

Oxford City Planning Committee

24<sup>th</sup> May 2022

**Application number:** 21/02581/FUL

**Decision due by** 23rd November 2021

**Extension of time** 31<sup>st</sup> May 2022

**Proposal** Erection of a three storey building to create 6 x 2 bed flats (Use Class C3). Demolition of existing single storey extension to clubhouse. Erection of part single, part two storey rear extension to the existing clubhouse. Alterations to the fenestration throughout. Extension and alterations to the existing roof including the formation of 4no dormers, addition of external stair access and insertion of rooflights. Alterations to the extended clubhouse to create 2 x 2 bed flats and 1 x 1 bed flat (Use Class C3). Alterations to boundary treatments. Provision of private amenity space, car parking, bin and cycle stores.

**Site address** 1 North Street, Oxford, OX2 0AY, – see **Appendix 1** for site plan

**Ward** Osney And St. Thomas Ward

**Case officer** James Paterson

**Agent:** Adrian James      **Applicant:** Mr Phil Jones

**Reason at Committee** This application was called in by Councillors Pressel, Corais, Fry, Tidball, Turner, Munkonge following their concerns about the proposed development in relation to the external appearance of the site and alleged deficiencies in the proposed environmental measures of the proposed development.

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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

## **2. EXECUTIVE SUMMARY**

- 2.1. This report considers the extension of the existing West Oxford Democrat Clubhouse at 1 North Street in the north-east corner of Osney Island. The extensions would follow the demolition of the existing single storey rear addition to the clubhouse which extends south from the southern facade of the original building. The proposed extensions would include a part single, part two storey addition to the clubhouse to infill the existing courtyard between the club building and no.1 East Street in addition to occupying some of the land covered by existing extensions. These alterations and additions would create new bin and cycle storage and provide a new function space as well as creating a separate, external, enclosed staircase giving access to and egress from the upper floors of the building. Additional alterations are proposed to the clubhouse, primarily upgrading the existing building fabric with changes to the windows, the construction of four roof dormers and the insertion of rooflights. The extended clubhouse would retain the clubhouse use at the lower and upper ground floors while the first and second floors would be altered to form three new flats with access being obtained via the new external stairway.
- 2.2. Planning permission is also sought for the erection of a three storey building in the north-west corner of the site to provide six, two-bed flats. The building is proposed to be orientated to front North Street with the more articulated, rear facade of the building facing to the south. Each storey of the building is proposed to provide two flats with all flats having use of a shared rear garden sited between the rear of the new building and the site's western boundary with No. 2 North Street.
- 2.3. Other alterations to the site include new hard and soft landscaping, the provision of outdoor amenity space for the flats above the clubhouse and the provision of car parking and bin and cycle stores.

## **3. LEGAL AGREEMENT**

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

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

- 4.1. The proposal is liable for CIL, the amount liable would be £105,141.97.

## **5. SITE AND SURROUNDINGS**

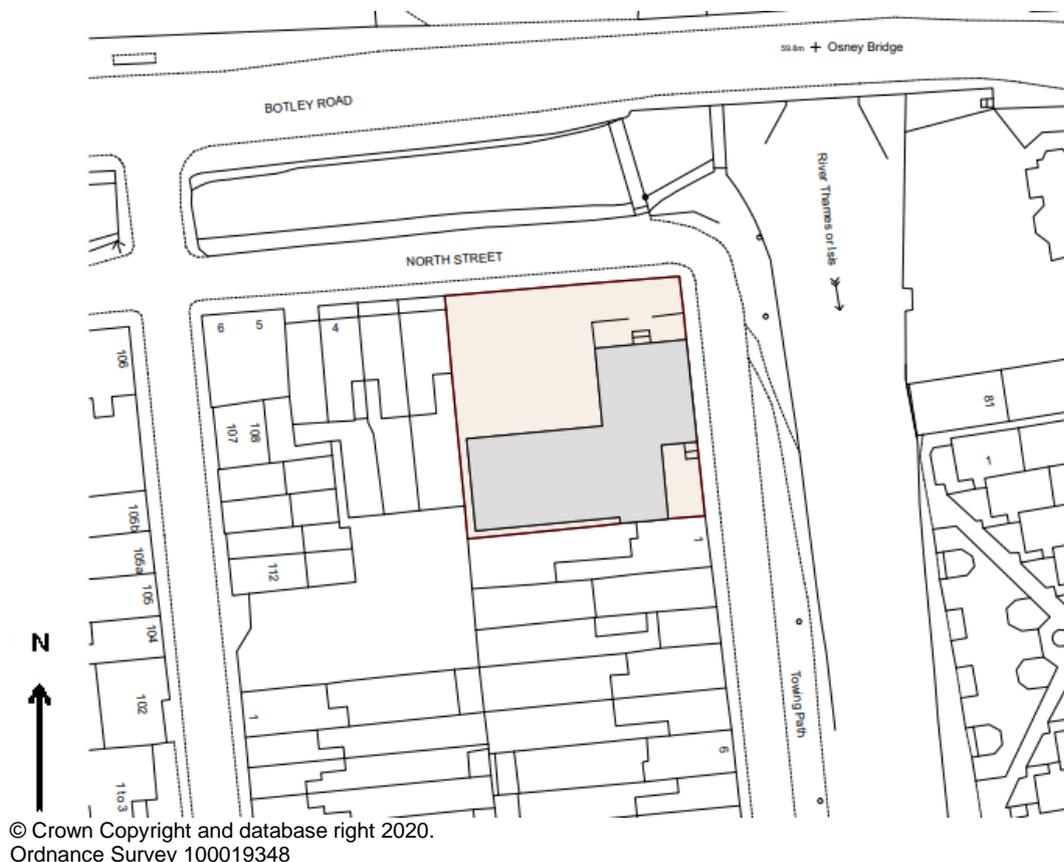
- 5.1. The site is located in a prominent position on the north-east corner of Osney Island and can be clearly seen in views of the island from across the river as well as from Botley Road and in particular from Osney Bridge. The site is currently occupied by a late 19<sup>th</sup> Century, large Victorian villa which sits prominently at the corner of Osney Island. The villa exhibits a strong Victorian gothic architecture which is particularly evident in the ornate detailing of the exterior building fabric including the stone details to the window surrounds and string courses
- 5.2. The site includes a relatively large area of open space, unusual in the context of the tight urban grain that typifies Osney Island. This sense of spaciousness

on the site reflects the historic use of the site as an orchard. Much of the site, not occupied by the original building is taken up by a somewhat dilapidated 20<sup>th</sup> Century building used as a Club function room which sits along the southern boundary of the site with the remainder of the site being used as a private car park. The function hall has deteriorated to the point that sections of the ceiling have collapsed and it is no longer structurally sound and it has consequently been vacant for some time. The external appearance of the site is reflected through the interior of the principal building which requires refurbishment throughout.

5.3. The site does not feature any planting or soft landscape/garden and is enclosed by an original tall red brick boundary wall which is only broken by a relatively recent opening onto North Street in which a functional gate sits incongruously. There is also a small yard to rear of site enclosed by the boundary wall in which a pedestrian gate allows access from East Street. This small open yard creates a visual gap in built form between the No.1 and the dwellinghouse at 1 East Street.

5.4. Immediately to the west of the site sits a short terrace of early 20<sup>th</sup> Century, two storey houses that sit back from the back-edge of the pavement and are served by modest garden areas set behind a short wall topped with railings on their front, street boundaries. This is not typical of the arrangement most commonly found throughout the conservation area where dwellings sit directly at the back-edge of the pavements.

