

OXFORD CITY PLANNING COMMITTEE

21st March 2023

Application number: 22/02661/FUL

Decision due by 15th February 2023

Extension of time 29th March 2023

Proposal Demolition of 2no. semi-detached dwellings and erection of 4 storey school boarding house (use class C2) with associated cycle and refuse storage. Erection of 2no. 3 bed semi-detached dwellings (use class C3) with associated refuse and cycle storage. Closure of existing vehicular access to North Way (A40) and creation of new pedestrian access to Banbury Road (amended plans and documents).

Site address 472-474 , Banbury Road, Oxford, Oxfordshire – see **Appendix 1** for site plan

Ward Cutteslowe and Sunnymead Ward

Case officer Jennifer Coppock

Agent: Ms Hannah Deacon **Applicant:** Mr Ollie McGovern

Reason at Committee Major development

1. RECOMMENDATION

1.1. 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 subject to:

- the satisfactory completion of a legal agreement under section.106 of the Town and Country Planning Act 1990 and other enabling powers to secure the planning obligations set out in the recommended heads of terms which are set out in this report; and

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

- add such conditions as awaited from the Lead Local Flood Authority (LLFA); and
- finalise the recommended conditions as set out in this report, and those received from the LLFA, including such refinements, amendments,

additions and/or deletions as the Head of Planning Services considers reasonably necessary and

- finalise the recommended legal agreement under section 106 of the Town and Country Planning Act 1990 and other enabling powers as set out in this report, including refining, adding to, amending and/or deleting the obligations detailed in the heads of terms set out in this report (including to dovetail with and where appropriate, reinforce the final conditions and informatives to be attached to the planning permission) as the Head of Planning Services considers reasonably necessary; and
- complete the section 106 legal agreement referred to above and issue the planning permission.

2. EXECUTIVE SUMMARY

- 2.1. It is considered that this proposal responds appropriately to the site and surrounding context and has successfully addressed the previous reasons for refusal (ref. 21/01645/FUL) with its articulated and softened building line, an increased set back from the mature Horse Chestnut tree, a high quality palette of materials and gradual transition up in height from the neighbouring semi-detached plots. Neighbouring amenity has been successfully protected and acceptable living conditions have been achieved for the 2no. proposed dwellings houses.
- 2.2. The development would be of a sustainable design and construction, achieving a 41.35% reduction in carbon emissions when set against the 2021 Part L Building Regulations. The scheme would be car free, with provision for operational parking only, and sufficient cycle parking would be provided in accordance with local policy. There would be no adverse flood risk or drainage impact, nor would there be adverse land contamination, noise pollution or air quality impact.
- 2.3. Subject to appropriately worded conditions and a section 106 legal agreement, the development would accord with all policies in the Oxford Local Plan 2036 and NPPF.

3. LEGAL AGREEMENT

- 3.1. This application is subject to a legal agreement to cover:
 - A financial contribution of £84,000 to secure pedestrian safety enhancement measures along Banbury Road
 - A financial contribution of £1446 towards Travel Plan monitoring

4. COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 4.1. The proposal is liable for CIL payments totalling £43,784.04.

5. SITE AND SURROUNDINGS

- 5.1. The application site comprises two semi-detached properties. The site is located on a prominent corner of Banbury Road and Elsfeld Way. The properties are located in close proximity to the Cutteslowe Roundabout. The three storey housing estate on Hawksmoor Road lies to the East of the application site. No. 470 Banbury Road lies to the south of the application site, beyond a pedestrian and cycle path.
- 5.2. Planning permission for 9no. residential units on the application site remains extant until May 2023 (reference 17/02817/FUL).
- 5.3. There are four key frontages around the Cutteslowe Roundabout on the junction between Banbury Road and the A40. The application site fronts the south eastern edge of the roundabout. The south western edge features a part two, part three storey development consisting of 9no. 2 bedroom flats (Churchill House) which was granted planning permission in 2007 (ref. 06/02085/FUL). The north western edge features a dwellinghouse (Summers Place). The north eastern edge features a three storey building comprising 6no. 2 bedroom flats and 2no. 3 bedroom flats, this development was granted planning permission in 2009 (ref. 09/00356/FUL). The area is characterised by a variety of architectural styles. The properties in close vicinity to the site are mostly two and three storey. However, the Meadow Gardens development located on Elsfeld Way is part three, part four storey.
- 5.4. The existing properties are set back from the street. The site features a small garden area at the front of the properties and large driveway at the side and rear, which can be accessed from Banbury Road and Elsfeld Way.
- 5.5. See location plan below:



Figure 1: Site location plan

6. PROPOSAL

- 6.1. The application is made in full and proposes to demolish the existing semi-detached dwelling houses in C3 use and erect a four storey building, measuring a maximum of 12.3m in height. The building would provide a boarding house (use class C2) to accommodate up to 72 students, aged between 11 and 18 years, studying at D'Overbroecks College. Accommodation would comprise mechanical plant, laundry and bicycle storage at basement level, student bedrooms, communal areas and a 2 bedroom warden's flat on the ground floor and bedrooms and common rooms on the first, second and third floors.
- 6.2. The development would also provide 2no. 3 bedroom semi-detached dwellings in C3 use to replace the existing. The dwellings would measure approximately 10m in height to the ridgeline.
- 6.3. The existing vehicular access from North Way (A40) would be closed and used for pedestrian and cycle access only. The vehicular access onto Banbury Road would be retained and a second pedestrian access would be created.
- 6.4. 20 no. external single tier and 16no. internal single tier cycle parking spaces would be provided on site. Space is available in the 'yard' to allow for operational parking relating to the boarding house. The dwellings would be car-free with for 2no. cycle parking spaces each.
- 6.5. During the consideration of the application, officers required amendments to the scheme to soften the boarding house building line fronting the Cutteslowe Roundabout and to enhance the articulation of the stair tower from the A40 façade. Please see proposed site plan and figure 2 below:



Figure 2: Proposed site plan

7. RELEVANT PLANNING HISTORY

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

472-474 Banbury Road

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

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

19/02366/OUT - Outline application with all matters reserved apart from access for the demolition of two existing dwellings and erection of one four storey building and one two storey building for school boarding accommodation (use class C2) and associated parking, cycle and bin storage and closure of existing access onto A40. Refused 28th May 2020.

21/01645/FUL - Demolition 2no dwelling houses (use class C3). Erection of 1no. four storey building to provide school boarding accommodation (use class C2) including a 2-bedroom masters flat, and 1no. two storey building to provide 2no. 2-bedroom dwelling houses (use class C3). Provision of vehicular and cycle parking and bin storage. Closure of existing northern vehicular access onto A40. (Amended plans, supporting documents and description). Refused 25th January 2022.

472 Banbury Road

63/13596/A_H - Vehicular crossing and garage base. Approved 10th December 1963.

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

67/19216/A_H - Garage for private car. Permitted Development 12th September 1967.

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

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

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

474 Banbury Road

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

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

8. RELEVANT PLANNING POLICY

8.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework	Local Plan	Other planning documents	Neighbourhood Plans:
Design	126-136	DH1 - High quality design and placemaking DH7 - External servicing features and stores		
Conservation/ Heritage	203	DH5 - Local Heritage Assets		
Housing	60-77	H5 - Development involving loss of dwellings H14 - Privacy, daylight and sunlight H15 - Internal space standards H16 - Outdoor amenity space standards		HOS2 – Local character and distinctiveness. Policy HOS3 - Density, Building-design Standards, and Energy Efficiency
Natural environment	174-182	G2 - Protection of biodiversity geo-diversity G7 - Protection of existing Green Infrastructure		

		G8 - New and enhanced Green and Blue Infrastructure		
Transport	104-113	M1 - Prioritising walking, cycling and public transport M2 - Assessing and managing development M3 - Motor vehicle parking M5 - Bicycle Parking	Parking Standards SPD	TRS1 – Sustainable transport design TRS2 – Sustainable transport
Environmental	169, 183-188	RE1 - Sustainable design and construction RE4 - Sustainable foul and surface drainage RE6 - Air Quality RE8 - Noise and vibration RE9 - Land Quality	Energy Statement TAN	ENS2 - Renewable Energy ENS4 - Air Pollution
Miscellaneous	7-14	S1 - Sustainable development RE2 - Efficient use of Land RE7 - Managing the impact of development		

9. CONSULTATION RESPONSES

9.1. Site notices were displayed around the application site on 22nd November 2022 and an advertisement was published in The Oxford Times newspaper on 24th November 2022.

Statutory and non-statutory consultees

Oxfordshire County Council (Highways)

9.2. The Highways Department originally objected due to inconvenient cycle parking, lack of certainty regarding the car-free nature of the dwellings and how this would be enforced. Concern was also raised regarding the potential for multiple cars trying to access the site at the start and end of term time and the impact this would have on highway safety. Following amendments to the scheme to address these concerns, the Highways Authority removed their objection in an email dated 2nd March 2023. In addition, the financial contribution requested towards cycle infrastructure improvements was reduced to £84,000 from the originally requested £97,000 as this is considered to more fairly reflect the nature of the development and the ways in which students would be travelling i.e. mostly on foot rather than by bicycle.

9.3. **Officer response:** For clarity, since the highways objection was made, the cycle parking arrangements have been amended to provide secure, single tier Sheffield stands externally and single tier cycle parking with provision for e-bikes in the basement. The lift has sufficient capacity for a bicycle and one person and the access route to the bicycle store has been improved with a hold-open device added to the first door and the second door is now a sliding door. These doors are required for fire regulations but have been adapted to ease access for bicycles. With regards to vehicular parking, two rising bollards would be installed at the site entrance to prevent vehicles associated with the dwelling houses to park in the 'yard'. In terms of drop-offs and pick-ups at the start and end of terms, the applicant has confirmed that the school site at 333 Banbury Road would be used for drop-offs, with short term parking, and students would either walk from 333 Banbury Road or take a mini bus. Bags would be transported later in a single school vehicle. A condition would be attached, requiring the submission of a suitable student management plan to ensure that this plan is put into practice.

Lead Local Flood Authority

9.4. The LLFA initially objected to the scheme with regards to the exceedance flood route. However, following correspondence between the drainage officer and applicant's drainage consultant, the LLFA agreed to remove its objection in an email dated 15th February 2023. At the time of writing, a formal response with suggested conditions is still pending. Officers would attach recommended conditions to the planning permission.

