

WEST AREA PLANNING COMMITTEE

9th March 2021

Application number:	20/01898/FUL		
Decision due by	9th October 2020		
Extension of time	TBC		
Proposal	Change of use to a mixed business (Use Class B1) and non-residential institutions (Use Class D1). Erection of a single storey side and rear extension to create a community building (Use Class D1). Erection of to 9no. buildings to create 3 x 3 bed 6 x 2 bed apartments (Use Class C3). Provision of car parking, bin and bike stores.		
Site address	The Irving Building, Hertford Street, Oxford, Oxfordshire – see Appendix 1 for site plan		
Ward	Iffley Fields Ward		
Case officer	Michael Kemp		
Agent:	Mrs Nicky Brock	Applicant:	Mr John Perkins
Reason at Committee	The application is for a residential development of over 5 dwellings		

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; and

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

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

2. EXECUTIVE SUMMARY

2.1. This report considers a planning application relating to a development comprising 9 residential dwellings, consisting of 3x3 bed houses and 6x2 bed flats. The proposals also include a single storey front extension to the Irving Building, which is a 19th Century red brick building currently used by Magdalen Road Church. The extensions are proposed with the purpose of forming a new church hall for use by Magdalen Road Church. The proposals include a change of use of the upper floors of the Irving Building from a Class F1 (formerly D1) of

the Town and Country Planning Act (Use Classes) Order 1987 to a Class E, office use (formerly Class B1). The ground floor of the building would remain under a community/place of worship use.

- 2.2. The residential development would be sited on a currently unused area of land to the rear of the Irving Building, which forms a gap in the Essex Street frontage. The principle of a residential development on this unused area of the site is appropriate and would represent a positive re-use of a brownfield site, which would be supported in line with Paragraphs 117 and 118 of the NPPF. The proposals would deliver a total of 9 additional dwellings, which would provide a small, but valued windfall contribution towards meeting local housing need. The proposals would fall below the threshold whereby an on-site affordable housing requirement would be triggered under Policy H2 of the Oxford Local Plan. Though not required in policy terms, the proposals would include the provision of two key worker flats, which is considered to be a public benefit of the development.
- 2.3. There would be a small net loss of space falling under a Class F1 community use (121sqm in total) as a result of the change of use of the upper floors of the Irving Building. Notwithstanding this, the overall quality of the ground floor spaces within the building would be enhanced and together with the new church hall, it is considered that the renovation would better serve the needs to the local community compared with the existing building.
- 2.4. The Irving Building is a locally listed building, whilst the adjacent Comper School is a Grade II listed building. The development proposals are considered to result in a low level of less than substantial harm to the significance of these designated and non-designated heritage assets. When assessing the development as required under the balancing exercise required under NPPF Paragraphs 196 and 197 with respect to the low level of less than substantial harm to the Comper School (Grade II listed building) and the Irving Building (local heritage asset) officers consider that this low level of less than substantial harm would be justified accounting for the public benefits of the development namely the provision of new housing and the enhancements to what is an existing community facility.
- 2.5. The site is in a sustainable location in relation to existing bus stops and is within 800 metres of a local supermarket and is within 400 metres of the Cowley Road Primary District Centre. Accounting for the overall sustainability of the site, it would be expected that the residential element of the development would be car free under Policy M3 of the Oxford Local Plan. Policy M3 of the Oxford Local Plan requires that there should be no net increase in parking where the proposals relate to the redevelopment of an existing non-residential site, where appropriate the Council will seek a reduction in parking where the site is close to existing facilities. The proposals include a reconfiguration of parking for the non-residential, community and office uses. This includes a small reduction of one parking space. Overall the proposals for both the residential and non-residential elements are considered to align with Policy M3 of the Oxford Local Plan.
- 2.6. The siting of the residential buildings would be in close proximity to a number of existing residential dwellings on Essex Street, particularly Nos. 36 and 56 Essex

Street which adjoin the site to the north west and south east respectively. The siting of the proposed dwellings and the alignment with the side elevation of the adjacent dwellings prevent any significant overshadowing and loss of light to the side windows of either of these adjoining properties, whilst the scale of development is not considered to be overbearing. The front of the buildings would align with the adjacent dwellings and it is considered that sufficient separation would be afforded to the properties opposite (Nos.37 to 45 Essex Street) to avoid a loss of privacy, overshadowing or the development having an overbearing impact. The concerns raised by the adjacent Comper School in respect of safeguarding issues and the function of the outdoor play spaces have been afforded due consideration. The applicants daylight/sunlight assessment suggests that the extent of overshadowing of the outside spaces would be generally limited and not to such an extent where this would be deemed to be harmful to the function of the school. Disruption during the construction phase would be inevitable, but would be temporary and can be mitigated through a construction management plan. Temporary disruption and disturbance during construction phase, providing that this is appropriately managed should not constitute a reason for refusing planning permission.

2.7. Overall it is considered that the development is acceptable in planning terms and aligns with the relevant provisions of the Oxford Local Plan and NPPF.

3. LEGAL AGREEMENT

3.1. This application would not be subject of a legal agreement.

4. COMMUNITY INFRASTRUCTURE LEVY (CIL)

4.1. The proposal would be liable for a CIL contribution of £154,985.22.

5. SITE AND SURROUNDINGS

5.1. The application site occupies a rectangular plot of land within a predominantly residential area of East Oxford between the Cowley and Iffley Roads. The site lies between Hertford Street to the south west and Essex Street to the north.

5.2. The site includes the Irving Building, a three storey red brick building which was formerly used as a primary school, but is now in use by Magdalen Road Church for a use falling with Class F1(f) of the Town and Country Planning (Use Classes) Order 1987 (as amended). The site includes an area of land to the front of the Irving Building, which consists of tarmac hardstanding and areas of landscaping and is currently used as car parking for the church. This space is set back behind a low red brick wall and metal railings and faces Hertford Street. The area to the front of the church features a number of trees of varying size and maturity.

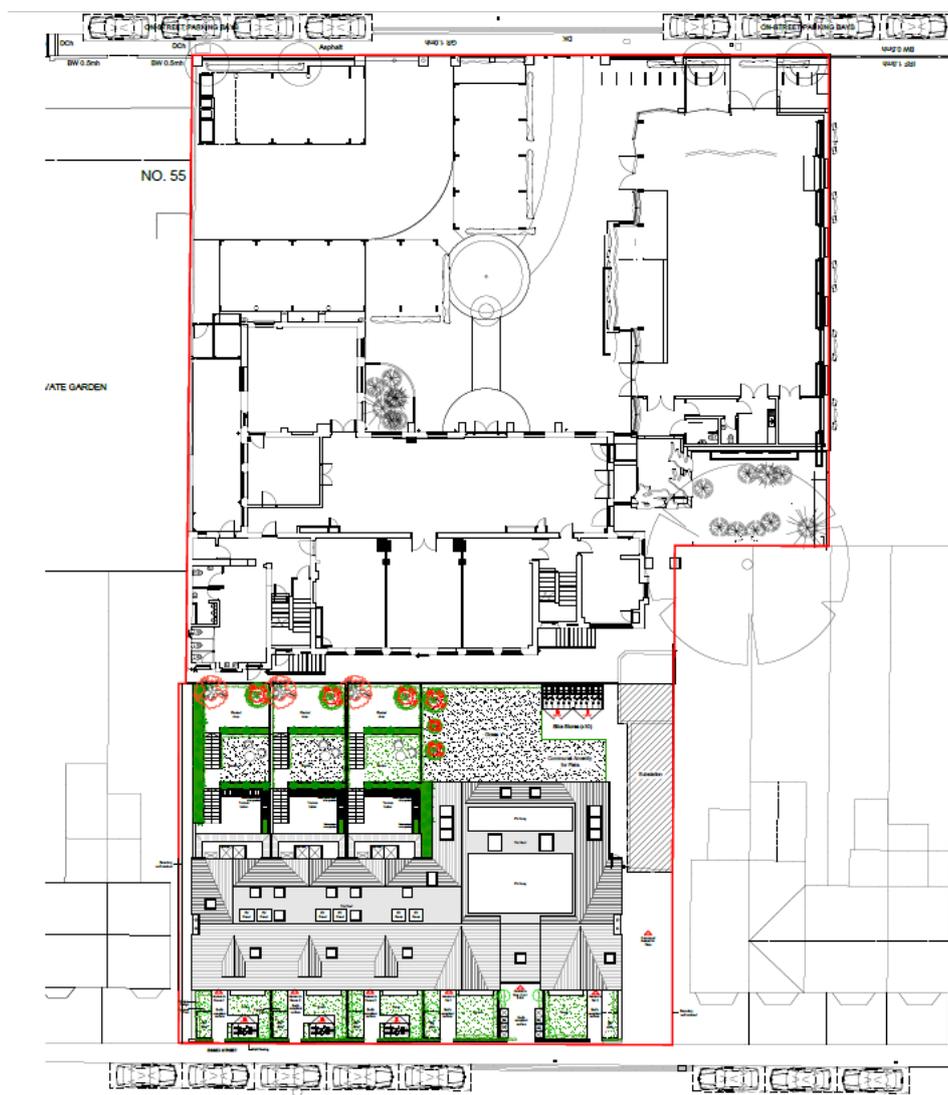
5.3. The area to the rear of the Irving Building, consists of a hard surfaced space, which was formerly used as a play area when the building was in use as a school. This space is now largely redundant and unused. There is a high red brick wall fronting Essex Street with a large and smaller set of metal gates. There

are also two red brick boundary walls adjoining two residential dwellings (Nos. 36 and 56 Essex Street) either side of this space.

5.4. The area to the north west of the site which adjoins Hertford Street is used as an outdoor play space by the adjacent Comper Foundation School and contains a large number of mature trees. Beyond this is the Comper School building, which is a two storey red brick Grade II listed building.

5.5. The site is surrounded by two storey residential terraced dwellings fronting Hertford Street to the south and Essex Street to the north. No. 55 Hertford Street and Nos. 36 and 56 Essex Street are immediately adjacent to the site. The latter of these two properties has relatively deep rear gardens which adjoin the site.

