

Report to the West Area Planning Committee

8 September 2015

Application Number: 15/01104/FUL**Decision Due by:** 22nd July 2015

Proposal: Demolition of existing bungalow, part of existing Fairfield Residential Home and various outbuildings. Erection of replacement residential care home consisting of 38 bedrooms, communal and ancillary facilities on 1, 2 and 3 storeys, together with extension and alteration to existing garage to rear of 25 Staverton Road to form manager's accommodation. New vehicular access from Banbury Road, 18 car parking spaces and landscaped garden.

Site Address: Part Of 115 Banbury Road University College Annexe 19A
And 25 Staverton Road Staverton Road, **Appendix 1**.
Oxford Oxfordshire

Ward: St Margarets Ward

Agent: Kemp & Kemp

Applicant: Fairfields Residential Care Home

Recommendation: West Area Planning Committee is recommended to approve the application for the following reasons and subject to and including conditions listed below.

Reasons for Approval:

- 1 The development is considered to provide for an identified need for retirement accommodation in an appropriate design and form. It would not harm the character and appearance of the Central Conservation Area, which is a designated heritage asset. Any loss of trees that are important within public views are suitably mitigated for by new planting. There would be no harm to adjoining neighbours. The proposal accords with the Policies contained within the Local Development Framework and NPPF.
2. Officers have considered carefully all objections to these proposals. Officers have come to the view, for the detailed reasons set out in the officers report, that the objections do not amount, individually or cumulatively, to a reason for refusal and that all the issues that have been raised have been adequately addressed and the relevant bodies consulted.

Conditions:

1. Time – outline / reserved matters
2. Plans – in accordance with approved plans

3. Exclude details and resubmit; roof plant room
4. Materials – samples agree prior to construction
5. Works to historic walls; re-use materials and make good etc
6. Biodiversity – measures for wildlife
7. Construction Traffic Management Plan – details prior to construction
8. Cycle & bin storage – further details prior to substantial completion
9. Sustainability – in accordance with details submitted
10. SUDS – build in accordance with
11. Landscape plan in accordance with submitted documents and plans
12. Landscape – planting carry out after completion
13. Trees - Hard Surfaces – tree roots)
14. Trees - (Underground Services – tree roots)
15. Trees - (Tree Protection Plan)
16. Trees - (Arboricultural Method Statement)
17. Details of boundary treatment prior to occupation
18. Archaeology – WSI
19. Obscure glazing

Community Infrastructure Levy (CIL):

The development is liable for CIL.

Principal Planning Policies:

Oxford Local Plan 2001-2016 (OLP)

- CP1 - Development Proposals
- CP6 - Efficient Use of Land & Density
- CP8 - Design Development to Relate to its Context
- CP9 - Creating Successful New Places
- CP10 - Siting Development to Meet Functional Needs
- CP11 - Landscape Design
- CP13 - Accessibility
- CP14 - Public Art
- CP17 - Recycled Materials
- CP18 - Natural Resource Impact Analysis
- CP22 - Contaminated Land
- TR1 - Transport Assessment
- TR3 - Car Parking Standards
- TR4 - Pedestrian & Cycle Facilities
- TR12 - Private Non-Residential Parking
- TR13 - Controlled Parking Zones
- TR14 - Servicing Arrangements
- NE14 – Water and sewerage infrastructure
- NE15 – Loss of trees and hedgerows
- NE16 – Protected trees
- NE21 - Species Protection
- NE23 - Habitat Creation in New Developments
- HE10 - View Cones of Oxford

Core Strategy (CS)

- CS1 – Hierarchy of Centres

CS2 - Previous developed land & greenfield land
CS9 - Energy & natural resources
CS10 - Waste & recycling
CS12 - Biodiversity
CS13 - Supporting access to new development
CS17- Infrastructure & Developer contributions
CS18 – Urban Design, townscape character and historic environment
CS19 - Community safety
CS22 -Level of housing growth
CS24 - Affordable housing
CS23 - Mix of housing

Sites and Housing Plan

HP2_ - Accessible and Adaptable Homes
HP3_ - Affordable Homes from Large Housing Sites
HP9_ - Design, Character and Context
HP11_ - Low Carbon Homes
HP12_ - Indoor Space
HP13_ - Outdoor Space
HP14_ - Privacy and Daylight
HP15_ - Residential cycle parking
HP16_ - Residential car parking

Other Planning Documents

Supplementary Planning Documents:

- National Planning Policy Framework
- Balance of Dwellings SPD
- Natural Resource Impact Analysis SPD
- Parking Standards, Transport Assessment and Travel Plans SPD

Other Material Considerations:

National Planning Policy Framework
Planning Practice Guidance

Public Consultation:

Statutory Consultees Etc.

