

Planning Statement

LPA: Oxford City Council

Applicant: Bice Investments Ltd

Agent: Sean V Silk MRTPI, Planning Consultant,
Blake Morgan Planning Department

Site: 27 Magdalen Road, Oxford, OX4 1RP

Proposal: Redevelopment of the Site to Provide
6no. Class C3 Dwellinghouses, with associated
Cycle Parking, Bin Storage, Amenity Areas and
Landscaping (Resubmission)

Date December 2023

1 INTRODUCTION

- 1.1 Bice Investments Ltd ("the Applicant") purchased 27 Magdalen Road, Oxford, OX4 1RP ("the Site") in June 2023. This followed an extensive and intensive period of marketing by Messrs Carter Jonas ("the Selling Agents") and subsequent closure of the former hardware store.
- 1.2 The Selling Agents and Applicant both sought a pre-application view on potential redevelopment of the Site from the local planning authority for the area, Oxford City Council ("the Council"). The responses informed the Applicant's purchase, with the intention to replace all existing structures within and on the Site with new build Class C3 residential apartments ("the Proposal").
- 1.3 Post-acquisition, the Applicant instructed a team of consultants who were asked to reflect upon the pre-application advice and prepare a redevelopment scheme that made best and most efficient use of the Site while, at the same time, ensured compliance with the range of local and national planning policies and guidance outlined in the pre-application advice.
- 1.4 This exercise went through a design-led assessment of scale, bulk, massing and height, as well as consideration to daylight, sunlight and overlooking and to existing and proposed resident amenity, particularly neighbouring properties along Magdalen Road to the north and Hurst Street to the west. The market need for small, private dwellings for adults without children was also to be taken into account. This design-led exercise arrived at a scheme for 8no self-contained Class C3 residential apartments, arranged over lower ground, upper ground and first floor levels, comprising 4 x 1-bedroom 1-person ("1B1P") apartments and 4 x 1-bedroom 2-person ("1B2P") apartments ("the Original Proposal").
- 1.5 The Case Officer assigned this Original Proposal felt that there would be harm to the amenity of those using the garden of the adjacent property of 26 Magdalen Road. The Applicant was asked to withdraw the Original Proposal and resubmit with this concern addressed. It is to this resubmission ("the Amended Proposal") to which this Planning Statement relates, with the Amended Proposal now for 6no self-contained Class C3 residential apartments, comprising 2 x 1B1P and 4 x 1B2P apartments.
- 1.6 In addition to considering the relevant local and national planning policy guidance, this Planning Statement highlights the sustainable nature of the Amended Proposal and reiterates the strong and pressing need for the apartments proposed, along with noting other social, economic and environmental benefits to the public arising from the Amended Proposal. The Planning Statement also reports on the comments and concerns raised by the Case Officer and other third parties and, in conjunction with the Design and Access Statement ("DAS"), discusses how these have been addressed with the Amended Proposal.

2 PLANNING POLICIES ASSESSED

- 2.1 In this section consideration is given to the relevant local and national planning policies and guidance. National planning guidance is principally provided in the National Planning Policy Framework ("NPPF") which is considered below, after first considering local planning policies of relevance, contained within the adopted Council Local Plan.

Oxford City Local Plan 2036

- 2.2 There are a number of Local Plan policies of relevance to the Proposal. As a starting point and given the context set out by the NPPF outlined later in this section, Policy S1 confirms a presumption in favour of sustainable development, with Policy RE2 requiring an efficient use of land. Given the recognised acute need for housing, these are then carried forward with Policy E1. This states that proposals for residential development on employment sites not specifically allocated as such will be considered favourably. The pre-application advice notes that this will be:

"...with regard to the desirability of meeting as much housing need as possible in sustainable locations within the city; the need to avoid loss of, or significant harm to the continued operation or integrity of successful and/or locally useful, or high employment business and employment sites, and to avoid impairing business operations through juxtaposition of incompatible residential uses..." (pre-application advice letter, 15th November 2022).

