

## WEST AREA PLANNING COMMITTEE

19<sup>th</sup> May 2020

<b>Application number:</b>	19/02366/OUT		
<b>Decision due by</b>	21st January 2020		
<b>Extension of time</b>	21st February 2020		
<b>Proposal</b>	Outline application with all matters reserved apart from access for the demolition of two existing dwellings and erection of one four storey building and one two storey building for school boarding accommodation (use class C2) and associated parking, cycle and bin storage and closure of existing access onto A40.		
<b>Site address</b>	472-474 , Banbury Road, Oxford, OX2 7RG – see <b>Appendix 1</b> for site plan		
<b>Ward</b>	Summertown Ward		
<b>Case officer</b>	Jennifer Coppock		
<b>Agent:</b>	Julian Philcox	<b>Applicant:</b>	D Overbroecks
<b>Reason at Committee</b>	This application involves a major development		

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### 1. RECOMMENDATION

1.1. West Area Planning Committee is recommended to:

1.1.1. **refuse the application** for the reasons considered fully in the report; and

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

**finalise the recommended reasons for refusing the application as set out in this report including such refinements, amendments, additions and/or deletions as the Head of Planning Services considers reasonably necessary.**

1.1.3. The reasons for refusal are as follows:

1. The proposed development would result in a loss of two residential dwelling houses (use class C3) in conflict with adopted Policy HP1 of the Sites and Housing Plan 2013 and emerging Policy H5 of the Oxford Local Plan 2036.
2. The indicative floorspace of each of the warden's flats, intended as permanent residence's, measures approximately 24sq. m. which falls below the minimum space standard for either a single or family dwelling

and therefore the proposal conflicts with Policy HP12 of the Sites and Housing Plan 2013.

3. The proposed warden's flats would cause an unacceptable loss of privacy to the occupants of no. 470 Banbury Road due to their proximity to the boundary and location of the first floor window overlooking the rear garden of no. 470. The proposed development would therefore conflict with Policies CP1 and CP10 of the Oxford Local Plan 2001-2016 and Policy HP14 of the Sites and Housing Plan 2013.
4. The proposed undercroft vehicular parking would create hiding places and make vehicles, property and people vulnerable in term of safety as they are unsecured and therefore the proposed location and design of the proposed parking does not comply with policies CS18 and CS19 of the Core Strategy.
5. Insufficient information has been submitted, in particular the application is deficient in its failure to provide a Surface Water Management Strategy to enable the Local Planning Authority to fully assess the drainage proposals for this major development. The application therefore does not therefore conform to the requirements of the 'Oxfordshire County Council Local Standards and Guidance for Surface Water Drainage on Major Development in Oxfordshire 2018' and emerging Policy RE4 of the Oxford Local Plan 2036.
6. Insufficient information has been submitted, in particular the application is deficient in its failure to provide an Air Quality Assessment to enable the Local Planning Authority to fully assess the potential air quality impacts that may occur from the development's operational and construction phases. The application does not therefore comply with adopted Policy CP23 of the Oxford Local Plan 2001-2016, Policy ENS4 of the Summertown and St Margaret's Neighbourhood Plan and emerging Policy RE6 of the Oxford Local Plan 2036.
7. Insufficient information has been submitted, in particular the application is deficient in its failure to provide an Energy Statement to enable the Local Planning Authority to fully assess whether sustainable design and construction principles have been incorporated into the development. The application therefore does not conform to the requirements of emerging Policy RE1 of the Oxford Local Plan 2036 and Policy ENC2 of the Summertown and St Margaret's Neighbourhood Plan.

## **2. EXECUTIVE SUMMARY**

2.1. This report considers the outline proposal to demolish the existing pair of semi-detached dwelling houses (Use Class C3) on site and erect a four storey boarding house (Use Class C2) to accommodate up to 100 students of D'Overbroecks College, aged between 11 and 18 years, and a separate two storey building to house 2no. ancillary wardens flats with under croft car parking. The total proposed indicative floorspace of both buildings would measure approximately 1,827sq. m.

and would provide accommodation, communal areas and an internal bin store. The proposed boarding house would measure a maximum of 13.5m in height (the existing dwellings measure approximately 9.5m in height). The proposed development would provide cycle parking and operational vehicular parking.