Thames Water Utilities Limited

9.5. No objection, subject to conditions and an informative.

Oxfordshire Architectural and Historical Society

9.6. Objection to the loss of the police houses and Police Public Call Box.

9.7. **Officer response:** It is acknowledged that the buildings are of interest but were rejected for listing by Historic England and are not on the OHAR list. However, a condition would be attached to any planning permission securing Level II Historic Building Recording prior to demolition.

Oxford Civic Society

9.8. Objection due to the lack of outdoor amenity space, articulation, design quality, impact of poor air quality on occupants and concerns regarding cycle parking and highway safety for cyclists.

9.9. **Officer response:** Officers consider that sufficient outdoor amenity space has been provided for the private dwelling houses, the boarding house and associated warden's flat as can be seen on the proposed site plan at figure 2. There is no policy requirement to provide outdoor amenity space for students, further the sites close proximity to Cutteslowe Park would provide additional amenity space for occupants. As set out above, since the application was submitted, plans have been amended to soften the building line facing the roundabout and further articulate the stair tower. With regards to cycle parking, the provision is now single tier with an element of external parking at grade level. The basement parking is now also easier to access.

9.10. Officers did not re-consult on the proposed amendments given the relatively minor nature of the amendments and the fact that they are an improvement to the original scheme, addressing comments by Officers and consultees.

Natural England

9.11. No objection.

Thames Valley Police

9.12. Objection in relation to cycle and bin storage not being of Secured by Design specification, lack of external lighting plan, risk of crime due to proposed congregation space and lack of boundary treatment plan.

9.13. **Officer response:** Officers accept the proposed condition re. obtaining Secured by Design Silver Accreditation and would attach this to any planning permission. The cycle storage has been amended and it has been confirmed by the applicant that the proposed 'yard' would be managed by the school staff with intercom access and a security bollard 24hrs. This would be supported further by a second security gate. Details of boundary treatments would be secured by condition.

Summertown and St Margaret's Neighbourhood Forum

9.14. Objection as the building is located on the A40, the proposal does not show appreciation of the orientation, is not well articulated with unanimated roofscape and facades and lack of any outdoor amenity space. There is no commitment to provide affordable housing.

9.15. **Officer response:** As set out above at paragraphs 6.5 and 9.9, the scheme was amended during consideration of the application to further articulate the building and soften the building line towards the roundabout and is now considered, by officers, to respond to the site and surrounding area appropriately and, again, outdoor amenity space has been provided for all occupants. There is no policy requirement to provide outdoor amenity space for students, further the sites close proximity to Cutteslowe Park would provide additional amenity space for occupants. With regards to affordable housing, officers assume the Forum is referring to the requirements of policy H2 in relation to student accommodation. This application does not propose 'student accommodation' in accordance with the Local Plan glossary (*Accommodation whose main purpose is to house students of sixteen years or above, registered on fulltime courses of an academic year or more in Oxford*) as the proposed boarding house would accommodate school children between the ages of 11-18 and therefore, there would be no requirement to make an off-site contribution towards affordable housing.

Public representations

9.16. No local people commented on this application.

10. PLANNING MATERIAL CONSIDERATIONS

10.1. Officers consider the determining issues to be:

- a) Principle of development
- b) Design and living conditions
- c) Impact on neighbouring amenity
- d) Highways and cycle parking
- e) Air quality
- f) Sustainable design and construction
- g) Noise
- h) Trees and landscaping
- i) Drainage

a) Principle of development

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

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

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

- 10.4. The properties are no longer occupied by Thames Valley Police and therefore, the lawful use of the properties is as dwelling houses (use class C3).
- 10.5. Policy H5 of the Oxford Local Plan 2036 does not permit the net loss of self-contained dwellings on a site and as such, the proposed development would include the provision of 2no. semi-detached dwellinghouses in C3 use. Therefore, it is considered that the application accords with the requirements of Local Plan policy H5.
- 10.6. The NPPF sets out the presumption in favour of sustainable development and the Core Principles encourage the efficient use of previously developed land. Policies S1 and RE2 of the Oxford Local Plan 2036 are consistent with this approach, policy RE2 requires that 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. The development proposal must have a density appropriate for the proposed use, with an appropriate scale and massing, maximise the appropriate density with a built form and site layout appropriate to the capacity of the site. It is considered that, where the previously refused schemes failed, this proposal responds appropriately to the site and surrounding context and has achieved a comfortable relationship between the boarding house and adjacent private dwelling houses.
- 10.7. In light of the above, it is considered that the proposal complies with Local Plan policies H5, S1 and RE2 and the NPPF.

b. Design and living conditions

- 10.8. Policy DH1 of the Oxford Local Plan 2036 stipulates that planning permission will only be granted for development which shows a high standard of design, and which respects the character and appearance of an area and uses materials appropriate to the site and surroundings. Policy HOS2 of the Summertown and St Margaret's Neighbourhood Plan supports new development where it responds positively to local character and distinctiveness.
- 10.9. Whilst it is clear that the application seeks to accommodate multiple forms of development with differing needs, the proposal does successfully avoid the previous overlooking and overshadowing issues of the 2021 scheme. The proposal now steps back from Banbury Road and gradually transitions up in height from the neighbouring semi-detached plots. The proposed footprint would be set further away from the mature Horse Chestnut tree on Banbury Road, making it a focus of the scheme's composition.
- 10.10. The boarding house consists of lighter elevations of wood and glass, addressing the courtyard whilst heavier brick elevations front the street, providing a protective shell against the A40 and to the east where similar sized brick flats predominate. This successful strategy is illustrated below at figure 3.