5.6. See block plan below:



6. PROPOSAL

- 6.1. The application can be broken into three distinct elements. Firstly the application proposes the partial change of use of the Irving Building to a Class B1/D1 use. The submission of the application pre-dates the implementation of the recent amendments to the Town and Country Planning (Use Classes) Order 1987. Accounting for these recent changes to the Use Classes Order the proposed uses of the Irving Building would fall within Classes E(g)(i) (office) and a mix of Class F1(f) (religious) and F2(b) (community uses).
- 6.2. The ground floor of the building would be used primarily by Magdalen Road Church for a variety of community uses, including as a café space. The hall space currently within the building is understood to be used by the adjacent Comper School, who would continue to have access to this space. It is proposed that the upper floors of the building would be used by Magdalen Road Church as office space, though it is proposed that this would also be available to local businesses and charities for use as office workspace or for meeting rooms.
- 6.3. A new single storey building is proposed to the south west of the Irving Building. This would loosely attach to the north west side elevation of the Irving Building via a small lobby. The building would extend forward of the principal elevation of the Irving Building and would occupy a space currently consisting of hard surfacing and a small area of soft landscaping. This building would consist of an open hall which would be used by Magdalen Road Church as their principal worship space. The main hall would be 256sqm in terms of floor area, there would also be ancillary storage, kitchen space and a WC. Whilst the hall would mainly be used by the church it is proposed that this will also be made available for use by the wider community as a general hall, meeting and function space.
- 6.4. The proposed hall building is of a contemporary design, which is intended to differ from the red brick Irving Building and be read as a new addition to the building. The building would principally be constructed from a lighter coloured brick and features extensive sections of glazing along the south east elevation and stained glass windows along the north west elevation facing the Comper School. The building would feature a dual pitch roof extending to a central lightwell. The building would measure 4.4 metres to the eaves along the north west elevation facing the Comper school and 8.4 metres to the top of the central lightwell. A two storey lift tower is also proposed as a side extension to the north west elevation of the Irving Building. This is intended to facilitate access to the second floor of the building as there is not presently disabled access to the second floor. The lift tower would be constructed from brick to match the new church hall and would be angular and of a contemporary appearance. The tower features a monopitched roof, which would extend to a total height of 11 metres at the highest point. The highest point of the tower would sit approximately 1.5 metres below the main roof ridge of the Irving Building.
- 6.5. It is proposed that the land to the north east of the Irving Building, which formerly functioned as a play area for the school would be redeveloped to provide a total of 9 residential dwellings comprising 3x3 bed houses and 6x2 bed apartments). The red brick wall and metal access gates fronting Essex Street, would be removed. The three houses and apartments would form a small terrace fronting Essex Street. The front elevation of the buildings would align with the frontages of the adjacent two storey dwellings (No.36 and 56 Essex Street). The

layout is intended to replicate the linear pattern of built form along Essex Street, which consists of terraced housing occasionally interspersed with very small gaps between the houses. The proposed houses and apartments would be three storeys in height and would measure 9 metres to the roof ridge and 5.3 metres in height to the eaves. The buildings would be constructed from brick. The houses, which also feature basement spaces would each have stepped rear gardens, so as to allow natural light into the basement of the units. The flats would be served by an area of communal amenity space to the rear of the building. The existing substation on this part of the site, which is adjacent to No.36 Essex Street would be retained. The design of the front elevation of the houses have been subject of amendments, namely the exclusion of the prominent front facing gables and the addition of small roof dormers and roof lights.

6.6. It is proposed that construction of the development will be phased. The precise details of the phasing are outlined on plan no. 1773-MEB-XX-00-DR-A-3-111 Rev A. The first phase of development will involve the implementation of internal works to the Irving Building, the second phase will include the works to construct the new church hall building and lift tower extension, whilst the final phase will involve the development of the 9 residential dwellings.

7. RELEVANT PLANNING HISTORY

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

03/00082/CC3 (County Council Application) - Construction of alterations, extensions and refurbishment of the 'Comper' building, erection of covered play area and alterations to existing accesses and new pedestrian access.
03/00400/CC3 (County Council Application) - Formation of new window and main entrance door, with external ramp on south-west elevation of Irving Building, and erection of new canopy in southern corner of school site
05/00702/FUL - Planning permission to rebuild part of boundary wall to Hertford Street – Approved
05/00701/LBD - Demolish of 1940's canteen building. Dismantle and rebuild part of boundary wall to Hertford Street – Approved
18/02480/FUL - Change of use of part of the Irving Building to a mixed Class B1/D1 use, erection of a new Class D1 building and erection of 7 residential units (4 x 3 bed, 3 x 2 bed dwellings) – Withdrawn

8. RELEVANT PLANNING POLICY

8.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework	Local Plan
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Design	117-123, 124-132	DH1
Conservation/ Heritage	184-202	DH3, DH4, DH5
Housing	59-76	H1, H2, H3, H4, H10, H14, H15, H16
Commercial	170-183	E1
Natural environment	91-101	G2, G7
Social and community	102-111	V7
Transport	117-123	M1, M2, M3, M4, M5
Environmental	117-121, 148-165, 170-183	RE1, RE2 RE3, RE4, RE7, RE8, RE9

9. CONSULTATION RESPONSES

9.1. Site notices were initially displayed around the application site on 26th August 2020. Following the receipt of amended plans the application was re-advertised by site notice on 4th February 2021.

Statutory and non-statutory consultees

Oxfordshire County Council (Highways)

9.2. The proposals are in a highly sustainable location with good access to public transport and local amenities. The proposals are in a CPZ.

9.3. Cycle Parking – When reviewing the submitted plans, only 6 Sheffield stands are visible with regards to cycle parking provision for the residential element. Please note that 3 bed units must provide 3+ spaces and 2 bed units must provide 2+ spaces, this would equate to 21 spaces total. The residential spaces must be both covered and secure. This should be secured through planning condition. The provision of 22 spaces for the B1 and D1 use element are considered acceptable.

9.4. Car Parking – The provision of 13 car parking spaces for the B1 and D1 uses is soundly justified and is considered an acceptable level of provision. Overflow parking in the surrounding streets is unlikely as there are significant parking restrictions in place. The reorganisation of the parking bays and double yellow

lines on Hertford Street to achieve improved visibility should be secured via planning condition.

9.5. With regards to the residential element, we consider the 6 x 2 bed flats being car free as acceptable and desirable. With regards to the provision of an additional 3 parking bays for the 3 bed housing, we do not consider this an acceptable proposition. The site location is one which we would consider highly sustainable. The site is also within 400m of the Magdalen Road East bus stop and within 800m of food outlets such as a cooperative food store. Even in the absence of Policy M3 we would seek to exclude new dwellings in locations such as this from obtaining CPZ's due to the sustainability of the location. The provision of additional off-street parking in such locations is not supported by Oxfordshire County Council. We would request that the whole residential element be excluded from obtaining residents parking permits. This would enforce the low car element and keep the development in line with County Council and City Council policy.

9.6. We would also request that a CTMP be submitted as relatively significant construction will have to take place on a restricted residential road in the vicinity of two schools. It is key that deliveries are restricted to outside the network peak and school peak traffic hours of 08:00-09:00 and 15:00-18:00.

9.7. The proposals are unlikely to have a detrimental impact on the local highway network in traffic and safety terms.

Natural England

9.8. No comments to make.

Public representations

9.9. A total of 186 people have commented on this application as originally submitted.

9.10. 103 People raised comments in objection to the planning application, the main points of objection are summarised below:

Amenity Impacts

- The houses have basement spaces which could result in noise and vibration during the construction phase of the development. There are concerns about damage to adjacent properties.
- The development will have an adverse impact on the amenity of adjacent residential properties with respect to natural light.
- The scale of the church hall will be overbearing in relation to Nos.32 to 36 Essex Street blocking views towards Hertford Street and resulting in loss of light particularly during winter months.
- The use of the church building will generate noise disturbance particularly at weekends.
- The hiring out of the church hall for community use will generate further disturbance.

- The new church building would have an overbearing impact on homes and gardens in Essex Street.
- Construction works and noise disturbance will impact on adjoining residential occupiers particularly those who are home working.
- The plans to build the church hall and residential dwelling would enclose No.36 Essex Street on all sides.
- The siting of the church hall would have an overbearing impact on the south facing aspect of Nos.34 and 36 Essex Street in terms of views.
- There is concern with respect to the formation of the basement spaces and the potential impact of the build-up of water on No.56 Essex Street which may undermine the foundations of this property.
- The development would result in a loss of light to the rear dining room and kitchen of No.56 Essex Street One facing window would be 92cms from the side wall of the new houses and 3 metres from the kitchen window.

Design/Heritage Matters

- The buildings would be higher than the neighbouring houses, which could have an imposing impact of the Essex Street frontage.
- There seems to be a plan to replace the heritage brick wall to the south east with a wooden fence which would have a detrimental impact on retaining the historical nature of the old schoolyard.
- The red brick walls along Hertford Street and Essex Street should be retained.
- The volume of the apartment block will dominate the physical environment of Essex Street.
- The proposed lift tower would be unsightly and incongruous.
- The design of the Church Hall is clean and modern, but lacks visual interest.
- Whilst the Irving Building is in need of refurbishment, the proposals fail to preserve the heritage of the building.
- The proposals do not represent a substantial change from the previously withdrawn design with no changes to the location of the new church building, the lift tower and are an overdevelopment of the site.
- The residential element of the development has increased from 7 to 9 dwellings.
- The scale of the development is out of proportion with the needs to the church.
- The Comper Building would be obscured in views from the Irving Building, whilst views of the Irving building would be obscured in views from Essex Street. There is a historic contextual link between the buildings.
- The density and scale of the housing on Essex Street would be excessive.
- The proposals would build over an important green and open space.
- The design of the proposed houses would be incongruous and out of keeping with the area.
- The proposed basements are uncharacteristic of properties on Essex Street.
- The proposals are an overdevelopment of the site which would infill an already dense urban space.
- The horse chestnut tree would not provide adequate screening of the adjoining properties from the proposed roof garden, particularly during winter months when canopy cover is less.

- The design of the new church hall is unsympathetic to the historic character of the Irving Building and Comper School.

