to visiting members of the public.
- 10.9. Officers have reviewed the submitted documentation, including the submitted statement of need, and accept that a significant residential development on the site in conjunction with significant alterations and refurbishments to the existing clubhouse would be needed in order to fund the survival of the West Oxford Democrats Club on this site, which is of significance to the local community. This consideration weighs in favour of the application and officers consider that the overall principle of the proposed development supports the objective of retaining a building and use of community significance.
- 10.10. The proposal therefore accords with the aims of preserving and enhancing community facilities and thereby Policy V6.

## ii. Design and Heritage

### *Planning Framework Context*

- 10.11. Paragraph 130 of the NPPF and Policy DH1 of the Oxford Local Plan 2036 states that planning permission will only be granted for development of high quality design that creates or enhances local distinctiveness. Proposals must be designed to meet the key design objectives and principles for delivering high quality development, set out in Appendix 6.1.
- 10.12. In relation to the historic environment, paragraph 194 of the NPPF requires proposals to be based upon an informed analysis of the significance of all affected heritage assets. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.
- 10.13. Paragraph 197 of the NPPF states that in determining applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation. The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality in addition to the desirability of new development making a positive contribution to local character and distinctiveness must also be considered.
- 10.14. In considering the impact of a proposed development on the significance of a designated heritage asset, paragraph 199 of the NPPF states that 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. Paragraph 200 of the NPPF requires any harm to, or loss of, the significance of a designated heritage asset, from its alteration or destruction or from development within its setting, to be clearly and convincingly justified.
- 10.15. Where development would lead to less-than-substantial harm to the significance of a designated heritage asset, paragraph 202 of the NPPF requires that the identified harm should be weighed against any public benefits the proposed development may offer, including securing its optimum viable use.
- 10.16. Policy DH3 of the Oxford Local Plan 2036 states that planning permission will be granted for development that respects and draws inspiration from Oxford's unique historic environment (above and below ground), responding positively to the significance character and distinctiveness of the heritage asset and locality. For all planning decisions, great weight will be given to the conservation of that asset and to the setting of the asset, where it contributes to that significance or appreciation of that significance. Where a development proposal will lead to less-than-substantial harm to a designated heritage asset,

this harm must be weighed against the public benefits of the proposal, which should be identified by the applicant.

- 10.17. The statutory duty under section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 also requires local planning authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of any conservation area.

#### *Heritage Significance*

- 10.18. The application site falls within the Osney Town Conservation Area and the Osney Town Article 4 Direction Area while also containing one of the more historically significant and architecturally important buildings on the island. Therefore a careful and considered response is required to ensure that any development sits comfortably on the site and does not unacceptably harm the significance of the Conservation Area and the appearance of the streetscene.
- 10.19. The Conservation Area comprises a unique 19<sup>th</sup> Century development of tightly packed terraced housing that was built in response to the construction and the opening of the railway and canal and the industrial developments in north and east Oxford with a resultant influx of related workers to the area. The Conservation Area is also home to important buried archaeology, heritage assets relating to the former Augustinian Osney Abbey. The special character and appearance of the Conservation Area is also heavily influenced by the fact that it is an island formed by the tributaries of the River Thames with limited bridge access to the surrounding area. This arrangement gives a sense of separation and “other place” which contributes to the particular identity of the Conservation Area. Although the site also lies in close proximity to the busy arterial Botley Road, this is only really perceptible from parts of North Street.
- 10.20. Turning to the characteristics of the built form within the Conservation Area, the area surrounding the site comprises a distinctive townscape and landscape character due to its island location close to the historic city centre, accessed from a main arterial road into the city that has strong suburban qualities. The Conservation Area exhibits a high townscape quality resulting from the retained street and block pattern and the architectural integrity of housing on the Island with limited 20<sup>th</sup> Century interventions; those modern interventions that do exist such as those at 16 East Street and 4 North Street are considered to make positive contributions to the architectural significance of the Conservation Area. The particular domestic scale and architectural detailing of housing in the Conservation Area is also significant, most particularly the rhythm of fenestration, doorway details, roof forms and chimneys as well as a consistency of materials which all contribute to the integrity of the character and appearance of the place by establishing a regular rhythm and giving unity and continuity to the streets.
- 10.21. Officers consider that 1 North Street is an important building within the Conservation Area and plays an important part in articulating the significance of this heritage asset. The building is sited on a prominent corner site on the island, heralding the presence of the settlement in important views from Osney Bridge on Botley Road.

- 10.22. The building is a relatively large distinctive building designed in a Victorian Gothic architectural language with all the associated detailing of that vernacular. Although the building addresses principally North Street it also makes an important contribution to the architectural composition of East Street. The building has a significant aesthetic value resulting from its architecture, with some particular decorative elements including pierced stonework parapets to bays. The later, post-war 20<sup>th</sup> Century additions to the south and west of the original building are of no architectural or historical significance but are of a small social value indicating the expansion and increased importance of the building in its occupation as a social club. The size of the plot is generous and the importance of the enclosing, boundary wall which is contemporaneous with the principal building as well as the historical evidence that the area within the wall was a garden that was used for social and community events are both aspects that contribute to the overall significance of the building and its site. The relatively generous and particularly uncharacteristic of Osney Island size of the site also reflects its historic use as an orchard on monastic land, prior to the development of the Victorian suburb of Osney.
- 10.23. Officers consider that the building has a high level of architectural significance together with values that contribute to a relatively high level of historical significance. The significance of the building and its curtilage is as a non-designated or locally important heritage asset as well as the important contribution that it makes to the significance of the Conservation Area.

#### *Design Response*

- 10.24. The proposed alterations to the North Street façade of the principal building would be kept to a minimum, retaining the important architectural character and appearance of the building, and would largely amount to the introduction of two dormers within the slope of the roof and a new entrance door, reinstating the original door. These changes would not be visually harmful and it is considered that they could be accommodated comfortably on this principal facade. The proposed dormers would be of a modest scale with a sympathetic gabled design and the accommodation at this level would certainly appear as a 'room in the roof' rather than an additional storey to the building, which is appropriate. The proposed entrance door responds well to the characteristic design entrances across the island which is of solid, wooden entrance doors.
- 10.25. The proposed alterations to the east façade of the principal building would be more substantial in that the proposed extension would be clearly visible as would additional roof dormers and changes to the window arrangement on this façade. The proposed dormers at roof level, would appear also sit comfortably on the building and would not clutter the roof form nor give the appearance of an additional storey. The proposed changes to the fenestration of the existing building would be modest and the proposed new arrangement would include windows that are akin to the original and therefore reflect the original window hierarchy and proportions of this façade.
- 10.26. The design of the replacement extension that would front East Street is also considered to be appropriate to its context. The overall form, scale and

massing of the extension would ensure that it would read as a subservient extension to the original building and would not feel disproportionately large or detract visually from the main form of the host building. While this would be contemporary in nature, evident by the fenestration and associated fins and curving exterior wall, officers consider that it would adequately preserve the important character and appearance of the host building as well as the boundary wall that presently encloses the back yard in a manner characteristic of the period in which Osney Island was developed. Furthermore, the carefully considered detailing, such as the string course and banding would serve to integrate the extension into the existing East Street elevation of the building. The overall size, scale and massing of the proposed rear extension, together with the minimalist approach to openings would also preserve a degree of subservience to the principal building which offers a positive response to the context and in particular the architectural significance of the principal building and its relationship in particular to the terrace of buildings immediately to the south on East Street.

- 10.27. The external stairway would be largely imperceptible to views from the public realm, with the main views of it likely being accorded from private views to the west and south. The stairway has been minimised in scale and carefully designed so as to not appear visually intrusive, which is considered appropriate. Planning officers consider that the appearance of the proposed extension would not be harmful to the character and appearance of the Conservation Area or to the significance of the locally significant building in the more restricted views from the west.
- 10.28. While officers understand that individual dwellinghouses may be a more contextually appropriate addition in the north-west part of the site and might be considered to sit more comfortably alongside the surrounding development here, planning officers also acknowledge the need to maximise the number of dwellings on the site and to meet the aims of Policy RE2 which considers land use efficiency. Therefore officers, in balancing all of the relevant matters consider that a well-designed flatted development in this portion of the site would also be acceptable and the submission is consistent with that approach.
- 10.29. The overall alignment and siting of the proposed new building is considered appropriate in terms of its context. Of particular note the overall scale of the building and the scale of the elements that comprise the building's principal façade would mean the building would sit comfortably on the site and completing the streetscape between 1 and 2 North Street. This contextual response is particularly important since clear views of the northern and eastern façades of the new building including its immediate surroundings would be evident from the surrounding public realm both within and from outside the conservation area. The design of the principal façade draws on key elements of the 20<sup>th</sup> Century terrace at North Street, including the bay windows, broad roof slope and string courses which would allow the new building to be a comfortable addition to the street
- 10.30. The east facade of the building has been designed to specifically articulate traditional design elements, including referencing chimneys and mirroring the banding and windows of the front façade, importantly providing architectural

consistency and a high design quality appropriate to the building's context. The rear and western elevation have been designed to express a more contemporary architecture within the more traditional overall building form with use of more modern materials for elements that will allow the building an individual expression without challenging the traditional architecture that is so important to the character and appearance of the place or indeed that of the principal building at No. 1 North Street.

- 10.31. It is noted that the proposed design and siting of the new building would preserve the important gap between the principal building and the remainder of buildings on this part of North Street. This will enable the setting of the non-designated heritage asset and the contribution that this open space makes to the character and appearance of the conservation area to be in part preserved, mitigating the harm that will inevitably result from the closing of the gap and the loss of overall spaciousness through the preservation of glimpsed views between buildings to the spaces behind and beyond, including views of tree canopies.

#### *Harm*

- 10.32. The enclosure and loss of the back yard at the lower East Street level would have an impact on the historical, evidence of social value of the existing use while the loss of the a rear, ancillary outshut which is a typical plan form of 1840's buildings, would also result in some harm. The loss of this to the new extension would result in some harm to the character and appearance of the Conservation Area. However, planning officers do not consider that the proposed changes to the roof, fenestration and the addition of the stairway or extensions would give rise to harm since these elements have been sympathetically designed.
- 10.33. The proposed new building on the site would also result in a degree of harm by virtue of its filling in much of the important gap between 1 North Street and the dwellings that comprise the rest of the street. This erodes the final generous open space in this part of the conservation area, although granted it is a car park at present. While officers consider that the principal façade and eastern facade of the building would not result in harm due to their careful design, it is considered that the design of the rear of the building would result in a degree of harm to private views of the rear of the site.
- 10.34. Having considered the above, officers are of the view that the level of harm caused would be a low level of less-than-substantial harm.

#### *Justification*

- 10.35. As per paragraph 200 of the NPPF, any harm caused to designated heritage assets by a development proposal must be clearly and convincingly justified. The applicant has provided a breakdown of the financial requirements to bring the existing building into a state of repair where it could be used for its intended purpose. Furthermore, the applicant has also provided an interrogation into the feasibility of moving the club elsewhere but it was found that this would not be readily possible or desirable. The applicant has also set

out their intention to secure permission for the development subject of this application as a means to fund their survival on this site, where they have been located for a number of decades. Planning officers accept this justification as weighing in favour of the application, since this would constitute a public benefit since the use of the site is a communal use.

10.36. The applicant has also demonstrated that the harm that would be caused to the significance of heritage assets would be mitigated through careful and considered design of new elements and through the use of good landscape design to open spaces (condition details) while achieving the same benefit of raising funds to ensure the club's survival, in accordance with paragraph 26 of Historic England's Good Practice Advice Note 'Managing Significance in Decision-Taking in the Historic Environment'. This states that where development causes harm to a heritage asset, alternative means of delivering the development benefits that would result in less harm to the heritage asset and therefore a more sustainable development should be explored, before proceeding to weigh benefits against any harm.

10.37. The justification of better optimising the use of the land on the site, which is in a fundamentally sustainable location and is currently not well-used or well considered in terms of density of development, is also a clear and convincing justification which weighs in favour of the application. The addition of nine dwellings on the site also provides much needed housing within the city and this has been considered in the context of Oxford's acute housing shortage and scarcity of land.

