

# Agenda Item 3

**Planning Committee**

13<sup>th</sup> July 2021

**Application number:** 20/02417/FUL  
**Decision due by** 31st December 2020  
**Extension of time** 30<sup>th</sup> July 2021

**Proposal** Conversion of No.78 Banbury Road to office and teaching (Use Class E/ F1) in association with No.76 Banbury Road headquarters building. Demolition of existing swimming pool and studio and erection of a new office building and hall to the rear of Nos.76 and 78 Banbury Road. Demolition of existing garage No.78 and erection of a 1 x 3-bed dwelling (Use Class C3). Demolition of the existing extensions between Nos.76 and 78 Banbury Road and erection of new link extension to form new entrance and reception. Alterations to existing car park to create an enclosed courtyard and alterations to landscaping.

**Site address** 76 And 78 Banbury Road, site plan at **Appendix 1**

**Ward** St Margarets Ward

**Case officer** Felicity Byrne

**Agent:** Arthur Smith      **Applicant:** Anne Ramsden

**Reason at Committee** Called in by Councillors Wade, Goddard, Landell Mills, R Smith and ex-councillors Garden and Harris.

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## 1. RECOMMENDATION

1.1. Oxford City Planning Committee is recommended to:

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

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

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

## 2. EXECUTIVE SUMMARY

- 2.1. This report considers demolitions, conversion and re-development at Nos.76 and 78 Banbury Road to provide offices, meeting rooms, multi-purpose hall and general facilities in conjunction with No.76 Banbury Road that is currently occupied by the Ravi Zacharias International Ministries Trust (RZIM) as their office headquarters. Also provision of a new replacement 3 bed residential dwelling in lieu of the converted No.78 Banbury Road. The site lies within the North Oxford Victorian Suburb Conservation Area (NOVSCA) and is located on the main arterial Banbury Road, returning onto Bardwell Road.
- 2.2. It is concluded that the proposed development would not result in the loss of a residential dwelling. The new dwelling meets space requirements both internally and externally providing adequate amenity. The whole development would be of good quality design, and whilst not a replica of the existing host buildings appearance, would nevertheless preserve and enhance the character and appearance of the NOVSCA. It would result in a very low level of less than substantial harm to the significance of the NOVSCA but that harm would be outweighed in this case by the level of public benefits derived from the development. There would be no adverse impact on-street parking in the area, or harm to traffic or highway safety and a reduction in overall car parking within the site achieved. Adequate cycle parking and car-free parking for the residential unit could be secured by condition. New tree planting would satisfactorily mitigate against the loss of existing trees and there would be a net gain in tree canopy cover over time. There would be no adverse impact on neighbouring residential amenities.
- 2.3. Subject to conditions, a biodiversity enhancement could be achieved, below ground archaeology secured, sustainable design and construction (including a 40% carbon reduction) would be achieved and secured, and sustainable drainage and maintenance secured.
- 2.4. In conclusion the development would result in a high quality scheme that appropriately responds to its setting that would result in public benefits that would outweigh any harm to designated and non-designated heritage assets. Through the imposition of suitably worded conditions the proposal accords with the relevant policies of the Oxford Local Plan 2036, Summertown and St Margaret's Neighbourhood Plan and the NPPF and complies with the duty set out in the Planning (Listed Buildings and Conservation Areas) Act 1990.

### **3. LEGAL AGREEMENT**

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

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

- 4.1. The proposal is liable for CIL amounting to £22,875.80.

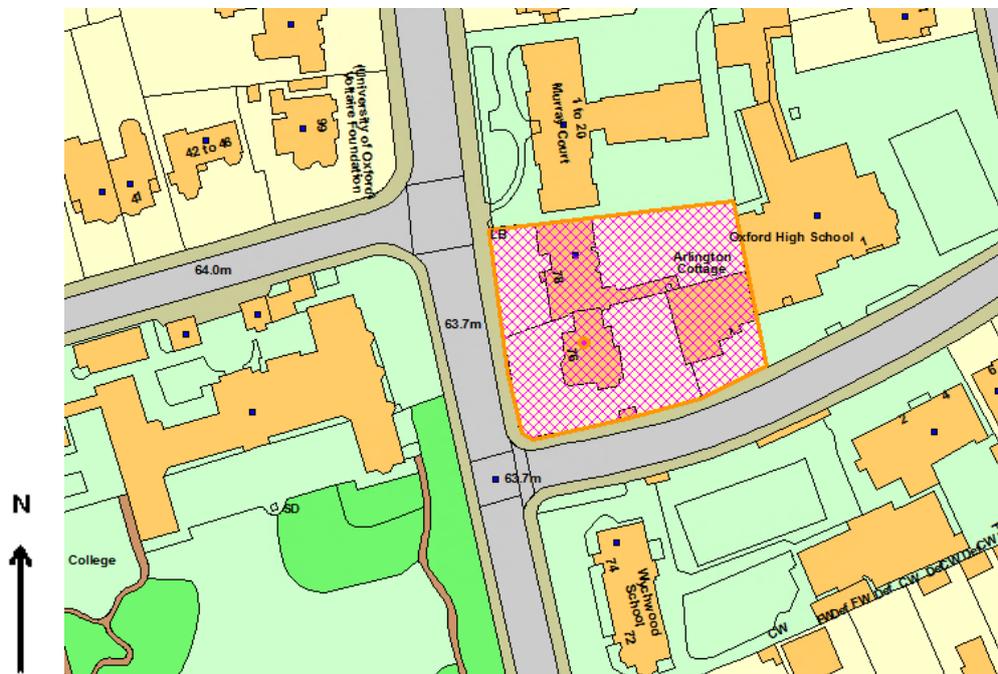
### **5. SITE AND SURROUNDINGS**

- 5.1. The site is located on the corner of the Banbury Road and Bardwell Road within the NOVSCA. To the north of the site is Murray Court residential flats and to the east is the adjoining Oxford High School which has a single storey building

against the joint boundary with a high brick wall. On the opposite side of Bardwell Road is Wychwood School, again bounded by a high brick wall. Opposite the site on Banbury Road is St Hugh's College. The site lies within a controlled parking zone (CPZ) and there are some limited non-CPZ parking bays along both sides of Bardwell Road.

5.2. The site comprises two large Victorian Villas Nos. 76 and 78 Banbury Road, set back from the road with large in-and-out drives and mature trees and planting. To the rear of No.76 is an existing outbuilding that actually belongs to No.78 and is also accessed from Bardwell Road. The outbuilding was originally No.76's stable building which has been extended in the 60's and 80's and contains a swimming pool, library and artist's studio, connected to No.78 by a long covered walkway that sits along the joint boundary 2.7m high brick wall. Both Villas have had single storey extensions made to them since being built, some architecturally unsympathetic, and as a result the two Villas are joined at ground floor level. No.78 has a further single storey garage extension to the north along the joint high brick boundary wall with Murray Court. The rear gardens of No.78 contains lawn and mature trees and shrubs, bounded by a high wall to the east with the adjoining Oxford High School. No. 76 is bounded to the east by the outbuilding and a high brick wall. The southern boundary is formed by a high brick wall (approx. 2.5m) with trees along Bardwell Road that lowers to 1m around the frontage with Banbury Road. To the front of both Nos. 76 and 78 are low brick walls with mature tree and shrub planting.

5.3. See block plan below:



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Ordnance Survey 100019348

## 6. PROPOSAL

6.1. The application proposes demolitions:

No.78:

- Removal of existing single storey extensions to the north and south front porch,
- 1974 covered walkway to the outbuilding,
- Demolition of the existing ancillary outbuilding (which sits to the rear of No.76).

No.76:

- Demolition of existing 1970's porch entrance,
- Demolition of small section of eastern rear wall adjacent to the outbuilding.

6.2. The development proposes:

- Conversion of No.78 from residential to offices and meeting/ teaching rooms use with ancillary facilities;
- Provision of a new two storey glazed link structure with central glazed, brick and timber arched doorway between No.76 and 78 to provide a central main entrance and connective space (including lift) between the two villas, measuring approximately 7.2m to ridge and 7.7m wide;
- A replacement ancillary outbuilding with circular multi-functional hall and basement measuring approximately 6.5m high to the main ridge, 25m long and overall 24m wide. The circular hall measures approximately 11.5m wide and 7.5m high to top of the domed roof. The rest of the building would be approximately 20m wide. The building is mainly on the existing building footprint;
- A replacement covered walkway with pitched tiled roof, brick wall and windows from the entrance to the hall, approximately 3.6m high to ridge, 12m long and 2.7m wide;
- A new covered walkway from the hall to the rear of No.76 with pitch tiled roof, brick wall and glazing approximately 3m high, 14m long and 1.7m wide;
- Erection of a new two storey extension to the north elevation of No.78 to provide a replacement 3 bed dwelling with private front and rear gardens. It measures approximately 10.5m long, 5m wide and 7m to ridge and 4m to eaves in red brick, tiled roof and stone mullions, lintels and cills. On the site of the existing garage and single storey extensions;
- New tree planting;
- Car parking and covered cycle parking.