Matters Relating to Impact on Comper School and Safeguarding Concerns

- Concerns in respect of the construction phase of development in relation to the Comper School particularly noise, dust generating and safeguarding issues.
- The development would be overbearing in relation to the outdoor play space associated with the Comper School and will result in a loss of light.
- The impact of the construction phase of the development would have an adverse impact on children attending the Comper School and their enjoyment of the outdoor play area.
- The development would impact negatively on children's enjoyment of the outside space associated with the Comper School as well as the learning experience of children attending the school.

Highways/Parking

- The development should be car free and additional parking will put additional stress on the CPZ.
- There are concerns regarding arrangements for construction access.
- There are concerns regarding parking and increased traffic generation particularly on Sundays when the building would be most used.
- Allowing residents of the houses parking permits would place further pressure on on-street parking capacity.
- If the development were more modest in scale then each of the houses could have off street parking.
- It would be an improvement if the houses had the option of car club parking.

Other Matters

- The development will put pressure on services in the surrounding streets including sewage and internet bandwidth.
- The proposals involve development in close proximity to a protected horse chestnut tree. The arboricultural report contains insufficient information to properly assess the impact on the tree and there are worries about the tree being compromised.
- Consultation by the applicants was poor and immediate neighbours were not notified at pre-application stage.
- A number of respondents expressed moral objections to the views of Magdalen Street Church.
- Concerns were expressed regarding the viability of surface water drainage.
- Whilst key worker housing is welcomed, the majority of the units would be high retail value market housing.
- There would be little benefit to the local community as there is a declining need for office rental.
- There are existing large meeting halls available within the area so this space is not required.

- The removal of trees on the Hertford Street side of the site will have an adverse ecological impact.
- There would be ample room within the Irving Building to meet the needs of the church without the need for the new hall.
- Affordable housing should be provided as the site is over 0.25ha in site area.
- Criticism that the development would be for 9 dwellings rather than 10 units to avoid an affordable housing contribution requirement.
- The development would have an adverse impact on biodiversity, particularly foxes and hedgehogs.

9.11. 83 People also commented in support of the planning application. The key points in support of the application area summarised below:

- The proposals would be a positive use of space and would provide services and support to the community and charities.
- The proposals would allow for a meeting space for the community to come together.
- The proposals would bring the Irving Building back into a positive use.
- The proposals would allow access to the hall for sport and activities.
- The development will preserve the heritage of the Irving Building.
- The existing use of the building by children's groups is positive and the continuation of this is welcomed.
- The design of the church building is attractive and in keeping with the character of the area.
- The incorporation of measures to make the building environmentally sensitive are supported.
- There is a need for space to be used by local services and organisations and the building would provide this.
- Magdalen Road Church has a positive history of serving the local community.
- The new church hall will be a good venue space for events.
- The existing building used by Magdalen Road Church at 41a Magdalen Road is too small to accommodate the events and activities the church would like to host. The new location would provide a means for the church to provide additional services and events for the local community.
- The residential buildings on Essex Street are well designed and are in keeping with the character of the area.
- The proposals will provide additional housing.
- Expansion of the church will be positive for the local community.
- Expansion of the church hall is required to provide sufficient space to accommodate larger events hosted by MRC.
- The addition of houses along the Essex Street frontage would be an effective use of space.

9.12. A letter has been received from Bluestone Planning on behalf of Oxfordshire County Councils Children Education and Families Directorate on behalf of the adjacent Comper School. Key matters of concern raised in this response are as follows:

- The planning application does not consider the impact on the Comper School in terms of protecting and enhancing the school as a community facility.
- The addition of the church hall fails to add to the overall quality of the area and is not sympathetic to local character and history due to its impact on the setting of the Comper School and the Irving Building, both of which are heritage assets.
- The proposed community hall would partially block the space between the Comper School and Irving building, which will also adversely affect the relationship between the two listed buildings.
- The application fails to give proper regard to the visual role the trees that are proposed to be removed play in helping to define the local character.
- The location of the community hall would be immediately adjacent to the shared border with the Comper School, and as such, there are concerns regarding the safeguarding of the children using the outdoor play area during construction, both in terms of visibility into the play area and the health impacts of the air and noise pollution created.
- The siting of the building would result in a loss of natural light to the play area associated with the Comper School.
- The addition of the building would detract from the open character of the area creating a more confining atmosphere for school children.
- There are concerns about the impact of the proposal on surface water drainage and that the proposals do not address this matter.

9.13. County Councillor Damian Haywood submitted an objection comment. The key matters of concern raised are as follows:

- Concern regarding parking provision for the church.
- The development would have a negative impact on the adjacent Comper School due to loss of light and overshadowing of outdoor spaces, increased enclosure of the playground and loss of greenery and trees on the site.

9.14. Following Re-consultation carried out on the 4th February a further 6 objection comments were received these comments were in relation to the following matters:

- Impact of the church building on the Comper School not addressed.
- Overshadowing of the outdoor play space associated with the Comper School not addressed which would have an adverse impact on children's wellbeing.
- Disruption during construction works.
- The church hall building would have a negative impact on the character of the area.
- The proposed houses would exceed the height of other buildings in Essex Street.
- Objections to the inclusion of basements in the design of the houses.
- Concern regarding the impact on traffic and parking arising from the increase in housing on Essex Street. The development being car free will increase pressure on existing on street parking provision.

- Clarity required in terms of whether the boundary wall to the side of No.56 Essex Street would be retained.

10. PLANNING MATERIAL CONSIDERATIONS

10.1. Officers consider the determining issues to be:

- Principle of development
- Design and Heritage Considerations
- Neighbouring amenity
- Highways/Parking
- Trees
- Ecology
- Drainage/Flood Risk

Principle of development

Change of use of the Irving Building

10.2. The Irving Building is a three storey Victorian red brick former school building, which was last used as a school a number of years ago by St Mary and St John Primary School. The land surrounding the building was also used by the school as play space and for parking. The school has since relocated to a new premises close to the Iffley Road. The building has since been used by Magdalen Road Church as a place of worship and community use. The site currently falls under a Class F1(f) use which covers places of worship

10.3. Permission is sought to change the use of the first and second floors of the building to office space, a use which would fall under a Class E use under the Town and Country Planning (Use Classes) Order 1987 (as amended). The ground floor would be used for a mix of community spaces and religious uses falling under Class F1(f) of the Use Classes Order.

10.4. The ground floor plans include a café, and a small hall space which would be used by the Comper School, as is currently the case; this is in addition to ancillary facilities and a general purpose room which would be used by the church. The first and second floors of the building would consist of a number of rooms containing small offices, including an office which would be used by Magdalen Road Church (MRC). MRC would also use the remaining upper floor space although this will also be lettable space for charities, local groups and businesses.

10.5. Policy V7 of the Oxford Local Plan is permissive of development which improves access to community infrastructure and applications to extend capacity of sites under an existing community use. The policy states that the City Council will seek to protect and retain existing cultural and community facilities. Planning permission will not be granted for development that results in the loss of such

facilities unless new or improved facilities can be provided at a location equally or more accessible by walking, cycling and public transport.

- 10.6. Paragraph 92 of the NPPF states that planning decisions should plan positively for the provision and use of shared spaces, community facilities including places of worship to enhance the sustainability of communities and residential environments. Planning decisions should also guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs.
- 10.7. The current building houses 905sqm of Class F1 (community use) space. The upper floors of the building, which currently fall under a community use equate to 446sqm in area, this would instead be used as Class E office space, albeit that this space will also be used by the church. 459sqm of community space would be retained on the ground floor of the building. There would be an additional 325sqm of new community space created within the new building located to the front of the Irving Building, this would also be used by Magdalen Road Church. In total across the site there would be a net loss of 121sqm of floorspace falling under a Class F1 use.
- 10.8. Whilst there would be a small decrease in the total amount of floorspace falling under a Class F1 community use, the existing community spaces would be to an enhanced standard and the proposals have been submitted by Magdalen Road Church, with a view to enhancing the use of the building for the local community and making the internal spaces more functional to the needs of the church and wider community. The provision of the new hall provides a new space for worship, whilst also providing a space which can be made available to the wider community when not specifically in use by the church. The construction of the new hall building would allow the ground floor of the building to be used as a community café space, whilst retaining the hall which would be used by the Comper School. The proposals would facilitate improvements to the existing internal spaces of the Irving Building, whilst also providing a dedicated, high-quality worship space within the new church hall. The upper floors of the building are understood to be underused at the present time and their re-use for office space, a proportion of which would be used by the Church would be a practical use of this space. It is also indicated that this office space would be let to local community groups, businesses and charities, so there would be a further community benefit from this use of space. The provision of the new lift would provide disabled access to the second floor of the building, which is not currently the case.
- 10.9. In terms of the proposed office use, the Planning Statement outlines that there is demand within the local community for additional office space from small, home run businesses. Whilst Policy E1 of the Oxford Local Plan is silent on the principle of creating new office accommodation outside of protected Category 1 and 2 employment sites, there remains a demand for smaller flexible office accommodation. Paragraph 80 of the NPPF states that planning decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. Officers consider that the use of the upper floor of

the building for office purposes would be an appropriate use, which would co-exist with the community and religious uses on the ground floor.

10.10. In summary, the quality of community facilities should not be determined solely on the basis of the quantity of floorspace provided, moreover the quality of the space including the ability of such spaces to meet the community's needs. In this instance, it is considered that the proposals would be an improvement on the existing provision of community space within the Irving Building. Whilst the amount of community space would be reduced by 121sqm, the new space provided within the scheme would, in officer's view better meet the needs of the church and the local community as a whole, therefore the proposals would not conflict with Policy V7 of the Oxford Local Plan or Paragraph 92 of the NPPF.

Residential Development

10.11. Paragraph 59 of the NPPF requires that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed; that the needs of groups with specific housing requirements are addressed; and that land with permission is developed without unnecessary delay.

10.12. NPPF Paragraph 11 outlines the overarching requirement that in applying a presumption in favour of sustainable development Local Authorities should be approving development proposals that accord with an up-to-date development plan 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.