#### *Planning Balance*

10.38. In reaching a view on the planning balance when considering this application, officers, in evaluating the proposal, have given great weight to conserving the designated heritage asset, in accordance with paragraph 199 of the NPPF, when carrying out the balancing exercise required paragraph 202 of the NPPF. While the overall amount of harm would be a low level of less-than-substantial harm, it is noted that clear public benefits must result from the proposed development to outweigh the identified harm. The benefits of bringing a locally important, historic building back into a good state of repair supporting a viable and important community and public use, the preservation of an important local community institute on the island and the improvement of the land use efficiency on the site including the provision of nine new dwellings would, in the view of officers, outweigh the level of harm that has been identified.

10.39. The proposal is therefore considered to be acceptable in terms of its design and impact on the conservation area and the non-designated heritage asset of 1 North Street itself and therefore accords with Policies DH1 and DH3. However, to ensure quality, conditions have been included relating to material samples and additional technical details, including landscape details; these are conditions 3-7.

10.40. Regard has been paid to Paragraph 197 of the NPPF in reaching a decision. When applying the test outlined in Paragraph 202, it is considered that the

proposal would cause less-than-substantial harm to the significance of the conservation area, which would be outweighed by public benefits. Therefore, the proposals would be acceptable in terms of their impact on the conservation area being a designated heritage asset.

10.41. Regard has been paid to Paragraph 203 of the NPPF in taking to account the effect the application may have on the significance of a non-designated heritage asset, namely no.1 North Street. Officers have taken a balanced judgement and consider that the proposal would not result in any harm to the significance of the heritage asset.

10.42. Special attention has been paid to the desirability of preserving or enhancing the character and appearance of the conservation area under the duty in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. It has been concluded that while some harm would be caused, this would be outweighed by the public benefits the development would bring.

### **iii. Archaeology**

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

10.44. Having consulted the Historic Environment Record officers consider that, on present evidence, the proposed development would be unlikely to have significant archaeological implications.

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

### **iv. Neighbouring Amenity**

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

10.47. 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.

*Daylight*

10.48. The proposed development would accord with the 25/45 degree access to light test, outlined in Policy H14. Having regard to this, the orientation of the sun and the layout of the proposed development, planning officers consider that the proposal would not give rise to an unacceptable loss of direct daylight to neighbours. Specifically, planning officers consider that the proposed extensions to the existing building would lie adjacent to the dwelling at 1 East Street and would therefore not impinge on daylight to their windows. It is also noted that part of the proposed extension to the original building would be curved and would therefore not cause an unacceptable loss of daylight to the side window of this neighbour. In terms of 2 North Street, the issue is more nuanced in that, while the proposal accords with the 25/45 degree access to light test, officers also note that the loss of a degree of morning light to the rear rooms of this neighbour would result from the proposed development, specifically the rear elements of the proposed new block of flats. However, officers consider that this impingement would not be of a magnitude that would substantiate reasons for refusing this application since the habitable ground floor room contained within the outrigger of this neighbour is also served by unobstructed rear windows and the loss of light would likely be minor given that the windows in question are south facing and only some easterly light, not within the 25/45 degree arcs, would be interrupted by the development. The upstairs bedroom and downstairs kitchen windows of 2 North Street are close to the boundary with the application site. While it is noted that the proposed flats would extend 1.4m beyond these windows, before falling away from the boundary, it is considered that the fact that these windows are south facing and because the proposed development would accord with the 25/45 degree access to light test, officers consider that any loss of light would not be of a magnitude that would substantiate reasons for refusal

10.49. Therefore on balance, the proposal would not give rise to an unacceptable loss of direct daylight to neighbours.

10.50. Planning officers consider the proposal to be an improvement over the existing arrangement when considering the impact of overshadowing to the garden at 1 East Street. The existing function hall is proposed to be removed and no new structure set against this boundary.

10.51. The proposed new block of flats would not extend far beyond the existing outrigger at 1 North Street and where it would extend this far, the built form would be set away from the boundary. Therefore the proposed development would not unacceptably overshadow the garden of 1 North Street.

#### *Overbearing*

10.52. Due to the position of the building alongside that of 1 East Street, it is considered that the proposed development would not give rise to an unacceptable sense of enclosure to this neighbour nor a feeling of unacceptable overbearing. While the development would be perceptible to views from the solitary side window of this neighbour, it is considered that the outlook would not be significantly worse than at present.

10.53. The relationship with 2 North Street is again more complicated in that the block of flats would be set alongside this dwelling but would also extend rearwards parallel to this neighbour. However, the new building would extend alongside the mutual boundary 1.4m beyond the rear wall of 2 North Street, the following 2.5m depth of the building would be set 2.5m from the boundary; the following 2.5m of built form would be set an additional 2.5m from the boundary. While the built form in question would undoubtedly be of significant scale, essentially appearing to be three storeys in height, officers are also of the view that it would quickly appear to fall away from the shared boundary and would largely only cause a degree of overbearing to the area of garden next to the outrigger at 2 North Street and the side windows of the outrigger of this neighbour. While the main garden area to the rear of the outrigger of 2 North Street would be impacted as views to the north-east would have more built form in them and views of the canal and 1 North Street would be blocked, it is considered that this would not be unusual in terms of the tight knit grain on Osney Island. On balance, planning officers do not consider this overbearing to be of a degree that would prevent this neighbour from the quiet enjoyment of their property nor lead to an unacceptable sense of enclosure that would substantiate grounds for refusal.

#### *Privacy*

10.54. It is considered that the proposed alterations and extensions to the existing building on the site would not lead to an unacceptable loss of privacy to neighbours. The windows would direct views away from neighbours while the window to the proposed function room would also be fitted with privacy screens to prevent views southwards towards neighbours. While the proposed stairway would offer some glimpses of neighbouring properties as one uses it, these would be limited to glimpses of neighbours' gardens which is not an uncommon occurrence in the context of Osney. Furthermore, it is noted that it is not expected for people to be on the stairway for protracted periods of time.

10.55. The proposed new block of flats would be arranged so that the primary living space would be to the front of the units and would only have views northward, towards Botley Road, which is acceptable. The bedrooms would be located to the rear and would not include glazing that would allow significant views towards the immediate neighbour at 2 North Road since the windows, and built surrounds around the window are orientated in such a way so as to minimise the attainability of views directly down towards this neighbour. While long views would be possible of the garden land to the rear of the site, this is not unusual in Osney where the distinct block and grid layout of the suburb means that garden land is overlooked by the surrounding dwellings, especially by those with dormer windows or rooflights at second floor level. Therefore the proposed rear windows of the proposed new building would not lead to an unacceptable erosion of privacy to neighbours.

#### *Standards of Amenity*

10.56. While the proposal would lead to an intensification of the use of the site, which would entail increased activity, it is considered that it would not lead to a degree of activity that would be unprecedented or would be unreasonable.

## *Summary*

10.57. On balance, officers consider that the proposed development would not give rise to an unacceptable loss of amenity to neighbours and would accord with Policies H14 and RE7.

### **v. Noise**

10.58. Policy RE8 of the Oxford Local Plan 2036 states that planning permission will only be granted for development proposals which manage noise to safeguard or improve amenity, health, and quality of life. Planning permission will also not be granted for development that will generate unacceptable noise and vibration impacts. Planning permission will not be granted for development sensitive to noise in locations which experience high levels of noise, unless it can be demonstrated, through a noise assessment, that appropriate attenuation measures will be provided to ensure an acceptable level of amenity for end users and to prevent harm to the continued operation of existing uses.

10.59. Concerns regarding noise were raised during the public consultation. While officers have carefully considered these concerns, officers also note that the clubhouse could be brought into a good state of repair and used as a venue without planning permission. The site also contains a car park which could give rise to noise itself if this was more intensively used. The site is also in close proximity to the noisy Botley Road, albeit separated by the Osney Stream and North Street. Notwithstanding these issues, officers also note that the new function room would abut the dwelling at 1 East Street and therefore noise attenuation would need to be included. Officers therefore have required measures by condition to ensure that existing neighbours and future occupants on the site are protected by excessive external noise and that appropriate façade design is employed in this instance. In addition to this, the applicant needs to also ensure that future occupants are protected from internal noise transfer from individual units. To this effect, officers have required attenuation and insulation measures by Conditions 13 and 14.

10.60. Officers also note concerns raised as to the potential for the playing of music on the site and loud operations continuing into the night. Planning officers have therefore included Condition 15 pertaining to the hours of operation and requiring operations to cease at 11pm daily.

10.61. Subject to conditions, officers are content that the proposal would not give rise to unacceptable noise and would accord with Policy RE8.

### **vi. Occupier Amenity**

10.62. Policy H15 of the Oxford Local Plan 2036 states that planning permission will only be granted for new dwellings that provide good quality living accommodation for the intended use. All proposals for new build market and affordable homes (across all tenures) must comply with the MHCLG's Technical Housing Standards.

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

10.64. The proposed internal layouts meet the relevant space standards and would provide high quality amenity to future occupants. The shared garden for the proposed block of six flats is also considered appropriate and would be consistent with the amount of space one would reasonably expect for flatted dwellings. While the separated amenity space for the flats within 1 North Street is not ideal, officers are of the view that amenity space could not be contained on the building in the form of balconies and a roof garden without amenity and design issues rendering the development unacceptable. The proposed garden is of a good size in any case and officers accept that this solution is the most practical and consider this to be acceptable.

10.65. The proposal is acceptable in terms of occupier amenity and Policies H15 and H16.

#### **vii. Ecology**

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

10.67. Officers have reviewed the Preliminary Ecological Appraisal report produced by Windrush Ecology Ltd (September 2021) and are satisfied that the potential presence of protected species has been given due regard. However, to fully accord with Policy G2, details of ecological compensation measures and enhancements must be provided and implemented. This has been required by condition.

10.68. Officers note that the presence of swifts on the site was mentioned in the public consultation. Officers shall give this full consideration when discharging conditions relating to schemes of ecological enhancement.

10.69. Subject to Condition 12, the proposal is acceptable in terms of ecology and Policy G2.

#### **viii. Sustainability**

10.70. Policy RE1 of the Oxford Local Plan 2036 states that planning permission will only be granted where it can be demonstrated that sustainable design and construction principles, set out in RE1, have been incorporated. It is expected that 25% of energy will be on-site renewables; water consumption must also meet the requirements of Building Regulations Part G2. An Energy Statement will be submitted to demonstrate compliance with this policy for new-build residential developments (other than householder applications) and new-build

non-residential schemes over 1,000m<sup>2</sup>. On schemes of five more residential dwellings or 1000m<sup>2</sup>. The Energy Statement will include details as to how the policy will be complied with and monitored.

10.71. An energy statement and water usage calculations have been submitted which demonstrated compliance with the principles outlined in Policy RE1 in terms of carbon reduction, energy efficiency, renewable energy (with at least 25% being on-site renewables) and insulation. Officers have had regard to embedded carbon and note that only limited existing fabric would be removed; officers also note that parts of the building, notably the function room, are already falling apart in any case and would need to be rebuilt if they were to be retained in any case.

10.72. The proposal is therefore acceptable in terms of sustainability and accords with Policy RE1.

#### **ix. Flooding and Drainage**

10.73. Policy RE3 of the Oxford Local Plan 2036 states that planning permission will not be granted for development in Flood zone 3b except where it is for water-compatible uses or essential infrastructure; or where it is on previously developed land and it will represent an improvement for the existing situation in terms of flood risk. Minor householder extensions may be permitted in Flood Zone 3b, as they have a lower risk of increasing flooding. Proposals for this type of development will be assessed on a case by case basis, taking into account the effect on flood risk on and off site. Development will not be permitted that will lead to increased flood risk elsewhere, or where the occupants will not be safe from flooding.

10.74. Policy RE4 of the Oxford Local Plan 2036 states that all development proposals will be required to manage surface water through Sustainable Drainage Systems (SuDS) or techniques to limit run-off and reduce the existing rate of run-off on previously developed sites. Surface water runoff should be managed as close to its source as possible, in line with the drainage hierarchy outlined in the policy. Applicants must demonstrate that they have had regard to the SuDS Design and Evaluation Guide SPD/ TAN for minor development and Oxfordshire County Council guidance for major development.