5.5. See block plan below:



## 6. PROPOSAL

- 6.1. The application proposes the construction of a three storey building in the north-west corner of the site to provide six, two-bed flats, which would be used as dwellings occupied by a single household (Use Class C3). The proposed building would broadly align with the dwelling at 2 North Street in terms of its front building line and roof arrangement having a ridge height of 10.30m Above Ground Level (AGL) with a front eaves height of 6.5m AGL. The building would be set approximately 1.5m back from the front boundary of the plot, to allow the provision of a modest front garden in keeping with the terrace immediately to the west. Extending up to 18.8m in depth the new building would be 10.5m greater than the depth of 2 North Street, not including the outrigger of the latter building. The building would have an overall width of 14.4m, which would mean that it would be set approximately 4.5m from the western wall of the existing clubhouse. A modest, shared rear garden would be provided together with bin and bicycle stores.
- 6.2. The proposed building would be designed to allow the provision of flood voids at lower ground floor level, which would be defined by grilles set into the lower part of the building's facades. The upper ground, first and second floors would accommodate two, two-bedroom flats at each level with a broadly identical floor plan arrangement across each level having the kitchen/ living space to the front with bedrooms to the rear. Access would be from a shared, internal stair.
- 6.3. The overall architectural vernacular of the building is intended to be a contemporary interpretation of the traditional Victorian vernacular of No.1 North Street on the predominantly street facing facades with a more contemporary expression to the rear. This approach is particularly apparent in the design and arrangement of the second floor roof form, massing and profile and the design and arrangement of the windows.
- 6.4. Turning to the existing clubhouse, it is proposed to demolish the present function room, which is situated on the southern boundary of the site. The function room is in a poor state of repair to the extent that there is significant water ingress and the building is not structurally safe. It is proposed to also remove an existing, poor quality, single storey rear extension to the clubhouse which currently contains a lounge, bar, and utilities.
- 6.5. Planning permission is sought to construct a part single, part two storey new rear extension to No.1 North Street. The proposed extension would accommodate bicycle and bin storage at lower ground floor level while a new function room would be provided at upper ground floor level. The eastern wall of the proposed function room has been designed to have a curved façade, paying deference to the characteristic, back-edge of pavement alignment of its immediate neighbour, No 1 East Street as well as to the continuing terrace of buildings that run southward along East Street. In addition the design would eliminate any reduction in daylight to the side window of 1 East Street. Other minor internal changes are also proposed to the clubhouse facilities in the original (principal) building in order to facilitate the new, proposed internal layout and to bring the building up to a good state of repair.

- 6.6. A new external stairway is proposed to be added to the south side of No 1 in order to enable independent access to the first and second floors which are proposed to be altered to form three new flats. This alteration would be facilitated by the construction of four new roof dormers, providing additional space within the roof of the existing building as well as a number of alterations throughout the upper floors of the building. Outdoor amenity space would be provided through a small private garden in the remaining yard at the south-west corner of the site.
- 6.7. More generally, the car park would be significantly reduced in size to leave only four car parking spaces, one of which would be allocated for disabled users, while new hard and soft landscape is proposed across the site. The car parking that is proposed to be retained would be used by the Club rather than for dwellings.

## 7. RELEVANT PLANNING HISTORY

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

52/01657/A\_H - Clubhouse renewal. TEM 28th November 1952.

55/00503/P\_H - Hanging sign. REF 8th November 1955.

57/01657/A\_H - Renewal of temporary consent for nissen hut. TEM 26th December 1957.

61/11557/A\_H - Rebuilding recreation room (outline and application ). PER 12th December 1961.

62/12238/A\_H - Rebuilding of club room and lavatories. PER 26th June 1962.

63/01092/P\_H - Illuminated name hanging signs. PER 12th February 1963.

67/19293/A\_H - Extension to hall. PER 26th September 1967.

70/23576/A\_H - Extension to hall. PER 24th November 1970.

02/00742/FUL - Rebuilding of brick wall (1.6 metres high) to East Street (Retrospective).. PER 21st June 2002.

13/02512/FUL - Demolition of existing rear hall extension to main clubhouse. Erection of 1x2 bed and 2x3 bed new dwellings (Class C3). (Amended plans). WDN 20th November 2013.

13/02513/CAC - Demolition of existing rear hall extension to main clubhouse. (Amended plans). WDN 20th November 2013.

## 8. RELEVANT PLANNING POLICY

8.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework	Local Plan	Other planning documents
Design	130-136	DH1, RE2, DH7,	Waste Storage TAN
Conservation/Heritage	196-202	DH3, DH4, DH5	
Housing	59-76	H14, H15, H16	
Natural environment	174-188	G2, G7, G8	Biodiversity TAN
Social and community	93-97	V6	Car and Bicycle Parking TAN
Transport	104-113	M1, M2, M3, M4, M5	Parking Standards SPD
Environmental	153-169	RE1, RE3, RE4, RE7, RE9	Energy Statement TAN Sustainable Construction and Design TAN
Miscellaneous	7-12	S1, S2	

## 9. CONSULTATION RESPONSES

9.1. Site notices were displayed around the application site on 4<sup>th</sup> October 2021 and an advertisement was published in The Oxford Times newspaper on 7th October 2021. Following the receipt of revised plans, new pink site notices were displayed around the application site on 30th March 2022 and an advertisement was published in The Oxford Times newspaper on 24th March 2022.

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

#### Oxfordshire County Council (Highways)

9.2. The Oxfordshire County Council Highways Authority consider that the proposals are acceptable in terms of cycle and car parking and are also unlikely to have a detrimental impact on the local highway network in traffic and safety terms, subject to conditions being included.

#### Environment Agency (Thames Region)

9.3. The Environment Agency does not object on grounds of flood risk, subject to conditions being included.

### **Public representations**

9.4.1 amenity group and 8 local people commented on the revised application from addresses in North Street, South Street, East Street and West Street. However, 1 amenity group and 18 local people commented on the original application from addresses in North Street, South Street, East Street, Bridge Street and West Street. These comments have also been considered where they remain relevant to the revised proposal.

9.5. In summary, the main points of objection to the revised application (7 residents) and original application (15 residents) were:

- Access
- Amount of development on site
- Effect on adjoining properties
- Effect on character of area
- Effect on existing community facilities
- Effect on pollution
- Effect on privacy
- Effect on traffic
- Flooding risk
- General dislike for proposal
- Height of proposal
- Light - daylight/sunlight
- Local ecology, biodiversity
- Local plan policies
- Noise and disturbance
- On-street parking
- Open space provision
- Parking provision

### **Officer response**

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

## **10. PLANNING MATERIAL CONSIDERATIONS**

10.1. Officers consider the determining issues to be:

- i. Principle
- ii. Design and Heritage
- iii. Archaeology
- iv. Neighbouring Amenity
- v. Noise
- vi. Occupier Amenity
- vii. Ecology
- viii. Sustainability
- ix. Flooding and Drainage
- x. Land Quality
- xi. Protected Trees
- xii. Transport (general)
- xiii. Car Parking
- xiv. Cycle Parking

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

10.2. Where proposals are presented for housing development on unallocated brownfield sites, the City Council will take a positive approach, applying the presumption in favour of sustainable development as per Policy S1 of the Oxford Local Plan 2036.

10.3. Policy RE2 of the Oxford Local Plan 2036 states that planning permission will only be granted where development proposals make efficient use of land. Development proposals must make best use of site capacity, in a manner compatible with the site itself, the surrounding area and broader considerations of the needs of Oxford, as well as considering the criteria set out in the policy.

10.4. Policy V6 of the Oxford Local Plan 2036 states that planning permission will only be granted for the change of use of a public house where applications are accompanied by evidence to demonstrate that the continuation of the use of the premises as a public house is not viable. While the existing use of 1 North Street is not as a public house, it has many of the same characteristics and facilities so officers consider that that Policy V6 should be considered in this assessment. It must be demonstrated that all reasonable efforts have been made to market the premises for its existing use, all reasonable efforts have been made to support and improve the operation and management of the business and it is demonstrated that suitable alternative public houses exist to meet the needs of the local community. The policy also states that where a building is to be demolished or substantially re-developed; the impact on

character, design and heritage and to the wider streetscape must be demonstrated to be insignificant.