10.13. Policy RE2 of the Oxford Local Plan, requires that developments should make effective use of land. It is recognised that the redevelopment of brownfield sites, where appropriate, offers an important opportunity to make the best of use sites in a sustainable way. The NPPF heavily promotes the use of previously developed brownfield sites and gives substantial weight towards the re-use of such sites (Paragraphs 117 and 118). The redevelopment of what is, in this instance, a brownfield site for the provision of new housing should be given significant weight in accordance with the policy provisions of the local plan and NPPF.

10.14. Policy H1 of the Oxford Local Plan outlines that the majority of the Council's housing need would be met through sites allocated in the Oxford Local Plan. The application site is not allocated within the Oxford Local Plan for residential development; however the delivery of nine additional dwellings on the site would nonetheless provide a small, but valued windfall contribution towards meeting local housing need and this represents a notable public benefit of the proposed development.

Affordable Housing

- 10.15. Policy H2 of the Oxford Local Plan requires provision of affordable housing on sites of 10 or more units or sites which exceed 0.5 hectares. A total of 9 dwellings are proposed on this site and the application site would be less than 0.26 hectares in total area. Accounting for this there would not be a policy requirement to provide affordable homes on this site.
- 10.16. It is noted that the provision of 9 dwellings would be just below the threshold of 10 units, whereby a requirement to provide affordable housing on site would be triggered. Nevertheless officers are satisfied that the proposals would not constitute an underdevelopment of the site as a means of circumventing a requirement to provide affordable housing. The site is effectively divided into two distinct areas comprising the residential development on the former play area to the rear of the Irving Building facing Essex Street and the non-residential uses within the Irving Building and new church hall.
- 10.17. The residential element of the development has been developed at a high density accounting for the relative size of the plot and the general character of the area and scale of the existing buildings in Essex Street, whilst also accounting for the need to provide amenity spaces and other infrastructure such as cycle parking and refuse storage. It is unlikely that the density of the development could be further increased without there being an adverse impact on the residential amenity of existing or future occupiers. Any further increase in the scale of the residential development would be unlikely to be commensurate with the general character, scale and massing of existing development in Essex Street. Officers are satisfied that the proposals do not amount to an underdevelopment of the site in order to circumvent the requirements of Policy H2 of the Oxford Local Plan.
- 10.18. The applicants are proposing that two of the apartments would be made available as key worker homes. This is not a planning policy requirement, moreover this relates to a legal covenant with previous owners of the site. As there is not a policy obligation under Policy H3 of the Oxford Local Plan to provide key worker homes on this site, officers cannot require the applicants to enter into a Section 106 agreement under Policy H3 of the Oxford Local Plan. Nevertheless this could be viewed as a public benefit of the development.

Housing Mix

- 10.19. Policy H4 of the Oxford Local Plan requires that new developments of 25 or more units outside of the City Centre and District Centres provide a mix of dwelling sizes, though only for the affordable element of developments. The proposed development would be below this threshold and there would be no requirement to comply with a specified mix of units. Notwithstanding this, the proposals provide a mix of three and two bedroom units, which equates to a well balanced mix of units on what is a small, compact site.

Design and Heritage Considerations

- 10.20. The site is located within the setting of the Grade II listed Comper Foundation School, a two storey Edwardian red brick building constructed in 1902. The building is arranged in an H plan and features prominent gables, two large gable

dormers are sited in the roof of the building. The building is of a gothic style and features Arts and Crafts influences. The building has high architectural value and has been used as a school since its completion.

10.21. The Irving Building pre-dates the Comper School and dates from 1896 and 1899. The building forms part of the original setting of the Comper School and the buildings are closely linked in terms of their spatial proximity and the use of both buildings as schools until the closure of the Irving Building as a school in 2015. The contextual link between the buildings means that the Irving Building contributes positively to the setting and significance of the Grade II listed Comper School. The Irving Building has been nominated as a Local Heritage Asset and is included on the Oxford Heritage Asset Register (OHAR).

10.22. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

10.23. Policy DH3 of the Oxford Local Plan states that for all planning decisions for planning permission or listed building consent affecting the significance of designated heritage assets, 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). As the Comper School is a Grade II listed building, the provisions of Paragraph 193 of the NPPF are applicable, which states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 196 of the NPPF specifies that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

10.24. Policy DH5 of the Oxford Local Plan is relevant to development which affects local heritage assets. The policy states that planning permission will only be granted for development affecting a local heritage asset or its setting if it is demonstrated that due regard has been given to the impact on the asset's significance and its setting and that it is demonstrated that the significance of the asset and its conservation has informed the design of the proposed development. In determining whether planning permission should be granted for a development proposal, which affects a local heritage asset, consideration will be given to the significance of the asset, the extent of impact on its significance, as well as the scale of any harm or loss to the asset as balanced against the public benefits that may result from the development proposals.

10.25. In the context of the NPPF, Paragraph 197 of the framework states that 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 directly or indirectly affect 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.

Works to Irving Building and Erection of Church Hall

- 10.26. The majority of the works required to implement the proposed change of use of the ground and upper floors of the building would not require significant external alterations to the Irving Building and would preserve the historic fabric of the building.
- 10.27. A new church hall is proposed to the south west of the Irving Building. This would attach to the north west side elevation of the Irving Building via a small lobby. The building would extend forward of the principal elevation of the Irving Building and would occupy a space currently consisting of hard surfacing and a small area of soft landscaping. This building would consist of an open hall which would be used by Magdalen Road Church as their principal worship space. The main hall would be 256sqm in terms of floor area, there would also be ancillary storage and kitchen space and a single WC. Whilst the hall would mainly be used by the church it is proposed that this will also be made available for use by the wider community as a general hall, meeting and function space. The proposed building would be of a contemporary design, which is intended to differ from the design of the Irving Building and clearly read as a new addition to the building. The church hall extension would be principally constructed from a lighter coloured brick and would feature extensive sections of glazing along the south east elevation and stained glass windows along the north west elevation facing the Comper School. The building would feature a dual pitch roof extending up to a central lightwell. The height of the building would measure 4.4 metres to the eaves along the north west elevation facing the Comper school and 8.4 metres to the top of the central lightwell.
- 10.28. The building would be prominent in views from Hertford Street and would lie within the immediate setting of the Grade II listed Comper School. The building would be sited on what is currently an area of undeveloped space to the front of the Irving Building consisting of tarmac hardstanding and soft landscaping. The applicant's Heritage Statement notes that a canteen building was formerly sited within this space. The canteen which was constructed in the late 1930's was a timber clad building with a slate roof. Permission was granted in 2005 to demolish the building (05/00701/LBD).
- 10.29. A two storey lift tower is proposed as a side extension to the north west elevation of the Irving Building. This is intended to facilitate access to the second floor of the building as there is not presently disabled access to the second floor. The lift tower would be constructed from brick to match the new church hall and would be angular and of a contemporary appearance. The tower features a monopitched roof, which would extend to a total height of 11 metres at the highest point. The highest point would sit approximately 1.5 metres below the main roof ridge of the Irving Building.
- 10.30. Further development of the design has resolved some of the previous areas of conflict and the awkward relationship between the new church building and its

neighbouring buildings, which was a concern with respect to the previous planning application on the site. In particular the connection between the church and the Irving Building is more comfortable with a sense of separation, but a distinctive building element at the point of connection. The tower is sufficiently distinctive to support the element of symbolism but not to dominate the in between space. The design of the proposed landscape for both the front courtyard and the more hidden spaces around the new and existing buildings has been carefully developed and will enable the buildings to sit comfortably and have a better connection with their surrounding space. Overall the landscaping would make an important visual and functional contribution to public realm in this area.

10.31. The reduction in the height and consequently the massing of the church building ensures a better relationship to the Irving building and reduces its dominance of the open space for the Comper School. The height has been kept relatively low and officers consider that the hall would not appear as a dominant or overbearing feature in the context of the surrounding area. The space immediately to the west of the church building has been carefully considered to allow the existing tree more room and to provide an interestingly landscaped garden space for connection between the primary school and the Irving Building thus making a better setting for the new building and particularly the link between it and the Irving Building. The design of a series of different “garden” spaces will significantly improve not only the setting of the buildings but also the quality of the public/semi-public realm, allowing more green into what is a very hard context.

10.32. The relationship between the Comper School and the Irving building would be altered by the distinct separation of the two curtilages and by the insertion of a not insubstantial building in the space between the existing buildings. However the curtilages of the buildings are visibly distinct and therefore there would be no harm from the physical introduction of a building in the “in-between” but rather some harm from the potential disconnection of the two school and former school buildings in the observer’s views standing on Hertford Street. The new “church” building would create some visual distraction from the Comper School in particular as a result of the very different size of these two buildings. It is considered that there would not be any distraction from the Irving Building (OHAR) as the new building has been designed particularly to defer to that building and to have a considered relationship. Overall it is considered that there would be a low level of less than substantial harm which would result from the development of this building. The importance of the setting of the Comper School and the contribution that this makes to the building’s architectural significance is considered to be low to moderate and the contribution that the “in-between” space makes to this, particularly the site on which the new “church” building is proposed to sit is low so that overall it is considered that the less than substantial harm resulting from the alterations and interventions would be low.

Residential Development

10.33. The proposals include a small residential development of nine dwellings within the former playground to the rear of the Irving Building, the space adjoins to houses (No.36 and 56 Essex Street). The site is currently unused and consists of

tarmac hardstanding. A high red brick wall separates the site from Essex Street. This section of wall would be removed to facilitate the development. The side red brick boundary walls would be retained, as indicated on the amended plans as officers have sought their retention as the walls contribute positively to the heritage of the Irving Building, as well as providing privacy for neighbouring occupiers.

10.34. Aside from the use of this part of the site being interconnected with the use of the Irving Building, as a school the site's present condition contributes little to the setting of the locally listed building. There would be a low level of less than substantial harm associated with the loss of the red brick boundary wall fronting Essex Street, though this would be outweighed through the benefits of providing the 9 residential dwellings and retention of the wall would not be compatible with the provision of housing on this part of the site.