- 2.3 The Amended Proposal results in the loss of Class E space, although this has been vacant since June 2023. This is replaced by Class C3 space, a desirable and much-needed change of use of the Site. An assessment of Policy E1 and loss of a non-designated employment site is considered in a document freestanding from the Planning Statement, prepared by the Applicant in conjunction with the Applicant's Planning Consultant and with Carter Jonas.

- 2.4 The pre-application advice is subject to other provisions and policies in the Local Plan, for creation of satisfactory living conditions and residential environment. These include Local Plan Policies H14, H15, H16 and DH1, discussed below in turn:

- 2.4.1 Policy H14 'Privacy, Daylight and Sunlight', requiring proposals to provide *"...reasonable privacy, daylight and sunlight for occupants of both existing and new homes..."* with 'reasonable' to be applied flexibly in the context of NPPF paragraph 125. Policy H14 guides then on assessing the adequacy of sunlight and daylight to habitable rooms of neighbouring dwellings. It also notes the importance of avoiding

unacceptable loss of light, outlook or privacy, as well as not being overbearing, as is demonstrated in the DAS;

- 2.4.2 Policy H15 'Internal Space Standards', requiring nationally described space standards that are met, in order to provide good quality living accommodation;
 - 2.4.3 Policy H16 'Outdoor Amenity Space Standards', stating that "...*Planning permission will only be granted for dwellings that have direct and convenient access to an area of private open space...*" going on to set out the expectations in relation to size and quality of outdoor space which, for 1-bedroom apartments as proposed in this case, is the provision of some useable space with specific quantum undefined; and
 - 2.4.4 Policy DH1 'High Quality Design and Placemaking', advising that planning permission will be granted for development such as the Amended Proposal, of high quality design that creates or enhances local distinctiveness, cross-referencing then to Local Plan Appendix 6.1.
- 2.5 The new building proposed is of an exceptionally high quality, providing excellent living space for future residents on an important corner site. Whilst making best use of the land available and providing 6 new dwellings, the new building is very similar in size to the existing dilapidated structures on Site – a comparison exercise is provided within the DAS.
- 2.6 In addition to the policies discussed above, a number of other Local Plan policies are relevant. These include Local Plan Policy M5 'Cycle Parking' that requires bicycle parking provision set out in a Local Plan appendix to be met or exceeded as is the case with the Amended Proposal, with at least 2 cycle spaces provided per dwelling, under cover. The type of cycle parking preferred by policy is what is proposed. Policy M3 'Motor Vehicle Parking' is also met given that the Amended Proposal, as was the case with the Original Proposal, is to be car-free, alongside meeting Policy DH7 'External Servicing Features and Stores' and related technical advice in respect of, amongst other things, appropriate access to and enclosing of a communal refuse and recycling bin storage system.
- 2.7 Finally, Policy RE2 'Efficient Use of Land' is to be noted. If present, which is not the case with this Site (as confirmed by the Preliminary Ecology Appraisal and subsequent Bat Emergence Survey Report), this requires important species and habitats to be protected from harm. Policy RE2 also requires enhancements to be made to biodiversity with this provided for, against a 'low base' on the Site as existing, with provision of a green blue roof over the central single storey element, amenity areas, sedum roof to outside store areas where appropriate and outdoor planting areas, the latter including provision of a 'focal point' tree onto Magdalen Road.

There will also be an opportunity to enhance the drainage sustainability in comparison to the existing situation albeit noting the limited space available within the Site.

2.8 Taken together, the Amended Proposal complies with all relevant Local Plan policies.

Other Local Planning Documents of Relevance

2.9 The Council has published a number of Technical Advice Notes ("TANs"), detailed below:

2.9.1 TAN1 'Housing' (January 2021), guiding on tenure mix for schemes that are 10 or more dwellings and/or on sites of a size that is 0.5ha or larger, along with other guidance in relation to community build, etc, none of which is applicable or relevant to the Amended Proposal;

2.9.2 TAN3 'Waste Storage' (January 2021), providing detailed guidance in relation to bin provision and storage, including the need for them to be integral with the overall building design and accessible;

2.9.3 TAN6 'Residential Basement Development' (January 2021), requiring basements to respect neighbouring properties, relate to local context and enhance its character. This is alongside ensuring that suitable outdoor amenity space is provided, with indoor space offering good quality living accommodation for the occupants, including adequate light and ventilation;