- 10.5. In principle, the proposal to demolish the existing 20<sup>th</sup> Century extensions to the clubhouse and erect new extensions and a new residential building on the site is acceptable since this would constitute a far more efficient use of land than the existing arrangement, as per the aims of Policy RE2, and would better optimise the use of the land for residential use. This is of particular note since the site is in a highly sustainable location, being within walking distance of Central Oxford as well as local and regional public transport. The existing arrangement of buildings and open space on the site also makes a very poor use of land since the extensions and ancillary buildings represent something of a low density sprawl across much of the site while the unoccupied portion of the site, which is substantial, is given over solely to the parking of vehicles, which is also a poor use of a sustainable site.
- 10.6. In order for the proposed development to fully accord with the requirements of Policies S1 and RE2, the proposals also need to represent development that makes use of the capacity of the site in a manner compatible with the capacity and context of the site, including according with local and national design policies. These issues are fully explored in subsequent sections of this report but, in summary, planning officers consider that the principle of the proposed development is acceptable and would make best use of the land in a manner that is compatible with the character of the area and would not harm the streetscene nor overdevelop the site.
- 10.7. In summary, planning officers consider that the overall principle of the proposal, namely a three storey residential building comprised of six dwellings, is acceptable in principle and satisfies Policies S1 and RE2.
- 10.8. Planning officers also note the objectives of Policy V6, which aims to keep community facilities and public houses in their intended use before allowing their loss to other uses. This is also supported by paragraph 84 of the NPPF which requires planning decisions to enable the retention of public houses and community facilities. With this in mind, planning officers acknowledge that the existing building is in a poor state of repair and the applicant lacks the financial means of bringing the existing clubhouse back into a state of repair that could provide services to visiting members of the public.
- 10.9. Officers have reviewed the submitted documentation, including the submitted statement of need, and accept that a significant residential development on the site in conjunction with significant alterations and refurbishments to the existing clubhouse would be needed in order to fund the survival of the West Oxford Democrats Club on this site, which is of significance to the local community. This consideration weighs in favour of the application and officers consider that the overall principle of the proposed development supports the objective of retaining a building and use of community significance.
- 10.10. The proposal therefore accords with the aims of preserving and enhancing community facilities and thereby Policy V6.

## ii. Design and Heritage

### *Planning Framework Context*

- 10.11. Paragraph 130 of the NPPF and Policy DH1 of the Oxford Local Plan 2036 states that planning permission will only be granted for development of high quality design that creates or enhances local distinctiveness. Proposals must be designed to meet the key design objectives and principles for delivering high quality development, set out in Appendix 6.1.
- 10.12. In relation to the historic environment, paragraph 194 of the NPPF requires proposals to be based upon an informed analysis of the significance of all affected heritage assets. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.
- 10.13. Paragraph 197 of the NPPF states that in determining applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation. The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality in addition to the desirability of new development making a positive contribution to local character and distinctiveness must also be considered.
- 10.14. In considering the impact of a proposed development on the significance of a designated heritage asset, paragraph 199 of the NPPF states that great weight should be given to the asset's conservation, and the more important the asset, the greater the weight should be. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 200 of the NPPF requires any harm to, or loss of, the significance of a designated heritage asset, from its alteration or destruction or from development within its setting, to be clearly and convincingly justified.
- 10.15. Where development would lead to less-than-substantial harm to the significance of a designated heritage asset, paragraph 202 of the NPPF requires that the identified harm should be weighed against any public benefits the proposed development may offer, including securing its optimum viable use.
- 10.16. Policy DH3 of the Oxford Local Plan 2036 states that planning permission will be granted for development that respects and draws inspiration from Oxford's unique historic environment (above and below ground), responding positively to the significance character and distinctiveness of the heritage asset and locality. For all planning decisions, great weight will be given to the conservation of that asset and to the setting of the asset, where it contributes to that significance or appreciation of that significance. Where a development proposal will lead to less-than-substantial harm to a designated heritage asset,

this harm must be weighed against the public benefits of the proposal, which should be identified by the applicant.

- 10.17. The statutory duty under section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 also requires local planning authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of any conservation area.

#### *Heritage Significance*

- 10.18. The application site falls within the Osney Town Conservation Area and the Osney Town Article 4 Direction Area while also containing one of the more historically significant and architecturally important buildings on the island. Therefore a careful and considered response is required to ensure that any development sits comfortably on the site and does not unacceptably harm the significance of the Conservation Area and the appearance of the streetscene.
- 10.19. The Conservation Area comprises a unique 19<sup>th</sup> Century development of tightly packed terraced housing that was built in response to the construction and the opening of the railway and canal and the industrial developments in north and east Oxford with a resultant influx of related workers to the area. The Conservation Area is also home to important buried archaeology, heritage assets relating to the former Augustinian Osney Abbey. The special character and appearance of the Conservation Area is also heavily influenced by the fact that it is an island formed by the tributaries of the River Thames with limited bridge access to the surrounding area. This arrangement gives a sense of separation and “other place” which contributes to the particular identity of the Conservation Area. Although the site also lies in close proximity to the busy arterial Botley Road, this is only really perceptible from parts of North Street.
- 10.20. Turning to the characteristics of the built form within the Conservation Area, the area surrounding the site comprises a distinctive townscape and landscape character due to its island location close to the historic city centre, accessed from a main arterial road into the city that has strong suburban qualities. The Conservation Area exhibits a high townscape quality resulting from the retained street and block pattern and the architectural integrity of housing on the Island with limited 20<sup>th</sup> Century interventions; those modern interventions that do exist such as those at 16 East Street and 4 North Street are considered to make positive contributions to the architectural significance of the Conservation Area. The particular domestic scale and architectural detailing of housing in the Conservation Area is also significant, most particularly the rhythm of fenestration, doorway details, roof forms and chimneys as well as a consistency of materials which all contribute to the integrity of the character and appearance of the place by establishing a regular rhythm and giving unity and continuity to the streets.
- 10.21. Officers consider that 1 North Street is an important building within the Conservation Area and plays an important part in articulating the significance of this heritage asset. The building is sited on a prominent corner site on the island, heralding the presence of the settlement in important views from Osney Bridge on Botley Road.

- 10.22. The building is a relatively large distinctive building designed in a Victorian Gothic architectural language with all the associated detailing of that vernacular. Although the building addresses principally North Street it also makes an important contribution to the architectural composition of East Street. The building has a significant aesthetic value resulting from its architecture, with some particular decorative elements including pierced stonework parapets to bays. The later, post-war 20<sup>th</sup> Century additions to the south and west of the original building are of no architectural or historical significance but are of a small social value indicating the expansion and increased importance of the building in its occupation as a social club. The size of the plot is generous and the importance of the enclosing, boundary wall which is contemporaneous with the principal building as well as the historical evidence that the area within the wall was a garden that was used for social and community events are both aspects that contribute to the overall significance of the building and its site. The relatively generous and particularly uncharacteristic of Osney Island size of the site also reflects its historic use as an orchard on monastic land, prior to the development of the Victorian suburb of Osney.
- 10.23. Officers consider that the building has a high level of architectural significance together with values that contribute to a relatively high level of historical significance. The significance of the building and its curtilage is as a non-designated or locally important heritage asset as well as the important contribution that it makes to the significance of the Conservation Area.