Figure 3: East and courtyard elevations

10.11. As previously mentioned, the scheme has been amended since its submission to further articulate the north west corner of the boarding house, addressing the roundabout in order to soften the building line. This has been successfully achieved by setting the stair tower back, more in line with the existing Banbury Road dwellings and cladding it in timber which also gives further definition and breaks up the massing. This can be seen below at figure 4.



Figure 4: View from Cutteslowe Roundabout (p22 of DAS)

10.12. The proposed dwellings bridge the height difference of the existing Banbury Road dwellings and the boarding house and feature a high quality materials palette, representing a modern interpretation of the existing dwellings along

Banbury Road which then successfully transitions to the larger boarding house. Further, the different shade of brick between the dwellings and boarding house is successful in signalling the different uses and breaking down the apparent mass of the development.

- 10.13. Public and private spaces are clearly separated with a communal courtyard west of the main boarding house and private masters garden to the east which aligns with the private amenity spaces of the proposed semi-detached houses. Surfaces shown in the landscape plan appear to be appropriate for the different uses proposed and the stone walls proposed along the boundary of the site are welcome and would contribute to the character of the area as described in the Oxford Landscape Setting Document 2002.
- 10.14. In light of the above, it is considered that the proposal accords with the requirements of policy DH1 of the Oxford Local Plan 2036.
- 10.15. Policy H14 of the Oxford Local Plan 2036 requires new development to provide reasonable privacy, daylight and sunlight for occupants of both existing and new homes. Policies H15 and H16 require new residential developments to provide acceptable indoor and outdoor living conditions.
- 10.16. The proposed 3 bedroom, three storey dwellings would both have a floorspace of approximately 110sq. m. with all double bedrooms ranging from 15 – 17sq.m. exceeding national space standards. The east facing rear gardens would measure in excess of the dwelling footprints in accordance with Local Plan policy H16. With regards to the boarding house, outdoor communal areas are provided for the students and a private rear garden is attached to the wardens flat. Please note that there is no policy requirement to provide outdoor amenity space for students, further the site's close proximity to Cutteslowe Park would provide additional amenity space for occupants.
- 10.17. The boarding house has been arranged so as to avoid any overlooking from south facing habitable room windows onto the dwellings and their gardens. Further, windows are largely omitted from the northern elevation of the dwellings whilst still achieving acceptable internal living conditions.
- 10.18. Due to the composition of the scheme and the boarding house sitting to the north of the dwellings, it is not considered that the boarding house would impact on the level of daylight and sunlight received by the private residents.
- 10.19. In light of the above, it is considered that the proposal complies with policies H14, H15 and H16 of the Oxford Local Plan 2036.

c. Impact on neighbouring amenity

- 10.20. The proposed buildings would be located to the north of 470 Banbury Road and to the west of Hawksmoor Road flats and garages. The garages are located along the eastern boundary of the application site. The distance between the boarding house and the rear elevation of the Hawksmoor Road flats would be approximately 30m, the minimum distance between the boarding house and the side boundary of 470 Banbury Road would be 17m.

The minimum distance between the C3 dwellings and the side boundary of 470 Banbury Road would be approximately 4m. The distance between the C3 dwellings and the rear elevations of the flats on Hawksmoor Road would be approximately 30m.

Privacy

Hawksmoor Road flats

- 10.21. Given the separation distance between the scheme and the Hawksmoor Road flats, it is not considered that the proposal would lead to overlooking onto these dwellings to the east.

470 Banbury Road

- 10.22. The closest south facing windows of the boarding house to no. 470 would be 17m away and the building has been designed in such a way that any directly overlooking windows would serve communal hallways and not habitable bedrooms. Side windows of the dwellings largely serve bathrooms and would be obscured, as secured by condition. It is therefore considered that the dwelling would also not unduly overlook no. 470.

Overbearing

- 10.23. The proposed development would change the outlook afforded to the neighbouring properties, however the distance between the proposed development and the Hawksmoor Road flats and no. 470 Banbury Road, and the positioning of the dwellings, largely in line with no. 470, is considered sufficient so as to ensure that the proposed development would not create an unacceptable outlook and would not be considered overbearing.

Loss of light

- 10.24. The proposed development, due to the distance from the neighbouring habitable windows and the sun's orientation, would not cause an unacceptable level of harm to the amenity of neighbouring properties in terms of loss of light.
- 10.25. In summary, overall the proposal is considered to comply with policy H14 of the Oxford Local Plan 2036 with respect to its impact on neighbouring properties.

d. Highways and cycle parking

Sustainability, access and highway safety

- 10.26. The site sits within a sustainable location with good access to public transport and is within walking/cycling distance to local amenities and the city centre. The County Council is in favour of sustainable development where residents have attractive alternative transport methods to the car, this is particularly important for car-free developments as proposed. The site is within the North Summertown Controlled Parking Zone (CPZ) meaning that the units could be excluded from eligibility for parking permits.