- Oxfordshire Architectural & Historical Society:
 - Object to backland development
 - Banal Architecture
 - scale and density are inappropriate
 - Loss of tree regrettable
 - Loss of boundary walls regrettable
 - Increase in traffic [from both developments]
 - Pleased retaining the coach house
- Historic England Commission: It is not necessary to be consulted on this application
- Highways Authority: No objection subject to conditions; See Main Report

- Thames Water Utilities Limited: No objection subject to a condition requiring a drainage strategy
- Environment Agency Thames Region: Deemed to either have a low environmental risk
- Environmental Development: The report does not identify any unacceptable risks from contamination at the site. The report findings are accepted and agreed that an intrusive investigation is not likely to be necessary. However, informatives are recommended to ensure a watching brief is undertaken throughout the redevelopment to report any unexpected contamination and that topsoil is suitable for use.

Residents:

Comments received were from individuals, Thackley End Management team on behalf of their residents and a petition contacting X signatures: The main points raised can be summarised as:

- Out of keeping with the character and appearance of the Conservation Area
 - Backland development;
 - Overdevelopment
 - Significant reduction in openness
 - Institutionalisation of CA
 - Too high
 - Too close/ overbearing/ loss of privacy to Thackley End garden and flats
 - Loss of trees/ screening and harmful to their roots (particularly Limes)
 - Harmful to visual amenity from neighbouring properties
 - Noise and disturbance from construction
 - Loss of light
 - Light to northerly ground floor flat in Thackley End is adversely/ heavily impacted by the height of the existing Leylandii hedge between Thackley End and new building (west boundary).
 - Design of the new Fairfield accommodation is underwhelming; similar to an office block with repetitive windows of equal size on three sides.
 - Brick facing more appropriate to CA
 - Unclear what will happen to Fairfields in the future
-
- The overall impact on a large and significant part of the Conservation Area is quite positive.
 - It will provide a long term future for the residents of Fairfield
 - welcome the additional accommodation for OU graduate students.
 - Principle of development on this area acceptable, support provision of dedicated student accommodation
 - Concern of conflict between construction traffic and cyclists on Staverton Road; suggest temporary signing for diverting cyclists through a more appropriate route

Pre – App Discussion:

The Applicant undertook extensive joint pre-app discussion together with Univ with Officers of the Council, ODRP and the community. A public consultation event was held on 17th and 18th October 2014 and further consultation with Thackley End Management on behalf of its resident was done on 5th March 2015.

The proposed residential home has undergone several reiterations, not least as a result of the comments from the ODRP. They supported the two applicants' collaboration and aim to create an excellent place for elderly and post-grad students, recognising it represented a unique opportunity to create special place for the two generations to enjoy. They felt that the joint proposals needed an improved site wide masterplan which encompassed landscaping, movements and access, and building principles. Specifically in relation to the new residential home they considered that whilst the quantum of development was acceptable the layout, height and massing did not relate to the garden setting, the elevations should be simplified using classical architectural principles, and the entrance from Banbury Road better identified. They suggested balconies, sharing the use of the rose garden to Redcliffe Maud House adjacent, and increasing the residents south facing internal garden space. Furthermore they suggested sharing the orchard and vegetable garden with the students. In relation to the Univ proposal, the new home in their view appeared cramped with the change in ground levels between the two developments causing an uncomfortable relationship and unclear access through the sites. However, the new Manager's house, was highly praised as simple and elegant, successfully combining old and new architecture.

The Applicant and Architects, both Univ and Fairfield's, individually and collectively responded to these comments. The levels between Univ and the building were removed and, whilst a good deal of landscaping had already been proposed, a site wide landscape masterplan, landscape strategy and Narrative and planting plans for soft/ hard landscape plan were produced. Specifically in relation the new residential home Fairfield's chose a contemporary architectural response with a simplified window rhythm and use of three materials; stone, wood and render. Initially the proposal had balconies within a stone framework, however latterly the balconies were removed due to cost, health and safety issues and residents' preference, but the stone framework retained to add interest. The entrance has been more defined.