#### *Design Response*

- 10.24. The proposed alterations to the North Street façade of the principal building would be kept to a minimum, retaining the important architectural character and appearance of the building, and would largely amount to the introduction of two dormers within the slope of the roof and a new entrance door, reinstating the original door. These changes would not be visually harmful and it is considered that they could be accommodated comfortably on this principal facade. The proposed dormers would be of a modest scale with a sympathetic gabled design and the accommodation at this level would certainly appear as a 'room in the roof' rather than an additional storey to the building, which is appropriate. The proposed entrance door responds well to the characteristic design entrances across the island which is of solid, wooden entrance doors.
- 10.25. The proposed alterations to the east façade of the principal building would be more substantial in that the proposed extension would be clearly visible as would additional roof dormers and changes to the window arrangement on this façade. The proposed dormers at roof level, would appear also sit comfortably on the building and would not clutter the roof form nor give the appearance of an additional storey. The proposed changes to the fenestration of the existing building would be modest and the proposed new arrangement would include windows that are akin to the original and therefore reflect the original window hierarchy and proportions of this façade.
- 10.26. The design of the replacement extension that would front East Street is also considered to be appropriate to its context. The overall form, scale and

massing of the extension would ensure that it would read as a subservient extension to the original building and would not feel disproportionately large or detract visually from the main form of the host building. While this would be contemporary in nature, evident by the fenestration and associated fins and curving exterior wall, officers consider that it would adequately preserve the important character and appearance of the host building as well as the boundary wall that presently encloses the back yard in a manner characteristic of the period in which Osney Island was developed. Furthermore, the carefully considered detailing, such as the string course and banding would serve to integrate the extension into the existing East Street elevation of the building. The overall size, scale and massing of the proposed rear extension, together with the minimalist approach to openings would also preserve a degree of subservience to the principal building which offers a positive response to the context and in particular the architectural significance of the principal building and its relationship in particular to the terrace of buildings immediately to the south on East Street.

- 10.27. The external stairway would be largely imperceptible to views from the public realm, with the main views of it likely being accorded from private views to the west and south. The stairway has been minimised in scale and carefully designed so as to not appear visually intrusive, which is considered appropriate. Planning officers consider that the appearance of the proposed extension would not be harmful to the character and appearance of the Conservation Area or to the significance of the locally significant building in the more restricted views from the west.
- 10.28. While officers understand that individual dwellinghouses may be a more contextually appropriate addition in the north-west part of the site and might be considered to sit more comfortably alongside the surrounding development here, planning officers also acknowledge the need to maximise the number of dwellings on the site and to meet the aims of Policy RE2 which considers land use efficiency. Therefore officers, in balancing all of the relevant matters consider that a well-designed flatted development in this portion of the site would also be acceptable and the submission is consistent with that approach.
- 10.29. The overall alignment and siting of the proposed new building is considered appropriate in terms of its context. Of particular note the overall scale of the building and the scale of the elements that comprise the building's principal façade would mean the building would sit comfortably on the site and completing the streetscape between 1 and 2 North Street. This contextual response is particularly important since clear views of the northern and eastern façades of the new building including its immediate surroundings would be evident from the surrounding public realm both within and from outside the conservation area. The design of the principal façade draws on key elements of the 20<sup>th</sup> Century terrace at North Street, including the bay windows, broad roof slope and string courses which would allow the new building to be a comfortable addition to the street
- 10.30. The east facade of the building has been designed to specifically articulate traditional design elements, including referencing chimneys and mirroring the banding and windows of the front façade, importantly providing architectural

consistency and a high design quality appropriate to the building's context. The rear and western elevation have been designed to express a more contemporary architecture within the more traditional overall building form with use of more modern materials for elements that will allow the building an individual expression without challenging the traditional architecture that is so important to the character and appearance of the place or indeed that of the principal building at No. 1 North Street.

- 10.31. It is noted that the proposed design and siting of the new building would preserve the important gap between the principal building and the remainder of buildings on this part of North Street. This will enable the setting of the non-designated heritage asset and the contribution that this open space makes to the character and appearance of the conservation area to be in part preserved, mitigating the harm that will inevitably result from the closing of the gap and the loss of overall spaciousness through the preservation of glimpsed views between buildings to the spaces behind and beyond, including views of tree canopies.

#### *Harm*

- 10.32. The enclosure and loss of the back yard at the lower East Street level would have an impact on the historical, evidence of social value of the existing use while the loss of the a rear, ancillary outshut which is a typical plan form of 1840's buildings, would also result in some harm. The loss of this to the new extension would result in some harm to the character and appearance of the Conservation Area. However, planning officers do not consider that the proposed changes to the roof, fenestration and the addition of the stairway or extensions would give rise to harm since these elements have been sympathetically designed.
- 10.33. The proposed new building on the site would also result in a degree of harm by virtue of its filling in much of the important gap between 1 North Street and the dwellings that comprise the rest of the street. This erodes the final generous open space in this part of the conservation area, although granted it is a car park at present. While officers consider that the principal façade and eastern facade of the building would not result in harm due to their careful design, it is considered that the design of the rear of the building would result in a degree of harm to private views of the rear of the site.
- 10.34. Having considered the above, officers are of the view that the level of harm caused would be a low level of less-than-substantial harm.

#### *Justification*

- 10.35. As per paragraph 200 of the NPPF, any harm caused to designated heritage assets by a development proposal must be clearly and convincingly justified. The applicant has provided a breakdown of the financial requirements to bring the existing building into a state of repair where it could be used for its intended purpose. Furthermore, the applicant has also provided an interrogation into the feasibility of moving the club elsewhere but it was found that this would not be readily possible or desirable. The applicant has also set

out their intention to secure permission for the development subject of this application as a means to fund their survival on this site, where they have been located for a number of decades. Planning officers accept this justification as weighing in favour of the application, since this would constitute a public benefit since the use of the site is a communal use.

10.36. The applicant has also demonstrated that the harm that would be caused to the significance of heritage assets would be mitigated through careful and considered design of new elements and through the use of good landscape design to open spaces (condition details) while achieving the same benefit of raising funds to ensure the club's survival, in accordance with paragraph 26 of Historic England's Good Practice Advice Note 'Managing Significance in Decision-Taking in the Historic Environment'. This states that where development causes harm to a heritage asset, alternative means of delivering the development benefits that would result in less harm to the heritage asset and therefore a more sustainable development should be explored, before proceeding to weigh benefits against any harm.

10.37. The justification of better optimising the use of the land on the site, which is in a fundamentally sustainable location and is currently not well-used or well considered in terms of density of development, is also a clear and convincing justification which weighs in favour of the application. The addition of nine dwellings on the site also provides much needed housing within the city and this has been considered in the context of Oxford's acute housing shortage and scarcity of land.

#### *Planning Balance*

10.38. In reaching a view on the planning balance when considering this application, officers, in evaluating the proposal, have given great weight to conserving the designated heritage asset, in accordance with paragraph 199 of the NPPF, when carrying out the balancing exercise required paragraph 202 of the NPPF. While the overall amount of harm would be a low level of less-than-substantial harm, it is noted that clear public benefits must result from the proposed development to outweigh the identified harm. The benefits of bringing a locally important, historic building back into a good state of repair supporting a viable and important community and public use, the preservation of an important local community institute on the island and the improvement of the land use efficiency on the site including the provision of nine new dwellings would, in the view of officers, outweigh the level of harm that has been identified.

10.39. The proposal is therefore considered to be acceptable in terms of its design and impact on the conservation area and the non-designated heritage asset of 1 North Street itself and therefore accords with Policies DH1 and DH3. However, to ensure quality, conditions have been included relating to material samples and additional technical details, including landscape details; these are conditions 3-7.

10.40. Regard has been paid to Paragraph 197 of the NPPF in reaching a decision. When applying the test outlined in Paragraph 202, it is considered that the

proposal would cause less-than-substantial harm to the significance of the conservation area, which would be outweighed by public benefits. Therefore, the proposals would be acceptable in terms of their impact on the conservation area being a designated heritage asset.

10.41. Regard has been paid to Paragraph 203 of the NPPF in taking to account the effect the application may have on the significance of a non-designated heritage asset, namely no.1 North Street. Officers have taken a balanced judgement and consider that the proposal would not result in any harm to the significance of the heritage asset.

10.42. Special attention has been paid to the desirability of preserving or enhancing the character and appearance of the conservation area under the duty in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. It has been concluded that while some harm would be caused, this would be outweighed by the public benefits the development would bring.