- 2.2. The proposal would result in a loss of 2no. self-contained dwelling houses in C3 use, in conflict with adopted Policy HP1 of the Sites and Housing Plan and emerging Policy H5 of the Oxford Local Plan 2036. Emerging Policy HP5 does allow for the loss of C3 dwelling houses when a proposal involves the change of use to a non-self-contained C2 extra care, specialist or supported housing, sheltered accommodation or care home. It is not considered that the proposed development falls within such C2 uses. The proposed development is therefore considered to conflict with Policy HP1 of the adopted Sites and Housing Plan and emerging Policy H5 of the Oxford Local Plan 2036.
- 2.3. The proposed warden's flats would cause an unacceptable loss of privacy to the occupants of no. 470 Banbury Road due to their proximity to the boundary and location of the first floor window overlooking the rear garden of no. 470. The proposed development would therefore conflict with Policies CP1 and CP10 of the Oxford Local Plan 2001-2016 and Policy HP14 of the Sites and Housing Plan 2013.
- 2.4. The indicative floorspace of each of the warden's flats, intended as permanent residence's, measures approximately 24sq. m. which falls below the minimum space standard for either a single or family dwelling and therefore the proposal conflicts with Policy HP12 of the Sites and Housing Plan 2013.
- 2.5. The proposed undercroft vehicular parking spaces would create hiding places and make vehicles, property and people vulnerable in terms of safety as they are unsecured and therefore the location and design of the proposed parking does not comply with policies CS18 and CS19 of the Core Strategy.
- 2.6. The application is made in outline with all matters reserved except for access. Therefore the proposed site access is to be fully considered at this outline stage. The proposed access arrangements, visibility splays and swept path analysis for refuse vehicles are considered acceptable by Oxfordshire County Council Highways Department.
- 2.7. The application relates to a major development, in excess of 1,000sq. m., and as such the application is required to be accompanied by a Surface Water Management Strategy, an Energy Statement and an Air Quality Assessment in compliance with adopted and emerging planning policies. Although Officers requested this outstanding information on several occasions, the application remains deficient in its failure to provide these required documents.
- 2.8. The proposed development is considered unacceptable due to the loss of 2no. self-contained dwelling houses, unacceptable impact on neighbouring amenity, insufficient living conditions within the warden's flats and the undercroft parking would create an unsafe environment in conflict with adopted and emerging local policy. Furthermore, the application's deficiency in required technical information means that the Local Planning Authority has been unable to fully assess the impacts

of the proposed development in relation to surface water management, air quality and energy efficiency. Officers are therefore recommending refusal.

### **3. LEGAL AGREEMENT**

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

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

4.1. The proposal would be liable for CIL at reserved matters stage, if planning permission were to be granted.

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

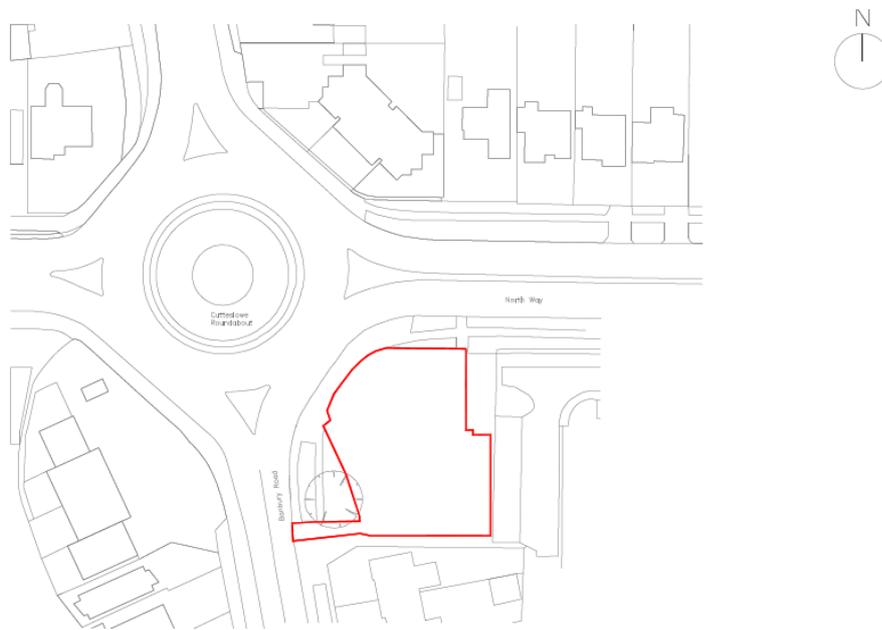
5.1. The application site comprises two semi-detached properties. The site is located on a prominent corner of Banbury Road and Elsfield Way. The properties are located in close proximity to the Cutteslowe Roundabout. The three storey housing estate on Hawksmoor Road lies to the East of the application site. No. 470 Banbury Road lies to the south of the application site, beyond a pedestrian and cycle path.