In relation to Thackley End, comments were received on the first design in October 2014 and then further on the new design in March 2015. The residents were concerned about the following:

- The new access and pedestrian safety along Banbury Road;
- Intensification of the Staverton Road access;
- Impact on the existing Lime trees adjacent to new access road;
- The high concentration of institutional uses within the locality and the long term impact that this might have on the character of the area;
- Close proximity of the new building to Thackley End residents; and
- Noise and disturbance associated with the construction works.

Their further comments in March indicated that they considered progress had been made in their view, for example the proposed flat green roof on the two-storey section immediately adjacent to the Thackley End boundary was improved. However, they still had concerns amongst other things regarding the overall appearance, proximity to them, direct overlooking and future failure to retain or protect their trees.

Officers Assessment:

Background to Proposals.

Site Description:

- 1 The application site lies to the rear of 115 Banbury Road, currently operating as a private residential home known as Fairfield House (Fairfields), and also on land adjacent owned by University College Oxford (Univ) known as 'Stavetonia'. It is unusual in shape and extends to the rear of properties on Staverton Road and Thackley End, see Site Plan **Appendix 1**. The site lies within the North Oxford Conservation Area, which is characterised in part by Victorian villas and academic buildings within generous gardens, with mature trees and planting.
2. Fairfield House itself is now substandard to its functional requirements and upgrading of the main building has been explored but is not possible. It is therefore proposed to construct a new purpose built residential home within the grounds of both Fairfields and Univ. It also includes demolition of an existing bungalow and rebuilding of a house, for use by the care home manager, by converting and extending the old coach house which lies to the rear of No.25 Staverton Road (also owned by Univ). Part of a later extension to Fairfields is to be demolished to allow the new access from Banbury Road.
3. Officers consider the principal determining issues to be:
 - Principle;
 - Site Layout, Built Form & heritage;
 - Transport;
 - Impact on Neighbours;
 - Landscaping and Trees;
 - Flood risk and Drainage;
 - Biodiversity;
 - Sustainability; and
 - Archaeology

Principle:

4. The submitted statement of need for the new care home is noted and also that the care home cannot be suitably or economically adapted to meet the needs of the occupiers and requirements of the Care Quality Commission. It is considered that the replacement care home would meet the requirements set out in the Core Strategy to provide a mix of housing and meet the needs of the community (Policy CS23) whilst making best use of previously developed

garden land in accordance with Policy CS2 and the principles of HP10 of the SHP. Therefore the development is considered acceptable in principle.

Site Layout, Built Form & Heritage:

5. Local planning authorities have a duty to have special regard to the preservation or enhancement of designated heritage assets, (e.g. listed buildings and conservation areas). The NPPF encourages local planning authorities to look for opportunities to better reveal or enhance heritage assets and their settings and states that proposals that do make a positive contribution should be treated favourably.
6. In considering the impact of a proposed development the NPPF states that the significance of a designated heritage asset should be considered and great weight given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of a heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification, measured in terms of the public benefits to be delivered through the proposal.
7. Policy CP1 of the Oxford Local Plan states that planning permission will only be granted for development that shows a high standard of design that respects the character and appearance of the area and uses materials of a quality appropriate to the nature of the development, the site and its surroundings. Policy CP6 states that development proposals should make the best use of site capacity but in a manner that would be compatible with both the site itself and the surrounding area. Policy CP8 suggests that the siting, massing and design of any new development should create an appropriate visual relationship with the form, grain, scale, materials and detailing of the surrounding area.
8. Policy HE7 of the Oxford Local Plan states that planning permission will only be granted for development that preserves or enhances the special character and appearance of conservation areas and their settings and policy CS18 of the Core Strategy emphasizes the importance of good urban design that contributes towards the provision of an attractive public realm.
9. The site lies within the North Oxford Conservation Area and a Heritage Assessment (HA) has been submitted as part of the proposed development, which also relates to the adjacent application for Univ. The HA discusses the heritage significance of the Conservation Area and Officers concur with its findings. This part of the Conservation Area is characterised by large dwellings within generous gardens, set back from the road with walls and hedges bounding the footpaths. The area has a 'leafy quality' with large trees and shrubs visible in both front and back gardens.
10. The site also forms part of that character; the large rear garden to Fairfields contains glass houses, orchard and a large area of lawn, bounded by brick walls and interspersed with individual and groups of mature and semi-mature

trees and shrubs. Redcliffe Maude House within 'Stavetonia' is set with a walled rose garden and areas of lawn divided by clipped hedging, creating several different garden 'rooms'. Adjacent to it are two mid 20thC student accommodation blocks. Redcliffe Maude House, whilst a fine villa in the Arts and Crafts style, is not listed and is used for teaching and offices by Univ. Thackley End to the north and north east of the site is a series of Mid 20th C blocks of flats with shared garden spaces and with a parking court. To the north the existing bungalow is set within a large garden area, made up of trees, large shrubs and mainly grass. The site plan shows the context at **Appendix 1**.