### **iii. Archaeology**

10.43. Policy DH4 of the Oxford Local Plan 2036 states that where archaeological deposits that are potentially significant to the historic environment of Oxford are known or suspected to exist anywhere in Oxford, planning applications should include sufficient information to define the character, significance and extent of such deposits so far as reasonably practical. 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.

10.44. Having consulted the Historic Environment Record officers consider that, on present evidence, the proposed development would be unlikely to have significant archaeological implications.

10.45. The proposal is therefore acceptable in terms of archaeology and Policy DH4.

### **iv. Neighbouring Amenity**

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

10.47. Policy RE7 of the Oxford Local Plan 2036 states that planning permission will only be granted for development that ensures that standards of amenity are protected. This includes the amenity of communities, occupiers and neighbours is protected in addition to not having unacceptable unaddressed transport impacts and provides mitigation measures where necessary.

*Daylight*

10.48. The proposed development would accord with the 25/45 degree access to light test, outlined in Policy H14. Having regard to this, the orientation of the sun and the layout of the proposed development, planning officers consider that the proposal would not give rise to an unacceptable loss of direct daylight to neighbours. Specifically, planning officers consider that the proposed extensions to the existing building would lie adjacent to the dwelling at 1 East Street and would therefore not impinge on daylight to their windows. It is also noted that part of the proposed extension to the original building would be curved and would therefore not cause an unacceptable loss of daylight to the side window of this neighbour. In terms of 2 North Street, the issue is more nuanced in that, while the proposal accords with the 25/45 degree access to light test, officers also note that the loss of a degree of morning light to the rear rooms of this neighbour would result from the proposed development, specifically the rear elements of the proposed new block of flats. However, officers consider that this impingement would not be of a magnitude that would substantiate reasons for refusing this application since the habitable ground floor room contained within the outrigger of this neighbour is also served by unobstructed rear windows and the loss of light would likely be minor given that the windows in question are south facing and only some easterly light, not within the 25/45 degree arcs, would be interrupted by the development. The upstairs bedroom and downstairs kitchen windows of 2 North Street are close to the boundary with the application site. While it is noted that the proposed flats would extend 1.4m beyond these windows, before falling away from the boundary, it is considered that the fact that these windows are south facing and because the proposed development would accord with the 25/45 degree access to light test, officers consider that any loss of light would not be of a magnitude that would substantiate reasons for refusal

10.49. Therefore on balance, the proposal would not give rise to an unacceptable loss of direct daylight to neighbours.

10.50. Planning officers consider the proposal to be an improvement over the existing arrangement when considering the impact of overshadowing to the garden at 1 East Street. The existing function hall is proposed to be removed and no new structure set against this boundary.

10.51. The proposed new block of flats would not extend far beyond the existing outrigger at 1 North Street and where it would extend this far, the built form would be set away from the boundary. Therefore the proposed development would not unacceptably overshadow the garden of 1 North Street.

#### *Overbearing*

10.52. Due to the position of the building alongside that of 1 East Street, it is considered that the proposed development would not give rise to an unacceptable sense of enclosure to this neighbour nor a feeling of unacceptable overbearing. While the development would be perceptible to views from the solitary side window of this neighbour, it is considered that the outlook would not be significantly worse than at present.

10.53. The relationship with 2 North Street is again more complicated in that the block of flats would be set alongside this dwelling but would also extend rearwards parallel to this neighbour. However, the new building would extend alongside the mutual boundary 1.4m beyond the rear wall of 2 North Street, the following 2.5m depth of the building would be set 2.5m from the boundary; the following 2.5m of built form would be set an additional 2.5m from the boundary. While the built form in question would undoubtedly be of significant scale, essentially appearing to be three storeys in height, officers are also of the view that it would quickly appear to fall away from the shared boundary and would largely only cause a degree of overbearing to the area of garden next to the outrigger at 2 North Street and the side windows of the outrigger of this neighbour. While the main garden area to the rear of the outrigger of 2 North Street would be impacted as views to the north-east would have more built form in them and views of the canal and 1 North Street would be blocked, it is considered that this would not be unusual in terms of the tight knit grain on Osney Island. On balance, planning officers do not consider this overbearing to be of a degree that would prevent this neighbour from the quiet enjoyment of their property nor lead to an unacceptable sense of enclosure that would substantiate grounds for refusal.

#### *Privacy*

10.54. It is considered that the proposed alterations and extensions to the existing building on the site would not lead to an unacceptable loss of privacy to neighbours. The windows would direct views away from neighbours while the window to the proposed function room would also be fitted with privacy screens to prevent views southwards towards neighbours. While the proposed stairway would offer some glimpses of neighbouring properties as one uses it, these would be limited to glimpses of neighbours' gardens which is not an uncommon occurrence in the context of Osney. Furthermore, it is noted that it is not expected for people to be on the stairway for protracted periods of time.

10.55. The proposed new block of flats would be arranged so that the primary living space would be to the front of the units and would only have views northward, towards Botley Road, which is acceptable. The bedrooms would be located to the rear and would not include glazing that would allow significant views towards the immediate neighbour at 2 North Road since the windows, and built surrounds around the window are orientated in such a way so as to minimise the attainability of views directly down towards this neighbour. While long views would be possible of the garden land to the rear of the site, this is not unusual in Osney where the distinct block and grid layout of the suburb means that garden land is overlooked by the surrounding dwellings, especially by those with dormer windows or rooflights at second floor level. Therefore the proposed rear windows of the proposed new building would not lead to an unacceptable erosion of privacy to neighbours.

#### *Standards of Amenity*

10.56. While the proposal would lead to an intensification of the use of the site, which would entail increased activity, it is considered that it would not lead to a degree of activity that would be unprecedented or would be unreasonable.

## *Summary*

10.57. On balance, officers consider that the proposed development would not give rise to an unacceptable loss of amenity to neighbours and would accord with Policies H14 and RE7.

### **v. Noise**

10.58. Policy RE8 of the Oxford Local Plan 2036 states that planning permission will only be granted for development proposals which manage noise to safeguard or improve amenity, health, and quality of life. Planning permission will also not be granted for development that will generate unacceptable noise and vibration impacts. Planning permission will not be granted for development sensitive to noise in locations which experience high levels of noise, unless it can be demonstrated, through a noise assessment, that appropriate attenuation measures will be provided to ensure an acceptable level of amenity for end users and to prevent harm to the continued operation of existing uses.

10.59. Concerns regarding noise were raised during the public consultation. While officers have carefully considered these concerns, officers also note that the clubhouse could be brought into a good state of repair and used as a venue without planning permission. The site also contains a car park which could give rise to noise itself if this was more intensively used. The site is also in close proximity to the noisy Botley Road, albeit separated by the Osney Stream and North Street. Notwithstanding these issues, officers also note that the new function room would abut the dwelling at 1 East Street and therefore noise attenuation would need to be included. Officers therefore have required measures by condition to ensure that existing neighbours and future occupants on the site are protected by excessive external noise and that appropriate façade design is employed in this instance. In addition to this, the applicant needs to also ensure that future occupants are protected from internal noise transfer from individual units. To this effect, officers have required attenuation and insulation measures by Conditions 13 and 14.

10.60. Officers also note concerns raised as to the potential for the playing of music on the site and loud operations continuing into the night. Planning officers have therefore included Condition 15 pertaining to the hours of operation and requiring operations to cease at 11pm daily.

10.61. Subject to conditions, officers are content that the proposal would not give rise to unacceptable noise and would accord with Policy RE8.

### **vi. Occupier Amenity**

10.62. Policy H15 of the Oxford Local Plan 2036 states that planning permission will only be granted for new dwellings that provide good quality living accommodation for the intended use. All proposals for new build market and affordable homes (across all tenures) must comply with the MHCLG's Technical Housing Standards.

10.63. Policy H16 of the Oxford Local Plan 2036 states that planning permission will only be granted for dwellings that have direct and convenient access to an area of private open space. H16 sets out the expectations for the size and quality of outdoor space across various types of dwellings.