2.9.4 TAN8 'Biodiversity' (April 2021), guiding on ecological surveys required in order to identify and then avoid harm to species (for which there are none on the Site) and then guiding on and demonstrating Biodiversity Net Gain ("BNG");

2.9.5 TAN12 'Car and Bicycle Parking' (March 2022), which advises, as is the case with the Amended Proposal, that no car parking should be provided as it should be and is a car-free scheme, given its sustainable and accessible location. In terms of cycle parking 2 cycle spaces are to be provided per dwelling, with electric charging, with additional Sheffield style provision made for visitors and for larger 'cargo' cycles; and

2.9.6 TAN14 'Sustainable Design and Construction' (June 2022), setting out measures that could be incorporated into the design of a new building in order to assist achieve sustainability objectives, including energy efficiency measures, water efficiency, using recycled materials, adaptability and biodiversity. This is met with the Amended Proposal, cross-referencing the Energy and Sustainability Statement provided as part of the submission and improvements suggested in terms of sustainable drainage.

2.10 The Amended Proposal complies with the guidance contained in all relevant TANs.

National Planning Policy and Guidance

2.11 The latest version of the NPPF was published in 2023. As a central theme, the NPPF sets out a presumption in favour of sustainable development (paragraph 10 and throughout), alongside setting three interlinked objectives for the planning system, economic, social and environmental (paragraph 8). The presumption means that development proposals that accord with an up-to-date development plan should be approved without delay (paragraph 11). It is therefore important to ensure compliance with relevant development plan policies, as demonstrated to be the case earlier in this section.

2.12 Chapter 5 of the NPPF discusses delivering a sufficient supply of housing. As acknowledged by the pre-application advice, the demand for housing in Oxford is acute. There is also then a particular need for small, self-contained Class C3 apartments, available for those that are adults and without children, in their life-stage between Class C4 student/house share/HMOs and family accommodation.

2.13 With residential redevelopment identified as acceptable in principle, it is worth noting that effective use of land should be promoted in meeting the need for housing, while *"...safeguarding and improving the environment and ensuring safe and healthy living conditions..."* (paragraph 119). This is alongside the need to *"...give substantial weight to the value of using suitable brownfield land within settlements for homes...and support appropriate opportunities to remediate...derelict...land..."* (paragraph 120).

2.14 A positive approach should also be taken to *"...applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans, where this would help to meet identified development needs. In particular, they should support proposals to...use retail and employment land for homes in areas of high housing demand..."* (paragraph 123).

2.15 In the context of support for making best and most efficient use of land, where there is an existing shortage of land for meeting identified housing needs decisions should ensure that developments *"...make optimal use of the potential of each site...[to] seek a significant uplift in the average density of residential development within these [town centre, well served by public transport] areas..."*

2.16 When considering housing proposals planning authorities must *"...take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable*

living conditions) ..." (paragraph 125), with 'acceptable living condition' defined by the national space standards for housing.

- 2.17 Chapter 12 considers design, noting that achieving high quality design is to be a key aspect of sustainable development (paragraph 126). Developments are to add to the overall quality of the area, be visually attractive and sympathetic to the local character and create a strong sense of place while also optimising the potential of the site (paragraph 130).
- 2.18 The proposed redevelopment of this urban, sustainable, accessible site for much-needed housing accords fully with the guidance provided in and throughout the NPPF.

3 CONSULTATION FEEDBACK AND RESPONSE

3.1 The Original Proposal was for 8 dwellings, arranged across a full upper ground floor, a full first floor and a lower ground floor across the majority of the Site. This section considers responses received, both from the Council's Case Officer by email dated 12th October 2023 and from third parties, comprising the Oxford Civic Society ("OCS") and local residents, as submitted across the consultation period.

Case Officer Comments

3.2 The Case Officer referred to the amount of development and number of units in what was thought by the Officer to represent over-development as the first concern, with a view that fewer units should be proposed, with the bulk and massing broken down and reduced.

