

West Area Planning Committee

9th February 2021

Application number: 20/02768/VAR

Decision due by 9th February 2021

Extension of time 16th February 2021

Proposal Variation of condition 2 (Develop in accordance with approved plans) of planning permission 19/00249/FUL (Demolition of existing workshop (Use Class B1) to erect a two storey yoga workshop (Use Class D2). Provision of cycle spaces. (Amended description) to allow changes to fenestration, rooflights, roof structure and flood void arrangement

Site address 16 East Street, Oxford, OX2 0AU, – see **Appendix 1** for site plan

Ward Jericho And Osney Ward

Case officer James Paterson

Agent: Adrian James **Applicant:** Mr James Pritchard

Reason at Committee This application seeks to vary the approved plans of an application which was decided by members at planning committee.

1. RECOMMENDATION

1.1. West Area Planning Committee is recommended to:

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

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

- finalise the recommended conditions as set out in this report including such refinements, amendments, additions and/or deletions as the Head of Planning Services considers reasonably necessary.

2. EXECUTIVE SUMMARY

2.1. This report considers an application to vary condition two of planning permission 19/00249/FUL in order to vary the approved plans. This is to allow minor design changes to the approved development. These amount to alterations to the fenestration to the front and rear, alterations to the roof

structure and rooflights as well as alterations to the arrangement of the approved flood void, notably the grilles to the front and rear which have been reduced in scale.

3. LEGAL AGREEMENT

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

4. COMMUNITY INFRASTRUCTURE LEVY (CIL)

4.1. The proposal is liable for CIL. The total amount is £1,925.84.

5. SITE AND SURROUNDINGS

5.1. The site is located within the Osney Town Conservation Area, an area of predominantly residential buildings laid out in the mid-19th century by G.P. Hester, the Town Clerk of Oxford. East Street has a riverside setting, facing directly onto the Thames with a public footpath alongside; the site is in a relatively prominent location on the street and in the Conservation Area. On the opposite side of the river is The Old Power Station, a locally important building which is listed on the Oxford Heritage Asset Register; the building is a reminder of the industrial heritage of this part of the city.

5.2. A single-storey workshop building occupies the plot of 16 East Street, which in contrast to the two-storey residential buildings either side of it, and, as identified in the Osney Town Conservation Area Appraisal, creates 'an important break in the uniformity of the street scene'. The building has white painted brick walls and a corrugated sheet double pitched roof, and features a pair of timber doors with casement window in the gable on its front elevation. There is a gated pedestrian access running along the north side of the building to the rear of the site.

5.3. The building is of four main phases; the earliest phase is the front original garage building from 1926; the second phase is the extension to the rear dating from 1950-52 associated with its change of use from a garage to a dairy; the third is the creation of a small boiler room; and the fourth the construction of a small outbuilding to the rear and the change of use to an artist's studio circa 1970. From 1970-2016, the building was occupied by Hugh Powell, an artist and sculptor, who lived at 16 Bridge Street for the same period.

5.4. The heritage significance of the building lies predominantly in its historic, evidential and communal value as representing and illustrating the former light industrial uses that operated in the area, and the development of the local community and small businesses in the latter half of the 20th century.

5.5. There is an extant permission (19/00249/FUL) on this site for the demolition of the existing building and erection of a new building, with associated work, to house a yoga studio. It is this extant permission which this application seeks to vary in order to amend the approved plans.

