

**West Area Planning Committee**

10 November 2015

**Application Number:** 15/01548/VAR

**Decision Due by:** 17 August 2015

**Proposal:** Removal of condition 22 (to vacate premises at St. Giles and Ewert Places) of planning permission 14/03255/FUL for construction of new independent sixth form school buildings.

**Site Address:** 333 Banbury Road, **Appendix 1.**

**Ward:** Summertown Ward

**Agent:** N/A

**Applicant:** Carnegie Capital Estates

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**Recommendation:** Approve subject to conditions.

## **Reasons for Approval**

- 1 The planning application site has been unoccupied since the Masonic Lodge vacated the buildings in 2012, since when planning applications for residential and educational use have been made on the site. Permission 14/03255/FUL for a sixth form building for D'Overbroeck's College, (of which this latest submission forms a variation), provided the opportunity to bring forward beneficial development on an unallocated brownfield site which would retain its distinctive wooded character, whilst enhancing the setting of the retained 1820s villa. This variation now seeks to lift a requirement imposed by condition which fell upon D'Overbroeck's as joint applicant to the previous permission to vacate other premises they occupied at St. Giles and Ewert Place. In recommending that this latest application be approved that requirement is lifted. All other requirements of that permission would remain in place however resulting still in a development of contemporary architecture with appropriate levels of car and cycle parking, and conditions relating to a Travel Plan, on - site traffic management, materials, landscaping etc. The proposal is considered to accord with the requirements of the relevant policies of the Oxford Local Plan and Core Strategy accordingly.
- 2 The Council considers that the proposal accords with the policies of the development plan as summarised below. It has taken into consideration all other material matters, including matters raised in response to consultation and publicity. Any material harm that the development would otherwise give rise to can be offset by the conditions imposed.

## **Conditions**

- 1 Development begun within 5 years
- 2 Approved plans
- 3 Materials
- 4 Lighting
- 5 Obscure glazing to northern elevation
- 6 Landscape plan
- 7 Landscape carry out by completion.
- 8 Landscape management plan
- 9 Landscape hard surface design-tree roots
- 10 Landscape underground services-tree root
- 11 Tree protection plan
- 12 Arboricultural method statement
- 13 Trees: Construction method statement
- 14 On site traffic management plan
- 15 Parking provision
- 16 Alternative cycle parking facilities
- 17 Deliveries - manoeuvring space.
- 18 Travel plan
- 19 Archaeology - evaluation.
- 20 Biodiversity - bird and bat boxes.
- 21 Contamination - risk assessment
- 22 Community use of facilities
- 23 Public art
- 24 Construction management plan
- 25 Sustainable drainage
- 26 Piling methods
- 27 Extraction equipment - kitchen
- 28 Mechanical plant
- 29 Noise attenuation
- 30 Interpretative scheme
- 31 Natural Resource Impact Assessment

## **Principal Planning Policies:**

### Oxford Local Plan 2001-2016

- 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
- CP19 - Nuisance
- CP21 - Noise
- TR1 - Transport Assessment

TR2 - Travel Plans  
TR3 - Car Parking Standards  
TR4 - Pedestrian & Cycle Facilities  
TR6 - Powered Two-Wheelers  
TR12 - Private Non-Residential Parking  
TR14 - Servicing Arrangements  
NE14 - Water and Sewerage Infrastructure  
NE15 - Loss of Trees and Hedgerows  
NE16 - Protected Trees  
NE23 - Habitat Creation in New Developments  
HE2 - Archaeology  
HE6 - Buildings of Local Interest

#### Core Strategy

CS10 - Waste and recycling  
CS9 - Energy and natural resources  
CS12 - Biodiversity  
CS13 - Supporting access to new development  
CS17 - Infrastructure and developer contributions  
CS18 - Urban design, town character, historic environment  
CS19 - Community safety  
CS24 - Affordable housing

#### Other Planning Documents

- National Planning Policy Framework (NPPF).
- Planning Policy Guidance.
- Affordable Housing and Planning Obligations SPD.
- Parking Standards, transport Assessment and Travel Plans SPD.
- Natural Resource Impact Analysis SPD.

#### **Public Consultation**

##### Statutory Consultees Etc.

- Thames Water Utilities Limited: Does not affect Thames Water; no comments.
- Environment Agency Thames Region: Low environmental risk; due to workload prioritisation unable to make individual response to application.