3.3 A second area of concern expressed related to impact on 26 Magdalen Road, in terms of "*complete enclosure*", overbearing, outlook loss and loss of light to habitable rooms, citing Local Plan Policies RE7 and H14 for "*unacceptable amenity impacts*".

3.4 A third concern related to the extent of private amenity space. These three areas of concern are considered below, including amendments made to address these comments and concerns.

Scale, Bulk and Massing

3.5 The bulk and massing of the Original Proposal had been visually broken down by creation of setback along the façade, echoing the semi-detached houses on Hurst Street. The terraced house typology forming continuous and solid street elevations is common in the area. The DAS provides a number of examples where the 2 – 2½ storey enclosures, building lines and street corners confirm and justify the approach, alongside making best and most efficient use of the land available. Examples include:

3.5.1 the corner of Magdalen Road and Catherine Street (the one with the lion mural);

3.5.2 the corner of St Mary's Road and Leopold Street (the one with an octagonal corner);

3.5.3 the corner of Henley Street and Hurst Street (the one with the wrap-around ground floor front extension); and

3.5.4 the corner of Hawkins Street and Leopold Street (the one with the pavement edging walling).

3.6 The scale, bulk and massing of the Original Proposal was deemed a robust interpretation of many other corner plots in the area. However, in looking to address the concern raised the Amended Proposal has a substantially reduced bulk and massing onto Hurst Street with removal of the middle apartment at first floor level. Together with removal of one of the two lower ground floor apartments this has reduced the development by 25%, to 6 apartments rather than the 8 in the Original Proposal, thereby markedly reducing the number and amount

of development as well as and alongside reduction in scale and bulk, together addressing the Officer's first concern in full.

Impact on 26 Magdalen Road

- 3.7 The Case Officer reported a view that the impact on 26 Magdalen Road would be unacceptable, in terms of enclosure, overbearing, outlook loss and loss of light. These concerns are considered below in turn. These are to be read in conjunction with the detailed assessment carried out as part of the design-led scheme development, as reported in the DAS and associated daylight, sunlight and overlooking ("DSO") submitted alongside and embedded within the DAS.

Enclosure

- 3.8 In terms of enclosure, 26 Magdalen Road is currently bounded and enclosed by a solid wall that forms the northern boundary of what was formerly the hardware store across its entire length. The Original Proposal looked to infill the existing 6.6 metre wide gap that afforded an element of openness to the garden area to 26 Magdalen Road without causing any increased harm to habitable rooms in 26 Magdalen Road, beyond the existing situation. There are only two windows and one door facing back to the Site from 26 Magdalen Road. The ground floor doors are already enclosed by the 26 Magdalen Road return and existing development on the Site. The ground floor rear window is a bathroom with obscure glazing and is not a habitable room. The first floor rear window serves a box room in a rented, licenced House in Multiple Occupation ("HMO"), a room that does not meet the minimum size requirements to be classed as or used for a bedroom. It is also therefore not a habitable room.
- 3.9 The proposed building roofline was carefully shaped and pitch angled to ensure limited impact on adjacent amenity. The proposed ridge height was higher than the existing structures but the sloping roof eaves were more in keeping than the existing situation and set back, with the roof angle set in such a way as to avoid adverse impact on the existing windows at 26 Magdalen Road, when compared with the existing structures.
- 3.10 The garden to 26 Magdalen Road is enclosed by the existing structures on the Site. The Original Proposal sought to effectively 'infill' the existing gap at 1st floor of a width of 6.6 metres. It was acknowledged that this would have a minimal adverse impact on those residing at 26 Magdalen Road in terms of shadowing and a sense of increased enclosure. The Case Officer did not accept the Applicant's view that this level of harm was not "unacceptable" in an urban environment, or that this was outweighed in a planning balancing exercise with social, environmental and economic benefits derived from the Original Proposal.
- 3.11 Given the above, the Amended Proposal removes the middle apartment from the first floor level. As demonstrated in the DAS this means that there is now no harm to the residential amenity of those residing in 26 Magdalen Road, either in the property itself or in the garden, meeting in full the Officer's concern in relation to the amenity of 26 Magdalen Road.