10.75. The application site lies within Flood Zones 2 and 3. These are defined by the National Planning Policy Framework (NPPF) and associated Flood risk and coastal change Planning Policy Guidance (PPG) as having a medium and high probability of flooding. Officers have carefully considered the submitted Flood Risk Assessment and the advice given to the Council by the Environment Agency, who are statutory consultees on this matter and who did not object to this application subject to planning conditions being included with any permission. The proposed alterations and extensions to the existing building would lead to a mixed use where the sensitive uses would be set on the upper storeys and the finished flood levels of the proposed flats are set above the 1% annual exceedance probability (AEP) plus an appropriate allowance (26%) for climate change flood level. However, there are areas of the clubhouse that

are below the 1% AEP plus a 26% allowance for climate change flood level and so are at high risk of flooding during the lifetime of the development. These areas would be located both within the existing building to be retained and the proposed extension. Some of these areas appear to be ancillary to the new residential flats. However, the submitted Flood Risk Assessment commits to ensuring that these areas of the clubhouse will be made more flood resilient.

10.76. Flood proofing the new areas of the clubhouse (cycle racks, bin stores, store rooms and toilets) would likely not be especially onerous, especially compared to the existing facilities of the clubhouse, such as the lounge and bar. These new uses may also be considered less of a flood risk in comparison to the existing uses.

10.77. Having considered the above, there is therefore no objection to the extensions and alterations to the existing principal building on the site, subject to conditions ensuring resilience measures are implemented.

10.78. In considering the proposed new building, planning officers note that the building would be set atop flood voids which would allow the ingress and egress of flood water underneath the dwellings. This would ensure that the proposal does not give rise to an increase in flood risk on or off the site by protecting the residences from flooding and not displacing flood water with built form.

10.79. However, the issue of safe access and egress from the site in the event of a flood remains since future users of this site may need to evacuate using a route which is flooded. Officers consider that this level of risk in this instance is acceptable provided the measures included in the recommended conditions relating to flood warning and evacuation are included to give occupants adequate warning to reach dry land.

10.80. There are very limited proposals in terms of drainage and excess surface water is proposed to be drained into the sewer system and Thames. While a full package of SuDS would be desirable, officers are of the view that the undeveloped portion of land would not be sufficient in size to accommodate meaningful SuDs. Therefore the proposed arrangement is acceptable in this instance.

10.81. Subject to conditions, the proposal is acceptable in terms of flooding and drainage and thereby Policies RE3 and RE4.

#### **x. Land Quality**

10.82. Policy RE9 of the Oxford Local Plan 2036 states that planning applications where proposals would be affected by contamination or where contamination may present a risk to the surrounding environment, must be accompanied by a report which fulfils the relevant criteria set out in the policy. Where mitigation measures are needed, these will be required as a condition of any planning permission.

- 10.83. The site has had a previous commercial use and currently has buildings that are likely to contain ACM (asbestos containing materials). The development proposals include residential accommodation with garden areas which is considered to be a sensitive use and significant demolition works are proposed. It is therefore considered that contamination may exist on site that could present a potential risk to construction workers and future residential end-users.
- 10.84. It is the developer's responsibility to ensure that the site is suitable for the proposed use. This includes assessing whether or not any potentially significant contamination risks are present that could harm future occupiers and require remediation. Officers therefore recommend that planning conditions are placed on any planning permission to ensure that a contamination risk assessment is completed. Subject to these conditions, planning officers are satisfied that any land quality issues could be adequately managed.
- 10.85. Subject to conditions, the proposal is acceptable in terms of land quality and Policy RE9.

**xi. Protected Trees**

- 10.86. Policy G7 of the Oxford Local Plan 2036 states that planning permission will not be granted where development would result in the loss of green infrastructure features such as hedgerows, trees or woodland, where this would have a significant adverse impact upon public amenity or ecological interest. It must be demonstrated that their retention is not feasible and that their loss will be mitigated. Planning permission will not be granted for development resulting in the loss or deterioration of ancient woodland or ancient or veteran trees except in wholly exceptional circumstances.
- 10.87. There are no mature trees or significant vegetation on the site. However, there are trees in the rear gardens of neighbours that are protected by virtue of their being within a conservation area. However, it is considered that any development would take place well outside of their Root Protection Areas and therefore the development would not impact their longevity.
- 10.88. The proposal is therefore acceptable in terms of trees and Policy G7.

**xii. Transport (general)**

- 10.89. Policy M1 of the Oxford Local Plan 2036 states that planning permission will only be granted for 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.
- 10.90. Policy M2 of the Oxford Local Plan 2036 states that a Transport Assessment must be submitted for development that is likely to generate significant amounts of movement, in accordance with the requirements as defined in Appendix 7.1. In addition, development which meets the relevant criteria must include a travel plan. Where a Travel Plan is required under this policy and a

substantial amount of the movement is likely to be in the form of delivery, service and dispatch vehicles, a Delivery and Service Management Plan will be required.

- 10.91. Officers note that concerns have been raised as to the transport impacts of the proposed development as a result, in particular, of the proposed function room. Officers have had regard to the consideration of the County Council, since they are the statutory consultees for highways matters, as well as the existing arrangement on the site.
- 10.92. The application site is in a sustainable location with good local and regional public transport links; these are provided by a mixture of bus services, train services and park and ride services. There is also very little parking on the site and ample cycle parking, as well as strong local cycle infrastructure. Therefore, it is considered that the proposed use of the site in a clubhouse capacity would not lead to an unacceptable increase in traffic. Furthermore, regard has been paid to the fact that if the existing building could be brought into a good state of repair, then the existing arrangement would lead to similar or worse transport impacts since the site currently benefits from a large car park which would encourage trips to the site in private vehicles and thereby exacerbate existing strain on the local highway network, particularly on Botley Road.
- 10.93. While it is noted that the proposed dwellings would lead to a degree of additional servicing and deliveries, it is not considered that, in the context of Osney and the wider context of the West End of Oxford, this would be of a volume that would cause significant harm to the local highway network and thereby substantiate grounds for refusal. It is also noted that the Highways Authority do not object to the application, subject to condition, and have not raised concerns in relation to this.
- 10.94. Officers note that the construction phase of the proposed development has potential to disrupt traffic flow on the island. Therefore a construction traffic management plan has been required by Condition 8. However, officers are satisfied that with this condition in place any disruption can be minimised.
- 10.95. It is considered that the proposal prioritises sustainable transport and would not give rise to unacceptable transport impacts or generate a high degree of traffic; the proposal therefore accords with Policies M1 and M2.

### **xiii. Car Parking**

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

- 10.97. Policy M3 of the Oxford Local Plan 2036 states the parking requirements for all non-residential development, whether expansions of floorspace on existing sites, the redevelopment of existing or cleared sites, or new non-residential development on new sites, will be determined in the light of the submitted Transport Assessment or Travel Plan, which must take into account the objectives of this Plan to promote and achieve a shift towards sustainable modes of travel. The presumption will be that vehicle parking will be kept to the minimum necessary to ensure the successful functioning of the development. In the case of the redevelopment of an existing or previously cleared site, there should be no net increase in parking on the site from the previous level and the Council will seek a reduction where there is good accessibility to a range of facilities
- 10.98. Policy M4 of the Oxford Local Plan 2036 requires electrical vehicle charging facilities to be provided to each new car parking space.
- 10.99. Officers consider that the application site is within 800m of several supermarkets that sell a range of everyday goods and within 400m of numerous bus stops, indeed the site is also within walking distance of the city centre which offers a large range of goods and services. The application site is within a CPZ. The site is therefore required to be car free, as required by Policy M3 of the Oxford Local Plan.
- 10.100. The proposal includes no residential car parking for the proposed dwellings as well as a meaningful reduction to the existing car parking spaces on the site Conditions (Conditions 10 and 11 in Section 12 of this report) have been recommended by officers that would seek to ensure that the site remains car free in perpetuity; preventing the creation of informal parking areas on site in the future or altering the site to facilitate access by vehicles.
- 10.101. In terms of car parking for the retained club; four spaces have been retained on the site of the original ten or so spaces on the site. This is a meaningful reduction and planning officers consider that parking has been kept to a minimum in connection with the operation of the club on the site.
- 10.102. Policy M4 would require one of the spaces to feature electrical vehicle charging facilities. Condition 9 requires one of the four spaces to have such facilities and for utilities to be put in place to enable more charging facilities to be erected, should they be needed in the future.
- 10.103. Subject to conditions, the proposal is acceptable in terms of car parking and Policies M3 and M4.

#### **xiv. Cycle Parking**

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

appropriate amount of parking for the needs of disabled people, bicycle trailers and cargo bicycles, as well as and facilities for electric charging infrastructure.

- 10.105. The proposal includes cycle storage for the residential units towards the rear of the site; these stores would allow for sufficient parking that is secure, covered and allows good access to the cycles. The proposed cycle parking within the clubhouse also provides for a good amount of parking that is secure, covered and easily accessible.
- 10.106. The proposed cycle parking is therefore acceptable and accords with Policy M5 of the local plan.

## **11. CONCLUSION**

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

### *Material consideration*

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

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

## **12. CONDITIONS**

### 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.

### Development in Accordance with Approved Plans

- 2 Subject to conditions 4, 5, 6, 7 and 9 the development permitted shall be constructed in complete accordance with the specifications in the application and approved plans listed below, unless otherwise agreed in writing by the local planning authority.

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

### Materials as Specified

- 3 Subject to condition 4, the materials to be used in the proposed development shall be as specified in the application hereby approved. There shall be no variation of these materials without the prior written consent of the Local Planning Authority.

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

#### Materials - Samples

- 4 Notwithstanding condition 3, prior to the commencement of the approved development all samples of the exterior materials (including brick, window, door and roof tiles) shall be submitted to, and approved in writing by, the Local Planning Authority and only the approved materials and details shall be used.

Reason: To ensure that the development is visually satisfactory as required by Policies S1, DH1 and DH3 of the Oxford Local Plan 2036.

#### Details – Affixation to 1 East Street

- 5 Prior to the start of relevant works, notwithstanding the approved plans, full details of the parts of the approved development abutting 1 East Street shall be submitted to and approved in writing by the Local Planning Authority and works shall only then take place in accordance with the approved details.

Reason: To preserve the exterior stone wall at 1 East Street and to ensure that the development is visually satisfactory as required by Policies S1, DH1 and DH3 of the Oxford Local Plan 2036.

#### Details - Dormers

- 6 Drawings showing full details of the design and finish of the proposed dormers at 1 North Street, at a scale of no less than 1:10, shall be submitted to and approved in writing by the Local Planning Authority before the relevant works begin and the works shall be carried out in accordance with the approved details only.

Reason: To ensure that the development is visually satisfactory as required by Policies S1, DH1 and DH3 of the Oxford Local Plan 2036.

#### Landscape Plan

- 7 A landscape plan for the approved new dwellings shall be submitted to, and approved in writing by, the Local Planning Authority prior to first occupation or first use of the development hereby approved. The plan shall show details of treatment of paved areas, and areas to be grassed or finished in a similar manner, existing retained trees and proposed new trees, shrub and hedge planting and boundary treatments. The plan shall preclude the parking of vehicles in the curtilage of the approved dwellings. The landscaping proposals as submitted to and approved in writing by the Local Planning

Authority shall be carried out no later than the first planting season after first occupation or first use of the development hereby approved unless otherwise agreed in writing beforehand by the Local Planning Authority and shall be retained and maintained thereafter unless agreed otherwise in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and to ensure no car parking can take place on the site, in accordance with Policies M3, G7, G8 and DH1 of the Oxford Local Plan 2036.

#### Construction Traffic Management Plan

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

The development shall be carried out in accordance with the approved Construction Traffic Management Plan

Reason: In the interests of highway safety and to mitigate the impact of construction vehicles on the surrounding network, road infrastructure and local residents, particularly at peak traffic times, in accordance with Policy M2 of the Oxford Local Plan 2036.

#### Electric Vehicle Charging

9 Prior to the first occupation of the development hereby approved, 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:

- Location of EV charging points;
- The amount of electric car charging points shall cover at least 25% of the amount of permitted parking of the commercial development (one space)
- 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 in operation and shall remain in place thereafter.