- 10.27. In terms of movement, the scheme would result in fewer vehicle trips than its existing use which is beneficial and it has been confirmed by the applicant that students would be dropped off and picked up at 333 Banbury Road at the start and end of terms, students would then either walk to the application site or travel in groups by minibus. A student accommodation management plan would be secured by condition to ensure that any congestion would be spread out across a time period.
- 10.28. The site access has been operating for a number of years with no recorded incidents associated with the access. The vast majority of movements from the site would be by foot, bike or public transport and would be focused south of the site. There is good existing pedestrian infrastructure in the area, this allows safe movement by foot to the nearest bus stops which are 170m southbound and 200m northbound from the site, both are considered an acceptable walking distance. There is also a pedestrian crossing between the site and the bus stops which is beneficial for bus users and pedestrians accessing the site. The cycle infrastructure in the area is very disjointed and is generally poorer southbound than northbound along Banbury Road. There are plans in the future to upgrade cycle and bus infrastructure along the strategic corridor but these plans have not yet been finalised or funded and so there is no certainty to the delivery of this.
- 10.29. As the majority of students would travel to and from the site by foot, the Highways Authority consider it necessary for improvements to be made to pedestrian infrastructure. As students would be walking from the site, crossing Carlton Road using the toucan crossing and then crossing Upland Park Road, it is considered reasonable for the applicant to cover the cost of upgrading these side road entry treatments to make travelling to the site safer for students.
- 10.30. It is proposed that the existing access from the A40 would be blocked up and only used for cyclists and pedestrians which is considered acceptable in highway safety terms.
- 10.31. The scheme would therefore comply with Local Plan policies M1 and M2. Conditions requiring a Construction Traffic Management Plan, a Student Accommodation Management Plan and Travel Plan would be attached to any planning permission. Financial contributions would also be sought to ensure highway safety and minimise congestion.

Cycle and car parking

- 10.32. There are no car parking spaces proposed but the 'yard' does provide an area for operational vehicles to make deliveries to the boarding house. The dwellings would be car-free and to ensure this is enforced, collapsible bollards would be installed at the entrance of the site and controlled by the applicant. Details of the bollards would be secured by condition.
- 10.33. 36 single tier cycle parking spaces would be installed on site, 20 of which would be located externally within an enclosure with the remainder being located within the basement along with provision for e-bikes. The lift has

sufficient capacity for a bicycle and one person and the access route to the bicycle store has been improved with a hold-open device added to the first door and the second door is now sliding to ensure convenient access for all.

- 10.34. It is therefore considered by officers that the proposal would comply with Local Plan policies M3 and M5.

e. Air Quality

- 10.35. Policy RE6 of the Oxford Local Plan 2036 requires new development to mitigate its impact on air quality and minimise or reduce exposure to poor air quality. The application site is located within the Oxford city-wide Air Quality Management Area (AQMA), declared by Oxford City Council for exceedances of the annual mean NO₂ air quality objective (AQO). Analysis of DEFRA's Urban background maps and of all pollutant concentrations at monitoring locations in the surrounding area of the application site, show a clear breach of the annual mean NO₂ AQO.
- 10.36. Following a review of the submitted Air Quality Assessment, Design and Access Statement, Transport Statement and Energy and Sustainability Statement, it is considered that the proposal would not cause any substantial increase in the air quality levels of the surrounding area. However, in order to reduce human exposure to air pollution, a number of conditions would be attached to any planning permission in relation to mechanical ventilation, the vegetated border and the requirement for a revised Construction Environmental Management Plan (CEMP).
- 10.37. Subject to the satisfactory compliance with conditions listed at section 12, the proposal is considered acceptable in accordance with policy RE6.

f. Sustainable design and construction

- 10.38. The Council is committed to tackling the causes of climate change by ensuring developments use less energy and assess the opportunities for using renewable energy technologies. As such, policy RE1 of the Oxford Local Plan 2036 requires schemes to incorporate a number of sustainable design and construction principles.
- 10.39. Policy RE1 requires developments for new build non-residential development of over 1,000sq. m. and developments for all new residential dwellings to achieve at least a 40% reduction in carbon emissions from a 2013 Building Regulations (or future equivalent legislation) compliant base case. As the Planning Committee will be aware, the new 2021 Building Regulations were introduced in June 2022 and form the basis of the submitted Energy Statement.
- 10.40. The submitted Energy Statement demonstrates that the proposal would achieve a 41.35% reduction in carbon emissions when set against the 2021 Part L building regulations.
- 10.41. The proposal comprises a highly efficient Air Source Heat Pump (ASHP) system, which would also provide hot water through an insulated storage

cylinder. A Mechanical Ventilation with Heat Recovery (MVHR) system would also be installed to improve the EPC rating, and to provide fresh air to spaces. South facing roof mounted solar panels would be installed onto the boarding house.

- 10.42. In light of the above, the proposal is considered to accord with the requirements of Local Plan policy RE1.

g. Noise

- 10.43. Policy RE8 of the Oxford Local Plan 2036 requires new developments to manage noise in order to safeguard or improve amenity, health, and quality of life for local communities.
- 10.44. The submitted Acoustic Assessment demonstrates that the internal noise levels would be compliant with BS8233:2014 when utilising the proposed façade specification. In order to protect the amenity of neighbours, construction works would be restricted to the hours of 08:00 – 18:00 Monday to Friday daily, 08:00 – 13:00 on Saturdays and at no other times, including Sundays and Public/Bank Holidays and neighbours would be notified of works ahead of time; this will be secured by condition.
- 10.45. In light of the above, it is considered that the proposed development complies with Local Plan Policy RE8.

h. Trees and landscaping

- 10.46. Policy G7 of the Oxford Local Plan 2036 requires that any unavoidable loss of tree canopy cover should be mitigated by the planting of new trees or introduction of additional tree cover. Policy G8 continues that development proposals affecting existing Green Infrastructure features should demonstrate how these have been incorporated within the design of the new development where appropriate.
- 10.47. A mature Horse Chestnut tree lies adjacent to the application site, on highways land. It is considered, having reviewed the submitted Arboricultural Impact Assessment within the Tree Survey that the proposed development would not unacceptably impact on the tree.
- 10.48. In light of the above, it is considered that the proposal would comply with policy G7 of the Oxford Local Plan 2036, subject to a number of conditions outlined below.

i. Drainage

- 10.49. Local Plan policy RE4 requires all development proposals 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.