5.2. Planning permission for 9no. residential units on the application site remains extant until May 2023 (reference 17/02817/FUL).

5.3. There are four key frontages around the Cutteslowe Roundabout on the junction between Banbury Road and the A40. The application site fronts the south eastern edge of the roundabout. The south western edge features a part two, part three storey development consisting of 9no. 2 bedroom flats (Churchill House) which was granted planning permission in 2007 (ref. 06/02085/FUL). The north western edge features a dwellinghouse (Summers Place). The north eastern edge features a three storey building comprising 6no. 2 bedroom flats and 2no. 3 bedroom flats, this development was granted planning permission in 2009 (ref. 09/00356/FUL). The area is characterised by a variety of architectural styles. The properties in close vicinity to the site are mostly two and three storey. However, the Meadow Gardens development located on Elsfield Way is part three, part four storey.

5.4. The existing properties are set back from the street. The site features a small garden area at the front of the properties and large driveway at the side and rear, which can be accessed from Banbury Road and Elsfield Way.

5.5. See location plan below:



## 6. PROPOSAL

6.1. The application is in outline with all matters reserved except access and proposes to demolish the existing semi-detached dwelling houses in C3 use and erect a part three, part four storey building, measuring a maximum of approximately 13.5m in height. The building would provide a boarding house to accommodate up to 100 students, aged between 11 and 18 years, studying at D'Overbroecks College and would provide accommodation and communal areas on the ground, first, second and third floors as well as an internal bin store on the ground floor. The boarding house would comprise a basement level, the use of which has not been annotated on the plans provided. The development would also provide a two storey building, measuring approximately 7m in height, comprising 2no. Warden's apartments ancillary to the C2 boarding house with undercroft car parking. It is worth noting that the warden's flats are suggested, by the applicant, to be in C3 use. However, they would be intrinsically linked to the C2 use and would need to be tied to that use by the applicant for safeguarding and general practicality reasons and could not therefore be considered an adequate replacement for the existing dwellings on site.

6.2. The total indicative floorspace of the scheme measures 1,827sq. m.

6.3. The existing vehicular access from North Way (A40) would be closed and used for pedestrian and cycle access only. The vehicular access onto Banbury Road would be retained and a second pedestrian access would be created.

6.4. Cycle parking and 4 operational car parking spaces are proposed. From correspondence with the applicant it is understood that the car parking spaces would be allocated for the wardens, warden's assistant and deliveries. All bays would need to be widened to adequate dimensions in order to act as disabled bays.

## 7. RELEVANT PLANNING HISTORY

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

### 472-474 Banbury Road

17/02817/FUL - Demolition of 2no. semi-detached dwellings and detached garage. Erection of building to provide 9no. residential units (3 x 3-bed, 5 x 2-bed and 1 x 1-bed). Provision of covered and secure bicycle parking and refuse/recycling storage. Provision of communal and private amenity areas and car parking. Closure of existing vehicular access on to Elsfield Way (A44/northern ring road). Approved 7<sup>th</sup> May 2020

19/00564/FUL - Temporary change of use to form operation of a hand car wash for a period of 6 months (retrospective). Withdrawn 18th March 2020.

17/03436/FUL - Temporary change of use to form operation of a hand car wash for a period of 6 months (retrospective). (Amended description). Refused 7th March 2018

### 472 Banbury Road

01/01908/FUL - Demolition of garage. Erection of double garage. Approved 14th December 2001.

63/13596/A\_H - Vehicular crossing and garage base. Approved 10th December 1963.

63/14167/A\_H - Vehicular access and garage base (revised). Permitted Development 10th December 1963.

67/19216/A\_H - Garage for private car. Permitted Development 12th September 1967.

70/22425/A\_H - Conversion of existing storeroom into lavatory. Permitted Development 27th January 1970.

96/00359/NF - Change of use from house to Community Police Office. Approved 29th April 1996.

### 474 Banbury Road

87/01284/NF - Change of use from house to interview suite. Approved 12th January 1988.

08/01527/FUL - Formation of new access ramp with handrail and alterations to doors and windows all in connection with the requirements of the Disability Discrimination Act. Approved 22nd September 2008.