Overbearing

- 3.12 The only material, visual difference between the existing situation and the Original Proposal was the infilling at the existing first floor level. Given the sloping roof and no north-facing windows, those residing in 26 Magdalen Road would not have any overbearing imposed upon them from habitable rooms beyond the existing situation, although there may have been a sense and element of overbearing when in the garden of 26 Magdalen Road. The Amended Proposal therefore 'restores' the gap at first floor level which addresses this concern in full.

Outlook

- 3.13 The planning system does not afford a right to a view. Those residing in 26 Magdalen Road may look out through the rear ground floor patio doors and see a small courtyard area bounded on 3 sides by 2-storey walls, opening up into a garden area in a vista or view that will remain unchanged from this habitable room. The alleged loss of outlook is therefore not a legitimate planning concern but, as with previous concerns, this is addressed fully in any event by removal of the middle first floor apartment and addresses this concern in full.

Light

- 3.14 There is no place in the planning system to consider loss of light; this is a legal matter and one to be considered by the Owner of 26 Magdalen Road in the event that planning permission is secured for redevelopment of the Site and only if it can be demonstrated that there is loss of light which is not the case with the Amended Proposal in any event. Any weight or consideration given to this by the City Council is *ultra vires*.
- 3.15 In terms of potential impact on daylight and sunlight this was considered thoroughly in the DAS and by the supplemental work carried out by ReFormat. Daylight and sunlight impact on 26 Magdalen Road was shown to be minimal and limited to reducing this solely in the garden. The existing windows and doors of rear-facing habitable rooms are already affected by the existing development on the Site, particularly by the existing first floor extension that is to be removed as part of the Amended Proposal.
- 3.16 The policy refers to "*unacceptable harm*" and not to "*harm*". This is a usual distinction made in Local Plans that serve dense, urban city environs where regeneration and 'gentle' density increases are to be welcomed and supported, not all prevented from happening as a result of some element of reduced amenity.
- 3.17 The work submitted in support of the Original Proposal showed harm in comparison to the existing situation only in respect of increased over-shadowing to the rearmost part of 26 Magdalen Road's garden and not into any habitable rooms. Even this limited harm is now addressed in full in the Amended Proposal by the removal of the middle first floor apartment, as demonstrated by the updated DSO work contained within the DAS accompanying the Amended Proposal.

Private Amenity Space Provision

- 3.18 The Case Officer referred to a view that "...private amenity space is also very minimal and would need to be improved..." Local Plan Policy 16 which is the policy of relevance in this matter is very clear in its guidance, reproduced below for the avoidance of doubt:

"Planning permission will only be granted for dwellings that have direct and convenient access to an area of private open space (in addition to bin or bike storage space), to meet the following specifications: (a) 1 or 2 bedroom flats and maisonettes should provide either a private balcony or terrace of usable level space or direct access to a private or shared garden..." (Author's emphasis)

- 3.19 The Original Proposal provided each flat with direct and convenient access to an area of private open balcony or terrace of usable level space. No specific space requirement is set out anywhere within the policy guidance for 1- and 2-bedroom flats. The Original Proposal therefore complied fully with the policy requirement. Further, the Original Proposal provided a well-balanced solution between size of external space and mitigation of potential negative impact on privacy of the adjacent dwellings when compared with traditional projecting and larger balconies. The Amended Proposal also retains a private open balcony or terrace for each of the 6 apartments. Each one is of a size that is fully usable by occupants, with ample space for two chairs and a table.
- 3.20 This section now turns to consider comments made by the OCS, followed by response to comments made by local residents.

Oxford Civic Society Concerns

- 3.21 The OCS raised a number of comments in relation to the Original Proposal, in respect of: the character of the area; choice of materials; light and privacy to the under-storey apartments; and amenity space. These four areas are discussed below in turn.