10.35. There would also be a loss of views of the rear of the Irving Building from Essex Street which would also result in a low level of less than substantial harm. Historically, the site on which the proposed new houses are to sit was ancillary play space for the Irving Building in its original intended use as a primary school. The building clearly has had and continues to have some historical, cultural and social value within the surrounding community, thus its inclusion on the local designated heritage assets list. Therefore its clear presence, albeit set back from the street does have some significance. However the overwhelming character of Essex Street is one of domestic, residential buildings and so the views of the Irving Building must be considered to be of a low level of significance. The views of the building would be interrupted by the proposed housing although it will still be possible to have glimpsed views of the building through gaps, in particular the gap at the southern end of the housing site.

10.36. The surrounding area is characterised by high density two storey, Victorian and Edwardian red brick terraced housing interspersed with small gaps in the street frontages. The linear arrangement of the proposed dwellings replicates the characteristic alignment of existing housing in Essex Street. The buildings would align with the frontage of the adjacent houses and the buildings would be set back behind small front gardens and low brick walls, which is characteristic of the existing houses in the street. Officers consider that a new linear row of houses would fit comfortably within this open space in the streetscene.

10.37. The submitted plans for the houses have been amended following consultation with officers. The previously proposed, prominent front facing gables have been excluded from the updated plans, this has reduced the visual presence of the buildings when viewed within the context of the surrounding buildings in Essex Street. The amended design includes three front facing dormer windows, which are of a traditional form of a scale which would be subservient to the roof scape of the frontages. The architectural appearance of the houses and use of materials is reflective of the character of the houses in the surrounding streets, which share common characteristics but are not of a strictly uniform character.

10.38. The ridge height of the buildings would exceed the height of the adjacent terrace to the south east, including No.56 Essex Street and the terraced row of

houses opposite, this is in part due to the siting of the accommodation in the roof space of the houses and block of flats. The roof ridge height would be similar to No.36 Essex Street which is a three storey building that has been subdivided into flats. It is considered that the height and scale of the buildings would not be inappropriate or overbearing within the context of the existing development in Essex Street. There is already subtle variation in ridge heights along the street frontage in Essex Street, including between the properties either side of the application site and the increased ridge height of the dwellings compared with No.56 and the adjacent row of properties would not appear incongruous in officer's view. The exclusion of the prominent row of gables in the amended set of plans ensures that the front elevation of the buildings are more understated and less dominant, thereby ensuring that the houses fit more comfortably in the street scene.

10.39. The three houses would each feature basement spaces, natural light would be provided through a design which includes a stepped garden. Whilst not typical of existing buildings in the area, the basements would not be visible in the public realm given their location to the rear of the houses officers consider that this would not be harmful in visual terms.

10.40. In summary officers consider that the principal of infill housing within this plot would be appropriate. The design and architectural appearance of the houses is reflective of the traditional Victorian and Edwardian terraces of this part of East Oxford. Whilst there would be a variation in the height of the proposed buildings comparative to the adjacent terrace to the south east and opposite, it is considered that the relative scale and height of the buildings would not be overbearing. There are existing variations in the roof ridge heights evident in the street scene, therefore this would not appear incongruous. The amendments to exclude the front facing gables would reduce the overall prominence of the houses and would ensure that the new row of building would fit more comfortably within the street and would comply with Policy DH1 of the Oxford Local Plan.

Assessment of Harm and Public Benefits

10.41. When considering the impact of the development on the significance of the Comper School, which is a Grade II listed building, great weight should be given to the conservation of this asset in accordance with Paragraph 193 of the NPPF. It is considered that the siting of the new church hall and lift tower would result in a low level of less than substantial harm to the setting and significance of the Grade II listed Comper School and a low level of less than substantial harm to the setting of the locally listed Irving Building.. It is therefore necessary that this level of harm should be balanced against public benefits that would arise from the new development as required under Paragraphs 196 and 197 of the NPPF.

10.42. There are considered to be a number of notable public benefits associated with the proposed development. The works to the Irving Building, including the Church Hall and lift tower extension are intended to facilitate a more effective use of the building for Magdalen Road Church, which would provide a new church hall, café and other spaces at ground floor level which can be used by members of the church and the wider community. In doing so the works to extend the building assist in providing an optimum viable use for this local

heritage asset securing its future preservation. The proposals would also provide enhancements to the curtilage area surrounding the Irving Building through the removal of existing hardstanding and the provision of new soft landscaping.

10.43. The siting of the residential dwellings would provide a total of nine additional residential dwellings, which would provide a small, yet valued contribution towards meeting local housing need in addition to two key worker homes, which the applicants are obliged to provide under a separate private covenant. The siting of the development would result in a loss of what are limited views towards the rear elevation of the Irving building from Essex Street, in addition to the loss of the red brick wall and both interventions are considered to result in a low level of less than substantial harm to the setting of this local heritage asset. It is however considered that the provision of the 9 dwellings would outweigh what would be a low level of less than substantial harm.

10.44. When assessing the development under the balancing exercise required under NPPF Paragraphs 196 and 197 with respect to the low level of less than substantial harm to the Comper School (Grade II listed building) and the Irving Building (local heritage asset) officers consider that this low level of less than substantial harm would be justified accounting for the aforementioned public benefits of the development.

Amenity

Existing Occupiers and Uses

10.45. The proposed residential dwellings would be in close proximity to a number of existing residential dwellings on Essex Street. This includes Nos. 36 and 56 Essex Street which are located either side of the development site, to the north west and south east respectively. The development would also impact upon the facing row of terraced houses, in particular Nos. 35 to 49 Essex Street which would directly face the front elevations of the proposed dwellings.

10.46. There would be a separation distance of 16 metres between the front elevation of the proposed houses and the two storey dwellings opposite (Nos. 35 to 49 Essex Street). This is a relatively substantial front to front separation distance and is equivalent to the existing front to front relationship of houses along Essex Street, which are set back behind small front gardens. Accounting for the relative separation distance, officers consider that the proposed siting of the houses would not result in compromising the amenity of the properties opposite, by reason of overlooking. In terms of the scale of the development, whilst the ridge of the houses exceeds that of the adjacent properties, it is considered the overall scale would not be overbearing in relation to the dwellings opposite accounting for the aforementioned separation distance between the proposed and existing dwellings.

10.47. The side elevation of the proposed dwellings would align with the end gables of the adjacent properties to the north west and south east of the site (Nos. 36 and 56 Essex Street respectively). Owing to the depth of the building the proposed house adjacent to the boundary of No.56 Essex Street would extend 1.4 metres beyond the rear elevation of this property. There is a single side

facing ground floor window in the gable end of this property, which is a secondary window and is north facing and is currently sited behind a high brick wall and therefore does not benefit from any significant degree of natural light. There are also windows serving habitable rooms to the rear of this building at ground and first floor level. The high adjacent boundary wall, which would be retained currently restricts natural light to the door and windows to the rear of this house. Noting the depth of the proposed buildings and in assessing the floor plans, the siting of the buildings would not breach the 45 degree rule in respect of natural light to these windows. Accounting for the height of the proposed houses, their position on the site and the depth of plan of the proposed buildings, officers consider that the development would not have an overbearing impact on No.56 in respect of the garden area and the house itself. The amended plans include the provision of a side facing window at second floor level in the south east facing gable end of the southernmost of the proposed houses. To prevent overlooking of No.56 a condition will be required ensuring that the window is fitted with obscured glazing up to a minimum height of 1.7 metres. This window serves a set of stairs and requiring this window to be obscure glazed would not adversely affect the amenity of future occupiers.

10.48. The projecting rear gable of the proposed flats would extend 6.1 metres beyond the rear elevation of No.36 Essex Street. This building has been subdivided into two flats. 36A is a ground floor flat, whilst 36B is a first and second floor flat. The projecting gable of the proposed block of flats would be inset 4.6 metres from the boundary of the property and the flank wall of the flats closest to No.36 would align with the side elevation of No.36 and would be situated 3.2 metres from the property boundary of No.36 and 4.3 metres from the side elevation of this property. The inset nature of the projecting rear gable serving the flats ensures that the development would comply with the 45 degree guide with respect of the rear facing windows serving No.36 Essex Street. There would also be enough separation distance to ensure that the siting of the proposed three storey building does not appear overbearing in relation to No.36 in terms of the scale of the built form. It is noted that there are three side windows in the south east facing gable end of No.36 Essex Street at first floor level and a door at ground floor level. The three first floor windows all serve flat 36B one of these windows serves a bathroom, whilst another serves a landing area. The middle of the three windows serves a kitchen space which would be classed as a habitable room. The applicants have commissioned a daylight analysis report, which has assessed the impact of the siting of the flats in terms of the natural light to the kitchen area serving No.36B. The analysis indicates that there would only be a very limited loss of light, which would be limited to a roughly three hour period of the morning between 7am and 10am. There would not be an impact on light during the remaining hours of the day. Overall it can be concluded that the siting of the flats would not have an adverse impact on the amenity of 36B Essex Street in respect of natural light. There would be two windows above ground floor level. It is proposed that these windows would be fitted with obscure glazing above 1.7 metres in height. The first floor window is a secondary window serving a kitchen space in the proposed flats. The second floor window would be one of two windows serving a bedroom. Officers consider that it would be acceptable that these windows could be fitted with obscure glazing to prevent overlooking of No.36, this would be secured by condition.

Taking these factors into consideration it is considered that the development would not have an adverse impact on the amenity of No.36 Essex Street.