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

### Parking Permits

- 10 The dwellings hereby permitted shall not be occupied until the Order governing parking at North Street has been varied by the Oxfordshire County Council as highway authority to exclude the approved new dwellings subject to this permission, from eligibility for residents' 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 2036.

### Means of Access to the Highway

- 11 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modifications) no additional means of access to the public highway from the plot of the approved development shall be installed on the basis of the Order without the prior written consent of the Local Planning Authority.

Reason: To ensure that the dwellings hereby approved remain car-free, in accordance with Policy M3 of the Oxford Local Plan 2036.

### Scheme of Ecological Enhancements

- 12 Prior to the commencement of development, a scheme of ecological enhancements shall be submitted to, and approved in writing by, the Local Planning Authority to ensure a net gain in biodiversity will be achieved. The scheme will include details of landscape planting of known benefit to wildlife and details of artificial roost features for bats and birds, in addition to a minimum of 6 dedicated swift boxes. Any new fencing will include holes for the safe passage of hedgehog.

The development shall take place in accordance with the approved Scheme of Ecological Enhancements and its measures shall be retained thereafter.

Reason: To comply with the requirements of the National Planning Policy Framework and Policy G2 of the Oxford Local Plan 2036.

### Noise Attenuation

- 13 The design and structure of the development shall be of such a standard that it will protect occupying residents and neighbouring residents from existing external noise so that they are not exposed to levels indoors of more than 35dB LAeq 16hrs daytime and of more than 30dB LAeq 8hrs in bedrooms at night.

Reason: To ensure that the amenities of existing neighbours and future occupiers of the approved residences are protected, as per Policy RE8 of the Oxford Local Plan 2036.

#### Noise Insulation

- 14 Prior to commencement of the development, details shall be submitted to and approved in writing by the Local Planning Authority, of an enhanced sound insulation value  $D_{nT,w}$  of at least 5dB above the Building Regulations value, for the floor/ceiling/wall structures separating different types of rooms/ uses in adjoining dwellings, namely living room and kitchen above bedroom of separate dwelling. The approved details shall be implemented prior to occupation of the approved dwellings and thereafter be permanently retained.

Reason: To ensure that the amenity of occupiers of the development site is not adversely affected by noise, as per Policy RE8 of the Oxford Local Plan 2036.

#### Hours of operation

- 15 Customers shall not be present on the premises of the clubhouse (including the function room hereby approved), nor shall there be any preparation, sale or delivery of food or beverage for consumption off the premises during the following times: Monday to Sunday inclusive before 8.00 AM and after 11.00 PM. A notice to this effect shall be displayed at all times on the premises so as to be visible from outside.

Reason: In the interests of the amenities of nearby occupiers and the area generally in accordance with Policy RE7 of the Oxford Local Plan 2036

#### Land Quality – Phased Risk Assessment

- 16 Prior to the commencement of the development a phased risk assessment shall be carried out by a competent person in accordance with relevant British Standards and the Environment Agency's Land Contamination Risk Management (LCRM) procedures for managing land contamination. Each phase shall be submitted in writing and approved in writing by the local planning authority.

Phase 1 shall incorporate a desk study and site walk over to identify all potential contaminative uses on site, and to inform the conceptual site model and preliminary risk assessment.

Phase 2 shall include a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals.

Phase 3 requires that a remediation strategy, validation plan, and/or monitoring plan be submitted to and approved in writing by the local planning authority to ensure the site will be suitable for its proposed use.

Reason- To ensure that any ground and water contamination is identified and

adequately addressed to ensure the site is suitable for the proposed use in accordance with the requirements of Policy RE9 of the Oxford Local Plan 2036.

#### Land Quality – Remedial Work

- 17 The development shall not be occupied until any approved remedial works have been carried out and a full validation report has been submitted to and approved in writing by the local planning authority.

Reason: To ensure that any ground and water contamination is identified and adequately addressed to ensure the site is suitable for the proposed use in accordance with the requirements of Policy RE9 of the Oxford Local Plan 2036.

#### Flooding

- 18 The development shall be carried out in accordance with the submitted flood risk assessment (reference TC21004, dated September 2021 and prepared by Taylor Consulting Engineers) and the following mitigation measures it details:

- Finished floor levels of the residential flats shall be set no lower than 58 meters above Ordnance Datum (mAOD), in accordance with section 5.3 and drawing number 286/P/16 (titled Proposed Lower and Upper Ground Floor Plan, revision F, dated 17 September 2021)
- Compensatory storage shall be provided in the form of a void under the new residential building. The floodable void shall be implemented as outlined in Section 6.2, with the soffit level of the void spaces and openings set no lower than 57.42mAOD. The ground level within the void space will be set no higher than 57.00mAOD. The void openings shall be 1 metre wide and set every 5 metres
- Flood resilience and resistance measures shall be included as listed by bullet point in section 7.2

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants, to prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided and to protect future users of the site from flood risk. This is in accordance with paragraphs 164 and 167 of the NPPF and Policy RE3 of the Oxford City Local Plan 2036.

#### Flooding - Evacuation

- 19 Prior to the commencement of the approved development, details of a flood evacuation plan for the premises in the event of a flood event shall be submitted to and approved in writing by the Local Planning Authority. The

evacuation plan shall be implemented in accordance with these approved details before the development is brought into use and shall remain in place thereafter.

Reason: To ensure that flood risk issues have been addressed as part of the development and to ensure that there is not an unacceptable flood risk to future occupants of the site, in accordance with Policy RE3 of the Oxford Local Plan 2036 and paragraphs 164 and 167 of the NPPF.

### **13. APPENDICES**

- **Appendix 1** – Site location plan

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

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

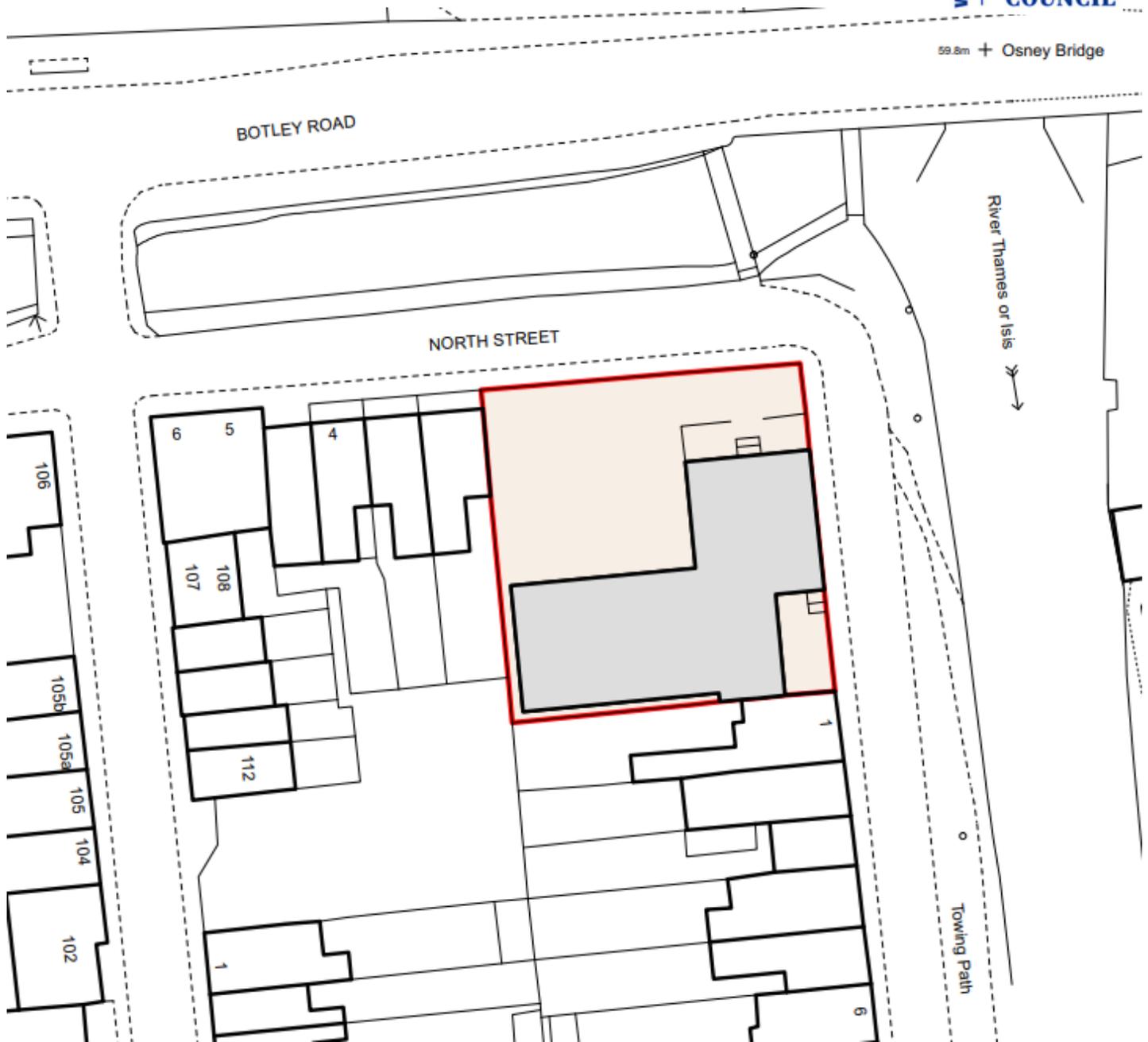
### **15. SECTION 17 OF THE CRIME AND DISORDER ACT 1998**

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

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# Appendix 1 – Location Plan

## 21/02581/FUL - 1 North Street



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Oxford City Planning Committee

24<sup>th</sup> May 2022

**Application number:** 22/00393/FUL

**Decision due by** 20th April 2022

**Extension of time** 31st May 2022

**Proposal** Partial demolition of the existing building. Erection of a three storey building to create 6 x 1 bed flats (Use Class C3). Alterations to the existing building to form 3 x 1 bed flats (Use Class C3) and alterations to fenestration on the west elevation. Provision of bin and bicycle stores. Alterations to landscaping and ancillary works.

**Site address** 39 South Parade, Oxford, Oxfordshire, OX2 7JL – see **Appendix 1** for site plan

**Ward** Summertown

**Case officer** James Paterson

**Agent:** Mr Nik Lyzba      **Applicant:** Cantay Estates Ltd

**Reason at Committee** This application was called in by the Head of Planning Services following concerns from councillors with regard to the impact on neighbouring amenity, highways impacts, loss of garden space and general design issues.

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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

## 2. EXECUTIVE SUMMARY

2.1. This report considers the partial demolition of the existing building at 39 South Parade. This demolition would be limited to the 20<sup>th</sup> Century additions to the original Victorian building and would result in the loss of much of the internal space serving the dwelling labelled as ‘Unit 1’ at ground floor level and the

entirety of one of the dwellings at second floor level, labelled as 'Unit 3'. Minor alterations are proposed to the retained part of 39 South Parade, including minor alterations to the fenestration on the western elevation.

- 2.2. Planning permission is sought to erect a three storey building to form six one-bedroom flats, with two being set across each floor. The proposed new building would front Stratfield Road and would occupy land vacated by the demolition of part of 39 South Parade as well as occupying land in use as off-street parking serving the properties on the application site. Outdoor amenity space would be provided in the form of balconies or front gardens and a shared rear garden while access to the proposed dwellings would be achieved via an external staircase to the rear of the building. Cycle and bin storage would be provided in the rear garden; no car parking is proposed.

### **3. LEGAL AGREEMENT**

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

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

- 4.1. The proposal is liable for CIL. The amount liable would be £50,076.82.