## 8. RELEVANT PLANNING POLICY

8.1. The following policies are relevant to the application:

	Paragraphs 117, 118, 122, 124, 127, 128, 130, 131,	CP6 CP8 CP9 CP10	CS18	HP14		H14 H15 RE2	
	Chapter 5			HP1 HP12 HP13	HOS2 HOS3	H5 H14 H15 H16	
	Paragraphs 170, 175, 177, 178	NE15					
	Paragraphs 91 and 95	CP13	CS19				
	Paragraphs 102, 108, 109, 110	TR3 TR4			TRC2	M5 M3	Parking Standards SPD
	Paragraphs 150, 151, 153, 163, 165	CP22 CP23	CS9 CS11 CS12	HP11	ENS4 ENC2	RE3 RE4 RE6	Energy Statement TAN
		CP1 CP13 CP24 CP25		MP1			

## 9. CONSULTATION RESPONSES

9.1. Site notices were displayed around the application site on 6<sup>th</sup> November 2019. The application was originally incorrectly validated as a minor development rather than a major and as such the application was advertised as being determined under delegated powers rather than at Committee. However, this was rectified by Officers and an advertisement was subsequently published in The Oxford Times newspaper on 26<sup>th</sup> December 2019. Further site notices were displayed around the application site on 17<sup>th</sup> December 2019 following the change in development and decision type.

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

### Oxfordshire County Council (Highways)

#### 9.2. No objection, subject to conditions

- Site is in a sustainable location, within walking/cycling distance to the city centre and with good access to public transport.
- Following correspondence with the applicant, car and cycle parking has been redesigned, this is shown on drawing 461/19/OUT/PL1008 and is accepted.
- Car parking is acceptable. A management plan should be submitted showing how drop-off/pick-up will be scheduled so not to impact upon the public highway. The site will be excluded from eligibility for parking permits.
- Kerbside refuse collection is considered acceptable with the refuse store being suitably located for collection.
- There is a lack of cycle infrastructure from the site, to ensure cycling is an attractive option for residents, a cycle path is required from the site to Carlton Road where cyclists can use the bus lane. S106 contributions have therefore been requested.
- In order to block up the existing vehicular access from the A40 a small form S278 will be required to reinstate the kerb and grass verge.

### Lead Local Flood Authority

- 9.3. Objection due to the lack of drainage, flood risk, SuDS usage information to enable full technical assessment of the proposal. Surface water management must be considered from the beginning of the development planning process and throughout – influencing site layout and design. The proposed drainage solution should not be limited by the proposed site layout and design.

Wherever possible, runoff must be managed at source (i.e. close to where it falls) with residual flows then conveyed downstream to further storage or treatment components, where required. The proposed drainage should mimic the existing drainage regime of the site. Therefore, we will expect existing drainage features on the site to be retained and they should be utilised and enhanced wherever possible.

Although we acknowledge it will be hard to determine all the detail of source control attenuation and conveyance features at concept stage, we will expect the Surface Water Management Strategy to set parameters for each parcel/phase to ensure these are included when these parcels/phases come forward. Space must be made for shallow conveyance features throughout the site and by also retaining existing drainage features and flood flow routes, this will ensure that the existing drainage regime is maintained, and flood risk can be managed appropriately.

By the end of the Concept Stage evaluation and initial design/investigations Flows and Volumes should be known.

Thames Valley Police

9.4. Thank you for consulting me on the planning application above. I have analysed crime data and reviewed the submitted documents. Although I do not wish to object to the proposals, I do have some concerns in relation to community safety/crime prevention design. If these are not addressed I feel that the development may not meet the requirements of;

- The National Planning Policy Framework 2018, Section 12 'Achieving well-designed places', point 127 (part f), which states that; 'Planning policies and decisions should ensure that developments... create places that are safe, inclusive and accessible... and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience'.
- HMCLG's Planning Practice Guidance on 'Design', which states that; 'Although design is only part of the planning process it can affect a range of objectives... Planning policies and decisions should seek to ensure the physical environment supports these objectives. The following issues should be considered: safe, connected and efficient streets... crime prevention... security measures... cohesive & vibrant neighbourhoods.' That said, I do applaud the applicants for including a section within their Design and Access Statement (DAS) titled 'Security'. Unfortunately, this falls short of providing a commitment to obtaining Secured by Design (SBD) accreditation, which is disappointing. Therefore, to ensure that this is addressed and the opportunity to design out crime is not missed I request that the following (or a similarly worded) condition be placed upon any approval for this application;

*Prior to commencement of development, 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 authority.*

With the above in mind, I offer the following advice in the hope that it will assist the authority and applicants in creating a safer and more sustainable development, should approval be granted:

- An access control/entry system must be provided to ensure security for residents and compartmentation of the development that restricts unauthorised use. The indicative layouts appear to show linked stair cores, which should be avoided. SBD guidance on this and the other advice below can be found at; <https://www.securedbydesign.com/guidance/design-guides>
- A secure post/delivery system must be provided. Best practice offers three solutions to this issue; provide airlock entry lobbies (recommended for all access points regardless) that contain secure post boxes, install secure post boxes externally, or create a through the wall delivery system. Both 'Trades' buttons and letterboxes for individual units must not be provided as they can create unrestricted or unauthorised access, which feeds opportunities for crime and antisocial behaviour (ASB).
- Lighting of internal communal areas should be 24hr, controlled by switched, photoelectric cells to create an environment that feels safe. Two-stage lighting could be considered to provide a more energy efficient system. External lighting

must be provided to each point of entry or egress, which should again be operated by switched, photoelectric cell. Passive Infrared (PIR) motion detection sensors should not be used to operate external lighting.

- Consideration should be given to the provision of a CCTV system that covers all access points (internally and externally) and private parking areas as a minimum.
- All cycle and refuse storage must be enclosed and secure to ensure cycle theft, arson and ASB are prevented. The current proposed cycle store appears to be inadequate in this respect.
- By the same token, vehicle parking is proposed within the undercroft of the eastern building. These features can be problematic as they are unsecured, create hiding places and make vehicles, property and people vulnerable. I would prefer to see secure garages provided.
- I strongly recommend that the rear communal grounds/parking be made secure by provision of gates at the vehicular entrance on Banbury Rd and the pedestrian access on North Way. They should be robust, visually permeable, self-closing and on the same access control system as the buildings. And, a robust boundary treatment of at least 1.8m height with a topping that deters climbing should be provided on the east and south boundaries (if the existing is not to be retained).
- Utility meters should be installed where access can be gained without entering private spaces, or only where access to them is managed by authorised personnel only.
- I would like to see the windows of the ground floor accommodation unit's that face North Way and Banbury Rd protected by defensive planting or similar. This would help deter casual intrusion right up to the windows.
- Finally, I would like to remind the applicants that Building Regulations Part Q requires them to install doors and windows that 'Resist unauthorised access to... new dwellings'. Advice on how to achieve this can be found in Building Regulations Approved Document Q and in Secured by Design's (SBD) New Homes Guide. Attachment of the requested condition for SBD accreditation would ensure Part Q is also achieved.

The comments above are made on behalf of Thames Valley Police and relate to crime prevention design only. I hope that you find them of assistance in determining the application and if you or the applicants have any queries relating to crime prevention design in the meantime, please do not hesitate to contact me.

### **Public representations**

9.5. One local resident from Banbury Road commented on this application.

9.6. In summary, the main points of objection were:

- Amount of development on site
- Effect on adjoining properties
- Height of proposal

### **Officer response**

9.7. Officers have noted the points of objection raised and have commented on these aspects of the proposal within this report. Given that the loss of dwelling houses on

site is objected to, in principle, by the Council, it was considered inappropriate to seek amended plans in response to the resident's concerns.

## **10. PLANNING MATERIAL CONSIDERATIONS**

10.1. Officers consider the determining issues to be:

- i. Principle of development
- ii. Design & living conditions
- iii. Neighbouring amenity
- iv. Highways
- v. Lack of technical information

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

10.2. The site currently comprises 2no. semi-detached dwelling houses (use class C3). These properties were granted planning permission to be used by Thames Valley Police as a Community Police office (Ref: 96/00359/NF) and interview suite (Ref: 87/01284/NF). Condition 4 of each permission required the properties to revert back to family dwellings upon Thames Valley Police ceasing use of the properties:

*'Upon Thames Valley Police ceasing to use [472 and 474] Banbury Road for the purpose hereby granted permission, the property shall revert back to a single family house.'*

*'Reason: The Local Planning Authority would not normally grant planning permission involving the loss of a single family house at this location except in exceptional circumstances of this case.'*

10.3. The properties are no longer occupied by Thames Valley Police and therefore, the lawful use of the properties is as dwelling houses (use class C3).