5.6. See location plan below:



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Ordnance Survey 100019348

6. PROPOSAL

- 6.1. The application proposes to vary condition two of planning permission 19/00249/FUL in order to make minor design changes. The proposed design variations are modest and have been triggered as a result further investigation of the conditions on the site which has taken place following approval of the previous planning application. Further investigation of the design of the protective grille to the flood alleviation measure has resulted in a significant reduction in terms of its visual presence on the front façade of the building which has in turn triggered small design changes to the elements that make up this building façade. The fundamental change is the elimination of the distinctive plinth that had been designed to accommodate the larger more obvious grille and its replacement with a much smaller and more discreet grille.
- 6.2. The loss of the plinth has in turn led to a reappraisal of the arrangement, size, proportion and alignment of the elements that sit within this street façade. Whereas in the previous design the upper windows were of slightly different proportions to each other they are now proposed to be similar, with sills aligned and the overall appearance of the window opening simplified through the use of an elegant internal glass guarding rather than an overt transom rail to prevent falling. The intention is that the design of the street façade should appear calmer and more composed in comparison to the slightly more quirky, less traditional, domestic appearance of the approved design with the intention that the building should have some closer architectural reference to its neighbours and to the predominant, modest domestic architecture that informs the fundamental character and appearance of the Osney Conservation Area.

6.3. Minor changes to the roof of the rear of the building comprise a small increase in the size of incorporated gutters in order to ensure efficient rainwater capacity and flow when necessary in addition to an adjustment of the approved photovoltaic panels along the centre of the south facing roof to make one unbroken strip. A slight realignment of the roof lights proposed to be set into the northern roof slope of the rear building range and the elimination of the pre-patinated copper panels that were originally proposed to be included as relief to the standard copper cladding panels of the external building skin because it was considered that these would result in an overly complicated appearance which really would not be visible from anywhere and therefore serve no particular design purpose. Changes to the grilles serving the flood void to the rear has also led to the loss of the stepped access into the rear door, reduction in size and relocation of the grille and a minor adjustment to the location of the rear doors which would now be set at ground level.

7. RELEVANT PLANNING HISTORY

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

60/00035/N_H - Change of use from garage for vehicles to repair and sale of parts. Refused 25th October 1960.
19/00249/FUL - Demolition of existing workshop (Use Class B1) to erect a two storey yoga workshop (Use Class D2). Provision of cycle spaces.(Amended description). Approved 13th May 2019.
19/00249/CND - Details submitted in compliance with condition 3 (Materials) 4 (Rooflights and solar panels) and 8 (Contamination) of planning permission 19/00249/FUL.. Approved 15th November 2019.
19/00249/NMA - Non-Material amendment to planning permission 19/00249/FUL to allow minor adjustments to windows, roof lights and roof structure following refinement of design during detailed design.. Refused 29th October 2020.

8. RELEVANT PLANNING POLICY

8.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework	Local Plan	Other planning documents	Neighbourhood Plans:
Design	117-123, 124-132	DH1, H14		
Conservation/Heritage	184-202	DH3	Osney Town Conservation Area Appraisal	

Environmental	117-121, 148-165, 170-183	RE3, RE4, RE7		
Miscellaneous	7-12	S1		

9. CONSULTATION RESPONSES

9.1. Site notices were displayed around the application site on 10th December 2020 and an advertisement was published in The Oxford Times newspaper on 3rd December 2020.

Statutory and non-statutory consultees

Environment Agency

9.2. No objection, condition required

Public representations

9.3. The Oxford Civic Society and 10 local people, from addresses in East Street, West Street and South Street commented on this application.

9.4. In summary, the main points of objection (9 residents) were:

- Access
- Amount of development on site
- Consultation over Christmas period
- Effect on adjoining properties
- Effect on character of area
- Effect on existing community facilities
- Effect on pollution
- Effect on privacy
- Effect on traffic
- Flooding risk
- General dislike for proposal
- Height of proposal
- Information missing from plans
- Light - daylight/sunlight
- Local ecology, biodiversity
- Local plan policies
- Noise and disturbance

- Not enough info given on application
- On-street parking
- Parking provision

Officer response

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

10. PLANNING MATERIAL CONSIDERATIONS

10.1. Officers consider the determining issues to be:

- i. Design
- ii. Conservation Area
- iii. Neighbouring amenity
- iv. Flooding
- v. Other Matters

i. Design

10.2. Policy DH1 of the Oxford Local Plan 2036 states that planning permission will only be granted for development of high quality design that creates or enhances local distinctiveness. Proposals must be designed to meet the key design objectives and principles for delivering high quality development, set out in Appendix 6.1.