Character of the Area

- 3.22 The first comment suggested that the Original Proposal was out of character with and turning its back on Magdalen Road. The proposed design and elevation treatment were and remain derived from and heavily influenced by the existing context and character of the area. The proposed materials palette is based on the local materials. The cast stone lintels and features such as window surrounds and posts for bay windows are common features along Magdalen Road and Hurst Street, as well as the surrounding terraced streets, especially for properties directly adjoining the Site.
- 3.23 The rooflines of the Original Proposal were carefully considered and influenced by adjoining properties and the existing building. The existing corner building features higher eaves and ridge than the property at 26 Magdalen Road and an 'accented' corner would follow the same principles and echoes other numerous precedents for larger heights, as set by the property on the opposite street corner, while the eaves and ridge lines formed by the existing adjacent properties along the Hurst Street are continued and to be adopted.

- 3.24 The above considerations have been carried forward in the Amended Proposal. Elevations face and address both Hurst Street and Magdalen Road with fenestration, bays, main entrances, and the external amenity spaces reminiscent of the frontal gardens and forms of the adjacent terraced buildings.

Choice of Materials

- 3.25 The OCS queried the proposed brick colour and type, opining that "...the majority of adjacent buildings are either soft Oxford red or rendered and painted in soft colours..." Respectfully, this is incorrect for the immediate context of the Site: While the red brick and soft coloured rendered elevations are present in the area, such as the 'Rusty Bicycle' public house on the opposite side of the road and some of the properties on the western side of Magdalen Road further south, buff brick is the predominant material for the section of Magdalen Road and Hurst Street directly adjacent to and forming the corner. The properties along Magdalen Road (numbers 17 - 25) and Hurst Street (numbers 107 - 139) form a 'quarter' of buff brick elevations, with painted stone/concrete features surrounding openings and only a limited amount of red brick features.
- 3.26 Use of materials in both the Original Proposal and Amended Proposal are deemed to be acceptable, reflecting the surrounding examples. However, it is worth noting that any Planning Permission will require materials to be approved under the condition discharging process in due course, where any potential minor changes from the suggested material range can be discussed further.

Lower Ground Apartments' Light and Privacy

- 3.27 The third comment made by the OCS was a view that "...the basement flats will be dark and overlooked from the street..." The design of the Original Proposal had been carefully shaped to ensure a good amount of daylight to all habitable rooms and to provide privacy and amenity of dwellings. This remains even more the case with the Amended Proposal. The lower ground level apartments in both the Original Proposal and the Amended Proposal are shown semi-recessed below the street level and protected by 'defensible' buffer planting along the pavement, from views straight-on.
- 3.28 The cycle storage features effectively create privacy screens along the pathway and sightlines of passers-by, while also providing plenty of natural light due to south-west and south-east facing orientation of the facades.
- 3.29 Staggering the accommodation across the lower and upper ground level helps to avoid overlooking from the outside into internal spaces. Sightlines from the street level will be focused on solid elements of elevation and limited by the planting and hedges, when compared with windows positioned directly at street level allowing for direct insight into habitable spaces at the same level.
- 3.30 It is not accepted therefore that any lower ground floor apartments will be dark or suffer from loss of privacy.

Amenity Provision

- 3.31 The fourth and final comment raised by the OCS was that "*...the flats on the upper floors have no access to amenity space while the amenity space for the flats on the lower ground floor is subterranean, located under a lightwell...*" Each of the apartments was and remains provided with amenity space in the form of a balcony or terrace. The lower ground floor patio areas are located at lower level and screened by planting, providing a defensive screen working on the same principles as discussed above.
- 3.32 In summary, both the Original Proposal and the Amended Proposal reflect the character of the area, establishing an important nodal site with an end-note building that is currently missing, assisting in the creation of a sense of place. The materials chosen reflect those used locally, with all apartments provided with a private outside amenity area, light and privacy.