11. The building layout itself is unusual in shape constrained by historical boundaries, significant trees and existing buildings and therefore the proposal itself is unusual in form and footprint as a result, folding itself round Redcliffe Maude House and in between the boundaries of Fairfields House, Redcliffe Maude and Thackley End flats. See **Appendix 2** for the site layout.
12. The proposed building has been through several transformations and reiterations during the pre-application process, particularly as a result of comments from the Oxford Design Review Panel (ODRP). It has been designed, in collaboration with the Univ proposal adjacent, to create a series of buildings, or pavilions, within a garden setting. These linked buildings create essentially an L-shaped building that wraps around Redcliffe Maude, ranging from a maximum of three storeys to the frontage as seen from Banbury Road, two storeys adjacent to Thackley End and down to single storey to the rear when viewed from Staverton Road. These individual parts of the overall proposal seek to reinforce the existing 'garden rooms' such as the rose garden and also create new ones such as the residents' sun garden. The link also seek to indicate the historic wall along Fairfield's boundary. The architectural style is contemporary in form, as a direct result of comments from ODRP and materials proposed are stone, wood and render. The main element of the building containing the majority of the bedrooms has a flat parapet roof and windows framed by a stone surround. Elsewhere the roofs are also flat covered with a green roof covering and again the stone surround is used around the bedroom windows.
13. The ODRP has undertaken a further desktop review requested by Officers, given the change in the architecture of the proposal. The Panel considered that the new design did not go far enough in addressing previous shortcomings in the design, although it did acknowledge that the height and quantum of development was acceptable. It also acknowledged the further landscape strategy / plan work done, including the creation of the new garden spaces and route and uses through the two sites, and recommended a lighting strategy be undertaken. However, the Panel considered that the proposal did not meet their expectations in terms of architectural response and response to the landscape setting. It considered the would appear cramped and bulky between the Univ development, Redcliffe Maud and site boundaries. Improvements could be made by emphasising further the 'pavilion buildings within a garden approach, linking spaces together (e.g. kitchen and dining room) and reducing bulk. Improvement could be made to

the rear staff and servicing area to make it more inviting through landscaping and framing the space using the kitchen building. Whilst they applauded the improvements to the front of the Home from Banbury Road, the entrance could be further emphasised and the entrance hall given more space internally. They criticised the stone framework around the windows without the balconies within to serve its purpose and felt health and safety concerns could be designed out. However, they still commended the simple and elegant manager's house.

14. The Applicant has responded to their comments and considers that the new proposal does relate to its garden setting and consider the bulk of the buildings does adhere to the pavilion building principle, whilst also responding to the functional requirements of the home itself. Suggestions made by ODRP in relation to the west servicing / staff entrance and car park area cannot be done due to the constraints imposed by the existing trees, not least the very large and old oak tree. The design intention here has specifically been to make this area appear subservient and distinct from the front main entrance. Specifically in relation to the front entrance the design intention is that of a domestic hallway and arrival at 'home' rather than an institution, and thus not overwhelm residents with large spaces or dramatic architectural gestures. Furthermore in relation to balconies, notwithstanding that they would have to be entirely encased in glass or some other measure to prevent falling and thus negate the purpose of a balcony, the residents themselves, when consulted, did not want them as they prefer to sit together in the communal areas.
15. Comments raised by neighbours that the proposal is backland overdevelopment, out of keeping in appearance and harmful to the character and appearance of the CA and, destroying the open leafy quality, have been taken into consideration.
16. Officers consider that, notwithstanding comments from ODRP, the contemporary architectural form and the varied height and massing of the proposal are considered acceptable in this location. There is much to be applauded in the proposed design, particularly when viewed together with the Univ proposal and in the context of previous discarded designs. Given the Mid 20th Century buildings adjacent and nearby it is considered that the contemporary architecture is not necessarily out of place and would not appear harmful to the character and appearance of the Conservation Area. Whilst it is development in the rear garden area the proposal would appear as series of linked buildings within a garden setting and this again is considered appropriate and respects the existing character. The only element that Officers considers inappropriate is the plant room on the roof, which does not appear subservient or sufficiently integrated to the whole design. It is considered that it could be re-housed within the building and this could be explored further by excluding it from the plans and requiring further details to be submitted, should Committee support the application.
17. It is acknowledged that this is an unusual building layout, but this has been derived mostly by the constraints formed by key significant trees that could not

