

**PLANNING STATEMENT**

**78-81 MAGDALEN ROAD  
OXFORD**

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## **1.0 INTRODUCTION**

- 1.1 This Planning Statement relates to a planning application for the demolition of the existing buildings at 78-81 Magdalen Road, which is in a mixed office and residential use and its replacement by two linked 2.5 storey new buildings comprising 9 residential units (7 x 1 bed and 2 x 2 bed apartments), plus new office and associated cycle parking, bin stores and landscaping of the site. This proposal comes forward on a car-free basis.
- 1.2 This Statement sets out a reasoned justification as to why the application should be permitted by reference to the development in relation to its site history and the relevant planning policy framework. It should be read in conjunction with the Design and Access Statement produced by Anderson Orr Architects and the plan drawings submitted in support of this application.

## **2.0 THE SITE AND SURROUNDING CONTEXT**

- 2.1 The application site comprises of a main two storey building, with a single storey rear addition, principally all in office use, with the exception of a 1 bed flat at first floor level in the main building. It has vehicular access to the side leading to parking provision to the rear. Car parking also informally takes place on the property forecourt. The site is adjoined to one side by another commercial premises but is otherwise generally surrounded by residential properties that comprise the predominant form of development in the surrounding area.
- 2.2 Magdalen Road itself connects between Cowley Road and Iffley Road, two of Oxford's main arterial routes into and out of the city and both act as principal public transport corridors with frequent bus services running along both roads, as well as cycle paths upon both highways. The site is minutes' walk away from the range of shops, services and employment opportunities along Cowley Road, one of Oxford's main district centres. It affords an excellent accessible and sustainable location all round.

### **3.0 RELEVANT SITE PLANNING HISTORY**

- 3.1 An extant planning consent exists on the site (application reference 19/00435/FUL) for its redevelopment into a scheme of 3no. residential units and new offices. That consent establishes the principle of the redevelopment of the site into a mix of additional residential units and new offices. That consent represents too the planning ‘fallback’ position in the consideration of this current application. By comparison, the current submission makes a much better and more efficient mixed-use redevelopment of the site than that extant consent it is fair to say.
- 3.2 Prior to the submission of this latest scheme, a formal pre-application submission was made to the Council towards the end of 2020 (application reference 20/02548/PAC) and which culminated in a written response from the Council in January 2021. In short, the Council confirmed that the principle of a more densely developed (compared to the extant scheme) and predominantly flatted re-use of the site, with some offices, was acceptable for the site. Some commentary was offered too in terms of design detail and biodiversity gain, amongst other things, and including encouragement for a car-free approach. By way of response and prior to submitting this application in its now current form, the pre-application scheme was further amended and refined across all of the relevant design consideration fronts (see the Design & Access Statement Section 3.0 for full details) in order to seek to provide a finished scheme that positively responds to the points raised at the pre-application stage.
- 3.3 Thus, as can be seen, the now submitted application has been most carefully considered from the outset and now looks to deliver a high-quality scheme of site redevelopment, across all constituent and salient planning and design matters.

### **4.0 PLANNING POLICY AND MAIN PLANNING CONSIDERATIONS**

- 4.1 Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires planning applications and appeals to be determined in accordance with the

policies of the Development Plan unless material considerations dictate otherwise.

- 4.2 The Development Plan for the area comprises the Oxford Local Plan 2016-2036 and I therefore draw upon the relevant policies of that plan in the consideration of this Statement. I shall return to them below. First, a consideration of the relevant national planning policies.

### **Government Planning Guidance**

- 4.3 Government guidance as a material consideration relevant to the consideration of this application can be found in the National Planning Policy Framework (NPPF) February 2019.
- 4.4 At paragraph 1 the NPPF sets out the Government's planning policies for England and how they are expected to be applied.