##### Individual Comments:

- D'Overbroeck's: Following grant of previous permission working with Carnegie Capital Estates who own the site to conclude financial deal; will vacate Ewert Place and St Giles if successful; no need to vary condition; removal of condition would allow occupation by others not known to local community.

#### **Officers Assessment:**

1. At its meeting of 10<sup>th</sup> March 2015 committee granted planning permission for the demolition of modern extensions to the 1820s villa at the former Masonic Lodge at 333 Banbury Road and the construction in its place of buildings to provide sixth form teaching accommodation for D'Overbroeck's College, together with car parking, landscaping and ancillary works. At the same

meeting a separate but accompanying application for a school boarding house was granted planning permission at 376 Banbury Road. A site plan is attached as **Appendix 1** to this report and a copy of the officers' report on the application at 333 Banbury Road as **Appendix 2**.

2. The permission at 333 Banbury Road was designed as a sixth form centre specifically to meet D'Overbroeck's requirements, with the intention that the college relocate its 257 sixth form students to this site for teaching purposes, 58 of whom would occupy the new sixth form boarding house proposed at 376 Banbury Road. In doing so the college would vacate its existing teaching premises at Ewert Place and at 31A St. Giles. Condition 22 of the permission stated:

*"No occupation of the development hereby permitted shall take place unless and until documentary evidence has been provided to the Local Planning Authority to confirm the vacation of existing teaching premises occupied by the applicant at St. Giles and Ewert Place".*

3. In effect this made the permission personal to D'Overbroeck's College as no other organisation or institution would be able to comply with the condition. The reason for its imposition was that an affordable housing contribution might otherwise be required under the terms of Core Strategy policy CS24 which requires a financial contribution to meet the additional housing demand created by new commercial development.
4. In the Affordable Housing and Planning Obligations Supplementary Planning Document (SPD) further information is provided on the circumstances under which such a contribution would be sought. The relevant text at paragraph 2.37 of the SPD reads:  
*"Policy CS24 contains no size limit at which a contribution will be sought; however an indicative threshold of 2,000 sq m net additional floorspace, including changes of use, will be expected, as this size of development would be considered to generate a significant further need for affordable housing. While this indicative threshold exists, smaller commercial developments can generate a significant need for affordable housing. These will be considered on a case - by - case basis".*

5. In this case the floorspace created was some 3,220 sq m, but with a net increase of approximately 1,600 sq m, or below the indicative threshold normally applied. However as D'Overbroeck's College as joint applicant were prepared to accept the condition; the development was designed with its specific needs in mind; and it intended to release the properties at Ewert Place and St. Giles in any event, then the condition was imposed accordingly. It is accepted however that its imposition did not meet the usually applied floorspace threshold as set out in the SPD and was not therefore an essential requirement of the permission. Officers are therefore prepared to recommend that the condition can now be removed accordingly. Whilst potentially this would allow other institutions to occupy the accommodation, it would not preclude D'Overbroeck's College from doing so as originally intended.

6. On other matters the development otherwise remains as previously permitted

with all other imposed conditions carrying through to a revised Notice of Permission. These are listed at the head of this report. They include the submission of on-site traffic management arrangements referred to at paragraphs 32 to 35 of **Appendix 2**, which must include that:

- all staff and students arriving by cycle enter via the Capel Close entrance only;
- any drop off or pick up of students should only take place from the limited waiting spaces available in Squitchey Lane and Summerhill Road;
- all persons arriving on foot to enter the site from Banbury Road; and
- all servicing to be to take place only from the dedicated on-site parking spaces accessed from Banbury Road.

7. Similarly other imposed conditions require details of materials, landscaping arrangements, cycle parking, archaeology, biodiversity enhancement, travel plan, community use of the buildings, public art, construction arrangements and noise and mechanical plant attenuation to be submitted for subsequent approval.

### **Conclusion.**

8. This variation application if permitted would have the effect of allowing academic institutions other than D'Overbroeck's College to occupy the development permitted under reference 14/03255/FUL but would not result in any other changes to its physical form nor to any other requirements imposed by planning condition.
9. For the reasons indicated committee is recommended to support the application accordingly.

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

**Background Papers:** 13/01319/FUL, 14/03255/FUL, 15/01548/VAR.

**Contact Officer:** Murray Hancock

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**Date:** 27th October 2015