10.4. Adopted Policy HP1 of the Sites and Housing Plan 2013 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.'

10.5. Emerging 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 a HMO converted from a self-contained dwelling would be considered a loss of a self-contained dwelling), except in one of the following circumstances:*

- a) *where essential modernisation is proposed to make living accommodation acceptable and it can be shown that loss of a unit is essential for operational reasons or to secure space standards; or*

- b) *a change of use of a C3 dwelling or dwellings to a non-self-contained C2 extra care, specialist or supported housing, sheltered accommodation or care home is proposed; or*
- c) *a change of use of a dwelling to form a primary health care facility, children's nursery or community hub providing community benefits and for which the applicant can demonstrate a local need.*

10.6. The above criteria are not considered of relevance to the proposed development. For clarity, the uses set out at criteria b) are copied below from the glossary of terms of the emerging Local Plan. It is clear that the proposed use would not constitute any of the C2 uses set out within emerging Policy H5:

**'Extra-Care Housing**

A type of specialised housing for older and disabled people. It is purpose-built self-contained accommodation in which 24-hour personal care and support can be offered and where various other services are shared.'

**'Supported and Specialist Care Accommodation** Housing that is for occupation by residents who required specialist services or support in order to enable them to live, or to adjust to living, independently within the community. It will offer a high level of support in order to support those who would otherwise need to live in a care home. Groups with specific support needs may include those with disabilities (including learning disabilities), the homeless, teenage parents, refugees and those with drug or alcohol problems.'

**'Sheltered Housing** Self-contained accommodation for elderly or disabled people which form part of an overall development and with some shared facilities and on-site support personnel.'

10.7. In light of the above it is considered that the loss of 2no. dwelling houses would contravene adopted and emerging policy and cannot therefore be supported by Officers. Furthermore, the site has proven capacity for 9 dwellings (please refer to planning permission 17/02817/FUL) and therefore the proposed development would lead to the loss of this housing site. It is worth noting that the applicant did not seek formal pre-application advice regarding this proposal, however during informal conversations with Officers ahead of the submission, it was made clear to the agent that the Council could not support this proposal due to the loss of dwellings.

**ii. Design and living conditions**

10.8. Policy CS18 of the Core Strategy, HP9 of the Sites and Housing Plan and Policies CP1 and CP8 of the adopted Oxford Local Plan and Policy DH1 of the emerging Local Plan require that planning permission will only be granted for development which shows a high standard of design, and which respects the character and appearance of an area and uses materials appropriate to the site and surroundings.

- 10.9. Policy CP6 of the adopted Local Plan addresses the efficient use of land and density. It requires that development proposals make the best use of site capacity compatible with a site and its surrounding area. Similarly, emerging Policy RE2 of the Local Plan 2036 requires that development proposals make the best use of site capacity compatible with the site use, by exploring opportunities for developing sites at the maximum appropriate density and with consideration of the surrounding area and the broader needs of Oxford.
- 10.10. Policies HP12 of the Sites and Housing Plan sets out internal space standards for dwellings and requires any single dwelling to provide a minimum of 39sq. m. of internal floorspace. Any single family dwelling would be required to provide a minimum of 75sq. m. of internal floorspace. Policy HP13 of the Sites and Housing Plan addresses outdoor space. 1 or 2 bedroom flats and maisonettes should provide either a private balcony or terrace of useable level space, or direct access to a private or shared garden.
- 10.11. This application is made in outline with all matters reserved except access, therefore the detailed design of the proposal would be considered at a later date. The indicative plans propose a part three, part four storey building with basement beneath to provide a boarding house. The boarding house is shown to have a stepped flat roof and would measure a maximum of approximately 13.5m above ground level; 4.3m higher than the existing dwellings. It is considered that the proposed height largely reflects that of the consented residential scheme on the site (ref. 17/02817/FUL) and is therefore acceptable. The boarding house would be set away from the northern boundary by a minimum of 2.2m, the eastern boundary by 1.2m, the southern boundary by 4m and the western boundary by a minimum of 2.4m. Little detail has been submitted regarding the internal layout and accommodation to be provided, the plans simply state 'accommodation' and 'communal area' over the four floors (excluding the basement), the Design and Access Statement explains that the building would accommodate up to 100 students. A bin store would be provided on ground floor level. No basement floor plan has been provided.
- 10.12. The proposed development also includes 2no. Warden's flats within a two storey building with undercroft parking at ground level abutting the eastern boundary of the site. It is understood, from correspondence with the agent, that the flats would be the permanent residences of the Warden's. The building would be set away from the block of flats on Hawksmoor Road by approximately 20m and the boundary of no. 470 Banbury Road by approximately 8.5m. Detail regarding the internal layout of the Warden's accommodation is not provided with the application. The indicative floorspace of each flat measures approximately 24sq. m. which falls below the minimum standard required by adopted Policy HP12 for either a single or a family dwelling. It is not clear how the green space on site would be utilised or whether there would be private outdoor space provided for the warden's. Clarification would be required to ensure compliance with adopted Policy HP13.
- 10.13. Concern has been raised by Thames Valley Police regarding the undercroft parking in term of safety as they are unsecured, create hiding places and make vehicles, property and people vulnerable. It is not considered that this proposed

form of parking is acceptable in design terms, in conflict with Policies CS18 and CS19 of the Core Strategy.