be lost and is therefore considered acceptable. The design has taken into account the old historical boundary with Thackley End and sought to reinforce it by separating the main building with a glazed link at this point. During the pre-app process the internal rear gardens and south facing courtyard gardens were made bigger in response to ODRP comments, moving the 2 and 3 storey elements of the building away from Redcliffe Maude to a minimum distance of approximately 21m and 8m at single storey. In Officers opinion it would not appear overbearing, intrusive or overshadowing to it.

18. The proposal also involves the demolition of some small parts of the existing home to facilitate the new access. Officers consider that this would not be detrimental to the character and appearance of the existing building and materials used should match the existing as far as possible.
19. In relation to Univ student accommodation adjacent, the distance between the buildings is approximately 3m which is considered sufficient for it not to appear overbearing or cramped. The Univ buildings would be in buff brick and the stone surround of the new building picks up on this in colour and height on the building. Internally the spaces have been specifically designed to the resident's and staffing requirements and how they would like the building to operate. Although, the ODRP consider more should be done to the main entrance porch and the rear kitchen/service elevation/ area, Officer's consider that what is proposed is acceptable given the design ethos, constraints and justification presented by the Applicant in this case.
20. From the Banbury Road the new building, which is set back over 110m away, is obscured by the existing Fairfield's building, high brick wall boundary wall and boundary trees. Therefore glimpsed views would be only achievable within the new access point onto that road. It is considered that the building would not harm views into our out of the site or the character of the CA from this point. From the Staverton Road end, the views are obscured by existing dwellings and trees and it would not be harmful to views into or out of the site at this point.

Manager's Accommodation:

21. The conversion and extension of the old coach house to the rear of No.25 Staverton Road for the Manager's accommodation again is considered a sustainable re-use for the existing heritage asset. The overall design and form is considered acceptable and is not harmful to the character and appearance of the Conservation Area. Furthermore it counterbalances the loss of the existing bungalow on the site and therefore accords with Policy HP1 of the SHP which states there shall be no net loss of a dwelling on a site. Adequate internal and external amenity space is provided in accordance with Policies HP12 and HP13 of the SHP and the development has been carefully designed to avoid overlooking, appear overbearing, overshadowing or visually intrusive to neighbours in accordance with HP14 of the SHP. Adequate boundary treatment, bins and cycle storage are proposed in accordance with HP13, HP14 and HP15 of the SHP and can be secured by condition.

22. In conclusion, whilst contemporary in architectural style, it is considered that the development is of a suitable height, form and massing that is appropriate to its context. As such it therefore would not cause harm to known heritage assets but makes best use of available land and provision of much needed care home facilities in accordance with Policies CP1, CP8, CP9, CP10, HE3 and HE7 of the OLP, CS18 of the Core Strategy, HP9 of the SHP, and the NPPF.

Transport:

23. A detailed Transport Assessment was submitted and supplemented in response to comments from the Highways Authority. It is proposed to create a new access from Banbury Road that essentially serves the residential home for visitors and dropping off, ambulances and the like, but would also serve the Univ student accommodation at the beginning and end of terms. 6 car parking spaces are provided along this access and within the turning area. Deliveries, staff car parking and the Managers House would be accessed from Staverton Road, via the existing private access road to Univ and through the car park for Redcliff Maude (due to tree constraints). A total of 12 car parking spaces are proposed, including provision for the Manager's house.

24. The HA commented that as part of the Oxford Transport Strategy, Banbury Road is proposed to operate as a Mass Rapid Transit (MRT) route. They therefore raised concerns that the proposed new access would have an adverse impact on the future MRT. However, the access from Banbury Road will serve six parking spaces for use by visitors and staff parking and deliveries / servicing access will be taken from the existing access off Staverton Road. The HA have therefore accepted that the provision of six car parking spaces for visitor use only would not result in significant traffic generation. Furthermore sharing of these parking spaces and access by the student accommodation and residential home is unlikely to result in a significant impact on the operation of a MRT system in future.