## **7. RELEVANT PLANNING HISTORY**

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

No.76 Banbury Road:

71/00003/A\_H - Use of main building as offices. Approved 14th December 1971.

71/25219/A\_H - Use of main buildings as offices (excluding garage block with flat over). Permission Not Required 12th August 1971.

72/00020/EUC\_H - Office, flat, garages, stable, car parking. Existing Use Certificate Approved 24th October 1972.

72/25990/A\_H - Outline application for the demolition of existing office building and erection of new office building with car park. Refused 27th June 1972.

73/01141/AA\_H - Formation of new entrance, internal alterations and conversion of basement to caretaker's flat. Refused 8th October 1973.

73/01141/A\_H - New entrance, internal alterations and conversion of basement to caretakers flat. Refused 25th September 1973.

73/01541/A\_H - Additional entrance and minor alterations to form caretakers flat. Approved 15th November 1973.

74/00732/A\_H - Additional entrance and minor alterations to form caretakers flat. Approved 12th September 1974.

75/00308/A\_H - Extension to form pool hall, ancillary rooms and gallery link to main house (reserved matters). Approved 2nd May 1975.

76/00534/AH\_H - Proposed new car parking area, garage and cycle store. Refused 1st September 1976.

78/00023/AH\_H - Proposed new car parking area, erection of garage. Closure of access to Banbury Road. Refused 17th January 1978.

88/00858/NFH - Change of use from office to educational premises. Withdrawn 11th August 1988.

13/01071/FUL - Installation of a single external air conditioning condenser on the north elevation at lower ground floor level. Refused 21st June 2013.

## 8. RELEVANT PLANNING POLICY

8.1. The following policies are relevant to the application:

Topic	National Planning Policy	Local Plan	Neighbourhood Plans: Summertown and St Margaret's
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	Framework		
<b>Design</b>	117-123, 124-132	DH1 - High quality design and place making DH7 - External servicing features and stores	HOS3 - Density, Building-design Standards, and Energy Efficiency
<b>Conservation/ Heritage</b>	184-202	DH3 - Designated heritage assets DH4 - Archaeological remains	HOS2 - Local Character and Distinctiveness,
<b>Housing</b>	59-76	H1 - Scale of new housing provision H5 - Development involving loss of dwellings H14 - Privacy, daylight and sunlight H15 - Internal space standards H16 - Outdoor amenity space standards	
<b>Commercial</b>	170-183		
<b>Natural environment</b>	91-101	G2 - Protection of biodiversity geo-diversity G7 - Protection of existing Green Infrastructure G8 - New and enhanced Green and Blue Infrastructure	ENC3 Protecting Tree Cover,
<b>Social and community</b>	102-111		
<b>Transport</b>	117-123	M1 - Prioritising walking, cycling and public transport M2 - Assessing and managing development M3 - Motor vehicle parking M4 - Provision of electric charging points M5 - Bicycle Parking	TRS1 Sustainable Transport Design TRS2 Sustainable Transport TRC3 – Sustainable Active Transport TRC6 - Parking throughout the Neighbourhood Area
<b>Environmental</b>	117-121, 148-165, 170-183	RE1 - Sustainable design and construction RE3 - Flood risk management RE4 - Sustainable and foul drainage, surface RE6 - Air Quality RE7 - Managing the impact of development	ENS2 -Renewable Energy, ENS3 -Rain-Water Infiltration, ENS4 - Air Pollution

<b>Miscellaneous</b>	7-12	SR1 - Sustainable development SR2 - Developer Contributions	
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## 9. CONSULTATION RESPONSES

9.1. Site notices were displayed around the application site on 18th November 2020 and an advertisement was published in The Oxford Times newspaper on 12th November 2020. A second round of public consultation was undertaken and site notices were displayed around the application site on 12<sup>th</sup> February 2021 and an advertisement was published in The Oxford Times newspaper.

### **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 – The proposed 3 x 8 covered and secure bike shelters to the rear of the property is considered an acceptable provision for the development. The individual 4 bed dwelling must also be provided with 3+ covered and secure cycle parking spaces, separate from the rest of the development.

9.4. Car Parking – The proposals will continue to offer 16 car parking spaces, unchanged from the existing arrangement. [Note: comments in relation to parking spaces do not include the informal parking spaces available on site for an additional 8 cars. 24 spaces currently on site in total]. The proposed layout is considered acceptable. The individual dwelling must be car free as it is within 800m of a shop, 400m of a bus stop and is in a CPZ. The proposals must also be excluded from obtaining residents parking permits. This will enforce the low car nature of the development and protect existing on-street parking.

9.5. Access – The proposed access is to be one way only, entry from Banbury Road and exit via Bardwell Road. Both access points are existing and the number of vehicles on site is set to remain the same. Bardwell Road, despite being opposite a school is unlikely to be severely disrupted by the vehicle movements that would take place at this access point. There is also an added benefit of less vehicle movements directly across the cycle lane on Banbury Road. The one way access system is considered acceptable.

9.6. The proposals are unlikely to have a detrimental impact on the local highway network in traffic and safety terms. Oxfordshire County Council do not object to the granting of planning permission, subject to following conditions securing cycle parking, restricting parking permits.

### **Public representations**

9.7. Local people commented on this application from 2 Garford Road, 18 and 19 Linton Rd, 3 Rawlinson Road, 7 and 9 Ockham Court Bardwell Road, 21 and 33 Northmoor Rd, 82, 110 and 112 Banbury Road, 7 and 10 Belbroughton Road, 21

and 61 Charlbury Road, 7 and 8 Northmoor Road, 28 Staverton Road, 13 Fyfield Road, 1 Park Town, 24 North End Road Quainton, 10 Bressenden Place London on behalf of The Girls Day School Trust. The following amenity groups also commented: Oxford Civic Society, The Victorian Group of the Oxfordshire Architectural and Historical Society, Summertown St Margaret's Neighbourhood Forum, Cunliffe Close Householders and Residents Association, Norham Manor Residents Association Committee, The St Margaret's Area Society, Linton Road Neighbourhood Association, Oxford Preservation Trust.

9.8. In summary, the main points of comment from the first round of consultation were:

- Change and erosion of character of the Conservation Area from residential to education institutional;
- Result in a loss of neighbourhood amenity and no benefits to residents from development;
- Increase in traffic movements, adverse impact on congested road, particularly at peak hours, and on Banbury Road cycle route;
- Increase in parking in the area, no increase in parking for the proposed use;
- Increase in pollution;
- Creation of conference centre/auditorium is overdevelopment and not needed;
- Impact of vehicular access exit on to Bardwell road; close to schools; dangerous for school children;
- Noise adversely impacting on residential properties; out of office hours should be restricted to protect residential amenity;
- Loss of residential use;
- New dwelling should be linked to proposed use not sold on open market;
- Conflicts with Neighbourhood Plan;
- Increase in light pollution as a result of institutionalisation;
- The small scale outbuildings containing swimming pool based around the old coach house and stable would be replaced by larger structures;
- The coach house should be preserved and restored;
- New building is large, ugly, incongruous, out of keeping and highly visible;
- Assertion that the use of the new building for public hire does not carry any weight;
- Harm caused to the conservation area is not outweighed by the public benefits asserted by the Applicant;
- Gothic arches not gothic and none found on other buildings in the vicinity (Jacobean style); more akin to upturned boats;
- Structures that joining the two houses are less intrusive than proposed as

is garage to No.78;

- Loss of tree regrettable including Lawson Cypress on Bardwell Road;
- The loss of glimpsed views to the greenery beyond the building line;
- Reduce sense of separation between Nos. 76 and 78 and surrounding buildings;
- Bagged lime joints on the red brick is inappropriate for the conservation area and does not reflect historical treatment;
- New house is out of character with large houses in spacious plots;
- Overlooking from the new offices into the new private garden space of the proposed three-bedroom house;
- May benefit from reduced general rates;
- Loss of swimming pool contrary to policy;
- No transport statement that sets out risk to pedestrians and how it would be managed;
- The almost fully-glazed main entrance hall will catch the sun for most of the day, year round, and will over-heat;
- It is a major development not minor development;
- The location map is out of date;
- The address on the Flood Risk Assessment is not the same as the site;
- Some seats in the auditorium would not see the stage, the catering space is small kitchen, the boiler miniscule for its purpose, lack of architectural detailing in the drawings, no vents / flues shown for the plant room serving auditorium;
- Interesting development of a corner site, new buildings are innovative;
- Positive features of proposal include removal of garage and fibre glass porch to No.78, swimming pool and restoration of the bay to No.76;
- 78 Banbury Road is of particular interest with its connections to two significant Oxford scholars, James Murray and Desmond Morris;

9.9. Two further letters of comment from Salisbury Crescent and Linton Road Neighbourhood Association were received following the second round of consultation. New comments raised (in addition to those already made above, were:

- The need for the conference hall or additional office space has not been demonstrated;
- County's conclusion that the development would be unlikely to have a detrimental impact is based on mis-reading the application;
- The County assumes the use of the existing access on Bardwell Rd will not change. The creation of the conference facilities will generate more use or coaches and other transport; more traffic generation;

- The benefits of the single entry access point off Banbury Road may not in fact benefit the cycle lane due to increased use of coaches or other transport generated.