Impact on Comper School

- 10.49. The proposed Church Hall would be sited adjacent to the south east boundary of the Comper School. The area of the Comper School adjacent to the building is currently used as an area of outdoor play space. The height of the church hall, which features a shallow pitched roof at the point adjacent to the boundary with the Comper School would measure 8.3 metres to the roof ridge and 4.3 metres to the eaves. Officers note that concerns have been raised by the Comper School and are summarised in a submitted letter of objection prepared by Bluestone Planning.
- 10.50. Whilst the building would be sited immediately adjacent to the boundary of the school, the building would be single storey and the height of the building would be relatively low. The Comper School has a large outdoor play space, which is approximately 40 metres deep measured between the south east elevation of the school and the boundary with the Irving Building. The proposed building would be sited along a 23.8 metre section of the south west boundary of the site. The north west elevation of the Church Hall features a number of large stained glass windows which would face the school. These windows would be opaque glass, so would not therefore overlook the school play area, ensuring that there would not be safeguarding issues, which would otherwise conflict with Policy H14 of the Oxford Local Plan.
- 10.51. Officers consider that the height of the building would not be oppressive or overbearing in relation to the play area associated with the Comper School. Whilst there would be some loss of light to the play area associated with the Comper School, this would be limited to a small area adjacent to the south east boundary of the site. This is clarified within the applicant's daylight and sunlight assessment, which calculates that the loss of light to the playground area associated with the Comper School would be limited compared with the baseline level. Given that the vast majority of the remaining play area which would be unaffected by the development, officers consider that it cannot reasonably be considered that the development would have a significant impact on the quality of the outdoor space provision for the Comper School.
- 10.52. Officers note the concerns raised within the letter by Bluestone Planning regarding the impact of the development during the construction phase. Policy RE7 of the Oxford Local Plan requires an assessment of the impact of the development on neighbouring uses and transport impacts during the construction phase of development. This includes providing mitigation measures where necessary. The measures should be captured within Construction Management Plans.
- 10.53. Any form of development is likely to result in a level of temporary disruption during construction phase, either through construction traffic or noise, but this should not represent a reason in itself for refusing planning permission providing that measures are in place to appropriately manage the impact of construction. In this instance it is considered that the impact of the construction phase of the

development can be appropriately managed through a Construction Management Plan.

Future Occupiers

- 10.54. Policy H15 of the Oxford Local Plan states that planning permission will only be granted for new dwellings that provide good quality living accommodation for the intended use. All proposals for new build market and affordable homes (across all tenures) must comply with the MHCLG's Technical Housing Standards – Nationally Described Space Standard Level 1.
- 10.55. Each of the units has been assessed to be compliant with the Nationally Described Space Standards in terms of the size of the individual rooms and units therefore the development is considered to comply with Policy H15 of the Oxford Local Plan.
- 10.56. Policy H16 of the Oxford Local Plan states that planning permission will only be granted for dwellings that have direct and convenient access to an area of private open space. 1 or 2 bedroom flats should provide either a private balcony or terrace of usable level space, or direct access to a private or shared garden; houses of 1 or more bedrooms should provide a private garden, of adequate size and proportions for the size of house proposed, which will be considered to be at least equivalent in size to the original building footprint.
- 10.57. The proposed houses would each be served by private rear gardens, in addition to small front gardens. The proposed gardens would be terraced and split across three levels, including a lower section adjacent to the basement spaces of the houses. In total the private amenity space would be roughly equivalent the footprint of the houses. Whilst the lower terraced spaces would be overshadowed to a degree given that these would be sited at a lower level relative to the remainder of the garden, the applicants have prepared a daylight assessment in respect of these garden spaces that demonstrates that in each case the gardens will have less than two fifths (40%) of their area in direct shade on 21st March. It is concluded that the rear gardens of the proposed gardens will receive sufficient levels of natural light throughout the year, in accordance with the BRE Guide Site Layout Planning for Daylight and Sunlight.
- 10.58. The proposed flats would not be served by external balconies. There is some justification for this, as provision of balconies to the rear of the flats would result in significant overlooking of the rear gardens of Nos.36 and 56 Essex Street. Balconies to the front of the building would appear out of place in terms of the design of the building and the overall character of the area. A communal area of amenity space is proposed to the rear of the flats, which would be of a reasonable standard, in addition to a small area of amenity space to the front of the building. Overall it is considered that both the proposed flats and houses would be served with an adequate degree of amenity space, to a high standard and the development is considered to comply with Policy H16 of the Oxford Local Plan.

Noise Disturbance

- 10.59. Policy RE8 of the Oxford Local Plan states that planning permission will not be granted for development that will generate unacceptable noise and development proposals will be expected to manage noise disturbance, conditions may also be sought to control noise disturbance.
- 10.60. Concerns have been raised by surrounding residents as well as the Comper School in respect of noise disturbance during the construction phase. Residents have also raised concerns in respect of noise disturbance from the use of the hall once this is operational.
- 10.61. The application has been the subject of review by the Council's Environmental Health team who have advised that the development would be unlikely to generate an unacceptable level of noise and disruption during either the construction phase of development or once the community use of the building is operational. It has been advised that matters relating to noise, disturbance, dust and construction traffic can be appropriately addressed through a Construction Management Plan to minimise the impact of the development on local residents and the school. A condition is recommended to control noise from the community building, limiting this to 10dB during services to protect the amenity of surrounding residents. It should be noted that the Irving Building is already used by Magdalen Road Church, who are permitted to use the building to host religious events and gatherings. The proposals amount to a continuation of this use and the addition of the church hall would be unlikely to result in additional noise disturbance.
- 10.62. With appropriate measures to control the impact of noise during both the operational and construction phases, officers are satisfied that potential noise disturbance during the construction phase can be controlled and noise from the use of the community hall would be mitigated through an appropriate condition. The development is therefore considered to comply with Policy RE8 of the Oxford Local Plan.

Transport

- 10.63. Policy M1 of the Oxford Local Plan outlines that a modal shift towards more sustainable means of transport including walking, cycling and public transport and a move away from private car ownership is required in order to meet the Council's sustainability objectives in relation to transport. The parking standards outlined under Policy M3 of the Oxford Local Plan state that in Controlled Parking Zones (CPZs) or employer-linked housing areas (where occupants do not have an operational need for a car) where development is located within a 400m walk to frequent (15minute) public transport services and within 800m walk to a local supermarket or equivalent facilities (measured from the mid-point of the proposed development) planning permission will only be granted for residential development that is car-free.
- 10.64. The streets surrounding the site, including Hertford Street, Essex Street, Magdalen Road, Barnet Street and Percy Street all fall within the Magdalen South CPZ, which is operational 24 hours a day, 7 days a week. The majority of properties in the area do not benefit from off-street parking and on-street provision is highly limited. The site lies within 300 metres of the Cowley Road

District Centre and 350 metres of bus stops located on the Cowley Road served by regular services. In accordance with Policy M3 of the Oxford Local Plan it would be required that any residential dwellings on the site should be car free.

- 10.65. Former 'keep clear' zig zag markings associated with the former school have been removed from Essex Street and have been replaced by double yellow line markings and permit controlled parking bays for local residents only. Both the houses and flats would be car free and there are no proposals to alter the existing on-street parking arrangement. The allocation of parking permits within the CPZ to future occupiers would not be a matter, which the City Council can reasonably control through the planning process as this is at the discretion of the County Council as the local Highways Authority. Residents would not be permitted to park within the non-residential spaces on the site at the Irving Building, at Hertford Street as this would be controlled through a car park management plan condition relating to this car park. The development is proposed as a car free scheme and would comply with the provisions of Policy M3 of the Oxford Local Plan. The site is in a sustainable location in close walking distance to the Cowley Road District Centre, local bus stops benefitting from regular services and the presence of a CPZ in the area provides a viable means of preventing overspill parking within the vicinity of the site.
- 10.66. A total of 13 parking spaces are proposed on the non-residential part of the site. It is stated within the applicant's Transport Statement that there is a contractual obligation on the part of Magdalen Road Church to provide at least 6 parking spaces for the adjacent Comper School. This legal obligation is understood to be between the County Council (leaseholder of the Comper Building) and the Church PCC (owner of the Comper school site). There would be a total of 7 spaces allocated for the non-residential Class F (community and religious uses) and Class E (office) uses on the site within the Irving Building and new Church. Parking associated with the non-residential uses on the Irving Building site would be reduced by one space as there are currently 8 spaces available for use by Magdalen Road Church and 7 spaces are proposed, discounting the spaces which would be used by the Comper School.
- 10.67. In terms of non-residential uses, including places of worship, parking provision is determined on a case by case basis accounting for the specifics of the development proposed and the overall sustainability of the site. Policy M3 states that parking provision must take into account the wider transport objectives of the Oxford Local Plan, which are to promote and achieve a shift towards sustainable modes of travel. The presumption will be that vehicle parking will be kept to the minimum necessary on all sites to ensure the successful functioning of the development. Policy M3 outlines that in the case of the redevelopment of an existing or previously cleared site, there should be no net increase in parking on the site from the previous level and the Council will seek a reduction where there is good accessibility to a range of facilities. The site is within a sustainable location with good access to public transport and a wide range of facilities available within the Cowley Road district centre, which is within 300 metres of the site and is also within a CPZ.
- 10.68. The proposals involve a net increase in non-residential floorspace on the site, though as noted above, it is stated that in the case of the redevelopment of an

existing or previously cleared site, there should be no net increase in parking on the site from the previous level. There would not be a net increase in parking provision on the site, moreover there would be a reduction of 1 parking space. In this instance given the sustainability of the location and existence of parking controls within the surrounding streets, officers consider that a reduction in parking by one space would be justified and the overall parking provision for the non-residential uses on the site would comply with Policy M3 of the Oxford Local Plan.

10.69. The plans include the provision of cycle stores for the houses and flats. A specification of enclosed, secure cycle stores has been provided. In the case of the houses these would be sited to the front of the dwellings. The cycle store for the flats would be located to the rear of the building. A total of 21 cycle parking spaces would be required for the residential element of the development, the submitted cycle parking proposals fall short of this figure and additional details with respect to the cycle parking will be required by condition. A total of 22 cycle spaces are proposed for the non-residential uses which is considered acceptable.

Sustainability

10.70. Proposals for development are expected to demonstrate how sustainable design and construction methods will be incorporated in line with Policy RE1 of the Oxford Local Plan. All development must optimise energy efficiency by minimising the use of energy through design, layout, orientation, landscaping and materials, and by utilising technologies that help achieve Zero Carbon Developments. Planning permission will only be granted for development proposals for new build residential developments which achieve at least a 40% reduction in the carbon emissions from a code 2013 Building Regulations.

10.71. In accordance with the requirements of Policy RE1 the applicants have provided an Energy Statement. The Energy Statement outlines that a combination of energy efficiency measures and on site renewables will be incorporated into the design of the residential buildings to reduce carbon emissions and energy demand.

10.72. In order to meet energy efficiency targets the following measures are recommended within the Energy Statement for inclusion within the design of the building:

- Building Fabric Energy efficiency and air tightness
- Energy efficient boilers
- Efficient lighting
- Low energy heating
- Building energy management systems

10.73. Solar photovoltaic (PV) is proposed as a means of on-site renewable energy. In conjunction with the above mentioned energy efficiency savings, it is anticipated that the development would achieve a 41.77% reduction in carbon emissions from a code 2013 Building Regulations, which exceeds the 40% requirement outlined under Policy RE1 of the Oxford Local Plan.