25. SHP Policy HP16 requires a minimum of 1 space per 3 bedrooms (32 rooms being provided), plus one per staff. This would equate to a minimum of 11 spaces for residents plus staff. Clearly there is under provision of car parking but given that the majority of residents will not drive and its sustainable location on a good public transport route, it is considered that on balance adequate car parking is provided in this case. One space must be designated for the manager's accommodation, which could be secured via condition.

26. In relation to cycle parking, parking for staff must be provided and must be sheltered and secure. There is no minimum standard identified in Policy HP15 for care homes and therefore each development is to be judged on its own merits. At least 1 cycle parking space for every two staff is considered appropriate by Officers. Some cycle parking is indicated on the plans however this is not in any detail and in any event may not be in a suitable location, these further details could be secured by condition.

Landscaping:

27. The OLP requires that as far as possible existing trees and other landscape features are successfully retained within new development and that new trees and new soft landscaping including tree planting is included whenever it is appropriate. Planning permission will not usually be granted for development proposals which include the removal of trees, hedgerows and other valuable feature that form part of a development site where this would have a significant adverse impact upon public amenity or ecological interest; Policy NE15.
28. The application includes a joint site-wide Univ and Fairfields Landscape Masterplan, Landscape Strategy & Narrative, Detailed Planting Plans, an Arboricultural Tree Report, and a Conservation Area Tree Assessment. The latter has assessed the character of the area in relation to trees and landscape and an arboricultural report which accurately records existing trees growing within and adjacent to the application site in a tree survey to BS5837:2012. An arboricultural impact plan which identifies trees to be removed and retained, and a preliminary tree protection plan which includes proposals for protecting retained trees during the construction phase. The detailed planting proposals are underpinned by the Landscape Masterplan, Strategy & Narrative which has taken on board ODRP comments.
29. It is proposed to remove a large number of individual and group of trees, all of which are categorised as moderate to low quality and value. However, it is also proposed to plant 16 new ornamental trees, 8 orchard fruit trees and 8 espalier fruit trees, including; 2 heavy standard Himalayan birch and a heavy standard incense cedar along the boundary with Staverton Road; a semi-mature silver birch, 2 extra heavy standard sized flowering cherry trees and an extra heavy standard sized Judas tree along north side of the new entrance drive; and, an extra heavy standard flowing cherry tree and 4 snowy mespilus at the front of the proposed replacement residential care home.
30. It is considered that although the proposals include the removal of a number of trees and hedges, most of these are not visible in any public views. However, the 2 false acacia trees that stand in the densely planted garden area east 19A Staverton Road near to the boundary with Thackley End, are visible as skyline trees along a short section of Staverton Road when looking north between Nos. 19 and 21. It is proposed to plant 2 new Himalayan birch trees and an incense cedar along the southern boundary of the application site within this gap and this will go some way to mitigating the loss of trees in this view. However, further mitigation could be achieved by adding an additional 2 new semi-mature false acacia trees to the planting proposals in this area, which could reasonably be secured by condition.
31. The existing false acacia trees are very tall and the very tops of their crowns can also be seen from in gaps between properties from the street in Rawlinson Road. However, these are long distance views and it is considered that their loss will not be significant in these views.

32. Also, the mature silver birch (3006) and Lawson cypress (3005) trees which stand adjacent to the site boundary are visible in public views from the section of Banbury Road adjacent to the site, as is the top of the crown of the walnut (3001). Their removal and the construction of a new vehicular access from Banbury Road will open up new views into the site and trees beyond. New planting will include 2 new small leaved lime trees planted along the Banbury Road frontage south of the new vehicular access and a semi-mature silver birch planted close to the new entrance and this, together with other planting along the verge or the north side of the vehicular access which includes new cherry and Judas trees, will ensure that the change is not harmful.
33. Some of the trees that will be removed will be seen in private views from neighbouring residential properties in Staverton Road, Thackley End, Rawlinson Road and Woodstock Road. The presence of other trees in these private views, including trees retained within the application site, existing trees within adjacent properties, including a row mature lime trees that grow along the southern boundary of Thackley End and existing trees within the rear gardens of the other properties, will ensure that in most cases the residential amenities of neighbouring are not significantly harmed by these tree removals. Proposed new tree planting, including for example new trees planted along the boundary with properties in Staverton Road will further mitigate any impact on neighbours.
34. However, removal of the vegetation which is growing in the garden area of the bungalow near to the boundary of Thackley End, which includes the 2 tall false acacia trees (3168 and 3169) and a row of Leyland cypress and other boundary trees (TG3023 and TG3022), will affect existing private views towards the site from those adjacent Thackley End flats that have an outlook to the west. This garden area will be replaced by the new home and due to the proximity to the boundary there is not opportunity to plant trees to mitigate this change.
35. The draft North Oxford Victorian Suburb Conservation Appraisal and the Conservation Area Tree Assessment submitted both identify the significance of the leafy character of the area and the importance of trees to that. Although the proposals will reduce canopy cover in the area to some degree, it is considered that the proposed new soft landscaping and tree planting is appropriate to the area and will ensure that the site retains a leafy appearance and character and thus would not harmful to the Conservation Area.
36. The preliminary tree protection plan includes proposals which are appropriate to ensure that retained trees are adequately protected during the construction phase, for example including no-dig construction for the hard surfaces proposed within the Root Protection Area of the lime trees which stand adjacent to the site within Thackley End, the trees adjacent to the boundary within the North Oxford Overseas centre, 117 Banbury Road and the retained veteran oak tree (adjacent to the car park). The concerns of residents, in particular of Thackley End residents regarding impact on their lime trees as a result of the new access road, have been taken into account. If planning permission is granted more detailed final tree protection proposals and