- 10.50. Foul water discharge would be conveyed via gravity into an existing sewer along North Way. Foul drainage from the basement would be pumped into the demarcation chamber to the north of the site where it would also be discharged into the sewer along North Way. With regards to surface water discharge, the access road would be drained via permeable paving with the proposed buildings drained via soakaways located in the rear gardens. Surface water would be retained within the site, reducing run-off and providing a betterment to the current greenfield rate. To mitigate against the risk of any surface water flooding, finished floor levels would be raised 1500mm above the average ground level. A ground water investigation would be conditioned to ensure that the proposed basement would not impact on groundwater flow.
- 10.51. In light of the above, it is considered that the proposal would comply with policy RE4 of the Oxford Local Plan 2036.

j. Ecology

- 10.52. Local Plan policy G2 states that development that results in a net loss of sites and species of ecological value will not be permitted.
- 10.53. The latest Bat Survey Report was carried out in January 2023, following the partial demolition of the dwellinghouse roof, and confirmed that there was still no evidence of bat activity or roosts as was the case when previous surveys were carried out in 2017, 2019 and 2021. If development does not commence after 12 months of planning permission being granted, updated surveys would be required by condition to ensure that any change in condition is recorded.
- 10.54. In light of the above, it is considered that the proposal complies with policy G2 of the Oxford Local Plan 2036.

k. Planning obligations

- 10.55. It is considered that the following matters should be secured through a section 106 legal agreement, to be completed by Oxfordshire County Council as Highways Authority:
- £84,000 towards pedestrian infrastructure improvements along Banbury Road.
 - £1,446.00 for Travel Plan monitoring.

11. CONCLUSION

- 11.1. Having regard to the matters discussed in the report, officers would make members aware that the starting point for the consideration 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 (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.
- 11.3. 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.
- 11.4. Officers consider that the proposed development to provide a boarding house and 2no. dwellinghouses would respond appropriately to the site context and comply with the Oxford Local Plan 2036 as a whole.
- 11.5. 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 S1 of the Oxford Local Plan 2036 repeats this.
- 11.6. Officers consider that the proposal would accord with the overall aims and objectives of the NPPF and policy S1 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 NPPF, 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 the conditions in section 12 below and to the satisfactory completion (under authority delegated to the Head of Planning

Services) of a legal agreement under section 106 of the Town and Country Planning Act 1990 and other enabling powers.

12. **CONDITIONS**

Time limit

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

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

Approved plans

2. 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.

Obscure glazing

3. All windows to the side elevations of the dwellinghouses shall be obscurely glazed.

Reason: To maintain the privacy of neighbours in accordance with policies RE7 and H14 of the Oxford Local Plan 2036.

Materials

4. Prior to the commencement of relevant works, large scale sample panels of the following shall be erected on site and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved sample panels which, where feasible, shall remain on site for the duration of the development works:
 - a) All new external materials demonstrating the colour and texture;
 - b) Bicycle parking enclosures
 - c) Mechanical plant screening;
 - d) All new hard landscaping; and
 - e) Lighting.

Reason: To ensure high quality development and in the interests of the visual appearance in accordance with policies DH1 of the Oxford Local Plan 2016-2036.

Collapsible bollards

5. Prior to installation, large scale details and specifications of the collapsible bollards shall be submitted to and approved in writing by the Local Planning Authority. The bollards shall be installed prior to first occupation of the development and set out in accordance with approved details unless otherwise agreed in writing by the Local Planning Authority. The bollards shall remain on site and in operation thereafter in perpetuity.

Reason: To ensure a high quality development and maintain highways safety accordance with policies DH1 and M2 of the Oxford Local Plan 2036.

Solar panels

6. Prior to installation, large scale drawn details and specifications of the proposed vertical and horizontal solar PV panels shall be submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be carried out unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a sympathetic appearance of the proposed development in accordance with policy DH1 of the Oxford Local Plan 2036.

Boundary plan

7. Prior to the commencement of relevant works, details of all external and internal boundary treatments shall be submitted to and approved in writing by the Local Planning Authority. Boundaries shall be carried out in complete accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a sympathetic appearance of the proposed development in accordance with policy DH1 of the Oxford Local Plan 2036.

Green roof

8. Prior to installation, specifications of and a maintenance plan for the proposed green roof shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to occupation and maintained thereafter.

Reason: To ensure the longevity of this new green infrastructure in accordance with policy G8 of the Oxford Local Plan 2036.