Trees

- 10.74. Policy G7 of the Oxford Local Plan states that planning permission will not be granted for development that results in the loss of green infrastructure features including trees where this would have a significant adverse impact upon public amenity or ecological interest. It must be demonstrated that their retention is not feasible and that their loss will be mitigated.
- 10.75. The part of the site to the front of the Irving Building and the north side of the building contains a number of prominent trees which together with the trees on the Comper School site make an important contribution to the green backdrop along Hertford Street. There is also a Horse Chestnut Tree, which is the subject of a Tree Preservation Order which lies in the rear garden of No.36 Essex Street, which is located to the rear of the proposed community building.
- 10.76. The application is accompanied by a Tree Survey and Arboricultural Impact Assessment. The proposed new community building would result in the loss of four trees (T6, T7, T8 and T9) these trees make a positive contribution to amenity in the area and their loss is regrettable. However, the impact on amenity and tree canopy cover in the area should be mitigated over time by the new tree planting that is included. New planting shall be secured through a landscaping condition.
- 10.77. The proposed community building is close to the crown and is likely to be within the notional Root Protection Area of the large, mature horse chestnut tree (T10 in the submitted survey) that overhangs the site from 34 Essex Street. Its roots grow under the boundary wall into the application site. This tree is protected under the Oxford City Council - Essex Street (No.1) Tree Preservation Order 2018. However, the site investigations that have taken place pre-application as described in the submitted Arboricultural Impact Assessment, provide evidence of the location and extent of significant structural roots. The Council's Tree Officer has advised that the proposals should not harm the future viability of the tree so long as the ground between the boundary wall and the community building is robustly protected from compaction during the construction phase, and the various special design and working method measures recommended by the project arboriculturist to ensure that roots damage is avoided and/or minimised are strictly carried out.

Ecology

- 10.78. Policy G2 of the Oxford Local Plan states that development that results in a net loss of sites and species of ecological value will not be permitted.
- 10.79. The application is accompanied by a phase 1 ecological survey. The survey found no evidence of bats on site or other protected species within the building or elsewhere on the site and the building was assessed as having low potential to shelter roosting bats. Consequently it was concluded that there would be no foreseeable impacts on bats or their roost sites.

10.80. The remainder of the site which includes hardstanding and areas of now unmanaged soft landscaping and vegetation are assessed within the ecological report to be of low ecological value.

10.81. A scheme of ecological enhancements will be sought on the site in order to achieve a net gain in biodiversity, this will be secured by planning condition. This will include the provision of bat and bird boxes, in addition to new landscape planting which will be secured through a landscaping condition.

Drainage/Flood Risk

10.82. The site is located in Flood Zone 1 and would be considered to be at a low risk of flooding. Policy RE4 of the Oxford Local Plan requires that all development proposals will be required to manage surface water through Sustainable Drainage Systems (SuDS) or techniques to limit run-off and reduce the existing rate of run-off on previously developed sites.

10.83. A surface water drainage statement has been prepared alongside the application, which forms the basis for an acceptable drainage strategy for the site. A final drainage strategy will be required and has been conditioned accordingly.

11. CONCLUSION

11.1. On the basis of 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 it clear that proposals should be assessed in accordance with the development plan unless material considerations indicate otherwise.

11.2. In the context of all proposals paragraph 11 of the NPPF requires that planning decisions apply a presumption in favour of sustainable development. This means approving development that accord with an up-to-date development plan 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.

11.3. The proposals would provide a total of 9 additional residential dwellings on what is a presently underutilised brownfield site, this would represent the positive reuse of previously developed land in line with Paragraphs 117 and 118 of the NPPF and would provide a small, yet valued contribution towards local housing need. The principle of the change of use and the extension to the Irving Building is also considered acceptable in line with Policy V7 of the Oxford Local Plan. Whilst there would be a small reduction in the amount of floorspace (121sqm) used for Class F1 (community use) purposes, the

development as a whole would improve the quality of the community space provided overall, which would better meet the needs of Magdalen Road Church and the community as a whole.

- 11.4. The development would result in a low level of less than substantial harm to the significance of the designated and non-designated heritage assets referred to earlier in the report. When assessing the development as required under the balancing exercise required under NPPF Paragraphs 196 and 197 with respect to the low level of less than substantial harm to the Comper School (Grade II listed building) and the Irving Building (local heritage asset) officers consider that this low level of less than substantial harm would be justified. This is accounting for the public benefits of the development namely the provision of new housing and the enhancements to what is an existing community facility.
- 11.5. The development has been assessed in relation to the impact on the residential amenity of the adjoining residential occupiers and it is considered that the scale and siting of the development would not have a demonstrably adverse impact on the amenity of the nearest adjoining residents by reason of loss of light, overbearingness of the scale of the proposed buildings. Consequently the development is considered to comply with Policy H14 of the Oxford Local Plan. Future occupiers of the development would also benefit from appropriate standards of outdoor amenity spaces in accordance with Policy H16 of the Oxford Local Plan, whilst internal spaces accordance with the Governments Nationally Described Space Standards and the internal amenity requirements specified under Policy H15 of the Oxford Local Plan. Officers consider that the siting of the new church hall building would not have a significantly adverse impact on the amenity of the adjoining Comper School. The impacts in terms of the school would be limited to some minor overshadowing of the external play areas and disruption during the construction phase which can be appropriately mitigated.
- 11.6. The development aligns with Policy M3 of the Oxford Local Plan. A small reduction in parking is proposed for the non-residential element of the scheme. The residential development would be car free, which would be required given the overall sustainability of the site and accessibility to local public transport links and services.
- 11.7. It is recommended that the Committee resolve to grant planning permission for the development proposed subject to the conditions listed in section 12 below.

12. CONDITIONS

Time Limit

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

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

Approved Plans

2. The development referred to shall be constructed strictly in complete accordance with the specifications in the application and the submitted plans.

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

Materials

3. Prior to the commencement of phases 2 and 3 of the development as defined on drawing 1773-MEB-XX-00-DR-A-3-111 Rev A samples of the exterior materials to be used shall be submitted to, and approved in writing by, the Local Planning Authority and only the approved materials shall be used unless otherwise agreed in writing by the Local Planning Authority. A sample panel of the proposed brickwork to be used on the external elevations of the proposed buildings (phases 2 and 3) shall be prepared on site and shall be made available for inspection by the Local Planning Authority on request.

Reason: In the interests of visual amenity in accordance with Policy DH1 of the Oxford Local Plan 2016-2036.

Cycle Parking

4. Before the occupation of phases 1 and 2 of the development as defined on drawing 1773-MEB-XX-00-DR-A-3-111 Rev A, details of the cycle parking areas, including dimensions and means of enclosure, shall be submitted to, and approved in writing by, the Local Planning Authority and shall be installed prior to first occupation of phases 1 and 2 of the development. The cycle parking as shown on the approved plan nos. 1695-AL-700; 1695-AL-701 and 1695-AL-001 REV B shall be installed before the occupation of phase 3 of the development as defined on drawing 1773-MEB-XX-00-DR-A-3-111 Rev A. In all instances the cycle parking shall be retained in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To encourage the use of sustainable modes of transport in line with local plan policy.

Car Parking

5. Prior to occupation of phases 1 or 2 of the development as defined on drawing 1773-MEB-XX-00-DR-A-3-111 Rev A, a car park management plan covering the parking spaces serving the Irving Building shall be submitted for approval by the Local Planning Authority in writing. The car park shall only be used by users of the Irving Building and by the Comper School or its successors and shall not be used by occupiers of the residential development approved on the site. The approved management plan shall be implemented

on first occupation of the change of use of the Irving Building (phase 1) or the occupation of the community building (phase 2) whichever is the earlier and shall be adhered to thereafter.

Reason: In in the interest of highway safety and to control the use of parking permitted on site.

Construction Traffic Management

6. Prior to the commencement of each phase of the development as defined on drawing 1773-MEB-XX-00-DR-A-3-111 Rev A, with the exception of phase 1, a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority. The CTMP shall include the following details:

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

Thereafter, the approved Construction Traffic Management Plan shall be implemented and the development carried out in accordance with the approved details.

Reason - In the interests of highway safety and the residential amenities of neighbouring occupiers.

Noise

7. The design and structure of the residential development shall be of such a standard that it will protect residents within it from existing external noise so that they are not exposed to levels indoors of more than 35 dB L_{Aeq} 16 hrs daytime and of more than 30 dB L_{Aeq} 8hrs in bedrooms at night

Reason: In the interests of the health and wellbeing of neighbouring residents and occupiers/users of the application site subject to the development, in accordance with Policies RE8

8. Noise from the community building (L_{Aeq}) during services shall be controlled to 10dB below the background noise level (L_{A90}) without the noise present, in each octave band at the nearest noise sensitive location'

Reason: In the interests of the health and wellbeing of neighbouring residents and occupiers/users of the application site subject to the development, in accordance with Policies RE8

Construction Management

9. Prior to commencement of each phase of development as defined on drawing 1773-MEB-XX-00-DR-A-3-111 Rev A, with the exception of phase 1, a construction management plan shall be submitted to and approved in writing by the Local Planning Authority. Details shall include control measures for dust, noise, vibration, lighting, delivery locations, restriction of hours of work and all associated activities audible beyond the site boundary from 0800-1800hrs Mondays to Fridays and 0800 -1300 hrs on Saturdays, advance notification to neighbours and other interested parties of proposed works and public display of contact details including accessible phone contact to persons responsible for the site works for the duration of the works. The approved details shall be implemented throughout the project period for phases 2 and 3.

Reason: In the interests of the health and wellbeing of neighbouring residents and occupiers/users of the application site subject to the development, in accordance with Policies RE8 and M2

Programme of Historic Works

10. No development shall take place in phases 2 or 3 as defined on drawing 1773-MEB-XX-00-DR-A-3-111 Rev A until a written scheme of investigation including a programme for historic building recording as it relates to the walls on site has been submitted by the applicant and approved by the planning authority. All works shall be carried out and completed in accordance with the approved written scheme of investigation, unless otherwise agreed in writing by the Local Planning Authority.