10.64. The proposed internal layouts meet the relevant space standards and would provide high quality amenity to future occupants. The shared garden for the proposed block of six flats is also considered appropriate and would be consistent with the amount of space one would reasonably expect for flatted dwellings. While the separated amenity space for the flats within 1 North Street is not ideal, officers are of the view that amenity space could not be contained on the building in the form of balconies and a roof garden without amenity and design issues rendering the development unacceptable. The proposed garden is of a good size in any case and officers accept that this solution is the most practical and consider this to be acceptable.

10.65. The proposal is acceptable in terms of occupier amenity and Policies H15 and H16.

#### **vii. Ecology**

10.66. Policy G2 of Oxford Local Plan 2036 states that important species and habitats will be expected to be protected from harm, unless the harm can be appropriately mitigated. It also outlines that, where there is opportunity, it will be expected to enhance Oxford's biodiversity. This includes taking opportunities to include features beneficial to biodiversity within new developments throughout Oxford.

10.67. Officers have reviewed the Preliminary Ecological Appraisal report produced by Windrush Ecology Ltd (September 2021) and are satisfied that the potential presence of protected species has been given due regard. However, to fully accord with Policy G2, details of ecological compensation measures and enhancements must be provided and implemented. This has been required by condition.

10.68. Officers note that the presence of swifts on the site was mentioned in the public consultation. Officers shall give this full consideration when discharging conditions relating to schemes of ecological enhancement.

10.69. Subject to Condition 12, the proposal is acceptable in terms of ecology and Policy G2.

#### **viii. Sustainability**

10.70. Policy RE1 of the Oxford Local Plan 2036 states that planning permission will only be granted where it can be demonstrated that sustainable design and construction principles, set out in RE1, have been incorporated. It is expected that 25% of energy will be on-site renewables; water consumption must also meet the requirements of Building Regulations Part G2. An Energy Statement will be submitted to demonstrate compliance with this policy for new-build residential developments (other than householder applications) and new-build

non-residential schemes over 1,000m<sup>2</sup>. On schemes of five more residential dwellings or 1000m<sup>2</sup>. The Energy Statement will include details as to how the policy will be complied with and monitored.

10.71. An energy statement and water usage calculations have been submitted which demonstrated compliance with the principles outlined in Policy RE1 in terms of carbon reduction, energy efficiency, renewable energy (with at least 25% being on-site renewables) and insulation. Officers have had regard to embedded carbon and note that only limited existing fabric would be removed; officers also note that parts of the building, notably the function room, are already falling apart in any case and would need to be rebuilt if they were to be retained in any case.

10.72. The proposal is therefore acceptable in terms of sustainability and accords with Policy RE1.

#### **ix. Flooding and Drainage**

10.73. Policy RE3 of the Oxford Local Plan 2036 states that planning permission will not be granted for development in Flood zone 3b except where it is for water-compatible uses or essential infrastructure; or where it is on previously developed land and it will represent an improvement for the existing situation in terms of flood risk. Minor householder extensions may be permitted in Flood Zone 3b, as they have a lower risk of increasing flooding. Proposals for this type of development will be assessed on a case by case basis, taking into account the effect on flood risk on and off site. Development will not be permitted that will lead to increased flood risk elsewhere, or where the occupants will not be safe from flooding.

10.74. Policy RE4 of the Oxford Local Plan 2036 states that all development proposals will be required to manage surface water through Sustainable Drainage Systems (SuDS) or techniques to limit run-off and reduce the existing rate of run-off on previously developed sites. Surface water runoff should be managed as close to its source as possible, in line with the drainage hierarchy outlined in the policy. Applicants must demonstrate that they have had regard to the SuDS Design and Evaluation Guide SPD/ TAN for minor development and Oxfordshire County Council guidance for major development.

10.75. The application site lies within Flood Zones 2 and 3. These are defined by the National Planning Policy Framework (NPPF) and associated Flood risk and coastal change Planning Policy Guidance (PPG) as having a medium and high probability of flooding. Officers have carefully considered the submitted Flood Risk Assessment and the advice given to the Council by the Environment Agency, who are statutory consultees on this matter and who did not object to this application subject to planning conditions being included with any permission. The proposed alterations and extensions to the existing building would lead to a mixed use where the sensitive uses would be set on the upper storeys and the finished flood levels of the proposed flats are set above the 1% annual exceedance probability (AEP) plus an appropriate allowance (26%) for climate change flood level. However, there are areas of the clubhouse that

are below the 1% AEP plus a 26% allowance for climate change flood level and so are at high risk of flooding during the lifetime of the development. These areas would be located both within the existing building to be retained and the proposed extension. Some of these areas appear to be ancillary to the new residential flats. However, the submitted Flood Risk Assessment commits to ensuring that these areas of the clubhouse will be made more flood resilient.

10.76. Flood proofing the new areas of the clubhouse (cycle racks, bin stores, store rooms and toilets) would likely not be especially onerous, especially compared to the existing facilities of the clubhouse, such as the lounge and bar. These new uses may also be considered less of a flood risk in comparison to the existing uses.

10.77. Having considered the above, there is therefore no objection to the extensions and alterations to the existing principal building on the site, subject to conditions ensuring resilience measures are implemented.

10.78. In considering the proposed new building, planning officers note that the building would be set atop flood voids which would allow the ingress and egress of flood water underneath the dwellings. This would ensure that the proposal does not give rise to an increase in flood risk on or off the site by protecting the residences from flooding and not displacing flood water with built form.

10.79. However, the issue of safe access and egress from the site in the event of a flood remains since future users of this site may need to evacuate using a route which is flooded. Officers consider that this level of risk in this instance is acceptable provided the measures included in the recommended conditions relating to flood warning and evacuation are included to give occupants adequate warning to reach dry land.

10.80. There are very limited proposals in terms of drainage and excess surface water is proposed to be drained into the sewer system and Thames. While a full package of SuDS would be desirable, officers are of the view that the undeveloped portion of land would not be sufficient in size to accommodate meaningful SuDs. Therefore the proposed arrangement is acceptable in this instance.

10.81. Subject to conditions, the proposal is acceptable in terms of flooding and drainage and thereby Policies RE3 and RE4.

#### **x. Land Quality**

10.82. Policy RE9 of the Oxford Local Plan 2036 states that planning applications where proposals would be affected by contamination or where contamination may present a risk to the surrounding environment, must be accompanied by a report which fulfils the relevant criteria set out in the policy. Where mitigation measures are needed, these will be required as a condition of any planning permission.

- 10.83. The site has had a previous commercial use and currently has buildings that are likely to contain ACM (asbestos containing materials). The development proposals include residential accommodation with garden areas which is considered to be a sensitive use and significant demolition works are proposed. It is therefore considered that contamination may exist on site that could present a potential risk to construction workers and future residential end-users.
- 10.84. It is the developer's responsibility to ensure that the site is suitable for the proposed use. This includes assessing whether or not any potentially significant contamination risks are present that could harm future occupiers and require remediation. Officers therefore recommend that planning conditions are placed on any planning permission to ensure that a contamination risk assessment is completed. Subject to these conditions, planning officers are satisfied that any land quality issues could be adequately managed.
- 10.85. Subject to conditions, the proposal is acceptable in terms of land quality and Policy RE9.

**xi. Protected Trees**

- 10.86. Policy G7 of the Oxford Local Plan 2036 states that planning permission will not be granted where development would result 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. Planning permission will not be granted for development resulting in the loss or deterioration of ancient woodland or ancient or veteran trees except in wholly exceptional circumstances.
- 10.87. There are no mature trees or significant vegetation on the site. However, there are trees in the rear gardens of neighbours that are protected by virtue of their being within a conservation area. However, it is considered that any development would take place well outside of their Root Protection Areas and therefore the development would not impact their longevity.
- 10.88. The proposal is therefore acceptable in terms of trees and Policy G7.