### **Officer response**

9.10. Officers would make the following comments in response to public comments made:

- Comments relating to rates is not a material planning consideration.
- Whether a proposed development is a major and minor development in planning terms is assessed on additional floor space only and therefore the proposal is a minor development.
- The location map being out of date is not material to the consideration of the planning application. The site is able to be identified from the location plan with the key features (roads etc.) being correct.
- The Flood Risk Assessment (FRA) shows the site located further north on the Banbury Road (approximately 135m) however this does not materially affect the application in this case as the application site is still well within Flood Zone 1 and the information provided within the FRA is applicable despite the error shown on the map drawing.
- Loss of swimming pools as defined by policy G5 (loss of indoor recreation facilities) of the Oxford Local Plan 2036 relates to public facilities not privately owned swimming pools and is therefore not relevant in this case.

## **10. PLANNING MATERIAL CONSIDERATIONS**

10.1. Officers consider the determining issues to be:

- Principle of development - Change of use and re-provision of a Dwelling
- Design and Heritage
- Neighbouring amenity
- Transport
- Landscape and Trees
- Sustainable Design and Construction
- Flood Risk and Drainage
- Archaeology
- Land Quality
- Biodiversity

### **a. Principle of development**

10.2. At the heart of the National Planning Policy Framework (NPPF) remains a presumption in favour of sustainable development, which should be approved

without delay unless material considerations dictate otherwise. Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions (para.117). Any proposal would be required to have regard to the contents of the NPPF along with the policies of the current up-to-date development plan, which include the newly adopted Oxford Local Plan 2036 (OLP) and the Summertown and St Margaret's Neighbourhood Plan (SSMNP).

- 10.3. Policy S1 of the OLP reflects the NPPF and a positive approach that reflects the presumption in favour of sustainable development will be taken, working with applicants so that sustainable development can be approved that secures economic, social and environmental improvements. Planning applications that accord with OLP and SSMNP will be approved without delay, unless material considerations indicate otherwise.
- 10.4. Ravi Zacharias International Ministries Trust (RZIM) is not a traditional business or educational establishment per se. Their work is largely providing speakers to organisations and businesses throughout the world (mainly with Europe, the Middle East and Africa) primarily communicating about the Christian faith and world view. They are not a college, but they do provide training for members of the wider organisation to enable them to become speakers in the future. It has fifty-five staff members.
- 10.5. No.76 was converted to office use in the 1970s and is used currently by RZIM as their office headquarters (including media team, event organisers and support staff) where meetings are held, courses provided, speaker events are held. It is also the home of the OCCA (the Oxford Centre for Christian Apologetics). No.76 is used for training summer schools (no residential on site), day conferences and talks. The current use is therefore a mix of Class E and F.1 uses and as such is considered to be sui generis use.
- 10.6. The proposed expansion into No.78 and provision of a new annex building that includes a multi-functional hall would create an extension of the existing uses within No.76. The development would not therefore introduce completely new uses into this part of NOVSCA. The 130-seat hall has been designed to be a flexible space (with moveable seating) that could be used for a variety of purposes including performance, conference and music. The key purpose of this hall would be to house the whole RZIM team (and guests) for their daily meetings, which are currently held in the stair well of No.76. The building has been designed to enable the public to attend presentations and performances in the Hall and for independent hire for events, should that be required. It would be available to hire by the public on weekday evenings and weekends when not in use by the Trust.
- 10.7. Policy H5 states that planning permission will not be granted for any development that results in the net loss of one or more self-contained dwellings on a site, including family homes. The policy does not limit or specify size of family home lost or size of family home to be replaced with. In this case the development would not result in a loss of a family home because the

development includes the provision of a new 3 bed dwelling with its own garden and as such it complies with policy H5.

10.8. There are no policies that prevent, restrict or direct the location or provision of office use, auditoriums or this type of activity in Oxford. The development would enable RZIM to continue and expand their mission providing wider benefits as a result. The use of the hall and auditorium by members of the public would provide further social benefit and proposed new landscaping and tree planting would provide environmental benefits. Removal of unsympathetic architectural additions and restoration of the existing Villas would provide social and environmental benefit to the public realm. In accordance with the NPPF and Policy S1 unless material considerations indicate otherwise there is a presumption in favour of the development. It is therefore considered that the principle of the proposed development is acceptable in accordance with the NPPF and Policies S1 and H5 of the OLP36, subject to other material planning considerations set out below.

#### **b. Design and heritage**

10.9. In relation to design the NPPF emphasises that high quality buildings are fundamental to achieving sustainable development and good design creates better places in which to live and work and helps make development acceptable to communities (para 124). New development should function well, be visually attractive, sympathetic to local character and history, establish or maintain a strong sense of place, optimise the potential of the site and create places that are safe, inclusive and accessible and which promote health and well-being (para 127).

10.10. In 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 (para 193). Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification (para 194). Where development would lead to less-than-substantial harm to the significance of a designated heritage asset that harm should be weighed against any public benefits the proposed development may offer, including securing its optimum viable use (para 196).

10.11. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 require local planning authorities to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses and the character or appearance of any conservation area.

10.12. Policies DH1, DH3 and DH5 of the OLP are consistent with the NPPF because they include the balancing exercise identified in paragraphs 195-196 of the NPPF. DH1 requires new development to be of high quality that creates or enhances local distinctiveness and that meets the key design objectives and principles set out in Appendix 6.1 of the OLP for delivering high quality

development in a logical way that follows morphological layers and is inspired and informed by the unique opportunities and constraints of the site and its setting. DH3 states that planning permission or listed building consent will be granted for development that respects and draws inspiration from Oxford's unique historic environment, responding positively to the significance character and distinctiveness of the heritage asset and locality. Of relevance to this application where development proposal would result in less than substantial harm to a designated heritage asset, this harm must be weighed against the public benefits of the proposal. DH5 relates to local heritage assets and their setting. Application should demonstrate due regard to the assets significance and conservation and consideration of the impact, scale of any harm or loss will be balanced against any public benefits resulting from the development.

10.13. Policy RE2 seeks to ensure development proposals make efficient use of land making best use of site capacity, in a manner compatible with the site itself, the surrounding area and broader considerations of the needs of Oxford. Development should be of an appropriate density for the use, scale (including heights and massing), built form and layout, and should explore opportunities for maximising density.

10.14. Standards of amenity (the attractiveness of a place) are major factors in the health and quality of life of all those who live, work and visit Oxford. Policy RE7 is an all-encompassing policy covering different aspects to ensure a standard of amenity. Development should protect amenity, not result in unacceptable transport impacts affecting communities, occupiers and neighbours, and provide mitigation measures where necessary.

10.15. Policy HOS2 of the Summertown and St Margaret's Neighbourhood Plan (SSMNP) states that development will be supported where it responds positively to local character and distinctiveness. Proposals should demonstrate that the design and use of development will protect those features identified as making a positive contribution to the character of the area concerned and clearly show how the design guidance has been considered. Those developments that do not do this will not be supported.

10.16. Policy HOS3 of the SSMNP supports development proposals of both traditional and innovative designs where they respect the local heritage and character of the neighbourhood. Contemporary and innovative designed development will be supported where the scale, layout, density, orientation, and massing responds to and protects the valued features of local character. Traditional design proposals should complement the local character in material and design. Development that results in the loss of green space or the loss of trees would not be supported in accordance with Policy ENS1 and Policy ENC3 respectively [of the OLP]. Proposals to reinstate front gardens and garden walls will be supported. Proposals that incorporate sustainable construction methods and use of resources, reduce carbon emissions, future-proof against the impacts of climate change and that provide adequate storage for recycling waste will be supported.

*Significance of the heritage asset*

- 10.17. The North Oxford Victorian Suburb Conservation Area (NOVSCA) was designated on 6<sup>th</sup> May 1968. The primary significance of this conservation area derives from its character as a distinct area, imposed in part by topography as well as by land ownership from the 16<sup>th</sup> century into the 21<sup>st</sup> century. At a time when Oxford needed to expand out of its historic core centred on the castle, the medieval streets and the major colleges, these factors enabled the area to be laid out as a planned suburb as lands associated with medieval manors were made available. This gives the area homogeneity as a residential suburb. In the eastern and central parts of the area as a whole, this is reinforced by the broad streets and the feeling of spaciousness created by the generously proportioned and well-planted gardens. The NOVSCA is divided up into various character areas and this application would fall within the Banbury Road and adjacent to the Bardwell Road Estate character areas.
- 10.18. Banbury Road character area: High quality buildings are to be found in the character area, with large houses in spacious plots. This quality is distinguished by 25 designated buildings on the National Heritage List, the highest concentration in the NOVSCA as a whole. Progressing north towards Summertown, the buildings take on Arts and Crafts features and the variety of the materials used varies; there are still a few significant buildings in the Gothic idiom interspersed. Views are confined to up and down the street, with few buildings taking advantage of corner sites. Views between buildings enable glimpses to the green backdrop behind. There are occasional views into the side streets, and therefore into the character areas to east and west of the arterial route. An abundance of mature trees, mostly in the private domain, softens the flat landscape.
- 10.19. Bardwell Road Estate: This estate and character area abuts the east (rear) boundary of the site. This character area forms and informs its setting in views along Bardwell Road. It was the last part of the St John's College estate to be developed, for the most part in the 20<sup>th</sup> century. It is characterised by broad streets and houses set well back from the road that reflect received ideas of the suburban style. Views out of the area to the Banbury Road do occasionally frame a large house there.
- 10.20. Other heritage assets - No.78 Banbury Road: This property is identified in the NOVSCA as a positive building in the conservation area principally due to its architectural significance. It may therefore be considered to be an undesignated heritage asset, as defined in the NPPF and policy DH5 of the OLP applies. The Architects, Pike and Messenger, picked up on the North Oxford suburban architectural language of the late C19, and although it is not overly elaborate, it has elements of the later, arts and crafts architectural language including chequerboard brick and stone detail in gable facades and the use of decorative stone detailing around porches and doorways.