arboricultural method statements would be required for approval before any work starts on site as will the location and construction method of all new underground services and drainage to ensure they are not harmed during or post construction.

Impact on Neighbours:

37. The new residential home would affect the residents of Thackley End, Redcliffe Maud House owned by Univ and the residents and neighbours of No.25 Staverton Road in relation to the new manager house.
38. In relation to Thackley End the two storey element of the home would be approximately 1.5m from the joint boundary. As mentioned above there are currently high trees (Leylandii) along this boundary, and within Thackley End is the shared garden for its residents bounded by one of the blocks of flats. The proposal would alter the outlook from this part of Thackley End. The new building has two windows facing the garden, which are a secondary window to the end bedroom and the corridor window. It is proposed to etch the glass to a height of 1.5m from finished floor level so that it would be obscured. Officers are satisfied this would overcome direct overlooking and loss of privacy into the garden area. Whilst it is acknowledged that the loss of trees will obviously change the outlook for these residents, Officers consider that the building would not be overbearing to them, taking into account the existing trees. Neither, due to orientation and existing trees, would the development result in any significant increase in overshadowing or loss of sun or day light to the garden than currently exists. In respect of impact on the windows to habitable rooms of the block of flats adjacent to the garden, Officers consider that due to distance between the buildings, orientation and existing boundary treatment, that the development would not harm their residential amenities in terms of overshadowing or overbearing impact, or loss of daylight, sunlight or privacy.
39. With regard to Redcliffe Maud, this building is used for teaching and office space. The purpose of the collaboration between the two proposals is to encourage the residents to use the rose garden. It is considered none the less that here would be no harm as a result of overlooking, given the distance of approx. 21m between the two buildings and the nature of the use of Redcliffe Maud. Issues of overshadowing, overbearing etc. have already been dealt with elsewhere in this report.
40. In relation to the new manager house, the conversation and extension has been designed so that it is essentially single storey. Officers consider that it would not adversely impact neighbours' residential amenities in terms of overbearing, overshadowing, visually intrusive or loss of day/sun light or privacy.
41. In conclusion the proposal accords with Policies CP1, CP10 of the OLP and HP14 of the SHP.

Flood Risk and Drainage:

42. A Flood Risk and Drainage Strategy was submitted and concludes that the site of the proposed building is located in Flood Zone 1 and has a low risk of fluvial, surface water and tidal flooding to the proposed building. The proposed development will not increase the risk of flooding on or off site. Any risk of ground water and sewer flooding to the semi basements which can be mitigated by appropriate waterproofing and non-return valves. The surface water drainage will discharge into the ground via infiltration SuDS methods subject to further infiltration tests or a restricted connection to the public sewer subject to approval by Thames Water. Again, foul drainage from the proposed building will discharge via gravity into the public foul sewer system subject to agreement with Thames Water.
43. The EA has not commented as it considers the site low risk and Thames Water has not objected but has requested a Grampian style condition requiring a drainage strategy for the residential home, and raised no objection to the student accommodation. It is considered therefore, subject to the condition, that there would be no adverse impact from the development proposal in accordance with Policy NE14 of the OLP.