Reason: Because the development may have a damaging effect on known or suspected elements of the historic environment of the people of Oxford and their visitors, including the Victorian built heritage (Local Plan Policy DH4).

11. Prior to any removal of, or substantial alterations to internal or external walls of the Irving Building a recording of the historic building will be carried out and submitted to the Local Planning Authority for information.

Reason: Because the development may have a damaging effect on known or suspected elements of the historic environment of the people of Oxford and their visitors, including the Victorian built heritage (Local Plan Policy DH4).

Contamination

12. A watching brief for the identification of unexpected contamination must be undertaken throughout the course of the development by a suitably competent person. If unexpected contamination is found to be present on the site, development on that part of the site shall be suspended and an appropriate

specialist company and the Local Planning Authority shall be informed and an investigation undertaken to determine the nature and extent of the contamination and any need for remediation. Details of the watching brief shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of any groundwork on each phase as defined on drawing 1773-MEB-XX-00-DR-A-3-111 Rev A with the exception of phase 1.

Should topsoil material be imported to the site for landscaping purposes, the developer should obtain certification from the topsoil provider to ensure that the material is appropriate for the proposed end use and evidence of this shall be supplied to the local planning authority for written approval.

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 2016-2036.

Ecology

13. Prior to the commencement of phase 2 of the development as defined on drawing 1773-MEB-XX-00-DR-A-3-111 Rev A, a scheme of ecological enhancements shall be submitted to, and approved in writing by, the Local Planning Authority to ensure a net gain in biodiversity will be achieved. The scheme, based on the recommendations in the Ecology report by Windrush Ecology dated July 2020 shall include details of new landscape planting of known benefit to wildlife and provision of artificial roost features, including specifications and locations of bird and bat boxes. A minimum of 4 dedicated Swift boxes shall be provided. Any new fencing will include holes suitable for the safe passage of Hedgehogs. The approved ecological enhancement measures shall be installed before occupation of phase 2 of the development.

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: Protection of biodiversity and geo-diversity of the adopted Oxford Local Plan 2036.

Trees/Landscaping

14. Prior to the commencement of phase 3 of the development as shown on drawing 1773-MEB-XX-00-DR-A-3-111 Rev A, landscape plan shall be submitted to, and approved in writing by, the Local Planning Authority. The plan shall include a survey of existing trees showing sizes and species, and indicate which (if any) it is requested should be removed, and shall show in detail all proposed tree and shrub planting, treatment of paved areas, and areas to be grassed or finished in a similar manner. The development shall be carried out in accordance with the approved plans unless otherwise agreed in writing by the Local Planning Authority. The approved landscaping shall be completed before first occupation of phase 3 of the development as shown on drawing 1773-MEB-XX-00-DR-A-3-111 Rev A. The landscaping of the remainder of the site comprising phases 1 and 2 shall be carried out in

accordance with the approved landscaping plan 1773-MEB-XX-XX-DR-A-3-250 unless otherwise agreed in writing by the Local Planning Authority. Any new tree(s) that die(s), are/is removed or become(s) severely damaged or diseased shall be replaced and any new planting (other than trees) which dies, is removed, becomes severely damaged or diseased within three years of planting shall be replaced.

Reason: In the interests of visual amenity in accordance with policy G7 of the Oxford Local Plan.

15. Prior to the start of any construction work on site with the exception of phase 1, as defined on drawing 1773-MEB-XX-00-DR-A-3-111 Rev A, including site clearance, details of the design of all new hard surfaces and a method statement for their construction shall be submitted to and approved in writing by the Local Planning Authority. Details shall take into account the need to avoid any excavation within the rooting area of any retained tree and where appropriate the Local Planning Authority will expect "no-dig" techniques to be used, which might require hard surfaces to be constructed on top of existing soil levels using treated timber edging and pegs to retain the built up material. The development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

Reason: To avoid damage to the roots of retained trees. In accordance with Policy G7 of the Oxford Local Plan.

16. Prior to the start of any construction work on site with the exception of phase 1, as defined on drawing 1773-MEB-XX-00-DR-A-3-111 Rev A, details of the location of all underground services and soakaways shall be submitted to and approved in writing by the Local Planning Authority (LPA). The location of underground services and soakaways shall take account of the need to avoid excavation within the Root Protection Areas (RPA) of retained trees as defined in the British Standard 5837:2012- 'Trees in relation to design, demolition and construction-Recommendations'. Works shall only be carried in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

Reason: To avoid damage to the roots of retained trees; in support of Adopted Local Plan Policy G7.

17. Detailed measures for the protection of trees to be retained during the development shall be submitted to, and approved in writing by, the Local Planning Authority (LPA) prior to the start of any construction work on site with the exception of phase 1, as defined on drawing 1773-MEB-XX-00-DR-A-3-111 Rev A. Such measures shall include scale plans indicating the positions of barrier fencing and/or ground protection materials to protect Root Protection Areas (RPAs) of retained trees and/or create Construction Exclusion Zones (CEZ) around retained trees. Unless otherwise agreed in writing by the LPA the approved measures shall be in accordance with relevant sections of BS 5837:2012 Trees in Relation to Design, Demolition and Construction-Recommendations. The approved measures shall be in place before the start

of any work on site and shall be retained for the duration of construction unless otherwise agreed in writing by the LPA. Prior to the commencement of any works on site the LPA shall be informed in writing when the approved measures are in place in order to allow Officers to make an inspection. No works or other activities including storage of materials shall take place within CEZs unless otherwise agreed in writing by the LPA.

Reason: To protect retained trees during construction. In accordance with policy G7 of the Oxford Local Plan 2016-2036.

18. A detailed statement setting out the methods of working within the Root Protection Areas of retained trees shall be submitted to and approved in writing by the Local Planning Authority (LPA) prior to the start of any construction work on site with the exception of phase 1, as defined on drawing 1773-MEB-XX-00-DR-A-3-111 Rev A, including site clearance. Such details shall take account of the need to avoid damage to tree roots through excavation, ground skimming, vehicle compaction and chemical spillages including lime and cement. The development shall be carried out in strict accordance with of the approved Arboricultural Method Statement unless otherwise agreed in writing by the LPA.

Reason: To protect retained trees during construction. In accordance with policy G7 of the Oxford Local Plan.

19. An Arboricultural Clerk of Works (ACoW) appointed by the applicant shall oversee implementation of the approved Tree Protection Plan and Arboricultural Method Statement. Prior to the start of any construction work on site with the exception of phase 1, as defined on drawing 1773-MEB-XX-00-DR-A-3-111 Rev A, including site clearance a Tree Protection Monitoring Plan shall be submitted to and approved in writing by the Local Planning Authority which includes details of:

- The role and responsibilities on site of an arboricultural clerk of works (AcoW) or similarly competent person;
- Responsible persons and lines of communication and reporting including with the LPA Tree Officer;
- The times during construction when AcoW will be present on site to oversee works;

Reason: To protect retained trees during construction. In accordance with policy G7 of the Oxford Local Plan.

Permitted Development Rights

20. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification) no structure including additions to the dwelling houses as defined in Classes A, B, C, D, E of Part 1 of Schedule 2 of the Order shall be erected or undertaken without the prior written consent of the Local Planning Authority.

Reason: The Local Planning Authority considers that even minor changes in the design or enlargement of the development should be subject of further consideration to safeguard the appearance of the area and the amenity of neighbouring properties and occupiers of the dwellings in accordance with policies DH1, H14 and H16 of the Oxford Local Plan 2016-2036.

Amenity – Obscured glazing

21. The first and second floor windows located on the north west facing side elevation of the building, serving flats 4 and 6; and the second floor window located on the south east facing elevation of the southernmost house within the development site shall be fitted with obscured glazing to a minimum height of 1.7 metres and this shall be retained as obscured glazing at this minimum height.

Reason: To prevent overlooking of adjacent properties in the interests of protecting the amenity of existing occupiers in accordance with Policy H14 of the Oxford Local Plan.

Energy

22. The residential element of the development shall be carried out in accordance with the recommendations outlined within the submitted Energy and Sustainability Statement prepared by ERS Consultants Ltd reference. PR8061 dated 28th July 202 unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the new dwellings meet high standards of sustainability in line with Policy RE1 of the Oxford Local Plan.

Lighting

23. A lighting plan for the site, detailing the specification and location of all new external lighting features shall be submitted to and approved in writing by the Local Planning Authority before first occupation of each phase of development as it relates to the phase as set out on drawing 1773-MEB-XX-00-DR-A-3-111 Rev A. The approved lighting plan shall be implemented before first occupation of each phase. No external lighting shall be installed on site without the written approval of the Local Planning Authority.

Reason: To preserve the setting surrounding designated and non-designated heritage assets in accordance with policies DH1 and DH3 and DH5 of the Oxford Local Plan.

Works to boundary walls

24. Prior to the commencement of development of each phase of the development as set out on drawing 1773-MEB-XX-00-DR-A-3-111 Rev A, details shall be submitted in writing to the Local Planning Authority outlining

the extent of works to the external boundary walls (if any) shown in the planning application to be retained. The details shall include any elements of the walls to be removed and works required to repair or make good any elements of the walls. The development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the walls, other than those shown to be demolished on the approved plans are retained and that works to repair the retained walls are to an adequate standard in the interests of preserving the character and heritage of the building in accordance with Policies DH1, DH3 and DH5 of the Oxford Local Plan.

Drainage

25. Prior to commencement, a final sustainable surface water drainage strategy should be submitted and approved by the LPA. The strategy should be based on the submitted strategy (Glanville Consultants Doc Ref: 8180406/AQ/DW/029), but address the outfall rates agreed with the LPA. The drainage system should then be constructed and maintained in accordance with the approved plans for the lifetime of the development in order to ensure it functions safely and effectively.

Reason: In accordance with Policy RE4 of the Oxford Local Plan

13. APPENDICES

- **Appendix 1 – Site plan**

14. HUMAN RIGHTS ACT 1998

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

15. SECTION 17 OF THE CRIME AND DISORDER ACT 1998

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

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