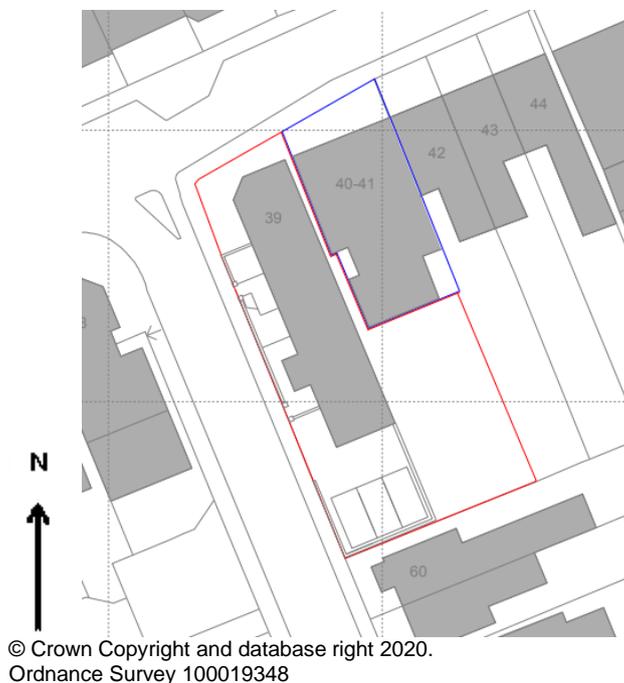
### **5. SITE AND SURROUNDINGS**

- 5.1. The site is located within the Summertown District Centre but outside of any designated retail frontage; the site also lies within the Summertown Area of Change which, is designated by Policy AOC5 in the Oxford Local Plan 2036.
- 5.2. The existing application site comprises of a tall Victorian building which has a 20<sup>th</sup> Century extension to its rear; it is understood that the rear extensions were erected in the 1970s and in the 1990s when the final extension was added. The existing extended building has frontages on both South Parade and Stratfield Road. The building appears to have originally been built to provide commercial space at ground floor level with accommodation above, as is typical on the street; it is understood that the ground floor of the building had been used as a green grocer's prior to the existing residential use at ground floor.
- 5.3. The original building is constructed of Oxford Yellow brick and exhibits interesting banding and detailing around the window and door openings, which is provided by a mixture of stone and red brick, while the roof is covered in plain red tiles. Aside from minor alterations to enable the current configuration of the building, the principal elevation of the building appears to remain largely original, including many timber sash windows. The aforementioned minor alterations clearly include the bricking up of the original shop front which has been relatively successfully done on the South Parade elevation. The subsequent extensions to the building are less noteworthy as they only loosely draw their design from the host building, most notably through the use of yellow brick, but are otherwise unremarkable in appearance.
- 5.4. To the rear of the site, fronting Stratfield Road, is a garage and private off-street car park. There is a shared garden space to the rear which the applicant

owns and forms part of the application site; however it is currently unused by the current occupants of the application site.

5.5. The site lies within an important part of the Summertown area as the crossroads on which it is located formed one of the earlier roads of the original village and is characterised by Victorian buildings; although some of the characteristics of the area have changed over time as redevelopment and infilling has taken place. South Parade is characterised by commercial uses intermingled with residential uses between and above the commercial units. The site also has a significant frontage onto Stratfield Road which is almost totally residential in character. The uniform two storey Victorian terraces that comprise much of Stratfield Road are largely finished in Oxford Yellow brick and create a strong sense of continuity and group value, in terms of their contribution to the streetscene.

5.6. See block plan below:



## 6. PROPOSAL

6.1. The application proposes the demolition of the existing extensions to the original Victoria Building that comprises 39 South Parade and the reinstatement of the original southern wall of the building. This would entail a reduction in the size of one of the units (Unit 1) within the building, namely a reduction from a two-bed to a one-bed flat, while also necessitating the total loss of another flat (Unit 3) within the extension, which is a one-bed dwelling. The proposed demolition also includes a garage which serves the existing ground floor flat (Unit 1).

6.2. The demolition would necessitate internal and external alterations to the retained Victorian building. This would include alterations to the internal configuration, most notably to the ground floor flat in order to move the kitchen

and wash facilities into the retained part of the building as well as to create a new internal stairway to reach the flats above. Externally, the changes would be limited to the insertion of new windows on the western façade.

- 6.3. This application seeks to then erect a three storey building on the site to the south of the retained Victorian building. The proposed building would be up to 12m in depth, 9.5m in height and would have a maximum width of 17.4m. The building would be set back 1.8m from the retained Victorian building and 2.4m from the neighbour at 60 Stratfield Road. The building would also be set 5.6m from the boundary with the garden of 43 South Parade to the rear.
- 6.4. The proposed building would have a contemporary vernacular for the most part, resulting from the flat roof, large windows and the minimalistic components of the principal façade. However, there would also be traditional elements to the principal façade which include the protruding front bay windows, banding, materiality and the definition of the larger glazing units resulting from the mullions.
- 6.5. In terms of the building's layout within the site, the building would be positioned so as to match the front building line of the buildings either side; although the rear building line would extend beyond that of the neighbours, particularly when the proposed rear stairway is taken into account. A modest front garden would be set in front of the building, which would be enclosed by a modest stone walls with railings set above, while the principal amenity space would be a rear garden which would be shared by the occupants of the proposed six flats. The rear garden would be accessed via side gates and would house the proposed cycle and bin stores. The proposed dwellings would all be car-free.

## **7. RELEVANT PLANNING HISTORY**

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

73/00115/A\_H - Erection of 5 garages.. REF 27th February 1973.

73/00414/A\_H - Rear of 39 South Parade - Conversion of store and extension to provide 1 no. self contained flat with integral garage.. PER 10th May 1973.

73/00518/A\_H - Outline application for two self contained flats with 2 garages under.. REF 10th May 1973.

78/00496/A\_H - Extension at rear for greenhouse.. REF 5th July 1978.

89/00908/NF - Change of use from shop (Class A1) to Licensed Restaurant (Class A3). REF 12th October 1989.

94/00460/NF - Change of use of ground & basement to 3 flats including excavation to enlarge basement light well, extensions at basement & ground. Parking for 4 cars accessed off Stratfield Rd, including installation of pavement crossover. REF 25th May 1994.

94/01250/NF - Change of use of ground & basement to food & drink (A3) Alterations including extension; alterations to shop front; new stairs to basement. Ramped access from Stratfield Rd & conversion of garage into WCs. 3 parking spaces & bin. REF 29th November 1994.

95/00015/NF - Change of use from shop to 2 bedroom residential flat including single storey extension fronting Stratfield Road, external alterations and use of integral garage for new flat. Alterations to boundary to provide 0.6 m high wall.. PER 27th February 1995.

10/01431/FUL - Remove bay window and insert 2 x sash windows to reflect size, scale and position of existing first floor windows.. PER 4th August 2010.

## 8. RELEVANT PLANNING POLICY

8.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework	Local Plan	Other planning documents	Summertown and St Margaret's Neighbourhood Plan:
Design	130-136	DH1, DH7, RE2, G6	Waste Storage TAN	HOS2, HOS3, HOS4
Housing	59-76	H4, H5, H14, H15, 16		
Commercial	84-91	V4		
Natural environment	174-188	RE3, RE4, G2, G7, G8	Biodiversity TAN	
Transport	104-113	M3, M5	Car and Bicycle Parking TAN	TRS2
Environmental	153-169	RE1, RE7, RE8, RE9	Energy Statement TAN Sustainable Construction and Design TAN	ENS2
Miscellaneous	7-12	S1, S2, AOC5		

## 9. CONSULTATION RESPONSES

9.1. Site notices were displayed around the application site on 8th March 2022.

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

#### Oxfordshire County Council (Highways)

9.2. No objection, conditions required relating to a Construction Traffic Management Plan and parking permits.

#### Thames Valley Police

9.3. A holding objection was received due to issues regarding the design of the building in relation to the Secure by Design guidance. However, the comment received by the Council went on to outline the issues identified by the Crime Prevention Design Advisor and suggested a planning condition by included were planning permission to be granted. Having had regard to the advice received, and having afforded great weight to the consideration of this consultee, planning officers are of the view that the proposed development could be brought up to an acceptable standard in relation to Secure by Design with an appropriately worded condition, as is proposed in condition 13 as set out in Section 12 of this report.

### **Public representations**

9.4. 46 local people commented on this application from addresses in Beech Croft Road, Bullingdon Road, Canal Street, Grove Street, Islip Road, Middle Way, Oakthorpe Road, Old Woking Road (Woking), One Britton Street (London), Osberton Road, South Parade, Stratfield Road, The Paddock, Thorncliffe Road.

9.5. In summary, the main points of objection (46 residents) were:

- Access
- Amount of development on site
- Effect on adjoining properties
- Effect on character of area
- Effect on existing community facilities
- Effect on pollution
- Effect on privacy
- Effect on traffic
- Flooding risk
- General dislike or support for proposal
- Height of proposal
- Information missing from plans
- Light - daylight/sunlight
- Local ecology, biodiversity

- Local plan policies
- Noise and disturbance
- Not enough info given on application
- On-street parking
- Open space provision
- Parking provision
- Public transport provision/accessibility

### **Officer response**

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

## **10. PLANNING MATERIAL CONSIDERATIONS**

10.1. Officers consider the determining issues to be:

- i. Principle of development
- ii. Design
- iii. Neighbouring amenity
- iv. Occupier Amenity
- v. Ecology
- vi. Drainage
- vii. Trees
- viii. Cycle Parking
- ix. Car Parking
- x. Sustainability

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

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

10.3. Policy RE2 of the Oxford Local Plan 2036 states that planning permission will only be granted where development proposals make efficient use of land. Development proposals must make best use of site capacity, in a manner compatible with the site itself, the surrounding area and broader

considerations of the needs of Oxford, as well as considering the criteria set out in the policy.

- 10.4. Policy G6 of the Oxford Local Plan 2036 states that planning permission will be granted for new dwellings on residential garden land provided that the proposal responds to the character and appearance of the area and the size of plot to be developed is of an appropriate size and shape to accommodate the proposal. Any loss of biodiversity value on the site must also be fully mitigated, and where practicable enhanced.
- 10.5. Policy H4 of the Oxford Local Plan 2036 states that planning permission will be granted for residential development that is demonstrated to deliver a balanced mix of dwelling sizes to meet a range housing needs and create mixed and balanced communities . Proposals for 25 or more homes (gross) (C3 residential), or sites of 0.5 ha. and greater, and which are outside of the city centre or district centres, will be expected to comply with the prescribed following mix of unit sizes for the affordable element, where it is feasible. Sites below the threshold or within the city centre or a district centre should demonstrate how the proposal has had regard to local housing demand, including for affordable housing demonstrated by the housing register.
- 10.6. Policy H5 of the Oxford Local Plan 2036 states that planning permission will not be granted for any development that results in the net loss of one or more self-contained dwellings on a site, including family homes (loss of an HMO converted from a self- contained dwelling would be considered a loss of a self-contained dwelling), except in one of the extreme circumstances outlined in the policy.
- 10.7. Policy AOC5 of the Oxford Local Plan 2036 states that planning permission will be granted for new development within the area of change where it would take opportunities to deliver the objectives set out in the policy. This would include building on the existing mix of uses by creating a high density environment that contributes to the vibrancy of the place and creating a new neighbourhood of high density, contemporary housing.
- 10.8. In principle, the proposal to demolish the existing 20<sup>th</sup> Century extension to 39 South Parade and erect a new three storey block of flats on the site of the former extension and existing car park is acceptable since it would constitute a far more efficient use of land than the existing arrangement, as per the aims of Policy RE2, and would better optimise the use of the land for residential use. This is particularly important here since the current arrangement of the site does not make an efficient use of land as much of the site is given over to the parking of private vehicles, despite the sustainable location of the site and its good access to public transport. It is also noted that the existing housing on the site is not of a high density that makes the best use of the land.
- 10.9. In order for the proposed development to fully accord with the requirements of Policies S1, RE2 and G6, the proposal also needs to represent development that makes use of the capacity of the site in a manner compatible with the capacity and context of the site, including according with local and national design policies. These issues are fully explored in subsequent sections of this

report but, in summary, planning officers consider that the principle of the proposed development is acceptable and would make best use of the land in a manner that is compatible with the character of the area and would not harm the streetscene nor overdevelop the site.

10.10. With regard to the mix of dwellings, it is noted that only single bed units are proposed, including the reconstituted dwelling at ground floor level at 39 South Parade. This is considered acceptable given that maximising the number of dwellings in this district centre location is desirable but also because Policy AOC5 specifies that single bed units are sought by the Council within this designated area of change.