Local Resident Concerns

- 3.33 A few local residents submitted comments on the Original Proposal. Key themes that overlap through these are addressed below:
- 3.33.1 The apartments to be created will be small, single or dual person 1-bedroom self-contained Class C3 apartments, available to the private rental market, providing much-needed accommodation in the Cowley area and wider City of Oxford, targeted to young professionals without children;
 - 3.33.2 All of the apartments will have access to usable private amenity space;
 - 3.33.3 All apartments are south-facing and will be filled with light whilst, at the same time, in a design that provides privacy;
 - 3.33.4 Both the Original Proposal and the Amended Proposal are and will remain car-free; and
 - 3.33.5 Drainage is considered in the DAS and then in more detail within the Drainage Report. Any concerns in relation to water and drainage will and must be addressed by and in consultation with Thames Water. This will conclude with a drainage system that is better than the existing situation which drains from a completely concrete Site into the mains sewer.
- 3.34 Local residents with concerns are asked to bear in mind the current state of the Site and what would become of it if it were not to be used for much-needed housing. Work submitted in support of the Original Proposal confirmed that a commercial, shop-based use on this Site to be unviable, especially given preference for a location on Cowley Road. This remains the case in considering the Amended Proposal.

Concluding Remarks

- 3.35 It is accepted by all involved that the most appropriate re-use for the Site is for residential use. The Original Proposal was design-led and driven to ensure that it made best and most efficient use of the previously developed land available in a sustainable location. The principal concern raised through consultation was the size of the Original Proposal although size is only unacceptable when there is harm identified. In this case this harm was deemed to be impact upon those residing at the HMO at 26 Magdalen Road when using the garden area.
- 3.36 Whether or not this potential harm warrants withdrawal and resubmission, the Amended Proposal addresses this potential concern in full by removal of the middle apartment at first floor level: Policies cited by the Case Officer, namely Local Plan Policies RE7 and H14, are therefore met in full by the Amended Proposal, alongside continued compliance with all other Local Plan policies and the NPPF:
- 3.36.1 In principle support, being in a sustainable location, in accordance with Local Plan ("LP") Policy S1 'Presumption in Favour of Sustainable Development' and LP Policy E1 ', reflecting the National Planning Policy Framework ("NPPF"), Chapters 2 'Achieving Sustainable Development';
- 3.36.2 Delivering much needed housing, in line with NPPF Chapter 5 'Delivering a Sufficient Supply of Homes'. LP Policy RE2 'Efficient Use of Land', together with NPPF Chapter 11 'Making Effective Use of Land', also require redevelopment to optimise re-use of the land available; and
- 3.36.3 Compliance with various technical and design-based Local Plan policies, together with NPPF Chapter 12 'Achieving Well Designed Places' and a range of Technical Advice Notes ("TANs") published by the Council, shaping the design, in order to ensure that this is of a high quality (LP Policy DH1 'High Quality Design and Placemaking' and associated TAN), along with meeting criteria and/or standards that are required to be met in terms of privacy, daylight and sunlight (LP Policy H14), internal space standards (LP Policy H15), outdoor amenity (LP Policy H16), sustainable construction (LP Policy RE1) and drainage (LP Policy RE4), cycle parking (LP Policy M5) and bin storage (LP Policy DH7 and associated TAN).
- 3.37 Given the above, the Proposal complies with all Local Plan policies of relevance, as well as with associated relevant TANs and the NPPF. In addition, both the Original Proposal and the Amended Proposal deliver substantial and materially significant economic, social and environmental benefits to the public. These significant benefits include:
- 3.37.1 provision of much-needed single and dual person, purpose-built self-contained apartments in a sustainable location with ready pedestrian, cycle and bus access to a whole range of amenities, services and facilities (economic and social);
- 3.37.2 creation of construction jobs and income into the Magdalen Road and Cowley Road areas (economic and social);

- 3.37.3 removal of an eyesore in terms of local architecture and streetscene (social and environmental);
 - 3.37.4 further rejuvenation and regeneration in the local area, making best and most efficient use of previously developed land (economic, environmental and social);
 - 3.37.5 biodiversity net gain and improved landscape/streetscape (environmental);
 - 3.37.6 improvements to the current drainage situation (social); and
 - 3.37.7 payment towards community infrastructure (social).
- 3.38 The Amended Proposal is therefore commended to the Council for favourable consideration and the grant of Planning Permission in due course, having amended the Original Proposal to address fully concerns raised by the Case Officer and, where appropriate, comments made by the OCS and local residents.