- 10.14. Given the limited detail supporting this application and the fact that all matters are reserved except for access, it is not possible to comprehensively comment on the indicative design. However it is considered that the proposed height would respond appropriately to the site and surrounding land uses. The site has potential to be used more efficiently by, for example, reducing the number of car parking spaces and increasing the internal floorspace of the Warden's flats. As above, the site has proven capacity for 9 dwellings and benefits from an extant permission which would not be implemented if this current proposal were to be granted.
- 10.15. The proposed internal floorspace of the Warden's flats would fall below the minimum space standards as set out within policy HP12 and would therefore not provide policy compliant permanent living accommodation for the Warden's.

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

- 10.16. Policy HP14 of the Sites and Housing Plan states that planning permission will not be granted for any development that has an unacceptable impact on existing homes. The preamble to Policy HP14 states that potential for unacceptable overlooking will depend on the proximity of windows to neighbours' habitable rooms and gardens, and the angles of views between windows. There should be at least 20 metres' distance between directly facing windows to habitable rooms in separate dwellings. Policies CP1 and CP10 of the Oxford Local Plan 2001-2016 require that development must not have a detrimental impact on the amenity of surrounding occupiers.
- 10.17. The proposed buildings would be located to the north of No. 470 Banbury Road and to the west of Hawksmoor Road flats and garages. The garages are located along the eastern boundary of the application site. The distance between the boarding house and the rear elevation of the Hawksmoor Road flats would be approximately 23.9m, the distance between the boarding house and the side boundary of no. 470 Banbury Road would be 6.6m. The distance between the Warden's flats and the side boundary of No.470 Banbury Road would be approximately 8.3m. The distance between the proposed Warden's flats and the rear elevations of the flats on Hawksmoor Road would be approximately 17.4m.

### Privacy

- 10.18. The windows of the proposed boarding house do not directly overlook the Hawksmoor Road flats or no. 470 Banbury Road. The two storey Warden's flats feature a window overlooking the rear garden of no. 470 Banbury Road. Due to the absence of any proposed windows directly overlooking the Hawksmoor Road flats, it is considered that the proposed development would not cause an unacceptable loss of privacy to the occupants of these dwellings. However, the proposed first floor window of one of the Warden's flats would be set away from the boundary of no. 470 Banbury Road by only 8.5m and therefore it is considered that this element of the proposal would cause an unacceptable loss of privacy to

the occupants of no. 470 Banbury Road in conflict with Policy HP14 of the Sites and Housing Plan.

#### Overbearing

10.19. The proposed development would change the outlook afforded to the neighbouring properties. The distance between the proposed development and the Hawksmoor Road flats and no. 470 Banbury Road is considered sufficient so as to ensure that the proposed development would not create an unacceptable outlook and would not be considered overbearing.

#### Loss of light

10.20. The proposed development, due to the distance from the neighbouring habitable windows, the existing impact from the existing buildings and the sun's orientation, is not considered to cause an unacceptable level of harm to the amenities of the neighbouring properties in terms of loss of light. As a result, Officers consider that the development complies with the requirements of the 45/25 degree guidance set out in Policy HP14 of the Sites and Housing Plan.

10.21 In summary, overall the proposal would not comply with Policy HP14 of the Sites and Housing Plan 2013 or Policies CP1 and CP10 of the Oxford Local Plan with regard to its unacceptable loss of privacy to neighbours.

#### **iv. Highways**

10.22. As above, this application is made in outline with all matters reserved except for access, therefore the proposed access arrangement is to be considered in detail at this stage. The proposed development would utilise the existing vehicular and pedestrian access from Banbury Road and close the existing vehicular access from the site to the A40. Two new pedestrian access points would be formed, one from Banbury Road and the other from the A40.

10.23. The application site is in a sustainable location, within walking and cycling distance to local amenities in Summertown and the City centre and has good access to public transport links.