*Design:*

- 10.21. The architectural design of the development has an assertive architectural form and coherence that is applied across the site for all the new additions/extensions proposed. The Gothic barrel arch is a key feature both in brick detailing on the new residential dwelling and the gables and barrel vaulted

curved roofs of the ancillary building and walkways. The proposed materials of red brick, stone and tiles reflect the materials of the surrounding area and of the NOVSCA.

- 10.22. *Banbury Road Villas:* Nos.76 and 78 have had several extensions at ground floor that are unsympathetic in architectural form and which do not respond well to their host buildings including C20 flat roof extensions and porches, removal of the original bay windows and new entrances. The single storey extensions between both Villas result in them being joined at ground floor level. The removal of these unsympathetic elements would therefore be a positive improvement in terms of the contribution that the villas and their immediate surroundings make to the character and appearance of the conservation area and therefore there is no objection in principle to their removal.
- 10.23. As the villas are already joined at ground floor level and the 'gap' between buildings has already been lost, and for some time. The application seeks to remove these single storey elements and replace them with a two storey (plus basement) visually lightweight glass connecting structure that would provide a central accessible entrance point and movement (lift), circulation into the villas. It would measure approximately 7m high to the ridge of the glass. The architecture of the new link is intended to act as a foil or counterpoint to the sumptuous Victorian red brick with its decorative elements. Other options for the location of the entrance area were explored at pre-app stage and this location was the only suitable location that could provide a lift to upper floors, level access and accessibility through both villas for those with disabilities.
- 10.24. The intention is that the new glass link building envelope should not obstruct "the gap" but rather allow it to be seen from ground to sky through the glass. There would however be a degree of filling of the gap due to the central more solid, porch element and a degree of reflectivity of the glass itself (depending on reflectiveness of the glass and time of day). The overall height of the new, linking building would be higher than existing but still significantly lower than the adjacent villas and is set back from the front facades of those principal buildings. Together with the raked back façade, the perception of a 'gap', would still be evident to the observer on the street, much in the same way that it is presently perceived. It is therefore considered that the design of the link building would mitigate the impact that it would have on the important character and appearance that contribute to the significance of the conservation area and in particular the Banbury Road character area.
- 10.25. It is also considered that by virtue of the clearly smaller and architecturally distinct character and appearance of the new connecting structure, the Victorian villas would essentially preserve their architectural integrity and be able to be clearly seen as two, distinct and clearly Victorian villas as the architects originally intended and that makes an important contribution to the character and appearance of the Banbury Road character area in the NOVSCA. Materials including pointing and glass could be secured by condition.
- 10.26. *Replacement dwelling:* The new replacement residential dwelling for No.78, would sit on the footprint of the existing C20 garage at the northern side of No. 78. It has been designed as a subservient addition in both its size and

relationship. Architecturally it reflects more closely the host Victorian villa with a steep pitched roof and well-proportioned windows in red brick, tiles and stone windows, cills and lintels. Architectural brick detailing of the barrel vaulted arch reflects that of the new architectural family design, thus creating an element of consistency and a strong familiarity in all the new additions, and again enabling the viewer to discern old from new. It is considered that this would preserve the integrity of the existing host villa and contribute towards the character and appearance of the Banbury Road character area in the NOVSCA.

10.27. *Ancillary building to rear of No.76:* Within the centre of the existing building is a coach house and stables, which is likely contemporary with the principal villa. Whilst this building has some historic value in NOVSCA, the coach house and stables have been substantially altered through their adaptation to residential and ancillary residential uses, including extensive architecturally unsympathetic extensions in the 60's and 80's by the owner of No.76 to create an library, swimming pool and art studio. The original roof of the coach house/stable is still discernible within the varying parts of this building that can be seen over the high boundary wall fronting Bardwell Road. However the large roof mass of the western swimming pool addition dominates these views and distracts from the original distinctly subservient ancillary building character of the original buildings, which has essentially been lost to the character and appearance of the Bardwell character area of the NOVSCA.

10.28. The new replacement building has been kept within the existing building footprint and walkway structure with only an approximate 13sqm additional floor space to the southeast corner and 50sqm to the northwest corner added. The new building has been designed with a curved sloping roof and gables and has been kept at the same height as the existing building (6.5m high), with only the copper domed roof of the circular hall element reaching 1m higher at 7.5m high. For the most part the new building would not be visible in the street scene above the existing 2m brick boundary wall on Bardwell Street. Only the upper element and roofs and gables would be visible from the opposite side of the street, further tempered by proposed new tree planting.

10.29. It is considered that the new building would recreate and reinforce the existing ancillary, subservient buildings in a similar manner to that existing and would still be characteristic of buildings in the rear of plots throughout the conservation area. The architecture of the new building is intended to be similar to, but not a copy of, the principal villas being part of a distinctive new architectural "family" design and distinct from the Victorian architecture of the original buildings and surroundings. The broken roof form would have a similar scale and mass to that of the existing building. The circular hall element of the building sits well back in the garden plot and despite being two storey inside, would also read as a single storey element, in contrast to the height of the existing Villas. Its curved façade would in simple ashlar stone with repeated windows feature would create a diminishing perspective. The light colour would provide a soft visual edge in contrast to the red brick of the existing Villas removing any sense of competition and therefore distraction from the Villas that generate the important and valued character and appearance of the conservation area.

10.30. It is considered that this new annex building would remain ancillary to the Villas and would make a more positive contribution to the immediate surroundings and context and be individually discernible. Its siting on the existing footprint, would still allow views through to the buildings and other trees within gardens behind and adjacent, and the largest mature trees would be retained within the existing gardens (supplemented by additional tree mitigation planting) when viewed from the far side of Bardwell Road. It is therefore considered that the visual amenity from the verdant backdrop and glimpsed views that characterise the conservation area would be retained. It would not have an adverse impact on the appearance of the street scene and would positively respond to local distinctiveness. It is therefore considered that the proposed development would respect the important characteristics of this site and ensure that it is able to continue to contribute to the character and appearance of its immediate surroundings in the NOVSCA. A condition requiring approval of materials could secure the quality and as such is considered acceptable in the conservation area.

10.31. *Other elements:* The proposed covered walkways (one which replaces the existing covered walkway) would also be hidden from public views behind the 2m high boundary walls of the site. The traditional architectural form and materials proposed again reflect the surrounding buildings whilst also harmonising with the new architectural style. It is considered that they would not harm the street scene or character and appearance of the host buildings or NOVSCA.

10.32. Concern has been raised about the institutionalisation of the conservation area through loss of residential use and subsequent loss of front gardens, boundary walls and internal lights on all the time. The new landscape design shows the retention of the existing front gardens to both villas, despite the proposed new main entrance connecting them; the existing sense of a dividing boundary retained even though an opening would be made through for vehicles to enable the one way system. The existing 'in and out' driveways to both Nos.78 and No.76 would be retained, however the new development would operate a one way system for vehicles 'in and out' from Banbury Road out onto Bardwell Road. The retention of the existing front boundary walls, gardens and driveways would preserve the existing residential character that is an important feature of the conservation area.

10.33. In respect of lighting, new internal lighting in office spaces, toilets, circulation spaces would be on PIR detector switches which not only cuts down on energy consumption but turn off when not in use. This would mean that rooms would only be lit when in use. It is considered that this would help to retain the residential character of the area. A condition requiring details of external lighting would ensure this would be suitable for the residential area.

10.34. Harm

10.35. The loss of the surviving coach house and stables within the larger ancillary building would result in a very low level of less-than-substantial harm to the character and appearance of the NOVSCA, and specifically to the Banbury road and Bardwell character areas. The level of harm is considered to be very low because the contribution that the buildings presently make is low due to the

alterations and additions that have been made to them and around them in the latter part of the C20.

10.36. Maintaining the already closed gap between Nos.76 and No.78 Banbury Road would maintain the existing harm and would therefore not enhance or make a positive contribution to this important feature which contributes to the significance of the conservation area. The design of the new glass link structure has been carefully considered in order to limit the harm by reducing the overall height to that necessary to accommodate the functions needed (circulation, accessibility and connection) and by designing a mainly visually permeable recessive façade form that would appear less solid than if it were to be constructed in traditional masonry. The level of harm that would result would be less-than-substantial harm and would be low level.