10.11. While a single dwelling would be lost as a result of this development, six new dwellings would be gained. This net gain of five dwellings is sufficient to satisfy Policy H5.

10.12. In summary, planning officers consider that the overall principle of the proposal, namely a three storey residential building comprised of six dwellings, is acceptable in principle and satisfies Policies S1, RE2, G6, H4, H5 and AOC5.

## **ii. Design**

10.13. Policy DH1 of the Oxford Local Plan 2036 states that a planning permission will only be granted for development of high quality design that creates or enhances local distinctiveness. Proposals must be designed to meet the key design objectives and principles for delivering high quality development, set out in Appendix 6.1. Policy RE2 requires development proposals must make best use of site capacity, in a manner compatible with the site itself, the surrounding area and broader considerations of the needs of Oxford. Development will need to have a density appropriate for the use proposed, have an appropriate scale of development and utilise a layout appropriate to the capacity of the site.

10.14. The application site represents something of a transition between the three storey Victorian building at 39 South Parade to the two storey uniform terraces that comprise much of Stratfield Road. Therefore any building on the application site needs to have regard to this change in form and would need to be sensitively designed to bridge the differences in scale, massing and form between these two building typologies in order to sit comfortably on the site. Overall planning officers consider that the scale, form and massing of the proposed building would achieve this by virtue of its height being taller overall than the terraced dwellings but lower than the larger corner building at 39 South Parade while taking visual cues in its articulation from both building types.

10.15. Planning officers note that the application site falls within the 'South Summertown Terraces' character area of the Summertown and St Margaret's Neighbourhood Plan. The character assessment contained within that plan states that this character area is a textbook example of Victorian and

Edwardian urban design that enhances the quality of living in this area and engenders community involvement. It goes on to state that with very few exceptions, the area's original character has been respected during later development, and it is of vital importance that this should continue. Planning officers have carefully considered this as part of the character assessment in assessing this application. While the proposed new block of flats would front Stratfield Road, it is also noted that it would lie within the original plot of the taller Victorian development fronting South Parade as well as directly opposite land serving the built form on South Parade and therefore has a relationship with both frontages. On balance, Officers consider that the proposed design which takes cues from both the terraces of Stratfield Road and the building at 39 South Parade has created a proposed development which would be more successful in design terms than a set of terraced dwellinghouses on this site which only takes cues from one aspect of the site's context. It is also noted that terraced dwellinghouses would also not optimise the use of the land for housing; this is especially pertinent given the sustainable location of the site. Officers have also noted that it is not uncommon in urban design for corners of streets to feature building of a greater scale than along the length of the street; this is already the case here at both ends of Stratfield Street.

10.16. The overall design of the building seeks to draw on the important characteristics of the terraces to the south of the site but also draw on the characteristics of the existing Victorian building at the north end of the site, which it would more closely resemble in terms of its scale, use and orientation, which would be appropriate for the reasons officers have set out previously in relation to land use efficiency and the grain of development in the area. Officers consider that the proposed development is successful in this regard on its principal façade, particularly in terms of the protruding bay windows and arrangement of the enclosed front garden on this frontage would serve to tie the building in with the terraces of Stratfield Road as would the proposed horizontal banding which reflects the different storeys of the terraced dwelling. Officers also note that key characteristics of the proposed building would also serve to tie the building into the existing building on the site, including the careful treatment of the proposed fenestration which comprises of the proposed window mullions, transoms and brick window heads. It is also noted that the design includes a reduction in the size of the proposed windows and balcony doors at second floor level as a means to draw on the perceived reduction in scale of the higher storeys at 39 South Parade; while it is noted that the reduction in size is fairly modest, it is considered that this still reinforces the reverence of the proposed building to the existing Victorian building on the site.

10.17. While officers have outlined the ways in which the proposal draws on existing built form in the area, the proposed building also includes features which would set it out as an interesting, independent piece of architecture in its own right. The combination of a flat roof, emphasis on glazing and simple articulation of the elements of the building means that it would still read as a contemporary addition to the street. Officers have also had regard to the requirements of Policies HOS2 and HOS3 and consider that the proposal responds positively to local character and distinctiveness of the area while

also drawing on both traditional and innovative design to respect the local heritage and character of the neighbourhood.

- 10.18. In terms of materials, officers consider that the Oxford Yellow bricks form an important characteristic of the area which the proposed development should seek to replicate. The proposal seeks to utilise pale yellow multi bricks and officers consider that this would respond adequately to the materiality of the surrounding built form so as to ensure the proposed development would sit comfortably on the application site.
- 10.19. Concerns have been raised by the Thames Valley Policy as to the design of the building with regard to the principles of Secure by Design and they have submitted a holding objection. Their consultation response points out various issues including the pinch point between the proposed building and 39 and 40 South Parade as well as the gated access and lack of lighting to the rear. However the response also includes a proposed planning condition were permission to be granted as well as various means of addressing the concerns that have been raised. Officers are satisfied that with an appropriate planning condition relating to lighting, locked gated access and other Secure By Design features, the potential for anti-social behaviour and fear of crime can be minimised to a point where it would be acceptable. Officers have therefore recommended Condition 13 as a means to address these concerns.
- 10.20. Overall, officers consider that the proposal represents high quality design and would accord with the requirements of Policy DH1 of the Oxford Local Plan 2036 and HOS2 and HOS3 of the Summertown and St Margaret's Neighbourhood Plan.
- 10.21. Policy DH7 of the Oxford Local Plan 2036 states that permission will only be granted where outdoor needs are properly accommodated, including refuse and recycling storage. Bins should be provided in accordance with Oxford City Council's Technical Advice Note on bin storage.
- 10.22. Covered and secure bin storage are proposed in the rear garden; these would have sufficient space for the necessary bins, as per the Council's relevant TAN, and would be easily wheeled to the curb for collection. These, and the cycle stores, would be of acceptable design so as to not harm the amenity of the area.
- 10.23. The proposal is therefore acceptable in this regard and complies with Policy DH7.

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

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

- 10.25. 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.

#### *Daylight*

- 10.26. The proposed development would comply with the 25/45 degree access to light test, outlined in Policy H14, with the exception of the westernmost downstairs and upper windows of 40 South Parade on the rear elevation of the building. However, officers understand that the downstairs window in question serves a kitchen associated with a non-residential use. Therefore, the impingement on this window would be acceptable since it would not be sensitive to a degree of lost daylight. Meanwhile the upper window in question serves a residential lounge/ dining area. This would be sensitive to an erosion of amenity through a loss of daylight. However, having regard to the fact that this room is also served by a second south facing window that would not be impinged upon by the proposed development in conjunction with the findings of the submitted Daylight and Sunlight Analysis, it is considered that the proposed development would not cause an unacceptable loss of light to this neighbour.
- 10.27. It is considered that the proposal would not impinge on the daylight received to the internal rooms of any other neighbours, having considered the 25/45 degree access to light test and the findings of the submitted Daylight and Sunlight Analysis since the rest of neighbours' windows would be set sufficiently far from the proposed building or would face away from the application site.
- 10.28. It is considered that the proposed dwelling would not unacceptably overshadow the outdoor amenity areas of neighbouring residences. The proposal would have a minimal impact on the gardens of the properties on Stratfield Road to the south, given the orientation of the sun while the properties to the west would be sufficiently distant from the site so as to not be impacted. There would be some impact on the gardens of 42-44 South Parade where the gardens may experience a degree of overshadowing during the mornings as a result of the proposed block of flats, but it is not considered that this would be to an extent that would prevent their quiet enjoyment of their gardens. It is also noted that the mature trees that were previously on the site, until they were removed sometime last year, would likely have blocked a similar amount of light during the summer months that the proposed building would.

#### *Overbearing*

- 10.29. The proposed building would be set alongside the existing dwellings at 60 Stratfield Road and 39 South Parade and so would only be perceptible to limited acute views from the windows serving these dwellings. The exception would be the rooflight windows serving the single storey rear extension and the side window serving the rear outrigger at 60 Stratfield Road. However, is

understood that the upper side window serves a bathroom, where occupants are not reasonably expected to spend protracted periods of time looking outwards, while the rooflights serve a kitchen/ family area and are of a height where only acute views of the building would likely be possible.

- 10.30. It is considered that the dwellings to the west of the site are set sufficiently far from the application site so as for the proposed development to not give rise to unacceptable overbearing.
- 10.31. The proposed building would have an impact on the views from the rear of the flats at 40-41 South Parade and would also impact how the gardens of the three dwellinghouses to the east of that would be experienced by their occupants, although the building would be sufficiently far from the rear windows of those dwellings to not result in unacceptable overbearing to their internal rooms. In terms of the internal rooms of 40-41 South Parade, while views from the rear windows would be affected, planning officers consider that the proposed building would not be unexpectedly large or unprecedented in this regard. Furthermore, the proposed development would frame only a portion of views from these windows which are largely directed southward beyond the application site. Therefore officers consider that the proposal would not cause unacceptable overbearing to this neighbour.
- 10.32. In considering the impact of the development on the gardens of 42-44 South Parade, the proposed building would certainly result in a degree of enclosure to their outdoor amenity spaces. However, these gardens are already enclosed, to a degree, by the existing large buildings at Robert Saunder's House to the east, the dwellings of South Parade to the north and the extended building at 39 South Parade already on the application site. While the proposed building would be taller and would add to the sense of enclosure, it is considered that this sense of enclosure would not be unexpected when considering their location within a district centre surrounded by taller buildings and the gardens would be set sufficiently far from the building as to mean that this overbearing would not be of an unacceptable or unexpected degree.

#### *Privacy*

- 10.33. The windows of the proposed new building would be concentrated on the front elevation while there would be some alterations to the fenestration of the retained building at 39 South Parade. These windows would be sufficiently far from neighbours so as to not cause unacceptable overlooking. Although the gardens and windows of dwellings to the west of the site would be visible, these would be at a distance that would not be uncommon and would not allow intrusive inter-looking; views of these neighbours' windows and amenity spaces would be limited to glimpses. In any case, the nearest garden to the west of the application site is in a non-residential use as outdoor seating while some of it has been given over to car parking. Therefore this space is not sensitive to overlooking while the gardens beyond are at a distance where overlooking would be minimal.

10.34. In considering the windows on the rear of the proposed block of flats, it is noted that these windows have been kept to a minimum as part of the proposed design and views from these windows would also not give rise to an unacceptable loss of privacy to neighbours, whose windows are some distance away while only glimpses would be afforded to their associated gardens.

10.35. Officers are concerned as to the possible loss of privacy to views that would be possible when using the external stairway or loitering on the associated walkways. While some measures have been taken to reduce views from the stairway, namely obscure glazed panels to the north and south of the stairway, officers continue to have concerns as to possible views from the stairway out towards the gardens of the houses at 42-44 South Parade. Therefore, condition 11 has been included requiring further measures to be taken to limit these views as far as possible; this could include further screening or louvres.

#### *Standards of Amenity*

10.36. While the proposal would lead to an intensification of the use of the site, which would entail increased activity in the rear garden and use of the external stairway, it is considered that it would not lead to a degree of activity that would be unprecedented for a busy district centre location or would be unreasonable.

10.37. Having considered all of the above, it is considered that the proposal would not give rise to an unacceptable loss of amenity to neighbours and would accord with Policies H14 and RE7, subject to condition 11.

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

10.38. Policy H15 of the Oxford Local Plan states that planning permission will only be granted for new dwellings that provide good quality living accommodation for the intended use. All proposals for new build market and affordable homes (across all tenures) must comply with the MHCLG's Technical Housing Standards – Nationally Described Space Standard Level 113. Policy H16 of the Oxford Local Plan 2036 states that planning permission will only be granted for dwellings that have direct and convenient access to an area of private open space. H16 sets out the expectations for the size and quality of outdoor space across various types of dwellings.

10.39. The proposed indoor amenity space would be sufficient to offer occupants of the proposed dwellings high quality and functional living space that would accord with the space standards. Each flat would either have a balcony or front garden, which accords with the requirements of Policy H16, however the garden to the rear of the proposed building would also be for communal use, which would be acceptable.