Drop off arrangements

9. Prior to the first occupation of the approved development, details relating to the arrangements for a phased drop off of occupiers at the approved

development at the start and end of term shall be submitted to and approved in writing by the Local Planning Authority. The submitted details will include information relating to the different periods of arrival and departure for occupiers of the building in the form of a timetable and corresponding plan indicating the time periods for drop off and collection of occupiers and their possessions from each of the student rooms. The information provided will also include the identified areas within the vicinity of the application site that shall be used as drop off or collection zones and how these spaces will be managed to minimise the impact of inconsiderate parking on nearby residential roads. The approved details and timetable shall be adhered to throughout each year unless agreed otherwise 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 policies RE7 and M2 of the Oxford Local Plan 2036.

Exclusion from parking permits

10. The development hereby permitted shall not be occupied until the Order governing parking at Banbury Road has been varied by Oxfordshire County Council as Highways Authority to exclude the site, from eligibility for resident's parking permits and resident's visitor parking permits, unless otherwise first 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 policies RE7, M2 and M3 of the Oxford Local Plan 2036.

Construction Traffic Management Plan (CTMP)

11. A Construction Traffic Management Plan should be submitted to the Local Planning Authority and approved prior to the commencement of works, including demolition. The CTMP should follow Oxfordshire County Council's template if possible. This should identify:
 - The routing of construction vehicles and management of their movement into and out of the site by a qualified and certificated banksman,
 - Access arrangements and times of movement of construction vehicles (to minimise the impact on the surrounding highway network),
 - Details of wheel cleaning / wash facilities to prevent mud, etc. from migrating on to the adjacent highway,
 - Contact details for the Site Supervisor responsible for on-site works,
 - Travel initiatives for site related worker vehicles,
 - Parking provision for site related worker vehicles,
 - Details of times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours,
 - Engagement with local residents.

The development shall be carried out in accordance with the approved CTMP unless otherwise agreed in writing by the Local Planning Authority.

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 policies RE7 and M2 of the Oxford Local Plan 2036.

Travel Plan

12. Prior to first occupation a Residential Travel Information Pack should be submitted to and approved by the Local Planning Authority. The development shall be carried out in strict accordance with approved details until otherwise agreed in writing by the Local Planning Authority.

Reason: To promote sustainable modes of transport in accordance with policy M1 of the Oxford Local Plan 2036.

Indoor noise levels

13. The design and structure of the development shall be of such a standard that it will protect residents within it from existing external noise so that they are not exposed to levels indoors of more than 35 dB LAeq 16 hrs daytime (6am – 10pm) and of more than 30 dB LAeq 8 hrs in bedrooms at night (10pm-6am).

Reason: To ensure that the amenity of occupiers of the development site is not adversely affected by noise in accordance with policies RE7 and RE8 of the Oxford Local Plan 2036.

Construction works

14. Construction works and associated activities at the application site, audible beyond the boundary of the site shall not be carried out other than between the hours of 08:00 – 18:00 Monday to Friday daily, 08:00 – 13:00 on Saturdays and at no other times, including Sundays and Public/Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the amenity of neighbours of the development site is not adversely affected by noise in accordance with policies RE7 and RE8 of the Oxford Local Plan 2036.

Notification of building works

15. At least 21 days prior to the commencement of any site works, all occupiers surrounding the site shall be notified in writing of the nature and duration of works to be undertaken. The name and contact details of a person responsible for the site works shall be made available for enquiries and complaints for the entire duration of the works and updates of work should be provided regularly. Any complaints shall be properly addressed as quickly as possible.

Reason: To ensure that the amenity of neighbours of the development site is not adversely affected by noise in accordance with policies RE7 and RE8 of the Oxford Local Plan 2036.

Waste materials

16. No waste materials shall be burnt on the application site.

Reason: To ensure that the amenity of neighbours is not adversely affected in accordance with policies RE7 and RE8 of the Oxford Local Plan 2036.

Secured by Design

17. Prior to commencement of above ground works, excluding demolition, an application shall be made for Secured by Design Silver accreditation on the development hereby approved. The development shall be carried out in accordance with the approved details, and shall not be occupied or used until confirmation of SBD accreditation has been received by the Local Planning Authority.

Reason: To safeguard future residents and the buildings themselves from crime and antisocial behaviour in accordance with policy RE7 of the Oxford Local Plan 2036.

External lighting

18. Prior to the commencement of relevant works, details of a proposed external lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall set out the steps that will be taken to ensure that external lighting, including zonal/security lighting, particularly around parking areas, promotes a secure environment and does not cause a nuisance to local residents. The scheme shall be implemented as approved.

Reason: To safeguard future residents and the buildings themselves from crime and antisocial behaviour in accordance with policy RE7 of the Oxford Local Plan 2036.

Mechanical ventilation

19. Prior to the commencement of above ground works, excluding demolition, details of the proposed mechanical ventilation system with an NO_x filtration system serving all habitable ground floor areas, including details of the proposed maintenance and monitoring schedule for the installed system, shall be submitted to and approved in writing by the Local Planning Authority. The details shall be implemented as approved.

Reason: To protect the occupiers of the development from exposure to air pollutants in exceedance of the National Air Quality Objectives in accordance with policy RE6 of the Oxford Local Plan 2036.

Installation of ventilation system

20. The development shall not be occupied until the approved ventilation system has been installed and evidence has been provided to and acknowledged in writing by the Local Planning Authority confirming that the system is working in accordance with its specification and that air quality does not present a risk to site users.