#### Justification

10.37. Despite great weight being given to the asset's conservation, the loss of the stables and coach house at the rear of No.76 Banbury Road has been clearly and convincingly justified, due to the very limited survival of original fabric and the significant alterations that have been made to those buildings. The condition of the existing buildings is poor and the fabric fails to meet any current building standards. Upgrading the existing fabric would result in further loss of and substantial alteration of the surviving elements of historic fabric with additional impact on the contribution that these buildings could continue to make to the special character and appearance of the conservation area and thus to the significance of the heritage asset.

10.38. The continued closure or filling of the gap between Nos. 76 and 78 Banbury Road has been justified in terms of the need to provide a physical connection between the two buildings and a combined circulation and entrance space that would accommodate the differences in levels between the two villas and to enable accessibility for all to all levels of the buildings via a lift. In increasing the accessibility the proposal seeks to ensure the continuing use and functionality of the spaces/rooms within the Victorian villas, thus ensuring their continuing value and appreciation by a wider audience.

#### Public Benefits

10.39. In accordance with para' 196 of the NPPF and Policies DH1, DH3 and DH5 of the OLP, as less-than-substantial harm has been identified it falls to consider any public benefits that may outweigh that harm in this case in accordance with the NPPF and DH3 of the OLP. In carrying out this balancing exercise, great weight should be given to the conservation of this designated heritage asset.

10.40. In accordance with Historic England's 'Good Practice Advice in Planning Note 2: Managing Significance in Decision-Taking in the Historic Environment', it is considered that the less-than-substantial harm would be adequately mitigated by the contextual design response, the tree and landscaping proposed, and as such is also a public benefit that is afforded a moderate level weight.

- 10.41. The development would protect and enhance features identified as making a positive contribution to the character of the conservation area such as retention of the existing front gardens and boundaries, removing poor quality architectural additions and providing additional new tree planting along Bardwell Road that would positively enhance the character of the area. This is afforded moderate weight.
- 10.42. The use of the multifunctional hall for private hire for conference, dance, theatre or media recording would offer public benefits to the wider community. The hall could be used weekends and week day evenings when not in use by the Trust and could be secured by condition in this case. This is afforded a moderate weight.
- 10.43. In assessing the impact of the development, officers have attached great weight and importance to the desirability of preserving or enhancing the character and appearance of the conservation area. It is considered that the low level of less than substantial harm that would be caused by the proposed development has been adequately mitigated by quality design and is justified by the public benefits that would result in accordance with paragraphs 194 and 196 of the NPPF and DH3 and DH5 of the OLP.

#### *Summary*

- 10.44. In summary therefore it is considered that the new development in siting, layout, height and massing would appropriately respond to the site, its context and the character and appearance of NOVSA. The architectural response is considered to be of good quality and distinctiveness that respect the local heritage and character of the area, compliments the local character in material and design, and would positively contribute to and preserve the NOVSCA and its immediate surroundings. It would protect and enhance the valued features identified as making a positive contribution to the character of the area through sensitive demolitions, additional tree planting and retention of front gardens.
- 10.45. In assessing the impact of the development, officers have attached great weight and importance to the desirability of preserving or enhancing the character and appearance of the conservation area. It is considered that the low level of less-than-substantial harm that would be caused by the proposed development has been adequately mitigated by quality design and is justified by the public benefits that would result. Subject to conditions, the proposal is considered to comply with section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, paragraphs 193, 194 and 196 of the NPPF, and policies DH1, DH3 and DH5 of the OLP and policies HOS2, HOS3, HOS4, ENS1 and ENC3 of the SSMNP.

#### **c. Amenity**

- 10.46. Policy H14 of the Oxford Local Plan 2036 requires new development to provide reasonable privacy, daylight and sunlight for occupants of existing homes. Consideration must be given to the degree of overlooking to and from neighbouring properties or gardens, the orientation of windows in both new and existing development in respect of access to daylight, sunlight and solar gain and

existing and proposed walls, hedges, trees and fences in respect of their impact on overshadowing both existing and new development. Planning permission will not be granted for any development that has an overbearing effect on existing homes. Policy RE7, as set out above, also seeks to ensure amenity for and from developments, other than residential is protected. Policy H15 requires new residential development to meet the National Space standards and Policy H16 requires provision of adequate outdoor amenity space equivalent in size to the ground floor area of the unit.

10.47. To the east of the site the adjoining school has a single storey building built along the eastern boundary. This building provides screening from the development. The proposed ancillary building would not alter or worsen the current relationship to the school's ancillary building or school itself. No windows would overlook the school. As such there would be no adverse impact as a result of loss of privacy, overbearing impact or loss of light in accordance with RE7.

10.48. The new dwelling adjoining No.78 is adjacent to Murray Court. The Design and Access Statement provides demonstrates that the new dwelling would not breach the 45/25 degree rule and complies with Policy H14. In terms of overbearing impact, the new dwelling would be set approximately 5m away from Murray Court and the existing 2.7m high brick wall would remain in between. The dwelling would be approximately 1.5m higher at eaves and ridge than existing. It is considered that due to the retention of the existing boundary wall and distance between the new dwelling and Murray Court, it would not appear significantly higher than the existing arrangement nor have an overbearing impact on Murray Court. In terms of overlooking to the rear, the new dwelling would have glimpsed views to the flats shared garden. It is considered that the windows would not introduce a significant increase in overlooking compared to that currently existing in this suburban setting. As such it is considered that the dwelling complies with H14 of the OLP and HOS4 of the SSMNP in this regard.

10.49. The new house would meet current national internal space standards in accordance with H15 of the OLP. Adequately outdoor amenity would be provided by the gated front garden, approximately 4.5m by 3m, and rear garden, approximately 7m by 7.5m. The 2m wide side passageway would provide adequate space for bike and bin storage. The rear garden spans the width of the house and provides an area that equates in size to the ground floor area of the house. The width of the rear garden has been adjusted so that it spans the whole house, thereby overcoming concerns of direct overlooking into the ground floor of the house by those in the main RZIM garden. The details of the boundary wall or fence could be secured by condition to ensure privacy. It is therefore considered that subject this condition, the development accords with Policy H14 of the OLP in this regard.

#### **d. Transport**

##### Transport sustainability

10.50. The site is located in a sustainable location on the main arterial route into and out of the City Centre with good public transport connection. Development that

minimises the need to travel and is laid out and designed in a way that prioritises access by walking, cycling and public transport in accordance with Policy M1 will be granted permission. Policy M2 seeks a Transport Assessment and Travel Plan for certain developments that meet a set threshold and which are likely to generate high levels of movement. This proposed development falls below the threshold and are therefore not required in this case. Policy TRS2 of the SSMNP states that development should encourage safe and sustainable modes of transport and where required develop a Travel Plan to encourage it, and an assessment linked to an Air quality assessment to ensure sustainable travel outcomes. The Highways Authority (HA) raised no objection to the proposal in terms of access, parking, traffic generation or highway safety.

#### Cycle parking

10.51. Policy M5 of the OLP requires 3 bedroom houses to provide at least 3 cycle parking spaces. In relation to the rest of the development is considered a sui genesis use and for such uses M5 states that the cycle parking should be treated on their individual merits, guided by the general principle of 1 space per 5 people. Policy TRC3 of the SSMNP encourages sustainable active transport. Policy TRS1 states that new development should be designed to ensure that priority is given to the needs of pedestrians, cyclists, children, residents, and that disabled people are put before those of the car and other vehicles. The development proposes a total of 24 cycle parking spaces within 3 shelters. The County commented on cycle parking based on office use and considered the 24 spaces acceptable in accordance with the policy requirement for that use.

10.52. The Planning Agent has confirmed that a 130 people would be the maximum number of people on site at any one time based on a maximum hall capacity of 130. On a daily basis 90 people would use the hall with 1 or 2 members of staff on reception. If the hall were used by the public it would only reach the 100 capacity, and no RZIM staff would be involved. Therefore on the basis of a maximum capacity of 130 persons a total of 27 spaces are required in accordance with Policy M5. The Agent on behalf of the Applicant has confirmed that the additional 3 spaces could be accommodated on site to meet Policy M5, which could be secured via condition. On this basis it is considered that the development would accord with Policy M5 of the OLP and TRC3 of the SSMNP.

#### Car parking

10.53. Policy M3 states that residential development that lies within a Controlled Parking Zone (CPZ) and is located within a 400m walk to frequent (15minute) public transport services and within 800m walk to a local supermarket or equivalent facilities, planning permission will only be granted for residential development that is car-free. Disabled car parking should be provided (number on a case by case basis). Policy M3 also states that where non-residential development on an existing site is proposed, such as this, there should be no net increase in parking on site and a reduction sought where there is good accessibility to a range of facilities. Policy M4 requires electric vehicle (EV) charging points for residential allocated spaces and 25% for non-residential development. Policies TRC6 and TRS2 of the SSMNP encourage improvements to existing parking to include EV points and to demonstrate sustainable travel.