10.40. The proposal would be acceptable in terms of offering potential occupants high quality amenity and would accord with Policies H15 and H16.

**v. Ecology**

- 10.41. Policy G2 of Oxford Local Plan 2036 states that important species and habitats will be expected to be protected from harm, unless the harm can be appropriately mitigated. It also outlines that, where there is opportunity, it will be expected to enhance Oxford's biodiversity. This includes taking opportunities to include features beneficial to biodiversity within new developments throughout Oxford.
- 10.42. The part of the building to be impacted was assessed to be of low suitability for roosting bats and a single bat roost survey was undertaken in August 2021. No bat roosts were identified. Planning officers are satisfied that a robust assessment was undertaken and the potential presence of protected habitats and species has been given due regard.
- 10.43. Virginia Creeper (*Parthenocissus quinquefolia*) was recorded in the application site. The species is listed on Schedule 9 of the Wildlife and Countryside Act, which makes it an offence to allow the species to grow in the wild. Schedule 9 species pose a conservation threat to native species. The Bat Survey Report recommends the plant is removed and disposed of as contaminated waste, which is appropriate.
- 10.44. The Landscape Plan includes Japanese Honeysuckle (*Lonicera japonica*). It is not listed on Schedule 9 but is an invasive non-native species and should be removed from the planting list.
- 10.45. More widely, the Landscape Plan is dominated by non-native species or cultivars of native species, which are of lower biodiversity value than native species. Given the urban location of the proposed development an element of ornamental planting is acceptable but native species are preferred. Planning officers consider that the proposed planting should be re-balanced to include additional native species.
- 10.46. Policy G2 of the Oxford Local Plan 2016-2036 requires certain planning applications to demonstrate they will deliver 5% biodiversity net gain through the use of a suitable metric. It states: "*For all major developments proposed on greenfield sites or brownfield sites that have become vegetated, this should be measured through use of a recognised biodiversity calculator.*" A Biodiversity Net Gain Assessment has been submitted in support of this planning application utilising the Defra Small Sites Metric, which is an appropriate metric for a site of this size/nature. The assessment shows a net gain of 0.005 habitat units (a net gain of 16.08%).
- 10.47. The assessment incorrectly classified the proposed sedum roofs as intensive green roofs, when they would instead constitute extensive green roofs. Making this change reduces the gain to 0.0029 units (9.47%).
- 10.48. While this is a minor planning application and it is not necessary to use a biodiversity calculator nevertheless the assessment provided indicates net gain would be delivered, while a bat box and bird box has been proposed as an additional enhancement.

10.49. In order to ensure non-invasive and non-native planting is minimised and biodiversity net gain on the site is secured, planning officers have included conditions 6, 9 and 10. Subject to conditions, the proposal is acceptable in terms of ecology and Policy G2.

**vi. Drainage**

10.50. Policy RE3 of the Oxford Local Plan 2036 states that planning permission will not be granted for development in Flood zone 3b except where it is for water-compatible uses or essential infrastructure; or where it is on previously developed land and it will represent an improvement for the existing situation in terms of flood risk. Minor householder extensions may be permitted in Flood Zone 3b, as they have a lower risk of increasing flooding. Proposals for this type of development will be assessed on a case by case basis, taking into account the effect on flood risk on and off site. Development will not be permitted that will lead to increased flood risk elsewhere, or where the occupants will not be safe from flooding.

10.51. Policy RE4 of the Oxford Local Plan 2036 states that all development proposals will be required to manage surface water through Sustainable Drainage Systems (SuDS) or techniques to limit run-off and reduce the existing rate of run-off on previously developed sites. Surface water runoff should be managed as close to its source as possible, in line with the drainage hierarchy identified in RE4.

10.52. The site is not at significant risk of flooding, since it is in a Flood Zone 1 area. However, the proposal would lead to an increase in built form on the site and the proposal must therefore be drained using SuDS and not lead to an increase in water run-off. Details have been provided by the applicant to this effect and include details of all hard surfacing on the site. Planning officers are therefore satisfied that the proposal would not lead to an increase in flood risk or water run-off from the site.

10.53. The proposal is therefore acceptable in terms of flooding, drainage and Policies RE3 and RE4.

**vii. Trees**

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

10.55. There are no mature trees on the site that contribute significantly to public amenity. Planning officers are aware of the fact that a number of mature trees

were removed from the site prior to the submission of this application. Notwithstanding the fact that this did not need planning permission, planning officers consider that these trees contributed positively to the character of the street. While their loss is regrettable, planning officers consider that the proposed scheme of landscaping on the site would be sufficient to compensate for the loss of these trees.

10.56. Turning to the retained trees on the site, on the eastern boundary, it is considered that no significant groundworks are proposed within their root protection areas and it is therefore considered that the proposed development would not harm the longevity of these trees.

10.57. The proposal is therefore acceptable in terms of trees and Policy G7.

#### **viii. Cycle Parking**

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

10.59. 18 Cycle parking spaces are proposed. This would be sufficient to meet the required number of spaces for the proposed flats as well as the existing flats contained within the reduced building at 319 South Parade. The cycle parking would be secure, covered and allow good access to each cycle and to the public highway.

10.60. The proposed cycle parking is therefore acceptable and would accord with Policy M5.

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

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

10.62. Officers consider that the application site is within 800m of several supermarkets that sell a range of everyday goods and within 400m of numerous bus stops, indeed the site is within a district centre which offers a large range of goods and services. The application site is within a CPZ. The

site is therefore required to be car free, as required by Policy M3 of the Oxford Local Plan.

- 10.63. The proposal includes no car parking for the proposed dwelling as well as the loss of four existing car parking spaces on the site; the proposal would therefore represent a net improvement over the existing arrangement and is therefore acceptable in this regard. Officers have also been mindful that the location of the application site would be particularly suitable for car free development; the site is within Summertown District Centre, a short bus journey to two railway stations and near to National Cycle Network Route 5, which runs along Banbury Road. Conditions (Conditions 4 and 5 in Section 12 of this report) have been recommended by officers that would seek to ensure that the site remains car free in perpetuity; preventing the creation of informal parking areas on site in the future or altering the site to facilitate access by vehicles.
- 10.64. It is noted that concerns have been raised via the public consultation with regard to potential parking by future occupants of the proposed development on the street. The proposed conditions include the removal of occupants for eligibility from parking permits and therefore occupants would not be able to park on the street within walking distance of the site.
- 10.65. It is noted that the Summertown and St Margaret's Neighbourhood Plan states that any future development must include parking sufficient for the users of the building and additional parking for residents and customers, to relieve congestion on the street, as part of its guidance for development on South Parade. However, this is guidance and the policies of the local development plan are afforded far greater weight; in this instance Policies M3 and TRS1 which seek a reduction in parking and traffic in the city and neighbourhood plan area respectively.
- 10.66. It is noted that the County Council have requested a Construction Traffic Management Plan to be submitted by condition. Given the scale of the development and proximity to sensitive uses, this has been included as condition 14.
- 10.67. Subject to conditions, it is considered that the development proposal would be acceptable in terms of car parking and Policies M3 and M4.

**x. Sustainability**

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

dwellings or 1000m<sup>2</sup>. The Energy Statement will include details as to how the policy will be complied with and monitored.

- 10.69. An energy statement and water usage calculations have been submitted which demonstrated compliance with the principles outlined in Policy RE1 in terms of carbon reduction, energy efficiency, on-site renewable energy, provided via solar panels which would produce a further regulated CO<sub>2</sub> savings of 36.00%, and insulation.
- 10.70. The proposal is therefore acceptable in terms of sustainability and accords with Policy RE1.

## **11. CONCLUSION**

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

### *Material consideration*

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

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

## **12. CONDITIONS**

### 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.

### In Accordance With the Approved Plans

- 2 Subject to conditions 6 and 11, the development permitted shall be constructed in complete accordance with the specifications in the application and approved plans listed below, unless otherwise agreed in writing by the local planning authority.

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

### Materials as Specified

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

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

#### Removal of Car Parking Permits

- 4 The development hereby permitted shall not be occupied until the relevant Oxfordshire County Council Controlled Parking Zone Order governing parking at the application site has been varied by the Oxfordshire County Council as highway authority to exclude the approved new dwellings subject to this permission from eligibility for residents' 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 2036.

#### Means of Access to the Highway

- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modifications) no additional means of access to the public highway from the plot of the approved development shall be installed on the basis of the Order without the prior written consent of the Local Planning Authority.

Reason: To ensure that the development is car-free, in accordance with Policy M3 of the Oxford Local Plan 2036.

#### Landscape Plan

- 6 The dwellings hereby approved shall not be occupied until a fully detailed landscaping scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The landscape plan shall not include Japanese Honeysuckle (*Lonicera japonica*) and should prioritise native planting to the written satisfaction of the Local Planning Authority. The approved landscape arrangements shall be carried out prior to the first occupation of the approved dwellings and retained and maintained thereafter unless agreed otherwise in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and to ensure no car parking can take place on the site, in accordance with Policies M3, G7, G8 and DH1 of the Oxford Local Plan 2036.

### Cycle and Bin Storage

- 7 Prior to the first occupation of the approved dwellings, the approved bicycle and bin storage enclosures shall be installed and retained for these purposes thereafter, unless agreed in writing with the Local Planning Authority.

Reason: In the interests of the character and appearance of the area and promotion of sustainable modes of transport in accordance with Policies DH7 and M5 of the Oxford Local Plan.

### Sustainability

- 8 The development shall be carried out in accordance with the recommendations of the submitted 'Energy and Sustainability Statement', prepared by ERS Consultants Ltd (dated December 2021).

Reason: To ensure compliance with Policy RE1 of the Oxford Local Plan 2036.

### Biodiversity Net Gain

- 9 Prior to the first occupation of the development, details of biodiversity enhancement measures including at least one bat box and one bird nesting device for building dependent-birds (i.e. breeding Swifts, House Sparrows and House Martins) shall be submitted to and approved in writing by the local planning authority. The approved measures shall be incorporated into the scheme and be fully constructed prior to occupation of the approved dwellings and retained as such thereafter.

Reason: To comply with the requirements of the Conservation of Habitats and Species Regulations 2017 (as amended) and Policy G2 of the Oxford Local Plan 2036.

### Non-Native Species Protocol

- 10 Prior to the commencement of development, an invasive non-native species protocol shall be submitted to and approved in writing by the local planning authority, detailing the containment, control and removal of Virginia Creeper on site. The measures shall be carried out strictly in accordance with the approved scheme prior to first occupation of the development.

Reason: To ensure compliance with the Wildlife and Countryside Act 1981, Environmental Protection Act 1990 and the Environmental Protection Act Duty of Care Regulations 1991.

### Privacy – External Stairway

- 11 Prior to the commencement of the development hereby approved, final details of privacy measures serving the external stairway shall be submitted to and approved in writing by the Local Planning Authority. The measures shall be

designed in such a way to direct views away from the amenity areas serving neighbouring residences. The development shall be carried out in accordance with the approved privacy measures

Reason: To safeguard the privacy of neighbouring occupiers in accordance with the requirements of Policy H14 of the Oxford Local Plan 2036.

#### Drainage

- 12 The development only shall take place in accordance with the submitted drainage details (drawing reference: 330510730-STN-XX-XX-C-5001-REV P01). The approved drainage arrangements shall be retained and maintained thereafter unless agreed otherwise in writing by the Local Planning Authority.

Reason: To ensure compliance with Policies RE3 and RE4 of the Oxford Local Plan 2036

#### Secure by Design

- 13 Prior to commencement of development above slab level, an application shall be made for Secured by Design accreditation on the development hereby approved. The development shall be carried out in accordance with the approved details, and shall not be occupied or used until confirmation of SBD accreditation has been received by the Local Planning Authority. The application shall include measures such as lighting, controlled access and a visitor door entry system and access control system.

Reason: To ensure the proposed development is of sufficient design quality and to minimise crime and the fear of crime through good design, in accordance with Policy DH1.