**xii. Transport (general)**

- 10.89. Policy M1 of the Oxford Local Plan 2036 states that planning permission will only be granted for 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.
- 10.90. Policy M2 of the Oxford Local Plan 2036 states that a Transport Assessment must be submitted for development that is likely to generate significant amounts of movement, in accordance with the requirements as defined in Appendix 7.1. In addition, development which meets the relevant criteria must include a travel plan. Where a Travel Plan is required under this policy and a

substantial amount of the movement is likely to be in the form of delivery, service and dispatch vehicles, a Delivery and Service Management Plan will be required.

- 10.91. Officers note that concerns have been raised as to the transport impacts of the proposed development as a result, in particular, of the proposed function room. Officers have had regard to the consideration of the County Council, since they are the statutory consultees for highways matters, as well as the existing arrangement on the site.
- 10.92. The application site is in a sustainable location with good local and regional public transport links; these are provided by a mixture of bus services, train services and park and ride services. There is also very little parking on the site and ample cycle parking, as well as strong local cycle infrastructure. Therefore, it is considered that the proposed use of the site in a clubhouse capacity would not lead to an unacceptable increase in traffic. Furthermore, regard has been paid to the fact that if the existing building could be brought into a good state of repair, then the existing arrangement would lead to similar or worse transport impacts since the site currently benefits from a large car park which would encourage trips to the site in private vehicles and thereby exacerbate existing strain on the local highway network, particularly on Botley Road.
- 10.93. While it is noted that the proposed dwellings would lead to a degree of additional servicing and deliveries, it is not considered that, in the context of Osney and the wider context of the West End of Oxford, this would be of a volume that would cause significant harm to the local highway network and thereby substantiate grounds for refusal. It is also noted that the Highways Authority do not object to the application, subject to condition, and have not raised concerns in relation to this.
- 10.94. Officers note that the construction phase of the proposed development has potential to disrupt traffic flow on the island. Therefore a construction traffic management plan has been required by Condition 8. However, officers are satisfied that with this condition in place any disruption can be minimised.
- 10.95. It is considered that the proposal prioritises sustainable transport and would not give rise to unacceptable transport impacts or generate a high degree of traffic; the proposal therefore accords with Policies M1 and M2.

### **xiii. Car Parking**

- 10.96. Policy M3 of the Oxford Local Plan 2036 states that in Controlled Parking Zones or employer-linked housing areas where occupants do not have an operational need for a car where development is located within a 400m walk to frequent 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. In all other locations, M3 states that planning permission will only be granted where the relevant maximum standards set out in Appendix 7.3 are complied with.

- 10.97. Policy M3 of the Oxford Local Plan 2036 states the parking requirements for all non-residential development, whether expansions of floorspace on existing sites, the redevelopment of existing or cleared sites, or new non-residential development on new sites, will be determined in the light of the submitted Transport Assessment or Travel Plan, which must take into account the objectives of this Plan to promote and achieve a shift towards sustainable modes of travel. The presumption will be that vehicle parking will be kept to the minimum necessary to ensure the successful functioning of the development. In the case of the redevelopment of an existing or previously cleared site, there should be no net increase in parking on the site from the previous level and the Council will seek a reduction where there is good accessibility to a range of facilities
- 10.98. Policy M4 of the Oxford Local Plan 2036 requires electrical vehicle charging facilities to be provided to each new car parking space.
- 10.99. Officers consider that the application site is within 800m of several supermarkets that sell a range of everyday goods and within 400m of numerous bus stops, indeed the site is also within walking distance of the city centre which offers a large range of goods and services. The application site is within a CPZ. The site is therefore required to be car free, as required by Policy M3 of the Oxford Local Plan.
- 10.100. The proposal includes no residential car parking for the proposed dwellings as well as a meaningful reduction to the existing car parking spaces on the site Conditions (Conditions 10 and 11 in Section 12 of this report) have been recommended by officers that would seek to ensure that the site remains car free in perpetuity; preventing the creation of informal parking areas on site in the future or altering the site to facilitate access by vehicles.
- 10.101. In terms of car parking for the retained club; four spaces have been retained on the site of the original ten or so spaces on the site. This is a meaningful reduction and planning officers consider that parking has been kept to a minimum in connection with the operation of the club on the site.
- 10.102. Policy M4 would require one of the spaces to feature electrical vehicle charging facilities. Condition 9 requires one of the four spaces to have such facilities and for utilities to be put in place to enable more charging facilities to be erected, should they be needed in the future.
- 10.103. Subject to conditions, the proposal is acceptable in terms of car parking and Policies M3 and M4.

#### **xiv. Cycle Parking**

- 10.104. Policy M5 of the Oxford Local Plan 2036 states that planning permission will only be granted for development that complies with or exceeds the minimum bicycle parking provision as set out in Appendix 7.47.3. Bicycle parking should be, well designed and well-located, convenient, secure, covered (where possible enclosed) and provide level, unobstructed external access to the street. Bicycle parking should be designed to accommodate an

appropriate amount of parking for the needs of disabled people, bicycle trailers and cargo bicycles, as well as and facilities for electric charging infrastructure.

- 10.105. The proposal includes cycle storage for the residential units towards the rear of the site; these stores would allow for sufficient parking that is secure, covered and allows good access to the cycles. The proposed cycle parking within the clubhouse also provides for a good amount of parking that is secure, covered and easily accessible.
- 10.106. The proposed cycle parking is therefore acceptable and accords with Policy M5 of the local plan.

## **11. CONCLUSION**

- 11.1. It is recommended that the Committee resolve to grant planning permission for the development proposed subject to the conditions set out in section 12 of the report.
- 11.2. Having regards to the matters discussed in the report, officers would make members aware that the starting point for the determination of this application is in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004 which makes clear that proposals should be assessed in accordance with the development plan unless material considerations indicate otherwise.
- 11.3. The NPPF recognises the need to take decisions in accordance with Section 38 (6) but also makes it clear that it is a material consideration in the determination of any planning application (paragraph 2). The main aim of the NPPF is to deliver Sustainable Development, with paragraph 11 the key principle for achieving this aim. The NPPF also goes on to state that development plan policies should be given due weight depending on their consistency with the aims and objectives of the Framework. The relevant development plan policies are considered to be consistent with the NPPF.
- 11.4. Therefore it would be necessary to consider the degree to which the proposal complies with the policies of the development plan as a whole and whether there are any material considerations, such as the NPPF, which are inconsistent with the result of the application of the development plan as a whole.
- 11.5. In summary, the proposed development would be an acceptable addition to the site. The proposal is suitable in terms of local planning policy and complies with the relevant policies of the Oxford Local Plan 2036.
- 11.6. Therefore officers consider that the development accords with the development plan as a whole.

### *Material consideration*

- 11.7. The principal material considerations which arise are addressed above, and follow the analysis set out in earlier sections of this report.

- 11.8. National Planning Policy: the NPPF has a presumption in favour of sustainable development.
- 11.9. NPPF paragraph 11 states that proposals that accord with the development plan should be approved without delay, or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
- 11.10. Officers consider that the proposal would accord with the overall aims and objectives of the NPPF for the reasons set out within the report. Therefore in such circumstances, paragraph 11 is clear that planning permission should be granted without delay.
- 11.11. Officers would advise members that, having considered the application carefully, the proposal is considered to be acceptable in terms of the aims and objectives of the National Planning Policy Framework and relevant policies of the Oxford Local Plan 2036 when considered as a whole. There are no material considerations that would outweigh these policies.
- 11.12. It is recommended that the Committee resolve to grant planning permission for the development proposed subject to the conditions set out in section 12 below

## **12. CONDITIONS**

### 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.

### Development in Accordance with Approved Plans

- 2 Subject to conditions 4, 5, 6, 7 and 9 the development permitted shall be constructed in complete accordance with the specifications in the application and approved plans listed below, unless otherwise agreed in writing by the local planning authority.