10.3. The proposed changes are minor in nature and would not radically change the appearance of the approved development. The changes to the front, namely to the flood void grilles and fenestration, would result in the building making better reference to the surrounding traditional Victorian terraced dwellings and improve the development in design terms. This would be accomplished through a reduction in prominence of the flood defence measures in addition to a more ordered window arrangement.

10.4. The changes to the rear would not be perceptible from the public realm and would be sufficiently minor in nature so as to not significantly alter the appearance of the building, which would be acceptable in design terms. These largely amount to minor adjustments to the location and extent of several elements; the difference from the approved plans would not be readily noticeable from neighbouring properties and would still mean that the rear façade would appear coherent and well-proportioned.

10.5. Therefore the proposal is of acceptable design and accords with Policy DH1.

ii. Conservation Area

- 10.6. Policy DH3 of the Oxford Local Plan 2016 states that planning permission will be granted for development that respects and draws inspiration from Oxford's unique historic environment (above and below ground), responding positively to the significance character and distinctiveness of the heritage asset, in this case a conservation area, and locality. For all planning decisions, great weight will be given to the conservation of that asset and to the setting of the asset, where it contributes to that significance or appreciation of that significance. Where a development proposal will lead to less-than-substantial harm to a designated heritage asset, this harm must be weighed against the public benefits of the proposal, which should be identified by the applicant.
- 10.7. The Conservation Area was designated in July 1976 and comprises a series of parallel, north-south and east-west network of streets laid out in 1851 along which were built terraces of modest houses built for increasing numbers of working class families who were employed in the growing industrial activities throughout the city, including the railways, canals, power and engineering industries.
- 10.8. Key characteristics of the Conservation Area which contribute to its significance, that are relevant to this application, include the unique 19th Century development of tightly packed terraced housing, constructed as a result of the opening of the railway stations and the influx of associated workers to the area. The limited bridge access to a settlement surrounded by water lends a sense of containment and isolation, adding to the individual identity of the Conservation Area. The distinctive townscape of the island also gives the conservation area important strong suburban qualities, as does the relationship of the conservation area with the River Thames. Of particular significance here is the high quality townscape, resulting from the retained street and block pattern and architectural integrity, which limited 20th Century interventions have preserved. This is in addition to the regularity of fenestration, doorway details, roof forms and chimneys and materials which contribute to the integrity of the development by establishing a regular rhythm and giving unity and continuity to the streets.
- 10.9. The proposed design changes for which permission is being sought have been justified by the applicant as resulting from more detailed design development that resulted in the need to remove an element of the approved design and to consequently re-think the design of the principal, street façade of the proposed building. Additional design changes have resulted again from more detailed design consideration and are proposed in order to ensure more effective and more efficient surface water drainage from the building ensuring a better ability to deal with increased flow capacity when necessary as well as to ensure more efficient solar energy generation thus increasing the sustainability of the building design.
- 10.10. The design changes would be either be so minor so as to not be readily noticeable or would result in the proposed building having a calmer and less strident appearance, in spite of its material differences, by appearing more sympathetic to the surrounding built environment. The proposed design

changes would result in a building that makes a stronger architectural reference to its neighbouring properties thus enabling it to appear more comfortable in the context of its immediate surroundings and in the wider surroundings of the Osney Town Conservation Area. Therefore, the design changes to the previously approved design are not considered to be such that they would result in any harm to the character or appearance of the Osney Town Conservation Area and consequently would not harm the significance of this designated heritage asset.

10.11. The proposal would therefore have an acceptable impact on the conservation area and Policy DH3.

10.12. Regard has been paid to paragraph 192 of the NPPF in reaching a decision. When applying the test outlined in paragraph 196, it is considered that the proposal would cause no harm to the significance of the conservation area. Therefore, the proposals would be acceptable in terms of their impact on this designated heritage asset.