### **Achieving Sustainable Development**

- 4.5 The NPPF at paragraph 7 states that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 continues by stating that there are three overarching objectives to sustainable development: economic, social and environmental, and that these objectives are interdependent and need to be pursued in mutually supportive ways and give rise to the need for the planning system to perform a number of roles:
- a) **an economic role** – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
  - b) **a social role** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services

and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

- c) **an environmental role** – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

4.6 It is clear that if the application is looked at across those 3 fronts that it complies with its salient tests. It is submitted that the efficient redevelopment of an existing site such as this (making a good and efficient mixed re-use of a brownfield site) within the midst of the existing built-up area of Oxford, putting it into an improved, modern purpose-built mixed use in a high-quality and well-designed development, must reasonably be considered to improve the economic, social and environmental well-being of the locality and Oxford on a wider basis. It will make a positive contribution to the local economy both during the construction phase and thereafter by bringing additional people into the area and help to support local services, shops, businesses and amenities within the locale. It will also reinvigorate the commercial use of the site, which is now proving out-dated, due to the poor quality of the commercial premises on offer. In a related vein it will perform a social role too by bringing new residents that will help to support the vitality of local services and facilities including schools and shops etc, and the provision of 9 residential units in a mix of smaller sized accommodation will add positively to the requirement for a variety of dwelling types that today's society requires. In environmental terms, the application site is in the right place insomuch that it relates directly to the existing developed area of Oxford and makes an excellent and entirely appropriate reuse of an under-utilised and poorly performing brownfield site. Indeed, and in light of the extant consent on the site, these fundamental planning principles cannot be in any proper dispute.

4.7 I therefore consider the cross economic, social and environmental benefits are clear and obvious and the proposal is therefore rightly to be defined as a sustainable form of development.

- 4.8 Paragraph 10 of the NPPF identifies that: “at the heart of the Framework is a presumption in favour of sustainable development.

### **Presumption in Favour of Sustainable Development**

- 4.9 Acknowledging then that at the heart of the NPPF is a presumption in favour of sustainable development, paragraph 11 of the NPPF echoes paragraph 10 and sets out that both plan-making and decision-taking should apply a presumption in favour of sustainable development.
- 4.10 It is submitted herein that the benefits that accrue from the proposal, i.e. the provision of a net gain of 8 new residential units and modern, purpose built commercial space, out of an under-utilised brownfield site, delivering some much needed new housing units into this locality and so assisting with social cohesion and housing choice, plainly represents a wholly positive and sustainable development opportunity overall for the local area that should properly be supported.

### **Decision Making**

- 4.11 Paragraph 38 of the NPPF sets out that local planning authorities should approach decisions on proposed development in a positive way and that they should work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Applications for sustainable development should be approved where possible.
- 4.12 It has been established above that this proposal does comprise a plainly defined form of sustainable development. In addition, it is a proposal that carefully and positively reworks a tired and unfit for purpose site, and delivers a modern and well-designed scheme of redevelopment, in a mixed-use fashion that is entirely appropriate and proportionate to the area. Clearly in decision making terms, it should be approved.

### **Pre-Application Engagement and Front-Loading**

- 4.13 Paragraph 39 of the NPPF sets out the positive benefits that pre-application engagement with the local planning authority can deliver to the more efficient and effective delivery of good and acceptable planning outcomes for both the applicant and for the community.
- 4.14 In this case, a good round of pre-application discussions were undertaken with the Council, the end result being support of the Council for the principle of the site redevelopment as now herein submitted.

### **Determining Applications**

- 4.15 Paragraph 47 of the NPPF sets out that “planning law requires that applications for planning permission be determined in accordance with the Development Plan, unless material considerations indicate otherwise”. In this context, I am not aware of any material considerations that arise here that would come to outweigh the clear presumption in favour of the proposal, which is a defined sustainable form of development and fully compliant with the relevant provisions of the Development Plan (as detailed below).

### **Delivering a Sufficient Supply of Homes**

- 4.16 Paragraph 59 of the NPPF sets out “the Government’s objective of significantly boosting the supply of homes”. The proposal goes to the heart of this basic requirement, insofar as it would deliver additional extra units of residential accommodation, out of an inefficient and under-utilised site, that presently provides one small 1 bed unit only. Oxford has an acknowledged housing short supply and a finite, dwindling available land supply to provide new homes. The extra units herein are provided into that supply shortfall.