Biodiversity:

44. A Phase 1 Habitat Survey and Bat Survey Report by Bioscan was submitted for this application, and an updated bat survey has been subsequently undertaken by Bioscan to assess the presence or not of bat roosts within the buildings to be demolished in June this year. Officers consider the botanical and ornithological elements of this report are considered to be appropriate to use in 2015. The survey study area includes that of the adjacent Univ application (15/01102/FUL) and the findings and proposed measures are applicable to both sites.
45. The assessment states that the study area has no statutory or non-statutory nature conservation designation. No specially protected species were identified as resident within the study area during the surveys or are known from background records to be present. In particular no evidence of bats roosting in the buildings or trees affected by the proposals has been found and no roosts have been identified. Four bat species were detected incidentally during the bat surveys foraging and commuting within the study area. The study area is however assessed to be of only limited value to bats for foraging due to the largely ornamental and/or well-maintained nature of the habitats present and large areas of buildings and hardstanding. Retention of a large number of the mature trees within the overall study area will ensure that commuting activity through the study area is not significantly affected.
46. No other additional protected species surveys are regarded as necessary, bird species found were reflective of the presence of mature garden habitats and no particular constraint was identified over and above the standard legal protection afforded to all nesting birds. The existing orchard (to the rear of Staverton and Thackley End properties) is of interest but considered too small

and isolated by its urban context to be likely to support significant secondary biodiversity interests.

47. The report states that the proposed development is not likely to change local conditions to an extent that could be detrimental to the conservation status of any bird or bat species. An addendum containing details of bird and bat enhancement measures have been submitted with this application, including bat and bird boxes.
48. Officers concur with the findings of the report(s) and the survey mitigation and enhancement measures contained therein. The orchards retention is welcomed and additional tree planting proposed would mitigate the loss of any foraging or nesting habitat. A condition is recommended in accordance with the conclusions and recommendations including the provision of bat and birds boxes in accordance with policy CS12 of the CS and the NPPF.

Sustainability:

49. An Energy Efficiency statement has been submitted to show how 20% on site renewables can be achieved in accordance with Policies HP11 of the SHP and Core strategy CS11. It states the development would make a 25% saving in energy usage and 30% reduction in carbon emissions, by installing an on-site combined Heat and Power System, coupled with highly efficient gas fired boiler. The proposal would therefore accord with Policies HP11 of the SHP and CS9 of the CS.

Archaeology:

50. The site is of interest because of the scale of the proposed development and its central location on the Summertown-Radley gravel terrace, in an area that has not been subject to much previous archaeological investigation and where dispersed Prehistoric and Roman rural settlement might be anticipated, bearing in mind the pattern of settlement evidence to the north and south along the terrace. A targeted geophysical survey has undertaken at this site by Stratascan (2014) and archaeological desk based assessment has been produced for this site by CgMs Ltd (2015) for the joint Univ and Fairfields sites. In this instance the limited geophysical survey did not identify any strong anomalies of likely archaeological origin and it is noted that the site is constrained in terms of pre-determination access for trenching.
51. The NPPF states the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. Where appropriate developers should be required to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible.

52. In this case, bearing in mind the results of the Heritage Impact Assessment, Officers consider that any consent granted for this development should be subject to condition requiring the archaeological investigation take the form of targeted building recording and watching brief in accordance with Policy HE2 of the OLP and the NPPF.

Conclusion:

53. The development would provide a purpose built residential home which meets the needs of a mixed community. It represents efficient use of brownfield land and whilst back land development would not be harmful to the character and appearance of the Conservation Area or adjacent neighbours. Loss of any significant trees would be mitigated by new planting and works close to significant trees would be carefully controlled. Officers therefore recommend that planning permission is granted, subject to conditions.

Human Rights Act 1998

Officers have considered the Human Rights Act 1998 in reaching a recommendation to grant planning permission, subject to conditions. Officers have considered the potential interference with the rights of the owners/occupiers of surrounding properties under Article 8 and/or Article 1 of the First Protocol of the Act and consider that it is proportionate.

Officers have also considered the interference with the human rights of the applicant under Article 8 and/or Article 1 of the First Protocol caused by imposing conditions. Officers consider that the conditions are necessary to protect the rights and freedoms of others and to control the use of property in accordance with the general interest. The interference is therefore justifiable and proportionate.

Section 17 of the Crime and Disorder Act 1998

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

Background Papers: 15/01104/FUL & 15/01102/FUL

Contact Officer: Felicity Byrne

Extension: 2159

Date: 30th July 2015

This page is intentionally left blank