10.13. Special attention has been paid to the statutory test of preserving or enhancing the character and appearance of the conservation area under Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990, which it is accepted is a higher duty. It has been concluded that the development would preserve the character and appearance of the Conservation Area, and so the proposal accords with Section 72 of the Act.

iii. Impact on neighbouring amenity

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

Daylight

10.15. The proposed alterations would not enlarge the approved development and would therefore not have additional impacts on the amount of daylight that neighbours would receive.

Privacy

10.16. While the development proposal would result in minor alterations to the fenestration of the building, on its front, rear and roof, it is considered that these adjustments would not result in significant changes to the views which would be afforded out of the windows. Therefore the proposal would not introduce elements which would result in unacceptable overlooking of neighbours or a deterioration of their privacy.

Overbearing

- 10.17. The proposal would not enlarge the approved development and would not introduce new elements which would significantly alter neighbours' perception of the building. Therefore the proposal would not give rise to an unacceptable sense of overbearing to neighbours.
- 10.18. Considering the above, the proposal is acceptable in terms of neighbours' amenity and Policy H14.

iv. Flooding

- 10.19. Policy RE3 of the Oxford Local Plan 2036 states that planning permission will not be granted for development in Flood zone 3b except where it is for water-compatible uses or essential infrastructure; or where it is on previously developed land and it will represent an improvement for the existing situation in terms of flood risk. Minor householder extensions may be permitted in Flood Zone 3b, as they have a lower risk of increasing flooding. Proposals for this type of development will be assessed on a case by case basis, taking into account the effect on flood risk on and off site. Development will not be permitted that will lead to increased flood risk elsewhere, or where the occupants will not be safe from flooding.
- 10.20. The application site lies within a 3b flood zone and is therefore at high risk of flooding. The overall approach to addressing flooding on the site, through appropriate flood mitigation measures, is proposed to be the same as previously approved. This approach and methodology has been agreed by the Environment Agency and great weight has been afforded to their view, given their position as statutory consultees. While the proposal for the amended development would entail changes to the arrangement of the flood void and the means for water to enter and leave the flood void, the proposal would still provide sufficient mitigation measures so as to not lead to an increase in flood risk on or off the application site.
- 10.21. The proposal is therefore acceptable in terms of flooding and Policy RE3.

v. Other Matters

- 10.22. Most of the concerns raised during the consultation period were addressed in the above sections, where they have not been, they are addressed in this section.
- 10.23. It is noted that the drawings originally submitted by the applicant erroneously showed six cycle parking spaces, rather than the previously approved seven. This was corrected in a subsequent revised plan (ref: 320 / P / 06 / C); the only change in this revised drawing from the originally submitted drawing was the cycle parking.

11. CONCLUSION

- 11.1. It is recommended that the Committee resolve to grant planning permission for the development proposed subject to the conditions set out in section 12 of the report.

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

Material consideration

- 11.7. The principal material considerations which arise are addressed above, and follow the analysis set out in earlier sections of this report.
- 11.8. National Planning Policy: the NPPF has a presumption in favour of sustainable development.
- 11.9. NPPF paragraph 11 states that proposals that accord with the development plan should be approved without delay, or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
- 11.10. Officers consider that the proposal would accord with the overall aims and objectives of the NPPF for the reasons set out within the report. Therefore in such circumstances, paragraph 11 is clear that planning permission should be granted without delay.

11.11. Officers would advise members that, having considered the application carefully, the proposal is considered to be acceptable in terms of the aims and objectives of the National Planning Policy Framework and relevant policies of the Oxford Local Plan 2036 when considered as a whole. There are no material considerations that would outweigh these policies.

11.12. It is recommended that the Committee resolve to grant planning permission for the development proposed subject to the conditions set out in section 12 below:

12. CONDITIONS

- 1 The development to which this permission relates must be begun not later than the expiration of three years from the date of this permission.