Under Policy M3 the residential dwelling should be car free because it is within a CPZ and is less than 800m walking distance to a local supermarket shop, in this case Nine to Nine convenience store on North Parade.

10.54. Both Nos.76 and 78 have existing 'in and out' accesses from Banbury Road. On Bardwell Road there is an existing vehicular access to the existing annex outbuilding. The whole site (Nos.76 and 78) can currently accommodate a total of 24 car parking spaces: 5 informal spaces to the front/side of No. 78, 4 informal spaces to the front and 13 to the rear of No.76, and 2 in front of the annex building off Bardwell Road. It is proposed to reduce this number by 9 spaces to a total of 15 car parking spaces across the site including 2 disabled spaces. The amended site plan removed the one residential parking space following County comments. 25% of the total number of these spaces (4 no) would have EV charging facilities, details of which could be secured by condition. The County Council also advises that the residential dwelling should be excluded from obtaining residents parking permits, to enforce the low car nature of the development and protect existing on-street parking. This could be secured via condition.

10.55. It is considered that, the development would reduce the level of onsite parking provides sufficient disabled parking and EV charging points in relation to the main use and provide car-free residential dwelling and therefore, subject to the conditions, accords with M3 and M4 of the OLP, Policies TRS2 and TRC6 of the SSMNP.

#### Traffic and Access

10.56. Concern has been raised by members of the public to the use of the access on Bardwell Road, an increased traffic generation (including more coaches) and parking in the area, and adverse impact on highway safety. The Applicant advises that Wychwood School and Oxford Preparatory School coaches pickup between 15.00 - 1600 hrs and the majority of the sixteen RZIM cars would leave between 17.00hrs and 18.00hrs. The Highway Authority (HA) considers that the proposals are unlikely to have a detrimental impact on the local highway network in traffic and safety terms. The site is in a highly accessible location with good public transport connections into and out of the City, with bus stops nearby on Banbury Road. The proposed access is to be one way only, entry from Banbury Road and exit via Bardwell Road. Both access points are existing. The number of parked vehicles on site would be reduced by 9. The HA advises that the Bardwell Road access, despite being opposite a school is unlikely to be severely disrupted by the vehicle movements that would take place at this access point. They are not considered significant enough to be of concern. The HA also advises that there would be an added benefit of less vehicle movements directly across the cycle lane on Banbury Road.

10.57. The size of the development does not require a transport assessment or travel plan, as set out above, under policy M2 as the size of the development is not likely to generate significant numbers of movements. The HA does not object to the proposal on grounds of traffic generation, highway safety or use of the existing accesses. To ensure that the development minimises the need to travel and sustainable means of transport is used in connection with events, courses and conferences/ larger gatherings in the multi-functional hall, it is considered

reasonable that a condition requiring a Travel Plan for employees and visitors be imposed in this case. It is therefore considered that, subject to condition, the development would accord with M1 and M2 of the OLP and HOS4 and TRS2 of the SSMNP.

#### **e. Landscape and Trees**

10.58. OLP Policy G7 states that permission will not be granted for development that results in the loss of green infrastructure features such as hedgerows, trees or woodland 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. Policy G8 states that development proposals affecting existing Green Infrastructure features should demonstrate how these have been incorporated within the design of the new development where appropriate.

10.59. A landscape plan, tree survey information and arboricultural information including a Tree Canopy Cover assessment have been submitted.

10.60. The development would involve the removal of 9 low quality category C trees. Three trees would be removed from within the front of the site that sit along the boundary between Nos.76 and 78, one of which is likely to cause future issues for the building as it is too close. A Lawson cypress tree within the rear garden on No.78 would also be removed because it is leaning and unstable, together with three smaller trees. The new ancillary outbuilding has been designed to be sensitive to the root protection zone of the category B mature Birch tree adjacent to it within this garden, which is retained and visible from Bardwell Road.

10.61. A revised landscape plan shows the replacement planting of 9 new trees of various species. This includes four replacement trees to the front and side of No.78 and a further 4 trees along Bardwell Road. One new tree would be planted in the rear garden of No.76. It is considered that the loss of the 9 trees would not have a significant adverse effect on amenity in the area and the new tree planting proposed would adequately mitigate the loss.

10.62. The Tree Canopy assessment shows that the whilst removal of existing trees would result in an initial reduction in tree canopy cover within the site of 50sq.m (from 798 sq.m. to 748sq.m), this would be mitigated by new tree planting proposed as part of the development over time; there would be a net gain of 4sq.m after 10 years and 54sq.m after 20 years following development. It is therefore considered that the proposed planting satisfactorily mitigates tree canopy cover loss resulting from proposed removals.

10.63. In summary it is considered that the replacement trees would mitigate against tree removals proposed and maintain the verdant character of the area in accordance with HOS2 and ENC3 of the SSMNP and DH3, G7 and G8 of the OLP36. Conditions securing the proposed landscaping, including planting for the benefit of biodiversity, tree protection and Arboricultural method statement would ensure that Policy requirements would be met.

#### **f. Sustainable Design and Construction**

- 10.64. Policy RE1 states that planning permission will only be granted where it can be demonstrated that sustainable design and construction principles have been incorporated where relevant. In respect of carbon emissions the policy requires new residential dwellinghouses achieve at least a 40% reduction carbon emissions from a 2013 Building Regulations (or future equivalent legislation) compliant base case. This reduction could be secured through on-site renewable energy and other low carbon technologies and/ or energy efficiency measures. For non-residential development demonstration only developments over 1000sq.m of new build are required to demonstrate a 40% carbon reduction and therefore does not apply in this case. Policy V8 also requires developments to demonstrate that the applicant has explored existing capacity (and opportunities for extending it) with the other appropriate utilities providers (electricity gas digital communications providers).
- 10.65. Information was submitted within the Design and Access Statement and additional appendices. Officers are satisfied that the development can achieve a 42% carbon reduction over 2013 Building Regulations and that the development has maximised energy efficiency and sustainable construction as practically possible including PV panels hidden on the new outbuilding roof, air source heating and cooling, energy efficient lighting on detectors, mechanical ventilation and high efficiency heat recovery. As such it is considered that the development accords with the principles of sustainable design and construction in accordance with RE1 of the OLP and HOS3 of SSMNP.
- 10.66. Comments from Linton Road Residents Association regarding Policy V8 (utilities) are noted. Thames Water has confirmed sufficient capacity to accommodate the development. Further information was submitted that satisfactory demonstrates existing capacity (and opportunities for extending it) with the other appropriate utilities providers (electricity gas digital communications providers) in accordance with Policy V8 of the OLP.

#### **g. Flood Risk and Drainage**

- 10.67. The site lies within Flood Zone 1. Policy RE3 relates to flood risk management and directs new developments to flood Zone 1. Policy RE4 requires developments 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. Development should not have an adverse impact on groundwater flow.
- 10.68. A Drainage Strategy, including suitable drainage, and a SuDs Management and Maintenance Plan have been submitted.
- 10.69. Officers are satisfied that runoff from site has been reduced as much as feasible and the best discharge rate achieved. There would be no harm to ground water flow. The drainage strategy proposes grasscrete which should be avoided because it can become clogged/compressed which limits function, Instead other permeable surfaces (block paving, rain gardens etc.) should be used which could be secured by condition. Subject to conditions securing implementation in accordance with an amended Strategy, SuDS design, and

associated Management and Maintenance plan, the development accords with Policy RE3 of the OLP and Policy HOS3 of the SSMNP.

#### **h. Archaeology**

10.70. Policy DH4 states that within the City Centre Archaeological Area, on allocated sites where identified, or elsewhere where archaeological deposits and features are suspected to be present (including upstanding remains), applications should include sufficient information to define the character, significance and extent of such deposits so far as reasonably practical within a Heritage Assessment and, if applicable, a full archaeological desk-based assessment and the results of evaluation by fieldwork.

10.71. Development proposals that affect archaeological features and deposits will be supported where they are designed to enhance or to better reveal the significance of the asset and will help secure a sustainable future for it. Proposals which would or may affect archaeological remains or features which are designated as heritage assets will be considered against the policy approach in policy DH3.

10.72. Archaeological remains or features which are equivalent in terms of their significance to a scheduled monument are given the same policy protection as designated heritage assets and considered against policy DH3. Proposals that will lead to harm to the significance of non-designed archaeological remains or features will be resisted unless a clear and convincing justification through public benefit can be demonstrated to outweigh that harm, having regard to the significance of the remains or feature and the extent of harm. Where harm to an archaeological asset has been convincingly justified and is unavoidable, mitigation should be agreed with Oxford City Council and should be proportionate to the significance of the asset and impact.

10.73. This site is of interest because it is located at the northern edge of an extensive zone of prehistoric, Roman and early Saxon activity on the Summertown Radley gravel terrace bounded by the river Cherwell and river Thames. An extensive Middle Neolithic-early Bronze Age ritual and funerary landscape extended across this area was succeeded by dispersed rural settlement with outlying fields, droveways and burial areas in the Iron Age, Roman and early Saxon period. The site is located 300m from the nearest recorded prehistoric activity at No 1 Park Town (Middle Iron Age metal working site) and is located close to the Banbury Road which is likely to be a routeway of at least Roman date.