Reason: To protect the occupiers of the development from exposure to air pollutants in exceedance of the National Air Quality Objectives in accordance with policy RE6 of the Oxford Local Plan 2036.

Construction Environmental Management Plan (CEMP)

21. Prior to the commencement of development, a revised Construction Environmental Management Plan (CEMP), including a complete list of site specific dust mitigation measures and recommendations as identified on pages 33-34 of the submitted Air Quality Assessment, shall be submitted to and approved in writing by the Local Planning Authority. The approved CEMP shall be implemented as approved.

Reason: To ensure that the overall dust impacts during the construction phase of the proposed development will remain 'not significant', in accordance with the results of the dust assessment and policy RE6 of the Oxford Local Plan 2036.

Historic Building Recording

22. No development shall take place, including demolition, until the applicant, or their agents or successors in title, secure the implementation of a programme of historic building recording in accordance with a written scheme of investigation that has been submitted and approved by the Local 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: In order to advance our understanding of the significance of the local heritage asset, which will be lost as a result of the development, in accordance with policy DH5 of the Oxford Local Plan 2036.

Arboricultural Monitoring Programme (AMP)

23. Prior to the commencement of development, details of an Arboricultural Monitoring Programme (AMP) shall be submitted to and approved in writing by the Local Planning Authority. The AMP shall include a schedule of a monitoring and reporting programme of all on-site supervision and checks of compliance with the details of the Tree Protection Plan and/ or Arboricultural Method Statement, as approved by the Local Planning Authority. The AMP shall include details of an appropriate Arboricultural Clerk of Works (ACoW) who shall conduct such monitoring and supervision, and a written and photographic record shall be submitted to the Local Planning Authority at scheduled intervals in accordance with the approved AMP. The AMP shall be

implemented as approved unless otherwise first 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 2036.

Underground services – tree roots

24. Prior to the commencement of development, details of the location of all underground services and soakaways shall be submitted to and approved in writing by the Local Planning Authority. The location of underground services and soakaways shall take account of the need to avoid excavation within the Root Protection Areas of retained trees as defined in the current British Standard 5837 “Trees in Relation to Design, Demolition and Construction - Recommendations”. Works shall only be carried out in accordance with the approved details unless otherwise agreed in writing beforehand 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 2036.

Arboricultural Method Statement

25. The development, hereby approved, shall be carried out in complete accordance with the submitted Arboricultural Method Statement/ Tree Protection Plan (Report Ref: 2695-CWS-05), unless otherwise 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 2036.

Thames Water – piling

26. No piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface water infrastructure, and the programme for the works) has been submitted to and approved in writing by the Local Planning Authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason: The proposed works will be in close proximity to underground water utility infrastructure. Piling has the potential to impact on local underground water utility infrastructure.

Thames Water -Water Efficiency

27. The dwelling(s) shall be constructed to meet as a minimum the higher Building Regulation standard Part G for water consumption limited to 110 litres per person per day using the fittings approach.

Reason: The site is in an area of serious water stress requiring water efficiency opportunities to be maximised; to mitigate the impacts of climate change; in the interests of sustainability; and to use natural resources prudently in accordance with the NPPF.

Survey validity

28. If the development hereby approved does not commence by April 2024, or if having commenced is suspended for a period of more than 12 months, further ecological survey(s) shall be commissioned to establish if there have been any changes in the presence of roosting bats, and identify any likely new ecological impacts that might arise from any changes.

Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme, new ecological measures, and a timetable for their implementation, will be submitted to and approved in writing by the local planning authority prior to the commencement of development. Works will then be carried out in accordance with the approved ecological measures and timetable.

Reason: To ensure bats are protected in accordance with The Conservation of Habitats and Species Regulations 2017 (as amended) and The Wildlife and Countryside Act 1981 (as amended).

INFORMATIVES:

1. The development is liable for CIL.
2. 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.
3. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx. 1 bar) and a flow rate of 9 litres/ minute at the point where it leaves Thames Water pipes. The developer should take account of this minimum pressure in the design of the propose development.
4. Developers are encouraged to maximise the water efficiency of the development. Thames Water offer environmental discounts for water efficient development which reduce the connection charges for new residential properties. Further information on these discounts can be found at: <https://www.thameswater.co.uk/developers/charges>
5. All wild birds, their nests and young are protected during the nesting period.

The removal of any building or vegetation shall be undertaken outside of bird nesting season (March to August inclusive). If this is not possible, then a suitably 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.

6. All species of bats and their roosts are protected under The Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 (as amended). Please note that, among other activities, it is a criminal offence to deliberately kill, injure or capture a bat; to damage, destroy or obstruct access to a breeding or resting place; and to intentionally or recklessly disturb a bat while in a structure or place of shelter or protection. Occasionally bats can be found during the course of development even when the site appears unlikely to support them. In the event that this occurs, work should stop immediately and advice should be sought from a suitably qualified ecologist. A European Protected Species Mitigation Licence (EPSML) may be required before works can resume.
7. Due to the nature of your application you will need to apply for Street Naming & Numbering:
https://www.oxford.gov.uk/info/20000/planning/324/street_naming_and_numbering. You can only request a new address or property name after you have received approved planning permission for your development: we cannot accept a street/property naming/numbering application without this permission. For further information, please contact the team at snn@oxford.gov.uk

13. APPENDICES

- **Appendix 1** – Site location plan

14. HUMAN RIGHTS ACT 1998

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

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.