Reason: In accordance with Section 91(1) of the Town and Country Planning Act 1990 as amended by the Planning Compulsory Purchase Act 2004.

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

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

- 3 The materials to be used in the proposed development shall only be in accordance with the details approved in this application and under application reference 19/00249/CND.

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

- 4 Details of the colour finish of the rooflight frames and finished appearance of the solar panels shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be thereafter used.

Reason: To ensure the satisfactory visual appearance of the new development in accordance with Policies DH1 and DH3 of the Oxford Local Plan 2036.

- 5 The building(s) shall not be demolished before a legally binding contract for the carrying out of the works of redevelopment of the site has been entered into and evidence of the contract has been produced to and agreed in writing by the Local Planning Authority, or in the absence of such a contract an alternative timescale for commencement of the development has been submitted to and agreed in writing by the Local Planning Authority.

Reason: To ensure that the premature demolition of the buildings does not take place to the detriment of the special character and appearance of the Conservation Area, in accordance with policies CP1 and HE7 of the Adopted

Oxford Local Plan 2001-2016 and policy CS18 of the Oxford Core Strategy 2026.

- 6 Prior to occupation/usage, a flood plan should be submitted and approved in writing by the Local Planning Authority. This should provide guidance to owners/users as to what actions should be taken in the event of a flood, and after a flood to ensure it is safe to occupy/use the facility.

Reason: To manage flood risk in accordance with Policy RE3 and the NPPF

- 7 The development shall be carried out in accordance with the submitted flood risk assessment (ref Flood Risk Assessment (FRA) Job No. X172008 dated December 2020 by AKS Ward Construction Consultants and the following mitigation measures it details:

1. The finished floor level of the ground floor admin area is 57.25m AOD. The entrance is floodable at a finished floor level of 56.65m AOD to allow for no loss of flood plain storage.
2. There shall be no raising of existing ground levels on the site.
3. Any walls or fencing constructed within or around the site shall be designed to be permeable to flood water.
4. There shall be no storage of any materials including soil within the 1% annual probability (1 in 100) flood extent with an appropriate allowance for climate change.
5. A floodable void as outlined in section 5.2.1 and 5.2.2 and shown in drawing no. 92001 P03 and 320/p/10 A in Appendix D of the FRA

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

Reason: In accordance with Policy RE3 of the Oxford Local Plan 2036 and paragraph 163 of the National Planning Policy Framework (NPPF), to reduce the risk of flooding to the proposed development and future occupants.

- 8 The proposed development shall take place in accordance with the details relating to land contamination approved under application reference 19/00249/CND

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

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

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

- 10 The building hereby approved, shall only be used as a yoga studio and for no other use within use Class E of Schedule 2 to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any order revoking and re-enacting that Order with or without modification) unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the Local Planning Authority can properly consider any alternative use of the premises and to ensure that there is no long term loss of employment space within the City in accordance with Policy V1 of the Oxford Local Plan 2036.

- 11 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification), the permitted building shall only be used as a yoga studio and for no other purpose.

Reason: To ensure that the Local Planning Authority can properly consider any alternative use of the premises and to ensure that there is no long term loss of employment space within the City in accordance with Policy V1 of the Oxford Local Plan 2036.

- 12 Prior the first use of the development following its substantial completion the approved biodiversity enhancement measures as shown on the approved plan (Drawing No. 320/P/05/B) shall be installed.

Reason: To comply with the requirements of the National Planning Policy Framework, the Conservation of Habitats and Species Regulations 2017, Wildlife and Countryside Act 1981 (as amended) and Policy G2 of the Oxford Core Strategy 2026.

13. APPENDICES

- **Appendix 1** – Site location plan

14. HUMAN RIGHTS ACT 1998

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

15. SECTION 17 OF THE CRIME AND DISORDER ACT 1998

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