10.74. In this instance access to the areas of proposed substantive new ground work are located underneath existing buildings and undergrowth. Therefore, given the site constraints, it is considered appropriate to secure sensitive demolition, post demolition trial trenching and further mitigation if required by condition. As such the development would accord with DH4 of the OLP.

#### **i. Land Quality**

10.75. Policy RE9 requires a land quality assessment report where proposals would be affected by contamination or where contamination may present a risk to the surrounding environment. The current land use is not considered to present a high risk of potential contamination. It is therefore considered that the risk of any significant contamination being present on the site is low. However the development involves the creation of sensitive end-uses (e.g. new residential dwelling) and it is the developer's responsibility to ensure that the site is suitable for the proposed use. Therefore an informative is considered appropriate in this case to advise should any unexpected contamination be encountered during development. As such the development accords with Policy RE9 of the OLP.

#### **j. Biodiversity**

10.76. OLP Policy G8 requires development with a Design and Access Statement, such as this, to demonstrate how new or improved green and blue infrastructure feature will be incorporated and contribute towards biodiversity and the character of the place.

10.77. The development would not affect a designated site or high-quality, ecologically important sites in this case. There are no known protected species on site. As set out above the tree removals proposed would be adequately mitigated by proposed tree planting, which would also maintain and enhance the leafy character of the area. Tree proposed include crab apples which have benefits for biodiversity (flowers and fruits). Notwithstanding the submitted revised landscape plan, a condition requiring details of the tree and other soft shrub planting for the benefit of biodiversity would ensure a contribution towards biodiversity and as such the development would comply with G8 of the OLP.

### **11. CONCLUSION**

11.1. Having regards to the matters discussed in the report, officers would make members aware that the starting point for the determination of this application is in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004 which makes clear that proposals should be assessed in accordance with the development plan unless material considerations indicate otherwise.

11.2. The NPPF recognises the need to take decisions in accordance with section 38(6) but also makes clear that it is a material consideration in the determination of any planning application. The main aim of the NPPF is to deliver sustainable development, with Paragraph 11 the key principle for achieving this aim. The NPPF also goes on to state that development plan policies should be given due weight depending on their consistency with the aims and objectives of the Framework. The relevant development plan policies are considered to be consistent with the NPPF.

11.3. In terms of any material considerations which may outweigh these development plan policies, the NPPF has a presumption in favour of sustainable development. NPPF paragraph 11 states that proposals that accord with the development plan should be approved without delay, or where the development plan is absent, silent, or relevant plans are out of date, granting permission unless any adverse impacts would significantly and demonstrably outweigh the benefits

when assessed against the policies in the Framework taken as a whole; or specific policies in the framework indicate development should be restricted. Policy SR1 of the OLP 2036 repeats this.

- 11.4. The proposed development would re-provide the existing residential unit and therefore there would be no loss of a residential dwelling in accordance with Policy H5 of the OLP36. The conversion of the existing dwelling to office/ educational/ training purposes accords with Policy S1 of the OLP. The new dwelling meets space requirements both internally and externally providing adequate amenity in accordance with Policies H15 and H16 of the OLP. There would be no adverse impact on neighbouring residential amenities in accordance with Policies H14 and RE7 of the OLP or HOS4 of the SSMNP. The development would be of good quality design and appearance that would preserve and enhance the NOVSCA in accordance with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 Policies DH1 of the OLP and HOS2, HOS3 and HOS4 of the SSMNP. It would result in a very low level of less than substantial harm to the significance of the NOVSCA but that harm would be outweighed in this case by the level of public benefits derived from the development, including removal of previous harmful additions, better revealing the architecture to the public realm, economic benefits derived through increased employment opportunities, and use of the premises by the public for theatre productions/ conventions/ meetings/ wedding and other functions, in accordance with DH3 and DH5 of the OLP, and the NPPF. There would be no adverse impact on-street parking in the area harm, traffic or highway safety in accordance with M2, Adequate cycle parking would be provided and a reduction in overall car parking within the site achieved, including car-free parking for the residential unit, and electric vehicle charging provided in accordance with Policies M3, M4 M5 and RE7 of the OLP and HOS4, TRC6 and TRS2 of the SSMNP. Whilst there would be some trees removed, one for reasons of safety, new tree planting would satisfactorily mitigate the loss of existing trees and there would be a net gain in tree canopy cover over time in accordance with Policies G7 of the OLP and HOS3 of the SSMNP. Tree and soft planting for biodiversity benefit could be secured by condition and would accord with Policy G8. Sufficient capacities and connection to existing utilities would be provided in accordance with Policy V8.
- 11.5. Subject to conditions, any below ground archaeology found secured and mitigated for in accordance with DH4 of the OLP; sustainable design and construction (including a 40% carbon reduction) would be achieved and secured in accordance with Policy RE1 of the OLP and Policy HOS3 of the SSMNP; and sustainable drainage and maintenance secured in accordance with Policy RE3 of the OLP and Policy HOS3 of the SSMNP.
- 11.6. Officers consider that the proposal would accord with the overall aims and objectives of the NPPF and policy SR1 for the reasons set out within the report. Therefore in such circumstances, planning permission should be approved without delay. This is a significant material consideration in favour of the proposal.
- 11.7. Officers would advise members that having considered the application carefully including all representations made with respect to the application, that the proposal is considered to be acceptable in terms of the aims and objectives of the

National Planning Policy Framework, and relevant policies of the Oxford Local Plan 2016-2036, when considered as a whole, and that there are no material considerations that would outweigh these policies.

- 11.8. It is recommended that the Committee resolve to grant planning permission for the development proposed subject to conditions the 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.

### *Plans*

2. Subject to other conditions requiring updated or revised documents submitted with the application, the development permitted shall be constructed in complete accordance with the specifications in the application and approved plans listed below, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To avoid doubt and to ensure an acceptable development as indicated on the submitted drawings in accordance with policy S1 of the Oxford Local Plan 2016-2036.

### *Materials*

3. Prior to the commencement of development a written schedule of materials together with samples of the exterior materials (to be viewed on site) 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.

Reason: To ensure high quality development and in the interests of the visual appearance of the North Oxford Victorian Suburb Conservation Area in which it stands in accordance with policies DH1 and DH3 of the Oxford Local Plan 2016-2036.

### *Transport & Parking*

4. Prior to commencement of the development details of the 27 cycle parking spaces shall be submitted to, and approved in writing by the Local Planning Authority. The development shall not be brought into use until the cycle parking areas and means of enclosure have been provided within the site in accordance with the approved details and thereafter the areas shall be retained solely for the purpose of the parking of cycles.

Reason: To encourage the use of sustainable modes of transport in line with M5 of the Oxford Local Plan 2016-2036 and TRC3 of the Summertown and St Margaret's Neighbourhood Plan.

5. The development shall not be brought into use until the car parking area has been be constructed and laid out in accordance with the revised site plan drawing no.6.3.0a showing car parking for the development. Thereafter the areas shall be retained solely for the purpose of the parking of vehicles in relation to the occupiers of Nos.76 and 78 Banbury Road only and there shall be no parking spaces for the residential dwelling.

Reason: To encourage the use of sustainable modes of transport and ensure car-free residential dwelling in line with Policy M3 of the Oxford Local Plan 2016-2036.

6. Prior to the commencement of development, details of the electric vehicle charging infrastructure shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the following provision:
  - o The amount of electric car charging points should cover at least 25% (4 spaces) of the amount of permitted parking of the development
  - o Appropriate cable provision to prepare for increased demand in future years.

The electric vehicle infrastructure shall be formed and laid out in accordance with these details before the development is first occupied and shall remain in place thereafter.

Reason: To contribute to improving local air quality and enable the provision of low emission vehicle infrastructure in accordance with Policies RE6, RE7 and M4 of the Oxford Local Plan 2036.

7. The development hereby permitted shall not be occupied until the Order governing parking at the application site has been varied by the Oxfordshire County Council as highway authority to exclude the site, subject to this permission, from eligibility for resident's parking permits and residents' visitors' parking permits unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development does not generate a level of vehicular parking which would be prejudicial to highway safety, or cause parking stress in the immediate locality, in accordance with policy M3 of the Oxford Local Plan..

8. A Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of works including demolition. This shall identify;
  - The routing of construction vehicles,
  - Access arrangements for construction vehicles,
  - Details of times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours (to minimise the impact on the surrounding highway network).

All demolition and construction works shall be undertaken in strict accordance with the approved CTMP unless otherwise first agreed in writing.

Reason: In the interests of highway safety and to mitigate the impact of construction vehicles on the surrounding network, road infrastructure and local residents, particularly at peak traffic times.

9. A Travel Plan for employees and visitors shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the development. The building shall be occupied and operated in complete accordance with the approved plan at all times thereafter.

To encourage the use of sustainable modes of transport in line with policies M1, M2 and M5 of the Oxford Local Plan 2016-2036 and HOS4 and TRS2 of the Summertown and St Margaret's Neighbourhood Plan.