### **Building a Strong Competitive Economy**

- 4.17 Paragraph 80 of the NPPF makes clear that planning policies and decisions should help to create the conditions in which business can invest, expand and adapt and that significant weight should be placed on the need to support

economic growth and productivity, taking into account both local business needs and wider opportunities for development.

- 4.18 The proposal in this instance retains the commercial use of the site but modernises it and affords it the best opportunity for future ongoing such use.

### **Promoting Sustainable Transport**

- 4.19 Paragraph 102 of the NPPF sets out that transport issues should be considered from the earliest stages of development proposals, so that, inter alia, “opportunities to promote walking, cycling and public transport use are pursued”.

- 4.20 Supporting paragraph 103 then goes on to state in addition that “development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes”. The site stands fully within the developed area of Oxford, plainly a highly sustainable locality, and where new development can readily be contemplated because of its suitable, accessible location and the full choices of all non-car-borne modes of transport that living in Oxford affords, particularly here in relation to both Cowley and Iffley Roads.

- 4.21 The NPPF makes further clear at paragraph 109, that new development “should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”. I cannot conceive of any such “severe” impact on highway related grounds and the provision here of a car-free development indeed, goes to the heart of the Council’s encouragement of such developments, in such locations as this.

### **Making effective Use of Land**

- 4.22 Paragraph 117 of the NPPF sets out that “planning policies and decisions should promote an effective use of land in meeting the need for homes”. Supporting paragraph 118 states that planning decisions should, inter alia:

- encourage multiple benefits from both urban and rural land, including through mixed use schemes;
- give substantial weight to the value of using suitable brownfield land within settlements for homes;
- promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained, and available sites would be used more effectively.

4.23 The application site is previously developed land that houses an out-of-date commercial use, that is now no longer fit for purposes. The principle, of a more effective reuse of the available site exists here and the principles and values of making a better use of such brownfield land, towards a mixed-use scheme, both meeting the need for new homes and providing modern commercial space, is met squarely in this proposal. Indeed, as stated above, by comparison to the extant scheme for this site, this proposal represents a much more efficient re-use of the available site and a better use of this scarce, available resource.

### **Achieving Well-Designed Places**

4.24 Paragraph 124 of the NPPF provides that “good design is a key aspect of sustainable development, creates better places to live and work and helps make development acceptable to communities”. The submitted scheme demonstrates how the proposal would be very carefully laid out over the available site, produced in such a fashion so as to fit comfortably, and indeed positively with its local context and its surroundings and is well-designed, characterful and proportionate, and contemporary in its overall approach. Indeed, it would make for an appropriate design solution and a high-quality solution indeed, to the site and its context.

4.25 The NPPF at paragraph 127 requires that planning policies and decisions should aim to ensure new developments deliver high quality schemes, judged

across a range of fronts. Those cited below are deemed of relevance in the consideration of this application:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to work, live and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

The scheme is carefully designed in its overall concept to accord with all of these aims, and of course, has been produced as it has through a full process of pre-application discussion with the Council. The Design and Access Statement sets all of this out in full.

### **Local Planning Policies**

- 4.26 There are a raft of locally based policies contained in the Oxford Local Plan OLP that work between them towards the proper consideration of this

proposal. Those considered of relevance are set out below with a commentary as relevant to each.