4 OTHER MATERIALS CONSIDERATIONS AND BENEFITS

4.1 The Amended Proposal is in full compliance with all Local Plan policies of relevance and is in accordance with the key thrusts of the NPPF. It is therefore commended for support and approval from the Council. In addition to the policy position it is also worth noting that the Amended Proposal offers a number of other economic, social and environmental benefits to the public, as outlined below:

- 4.1.1 Economic Benefits – Implementing the Amended Proposal will generate jobs for the local economy and, in particular, those in the construction sector. Local businesses will also benefit from an increase in trade, particularly those in the service sector (cafes, restaurants, public houses, etc). These will also then be supported by the new residents coming into the area, envisaged to be 10 based upon the proposed mix (2 x 1B1P and 4 x 1B2P) and demographic target market (young adults without children). Finally, the Amended Proposal will provide a substantial payment for/towards community infrastructure via the Community Infrastructure Levy ("CIL");
- 4.1.2 Social Benefits – The Amended Proposal is targeted to provide residential accommodation to a demographic group currently poorly served by the Oxford housing market, particularly in the OX4 streets running between Cowley Road to the north and Iffley Road to the south, where most of the housing stock is Victorian terraced housing, much under Class C4 HMOs or retained as original but then occupied and owned by families. In addition, the new residents will help to reinforce the increasingly flourishing community 'feel' along Magdalen Road. Finally, in terms of social benefits, the Amended Proposal will replace a collection of on-Site structures that appear dilapidated and derelict with a modern new build, that, whilst being sympathetic to its surroundings, will also add to the public realm and improve the local character and distinctiveness, as well as providing funding to community infrastructure via the CIL payment; and
- 4.1.3 Environmental Benefits – Replacing the existing dilapidated structures with a new build brings environmental benefits as well as social, with a building that is environmentally friendly in terms of construction materials, energy/sustainability and water usage, drainage improvements and offering BNG. The detailed landscaping proposals, particularly the tree planting, will enhance the streetscape, tying in with existing 'gateway' and node trees along Magdalen Road and nearby local traffic neighbourhood ("LTN") planters.

4.2 Taken together, in addition to full compliance with all local and national planning policies and guidance of relevance, the Amended Proposal offers substantial and material economic, social and environmental benefits to the public. It is therefore commended to the Council for favourable consideration and support in due course.

5 SUMMARY AND CONCLUSIONS

- 5.1 The Applicant is seeking Planning Permission to redevelop the Site, replacing a collection of derelict and dilapidated structures with a new modern purpose-built block of Class C3 apartments. The 6no apartments now proposed target a substantial unmet demand for apartments serving young adults that are without children. The Site is in a sustainable, highly accessible area.
- 5.2 The Amended Proposal will materially and substantially add to and improve the local area in terms of distinctiveness and character, as well as offering BNG and other social and environmental benefits whilst, at the same time, delivering appropriate amenity and living conditions for existing and future residents of the Amended Proposal, without causing undue harm to those occupying neighbouring properties by reason of daylight, sunlight, overlooking or loss of privacy.
- 5.3 The Amended Proposal complies with all relevant local planning policies and national planning guidance. The Amended Proposal also offers substantial economic, social and environmental benefits to the public.
- 5.4 For the reasons set out and as required by the NPPF, the Council is invited to support the Amended Proposal and issue a favourable decision in a timely manner, imposing conditions as deemed necessary and appropriate.
- 5.5 If any additional information is required in relation to the Amended Proposal the Council is invited to contact the Applicant's Agent.

6 DOCUMENT LIST

6.1 The Planning Application submitted comprises the following Forms, drawings and supporting documents:

Covering Letter

Planning Application, Ownership and CIL Forms, duly completed

Location and Block Plans

Site Plan, Existing and Proposed

Plans and Elevations, Existing and Proposed

Design and Access Statement, including DSO and Photographs/Photomontages

Overheating Analysis

Energy and Sustainability Statement

Structural Survey and Photographs Appendix

Contaminated Land Questionnaire and Photographs

Air Quality Report

Drainage Report.

6.2 In the event that any further additional information or clarification is required for the Planning Application to be validated and assigned to a Case Officer please contact the Applicant's Agent and Planning Consultant, Sean V Silk MRTPI 