#### *Archaeology*

10. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work comprising 1) trial trenching 2) further mitigation, in accordance with a written scheme of investigation which 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 prehistoric, Roman and early Saxon remains (Local Plan Policy DH4).

11. No demolition shall take place until the applicant, or their agents or successors in title, have submitted a method statement for the careful demolition of existing structures to facilitate archaeological trial trenching and this has been approved by the planning authority. All works shall be carried out and completed in accordance with the approved methodology, 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 prehistoric, Roman and early Saxon remains (Local Plan Policy DH4).

#### *Landscape & Trees*

12. Further to the approved Landscape Plan No.6.3.10B, a detailed planting plan of the proposed tree, shrub and hedge planting for the benefit of biodiversity for the site and corresponding planting schedule detailing plant numbers, sizes and nursery stock types; and details of any necessary tree pits and soil volumes shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation or first use of the development hereby

approved.

Reason: In the interests of visual amenity in accordance with policies G7, G8 and DH1 of the Oxford Local Plan 2016-2036.

13. The landscaping proposals as approved by the Local Planning Authority under condition 12 above shall be carried out no later than the first planting season after first use of the development hereby approved unless otherwise agreed in writing beforehand by the Local Planning Authority. Any planting that fails to be established or dies within the first 3 years shall be replaced with a like for like replacement or suitable alternative which shall first be agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity in accordance with policies G7, G8 and DH1 of the Oxford Local Plan 2016-2036.

14. The development shall be carried out in strict accordance with the approved tree protection measures contained within the Arboricultural Report by Nicholsons dated May 2021 unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect retained trees during construction. In accordance with policies CP1, CP11 and NE16 of the Adopted Local Plan 2001-2016.

15. The development shall be carried out in strict accordance with the approved methods of working and tree protection measures contained within the Arboricultural Report by Nicholsons dated May 2021 unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect retained trees during construction. In accordance with policies CP1, CP11 and NE16 of the Adopted Local Plan 2001-2016.

#### *Drainage*

16. Notwithstanding the submitted Drainage Strategy, an updated strategy and Sustainable Drainage Design (SuDS) that proposes permeable surfacing material other than grasscrete shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development. The development shall be constructed in complete accordance with the approved Drainage strategy and SuDS design detailed which shall be completed prior to first occupation of the development unless otherwise first submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal in accordance with RE4 of the Oxford Local Plan 2016-2036.

17. The sustainable drainage scheme implemented in accordance with condition 16 above shall be managed and maintained thereafter in perpetuity in accordance with the agreed Drainage Management and Maintenance Plan.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and maintained thereafter in accordance with RE4 of the Oxford Local Plan 2016-2036.

#### *Sustainable Design and Construction*

18. The development shall be undertaken in accordance with the principles and details within the Energy Strategy within the Design and Access statement and appendices and supplementary information received on 14<sup>th</sup> May 2021 unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To ensure compliance with policy RE1 of the Oxford Local Plan 2016-2036.

#### *Architectural Details and heritage*

19. Prior to occupation of the development, details of architectural lighting and signage, including details of new lighting fixtures on the exterior of the building and within the garden spaces, luminance levels and colour temperatures, shall be submitted to, and approved in writing by, the Local Planning Authority before the relevant parts are installed and the works shall be carried out in accordance with the approved details only.

Reason: To ensure a sympathetic appearance for the new work and in the interest of the special character of the conservation area, and in the interest of protected species in accordance with policies DH3 and G2 of the Adopted Oxford Local Plan 2036.

20. The demolition of the annex outbuilding shall not take place until: the applicant has made a measured survey and taken a photographic record of the annex outbuilding (including coach house and stables) to the rear of No.76 Banbury Road; the photographs shall be in black and white, printed to archive standard, to a measurement of 254mm x 203mm (10 x8 inches); and two copies of each of the photographs and plans, marked and cross referenced to show the areas photographed and the direction from which the photographs were taken, shall be submitted to and approved in writing by the Local Planning Authority for the Council's archive and onward deposit to the Centre for Oxfordshire Studies, or its equivalent.

Reason: In order to preserve by record the outbuilding including stables that will be affected by the works hereby granted consent/permission in accordance with Policy DH3 of the Oxford Local Plan 2036.

21. Prior to the commencement of development, details for the protection of the original architectural building facades of Nos.76 and 78 Banbury Road and all original boundary walls (including between properties) during demolition and construction shall be submitted to and approved in writing by the Local Planning Authority. The protective measures shall be put in place prior to commencement of development and shall be retained at all times during construction and demolition unless otherwise already agreed as part of specific construction works to relevant parts of the building or walls or as may otherwise be agreed in writing by the Local Planning Authority.

Reason: To ensure the protection of valuable features of historic interest which might otherwise be lost during the proposed works in accordance with Policy DH3 of the Oxford Local Plan 2036.

22. Prior to commencement of development any works of repair and refurbishment including of exteriors (including windows and decorative elements) shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details.

Reason: To ensure a sympathetic appearance for the new work and in the interest of the special character of the conservation area, and in the interest of protected species in accordance with policies DH3 of the Adopted Oxford Local Plan 2036.

23. Prior to first use or occupation of the ancillary outbuilding, a scheme for use of the building by members of the public shall be submitted to and approved in writing by the Local Planning Authority (including months, days of the week, hours, and exclusions) and the building shall be made available to the public in accordance with the scheme at all times thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To secure the public benefits of the scheme in accordance with Policy DH3 of the Oxford Local Plan 2036 and the NPPF.

#### *Residential*

24. Notwithstanding the submitted plans, a further plan showing details of the proposed boundary treatment for the residential dwelling shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. Only the approved details shall be implemented prior to occupation of the dwelling and thereafter retained.

Reason: To give further consideration to these details and privacy for occupiers in accordance with Policies DH1, DH14 and RE7 of the Oxford Local Plan 2036.

25. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or enacting that Order), no additional windows shall be placed in the northern side elevation of the new dwelling hereby permitted without the prior written consent of the Local Planning Authority.

Reason: To safeguard the amenities of the adjoining occupiers in accordance with policy H14 of the Oxford Local Plan 2036.

26. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or enacting that Order) no structure including additions to the dwelling house as defined in Classes A, B, C, D, E of Schedule 2, Part 1 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 in accordance with policy DH1 of the Oxford Local Plan 2036.

27. Prior to commencement of development details of the bin store and cycle parking for the residential dwelling hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The dwelling shall not be occupied until the bin store and cycle parking have been provided within the site in accordance with the approved details and thereafter the areas shall be retained solely for the purpose of the cycle parking areas and bin storage.

Reason: To promote the use of cycles thereby reducing congestion on adjacent roads and to protect the amenity of adjacent dwellings in accordance with policies M3 and H14 of the Oxford Local Plan 2036.

#### INFORMATIVES:

- 1 The development hereby permitted is liable to pay the Community Infrastructure Levy. The Liability Notice issued by Oxford City Council will state the current chargeable amount. A revised Liability Notice will be issued if this amount changes. Anyone can formally assume liability to pay, but if no one does so then liability will rest with the landowner. There are certain legal requirements that must be complied with. For instance, whoever will pay the levy must submit an Assumption of Liability form and a Commencement Notice to Oxford City Council prior to commencement of development. For more information see: [www.oxford.gov.uk/CIL](http://www.oxford.gov.uk/CIL)
- 2 In accordance with guidance set out in the National Planning Policy Framework, the Council tries to work positively and proactively with applicants towards achieving sustainable development that accords with the Development Plan and national planning policy objectives. This includes the offer of pre-application advice and, where reasonable and appropriate, the opportunity to submit amended proposals as well as time for constructive discussions during the course of the determination of an application. However, development that is not sustainable and that fails to accord with the requirements of the Development Plan and/or relevant national policy guidance will normally be refused. The Council expects applicants and their agents to adopt a similarly proactive approach in pursuit of sustainable development.
- 3 The archaeological investigation should consist of archaeological trial trenching followed by further mitigation as required and should be undertaken by a professionally qualified archaeologist working to a brief issued by Oxford City Council.
- 4 If unexpected contamination is found to be present on the application site, an appropriate specialist company and Oxford City Council should be informed

and an investigation undertaken to determine the nature and extent of the contamination and any need for remediation. If topsoil material is imported to the site the developer should obtain certification from the topsoil provider to ensure that the material is appropriate for the proposed end use. Please note that the responsibility to properly address contaminated land issues, irrespective of any involvement by this Authority, lies with the owner/developer of the site.

- 5 All wild birds, their nests and young are protected during the nesting period under the Wildlife and Countryside Act 1981 (as amended). The following should be adhered to:-

Removal of any building or vegetation shall be undertaken outside of the bird nesting season (March to August inclusive). If this is not possible, then a suitability qualified ecologist shall check the areas concerned immediately prior to the commencement of clearance works to ensure no nesting or nest-building birds are present. If any nesting activity is confirmed, no clearance will be permitted within the area until the birds have fledged and the nest is considered inactive.

### **13. APPENDICES**

- **Appendix 1 – Site location plan**

### **14. HUMAN RIGHTS ACT 1998**

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

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

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

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