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

### Materials as Specified

- 3 Subject to condition 4, the materials to be used in the proposed development shall be as specified in the application hereby approved. There shall be no variation of these materials without the prior written consent of the Local Planning Authority.

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

#### Materials - Samples

- 4 Notwithstanding condition 3, prior to the commencement of the approved development all samples of the exterior materials (including brick, window, door and roof tiles) shall be submitted to, and approved in writing by, the Local Planning Authority and only the approved materials and details shall be used.

Reason: To ensure that the development is visually satisfactory as required by Policies S1, DH1 and DH3 of the Oxford Local Plan 2036.

#### Details – Affixation to 1 East Street

- 5 Prior to the start of relevant works, notwithstanding the approved plans, full details of the parts of the approved development abutting 1 East Street shall be submitted to and approved in writing by the Local Planning Authority and works shall only then take place in accordance with the approved details.

Reason: To preserve the exterior stone wall at 1 East Street and to ensure that the development is visually satisfactory as required by Policies S1, DH1 and DH3 of the Oxford Local Plan 2036.

#### Details - Dormers

- 6 Drawings showing full details of the design and finish of the proposed dormers at 1 North Street, at a scale of no less than 1:10, shall be submitted to and approved in writing by the Local Planning Authority before the relevant works begin and the works shall be carried out in accordance with the approved details only.

Reason: To ensure that the development is visually satisfactory as required by Policies S1, DH1 and DH3 of the Oxford Local Plan 2036.

#### Landscape Plan

- 7 A landscape plan for the approved new dwellings 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. The plan shall show details of treatment of paved areas, and areas to be grassed or finished in a similar manner, existing retained trees and proposed new trees, shrub and hedge planting and boundary treatments. The plan shall preclude the parking of vehicles in the curtilage of the approved dwellings. The landscaping proposals as submitted to and approved in writing by the Local Planning

Authority shall be carried out no later than the first planting season after first occupation or first use of the development hereby approved unless otherwise agreed in writing beforehand by the Local Planning Authority and shall be retained and maintained thereafter unless agreed otherwise in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and to ensure no car parking can take place on the site, in accordance with Policies M3, G7, G8 and DH1 of the Oxford Local Plan 2036.

#### Construction Traffic Management Plan

8 A Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of works. 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)

The development shall be carried out in accordance with the approved Construction Traffic Management Plan

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, in accordance with Policy M2 of the Oxford Local Plan 2036.

#### Electric Vehicle Charging

9 Prior to the first occupation of the development hereby approved, 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:

- Location of EV charging points;
- The amount of electric car charging points shall cover at least 25% of the amount of permitted parking of the commercial development (one space)
- 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 in operation and shall remain in place thereafter.

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

### Parking Permits

- 10 The dwellings hereby permitted shall not be occupied until the Order governing parking at North Street has been varied by the Oxfordshire County Council as highway authority to exclude the approved new dwellings subject to this permission, from eligibility for residents' 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 2036.

### Means of Access to the Highway

- 11 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modifications) no additional means of access to the public highway from the plot of the approved development shall be installed on the basis of the Order without the prior written consent of the Local Planning Authority.

Reason: To ensure that the dwellings hereby approved remain car-free, in accordance with Policy M3 of the Oxford Local Plan 2036.

### Scheme of Ecological Enhancements

- 12 Prior to the commencement of development, a scheme of ecological enhancements shall be submitted to, and approved in writing by, the Local Planning Authority to ensure a net gain in biodiversity will be achieved. The scheme will include details of landscape planting of known benefit to wildlife and details of artificial roost features for bats and birds, in addition to a minimum of 6 dedicated swift boxes. Any new fencing will include holes for the safe passage of hedgehog.

The development shall take place in accordance with the approved Scheme of Ecological Enhancements and its measures shall be retained thereafter.

Reason: To comply with the requirements of the National Planning Policy Framework and Policy G2 of the Oxford Local Plan 2036.

### Noise Attenuation

- 13 The design and structure of the development shall be of such a standard that it will protect occupying residents and neighbouring residents from existing external noise so that they are not exposed to levels indoors of more than 35dB LAeq 16hrs daytime and of more than 30dB LAeq 8hrs in bedrooms at night.

Reason: To ensure that the amenities of existing neighbours and future occupiers of the approved residences are protected, as per Policy RE8 of the Oxford Local Plan 2036.

#### Noise Insulation

- 14 Prior to commencement of the development, details shall be submitted to and approved in writing by the Local Planning Authority, of an enhanced sound insulation value  $D_{nT,w}$  of at least 5dB above the Building Regulations value, for the floor/ceiling/wall structures separating different types of rooms/ uses in adjoining dwellings, namely living room and kitchen above bedroom of separate dwelling. The approved details shall be implemented prior to occupation of the approved dwellings and thereafter be permanently retained.

Reason: To ensure that the amenity of occupiers of the development site is not adversely affected by noise, as per Policy RE8 of the Oxford Local Plan 2036.

#### Hours of operation

- 15 Customers shall not be present on the premises of the clubhouse (including the function room hereby approved), nor shall there be any preparation, sale or delivery of food or beverage for consumption off the premises during the following times: Monday to Sunday inclusive before 8.00 AM and after 11.00 PM. A notice to this effect shall be displayed at all times on the premises so as to be visible from outside.

Reason: In the interests of the amenities of nearby occupiers and the area generally in accordance with Policy RE7 of the Oxford Local Plan 2036

#### Land Quality – Phased Risk Assessment

- 16 Prior to the commencement of the development a phased risk assessment shall be carried out by a competent person in accordance with relevant British Standards and the Environment Agency's Land Contamination Risk Management (LCRM) procedures for managing land contamination. Each phase shall be submitted in writing and approved in writing by the local planning authority.

Phase 1 shall incorporate a desk study and site walk over to identify all potential contaminative uses on site, and to inform the conceptual site model and preliminary risk assessment.

Phase 2 shall include a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals.

Phase 3 requires that a remediation strategy, validation plan, and/or monitoring plan be submitted to and approved in writing by the local planning authority to ensure the site will be suitable for its proposed use.

Reason- To ensure that any ground and water contamination is identified and

adequately addressed to ensure the site is suitable for the proposed use in accordance with the requirements of Policy RE9 of the Oxford Local Plan 2036.

#### Land Quality – Remedial Work

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

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

#### Flooding

- 18 The development shall be carried out in accordance with the submitted flood risk assessment (reference TC21004, dated September 2021 and prepared by Taylor Consulting Engineers) and the following mitigation measures it details:

- Finished floor levels of the residential flats shall be set no lower than 58 meters above Ordnance Datum (mAOD), in accordance with section 5.3 and drawing number 286/P/16 (titled Proposed Lower and Upper Ground Floor Plan, revision F, dated 17 September 2021)
- Compensatory storage shall be provided in the form of a void under the new residential building. The floodable void shall be implemented as outlined in Section 6.2, with the soffit level of the void spaces and openings set no lower than 57.42mAOD. The ground level within the void space will be set no higher than 57.00mAOD. The void openings shall be 1 metre wide and set every 5 metres
- Flood resilience and resistance measures shall be included as listed by bullet point in section 7.2

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

Reason: To reduce the risk of flooding to the proposed development and future occupants, to prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided and to protect future users of the site from flood risk. This is in accordance with paragraphs 164 and 167 of the NPPF and Policy RE3 of the Oxford City Local Plan 2036.

#### Flooding - Evacuation

- 19 Prior to the commencement of the approved development, details of a flood evacuation plan for the premises in the event of a flood event shall be submitted to and approved in writing by the Local Planning Authority. The

evacuation plan shall be implemented in accordance with these approved details before the development is brought into use and shall remain in place thereafter.

Reason: To ensure that flood risk issues have been addressed as part of the development and to ensure that there is not an unacceptable flood risk to future occupants of the site, in accordance with Policy RE3 of the Oxford Local Plan 2036 and paragraphs 164 and 167 of the NPPF.

### **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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