#### Construction Traffic Management Plan

- 14 A Construction Traffic Management Plan (CTMP) shall be submitted to the Local Planning Authority and approved in writing by the Local Planning Authority prior to commencement of works. The CTMP shall follow Oxfordshire County Council's template if possible. This shall identify;

- The routing of construction vehicles and management of their movement into and out of the site by a qualified and certificated banksman,
- Access arrangements and times of movement of construction vehicles (to minimise the impact on the surrounding highway network),
- Details of wheel cleaning / wash facilities to prevent mud, etc from migrating on to the adjacent highway,
- Contact details for the Site Supervisor responsible for on-site works,
- Travel initiatives for site related worker vehicles,
- Details of times for construction traffic and delivery vehicles, which must be outside network peak hours,

- Engagement with local residents.

The development shall only take place in accordance with the approved CTMP.

Reason: In the interests of highway safety and to mitigate the impact of construction vehicles on the surrounding network, road infrastructure and local residents, particularly at peak traffic times, in accordance with Policy M2 of the Oxford Local Plan 2036.

### **13. APPENDICES**

- **Appendix 1** – Site location plan

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

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

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

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

# Appendix 1 – Location Plan

22/00393/FUL - 39 South Parade



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## Minutes of a meeting of the Planning - Oxford City Planning Committee on Tuesday 12 April 2022



### Committee members present:

Councillor Cook (Chair)	Councillor Chapman (Vice-Chair)
Councillor Altaf-Khan	Councillor Aziz (for Councillor Hunt)
Councillor Brown (for Councillor Abrishami)	Councillor Fouweather
Councillor Hollingsworth	Councillor Pegg
Councillor Rehman	Councillor Upton

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

Adrian Arnold, Head of Planning Services  
Felicity Byrne, Principal Planning Officer  
Sally Fleming, Planning Lawyer  
Robert Fowler, Development Management Team Leader (West)  
Nia George, Assistant Planner  
Emma Lund, Committee and Member Services Officer

### Apologies:

Councillors Abrishami, Diggins and Hunt sent apologies.  
Substitutes are shown above.

## 89. Declarations of interest

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

### 21/00110/FUL

**Councillor Hollingsworth** stated that as ward councillor he had been present at a meeting with the applicants held in advance of the submission of the application, at which the outline proposals had been presented. He had not discussed the application

with the applicants, was approaching it with an open mind, and would listen to all the arguments and weigh up all the relevant facts before coming to a decision.

**Councillor Cook** stated that he had been present at a meeting with the applicants held in advance of the submission of the application, at which the outline proposals had been presented. He had not discussed the application with the applicants, was approaching it with an open mind, and would listen to all the arguments and weigh up all the relevant facts before coming to a decision.

#### **22/00003/FUL**

**Councillor Chapman** stated that he had been a signatory to the call-in but had had no contact with any interested parties, was approaching the application with an open mind, would listen to all the arguments and weigh up all the relevant facts before coming to a decision.

**Councillor Brown** stated that she had been a signatory to the call-in but had had no contact with any interested parties, was approaching the application with an open mind, would listen to all the arguments and weigh up all the relevant facts before coming to a decision.

#### **90. 21/00110/FUL: The Clarendon Centre, Cornmarket Street, Oxford, OX1 3JD**

The Committee considered an application (21/00110/FUL) for partial demolition of the Clarendon Centre, including removal of roof to the mall; proposed redevelopment involving partial re-use and extension of existing buildings and erection of new buildings to form retail, offices, research and development and student accommodation; a new public square and a new pedestrian / cycle access through to Frewin Court; provision of new public access lift to rooftop with café and terrace area; and tree planting, landscaping and cycle parking provision.

The Planning Officer gave a presentation and drew attention to a number of benefits of the scheme, principally:

- the new link through to Frewin Court, including a courtyard garden, which would improve permeability across the city centre and allow improved views of Brasenose College;
- 101 units of student accommodation and a new Porter's Lodge for Brasenose College;
- a new public square including 23 trees and additional seating - both of which were currently lacking within the City centre - as well as a water feature, 'green walls', 'green roofs' and a public drinking water fountain;
- larger retail units within the Clarendon Centre (which was the market preference); as well as research and development and office accommodation;
- an opportunity to regenerate and reinvigorate the City centre.

The Planning Officer reported that the applicant had worked co-operatively with the Council to mitigate the impact on the historic skyline and address an initial objection from Historic England.

In summary, it was considered that any harm arising from the scheme was less than substantial, and was outweighed by the high level of social, economic and environmental benefits to the public. The application was therefore recommended for approval.

The following updates were provided:

- The word 'refuse' should be deleted from paragraphs 14.1 and 15.1 of the report;
- Comments were still awaited in relation to drainage from Oxfordshire County Council as the Lead Local Flood Authority, as well as removal of their objection. However, Thames Water had raised no objection regarding drainage and officers considered that the issues were technical in nature. The objection was not considered to impact on the recommendation to approve the application but the recommendation was, in any event, made subject to the removal of the objection.

Adam Smith for the applicant, and Nick Marchini for the project architects, spoke in favour of the application.

The Committee's discussions included the following points:

- The proposal would improve the visibility of the historic skyline. Whilst there was some harm in terms of the impact on views, this was relatively minor;
- The increased permeability (rather than a single footprint building), and improvements to the streetscape which the development offered, were a significant benefit;
- The developer had taken account of the views of the community, stakeholders, the Oxford Design Review Panel, Historic England and the Council to develop a proposal which was of high quality;
- The proposal involved re-purposing an existing building rather than demolishing and rebuilding;
- The provision of additional seating would be a particular benefit to elderly residents;
- The inclusion of additional trees and 'greening' would improve the City centre environment.

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

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

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

1. **approve** the application for the reasons given in the report and subject to the required planning conditions set out in section 12 of the report and grant planning permission subject to:

- the receipt of further drainage information requested by the Lead Local Flood Authority and removal of their current objection;
- the satisfactory completion of a Unilateral Undertaking and 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 set out 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 Unilateral Undertaking and 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 as 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
- complete the section 106 legal agreement referred to above and after completion of the Unilateral Undertaking issue the planning permission.

## **91. 21/02513/FUL: Victoria Hotel, 178-184 Abingdon Road, Oxford**

The Committee considered an application (21/02513/FUL) for demolition of existing hotel; erection of a three storey 38no bedroom hotel (use class C1) and creation of 1no 2 bedroom maisonette (use class C3); provision of plant room, soft landscaping, vehicular and cycle parking, and bin storage. The application was currently the subject of an appeal which had been lodged on the grounds of non-determination and therefore the application could not now be determined by the Council. The report therefore recommended refusal reasons for the purposes of defending the appeal.

The Planning Officer gave a presentation and made the following updates:

- The Oxfordshire Architectural and Historical Society had submitted a further written comment on Thursday 8 April following the publication of the committee report. This expressed concerns that the demolition of the recently locally-listed building had not formed a recommended reason for refusal. In response, officers advised that the inclusion of a building or a place on the Oxford Heritage Asset Register placed no additional legal requirements or responsibilities on property owners over and above those required for planning permission or building regulation approval. There was no additional protection from demolition. Officers had carefully considered the acceptability of the proposals as outlined in the officer's report, and having regard to paragraph 203 of the NPPF and policy DH5 of the Oxford Local Plan and advised that demolition of the building should not be put forward as a refusal reason for the purposes of defending the appeal.

Officers had also been mindful of the impact of the proposed development on non-designated heritage assets, and had formed the view that the public benefits

of the scheme would outweigh the loss of the non-designated heritage asset in this case.

- The officer's report had specifically referred to the application site not being within a controlled parking zone (CPZ). In fact, the surrounding area was within the South Oxford Extension CPZ. Abingdon Road itself was not within that CPZ as it was already subject to restrictions which precluded parking within much of the vicinity of the site. This did not impact on the assessment which officers had made in the report, and the proposals already included a significant reduction in car parking.
- As set out in the report, the applicants had lodged an appeal against non-determination in March 2022 in the expectation that this would speed up the decision process. The appeal had not yet started, but given recent appeals it was anticipated that there may be a backlog of a few months. When the appeal did start, the committee report and minutes from this meeting would form the basis of the Council's Statement of Case. Members of the Committee were not in a position to refuse the application, but rather to resolve that, if an appeal had not been lodged, the application would have been refused for the reasons given in the committee report. This formed the officers' recommendation.

In discussion, a question was raised as to whether the stated reasons for refusal involved issues which might be resolved, and whether due consideration had been given to all of the elements of the application when making the recommendation. The Planning Officer responded that the application had been subject to pre-application discussions, a previous application, and amended plans. Many prior considerations beyond the technical ones which formed the basis for refusal – such as matters around the design; the impact on the non-designated heritage asset; car parking; and policy considerations - had therefore already been addressed. It was considered that the concerns around drainage and providing safe access and egress from the site in a flood event, and the objections of the Lead Local Flood Authority, may be insurmountable. In the event that the appeal had not been lodged, officers would have sought further information in an attempt to resolve the issues contained in the reasons for refusal.

In discussion, officers were asked to note concerns about the proposed parking, access and servicing arrangements. It was recommended that a servicing strategy / traffic management plan should be requested as a condition of any future approval. Landscaping improvements could also be made.

In reaching its decision the Committee considered all the information put before it and noted the reasons for refusal as detailed in the officer report.

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

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

1. **agree** that if an appeal had not been lodged the application would have been refused for the reasons given in the report;
2. **delegate authority** to the Head of Planning Services to:

- finalise the recommended reasons referred to in paragraph 1.1.1 of the report for the purposes of defending the appeal including such refinements, amendments, additions and / or deletions as the Head of Planning Services considers reasonably necessary. These were stated to be:
  1. Having had regard to the proposals being situated in a high flood risk area and the proposals potentially putting more people at risk, insufficient information has been submitted, in particular the application is deficient in its failure to provide a comprehensive flood warning and evacuation plan in accordance with policy RE3 of the Oxford Local Plan 2036 and paragraphs 167 of the NPPF.
  2. Insufficient information has been submitted, in particular the application is deficient in its failure to provide nocturnal bat surveys and therefore the extent to which the species may be impacted cannot be fully assessed on the basis of the submitted information. The application therefore does not conform to the requirements of Policy G2 of the Oxford Local Plan 2036.
  3. Insufficient information has been submitted, in particular the application is deficient in its failure to provide a sufficient drainage strategy with consistent calculations and acceptable half drain down times and therefore, the proposal does not conform to the requirements of Policy RE4 of the Oxford Local Plan 2036.

## **92. 22/00003/FUL: 40 Masons Road, Oxford OX3 8QJ**

The Committee considered an application (22/00003/FUL) for change of use from dwellinghouse (use class C3) to House in Multiple Occupation (use class C4) (retrospective).

The Planning Officer gave a presentation and reported that the property was already in use as a House in Multiple Occupation (HMO) and was licenced by the Council as such until 4 January 2023, for up to 6 occupants. Whilst change of use from Class C3 to Class C4 did not usually require planning permission, an Article 4 Direction introduced on 24 February 2012 meant that planning permission was required for this change of use class within Oxford City.

The Planning Officer informed the committee that the development was considered acceptable in principle, complied with the concentration of HMOs allowed in the local area, and would not result in a change to the character of the area or imbalance within the community. The property provided a good standard of accommodation which complied with the Council's Landlord Guide to Amenities and Facilities for Houses in Multiple Occupation.

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

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

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

1. **approve the application** for the reasons given in the report and subject to the required planning conditions set out in section 12 of the report and grant planning permission;
2. **delegate authority** to the Head of Planning Services to:
  - finalise the recommended conditions as set out in this report including such refinements, amendments, additions and / or deletions as the Head of Planning Services considers reasonably necessary.

### **93. Minutes**

The Committee resolved to approve the minutes of the meeting held on 23 March 2022 as a true and accurate record.

### **94. Forthcoming applications**

The Committee noted the list of forthcoming applications.

### **95. Dates of future meetings**

The Committee noted the dates of future meetings.

**The meeting started at 6.00 pm and ended at 7.28 pm**

**Chair .....**

**Date: Tuesday 24 May 2022**

*When decisions take effect:*

*Cabinet: after the call-in and review period has expired*

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

*All other committees: immediately.*

*Details are in the Council's Constitution.*

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