- 4.27 Policy S1 of the OLP sets out that the Council will take a positive approach to new development proposals and which reflects the presumption in favour of sustainable development contained in the NPPF. Planning applications that accord with the OLP will be approved without delay, unless material considerations indicate otherwise. In this case, it has already been established above that the proposal comprises a defined form of sustainable development and the principle of the scheme at least must be beyond any reasonable dispute. In the considered circumstances of this case, it is submitted that the Council should reasonably approve this planning application without any delay.
- 4.28 Policy RE2 of the OLP expects for new development proposals to make an efficient use of land and best use of available site capacity. The proposal plainly goes directly to the heart of this policy and looks to make a best and most efficient use of the available site capacity. It comes forward with a mixed-use scheme, in residential and office use, and improves upon the extant consent on the site, whilst at the same time remaining proportionate in the quantum of new built coverage over the available site. This is in large part due to the careful and high-quality design approach taken to the redevelopment of the site.
- 4.29 Indeed, Policy DH1 of the OLP seeks a good standard of urban design in all new developments and which related well to the character and appearance of the area and its context. It is fair to say in this context that the local architecture and the overall urban fabric of Magdalen Road and its environs is mixed in nature with no overriding style. The proposal brings forward a replacement building into this context with a contemporary aesthetic, similar to the approach on a number of the more modern redevelopment schemes in the locale, and which seek to enhance the architectural quality of the area. Again, a full discussion of the design principles and merits of the scheme at hand is contained in the accompanying Design & Access Statement.

- 4.30 Policy E1 deals with employment sites in Oxford and categorises existing employment sites 1-3. 78-81 Magdalen Road falls under the Category 3 site status wherein proposals for the redevelopment of such sites, including a residential element, will generally be positively regarded subject to certain considerations, including the need to safeguard wherever possible an existing local employment use within the site redevelopment. In this case, the proposal includes the provision of a new, modern and bespoke office element as an integral part of the redevelopment proposals. Whilst it is a reduction on the current commercial floorspace provision on the site, it does retain this commercial element and being bespoke provided (compared to the current, out-dated and poor-quality offer on site) is bound to be more attractive to would-be occupiers going forwards, then the current site can offer to the market. Indeed, this same principle of course exists in the extant scheme for the site, and it is reasonably assumed therefore, that this same approach herein remains considered to be an acceptable one.
- 4.31 Policy H15 of the OLP 'Internal Space Standards' deals with internal space standards and does so in conjunction with the Government's Technical Housing Standards – Nationally Described Space Standard' document. This sets out minimum gross internal floor areas for all types of new residential developments, including 1 and 2 bed 2 person flats. The minimum floor space requirement in each case respectively is 50m<sup>2</sup> and 70m<sup>2</sup> for such units and each of the units proposed straightforwardly more than satisfy this minimum requirement.
- 4.32 Policy H16 'Outdoor Amenity Space Standards' of the OLP sets out the Council's general expectations for external amenity space in new developments and requires that for flats of 1 or 2 bedrooms, either a private balcony or terrace or garden should be provided. In each case here, each flat is provided with its own such private space, along with access to a communal amenity area too.
- 4.33 Policy DH7 of the OLP 'External Servicing Features and Stores' requires that bike and bin stores should be considered from the start of the design process in their siting. That is indeed the case here where each of the properties have dedicated areas set aside for these facilities.

- 4.34 Policy M5 of the OLP 'Bicycle Parking' then defines the number of required bike parking spaces per unit, in this case there are 29no. cycle parking spaces provided, well in excess of the required minimum number and provided to assist to make the best possible use of this excellent, accessible location.
- 4.35 Indeed, Policy M1 of the OLP sets out that planning permission will only be granted for development that minimises the need to travel and is designed in a way that promotes access by walking, cycling and public transport. In this case the site could not be more suitably located being set between the Cowley and Iffley Roads where ready access exists to the full range of public transport options and where all facilities and services within the local area are available on foot in relation to the site or by ready and easy cycle access too.
- 4.36 Policy M3 of the OLP 'Motor Vehicle Parking' requires that in locations such as Magdalen Road, which are within a 400m walk to frequent (every 15 minutes) public transport (as exists on the nearby Cowley and Iffley Roads) and are within an 800m walk of a local supermarket (as is the case to the local Cowley Road District Centre) then in those circumstances new residential developments will be required to be car-free. And straightforwardly and in compliance with those terms, the proposal is made on a car-free basis.
- 4.37 Policy H14 of the OLP 'Privacy, Daylight and Sunlight' sets out that permission for new development will only be granted where the proposal provides reasonable privacy, daylight and sunlight for the occupants of both existing and new houses. The Council use the locally known 45°/25° code as guidance to help assess these factors. In this case, the proposal is carefully designed to comply with the guidance in full on light, outlook and privacy all round. There are no windows facing out to the adjoining residential properties to the north and east and obscure glazing is carefully used within the development itself to ensure that mutual privacy is retained between the new flats themselves. To the south there are commercial properties, so no neighbour impact arises in that relationship. And to the street front of course, there is a conventional property-to-property relationship across the street that introduces no neighbour impact circumstances either. Indeed, in all of these