10.24. In terms of movement, the County Council considers that the scheme would result in fewer vehicular trips than the site's existing authorised use. However, no information regarding how the students (aged between 11 and 18) would travel from the site to the College campus on Banbury Road on a multiple daily basis has been provided. Due to the nature of surrounding streets, all student drop-off/pick-up would need to be from within the site. The Highways Authority has requested that a Student Accommodation Management Plan, explaining how this would be managed without severely impacting on the local highway network, should be submitted to and approved by the Council prior to occupation of the site if permission is granted. Due to the confined nature of the parking area and sensitive adjacent road network this would need to be robustly enforced.

10.25. There is currently a lack of cycle infrastructure along the eastern side of Banbury Road and as the proposed development would likely result in a large number of

cyclists using this stretch of road, the County Council would, if permission is granted, require a S106 contribution of £97,000 to create a cycle lane from the site to Carlton Road where cyclists could then join the bus lane.

- 10.26. As above, the application proposes to close the existing vehicular access from the site to the A40 which is considered appropriate. A S278 agreement would be required to reinstate the kerb and grass verge. Kerbside refuse collection is proposed, the proposed refuse store is well located for this and is therefore considered acceptable.
- 10.26 The submitted swept path analysis for refuse vehicles and visibility splays are considered acceptable.
- 10.27 Given that the students would be as young as 11 years old, it is doubtful that the double stacked form of cycle parking as currently proposed would be practical. Details of the type of cycle storage would be dealt with at reserved matters stage. Four car parking spaces, accessed from Banbury Road, are provided, however the spaces would need to be increased in size to accommodate disabled users. Given that the car parking spaces are undercroft and obstructed on one side, consideration regarding the use of the bays by disabled users should have been given at an early stage and explained in more detail.
- 10.28 If permission were to be granted, a Travel Plan would be required to be submitted and approved by the Council prior to the first occupation of the development. The County Council would require a monitoring fee of £1,240.00.
- 10.29. In summary, the County Council has no objection on highways grounds to the proposed development, subject to conditions and the completion of a legal agreement.

**v. Lack of technical information**

Surface Water Drainage Strategy

- 10.30. As set out above, all outline planning applications for major developments must be submitted with a Surface Water Management Strategy. The application has not been supported by such information and therefore the proposed drainage, flood risk and SuDS usage cannot be properly assessed. Therefore Officers consider that the application should be subject to refusal on this basis.

Air Quality Assessment

- 10.31. The application site is located within an Air Quality Management Area and therefore all the potential air quality impacts that may occur from the development's operational and construction phases need to be properly assessed. Emerging Policy RE.6 requires all planning applications for major developments (10 or more dwellings or over 1,000sq. m. of floor space) to be accompanied by an Air Quality Assessment. Furthermore, Policy ENS4 of the Summertown and St Margaret's Neighbourhood Plan requires development proposals to demonstrate that there will be no significant direct or cumulative adverse impacts from air pollution. The application has not been supported by an

Air Quality Assessment and therefore, Officers consider that the application should be subject to refusal on this basis.

### Energy Statement

10.32. The proposed development relates to a major development i.e. in excess of 1,000sq. m. and therefore the application needs to be supported by an Energy Statement in compliance with emerging Policy RE1 of the Oxford Local Plan 2036. Such information has not been provided and therefore, the sustainable design and construction principles of the scheme cannot be assessed. Officers therefore consider that the application should be subject to refusal on this basis.

## **11. CONCLUSION**

11.1. The proposed development would result in the loss of 2no. dwelling houses in conflict with Policy HP1 of the Sites and Housing Plan 2013 and emerging Policy H5 of the Oxford Local Plan 2036.

11.2. The proposed internal floorspace of the Warden's flats would fall below the minimum space standards as set out within policy HP12 and would therefore not provide policy compliant permanent living accommodation for the Warden's.

11.3. The location of the first floor window of the warden's flat would cause an unacceptable loss of privacy to the occupants of no. 470 Banbury Road in conflict with Policy HP14 of the Sites and Housing Plan.

11.4. The proposed undercroft vehicular parking would create hiding places and make vehicles, property and people vulnerable in term of safety as they are unsecured and therefore the proposed location and design of the proposed parking does not comply with policies CS18 and CS19 of the Core Strategy.

11.5. Further, the application is deficient in its failure to provide technical information relating to surface water drainage, air quality and energy efficiency. The proposed development has therefore not been subject to thorough consideration and is in conflict with adopted and emerging planning policy.

11.6. It is recommended that the Committee resolve to refuse planning permission for the development proposed.

## **12. APPENDICES**

- **Appendix 1 – Site location plan**

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

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

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

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