considerations, there are no issues of light or outlook impact or privacy to properly consider and the careful design overall of the scheme, with its suitably positioned building footprints and appropriately fashioned fenestration and proportionate scale, all ensures the scheme complies with the requirements of this policy in so doing and is not unneighbourly in any way.

- 4.38 Policy G8 of the OLP deals with biodiversity enhancements and new landscaping as part of any new development. In this, it is fair to point out that the site as existing has no biodiversity value at all. It is a most sterile site in these terms. By contrast, the proposal will positively enhance both the biodiversity and landscaping credentials of the site and boost the visual amenity of the site within the streetscene. Parking areas at the front are replaced with planting and low-level hedging and the proposed internal site courtyard will be fully landscaped and provide for a welcome communal garden for the occupants at the same time. The proposal can, only reasonably so, be seen as a plainly positive contribution on both the biodiversity gain and landscaping fronts.
- 4.39 Policy RE1 of the OLP requires new development to incorporate sustainable design and construction principles in their production. The Design & Access Statement details in full the proposed sustainability credentials of the proposal at hand and where their incorporation into the overall scheme has been factored in as an integral part of the process, from the very outset. Indeed, the more efficient use of an existing previously developed site such as this is an eminently sustainable form of development in any event.
- 4.40 Policy RE7 of the OLP is an all-encompassing policy with regards to matters of general amenity (the attractiveness of a place) and how such issues can impact upon the quality of life or those who live, work and visit Oxford. The proposed scheme would come to produce an architecturally pleasing new development overall and which, it is submitted, would positively enhance the general quality and attractiveness of the public realm experience of this part of Oxford. It is hard to reasonably argue indeed other than that the proposal in these terms would create a markedly enhanced level of improved local amenity, just as the terms of this policy envisage.

## 5.0 SUMMARY & CONCLUSIONS

- 5.1 The proposed scheme makes an efficient residential use of an available, previously developed, windfall site, in a sustainable, accessible location and provides for a mixed-use scheme of 9 new apartments and a bespoke new office.
- 5.2 It represents a better and improved, more efficient re-use of the site than does the extant scheme on site, whilst at the same time remaining appropriate and proportionate.
- 5.3 It is carefully planned, sensitive and appropriately designed to a very high quality, most mindful of its local context and is a scheme that a raft of up-to-date policy, at both national and local level, positively supports.
- 5.4 It involves overall, the provision of a new pair of buildings that provide 9 residential units between them, all delivering internal and external floorspace to both local and nationally set standards.
- 5.5 The new building at the front also delivers modern, purpose provided commercial space, which positively addresses and retains the employment use of the site.
- 5.6 Visually, the proposal would enhance significantly the appearance of the site within the Magdalen Road streetscene, both in built, architectural terms and with regards to the landscaped nature of the site and the biodiversity gain it would deliver.
- 5.7 Cycle parking, bin storage and amenity space are all provided on site in an acceptable fashion to standard.
- 5.8 The car-free nature of the scheme is ideally suited to its fully accessible location.

- 5.9 There are in fact no known planning related issues that properly militate against the proposed scheme.
- 5.10 Overall and in summary, the scheme stands in an eminently accessible location and is an entirely sustainable form of mixed-use development, delivering an efficient residential use out of an existing brownfield site, along with modern, replacement office space, the like of which Government and local planning policy is specifically designed to permit for.
- 5.11 In the clear circumstances and planning context of the case, it is very much hoped that the proposal can be straightforwardly granted planning permission as applied for.